

**NATURAL RESOURCE COMMISSION[571]**

**Adopted and Filed**

**Rule making related to virtual fishing tournaments**

The Natural Resource Commission (Commission) hereby amends Chapter 44, “Special Events and Fireworks Displays,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code sections 455A.5(6), 462A.16 and 481A.39.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 455A.5(6), 462A.16 and 481A.39.

*Purpose and Summary*

This rule making expands the existing definition of “fishing tournament” found in rule 571—44.2(321G,321I,461A,462A,481A) by adding language to include virtual fishing tournaments, also known as “catch-photo-release” tournaments. Virtual fishing tournaments are increasing in popularity; however, there is no allowance for these events within the current rules. The amendments are necessary because Iowa Code section 462A.16 requires that all tournaments be authorized by the Commission.

The rule making also adds definitions of “aggregated virtual fishing tournament” and “distributed virtual fishing tournament.” An aggregated virtual fishing tournament is similar to a traditional fishing tournament in which participants gather at one location to fish, except that it does not have a weigh-in at the end of the day because all fish are immediately measured, photographed, and released. A distributed virtual fishing tournament, usually organized as an online contest, occurs on multiple bodies of water and can last for weeks or months. This type of tournament has a minimal impact on natural resources and fish populations, and the Commission wishes to encourage the growth of these events in Iowa. The rule making allows distributed virtual fishing tournaments to occur at more than one location and last longer than the currently established nine-day period for a single special event. In addition, the amendments exempt both types of virtual fishing tournaments from paying the special event permit application fee.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on February 12, 2020, as **ARC 4924C**. Five public hearings were held across the state on March 5, 2020. Attendance at the public meetings was low, and most of the comments were received by email.

A news release was issued on February 12, 2020, soliciting public comment on the proposed rule making and inviting the public to participate in the five public hearings. This news release was sent to approximately 400 news outlets in Iowa, along with about 28,500 subscribers to *Iowa Outdoor News* and 105,800 subscribers to *Fishing News*. Of the 21 public comments received, 100 percent supported the rule making. In review of the comments, some of the supporters noted they would like to see the permit fee not be waived for aggregated virtual fishing tournaments.

Changes from the Notice of Intended Action have been made. After consideration of the comments, a change has been made so that the final rule making does not waive the permit fee for aggregated virtual fishing tournaments.

### *Adoption of Rule Making*

This rule making was adopted by the Commission on May 14, 2020.

### *Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa. A copy of the fiscal impact statement is available from the Department upon request.

### *Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found. A copy of the jobs impact statement is available from the Department upon request.

### *Waivers*

This rule making is subject to the waiver provisions of 571—Chapter 11. Any person who believes that the application of the discretionary provisions of this rule making 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 rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making 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 rule making will become effective on July 22, 2020.

The following rule-making actions are adopted:

ITEM 1. Amend rule **571—44.2(321G,321I,461A,462A,481A)**, definition of “Fishing tournament,” as follows:

*“Fishing tournament”* means any organized fishing event, except for department-sponsored fishing events held for educational purposes, involving any of the following: (1) six or more boats or 12 or more participants, except for waters of the Mississippi River, where the number of boats shall be 20 or more and the number of participants shall be 40 or more; (2) an entry fee is charged; or (3) prizes or other inducements are awarded. Additionally, a “virtual fishing tournament,” also known as a “catch-photo-release” tournament, is a fishing tournament where fish are not possessed (i.e., not placed in a live well) by the angler but instead are photographed and released upon catching. An “aggregated virtual fishing tournament” occurs when all participants are present on one body of water simultaneously. A “distributed virtual fishing tournament” occurs when participants are present on two or more bodies of water. Additionally, only five or fewer participants may be present on any one body of water simultaneously, and the tournament may occur over an extended time frame. For purposes of this chapter, “fishing tournament” is included in the definition of “special event” unless otherwise specified.

ITEM 2. Amend subrule 44.5(4) as follows:

**44.5(4)** One application form may be submitted for all events of the same type being held at the same location within a nine-day period and will be processed as a single application. A distributed virtual fishing tournament may extend beyond the nine-day period and need not be at a single location.

ITEM 3. Amend rule 571—44.8(321G,321I,461A,462A,481A) as follows:

**571—44.8(321G,321I,461A,462A,481A) Fees and exceptions.** The administrative fee for processing each special event application is \$25. In the case of field and retriever meets and trials, the fee for processing each special event application is \$2. The fees are nonrefundable.

The department shall waive the administrative fee for processing special event applications for sailing schools; accredited postsecondary institutions and programs; private and public primary and secondary schools; all department-approved watercraft education courses, ATV education courses, and snowmobile education courses; fishing clinics; friends groups; ~~and~~ department-sponsored youth fishing days; and distributed virtual fishing tournaments.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/17/20.