

NATURAL RESOURCE COMMISSION[571]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 81, “Fishing Regulations,” Iowa Administrative Code.

The proposed amendments remove the closed December 1 through March 15 fishing season regulation below Lock and Dam 11, 12 and 13; limit anglers to a maximum 5/0 treble hook size when snagging nongame species listed in subrule 81.2(11); and add a no snagging restriction from directly below the Oakland Mills dam to the downstream end of the 253rd Street boat ramp.

Any interested person may make written suggestions or comments on the proposed amendments on or before July 20, 2010. Such written materials should be directed to Martin Konrad, Department of Natural Resources, Wallace State Office Building, 502 E. 9th Street, Des Moines, Iowa 50319-0034; fax (515)281-6794; or E-mail Martin.Konrad@dnr.iowa.gov. Persons who wish to convey their views orally should contact the Fisheries Bureau at (515)281-6976 or at the Bureau offices on the fourth floor of the Wallace State Office Building.

Also, there will be a public hearing on July 20, 2010, at 7 p.m. at Swiss Valley Nature Center, 13606 Swiss Valley Road, Peosta, Iowa. At the public hearing, persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

Any persons who intend to attend the public hearing and have special needs, such as those related to hearing or mobility impairments, should contact the Department of Natural Resources and advise of specific needs.

These amendments are intended to implement Iowa Code section 456A.25.

The following amendments are proposed.

ITEM 1. Amend subrule 81.2(1) as follows:

81.2(1) Exception closed season. In Lakes West Okoboji and East Okoboji and Spirit Lake, there shall be a closed season on walleye beginning February 15 each year. The annual opening for walleye in these three lakes shall be the first Saturday in May. In these three lakes there shall be a closed season on muskellunge and tiger muskie beginning December 1 each year. The annual opening for muskellunge and tiger muskie in these three lakes shall be May 21 the following year.

Fishing in any manner is prohibited from December 1 of each year through March 15 the following year in the following areas of the Mississippi River:

- a. ~~From Lock and Dam Number 11 downstream to the railroad bridge near river mile 579.9.~~
- b. ~~From Lock and Dam Number 12 downstream to the mouth of Mill Creek near river mile 556.~~
- c. ~~From Lock and Dam Number 13 downstream to the downstream end of Stamp Island near river mile 521.5.~~

ITEM 2. Amend subrule 81.2(11) as follows:

81.2(11) Method of take. Artificial light may be used in the taking of any fish. The following species of fish may be taken by hand fishing, snagging, spearing, and bow and arrow: common carp, bighead carp, grass carp, silver carp, black carp, bigmouth buffalo, smallmouth buffalo, black buffalo, quillback carpsucker, highfin carpsucker, river carpsucker, spotted sucker, white sucker, shorthead redhorse, golden redhorse, silver redhorse, sheepshead, shortnose gar, longnose gar, dogfish, gizzard shad, and goldfish. All other species of fish not hooked in the mouth, except paddlefish legally taken by snagging, must be returned to the water immediately with as little injury as possible. A fish is foul

hooked when caught by a hook in an area other than in the fish's mouth. Snagging is defined as the practice of jerking any type of hook or lure, baited or unbaited, through the water with the intention of foul hooking fish. Hooks larger than a 5/0 treble hook or measuring more than 1¼ inches in length when two of the hook points are placed on a ruler are permitted when snagging. Exceptions to snagging as a method of take are as follows:

No snagging is permitted in the following areas:

1. to 11. No change.
12. Skunk River from directly below Oakland Mills dam to the downstream end of the 253rd Street boat ramp.