Regulatory Analysis

Notice of Intended Action to be published: 571—Chapter 84
"Promiscuous Fishing"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 481A.38, 481A.39, and 481A.76
State or federal law(s) implemented by the rulemaking: Iowa Code sections 481A.38 and 481A.76

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 84 regulates the taking of imperiled fish populations by licensed anglers. "Imperiled" refers to situations where there is an imminent danger of fish loss (die off) through natural causes. This chapter allows the Natural Resource Commission (Commission) to issue an order allowing the public to salvage these fish before they die and go to waste by authorizing more permissive methods of take than are generally allowed.

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 involved. This chapter authorizes a voluntary, noncommercial activity.

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

Anglers who wish to take fish for personal use 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:**

There is no quantitative impact of this rulemaking.

- **Qualitative description of impact:**

This chapter allows for the beneficial use of fish that would otherwise die and go to waste. There are no costs involved.

3. **Costs to the State:**

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

This chapter covers a rare situation, and as such, the implementation and enforcement costs to the Department are small and are accounted for by existing law enforcement and fisheries staff and budgets.

- **Anticipated effect on State revenues:**

There are no anticipated effects on State revenues.

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

There are effectively no costs associated with this chapter. The benefit is allowing the public to make use of a perishable natural resource that would otherwise go to waste.

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

No less costly or less intrusive methods exist. This chapter has the effect of waiving certain fishing regulations, with the remaining restrictions being for public safety purposes (i.e. no use of dynamite for fishing).

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:**

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 84 and adopt the following **new** chapter in lieu thereof:

CHAPTER 84
PROMISCUOUS FISHING

571—84.1(481A) General. The natural resource commission may, after an investigation, when it is found there is imminent danger of loss of fish through natural causes, authorize by public order the taking of fish from any area and by such means as the commission may deem advisable to salvage such imperiled fish populations.

84.1(1) *Method of take.* Fish may be taken by any means except by use of dynamite, poison, electric shocking devices or any stupefying substances.

84.1(2) *Commercial purposes.* This rule shall not authorize the taking of fish for commercial purposes.

This rule is intended to implement Iowa Code chapter 481A.