Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 571—Chapter 55
"Nonpermanent Structures"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 461A.4
State or federal law(s) implemented by the rulemaking: Iowa Code section 461A.4

Public Hearing

A public hearing at which persons may present their views orally will be held via conference call as follows. Persons who wish to attend the conference call should contact Matt Bruner via email. A conference call number will be provided prior to the hearing. Persons who wish to make oral comments at the conference call public hearing must submit a request to Matt Bruner prior to the hearing to facilitate an orderly hearing.

September 24, 2024 9 a.m.	Via video/conference call

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis. Written or oral comments in response to this Regulatory Analysis must be received by the Department of Natural Resources (Department) no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

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Phone: 515.336.5456
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Purpose and Summary

Proposed Chapter 55 regulates the placement, visibility, and identification of ice fishing shelters on public waters. This chapter ensures increased safety on the ice, prevents accidents, and reduces the risk of shelters falling through melting ice. This chapter has been reviewed and edited consistent with Executive Order 10.

Analysis of Impact

1. Persons affected by the proposed rulemaking:

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

Licensed ice anglers who intend to leave ice-fishing shelters unattended on public ice during the ice fishing season will bear the costs.

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

Ice anglers utilizing ice-fishing shelters and winter-time recreationalists utilizing public ice (i.e., snowmobilers, all-terrain vehicle riders) 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:

Each ice-fishing shelter left unattended would be required to be marked with the owner's identification information (Department number or name and address).

- Qualitative description of impact:

The required markings may be simple stick-on decals that are easily acquired at local stores or painted with the owner's information in 3-inch-high block letters. The proposed rule allows just a Department number to be displayed, compared to the existing rule's requirement of full owner name and street address.

3. Costs to the State:

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

There are no implementation or enforcement costs outside of routine Department Conservation Officer patrol.

- Anticipated effect on state revenues:

This chapter is not anticipated to affect state revenues.

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

The costs of inaction incurred by the Department are high. Unidentified and unmarked ice fishing shelters left on the ice after March 1 or ice-out are a hazard to remove. The debris left by unremoved shelters requires specialized equipment and additional dedicated time to remove so as not to be a hazard to other recreationalists using the public waterbodies. Without the requirement for reflectors on all sides of shelters left out after sunset, the safety of ice anglers and other recreationalists using the ice would be in jeopardy.

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

After a thorough investigation into other less costly and less intrusive methods for achieving the purpose of the proposed chapter, none were identified. This chapter previously required an ice shelter owner's name and home address be displayed on the ice shelter. That provision has been changed to allow for display of the owner's Department number instead, due to angler concerns regarding privacy and personal safety.

6. Alternative methods considered by the agency:

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

The proposed chapter creates a general permit covering all ice shelter owners who comply with the provisions of the chapter. The alternative to this chapter would be requiring owners of ice shelters to file an application for a written permit under Iowa Code section 461A.4.

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

This alternative was rejected in favor of the proposed chapter because the proposed chapter decreases the cost to the public and eliminates the need for Department staff to process written applications.

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?

The proposed chapter does not have any anticipated impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 571—Chapter 55 and adopt the following **new** chapter in lieu thereof:

CHAPTER 55
NONPERMANENT STRUCTURES

571—55.1(461A) Ice fishing shelters.

55.1(1) *General.* The following rules govern the placement, construction, or erection of ice fishing shelters placed on or over lands or waters under the jurisdiction of the natural resource commission.

55.1(2) *Removal.* Unattended ice fishing shelters and all material used in their construction shall be removed from on or over lands or waters under the jurisdiction of the natural resource commission before ice melt or March 1 of each year, whichever comes first.

55.1(3) *Owner information.* All unattended shelters left on the ice or state-owned land shall display the owner's assigned department number; or full name, street address and city in clearly visible three-inch-high block letters in a color contrasting to the background.

55.1(4) *Permit.* The owner information displayed in accordance with the provisions of this rule will act as the permit for the placement of ice fishing shelters on or over lands or waters under the jurisdiction of the natural resource commission.

55.1(5) *Accessibility.* Ice fishing shelters shall not be locked when in use.

55.1(6) *Reflectors.* All shelters on the ice after sunset shall display reflectors on all external sides in such a manner to enable them to reflect light at all times between the hours of sunset and sunrise.

55.1(7) *Shelter prohibited.* No person shall own or use any shelter placed on or over lands or waters under the jurisdiction of the natural resource commission in violation of any of the provisions of this rule.

This rule is intended to implement Iowa Code section 461A.4.