

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed

Rulemaking related to unprotected nongame

The Natural Resource Commission (Commission) hereby rescinds Chapter 76, “Unprotected Nongame,” Iowa Administrative Code, and adopts a new Chapter 76 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 481A.38, 481A.39 and 481A.42.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 481A.38, 481A.39 and 481A.42.

Purpose and Summary

Chapter 76 lists the nongame species allowed to be killed without a permit. Under Iowa Code section 481A.38, it is unlawful for any person to take, pursue, kill, trap, or conduct other listed activities against nongame animals except upon terms, conditions, limitations, and restrictions set forth in the Iowa Code or by administrative rule. The Commission has authority under Iowa Code section 481A.42 to designate species of nongame that shall not be protected due to their abundance or habits. This chapter was reviewed and edited consistent with Executive Order 10.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on January 7, 2026, as **ARC 9900C**. A public hearing was held on the following date(s):

- January 28, 2026
- February 2, 2026

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Commission on April 9, 2026.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

This rulemaking is subject to the waiver provisions of 571—Chapter 11. Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its [regular monthly meeting](#) or at a special meeting.

The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on June 17, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 571—Chapter 76 and adopt the following **new** chapter in lieu thereof:

SEASONS, LIMITS, METHODS OF TAKE
TITLE VIII
CHAPTER 76
UNPROTECTED NONGAME

571—76.1(481A) Species. Certain species of nongame shall not be protected.

76.1(1) Birds. The European starling (*Sturnus vulgaris*) and the house sparrow (*Passer domesticus*) shall not be protected.

76.1(2) Reptiles.

a. Common garter snake (*Thamnophis sirtalis*).

b. Timber rattlesnake (*Crotalus horridus*) within 50 yards of houses actively occupied by humans.

This rule is intended to implement Iowa Code sections 481A.38, 481A.39, and 481A.42.

[Filed 4/17/26, effective 6/17/26]

[Published 5/13/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/13/26.