Regulatory Analysis

Notice of Intended Action to be published: 571—Chapter 82
"Commercial Fishing"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 482.1

State or federal law(s) implemented by the rulemaking: Iowa Code sections 481A.38, 481A.39, 482.1, 482.3, 482.5, and 482.14

Public Hearing

A public hearing at which persons may present their views orally will be held via virtual meeting as follows:

September 24, 2025 12 noon to 1 p.m.	Via videoconference

Persons who wish to attend the virtual meeting should contact Randall Schultz 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 Randall Schultz prior to the hearing to facilitate an orderly hearing.

Free language assistance: If you need assistance in a language other than English, contact the Department of Natural Resources (Department) at randy.schultz@dnr.iowa.gov or civilrights@dnr.iowa.gov or by telephone at 319.217.9317 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 randy.schultz@dnr.iowa.gov o civilrights@dnr.iowa.gov o por teléfono a 319.217.9317 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:

Randall Schultz
Iowa Department of Natural Resources
6200 Park Avenue, Suite 200
Des Moines, Iowa 50321
Email: randy.schultz@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 randy.schultz@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 randy.schultz@dnr.iowa.gov.

Purpose and Summary

Proposed Chapter 82 allows for and regulates the commercial harvest of fishes from public waters. The Department is directed to implement permits and regulate such harvest by the Iowa Code. The rules provide a transparent process for those who wish to bid on the limited commercial harvest opportunities on inland waters. The rules also contain regulations for commercial harvest from the border rivers, including designating those species that may be commercially harvested, size/length limits, open and closed seasons and locations, and gear and licensing requirements. This chapter has been reviewed and edited consistent with Executive Order 10.

Analysis of Impact

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

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

Commercial harvesters may incur costs when participating in the bidding process for inland water commercial contracts. Commercial harvesters may also incur costs related to gear and reporting requirements, none of which are being substantively changed by this rulemaking.

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

Commercial harvesters may benefit from the simplified and clarified bid process that is proposed and through updating of the commercially harvestable species list.

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:**

The contract to commercially fish an inland body of water is awarded through a competitive process to the firm or individual whose bid is believed to be the most advantageous to the State. The winning contractor is allowed to take fish for commercial purposes that the Department is seeking to have removed from a particular body of water. There are currently three parties under contract to commercially fish 15 inland lakes. During FY 2025, these contractors paid an average of just under $5,400 per lake, with revenue to the State totaling $80,896. The Department does not collect information on how much these commercial operators profit when selling these fish on the commercial market.

- **Qualitative description of impact:**

Iowa supports a small number of commercial fishing operations due to the limited opportunities for sustainable and beneficial commercial harvest of certain fish species. These fishers may voluntarily bid on inland contracts and may otherwise fish the Mississippi and Missouri Rivers.

3. **Costs to the State:**

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

The Department incurs costs for staff time. These are costs currently accounted for in the Department's budget.

- **Anticipated effect on State revenues:**

A commercial fishing contract is awarded to the firm or individual whose bid is believed to be the most advantageous to the State for inland waters situations. These contracts bring in a relatively small amount of revenue to the State. The primary purpose is not to generate revenue, but rather to have undesirable fish removed from certain lakes for management purposes in a way that also provides an economic opportunity to commercial fisherman.

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

The only cost related to the proposed rulemaking is staff time. Fisheries and law enforcement staff involved in this program have additional job duties as well. The benefits of this chapter are providing commercial fishing opportunities in situations that are beneficial and sustainable to the resource.

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

There are no less costly or less intrusive methods. Commercial fishing opportunities on Iowa lakes are limited. This chapter provides a simple, clear, and fair way to make these opportunities available to the public. The chapter also provides limited regulation to the extent needed to ensure that fish populations are harvested sustainably.

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

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

No alternative methods were considered. This is a largely nonregulatory chapter that most commonly applies to a voluntary commercial harvest program.

- **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?

The proposed chapter simplifies compliance or reporting requirements, which should be beneficial to small businesses.

Text of Proposed Rulemaking

ITEM 1. Rescind 571—Chapter 82 and adopt the following **new** chapter in lieu thereof:

CHAPTER 82
COMMERCIAL FISHING

INLAND WATERS

571—82.1(482) Contract policy. All contracts for removal of fish from inland waters shall be awarded on a competitive basis to the maximum practical extent subject to the following provisions. Commercial fishers licensed with the state may enter into contract with owners of private water bodies for the removal of injurious fish provided approval is received from the director or staff of the department prior to any sampling or removal operations. Owners of private water bodies need not comply with 82.1(1) through 82.1(5).

82.1(1) *Invitation for bids.* Sealed bids must be solicited for all fish removal operations under contract. Prospective bidders shall be informed by an advertisement via the state's public solicitation portal in sufficient time to enable prospective bidders to prepare and submit bids. Specifications of the contract shall be provided to all prospective bidders as provided in the invitation for bids.

82.1(2) *Contract award.* The contract shall be awarded to the firm or individual whose bid is believed to be the most advantageous to the state. Bids may be rejected if they do not appear to be reasonable or if there is reason to believe that the firm or individual is not sufficiently qualified to accomplish the desired work.

82.1(3) *Contract approval.* All contracts for fish removal operations shall be approved by the director.

82.1(4) *Failure to receive a bid.* In the event that no sealed bids are received, the fisheries bureau chief or staff at the direction of the fisheries bureau chief may negotiate a contract with a qualified contractor.

82.1(5) *Contract period.* Contracts shall have a maximum duration of 12 months. A contract may be extended, with the mutual consent of both parties, on an annual basis for a period up to and including three years from the time of the original contract. All terms and conditions existing in the original contract will apply during the extended contract period.

MISSISSIPPI AND MISSOURI RIVERS

571—82.2(482) Commercial taking. Fish may be taken for commercial purposes from the Mississippi and Missouri Rivers subject to the following regulations.

82.2(1) *Permissive catch.* Except for channel catfish, flathead catfish, and shovelnose sturgeon, which cannot be taken from the Missouri River, it shall be lawful to take with licensed commercial fishing gear the following species: carp, smallmouth buffalo, largemouth buffalo, black buffalo, channel catfish, flathead catfish, black bullhead, yellow bullhead, brown bullhead, freshwater drum, northern redhorse, silver redhorse, spotted sucker, white sucker, river carpsucker, quillback, highfin carpsucker, grass carp, bighead carp, silver carp, shovelnose sturgeon, longnose gar, shortnose gar, bowfin, gizzard shad, goldeye, and mooneye.

82.2(2) *Size limits.* Fish shorter than a minimum length or longer than the maximum length shall be returned to the water unharmed. The minimum total length for all catfish is 15 inches. The minimum fork length for shovelnose sturgeon, measured from the tip of the snout to the fork of the tail, is 27 inches. No shovelnose sturgeon longer than 34 inches fork length may be harvested from waters of the Mississippi River bordering Wisconsin. No shovelnose sturgeon less than 27 inches fork length may be possessed in Iowa waters.

82.2(3) *Permitted gear.* Hoop nets, trap nets (fyke nets), gill nets, trammel nets, slat nets (basket traps), seines, and trotlines (setlines) may be used by licensed commercial fishers.

82.2(4) *Mesh size restrictions.*

a. *Hoop nets.* An escape hole with a minimum diameter of 1½ inches all directions shall be provided within 12 inches beyond the last hoop to the tail-line.

b. *Trap nets.* An escape hole with a minimum diameter of 1½ inches all directions shall be provided within 12 inches beyond the last hoop to the tail-line.

c. *Gill nets.* The webbing shall have a mesh size not less than 3½ inches square measure.

d. *Trammel nets.* The webbing shall have a mesh size not less than 2 inches square measure.

e. *Seines.* There are no mesh size restrictions.

f. *Slat nets.* An escape hole with a minimum diameter of 1½ inches all directions shall be provided in the end opposite the throat.

82.2(5) *Gear attendance.* All commercial gear shall be lifted and emptied of catch at the following time intervals, except during periods of inclement weather. Inclement weather is defined as that threatening to life, health, or safety.

a. Hoop nets shall be attended at least once every 96 hours and slat nets at least once every 48 hours during open water conditions. Hoop nets shall be attended at least once every 20 days during ice cover conditions.

b. Trap nets and trotlines shall be attended at least once every 24 hours.

c. Gill nets and trammel nets shall be attended at least once every 24 hours during open water conditions and at least once every 96 hours during ice cover conditions.

82.2(6) *Report of catch.* Licensed commercial fishers must comply with the reporting requirements as set forth in Iowa Code section 482.14.

82.2(7) *Duplicate operator's license.* An owner making a request for a duplicate operator's license will be issued one only after records show the owner has purchased a limit of five operator's licenses. The duplicate helper's license will be issued to one individual and is not transferable. The issuing fee is $1.

82.2(8) *Seasons.* There is a continuous open season for commercial fishing of all species listed in 82.2(1), except there is a closed season for shovelnose sturgeon from May 16 through October 14. No shovelnose sturgeon may be harvested from gear set prior to midnight on October 15.

82.2(9) *Special shovelnose and bowfin regulations.* Shovelnose sturgeon and bowfin must remain intact until the fish reach the final processing facility or business. For the purposes of this subrule, a final processing facility does not include vessels or vehicles.

82.2(10) *Closed areas.* The use of entanglement gear, including gill and trammel nets, is prohibited from that area extending 600 feet downstream of the 900 foot existing closed areas (Iowa Code section 482.9(2)) located below each of the locks and dams on the Mississippi River. Shovelnose sturgeon caught in entanglement gear within 600 feet of the mouth of any stream or tributary shall be returned to the water unharmed.

These rules are intended to implement Iowa Code sections 481A.38, 481A.39, 482.1, 482.3, 482.5, and 482.14.