Regulatory Analysis

Notice of Intended Action to be published: 571—Chapter 87
"Mussel Regulations"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 481A.38, 481A.39, 482.1, and 482.3

State or federal law(s) implemented by the rulemaking: Iowa Code sections 481A.38, 481A.39, 482.1, 482.3, and 483A.28

Public Hearing

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

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

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 de Recursos Naturales (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 access: 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.

Asistencia lingüística gratuita: 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 87 regulates the taking and possession of mussels. Methods of take, open and closed locations and hours, possession limits, and licensing requirements are provided to ensure use of the resource in a sustainable manner.

Analysis of Impact

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

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

A license is required to harvest and possess mussels in Iowa. Any person aged 16 or older will bear the cost of license if the person wishes to harvest mussels.

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

The public and those who harvest mussels will benefit through ensuring populations are harvested at a sustainable level.

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:**

Mussel harvest has a small and largely unknown economic impact. Mussel harvest requires a license; however, most participants likely already purchase the required license for fishing purposes.

- **Qualitative description of impact:**

Mussel regulations ensure sustainable populations, preventing overharvest and maintaining healthy mussel stocks for the enjoyment of future generations. Musseling provides relaxation, recreation, social bonding, and outdoor recreation opportunities, improving the general quality of life for Iowans.

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 through staff time of existing law enforcement and fisheries staff.

- **Anticipated effect on State revenues:**

There is very minimal anticipated effect on State revenues. License sales attributable to mussel harvest produce a small amount of revenue.

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

Regulations are required in order to have an open mussel season. The only cost is the cost of a fishing license.

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

There is no less costly method or less intrusive method for achieving the purpose of this proposed rulemaking. This chapter regulates voluntary, recreational activity.

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

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

There is no alternative method that was seriously considered by the Department. This is a regulatory chapter covering restrictions for mussel harvest in a manner typical of how harvest of a public resource is normally managed.

- **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 87 and adopt the following **new** chapter in lieu thereof:

CHAPTER 87
MUSSEL REGULATIONS

571—87.1(481A) Seasons, areas, methods, species, limits. The taking and possession of mussels from the public waters of the state shall be limited to the following regulations.

87.1(1) *Seasons.* There shall be an open season for taking mussels throughout the year. The taking of mussels is restricted to the hours between sunrise and sunset.

87.1(2) *Species.* Species other than those listed as threatened or endangered may be lawfully taken and possessed. Zebra mussels shall not be taken and possessed.

87.1(3) *Areas.* Live mussels may be harvested only from the Mississippi River and connected backwaters. Dead mussels may be harvested from all waters of the state.

87.1(4) *Limits.* The possession limit is 24 whole mussels or 48 shell halves. The sale of mussels or shells is not permitted. Licensed commercial fishers, licensed sport anglers, and children younger than 16 years of age may take and possess mussels.

87.1(5) *Methods.* Mussels may be taken by hand, pole and line, diving, and crowfoot bar not to exceed 20 feet in length.

This rule is intended to implement Iowa Code sections 481A.38, 481A.39, 482.1, 482.3 and 482.12.