Regulatory Analysis

Notice of Intended Action to be published: 571—Chapter 77
"Endangered and Threatened Plant and Animal Species"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 481B.3
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 481B

Public Hearing

A public hearing at which persons may present their views orally will be held as follows. Persons who wish to attend the conference call should contact Kelly Poole via email. A link will be provided prior to the hearing. Persons who wish to make oral comments at the virtual public hearing must submit a request to Kelly Poole prior to the hearing to facilitate an orderly hearing.

September 24, 2025 10 a.m.	Virtual

Free language assistance: If you need assistance in a language other than English, contact the Department of Natural Resources (Department) at kelly.poole@dnr.iowa.gov or civilrights@dnr.iowa.gov or by telephone at 515.782.0358 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 kelly.poole@dnr.iowa.gov o civilrights@dnr.iowa.gov o por teléfono a 515.702.0358 al menos siete días antes del evento.

Public Comment

Any interested person may submit written 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:

Kelly Poole or John Pearson
6200 Park Avenue, Suite 200
Des Moines, Iowa 50321
Email: kelly.poole@dnr.iowa.gov (animals)
john.pearson@dnr.iowa.gov (plants)

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

Purpose and Summary

Chapter 77 implements Iowa Code chapter 481B, "Endangered and Threatened Plants and Animal Species." The rules identify those plant and animal species that are protected due to being endangered or threatened in Iowa and provides for limited, regulated exceptions to those provisions.

Analysis of Impact

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

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

There are no costs directly attributable to this rulemaking.

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

Iowa citizens benefit through the protection and preservation of Iowa's biodiversity. Developers and other regulated entities benefit through regulatory clarity and limited exceptions to those regulations.

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:**

There are no costs directly attributable to this rulemaking. None of the changes to the list are anticipated to cause economic impact or increase the costs of avoiding take of protected species. Moreover, these rules are required by State law, so any economic impacts originate with the underlying statutory requirements.

- **Qualitative description of impact:**

No changes from the current chapter are expected.

3. **Costs to the State:**

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

There is no cost to implement this chapter beyond staff time. Staff members who oversee the program all have other assigned duties.

- **Anticipated effect on State revenues:**

There is no anticipated effect on State revenues.

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

This rulemaking updates the list of threatened and endangered species as required by the Iowa Code. There is no direct cost to updating the list; indirect costs originate with the underlying statutory obligation to protect endangered and threatened species in the State. The benefit of updating the list is that it will more accurately reflect the current status of Iowa plants and animals. Species no longer warranting threatened or endangered status shall be removed, and those needing such a status will be added.

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

No alternatives are available. The Iowa Code requires rulemaking to create and maintain an updated list of threatened and endangered species.

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

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

Not applicable.

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

No alternatives are available. The Iowa Code requires this rulemaking.

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 chapter does not have a substantial impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 571—Chapter 77 and adopt the following **new** chapter in lieu thereof:

CHAPTER 77
ENDANGERED AND THREATENED PLANT AND ANIMAL SPECIES

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

"Endangered species" means any species of fish, plant life, or wildlife that is in danger of extinction throughout all or a significant part of its range.

"Threatened species" means any species that 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:

Common Name	Scientific Name
Mammals	
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	
Piping Plover	*Charadrius melodus*
Fish	
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 nachtriebi*
Pugnose Shiner	*Miniellus anogenus*
Ghost Shiner	*Paranotropis buchanani*
Blacknose Shiner	*Notropis heterolepis*
Starhead Topminnow	*Fundulus dispar*
Plains Topminnow	*Fundulus sciadicus*
Crystal Darter	*Crystallaria asprella*
Bluntnose Darter	*Etheostoma chlorosoma*
Least Darter	*Etheostoma microperca*
Reptiles	

Wood Turtle	*Glyptemis insculpta*
Yellow Mud Turtle	*Kinosternon flavescens*
Great Plains Skink	*Plestiodon obsoletus*
Prairie Hognose Snake	*Heterodon nasicus*
Eastern Copperhead	*Agkistrodon contortrix*
Prairie Rattlesnake	*Crotalus viridis*
Eastern Massasauga Rattlesnake	*Sistrurus catenatus*
Prairie Massasauga Rattlesnake	*Sistrurus tergeminus*
Amphibians	
Blue-spotted Salamander	*Ambystoma laterale*
Bumble Bees	
Rusty Patched Bumble Bee	*Bombus affinis*
Butterflies	
Arogos Skipper	*Atrytone arogos*
Dusted Skipper	*Atrytonopsis hianna*
Mottled Duskywing	*Gesta martialis*
Ottoe Skipper	*Hesperia ottoe*
Dakota Skipper	*Hesperia dacotae*
Poweshiek Skipperling	*Oarisma poweshiek*
Mulberry Wing	*Poanes massasoit*
Damselflies and Dragonflies	
Prairie Bluet	*Coenagrion angulatum*
Land Snails	
Frigid Ambersnail	*Catinella gelida*
Iowa Pleistocene Snail	*Discus macclintocki*
Bluff Vertigo	*Vertigo meramecensis*
Fresh Water Mussels	
Spectaclecase	*Cumberlandia monodonta*
Purple Wartyback	*Cyclonaias tuberculata*
Spike	*Elliptio dilatata*
Sheepnose	*Plethobasus cyphyus*
Round Pigtoe	*Pleurobema sintoxia*
Slippershell	*Alasmidonta viridis*
Salamander Mussel	*Simpsonaias ambigua*

77.2(2) Threatened animal species:

Common Name	**Scientific Name**
Mammals	
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	
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	
American Eel	*Anguilla rostrata*
Pirate Perch	*Aphredoderus sayanus*
Skipjack Herring	*Alosa chrysochloris*
Mottled Sculpin	*Cottus bairdii*
Redfin Shiner	*Lythrurus umbratilis*
Topeka Shiner	*Miniellus topeka*
Pugnose Minnow	*Opsopoeodus emiliae*
Grass Pickerel	*Esox americanus*
Banded Killifish	*Fundulus diaphanus*
Freckled Madtom	*Noturus nocturnus*
Weed Shiner	*Miniellus texanus*
Burbot	*Lota lota*
Western Sand Darter	*Ammocrypta clara*
Trout-perch	*Percopsis omiscomaycus*
Chestnut Lamprey	*Ichthyomyzon castaneus*
Reptiles	
Blanding's Turtle	*Emydoidea blandingii*
Ornate Box Turtle	*Terrapene ornata*
Stinkpot	*Sternotherus odoratus*
Slender Glass Lizard	*Ophisaurus attenuatus*
Bullsnake	*Pituophis catenifer*
Plain-bellied Watersnake	*Nerodia erythrogaster*
Diamondback Watersnake	*Nerodia rhombifera*
Graham's Crayfish Snake	*Regina grahami*
Speckled Kingsnake	*Lampropeltis holbrooki*
Western Worm Snake	*Carphophis vermis*
Amphibians	
Mudpuppy	*Necturus maculosus*
Central Newt	*Notophthalmus viridescens*
Butterflies	
Two-spotted Skipper	*Euphyes bimacula*
Leonard's Skipper	*Hesperia leonardus*

Crossline Skipper	*Limochores origenes*
Regal Fritillary	*Argynnis idalia*
Baltimore Checkerspot	*Euphydryas phaeton*
Olympia Marble	*Euchloe olympia*
Damselflies and Dragonflies	
Taiga Bluet	*Coenagrion resolutum*
Plains Emerald	*Somatochlora ensigera*
Sioux Snaketail	*Ophiogomphus smithi*
Westfall's Snaketail	*Ophiogomphus westfalli*
Land Snails	
Midwest Pleistocene Vertigo	*Vertigo arthuri*
Fresh Water Mussels	
Monkeyface	*Theliderma metanevra*
Pistolgrip	*Tritogonia verrucosa*
Higgin's-eye Pearly Mussel	*Lampsilis higginsi*
Yellow Sandshell	*Lampsilis teres*
Mucket	*Ortmanniana ligamentina*
Ellipse	*Venustaconcha 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*
Little grapefern	*Botrychium simplex*

Swamp moonwort	*Botrychium tenebrosum*
White-tinged sedge	*Carex albicans*
Back's sedge	*Carex backii*
Cordroot sedge	*Carex chordorrhiza*
Fringed sedge	*Carex crinita*
Raven's-foot sedge	*Carex crus-corvi*
Star sedge	*Carex echinata*
Shoreline sedge	*Carex hyalenolepis*
Hoplike sedge	*Carex lupuliformis*
Intermediate sedge	*Carex media*
Plantain-leaved sedge	*Carex plantaginea*
Drooping sedge	*Carex prasina*
Cyperus-like sedge	*Carex pseudocyperus*
Reflexed sedge	*Carex retroflexa*
Rocky Mountain sedge	*Carex saximontana*
Fireweed	*Chamaenerion angustifolium*
Pipsissewa	*Chimaphila umbellata*
Drooping woodreed	*Cinna latifolia*
Purple clematis	*Clematis occidentalis*
Blue-eyed mary	*Collinsia verna*
Spotted coralroot	*Corallorhiza maculata*
Golden corydalis	*Corydalis aurea*
Large-bracted corydalis	*Corydalis curvisiliqua*
Pale corydalis	*Corydalis flavula*
Pink corydalis	*Corydalis sempervirens*
Silky prairie-clover	*Dalea villosa*
Tree clubmoss	*Dendrolycopodium dendroideum*
Sessile-leaved tick trefoil	*Desmodium sessilifolium*
Roundleaved sundew	*Drosera rotundifolia*
Marginal shield fern	*Dryopteris marginalis*
Purple coneflower	*Echinacea purpurea*
Elliptic spikerush	*Eleocharis elliptica*
Few-flowered spikerush	*Eleocharis quinqueflora*
Wolf's spikerush	*Eleocharis wolfii*
Wiegand's wildrye	*Elymus wiegandii*
Downy willowherb	*Epilobium strictum*
Slender cottongrass	*Eriophorum gracile*
Tawny cottongrass	*Eriophorum virginicum*
Wood spurge	*Euphorbia commutata*
Forked aster	*Eurybia furcata*
Large-leaved aster	*Eurybia macrophylla*
Schreber's aster	*Eurybia schreberi*
Queen of the prairie	*Filipendula rubra*
False mermaid	*Floerkea proserpinacoides*
Rough bedstraw	*Galium asprellum*
Black Huckleberry	*Gaylussacia baccata*

Hairy goldenaster	*Heterotheca villosa*
Povertygrass	*Hudsonia tomentosa*
Rock clubmoss	*Huperzia porophila*
Canadian St. Johnswort	*Hypericum canadense*
Pineweed	*Hypericum gentianoides*
Flax-leaved aster	*Ionactis linariifolia*
White morning-glory	*Ipomoea lacunosa*
Black-based quillwort	*Isoetes melanopoda*
Alpine rush	*Juncus alpinoarticulatus*
Edged rush	*Juncus marginatus*
Vasey's rush	*Juncus vaseyi*
Creeping juniper	*Juniperus horizontalis*
Intermediate pinweed	*Lechea intermedia*
Hairy pinweed	*Lechea mucronata*
Wild lupine	*Lupinus perennis*
Bog clubmoss	*Lycopodiella inundata*
Hairy waterclover	*Marsilea vestita*
Millet grass	*Milium effusum*
Sensitive briar	*Mimosa nuttallii*
Partridge berry	*Mitchella repens*
Naked miterwort	*Mitella nuda*
Mat muhly	*Muhlenbergia richardsonis*
Small sundrops	*Oenothera perennis*
Fragile prickly-pear	*Opuntia fragilis*
Frenchgrass	*Orbexilum onobrychis*
Clustered broomrape	*Orobanche fasciculata*
One-sided shinleaf	*Orthilia secunda*
Rough-leaved ricegrass	*Oryzopsis asperifolia*
Cinnamon fern	*Osmundastrum cinnamomeum*
Philadelphia panic grass	*Panicum philadelphicum*
Arrow arum	*Peltandra virginica*
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 eclipes*
Knotweed bristlegrass	*Setaria parviflora*
Annual skeletonweed	*Shinneroseris rostata*
Three-toothed cinquefoil	*Sibbaldiopsis tridentata*
Needle-pointed blue-eyed grass	*Sisyrinchium mucronatum*
Rough-leaved goldenrod	*Solidago patula*
Bog goldenrod	*Solidago uliginosa*
Yellow-lipped ladies-tresses	*Spiranthes lucida*
Hooded ladies-tresses	*Spiranthes romanzoffiana*
Little ladies-tresses	*Spiranthes tuberosa*
Spring ladies-tresses	*Spiranthes vernalis*
Rough-leaved hedge-nettle	*Stachys aspera*
Pickering morning-glory	*Stylisma pickeringii*
Snowberry	*Symphoricarpos albus*
Waxy meadowrue	*Thalictrum amphibolum*
Western spiderwort	*Tradescantia occidentalis*
Small bladderwort	*Utricularia minor*
Sessile-leaf bellwort	*Uvularia sessilifolia*
Low sweet blueberry	*Vaccinium angustifolium*
Velvetleaf blueberry	*Vaccinium myrtilloides*
American brookline	*Veronica americana*
Maple-leaved arrowwood	*Viburnum acerifolium*
Spurred violet	*Viola adunca*
Large-leaved violet	*Viola blanda*
Frost grape	*Vitis vulpina*
Rusty woodsia	*Woodsia ilvensis*
Oregon woodsia	*Woodsia oregana*

77.3(2) Threatened plant species:

Common Name	Scientific Name
Slender three-seeded mercury	*Acalypha gracilens*
Northern wild monkshood	*Aconitum noveboracense*
Round-stemmed false foxglove	*Agalinis gattingeri*
Inland serviceberry	*Amelanchier interior*
Fragrant false indigo	*Amorpha nana*
Woolly milkweed	*Asclepias lanuginosa*
Oval-leaved milkweed	*Asclepias ovalifolia*
Narrow-leaved milkweed	*Asclepias stenophylla*
Pawpaw	*Asimina triloba*
Water parsnip	*Berula erecta*
Watershield	*Brasenia schreberi*
Poppy mallow	*Callirhoe triangulata*
Water-starwort	*Callitriche heterophylla*
Low bindweed	*Calystegia spithamaea*
Assiniboine sedge	*Carex assininboinensis*
Carey's sedge	*Carex careyana*
Fibrous-root sedge	*Carex communis*
Spreading sedge	*Carex laxiculmis*
Delicate sedge	*Carex leptalea*
Yellow sedge	*Carex lurida*
Sterile sedge	*Carex sterilis*
Quill sedge	*Carex tenera*
Shaved sedge	*Carex tonsa*
Wood's sedge	*Carex woodii*
Pink turtlehead	*Chelone obliqua*
Marsh cinquefoil	*Comarum palustre*
Dayflower	*Commelina erecta*
Bunchberry	*Cornus canadensis*
Fireberry hawthorn	*Crataegus chrysocarpa*
Waxy-fruited hawthorn	*Crataegus pruinosa*
Showy lady's slipper	*Cypripedium reginae*
Shrubby cinquefoil	*Dasiphora fruticosa*
Silvery spleenwort	*Deparia acrostichoides*
Northern panic-grass	*Dichanthelium boreale*
Slim-leaved panic-grass	*Dichanthelium linearifolium*
Narrow-leaved spleenwort	*Diplazium pynocarpon*
Glandular wood fern	*Dryopteris intermedia*
Oval spikerush	*Eleocharis ovata*
Woodland horsetail	*Equisetum sylvaticum*
Yellow trout lily	*Erythronium americanum*
Upland boneset	*Eupatorium sessilifolium*
Slender fimbry	*Fimbristylis autumnalis*
Blue ash	*Fraxinus quadrangulata*

Bog bedstraw	*Galium labradoricum*
Oak fern	*Gymnocarpium dryopteris*
Needle-and-thread grass	*Hesperostipa comata*
Green violet	*Hybanthus concolor*
Winterberry	*Ilex verticillata*
Twinleaf	*Jeffersonia diphylla*
Green rush	*Juncus greenii*
Dwarf dandelion	*Krigia virginica*
Prairie bush clover	*Lespedeza leptostachya*
Cleft conobea	*Leucospora multifida*
Twinflower	*Linnaea borealis*
Whiskbroom parsley	*Lomatium foeniculaceum*
Western parsley	*Lomatium orientale*
Running clubmoss	*Lycopodium clavatum*
Bunchflower	*Melanthium virginicum*
Ten-petaled blazingstar	*Mentzelia decapetala*
Bog buckbean	*Menyanthes trifoliata*
Northern lungwort	*Mertensia paniculata*
Rock sandwort	*Minuartia michauxii*
Pinesap	*Monotropa hypopithys*
Southern adder’s-tongue	*Ophioglossum vulgatum*
Royal fern	*Osmunda regalis*
Purple cliffbrake	*Pellaea atropurpurea*
White beardtongue	*Penstemon albidus*
Broad beech fern	*Phegopteris hexagonoptera*
Northern bog orchid	*Platanthera aquilonis*
Western prairie fringed orchid	*Platanthera praeclara*
Purple fringed orchid	*Platanthera psycodes*
Bog bluegrass	*Poa paludigena*
Nodding rattlesnake-root	*Prenanthes crepidinea*
Canada plum	*Prunus nigra*
Sand cherry	*Prunus pumila*
Pink shinleaf	*Pyrola asarifolia*
Meadow beauty	*Rhexia virginica*
Northern currant	*Ribes hudsonianum*
Wood’s rose	*Rosa woodsii*
Garden dewberry	*Rubus aboriginum*
Short-stalked dewberry	*Rubus curtipes*
Southern dewberry	*Rubus enslenii*
Iron River dewberry	*Rubus ferrofluvius*
Common dewberry	*Rubus flagellaris*
Fuller’s bristly dewberry	*Rubus fulleri*
Downy dewberry	*Rubus satis*
Widgeon grass	*Ruppia cirrhosa*
Bog willow	*Salix pedicellaris*
Leathery grapefern	*Sceptridium multifidum*

Low nutrush	*Scleria verticillata*
Buffaloberry	*Sheperdia argentea*
Scarlet globemallow	*Sphaeralcea coccinea*
Rush aster	*Symphyotrichum boreale*
Large arrowgrass	*Triglochin maritima*
Small arrowgrass	*Triglochin palustris*
Black arrowwood	*Viburnum molle*
Lance-leaved violet	*Viola lanceolata*
Macloskey's violet	*Viola macloskeyi*
Kidney-leaved violet	*Viola renifolia*
Summer grape	*Vitis aestivalis*
Yellow-eyed grass	*Xyris torta*

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 that 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 that 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 that appear on the state list of endangered and threatened plants that 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 that 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.

These rules are intended to implement Iowa Code chapter 481B.