Regulatory Analysis

Notice of Intended Action to be published: 571—Chapter 89
"Aquaculture"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 481A.142 and 481A.143

State or federal law(s) implemented by the rulemaking: Iowa Code sections 481A.142 and 481A.143

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 89 regulates the sale and propagation of fish, reptiles, and amphibians within the aquaculture industry. The rules include a list of species that are approved for use in aquaculture and a list of diseases that require monitoring and reporting. Additional provisions allow for the permitting of species not on the approved list, while prohibiting the possession and importation of certain species. These rules are intended to reduce the risk of invasive species introductions or the spread of disease from captive to wild populations.

Analysis of Impact

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

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

Persons engaged in the aquaculture business may bear costs related to permitting and disease-free certification.

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

The general public benefits from this proposed chapter through the disease monitoring requirements, which guard against the spread of disease to wild fish populations, and the list of approved species, which excludes species that would be invasive if they escaped to the wild.

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:**

Costs are minimal for operators using the approved species list. Additional variable costs are assumed if a person wishes to seek permits to import species not on the approved list.

- **Qualitative description of impact:**

Aquaculture permits ensure disease-free imports of approved aquaculture species. Disease-free propagation and selling of approved aquaculture species protect recreational opportunities for all 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 existing staff time and duties of existing employees.

- **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:**

There are limited costs to aquaculturists for certifying fish and eggs as disease-free when importing stock into Iowa. The benefits of protecting wild fish from introduced diseases outweigh these costs.

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

Iowa's aquaculture rules represent a balance between regulation of business and protection of natural resources.

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 importation of approved aquaculture species. Regulating which species may be imported and monitoring for disease are standard strategies for reducing risks posed to natural resources by aquaculture activities.

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

Iowa's rules represent minimal and practical regulation.

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 has minimal effects on small business and contains the least restrictive requirements needed to meet the purposes of the rules as mandated by the Iowa Code.

Text of Proposed Rulemaking

ITEM 1. Rescind 571—Chapter 89 and adopt the following **new** chapter in lieu thereof:

CHAPTER 89
AQUACULTURE

571—89.1(481A) Approved aquaculture species. The following approved aquaculture species may be propagated and sold:

FISH

American Eel	*Anguilla rostrata*
Banded Darter	*Etheostoma zonale*
Banded Killifish	*Fundulus diaphanus*
Bigmouth Buffalo	*Ictiobus cyprinellus*
Bigmouth Shiner	*Ericymba dorsalis*
Black Buffalo	*Ictiobus niger*
Black Bullhead	*Ameiurus melas*
Black Crappie	*Pomoxis nigromaculatus*
Blackchin Shiner	*Miniellus heterodon*
Blacknose Dace	*Rhinicthys atratulus*
Blackside Darter	*Percina maculata*
Blackstripe Topminnow	*Fundulus notatus*
Blue Catfish	*Ictalurus furcatus*
Blue Sucker	*Cycleptus elongatus*
Bluegill and Hybrids	*Lepomis macrochirus*
Bluntnose Minnow	*Pimephales notatus*
Bowfin	*Amia calva*
Brassy Minnow	*Hybognathus hankinsoni*
Brook Silverside	*Labidesthes sicculus*
Brook Stickleback	*Culaea inconstans*
Brook Trout	*Salvelinus fontinalis*
Brown Bullhead	*Ameiurus nebulosus*
Brown Trout	*Salmo trutta*
Bullhead Minnow	*Pimephales vigilax*

Central Mudminnow	*Umbra limi*
Central Stoneroller	*Campostoma anomalum*
Channel Catfish	*Ictalurus punctatus*
Common Carp	*Cyprinus carpio*
Common Shiner	*Luxilus cornutus*
Creek Chub	*Semotilus atromaculatus*
Crystal Darter	*Crystallaria asprella*
Emerald Shiner	*Notropis atherinoides*
Fantail Darter	*Etheostoma flabellare*
Fathead Minnow and Hybrids	*Pimephales promelas*
Flathead Catfish	*Pylodictis olivaris*
Flathead Chub	*Platygobio gracilis*
Freshwater Drum	*Aplodinotus grunniens*
Ghost Shiner	*Paranotropis buchanani*
Gilt Darter	*Percina evides*
Gizzard Shad	*Dorosoma cepedianum*
Golden Redhorse	*Moxostoma erythrurum*
Golden Shiner	*Notemigonus crysoleucas*
Goldeye	*Hiodon alosoides*
Goldfish	*Carassius auratus*
Grass Carp	*Ctenopharyngodon idella*
Gravel Chub	*Erimystax x-punctatus*
Greater Redhorse	*Moxostoma valenciennesi*
Green Sunfish	*Lepomis cyanellus*
Highfin Carpsucker	*Carpiodes velifer*
Hornyhead Chub	*Nocomis biguttatus*
Iowa Darter	*Etheostoma exile*
Ironcolor Shiner	*Alburnops chalybaeus*
Johnny Darter	*Etheostoma nigrum*
Lake Chub	*Couesius plumbeus*
Largemouth Bass	*Micropterus salmoides*
Largescale Stoneroller	*Campostoma oligolepis*
Longear Sunfish	*Lepomis megalotis*
Longnose Dace	*Rhinichthys cataractae*
Longnose Gar	*Lepisosteus osseus*
Mimic Shiner	*Paranotropis volucellus*
Mississippi Silvery Minnow	*Hybognathus nuchalis*
Mooneye	*Hiodon tergisus*
Western Mosquitofish	*Gambusia affinis*
Mottled Sculpin	*Cottus bairdii*
Mud Darter	*Etheostoma asprigene*
Muskellunge and Hybrids	*Esox masquinongy*
Northern Hog Sucker	*Hypentelium nigricans*
Logperch	*Percina caprodes*
Northern Pike	*Esox lucius*
Rock Bass	*Ambloplites rupestris*

Orangespotted Sunfish	*Lepomis humilis*
Ozark Minnow	*Miniellus nubilus*
Pallid Shiner	*Hybopsis amnis*
Pirate Perch	*Aphredoderus sayanus*
Plains Minnow	*Hybognathus placitus*
Plains Topminnow	*Fundulus sciadicus*
Pugnose Minnow	*Opsopoeodus emiliae*
Pumpkinseed	*Lepomis gibbosus*
Quillback	*Carpiodes cyprinus*
Rainbow Darter	*Etheostoma caeruleum*
Rainbow Smelt	*Osmerus mordax*
Rainbow Trout	*Oncorhynchus mykiss*
Red Shiner	*Cyprinella lutrensis*
Redear Sunfish and Hybrids	*Lepomis microlophus*
Redfin Shiner	*Lythrurus umbratilis*
Redside Dace	*Clinostomus elongatus*
River Carpsucker	*Carpiodes carpio*
River Darter	*Percina shumardi*
River Redhorse	*Moxostoma carinatum*
River Shiner	*Alburnops blennius*
Rosyface Shiner	*Notropis rubellus*
Sand Shiner	*Miniellus stramineus*
Sauger and Hybrids	*Sander canadensis*
Shorthead Redhorse	*Moxostoma macrolepidotum*
Shortnose Gar	*Lepisosteus platostomus*
Shovelnose Sturgeon	*Scaphirhynchus platorynchus*
Sicklefin Chub	*Macrhybopsis meeki*
Silver Chub	*Macrhybopsis storeriana*
Silver Lamprey	*Ichthyomyzon unicuspis*
Silver Redhorse	*Moxostoma anisurum*
Silverband Shiner	*Paranotropis shumardi*
Skipjack Herring	*Alosa chrysochloris*
Slender Madtom	*Noturus exilis*
Slenderhead Darter	*Percina phoxocephala*
Slimy Sculpin	*Cottus cognatus*
Smallmouth Bass	*Micropterus dolomieu*
Smallmouth Buffalo	*lctiobus bubalus*
Southern Redbelly Dace	*Chrosomus erythrogaster*
Speckled Chub	*Macrhybopsis aestivalis*
Spotfin Shiner	*Cyprinella spiloptera*
Spottail Shiner	*Hudsonius hudsonius*
Spotted Bass	*Micropterus punctulatus*
Spotted Sucker	*Minytrema melanops*
Starhead Topminnow	*Fundulus dispar*
Stonecat	*Noturus flavus*
Striped Bass and Hybrids	*Morone saxatilis*

Sturgeon Chub	*Macrhybopsis gelida*
Suckermouth Minnow	*Phenacobius mirabilis*
Tadpole Madtom	*Noturus gyrinus*
Topeka Shiner	*Miniellus topeka*
Trout-perch	*Percopsis omiscomaycus*
Walleye and Hybrids	*Sander vitreus*
Warmouth	*Lepomis gulosus*
Western Silvery Minnow	*Hybognathus argyritis*
White Bass and Hybrids	*Morone chrysops*
White Crappie	*Pomoxis annularis*
White Sucker	*Catostomus commersonii*
Yellow Bass	*Morone mississippiensis*
Yellow Bullhead	*Ameiurus natalis*
Yellow Perch	*Perca flavescens*
AMPHIBIANS	
Bullfrog	*Lithobates catesbeianus*
Leopard Frog	*Lithobates pipiens*
REPTILES	
Common Snapping Turtle	*Chelydra serpentina serpentina*
Painted Turtle	*Chrysemys picta*
Smooth Softshell	*Apalone mutica*

571—89.2(481A) Importation permit. An importation permit is required to receive, propagate or sell in the state any aquaculture species not listed in 89.1(1). In addition, aquaculture units shall not import live fish, viable eggs, or semen of any species of the salmonid family (trout, salmon or char) and ictalurid family (catfishes and bullheads) unless the owner or operator possesses a fish importation permit. Importation permits may be applied for on forms provided by the department.

571—89.3(481A) Disease-free certification. Importation permits will not be issued for live fish, viable eggs, or semen of any species of the salmonid family (trout, salmon or char) unless the owner or operator of an aquaculture unit provides a statement certifying the fish, eggs or semen to be free of the following diseases:

89.3(1) *Diseases detrimental to the state's fishery resources.*

Viral Hemorrhagic Septicemia (VHS)
Infectious Pancreatic Necrosis (IPN)
Whirling Disease (*Myxosoma cerebralis*)
Infectious Hematopoietic Necrosis (IHN)
Ceratomyxosis (*Ceratomyxa shasta*)
Bacterial Kidney Disease (*R. salmoninarium*)
Proliferative Kidney Disease (PKD)
Enteric Redmouth (*Yersinia ruckeri*)
Vibriosis (*vibrio sp.*)

89.3(2) *Reportable diseases.* Reportable diseases are detrimental to individual aquaculture units and may be detrimental to wild fish populations. Reportable diseases are Enteric Septicemia of Catfish (*Edwardsiella ictaluri*) (ESC), Channel Catfish Virus Disease (CCVD) and Furunculosis (*Aeromonas salmonicida*). Disease certification statements are required for the diseases prior to importation of any live fish, viable eggs, or semen of any species of the Ictalurid (catfishes and bullheads) and Salmonid

(trout, salmon and char) families. Importation permits will be considered on a case-by-case basis for fish with reportable diseases.

89.3(3) *Certified pathologists for inspection.* All disease certification statements must be issued by approved certified pathologists. A list of approved certified pathologists will be made available to the owner or operator of the aquaculture unit requesting a fish importation permit.

These rules are intended to implement Iowa Code sections 481A.142 and 481A.143.