Regulatory Analysis

Notice of Intended Action to be published: 571—Chapter 93
"Commercial Use of Captive-Reared Waterfowl"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 455A.5(6)"a," 481A.55, 481A.126, and 484B.8

State or federal law(s) implemented by the rulemaking: Iowa Code sections 481A.55, 481A.126, and 484B.8 and 50 CFR 21.63

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

September 23, 2025	6200 Park Avenue, Second Floor
12 noon to 1 p.m.	Des Moines, Iowa

Free language assistance: If you need assistance in a language other than English, contact the Department of Natural Resources (Department) at chris.ensminger@dnr.iowa.gov or civilrights@dnr.iowa.gov or by telephone at 515.250.6886 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 chris.ensminger@dnr.iowa.gov o civilrights@dnr.iowa.gov o por teléfono a 515.250.6886 al menos siete días antes del evento.

Public Comment

Any interested person may submit written or oral 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:

Orrin Jones
Iowa Department of Natural Resources
1203 North Shore Drive
Clear Lake, Iowa 50428
Phone: 641.231.1957
Email: orrin.jones@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 chris.ensminger@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 chris.ensminger@dnr.iowa.gov.

Purpose and Summary

Proposed Chapter 93 establishes the commercial use of captive-reared waterfowl and the regulations that apply.

Analysis of Impact

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

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

Taxidermists and private citizens utilizing captive-reared waterfowl for commercial purposes will bear the costs.

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

Citizens of Iowa will benefit from ensuring captive-reared waterfowl are marked or otherwise regulated to ensure the native population of waterfowl is not negatively impacted.

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 and are limited to recordkeeping and taxidermist permit requirements for taxidermists and private citizens utilizing captive-reared waterfowl for commercial purposes.

- **Qualitative description of impact:**

This proposed rulemaking does not impose burdens to the public.

3. **Costs to the State:**

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

The Department currently provides management and oversight of captive-reared waterfowl and enforcement of these rules and assistance to users in understanding and complying with the rules. Those services will not change due to this proposed rulemaking.

- **Anticipated effect on State revenues:**

The proposed rulemaking does not have any effect on State revenues.

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

The public does not have any costs to comply with the process and requirements set forth in these proposed rules.

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

The costs are minimal and the methods were the least intrusive to ensure the native population of waterfowl is not negatively impacted by commercial operations.

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

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

There are no alternative methods that were seriously considered by the Department. State and federal laws provide the parameters of these rules.

- **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 rulemaking does not have any impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 571—Chapter 93 and adopt the following **new** chapter in lieu thereof:

CHAPTER 93
COMMERCIAL USE OF CAPTIVE-REARED WATERFOWL

571—93.1(481A) General. Nothing in this chapter authorizes the taking of live waterfowl or their eggs from the wild.

571—93.2(481A) Required markings. All waterfowl released for shooting purposes or sold by a licensed taxidermist must be captive-reared and marked pursuant to Iowa Code section 481A.22 and these rules.

571—93.3(481A) Definitions.

"Bred in captivity" or *"captive-reared"* means waterfowl, including eggs hatched in captivity from parents that mated or otherwise transferred gametes in captivity.

"Captivity" means that live waterfowl are held in a controlled environment that is intensively manipulated by man for the purpose of producing waterfowl of selected species, and that has boundaries designed to prevent waterfowl, eggs or gametes of the selected species from entering or leaving the controlled environment. General characteristics of captivity may include but are not limited to artificial housing, waste removal, health care, protection from predators, and artificially supplied food.

"Form 3-186" means the U.S. Fish and Wildlife Service form titled "Notice of Transfer or Sale of Migratory Waterfowl."

"Waterfowl" means any goose, brant, or duck.

571—93.4(484B) Marked for shooting. All waterfowl released for shooting purposes shall be physically marked by removal of the hind toe from the right foot at not more than four weeks of age.

571—93.5(481A) Commercial sale of captive-reared waterfowl by a taxidermist.

93.5(1) Taxidermist permit required. No person may perform taxidermy services on migratory birds or their parts, nests, or eggs for any reason other than personal use without a taxidermist permit.

93.5(2) In addition to the records required by Iowa Code section 481A.126, the permittee must maintain files containing the original of federal Form 3-186 as required by 50 CFR 21.63 (as amended through May 6, 2025). Properly marked, captive-reared mallards are exempt from this requirement.

93.5(3) All captive-reared waterfowl being purchased or held by a taxidermist for mounting and resale shall have been physically marked by at least one of the following methods:

a. Removal of the hind toe from the right foot.

b. Pinioning of a wing by the removal of the metacarpal bones of one wing or a portion of the metacarpal bones, which renders the bird permanently incapable of flight.

c. Banding of one metatarsus with a seamless metal band.

d. Tattooing of a readily discernible number or letter or combination thereof on the web of one foot.

93.5(4) When any mounted captive-bred waterfowl (except captive-reared, properly marked mallards) are acquired from a taxidermist, the taxidermist shall furnish a copy of federal Form 3-186, indicating all information required by the form and the method or methods by which individual birds are marked as required in 93.5(3).

93.5(5) The buyer shall retain Form 3-186 on file for the duration of the buyer's possession of such mounted, captive-reared waterfowl.

These rules are intended to implement Iowa Code sections 481A.55, 481A.126, and 484B.8.