Regulatory Analysis

Notice of Intended Action to be published: 571—Chapter 83
"Scuba and Skin Spearing of Rough Fish"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 481A.38, 481A.39, and 481A.67

State or federal law(s) implemented by the rulemaking: Iowa Code sections 481A.38, 481A.39, and 481A.67

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.	Virtual hearing

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 83 authorizes the taking of rough fish by scuba and skin divers. The chapter contains provisions designating off-limits areas, allowable and not-allowable gear and requiring the use of a diver's flag. These requirements are to ensure public and diver safety. The Iowa Code requires that these activities be authorized via rulemaking, so this chapter is necessary for these recreational activities to be lawful in Iowa.

Analysis of Impact

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

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

This rulemaking does not impose any new costs for scuba or skin divers. The diver's flag that the rules require is a standard piece of safety equipment that most persons covered by this rulemaking are likely to already own.

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

Divers who wish to target rough fish benefit from this rulemaking because the Iowa Code gives discretion to the Natural Resource Commission as to what methods of take should be legal, and requires authorizing those methods through rulemaking.

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 associated with this rulemaking. The chapter allows for, and regulates, voluntary, recreational activities. The regulated activities may have a positive economic impact through travel and equipment purchases by the participants.

- **Qualitative description of impact:**

This rulemaking authorizes a recreational activity that Iowans may enjoy.

3. **Costs to the State:**

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

Implementation and enforcement costs are borne by the Department law enforcement and fisheries bureaus and are part of their existing staff duties and budgets.

- **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 chapter allows for and regulates voluntary, recreational activities in order to protect natural resources and ensure public safety. The only possible cost from this chapter is the requirement to have a diver's flag displayed, which is a necessity for the safety of the participants.

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

These regulations are very permissive, with limited restrictions focused on the safety of the participants and the public. The flag requirement is standard for divers in most states and many foreign jurisdictions.

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

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

None were considered. Variations in specific details or the regulations are possible, but this is in general a very unrestrictive chapter focused on limited rules necessary for human safety.

- **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 chapter does not have an impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 571—Chapter 83 and adopt the following **new** chapter in lieu thereof:

CHAPTER 83
SCUBA AND SKIN SPEARING OF ROUGH FISH

571—83.1(481A) When permitted. The spearing of rough fish by scuba and skin divers will be permitted in accordance with the following seasons and rules.

571—83.2(481A) Prohibited areas. Scuba and skin spearing for rough fish shall be lawful in all natural lakes and state-owned meandered streams in Iowa year-round.

83.2(1) Scuba and skin spearing shall be permitted in streams or impoundments on private land where access is permitted by owner or lessee.

83.2(2) Scuba and skin spearing is prohibited in all state-owned artificial lakes.

83.2(3) Scuba and skin spearing is prohibited in all state-owned strip mines, county conservation board areas and fish and game management areas where posted as such.

83.2(4) Scuba and skin spearing is prohibited within 100 feet of any swimming beach area.

83.2(5) A valid fishing license shall be required of all individuals engaged in scuba and skin spearing unless the individual is exempt under the provisions of Iowa Code section 483A.17.

571—83.3(481A) Permitted equipment. Permitted equipment to be used in scuba and skin spearing shall be:

1. Hand and pole spears.
2. Spear guns powered by rubber bands, springs, or pneumatically powered springs.
3. If used on powered spear guns, be attached to the gun by a cord lanyard or other device.

The overall length of spear gun and cord shall not exceed 20 feet.

571—83.4(481A) Prohibited equipment.

1. No power or exploding spear heads will be permitted.
2. No guns powered by gunpowder explosive or explosives or compressed gas will be permitted.

571—83.5(481A) Diver's flag. The "International Diver's Flag" shall be displayed by each diver or group of divers on a buoy, float or boat during any underwater spear fishing activity. The diver or group of divers must stay within a 100-foot circle of the flag.

571—83.6(481A) Employees exempt. Underwater scuba and skin spearing regulations shall not apply to authorized agents of the department of natural resources when engaged in research or management studies or enforcement.

These rules are intended to implement Iowa Code sections 481A.38, 481A.39, and 481A.67.