Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 571—Chapter 66
"Saylorville Multiuse Trail"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 461A.35, 481A.5 and 481A.6

State or federal law(s) implemented by the rulemaking: Iowa Code sections 461A.35, 481A.5 and 481A.6

Public Hearing

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

September 25, 2024	6200 Park Avenue, Second Floor
12 noon to 1 p.m.	Des Moines, Iowa

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:

Kim Bohlen
Iowa Department of Natural Resources
6200 Park Avenue, Suite 200
Des Moines, Iowa 50321
Phone: 515.360.3682
Email: kim.bohlen@dnr.iowa.gov

Purpose and Summary

Proposed Chapter 66 establishes rules regarding the Saylorville Multiuse Trail. The chapter identifies hunting, trapping, and area-use restrictions to decrease instances of noncompliance and to ensure the trail and surrounding areas are used in an authorized manner. 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:

Not applicable. No class of persons will bear the costs of the rulemaking besides the Department itself.

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

Recreational trail users 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:

There is no cost to the public to comply with this rulemaking.

- Qualitative description of impact:

This rulemaking does not impose burdens on the public.

3. Costs to the State:

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

Department costs are for staff involved in the management and enforcement of these areas.

- Anticipated effect on state revenues:

The proposed rulemaking does not affect state revenue.

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

The public does not bear any costs due to the proposed rulemaking. The agency's expenses related to the management and enforcement are outweighed by the benefits received by trail users and citizens of Iowa.

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

The rulemaking is very low-cost and unobtrusive and yields significant benefits to trail users and citizens of Iowa.

6. Alternative methods considered by the agency:

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

None. There are no less restrictive alternatives to achieve the same benefit because the provisions of Chapter 66 are necessary for ensuring the trail and surrounding areas are used in an authorized manner.

- 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?

The proposed rulemaking does not have any impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 571—Chapter 66 and adopt the following **new** chapter in lieu thereof:

CHAPTER 66
SAYLORVILLE MULTIUSE TRAIL

571—66.1(461A,481A) Applicability. This chapter governs activity in the following described areas, all in Polk County, Iowa:

66.1(1) The parking area and trailhead facility located adjacent to the Des Moines River on the north side of Kempton Road (NW 66th Street) locally known as Sycamore Access.

66.1(2) All federally owned property on the east side of the Des Moines River from Sycamore Access south to the north corporate limits of the city of Des Moines. This area is bounded on the west by the ordinary high water line of the Des Moines River and on the east by Morningstar Drive and NW 26th Street.

66.1(3) Federally owned property in Sections 15 and 22, Township 79N, Range 24W, located east of Morningstar Drive and north of the north corporate limits of the city of Des Moines.

571—66.2(456A,481A) Wildlife refuge. The following described areas are established as game refuges and shall be posted with signs designating the boundaries other than the river.

66.2(1) An area along and adjacent to the surfaced multiuse trail from the ordinary high water line of the Des Moines River to a point 50 yards east of the east edge of that trail extending from Sycamore Access to the north boundary of the right-of-way of Interstates 80-35.

66.2(2) All federally owned land on the east side of the Des Moines River from the north right-of-way boundary of Interstates 80-35 south to the north corporate limits of the city of Des Moines.

571—66.3(481A) Hunting and trapping restrictions.

66.3(1) *Hunting.* Hunting in those areas not designated as wildlife refuge shall be confined to the use of shotguns shooting shot only and use of bow and arrow. The use of any other method is prohibited. All laws and regulations governing hunting and trapping seasons and limits on possession are applicable on these areas.

66.3(2) *Trapping.*

a. The use of snares is prohibited on the area covered by this rule.

b. Any traps used on the area, including foothold, leghold, body gripping or conibear type must be set completely underwater.

571—66.4(461A) Area use restrictions.

66.4(1) The use of motor vehicles and snowmobiles is prohibited on the hard-surfaced multiuse trail except where signs authorize such use.

66.4(2) Snowmobile use is restricted to the area posted with signs permitting their use.

66.4(3) The use of equine animals is restricted to areas other than the hard-surfaced multiuse trail.

66.4(4) Permits may be issued by the director for special events on specific dates utilizing golf carts or similar transportation along the trail for elderly or handicapped persons.

These rules are intended to implement Iowa Code sections 461A.35, 481A.5 and 481A.6.