Regulatory Analysis

Notice of Intended Action to be published: 571—Chapter 90
"Aquatic Invasive Species"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 456A.37
State or federal law(s) implemented by the rulemaking: Iowa Code section 456A.37

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 90 contains restrictions related to aquatic invasive species and provides a list of those species. The purpose of this chapter is to prevent introductions of invasive species and limit the spread of invasive species that have already been detected in Iowa. Aquatic invasive species can negatively impact native species; interfere with recreational activities, such as boating and fishing; and interfere with water supply infrastructure.

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 associated with this proposed rulemaking.

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

All Iowans benefit through protection of natural resources and recreational activities and avoiding costs associated with mitigating the negative impacts some aquatic invasive species cause.

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 quantifiable costs associated with this proposed rulemaking. Regulating aquatic invasive species, and resulting infested water restrictions, help prevent transfer of these species to other water bodies. Invasive fish and plant species can negatively impact fisheries and recreational boating. These impacts can be expensive to mitigate.

- **Qualitative description of impact:**

There are no significant costs associated with this proposed rulemaking. Preventing the establishment of aquatic invasive species protects 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 staff time 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 no significant costs associated with this proposed rulemaking. The benefits are substantial and include avoiding costs involved with attempting to eradicate or mitigate the effects of invasive species once they are established.

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

There are no less costly methods. This proposed chapter restricts only those species that are known to be problematic invasive species.

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

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

There were no alternative methods that were seriously considered by the Department.

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

Text of Proposed Rulemaking

ITEM 1. Rescind 571—Chapter 90 and adopt the following **new** chapter in lieu thereof:

CHAPTER 90
AQUATIC INVASIVE SPECIES

571—90.1(456A) Definitions. As used in this chapter:

"Commission" means the natural resource commission.

"Department" means the department of natural resources.

"Director" means the director of the department of natural resources.

"Introduce" means to release a species into waters of the state. "Introduce" does not include the immediate return of a nonnative species to waters of the state from which it was removed.

"Transport" means to move a species into or within the state and includes accepting or receiving the species for transportation or shipment. "Transport" does not include the unintentional transport of a species within a water of the state or to a connected water of the state where the species being transported is already present.

"Watercraft" means a device used or designed for navigation on water.

571—90.2(456A) Aquatic invasive species. For the purposes of this rule, the following species and any hybrids, cultivars, or varieties of the species are designated as aquatic invasive species.

90.2(1) *Aquatic invasive plants.*

Brittle naiad	*Najas minor*
Curlyleaf pondweed	*Potamogeton crispus*
Eurasian watermilfoil	*Myriophyllum spicatum*
Flowering rush	*Butomus umbellatus*
Purple loosestrife	*Lythrum salicaria, Lythrum virgatum*
Salt cedar	*Tamarix spp.*

90.2(2) *Aquatic invasive fish.*

Bighead carp	*Hypophthalmichthys nobilis*
Black carp	*Mylopharyngodon piceus*
Round goby	*Neogobius melanostomus*
Rudd	*Scardinius erythrophthalmus*
Ruffe	*Gymnocephalus cernuus*
Silver carp	*Hypophthalmichthys molitrix*
White perch	*Morone americana*

90.2(3) *Aquatic invasive invertebrates.*

Fishhook waterflea	*Cercopagis pengoi*
New Zealand mudsnail	*Potamopyrgus antipodarum*
Quagga mussel	*Dreissena bugensis*
Rusty crayfish	*Orconectes rusticus*

Spiny waterflea	*Bythotrephes cederstroemi*
Zebra mussel	*Dreissena polymorpha*

90.2(4) *Federal noxious weed list.* For purposes of this rule, the aquatic plants listed in 7 CFR Section 360.200 as amended to [effective date of this rulemaking] are also designated as aquatic invasive species.

90.2(5) *Injurious wildlife species.* For purposes of this rule, aquatic species listed in 50 CFR Sections 16.11 through 16.15 as amended to [effective date of this rulemaking] are also designated as aquatic invasive species.

571—90.3(456A) Restrictions.

90.3(1) A person shall not possess, introduce, import, purchase, sell, barter, propagate, or transport aquatic invasive species in any form in this state, except:

a. By written permission of the director;

b. For disposal as part of a harvest or control activity;

c. When a species is being transported to the department, or to another destination as directed by the department, in a sealed container for purposes of identifying the species or reporting the presence of the species;

d. When the specimen has been lawfully acquired dead and, in the case of plant species, when all seeds are removed or are otherwise secured in a sealed container;

e. In the form of herbaria or other preserved specimens;

f. When a species is being removed from watercraft and equipment or when a species is caught by an angler and immediately returned to the water from which it came; or

g. When an individual angler possesses a species that has been caught and immediately killed.

90.3(2) A conservation officer, other licensed peace officer, or employee of the department may seize or dispose of all specimens of aquatic invasive species unlawfully possessed, introduced, imported, purchased, sold, bartered, propagated, or transported in the state.

571—90.4(456A) Infested waters.

90.4(1) *Designation of infested waters.* The department will designate infested waters of the state and publish the names of infested waters in the fishing regulations brochure and on the department webpage, www.iowadnr.gov/programs-services/aquatic-invasive-species, and will provide notice through other available means where practical. At any time, the department may designate additional waters or remove from designation those waters that are no longer infested.

90.4(2) *Restricted activities on infested waters.* The department may restrict boating, fishing, swimming, and trapping in infested waters of the state. When determining when to restrict activities in infested waters, the department will consider:

a. The extent of a species' distribution within the state;

b. The likely means of spread for a new species; and

c. Whether restrictions specific to infested waters containing a specific species will effectively reduce that species' spread.

These rules are intended to implement Iowa Code section 456A.37.