Regulatory Analysis

Notice of Intended Action to be published: 571—Chapters 104, 112, and 115
"Hunting Preserves"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 484B and 484C

State or federal law(s) implemented by the rulemaking: Iowa Code section 481A.6 and chapters 484B and 484C

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:

Chris Ensminger
Iowa Department of Natural Resources
6200 Park Avenue, Suite 200
Des Moines, Iowa 50321
Phone: 515.250.6886
Email: chris.ensminger@dnr.iowa.gov

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Purpose and Summary

Proposed Chapter 112 consolidates two chapters related to private hunting preserves in the State of Iowa. Specifically, the Iowa Code authorizes private hunting preserves for game birds and whitetails and other ungulates. The Iowa Code further authorizes disease monitoring and management for chronic wasting disease in whitetail. This proposed chapter sets forth general operation, registration, and fees for hunting preserves; signage and fencing; recordkeeping and reporting; tagging and transportation; and health and disease testing requirements, both generally and for whitetails specifically.

This proposed chapter is the consolidation of former Chapters 112 and 115. The substance of these chapters has been revised to eliminate redundancies, improve efficiency, and align with the Iowa Code.

Analysis of Impact

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

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

Hunting preserve owners and operators will bear the costs.

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

Hunting preserve owners and operators, customers of hunting preserves, and citizens of Iowa 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:**

These proposed rules do not impose any additional costs beyond what is contemplated by the Iowa Code. Specifically, the Iowa Code sets annual fees for hunting preserve operators; requires fencing and boundary signs; requires recordkeeping; identifies health requirements for game birds and ungulates other than whitetails; and identifies health requirements for whitetails, including herd plans and quarantines.

- **Qualitative description of impact:**

These proposed rules benefit hunting preserve owners and operators by providing clarity on Iowa Code requirements and what activities are authorized. Citizens of Iowa and hunting preserve customers will benefit from ensuring whitetails specifically have clear rules that apply to chronic wasting disease, which is specifically contemplated by the Iowa Code. Citizens of Iowa will benefit from ensuring animals kept on hunting preserves are regulated to maintain the health of the native populations.

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 hunting preserves and enforcement of these rules and helps users in understanding and complying with the rules. Those services will not change due to the proposed chapter.

- **Anticipated effect on State revenues:**

These proposed rules do not have any effect on State revenues beyond what is contemplated by the Iowa Code.

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

The public does not incur any costs to comply with the process and requirements set forth in these proposed rules. The benefits to ensuring a healthy native population outweigh any minimal costs to the hunting preserve operators.

The cost of inaction (rescinding without replacing Chapters 112 and 115) would result in confusion from hunting preserve owners and operators and risk of unintentional negative impact to the native wildlife populations and be contrary to several sections of the Iowa Code that contemplate the Department promulgating rules.

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

There are no costs associated with this proposed chapter beyond what is contemplated by the Iowa Code. No less intrusive methods exist to meet the benefits of the proposed chapter.

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 any impact on small business beyond what is contemplated by the Iowa Code.

Text of Proposed Rulemaking

ITEM 1. Rescind and reserve **571—Chapter 104**.

ITEM 2. Rescind 571—Chapter 112 and adopt the following **new** chapter in lieu thereof:

CHAPTER 112
HUNTING PRESERVES

571—112.1(484B,484C) Definitions. In addition to the definitions in Iowa Code sections 484B.1 and 484C.1, the following definitions apply:

"Accredited veterinarian" means a Category II-accredited veterinarian as authorized by the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture (USDA) and the state veterinarian in accordance with 9 CFR Part 161 as amended through February 25, 2020, to perform functions required by cooperative state/federal animal disease control and eradication programs.

"Annual activity report" means the Annual Report Form provided by the department.

"Approved laboratory" means an American Association of Veterinary Laboratory Diagnosticians (AAVLD)-accredited laboratory or the National Veterinary Services Laboratories in Ames, Iowa.

"Boundary sign" means a sign prescribed by the department that, when posted, designates the registered hunting preserve's boundaries.

"Cervidae" or *"cervids"* means any member of the Cervidae family, whether free-ranging or captive, except those classified as farm deer by Iowa Code section 481A.1(21)*"h."* "Farm deer" does not include any unmarked free-ranging elk, moose or mule deer.

"CWD" means chronic wasting disease, an infectious prion disease of cervids.

"Department" means the Iowa department of natural resources.

"Hunting preserve operator's registration" means the authority of the holder to establish a hunting preserve for the purpose of holding, propagating, and releasing game birds or privately owned

whitetails or other ungulates for hunting purposes. "Registration" means both the license created in Iowa Code section 484B.4 and the registration created in Iowa Code section 484C.7.

"Lease" means a land-lease document for hunting preserve purposes.

"Privately owned" means the propagation and holding of whitetails whose origins are from privately owned populations.

"Quarantine" means an imposed restriction prohibiting movement of whitetails to any location without specific written permits.

"Registrant" means a person or organization that is registered to possess a hunting preserve operator's registration issued by the department.

"Transportation tag" means a self-adhesive, numbered tag for marking individual game birds and whitetails and other ungulates prior to transportation.

"Tissue sample" refers to the medial retropharyngeal lymph node, which is the preferred tissue type for CWD testing in whitetail deer and mule deer, or the lymph node and obex (caudal brainstem) in other cervid species. When damaged or degraded, the obex can be substituted in deer, though individual deer in early disease can be missed.

DIVISION I
GENERAL HUNTING PRESERVE OPERATIONS

571—112.2(484B,484C) Hunting preserve registration. A hunting preserve operator's registration may, following review and inspection, be issued to a person or organization that, upon application, complies with all requirements established in Iowa Code section 484B.4 or 484C.7, as applicable, and this chapter.

571—112.3(484B,484C) Land leases required. All hunting preserve applications that include leased tract(s) of land shall be accompanied by a legible copy of the land-lease document(s). The lease document(s) shall include but not be limited to the following information: name/address of the lessee and lessor, term of the lease (not less than five years), purpose of the lease, description/location of the leased tract(s) (acreage—section—township—county), one copy of the plat map depicting the location of leased tract(s), and dated signatures by both parties.

571—112.4(484B,484C) Boundary signs required. All registered hunting preserves shall provide, post, and maintain boundary signs that meet the following minimum specifications: 160-square-inch surface area; sign material of wood, steel, aluminum or heavy poly-plastic; and white/red sign color combination with the message "Registered Hunting Preserve." Boundary sign spacing shall be no more than 500 feet apart. Boundary signs shall be posted at each entrance and perimeter gate and at every boundary corner. If the facility operated prior to September 1, 2005, and was signed as a "Licensed Hunting Preserve," those signs will satisfy the signing requirement. However, once existing sign supplies are depleted, new signs must read "Registered Hunting Preserve."

571—112.5(484B,484C) Fencing required. All registered hunting preserves for whitetails or other ungulates shall construct and maintain a "deer-proof" boundary fence. Such fence shall be constructed and maintained with a minimum fence height of eight feet above ground level. Fencing shall be inspected and approved by officers of the department prior to registration. Follow-up fence inspections by the department shall be allowed at any reasonable time by appointment or by providing the landowner or preserve registrant with at least 48 hours' notice. Boundary fence gates shall remain closed at all times except for preserve maintenance activity, at which time no open gate shall be left unattended.

571—112.6(484B,484C) Records and annual report. All registered hunting preserves shall submit to the department a completed annual activity report on forms provided by the department. All

registered hunting preserves shall retain sales/shipping receipts involving the purchase and delivery of any game birds or whitetails or other ungulates to the registrant. All registered hunting preserves shall record any transaction involving the sale of game birds or whitetails or other ungulates by the registrant. All original sales receipts for harvested game birds and whitetails and other ungulates shall remain with the registrant as a part of the permanent record and a copy shall be provided to the purchasing hunter. This record requirement shall also apply to any sale of live birds or whitetails or other ungulates for private or commercial use, and the sale must be recorded immediately following the event.

Any registered hunting preserve having a registration for ungulates shall maintain an inventory record of all ungulates released and being held on the property at any given time.

571—112.7(484B) Game bird transportation tags. Tags shall be placed on a leg of all birds harvested on a registered hunting preserve prior to the bird being transported from the registered area. The tag shall remain attached to the bird until the time it is processed for consumption. Tags are available from the department at a cost of $5 per 100 tags.

571—112.8(484B,484C) Whitetail and other ungulate transportation tags. Tags shall be placed on a leg of each whitetail or other ungulate harvested on a registered hunting preserve prior to moving the carcass in any manner. The hunter shall, upon taking a whitetail or other ungulate, immediately validate the tag by including the following information in the space provided: species and sex of animal taken and the hunter's signature. The hunter shall also notch or punch a hole in the corresponding blocks on the tag designating the year, month and day the animal was taken. The tag shall remain attached to the animal until the animal is processed for consumption. Tags are available from the department at a cost of $1 per tag.

571—112.9(484B) Processed game birds. Registered hunting preserves may prepare game birds for hunters by cleaning, dressing, preserving, and packaging whole birds or bird parts. Packaging material shall be a see-through plastic bag. The plastic bag shall be sealed and the tag placed around the opening of the bag or attached to the bag in such a manner so that the tag number(s) is completely legible. The number of game birds or combination of bird parts shall correspond to the number of tags affixed to the clear plastic bag.

571—112.10(484B,484C) Processed whitetails or other ungulates. Registered hunting preserves may prepare whitetails or other ungulates for hunters by cleaning, dressing, preserving, and packaging the meat. Packaging material shall bear the species name, date the animal was killed, and hunting preserve name in a legible fashion on the outside of the package. The tag shall remain with the meat during processing and shipment.

571—112.11(484B,484C) Health requirements. No game birds or whitetails or other ungulates shipped or transported into Iowa shall be affected with, or recently exposed to, any infectious, contagious, or communicable disease, or originate from a quarantined area.

112.11(1) *Game birds.* All game birds and their hatching eggs shipped or transported into Iowa shall have proof of origination from flocks or hatcheries that have a pullorum-typhoid clean rating given by the official state agency of the National Poultry Improvement Plan or its equivalent and shall be in accordance with the United States Department of Agriculture and the Iowa department of agriculture and land stewardship.

112.11(2) *Whitetails.* All whitetails shipped or transported into or within Iowa for hunting preserve purposes must be in compliance with all movement requirements, including but not limited to health certificate requirements, as prescribed by the department and the department of agriculture and land stewardship as established in 21—65.9(163) and 21—66.14(163). Whitetails are also subject to the rules in Division II of this chapter.

112.11(3) *Other ungulates.* All other ungulates shipped or transported into Iowa for hunting preserve purposes shall be accompanied by an approved Certificate of Veterinary Inspection. All veterinary inspection certificates shall be retained by the registrant for a period of no less than five years.

571—112.12(484B,484C) General conditions for registrants.

112.12(1) Records and facilities shall be available for inspection by officers of the department during reasonable hours. The department may conduct an annual site visit and visual inventory of whitetails or other ungulates observed.

112.12(2) All records and reports must be kept current and reflect a true and accurate account of the registrant's activities.

112.12(3) The department must be notified within 30 days in writing if the registrant ceases operation as a hunting preserve, at which time all unused transportation tags shall be returned to the department.

112.12(4) Whitetail or other ungulate hunting preserves that cease operation shall not remove boundary fencing without approval from the department. Whitetail or other ungulate hunting preserves shall be depopulated prior to any boundary fence removal.

112.12(5) Game bird and ungulates-other-than-whitetail hunting preserves.

a. Registrants must seek to renew their hunting preserve operator's registration within 30 days following the expiration date. Renewal requests received after this period may be considered a new application pursuant to 571—112.2(484B,484C) and 571—112.3(484B,484C).

b. All new hunting preserve operator's applications shall be considered on a first-come, first-served basis following April 30 of each year.

112.12(6) Whitetail preserves.

a. A registrant shall renew the hunting preserve operator's registration and recertify no later than June 30. Registration renewal and recertification requests received by the department after June 30 shall be considered delinquent.

b. The department shall not renew a hunting preserve operator's registration unless a completed annual report, including all documented events for the reporting period, has been received by the department prior to the reporting deadline.

c. For purposes of this chapter, there shall be a continuous open season on whitetails enclosed on registered preserves.

d. Individuals may use centerfire rifles, pistols, crossbows, modern or traditional archery equipment, muzzleloaders, or shotguns to hunt and harvest preserve whitetails.

DIVISION II
WHITETAIL DISEASE MONITORING

571—112.13(481A,484C) CWD in whitetails.

112.13(1) *Testing required.* A person who keeps preserve whitetails in this state shall have CWD tests performed on any preserve whitetail that dies or is killed on the premises. Whenever any person receives a laboratory test result for CWD, that person shall immediately report that result to the department. The person shall report by telephone, fax or other rapid means within one day after receiving the test result and shall report in writing within ten days. The person shall provide a copy of the test result to the owner of the tested whitetail. This reporting requirement applies to any laboratory test result for CWD.

112.13(2) *Collecting tissue samples.* One of the following persons shall collect a tissue sample and submit it for testing:

a. An accredited veterinarian.

b. A trained employee of the department authorized by the department.

112.13(3) *Reporting disease findings.* Accredited veterinarians unaffiliated with the department shall share results of CWD or other disease testing by phone or email as soon as received. Accredited veterinarians unaffiliated with the department shall also provide a copy of the test result to the owner of the tested whitetail.

571—112.14(481A,484C) Official whitetail CWD tests. The following are recognized as official cervid tests for CWD:

1. Immunohistochemistry.
2. Enzyme-linked immunosorbent assay.
3. Any other tests performed by an approved laboratory to confirm a diagnosis of CWD.

571—112.15(481A,484C) Duration of quarantine. A positive test result for CWD will result in a minimum of a five-year quarantine on the preserve and all remaining animals located within the infected preserve. No animal movement in or out of the preserve can occur during the quarantine period.

571—112.16(481A,484C) Herd plan. The registered hunting preserve owner, the owner's veterinarian, if requested, and a designated epidemiologist shall develop a plan for eradicating CWD in affected herds. The plan must be designed to reduce and then eliminate CWD from the herd and prevent spillover into wild cervids. The herd plan must be developed and signed within 60 days after the determination that the herd is affected. The plan must be formalized as a memorandum of agreement between the owner and program officials within the department.

These rules are intended to implement Iowa Code chapters 481A, 484B and 484C.

ITEM 3. Rescind and reserve **571—Chapter 115**.