Regulatory Analysis

Notice of Intended Action to be published: 571—Chapter 76
"Unprotected Nongame"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 481A.38, 481A.39, and 481A.42

State or federal law(s) implemented by the rulemaking: Iowa Code sections 481A.38, 481A.39, and 481A.42

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

September 23, 2025	6200 Park Avenue, Second Floor
12 noon to 1 p.m.	Des Moines, Iowa

Free language assistance: If you need assistance in a language other than English, contact the Department of Natural Resources (Department) at chris.ensminger@dnr.iowa.gov or civilrights@dnr.iowa.gov or by telephone at 515.250.6886 at least seven days before the event.

Asistencia lingüística gratuita: Si necesita ayuda en un idioma que no sea inglés, comuníquese con el Departamento al chris.ensminger@dnr.iowa.gov o civilrights@dnr.iowa.gov o por teléfono a 515.250.6886 al menos siete días antes del evento.

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Department no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Karen Kinkead
Iowa Department of Natural Resources
Wallace State Office Building
6200 Park Avenue, Suite 200
Des Moines, Iowa 50321
Phone: 712.330.8461
Email: karen.kinkead@dnr.iowa.gov

Free language assistance: If you speak a non-English language, the Department offers language assistance services free of charge. Contact the Department at chris.ensminger@dnr.iowa.gov.

Servicios gratuitos de asistencia lingüística: Si habla un idioma que no sea el inglés, los servicios de asistencia lingüística están disponibles de forma gratuita. Comuníquese con el Departamento al chris.ensminger@dnr.iowa.gov.

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 Natural Resource 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.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

- **Classes of persons that will bear the costs of the proposed rulemaking:**

No class of persons will bear the costs of the rule besides the Department itself.

- **Classes of persons that will benefit from the proposed rulemaking:**

Homeowners with potential nuisance issues from the listed nongame species will benefit.

2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**

- **Quantitative description of impact:**

This rulemaking does not have an economic impact or cost.

- **Qualitative description of impact:**

This rulemaking does not impose a burden on the public.

3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

The Department responds to phone calls and inquiries about birds and snakes each spring and fall and answers questions related to species identification, risks to humans, and life history characteristics. These costs are minimal. All such staff have other assigned duties.

- **Anticipated effect on State revenues:**

The proposed rulemaking does not have any effect on State revenue.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

The public does not have any costs to comply with the process and requirements set forth in this rulemaking.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

There are no costs associated with this proposed rulemaking.

6. **Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

No alternative methods were considered.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

Not applicable.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

This proposed rule does not have any impact on small business.

Text of Proposed Rulemaking

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.