

[ARC 8105B, IAB 9/9/09, effective 10/14/09]

CHAPTER 77

ENDANGERED AND THREATENED PLANT AND ANIMAL SPECIES

[Prior to 12/31/86, Conservation Commission [290], Ch 19]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

571—77.1(481B) Definitions. As used in this rule:

“*Endangered species*” means any species of fish, plant life, or wildlife which is in danger of extinction throughout all or a significant part of its range.

“*Threatened species*” means any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

571—77.2(481B) Endangered and threatened animals. The natural resource commission, in consultation with scientists with specialized knowledge and experience, has determined the following animal species to be endangered or threatened in Iowa:

77.2(1) *Endangered animal species:*

Mammals

Common Name	Scientific Name
Red-backed Vole	Clethrionomys gapperi
Southern Bog Lemming	Synaptomys cooperi
Eastern Spotted Skunk	Spilogale interrupta
Northern Long-Eared Bat	Myotis septentrionalis
Indiana Bat	Myotis sodalis

Birds

Common Name	Scientific Name
Piping Plover	Charadrius melodus

Fish

Common Name	Scientific Name
Lake Sturgeon	Acipenser fulvescens
Pallid Sturgeon	Scaphirhynchus albus
Western Silvery Minnow	Hybognathus argyritis
Sturgeon Chub	Macrhybopsis gelida
Sicklefin Chub	Macrhybopsis meeki
Northern Pearl Dace	Margariscus natchezensis
Pugnose Shiner	Notropis anogenus
Ghost Shiner	Notropis bethanyensis
Blacknose Shiner	Notropis heterolepis
Starhead Topminnow	Fundulus dispar
Plains Topminnow	Fundulus sciadicus
Crystal Darter	Crystallaria asprella
Bluntnose Darter	Etheostoma chlorosoma

Common Name	Scientific Name
Least Darter	<i>Etheostoma microperca</i>

Reptiles

Common Name	Scientific Name
Wood Turtle	<i>Glyptemis insculpta</i>
Yellow Mud Turtle	<i>Kinosternon flavescens</i>
Great Plains Skink	<i>Plestiodon obsoletus</i>
Prairie Hognose Snake	<i>Heterodon nasicus</i>
Eastern Copperhead	<i>Agkistrodon contortrix</i>
Prairie Rattlesnake	<i>Crotalus viridis</i>
Eastern Massasauga Rattlesnake	<i>Sistrurus catenatus</i>
Prairie Massasauga Rattlesnake	<i>Sistrurus tergeminus</i>

Amphibians

Common Name	Scientific Name
Blue-spotted Salamander	<i>Ambystoma laterale</i>

Bumble Bees

Common Name	Scientific Name
Rusty Patched Bumble Bee	<i>Bombus affinis</i>

Butterflies

Common Name	Scientific Name
Arogos Skipper	<i>Atrytone arogos</i>
Dusted Skipper	<i>Atrytonopsis hianna</i>
Mottled Duskywing	<i>Gesta martialis</i>
Ottoo Skipper	<i>Hesperia ottoe</i>
Poweshiek Skipperling	<i>Oarisma poweshiek</i>
Mulberry Wing	<i>Poanes massasoit</i>

Damselflies and Dragonflies

Common Name	Scientific Name
Prairie Bluet	<i>Coenagrion angulatum</i>

Land Snails

Common Name	Scientific Name
Frigid Ambersnail	<i>Catinella gelida</i>
Iowa Pleistocene Snail	<i>Discus macclintocki</i>
Bluff Vertigo	<i>Vertigo meramecensis</i>

Fresh Water Mussels

Common Name	Scientific Name
Spectaclecase	<i>Cumberlandia monodonta</i>

Common Name	Scientific Name
Purple Wartyback	Cyclonaias tuberculata
Spike	Elliptio dilatata
Sheepnose	Plethobasus cyphus
Round Pigtoe	Pleurobema sintoxia
Slippershell	Alasmodonta viridis
Salamander Mussel	Simpsonaias ambigua

77.2(2) Threatened animal species:

Mammals

Common Name	Scientific Name
Plains Pocket Mouse	Perognathus flavescens
Plains Pocket Gopher	Geomys bursarius
White-tailed Jackrabbit	Lepus townsendii
North American Least Shrew	Cryptotis parva
Little Brown Bat	Myotis lucifugus
Tri-colored Bat	Perimyotis subflavus

Birds

Common Name	Scientific Name
Chuck's-will's-widow	Caprimulgus carolinensis
Black Tern	Chlidonias niger
Least Tern	Sterna antillarum
Forster's Tern	Sterna forsteri
King Rail	Rallus elegans
Yellow Rail	Coturnicops noveboracensis
Sanderling	Calidris alba
Short-eared Owl	Asio flammeus
Long-eared Owl	Asio otus

Fish

Common Name	Scientific Name
American Eel	Anguilla rostrata
Pirate Perch	Aphredoderus sayanus
Skipjack Herring	Alosa chrysochloris
Mottled Sculpin	Cottus bairdii
Redfin Shiner	Lythrurus umbratilis
Topeka Shiner	Notropis topeka
Pugnose Minnow	Opsopoeodus emiliae
Grass Pickerel	Esox americanus
Banded Killifish	Fundulus diaphanus

Common Name	Scientific Name
Freckled Madtom	<i>Noturus nocturnus</i>
Weed Shiner	<i>Notropis texanus</i>
Burbot	<i>Lota lota</i>
Western Sand Darter	<i>Ammocrypta clara</i>
Trout-perch	<i>Percopsis omiscomaycus</i>
Chestnut Lamprey	<i>Ichthyomyzon castaneus</i>

Reptiles

Common Name	Scientific Name
Blanding's Turtle	<i>Emydoidea blandingii</i>
Ornate Box Turtle	<i>Terrapene ornata</i>
Stinkpot	<i>Sternotherus odoratus</i>
Slender Glass Lizard	<i>Ophisaurus attenuatus</i>
Bullsnake	<i>Pituophis catenifer</i>
Plain-bellied Watersnake	<i>Nerodia erythrogaster</i>
Diamondback Watersnake	<i>Nerodia rhombifera</i>
Graham's Crayfish Snake	<i>Regina grahami</i>
Speckled Kingsnake	<i>Lampropeltis holbrooki</i>
Western Worm Snake	<i>Carphophis vermis</i>

Amphibians

Common Name	Scientific Name
Mudpuppy	<i>Necturus maculosus</i>
Central Newt	<i>Notophthalmus viridescens</i>

Butterflies

Common Name	Scientific Name
Two-spotted Skipper	<i>Euphyes bimacula</i>
Leonard's Skipper	<i>Hesperia leonardus</i>
Crossline Skipper	<i>Limochares origenes</i>
Regal Fritillary	<i>Argynnis idalia</i>
Baltimore Checkerspot	<i>Euphydryas phaeton</i>
Olympia Marble	<i>Euchloe olympia</i>

Damselflies and Dragonflies

Common Name	Scientific Name
Taiga Bluet	<i>Coenagrion resolutum</i>
Plains Emerald	<i>Somatochlora ensigera</i>
Sioux Snaketail	<i>Ophiogomphus smithi</i>

Common Name	Scientific Name
Westfall's Snaketail	Ophiogomphus westfalli
Land Snails	
Common Name	Scientific Name
Midwest Pleistocene Vertigo	Vertigo arthuri
Fresh Water Mussels	
Common Name	Scientific Name
Monkeyface	Theliderma metanevra
Pistolgrip	Tritogonia verrucosa
Higgin's-eye Pearly Mussel	Lampsilis higginsii
Yellow/Slough Sandshell	Lampsilis teres
Mucket	Ortmanniana ligamentina
Ellipse	Venustachoncha ellipsiformis

571—77.3(481B) Endangered and threatened plants. The natural resource commission, in consultation with scientists with special knowledge and experience, determined the following plant species to be endangered or threatened in Iowa.

77.3(1) Endangered plant species:

Common Name	Scientific Name
Pale false foxglove	Agalinis skinneriana
Roundleaf serviceberry	Amelanchier sanguinea
Raccoon grape	Ampelopsis cordata
Pearly everlasting	Anaphalis margaritacea
Sand bluestem	Andropogon hallii
Round-lobed hepatica	Anemone americana
Carolina anemone	Anemone caroliniana
Bearberry	Arctostaphylos uva-ursi
Virginia snakeroot	Aristolochia serpentaria
Black chokeberry	Aronia melanocarpa
Fringed sagewort	Artemisia frigida
Mead's milkweed	Asclepias meadii
Showy milkweed	Asclepias speciosa
Green antelopehorn	Asclepias viridis
Wall-rue	Asplenium ruta-muraria
Field milkvetch	Astragalus agrestis
Prairie milkvetch	Astragalus laxmannii
Fern-leaved false foxglove	Aureolaria pedicularia
Water marigold	Bidens beckii
Matricary grape fern	Botrychium matricariifolium

Common Name	Scientific Name
Little grapefern	<i>Botrychium simplex</i>
Swamp moonwort	<i>Botrychium tenebrosum</i>
White-tinged sedge	<i>Carex albicans</i>
Back's sedge	<i>Carex backii</i>
Cordroot sedge	<i>Carex chordorrhiza</i>
Fringed sedge	<i>Carex crinita</i>
Raven's-foot sedge	<i>Carex crus-corvi</i>
Star sedge	<i>Carex echinata</i>
Shoreline sedge	<i>Carex hyalenolepis</i>
Hoplike sedge	<i>Carex lupuliformis</i>
Intermediate sedge	<i>Carex media</i>
Plantain-leaved sedge	<i>Carex plantaginea</i>
Drooping sedge	<i>Carex prasina</i>
Cyperus-like sedge	<i>Carex pseudocyperus</i>
Reflexed sedge	<i>Carex retroflexa</i>
Rocky Mountain sedge	<i>Carex saximontana</i>
Fireweed	<i>Chamaenerion angustifolium</i>
Pipsissewa	<i>Chimaphila umbellata</i>
Drooping woodreed	<i>Cinna latifolia</i>
Purple clematis	<i>Clematis occidentalis</i>
Blue-eyed mary	<i>Collinsia verna</i>
Spotted coralroot	<i>Corallorhiza maculata</i>
Golden corydalis	<i>Corydalis aurea</i>
Large-bracted corydalis	<i>Corydalis curvisilqua</i>
Pale corydalis	<i>Corydalis flavula</i>
Pink corydalis	<i>Corydalis sempervirens</i>
Silky prairie-clover	<i>Dalea villosa</i>
Tree clubmoss	<i>Dendrolycopodium dendroideum</i>
Sessile-leaved tick trefoil	<i>Desmodium sessilifolium</i>
Roundleaved sundew	<i>Drosera rotundifolia</i>
Marginal shield fern	<i>Dryopteris marginalis</i>
Purple coneflower	<i>Echinacea purpurea</i>
Elliptic spikerush	<i>Eleocharis elliptica</i>
Few-flowered spikerush	<i>Eleocharis pauciflora</i>
Wolf's spikerush	<i>Eleocharis wolfii</i>
Wiegand's wildrye	<i>Elymus wiegandii</i>
Downy willowherb	<i>Epilobium strictum</i>
Slender cottongrass	<i>Eriophorum gracile</i>
Tawny cottongrass	<i>Eriophorum virginicum</i>

Common Name	Scientific Name
Wood spurge	<i>Euphorbia commutata</i>
Forked aster	<i>Eurybia furcata</i>
Large-leaved aster	<i>Eurybia macrophylla</i>
Schreber's aster	<i>Eurybia schreberi</i>
Queen of the prairie	<i>Filipendula rubra</i>
False mermaid	<i>Floerkea proserpinacoides</i>
Rough bedstraw	<i>Galium asprellum</i>
Black Huckleberry	<i>Gaylussacia baccata</i>
Hairy goldenaster	<i>Heterothecia villosa</i>
Povertygrass	<i>Hudsonia tomentosa</i>
Rock clubmoss	<i>Huperzia porophila</i>
Canadian St. Johnswort	<i>Hypericum canadense</i>
Pineweed	<i>Hypericum gentianoides</i>
Flax-leaved aster	<i>Ionactis linariifolia</i>
White morning-glory	<i>Ipomoea lacunosa</i>
Black-based quillwort	<i>Isoetes melanopoda</i>
Alpine rush	<i>Juncus alpinoarticulatus</i>
Edged rush	<i>Juncus marginatus</i>
Vasey's rush	<i>Juncus vaseyi</i>
Creeping juniper	<i>Juniperus horizontalis</i>
Intermediate pinweed	<i>Lechea intermedia</i>
Hairy pinweed	<i>Lechea mucronata</i>
Wild lupine	<i>Lupinus perennis</i>
Bog clubmoss	<i>Lycopodiella inundata</i>
Hairy waterclover	<i>Marsilea vestita</i>
Millet grass	<i>Milium effusum</i>
Sensitive briar	<i>Mimosa nuttallii</i>
Partridge berry	<i>Mitchella repens</i>
Naked miterwort	<i>Mitella nuda</i>
Mat muhly	<i>Muhlenbergia richardsonis</i>
Small sundrops	<i>Oenothera perennis</i>
Fragile prickly-pear	<i>Opuntia fragilis</i>
Frenchgrass	<i>Orbexilum onobrychis</i>
Clustered broomrape	<i>Orobanche fasciculata</i>
One-sided shinleaf	<i>Orthilia secunda</i>
Rough-leaved ricegrass	<i>Oryzopsis asperifolia</i>
Cinnamon fern	<i>Osmundastrum cinnamomeum</i>
Philadelphia panic grass	<i>Panicum philadelphicum</i>
Arrow arum	<i>Peltandra virginica</i>

Common Name	Scientific Name
Cobaea beardtongue	Penstemon cobaea
Slender beardtongue	Penstemon gracilis
Tube beardtongue	Penstemon tubaeflorus
Wild dill	Perideridia americana
Long beechfern	Phegopteris connectilis
Fameflower	Phemeranthus parviflorus
Rough-seeded fameflower	Phemeranthus rugospermus
Mountain ricegrass	Piptatherum pungens
Wood orchid	Platanthera clavellata
Hooker's orchid	Platanthera hookeri
Green fringed orchid	Platanthera lacera
Eastern prairie fringed orchid	Platanthera leucophaea
Woodland Bluegrass	Poa saltuensis
Clammyweed	Polansia jamesii
Crossleaf milkwort	Polygala cruciata
Pink milkwort	Polygala incarnata
Purple milkwort	Polygala polygama
Hairy Solomon's-seal	Polygonatum pubescens
Jointweed	Polygonella articulata
White-stemmed pondweed	Potamogeton praelongus
Silverweed	Potentilla anserina
Pennsylvania cinquefoil	Potentilla pensylvanica
Stem flower dewberry	Rubus caulifloris
Washington dewberry	Rubus celer
Swamp dewberry	Rubus hispidus
Recurved blackberry	Rubus recurvans
New England blackberry	Rubus semisetosus
Bottomland dewberry	Rubus serratus
Uniform bristleberry	Rubus uniformis
Shining willow	Salix lucida
Smith's bulrush	Schoenoplectiella smithii
Downy skullcap	Scutellaria incana
Veined skullcap	Scutellaria nervosa
Wild stonecrop	Sedum ternatum
Meadow spikemoss	Selaginella eclipses
Knotweed bristleglass	Setaria parviflora
Annual skeletonweed	Shinneroseris rostrata
Three-toothed cinquefoil	Sibbaldiopsis tridentata
Needle-pointed blue-eyed grass	Sisyrinchium mucronatum

Common Name	Scientific Name
Rough-leaved goldenrod	<i>Solidago patula</i>
Bog goldenrod	<i>Solidago uliginosa</i>
Yellow-lipped ladies-tresses	<i>Spiranthes lucida</i>
Hooded ladies-tresses	<i>Spiranthes romanzoffiana</i>
Little ladies-tresses	<i>Spiranthes tuberosa</i>
Spring ladies-tresses	<i>Spiranthes vernalis</i>
Rough-leaved hedge-nettle	<i>Stachys aspera</i>
Pickering morning-glory	<i>Stylisma pickeringii</i>
Snowberry	<i>Symphoricarpos albus</i>
Waxy meadowrue	<i>Thalictrum amphibolum</i>
Western spiderwort	<i>Tradescantia occidentalis</i>
Small bladderwort	<i>Utricularia minor</i>
Sessile-leaf bellwort	<i>Uvularia sessilifolia</i>
Low sweet blueberry	<i>Vaccinium angustifolium</i>
Velvetleaf blueberry	<i>Vaccinium myrtilloides</i>
American brookline	<i>Veronica americana</i>
Maple-leaved arrowwood	<i>Viburnum acerifolium</i>
Spurred violet	<i>Viola adunca</i>
Large-leaved violet	<i>Viola blanda</i>
Frost grape	<i>Vitis vulpina</i>
Rusty woodsia	<i>Woodsia ilvensis</i>
Oregon woodsia	<i>Woodsia oregana</i>

77.3(2) Threatened plant species:

Common Name	Scientific Name
Slender three-seeded mercury	<i>Acalypha gracilens</i>
Northern wild monkshood	<i>Aconitum noveboracense</i>
Round-stemmed false foxglove	<i>Agalinis gattingeri</i>
Inland serviceberry	<i>Amelanchier interior</i>
Fragrant false indigo	<i>Amorpha nana</i>
Woolly milkweed	<i>Asclepias lanuginosa</i>
Oval-leaved milkweed	<i>Asclepias ovalifolia</i>
Narrow-leaved milkweed	<i>Asclepias stenophylla</i>
Pawpaw	<i>Asimina triloba</i>
Water parsnip	<i>Berula erecta</i>
Watershield	<i>Brasenia schreberi</i>
Poppy mallow	<i>Callirhoe triangulata</i>
Water-starwort	<i>Callitriche heterophylla</i>
Low bindweed	<i>Calystegia spithamea</i>

Common Name	Scientific Name
Assiniboine sedge	<i>Carex assininboinensis</i>
Carey's sedge	<i>Carex careyana</i>
Fibrous-root sedge	<i>Carex communis</i>
Spreading sedge	<i>Carex laxiculmis</i>
Delicate sedge	<i>Carex leptalea</i>
Yellow sedge	<i>Carex lurida</i>
Sterile sedge	<i>Carex sterilis</i>
Quill sedge	<i>Carex tenera</i>
Shaved sedge	<i>Carex tonsa</i>
Wood's sedge	<i>Carex woodii</i>
Pink turtlehead	<i>Chelone obliqua</i>
Marsh cinquefoil	<i>Comarum palustre</i>
Dayflower	<i>Commelina erecta</i>
Bunchberry	<i>Cornus canadensis</i>
Fireberry hawthorn	<i>Crataegus chrysocarpa</i>
Waxy-fruited hawthorn	<i>Crataegus pruinosa</i>
Showy lady's-slipper	<i>Cypripedium reginae</i>
Shrubby cinquefoil	<i>Dasiphora fruticosa</i>
Silvery spleenwort	<i>Deparia acrostichoides</i>
Northern panic-grass	<i>Dichanthelium boreale</i>
Slim-leaved panic-grass	<i>Dichanthelium linearifolium</i>
Narrow-leaved spleenwort	<i>Diplazium pynocarpon</i>
Glandular wood fern	<i>Dryopteris intermedia</i>
Oval spikerush	<i>Eleocharis ovata</i>
Woodland horsetail	<i>Equisetum sylvaticum</i>
Yellow trout lily	<i>Erythronium americanum</i>
Upland boneset	<i>Eupatorium sessilifolium</i>
Slender fimbry	<i>Fimbristylis autumnalis</i>
Blue ash	<i>Fraxinus quadrangulata</i>
Bog bedstraw	<i>Galium labradoricum</i>
Oak fern	<i>Gymnocarpium dryopteris</i>
Needle-and-thread grass	<i>Hesperostipa comata</i>
Green violet	<i>Hybanthus concolor</i>
Winterberry	<i>Ilex verticillata</i>
Twinleaf	<i>Jeffersonia diphylla</i>
Green rush	<i>Juncus greenii</i>
Dwarf dandelion	<i>Krigia virginica</i>
Prairie bush clover	<i>Lespedeza leptostachya</i>
Cleft conohea	<i>Leucospora multifida</i>

Common Name	Scientific Name
Twinflower	<i>Linnaea borealis</i>
Whiskbroom parsley	<i>Lomatium foeniculaceum</i>
Western parsley	<i>Lomatium orientale</i>
Running clubmoss	<i>Lycopodium clavatum</i>
Bunchflower	<i>Melanthium virginicum</i>
Ten-petaled blazingstar	<i>Mentzelia decapetala</i>
Bog buckbean	<i>Menyanthes trifoliata</i>
Northern lungwort	<i>Mertensia paniculata</i>
Rock sandwort	<i>Minuartia michauxii</i>
Pinesap	<i>Monotropa hypopithys</i>
Southern adder's-tongue	<i>Ophioglossum vulgatum</i>
Royal fern	<i>Osmunda regalis</i>
Purple cliffbrake	<i>Pellaea atropurpurea</i>
White beardtongue	<i>Penstemon albidus</i>
Broad beech fern	<i>Phegopteris hexagonoptera</i>
Northern bog orchid	<i>Platanthera aquilonis</i>
Western prairie fringed orchid	<i>Platanthera praeclara</i>
Purple fringed orchid	<i>Platanthera psycodes</i>
Bog bluegrass	<i>Poa paludigena</i>
Nodding rattlesnake-root	<i>Prenanthes crepidinea</i>
Canada plum	<i>Prunus nigra</i>
Sand cherry	<i>Prunus pumila</i>
Pink shinleaf	<i>Pyrola asarifolia</i>
Meadow beauty	<i>Rhexia virginica</i>
Northern currant	<i>Ribes hudsonianum</i>
Wood's rose	<i>Rosa woodsii</i>
Garden dewberry	<i>Rubus aboriginum</i>
Short-stalked dewberry	<i>Rubus curtipes</i>
Southern dewberry	<i>Rubus enslenii</i>
Iron River dewberry	<i>Rubus ferrofluvius</i>
Common dewberry	<i>Rubus flagellaris</i>
Fuller's bristly dewberry	<i>Rubus fulleri</i>
Downy dewberry	<i>Rubus satis</i>
Widgeon grass	<i>Ruppia cirrhosa</i>
Bog willow	<i>Salix pedicellaris</i>
Leathery grapefern	<i>Sceptridium multifidum</i>
Low nutrush	<i>Scleria verticillata</i>
Buffaloberry	<i>Shepherdia argentea</i>
Scarlet globemallow	<i>Sphaeralcea coccinea</i>

Common Name	Scientific Name
Rush aster	<i>Symphyotrichum boreale</i>
Large arrowgrass	<i>Triglochin maritima</i>
Small arrowgrass	<i>Triglochin palustris</i>
Black arrowwood	<i>Viburnum molle</i>
Lance-leaved violet	<i>Viola lanceolata</i>
Macloskey's violet	<i>Viola macloskeyi</i>
Kidney-leaved violet	<i>Viola renifolia</i>
Summer grape	<i>Vitis aestivalis</i>
Yellow-eyed grass	<i>Xyris torta</i>

571—77.4(481B) Exemptions. Notwithstanding the foregoing list and the prohibitions in Iowa Code chapter 481B, a person may import, export, possess, transport, purchase, barter, buy, sell, offer to sell, hold for processing or process a species of animal or plant which is listed as endangered or threatened on the state list or as listed in the Code of Federal Regulations, Title 50, part 17, as amended to December 30, 1991, according to the following rules:

77.4(1) Trophies lawfully taken by persons licensed to hunt or fish (not including trapping or commercial harvest licenses) in another state, country or territory may be brought into this state and possessed, held for processing and processed but may not be sold or offered for sale.

77.4(2) Furs or skins of wildlife species appearing on the state list of endangered and threatened species which were lawfully taken or purchased in another state, country or territory may be imported, exported, purchased, possessed, bartered, offered for sale, sold, held for processing, or processed in this state if they are tagged or permanently marked by the state, country, or territory of origin.

77.4(3) Species of live animals appearing on the state list of endangered and threatened species may be imported, exported, possessed, purchased, bartered, offered for sale, or sold under the terms of a scientific collecting permit or educational project permit issued pursuant to Iowa Code section 481A.6 and administrative rules adopted by the department.

77.4(4) Plants, seeds, roots, and other parts of plants which appear on the state list of endangered and threatened plants which were lawfully taken or purchased in another state, country or territory may be imported, exported, purchased, possessed, offered for sale or sold in this state.

77.4(5) A part or product of a species of fish or wildlife appearing on the state list of endangered or threatened species which enters the state from another state or from a point outside the territorial limits of the United States may enter, be transported, exported, possessed, sold, offered for sale, held for processing or processed in accordance with the terms of a permit issued by the agency of jurisdiction in the state of origin or, if entering from outside the United States, a federal permit issued by the United States government. If proper documentation is available, a person may buy or offer to buy a part or product of a species of fish or wildlife appearing on the state or federal lists as long as it is imported from a legal source outside this state and proper documentation is provided.

77.4(6) If a person possesses a species of fish or wildlife or a part, product or offspring of such a species, proper documentation such as receipt of purchase and the permit from the state of origin or the U.S. government must be presented upon request of any conservation officer. Failure to produce such documentation is a violation of this chapter and will constitute grounds for forfeiture to the Iowa DNR.

77.4(7) A species of plant, fish or wildlife appearing on the state list of endangered and threatened species may be collected, held, salvaged and possessed under the terms of a scientific collecting permit issued pursuant to Iowa Code section 481A.6 and administrative rules adopted by the department.

77.4(8) Drainage district repairs and improvements to existing open ditch facilities are excluded from the department's protection efforts for the Topeka shiner. This includes facilities of levee and drainage districts established and maintained under Iowa Code chapter 468. This exclusion does not apply to new channelization, deepening, or leveeing of existing streams and rivers with permanent flow or existing streams with off-channel

water areas capable of supporting fish.

77.4(9) The department may enter into an agreement with a private landowner for habitat improvements that benefit endangered and threatened species while limiting the potential impacts to the landowner arising when a covered species becomes more numerous due to the voluntary improvements to the habitat. If any covered species becomes more numerous as a result of the landowner's voluntary actions, a private landowner who commits to implement voluntary conservation measures for a listed species will not be required to implement additional measures, and additional land, water, or resource use restrictions will not be imposed.

a. The department will provide participating landowners with technical assistance to develop landowner habitat improvement agreements. Each agreement shall include the following:

- (1) Landowner's name.
- (2) Legal description of the property covered by the agreement.
- (3) Length of agreement period.
- (4) Species covered by the agreement.
- (5) Baseline conditions: the estimated number of listed species and the size and condition of habitat for each species covered.
- (6) Conservation measures to be implemented and implementation schedule.
- (7) Financial commitment of the department and the landowner.
- (8) Measures to determine if the agreement has been fulfilled.
- (9) Any property use restrictions.
- (10) Terms for the termination of the agreement prior to its scheduled expiration.

b. The landowner, through normal lawful activities, may return the property to the baseline or a mutually agreed-upon condition above the baseline at any time after expiration of the landowner habitat improvement agreement.

This rule is intended to implement Iowa Code chapter 481B.

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