

CHAPTER 83
SCUBA AND SKIN SPEARING OF ROUGH FISH
[Prior to 12/31/86, Conservation Commission [290] Ch 6]

571—83.1(481A) When permitted. The spearing of rough fish by scuba and skin divers will be permitted in accordance with the following seasons and rules.

571—83.2(481A) Prohibited areas. Scuba and skin spearing for rough fish shall be lawful in all natural lakes and state-owned meandered streams in Iowa year-round.

~~83.2(1) Scuba and skin spearing shall be permitted in all state-owned meandered streams.~~

~~a. Des Moines River—From Mississippi River to west line of T-95N, R-32W, Palo Alto County, west branch, and north line of T-95N, R-29W, Kossuth County, east branch a point near Algona.~~

~~b. Iowa River—From Mississippi River to west line T-81N, R-11W, Iowa County near Koszta.~~

~~c. Cedar River—From Iowa River to west line T-89N, R-13W, Black Hawk County, at Cedar Falls.~~

~~d. Raccoon River—From Des Moines River to west line Polk County.~~

~~e. A meandered lake or stream is one which at the time of the original government survey was so surveyed as to mark, plat and compute acreage of adjacent fractional section.~~

~~f. Wapsipinicon River—From Mississippi River to west line T-86N, R-6W, above Central City in Linn County.~~

~~g. Maquoketa River—From Mississippi River to west line T-84N, R-3E, near Maquoketa in Jackson County.~~

~~h. Skunk River—From Mississippi River to north line T-73N, R-8W, northeast corner of Jefferson County.~~

~~i. Turkey River—From Mississippi River to west line T-95N, R-7W, Fayette County near Clermont.~~

~~j. Nishnabotna River—To north line T-67N, R-42W, Fremont County, northeast of Hamburg.~~

~~k. Upper Iowa River—From its mouth to west line Section 28-100-4 west, Allamakee County.~~

~~l. Little Maquoketa River—From Mississippi River to west line Section 35-90N-2 east, Dubuque County.~~

83.2(2) Scuba and skin spearing shall be permitted in streams or impoundments on private land where access is permitted by owner or lessee.

83.2(3) Scuba and skin spearing is prohibited in all state-owned artificial lakes.

83.2(4) Scuba and skin spearing is prohibited in all state-owned strip mines, county conservation board areas and fish and game management areas where posted as such.

83.2(5) Scuba and skin spearing is prohibited within 100 feet of any swimming beach area.

83.2(6) A valid fishing license shall be required of all individuals engaged in scuba and skin spearing unless the individual is exempt under the provisions of Iowa Code section 483A.17.

571—83.3(481A) Permitted equipment. Permitted equipment to be used in scuba and skin spearing shall be:

1. Hand and pole spears.

~~2. Rubber band powered spear guns.~~

~~3. Spring powered spear guns.~~

~~4. Pneumatic spring powered spear guns.~~

2. Spear guns powered by rubber bands, springs, or pneumatically powered springs.

5.3. All spears used on powered spear guns shall be attached to the gun by a cord lanyard or other device, the overall length of spear gun and cord shall not exceed 20 feet.

571—83.4(481A) Prohibited equipment. Prohibited equipment and methods shall be:

1. No power or exploding spear heads will be permitted.

2. No guns powered by gunpowder explosive or explosives or compressed gas will be permitted.

~~3. A spear gun may not be cocked or fired within 100 feet of any swimming beach area.~~

571—83.5(481A) Diver's flag. The "International Diver's Flag" ~~(a red flag with a white diagonal stripe running from the upper left hand corner to the lower right hand corner, minimum size, 12" × 15", with a 3" stripe);~~ shall be displayed by each diver or group of divers on a buoy, float or boat during any ~~diving or~~ underwater spear fishing activity. ~~This diving flag shall be displayed on the water only when underwater diving activity is in~~

~~progress, the diver or group of divers must stay within a 100-foot circle of the flag. Recognition of this flag by law will not be construed as conferring any rights or privileges on its users nor be construed as restricting the use of the water so marked. Operators of boats shall exercise precaution commensurate with conditions indicated.~~

571—83.6(481A) Employees exempt. Underwater scuba and skin spearing regulations shall not apply to authorized agents of the department of natural resources when engaged in research or management studies or enforcement.

These rules are intended to implement Iowa Code sections 481A.38, 481A.39, and 481A.67.

[Filed 3/8/66]

[Filed 12/2/83, Notice 10/26/83—published 12/21/83, effective 2/1/84]

[Filed without Notice 12/12/86—published 12/31/86, effective 2/4/87]

[Filed 2/17/00, Notice 12/29/99—published 3/8/00, effective 4/12/00]

Notes:

571-83.2(1) There is no reason to list all the state-owned meandered streams when they are already listed elsewhere in the code. Just simply state that spearfishing is lawful in the state-owned meandered streams.

571-83.3 Reduce number of words by combining the three types of powered guns into one line.

571-83.4 Number 3: Strike this language as its already stated in 571-83.2(5) that underwater spearfishing is not allowed within 100 feet of a swim beach.

571-83.5 No need to specifically describe what the international diver's flag is. Strike the language regarding that the flag shall be displayed when underwater diving is in progress. It was just mentioned in the previous sentence. Strike the last two sentences. They seem like they are merely suggestions.