NATURAL RESOURCE COMMISSION[571]

[Prior to 12/31/86, see Conservation Commission [290], renamed Natural Resource Commission[571] under the "umbrella" of Department of Natural Resources by 1986 Iowa Acts, chapter 1245]

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TITLE I
GENERAL

CHAPTER 1
OPERATION OF NATURAL RESOURCE COMMISSION

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/5/29

571—1.1(17A,455A) Scope. This chapter governs the conduct of business by the natural resource commission. Rulemaking proceedings and contested case proceedings are governed by other departmental rules.
[**ARC 7888C**, IAB 5/1/24, effective 6/5/24]

571—1.2(17A,455A) Meeting location and notification.

1.2(1) *Time of meetings.* The commission generally meets monthly, but is required to meet at least quarterly. The director, chairperson, or a majority of the commission may establish meetings.

1.2(2) *Notification of meetings.* The director will provide public notice of all meeting dates, locations, and agendas. Notice of meetings is given by posting the agenda. The agenda lists the time, date, location, and topics to be discussed at the meeting. The agenda may include a specific time for the public to address the commission on any issue related to the duties and responsibilities of the commission, except as otherwise provided in these rules.

a. The agenda for each meeting will be posted at the department's main office and on the department's website. The agenda will be provided to anyone who files a request with the department. The final agenda will be posted at least 24 hours prior to the meeting, unless for good cause such notice is impossible or impractical, in which case as much notice as is reasonably possible will be given. Any additions to the agenda after posting and distribution will be posted at least 24 hours prior to the meeting, unless for good cause such notice is impossible or impractical, in which case as much notice as is reasonably possible will be given. The commission may adopt additions to the agenda at the meeting only if good cause exists requiring expeditious discussion or action. The reasons and circumstances necessitating agenda additions, or those given less than 24 hours' notice by posting, shall be stated in the minutes of the meeting.

b. Written materials provided to the commission with the agenda may be examined by the public. Copies of the materials may be distributed at the discretion of the director. The director may require a fee to cover the reasonable cost to the department to provide the copies, in accordance with rules of the department.
[**ARC 7888C**, IAB 5/1/24, effective 6/5/24]

571—1.3(17A,455A) Attendance and participation by the public.

1.3(1) *Attendance.* All meetings are open to the public. The commission may exclude the public from portions of the meeting in accordance with Iowa Code section 21.5.

1.3(2) *Participation.*

a. Items on agenda. Presentations to the commission may be made at the discretion of the chairperson.

b. Items not on agenda. The commission will not act on a matter not on the agenda, except in accordance with paragraph 1.2(2)*"b."* Persons who wish to address the commission on a matter not on the agenda should file a request with the director to place that matter on the agenda of the subsequent meeting.

c. Meeting decorum. The chairperson may limit participation as necessary for the orderly conduct of agency business. Cameras and recording devices may be used during meetings provided they do not interfere with the orderly conduct of the meeting. The chairperson may order the use of these devices discontinued if they cause interference and may exclude those persons who fail to comply with that order.
[**ARC 7888C**, IAB 5/1/24, effective 6/5/24]

571—1.4(17A,455A) Quorum and voting requirements.

1.4(1) *Quorum.* Two-thirds of the members of the commission constitutes a quorum.

1.4(2) *Voting.* The concurrence of a majority of the commission members is required to determine any matter before the commission for action, except for a vote to go into closed session, which requires the concurrence of two-thirds of the members of the commission.

[**ARC 7888C**, IAB 5/1/24, effective 6/5/24]

571—1.5(17A,455A) Conduct of meeting.

1.5(1) *General.* Meetings will be conducted in accordance with Robert's Rules of Order unless otherwise provided in these rules. Voting will be by voice or by roll call. Voting will be by voice unless a voice vote is inconclusive, a member of the commission requests a roll call, or the vote is on a motion to close a portion of a meeting. The chairperson will announce the result of the vote.

1.5(2) *Voice votes.* All commission members present should respond when a voice vote is taken.

a. All members present will be recorded as voting aye on any motion when there are no nay votes or abstentions heard.

b. Any member who abstains will state at the time of the vote the reason for abstaining. The abstention and the reason for it will be recorded in the minutes.

1.5(3) *Provision of information.* The chairperson may recognize any agency staff member for the provision of information relative to an agenda item.

[**ARC 7888C**, IAB 5/1/24, effective 6/5/24]

571—1.6(17A,455A) Minutes, transcripts, and recordings of meetings.

1.6(1) *Audio recordings.* The director may record each meeting and shall record each closed session.

1.6(2) *Minutes.* The director will keep minutes of each meeting. Minutes will be reviewed and approved by the commission.

[**ARC 7888C**, IAB 5/1/24, effective 6/5/24]

571—1.7(17A,455A) Officers and duties.

1.7(1) *Officers.* The officers of the commission are the chairperson, the vice chairperson, and the secretary.

1.7(2) *Duties.* The chairperson will preside at meetings and will exercise the powers conferred upon the chairperson. The vice chairperson will perform the duties of the chairperson when the chairperson is absent or when directed by the chairperson. The secretary will make recommendations to the commission on approval or revision of the minutes and act as parliamentarian.

1.7(3) *Elections.* Officers will be elected annually during May.

1.7(4) *Succession.*

a. If the chairperson does not serve out the elected term, the vice chairperson will succeed the chairperson for the remainder of the term. A special election will be held to elect a new vice chairperson to serve the remainder of the term.

b. If the vice chairperson does not serve out the elected term, a special election will be held to elect a new vice chairperson to serve the remainder of the term.

c. If the secretary does not serve out the elected term, a special election will be held to elect a new secretary to serve the remainder of the term.

[**ARC 7888C**, IAB 5/1/24, effective 6/5/24]

571—1.8(17A,455A) Sales and leases of goods, real estate, and services.

1.8(1) *Sales and leases.* The general provisions for the sales and leases of goods, real estate, and services by commission members is governed by rule 351—6.11(68B).

1.8(2) *Consent by rule.* The commission concludes that sales or leases of goods, real estate, or services described in this paragraph do not, as a class, constitute the sale or lease of a good, real estate, or service that affects an official's functions. Application and department approval are not required for these sales or leases unless there are unique facts surrounding a particular sale or lease that would cause that sale or lease to affect the official's duties or functions, would give the buyer an advantage in its dealings with the department, or would otherwise present a conflict of interest.

Sales or leases for which consent is granted by rule are:

a. Nonrecurring sale or lease of goods and services if the official is not engaged for profit in the business of selling or leasing those goods or services.

b. Sale or lease of farm products at market prices to a buyer ordinarily engaged in the business of purchasing farm products or to the general public at a farmer's market, retail store, or road-side stand.

c. Sale or lease of goods to general public at an established retail or consignment shop.

d. Sale or lease of legal, mechanical, or other services at market or customary prices. However, if an official's client or customer has a matter for decision before the commission, the official shall not participate in the discussion and voting on that matter unless consent has been obtained.

e. Sale or lease of goods at wholesale prices to a buyer ordinarily engaged in the business of purchasing wholesale goods for retail sale.

f. Sale or lease of creative works of art, including but not limited to sculpture and literary products, at market, auction, or negotiated prices. However, if an official's customer has a matter for decision before the commission directly or indirectly involving that good, the official shall not participate in the discussion and voting on that matter unless consent has been obtained.

g. Sale or lease of goods to general public at market or franchiser-established prices. However, if an official's customer has a matter for decision before the commission, the official shall not participate in the discussion and voting on that matter unless consent has been obtained.

h. Sale or lease of real estate at a live auction or through an open or closed bidding process. However, if the buyer, seller, lessee, or lessor has a matter for decision before the commission within the next 12 months, the official shall not participate in the discussion and voting on that matter unless consent has been obtained.

i. Leasing of real estate; however, if the lessee or lessor has a matter for decision before the commission, the official shall not participate in the discussion and voting on that matter unless consent has been obtained.

[**ARC 7888C**, IAB 5/1/24, effective 6/5/24]

These rules are intended to implement Iowa Code sections 17A.3(1)*"a"* and 455A.5.

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CHAPTER 2
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

571—2.1(22) Adoption by reference. The commission adopts by reference 561—Chapter 2, Iowa Administrative Code.

This rule is intended to implement Iowa Code chapter 22.

[Filed 1/9/87, Notice 11/5/86—published 1/28/87, effective 3/4/87]
[Filed emergency 9/2/88, after Notice of 7/27/88—published 9/21/88, effective 9/2/88]

CHAPTER 3
SUBMISSION OF INFORMATION AND COMPLAINTS—INVESTIGATIONS

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

571—3.1(17A) Adoption by reference. The commission adopts by reference 561—Chapter 3, Iowa Administrative Code.

This rule is intended to implement Iowa Code section 17A.3(1).

[Filed 1/9/87, Notice 11/5/86—published 1/28/87, effective 3/4/87]

CHAPTER 4
AGENCY PROCEDURE FOR RULE MAKING

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

571—4.1(17A) Adoption by reference. The commission adopts by reference 561—Chapter 4, Iowa Administrative Code.

[Filed 5/13/88, Notice 3/23/88—published 6/1/88, effective 7/6/88]

CHAPTER 5
PETITIONS FOR RULE MAKING

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

571—5.1(17A) Adoption by reference. The commission adopts by reference 561—Chapter 5, Iowa Administrative Code.

[Filed 5/13/88, Notice 3/23/88—published 6/1/88, effective 7/6/88]

CHAPTER 6
DECLARATORY RULINGS

[Prior to 8/5/87, see Conservation[290] Ch 6]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

571—6.1(17A) Adoption by reference. The commission adopts by reference 561—Chapter 6, Iowa Administrative Code.

This rule is intended to implement Iowa Code section 17A.9.

[Filed 4/19/76, Notice 2/23/76—published 5/3/76, effective 6/7/76]
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[Filed 6/11/87, Notice 1/28/87—published 7/1/87, effective 8/5/87]

CHAPTER 7
RULES OF PRACTICE IN CONTESTED CASES

[Prior to 9/7/88, see Conservation Commission[290] Ch 64]

Chapter rescission date pursuant to Iowa Code section 17A.7: 12/15/30

571—7.1(17A) Adoption by reference. The commission adopts by reference 561—Chapter 7.

This rule is intended to implement Iowa Code section 17A.22.

[**ARC 9902C**, IAB 1/7/26, effective 12/15/25]

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[Filed Emergency After Notice ARC 9902C (Notice ARC 9593C, IAB 10/15/25), IAB 1/7/26, effective 12/15/25]

CHAPTER 8
CONTRACTS FOR SERVICES AND PUBLIC IMPROVEMENTS

Chapter rescission date pursuant to Iowa Code section 17A.7: 12/15/30

571—8.1(17A) Adoption by reference. The commission adopts by reference 561—Chapter 8.

This rule is intended to implement Iowa Code sections 17A.3, 455A.4, and 573.12(13).

[**ARC 9902C**, IAB 1/7/26, effective 12/15/25]

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CHAPTER 9
STATE MIGRATORY WATERFOWL, TROUT AND HABITAT STAMP DESIGN CONTESTS

Rescinded **ARC 1755C**, IAB 12/10/14, effective 1/14/15

CHAPTER 10
FORFEITED PROPERTY

[Prior to 12/31/86, Conservation Commission[290] Ch 116]
[Prior to 9/21/88, Natural Resource Commission[571] Ch 8]

Rescinded **ARC 7889C**, IAB 5/1/24, effective 6/5/24

CHAPTER 11
WAIVERS FROM ADMINISTRATIVE RULES

Chapter rescission date pursuant to Iowa Code section 17A.7: 12/15/30

571—11.1(17A) Adoption by reference. The commission adopts by reference 561—Chapter 10.
[**ARC 9902C**, IAB 1/7/26, effective 12/15/25]

571—11.2(17A) Report to commission. The director shall submit reports of decisions regarding requests for waivers to the commission at its regular meetings.
[**ARC 9902C**, IAB 1/7/26, effective 12/15/25]

These rules are intended to implement Iowa Code section 17A.9A.

[Filed 10/12/01, Notice 5/30/01—published 10/31/01, effective 12/5/01]
[Filed Emergency After Notice ARC 9902C (Notice ARC 9593C, IAB 10/15/25), IAB 1/7/26, effective 12/15/25]

CHAPTER 12
CONSERVATION EDUCATION

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/5/29

DIVISION I
MENTOR AND VOLUNTEER INSTRUCTOR CERTIFICATION AND DECERTIFICATION PROCEDURES

571—12.1 to **12.19** Reserved.

571—12.20(321G,321I,462A,483A) Purpose. Pursuant to Iowa Code sections 321G.23, 321G.24, 321I.25, 321I.26, 462A.12(6), 462A.12A, and 483A.27(8), these rules set forth curriculum and course standards for the department's recreation education courses and provisions for certification of volunteer instructors and approved mentors to teach, advise, and train others.
[**ARC 7890C**, IAB 5/1/24, effective 6/5/24]

571—12.21(321G,321I,462A,483A) Definitions. For the purpose of this division:

"Certified instructor" means a person who meets all criteria in rule 571—12.23(321G,321I,462A,483A) and the specifics contained in each education program's Instructor Policies and Procedures Manual and who wishes to voluntarily teach an education course.

"Education course" means the department's bow hunter, fur harvester, mentor, snowmobile, all-terrain vehicle (ATV), boating, snow groomer operator, and hunter education programs.

"Mentor" means a person skilled and knowledgeable in a particular activity or subject area and who has been approved by the department or a recognized partner organization to teach, advise, and train others in that activity or subject area.

"Online event and instructor management system" means a web-based application that tracks student data, allows students to register for courses, allows certified instructors to list their course offerings and to track volunteer hours and program details, and displays downloadable files.

"Outdoor skills specialist" means a person who manages and trains volunteers and mentors to participate in the recreation education programs of the department.

"Program coordinator" means a person assigned to coordinate instructor certification and development activities, develop curriculum standards for the programs, conduct outreach for the programs, train volunteer instructors and mentors and evaluate their skills, and serve as the primary contact for information about the programs.
[**ARC 7890C**, IAB 5/1/24, effective 6/5/24]

571—12.22(321G,321I,462A,483A) Mentor and certified instructor application process.

12.22(1) *Application procedures.*

a. The instructor or mentor applicant must request an application by contacting a program coordinator or outdoor skills specialist.

b. The instructor or mentor applicant must provide all information requested on the application or the department may reject the application.

c. The application will remain on file until the instructor or mentor applicant meets all the requirements in rule 571—12.23(321G,321I,462A,483A).

d. Once the instructor applicant successfully completes all required training and meets all required qualifications, the program coordinator or outdoor skills specialist shall document that all certification requirements have been met and shall issue a certified instructor identification card to the applicant.

e. Once the mentor applicant meets all required qualifications, the program coordinator or outdoor skills specialist will notify the successful applicant and provide the applicant with guidance on the process to begin mentoring.

12.22(2) *Acceptance of mentor or certified instructor applications.* If the number of existing certified instructors or mentors in one or more of the education courses meets demand, the department may choose not to accept new applications.

[**ARC 7890C**, IAB 5/1/24, effective 6/5/24]

571—12.23(321G,321I,462A,483A) Requirements for instructor certification and mentoring.

12.23(1) *Minimum requirements.* The conditions listed in this rule must be satisfied before an instructor applicant may become a certified instructor or an approved mentor. Failure to meet these requirements shall result in the denial of the application. The applicant will be notified of the denial by the program coordinator or outdoor skills specialist. The applicant must:

a. Submit an application as provided by the department.

b. Be at least 18 years of age.

12.23(2) *Additional certified instructor requirements.* Instructor applicants must also complete the following:

a. A training and certification course for the ATV, boating, hunter, bow hunter, fur harvester, snowmobile, and snow groomer operator education programs. Instructor training courses shall review policies and procedures of the department, required recordkeeping and paperwork, education course material, teaching techniques, and criteria for evaluating the performance of student skills.

b. The specific education course the instructor will be teaching.

c. An apprenticeship for the specific education program that the instructor will be teaching. The apprenticeship shall consist of either teaching a simulated class to other instructor applicants or assisting a certified instructor to prepare and present an education course to students. The hunter education program apprenticeship must be completed within one year of attending the certified instructor training course.

12.23(3) *Background check.* The instructor or mentor applicant must authorize a background check that includes, but may not be limited to, a criminal history check. A record of a felony conviction will disqualify the applicant. A record of a misdemeanor within the last three years may disqualify the instructor applicant, except for simple misdemeanors under Iowa Code chapter 321 or its counterparts in other states.

12.23(4) *Fish and wildlife violation check.* The applicant may be disqualified if the instructor applicant has accumulated any habitual offender points pursuant to rule 571—15.16(483A) within the last five years or had a license suspended by a court of law or the department.

[**ARC 7890C**, IAB 5/1/24, effective 6/5/24]

571—12.24(321G,321I,462A,483A) Mentor and certified instructor responsibilities and requirements.

12.24(1) A mentor or certified instructor has the following responsibilities:

a. To follow all administrative rules and applicable policies and procedures as set forth by the department for the specified education program.

b. To assist in the recruitment of additional instructors and mentors.

c. To recruit and train students or mentees.

d. To actively promote and publicize the education courses and mentorship opportunities. A course must be posted at least 30 days prior to the start date.

e. To maintain order and discipline in the learning environment at all times.

f. To accurately and completely fill out forms and reports within the online event and instructor management system, or on paper forms if applicable.

g. To teach the education course or perform the mentorship role as prescribed by the department.

12.24(2) A certified instructor must teach a minimum of one course every two years. If this requirement is not met, the instructor's certification may be revoked after notification by certified mail. If an instructor's certification is revoked due to inactivity, the instructor may reapply pursuant to rule 571—12.22(321G,321I,462A,483A). Based upon the period of inactivity, some of the requirements in rule 571—12.23(321G,321I,462A,483A) may be waived by the program coordinator or outdoor skills specialist.

12.24(3) A certified hunter, bow hunter, or fur harvester education instructor must attend one continuing education instructor workshop every two years. A certified ATV, boating, snowmobile, or snow groomer operator education instructor must attend one continuing education workshop every three years.

12.24(4) A certified instructor or mentor shall represent the department in a professional and positive manner that supports the department's goals and mission. The certified instructor or mentor shall avoid even the appearance of impropriety while instructing or mentoring students.

12.24(5) A certified instructor must teach the education course with another adult present unless prior approval is obtained from the department. It is the department's preference that the certified instructor is assisted by another certified instructor. A noncertified assistant over 18 years of age may assist and must meet the same standards and expectations for character and behavior as the department has for its instructors and mentors. The certified instructor is responsible for the conduct of the noncertified assistant. The certified instructor is subject to suspension or revocation of certification based upon the actions of the noncertified assistant. A parent or legal guardian of a student in the class who is present as a direct result of the student's participation is not eligible to assist with the class.

This subrule does not apply to a conservation officer or any other department representative who is teaching an education course alone.

12.24(6) A certified instructor shall not use private residences for classes and shall limit instruction to public buildings or facilities unless a private, nonresidence venue is approved beforehand by the program coordinator or outdoor skills specialist.

12.24(7) All recreation education courses shall be made available to the public except for special circumstances that are preapproved by the department, such as courses being held in conjunction with schools, camps, and other special events.

[**ARC 7890C**, IAB 5/1/24, effective 6/5/24]

571—12.25(321G,321I,462A,483A) Grounds for revocation or suspension of instructor certification or a mentor's approved status. The department may, at any time, seek to revoke or suspend the mentor status or instructor certification of any person who:

1. Fails to meet the instructor or mentor responsibilities and requirements as outlined in rule 571—12.24(321G,321I,462A,483A).
2. Fails to follow the policies and procedures of the department.
3. Falsifies any information that may be required by the department. Falsifying information is understood to mean purposefully supplying information that is inaccurate or misleading or the intentional omission of information.
4. Handles any equipment in an unsafe manner, or allows any student or other instructor to handle equipment in a reckless or unsafe manner.
5. Is convicted of or forfeits a bond for any fish and game, snowmobile, ATV, or navigation violation of this state or any other state. Anyone who has a privilege to operate a motor vehicle suspended, barred, or revoked shall not be eligible to be an instructor for the snowmobile, ATV, or snow groomer operator education programs.
6. Uses profanity or inappropriate language, such as any type of lewd, sexist, or racial references or generalities; engages in any kind of discriminatory conduct due to race, color, national origin, religion, sex, age, disability, or sexual orientation; or otherwise acts in an unprofessional manner.
7. Engages in the physical punishment of a student, including the use of unreasonable or unnecessary physical force or physical contact made with the intent to cause pain, or any type of indecent contact with a child as defined by the Iowa Code.
8. Participates in a course while under the influence of alcohol or any illegal drug or while ingesting prescription medication in a manner contrary to the dosing directions given by the prescribing physician. The physician shall be a licensed physician, osteopathic physician, physician assistant, or advanced registered nurse practitioner.
9. Has substantiated complaints filed against the instructor by the public, department personnel, or another certified instructor.
10. Is under investigation for committing, is in the process of a judicial proceeding based on the allegation of committing, or is convicted of committing a felony or a misdemeanor as defined in the statutes of this state or another state, except for simple misdemeanors under Iowa Code chapter 321 or its counterparts in other states. Every certified instructor or mentor is subject to a criminal history check

and conservation violation check at any time during the instructor's or mentor's tenure as an instructor or mentor.

11. Receives compensation directly or indirectly from students for time spent preparing for or participating in an education course or mentorship.

12. Teaches an education course without another adult present without prior department approval.

[**ARC 7890C**, IAB 5/1/24, effective 6/5/24]

571—12.26(321G,321I,462A,483A) Temporary suspensions and immediate revocations of instructor certifications or approved mentor status.

12.26(1) Any complaint made against a certified instructor or a mentor will be taken seriously and will be investigated by a program coordinator or a conservation officer. If convincing evidence exists that a certified instructor or mentor engaged in any of the activities listed in rule 571—12.25(321G,321I,462A,483A), the instructor's certification or mentor's approved status will be temporarily suspended. A letter detailing the reason(s) for the suspension will be sent via certified mail to the last-known address of the instructor or mentor. The letter will detail the length of the suspension and any corrective action to be taken before the instructor or mentor can be reinstated.

12.26(2) At the conclusion of the department's investigation, any certified instructor or mentor who is found to have engaged in the activities listed in rule 571—12.25(321G,321I,462A,483A), numbered paragraph "3," "5," "7," "8," "10," or "11," shall immediately have the instructor's certification or mentor status revoked.

12.26(3) At the conclusion of the department's investigation, if a certified instructor is found to have engaged in the activities listed in rule 571—12.25(321G,321I,462A,483A), numbered paragraph "1," "2," "4," "6," "9," or "12," the suspension shall be exercised at the department's discretion based upon the nature and seriousness of the misconduct.

12.26(4) For the hunter education program, bow hunter education program, and fur harvester education program, the results of the department's investigation shall be supplied to the Iowa hunter education instructor association (IHEIA), which shall review the results and supply a disciplinary recommendation to the department. The department shall consider IHEIA's recommendation when exercising its discretion to suspend or revoke the instructor's certification, based upon the nature and seriousness of the misconduct.

[**ARC 7890C**, IAB 5/1/24, effective 6/5/24]

571—12.27(321G,321I,462A,483A) Termination of certification or mentor status. Any certified instructor or mentor has the right, at any time, to voluntarily stop teaching or mentoring. If a certified instructor voluntarily terminates the certification or the instructor's certification is terminated by the department, the instructor must return to the department the certification card and all materials that were provided to the individual.

[**ARC 7890C**, IAB 5/1/24, effective 6/5/24]

571—12.28(321G,321I,462A,483A) Compensation for instructors and mentors. Instructors and mentors shall not receive any compensation for their time either directly or indirectly from students or mentees while preparing for or participating in a course or mentorship. However, instructors or mentors may require students and mentees to pay for actual, course-related or mentorship expenses involving facilities, meals, or materials other than those provided by the department. All certified instructors and mentors shall keep all records, bills, receipts, etc., relating to student payments for at least five years after the course and shall submit such documents to the department upon request.

[**ARC 7890C**, IAB 5/1/24, effective 6/5/24]

571—12.29 and **12.30** Reserved.

These rules are intended to implement Iowa Code sections 321G.23, 321G.24, 321I.25, 321I.26, 462A.12, 462A.12A, and 483A.27.

DIVISION II
RECREATION EDUCATION PROGRAMS

571—12.31(321I) ATV education program.

12.31(1) The department has developed a course designed to meet the statutory requirement in Iowa Code section 321I.25. The education course is designed to teach ATV riders the principles and behaviors of safe and responsible ATV riding.

12.31(2) Reciprocity. The department recognizes safety courses taught by ATV Safety Institute (ASI)-certified instructors and those sanctioned by a governmental authority of another state. Students who successfully complete such a course are not required to take any additional training and are eligible to receive an education card issued by the department upon proof of completion of the course and payment of the certification fee.

12.31(3) The following criteria apply to the ATV education program:

a. Any student who is 11 years of age or older may enroll in a course and receive a certificate if the student successfully completes the course; however, if the student is 11 years old, the certificate shall not become valid until the student's twelfth birthday.

b. Students shall register as described on the program's website.

c. Students engaging in the rider-based course must provide their own protective riding gear and a properly sized ATV. The student will follow all applicable requirements of Iowa Code chapter 321I.

12.31(4) The department will establish requirements and standards for curriculum, security protocol, and course delivery for an online education offering. Only vendors that have entered into a memorandum of understanding with the department will be allowed to offer an online course that results in the issuance of a department education certificate. Vendors will be allowed to charge for the courses identified in the memorandum of understanding and must collect the department's education certificate fee on behalf of the department.

[**ARC 7890C**, IAB 5/1/24, effective 6/5/24]

571—12.32(321G) Snowmobile education program.

12.32(1) The department has developed an education course designed to meet the statutory requirement in Iowa Code section 321G.23.

12.32(2) The following criteria apply to the snowmobile education program:

a. Any student who is 11 years of age or older may enroll in a course and receive a certificate if the student successfully completes the course; however, if the student is 11 years old, the certification shall not become valid until the student's twelfth birthday.

b. Students shall register as described on the program's website.

12.32(3) The department will establish requirements and standards for curriculum, security protocol, and course delivery. Only vendors that have entered into a memorandum of understanding with the department will be allowed to offer an online course that results in the issuance of a department education certificate. Vendors will be allowed to charge for the courses identified in the memorandum of understanding and must collect the department's education certificate fee on behalf of the department.

[**ARC 7890C**, IAB 5/1/24, effective 6/5/24]

571—12.33(462A) Boating education program.

12.33(1) In accordance with Iowa Code sections 462A.12(6) and 462A.12A, the goal of the boating education program and education course is to promote safe and responsible boating practices.

12.33(2) Reciprocity. The department also recognizes safety courses taught by the United States Coast Guard Auxiliary and America's Boating Club/United States Power Squadrons-certified instructors. Students who successfully complete such a course are not required to take any additional training or testing from the department and are eligible to receive an education card issued by the department upon proof of completion of the course and payment of the certification fee.

12.33(3) The boating education course is taught by certified instructors virtually or in a classroom setting and shall be six to eight hours in length.

12.33(4) The following criteria apply to the boating education program:

a. Any student who is 11 years of age or older may enroll in a course and receive a certificate if the student successfully completes the course; however, if the student is 11 years old, the certification shall not become valid until the student's twelfth birthday.

b. Students will be given a written examination that they must pass with 80 percent accuracy in order to earn an education certificate.

c. A home study course may be offered at the discretion of the department. The home study packet will contain the same written material provided in the classroom-based setting. An attestation form must be signed by the parent or guardian stating that the student completed the work. A student must pass a written examination with 80 percent accuracy in order to earn an education certificate.

d. The cost of the education course, for both the instructor-led class and the home study option, is $5 per student. Payment may be made when the student registers for the course or to the instructor at the time of class. Home study students must mail in payment with their completed course paperwork. Payment shall be made by check or money order made payable to the department. Course fees are nonrefundable.

e. Students shall register as described on the program's website.

12.33(5) The department will establish requirements and standards for curriculum, security protocol, and course delivery. Only vendors that have the National Association of State Boating Law Administrators seal of approval and have entered into a memorandum of understanding with the department will be allowed to offer an online course that results in the issuance of a department education certificate. Vendors may charge for their courses as agreed to in the memorandum of understanding and must collect the department's education certificate fee on behalf of the department.

[**ARC 7890C**, IAB 5/1/24, effective 6/5/24]

571—12.34(483A) Hunter education program.

12.34(1) The hunter education program is designed to teach students basic survival and first-aid skills, water safety, wildlife identification, and the basics of wildlife management, hunting laws, and firearm/archery safety. The education course also stresses the importance of individual responsibility and outdoor ethics.

12.34(2) The education course is taught by certified instructors and shall have both classroom and hands-on components unless otherwise exempted by law. Where permitted, live fire exercises may be taught.

12.34(3) The hunter education program also offers an online course/field day. The online course, offered by an approved third-party vendor, covers the same subject taught in the lecture portion of the department's course and meets the standards set forth by the International Hunter Education Association—United States of America (IHEA—USA). A field day voucher must be obtained from the approved vendor upon the student's successful completion of the online course. The field day voucher is valid for one year from the date of issuance and authorizes entrance into a field day course. The field day is designed to meet the additional required elements of the hunter education program as set forth in Iowa Code section 483A.27.

12.34(4) Reciprocity. The department recognizes hunter education courses sanctioned by a governmental authority of another state, province or country that meets the current IHEA—USA content and delivery standards. Students who successfully complete such a course are not required to take any additional training and are eligible to purchase an Iowa hunting license as long as they meet all other licensing requirements.

12.34(5) The following criteria apply to the hunter education program:

a. Any student who is 11 years of age or older may enroll in a course and receive a certificate if the student successfully completes the course; however, if the student is 11 years old, the certificate shall not become valid until the student's twelfth birthday. If the certificate is lost, a replacement certificate may be obtained during regular business hours or online.

b. A student successfully completes the course by passing both the classroom-based instruction and a hands-on firearm component. A student successfully passes the classroom-based instruction by achieving

a score of 75 percent or higher on the end of course exam. A student passes the hands-on component by demonstrating the safe handling of a firearm. Upon successful completion of the course, a student shall be issued a certification of completion.

c. Students shall register as described on the program's website.

12.34(6) An online-only course is available through the department's website. The online-only course is available for students 18 years of age or older. The online course meets the standards set by IHEA—USA. The online-only course has the same general content as the traditional classroom-based course and online/field day combination courses but requires state-specific information to be covered. To pass the course, a student must score at least 75 percent on the final exam. Upon successful completion of the course and payment of any applicable online course fees directly to the approved vendor, a student will be issued a permanent certificate that the student can download and print immediately.

12.34(7) The department offers a dual online-only handgun safety/hunter education course for Iowa residents 21 years of age or older. This course has the same general content as the traditional classroom-based course and online/field day combination course, but requires state-specific information to be covered, plus additional handgun safety curriculum. To pass the course, a student must score at least 75 percent on the final exam. Upon successful completion of the course and payment of any applicable online course fees directly to the approved vendor, a student will be issued a permanent certificate that the student can download and print immediately. This course meets the educational requirements necessary to qualify for the Iowa permit to carry.

[**ARC 7890C**, IAB 5/1/24, effective 6/5/24]

571—12.35(321G) Snow groomer operator education program.

12.35(1) The department has developed a program to educate snow groomer operators to meet the statutory requirement of Iowa Code section 321G.2.

12.35(2) The snow groomer operator education program includes review of the department's policies and procedures, course materials, operator certification requirements, paperwork requirements, and the department's equipment agreement and completion of an apprenticeship.

12.35(3) The following criteria apply to the snow groomer operator education program:

a. An operator must be at least 18 years of age and possess a valid driver's license.

b. Operators shall agree to follow all policies and procedures as set forth by the department.

12.35(4) A student who wishes to become a certified operator must complete an apprenticeship. A student must operate the equipment under the direct supervision of a certified operator until the certified operator is confident that the student can successfully operate the equipment. Operation of snow grooming equipment is allowed only by certified operators or by an apprentice under direct supervision of a certified snow groomer operator. Proof of certification must be in the snow groomer operator's possession when the equipment is being operated.

12.35(5) Certified operators must attend a recertification course once every three years to maintain their certification.

12.35(6) The department may revoke an operator's certification if it finds that equipment was used or maintained in violation of the equipment agreement, that there are founded cases of misuse of the equipment, or that an operator does not possess a valid driver's license.

[**ARC 7890C**, IAB 5/1/24, effective 6/5/24]

571—12.36(483A) Bow hunter education program.

12.36(1) The education course for the bow hunter education program is designed to teach bow hunters safe and ethical hunting techniques and to instill responsible attitudes toward people, wildlife, and the environment. The education course is based on the National Bowhunter Education Foundation's publications and is administered by the department. The education course covers topics such as responsibilities of a bow hunter, knowledge necessary before hunting, shot placement, tree stand safety, blood trailing, and game care.

12.36(2) The education course is offered in both a classroom and an online setting.

a. The classroom course is taught by certified instructors and consists of both a lecture and hands-on exercises. Students will be given a written examination, which they must pass with 75 percent accuracy in order to earn a certificate of completion.

b. An online course is available through the department's website. The online course meets the standards set by IHEA—USA. The online-only course has the same general content as the traditional classroom-based course. To complete the online-only course, a student must pass a final exam with a score of 75 percent or higher. Upon successful completion of the course and payment of any applicable online course fees to an approved vendor, the student will be issued a permanent certificate that the student can download and print immediately.

c. Students shall register as described on the program's website.

12.36(3) Reciprocity. The department recognizes bowhunter education courses sanctioned by a governmental authority of another state, province or country that meets the current National Bowhunter Education Foundation and IHEA—USA content and delivery standards. Students who successfully complete such a course are not required to take any additional training.

12.36(4) Any student who is 11 years of age or older may enroll in a course and receive a certificate if the student successfully completes the course; however, if the student is 11 years old, the certification shall not become valid until the student's twelfth birthday.

[**ARC 7890C**, IAB 5/1/24, effective 6/5/24]

571—12.37(483A) Fur harvester education program.

12.37(1) The fur harvester education program is designed to teach trappers safe and ethical trapping techniques and to instill responsible attitudes toward people, wildlife, and the environment.

12.37(2) The education course is offered in both a classroom and an online setting.

a. The classroom course is taught by certified instructors, and students will receive instruction and hands-on training on the history and heritage of the fur trade, biology and management of Iowa furbearers, wildlife regulations and their purpose, ethics and responsibility, fur harvesting equipment, the basics of harvesting Iowa furbearers, marketing furbearers, public relations, and the basics of outdoor safety and survival. Students will receive a certificate of completion at the end of the education program.

b. An online course is available through the department's website. The online course meets the standards set by IHEA—USA and has the same general content as the traditional classroom-based course. To complete the online course, a student must pass a final exam with a score of 75 percent or higher. Upon successful completion of the course and payment of any applicable online course fees to an approved vendor, the student will be issued a permanent certificate that the student can download and print immediately.

c. Students shall register as described on the program's website.

12.37(3) Reciprocity. The department recognizes fur harvester education courses sanctioned by a governmental authority of another state, province or country that meets the current IHEA—USA content and delivery standards. Students who successfully complete such a course are not required to take any additional training.

12.37(4) Any student who is 11 years of age or older may enroll in a course and receive a certificate if the student successfully completes the course; however, if the student is 11 years old, the certification shall not become valid until the student's twelfth birthday.

[**ARC 7890C**, IAB 5/1/24, effective 6/5/24]

571—12.38 to **12.59** Reserved.

These rules are intended to implement Iowa Code sections 321G.23, 321I.24, 321I.25, 321I.26, 462A.12, 462A.12A, and 483A.27.

DIVISION III
SHOOTING SPORTS PROGRAM

571—12.60(481A) Purpose. Pursuant to Iowa Code section 481A.17, these rules set forth the department's shooting sports programs.
[**ARC 7890C**, IAB 5/1/24, effective 6/5/24]

571—12.61(481A) Definitions. For the purpose of this division:

"Athlete" or *"student"* means a member of a department-approved shooting sports team.

"Certified coach or instructor" means a person who wishes to coach a shooting sports team and who meets all criteria in rule 571—12.24(481A) and the specifics contained in the department's certified coach policies and procedures manual.

"Trainer" means someone who has received specialized advanced training and is certified to train coaches or instructors in a national program.
[**ARC 7890C**, IAB 5/1/24, effective 6/5/24]

571—12.62(481A) Department-recognized shooting sports programs. The following shooting sports programs are recognized by the department:

12.62(1) *Archery.* The National Archery in the Schools Program (NASP) or other equivalent nationally recognized archery program including bullseye and 3D target training, education, and competition.

12.62(2) *Rifle and pistol.* The Scholastic Action Shooting Program (SASP) or other equivalent nationally recognized rifle and pistol program, which may include centerfire, rimfire, and air-powered disciplines.

12.62(3) *Shotgun.* The Scholastic Clay Target Program (SCTP) or other equivalent nationally recognized clay target shooting program that includes both American and international clay target disciplines.
[**ARC 7890C**, IAB 5/1/24, effective 6/5/24]

571—12.63(481A) Administration of shooting sports programs.

12.63(1) Program coordinator. The department shall assign a program coordinator for the programs identified in rule 571—12.62(481A).

12.63(2) The program coordinator's responsibilities shall include the following:

a. Coordinate the overall program in the state.

b. Coordinate regular coach certification and development training opportunities.

c. Coordinate athlete competitions and state championship events and serve as the shoot director for championship events.

d. Develop policies and procedures for the program, including any state-specific eligibility criteria and rules of play for the program. Such standards shall be published on the department's website prior to the start of the season.

e. Enforce and uphold all national and state-specific program rules.

f. Conduct outreach for the program and serve as the primary point of contact in the state for the program.
[**ARC 7890C**, IAB 5/1/24, effective 6/5/24]

571—12.64(481A) Certified coach or instructor requirements and responsibilities.

12.64(1) *Registration procedure.* The certified coach or instructor applicant must register with the applicable program and meet the minimum requirements in subrule 12.64(2). The applicant shall completely and accurately fill out the registration form.

12.64(2) *Minimum requirements.* Failure to meet the following requirements shall result in the denial of the applicant's registration. The applicant shall be notified of the denial by the program coordinator.

a. Minimum age. The applicant must meet the minimum age of the program.

(1) For archery, certified coaches must be 18 years of age.

(2) For rifle and pistol, certified head coaches must be 21 years of age. Certified assistant coaches must be at least 18 years of age.

(3) For shotgun, certified head coaches must be 21 years of age. Certified assistant coaches must be 18 years of age.

b. Training. The applicant must satisfactorily pass a designated training course.

c. Background check. The applicant must authorize a background check that includes, but may not be limited to, a criminal history check. A record of a felony conviction will disqualify the applicant. A record of a misdemeanor conviction (not including simple misdemeanors under Iowa Code chapter 321) within the last three years may disqualify the applicant.

d. Fish and wildlife violation check. The applicant may be disqualified if the applicant has accumulated any habitual offender points pursuant to rule 571—15.6(483A) within the last five years or had a license suspended by a court of law or the department.

12.64(3) *Certified coach or instructor responsibilities.* A certified coach or instructor has the following responsibilities:

a. Complete required data management and reporting, including updating and maintaining athlete and coach information in the online data management systems, recording shooting sports competitions and results, and recording volunteer coaching hours when required.

b. Follow all applicable administrative rules, policies, and procedures as set forth by the department for the specified shooting sports program.

c. Follow any applicable national program or state-specific program rules or policies including but not limited to handbooks, rules, and sportsmanship contracts.

d. Represent the department and associated program in a professional and positive manner that supports the department's goals and mission, and avoid even the appearance of impropriety while instructing or coaching athletes or students.

e. Recruit students and volunteer coaches for shooting sports teams.

f. Actively promote shooting sports.

g. Maintain order and discipline on the shooting sports team, model good sportsmanship, and ensure safe handling practices of the relevant shooting sports equipment at all times.

[**ARC 7890C**, IAB 5/1/24, effective 6/5/24]

571—12.65(481A) Athlete or student requirements and responsibilities.

12.65(1) *Registration.* The athlete or student shall contact the athlete's or student's local shooting sports team to participate. The head coach will provide the athlete or student with an electronic link to register online with the applicable program.

12.65(2) *Requirements.* An athlete or student participating on a department-approved shooting sports team shall abide by the following requirements. Failure to do so may result in removal from the program, disqualification from competitions, or both.

a. Complete any national program or department-required documents prior to participation.

b. Follow any applicable national program or state-specific program rules or policies including but not limited to handbooks, rules, conduct requirements, and sportsmanship contracts.

12.65(3) *Fish and wildlife violations.* Prior to participation on a department-approved team, the athlete or student shall be subject to a fish and wildlife violations check. If the athlete or student has accumulated any habitual offender points pursuant to rule 571—15.6(483A) within the last five years or has had a hunting, fishing, or trapping license suspended by a court of law or the department, the athlete or student may be ineligible to participate on a department-approved shooting sports team for the current season. Eligibility will be reviewed prior to the beginning of the next season.

[**ARC 7890C**, IAB 5/1/24, effective 6/5/24]

571—12.66(481A) Certified trainer requirements and responsibilities.

12.66(1) *Registration.* A certified trainer applicant must register with the applicable program. The applicant shall completely and accurately fill out the registration form. A certified trainer applicant must

have successfully completed certified coach or instructor training before being eligible to become a certified trainer.

12.66(2) *Responsibilities.*

a. The trainer applicant must register with the applicable program and meet the program's minimum requirements. The applicant shall completely and accurately fill out the registration form.

b. A certified trainer shall represent the department and respective program in a professional and positive manner that supports the department's goals and mission and shall avoid even the appearance of impropriety while instructing.

c. The certified trainer will work with the program coordinator to identify and schedule training classes around the state.

d. Trainers will utilize the online class registration system for the program to create coach training classes for which coach applicants can register.

e. Certified trainers must conduct at least one class per year to remain an active certified trainer.

12.66(3) *Acceptance of new trainers.* If the number of existing certified trainers meets the demand for the program, the department may choose not to add additional trainers.

[**ARC 7890C**, IAB 5/1/24, effective 6/5/24]

571—12.67(481A) Grounds for revocation or suspension of certification of a certified trainer, coach, or instructor. The department may, at any time, seek to revoke or suspend the certification of a certified trainer, coach, or instructor who:

12.67(1) Fails to meet the responsibilities and requirements as outlined in rule 571—12.64(481A) or 571—12.66(481A), as appropriate.

12.67(2) Fails to follow the policies and procedures of the department.

12.67(3) Falsifies any information that may be required by the department. Falsifying information is understood to mean purposefully supplying information that is inaccurate or misleading or the intentional omission of information.

12.67(4) Handles any shooting sports equipment in a negligent, reckless, or unsafe manner, or allows any student to do so.

12.67(5) Is convicted of or forfeits a bond for any fish and game, snowmobile, ATV, or navigation violation of this state or any other state.

12.67(6) Uses profanity or inappropriate language, such as any type of lewd, sexist, or racial references or generalities; engages in any kind of discriminatory conduct due to race, color, national origin, religion, sex, age, disability, or sexual orientation; or otherwise acts in an unprofessional manner.

12.67(7) Engages in the physical punishment of a student, including the use of unreasonable or unnecessary physical force or physical contact made with the intent to cause pain, or any type of indecent contact with a child as defined by the Iowa Code.

12.67(8) Coaches while under the influence of alcohol or any illegal drug or while ingesting prescription medication in a manner contrary to the dosing directions given by the prescribing physician.

12.67(9) Has substantiated complaints filed against the trainer, coach, or instructor by the public, department personnel, or another certified volunteer coach.

12.67(10) Is under investigation for committing, is in the process of a judicial proceeding based on the allegation of committing, or is convicted of committing a felony or misdemeanor as defined in the statutes of this state or another state, except for simple misdemeanors under Iowa Code chapter 321 or its counterparts in other states. Every certified trainer, coach, or instructor is subject to a criminal history check and conservation violation check at any time during the individual's tenure as a certified trainer, coach, or instructor.

12.67(11) Is suspended or expelled by a national governing body for a shooting sports program.

[**ARC 7890C**, IAB 5/1/24, effective 6/5/24]

These rules are intended to implement Iowa Code section 481A.17.

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CHAPTER 13
PERMITS AND EASEMENTS FOR CONSTRUCTION AND OTHER ACTIVITIES ON PUBLIC LANDS AND WATERS

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/5/29

571—13.1(455A,461A,462A) Purpose. The commission holds lands and waters under its jurisdiction in public trust and protects the interests of all citizens in these lands and waters.

13.1(1) These rules establish procedures and regulate the evaluation and issuance of permits for construction or other activities that alter the physical characteristics of public lands and waters under the jurisdiction of the commission, including those activities that occur over or under such lands and waters. However, these rules do not apply to activities accomplished by the department and its agents that would only temporarily alter the characteristics of public lands and waters and that would be considered management practices.

13.1(2) These rules also establish procedures for issuance of easements to public utilities and political subdivisions for activities that are determined to have a permanent effect on use and enjoyment of public lands and waters under the jurisdiction of the commission.

13.1(3) These rules do not apply to:

a. Impoundments regulated under Iowa Code chapter 462A.

b. Docks regulated under 571—Chapter 16, except as specified herein.

c. Stationary blinds regulated under rule 571—51.6(481A).

[**ARC 7891C**, IAB 5/1/24, effective 6/5/24]

571—13.2(455A,461A,462A) Affected public lands and waters. These rules are applicable to all fee title lands and waters under the jurisdiction of the commission; dedicated lands and waters under the jurisdiction of the commission and managed by the commission for public access to a meandered sovereign lake or meandered sovereign river; meandered sovereign lakes; meandered sovereign rivers; and sovereign islands, except those portions of the Iowa River and the Mississippi River where title has been conveyed to charter cities.

[**ARC 7891C**, IAB 5/1/24, effective 6/5/24]

571—13.3(455A,461A) Definitions. For the purposes of this chapter, the following definitions shall apply:

"Applicant" means a person who applies for a permit or easement pursuant to these rules.

"Authorized agent" means a person, designated by the applicant, who shall be responsible to perform part or all of the proposed activity and who certifies the application according to subrule 13.9(2).

"Canal" means a narrow strip of water, artificially made, between two water bodies described in rule 571—13.2(455A,461A,462A).

"Cantilever access structure" means a structure constructed for improving the proximity of access to a lake or river, that has a support footing located entirely on littoral or riparian land above the ordinary high water mark (OHWM), and that extends from the footing and is completely suspended above the water at normal water elevation with no occupation of the lakebed or riverbed.

"Channel" means a narrow body of water that may be natural or artificially made.

"Charter cities" means the city of Wapello operating under special charter enacted in 1856; the city of Camanche operating under special charter enacted in 1857; the city of Davenport by chapter 84, Acts of the 47th General Assembly; the cities of Burlington, Clinton, Dubuque, Fort Madison, Keokuk, and Muscatine by chapter 249, Acts of the 51st General Assembly; and the city of Le Claire by chapter 383, Acts of the 58th General Assembly.

"Commercial boat ramp" means a boat ramp installed or maintained as part of a business to provide access to a public water body where use of the ramp is available to the general public.

"Commission" means the natural resource commission.

"Department" means the department of natural resources.

"Director" means the director of the department of natural resources or the director's designee.

"Easement" means an easement authorized under Iowa Code section 461A.25.

"Fee title lands and waters" means lands and waters for which title is acquired by deed or testamentary devise.

"Lease" means a lease authorized under Iowa Code section 461A.25.

"Littoral land" means land abutting a lake.

"Meandered sovereign lakes" means those lakes which, at the time of the original federal government surveys, were surveyed as navigable and important water bodies and were transferred to the states upon their admission to the union to be transferred or retained by the public in accordance with the laws of the respective states. A list of these lakes is available on the department's website.

"Meandered sovereign rivers" means those rivers which, at the time of the original federal government surveys, were surveyed as navigable and important water bodies and were transferred to the states upon their admission to the union to be transferred or retained by the public in accordance with the laws of the respective states upon their admission to the union. A list of such rivers is available on the department's website.

"Native stone riprap" means broken limestone, dolomite, quartzite or fieldstone meeting Iowa department of transportation specification 4130, Class D (Iowa department of transportation's standard specifications for highway and bridge construction, 2015 edition).

"Ordinary high water mark" or *"OHWM"* means the boundary between meandered sovereign lakes and rivers, except the Mississippi River, and littoral or riparian property. The OHWM is the limit where high water occupies the land so long and continuously as to wrest terrestrial vegetation from the soil or saturate the root zone and destroy its value for agricultural purposes. The OHWM is the boundary between upland and wetland as defined by the 1987 Corps of Engineers Wetlands Delineation Manual and Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Midwest Region (Version 2.0). For Storm Lake in Buena Vista County and Clear Lake in Cerro Gordo County, the elevation has been established by adjudication.

"Ordinary high water mark of the Mississippi River" means the elevation, as defined by criteria in the Code of Federal Regulations, 33 CFR Part 328.3 (November 13, 1986), promulgated by the U.S. Army Corps of Engineers, where the water exists at or below such elevation 75 percent of the time as shown by water stage records since construction of the locks and dams in the river.

"Permit" means a sovereign lands construction permit issued pursuant to this chapter.

"Permittee" means a person who receives a permit pursuant to these rules, which may also include the authorized agent if designated pursuant to these rules.

"Person" means the same as defined in Iowa Code section 4.1.

"Public boat ramp" means a boat ramp constructed to provide public access from public land to a water body.

"Public lands" means land under the jurisdiction of the commission that is owned by the state or that has been dedicated for public access to a meandered sovereign lake or meandered sovereign river.

"Public waters" means a water body under the jurisdiction of the commission that is owned by the state or that has been dedicated for public access to a meandered sovereign lake or meandered sovereign river.

"Riparian land" means land abutting a river.

"Sovereign island" means an island located within a sovereign meandered lake or a sovereign meandered river that was transferred to the state upon its admission to the union and whose title continues to be retained by the state.

"Standard riprap" means broken stone, dolomite, quartzite, fieldstone, or broken concrete meeting Iowa department of transportation specification 4130, Class D (Iowa department of transportation's standard specifications for highway and bridge construction, 2015 edition). Broken concrete shall not have reinforcing materials protruding from the surface of the riprap. Standard riprap shall not include petroleum-based materials.

[**ARC 7891C**, IAB 5/1/24, effective 6/5/24]

DIVISION I
PERMITS

571—13.4(455A,461A) Permits required.

13.4(1) *General.* No person shall temporarily or permanently place or build any structure or alter the characteristics of public lands or waters under the jurisdiction of or managed by the commission without a permit issued by the department prior to commencement of such activities as provided in the rules of this chapter.

13.4(2) *Hazardous conditions.* Trees, rock, brush or other natural materials located on sovereign or dedicated lands may be removed by persons without a permit issued pursuant to these rules only after the department, in its sole discretion, determines and evidences in writing that a hazard or other detrimental condition exists and that the proposed mitigative activity is appropriate. Such activity shall be limited only to the work required to address the immediate hazard or other detrimental condition. Any removal allowed by this rule shall conform to the requirements enumerated by the department regarding such removal, or the removal shall be deemed an unauthorized action resulting in damage to public lands and waters. Persons proposing to remove hazards must contact a local department official and request an exception to a permit. The department official shall inspect the hazard and provide written authorization to proceed or shall require the person to apply for a permit.

[**ARC 7891C**, IAB 5/1/24, effective 6/5/24]

571—13.5(455A,461A) Interest in real estate. A permit shall be construed to do no more than give the permit holder a license to alter an area as specifically set forth in the permit. The permit creates no interest, personal or real, in the real estate covered by the permit.

[**ARC 7891C**, IAB 5/1/24, effective 6/5/24]

571—13.6(455A,461A,462A) Evaluation.

13.6(1) In considering complete applications, the department will evaluate the impact of the proposed activities on public use and enjoyment of public lands or waters, on the natural resources in the areas within and surrounding the proposed activities, and the department's present and future intended management for the area against the applicant's identified and reasonable need to undertake the proposed activities and the viable alternatives that may exist with respect to the proposed activities.

13.6(2) In no event shall the department issue a permit for activities that:

a. May result in the taking, possession, transport, import, export, processing, selling, buying, transporting, or receiving any species of fish, plants or wildlife appearing on lists referenced in Iowa Code section 481B.5, unless the permittee meets one of the exemptions enumerated in rule 571—77.4(481B).

b. Have not received floodplain permits pursuant to Iowa Code chapter 455B and 567—Chapters 70 through 76, if applicable.

c. May impact a littoral or riparian property owner without the express written permission of the littoral or riparian property owner.

d. Do not comply with the review standards defined in rule 571—13.7(455A,461A,462A).

e. Interfere with department obligations or limitations related to federal funds or agreements or other restrictive covenants that may be applicable to the affected area.

f. Allow fill to be placed beyond the OHWM of waters described in rule 571—13.2(455A,461A,462A) for purposes of regaining land lost due to erosion.

13.6(3) The department may withhold a permit when the applicant has not obtained all other required permits or licenses necessary to construct and operate the proposed activity.

[**ARC 7891C**, IAB 5/1/24, effective 6/5/24]

571—13.7(455A,461A,462A) Review standards. Department staff shall conduct an environmental review of the application. In completing the environmental review, different bureaus and staff members of the department will provide input based on law, professional judgment, data and accepted scientific theory. The following standards shall apply to permits issued under the rules of this chapter:

13.7(1) *Uses of public lands and waters.* Development of public lands and public waters permitted by these rules shall be limited to projects that meet all of the following criteria. The projects:

a. Are built to minimally impact the natural resources of public recreational use and navigation on such lands and waters. Specifically, applicants must demonstrate that the project accomplishes all of the following:

(1) Does not negatively impact water quality in or around the proposed permitted area.

(2) Minimizes erosion and sedimentation in or around the proposed area.

(3) Minimizes detrimental impacts to biological and botanical resources in or around the proposed area, including upland, wetland and sensitive areas and unique community structures.

(4) Complies with laws and regulations related to threatened and endangered species, through both federal and state programs.

b. Utilize the smallest amount of public lands and public waters.

c. Do not convert the public lands and public waters to an exclusive or private use.

d. Are the only viable method for conducting the activities, and no viable alternatives to constructing on public lands exist.

13.7(2) *Shoreline erosion protection and retaining walls.* Shoreline erosion protection activities may be permitted if the activities are in compliance with rule 571—13.6(455A,461A,462A) and the following additional standards:

a. Shoreline erosion protection activities on meandered sovereign lakes shall be limited to placement of native stone riprap, extending to a maximum of four feet horizontally within or below the elevation contour line of the OHWM. Placement of earth fill within the OHWM shall not be allowed. Retaining walls, sheet piling, gabions or other retaining structures shall be placed above the OHWM. When such retaining structures are placed at the OHWM, they must be faced with native stone riprap.

b. Shoreline erosion protection activities on meandered sovereign rivers, except the Mississippi River, shall be limited to placement of approved in-stream erosion control structures or native stone or standard riprap. Riprap shall extend riverward from the OHWM and may not exceed a slope of two feet horizontal to one foot vertical (2:1). Placement of earth fill below the OHWM shall not be allowed. Retaining walls, sheet piling, gabions or other retaining structures shall not be placed within the OHWM. When such retaining structures are placed at the OHWM, they must be faced with riprap.

c. Shoreline erosion protection activities on the Mississippi River shall be limited to placement of approved in-stream erosion control structures or native stone riprap. Riprap shall extend riverward from the OHWM and may not exceed a slope of two feet horizontal to one foot vertical (2:1). Placement of earth fill within the OHWM shall not be allowed. Retaining walls, sheet piling, gabions or other retaining structures shall not be placed within the OHWM. When such retaining structures are placed at the OHWM, they must be faced with native stone riprap.

d. Retaining walls on all meandered sovereign lakes and meandered sovereign rivers. The landowner shall maintain the wall system at all times and take corrective measures to eliminate any nuisance condition, repair deterioration of the structure, eliminate erosion around the structure, and repair damage to the structure caused by the action of the water or ice. When a retaining wall or other structure placed on the shoreline prevents the public from traversing the shoreline, the landowner shall grant the public a license to walk from the landowner's property within 15 feet of the top of the wall or structure for the purpose of traversing the shoreline.

Notwithstanding the prohibitions in this subrule, nothing in this subrule shall prohibit activities that would be part of habitat development or natural resources mitigation projects constructed or approved by a political subdivision of the state and subject to review under these rules.

13.7(3) *Quality of the applicant.* Applicants or authorized agents who have a current violation for another project are not eligible for consideration for a permit under these rules unless and until all other noncompliant projects have been remediated and any enforcement actions related to the same have been resolved or satisfied.

13.7(4) *Cantilever access structures.* Permanent cantilever access structures that lawfully existed and were lawfully permitted under prior sovereign lands construction permit rules as of April 15, 2009, shall be deemed lawfully permitted under these rules. All cantilever access structures that were not lawfully

installed prior to April 15, 2009, or were installed after April 15, 2009, shall be regulated as docks by 571—Chapter 16.

13.7(5) *Beaches, canals, commercial boat ramps, and channels.* Permits may be granted to maintain existing beaches, canals, and channels lawfully installed as of April 15, 2009, to ensure the navigation and safety of those existing lawful beaches, canals, and channels. The department shall not permit new beaches, canals, commercial boat ramps or artificial channels or expansion of existing beaches, canals, commercial boat ramps or artificial channels, except that the department may permit new beaches, canals, commercial boat ramps and artificial channels and expansions of existing beaches, canals, commercial boat ramps and artificial channels when such establishment or expansion would be under the jurisdiction of a political subdivision of the state, would be accomplished to provide public access to the water, and would meet the review standards established by these rules.

[**ARC 7891C**, IAB 5/1/24, effective 6/5/24]

571—13.8(455A,461A) Leases or easements as a condition of permits. If a permitted structure or its use will have a continuing impact on the availability or desirability of public lands or public waters, the permit shall be conditioned on the requirement that the permittee obtain a lease or easement under Division II of this chapter. However, a lease or easement shall not be required for proposed activities that are wholly within the scope of the permittee's littoral or riparian rights.

[**ARC 7891C**, IAB 5/1/24, effective 6/5/24]

571—13.9(455A,461A,462A) Permit application. Applicants shall apply for permits using an application form provided by the department. Permit application resources can be found on the Permit and Environmental Review Management Tool (PERMT) at programs.iowadnr.gov/permt/. Applicants shall state the need for the proposed construction or use, the availability of alternatives, and the measures proposed to prevent, minimize or mitigate adverse impacts to natural resources or public use of the affected area. The department reserves the right to refuse to review incomplete applications. Each application, including all amendments, shall be signed by the applicant and authorized agent if one shall be so appointed by the applicant. The applicant's signature shall acknowledge that the application is accurate and made in good faith.

13.9(1) For purposes of this rule, the department will deem an application complete if the application meets all of the following criteria. The application:

a. Is provided on the department's form, and all fields are completed and legible;

b. Includes the name(s), mailing address and telephone number of the applicant(s) and authorized agent(s), if applicable;

c. Describes the proposed activity, including:

(1) Physical address and legal description of the location where the proposed activity is to occur; a written description of existing natural and man-made structures and features; an aerial photograph, if possible or available; and a ground-level photograph(s) showing the area where the activity is proposed to occur;

(2) Schematic or design plans, including cross sections and plan views, that accurately and clearly depict the proposed activities;

(3) Description of the construction methods used to complete the project, the methods used to transport material to the site, and the type and amount of material to be used;

(4) Description of measures proposed to prevent or minimize adverse impacts on the property in the proposed area;

(5) Description of any borrows or disposal sites, including the location of any borrows or disposal sites and the type and amount of material to be borrowed or disposed of in them;

d. Includes identification of the OHWM, if the proposed activities are in or near a meandered sovereign lake or meandered sovereign river;

e. Describes alternative plans to undertake the activity that may be available to the applicant;

f. Identifies the need for the proposed activity in the proposed project area;

g. Provides a statement of consent for the department to enter the property during the term of the proposed permit.

13.9(2) For applications that provide for an authorized agent to perform part or all of the proposed activities, the following additional information shall be required to constitute a complete application:

a. Statement signed by the authorized agent and applicant;

b. Statement signed by the authorized agent acknowledging that the authorized agent is aware of such designation and is responsible to complete the identified work; and

c. Description of the work to be completed by the authorized agent.

[**ARC 7891C**, IAB 5/1/24, effective 6/5/24]

571—13.10(455A,461A) Additional information or analysis required for permit review.

13.10(1) The director may require an applicant to provide additional information, at the applicant's sole cost, necessary to complete review of the application, including but not limited to study of alternatives to construction on public lands and waters, social and environmental impacts of the proposed activities, professional surveys to establish the social and environmental impacts of the proposed activities, professional land surveys to delineate or show real property boundaries and other characteristics, and a professional real estate appraisal of the value that a permit may convey.

13.10(2) If the applicant does not respond to a request for additional information within 90 days of such request being made by the department, the department may withdraw the application from consideration and the applicant must reapply for the permit.

13.10(3) When the director determines that the proposed activity will significantly affect the public interest, the director may hold a public meeting in the vicinity of the proposed activity. When a public meeting is held, the director shall consider public input in conjunction with other information collected or provided as part of the application review when acting on a permit application.

[**ARC 7891C**, IAB 5/1/24, effective 6/5/24]

571—13.11(455A,461A) Permit issued or denied. The department shall promptly review all permit applications, and the director shall issue a permit or deny all or part of an application upon completion of review. A permit may include specified conditions denying the application in part and the reasons for the conditions. The denial of a permit may include a proposed removal order. A permit denial shall be final agency action, unless the unsuccessful applicant otherwise has a constitutional right to a contested case, in which case an administrative appeal pursuant to procedures in 571—Chapter 7 shall be available. The unsuccessful applicant's request for a contested case may include a request for a waiver under the provisions of Iowa Code section 17A.9A and 571—Chapter 11. The decision of the presiding officer in a contested case shall constitute final agency action.

[**ARC 7891C**, IAB 5/1/24, effective 6/5/24]

571—13.12(455A,461A) Authorized agent. When an authorized agent is designated on the application for a permit and acknowledges the same, that authorized agent shall be responsible in the same manner as the permittee to comply with the terms of the permit issued.

[**ARC 7891C**, IAB 5/1/24, effective 6/5/24]

571—13.13(455A,461A) Inspection. The department may inspect the location during the term of the permit to ensure that the permitted activities comply with the terms of the permit. The permittee shall grant the department the right to access the permitted activities for purposes of inspecting the permitted activities during the term of the permit. If the permittee denies permission for entry, the department may obtain an order from the Iowa district court for the county in which the permitted activities or the majority of the permitted activities occur, as needed, to enable the department to carry out its inspection duty. The intent of the inspection is to evaluate compliance with permit conditions and the impact to the natural resources and the public's recreational use of the area.

[**ARC 7891C**, IAB 5/1/24, effective 6/5/24]

571—13.14(455A,461A) Additional information or analysis required during term of the permit. The director may require a permittee to provide additional information, at the permittee's sole cost, necessary to ensure that the permittee is complying with the terms of the permit, including but not limited to social and environmental impacts of the activities, professional surveys to establish the social and environmental

impacts of the activities, professional land surveys to delineate or show real property boundaries and other characteristics, and a professional real estate appraisal of the value that a permit may convey or has conveyed.

[**ARC 7891C**, IAB 5/1/24, effective 6/5/24]

571—13.15(455A,461A) Violations; types of enforcement actions; citation and notice of violation.

13.15(1) *Violations.*

a. A person shall be in violation of these rules and Iowa Code section 461A.4 in the event the person does any of the following:

(1) Performs construction on or undertakes other activities that alter the physical characteristics of public lands or waters under the jurisdiction of or managed by the commission without a permit required by these rules;

(2) Performs such work out of conformance with specific requirements enumerated in a permit issued in accordance with these rules; or

(3) Fails to comply with an order of the commission under these rules.

b. Each day of a violation shall be considered a separate offense.

13.15(2) *Types of enforcement actions.* A person who violates these rules shall be subject to either of the following:

a. Criminal enforcement. A peace officer of the state may issue a citation for each offense. A person who is found guilty of violating these rules shall be charged with a simple misdemeanor for each violation.

b. Civil enforcement. A civil penalty may be assessed in conformance with Iowa Code section 461A.5B and rule 571—13.17(455A,461A). Written notice of the violation(s) shall be given to the person against whom disciplinary action is being considered. The notice shall state the informal and formal procedures available for determining the matter. If agreement as to appropriate disciplinary sanction, if any, can be reached between the director and the person against whom disciplinary action is being considered, a written stipulation and settlement between the department and the person shall be entered. Such a settlement shall take into account how the corrective actions described in subrule 13.15(3) shall be accomplished. In addition, the stipulation and settlement shall recite the basic facts and violations alleged, any facts brought forth by the person, and the reasons for the particular sanctions imposed. If an agreement as to appropriate disciplinary action, if any, cannot be reached, the director may issue an administrative order as described in rule 571—13.17(455A,461A).

13.15(3) *Actions to be taken upon receipt of citation or notice of violation.* A person who has violated these rules shall cease the specified unauthorized activity upon receipt of a citation or as may be stipulated in the notice of violation. The notice of violation or a written notice accompanying the citation from the department shall require the person to take one or more of the following actions within a specified time:

a. Apply for a permit to authorize completion of construction or maintenance and use, as applicable;

b. Remove materials and restore the affected area to the condition that existed before commencement of the unauthorized activity;

c. Remediate the affected area in a manner and according to a plan approved by the department. The department may enforce such a remediation at the expense of the permittee, adjacent landowner or culpable party.

[**ARC 7891C**, IAB 5/1/24, effective 6/5/24]

571—13.16(455A,461A) Removal orders. If the violation includes the unauthorized placement of materials or personal property on the public lands or public waters under the jurisdiction of the commission, and the person, who may include a permittee or authorized agent but may not, fails to comply with the action required by the notice, the director may cause a proposed removal order to be issued to the person responsible for such placement. The proposed removal order shall specify the removal action required and include notice of the right to an administrative appeal including a contested case hearing under procedures in 571—Chapter 7. The proposed decision in a contested case may be appealed to the commission under 571—Chapter 7. If there is no appeal from a proposed decision that includes a removal requirement, the proposed decision shall be presented to the director for review and adoption. A removal order approved by the director shall constitute final agency action under Iowa Code sections 461A.4 and

461A.5A and may be enforced through an original action in equity filed in a district court of the state by the attorney general on behalf of the department and the commission.
[**ARC 7891C**, IAB 5/1/24, effective 6/5/24]

571—13.17(455A,461A) Civil penalties. The department may assess a civil penalty of up to $5,000 per offense for each violation of these rules, provided the department does not utilize a criminal citation for a violation. Each day the violation continues shall be a separate offense or violation. Penalties shall be assessed through issuance of an administrative order of the director which recites the facts and the legal requirements that have been violated and a general rationale for the prescribed fines. The order also may be combined with any other order authorized by statute for mandatory or prohibitory injunctive conditions and is subject to normal contested case and appellate review under procedures in 571—Chapter 7. The proposed decision in a contested case may be appealed to the commission under 571—Chapter 7. The commission may refer orders that include singular or cumulative penalties over $10,000 to the attorney general's office.
[**ARC 7891C**, IAB 5/1/24, effective 6/5/24]

571—13.18(455A,461A) Report of completion. Once an approved activity is completed, the permittee shall notify the department through PERMT using the project's PERMT identification number created through the original application process. The activity shall be subject to final approval before the department determines that the conditions of the permit have been met.
[**ARC 7891C**, IAB 5/1/24, effective 6/5/24]

571—13.19(455A,461A) Final inspection. Once the permittee notifies the department pursuant to rule 571—13.18(455A,461A), the department shall inspect the permitted area to ensure that the permittee has complied with the terms of the permit. Such inspection shall occur within 60 days of the department's receipt of the notice provided pursuant to rule 571—13.18(455A,461A). In the event the department does not provide final inspection within 60 days of the department's receipt of the notice provided pursuant to rule 571—13.18(455A,461A), the permittee shall be deemed compliant and the permit shall expire. The intent of this inspection is to evaluate compliance with permit conditions and the impacts to the natural resources and the public's recreational use of the area.
[**ARC 7891C**, IAB 5/1/24, effective 6/5/24]

571—13.20(455A,461A) Permit extensions. Prior to the expiration of a permit, a permittee or an authorized agent may submit a written request by email to the department for an extension of the permit. In evaluating whether to grant the extension, the department will consider the work completed, the work to be performed, the extent to which the permit extension is needed and the extent to which the permittee has made efforts to meet the obligations of the original permit. The department reserves the right to modify the conditions of a permit as part of any extension. An extension granted by this rule is not a project modification.
[**ARC 7891C**, IAB 5/1/24, effective 6/5/24]

571—13.21(455A,461A) Project modifications. If projects are modified to the extent that the additional or modified work would not be allowed within the original permit, the permittee must apply for a new permit for the additional or modified work.
[**ARC 7891C**, IAB 5/1/24, effective 6/5/24]

571—13.22(455A,461A) Transferability. Permits are transferable only upon written approval of the department and only after the department is satisfied that the permitted activities will not change and the new permittee would be eligible to receive a permit under subrule 13.7(3).
[**ARC 7891C**, IAB 5/1/24, effective 6/5/24]

571—13.23 to **13.50** Reserved.

DIVISION II
LEASES AND EASEMENTS

571—13.51(455A,461A) Leases. Where a permitted structure or related activity will have a continuing impact on the availability or desirability of public lands or public waters or exceeds the scope of littoral or riparian rights, the permittee must enter into a lease covering the area affected by the construction. Fees for leases shall be determined by 571—Chapter 17 or other methods approved by the commission and executed pursuant to Iowa Code section 461A.25. Requests for leases shall be made on the form and shall include the information required by rule 571—13.9(455A,461A,462A) under Division I of this chapter. The department may grant a lease if, in the department's sole discretion, the lease will not impair the state's intended use of the area during the term of the lease; the lease will not negatively impact a federal interest, including related deed restrictions, related to the area during the term of the lease; and the lease will not result in an exclusive use.
[**ARC 7891C**, IAB 5/1/24, effective 6/5/24]

571—13.52(455A,461A) Easements. The director may grant an easement to political subdivisions and utility companies pursuant to Iowa Code section 461A.25, provided the following terms are met:

13.52(1) Requests for easements shall be made on the form and shall include the information required by rule 571—13.9(455A,461A,462A) under Division I of this chapter. The department may grant an easement if, in the department's sole discretion, the easement will not impair the state's intended use of the area during the term of the easement or the easement will not negatively impact a federal interest, including related deed restrictions, related to the area during the term of the agreement.

13.52(2) The value of an easement shall be determined by the director based upon a real estate appraisal or other method approved by the commission, as evidenced in the meeting minutes thereof. In addition to fees for easements, the director may assess the applicant for the reasonable transaction costs associated with the issuing of an easement including the cost of appraisals, other methods of establishing values, and land surveys. In determining the fee for an easement, the department may consider the value the proposed activity may contribute to the department's management of the affected property.

13.52(3) Recipients of any easements granted pursuant to this rule shall assume liability for structures installed pursuant to such easement and shall comply with the standards enumerated in rule 571—13.7(455A,461A,462A), as applicable, in the sole discretion of the department.
[**ARC 7891C**, IAB 5/1/24, effective 6/5/24]

571—13.53(455A,461A) Appeals. The department and the commission are under no legal obligation to provide any person a legal interest in property under the jurisdiction of the commission. An applicant may appeal to the director a decision of the department regarding leases and easements and request that the director reconsider a condition of an easement or a lease or a denial of an easement or a lease. The determination of the director shall be final agency action.
[**ARC 7891C**, IAB 5/1/24, effective 6/5/24]

These rules are intended to implement Iowa Code sections 455A.5, 461A.4, 461A.5A, 461A.5B, 461A.6, 461A.18, 461A.25 and 462A.3.

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TITLE II
LICENSES, PERMITS AND CONCESSION CONTRACTS

CHAPTER 14
CONCESSIONS

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/5/29

571—14.1(461A) Definitions.

"Concessionaire" means a person or firm granted a contract to operate a concession in a state park or recreation area. The concessionaire is an independent contractor and not an employee or agent of the department.

"Concession operation" means operating a business within a concession area in a state park or recreation area including, but not limited to, boat rental, snack food sales, beach operation, and sale of fishing bait and tackle.

"Department" means the same as defined in Iowa Code section 461A.1(2).

"Director" means the same as defined in Iowa Code section 461A.1(3).

"Friends group or organization" means an organization incorporated under Iowa Code chapter 504 as a not-for-profit group which has been formed solely for the purposes of promoting and enhancing a particular state park, recreation area, or the Iowa state park system, or any combination of the three.

"Gross receipts" means the total amount received, excluding sales tax, realized by or accruing to the concessionaire from all sales, for cash or credit, of services, accommodations, materials, or other merchandise pursuant to rights granted in the contract, including gross receipts of subconcessionaires. All moneys paid into coin-operated devices, except telephones, shall be included in gross receipts.

"New concession" means the right to establish a concession operation in an area that does not currently have a concessionaire or an area where the department wishes to invite bids for a mobile type concession operation.

"Newspaper" means the same as described in Iowa Code section 618.3.

[**ARC 7892C**, IAB 5/1/24, effective 6/5/24]

571—14.2(461A) Advertising or notice procedure.

14.2(1) *New concession.*

a. Advertising. When the department desires to obtain a new concession operation to offer multiple concession services in an area, the department shall advertise the request for proposals on the targeted small business website and the department's requests for proposals website. The department shall advertise a notice for the request for proposals in one newspaper of statewide circulation and in at least one newspaper designated by the county to be used for official publications in the county in which the state park or recreation area is located.

b. The notice shall state the following:

(1) The names and location of the area(s) in which concession operations are available.

(2) The general types of services the department would expect a concessionaire to furnish.

(3) How to obtain the request for proposals information.

(4) The deadline for submission of proposals to the department.

c. The department shall allow a minimum of 15 days between the date of publication of advertisements and the deadline for submission of proposals.

d. The request for proposals shall include the following information:

(1) A scope of work that contains detailed information regarding the types of services expected to be offered by the concessionaire and the history of the gross receipts reported for the previous five operating years by the prior concessionaire (if applicable); bid terms acceptable to the department; the name, address, and telephone number of the person to contact regarding the request for proposals; and the date and time by which the proposals must be received by the department.

(2) A map of the park in which the concession operation is proposed.

(3) A sample of the contract the successful bidder will be expected to sign.

(4) Samples of report forms that the concessionaire must submit to the department while the concession is in operation.

14.2(2) *Renewal of existing concession operation.*

a. The department may, at its option, mutually agree with the concessionaire to renew a contract during or at the end of its term. A concessionaire may request renewal during the term of a contract after a minimum of three years of concession operation and a minimum of six months prior to expiration of the existing contract. The provisions of the renewal contract shall be negotiated between the department and the concessionaire. Should either party choose not to renew the contract, appropriate notice shall be sent to the other party four months prior to the expiration date of the existing contract, and the department may advertise for bids in accordance with this chapter.

b. The department shall publish a notice of intent to renew a concession contract that has been negotiated in accordance with paragraph 14.2(2)*"a."* The notice shall be published in the same manner as provided in paragraph 14.2(1)*"a"* and shall solicit public comments regarding the renewal.

c. The department director shall, upon review of comments received, determine whether to solicit bids or proceed with the renewal of the existing contract and shall notify the concessionaire of the decision in writing. If the director denies the renewal request, the existing concessionaire may request a contested case proceeding pursuant to Iowa Code chapter 17A.

[**ARC 7892C**, IAB 5/1/24, effective 6/5/24]

571—14.3(461A) Bidding process.

14.3(1) *Proposals.* Persons interested in operating a concession in a state park or recreation area shall submit a proposal in the format requested in the request for proposals. It is the bidder's responsibility to inspect the area proposed for concession operation and be fully aware of the condition and physical layout of the area. The proposal shall also include an explanation of any proposed operation not mentioned in the request for proposals. Concession facilities shall be bid on an "as is" basis unless the department agrees in writing to undertake certain improvements.

a. The department reserves the right to reject any or all bids.

b. If no bids are received for a concession operation, the department may:

(1) Readvertise for bids; or

(2) Contact interested persons and attempt to negotiate a contract; or

(3) Determine that there will be no concession operation in that particular area that year.

14.3(2) *Vending machines.*

a. Placement of vending machines in state parks and recreation areas shall not be subject to the advertising and bidding process established by this chapter.

b. Vending machines may be placed in state parks and recreation areas only by the publisher or distributor of the newspaper to be sold, the distributor of the soft drink to be sold in the machines, or by private vending machine companies.

c. Companies placing vending machines in state parks and recreation areas must submit a proposal to the department that states the location, number, and type of vending machines to be placed; the price(s) that will be charged to the public; and the proposed fee or commission to be paid to the state.

d. Any fees or commissions to be paid by the vendor to the state shall be paid directly to the department's central office in Des Moines, Iowa.

e. The department will not install new electrical lines, concrete pads, or any other items needed to enable installation of vending machines.

14.3(3) *Firewood sales.*

a. Firewood sales contracts shall not be subject to the advertising and bidding process established by this chapter.

b. Persons interested in selling firewood in a state park or recreation area that has no other concessionaire, or if the concessionaire has declined the opportunity to sell firewood, shall submit a request to the department that identifies the area(s) where the firewood would be sold, the price to be charged to the public, and the proposed fee or commission to be paid to the state.

c. All firewood sold or distributed in state parks and recreation areas shall be accompanied with a firewood label that meets labeling requirements identified in rule 21—46.16(177A).

d. All firewood that originates from a quarantined area and that is sold or distributed in state parks and recreation areas must be certified by the United States Department of Agriculture to show that the firewood has been processed or treated according to applicable federal regulations.

14.3(4) *Friends group or organization.*

a. Concession contracts with a friends group or organization, as defined in rule 571—14.1(461A), in state parks and recreation areas shall not be subject to the advertising and bidding process established by this chapter.

b. A friends group or organization shall submit a proposal to operate a concession operation at a particular state park or recreation area. The proposal shall state the services to be provided, the proposed hours of operation, and proposed staffing.

c. All net proceeds from the sale of merchandise and other concession services shall be spent on state park or recreation area improvement projects.

[**ARC 7892C**, IAB 5/1/24, effective 6/5/24]

571—14.4(461A) Selection of a concessionaire. The department shall select the concessionaire it determines to be best suited for a concession operation in a state park or recreation area upon evaluation of the following information:

1. The services proposed in the concession operation.
2. The concessionaire's managerial experience and other concession-related experience.
3. The concessionaire's financial stability, based upon a review of the concessionaire's existing profitability, equity, available cash, and other applicable financial data.
4. The annual lease payment bid.
5. The length of contract proposed.
6. A check of all business and personal references given in the proposal.
7. The use of environmentally friendly practices and materials including, but not limited to, participation in recycling programs, use of items that contain recycled-content materials, use of energy-efficient appliances and equipment, and light pollution reduction.
8. The results of a criminal background check and driver's license record check.

[**ARC 7892C**, IAB 5/1/24, effective 6/5/24]

571—14.5(461A) Concession contract—general. The term of the concession contract shall be for no more than a ten-year period without being subject to the renewal process as outlined in this chapter. The contract may be amended during its term, in writing, and effective only if the amendments are approved by all parties.

14.5(1) *Construction.* The contract may allow the construction of department-approved buildings or other facilities by the concessionaire in lieu of annual concession fee payments on an equal value basis. The value of the buildings or facilities shall be based on actual, documented cost of construction. Any structures built under this contract condition shall become state property and cannot be removed by the concessionaire unless removal is required by the contract.

14.5(2) *Insurance.* Insurance coverage required to be carried by the concessionaire shall be "occurrence" type rather than "claims made."

14.5(3) *Exclusive rights.* The contract gives the concessionaire exclusive rights to conduct the concession operation in a particular state park or recreation area. The concessionaire must have department approval prior to allowing other vendors to do business in the area under the terms of the contract. This provision does not prohibit the department from allowing other vendors in an area if the department identifies a service that is not under contract with the concessionaire and the concessionaire declines to provide that service.

14.5(4) *Temporary authorization.* If necessary, the department director shall have authority to issue a temporary letter of authorization to enable the successful bidder to operate a concession pending approval of the contract by the commission if commission approval is required by statute. The letter of authorization will incorporate all stipulations and conditions of the contract. The term of the letter of authorization shall not exceed 90 calendar days from the date of issuance.

[**ARC 7892C**, IAB 5/1/24, effective 6/5/24]

571—14.6(461A) Dispute resolution. Should a dispute arise between the concessionaire and the department as to the interpretation of contract stipulations or whether the concessionaire is performing satisfactorily, the concessionaire shall initially meet with the local staff and district supervisor. If the matter cannot be resolved, the bureau chief will attempt to resolve the dispute. If the dispute cannot be resolved, the contract shall be terminated and the department may advertise for bids in accordance with this chapter. The requirements of Iowa Code section 17A.18(3) shall apply to any contract termination under the provisions of this rule. The provisions of this rule shall not be a bar to or prerequisite of the provisions of rule 571—14.7(461A).

[**ARC 7892C**, IAB 5/1/24, effective 6/5/24]

571—14.7(461A) Suspension or termination for cause.

14.7(1) *Emergency suspension.* If the department determines that continued operation of the concession presents an immediate hazard to the public health, safety or welfare or is in violation of any state law or policy, the department may immediately suspend the contract by notice procedures described in the contract. The notice shall contain specific reasons for the emergency suspension.

The department may enforce the suspension by physically closing the concession premises. The department may assign employees to operate any part of a concession which the department determines should be opened during a suspension in order to provide continued services for park users.

If possible, the concessionaire may take action to correct the hazardous situation and request reinstatement of the contract if the department agrees that a hazardous situation no longer exists.

14.7(2) *Termination of contract.* The department may terminate the contract, for one or more of the following reasons:

a. Failure to correct a hazardous condition within a reasonable time specified in the notice of emergency termination.

b. Nonconformance with the stipulations of the contract including payment of fees.

c. Unsatisfactory performance of the concessionaire.

Upon notice of termination of the contract, the concessionaire may request a hearing under the provisions of natural resource commission rules in 571—Chapter 7.

[**ARC 7892C**, IAB 5/1/24, effective 6/5/24]

571—14.8(456A,461A,463C) Honey Creek Resort State Park exemption. The rules in this chapter do not apply to Honey Creek Resort State Park.

[**ARC 7892C**, IAB 5/1/24, effective 6/5/24]

These rules are intended to implement Iowa Code sections 461A.1, 461A.3, and 461A.4.

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CHAPTER 15
GENERAL LICENSE REGULATIONS

[Prior to 12/31/86, see Conservation Commission[290] Chs 17, 66, 67, and 75]

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/5/29

571—15.1(483A) Scope. The purpose of this chapter is to provide rules for license fees, sales, refunds and administration; implement the wildlife violator compact and penalties for multiple offenses; and administer special licenses available for hunting and fishing.

[**ARC 7893C**, IAB 5/1/24, effective 6/5/24]

DIVISION I
LICENSE SALES, REFUNDS AND ADMINISTRATION

571—15.2(483A) Definitions. For the purposes of this division, the following definitions shall apply, in addition to those found in Iowa Code chapter 483A:

"Administration fee" means the fee collected by the department to pay a portion of the cost of administering the sale of licenses through electronic means.

"Immediate family member" means the spouse, a domestic partner, and all minor children of the licensee or person seeking a license.

"Licensee" means a person who applies for and receives a license under these rules from the department.

"Retail" means the sale of goods or commodities to the ultimate consumer, as opposed to the sale of goods or commodities for further distribution or processing.

"Wholesale" means the sale of goods or commodities for resale by a retailer, as opposed to the sale of goods or commodities to the ultimate consumer.

[**ARC 7893C**, IAB 5/1/24, effective 6/5/24]

571—15.3(483A) Form of licenses. Every license shall contain a general description of the licensee. At the time of application, the applicant for a license must provide the applicant's date of birth and either a social security number or a valid Iowa driver's license number. The license shall be signed by the applicant and shall clearly indicate the privilege granted.

[**ARC 7893C**, IAB 5/1/24, effective 6/5/24]

571—15.4(483A) Administration fee. An administration fee of $1.50 per privilege purchased shall be collected from the purchaser at the time of purchase, except upon the issuance of free landowner deer and turkey hunting licenses, free annual hunting and fishing licenses, free annual fishing licenses, free group home fishing licenses, and boat registrations, renewals, transfers, and duplicates. An administrative fee of $3.65 will be collected from the purchaser at the time of boat registration, renewal, transfer, and duplicate purchases.

[**ARC 7893C**, IAB 5/1/24, effective 6/5/24]

571—15.5(483A) Electronic license sales.

15.5(1) *Designation as license agent.* The director may designate a retail business establishment, an office of a governmental entity, or a nonprofit corporation as an agent of electronically issued licenses in accordance with the provisions of this rule.

15.5(2) *Application.* Application forms to sell electronically issued licenses may be secured by a written or in-person request to the Licensing Section, Department of Natural Resources, 6200 Park Avenue, Suite 200, Des Moines, Iowa 50312. The following information must be provided on the application form:

a. The legal name, address, and telephone number of the entity applying for designation;

b. The hours open for business and general service to the public;

c. A brief statement of the nature of the business or service provided by the applicant;

d. Type of Internet connection (dial up or high speed) used for accessing the electronic licensing system; and

e. A signature by an owner, partner, authorized corporate official, or public official of the entity applying for designation.

15.5(3) *Application review.*

a. The department shall approve or deny the application to sell electronically issued licenses based upon the following criteria:

(1) The need for a license agent in the area;

(2) The hours open for business or general service to the public;

(3) The potential volume of license sales;

(4) The apparent financial stability and longevity of the applicant;

(5) The number of point-of-sale (POS) terminals available to the department; and

(6) Type of Internet connection (dial up or high speed) used for accessing the electronic licensing system.

b. If necessary, the department may utilize a waiting list for license agent designation. The order of priority for the waiting list will be determined by the time of submittal of a complete and correct application and receipt of the required security deposit, as outlined in the application.

15.5(4) *Issuance of electronic licensing equipment.* Upon the director's approval of an application under this rule and designation of a license agent for electronic license sales, the equipment necessary to conduct such sales will be issued to the license agent by the department subject to the following terms and conditions:

a. Prior to the issuance of the electronic licensing equipment, the approved license agent shall furnish to the department an equipment security deposit in an amount to be determined by the department.

b. Prior to the issuance of the electronic licensing equipment, the approved license agent shall enter into an electronic license sales agreement with the department which sets forth the terms and conditions of such sales, including the authorized amounts to be retained by the license agent.

c. Prior to the issuance of the electronic licensing equipment, the approved license agent shall furnish to the department a signed authorization agreement for electronic funds transfer pursuant to subrule 15.5(5).

d. Electronic licensing equipment and supplies must be stored in a manner to provide protection from damage, theft, and unauthorized access. Any damage to or loss of equipment or loss of moneys derived from license sales is the responsibility of the license agent.

e. Upon termination of the agreement by either party, all equipment and supplies, as outlined in the agreement, must be returned to the department. Failure to return equipment and supplies in a usable condition, excluding normal wear and tear, will result in the forfeiture of deposit in addition to any other remedies available to the department by law.

15.5(5) *License fees.* All moneys received from the sale of licenses, less and except the agreed-upon service fee, must be immediately deposited and held in trust for the department.

a. All license agents must furnish to the department a signed authorization agreement for electronic funds transfer authorizing access by the department to a bank account for electronic transfer of license fees received by the license agent.

b. The amount of money due for accumulated sales will be drawn electronically by the department on a weekly basis. The license agent shall be given notice of the amount to be withdrawn at least two business days before the actual transfer of funds occurs. The license agent is responsible for ensuring that enough money is in the account to cover the amount due.

c. License agents may accept or decline payment in any manner other than cash, such as personal checks or credit cards, at their discretion. Checks or credit payments must be made payable to the license agent, not to the department. The license agent shall be responsible for ensuring that the license fee is deposited in the electronic transfer account, regardless of the payment or nonpayment status of any check accepted by the license agent.

15.5(6) *Termination.* Upon the termination of the electronic license sales agreement pursuant to subrule 15.5(7) or 15.5(8), the department may disconnect or otherwise block the license agent's access to the electronic licensing system.

15.5(7) *Equipment shut down and termination.* The department reserves the right to disconnect the license agent's access to the electronic licensing system or terminate the license agent's electronic license sales agreement for cause. Cause shall include, but is not limited to, the following:

a. Failing to deposit license fees into the electronic transfer account in a sum sufficient to cover the amount due for accumulated sales;

b. Charging or collecting any fees in excess of those authorized by law;

c. Discriminating in the sale of a license in violation of state or federal law;

d. Knowingly making a false entry concerning any license sold or knowingly issuing a license to a person who is not eligible for the license issued;

e. Using license sale proceeds, other than the service fee, for personal or business purposes;

f. Disconnecting or blocking access to the electronic licensing system for a period of 30 days or more; or

g. Violating any of these rules or the terms of the electronic license sales agreement. Repeated violations of these rules may result in termination of the license agent's electronic license sales agreement.

15.5(8) *Voluntary termination.* A license agent may terminate its designation and the electronic license sales agreement at its discretion by providing written notice to the department. Voluntary termination shall become effective 30 days after the department's receipt of notice.

[**ARC 7893C**, IAB 5/1/24, effective 6/5/24; Editorial change: IAC Supplement 7/23/25]

571—15.6(483A) Refund or change requests for special deer and turkey hunting licenses and general licenses.

15.6(1) *Death of licensee.* The fee for a deer or turkey hunting license will be refunded to the licensee's estate when a licensee's death predates the season for which the license was issued and a written request from the licensee's spouse, executor or estate administrator is received by the department within 90 days of the last date of the season for which the license was issued.

15.6(2) *Military duty.* The fee for a deer or turkey hunting license will be refunded if the licensee is a member of the armed forces and is either deployed or activated for a national or state emergency during the season for which the license was issued. A written refund request must be received by the department within 90 days of the last date of the season for which the license was issued.

15.6(3) *License changes.* The department will attempt to change a licensee's choice of season or type of license if a written request is received by the licensing section prior to the start of the established season.

15.6(4) *Other refund requests.* Except as previously described in this rule, the department will not issue refunds for any licenses.

[**ARC 7893C**, IAB 5/1/24, effective 6/5/24]

571—15.7(483A) Proof of residency required. The department shall have the authority to require persons applying for or who have received resident licenses to provide additional information to determine the person's principal and primary residence or domicile and residency status. Whether a person was issued resident or nonresident licenses by the department in previous years shall not be a determining factor of residency. Persons required to provide additional information under this rule shall be notified in writing by the department and shall have 60 days to submit all required information to the department.

[**ARC 7893C**, IAB 5/1/24, effective 6/5/24]

571—15.8(483A) Residency status determination. Upon receipt of information requested from the person, the department may determine whether the person is a resident or a nonresident for purposes of these rules and Iowa Code chapter 483A. The department shall provide the person with written notice of the finding.

[**ARC 7893C**, IAB 5/1/24, effective 6/5/24]

571—15.9(483A) Suspension or revocation of licenses when nonresidents obtain resident licenses.

15.9(1) *Suspension or revocation of license.* If the department finds that a nonresident has obtained a resident license, the department shall provide written notice of intent to revoke and suspend hunting, fishing, or trapping licenses as provided in 571—Chapter 7. If the person requests a hearing, it shall be conducted in accordance with 571—Chapter 7.

15.9(2) *Dates of suspension or revocation.* The suspension or revocation shall be effective upon failure of the person to request a hearing within 30 days of the notice described in subrule 15.9(1) or upon issuance of an order affirming the department's intent to suspend or revoke the license after the hearing. The person shall immediately surrender all licenses and shall not apply for or obtain new licenses for the full term of the suspension or revocation.

[**ARC 7893C**, IAB 5/1/24, effective 6/5/24]

571—15.10(483A) Licenses—fees. Except as otherwise provided by law, a person shall not fish, trap, hunt, harvest, pursue, catch, kill, take in any manner, use, have possession of, sell, or transport all or a part of any wild animal, bird, game, turtle, or fish, the protection and regulation of which is desirable for the conservation of resources of the state, without first obtaining a license for that purpose and paying a fee as follows:

15.10(1) *Residents.*

a. Fishing license, annual — $20.
b. Fishing license, three-year — $60.
c. Fishing license, seven-day — $13.50.
d. Fishing license, one-day — $8.50.
e. Third-line fishing permit, annual — $12.
f. Fishing license, lifetime, 65 years of age or older — $59.50.
g. Fishing license, lifetime, disabled veteran or POW — $5.
h. Paddlefish fishing license, annual — $23.50.
i. Trout fishing fee — $12.50.
j. Boundary waters sport trotline license, annual — $24.
k. Hunting license, annual — $20.
l. Hunting license, annual, including the wildlife habitat fee — $33.
m. Hunting license, three-year, including the wildlife habitat fee — $99.
n. Hunting license, lifetime, 65 years of age or older — $59.50.
o. Combination hunting and fishing license, annual, including the wildlife habitat fee — $53.
p. Combination hunting and fishing license, lifetime, disabled veteran or POW — $5.
q. Deer hunting license — $30.
r. First antlerless deer license — $25.50.
s. Additional antlerless deer license — $12.
t. Wildlife habitat fee — $13.
u. Migratory game bird fee — $10.
v. Wild turkey hunting license — $26.50.
w. Fur harvester license, annual — $24.
x. Fur harvester license, annual, including the wildlife habitat fee — $37.
y. Fur harvester license, annual, under 16 years of age — $5.50.
z. Fur harvester license, lifetime, 65 years of age or older — $59.50.
aa. Fur dealer license, annual — $264.
bb. Aquaculture unit license, annual — $30.
cc. Retail bait dealer license, annual — $36.
dd. Wholesale bait dealer license, annual — $146.50.
ee. Game breeder license, annual — $18.
ff. Taxidermy license, annual — $18.
gg. Trout fishing license, lifetime, 65 years of age or older — $63.
hh. Trout fishing license, lifetime, disabled veteran — $63.
ii. Fishing license, annual, veteran — $5.

jj. Combination hunting and fishing license, annual, veteran — $5.

15.10(2) *Nonresidents.*

a. Fishing license, annual — $46.

b. Fishing license, seven-day — $35.50.

c. Fishing license, three-day — $18.50.

d. Fishing license, one-day — $10.

e. Third-line fishing permit, annual — $12.

f. Paddlefish fishing license, annual — $47.

g. Trout fishing fee — $15.50.

h. Boundary waters sport trotline license, annual — $47.50.

i. Hunting license, annual — $129.

j. Hunting license, annual, including the wildlife habitat fee — $142.

k. Hunting license, annual, under 18 years of age — $30.

l. Hunting license, annual, under 18 years of age, including the wildlife habitat fee — $43.

m. Hunting license, five-day (not applicable to deer or wild turkey seasons) — $75.

n. Hunting license, five-day, including the wildlife habitat fee (not applicable to deer or wild turkey seasons) — $88.

o. Deer hunting license, antlered or any-sex deer — $345.50.

p. Deer hunting license, antlerless-deer-only, required with the purchase of an antlered or any-sex deer hunting license — $146.50.

q. Deer hunting license, antlerless-deer-only — $263.50.

r. Preference point issued under Iowa Code section 483A.7(3)*"b"* or 483A.8(3)*"e"* — $58.50.

s. Holiday deer hunting license issued under Iowa Code section 483A.8(6), antlerless-deer-only — $88.

t. Wildlife habitat fee — $13.

u. Migratory game bird fee — $10.

v. Wild turkey hunting license, annual — $117.

w. Fur harvester license, annual — $232.

x. Fur harvester license, annual, including the wildlife habitat fee — $245.

y. Fur dealer license, annual — $586.50.

z. Fur dealer license, one-day, one location — $292.50.

aa. Location permit for fur dealer — $66.

bb. Aquaculture unit license, annual — $66.

cc. Retail bait dealer license, annual — $146.50.

dd. Wholesale bait dealer license, annual — $292.50.

ee. Game breeder license, annual — $30.50.

ff. Taxidermy license, annual — $30.50.

[**ARC 7893C**, IAB 5/1/24, effective 6/5/24]

571—15.11 to **15.15** Reserved.

DIVISION II
MULTIPLE OFFENDER AND WILDLIFE VIOLATOR COMPACT

571—15.16(481A,481B,482,483A,484A,484B) Multiple offenders—revocation and suspension of hunting, fishing, and trapping privileges from those persons who are determined to be multiple offenders.

15.16(1) *Definitions.* For the purpose of this rule, the following definitions shall apply:

"Department" means the Department of Natural Resources, 6200 Park Avenue, Suite 200, Des Moines, Iowa 50312.

"Multiple offender" means any person who has equaled or exceeded five points for convictions in Iowa Code chapters 481A, 481B, 482, 483A, 484A, 484B, and 716 during a consecutive three-year period as provided in subrule 15.16(3).

"Revocation" means the taking or cancellation of an existing license or privilege.

"Suspension" means to bar or exclude one from applying for or acquiring licenses or privileges for future seasons.

15.16(2) *Recordkeeping procedures.* For the purpose of administering this rule, it shall be the responsibility of the clerk of district court for each county to deliver, on a monthly basis, disposition reports of each charge filed under Iowa Code chapters 456A, 481A, 481B, 482, 483A, 484A, 484B, and 716 to the department. Dispositions and orders of the court of all cases filed on the chapters listed in this subrule shall be sent to the department regardless of the jurisdiction or the department of the initiating officer.

a. License suspensions. In the event of a license suspension pursuant to Iowa Code section 481A.133, the clerk of court shall immediately notify the department.

b. Entering information. Upon receipt of the disposition information from the clerks of court, the department will, on a monthly basis, enter this information into a licensed system that is directly accessible to all law enforcement agencies of the state.

c. Disposition report information. Information from the disposition report that will be entered into an electronic license system which includes but may not be limited to the following:

(1) County of violation,
(2) Name of defendant,
(3) Address of defendant,
(4) Social security or driver's license number,
(5) Date of birth,
(6) Race,
(7) Sex,
(8) Height,
(9) Weight,
(10) Date and time of violation,
(11) Charge and Iowa Code section,
(12) Officer name/C-number who filed charge, and
(13) Date of conviction.

15.16(3) *Point values assigned to convictions.* Point values for convictions shall be assessed as stated in this subrule. Multiple citations and convictions of the same offense will be added as separate convictions:

a. Convictions of the following offenses shall have a point value of three:

(1) Illegal sale of birds, game, fish, or bait.
(2) More than the possession or bag limit for any species of game or fish.
(3) Hunting, trapping, or fishing during the closed season.
(4) Hunting by artificial light.
(5) Hunting from aircraft, snowmobiles, all-terrain vehicles or motor vehicle.
(6) Any violation involving threatened or endangered species.
(7) Any violations of Iowa Code chapter 482, except Iowa Code sections 482.6 and 482.14.
(8) Any violation of nonresident license requirements.
(9) No fur dealer license (resident or nonresident).
(10) Illegal taking or possession of protected nongame species.
(11) The unlawful taking of any fish, turtle, game, or fur-bearing animal.
(12) Illegal taking, possession, or transporting of a raptor.
(13) Hunting, fishing, or trapping while under license suspension or revocation.
(14) Illegal removal of fish, minnows, frogs, or other aquatic wildlife from a state fish hatchery.
(15) Any fur dealer violations except failure to submit a timely annual report.
(16) Any resident or nonresident making false claims to obtain a license.

(17) Illegal taking or possession of hen pheasant.
(18) Applying for or acquiring a license while under suspension or revocation.
(19) Taking game from the wild—see Iowa Code section 481A.61.
(20) Violation of Iowa Code sections 483A.27(7) and 483A.27A.
(21) Any violation of Iowa Code section 716.8 while hunting, fishing, or trapping.

b. Convictions of the following offenses shall have a point value of two:
(1) Hunting, fishing, or trapping on a refuge.
(2) Illegal possession of fur, fish, turtle, or game.
(3) Chasing wildlife from or disturbing dens.
(4) Trapping within 200 yards of an occupied building or private drive.
(5) Possession of undersized or oversized fish.
(6) Shooting within 200 yards of occupied building or feedlot.
(7) No valid resident license relating to deer, turkey, or paddlefish.
(8) Illegal importation of fur, fish, or game.
(9) Failure to exhibit catch to an officer.
(10) Trapping or poisoning game birds, or poisoning game animals.
(11) Violations pertaining to private fish hatcheries and aquaculture.
(12) Violations of the fur dealers reporting requirements.
(13) Violation of Iowa Code section 481A.126 pertaining to taxidermy.
(14) Loaded gun in a vehicle.
(15) Attempting to unlawfully take any fish, turtle, game, or fur-bearing animals.
(16) Attempting to take game before or after legal shooting hours.
(17) Wanton waste of fish, game or fur-bearing animals.
(18) Illegal discharge of a firearm pursuant to Iowa Code section 481A.54.
(19) Any violation of Iowa Code section 482.14 pertaining to commercial fishing.
(20) Failure to tag deer, turkey, or paddlefish.
(21) Applying for or obtaining more than the legal number of licenses allowed for deer or turkey.
(22) Illegal transportation of game, fish or furbearers.
(23) Violation of Iowa Code section 483A.27, except Iowa Code section 483A.27(7).

c. All other convictions of provisions in Iowa Code chapters 481A, 481B, 482, 483A, 484A, and 484B shall have a point value of one.

15.16(4) *Length of suspension or revocation.*

a. The term of license suspension or revocation shall be determined by the total points accumulated during any consecutive three-year period, according to the following: 5 points through 8 points is one year, 9 points through 12 points is two years, and 13 points or over is three years.

b. Any person convicted of a violation of any provision of Iowa Code chapters 481A, 481B, 482, 483A, 484A, and 484B under the circumstances described in Iowa Code section 481A.135(2) shall have an additional suspension of one year. Any person convicted of a violation of any provision of Iowa Code chapters 481A, 481B, 482, 483A, 484A, and 484B under the circumstances described in Iowa Code section 481A.135(3) shall have an additional suspension of two years. Any person convicted of a violation of any provision of Iowa Code chapters 481A, 481B, 482, 483A, 484A, and 484B under the circumstances described in Iowa Code section 481A.135(4) shall have an additional suspension of three years. The foregoing provisions apply whether or not a person has been found guilty of a simple misdemeanor, serious misdemeanor or aggravated misdemeanor pursuant to Iowa Code sections 481A.135(2), 481A.135(3) and 481A.135(4). If a magistrate suspends the privilege of a defendant to procure another license and the conviction contributes to the accumulation of a point total that requires the department to initiate a suspension, the term of suspension shall run consecutively up to a maximum of five years. After a five-year suspension, remaining time will be calculated at a concurrent rate.

15.16(5) *Points applicable toward suspension or revocation.* If a person pleads guilty or is found guilty of an offense for which points have been established by this rule but is given a suspended sentence or deferred sentence by the court as defined in Iowa Code section 907.1, the assigned points will become part of that person's violation record and apply toward a department suspension or revocation.

15.16(6) *Notification of intent to suspend and revoke license.* If a person reaches a total of five or more points, the department shall provide written notice of intent to revoke and suspend hunting, fishing, or trapping licenses as provided in 571—Chapter 7. If the person requests a hearing, it shall be conducted in accordance with 571—Chapter 7.

15.16(7) *Dates of suspension or revocation.* The suspension or revocation shall be effective upon failure of the person to request a hearing within 30 days of the notice described in subrule 15.16(6) or upon issuance of an order affirming the department's intent to suspend or revoke the license after the hearing. The person shall immediately surrender all licenses and shall not apply for or obtain new licenses for the full term of the suspension or revocation.

[**ARC 7893C**, IAB 5/1/24, effective 6/5/24; Editorial change: IAC Supplement 7/23/25]

571—15.17(456A) Wildlife violator compact. The department has entered into the wildlife violator compact (the compact) with other states for the uniform enforcement of license suspensions. The compact, a copy of which may be obtained by contacting the department's law enforcement bureau, is adopted herein by reference. The procedures set forth in this rule shall apply to license suspensions pursuant to the wildlife violator compact.

15.17(1) *Definitions.* For purposes of this rule, the following definitions shall apply:

"Compliance" with respect to a citation means the act of answering a citation through an appearance in a court or through the payment of all fines, costs, and surcharges, if any.

"Department" means the Iowa department of natural resources.

"Issuing state" means a participating state that issues a fish or wildlife citation to a person.

"Participating state" means any state which enacts legislation to become a member of the wildlife violator compact. Iowa is a participating state pursuant to Iowa Code section 456A.24(14).

15.17(2) *Suspension of licenses for noncompliance.* Upon the receipt of a valid notice of failure to comply, as defined in the compact, the department shall issue a notice of suspension to the Iowa resident. The notice of suspension shall:

a. Indicate that all department-issued hunting (including furbearer) or fishing licenses shall be suspended, effective 30 days from the receipt of the notice, unless the department receives proof of compliance.

b. Inform the violator of the facts behind the suspension with special emphasis on the procedures to be followed in resolving the matter with the court in the issuing state. Accurate information in regard to the court (name, address, telephone number) must be provided in the notice of suspension.

c. Notify the license holder of the right to appeal the notice of suspension within 30 days of receipt. Said appeal shall be conducted pursuant to 571—Chapter 7 but shall be limited to the issues of whether the person so notified has a pending charge in the issuing state, whether the person has previously received notice of the violation from the issuing state, and whether the pending charge is subject to a license suspension for failure to comply pursuant to the terms of the compact.

d. Notify the license holder that, prior to the effective date of suspension, a person may avoid suspension through an appearance in the court with jurisdiction over the underlying violations or through the payment of all fines, costs, and surcharges associated with the violations.

e. Indicate that, once a suspension has become effective, the suspension may only be lifted upon the final resolution of the underlying violations.

15.17(3) *Reinstatement of licenses.* Any license suspended pursuant to this rule may be reinstated upon the receipt of an acknowledgement of compliance from the issuing state, a copy of a court judgment, or a certificate from the court with jurisdiction over the underlying violations and the payment of applicable Iowa license fees.

15.17(4) *Issuance of notice of failure to comply.* When a nonresident is issued a citation by the state of Iowa for violations of any provisions under the jurisdiction of the natural resource commission which is covered by the suspension procedures of the compact and fails to timely resolve said citation by payment of applicable fines or by properly contesting the citation through the courts, the department shall issue a notice of failure to comply.

a. The notice of failure to comply shall be delivered to the violator by certified mail, return receipt requested, or by personal service.

b. The notice of failure to comply shall provide the violator with 14 days to comply with the terms of the citation. The violator may avoid the imposition of the suspension by answering a citation through an appearance in a court or through the payment of all fines, costs, and surcharges, if any.

c. If the violator fails to achieve compliance, as defined in this rule, within 14 days of receipt of the notice of failure to comply, the department shall forward a copy of the notice of failure to comply to the home state of the violator.

15.17(5) *Issuance of acknowledgement of compliance.* When a person who has previously been issued a notice of failure to comply achieves compliance, as defined in this rule, the department shall issue an acknowledgement of compliance to the person who was issued the notice of failure to comply.

15.17(6) *Reciprocal recognition of suspensions.* Upon receipt of notification from a state that is a member of the wildlife violator compact that the state has suspended or revoked any person's hunting or fishing license privileges, the department shall:

a. Enter the person's identifying information into the records of the department.

b. Deny all applications for licenses to the person for the term of the suspension or until the department is notified by the suspending state that the suspension has been lifted.

[**ARC 7893C**, IAB 5/1/24, effective 6/5/24]

571—15.18 to **15.20** Reserved.

DIVISION III
SPECIAL LICENSES

571—15.21(483A) Fishing license exemption for patients of substance abuse facilities.

15.21(1) *Definition.* For the purpose of this rule, the definition of "substance abuse facility" is identical to the definition of "facility" in Iowa Code section 125.2(8).

15.21(2) *Procedure.* Each substance abuse facility may apply to the department of natural resources for a license exempting patients from the fishing license requirement while fishing as a supervised group as follows:

a. Application shall be made on a form provided by the department and shall include the name, address and telephone number of the substance abuse facility including the name of the contact person. A general description of the type of services or care offered by the facility must be included as well as the expected number of participants in the fishing program and the water bodies to be fished.

b. A license will be issued to qualifying substance abuse facilities and will be valid for all patients under the care of that facility.

c. Patients of the substance abuse facility must be supervised by an employee of the facility while fishing without a license pursuant to this rule. An employee of the substance abuse facility must have the license in possession while supervising the fishing activity of patients.

d. Notwithstanding the provisions of this rule, each employee of the substance abuse facility must possess a valid fishing license while participating in fishing.

[**ARC 7893C**, IAB 5/1/24, effective 6/5/24]

571—15.22(481A) Authorization to use a crossbow for deer and turkey hunting during the bow season by handicapped individuals.

15.22(1) *Definitions.* For the purpose of this rule:

"Bow and arrow" means a compound, recurve, or longbow.

"Crossbow" means a weapon consisting of a bow mounted transversely on a stock or frame and designed to fire a bolt, arrow, or quarrel by the release of the bow string, which is controlled by a mechanical or electric trigger and a working safety.

"Handicapped" means a person possessing a physical impairment of the upper extremities that makes a person physically incapable of shooting a bow and arrow. This includes difficulty in lifting and reaching with arms as well as difficulty in handling and fingering.

15.22(2) *Application for crossbow permit.* An individual requesting use of a crossbow for hunting deer or turkey must submit an application for a crossbow permit on forms provided by the department. The application must include a statement signed by the applicant's physician declaring that the individual is not physically capable of shooting a bow and arrow. The physician shall be a licensed physician, osteopathic physician, physician assistant, or advanced registered nurse practitioner. A first-time applicant must submit the crossbow permit application no later than ten days before the last day of the license application period for the season the person intends to hunt.

15.22(3) *Crossbow permit—issuance and use.* Approved applicants will be issued a permit authorizing the individual to hunt deer and turkey with a crossbow. The crossbow permit must be carried with the license and on the person while hunting deer and turkey and must be exhibited to a conservation officer upon request.

15.22(4) *Validity and forfeiture of permit.* A permit authorizing the use of a crossbow for hunting deer and turkey will be valid for as long as the person is incapable of shooting a bow and arrow. If a conservation officer has probable cause to believe the person's handicapped status has improved, making it possible for the person to shoot a bow and arrow, the department may, upon the officer's request, require the person to obtain in writing a current physician's statement. The physician shall be a licensed physician, osteopathic physician, physician assistant, or advanced registered nurse practitioner.

If the person is unable to obtain a current physician's statement confirming that the person is incapable of shooting a bow and arrow, the department may initiate action to revoke the permit pursuant to 571—Chapter 7.

15.22(5) *Restrictions.* Crossbows equipped with pistol grips and designed to be fired with one hand are illegal for taking or attempting to take deer or turkey. All projectiles used in conjunction with a crossbow for deer hunting must be equipped with a broadhead.

[**ARC 7893C**, IAB 5/1/24, effective 6/5/24]

571—15.23(483A) Free hunting and fishing license for low-income persons 65 years of age and older or low-income persons who are permanently disabled.

15.23(1) *Purpose.* Pursuant to Iowa Code section 483A.24(15), the department of natural resources will issue a free annual combination hunting and fishing license to low-income persons who meet the age status or permanently disabled status as defined.

15.23(2) *Definitions.*

"Age status" means a person who has achieved the sixty-fifth birthday.

"Low-income person" means a person who is a recipient of a program administered by the state department of human services for persons who meet low-income guidelines.

"Permanently disabled" means a person who meets the definition in Iowa Code section 483A.4.

15.23(3) *Procedure.* Each person shall apply to the department of natural resources for a license as follows:

a. Application shall be made on a form provided by the department and shall include the name, address, height, weight, color of eyes and hair, date of birth, and gender of the applicant. In addition, applicants shall include a copy of an official document such as a birth certificate if claiming age status, or a copy of an award letter from the Social Security Administration or private pension plan if claiming permanent disabled status. The application shall include an authorization allowing the department of health and human services to verify the applicant's household income if proof of income is provided through the department of health and human services.

b. The free annual hunting and fishing combination license will be issued by the department upon verification of program eligibility. The license issued under this rule will be valid until January 10 of the subsequent year. Proof of eligibility must be submitted each year in order to obtain a free license.

c. A person whose income falls below the federal poverty guidelines may apply for this license by providing either of the following:

(1) A current Notice of Decision letter. For purposes of this rule, a "current Notice of Decision letter" shall mean a letter from the department of health and human services dated in the month the application is received or dated in the five months immediately preceding the month the application is received that describes the applicant's monthly or annual household income.

(2) If a person does not have a Notice of Decision letter as described in subparagraph 15.23(3)*"c"*(1), a document shall be provided that states that the applicant's annual income does not exceed the federal poverty limit for the current year and lists income from all sources, including but not limited to any wages or compensation, social security, retirement income, dividends and interest, cash gifts, rents and royalties, or other cash income. In addition, the applicant shall provide documentation of such income by submitting a copy of the applicant's most recently filed state or federal income tax return to the department. In the event an applicant does not have a tax return that was filed within the last year because the applicant's income level does not require the filing of a tax return, the applicant shall so notify the department, shall provide to the department bank statements, social security statements or other relevant income documentation identified by the department, and shall meet with the department to verify income eligibility under this rule.

Federal poverty guidelines are published in February of each year and will be the income standard for applicants from that time until the guidelines are available in the subsequent year. The guidelines will be shown on the application and will be available upon request from the department.

15.23(4) *Revocation.* Any license issued pursuant to rule 571—15.23(483A) may be revoked, in whole or in part, by written notice, if the director determines that a license holder had provided false information to obtain a license under this chapter or has violated any provision of this chapter and that continuation of the license is not in the public interest. Such revocation shall become effective upon a date specified in the notice. The notice shall state the extent of the revocation and the reasons for the action. Within 30 days following receipt of the notice of a revocation, the license holder may file a notice of appeal, requesting a contested case hearing pursuant to 561—Chapter 7. The notice of appeal shall specify the basis for requesting that the license be reinstated.

[**ARC 7893C**, IAB 5/1/24, effective 6/5/24]

571—15.24(483A) Free annual fishing license for persons who have severe physical or mental disabilities.

15.24(1) *Purpose.* Pursuant to Iowa Code section 483A.24(9), the department of natural resources will issue a free annual fishing license to Iowa residents 16 or more years of age who have severe mental or physical disabilities who meet the definition of "severe mental disability" or "severe physical disability" in subrule 15.24(2).

15.24(2) *Definitions.* For the purposes of this rule, the following definitions apply:

"Severe mental disability" means a person who has severe, chronic conditions in all of the following areas which:

1. Are attributable to a mental impairment or combination of mental and physical impairments;
2. Result in substantial functional limitations in three or more of the following areas of major life activities: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, or economic self-sufficiency;
3. Reflect the person's need for a combination and sequence of services that are individually planned and coordinated; and
4. Requires the full-time assistance of another person to maintain a safe presence in the outdoors.

"Severe physical disability" means a disability that limits or impairs the person's mobility or use of a hand or arm and that requires the full-time assistance of another person or that makes the person dependent on a wheelchair for the person's normal life routine.

15.24(3) *Procedure.* Each person shall apply to the department of natural resources for a license as follows:

a. Application shall be made on a form provided by the department and shall include the name, home address, home telephone number, height, weight, eye and hair color, date of birth, and gender of the applicant and other information as required. The license issued under this rule will be issued by the department upon verification of program eligibility and will be valid until January 10 of the subsequent year. Proof of eligibility must be submitted each year in order to obtain the license.

b. The application shall be certified by the applicant's attending physician with an original signature and, based upon the definition of severe mental disability or severe physical disability as provided for in this rule, declare that the applicant has a severe mental or physical disability. A medical statement from the

applicant's attending physician specifying the applicant's type of disability shall be on 8½" x 11" stationery of the attending physician or on paper inscribed with the attending physician's letterhead. For purposes of this rule, the attending physician must be a currently practicing licensed physician, osteopathic physician, physician assistant, or advanced registered nurse practitioner.

15.24(4) *Revocation.* Any license issued pursuant to rule 571—15.24(483A) may be revoked, in whole or in part, by written notice, if the director determines that a license holder had provided false information to obtain a license under this chapter or has violated any provision of this chapter and that continuation of the license is not in the public interest. Such revocation shall become effective upon a date specified in the notice. The notice shall state the extent of the revocation and the reasons for the action. Within 30 days following receipt of the notice of a revocation, the license holder may file a notice of appeal, requesting a contested case hearing pursuant to 561—Chapter 7. The notice of appeal shall specify the basis for requesting that the license be reinstated.

[**ARC 7893C**, IAB 5/1/24, effective 6/5/24]

571—15.25(483A) Transportation tags for military personnel on leave from active duty.

15.25(1) *Military transportation tags for deer and turkey.* The military transportation tag shall include the following information: name, birth date, current address of military personnel; species and sex of animal taken; date of kill; and weapon used. Only conservation officers of the department shall be authorized to issue military transportation tags.

15.25(2) *Annual limit for military transportation tags.* A person receiving a military transportation tag shall be limited to one military deer tag and one military turkey tag annually.

15.25(3) *Regulations apply to military personnel.* With the exception of the license requirement exemption set forth in Iowa Code section 483A.24(7), all hunting and fishing regulations shall apply to active duty military personnel.

[**ARC 7893C**, IAB 5/1/24, effective 6/5/24]

571—15.26(483A) Special nonresident deer and turkey licenses. The commission hereby authorizes the director to issue special nonresident deer and turkey licenses pursuant to the provisions of 561—Chapter 12.

[**ARC 7893C**, IAB 5/1/24, effective 6/5/24]

571—15.27 to **15.39** Reserved.

DIVISION IV
EDUCATION AND CERTIFICATION PROGRAMS

571—15.40(483A) Hunter education program.

15.40(1) This division clarifies the term "hunting license" as used in Iowa Code section 483A.27 in relation to the hunter education course requirement, and explains the requirements for individuals who wish to demonstrate their knowledge of hunter education so as to be eligible to purchase an Iowa hunting license. For the purpose of this division, a hunting license, pursuant to Iowa Code sections 483A.1 and 483A.24, includes:

a. Hunting licenses for legal residents except as otherwise provided.

b. Hunting licenses for nonresidents.

c. Hunting preserve licenses.

d. Free annual hunting and fishing licenses for persons who are disabled or are 65 years of age or older and qualify for low-income status as described in Iowa Code section 483A.24.

e. Veterans' hunting and fishing licenses as described in Iowa Code section 483A.24.

15.40(2) Deer and wild turkey license applications. Individuals are not required to exhibit a certificate showing satisfactory completion of a hunter education course when applying for a deer or wild turkey license.

[**ARC 7893C**, IAB 5/1/24, effective 6/5/24]

These rules are intended to implement Iowa Code chapters 456A, 481A, and 483A.

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CHAPTER 16
DOCKS AND OTHER STRUCTURES ON PUBLIC WATERS

[Prior to 12/31/86, Conservation Commission[290] Ch 33]

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/5/29

571—16.1(461A,462A) Definitions.

"Artificial lake" means all river impoundments and all other impoundments of water to which the public has a right of access from land or from a navigable stream inlet. Examples are Lake Panorama, Lake Delhi, Lake Nashua, and Lake Macbride.

"Boat" means "watercraft" as defined in Iowa Code section 462A.2.

"Boat hoist" or *"lift"* means a structure placed in the water or below the ordinary high-water mark for boat storage, including platforms for storage of personal watercraft. For the purposes of this chapter, a boat hoist that is designed to store up to two small vessels such as personal watercraft or one-person sailboats may be treated as a single hoist. For the purposes of this chapter, storage of stand-up paddleboards on racks above the platform of a dock is not counted as a boat hoist or lift; however, a rack for storage of canoes or kayaks is a boat hoist.

"Catwalk" means a platform no more than four feet wide installed to provide access from a dock to a moored boat or boat hoist.

"Commercial dock" means a dock used as part of a business, including a dock extending from residential property if one or more mooring spaces at the dock are rented for a fee. A dock maintenance fee charged by a property owners' association to its members is not a basis to classify a dock as commercial. This definition is not applicable to docks in dock management areas or concession operations administered by the department.

"Commission" means the natural resource commission.

"Common dock" means a dock serving two or more adjoining shoreline properties.

"Department" means the department of natural resources.

"Director" means the director of the department of natural resources or the director's designee.

"Dock" means a platform-type structure extending from shoreline property over a public water body, including but not limited to platforms that provide access to boats moored on the water body.

"Dock management area" or *"DMA"* means an area designated by the department in the bed of a water body adjoining a state park, wildlife management area, or recreation area or adjoining a strip of land that was dedicated to the public and is subject to the jurisdiction of the department pursuant to Iowa Code section 461A.11(2). A dock management area as designated by the department includes an area adjoining public land from which docks extend.

"Impoundment" means a body of water formed by constructing a dam across a waterway.

"Public dock" means a dock constructed and maintained to provide public access from public land to a water body.

"Public land" means land that is owned by the state, a city, or a county or land that has been dedicated for public access to a public water body.

"Public water body" is a water body to which the public has a right of access.

"Rental" means taking compensation, trading, or bartering for the usage of a slip or hoist on a Class I or Class III dock, including the rental of a vehicle parking spot that includes the privilege of using a hoist or slip on a Class I or Class III dock.

"Shoreline property" means a parcel of property adjoining (littoral to) a lake or adjoining (riparian to) a river or other navigable stream.

"Slip" means a mooring space, usually adjacent to a dock, sometimes accessed by a catwalk.

"Water body" means a river or other stream, a natural lake, an artificial lake or other impoundment, or an excavated pit.

[**ARC 7894C**, IAB 5/1/24, effective 6/5/24]

DIVISION I
PRIVATE, COMMERCIAL AND PUBLIC DOCKS

571—16.2(461A,462A) Scope of division and classes of permits. Permits are required for docks on all water bodies open to the public for boating or other recreational uses. This division governs permits for all types of docks except docks in dock management areas designated by the department. Classes of permits are designated as follows: Class I permits authorize standard private docks, other private docks in specified areas, and docks permitted by the U.S. Army Corps of Engineers; Class II permits authorize docks that are managed by governmental entities and extend from shoreline property owned by those governmental entities; Class III permits authorize nonstandard private docks; and Class IV permits authorize commercial docks. A dock that involves placement of fill or construction of a permanent structure in a state-owned public water body also requires a construction permit issued under 571—Chapter 13. A dock issued a permit by the U.S. Army Corps of Engineers, located on a water body managed by the U.S. Army Corps of Engineers, does not require a state dock permit under this chapter.
[**ARC 7894C**, IAB 5/1/24, effective 6/5/24]

571—16.3(461A,462A) Standard requirements for all docks. All docks are subject to the following requirements:

16.3(1) *Adverse impacts on aquatic ecosystem.* All docks, hoists, slips and related structures shall be located, sized, configured, constructed and installed to limit their adverse impacts on the aquatic ecosystem. In areas of sensitive aquatic habitat, docks and hoists shall be located, configured, constructed and installed to minimize harm to aquatic habitat. Other restrictions may be placed on docks that are in a state-protected waters area as necessary to protect the natural features of the designated area.

16.3(2) *Adverse impacts on public access for recreational use.* A dock shall not be configured to enclose an area of a public water body and create a private water area or otherwise adversely affect public recreational use of the water body. Where walking or wading parallel to the shore below the ordinary high-water mark would be physically practical except for the obstruction created by a dock, the dock owner shall not prevent a person from stepping on or over the dock to bypass the obstruction.

16.3(3) *Location and offsets.* To the extent practical, a dock and boat hoists shall be placed near the center of the shoreline property frontage and installed perpendicular to the ordinary high-water mark to maximize offsets from neighboring properties. Each dock, hoist, moored vessel and other permitted structure shall be offset a minimum of five feet from an adjoining property line and five feet from the projection of a line perpendicular from the ordinary high-water mark at the common boundary with adjoining shoreline property as determined by the department. A minimum gap of ten feet shall be maintained between adjoining docks (including "L" or "T" or catwalk segments), hoists or moored boats. Where projection of a line perpendicular from the ordinary high-water mark is impractical, it is the intent of this rule that a ten-foot gap be maintained in a manner that is equitable to each adjoining shoreline property owner.

16.3(4) *Length.* A dock shall not extend farther from the water's edge than the distance necessary for reasonable access to the water body in relation to characteristics of the water body in the vicinity of the dock site and the impacts on the water body and other users. Access to maintain one or more boats in water with a minimum depth of three feet shall be considered sufficient access.

16.3(5) *Display of 911 address.* Each dock owner shall display the 911 address, including the street and city, assigned to the property served by the dock. The owner of a dock authorized by an individual permit shall also display the dock permit number. The information shall be displayed in block letters and numbers at least one inch high in a color contrasting with the background, on the water end of the dock, facing away from shore, and shall be plainly visible.

16.3(6) *Winter removal.* Each dock must be removed from public waters before December 15 of each year and shall not be reinstalled until the following spring unless the removal requirement is waived by a condition of a dock permit or by rule 571—16.18(461A,462A).

16.3(7) *No enclosure of private docks.* Private docks and docks in dock management areas shall not be enclosed by roofs or sides. Hoists may be enclosed by roofs and sides constructed of soft-sided natural fiber or synthetic fiber materials for the purpose of protecting watercraft.

16.3(8) *Materials and flotation specifications.* Every new floating structure authorized by this chapter shall use flotation methods and devices of a type constructed of low-density, closed-cell rigid plastic foam; high-impact polyethylene fiberglass material; wood products pressure-treated with a product approved by the United States Environmental Protection Agency for aquatic use; or other inert materials to provide flotation. Synthetic (such as plastic or fiberglass) or metal containers not originally manufactured as flotation devices may be used as dock flotation devices if they have been cleaned of any product residue, sealed and watertight, and filled with a closed-cell rigid plastic foam.

16.3(9) *Flow of water.* All docks shall be constructed and placed in a manner that allows the free flow of water beneath them.

16.3(10) *Excavation, fill and aquatic vegetation removal prohibited.* No bed material may be excavated or fill placed, and no aquatic vegetation may be removed below the ordinary high-water mark of a water body in association with construction of a dock unless excavation, placement of fill, or aquatic vegetation removal is specifically authorized by a construction permit issued under 571—Chapter 13.

16.3(11) *Storage, use, and dispensing of fuel.* The storage, use, and dispensing of any fuel on a dock on or over a public water body or adjacent public land shall be in compliance with Iowa Code chapter 101 and administrative rules that implement Iowa Code chapter 101.

16.3(12) *Electrical service.* Any electrical service on or leading to any dock used for storage or dispensing of fuel must comply with the National Electrical Code, 2023 edition. All electrical service leading to docks shall include ground fault circuit interrupter protection.

16.3(13) *Anchoring of river docks.* All river docks must be securely anchored to prevent them from becoming floating hazards during times of high river flows. The riparian owner is responsible for dock retrieval and removal when necessary to prevent or remove a navigation hazard.

16.3(14) *Access for inspection.* A dock, boat hoist, raft, platform, mooring buoy or any other structure on a public water body may be physically inspected at any time by a representative of the department as needed to determine whether it was placed and is maintained in a manner consistent with the requirements in these rules or with a permit issued under these rules.

[**ARC 7894C**, IAB 5/1/24, effective 6/5/24]

571—16.4(461A,462A) Class I permits for standard private docks. This rule establishes criteria and procedures for Class I permits for private docks qualifying as standard docks under criteria in this rule and for certain other docks in areas listed in this rule.

16.4(1) *Criteria for standard docks.* A Class I permit for a standard dock may authorize a total of one dock and up to two hoists serving one residence. It may authorize a common dock serving two or more residences located on adjoining shoreline properties. A common dock may include up to three hoists per shoreline property and be eligible for a Class I dock permit. The dock must extend from shoreline property on which one or more of the residences are located and must meet all of the following criteria:

a. Dock length limits. A dock on a natural lake may extend the greater of 100 feet from the water's edge or far enough so that the outer 50 feet of the dock is in 3 feet of water up to a maximum of 300 feet from the water's edge. These lengths shall be measured from the water's edge when the dock is installed. A dock on an artificial lake or river may extend the lesser of 50 feet from the water's edge or one-fourth of the width of the waterway measured from the water's edge when the dock is installed. However, the department may give notice to a property owner that a shorter dock length is necessary to avoid interference with navigation or an adjoining property owner's access. The width of an "L" or "T" segment at the outer end of a dock is included in measuring the length of the dock.

b. Width and configuration of docks on natural lakes. A dock on a natural lake may have no more than one "L" or "T" segment. The total length of the "L" or "T" segment facing opposite from shore may not be greater than 20 feet including the width of the dock. The total area of the "L" or "T" segment may not exceed 200 square feet. That part of the main dock forming the center of a "T" segment or an extension of an "L" segment is included in measuring the area of the "T" or "L" segment. No other part of the dock may be more than six feet wide. Catwalks shall be at least two feet wide and considered as part of the

dock. Catwalks shall be limited in length as in an "L" or "T" segment of the dock construction and may not extend beyond the width of the hoist, except that a catwalk may be extended around the hoist for access to the hoist.

c. Compliance with standard requirements. The dock and associated hoists must comply with the standard requirements in rule 571—16.3(461A,462A) for all docks.

d. Other structures not authorized. A Class I permit does not authorize placement of any other anchored or floating structure, such as a swim raft.

16.4(2) *Class I permits for private docks in other specified areas.* This subrule authorizes issuance of Class I permits for private docks in certain areas where circumstances, including narrowness of the water areas specified below, require different dock and hoist configurations. In the following areas, docks that fail to comply with the offset or ten-foot gap requirement in subrule 16.3(3) but that meet other standard dock requirements in rule 571—16.3(461A,462A) are eligible for a Class I permit, unless they obstruct navigation or an adjoining property owner's access: canals off West Okoboji Lake; Okoboji Harbor; inside harbor of Harbourage at Clear Lake; Venetian Village Canal at Clear Lake; Cottage Reserve on Lake Macbride; Lake Panorama; canals at Lake Manawa; and Lake Delhi.

16.4(3) *Procedures for issuance of Class I dock permits.* The owner of a standard dock eligible for a Class I permit under the criteria in subrule 16.4(1) or a dock in an area specified in subrule 16.4(2) shall apply for a Class I dock permit via the department's website. The applicant shall certify that the dock meets the criteria for a Class I permit. The department shall approve the application based on the applicant's certification and shall assign a permit number, which may be a series of numbers or letters or a combination of numbers and letters. The applicant is responsible for obtaining stickers with the permit numbers and letters, for attaching them to the end of the dock facing opposite from the shoreline, and for displaying the 911 address as provided in subrule 16.3(5). Class I dock permits authorized by this rule are issued without administrative fee and remain valid until the property is sold or transferred. In the event the property is sold or transferred, the new owner may request to transfer the Class I dock permit as provided in subrule 16.11(1). A Class I dock permit shall be valid only while dock and hoists comply with the criteria for a Class I permit.

[**ARC 7894C**, IAB 5/1/24, effective 6/5/24]

571—16.5(461A,462A) Class II permits for docks authorized by governmental entities that own or otherwise control shoreline property. This rule authorizes issuance of a Class II dock permit to a governmental entity for docks authorized by that entity to extend from public land owned or controlled by the entity. A Class II permit may include all docks and hoists authorized by a governmental entity on one water body. The Class II dock permit shall require that all docks comply with the standard requirements in rule 571—16.3(461A,462A). Class II permits may include exceptions as needed to provide continuing authorization for docks and hoists that were lawfully installed and maintained before the effective date of certain requirements as set forth in this rule. A dock on a natural lake may extend the greater of 100 feet from the water's edge or far enough so that the outer 80 feet of the dock is in 3 feet of water up to a maximum of 300 feet from the water's edge. These lengths shall be measured from the water's edge when the dock is installed. The governmental entity authorizing maintenance of a dock and boat hoists shall be responsible for enforcing the standard requirements and length limit. The department reserves authority to determine whether the requirements of rule 571—16.3(461A,462A) and the length limit are met upon complaint of a person who claims that a public or private right is adversely affected by a permitted dock. If the department determines that a dock or hoist must be moved or removed from the water body because of an adverse effect, the department shall issue an administrative order to the governmental entity that is authorizing maintenance or use of the dock and to the person who is maintaining or using the dock. Issuance of the administrative order shall trigger a right of the governmental entity and the affected person to a contested case. If shoreline property is public land but there is uncertainty concerning the relationship between the authority of the governmental entity and the authority of the department, the Class II permit shall include a recital concerning the relative authorities of the department and the permittee. Class II permits are issued without fee and are valid until a classification change is made.

[**ARC 7894C**, IAB 5/1/24, effective 6/5/24]

571—16.6(461A,462A) Class III permits for nonstandard private docks. All private docks that are not authorized by Class I or Class II permits shall require a Class III dock permit. In determining whether to issue a Class III permit for a private dock or to condition the permit by denying an application in part, the department shall apply the following criteria:

16.6(1) A Class III private dock permit shall require docks or hoists to be in compliance with requirements in rule 571—16.3(461A,462A), except as provided in rule 571—16.8(461A,462A).

16.6(2) An individual private dock on a natural lake may be permitted by a Class III permit to extend 100 feet from the water's edge or far enough so that the outer 80 feet of the dock is in 3 feet of water when the dock is installed. These lengths shall be measured from the water's edge when the dock is installed. If the water level declines after installation, additional segments may be installed during the season as needed to maintain 80 feet of dock in 3 feet of water, up to a maximum length of 300 feet from the water's edge. However, the department may give notice to a permittee that a shorter dock length is required to avoid interference with navigation or an adjoining property owner's access. The maximum permitted length of an individual private dock on an artificial lake or river is the lesser of 50 feet from the water's edge or one-fourth of the width of the waterway measured from the water's edge at normal water levels. The width of an "L" or "T" segment at the outer end of a dock is included in measuring the length of the dock.

16.6(3) The maximum number of hoists authorized by a Class III permit for an individual private dock is one hoist for every 10 feet of shoreline.

16.6(4) A Class III permit for an individual private dock on a natural lake may not authorize "L" or "T" segments containing more than a total of 240 square feet including the area of the adjoining parts of the main dock.

16.6(5) An individual private dock may be exempted by permit condition from the winter removal requirement in appropriate circumstances under criteria in rule 571—16.12(461A,462A).

[**ARC 7894C**, IAB 5/1/24, effective 6/5/24]

571—16.7(461A,462A) Class IV permits for commercial docks. In determining whether to issue a Class IV permit for a commercial dock or to condition the permit by denying an application in part, the department shall apply the following criteria:

16.7(1) A Class IV permit shall require docks or hoists to be in compliance with requirements in rule 571—16.3(461A,462A), except as provided in rule 571—16.8(461A,462A). Greater offsets may be required for new commercial docks or hoists if needed to minimize boat traffic and congestion that spills over in front of other shoreline property not owned or controlled by the applicant.

16.7(2) A commercial dock on a natural lake may be permitted to extend a maximum of 300 feet from the water's edge. However, the applicant must provide justification for a length greater than 150 feet and demonstrate that there are no appropriate alternatives available.

16.7(3) The maximum number of hoists or slips authorized by a permit for a commercial dock is one hoist or slip for every ten feet of shoreline. This limit shall not apply where a business operated on the shoreline property primarily involves boat sales, rentals, storage, or other boat services. In calculating the hoist limit, courtesy hoists shall not be counted if they are provided without charge to boaters to temporarily moor their boats while they go ashore to access services at a business on the shoreline property.

16.7(4) A permit for a commercial dock shall not be issued or the permit will include restrictions as needed to prevent uses of the dock that would be incompatible with zoning of the shoreline property from which the dock extends (including special use exceptions or variances recognized by the local governing body). However, a change in local zoning ordinance or termination of a local variance or special use exception shall not automatically be a ground for the department to revoke or refuse to renew a dock permit.

16.7(5) Authorization for roofs or sides on commercial docks or slips may be restricted as needed to minimize adverse visual impact on owners of other property and the public.

16.7(6) Each mooring site (slip) shall be marked by an identifying number or letter, in block style at least 3 inches high, of contrasting color, and located uniformly near the vessel's bow.

[**ARC 7894C**, IAB 5/1/24, effective 6/5/24]

571—16.8(461A,462A) Exceptions for renewal of Class III and Class IV permits for existing docks. This rule provides certain exceptions to length limits, hoist limits and platform size limits for docks and hoists that lawfully existed before the effective date of the limits. Criteria for exceptions to offset requirements are separately listed in subrule 16.8(2). Exceptions under this this rule are granted at the discretion of the department.

16.8(1) Class III and Class IV permits shall include exceptions as needed to provide continuing authorization for docks and hoists that were lawfully installed and maintained before the effective date of certain requirements as set forth in this rule. Permits shall include exceptions to the length limits in subrules 16.6(2) and 16.7(2) for docks up to 300 feet long that were lawfully installed and maintained before the effective date of the length limits. Permits shall include exceptions to the hoist limit in subrules 16.6(3) and 16.7(3), and to the platform size limit in subrule 16.6(4) for docks and hoists that were lawfully installed and maintained before the effective date of the limits. Any exceptions granted for such docks will expire upon sale or transfer of the property.

16.8(2) An exception to the offset requirements in subrule 16.3(3) shall be granted if the applicant can satisfy all three of the following criteria:

a. The lack of offset on one side of the property is compensated for by a larger offset on the other side of the property;

b. The applicant provides the department with a copy of the written consent of each affected adjoining property owner or an affidavit attesting that the affected adjacent property owner named in the affidavit has verbally given the applicant consent for the requested exception, or provides adequate documentation that the adjoining shoreline parcel is burdened by restrictive covenants, easements, or other valid use restrictions that impose on the owner of the parcel an obligation to tolerate docks and hoists that would otherwise violate the offset or gap requirements in subrule 16.3(3); and

c. The applicant demonstrates that no other dock or hoist configuration is physically practical.

[**ARC 7894C**, IAB 5/1/24, effective 6/5/24]

571—16.9(461A,462A) Initial decision and right of appeal. The decision on an application for a Class II, Class III or Class IV permit shall be provided in writing and may grant the permit, grant the permit with specific conditions, or deny the permit. If the decision is to deny the permit or to issue a permit with specific conditions that deny the application in part, the written decision shall include notice of the applicant's right to request a contested case under 571—Chapter 7. An applicant's request for a contested case may include a request for a waiver under the provisions of Iowa Code section 17A.9A and 571—Chapter 11.

[**ARC 7894C**, IAB 5/1/24, effective 6/5/24]

571—16.10(461A,462A) Application and administrative fees.

16.10(1) The applicant for a Class II, Class III or Class IV permit shall apply via the department's website. If the applicant for a Class III or Class IV permit is not the owner of the shoreline property from which the dock extends, the applicant shall identify the contractual relationship between the applicant and each property owner and shall submit as part of the application the written consent from each owner. The application shall be accompanied by plans and drawings that accurately show the size and location of each boat hoist, slip, platform, catwalk, buoy, or other structure to be maintained in front of the shoreline property. Docks in front of nonadjoining shoreline properties on the same water body owned by the same person or legal entity may be included in one application. An application for renewal of a permit for an existing dock and hoists must specifically describe each requested modification. The applicant shall submit an administrative fee with the application. The application will be assigned to a conservation officer to investigate.

16.10(2) The Class III permit application fee shall be $125 for one or more individual private docks. The Class IV permit application fee shall be $250 for one or more commercial docks. A Class III permittee shall pay an annual administrative fee of $50 for each hoist or slip in excess of a total of four hoists or slips. A Class IV permittee shall pay an annual administrative fee of $50 for each hoist or slip in excess of a total of six hoists or slips, except for each hoist or slip designated in the permit as courtesy mooring for customers and affixed with a sign identifying it as a courtesy hoist or slip. The hoist/slip fee is due

on March 1 of each year or whenever a permit is modified by adding a hoist or slip. Any fees owed to the department shall be paid in full prior to the installation of any portion of an individual private dock or commercial dock and before a boat is placed in a hoist or slip. The department may waive the permit application fee if the application is for a minor modification of an existing permit without an extension of the term of the permit.

[**ARC 7894C**, IAB 5/1/24, effective 6/5/24]

571—16.11(461A,462A) Duration and transferability of permits; refund of application fees; suspension, modification, or revocation of permits; complaint investigation; property line location.

16.11(1) *Duration and transferability of dock permits; administrative fee refunds.* With the exception of Class I dock permits, each dock permit shall be issued for a term of five years unless a shorter term is needed due to specified circumstances. The administrative fee paid with an application is nonrefundable unless the application is withdrawn before the department incurs administrative expense in investigating the application. A dock permit is transferable to a new owner of the shoreline property upon request to the department by the new owner; however, if the permit contains exceptions pursuant to rule 571—16.8(461A,462A), those exceptions shall expire upon transfer, and the new owner shall immediately bring the dock into compliance with all current rules.

16.11(2) *Suspension, modification, or revocation of permits.* A dock permit may be modified, suspended, or revoked, in whole or in part, by written notice served in compliance with Iowa Code section 17A.18, if the director determines that the dock is a hazard to other users of the water body, that a violation of any terms or conditions of the permit has occurred, or that continuation of the permit is contrary to the public interest. Such modification, suspension, or revocation is effective upon a date specified in the notice. The notice shall state the extent of the modification, suspension, or revocation, the reasons for the action, and any corrective or preventative measures to be taken by the permittee to bring the dock, structure, or activity into compliance. Within 30 days following receipt of the notice of a revocation or modification, or during the course of a suspension, the permittee may request a hearing in order to present information demonstrating that the alleged violation did not occur or that required corrective and preventative measures have been taken, or to present any other information relevant to a decision as to whether the permit should be reinstated, modified, or revoked. The hearing shall be conducted as prescribed by 571—Chapter 7. After completion of the hearing, a final decision will be made concerning the status of the permit. In the event that no hearing is requested, notices of modification and revocation shall remain in effect, and suspended permits shall be reinstated, modified, or revoked. These procedures are not intended to limit the authority of a department law enforcement officer to issue a citation for a violation of a provision of Iowa Code chapter 461A or 462A, or a provision in this chapter.

16.11(3) *Investigation of complaints.* Any person adversely affected by a permitted dock or associated boat hoist may request, in writing, an investigation and a hearing to reconsider the permit. Requests for hearings shall specify adverse effects on the complainant and shall be made in accordance with procedures described in 571—Chapter 7.

16.11(4) *Determining property boundaries.* An applicant for a permit, a permittee, and an owner of shoreline property adjoining property of an applicant or permittee are responsible for determining the accurate location of common boundaries of their respective properties.

[**ARC 7894C**, IAB 5/1/24, effective 6/5/24]

571—16.12(461A,462A) Exemptions from winter removal requirement. This rule provides for exemptions from the general requirement in Iowa Code section 462A.27 that nonpermanent structures be removed on or before December 15 of each year. Docks and other structures subject to destruction or damage by ice movement must be removed. Where a dock may be left in ice without damage to the dock, it must have reflective material visible from all directions to operators of snowmobiles, other motorized machines, or wind-propelled vessels lawfully operated on the frozen surface of the water body. Generally, ice damage is greatest on Iowa's rivers and natural lakes. Docks must be removed by December 15 of each year unless they have the required reflective materials and are specifically exempted by a condition of a dock permit or are located in one of the areas listed as follows: artificial lakes; Upper Gar Lake; canals off West Okoboji Lake; Okoboji Harbor; Lazy Lagoon portion of Triboji dock management area; Smith's

Bay on West Okoboji Lake; area between the trestle and U.S. Highway 71 bridges on Okoboji lakes; Templar Park on Big Spirit Lake; Venetian Village Canal and Harbourage Inlet on Clear Lake; Casino Bay of Storm Lake; Black Hawk Marina at Black Hawk Lake; and canals off Lake Manawa and Carter Lake. A permit shall not authorize an exception from the winter removal requirement unless the applicant provides adequate documentation that the dock will not be damaged by normal ice movement.
[**ARC 7894C**, IAB 5/1/24, effective 6/5/24]

571—16.13(461A,462A) General conditions of all dock permits. All dock permits, unless specifically excepted by another provision of this chapter, shall include the following conditions of approval:

16.13(1) The permit creates no interests, personal or real, in the real estate below the ordinary high-water mark nor does it relieve the requirement to obtain federal or local authorization when required by law for such activity. The permit does not authorize the permittee to prevent the public from using areas of the water body adjacent to the permitted structure. However, a lawfully permitted private dock or commercial dock is property of the permittee. Use of the dock is reserved to the permittee and the permittee's invitees, subject to the public right of passage stated in subrule 16.3(2).

16.13(2) A permit is valid only while the permittee has the necessary permissions to use the adjoining shoreline property from which the dock projects.

16.13(3) The permittee shall not charge a fee for use of the dock or associated structure unless: the permit is for a commercial dock; the fee is expressly authorized by the permit; or the permittee is a homeowners association and the fee is for recovery of expenses incurred in providing access to association members.
[**ARC 7894C**, IAB 5/1/24, effective 6/5/24]

571—16.14(461A,462A) Permit criteria for rafts, platforms, or other structures. A raft, platform, or other structure maintained on a public water body requires authorization in a permit. The raft, platform, or other structure may not be placed more than 250 feet from the shoreline, shall be equipped with reflectors that are visible from approaching boats, and shall be subject to the winter removal requirement unless specifically exempted by the permit.
[**ARC 7894C**, IAB 5/1/24, effective 6/5/24]

DIVISION II
DOCK MANAGEMENT AREAS

571—16.15(461A) Designation or modification of dock management areas.

16.15(1) *Purposes and status of dock management areas.* The director may designate an area of public land under the commission's jurisdiction and adjoining water as a dock management area. The primary purpose of dock management areas is to accommodate requests for boating access from owners of properties that are close to a water body but do not include riparian or littoral property rights. Dock permittees have priority use of the docks for mooring of vessels. However, the docks may be used by members of the public at their own risk for fishing and emergency mooring when public use does not interfere with the permittee's use. Other uses allowed by the permittee shall be the responsibility of the permittee.

16.15(2) *Criteria for designation or enlargement.* In designating a dock management area or authorizing enlargement of an existing dock management area, the director shall apply the following criteria:

a. The shoreline property in question shall be public land and shall have been developed and managed for recreational access to water or determined by the department to be suitable for such access.

b. The establishment or enlargement of a dock management area shall not adversely affect other public recreational use of the water body.

c. A dock management area shall not be established or enlarged where depth or bottom configuration is incompatible with the placement of docks.

d. A dock management area shall not be established or enlarged where fish and wildlife habitat, other natural resources or scenic features would be disturbed by the presence of docks.

e. Documentation of need for a new or larger dock management area and the lack of adverse impacts of the proposal must be sufficient to clearly outweigh and overcome a presumption against increasing the number or size of dock management areas.

[**ARC 7894C**, IAB 5/1/24, effective 6/5/24]

571—16.16(461A) Procedures and policies for dock site permits and hoist or slip assignments in dock management areas.

16.16(1) *Application permit and slip assignment.* A dock site permit authorizes a person to install and maintain a dock in a designated dock management area. Each permit shall identify the number of hoists or slips to be included for storage of boats at the dock. A separate hoist or slip assignment will be issued for each hoist or slip space at the dock. For purposes of these dock management area rules, "permittee" means the person(s) to whom a dock site permit is issued and the person(s) to whom each hoist or slip assignment is issued. Application forms for dock site permits and hoist or slip assignments in a dock management area shall be made available at a nearby DNR office.

16.16(2) *Priority selection process.* Dock site permits and hoist or slip assignments shall be available to all members of the public through a selection process based on the following order of priorities. A waiting list shall be established that follows the same order of priorities. First priority is for owners of residences adjoining or immediately across a street from the public land; second priority is for owners of other residences within the housing association or subdivision adjoining or immediately across a street from the public land; third priority is for all other Iowa residents; fourth priority is for nonresidents. The order of priorities, changes in the number of residential units per dock site, and changes in the number of vessels per residential unit will be made effective as existing permits expire. A permittee who has a valid hoist or slip assignment will not lose their assignment to a new higher priority applicant if the permit is renewed prior to it expiring at the end of the five-year term and payment is received by the deadline established in rule 571—16.19(461A). If the permittee fails to renew the permit, the permittee may be placed on the waiting list and the highest person on the waiting list will be offered the open hoist or slip assignment. Any permittee who moves to a new residence may be considered a new applicant when the current permit expires at the end of the five-year term. The permittee will be placed on the waiting list based on the new address, and the highest person on the waiting list will be offered the open hoist or slip assignment. For purposes of these dock management area rules, "residence" means a single residential living unit, which may be a rental unit. Notwithstanding these priorities, if property in the first or second priority category is redeveloped with higher density residential living units, there is no assurance that dock, hoist or slip space will be available to accommodate such increased density before other property included in the first or second priority categories.

[**ARC 7894C**, IAB 5/1/24, effective 6/5/24]

571—16.17(461A) Standard requirements for dock management area docks. Docks in dock management areas shall conform to the following requirements:

16.17(1) *Occupancy of docks.* At least two residences shall share a dock. The department may require that more residences share a dock if there is a waiting list including people in the first or second priority categories established in rule 571—16.16(461A). A maximum of six residences shall share a dock.

16.17(2) *Spacing and alignment.* Dock sites where feasible shall be at least 50 feet apart.

16.17(3) *Dimensions.*

a. Length. A dock may extend the greater of 100 feet from the water's edge or far enough so that the outer 80 feet of the dock is in 3 feet of water up to a maximum of 300 feet, but the dock shall be no longer than the length for which the applicant provides justification, and the length shall be stated in the permit.

b. Width. Docks shall be at least four feet wide and no more than six feet wide.

16.17(4) *Configuration.*

a. "L" or "T" segments. A dock shall have no more than one "L" or "T" segment. The total length of the "L" or "T" segment facing opposite from shore shall not be greater than 20 feet including the width of the dock. The total area of the "L" or "T" segment shall not exceed 200 square feet. That part of the main dock forming the center of a "T" segment or an extension of an "L" segment shall be included in measuring

the area of the "T" or "L" segment. A smaller platform size limit may be required at locations specified by the department as having limited available space.

b. Catwalks. Catwalks shall be at least two feet wide and considered as part of the dock. The length limit for an "L" or "T" segment stated in paragraph "a" shall be applicable to each catwalk. A catwalk shall not extend beyond the width of the hoist.

c. Hoists. A hoist or other boat storage structure shall not be placed adjacent to any "L" or "T" segment of a dock or adjacent to any other part of a dock that is more than six feet wide. The hoist shall not exceed ten feet in width at locations specified by the department as having limited available space.

16.17(5) *Exceptions for certain dock management areas.* Notwithstanding other provisions in this rule, in artificially constructed lagoon or harbor areas, the configuration and dimensions of the docks, catwalks and hoists shall be determined by the department on an individual basis, taking into consideration the physical characteristics of the area, the mooring pattern of boats and public safety. Except at Lake Macbride, the Clear Lake Harbourage, and Lake Odessa, a maximum of two residences, each in accordance with 571—16.16(461A), shall share a single dock site.

16.17(6) *Display of dock management area sign, DMA name and dock site number.* The end of the dock facing the water shall be marked with the DMA name and dock number as assigned by the department. Each hoist shall also be marked with the hoist assignee's last name and dock site number in two-inch block letters on one of the upright poles. The dock site permittee shall be responsible for installing and maintaining a sign provided by DNR at the landward entrance to the dock. The sign shall state that the dock is privately constructed; it shall include a caution to members of the public with the statement "use at your own risk"; and it shall include the statement "no diving" with a drawing of a diver over which is superimposed the universal no symbol (a circle with a diagonal slash through it).

16.17(7) *Other requirements.* Standard requirements found in rule 571—16.3(461A,462A) shall apply to all docks in a dock management area except requirements relating to property line offsets and display of information.

[**ARC 7894C**, IAB 5/1/24, effective 6/5/24]

571—16.18(461A) Dock management area permit restrictions and conditions. The following conditions and restrictions shall apply to docks in a dock management area.

16.18(1) *Use of dock for mooring.* Only the persons named as permittees shall have use of the dock for mooring. All vessels must be registered to the permittees and listed on the dock management area permit. A dock site permit or hoist/slip assignment may authorize an exception to allow a vessel of a tenant of the permittee's residential rental unit.

16.18(2) *Equitable sharing of dock costs.* Permittees shall agree on the equitable sharing of the cost of construction, installation, maintenance and removal of the dock and any other component of the dock. In no case shall a dock owner collect more money from hoist/slip permittees than is needed to cover legitimate dock costs nor make a profit from operating the dock. Doing so is grounds for suspension and/or revocation of the dock permit.

16.18(3) *Number of assignments allowed.* Only one dock assignment may be allocated to a residence.

16.18(4) *Number of hoists allowed.* Each permittee may be limited to one hoist for one vessel. The number of hoists and vessels for each permittee should be limited, especially when there is a waiting list that includes people in the first or second priority category established in rule 571—16.16(461A).

16.18(5) *Nontransferability of dock permits and privileges.* Dock permits and hoist or slip assignments shall not be transferred, assigned or conveyed by the permittee to any other person.

16.18(6) *Liability insurance.* Prior to constructing a dock or installing hoists, the dock site permittee shall provide proof of a current liability insurance policy in the amount of $1 million.

16.18(7) *Winter storage of docks, catwalks and hoists on public property.* Winter storage of docks, catwalks and hoists on public property shall not be allowed unless specifically authorized by a dock site permit or hoist assignment. Docks, hoists and catwalks shall be stored at locations determined by the state parks bureau district supervisor as appropriate for an individual dock management area. A dock, catwalk or hoist stored on public land without authorization from the department may be removed by the department at the owner's expense.

16.18(8) *Land use restrictions.* Nothing shall be constructed or placed on public land adjacent to any dock in a dock management area under this rule unless the construction or placement is a necessary appurtenance to the dock as determined by the director.

16.18(9) *Expiration of permits.* The term of a dock site permit and a hoist or slip assignment shall not exceed five years. Renewals shall be requested on a current application form. A permit expires when the permittee fails to apply for renewal prior to the current permit's expiration date.

16.18(10) *Cancellation for nonuse.* A dock site permit or hoist/slip assignment may be canceled for nonuse if the dock or hoist/slip is not used at least one time each calendar year in order to provide space for applicants on a waiting list.

16.18(11) *Other permit restrictions and conditions.* All restrictions and conditions in rule 571—16.13(461A,462A), except subrule 16.13(2), shall apply to all docks in a dock management area.

[**ARC 7894C**, IAB 5/1/24, effective 6/5/24]

571—16.19(461A) Fees for docks in dock management areas. Payment of the annual dock site permit fee shall be made upon application. Payment of the annual hoist or slip fee shall be made upon application for the hoist or slip assignment. These fees may be paid in a lump sum in advance for the term of the permit or assignment. Failure to pay the annual fee by April 1 of any year may result in revocation or cancellation of the permit or assignment. Payment of any dock management area fee under this rule shall be made to the department of natural resources as specified in the permit. Annual fees are as follows:

	Dock Fee	Hoist Fee
Beed's Lake	$100	$50
Black Hawk Lake Marina	$200	$50
Black Hawk Lake/Denison	$200	$50
Black Hawk North Shore	$200	$50
Blue Lake	$100	$50
Clear Lake Ventura Heights	$250	$50
Clear Lake Harbourage	$600	$100 - hoist or slip fee
Clear Lake North Shore	$250	$50
East Okoboji Beach	$250	$50
Triboji Lakeshore	$250	$50
Triboji Lazy Lagoon	$250	$50 - hoist or slip fee
Pillsbury Point	$250	$50
Lower Pine Lake	$100	$50
Lake Macbride The Pines	$600	$100 - slip fee
Lake Macbride Lakecrest	$600	$100 - slip fee
Rice Lake	$100	$50
Union Grove	$100	$50
Lake Odessa	$100	$25

[**ARC 7894C**, IAB 5/1/24, effective 6/5/24]

571—16.20(461A) Suspension, modification or revocation of dock management area permits. A dock management area permit may be modified, suspended, or revoked, in whole or in part, by written notice, if the director determines that the dock is not safe, that a violation of any terms or conditions of the permit or these rules has occurred, or that continuation of the permit is not in the public interest. Such modification, suspension, or revocation shall become effective upon a date specified in the notice. The notice shall state the extent of the modification, suspension, or revocation, the reasons for the action, and any corrective or preventative measures to be taken by the permittee to bring the dock, structure, or activity into compliance. Within 30 days following receipt of the notice of a revocation or modification, or during

the course of a suspension, the permittee may file a notice of appeal, requesting a contested case pursuant to 571—Chapter 7. The notice of appeal shall specify the basis for requesting that the permit be reinstated.
[**ARC 7894C**, IAB 5/1/24, effective 6/5/24]

571—16.21(461A) Persons affected by DMA permit—hearing request. Any person who claims that riparian or littoral property rights are adversely affected by a DMA dock site permit may request, in writing, a hearing to reconsider the permit. Requests for hearings shall show cause and shall be made in accordance with procedures described in 571—Chapter 7.
[**ARC 7894C**, IAB 5/1/24, effective 6/5/24]

These rules are intended to implement Iowa Code sections 461A.4, 461A.11, 461A.18, 462A.27 and 462A.32.

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CHAPTER 17
LEASES AND PERMITS

[Prior to 12/31/86, Conservation Commission[290] Ch 54]
[Prior to 5/1/24, subject appeared in Chs 17, 18 and 19]

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/5/29

571—17.1(461A) Purpose. The purpose of these rules is to regulate the practices of leasing of state-owned land, barge fleeting, and permitting of sand and gravel removal in order to protect public and private rights and interests in public waters of the state of Iowa under the jurisdiction of the commission; to protect public health, safety, and welfare; and to protect fish and wildlife habitat.
[**ARC 7895C**, IAB 5/1/24, effective 6/5/24]

571—17.2(461A) Definitions. For the purposes of this chapter, the following definitions apply:

"Commission" means the natural resource commission.

"Deadman" means an anchor buried in the upland adjacent to a fleeting area.

"Department" means the department of natural resources.

"Director" means the director of the department of natural resources or the director's designee.

"Dolphins" means a closely grouped cluster of piles driven into the bed of a waterway and tied together so the group acts as a unit to withstand lateral forces from vessels or other floating objects.

"Fleeting area" means an area within defined boundaries used to provide barge mooring service and to accommodate ancillary harbor towing under care of a fleet operator. The term does not include momentary anchoring or tying off of tows in transit and under care of the line haul towboat.

"Lease" means a lease as authorized under Iowa Code section 461A.25.

"Material" means any size particle of sand, gravel, or stone.

"Mooring barge" means a barge held in place by anchors or spuds and used to moor other barges during their stay in the fleeting area.

"Mooring cell" means a sheet pile structure, usually filled with earth, stone, or concrete, used to hold barges or other vessels in place.

"Permit" means an agreement authorized under Iowa Code section 461A.53.

"Person" means any individual, firm, partnership, joint venture, joint stock company, association, public or private corporation, municipality, cooperative, estate, trust, receiver, executor, administrator, or fiduciary and any representative appointed by order of any court or otherwise acting on behalf of others.

"Riparian rights" means the legal rights that assure the owner of land abutting a stream or lake access to or use of the water.

"State-owned lands and waters" means lands and waters acquired by the state by fee title and sovereign lands and waters.

"Watercraft" means any vessel that through the buoyant force of water floats upon the water and is capable of carrying one or more persons.
[**ARC 7895C**, IAB 5/1/24, effective 6/5/24]

571—17.3(461A) Application for lease or permit. An applicant for, or a renewal of, a lease or permit shall submit an application to the department on forms provided by the department.
[**ARC 7895C**, IAB 5/1/24, effective 6/5/24]

571—17.4(461A) Lease and permit approval. If the director determines that there is not a material issue concerning whether the application complies with applicable criteria in these rules, a lease will be presented to the commission for further consideration. Upon approval of the commission, the lease will be presented to the executive council for final consideration. Permits will be signed by the director or designee.
[**ARC 7895C**, IAB 5/1/24, effective 6/5/24]

571—17.5(461A) Fee adjustments. Beginning January 1, 2024, and on each subsequent January 1, the lease or permit fee shall be adjusted on a cumulative basis by the percentage of the Consumer Price Index

annual rate for the previous year for the Midwest Urban Region, published by the U.S. Department of Labor, Bureau of Labor Statistics. This change in fee will be applied when leases or permits are created or renewed.
[**ARC 7895C**, IAB 5/1/24, effective 6/5/24]

571—17.6(461A) Renewals of leases or permits. The permit or lease holder shall request renewal of the lease or permit no less than six months prior to its expiration or risk loss of operator's right to the area. The appropriate application fee must accompany the application documents. A lease or permit shall remain in force during the processing of an application for renewal, including any appeals process.
[**ARC 7895C**, IAB 5/1/24, effective 6/5/24]

571—17.7(461A) Disputes concerning leases. Contested case procedures are not applicable to disputes concerning leases under this chapter, except as set forth in rule 571—17.8(461A) and subrule 17.10(9). A commission decision whether or not to recommend a lease or a particular condition of a lease is final agency action, subject to the right of an applicant or other affected person to file with the director a written request for reconsideration by the commission. The director must receive the request for reconsideration within 30 days after the commission's decision on a proposed lease. A commission decision to recommend a lease will be forwarded to the executive council of Iowa for approval after 30 days following the commission's decision unless the director has been notified of a written request for reconsideration or the filing of a petition for judicial review of the commission's recommendation.
[**ARC 7895C**, IAB 5/1/24, effective 6/5/24]

571—17.8(461A) Termination for cause. Permits or leases may be terminated by the director at any time if a permit or lease holder fails to fulfill the obligations under the permit or lease in a timely and proper manner, or if a permit or lease holder violates any of the terms and conditions of the permit or lease. Termination proceedings shall be in compliance with Iowa Code chapter 17A and 571—Chapter 7. Upon termination or expiration of the permit or lease, the permit or lease holder shall immediately stop all operations and remove all equipment from the lands and waters covered by the permit or lease within a time frame designated in the notice of termination. In the event of failure of the permit or lease holder to remove all equipment from the premises within such time period, the director shall have the right to remove the equipment at the expense of the permit or lease holder.
[**ARC 7895C**, IAB 5/1/24, effective 6/5/24]

571—17.9(461A) Lease fees for state-owned property, riverbed, lakebed, and waterfront lands. The following guidelines are for the purpose of expediting the administration of applications for lease and use of land under the jurisdiction of the natural resource commission, excepting those lands leased for agricultural purposes, commercial concession agreements, and agreements covering the removal of sand, gravel, and other natural materials.

17.9(1) *Annual lease fee.* Beginning January 1, 2024, the fee for leases shall be $0.0600 per square foot. Leases deemed commercial by the commission will have a minimum lease value of $300, and those deemed nonprofit or noncommercial by the commission will have a minimum lease value of $150.

17.9(2) *Administration fee.* All nonfleeting leases shall be assessed a one-time charge of 18 percent to cover the department's cost of inspecting lease sites, reviewing applications, preparing leases, and administering the lease program.

17.9(3) *Exceptions to standard lease fee.* When persons apply for permission to convert or have converted state property under the jurisdiction of the commission to personal use and the commission determines that leasing is an appropriate alternative to removal or that the above rates are not appropriate, the annual lease fee shall be determined by the commission. When determining the fee, the commission may consider availability of the property for public use, the type of personal use being made of the property, appraisal, effect on the natural resources and other items appropriate for the area involved.
[**ARC 7895C**, IAB 5/1/24, effective 6/5/24]

571—17.10(461A) Barge fleeting regulations. The purpose of this rule is to regulate the practice of barge fleeting in order to protect public and private rights and interest in public waters of the state of Iowa under the jurisdiction of the commission.

17.10(1) *Applicability.* This rule is applicable to all public waters under the jurisdiction of the commission except that portion of the Mississippi River conveyed to certain cities by 1945 Iowa Acts, chapter 249; 1961 Iowa Acts, chapter 299; or special charters enacted by the Legislature in 1856 and 1857. This rule regulates the use of those waters for barge fleeting, including the installation of structures, physical site modification such as dredging, and operation of fleeting equipment and maneuvering of barges within the fleet.

17.10(2) *Barge fleeting leases.* A person shall not assert any exclusive privilege to conduct barge fleeting and mooring service for hire, or not for hire, and shall not prevent or obstruct any lawful use of navigable waters under the jurisdiction of the commission except within a fleeting area leased by the executive council of Iowa or at a loading or off-loading facility necessary to carry on commerce, provided the facility is constructed in compliance with Iowa department of transportation, U.S. Army Corps of Engineers, and all other applicable permits and regulations.

17.10(3) *Restricted areas.* Leases shall not be issued for a fleeting area in the following locations unless the department, subject to the approval of the commission, determines that fleeting in such areas is not contrary to the purpose of these rules as stated in rule 571—17.1(461A):

a. A site subject to unusual hazards including but not limited to high wind, strong current, violent ice movement, and hydraulic surges during the time fleeting operations are proposed to be carried out.

b. A site receiving high use for recreation, sport fishing, or commercial fishing, unless the fleeting area can be placed or structured to be compatible with such uses.

c. A site immediately adjacent to industries or other facilities, which, together with fleeting operations, present a substantial risk of fire, explosion, water pollution, or other serious safety hazards.

d. A site where fleeting area activities would restrict or interfere with or have a substantial adverse effect on the use and enjoyment of an area owned by federal, state, or local government, including but not limited to public parks, game refuges, forests, or recreation areas used for access to docks, slips, harbors, marinas, boat launching ramps or unique biological or physical features of the river valley itself.

e. A site immediately adjacent to or over a dam, sill, lock, breakwater, revetment, navigation aid, or wing dam.

f. A site within established navigation channels for commercial or recreational vessels.

g. A site within the approach area for a lock portion of a dam structure.

h. A site adjacent to bridges or vessel approach areas to bridges.

17.10(4) *Prohibited areas.* Leases shall not be issued for a fleeting area in the following locations:

a. A site that will have a substantial adverse effect on fish or wildlife (mussels, fish spawning, waterfowl, or furbearer) habitat due to dredging, propeller wash or other activity related to fleeting.

b. A site that would have an adverse impact on documented threatened and endangered species.

c. A site adjacent to national monuments or registered landmarks.

17.10(5) *Riparian rights.* A fleeting area shall not be leased in any location that would interfere with the rights and privileges of the riparian property owner except with written permission of the riparian property owner.

17.10(6) *Standards.* The following standards shall apply to operation of fleeting areas:

a. A fleeting lease shall be construed to do no more than give the operator the right to designate and improve an area to be utilized for fleeting. The lease creates no interest, personal or real, in the real estate below the ordinary high-water mark except as provided in the lease.

b. Improvements in fleeting areas shall be limited to items such as construction of dolphins, mooring cells, deadmen, mooring barge anchors, and other similar methods of ensuring retention of barges if approved by the department. Improvements shall be constructed in a manner consistent with engineering standards of the U.S. Army Corps of Engineers. Structures associated with barge fleeting leases will be covered by the fees of the barge fleeting lease.

c. Fleeting activities within leased fleeting areas shall be limited to barge mooring service, ancillary harbor towing and minor barge repair or servicing. No washing or cleaning of barges is permitted, unless

conducted in compliance with the requirements of Iowa Code chapter 455B, the washing activities will not have a substantial adverse effect on fish or wildlife (mussels, fish spawning, waterfowl, or furbearer) habitat, and the department specifically approves the cleaning activity.

d. Barges shall not be moored to trees or other natural features of an area except with the approval of the riparian property owner or during an emergency.

e. Barge fleeting shall be conducted in a manner that minimizes bank erosion attributable to the fleeting operation.

f. Leased fleeting areas may be used for navigation and recreational pursuits such as boating and fishing only to the extent that such use does not interfere with fleeting activities. Other waterway users shall not obstruct barge fleeting activities within leased fleeting areas.

g. The right of entry of barges into a fleeting area may be refused by:

(1) The operator.

(2) The department, after conferring with the operator, when there is an imminent hazard to the public interest or to public health, safety or welfare.

h. The operator shall, at all times, be responsible for the safety and security of the barges in the fleeting area and shall take reasonable precautions to eliminate hazards to boaters or other persons in the fleeting area.

i. Lights or other warning devices as required by state and federal navigation regulations shall mark moored or fleeted barges.

j. The operator shall notify the department of the current name, address, and day and evening telephone numbers of the individual directly responsible for supervising the fleeting area who is to be notified in case of emergency.

k. A lease issued under this chapter may not be exercised until all other necessary permits or approvals have been issued by local, state or federal agencies having jurisdiction over the lease area.

17.10(7) *Application review and approval.* The following process applies to barge fleeting lease applications:

a. Upon receipt of a barge fleeting lease application that complies with the requirements of rule 571—17.3(461A), the department will review the application to determine whether the application complies with applicable criteria in these rules. In order to determine such compliance, the applicant may be required, at the applicant's expense, to provide the department with anchor design criteria, underwater surveys, and dives necessary to determine compliance.

b. Upon determination that an application complies with applicable criteria in these rules, the department staff shall give notice of receipt of the application through publication of one public notice that will be published in a newspaper as defined in Iowa Code section 618.3 where the proposed fleeting area is located or other approved outlets. The notice shall briefly describe the location and nature of the proposed fleeting area, identify the department rules that are pertinent to the application, state whether the application is a new lease or renewal, and provide that a hearing will be scheduled if the director determines that there is a material issue concerning whether the application complies with applicable criteria in these rules. The notice shall allow interested persons 30 days from the date of publication to submit comments or a request for hearing, and shall state that a request for hearing must be supported by documentation of potential adverse effects of the proposed fleeting facility on an affected or aggrieved person. Notice will also be sent by first-class ordinary mail or an equivalent method of service to the directors of the Iowa department of transportation and the Iowa department of economic development, the Iowa secretary of agriculture, the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, and the U.S. Coast Guard.

17.10(8) *Barge fleeting lease fees.* The following fees shall be paid to the department by applicants and lessees:

a. An annual lease fee based on the dimensions of the area leased as a fleeting area. Beginning January 1, 2024, the rate for the annual lease fee shall be $4.38 per 100 square feet.

b. A fee of $1,000 for the cost of review, issuance, and administration of a lease is required at the time of application for a new or renewal lease.

17.10(9) *Nonuse.* Failure by an operator to substantially exercise the rights granted in a lease issued under this chapter within a period of two years from the issuance of the lease shall render the lease null and void unless extended by the department. Failure by an operator to substantially exercise the rights granted in a lease issued under this chapter for any period of two consecutive years shall create a rebuttable presumption that the operator intends to abandon and forfeit the lease and shall be cause for a review of the lease by the department. The operator may request a contested case proceeding in accordance with Iowa Code chapter 17A and 571—Chapter 7.

[**ARC 7895C**, IAB 5/1/24, effective 6/5/24]

571—17.11(461A) Sand and gravel permits. This rule provides the procedures for obtaining a permit for removal of sand and gravel from state-owned lands and waters under the jurisdiction of the department and the rules associated with the holding of a permit.

17.11(1) *Permit applications.* Applications for permits must be accompanied by an application for a sovereign lands permit pursuant to 571—Chapter 13. Applications will be accepted at any time throughout the year. The permit for sand and gravel will run concurrently with the sovereign lands permit. If more than one application for a permit site is received, issuance will be determined by written sealed bids. Bids shall be based on royalty rates. Bids submitted with a royalty rate less than the current rate will not be accepted. The permit shall be issued to the applicant submitting the highest royalty rate bid.

17.11(2) *Application fee.* The applicant for a sand and gravel permit shall submit a fee of $100 for the cost of inspection and issuance of each permit.

17.11(3) *Insurance.* Prior to issuance of permits, approved applicants shall provide the department a certificate of insurance, covering the entire permit term, to jointly and severally indemnify and hold harmless the state of Iowa and its agencies, officials, and employees from and against all liability, loss, damage or expense that may arise in consequence of issuance of the permit.

17.11(4) *Surety bonds.* Prior to issuance of permits, approved applicants shall provide to the department a surety bond in the amount of $5,000 covering the term of the permit. The surety bond shall guarantee payment to the state of Iowa for all material removed under the permit within 60 days after expiration of the permit, unless the permit holder renews the permit within 30 days of said expiration date, and for the recovery of any costs associated with reclamation or other environmental mitigation required as a condition of issued permits.

17.11(5) *Permit conditions and operating procedures.* The following shall apply to all sand and gravel permits:

a. Permits require a sovereign lands permit and will run concurrently with that sovereign lands permit.

b. The size and configuration of permit sites shall be as designated by the director. The maximum continuous length of a river or stream covered by each permit shall be 4,500 lineal feet.

c. Removal operations authorized by permits shall not be performed within 30 feet of the existing bank or breach the bank at any location along any lake, stream or river unless written permission is obtained from the director prior to performance of such operations.

d. Removal operations authorized by permits shall not obstruct the flow of water to the extent of preventing its ultimate passage to its usual course below the lands and waters covered by the permits and shall not prevent movement of watercraft through such waters.

e. All equipment at permit sites that is on the surface of water or above or under the water shall be marked to be visible 24 hours per day. Any structure or other device below the water must be marked to indicate to watercraft operators where safe passage may occur. All markings shall conform to the uniform waterway marking system and be provided and installed by permit holders.

f. Permit sites may be inspected by the director at any time during the permit term in order to verify compliance with permit terms and conditions, or thereafter until final payment is made under a terminated permit. Permit holders shall keep a daily record of the amount of material removed in the manner described by the director. All such records shall be open to inspection by the director at all times.

g. Permit holders shall furnish an itemized statement of material removal operations to the director within ten days after the last day of each calendar month. Statements shall also be filed in months when no materials are removed. Reporting procedures may be modified on a case-by-case basis at the discretion

of the director, to accommodate differences in material removal or operation methods. However, reporting periods shall not be greater than one-month intervals. Permit holders shall notify the department ten days prior to the initial start of removal operations or whenever the previous monthly statement indicated no materials were removed. Each cubic yard of sand, gravel, and stone removed under permits shall be considered to weigh 3,000 pounds. Statements shall be submitted on forms furnished by the department and shall indicate the following:

(1) Hours of removal operations performed each day on lands and waters covered by the permit.

(2) Tons of material removed from the lands and waters covered by the permit each day.

(3) Tons of material, from all sources, stockpiled at the operations site at the end of the month.

h. Royalty payments. Permit holders shall make royalty payments on a monthly basis for all material removed from permit sites within ten days after the last day of each calendar month. Monthly royalty payments shall be calculated using the tonnage of material removed as reported on the monthly statement. The royalty rate shall be $0.2500 cents per ton or the rate determined by sealed bids.

[**ARC 7895C**, IAB 5/1/24, effective 6/5/24]

These rules are intended to implement Iowa Code sections 461A.4, 461A.18, 461A.25, 461A.52, 461A.53, 461A.55 to 461A.57, and 462A.32.

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CHAPTER 18
RENTAL FEE SCHEDULE FOR STATE-OWNED PROPERTY, RIVERBED, LAKEBED, AND WATERFRONT LANDS

[Prior to 12/31/86, Conservation Commission[290] Ch 55]

Rescinded **ARC 7896C**, IAB 5/1/24, effective 6/5/24

CHAPTER 19
SAND AND GRAVEL PERMITS

[Prior to 12/31/86, Conservation Commission[290] Ch 77]

Rescinded **ARC 7896C**, IAB 5/1/24, effective 6/5/24

CHAPTER 20
MANUFACTURER'S CERTIFICATE OF ORIGIN

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/5/29

571—20.1(462A) Definitions. As used in this chapter, unless the context clearly requires a different meaning:

"At retail" means to dispose of a vessel to a person who will devote it to a consumer use.

"Beam or width" means the transverse distance between the outer sides of the boat at the widest point excluding handles and other similar fittings, attachments, and extensions.

"Capacity plate" means the U.S. Coast Guard capacity plate bearing the information required by federal regulations governing boats and associated equipment. It shall not mean capacity plate information furnished by the boating industry association, national marine manufacturers association, or any similar organization.

"Department" means department of natural resources.

"Essential parts" means all integral and body parts of a vessel required to be titled under Iowa Code chapter 462A, the removal, alteration, or substitution of which would tend to conceal the identity of the vessel or substantially alter its appearance, model, type, or mode or method of operation.

"Length" means the straight line horizontal measurement of the overall length from the foremost part of the boat to the aftermost part of the boat, measured from end to end over the deck excluding sheer, and measured parallel to the centerline. Bow sprits, bumpkins, rudders, outboard motor brackets, handles, and other similar fittings, attachments, and extensions are not included in the measurement.

"Manufacturer's certificate of origin" means a certification signed by the manufacturer or importer that the vessel described has been transferred to the person or dealer named and that the transfer is the first transfer of the vessel in ordinary trade or commerce. The terms "manufacturer's certificate," "importer's certificate," "manufacturer's statement," "MSO," and "MCO" shall be synonymous with the term "manufacturer's certificate of origin."

"New vessel" means every vessel that has not been sold at retail and not previously titled in this state or any other state.

"Person" means an individual, partnership, firm, corporation, or association.

"Reconstructed vessel" means every vessel of a type required to be titled under Iowa Code chapter 462A materially altered by the removal, addition, or substitution of essential parts, new or used.

"Specially constructed vessel" means every vessel of a type required to be titled under Iowa Code chapter 462A, not originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vessels and not materially altered from its original construction.

[**ARC 7897C**, IAB 5/1/24, effective 6/5/24]

571—20.2(462A) Applicability. This chapter applies to all vessels required to be titled under Iowa Code chapter 462A.

[**ARC 7897C**, IAB 5/1/24, effective 6/5/24]

571—20.3(462A) Certificate of origin—content. The following information shall be furnished, required, and stated in the certificate of origin.

20.3(1) Date of transfer.

20.3(2) Invoice number that covers the transfer of this particular vessel.

20.3(3) Name and complete address of dealer to whom the boat is being transferred.

20.3(4) Trade name and model of vessel.

20.3(5) Model year of vessel.

20.3(6) Manufacturer's hull identification number (HIN) or serial number of hull if HIN is not available.

20.3(7) The type of boat, hull material, propulsion type, fuel type (if applicable), and engine drive type shall be listed in accordance with current United States Coast Guard requirements as specified in the Code of Federal Regulations.

20.3(8) Length overall in feet and inches (exact measurement required). For pontoon boats and houseboats, this shall be the deck measurement.

20.3(9) U.S. Coast Guard capacity plate information (where applicable).

a. Maximum horsepower rating.

b. Maximum persons capacity in whole persons.

c. Maximum weight capacity (persons, motor, gear, etc.).

20.3(10) A certification by the manufacturer that this is the first transfer of a new vessel and that all information given is true and accurate.

20.3(11) Manufacturing firm name and complete address.

20.3(12) Signature and title of authorized person.

20.3(13) Information regarding assignment of the vessel to facilitate transferring it from the dealer to the purchaser. The information shall consist of:

a. The purchaser's name and address.

b. Certification that the vessel is new and has never been registered in this or any other state.

c. Signature of authorized agent or dealer.

[**ARC 7897C**, IAB 5/1/24, effective 6/5/24]

571—20.4(462A) Procedure—dealer.

20.4(1) Upon sale of a vessel, the dealer shall complete the first assignment information required on the reverse of the certificate of origin.

20.4(2) The dealer shall deliver the certificate of origin to the purchaser along with a bill of sale or receipt showing that the person has purchased the vessel for consumer use.

[**ARC 7897C**, IAB 5/1/24, effective 6/5/24]

571—20.5(462A) Procedure—purchaser.

20.5(1) The purchaser shall utilize the information contained on the certificate of origin to complete the information required on the application for vessel title.

20.5(2) The purchaser shall surrender the certificate of origin to the county recorder upon applying for a vessel title.

[**ARC 7897C**, IAB 5/1/24, effective 6/5/24]

571—20.6(462A) Procedure—county recorder.

20.6(1) The county recorder shall verify that the information contained in the application and the certificate of origin correspond and shall utilize that information so far as possible in issuing the vessel title.

20.6(2) The county recorder shall retain the certificate of origin as a part of the permanent record of that vessel's title transactions.

[**ARC 7897C**, IAB 5/1/24, effective 6/5/24]

571—20.7(462A) Vessel titling. A person shall not title a vessel after December 31, 1987, without furnishing to the county recorder a manufacturer's certificate of origin.

[**ARC 7897C**, IAB 5/1/24, effective 6/5/24]

These rules are intended to implement Iowa Code sections 462A.3, 462A.77 and 462A.79.

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TITLE III
ASSISTANCE PROGRAMS

CHAPTER 21
HABITAT LEASE PROGRAM

[Prior to 12/31/86, Conservation Commission[290] Ch 74]

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/5/29

571—21.1(456A) Purpose. The purpose of the habitat lease program is to enhance habitat for wildlife in the state of Iowa, thereby providing recreational opportunities to the public. Utilization of habitat leases provides practices that are essential to successful wildlife habitat management and vegetation management and reduces associated operating expenses.

[**ARC 7898C**, IAB 5/1/24, effective 6/5/24]

571—21.2(456A) Definitions.

"Cash rent" means an agreed-upon sum of money to be paid to the department.

"Crop share" means a sum of money to be paid to the department based upon the value of an agreed-upon portion of the harvested crop at the local market price on the date the crop is harvested.

"Crop year" means a one-year period terminating each February 28.

"Department" means the department of natural resources.

"Director" means the director of the department of natural resources or a designee.

"Land manager" means the department employee or authorized agent responsible for managing a particular area under department jurisdiction.

"Lease" means the written form used to enter into an agreement whereby an operator is authorized to engage in farming operations on land under the jurisdiction of the department according to stated terms and conditions.

"Operator" means any party who enters into a lease with the department as provided in these rules.

"Program" means the lease to beginning farmers program as provided in Iowa Code section 456A.38.

"Sovereign land" means state-owned land within the ordinary high-water mark of meandered rivers and lakes where ownership was transferred directly from the United States to the state of Iowa upon its admission to the union.

[**ARC 7898C**, IAB 5/1/24, effective 6/5/24]

571—21.3(456A) Habitat lease policy. The policy of the department is to lease agricultural land under its jurisdiction so as to protect and enhance natural resources and to provide public use opportunities. Generally accepted farming practices will be followed so long as they are commensurate with good resource management practices. All leases shall be in writing.

21.3(1) *Agricultural land use.* Leased agricultural land is subject to any practice necessary to enable the department to carry out its resource management and subject to recreational use by the public according to the laws of the state of Iowa. Operators shall not inhibit any lawful use of the land by the public including, but not limited to, use by the public for hunting and fishing as described by the rules of the department and the laws of the state of Iowa, except as otherwise may be agreed to between the department and the operator.

21.3(2) *Soil conservation.* Farming practices shall not exceed compliance-based soil loss limits as established by the USDA Natural Resource Conservation Service or the local soil and water conservation district.

21.3(3) *Lease basis.* Leases shall be in writing on a cash rent basis, except a crop share basis may be utilized when determined to be in the state's best interest.

21.3(4) *United States Department of Agriculture programs.* The inclusion, by the operator, of land under lease in any U.S. Department of Agriculture program will be allowed only if it is compatible with the department's management plan established for said land.

[**ARC 7898C**, IAB 5/1/24, effective 6/5/24]

571—21.4(456A) Lease to beginning farmers program.

21.4(1) *Beginning farmers program.* This program shall be implemented in accordance with Iowa Code section 456A.38.

21.4(2) *Establishing annual lease payments.* Iowa Code section 456A.38(3)*"d"* provides criteria the department uses to determine lease payment amounts, including, but not limited to, the cost of the establishment or maintenance of water quality practices, wildlife habitat, vegetation management, or food plots, if applicable.

[**ARC 7898C**, IAB 5/1/24, effective 6/5/24]

571—21.5(456A) Alternative lease procedures. In the event that no beginning farmer seeks to participate in the program, or no beginning farmer is found qualified to participate in the program for a given lease, the following procedures shall be followed by the department in administering the habitat lease program.

21.5(1) *Advertising for bids.* A notice advertising for bids shall be published in at least one local newspaper.

21.5(2) *Prebid informational meeting.* A prebid informational meeting may be held when the land manager determines that a meeting is in the state's best interest. Notice of a prebid informational meeting shall be included in the advertisement for bids and in the written instructions to bidders. The meeting shall be held no later than one week prior to the bid opening. If a prebid meeting is required, bidders must attend to qualify to submit a bid.

21.5(3) *Form of bid.* Written sealed bids shall be utilized.

21.5(4) *Public bid opening.* All sealed bids shall be publicly opened as stated in the notice for bids. The results of the bids shall be made available to any interested party.

21.5(5) *Awarding of lease.* The amount of the bid, past experience with the bidder, the bidder's ability to comply with the terms of the lease, and the bidder's ability to perform the required farming practices shall be considered. The department reserves the right to waive technicalities and reject any or all bids not in the best interest of the state of Iowa.

21.5(6) *Negotiated leases.* The land manager may negotiate a lease with any prospective operator, subject to approval of the director, in any of the following instances:

a. No bids are received.

b. Gross annual rent is $5,000 or less.

c. Where land acquired by the department is subject to an existing tenancy.

d. To synchronize the lease period of newly leased areas with other leases in the same management unit.

e. Where a proposed lease includes only land not accessible to equipment necessary to perform the required farming operations, except over privately owned land, provided the prospective operator possesses legal access to the leased land over said privately owned land.

f. Where the director authorizes a lease as a condition of a land purchase or trade.

[**ARC 7898C**, IAB 5/1/24, effective 6/5/24]

571—21.6(456A) Terms applicable to all habitat leases. The following terms and conditions apply to all department habitat leases entered into pursuant to rule 571—21.4(456A) or 571—21.5(456A).

21.6(1) *Final approval of award.* All awards of leases shall be approved by the director. Additionally, awards of all leases on sovereign land shall be subject to approval by the state executive council on recommendation of the natural resource commission.

21.6(2) *Payment of cash rent.* The operator shall pay a minimum of 10 percent of the total gross rent at the time of the signing of the lease and the balance for each crop year on or before December 1, or the operator shall pay 50 percent of the total annual rent each April 1 and the balance for each crop year on or before December 1. The appropriate minimum payment shall be determined by the land manager.

21.6(3) *Payment of crop share rent.* The operator shall pay the total annual rent on December 1 or at the time of harvest, whichever is later.

21.6(4) *Termination.* In accordance with Iowa Code section 562.6, the lease shall serve as the written agreement fixing the time of termination of the tenancy. The lease shall terminate at the end of the agreed-upon lease term without notice. If the department requires leased land for other conservation

purposes during the term of the lease, the operator shall relinquish all rights under the existing lease, upon demand by the director, at the end of the current crop year.

21.6(5) *Termination for cause.* If the operator fails to comply with any of the terms of the lease, the department may serve notice on the operator demanding redress within a specified period of time. If compliance is not made within the specified period, the department may proceed to collect any moneys that may be due and payable during the crop year in which the lease is terminated and may void the remainder of the lease. Further, the department may have a landlord's lien as set out by Iowa Code chapter 570.

21.6(6) *Previous agreements.* The department shall recognize legal agreements regarding habitat leases that are in effect at the time the department acquires jurisdiction to the land covered by those legal agreements.

21.6(7) *Amendment to lease.* Amendments to any lease shall be evidenced by written instruments attached to and made a part of the lease. Final approval of amendments shall be made by the director.

[**ARC 7898C**, IAB 5/1/24, effective 6/5/24]

These rules are intended to implement Iowa Code sections 456A.24(2), 456A.24(5), 456A.38, and 461A.25.

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CHAPTER 22
HABITAT AND PUBLIC ACCESS PROGRAM

[Prior to 12/31/86, Conservation Commission[290] Ch 22]

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/5/29

571—22.1(456A,483A) Purpose and authority. These rules set forth the procedures to open private lands to public hunting, while providing grant funds to create, manage, and enhance wildlife habitat.
[**ARC 7899C**, IAB 5/1/24, effective 6/5/24]

571—22.2(456A,483A) Eligibility. In order to be eligible for this program, an applicant shall:

22.2(1) Have land in Iowa that already contains wildlife habitat or be willing to allow development of wildlife habitat;

22.2(2) Enter into an agreement with the department; and

22.2(3) Allow public access for hunting without charge on at least 40 acres.
[**ARC 7899C**, IAB 5/1/24, effective 6/5/24]

571—22.3(456A,483A) Application procedures. Applications will be accepted only from those eligible pursuant to rule 571—22.2(456A,483A).

22.3(1) *Applications.* Applications must be submitted on forms furnished by the department. Landowners will be notified in writing within 30 days of submission of an application whether they have been accepted into the program.

22.3(2) *Project review and selection.* Projects will be selected based on the ranked scoring criteria in the application, which prioritize sites with the greatest chance of benefiting wildlife populations and providing adequate recreational hunting opportunities. The criteria include, but are not necessarily limited to, the site's habitat potential, site suitability, priority locations, and other relevant habitat and hunting access factors.
[**ARC 7899C**, IAB 5/1/24, effective 6/5/24]

571—22.4(456A,483A) Agreements.

22.4(1) The commission shall enter into an agreement with approved landowners to carry out the purposes of this program.

22.4(2) Enrolled lands are subject to game management area hunting rules as contained in 571—Chapter 51. Access and boundary signs shall be placed and maintained on enrolled lands by the department.
[**ARC 7899C**, IAB 5/1/24, effective 6/5/24]

571—22.5(456A,483A) Cost reimbursement. Whenever a landowner has been found to be in violation of an agreement or terminates the agreement early, the landowner shall reimburse the state a prorated amount of the value of wildlife habitat improvement work completed on the property divided by the entire agreement period multiplied by the unfulfilled years of the agreement, e.g., (total dollars ÷ total years) × unfulfilled years = prorated amount owed. Additionally, the landowner may be assessed early termination penalties that the department may be required to pay a contractor performing the wildlife habitat improvement work on the property.
[**ARC 7899C**, IAB 5/1/24, effective 6/5/24]

These rules are intended to implement Iowa Code section 483A.3B(3).

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[1] Effective date of rule 22.7 delayed 70 days by the Administrative Rules Review Committee at its August 21, 1986, meeting.

CHAPTER 23
WILDLIFE HABITAT PROMOTION WITH LOCAL ENTITIES PROGRAM

[Prior to 12/31/86, Conservation Commission[290]]

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/5/29

571—23.1(483A) Purpose and definition. The purpose of this chapter is to designate procedures for allotments of wildlife habitat stamp revenues to local entities. These funds must be used specifically for the acquisition of whole or partial interests in land from willing sellers for use as wildlife habitats, and the development and enhancement of wildlife lands and habitat areas. The department will administer the stamp funds for the purposes as stated in the law at both the state and local levels. The following definition applies in these rules:

"Waiver of retroactivity" means approval by the department for an applicant to purchase land prior to the next round of wildlife habitat fund application reviews. The waiver allows the applicant to remain eligible for the next round of wildlife habitat funds when extenuating circumstances exist that require an immediate purchase of the subject property by the applicant or a third party that will hold the property until funds become available to the applicant.

[**ARC 7900C**, IAB 5/1/24, effective 6/5/24]

571—23.2(483A) Availability of funds. Habitat stamp funds are dependent on stamp sales. The amount of moneys available at any time will be determined by revenues received by the department. Final stamp sales for each calendar year will be determined by July 1 of the following year.

23.2(1) *Local share.* Funds available for local entities shall be specified in the department's budget in accordance with legislative appropriations. Funds will be made available during a fiscal year of July 1 to June 30.

23.2(2) *Distribution.* After deducting 5 percent to be held for contingencies, the remaining local share will be available on a semiannual basis each year.

[**ARC 7900C**, IAB 5/1/24, effective 6/5/24]

571—23.3(483A) Project limitations. Because of administrative costs, no application for assistance totaling less than $3,000 (total project cost—$4,000) will be considered.

[**ARC 7900C**, IAB 5/1/24, effective 6/5/24]

571—23.4(483A) Eligibility for cost-sharing assistance. No project shall be eligible for cost sharing unless it is specifically approved by the commission, or the applicant has received a written waiver of retroactivity from the director, prior to its initiation. A project shall not be eligible for cost sharing unless public hunting and trapping will be allowed; however, the review and selection committee may recommend for commission approval projects with restrictions on hunting and trapping under exceptional circumstances, such as waterfowl refuges. Fees charged for recreational purposes will not be allowed on land purchased or developed with wildlife habitat funds. Wildlife habitat promotion funds shall not be used to fund mitigation lands or banks, or other lands, to satisfy mitigation requirements. Only the following types of project expenditures will be eligible for cost-sharing assistance:

23.4(1) *Acquisition projects.* Lands or rights thereto to be acquired in fee or by any other instrument shall be appraised by a competent appraiser and the appraisal approved by the department staff. Applicants whose applications have been approved for funding must submit an appraisal that meets the Uniform Appraisal Standards for Federal Land Acquisitions "Yellow Book" (2016). The appraisal requirements may be waived when the staff determines that they are impractical for a specific project. Cost sharing will not be approved for more than 75 percent of the approved appraised value. Acquisition projects are eligible for either cost sharing by direct payments as described in subrule 23.10(3) or by reimbursement to local entities. When a county receives or will receive financial income directly or indirectly from sources that would have been paid to the previous landowner as a result of a purchase agreement or other title transfer action, 75 percent of that income will be transferred to the department unless the grantee has demonstrated and committed to habitat development projects or additional acquisitions on the project site to be funded from the income received. The project review and selection committee must recommend, and the director

and commission must approve, plans for the expenditure of income. In the absence of acceptable wildlife habitat development or acquisition plans, the county will transfer 75 percent of income received to the department as it is received. The department will credit that income to the county apportionment of the wildlife habitat stamp fund as described in subrule 23.2(1). The schedule of those reimbursements from a county to the state will be included in the project agreement.

23.4(2) *Development and enhancement projects.* Equipment purchases are not eligible. Donated labor, materials and equipment use, and force account labor and equipment use shall not be eligible for cost-sharing assistance. Force account means the agency's own labor and equipment use. Development projects are limited to lands legally controlled by the grantee for the expected life of the project. Development projects are eligible only for reimbursement of reasonable costs actually incurred and paid by the public agency.

[**ARC 7900C**, IAB 5/1/24, effective 6/5/24]

571—23.5(483A) Application for assistance.

23.5(1) *Form.* Applications shall be submitted on forms provided by the department.

23.5(2) *Time of submission.* The department shall publish on its website the date and time for submitting a funding proposal, providing at least 90 days' notice. Applications must be submitted to the department as described on the website. Local entities can obtain a waiver so that acquisition projects may be approved for retroactive payments, provided that funds are available and the project meets all other criteria.

23.5(3) *Local funding.* By signing the application, the applicant agency is certifying that all required match has been identified and is committed and available for the project. An applicant shall certify in writing that it has the 25 percent match committed and available, by signing on the signature block provided on the application, and shall state the means of providing for the local share. All necessary approvals for acquisition and financing shall be included with the application. All financial income received directly or indirectly from sources that would have been paid to the previous landowner as a result of a purchase agreement or other title transfer action will be completely documented in the application.

[**ARC 7900C**, IAB 5/1/24, effective 6/5/24]

571—23.6(483A) Project review and selection.

23.6(1) *Review and selection committee.*

a. A review and selection committee, hereinafter referred to as the committee, composed of one person appointed by the director to represent the department and designated by the director as chairperson and four persons appointed by the director to represent county conservation boards shall recommend grant applications and amendments for funding. Additionally, there shall be at least two alternates designated by the director to represent the county conservation boards in the event of a conflict of interest.

b. Conflict of interest. An individual who is a member, volunteer, or employee of a county conservation board that has submitted a project shall not serve on the scoring committee during that award cycle. Instead, one of the alternates shall review and score in the individual's place.

23.6(2) *Application rating system.* The committee will apply a numerical rating system to each grant application that is considered for fund assistance that will be posted on the department's website, providing at least 90 days' notice. The following criteria, with a weight factor for each, will be considered:

Wildlife habitat needs	2
Existing or potential habitat quality	3
Species diversity	1

Each criterion will be given a score of from 0 to 10 that is then multiplied by the weight factor. Four additional criteria will be considered in the rating system:

a. Prior assistance. Any applicant who has never received a prior grant for acquisition of land will be given a bonus of five points.

b. Active projects. Any applicant who has one or more active projects at the time of application rating will be assessed five penalty points for each project that has not been completed. A project is deemed

closed after the project has had a final inspection, all funds have been paid and, in the case of acquisition, the title has been transferred from the seller.

c. Urgency. Projects may be given one or two bonus points if there is a strong urgency to acquire lands that might otherwise be lost.

d. Cost-effectiveness. Projects will be given one point if the grant amount requested is at least 35 percent less than the appraised amount or two points if at least 45 percent less than the appraised amount.

All points will be totaled for each application, and those applications receiving the highest scores will be recommended for fund assistance to the extent of the allotment for each semiannual period, except that any project scoring a total of not more than 45 points will not be funded.

23.6(3) *Applications not selected for fund assistance.* All applications not selected for fund assistance will be retained on file for consideration and possible funding for three consecutive review periods or until a request for withdrawal is received from the applicant.

23.6(4) *Rating system not used.* The rating system will not be applied during any semiannual period in which the total grant request, including backlogged applications, is less than the allotment. Applications will be reviewed only to determine eligibility and overall desirability, and to ascertain that they meet minimum scoring requirements.

23.6(5) *Rating of scores for tiebreakers.* If two or more projects receive the same score, the committee shall use the points awarded to the highest weighted factor and so forth, beginning with existing or potential habitat quality, to determine which project has a higher rank. If after considering the existing or potential habitat quality points the project scores remain tied, the committee will then consider the points awarded for species diversity. If after considering the species diversity points the project scores remain tied, the committee will then consider the points awarded for wildlife habitat needs.

[**ARC 7900C**, IAB 5/1/24, effective 6/5/24]

571—23.7(483A) Commission review. The commission will review committee recommendations semiannually at the next following commission meeting. The commission may accept or reject any application recommended for funding.

[**ARC 7900C**, IAB 5/1/24, effective 6/5/24]

571—23.8(483A) Grant amendments. Projects for which grants have been approved may be amended, if funds are available, to increase or decrease project scope or to increase or decrease project costs and fund assistance. Project changes must be approved by the selection committee and then by the director prior to their inception. Amendments to increase project costs and fund assistance due to cost overruns will not be approved if the work has already been performed.

[**ARC 7900C**, IAB 5/1/24, effective 6/5/24]

571—23.9(483A) Timely commencement of projects. Projects for which grants are approved shall be commenced within six months of the date upon which the grantee is notified that the project is approved, or at another date agreed upon by both parties. Failure to do so may be cause for termination of the project and cancellation of the grant by the commission. Each project will be assigned a project period. Extensions will only be granted in case of extenuating circumstances.

[**ARC 7900C**, IAB 5/1/24, effective 6/5/24]

571—23.10(483A) Payments.

23.10(1) *Grant amount.* Grant recipients will be paid 75 percent of all eligible costs incurred on a project up to the amount of the grant unless otherwise specified in the project agreement.

23.10(2) *Project billings.* Grant recipients shall submit billings for reimbursements or cost sharing on forms provided by the department.

23.10(3) *Acquisition projects.* If clearly requested in the project application and the applicant has shown good cause for such procedure, the department may approve direct payment to the seller of the state's share provided that marketable fee simple title, free and clear of all liens and encumbrances or material objections, is obtained by the local entity at the time of payments and state funds are then available.

23.10(4) *Development projects.* On approved development projects, payment will be made by the department only as reimbursement for funds already expended by the local entity.
[**ARC 7900C**, IAB 5/1/24, effective 6/5/24]

571—23.11(483A) Recordkeeping and retention. A grant recipient shall keep adequate records relating to its administration of a project, particularly relating to all incurred costs and direct or indirect income from other sources that normally would have been paid to the previous landowner resulting from a purchase agreement or other title transfer action. A copy of the county's audits particularly showing such income and disbursements for the grant period will be submitted to the department's budget and grants bureau. These records shall be available for audit by appropriate personnel of the department and the state auditor's office. All records shall be retained in accordance with state laws.
[**ARC 7900C**, IAB 5/1/24, effective 6/5/24]

571—23.12(483A) Penalties. Whenever any property, real or personal, acquired or developed with habitat stamp fund assistance passes from the control of the grantee or is used for other purposes that conflict with the project purpose, it will be considered an unlawful use of the funds. The department shall notify the local entity of any such violation.

23.12(1) *Remedy.* Funds used unlawfully must be returned to the department for inclusion in the wildlife habitat stamp fund, or a property of equal value at current market prices and with commensurate benefits to wildlife must be acquired with local, non-cost-shared funds to replace it. Such replacement must be approved by the commission. The local entity shall have a period of two years after notification by the department in which to correct the unlawful use of funds. The remedies provided by this rule are in addition to others provided by law.

23.12(2) *Land disposal.* Whenever it has been determined and agreed upon by the grantee and the commission that land acquired or developed with habitat stamp fund assistance is no longer of value for the project purpose, or that the local entity has other good cause, the land, with the approval of the commission, may be disposed of and the proceeds thereof used to acquire or develop an area of equal value, or 75 percent of the proceeds shall be returned to the state for inclusion in the wildlife habitat stamp fund.

23.12(3) *Ineligibility.* Whenever a local agency is in violation of this rule or the grant agreement, it shall be ineligible for further assistance until the matter has been resolved to the satisfaction of the commission.
[**ARC 7900C**, IAB 5/1/24, effective 6/5/24]

These rules are intended to implement Iowa Code section 483A.3.

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[1] Effective date of rule 23.1(7/31/91) delayed until adjournment of the 1992 Session of the General Assembly by the Administrative Rules Review Committee (ARRC) at its meeting held July 12, 1991. Delay lifted at the ARRC meeting held November 13, 1991.

CHAPTER 24
BLUFFLANDS PROTECTION PROGRAM AND REVOLVING LOAN FUND

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/5/29

571—24.1(161A) Definitions. For the purpose of this rule:

"Fund" means the bluffland protection revolving fund established in Iowa Code section 161A.80A.

"State-owned lands" means lands in which the state holds the fee title through acquisition and lands in which the state holds title by virtue of its sovereignty, including the beds of the Mississippi River and Missouri River.

[**ARC 7901C**, IAB 5/1/24, effective 6/5/24]

571—24.2(161A) Types of acquisitions. Acquisition must be fee simple and title to lands purchased must be free of encumbrances, unless approved by the director on the recommendation of the attorney general. Loan applicants shall submit an abstract of title to lands to be purchased with loans from the fund for examination by the attorney general prior to issuance of any loan.

[**ARC 7901C**, IAB 5/1/24, effective 6/5/24]

571—24.3(161A) Application for loans. Conservation organizations shall apply for loans on forms available on the department's website.

[**ARC 7901C**, IAB 5/1/24, effective 6/5/24]

571—24.4(161A) Approval of loan applications. The director shall appoint a committee to review and evaluate loan applications. The committee shall make appropriate recommendations to the director.

[**ARC 7901C**, IAB 5/1/24, effective 6/5/24]

571—24.5(161A) Interest and other terms of loan agreements. Loans shall be for a maximum term of five years with payment due at the end of the loan term. At the end of the loan term, an appropriate conservation easement approved by the department shall be in effect unless the fee title is conveyed to a public entity in trust to be held for conservation purposes. Simple interest at an annual rate of 4 percent shall accrue on the principal amount of the loan and shall be payable with the principal at the end of the loan term. However, interest shall be waived for the period commencing with the effective date of an approved conservation easement. All interest shall be waived if the fee title is conveyed to a public entity in trust for conservation purposes. The loan agreement and documents establishing security for the loan shall be in a form approved by the department and the attorney general. The applicant shall execute and deliver a first mortgage in favor of the state of Iowa acting through the department of natural resources or provide equivalent security to secure the principal and interest due on the loan. The mortgage shall contain provisions for foreclosure in accordance with Iowa Code chapter 654.

[**ARC 7901C**, IAB 5/1/24, effective 6/5/24]

571—24.6(161A) Eligible expenditures with loan funds. Loan funds shall be limited to the following: land purchase, usual and customary incidental costs (not including personnel, staff time, and administrative overhead), land appraisal fees and land survey fees.

[**ARC 7901C**, IAB 5/1/24, effective 6/5/24]

571—24.7(161A) Custody and management of land during loan term. Loan recipients must hold title to blufflands acquired throughout the term of the loan. Where practicable, lands purchased with loan funds shall be available for public use under terms and conditions stated in the loan agreement. If the bluffland is sold before the end of the loan term, it must first be offered to a governmental entity. If no governmental entity agrees to purchase the land, it may be sold to a private buyer provided title is first encumbered by a conservation easement granted to the conservation organization or the state of Iowa or its political subdivisions. The easements shall ensure that the natural, scenic or cultural resources of the bluffland are permanently protected. If the bluffland is sold before the end of the loan term, the loan balance shall

become due immediately at the time of sale. A loan recipient may enter into agreements, at any time, with governmental entities for the care, management and public use of lands purchased with loan funds.
[**ARC 7901C**, IAB 5/1/24, effective 6/5/24]

571—24.8(161A) Loans not to exceed appraised value. Loans from the fund shall not exceed the appraised value of the land to be acquired plus approved incidental expenses listed in rule 571—24.6(161A).
[**ARC 7901C**, IAB 5/1/24, effective 6/5/24]

These rules are intended to implement Iowa Code sections 161A.80A and 161A.80B.

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CHAPTER 25
CERTIFICATION OF LAND AS NATIVE PRAIRIE OR WILDLIFE HABITAT

[Prior to 12/31/86, Conservation Commission[290] Ch 25]

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/5/29

571—25.1(427) Purpose. The purpose of this chapter is to define lands that qualify for native prairie and wildlife habitat property tax exemptions and to provide procedures whereby owners may have them certified as such.

[**ARC 7902C**, IAB 5/1/24, effective 6/5/24]

571—25.2(427) Definitions. Before lands will be certified as either "native prairie" or "wildlife habitat" under Iowa Code section 427.1, they must meet the criteria of the following definitions:

"Native prairie" is defined as those lands that have never been cultivated, are unimproved, and are natural or restored grasslands wherein at least 50 percent of the plant canopy is a mixture of grass and forb species that were found originally on Iowa's prairie lands.

"Wildlife habitat" is defined as those parcels of agricultural land of two acres or less, composed of native species having adequate ground cover, that are devoted exclusively for use as habitat for wildlife and are protected from all other economic uses of any kind.

[**ARC 7902C**, IAB 5/1/24, effective 6/5/24]

571—25.3(427) Restrictions. Lands classified as native prairie or wildlife habitat under this rule shall not be used for economic gain of any type. This includes the storage of equipment, machinery, and crops, or receiving lease or rental payments. There shall not be any buildings, used or unused, on the tax parcel containing the exempted area.

[**ARC 7902C**, IAB 5/1/24, effective 6/5/24]

571—25.4(427) Maintenance. Maintenance activities, including burning, chemical treatment, or selective brush removal, may be performed on native prairies if approved by the county conservation board or by the department of natural resources in areas not served by a county conservation board. Similar activities, as well as seedings and plantings, may be performed on wildlife habitats if approved by the department of natural resources.

[**ARC 7902C**, IAB 5/1/24, effective 6/5/24]

571—25.5(427) Certification. In order to have lands certified as native prairie or wildlife habitat, the taxpayer must make an application to the department of natural resources on forms made available by the department. The application shall describe and locate the property to be exempted on a map.

[**ARC 7902C**, IAB 5/1/24, effective 6/5/24]

571—25.6(427) Decertification. Whenever land certified as natural prairie or as wildlife habitat is used for economic gain or otherwise becomes ineligible for tax-exempt status, the Department shall notify the appropriate assessor.

[**ARC 7902C**, IAB 5/1/24, effective 6/5/24]

These rules are intended to implement Iowa Code section 427.1.

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CHAPTER 26
RELOCATION ASSISTANCE

[Prior to 12/31/86, Conservation Commission[290] Ch 65]

Rescinded **ARC 7903C**, IAB 5/1/24, effective 6/5/24

CHAPTER 27
LAND AND WATER CONSERVATION FUND PROGRAM

[Prior to 12/31/86, Conservation Commission[290] Ch 72]

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/5/29

571—27.1(456A) Purpose. The purposes of the federal Land and Water Conservation Fund, hereinafter referred to as the LWCF, are as stated in Section 1(b) of the Land and Water Conservation Fund Act of 1965 (54 U.S.C. §200301). The Iowa department of natural resources, hereinafter referred to as the department, acting through its director, will administer the LWCF for the same purposes at the state and local levels. All state and local projects will comply with the federal statute and program guidelines.

[**ARC 7904C**, IAB 5/1/24, effective 6/5/24]

571—27.2(456A) Apportionment distribution.

27.2(1) *Iowa apportionment.* The state expects to receive an annual apportionment from the LWCF. This annual apportionment, after deducting any amount necessary to cover the department's costs of administering the program and state outdoor recreation planning costs, shall be divided into two shares for state and local entity grants with the local entity share being not less than 50 percent.

27.2(2) *Local share.* The local share of the annual LWCF apportionment shall be available for local entity grants on an annual basis.

[**ARC 7904C**, IAB 5/1/24, effective 6/5/24]

571—27.3(456A) Eligibility requirements. The following eligibility requirements shall apply to local entities:

27.3(1) Participation in the LWCF shall be limited to county conservation boards and incorporated cities.

27.3(2) A local entity shall have assessed outdoor recreation supplies, demands and needs and shall have allowed for input by affected citizens within the service area of any proposed project. Applications shall include documentation of these planning processes.

[**ARC 7904C**, IAB 5/1/24, effective 6/5/24]

571—27.4(456A) Assistance ceiling. Local entities are eligible to receive annual assistance from the LWCF of up to $250,000 per proposal. No grant shall be approved that exceeds the allotment for the review period.

[**ARC 7904C**, IAB 5/1/24, effective 6/5/24]

571—27.5(456A) Grant application submission.

27.5(1) *Form of application.* Grant applications for both state and local projects shall be on forms and follow guidelines provided by the department. Projects selected for funding with land and water conservation assistance must be in accordance with state comprehensive outdoor recreation plan (SCORP) priorities.

27.5(2) *Application timing.* For local projects, grant applications shall be reviewed and selected for funding on an annual basis as provided in subrule 27.2(2). The department shall publish on its website the date and time for submitting a funding proposal, providing at least 90 days' notice. Applications must be submitted to the department as described on the website. State projects will be reviewed, evaluated and submitted to the National Park Service for approval as soon as practicable upon notification of Iowa's apportionment.

27.5(3) *Local funding.* An applicant shall certify that it has committed its share of project costs. Cash donations must be on deposit and a bond issue must have been passed by the electorate if such passage is necessary if either or both is a source of local funding.

27.5(4) *Development project application.* An application for a development project grant shall include development on only one project site with the exception that an application may include development of a like nature only on several sites.

[**ARC 7904C**, IAB 5/1/24, effective 6/5/24]

571—27.6(456A) Project review and selection.

27.6(1) *Review and selection committee for local projects.*

a. A five-member review and selection committee, hereinafter referred to as the committee, shall be composed of three staff members of the department as appointed by the director, one member appointed by the director with input from the Iowa association of county conservation boards, and one member appointed by the director with input from the Iowa league of cities and the Iowa parks and recreation association. Additionally, there shall be at least two alternates designated by the director with input from both associations and the league of cities. The committee shall determine which grant applications shall be selected for funding at the local level.

b. Conflict of interest. An individual who is a member, volunteer, or employee of an entity that has submitted a project shall not serve on the scoring committee during that award cycle. Instead, one of the alternates shall review and score in the individual's place.

27.6(2) *Consideration withheld.* The committee will not consider any application that, on the date of the selection session, is not complete, or for which additional pertinent information has been requested and not received.

27.6(3) *Open project selection process for local projects.* The department will create an open project selection process in program guidelines published at least 90 days prior to a grant application due date. The project selection process rating system will include, at minimum, the following components: objective criteria and standards based on local need and priorities identified in SCORP, process for public participation, assurances that the distribution of LWCF assistance is accomplished in a nondiscriminatory manner and conformance to LWCF eligibility and evaluation criteria.

27.6(4) *Open project selection process for state projects.* State projects are chosen by the department based on priorities and funding.

[**ARC 7904C**, IAB 5/1/24, effective 6/5/24]

571—27.7(456A) Public participation for local projects. All grant applicants will be advised of the time and place of the grant review session. A time period for public comment will be allowed at the review session.

[**ARC 7904C**, IAB 5/1/24, effective 6/5/24]

571—27.8(456A) Director's review. The director will review, amend, reject, or approve committee recommendations after each review period for local projects. Appeals of the director's decision may be made to the commission.

[**ARC 7904C**, IAB 5/1/24, effective 6/5/24]

571—27.9(456A) Federal review. All applications selected for fund assistance shall be submitted to the administering federal agency for final review and grant approval.

571—27.10(456A) Grant amendments. Projects for which grants have been approved may be amended. Amendments to increase project costs and fund assistance due to cost overruns will not be approved.

[**ARC 7904C**, IAB 5/1/24, effective 6/5/24]

571—27.11(456A) Timely commencement of projects and project period. Grant recipients are expected to carry out their projects in an expeditious manner. Physical work on the project shall commence within one calendar year of the federal award date. Failure to do so may be cause for termination of the project and cancellation of the grant. Project period is assigned by federal statute.

[**ARC 7904C**, IAB 5/1/24, effective 6/5/24]

571—27.12(456A) Reimbursements.

27.12(1) *Grant amount.* Grant recipients are reimbursed up to 50 percent of all eligible costs incurred on a project up to the amount of the grant.

27.12(2) *Project billings.* The following information applies to local grants only. Grant recipients shall submit billings for reimbursements on forms provided by the department or through a cover letter. No

more than two project billings shall be allowed. A final billing shall be submitted within 90 days following project completion.

27.12(3) *Documentation.* Grant recipients shall provide documentation as required by the department to substantiate all costs incurred on a project.

[**ARC 7904C**, IAB 5/1/24, effective 6/5/24]

571—27.13(456A) Recordkeeping and retention. A grant recipient shall keep adequate records relating to its administration of a project, particularly relating to all incurred costs. These records shall be available for audit by appropriate personnel of the department, the state auditor's office and the U.S. Department of the Interior.

[**ARC 7904C**, IAB 5/1/24, effective 6/5/24]

These rules are intended to implement Iowa Code sections 456A.27 through 456A.33, 456A.34, and 456A.35.

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[1] 27.6(3)*"b"*(3) and 27.6(4) editorially corrected IAC Supplement 4/13/16.

CHAPTER 28
ALL-TERRAIN VEHICLE REGISTRATION REVENUE GRANT PROGRAM

[Prior to 12/31/86; Conservation Commission[290] Ch 52]

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/5/29

571—28.1(321I) Definitions.

"All-terrain vehicle (ATV)" means the same as defined in Iowa Code section 321I.1.

"Commission" means the same as defined in Iowa Code section 321I.1.

"Department" means the same as defined in Iowa Code section 321I.1.

"Designated riding area" means the same as defined in Iowa Code section 321I.1.

"Director" means the same as defined in Iowa Code section 321I.1.

"High-quality natural area" means an area that includes high-quality native plant communities, highly restorable native plant communities or an area that provides critical wildlife habitat. An on-site evaluation by qualified person(s) for each proposed site is necessary in making this determination.

"Local share" means those funds available for use by incorporated organizations or other public agencies through cost-sharing, grants, subgrants or contracts.

"Previously disturbed" means an area where the plant community has been severely disturbed and has not recovered or the natural (native) plant biota is nearly gone. Such an area has been so heavily disturbed that the plant community structure has been severely altered and few or no higher plants of the original community remain. Examples are newly cleared land, cropland, severely overgrazed pasture or second-growth forest, quarries, mines, and sand pits.

"Sponsor" means the incorporated organization or other public agency receiving funding from the all-terrain fund grant program through an agreement to acquire, develop, maintain or otherwise improve designated riding areas and trails.

"State share" means those funds that may be used by the state for administration, law enforcement, or other expenses related to the program.

[**ARC 7905C**, IAB 5/1/24, effective 6/5/24]

571—28.2(321I) Purpose and intent. This program provides funds from the all-terrain vehicle registration fund to political subdivisions and incorporated private organizations for the acquisition of land, development and maintenance of designated riding areas and trails, and facilities for such use on lands which may be in other than state ownership. This chapter is intended to clarify procedures in Iowa Code section 321I.8 and to execute agreements between the department and sponsors, under the authority of the director. All designated riding areas, trails and facilities established or maintained using revenues under this program shall be open to use by the general public.

[**ARC 7905C**, IAB 5/1/24, effective 6/5/24]

571—28.3(321I) Distribution of funds. The local share of state all-terrain vehicle registration funds as established in Iowa Code section 321I.8 and this rule shall be distributed in accordance with this chapter and upon execution of agreements. The local share of the registration fund shall be at least 50 percent of appropriate registration revenues. The remaining revenues shall be known as the state share. State share funds shall not exceed 50 percent of the total registration revenue generated for the program per fiscal year.

[**ARC 7905C**, IAB 5/1/24, effective 6/5/24]

571—28.4(321I) Application procedures.

28.4(1) *Forms.* Applications for local share moneys shall be made on forms available from the department. The application must be completed and signed by the chairperson or chief executive officer of the applying sponsor. The application must be accompanied by a copy of the minutes of the sponsoring organization meeting at which the request was approved.

28.4(2) *Grant application submission.* The process of applying for a grant shall follow guidelines, and the application shall be on form(s) provided by the department. The department shall publish on its website the date and time for submitting an application, providing at least 90 days' notice. Applications must be

submitted to the department as described on the website. Applications will be posted on the department's website, at minimum, at least once per year.
[**ARC 7905C**, IAB 5/1/24, effective 6/5/24]

571—28.5(321I) Review and selection committee.

28.5(1) The committee responsible for reviewing, ranking and selecting projects to receive funding from the local share of the all-terrain vehicle registration revenue shall be comprised of two representatives appointed by the president of the Iowa Off-Highway Vehicle Association and three department representatives appointed by the director.

28.5(2) The review and selection committee shall meet in a manner as determined by the department within 30 days following the application deadline. Applications eligible for funding will be reviewed and ranked by the committee. The committee's recommendations will be submitted to the director for approval.
[**ARC 7905C**, IAB 5/1/24, effective 6/5/24]

571—28.6(321I) Director's review of approved projects. The director shall review, amend, reject or approve committee selections. Appeals of the director's decision may be made to the commission. Applicants shall be notified of their grant status in writing within 30 days after the review and selection committee meeting.
[**ARC 7905C**, IAB 5/1/24, effective 6/5/24]

571—28.7(321I) Project selection criteria. In reviewing projects to receive available funding, the following minimum criteria shall be used:

1. Projects proposing maintenance and operation of existing designated riding areas and trails.
2. Development within existing designated riding areas or trails.
3. Projects having documented local support and involvement.
4. Acquisition and development projects located in areas of high demand with preference given to projects with the most long-term, stable management plan and that have the least adverse environmental and social impacts.

[**ARC 7905C**, IAB 5/1/24, effective 6/5/24]

571—28.8(321I) Items eligible for funding. Items listed in this rule or approved by the director which can reasonably be utilized in the operation, development, or maintenance of designated riding areas or trails shall be eligible for funding.

28.8(1) Land acquisition. Purchasing of easements or fee title land acquisition as approved by the review and selection committee and director. Title to property acquired using the local share of registration revenues shall be in the name of the sponsor unless otherwise approved by the commission. The grant may be used for prepayment or reimbursement of land acquisition expenses, including appraisals, surveys and abstracts in addition to the property cost. The grant may pay the sale price or appraised value, whichever is less. Appraisals are required and must be approved by the department. Payments may be made directly to the landowner by the department. The grant agreement may contain provisions in addition to those contained in this chapter for disposal of property if it ceases to be managed and used for the purpose for which it was acquired. Land acquisitions (or leases) using all-terrain registration revenues shall utilize the following specific criteria:

a. Designated riding areas shall be limited to previously disturbed areas. High-quality natural areas and historical and cultural areas shall be avoided. If a proposed riding area contains fragments of any of the aforementioned areas, those areas shall be managed and protected as off-limit sites.

b. In making the determination of whether high-quality natural areas and historical or cultural areas exist, an expert in the said field shall complete a thorough assessment utilizing all available resources, including local expertise.

c. Prior to land acquisition, a public informational meeting shall be held to address the proposed designated riding area. The meeting shall be posted in accordance with Iowa Code section 362.3, and meeting minutes shall be made available to the commission.

d. Neighboring property owners shall be notified of the proposed designated riding area. Public comment received by the department or local political subdivision will be evaluated and presented to the commission.

e. A local project sponsor shall be willing and able to maintain the designated riding area and shall implement and abide by an approved operational plan, which includes a cooperative agreement with the local sponsor and political subdivision.

f. A local sponsoring political subdivision shall support the designated riding area and may provide local input.

g. The topography and associated soil erosion potentials shall be cost-effectively manageable as determined by the review and selection committee.

h. The commission shall make the final determination whether to acquire a tract of land as a designated riding area.

i. An act of the commission can undesignate a riding area.

28.8(2) Operation and maintenance of property that has been designated as a riding area by a local political subdivision and the commission.

28.8(3) Hourly wages may be reimbursed for operation and maintenance. Labor costs shall be documented in a manner approved by the department and shall be accompanied by proof that the cost was paid by the sponsor. If labor and repair are contracted, reimbursement shall be at the amount specified in the grant agreement. The sponsor shall obtain any federal, state or local permits required for the project.

28.8(4) Actual material cost of tools, gravel, gates, bridges, culverts, and fencing supplies. Diesel fuel, propane, gasoline, oil, parts and repair bills for equipment used for area management.

28.8(5) Purchase of approved equipment to be used for maintenance of designated riding areas. Cost of leasing equipment used to maintain designated riding areas.

28.8(6) Program and facility liability insurance. Insurance shall be in place for project sponsors receiving grant funds. If insurance is purchased by the sponsor, proof of liability insurance shall be provided to the department. The state may purchase a statewide insurance policy covering all project sponsors receiving funds from the grant program, in which case a copy of the policy shall be made available to covered sponsors upon request. This insurance coverage may include liability insurance for the landowner(s) or other insurable interests. All-terrain vehicle fund moneys shall not be used to purchase insurance for special events. The total payment from the all-terrain vehicle fund shall be 100 percent of the approved actual cost. All insurance paid under this subrule must be furnished by companies licensed to do business in Iowa.

28.8(7) Cost of law enforcement for designated riding areas.

28.8(8) Developmental expenditures. Access roads, parking lots, picnicking, camping and playground facilities; sanitary facilities, shelters, and concession facilities; and utilities.

28.8(9) Pursuant to an agreement between the department and the Iowa Off-Highway Vehicle Association, miscellaneous personal expenses for an association representative may be reimbursed at a rate approved by the director. Expenses shall be documented in a manner approved by the department and submitted at the end of the term specified in the agreement.

28.8(10) Travel expenses. In-state travel reimbursement for overnight lodging, registration costs, and mileage to educational events, conferences, and meetings as approved by the review and selection committee and the director. Out-of-state travel for up to three sponsors annually will be eligible. Reimbursement rates will follow department policy.

28.8(11) Direct payment to vendors. The department may establish operational procedures to facilitate direct payment to vendors for:

a. Major expenditures or specialty items, including land acquisitions, development expenses, program liability insurance fees, equipment, and trail signs.

b. Unexpected repairs, including materials or other expenses costing more than $250 that may be necessary to operate and maintain the designated riding area in a safe manner.

[**ARC 7905C**, IAB 5/1/24, effective 6/5/24]

571—28.9(321I) Use of funded items. Manufactured products or machinery purchased by sponsors with all-terrain vehicle fund moneys shall be used only for the purpose of establishing or maintaining designated riding areas, trails, or facilities and as emergency rescue equipment, where applicable.
[**ARC 7905C**, IAB 5/1/24, effective 6/5/24]

571—28.10(321I) Disposal or trade of equipment, facilities or property.

28.10(1) Without prior written approval of the department, sponsors shall not dispose of or trade any manufactured products, machinery, facilities or property with a purchase value over $5,000 if a portion or all of the actual cost was paid for with the all-terrain vehicle fund. Sponsors shall, in the case of equipment or facilities, reimburse the all-terrain vehicle fund a percentage of the disposal price received, that percentage being the percent of the original purchase price paid by the fund.

28.10(2) Real property and equipment shall be disposed of as stipulated in the grant agreement under which they were acquired. Reimbursements from the sale of real property and equipment shall be credited to the all-terrain vehicle fund.
[**ARC 7905C**, IAB 5/1/24, effective 6/5/24]

571—28.11(321I) Recordkeeping. Sponsors receiving funds under this program shall keep adequate records relating to the administration of the grant, particularly relating to all incurred costs as stated in the grant agreement. These records shall be available for audit by appropriate personnel of the department and the state auditor's office.
[**ARC 7905C**, IAB 5/1/24, effective 6/5/24]

571—28.12(321I) Sponsors bonded. Prior to receiving prepayment from this grant program, all nonpublic sponsors must produce proof that their chairperson and treasurer are covered under a fidelity bond, personal or surety, to the sponsor in a sum of no less than the total prepayment amount for each office.
[**ARC 7905C**, IAB 5/1/24, effective 6/5/24]

571—28.13(321I) Competitive bids. Any equipment or development expense costing more than $2,500 and funded by the all-terrain vehicle fund must be purchased through a competitive bid or quotation process. Documentation of such process must be submitted before funds are released by the state. Items purchased by any other means are not reimbursable by the state.
[**ARC 7905C**, IAB 5/1/24, effective 6/5/24]

571—28.14(321I) Prepayment for certain anticipated costs. Only those expenditures contained in signed agreements may be prepaid. Program or facility liability insurance may be prepaid up to 100 percent. Approved facility and development costs and operations and maintenance costs may be prepaid up to 90 percent.
[**ARC 7905C**, IAB 5/1/24, effective 6/5/24]

571—28.15(321I) Expense documentation, balance payment or reimbursement.

28.15(1) Documentation of expenditures eligible for prepayment or reimbursement shall be submitted in a manner approved by the department and shall be accompanied by applicable receipts. The sponsoring organization shall sign a certification stating that all expenses for which reimbursement is requested are related to the program and have been paid by the sponsor prior to requesting reimbursement. The sponsoring organization shall provide copies of canceled checks or other verification of expenditure payment.

28.15(2) The sponsor is responsible for maintaining auditable records of all expenditures of funds received whether by prepayment or on a reimbursement basis. This documentation shall include logs of maintenance equipment, operation and repair. Work done under contract to the sponsor requires a copy of the contract and copies of canceled checks showing payment.

28.15(3) Documentation of expenditures under the all-terrain vehicle revenue program must be received within 60 days of the project end date as specified in the grant agreement, unless the project sponsor has requested an extension and the extension has been approved in writing by the department.

Failure by the sponsor to complete projects in a timely manner may be cause for termination of the agreement or ineligibility for future grants.

28.15(4) Approved expenditures by the sponsor in excess of the prepayment amount received, up to the maximum approved amount, will be reimbursed by the department if appropriately documented. In instances where the sponsor has expended less than the amount prepaid, the sponsor shall reimburse the balance to the department to be credited back to the all-terrain vehicle fund.

[**ARC 7905C**, IAB 5/1/24, effective 6/5/24]

571—28.16(321I) Use of funds. If a grantee desires to use the approved funds for a purpose not within the approved project scope as stated in the grant agreement, the grantee shall request an amendment to the project. If the department and review and selection committee approve a project amendment, the department shall notify the project sponsor in writing. Whenever any real or personal property acquired, developed or maintained with registration funds passes from the control of the grantee or is used for purposes other than the approved project purpose, such an act will be considered an unlawful use of the funds. Whenever the director determines that a grantee is in violation of this rule, that grantee shall be ineligible for further assistance until the matter has been resolved to the satisfaction of the department.

[**ARC 7905C**, IAB 5/1/24, effective 6/5/24]

These rules are intended to implement Iowa Code sections 321I.1, 321I.2, and 321I.8.

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CHAPTER 29
LOCAL RECREATION INFRASTRUCTURE GRANTS PROGRAM

Rescinded **ARC 7906C**, IAB 5/1/24, effective 6/5/24

CHAPTER 30
WATERS COST-SHARE AND GRANT PROGRAMS

[Prior to 12/31/86, Conservation Commission[290] Ch 79]

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/5/29

DIVISION I
WATER RECREATION ACCESS COST-SHARE PROGRAM

571—30.1(452A) Title and purpose. This division provides rules for the water recreation access cost-share program. The purpose of this division is to define procedures for cost sharing between state and local public agencies to provide for the acquisition or development of public recreational boating accesses to Iowa waters.

[**ARC 7907C**, IAB 5/1/24, effective 6/5/24]

571—30.2(452A) Availability of funds. Moneys derived from the excise tax on the sale of motor fuel used in watercraft under Iowa Code section 452A.79 are deposited as a "marine fuel tax" and are subject to appropriation by the general assembly to the department of natural resources. Each year, as part of its approval of the department's capital improvement plan, the commission may designate an amount to be available for this program.

[**ARC 7907C**, IAB 5/1/24, effective 6/5/24]

571—30.3(452A) Eligibility of development projects. Projects proposing to develop properties or facilities for the purposes of providing or enhancing recreational boating access consistent with Iowa Code section 452A.79A may apply for funding. Additional eligibility guidance or requirements may be provided during the application process described in 571—30.9(452A).

[**ARC 7907C**, IAB 5/1/24, effective 6/5/24]

571—30.4(452A) Eligibility of acquisition projects. Projects proposing to acquire land for recreational boating/canoeing access are eligible to apply for water access funding. Costs for a department-approved appraisal report and the cost of surveys necessary to determine acreage and establish boundaries are also eligible for assistance on those projects approved for funding. Additional eligibility guidance or requirements may be provided during the application process described in 571—30.8(452A).

[**ARC 7907C**, IAB 5/1/24, effective 6/5/24]

571—30.5 Reserved.

571—30.6(452A) Waiver of retroactivity. In case of extreme urgency involving land acquisition, a grant applicant may formally request a written waiver of retroactivity that, if granted by the director of the department of natural resources, will permit the applicant to acquire the real property immediately without jeopardizing the applicant's chances of receiving a grant. However, the granting of the waiver in no way implies or guarantees that any subsequent grant application covering the acquisition will be selected for funding by the water access committee. The request for the waiver must include justification regarding the urgency of the acquisition, a description of the land to be acquired, and a county map on which the land to be acquired is located. Acceptable justification would include situations in which land is to be sold at auction or by sealed bids or when the landowner requires immediate purchase.

[**ARC 7907C**, IAB 5/1/24, effective 6/5/24]

571—30.7(452A) Establishing project priorities. The director shall appoint a six-member water access committee representing a cross section of department responsibilities for the purpose of reviewing and establishing priorities for cost sharing.

[**ARC 7907C**, IAB 5/1/24, effective 6/5/24]

571—30.8(452A) Application procedures. Applications for funds shall be reviewed and selected for funding at least once per year. The department shall publish on its website the date and time for submitting a funding proposal, providing at least 90 days' notice. Applications must be submitted to the department as described on the website.

[**ARC 7907C**, IAB 5/1/24, effective 6/5/24]

571—30.9(452A) Cost-sharing rates. All projects approved for assistance will normally be cost-shared at a 75 percent state/25 percent local ratio. Exceptions to the normal funding formula may occur under the following conditions:

30.9(1) Where a local public agency agrees under terms of a long-term agreement to assume maintenance and operation of a department of natural resources water access facility, the approved development or improvements needed on that facility may be funded at up to 100 percent.

30.9(2) Where feasible and practical, the department will provide funds to cover 100 percent of materials needed for a development project if the local subdivision agrees to provide 100 percent of the labor and equipment to complete that development.

30.9(3) Where joint use will be made of a project by commercial interests as well as by recreational boaters, only that portion of a project attributable to the use by recreational boaters will be cost-shared through this program.

30.9(4) When, at the discretion of the director, some alternate funding level is deemed appropriate.

[**ARC 7907C**, IAB 5/1/24, effective 6/5/24]

571—30.10(452A) Joint sponsorship. Two or more local public agencies may join together to carry out a water access project. However, for the purposes of the grant program, the committee will accept only one local agency as the prime project sponsor. Any written agreements between the local agencies involved in any joint venture will be made a part of any grant application. The application rating system will be applied only to the prime sponsor. The project agreement will be negotiated with the prime sponsor and reimbursements will be paid to it.

[**ARC 7907C**, IAB 5/1/24, effective 6/5/24]

571—30.11(452A) Control of project site. In order for a project site to be eligible for a development grant, it must be under the physical control of the grant applicant, either by fee title, lease, management agreement, or easement. The term of a lease, management agreement, or easement must be commensurate with the life expectancy of the proposed development.

[**ARC 7907C**, IAB 5/1/24, effective 6/5/24]

571—30.12(452A) Project agreements.

30.12(1) A cooperative agreement approved by the director between the department and the local grant recipient describing the work to be accomplished and specifying the amount of the grant and the project completion date will be negotiated as soon as possible after a grant has been approved. Maximum time period for project completion shall be two years for acquisition or development projects, unless an extension approved by the director is authorized. However, agreements covering land acquisition will be dependent upon receipt of a department-approved appraisal report since assistance will be based on the approved appraised valuation or the actual purchase price, whichever is the lesser. Approved development projects costing over $25,000 must have plans certified by a registered engineer before an agreement will be issued.

30.12(2) Cooperative agreements between the department and the local project sponsor may be amended to increase or decrease project scope or to increase or decrease project costs and fund assistance. Any increase in fund assistance will be subject to the availability of funds. Amendments to increase scope or fund assistance must be approved by the director before work is commenced or additional costs incurred. A project sponsor may request amendment of the agreement for a previously completed project to allow commercial use under the conditions specified in 30.9(3). The director shall have the authority to approve such amendments.

30.12(3) All approved projects, except those in which the project is owned by the state and managed by a local entity, having a grant request in excess of $25,000 will be presented to the natural resource

commission members for their information prior to project initiation. The commissioners may act to disapprove or modify projects.
[**ARC 7907C**, IAB 5/1/24, effective 6/5/24]

571—30.13(452A) Reimbursement procedures. Financial assistance from the water access fund will typically be in the form of reimbursement grants, which will be made on the basis of the approved percentage of all eligible expenditures up to the amount of the approved grant.

Reimbursement requests will be submitted on project billing forms provided by the department.

30.13(1) For acquisition projects, one copy each of the following additional documentation will be required:

a. Deed.

b. Invoices or bills for any appraisal or survey expense.

c. All applicable canceled checks or warrants.

d. A certificate of title prepared by the agency's official legal officer.

30.13(2) For development projects, grant recipients shall provide documentation as required by the department to substantiate all project expenditures.

30.13(3) Reimbursements will be made on real estate contract payments using the following procedures:

a. The grant recipient will submit to the department a copy of the real estate contract, which must stipulate that the grant recipient will get physical control of the property on or before the date the first contract payment is made.

b. The grant recipient will submit to the department a copy of any approval that it is required to obtain from any governing body to enter into a real estate contract.

c. The grant recipient will submit to the department an up-to-date title opinion from its official legal officer indicating that the landowner has and can convey clear title to the grant recipient.

d. The grant recipient will submit a project billing with photocopy of the canceled warrant when claiming reimbursement.

e. When final payment has been made and title obtained, the grant recipient will submit to the department a copy of the deed and a certificate of title from its official legal officer. Only one reimbursement request may be submitted if the total project cost is $10,000 or less. If more than $10,000, no more than two reimbursement requests may be submitted.

A final reimbursement request shall be submitted within 90 days following the completion date indicated on the cooperative agreement. Failure to do so may be cause for termination of the project with no further reimbursement to the grant recipient.

Ten percent of the total reimbursement due any grant recipient for a development project will be withheld pending a final site inspection or until any irregularities discovered as a result of a final inspection have been resolved. Final site inspections will be conducted by assigned department staff within 30 days of notification by project sponsor that a project is completed.
[**ARC 7907C**, IAB 5/1/24, effective 6/5/24]

571—30.14 to **30.50** Reserved.

These rules are intended to implement Iowa Code section 452A.79.

DIVISION II
WATER TRAILS DEVELOPMENT PROGRAM AND
LOW-HEAD DAM PUBLIC HAZARD PROGRAM

571—30.51(455A,461A,462A) Definitions. For purposes of this division, the following definitions shall apply:

"Commission" means the natural resource commission.

"Coordinator" means the staff person of the department responsible for implementing this division.

"Department" means the department of natural resources.

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

"Low-head dam" means a uniform structure across a river or stream that causes an impoundment upstream, with a recirculating current downstream.

"Navigable waters" means all lakes, rivers, and streams that can support a vessel capable of carrying one or more persons during a total of six months period in one out of every ten years.

"Scoring committee" means the water trails scoring committee, which consists of the coordinator, two department staff members appointed by the director, and two representatives and two alternates of the water recreation community selected by the director.

"Sponsor" means an eligible applicant, as described in these rules.

"Water trail" means a point-to-point travel system on a navigable water and a recommended route connecting the points.

[**ARC 7907C**, IAB 5/1/24, effective 6/5/24]

571—30.52(455A,461A,462A) Purpose and intent. The water trails development program and the low-head dam public hazard program provide funds to assist development of local water trails on navigable waters of the state of Iowa and to support safety projects for low-head dams in the state of Iowa. The programs will be available to fund two types of projects: those that enhance water trails development and recreation and those that are limited to projects that primarily enhance dam safety in order to reduce drownings.

[**ARC 7907C**, IAB 5/1/24, effective 6/5/24]

571—30.53(455A,461A,462A) Program descriptions.

30.53(1) *Water trails development program.* The department will provide funds to cities and counties in the state of Iowa to plan and develop water trails throughout the state. The goal of the water trails development program is to assist and encourage the development of community-driven water trails that provide features described in statewide and local plans and herein.

30.53(2) *Low-head dam public hazard program.* The department will provide funds to dam owners, including counties, cities, state agencies, cooperatives, and individuals, within Iowa to undertake projects that warn the general public about drowning hazards related to low-head dams or that remove or otherwise modify low-head dams to create a safer experience on Iowa's navigable waters and enhance fish passage, aquatic habitat, and navigation.

[**ARC 7907C**, IAB 5/1/24, effective 6/5/24]

571—30.54(455A,461A,462A) Application. The coordinator may announce the availability of funds for the programs, designate a time and place for receiving proposals, identify any additional requirements to those enumerated in this division for successful applications, and provide at least 90 days for sponsors to submit such proposals.

[**ARC 7907C**, IAB 5/1/24, effective 6/5/24]

571—30.55(455A,461A,462A) Grant requirements. By submitting a proposal pursuant to this division, a sponsor will agree to the following terms and conditions:

30.55(1) *Agreements.* Before funds are disbursed, the sponsor will enter into a project agreement with the department. The agreement shall detail and further define the relationship of the parties.

30.55(2) *Timely commencement of projects.* Funds must be completely expended within two years of the award. If the sponsor is not able to complete a project within the original time period, the sponsor must seek and receive a written extension from the department to receive reimbursements for expended funds. Any advanced funds must be returned after either the completion date or extension date if the department determines the project cannot be completed in a timely manner.

30.55(3) *Expenditures.* The sponsor shall expend all funds in accordance with the sponsor's governance documents, which may include applicable provisions of the Iowa Code.

30.55(4) *Recordkeeping.* The sponsor shall keep all project records for three years after the final report is completed. These records are to be available for audit by the state.

30.55(5) *Permits and licenses.* The sponsor must obtain any and all required licenses and permits from federal, state, and local authorities before commencing any activity pursuant to a grant award.

30.55(6) *Control of project site.* The sponsor must demonstrate that the project site or sites are under the physical control of the sponsor or its partners, either by fee title, lease, management agreement, or easement. The sponsor assumes long-term maintenance of the integrity of the project and shall enter into such agreements with landowners or other relevant parties as may be necessary to ensure such long-term maintenance.

[**ARC 7907C**, IAB 5/1/24, effective 6/5/24]

571—30.56 Reserved.

571—30.57(455A,461A,462A) Proposal evaluation.

30.57(1) Proposals will be evaluated by the scoring committees for each program.

30.57(2) Conflict of interest. An individual who is a member, volunteer, or employee of an entity that has submitted a project shall not serve on the scoring committee during that award cycle. Instead, one of the alternates shall review and score in the individual's place.

[**ARC 7907C**, IAB 5/1/24, effective 6/5/24]

571—30.58(455A,461A,462A) Sponsor eligibility.

30.58(1) *Water trails development program.* The water trails development program is limited to local divisions of Iowa government.

30.58(2) *Low-head dam public hazard program.* The low-head dam public hazard program is available to dam owners or their agents, including counties, cities, state agencies, cooperatives, nonprofit organizations, and individuals.

[**ARC 7907C**, IAB 5/1/24, effective 6/5/24]

571—30.59(455A,461A,462A) Project eligibility.

30.59(1) *Water trails development program.* The scoring committee will evaluate proposals for water trails development projects. Eligible projects may include master planning, engineering, and development such as water accesses with parking and related easement and property acquisition; navigational, interpretive, and warning signs; portages to aid navigation or avoid hazards; related amenities adjacent to the water trail such as access roads, canoe and bike racks, restrooms, picnic areas, campsites, and water-accessible cabins; and promotional, educational, and educational materials such as mapping, brochures, kiosks, display panels, and online information.

30.59(2) *Low-head dam public hazard program.* The scoring committee will evaluate proposals for projects that enhance safety and fish passage at low-head dams on or adjacent to navigable waters in Iowa. The department may divide grants into categories and scoring criteria corresponding to project types, such as warning signage, feasibility studies, engineering, and construction.

[**ARC 7907C**, IAB 5/1/24, effective 6/5/24]

571—30.60(455A,461A,462A) Cost-share requirements.

30.60(1) *Water trails development program.* Grant proposals for water trails development projects require a minimum of 20 percent cost share of the total project to be provided by the sponsor.

30.60(2) *Low-head dam public hazard program.* Grant proposals for low-head dam safety and mitigation projects require a minimum of 50 percent cost share of the total project to be provided by the sponsor.

[**ARC 7907C**, IAB 5/1/24, effective 6/5/24]

571—30.61(455A,461A,462A) Evaluation criteria.

30.61(1) *Water trails development program.* The scoring committee will prioritize projects based on impacts for public use, local and private resource contributions, support of statewide and local plans and guidelines, public acceptance, safety, location on a designated or planned water trail, and annual priorities established by the coordinator.

30.61(2) *Low-head dam public hazard program.* The scoring committee will prioritize projects based on public safety, stream health, fish passage, aesthetic, recreational and navigational improvements, urgency of failure, local contributions and stakeholder support, and appropriate cost and scale.

[**ARC 7907C**, IAB 5/1/24, effective 6/5/24]

These rules are intended to implement Iowa Code chapters 455A, 461A, and 462A and section 464A.11 and 2008 Iowa Acts, House File 2700.

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CHAPTER 31
PUBLICLY OWNED LAKES WATERSHED PROGRAM

[Prior to 12/31/86, Conservation Commission[290] Ch 76]

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/5/29

571—31.1(456A) Purpose. The purpose of this chapter is to set forth the policy and procedures to be utilized by the department of natural resources to establish a priority list of watersheds above significant public lakes where private landowners are eligible to receive cost-share moneys to establish soil and water conservation practices pursuant to Iowa Code chapter 161A.

[**ARC 7908C**, IAB 5/1/24, effective 6/5/24]

571—31.2(456A) Definitions.

"Commission" means the natural resource commission.

"Department" means the department of natural resources.

"Division" means the department of agriculture and land stewardship, division of soil conservation and water quality.

"Program" means the publicly owned lakes watershed program.

"Significant public lake" means a lake meeting the criteria set forth in Iowa Code section 456A.33B(1) *"c."*

"Watershed" means those lands that drain into a significant public lake.

[**ARC 7908C**, IAB 5/1/24, effective 6/5/24]

571—31.3(456A) Priority of watersheds. Pursuant to Iowa Code section 456A.33A, the commission shall annually establish a priority list of watersheds above existing or proposed significant public lakes.

[**ARC 7908C**, IAB 5/1/24, effective 6/5/24]

571—31.4(456A) Application. Applications shall be submitted annually, as specified by the division. The division will then forward received applications to the department for determination of program eligibility. The department will review applications based on compliance with application requirements.

[**ARC 7908C**, IAB 5/1/24, effective 6/5/24]

These rules are intended to implement Iowa Code section 456A.33A.

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CHAPTER 32
PRIVATE OPEN SPACE LANDS
Rescinded **ARC 7909C**, IAB 5/1/24, effective 6/5/24

CHAPTER 33
RESOURCE ENHANCEMENT AND PROTECTION PROGRAM: COUNTY, CITY, PRIVATE OPEN SPACES AND CONSERVATION EDUCATION GRANT PROGRAMS

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/5/29

DIVISION I
GENERAL PROVISIONS

571—33.1(455A) Purpose. The purpose of these rules is to define procedures for the administration of the private cost-sharing funds within the open spaces account, the county conservation account, the city park and open spaces account, and the conservation education grant program of the resource enhancement and protection (REAP) fund.
[**ARC 7910C**, IAB 5/1/24, effective 6/5/24]

571—33.2(455A) Resource enhancement policy. The REAP program and its various elements shall constitute a long-term integrated effort to wisely use and protect Iowa's natural resources through the acquisition and management of public lands; the upgrading of public park and preserve facilities; environmental education, monitoring, and research; and other environmentally sound means. Expenditure of funds from the county conservation account, the city park and open spaces account and the private cost-sharing portion of the open spaces account shall be in accord with this policy.
[**ARC 7910C**, IAB 5/1/24, effective 6/5/24]

571—33.3(455A) Definition. In addition to the definitions in Iowa Code section 455A.1, the following definition shall apply to this chapter:

"Open spaces" means those natural or cultural resource areas that contain natural vegetation, fish, or wildlife, or have historic, scenic, recreation and education value. Examples of open spaces in cities and towns include, but are not limited to, parks, riverfronts and town squares. In rural areas, open spaces include, but are not limited to, such areas as woodlands, prairies, marshlands, river corridors, lake shores, parks and wildlife areas.
[**ARC 7910C**, IAB 5/1/24, effective 6/5/24]

571—33.4(455A) Grant applications, general procedures.

33.4(1) Applications for all grant programs shall be made on forms provided by the department.

33.4(2) Applications shall provide sufficient detail as to clearly describe the scope of the project. Any application that is not complete at the time of project review and scoring, or for which additional pertinent information has been requested and not received, shall not be considered for funding.

33.4(3) Application deadlines are the same for county, city, and private open space grant programs. Conservation education program application deadlines are offered annually but not on the same schedule as the county, city, and private open space grant programs. Applications for all REAP grant programs will be reviewed and projects selected for funding at least once per year. The department shall publish on its website the date and time for submitting a funding proposal, providing at least 90 days' notice. Applications must be submitted to the department as described on the website.

33.4(4) Joint applications are permitted. One entity must serve as the primary applicant. Joint projects sponsored by entities competing for funds from different REAP accounts (e.g., a joint city/county project) are allowable. Applications must clearly spell out the respective shares of project costs to be derived from various REAP accounts if the project is approved for funding. Any cooperative agreement between joint applicants must be provided as a part of the application.

33.4(5) Applicants shall not use other department grants, such as land and water conservation fund or wildlife habitat promotion with local entities, as leveraged funds for a project requesting REAP funds. Likewise, REAP funds shall not be used as matching funds for applications to other grants.
[**ARC 7910C**, IAB 5/1/24, effective 6/5/24; **ARC 9409C**, IAB 7/9/25, effective 8/13/25]

571—33.5(455A) Appraisals. Appraisal reports must be approved or disapproved in writing by the director. Grants may include incidental costs associated with the acquisition, including, but not limited to, costs for appraisals, abstracts, prorated taxes, deed tax stamps, recording fees and any necessary surveys and fencing.
[**ARC 7910C**, IAB 5/1/24, effective 6/5/24]

571—33.6(455A) Groundwater hazard statements. Grantees must obtain a properly completed groundwater hazard statement on all proposed acquisitions before the acquisition is completed. The statement must be filed with the department and county recorder pursuant to Iowa Code section 558.69. Prior to the acquisition of any property that has an abandoned or unused well, hazardous waste disposal site, solid waste disposal site, or underground storage tank, the grantee must file with the department a plan that details how these conditions will be managed to best protect the environment. This plan must be approved in writing by the director before the land is acquired.
[**ARC 7910C**, IAB 5/1/24, effective 6/5/24]

571—33.7(455A) Rating systems not used. During any funding cycle when total grant requests are less than the allotment available, the rating system need not be applied. All applications will be reviewed by the appropriate committee for eligibility to ensure they meet minimum scoring requirements and to ensure consistency with program policy and purposes.
[**ARC 7910C**, IAB 5/1/24, effective 6/5/24]

571—33.8(455A) Applications not selected for grants. All applications for projects considered eligible but not scoring high enough to be awarded a grant immediately will be retained by the department until two months prior to the next regular submittal date during which time they may be funded. If not approved for funding by that time, applicants will be notified by the department in writing. The original application will be returned to applicants only upon request. The applicant may resubmit the project or an amended version of the project for scoring and consideration during the next application cycle by resubmitting an original or amended application and five copies by the respective deadline.
[**ARC 7910C**, IAB 5/1/24, effective 6/5/24]

571—33.9(455A) Similar development projects. An application for a development project grant may include development on more than one area if that development is of a like type (e.g., tree and shrub plantings).
[**ARC 7910C**, IAB 5/1/24, effective 6/5/24]

571—33.10(455A) Timely commencement and completion of projects. Grant recipients are expected to commence and complete projects in a timely and expeditious manner. A project period commensurate with the work to be accomplished will be established and included in the project agreement. Project sponsors may receive up to 90 percent of approved grant funds at the start of the project period. Failure to initiate the project or to complete it in a timely manner may be cause for termination of the project, return of unused grant funds at the time of termination, and cancellation of the grant by the department.
[**ARC 7910C**, IAB 5/1/24, effective 6/5/24]

571—33.11(455A) Waivers of retroactivity. Normally, grants for acquisitions or developments completed prior to application scoring will not be approved. However, an applicant may make written request for a waiver of retroactivity to allow project elements to be considered for grant assistance. Waivers will be granted in writing by the director and receipt of a waiver does not ensure funding, but only ensures that the project will be considered for funding along with all other applications.
[**ARC 7910C**, IAB 5/1/24, effective 6/5/24]

571—33.12(455A) Project amendments. Projects for which grants have been approved may be amended, if funds are available, to increase or decrease project scope or to increase or decrease project costs and grant amount. All amendments must be approved by the appropriate project review and selection committee and by the director. Amendments that result in an increase in the cost of the project in excess

of $25,000 or 25 percent of the approved cost, whichever is greater, or that involve a change in the project purpose also must be approved by the commission.
[**ARC 7910C**, IAB 5/1/24, effective 6/5/24]

571—33.13(455A) Recordkeeping and retention. Grant recipients shall keep adequate records relating to the administration of a project, particularly relating to all incurred expenses. These records shall be available for audit by representatives of the department and the state auditor's office. All records shall be retained in accordance with state laws.
[**ARC 7910C**, IAB 5/1/24, effective 6/5/24]

571—33.14(455A) Penalties. Whenever any property, real or personal, acquired or developed with REAP funds passes from the control of the grantee or is used for purposes other than the approved project purpose, it will be considered an unlawful use of the funds. If a grantee desires to use the approved funds for a purpose other than the approved project purpose that is an approved use of funds under the provisions of Iowa Code chapter 455A and these rules, the grantee shall seek an amendment to the project purpose by following the provisions provided in this rule. The department shall notify the grantee of any such violation.

33.14(1) *Remedy.* Funds used without authorization, for purposes other than the approved project purpose, or unlawfully must be returned to the department for deposit in the account of the REAP fund from which they were originally apportioned. In the case of diversion of property acquired with REAP fund assistance, property of equal value at current market prices and with similar open space benefits may be acquired with local, nongrant funds to replace it. Such replacement must be approved by the appropriate review and selection committee and the director. In the case of diversion of personal property, the grantee shall remit to the department at the current valuation of the real estate. The grantee shall have a period of two years after notification by the department in which to correct the unlawful use of funds. The remedies provided in this subrule are in addition to others provided by law.

33.14(2) *Land disposal.* Whenever the department, and, if a city or county, the grantee, determine that land acquired or developed with REAP fund assistance is no longer of value for the program purposes, or that the grantee can show good cause why the land should no longer be used in accord with the approved project purpose, the land may be disposed of with the director's approval and the proceeds therefrom used to acquire or develop an area of equal value, or the grantee shall remit to the department funds at the current valuation of the real estate for inclusion in the account from which the grant was originally made. If land acquired through the private grant program is determined to be no longer of interest by the state, the proposed dispersal of the property shall be reviewed by the grantee, and the grantee shall have the first right of refusal on an option to take title to the property in question. For projects that only received developmental money, the life of the project is deemed closed after a period of 20 years from the date of the original grant; repayment of the grant will not be required.

33.14(3) *Ineligibility.* Whenever the director determines that a grantee is in violation of this rule or in violation or noncompliance with other grants administered by the department, that grantee shall be ineligible for further assistance until the matter has been resolved to the satisfaction of the commission.
[**ARC 7910C**, IAB 5/1/24, effective 6/5/24]

571—33.15(455A) Public communications. Grant recipients shall participate in public communications activities to inform the public of the REAP program and of their particular project. The project will not be considered successfully completed, for purposes of this rule, until evidence is provided to the department REAP coordinator that the following requirements have been met. The remaining 10 percent payment of the grant total will not be issued until such evidence has been provided. Evidence includes but is not limited to photographs showing sign placement, newspaper or magazine clippings, printed brochures or flyers available to the public, exhibits for public display and other related materials. Information gathered from site inspections by the department may also be considered acceptable evidence.

33.15(1) *Signs.* Grant recipients are required to adequately display the 12-inch by 12-inch REAP signs, provided by the department at no charge, on project locations where appropriate so that users of the

project can readily see that REAP is at least partially responsible for the project. The REAP signs will be maintained and replaced as necessary as long as the department has signs available.

33.15(2) *Dedication ceremony.* Grant recipients shall hold a public meeting or event to dedicate the project. Information provided during the event shall include information in regard to the REAP program and its role in supporting the project. This information shall also be provided to local news media by use of a news release. Local and state elected officials shall be invited to attend and participate.

33.15(3) *Grants include public communications plan.* A description of the public communications plan shall be included in every project submitted as a grant request. Grant recipients shall carry out the plan if their project is funded.

[**ARC 7910C**, IAB 5/1/24, effective 6/5/24]

DIVISION II
COUNTY GRANTS

571—33.16(455A) County conservation account. All funds allocated to counties under this program may be used for land easements or acquisitions, capital improvements, stabilization and protection of resources, repair and upgrading of facilities, environmental education, and equipment; except as restricted by Iowa Code section 455A.19.

33.16(1) *Expenditure guidelines.* All expenditures and restrictions shall be in accordance with Iowa Code section 455A.19. Expenditure of funds for personnel costs are allowed by Iowa Code section 455A.19, but only when personnel are clearly directed toward the purpose and policy of the REAP program. Personnel costs are not allowable under the competitive grant program. Up to 20 percent of a total project's cost may be used to cover costs of engineering and design work or other consultant fees directly associated with the project.

33.16(2) *Competitive grant project planning and review committee.*

a. The makeup of this committee is as follows: two representatives of the department appointed by the director; two county conservation board directors appointed by the director of the department with input from the Iowa association of county conservation boards; and one member selected every three years by a majority vote of the director's appointees. Additionally, there shall be at least two alternates designated by the director with input from the Iowa association of county conservation boards. The members shall select a chairperson at the first meeting during each calendar year. Terms of appointment to the committee shall be on a three-year staggered term basis.

b. Conflict of interest. An individual who is a member, volunteer, or employee of an entity that has submitted a project shall not serve on the scoring committee during that award cycle. Instead, one of the alternates shall review and score in the individual's place.

33.16(3) *Competitive grant project selection criteria.* Under the competitive grant program, a project planning and review committee shall establish criteria and scoring systems to be utilized in project evaluation. The criteria and scoring system shall be submitted to the director and natural resource commission for approval. Criteria and scoring systems must be distributed to all counties at least 90 days prior to the project application deadline. In order to be eligible for award, an applicant must receive, at a minimum, 50 percent of the total allowable points.

33.16(4) *Availability of funds.* Those funds allocated on a per capita basis and those awarded in the competitive grant program shall be allocated only to counties dedicating property tax revenue at least equal to 22 cents per $1,000 of the assessed value of the county's taxable property to conservation purposes. Annual certification from the county auditor of each county shall be made on forms provided by the department. The certification shall include information on total assessed value of taxable property in the county; budget of the county conservation board, including a distinction of that which is derived from sources other than property taxes; and a schedule of expenditures and staffing. A copy of this certification must be filed with the director. REAP program funds received shall not reduce or replace county tax revenues appropriated for county conservation purposes.

a. County conservation purposes include and are limited to the following activities and responsibilities:

(1) Operation and maintenance of real property and equipment under the jurisdiction and control of the county conservation board, and utilized by the public for museums, parks, preserves, parkways, playgrounds, recreational centers, county forests, county wildlife areas, establishment and maintenance of natural parks, multipurpose trails, restroom facilities, shelter houses and picnic facilities and other county conservation and recreational purposes as provided in Iowa Code section 350.4.

(2) The acquisition and development of real estate utilized for purposes authorized by Iowa Code chapter 350. The cost of planning, engineering or architectural services directly related to acquisition and development is allowable as a county conservation purpose.

(3) The county conservation board's share of joint operations of facilities and programs as described in Iowa Code section 350.7. The cost of the county's weed control program, as required by Iowa Code chapter 317, may specifically be included as a county conservation purpose if the county conservation board director or a member of the county conservation board staff is appointed county weed commissioner by the board of supervisors, and is given full authority to plan and accomplish an environmentally sound vegetative management program.

(4) The administration of the county conservation program, including and limited to the expenses of board members, salary and expenses of the county conservation board director, and related clerical, technical and support costs charged directly to the county conservation board's budget.

(5) Any reimbursement from the county conservation board's budget for the actual expense of county-owned equipment, use of county equipment operators, supplies, and materials of the county, or the reasonable value of county real estate made available for the use of the county conservation board as provided by Iowa Code section 350.7. Such reimbursements shall be supported by daily time and activity records detailing the hourly charge for equipment and operator use, the specific quantities and cost of materials used, or a fee appraisal prepared by an independent fee appraiser and approved by the director.

(6) No other costs, including indirect costs as computed for purposes of federal grant programs or distribution of general county overhead, are allowable as a county conservation purpose.

b. Reserved.

33.16(5) *Certification procedures.* The annual certification that a county is dedicating property tax revenue at least equal to 22 cents per $1,000 of the assessed value of the county's taxable property to conservation purposes shall be submitted by the county auditor to the department on forms provided by the department. Certification is based upon actual expenditures for conservation purposes during the previous fiscal year. Submission of a certification by October 1 of any year will qualify the county for per capita funds held in reserve for that county and establish eligibility for participation in the competitive grant program. The certification will remain in effect through June 30 of the following year. Counties that fail to meet this requirement for any given fiscal year are ineligible for that fiscal year. A county that is ineligible can reestablish eligibility for a future fiscal year through the certification process.

a. The levy of property taxes for county conservation board purposes shall be calculated in the following manner. First, the actual expenditures for all county conservation purposes for the fiscal year shall be determined. Next, the total of all receipts derived from county conservation activities and all grants and donations received or billed for from whatever source for county conservation purposes shall be determined. The total of all receipts and grants shall then be subtracted from the total expenditures. This result shall then be divided by the total taxable value of all county property to determine the amount per thousand dollars utilized to support county conservation purposes.

b. Transfers of property tax receipts to the reserve account established under Iowa Code section 350.6 shall be included as expenditures in the fiscal year that transfers occur for purposes of the calculation of the certified levy. Withdrawals from the reserve account and expenditures and receipts reflected in the special resource enhancement account created as provided in Iowa Code section 455A.19 shall not be included in the calculation of the certified levy.

c. If a dispute arises over the appropriateness of a county expenditure as a county conservation purpose or the accuracy and correctness of the certified levy by the county auditor, the director shall notify the state auditor and request that a recommendation be included in the next audit report. Upon receipt of the audit report, the director shall make a final determination and adjust subsequent distributions to the county or request reimbursement from the county as necessary.

33.16(6) *Fund distribution schedule.* Funds from the county resource account that are distributed on a per capita and per county basis shall be distributed by the department to each eligible county quarterly.

33.16(7) *Special account.* Each county board of supervisors shall create a special resource enhancement account in the office of the county treasurer, and the county treasurer shall credit all REAP funds from the state to that account.

a. REAP funds received by the county shall not be used to fund any program or activity that was funded in prior years by other county revenues. Expansion of previously funded programs is permitted. Each county board director, as part of financial documentation regarding the special resource enhancement and reserve accounts, shall document that county expenditures of REAP funds supported only programs and activities not funded in prior years by county revenues other than REAP funds. For purposes of this documentation, expenditures from the special resource enhancement account for land acquisition shall be viewed as a new program and not a continuation of previous land acquisition programs. Expenditures from the special resource enhancement account for routine maintenance of facilities must involve only facilities previously constructed or otherwise acquired with REAP funds. REAP funds may be used for renovation, expansion or upgrading of facilities regardless of the source of funding for the original facilities, except as prohibited by Iowa Code section 455A.19. Likewise, expenditures from the special resource enhancement account for equipment, supplies, materials, or staff salaries must directly relate to the establishment or expansion of programs or activities with REAP funds, and such programs or activities shall not have been previously funded with other county revenues.

b. Failure to adequately document expenditures from the special resource enhancement account or to provide the documentation as previously described regarding these expenditures upon request by the state auditor or department staff will result in the county losing its eligibility to receive per capita and competitive grants from the REAP program for a period of one to three years. A county that loses its eligibility may reestablish its eligibility by certifying that the county tax dollars dedicated to county conservation purposes during the previous fiscal year were at least 22 cents per $1,000 of assessed taxable property.

[**ARC 7910C**, IAB 5/1/24, effective 6/5/24]

DIVISION III
CITY GRANTS

571—33.17(455A) Competitive grants to cities. Fifteen percent of available funds in the REAP fund (after the $350,000 annual allocation to the conservation education board and 1 percent of revenues to the fund are allocated to the administration fund) shall be allocated annually to the city park and open spaces grant account. That 15 percent shall be divided into three portions according to the percentage of the state's urban population in each category, with each portion available on a competitive basis to cities falling within one of the following three size categories: (1) cities of less than 2,000; (2) cities between 2,000 and 25,000; and (3) cities larger than 25,000. Funds shall be initially apportioned to each category as per this rule. If at the time of project review and scoring there are funds available in any category that exceed the requests for grants in that category, those funds may, at the director's discretion, be transferred to another category where requests exceed the funds available.

33.17(1) *Eligible sponsors.* Any incorporated city or town in the state may make application for a grant.

33.17(2) *Grant ceilings.* Incorporated cities and towns are eligible to receive annual grants from the REAP fund in accordance with the following schedule:

Population	Maximum
0 — 1,000	$ 50,000
1,001 — 5,000	75,000
5,001 — 10,000	100,000
10,001 — 25,000	125,000
25,001 — 50,000	150,000
50,001 — 75,000	200,000

Population	Maximum
over 75,000	300,000

The grant ceiling may be waived upon approval by the director if (1) the project is regional in nature or is projected to serve a minimum of 100,000 people; or (2) the project cannot be staged over a multiyear period so that a separate grant application might be submitted each year.

33.17(3) *Review and selection committee.*

a. The director shall appoint a five-member review and selection committee to evaluate project applications. This committee shall include one member representing each of the three size classes of cities (e.g., one from a city of less than 2,000, one from a city of 2,000 to 25,000, and one from a city of more than 25,000). The director shall request a list of candidates from the Iowa league of cities and Iowa parks and recreation association. The remaining two members of the committee shall be a representative of the department and an at-large member. Additionally, there shall be at least two alternates designated by the director from the candidates list provided by the Iowa league of cities and the Iowa parks and recreation association. The committee shall elect its own chairperson from its members. Members shall serve three-year staggered terms.

b. Conflict of interest. An individual who is a member, volunteer, or employee of an entity that has submitted a project shall not serve on the scoring committee during that award cycle. Instead, one of the alternates shall review and score in the individual's place.

33.17(4) *Project selection criteria.* A project planning and review committee shall establish criteria and scoring systems to be utilized in project evaluation. The criteria and scoring system shall be submitted to the director and natural resource commission for approval. Criteria and scoring systems must be distributed to all counties at least 90 days prior to the project application deadline. In order to be eligible for award, an applicant must receive, at a minimum, 50 percent of the total allowable points.

[**ARC 7910C**, IAB 5/1/24, effective 6/5/24]

DIVISION IV
PRIVATE GRANTS

571—33.18(455A) Private cost-sharing program. At least 10 percent of the funds placed in the open spaces account shall be made available for cost sharing with private entities for cost sharing at a maximum level of 75 percent.

33.18(1) *Protection defined.* Protection is defined as the purchase of all or a portion of the rights associated with ownership of real property so as to ensure that open space values associated with that property are protected in perpetuity. Protection methods, in order of preference, include, but are not limited to, fee title acquisition, purchase of easements, or other mechanisms that provide long-term assurance of open space protection. Title for acquired properties shall be vested in the state of Iowa, and projects must be consistent with priorities established by the department.

33.18(2) *Eligibility to participate.* Any trust, foundation, incorporated conservation organization, private individual, corporation or other nongovernmental group able to provide funds or interest in land sufficient to equal at least 25 percent of a proposed protection project may submit or cause to have submitted a project for funding consideration. Except however, a private organization established to benefit a specific governmental entity is not eligible to submit a project. Governmental entities are also not eligible to submit a project.

33.18(3) *Grant amount.* The department will provide grants for up to 75 percent of the appraised cost of the land plus incidental acquisition costs. Costs in excess of these must be borne by the grantee.

33.18(4) *Project review and selection committee.*

a. The director shall appoint a committee to review and score projects. The committee shall include the following: three persons representing the private sector and two alternates selected from a pool of potential names as submitted to the director by the various private eligible groups; administrator of the conservation and recreation division of the department, or the administrator's designee; and the bureau chiefs of the department's wildlife bureau and parks, forests, and preserves bureau or their designees. The

committee shall elect its own chairperson from its members. The committee will report to the director the order in which proposed projects were ranked using criteria as specified in subrule 33.18(5).

b. Conflict of interest. An individual who is a member, volunteer, or employee of an entity that has submitted a project shall not serve on the scoring committee during that award cycle. Instead, one of the alternates shall review and score in the individual's place.

33.18(5) *Project selection criteria.* A project planning and review committee shall establish criteria and scoring systems to be utilized in project evaluation. The criteria and scoring system shall be submitted to the director and natural resource commission for approval. Criteria and scoring systems must be distributed to all counties at least 90 days prior to the project application deadline. In order to be eligible for award, an applicant must receive, at a minimum, 50 percent of the total allowable points.

33.18(6) *Department rejection of applications.* The director may remove from consideration by the project review and selection committee any application for funding the acquisition of property that the department determines is not in the state's best interest for the department to manage. The department's basis for determining such interest may include, but not be limited to, inaccessibility to the project area, environmental contamination and unacceptable use restrictions, management cost, the proximity to other governmental entities that may impose use restrictions or special tax assessments on the area, or lack of conformance with priorities established by the department. Examples of use restrictions can include prohibitions on hunting, trapping, timber harvest, vegetation management, and easements that affect the range of public use and activities that could otherwise be allowed.

33.18(7) *Certification of availability of funds.* Applicants must certify at the time of application that sufficient funds, land, letter of credit, or other acceptable financial instrument is available from private sources to cover the private share of the project.

33.18(8) *Acquisition responsibilities and process.* The grantee is responsible for obtaining an appraisal that is approvable by the department and for obtaining the director's written approval of that appraisal. The grantee is responsible for negotiating an option to purchase the property with the seller. If the option contains any requirements for action by the department or restrictions on the use of the land, those requirements or restrictions must be approved by the director and the commission before they are incorporated into the option. The grantee is responsible for closing the transaction, recording the transaction with the appropriate county recorder, and providing the department with a copy of the deed naming the department as owner and a title vesting certificate. The director may, under special conditions, allow title to be vested in the name of a city or county. Necessary assurances may include the placement of special conditions on that title, the existence of an approved, long-term management agreement or other measures as deemed appropriate by the commission. The department may provide assistance at the request of the grantee, or at the director's recommendation.

[**ARC 7910C**, IAB 5/1/24, effective 6/5/24]

DIVISION V
CONSERVATION EDUCATION BOARD

571—33.19(455A) Conservation education program policy.

33.19(1) *Grants and agreements.* The conservation education program shall constitute a long-term integrated effort to support conservation education through formal and nonformal education projects and programs by means of competitively awarded grants and cooperative agreements.

33.19(2) *Definitions.* The following definitions shall apply to this division:

"Conservation education programs" means programs developed for formal (K-12 students), nonformal (preschool, adult and continuing education) and higher education (postsecondary and adult) programs, within the subject areas of natural resource conservation and environmental protection.

"Dissemination grant" means funds deployed for the purposes of executing projects previously funded by REAP conservation education program funds that were successful in execution and have transferability to other educators and conservation programs.

"Dissemination plan" means the required documentation for projects greater than $10,000 funded by the REAP conservation education program funds. A dissemination plan contains specific details of

the project, including expected outcomes essential for the uptake and use by educators and conservation programs.

"Educator" means any person who teaches environmental/conservation education. This may apply to certified teachers, governmental or private naturalists, education specialists, or others so determined by the department.

"Environmental/conservation education materials" means materials that are developed or produced that provide knowledge, skills, processes and strategies that enhance Iowa citizens' understanding of natural resources conservation and environmental issues.

"Stipends for Iowa educators who participate in innovative conservation education programs" may include tuition costs; acceptable food and lodging costs; substitute teacher costs; mileage expenses or separate allowances when applicable for educators to attend approved environmental/conservation education workshops, in-service programs and conferences; and other costs as approved by the department.

[**ARC 7910C**, IAB 5/1/24, effective 6/5/24; **ARC 9409C**, IAB 7/9/25, effective 8/13/25]

571—33.20(455A) Eligibility for funds. In years in which funds are made available, grant applications may be submitted by institutions of higher learning; government agencies, including local school districts; private schools and home schools; area education agencies; day cares; and organizations. Preference shall be given to Iowa residents.

33.20(1) *Fund distribution.* The total available funds will be distributed as follows:

a. The first $50,000 will be awarded to public/private pre-K through grade 12 education disseminated as small grant awards not to exceed $10,000 per request and no less than $1,000 per request.

b. The next $50,000 will be awarded to dissemination grants, if a dissemination project is provided by the department for the year.

c. The remaining $250,000 will be awarded for large grant awards not to exceed $80,000 per request. Large grant awards require a minimum of 33 percent matching funds either as an in-kind or a cash match.

d. If all funds are not allocated through paragraphs 33.20(1)*"a"* and *"b,"* the remaining funds will be allocated to qualifying projects in paragraph 33.20(1)*"c."*

33.20(2) *Expenditure guidelines.*

a. Eligible program types. Applicants can apply for funding that supports hands-on interactive types of educational experiences, such as workshops, trainings, field trips, or classroom activities, or passive education experiences, such as interpretive or wayside signs, brochures or video programming, or education center exhibits.

b. Personnel expenses. Requests for personnel expenditures shall not exceed 40 percent of the total grant request and can only be used for staff directly engaged with the educational offering. Administrative support personnel are not eligible grant fund expenses. An awardee will provide documentation on actual hours worked in order to receive the 40 percent reimbursement costs for personnel. This does not include educator stipends or funding provided to individuals in order to attend a workshop, conference or training, all of which are allowable expenses under this grant program.

c. Travel expenses. Reimbursement is for in-state travel only; mileage, lodging, and food expenses will be reimbursed at the current state rate as found on the department of administrative services website.

d. Noneligible expenses. Grant funds cannot be used for technology or infrastructure development or construction whose singular function is not primarily and consistently dedicated to the program or exhibit for which grant funds are requested. Additionally, grant funds cannot be used for food and beverage costs or reimbursements.

[**ARC 7910C**, IAB 5/1/24, effective 6/5/24; **ARC 9409C**, IAB 7/9/25, effective 8/13/25]

571—33.21(455A) Competitive grant project planning and review committee.

33.21(1) *Review committee.*

a. The director shall appoint a five-person review and selection committee to evaluate project applications. This committee shall include one representative of the department appointed by the director, one representative of the department of education science consultant or designee, one representative of the Iowa conservation education council, one representative of the Iowa association of naturalists, and one representative of the Iowa association of county conservation boards. Additionally, there shall be at

least one alternate identified and designated by the director from each represented organization. Terms of appointment to the committee shall be on a three-year staggered term basis.

b. An individual who is a member, volunteer, or employee of an entity that has submitted a project shall not serve on the scoring committee during that award cycle. Instead, one of the alternates shall review and score in the individual's place.

33.21(2) *Competitive grant project selection criteria.*

a. Under the competitive grant program, a project planning and review committee shall establish criteria and scoring systems to be utilized in project evaluation. The criteria and scoring systems shall be submitted to the natural resource commission for approval.

b. The department shall publish on its website the date and time for submitting a funding proposal and the criteria and scoring system, providing at least 90 days' notice. Applications must be submitted to the department as described on the website.

c. Upon recommendation of the planning and review committee, the natural resource commission shall award the grants.

33.21(3) *Dissemination plan.*

a. After completion of the project awarded through the large grants, and prior to final request for reimbursement, the awardee shall complete a dissemination plan as provided on the department's website. Projects funded with conservation education program funds are intended to be replicable by other educators or conservation programs in Iowa.

b. Annually, the review and selection committee will review dissemination plans; select successful projects per criteria developed and approved by the natural resource commission; and offer additional award opportunities, not to exceed $10,000 per awardee, of up to $50,000 of conservation education program funds for other educators or conservation education programs to implement.

33.21(4) *Nonapplication of copyright.* Program materials developed from REAP funds for conservation education materials shall bear the REAP logo. However, materials developed under this grant shall not be copyrighted by the grantee unless the department gives permission. A digital copy of all program materials developed shall be supplied to the department as part of the dissemination plan.

[**ARC 9409C**, IAB 7/9/25, effective 8/13/25]

571—33.22(455A) Grantee responsibilities. Rescinded **ARC 9409C**, IAB 7/9/25, effective 8/13/25.

571—33.23(455A) Board review and approval. Rescinded **ARC 9409C**, IAB 7/9/25, effective 8/13/25.

571—33.24(455A) Waivers of retroactivity. Rescinded **ARC 9409C**, IAB 7/9/25, effective 8/13/25.

571—33.25(455A) Penalties. Rescinded **ARC 9409C**, IAB 7/9/25, effective 8/13/25.

571—33.26(455A) Remedy. Rescinded **ARC 9409C**, IAB 7/9/25, effective 8/13/25.

571—33.27(455A) Termination for convenience. Rescinded **ARC 9409C**, IAB 7/9/25, effective 8/13/25.

571—33.28(455A) Termination for cause. Rescinded **ARC 9409C**, IAB 7/9/25, effective 8/13/25.

571—33.29(455A) Responsibility of grantee at termination. Rescinded **ARC 9409C**, IAB 7/9/25, effective 8/13/25.

571—33.30(455A) Appeals. Rescinded **ARC 9409C**, IAB 7/9/25, effective 8/13/25.

These rules are intended to implement Iowa Code sections 455A.19 and 455A.21.

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CHAPTER 34
COMMUNITY FORESTRY GRANT PROGRAM (CFGP)

Rescinded **ARC 7911C**, IAB 5/1/24, effective 6/5/24

CHAPTER 35
FISH HABITAT PROMOTION FOR COUNTY CONSERVATION BOARDS

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/5/29

571—35.1(483A) Purpose and definitions. The purpose of this chapter is to designate procedures for the allotment of fish habitat revenue to county conservation boards. These funds shall be used specifically to acquire from willing sellers whole or partial interest in land for use as or for protection of fish habitats and to develop and enhance fishable waters and habitat areas.

The following definitions apply in these rules:

"Commission" means the natural resource commission.

"County" means a county conservation board.

"Department" means the department of natural resources.

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

"District" means a county conservation district.

[**ARC 7912C**, IAB 5/1/24, effective 6/5/24]

571—35.2(483A) Availability of funds. Fish habitat funds are dependent on sales. Revenues received by the department determine the amount of moneys available at any time.

35.2(1) *Local share.* Funds available for county conservation boards shall be specified in the department's budget in accordance with legislative appropriations. At least 50 percent of the fish habitat revenue will be apportioned to county conservation boards.

35.2(2) *Distribution.* After deduction of 5 percent to be held for contingencies, the remaining local share will be available on an annual basis. The department shall divide fish habitat funds equally among the districts. The districts have two years to obligate fish habitat funds once the funds are made available. After two years, the department will apportion all unobligated funds equally among the districts.

[**ARC 7912C**, IAB 5/1/24, effective 6/5/24]

571—35.3(483A) Program eligibility. All counties are eligible to participate in this program.

[**ARC 7912C**, IAB 5/1/24, effective 6/5/24]

571—35.4(483A) Eligibility for cost-sharing assistance. A project is not eligible for cost sharing unless the commission specifically approves the project or the applicant has received a written waiver of retroactivity from the director prior to the project's initiation. A project must allow for public fishing to be eligible for cost sharing; however, the review and selection committee as described in subrule 35.6(1) may recommend for commission approval projects with restrictions on boating.

35.4(1) *Acquisition projects.* A licensed appraiser shall appraise lands or rights thereto to be acquired, and the appraisal shall be approved by department staff. The appraisal requirement may be waived when the staff determines that it is impractical for a specific project. The cost share shall not be approved for more than 90 percent of the approved appraised value. Acquisition projects are eligible for cost share either by direct payment as described in subrule 35.11(6) or by reimbursement to counties.

35.4(2) *Eligible acquisition activities.*

a. Acquisition for pond and lake construction.

b. Acquisition of fishable streams, ponds and lakes.

c. Acquisition for watershed protection.

35.4(3) *Development projects.* Eligible expenditures for development projects include, but are not limited to, preliminary expenses, contracts, the purchase of materials and supplies, rentals, and extra labor that is hired only for the specific project. The purchase of equipment is not an eligible expenditure. Donated labor, materials and equipment-use and use of a county's own labor and equipment are not eligible for cost-share assistance. Development projects are limited to lands legally controlled by the county for the expected life of the project. Development projects are eligible only for reimbursement of reasonable costs actually incurred and paid by the county.

35.4(4) *Enhancement projects.* For purposes of this rule, "enhancement" is considered to be synonymous with "development." Eligible enhancement activities include:

a. Physical placement of fish habitats in ponds, lakes, pits and streams.
b. Armoring of pond, lake, pit and stream shores.
c. Construction of aeration systems.
d. Dredging of ponds or lakes.
e. Construction of ponds and lakes.
f. Construction of sediment-retaining basins.
g. Repair of lake dam/outlets.
h. Manipulation of fish populations and aquatic vegetation.
i. Removal of dams.
j. Construction of fish ladders.
k. Construction of fish barriers.
l. Construction of rock-faced jetties.

35.4(5) *Project income.* When, as a result of a purchase agreement or other title transfer action involving cost sharing with fish habitat funds, a county directly or indirectly receives financial income that would have been paid to the previous landowner, 90 percent of that income shall be transferred to the department unless the county has identified and committed to habitat development projects or additional acquisitions on the project site to be funded from the income received. The project review and selection committee shall recommend, and the director and commission shall approve, plans for the expenditure of income received pursuant to this subrule. In the absence of acceptable fish habitat development or acquisition plans, the county shall transfer to the department 90 percent of the income received as it is received. The department shall credit that income to the county's apportionment of the fish habitat fund as described in subrule 35.2(1). The schedule of those reimbursements from a county to the state shall be included in the project agreement.

[**ARC 7912C**, IAB 5/1/24, effective 6/5/24]

571—35.5(483A) Application for assistance. Applications must contain sufficient detail as to clearly describe the scope of the project and how the area will be managed.

35.5(1) *Form.* Applications must be submitted on forms provided by the department.

35.5(2) *Time of submission.* Applications for funds will be reviewed and selected for funding at least once per year. The department will publish on its website the date and time for submitting a funding proposal, providing at least 90 days' notice. Applications must be submitted to the department as described on the website. Upon timely notice to eligible recipients, additional selection periods may be scheduled if necessary to expedite the distribution of funds. In emergencies, a county may request a waiver so that an acquisition project may be approved for retroactive payments if funds are available and the project meets all other criteria.

35.5(3) *Joint applications.* Joint applications are permitted. One county shall serve as the primary applicant. A joint application shall clearly describe the respective share of project costs for each county named. Any cooperative agreement between the counties named shall be provided as a part of the application.

35.5(4) *County funding.* An applicant shall certify that it has committed its share of project costs and that these funds are available and shall state the means of providing for the county share. All necessary approvals for acquisition and financing shall be included with the application. All financial income received directly or indirectly that would have been paid to the previous landowner as a result of a purchase agreement or other title transfer action shall be completely documented in the application.

35.5(5) *Multiple development projects.* An application for development project assistance may include development on more than one area if the development is of a like nature.

[**ARC 7912C**, IAB 5/1/24, effective 6/5/24]

571—35.6(483A) Project review and selection.

35.6(1) *Review and selection committee.*

a. Each district shall have a review and selection committee, hereinafter referred to as the committee. Each committee shall be composed of at least five county directors or their designees, with at least two designated alternates. Each district's committee shall determine which grant applications and amendment requests are selected for funding. For advisory purposes only, a department biologist or designee shall be present during review and selection of grant applications and amendment requests.

b. Conflict of interest. An individual who is a member, volunteer, or employee of an entity that has submitted a project cannot serve on the scoring committee during that award cycle. Instead, one of the alternates shall review and score in the individual's place.

35.6(2) *Consideration withheld.* The committee shall not consider any application that on the date of the selection session is incomplete or for which additional pertinent information has been requested but not received.

35.6(3) *Application rating system.* The committee shall apply a rating system to each grant application considered for fund assistance. The department shall develop the rating system. The rating system shall be used to rate each application, and those applications receiving the highest ratings shall be selected for fund assistance to the extent of the allotment for each annual period. If the amount of grant moneys available exceeds that requested, applications will be reviewed only to determine eligibility.

[**ARC 7912C**, IAB 5/1/24, effective 6/5/24]

571—35.7(483A) Commission review. The director shall present the committees' recommendations to the commission at its next meeting following the rating of projects for funding. The commission may approve or disapprove funding for any project on the list.

[**ARC 7912C**, IAB 5/1/24, effective 6/5/24]

571—35.8(483A) Grant amendments. If funds are available, projects for which grants have been approved may be amended to increase or decrease project scope or to increase or decrease project costs and fund assistance. The director shall approve project changes prior to their inception. Amendments to increase project costs and fund assistance due to cost overruns shall not be approved if funds have already been committed or the work has already been performed.

[**ARC 7912C**, IAB 5/1/24, effective 6/5/24]

571—35.9(483A) Timely commencement of projects. Grant recipients are expected to carry out their projects in an expeditious manner. A project for which a grant is approved shall be commenced within six months of the date upon which the grantee is notified that the project is approved, or at another date agreed upon by both parties. Failure to do so may be cause for termination of the project and cancellation of the grant by the commission.

[**ARC 7912C**, IAB 5/1/24, effective 6/5/24]

571—35.10(483A) Project period. A project period that is commensurate with the work to be accomplished shall be assigned to each project. Extensions may be granted only in case of extenuating circumstances.

[**ARC 7912C**, IAB 5/1/24, effective 6/5/24]

571—35.11(483A) Payments.

35.11(1) *Grant amount.* Grant recipients will be paid 90 percent of all eligible costs incurred on a project up to the amount of the grant unless otherwise specified in the project agreement.

35.11(2) *Project billings.* Grant recipients shall submit billings for reimbursement or cost sharing on forms provided by the commission.

35.11(3) *Project billing frequency.* Project billings shall be submitted on the following basis:

a. Up to $10,000 total project cost—one billing.

b. Over $10,000 total project cost—no more than two billings.

35.11(4) *Documentation.* Grant recipients shall provide documentation to substantiate all costs incurred on a project as may be required by the department.

35.11(5) *Development projects.* Eighty percent of the approved local share may be paid to the county when requested, but not earlier than start-up of the project. The department, pending successful completion

and final inspection of the project, shall withhold 20 percent of the local share until any irregularities discovered as a result of a final site inspection have been resolved.

35.11(6) *Acquisition projects.* The department may make payment directly to a property seller pursuant to the following criteria:

a. The county requests direct payment in the project application and shows good cause for such procedure;

b. The seller provides to the county a marketable fee simple title, free and clear of all liens and encumbrances or material objections at the time of payment; and

c. Sufficient program funds are available at the time of transfer.

[**ARC 7912C**, IAB 5/1/24, effective 6/5/24]

571—35.12(483A) Recordkeeping and retention. A grant recipient shall keep adequate records relating to its administration of a project, particularly relating to all incurred costs and direct or indirect income that normally would have been paid to the previous landowner as a result of a purchase agreement or other title transfer action. A copy of the county's audits showing such income and disbursements for the grant period shall be submitted to the department's budget and grant bureau. These records shall be available for audit by appropriate personnel of the department and the state auditor's office. All records shall be retained in accordance with state law.

[**ARC 7912C**, IAB 5/1/24, effective 6/5/24]

571—35.13(483A) Penalties. Whenever any real or personal property acquired or developed with fish habitat fund assistance passes from the control of the grantee or is used for other purposes that conflict with the project purpose, it shall be considered an unlawful use of the funds. The department shall notify the county of any such violation.

35.13(1) *Remedy.* Funds thus used unlawfully shall be returned to the department for inclusion in the fish habitat fund, or local, non-cost-shared funds shall be used to acquire a replacement property of equal value at current market prices and with commensurate benefits to fish. The replacement property must be approved by the commission. The county shall have a period of two years after notification by the department in which to correct the unlawful use of funds. The remedies provided by this subrule are in addition to others provided by law.

35.13(2) *Land disposal.* Whenever it has been determined and agreed upon by the grantee and the commission that land acquired or developed with fish habitat fund assistance is no longer of value for the project purpose or that the county has other good cause, the commission may authorize that the land be disposed of and the proceeds thereof used to acquire or develop an area of equal value or that 90 percent of the proceeds be returned to the state for inclusion in the fish habitat fund.

35.13(3) *Ineligibility.* If the department determines that a county has unlawfully used fish habitat funds, the county shall be ineligible for further assistance until the matter has been resolved to the satisfaction of the commission.

[**ARC 7912C**, IAB 5/1/24, effective 6/5/24]

These rules are intended to implement Iowa Code section 483A.3A.

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TITLE IV
RECREATIONAL VESSEL AND VEHICLE REGISTRATION AND SAFETY

CHAPTER 36
GREEN VALLEY LAKE SPECIAL WATER ACTIVITY RULES

[Prior to 12/31/86, Conservation Commission[290] Ch 26]

Rescinded **ARC 9219C**, IAB 5/14/25, effective 6/18/25

CHAPTER 37
VESSEL SAFETY AND REGISTRATION

[Prior to 12/31/86, Conservation Commission[290] Ch 27]

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/18/30

571—37.1(462A) Purpose. Pursuant to Iowa Code section 462A.3, these rules set forth vessel safety equipment and registration requirements, vessel operation and waterway zoning, and vessel occurrence reporting requirements.

[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.2(462A) Definitions. For the purpose of Divisions I, II, and III of this chapter:

"A Scale" or *"A"* means the physical scale marked "A" graduated in decibels on a sound level meter that meets the requirements of the American National Standards Institute, Incorporated, publication S1.4 — 1983 General Purpose Sound Level Meters.

"Buoy" means any device designed to float that is anchored in the water and that is used to convey a message.

"Display area" means the area on a sign or buoy needed for display of a waterway marker symbol.

"Diver's flag" means a red flag or device with a white diagonal running from the upper left hand corner to the lower right hand corner (from mast head to lower outside corner).

"PFD" means a U.S. Coast Guard-approved personal flotation device that is intended to be worn or thrown.

"Regulatory marker" means a waterway marker that has no equivalent in the U.S. Coast Guard system of navigational aids.

"Sign" means any device for carrying a message that is attached to another object such as a piling, buoy, structure or the land itself.

"Symbols" means geometric figures such as a diamond, circle, rectangle, etc., used to convey a basic message.

"Throwable PFD" means a PFD that is intended to be thrown to a person in the water. A PFD marked as Type IV or Type V with Type IV performance is considered a throwable PFD. Unless specifically marked otherwise, a wearable PFD is not a throwable PFD.

"Waterway marker" means any device designed to be placed in, on, or near the water to convey an official message to a boat operator on matters which may affect health, safety, or well-being, except that such devices of the U.S. or any agency of the United States are excluded from the meaning of this definition.

"Wearable PFD" means a U.S. Coast Guard-approved PFD that is intended to be worn or otherwise attached to the body. A PFD marked as Type I, Type II, Type III, or Type V with Type I, II or III performance is considered a wearable PFD.

[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

DIVISION I
EQUIPMENT AND REGISTRATION

571—37.3(462A) Fire extinguishers. The number and type of fire extinguishers required for motorboats within the state of Iowa are as follows:

37.3(1) *Fire extinguisher type.* Fire extinguishers shall be a U.S. Coast Guard-approved B-I or B-II type as described in 33 CFR Part 175, Subpart E (June 1, 2024).

37.3(2) *Number of fire extinguishers.* The number of fire extinguishers required shall be dependent upon motorboat class and in compliance with 33 CFR Part 175, Subpart E (June 1, 2024).

Class	Minimum number of 5-B portable fire extinguishers	
	If no fixed fire extinguishing system	With fixed fire extinguishing system
I (less than 16 ft.)	1	0
II (16 ft. to under 26 ft.)	1	0
III (26 ft. to under 40 ft.)	2	1
IV (40 ft. to 65 ft.)	3	2

37.3(3) *Fire extinguisher condition.* Fire extinguishers must:

a. Be on board and readily accessible;

b. Not be expired or appear to have been previously used; and

c. Be maintained in good and serviceable working condition, meaning:

(1) If the extinguisher has a pressure gauge reading or indicator, the reading or indicator must be in the operable range or position;

(2) The lock pin is firmly in place;

(3) The discharge nozzle is clean and free of obstruction; and

(4) The extinguisher does not show visible signs of significant corrosion or damage.

[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.4(462A) Flame arrestors. All motorboat engines, except outboard engines, shall be equipped with an efficient flame arrestor, backfire trap or other similar device. An acceptable flame arrestor shall have evidence of compliance with UL Standard 1111 (October 31, 2008) or the revised 2020-02 Society of Automotive Engineers Standard J1928, titled "Devices Providing Backfire Flame Control for Gasoline Engines in Marine Applications."

[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.5(462A) Lights on vessels. The following lights shall be required on all vessels:

37.5(1) *Vessels at anchor.*

a. A vessel at anchor shall exhibit between the hours of sunset and sunrise:

(1) In the forepart, a white light to show 360 degrees around the horizon or one ball.

(2) At or near the stern and at a lower level than the light prescribed in 37.5(1)*"a"*(1) a white light to show 360 degrees around the horizon.

b. A vessel of less than 50 meters in length may exhibit a white light to show 360 degrees around the horizon instead of the lights prescribed in this subrule.

37.5(2) *Vessels not powered by motor or sail.* All vessels not powered by motor or sail and not at anchor shall exhibit a white light to show 360 degrees around the horizon that is visible from at least one mile under clear conditions between the hours of sunset and sunrise when operated on natural lakes, Corps of Engineers impoundments, border rivers excluding border portions of the Big Sioux and Des Moines rivers, and impoundments on inland rivers. If the white light is partially obscured due to the nature of the craft, an additional white light must be shown in sufficient time to prevent collision. When operated on bodies of water other than those listed in subrule, all vessels not powered by motor or sail and not at anchor shall have in possession a white light to be used when necessary between the hours of sunset and sunrise.

37.5(3) *Sailing vessels.*

a. Vessels of all classes when propelled by sail alone shall exhibit one of the following lighting systems between sunset and sunrise and at all other times required by applicable laws:

(1) While underway, one of the following lighting systems is acceptable:

1. The international lighting system for the applicable class of vessel.

2. The combined lantern or separate side lights required for the applicable class of vessel plus a white light so placed as to illuminate the sail so the sail is visible at a distance of at least one-half mile.

(2) While at anchor, one of the following lighting systems is acceptable:

1. A white light that shows all around the horizon (360 degrees).

2. An illuminated sail, to be visible all around the horizon (360 degrees) at a distance of one-half mile.

b. A sailing vessel means any vessel whose sole source of propulsion is the natural element (i.e., wind). A sailing vessel using any auxiliary source of mechanical propulsion is a motorboat and must exhibit the lights required for the applicable class of motorboat.

[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.6(462A) Buoyant safety equipment.

37.6(1) PFDs shall be U.S. Coast Guard-approved. Each PFD must be appropriately sized for the person for whom it is intended and be used in accordance with current U.S. Coast Guard safety equipment requirements as specified in 33 CFR 175.15 and 46 CFR 160 (June 1, 2024), any requirements on the approval label, and any requirements in the PFD's owner's manual if the approval label makes reference to such a manual.

Registered American Power Boat Association (APBA) drivers shall wear an APBA-certified PFD while in competition or practice related to an APBA-sanctioned event.

37.6(2) Wearable PFDs. Except as provided in 37.6(4), no person may use a vessel of any length unless at least one wearable PFD is on board for each person.

37.6(3) Throwable PFDs. No person may use a vessel 16 feet or more in length, except a canoe or kayak, unless at least one throwable PFD is on board in addition to the PFDs required in 37.6(2).

37.6(4) Exceptions. A person using a canoe or kayak that is enclosed by a deck and spray skirt need not comply with 37.6(2) if that person wears a vest-type lifesaving device that:

a. Has no less than 150 separate permanently inflated air sacs made of not less than 12 mil polyvinyl chloride film, and has not less than 13 pounds positive buoyancy in fresh water, if that person weighs more than 90 pounds; or

b. Has no less than 120 separate permanently inflated air sacs made of not less than 12 mil polyvinyl chloride film and has not less than 8½ pounds positive buoyancy in fresh water, if that person weighs 90 pounds or less.

37.6(5) Nonapproved devices. Any PFD that has a torn or missing strap, punctured flotation bag, waterlogged flotation material, rotted material in straps or webbing or cover, missing laces, missing hardware, envelope torn or perforated, torn stitching or any other condition that impairs the operating efficiency, any PFD on which the U.S. Coast Guard approval tag is no longer easily legible, or any inflatable device that has a discharged or otherwise inoperable gas cartridge shall be deemed as not approved for use on board vessels as equipment required by law.

37.6(6) Water skis and surfboards. Any person engaged in waterskiing, wakeboarding, wakesurfing, surfboarding, or other similar activity, except for vessels known as windsurfers, shall wear a U.S. Coast Guard-approved wearable PFD that is properly fastened and secured and used in accordance with current U.S. Coast Guard safety equipment requirements as specified in 33 CFR 175.15 and 46 CFR 160 (June 1, 2024), any requirements on the approval label, and any requirements in the PFD's owner's manual if the approval label makes reference to such a manual. Inflatable devices are not approved for waterskiing, wakeboarding, wakesurfing, or tow-behind activities. Skiers participating in a tournament or exhibition may be exempted from the PFD requirement if the skiers are wearing wet suits with built-in flotation and granted a specific exemption in the special events permit issued by the natural resource commission. A flotation wet suit may include a full suit (top and bottom) or a form-fitting top as long as the top will float the wearer when air is expelled from the wearer's lungs. A special event may include practice sessions if all practice sessions for the season are listed on the special event application. In that case, the application shall include a specific location, date and time for each practice session.

37.6(7) No person shall operate a vessel on any waters of this state under the jurisdiction of the commission, towing a person or persons on water skis, surfboard, or similar device, nor shall any person engage in waterskiing, wakeboarding, wakesurfing, surfboarding, or similar activities, at any time between the hours of one-half hour after sunset to sunrise.

37.6(8) Personal watercraft (PWCs). All operators and passengers of PWCs must wear a U.S. Coast Guard-approved wearable PFD that is properly fastened and secured and used in accordance with current U.S. Coast Guard safety equipment requirements as specified in 33 CFR 175.15 and 46 CFR 160 (June 1, 2024), any requirements on the approval label, and any requirements in the PFD's owner's manual if the

approval label makes reference to such a manual. Inflatable PFDs are not approved for use on personal watercraft.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.7(462A) Motorboat noise. No person shall operate any motorboat on waters of this state under the jurisdiction of the commission, in such a manner as to exceed the following noise levels:

37.7(1) *Stationary sound level test.* Motorboats manufactured prior to 1993 shall not exceed a noise level of 90dB(A) during a stationary sound level test as prescribed by 2018-06 Society of Automotive Engineers Standard J2005, titled "Stationary Sound Level Measurement Procedure for Recreational Motorboats." For motorboats manufactured on or after January 1, 1993, a motorboat shall not exceed a noise level of 88dB(A) when subjected to a stationary sound level test as prescribed by 2018-06 Society of Automotive Engineers Standard J2005, titled "Stationary Sound Level Measurement Procedure for Recreational Motorboats."

37.7(2) *Shoreline sound level test.* A motorboat engine shall not exceed a noise level of 75dB(A) when measured as specified in 2018-02 Society of Automotive Engineers Standard J1970, titled "Shoreline Sound Level Measurement Procedure for Recreational Motorboats."
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.8(462A) Boat registration emblem placement. The current registration emblem shall be placed within six inches of the stern of the registration number on each side of the bow of the vessel. On sailboats, when the registration number is placed on the mast, the registration emblem shall be placed six inches below the registration number on each side of the mast. All newly registered boats or boats with renewed registrations will receive emblems with the registration certificate. This rule shall apply to all registered vessels, including those being used by dealers in accordance with Iowa Code chapter 462A.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.9(462A) Procedure for application for boat registration number—content.

37.9(1) *Application.* An applicant for a boat registration number shall submit the required information described in 33 CFR 174.17 (June 1, 2024).

37.9(2) *Vessels not previously registered.* If a person or business is making application for a boat registration number for a used vessel that has never before been registered or titled and the person does not have any satisfactory proof of ownership, the county recorder may issue a certificate of number for the used vessel if the applicant has provided the recorder with a signed and notarized affidavit on an appropriate department of natural resources form, stating that the person making the application is the lawful owner of the vessel.

37.9(3) *Information on certificate.* The certificate of number shall show the information described in 33 CFR 174.19 (June 1, 2024).

37.9(4) *Registration applied for card.* The dealer selling the vessel shall legibly print on the registration applied for card all information described in 33 CFR 174.21 (June 1, 2024).

a. Use. The registration applied for card may be used only after an application for registration has been made to the county recorder. Placing a completed application for registration and required fee in the mail to the recorder shall constitute making an application.

b. Placement on vessel. The registration applied for card shall be placed on the forward half of the vessel in a position so as to be clearly visible at all times and shall be maintained in a legible manner.

c. Proof of purchase. The operator of any vessel displaying a registration applied for card shall carry and display to any peace officer upon request a valid bill of sale for said vessel.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.10(462A) Vessels in storage. If the owner of a currently registered vessel places the vessel in storage, the owner shall return the registration certificate to the county recorder with an affidavit on an appropriate department form. The county recorder shall notify the department of each registered vessel placed in storage. When the owner of a stored vessel desires to renew the vessel's registration, the owner shall apply to the county recorder and pay the applicable fees.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.11(462A) Numbering pattern to be used. The identification numbers awarded under the Iowa system shall consist of three parts. The first part shall consist of the letters "IA" indicating this state. The second part shall consist of not more than four Arabic numerals. The third part shall consist of not more than two letters. Since the letters "I," "O," and "Q" may be mistaken for Arabic numerals, they shall not be used in the suffix. The parts shall be separated by a hyphen or an equivalent space. For example: IA-2500-C, IA-9875-EA, IA 7560 ZZ.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.12(462A) Display of number on vessel.

37.12(1) The identification number awarded to any vessel under the Iowa numbering system shall be displayed thereon by being:

a. Painted on, or attached to, each side of the bow (i.e., the forward half) of the vessel; read from left to right, and in such position as to provide maximum visibility.

b. In block characters of good proportion not less than three inches in height.

c. Of a color that will contrast with the color of the background (i.e., dark numbers on a light background, or light numbers on a dark background) and so maintained as to be clearly visible and legible.

37.12(2) On vessels propelled by sail only, the numbers may be placed in such a position as to provide maximum visibility, on each side of the bow or deck or on each side of the boom or mast. In all cases except placement on the mast, the numbers shall read from left to right and comply with 37.12(1)*"b"* and *"c."* In placement on the mast, the number shall read from top to bottom and comply with 37.12(1)*"b"* and *"c."*

37.12(3) Purchase and attachment of these letters and numbers is the responsibility of the vessel owner.

37.12(4) No other number shall be carried or displayed on the bow of the vessel.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.13(462A) Special certificates for boat dealers or manufacturers. A manufacturer or dealer may operate an unregistered vessel for purposes of transporting, testing, demonstrating, or selling the vessel after first obtaining a special certificate from the department. An application for a special certificate shall be submitted on the appropriate department form. A manufacturer or dealer operating a vessel pursuant to the issuance of a special certificate shall file an annual report with the department.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.14(462A) Boat dealer's annual report of vessels with expired registrations. Each boat dealer shall file, before May 5 of each year, an annual report with the department on the appropriate form listing all used vessels held by the dealer for sale or trade and for which the registration fee for the current year has not been paid.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.15(462A) Monthly reports by county recorders. Each county recorder shall submit a monthly report to the department listing all vessels registered in that county in the previous month. The applicable fees shall accompany the monthly report.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.16(462A) Boats for hire. Each commercial boat operator will be required to number the boat or boats used to operate for hire with block characters of good proportion not less than three inches in height, in the following manner:

Upon making application for a number for commercially operated vessels, the following type number will be assigned: Example IA-1555-E.

To identify this vessel as a commercial vessel, it will be required that the commercial operator affix an X as the final letter of the suffix: Example IA-1555-EX.

When a commercial operator transfers a vessel to another individual, unless it be to another commercial operator, it will be the operator's responsibility to remove the second letter from the suffix (the letter X).

Transferred to Commercial Operator	Private Individual
IA-1555-XX	IA-1555-X
IA-1555-EX	IA-1555-E

Transferred to Private Individual	Commercial Operator
IA-1555-A	IA-1555-AX
IA-1555-D	IA-1555-DX

[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.17(462A) U.S. Coast Guard capacity rating. For vessels assigned a U.S. Coast Guard capacity rating in whole persons as evidenced by a U.S. Coast Guard capacity plate affixed to the vessel, that capacity shall be recognized as the registration capacity.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.18(462A) Vessels assigned a capacity rating by the manufacturer. For vessels that have not been assigned a U.S. Coast Guard capacity rating in whole persons but that contain capacity information in whole persons on a plate affixed to the vessel furnished by the boating industry association, national marine manufacturer association or any similar organization, that capacity shall be recognized as the registration capacity.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.19(462A) Vessels not containing capacity rating information. For vessels with no passenger capacity information provided by the U.S. Coast Guard or the manufacturer, the passenger capacity designated on the registration shall be O.R., "Operator's Responsibility." The operator of the vessel has responsibility for determining passenger capacity of a vessel so designated. Such operation must comply with the provisions of Iowa Code section 462A.12(1).
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.20(462A) Incorrect registration. When information contained on the registration certificate of a vessel is found to be incorrect regarding vessel length, vessel width, or passenger capacity, officers appointed by the department may, upon inspection of the vessel, or the county recorder, upon presentation of adequate documentation, including but not limited to an affidavit by the owner, may change the information on the certificate. The officer shall within four days notify the department and the county recorder of the county in which the vessel is registered of the changes.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.21(462A) Number designating passenger capacity.

37.21(1) The passenger capacity of boats as assigned by the commission shall be painted or attached to the starboard side (the right side while in boat and facing the bow) of boat within nine inches of transom in three-inch or larger block numbers in a color contrasting to the boat color so that the numbers ride above the water line when boat is fully loaded.

37.21(2) The requirements of this rule pertaining to the display of registration decals, registration numbers and passenger capacity numbers do not apply to vessels that are exempt pursuant to Iowa Code section 462A.6A.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

DIVISION II

Part I
Operating and Zoning

571—37.22(462A) Inland navigation rules. All vessels upon the inland waters, including border rivers, of this state shall conform to Subpart B, "Steering and Sailing Rules," Rules 11 through 18, of the Inland Navigation Rules Act of 1980 (June 1, 2024).
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.23(462A) Uniform buoy system. All buoys placed shall be those of the uniform waterway marking system adopted by the commission and shall be constructed, placed, and maintained in accordance with Iowa Code chapter 462A and this chapter.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.24(462A) Commission approval. The placement of buoys or official signs that restrict speed and distance or involve special zoning restrictions shall be approved by the commission.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.25(462A) Restricted areas. All vessels, except authorized emergency vessels, shall be operated in compliance with, and all persons engaged in water recreation activities shall obey, restrictions with posted areas marked with a uniform waterway buoy or official signs adopted by the commission.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.26(462A) Right for aggrieved party to appeal. Any finding or establishment of areas involving special speed and distance or zoning restrictions by the commission may be appealed by aggrieved party upon written notice. A hearing thereon shall be held by the commission within 30 days thereafter.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.27(462A) Mooring of vessels on riparian property of the state of Iowa. Where the state of Iowa owns riparian property adjacent to sovereign land or water, mooring of vessels is prohibited between sunset and sunrise on those riparian or sovereign lands or waters where posted by either official buoys or official signs of the department.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.28(462A) Horsepower limitations on artificial lakes. On artificial lakes of 100 acres or less, a vessel shall only be operated with an electric motor or with an outboard motor where permitted by the rules in division II, part II, of this chapter. On artificial lakes of more than 100 acres, vessels may be operated with unrestricted horsepower motors at a speed not greater than 5 miles per hour except as otherwise permitted by the rules in division II, part II, of this chapter.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.29(462A) Horsepower rating. The horsepower rating of an outboard motor permitted on artificial lakes under the authority of Iowa Code chapter 462A and these rules shall be as determined by the manufacturer when the motor was originally produced. An outboard motor that has been altered to increase its horsepower in excess of ten as rated by the original manufacturer shall not be permitted on artificial lakes.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.30(462A) Propulsion mechanism not in use. Any power unit mounted or carried aboard a vessel, while not being used or operated as a source of propulsion, shall be lawful on artificial lakes, so long as the auxiliary power unit being used or operated as a source of propulsion is within the lawful horsepower limitation established for that lake.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

Part II
Waterbody Specific Restrictions and Zoning

571—37.31(462A) Avenue of the Saints Lake, Bremer County. Unrestricted-horsepower vessels may be operated at a speed not greater than 5 miles per hour.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.32(462A) Banner Lakes at Summerset State Park, Warren County. Unrestricted-horsepower vessels may be operated at a speed not greater than 5 miles per hour.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.33(462A) Beaver Lake, Dallas County. Unrestricted-horsepower vessels may be operated at a speed not greater than 5 miles per hour.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.34(462A) Beaver Creek Safety Zone, Polk County. A safety zone is hereby established on Beaver Creek within the property boundaries of the Camp Dodge military reservation in Polk County.

37.34(1) Watercraft and vehicles shall be prohibited from entering the safety zone in order to prevent access to areas within Camp Dodge where a hazard to the public may exist. This prohibition shall not apply to watercraft or vehicles explicitly authorized to enter the safety zone by the Iowa national guard. The safety zone boundaries shall be indicated by signage including the wording "Warning, Restricted Area, No Entrance." The Iowa National Guard shall be responsible for the acquisition, placement, and maintenance of any signage.

37.34(2) The safety zone shall be recognized by the state of Iowa only where signage is posted as required. Any section of Beaver Creek that is not designated as a safety zone shall remain open to any otherwise lawful public access.

37.34(3) Signs establishing the safety zone boundaries may be moved within the present or future boundaries of Camp Dodge at the sole discretion of Iowa National Guard personnel. The Iowa National Guard shall notify the department when the location of the safety zone boundary is changed.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.35(462A) Beeds Lake, Franklin County. Unrestricted-horsepower vessels may be operated at a speed not greater than 5 miles per hour.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.36(462A) Black Hawk Lake, Sac County. No motorboat shall be operated at a speed greater than 5 miles per hour within the zoned area marked by the regulatory buoys. The zoned area shall be the area commonly known as Town Bay on the northwest corner of Black Hawk Lake. Areas may be specifically designated for swimming by the use of regulatory buoys.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.37(462A) Black Hawk Pits, Sac County. Unrestricted-horsepower vessels may be operated at a speed not greater than 5 miles per hour.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.38(462A) Brown's Lake, Woodbury County. Vessels may be operated at a speed not greater than 5 miles per hour within the two zoned areas designated by regulatory buoys or other approved uniform waterway markers. Areas may be specifically designated for swimming by the use of regulatory buoys.

37.38(1) Zone 1 shall extend 570 yards from the boat ramp east to the regulatory buoys and 150 yards west from the boat ramp.

37.38(2) Zone 2 shall begin at the regulatory buoys located at the 24-inch steel pipe and shall extend west.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.39(462A) Carter Lake, Pottawattamie County. All vessels operated in a designated zone known as Shoal Pointe Canal shall be operated at a speed not greater than 5 miles per hour. The City of Carter Lake shall designate and maintain the 5-mile-per-hour speed zone with marker buoys approved by the commission.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.40(462A) Cedar River and connected backwaters.

37.40(1) *Black Hawk County waters.* All vessels shall be operated at a speed not greater than 5 miles per hour when within 600 feet of the Franklin Street bridge. This 600-foot zone shall be designated by buoys, signs, or other approved uniform waterway marking devices. No vessel shall tow skiers, surfboard riders, or other towable devices within this zone.

37.40(2) *Chickasaw County waters.* The city of Nashua shall designate and maintain the following 5-mile-per-hour speed zones with marker buoys approved by the commission:

a. All vessels operated in a designated zone extending east 150 feet from the intersection of Wabash Street and Charles City Road and north 380 feet shall be operated at a speed not greater than 5 miles per hour.

b. All vessels operated in a designated zone extending north 131 feet from the intersection of Wabash Street and the north entrance to Cedar View Circle and east 80 feet and west 80 feet from this point along the shoreline and extending 110 feet north into the lake shall be operated at a speed not greater than 5 miles per hour.

37.40(3) *Floyd County waters.* All vessels operated in a designated zone extending 300 feet upstream from the upper dam shall be operated at a speed not greater than 5 miles per hour. The city of Charles City shall designate and maintain the 5 miles per hour speed zone with marker buoys approved by the commission.

37.40(4) *Mitchell County waters.* Operation of vessels in Mitchell County is restricted to speeds not greater than 5 miles per hour where a speed zone is designated by buoys on the following impounded waters:

a. Cedar River from Mitchell Dam, thence upriver to the County "S" bridge.

b. Cedar River from the St. Ansgar Mill Dam, thence upriver to the Newberg Bridge crossing Highway 105.

c. Cedar River from the Otranto Dam upriver to the Great Western Railway Bridge crossing the Cedar River.

d. The Stacyville Pool, on the Little Cedar River at Stacyville.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.41(462A) Clear Lake, Cerro Gordo County. Areas may be specifically designated for swimming with the use of regulatory buoys. Areas within close proximity of dredging operations may be designated as areas where the speed of vessels is restricted to not greater than 5 miles per hour.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.42(462A) Coralville Lake, Johnson County. Areas may be specifically designated for swimming, wading, and restricted speed areas.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.43(462A) Crawford Creek Recreation Area Lake, Ida County. Unrestricted-horsepower vessels may be operated at a speed not greater than 5 miles per hour.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.44(462A) Crystal Lake, Hancock County. No motorboat shall be operated at a speed greater than 5 miles per hour within the 25-acre zoned area designated by regulatory buoys.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.45(462A) Deer Creek Lake, Plymouth County. Unrestricted-horsepower vessels may be operated at a speed not greater than 5 miles per hour.

[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.46(462A) Des Moines River. Vessel operation on the Des Moines River from its confluence with the Mississippi River in Lee County to the northerly meander lines of both the East and West Branches shall be governed by this departmental rule as well as all applicable state laws and regulations. Areas may be specifically designated for swimming, wading, and restricted speed areas.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.47(462A) Dickinson County lakes. All vessels shall be operated at a speed not greater than 5 miles per hour within 300 feet of shore on all lakes in Dickinson County. No vessels, except authorized emergency vessels, shall be operated at speeds greater than 25 miles per hour at any time between one-half hour after sunset and sunrise on all lakes located in Dickinson County.

37.47(1) *East Okoboji Lake.* No motorboat shall be operated at a speed greater than 5 miles per hour within the three zoned areas designated by regulatory buoys on East Okoboji Lake.

a. Zone 1 shall be a line 150 yards east from the north end of the railroad trestle bridge at Clair Wilson State Park south to the shoreline of East Okoboji.

b. Zone 2 shall be the area which is 300 feet north of the area commonly known as the Narrows on East Okoboji and extends to a southern boundary of a buoy line from the point at 16486 255th Avenue east to the state property adjacent to 16313 256th Avenue on the east side of East Okoboji.

c. Zone 3 shall be the area 50 feet east of the bridge between East Okoboji and Upper Gar on the East Okoboji side running in a northwesterly direction toward the end of the island from Gingles Point then west toward the shoreline.

37.47(2) *West Okoboji Lake.* No motorboat shall be operated at a speed greater than 5 miles per hour within the six zoned areas designated by regulatory buoys on West Okoboji Lake.

a. Zone 1 shall be a line from the east side of Givens Point to the south end of Arnolds Park City Beach on West Okoboji.

b. Zone 2 shall be the area commonly known as Okoboji Harbor at the northwest corner of West Okoboji.

c. Zone 3 shall be the area commonly known as the canals in the city of Wahpeton including Turtle Lake.

d. Zone 4 shall be the area commonly known as Lazy Lagoon located in the Triboji Area on West Okoboji.

e. Zone 5 shall be the area commonly known as Little Millers Bay. The zone shall start at Pinkies Point and extend southeasterly (160 degrees) approximately 370 yards until bisecting the southern shoreline of Little Millers Bay.

f. Zone 6 shall be the area commonly known as Little Emmerson Bay. The zone shall start at Breezy Point and extend southwesterly (235 degrees) approximately 330 yards until bisecting the west shoreline of Little Emmerson Bay.

37.47(3) *Spirit Lake, Dickinson County.* Operation of vessels in the area commonly known as Templar Park Lagoon is restricted to a speed not greater than 5 miles per hour. Areas may be specifically designated for swimming by the use of regulatory buoys.

37.47(4) *Upper Gar Lake, Dickinson County.* Operation of vessels on Upper Gar Lake is restricted to a speed not greater than 5 miles per hour between the Henshaw Bridge at the north end of Upper Gar and south end of East Lake and the Old Sawmill Bridge at the south end of Upper Gar and the north end of Minnewashta.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.48(462A) Five Island Lake, Palo Alto County. Areas may be specifically designated for swimming by the use of regulatory buoys.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.49(462A) Fogle Lake, Ringgold County. Unrestricted-horsepower vessels may be operated at a speed not greater than 5 miles per hour.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.50(462A) George Wyth Lake, Black Hawk County. Unrestricted-horsepower vessels may be operated at a speed not greater than 5 miles per hour.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.51(462A) Green Valley Lake, Union County.

37.51(1) No inboard boats, jet skis, or jet-powered boats are permitted. All boats must maintain a speed not greater than 5 miles per hour on the entire lake between the hours of sunset and 10:30 p.m. and between 4 a.m. and 10 a.m. No boating is permitted on the lake between 10:30 p.m. and 4 a.m. No boat shall be operated within 100 feet of shore at speeds greater than 5 miles per hour.

37.51(2) A portion of the west arm of Green Valley Lake shall be designated as a ski zone and shall be marked by controlled area buoys as designated by Iowa's uniform waterway marking system. This designated area shall be referred to as the "ski zone." Waterskiing and general boating are permitted in the designated ski zone between 10 a.m. and sunset. All boats must maintain a speed not greater than 5 miles per hour when outside the ski zone. No one shall be permitted in the water in the ski zone except those persons engaged in waterskiing or similar activity. All boats in the ski zone not engaged in waterskiing or similar activity shall keep out of the general traffic pattern of the boats pulling skiers.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.52(462A) Iowa River.

37.52(1) *Iowa River, Iowa Falls, Hardin County.*

a. All vessels operated in a designated zone between the River Street Bridge and the dock at Dougan's Landing shall be operated at a speed not greater than 5 miles per hour.

b. The city of Iowa Falls shall designate and maintain the 5-mile-per-hour speed zone with marker buoys approved by the commission.

c. All vessels operated in a designated zone beginning at the west property boundary and ending at the east property boundary of the Scenic City Empress Boat Club property located at 1113 Union Street shall be operated at a no-wake speed. The zone shall not extend more than 75 feet into the Iowa River channel.

d. The Scenic City Empress Boat Club shall designate and maintain the no-wake zone with marker buoys approved by the commission.

37.52(2) *Iowa River, Iowa City, Johnson County.* No person shall operate any vessel towing persons on water skis, surfboards, or similar devices on the Iowa River in the area bounded by the Coralville Mill Dam and the Burlington Street Dam, except during regattas, races, marine parades, tournaments, or exhibitions authorized by the commission to be held in such area.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.53(462A) Ingham Lake, Emmet County. Areas may be specifically designated for swimming by the use of regulatory buoys.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.54(462A) Lake Cornelia, Wright County. All vessels shall be operated at a speed not greater than 5 miles per hour in the boat harbor and at the boat harbor entrance within the zoned area extending 300 feet from two points on shore and 100 feet in width, equidistant from either side of the harbor entrance. The Wright County conservation board shall designate the boat harbor entrance and the public swimming area with uniform marker buoys approved by the commission.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.55(462A) Lake Icaria, Adams County. All vessels shall be operated at a speed not greater than 5 miles per hour when within 50 feet of another vessel that is not underway or is operating at a speed not greater than 5 miles per hour.

37.55(1) No vessel, except authorized emergency vessels, shall be permitted in areas specifically designated for swimming and wading that are plainly marked by the use of buoys or signs.

37.55(2) No motorboats, except authorized emergency vessels, shall be operated in marked bay areas at a speed greater than the limit designated by buoys or signs marking said bay.

37.55(3) No motorboats, except authorized emergency vessels, shall be operated in restricted speed areas between the nearest shore and a line designated by uniform marker buoys or signs at a speed greater than the limit designated on the buoys or signs marking the area. Such zoned areas shall be not less than 50 feet nor more than 400 feet from shore.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.56(462A) Lake Iowa, Iowa County. Unrestricted-horsepower vessels may be operated at a speed not greater than 5 miles per hour.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.57(462A) Lake Macbride, Johnson County. Unrestricted-horsepower vessels may be operated at a speed not greater than 5 miles per hour only from September 8 through May 20 of each year. A motorboat with a power unit exceeding 10 horsepower shall not be permitted the remainder of the year.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.58(462A) Lake Manawa, Pottawattamie County. No motorboat shall be operated at a speed greater than 5 miles per hour within the zoned areas 300 feet from shore around Lake Manawa in Pottawattamie County.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.59(462A) Lake Odessa, Louisa County. Areas may be designated restricted speed areas. All motorboats, except authorized emergency vessels, shall be operated at a speed not greater than 5 miles per hour year-round on two portions of Lake Odessa known as 1) the Sand Run Chute, lying south of the main lake to a point 100 yards south of the Sand Run Chute boat ramp, and 2) the lateral ditch, between the main lake and Bebee Pond, and on the channel between Yankee Chute and Beaver Pond.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.60(462A) Lake of Three Fires, Taylor County. Unrestricted-horsepower vessels may operate at a speed not greater than 5 miles per hour.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.61(462A) Lake Panorama (Raccoon River), Guthrie County.

37.61(1) Areas may be designated as restricted speed, direction, swimming and no boating areas.

37.61(2) Areas may be designated with operation restrictions pursuant to Iowa Code sections 462A.17A and 462A.17B.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.62(462A) Little Wall Lake. No motorboat shall be operated at a speed greater than 5 miles per hour within the zoned area designated by regulatory buoys on Little Wall Lake in Hamilton County. The zoned area will not exceed approximately 20 acres in the northeast portion of the lake identified by a line from a point on the high-water mark approximately 296.6 feet west of the southeast corner of the southwest quarter of Section 10, Township 86 North, Range 24 West; thence northwest to the high-water mark which is 775 feet south and 319 feet west of the northeast corner of the northwest quarter of the southwest quarter of Section 10, Township 86 North, Range 24 West.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.63(462A) Little River Lake, Decatur County. Vessels operating within a designated area beginning at the dam and extending north approximately to the mouth of "Bait Shop Bay" shall be operated at a speed no greater than 5 miles per hour. The Decatur County conservation board shall designate the speed zone with marker buoys approved by the commission.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.64(462A) Loch Ayr, Ringgold County. Motorboats are restricted to not greater than 100 horsepower. A motorboat shall not be operated within 100 feet of shore at a speed greater than 5 miles per hour.

[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.65(462A) Lost Island Lake, Palo Alto and Clay Counties. Areas may be specifically designated for swimming by the use of regulatory buoys.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.66(462A) Maquoketa River (Lake Delhi), Delaware County. Water recreation activity restrictions shall be obeyed, including restrictions within posted areas that are marked with approved buoys, on the impoundment of the Maquoketa River in Delaware County, extending westerly and northerly from the line between Sections 29 and 30 in Delhi Township in said county, to the line between Sections 10 and 15 in Milo Township in said county which impoundment is sometimes known and referred to as Hartwick Lake or Lake Delhi. No motorboat shall be operated at speeds greater than 10 miles per hour at any time between the hours from one hour after sunset to one hour before sunrise.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.67(462A) Meadow Lake, Adair County. Unrestricted-horsepower vessels may be operated at a speed not greater than 5 miles per hour.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

MISSISSIPPI RIVER

571—37.68(462A) Mississippi River lock and dam safety zone. A safety zone is hereby established in Iowa waters above and below all navigation lock and dam structures on the Mississippi River between the Iowa-Minnesota border and the Iowa-Missouri border. The established zone shall be 600 feet upstream and 150 feet downstream from the roller gate or tainter gate section of the structure.

37.68(1) The safety zone does not include the area directly above and below the navigation lock structure.

37.68(2) The safety zone does not include the area directly above and below the solid fill portion of the dam and structure.

37.68(3) The safety zone shall be recognized by the state of Iowa only when plainly marked as follows:

a. Upstream signs worded—Restricted area keep 600 feet from dam.

b. Downstream signs worded—Restricted area keep 150 feet from dam.

c. Flashing red lights will be used to make the outer limits of the restricted areas.

37.68(4) No boat or vessel of any type, except authorized vessels, shall enter the established safety zones recognized by the state of Iowa as described in this rule.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

ALLAMAKEE COUNTY

571—37.69(462A) Mississippi River, Lansing, Allamakee County. All vessels, except commercial barge traffic, shall be operated at a speed not greater than 5 miles per hour within an area extending 300 feet from shore and beginning at a point 800 feet north of river mile marker 662.2 and proceeding to Lansing City Marina Dike. The Friends of Pool 9 shall designate and maintain the 5-mile-per-hour speed zone with buoys approved by commission.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.70(462A) Harpers Slough, Harpers Ferry, Allamakee County. All vessels operated in Harpers Slough between a point 200 feet above the state ramp and 200 feet out from the west shore and extending 550 feet downstream from a point known as Sandy Point Road Dead-End shall operate at a speed not greater than 5 miles per hour. The city of Harpers Ferry will designate the 5-mile-per-hour speed zone with buoys approved by the commission.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

CLAYTON COUNTY

571—37.71(462A) Mississippi River, Clayton, Clayton County. All vessels, except commercial barge traffic, shall be operated at a speed no greater than 5 miles per hour within an area extending 150 feet from shore and beginning at a point 1,012 feet north of Mississippi River Day Marker 624.7R and extending south to a point 1,012 feet south of the same marker (624.7R). The city of Clayton shall designate and maintain the 5-mile-per-hour speed zone with buoys approved by the commission.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.72(462A) Mississippi River, Guttenberg river mile 616, Clayton County. All vessels operated between the ice dike and Bussey Lake access shall be operated at a speed not greater than 5 miles per hour. The city will designate the 5-mile-per-hour speed zone with buoys approved by the commission.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.73(462A) Mississippi River, Johnson Slough, Clayton County. All vessels shall be operated at a speed not greater than 5 miles per hour within the area of river mile markers 627 and 629.8, in a backwater known as Johnson Slough and designated by marker buoys approved by the commission.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.74(462A) Mississippi River, Marquette, Clayton County. All vessels, except commercial barge traffic, shall be operated at a speed not greater than 5 miles per hour within the area of river mile markers 634.5 and 634.9 and designated by buoys or other approved uniform waterway markers. The city of Marquette will designate and maintain the 5-mile-per-hour speed zone with buoys approved by the commission.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.75(462A) Mississippi River, McGregor, Clayton County. All vessels, except commercial barge traffic, shall be operated at a speed not greater than 5 miles per hour within the area of river mile markers 634 and 633.4 and designated by buoys or other approved uniform waterway markers. The city of McGregor will designate the 5-mile-per-hour speed zone with buoys approved by the commission.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

CLINTON COUNTY

571—37.76(462A) Mississippi River, Joyce Slough Area, Clinton County. The Joyce Slough Area, a portion of the Mississippi River within the city of Clinton, is hereby zoned to be a harbor area and vessels traveling therein shall not travel at speeds in excess of 5 miles per hour.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.77(462A) Mississippi River, Swan Slough, Camanche, Clinton County. A restricted speed zone of not greater than 5 miles per hour is hereby established in all or part of the main channel of Swan Slough (Mississippi River mile 510.2 to 511.3), as designated by buoys.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

DES MOINES COUNTY

571—37.78(462A) Mississippi River, Des Moines County, city of Burlington. All vessels shall be operated at a speed no greater than 5 miles per hour within the area designated by marker buoys or other approved uniform waterway markers beginning at the north city boat ramp and public dock and extending downstream to the south city boat ramp and public dock. The zoned area shall extend no farther than 150 feet from the shore and approximately 150 feet west of the west edge of the barge channel. The city of Burlington shall designate the 5-mile-per-hour speed zone with buoys approved by the commission.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

DUBUQUE COUNTY

571—37.79(462A) Mississippi River, Dubuque, Dubuque County.

37.79(1) All vessels shall be limited to no more than 5 miles per hour in Lake Peosta Cut south and east of the Hawthorn Street municipal boat launching ramp.

37.79(2) A restricted speed zone of no more than 5 miles per hour is established in the vicinity of Chaplain Schmitt Memorial Island in proximity to the Schmitt Island municipal launching ramp and in waters adjacent to the southerly shoreline in the area of the Dubuque Yacht Basin.

37.79(3) A restricted speed zone of 5 miles per hour for the northern portion of Shawondassee Slough. Marker buoys shall be placed at a point approximately 750 feet upstream from the existing speed zone.

[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.80(462A) Mississippi River, Massey Slough, Dubuque County. The operation of vessels in Massey Slough of the Mississippi River at Massey Station, Dubuque County, extending from a northerly to southerly direction from the upper end to the lower end of the slough, encompassing the water in Section 14, Township 88N, Range 3E of the 5th P.M., tract number NFIA-26M, is restricted as follows: all boats underway must maintain a speed of less than 5 miles per hour in said waters.

[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.81(462A) Catfish Creek, Mines of Spain State Recreation Area, Dubuque County. All vessels shall be operated at a speed not greater than 5 miles per hour within the area beginning at the mouth of Catfish Creek and extending upstream to the confluence of Catfish Creek and Granger Creek and designated by uniform marker buoys approved by the commission.

[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.82(462A) Mississippi River, Mud Lake, Dubuque County. All vessels shall be operated at a speed not greater than 5 miles per hour within the area of river mile markers 587.6 to 589.3, in a backwater known as Mud Lake and designated by marker buoys approved by the commission.

[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

JACKSON COUNTY

571—37.83(462A) Mississippi River, Bellevue, Jackson County. All vessels shall be operated at a speed not greater than 5 miles per hour within the area designated by buoys or other approved uniform waterway markers beginning at the mouth of Mill Creek and extending upstream 900 feet, and extending 200 feet perpendicular from shore. The area shall be designated by a minimum of four approved buoys to be uniformly placed along the 900-foot length of the zone parallel to the shore. The city of Bellevue will designate the 5-mile-per-hour speed zone with buoys approved by the commission.

[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.84(462A) Green Island, Jackson County. All motorboats except authorized emergency vessels shall be operated at a speed no greater than 5 miles per hour year around on boat channels adjacent to the interior channel 4 levee at the Green Island State Wildlife area. Both channels begin at the Green Island county road parking lot and proceed north 7,920 feet along each side of the channel 4 levee to an intersection with the Snag Slough complex.

[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.85(462A) Mississippi River, City of Sabula, Jackson County. No motorboat shall operate at a speed to exceed 5 miles per hour within the four zoned areas designated by buoys or other approved uniform waterway markers. The city of Sabula shall designate the speed zones with uniform waterway markers (buoys) approved by the commission.

37.85(1) Zone 1 shall extend 200 feet from shore and begin at a point 250 feet upstream of the north Sabula city boat ramp and ending at a point downstream where Bank Street intersects the river bank.

37.85(2) Zone 2 shall extend 200 feet from shore and extend 100 feet upstream and 100 feet downstream from the entrance to the Island City Harbor.

37.85(3) Zone 3 shall extend 200 feet into South Sabula Lake from the county boat ramp and 100 feet to the west of the ramp and 600 feet to the east of the ramp.

37.85(4) Zone 4 shall extend 200 feet in all directions beginning at the center of the "cut" into Lower Sabula Lake.

[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.86(462A) Mississippi River, Spruce Creek County Park, Jackson County. No motorboat shall operate at a speed to exceed 5 miles per hour within the area designated by buoys or other approved uniform waterway markers, beginning at the entrance of Spruce Creek harbor and extending southeast 550 feet and extending east 150 feet from shore. The Jackson County conservation board will designate the speed zone with uniform waterway markers (buoys) approved by the commission.

[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.87(462A) Otter Creek Lake, Tama County. Unrestricted-horsepower vessels may be operated at a speed not greater than 5 miles per hour.

[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.88(462A) Raccoon River Regional Park Lake, Polk County. All vessels shall be operated at a speed not greater than 5 miles per hour. Areas may be specifically designated for swimming by the use of regulatory buoys. A 40-acre body of water located in the southeast corner, and separate from the main lake, shall be designated for nonmotorized and electric motors only. The city of West Des Moines will designate the area with regulatory buoys and signs.

[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.89(462A) Rathbun Lake, Appanoose County. Areas may be specifically designated for swimming and wading, restricted speed, "no anchoring," and "no boating" areas.

[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.90(462A) Red Rock Lake, Marion County. Areas may be specifically designated for swimming and wading, restricted speed, and "no anchoring" areas.

[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.91(462A) Shell Rock River (Greene Impoundment), Floyd County. No motorboat shall be operated at a speed exceeding 5 miles per hour in the two zoned areas of the Greene Impoundment designated by buoys or other approved uniform waterway markers. The first zoned area extends from the dam in the city of Greene, upstream approximately one-quarter mile to the north boundary of the city park in which the lower boat ramp is located. The second zoned area extends from the county bridge over the Shell Rock River on the north side of section 28 of Union Township in Floyd County, downstream approximately one-quarter mile to the south boundary of Gates Bridge County Park. The city of Greene and Floyd County shall designate their respective speed zones with uniform waterway markers (buoys) approved by the commission.

[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.92(462A) Saylorville Lake, Polk County. Areas may be specifically designated for swimming, wading, and restricted speed.

[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.93(462A) Silver Lake, Delaware County. Unrestricted-horsepower vessels may be operated at a speed not greater than 5 miles per hour.

[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.94(462A) Snyder Bend Lake, Woodbury County. All vessels shall be operated at a speed not greater than 5 miles per hour within the zoned area 400 yards from the boat ramp south to the regulatory sign and buoys. Areas may be specifically designated for swimming by the use of regulatory buoys.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.95(462A) Storm Lake, Buena Vista County. Areas may be specifically designated for swimming by the use of regulatory buoys.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.96(462A) Thayer Lake, Union County. Unrestricted-horsepower vessels may be operated at a speed not greater than 5 miles per hour.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.97(462A) Three Mile Lake, Union County. Motorboats not to exceed 200 horsepower shall be permitted on Three Mile Lake. All vessels shall be operated at a speed not greater than 5 miles per hour when within 50 feet of another vessel that is not underway or is operating at a speed not greater than 5 miles per hour.

37.97(1) No vessel, except authorized emergency vessels, shall be permitted in areas specifically designated for swimming and wading which are plainly marked by use of regulatory buoys. The Union County conservation board shall designate and maintain a swimming area(s) by the use of regulatory buoys approved by the commission.

37.97(2) No motorboats, except authorized emergency vessels, shall be operated in marked bay areas at a speed greater than the limit designated by buoys or signs marking said bay. No motorboats, except authorized emergency vessels, shall be operated other than at a speed not greater than 5 miles per hour above a line of buoys placed across the lake at the point where County Road H33 intersects the lake.

37.97(3) No motorboats, except authorized emergency vessels, shall be operated in restricted speed areas between the nearest shore and a line designated by regulatory buoys or signs at a speed greater than the limit designated on the buoys or signs marking the area. Such zoned areas shall be not less than 50 feet nor more than 400 feet from shore.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.98(462A) Wapsipinicon River in Pinicon Ridge Park, Linn County. No motorboat shall be operated at a speed greater than 5 miles per hour within the zoned area designated by regulatory buoys or signs on the off-channel waters of the Wapsipinicon River above the dam at Central City, Linn County. The zoned area will be the off-channel waters created in and adjacent to the developed recreation areas of the Pinicon Ridge Park on the west and south bank of the Wapsipinicon River above the dam at Central City, Linn County.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.99(462A) Williamson Pond, Lucas County. Unrestricted-horsepower vessels may be operated at a speed not greater than 5 miles per hour.
[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.100(462A) Artificial marshes.

37.100(1) A motorboat equipped with any power unit mounted or carried aboard the vessel may be operated on the following listed artificial marshes under the jurisdiction of the department at a speed not greater than 5 miles per hour between January 1 and August 31 and with no speed restrictions between September 1 and December 31:

Bays Branch, Guthrie County
Big Marsh, Butler County
Brown's Slough, Lucas County
Cardinal Marsh, Winneshiek County
Dudgeon Lake, Benton County
Elk Creek Marsh, Worth County

Green Island, Jackson County
Hendrickson Marsh, Story County
Hooper Pond, Warren County
North Colyn, Lucas County
Otter Creek Marsh, Tama County
Princeton Area, Scott County
Riverton, Fremont County
Round Pond, Johnson County
South Colyn, Lucas County
Sweet Marsh, Bremer County
Walnut Creek Marsh, Ringgold County
Willow Slough, Mills County
Woodpecker Marsh, Wayne County

37.100(2) Coal Creek Marsh in Warren County is restricted to vessels powered by electric motors only that shall not exceed 5 mph.

[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.101(462A) Natural marshes. There shall be no horsepower limitations on vessels operated on natural marshes, except Shimon Marsh Wetland Complex, Pocahontas County, which is restricted to nonmotorized vessels only.

[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.102(462A) Waterway markers. Waterway markers used on the waters of this state shall be as follows:

37.102(1) *Aids to navigation.*

a. A red buoy or sign that indicates that side of the channel to be kept to the right side of the vessel when entering the channel from the main water body or when proceeding upstream.

b. A green buoy or sign that indicates that side of the channel to be kept to the left of a vessel when entering the channel from the main water body or when proceeding upstream.

c. Buoys or signs described in 37.102(1)*"a"* and *"b"* shall normally be used in pairs and only for the purpose of marking a clearly defined channel.

d. Red buoys and signs marking channels shall be identified with even numbers, and green buoys and signs marking channels shall be identified with odd numbers, the numbers increasing from the main water body or proceeding upstream.

e. Letters and numerals used with aids to navigation shall be white, in block characters of good proportion, and spaced in a manner that will provide maximum legibility. Such letters and numerals shall be at least six inches in height.

f. The shapes of aids to navigation shall be compatible with the shapes established by U.S. Coast Guard regulations for the equivalent U.S. Coast Guard aids to navigation. Where reflectorized materials are used, a red reflector will be used on a red buoy, and a green reflector on a green buoy.

37.102(2) *Regulatory markers.*

a. A diamond shape of international orange with white center indicates danger. The nature of the danger may be indicated by words or well-known abbreviations in black letters inside the diamond shape, or above or below it, or both, on white background.

b. A diamond shape of international orange with a cross of the same color within it against a white center without qualifying explanation indicates a zone from which all vessels are excluded.

c. A circle of international orange with white center indicates a control or restriction. The nature of the control or restriction shall be indicated by words, numerals, or well-known abbreviations in black letters inside the circle. Additional explanation may be given above or below it in black letters on white background.

d. A rectangular shape of international orange with white center indicates information, other than a danger, control or restriction, that may contribute to health, safety or well-being. The message will be presented within the rectangle in black letters.

e. Letters or numerals used with regulatory markers shall be black, in block characters of good proportion, spaced in a manner that will provide maximum legibility, and of a size that will provide the necessary degree of visibility.

[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.103(462A) Authority to place markers.

37.103(1) No waterway marker shall be placed on, in, or near the waters of the state unless such placement is authorized by the agency or political subdivision of the state exercising jurisdiction, with respect to regulation of boating, over the area where placed, except that the provisions of this section shall not apply to private aids to navigation under the jurisdiction of the U.S. Coast Guard.

37.103(2) Such agency or political subdivision of the state will, prior to authorizing placement, obtain the necessary clearances of federal and state agencies exercising regulatory authority over the area concerned.

37.103(3) The agency or political subdivision of the state authorizing the placement of a waterway marker will inform the department of the following:

a. Exact location of the marker, expressed in distance and direction from one or more fixed objects whose precise location is known.

b. The description and purpose of the marker including its identifying number, if any.

[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.104(462A) Maintenance of waterway markers.

37.104(1) Waterway markers will be maintained in proper condition or be replaced or removed.

37.104(2) Zoned areas shall extend not less than 50 feet nor more than 400 feet from shore.

37.104(3) Buoys delineating the restricted speed zone shall be placed no more than 400 feet apart through the length of the affected portion of the channel.

[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.105(462A) Display of waterway markers.

37.105(1) A waterway marker may be displayed as a sign or a fixed support, as a buoy bearing a symbol on its surface, or as a sign mounted on a buoy.

37.105(2) When a buoy is used to carry a symbol on its surface, it will be white, with bands of international orange on the top, and at the bottom above the water line.

37.105(3) A buoy whose sole purpose is to carry a sign above it will be marked with three bands of international orange alternating with two bands of white, each band occupying approximately one-fifth of the total area of the buoy above the water line, except where the sign itself carries orange bands; however, nothing in these rules shall be construed to prohibit the mounting of a sign on a buoy that has been placed for a purpose other than that of carrying a sign.

37.105(4) When symbols are placed on signs, a suitable white background may be used outside the symbol.

[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.106(462A) Specifications for waterway markers.

37.106(1) The size of a display area shall be as required by circumstances, except that no display area shall be smaller than 1 foot in height. The size shall increase in increments of 6 inches; provided, however, that this specification for increase in increments shall not apply to markers in existence prior to the adoption of this rule.

37.106(2) The thickness of the symbol outline shall be one-tenth of the height of the display area.

37.106(3) The outside width of the diamond, the inner diameter of the circle, and the average of the inside and outside widths of a square shall be two-thirds of the display area height.

37.106(4) The sides of the diamond shall slope at a 35-degree angle from the vertical on a plane surface. Appropriate adjustments for curvature may be made when applied to a cylindrical surface.

37.106(5) Waterway markers shall be made of materials that will retain, despite weather and other exposures, the characteristics essential to their basic significance, such as color, shape, legibility and position. Reflectorized materials may be used.

[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.107(462A) Mooring buoys and race course markers. For all waters under the jurisdiction of the commission, the following apply:

37.107(1) Mooring buoys shall be white with a 2-inch blue reflectorized band clearly visible above the water, extend a minimum of 12 inches above the surface of the water, and have at least 1 square foot of surface visible from any direction.

37.107(2) Placement of mooring buoys shall be within 250 feet of shore, except under certain circumstances the commission may require them to be placed at a lesser distance. Requirements for mooring buoys may be waived by the director under special circumstances.

37.107(3) Permanent race course marker buoys shall be white with a ball of international orange of at least 12 inches in diameter, extend a minimum of 2 feet above the surface of the water, be at least 16 inches in diameter, and be lighted during periods of low visibility and during the hours of darkness.

37.107(4) Markers such as mooring buoys and race course markers will be processed in the same manner as waterway markers, and authorization for their placement will be obtained from the agency or political subdivision of the state exercising jurisdiction with respect to regulation of boating, and such agency or political subdivision will ensure that proper clearances for their placement are obtained from state and federal agencies exercising regulatory authority over the area concerned.

37.107(5) Such markers shall not be of a color, shape, configuration or marking that could result in their confusion with any federal or state aid to navigation or any state regulatory marker, and shall not be placed where they will obstruct navigation, cause confusion or constitute a hazard.

[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.108(462A) Diver's flag.

37.108(1) A diver's flag shall, when displayed on the water, indicate the presence of a diver in the water in the immediate area.

37.108(2) Recognition of this flag by regulation will not be construed as conferring any rights or privileges on its users, and its presence in a water area will not be construed in itself as restricting the use of the water area so marked.

37.108(3) Operators of vessels will, however, exercise precaution commensurate with conditions indicated.

37.108(4) This flag shall be displayed only when diver activities are in progress, and its display in a water area when no diver activities are in progress in that area will constitute a violation of this rule and of Iowa Code chapter 462A.

[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

DIVISION III
VESSEL OCCURRENCE REPORTING

571—37.109(462A) Accident report. In addition to provisions in Iowa Code section 462A.7, a written report is required in the case of loss of consciousness, disability in excess of 24 hours, and the disappearance of any person from onboard a vessel under circumstances that suggest any possibility of death or injury.

[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.110(462A) Procedure. These reports shall be filed in writing within 48 hours of the accident with the department using forms provided by the department.

[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

571—37.111(462A) Contents. The report shall include the information required in 33 CFR 173.57 (June 1, 2024).

[**ARC 9219C**, IAB 5/14/25, effective 6/18/25]

These rules are intended to implement Iowa Code sections 321G.2, 321I.2, 462A.3, 462A.5, 462A.6A, 462A.7, 462A.9, 462A.11, 462A.12, 462A.13, 462A.15, 462A.16, 462A.17, 462A.20, 462A.24, 462A.26, 462A.31, 462A.32, 462A.36, and 456A.24.

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CHAPTER 38
BOAT REGISTRATION AND NUMBERING
[Prior to 12/31/86, Conservation Commission[290] Ch 28]
Rescinded **ARC 9219C**, IAB 5/14/25, effective 6/18/25

CHAPTER 39
BOATING PASSENGER CAPACITY
[Prior to 12/31/86, Conservation Commission[290] Ch 29]
Rescinded **ARC 9219C**, IAB 5/14/25, effective 6/18/25

CHAPTER 40
BOATING SPEED AND DISTANCE ZONING
[Prior to 12/31/86, Conservation Commission[290] Ch 30]
Rescinded **ARC 9219C**, IAB 5/14/25, effective 6/18/25

CHAPTER 41
BOATING NAVIGATION AIDS
[Prior to 12/31/86, Conservation Commission[290] Ch 31]
Rescinded **ARC 9219C**, IAB 5/14/25, effective 6/18/25

CHAPTER 42
BOATING ACCIDENT REPORTS
[Prior to 12/31/86, Conservation Commission[290] Ch 32]
Rescinded **ARC 9219C**, IAB 5/14/25, effective 6/18/25

CHAPTER 43
MOTORBOAT NOISE
[Prior to 12/31/86, Conservation Commission[290] Ch 36]
Rescinded **ARC 9219C**, IAB 5/14/25, effective 6/18/25

CHAPTER 44
SPECIAL EVENTS AND FIREWORKS DISPLAYS

[Prior to 12/31/86, Conservation Commission[290] Ch 35]
[Prior to 6/1/11, see also 571—Chs 65 and 88 and subrule 61.7(16)]

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/18/30

571—44.1(321G,321I,461A,462A,481A) Scope. The purpose of this chapter is to provide rules on the issuance of permits for special events and fireworks displays held on public land, waters, and ice of the state.

[**ARC 9220C**, IAB 5/14/25, effective 6/18/25]

571—44.2(321G,321I,461A,462A,481A) Definitions. For the purposes of this chapter, the following definitions apply:

"Accredited postsecondary institution or program" means an institution or program listed in the U.S. Department of Education's database of accredited postsecondary institutions and programs.

"Administrative processing fee" means the fee collected for the processing of each special event application that is submitted.

"All-terrain vehicle" or *"ATV"* means the same as defined in Iowa Code section 321I.1(1)*"a."*

"Bass fishing tournament" means the same as defined in Iowa Code section 483A.39. For purposes of this chapter, "bass fishing tournament" is included in the definition of "special event" unless otherwise specified.

"Catfish fishing tournament" means an event with the purpose of fishing for catfish from boats that meets the definition of "fishing tournament." For purposes of this chapter, "catfish fishing tournament" is included in the definition of "special event" unless otherwise specified.

"Centralized special events application system" means the web-based system used by applicants to submit applications for special events as permitted under this chapter. Approved applications will be placed on a calendar of events web page, accessible from the department's homepage, to inform the general public of scheduled events on public, or when applicable, private, land, water, and ice.

"Department" means the Iowa department of natural resources.

"Field and retriever meet or trial" means the same as described in Iowa Code section 481A.22. For purposes of this chapter, "field and retriever meet or trial" is included in the definition of "special event" unless otherwise specified.

"Fishing tournament" means any organized fishing event, except for department-sponsored fishing events held for educational purposes, involving any of the following: (1) six or more boats or 12 or more participants, except for waters of the Mississippi River, where the number of boats shall be 20 or more and the number of participants shall be 40 or more; (2) an entry fee is charged; or (3) prizes or other inducements are awarded. Additionally, a "virtual fishing tournament," also known as a "catch-photo-release" tournament, is a fishing tournament where fish are not possessed (i.e., not placed in a live well) by the angler but instead are photographed and released upon catching. An "aggregated virtual fishing tournament" occurs when all participants are present on one body of water simultaneously. A "distributed virtual fishing tournament" occurs when participants are present on two or more bodies of water. Additionally, only five or fewer participants may be present on any one body of water simultaneously, and the tournament may occur over an extended time frame. For purposes of this chapter, "fishing tournament" is included in the definition of "special event" unless otherwise specified.

"Friends group" means an organization incorporated under Iowa Code chapter 504 or prior statutory authority as a not-for-profit group that has been formed solely for the purpose of promoting and enhancing a particular state park, recreation area, or the Iowa state park system, or any combination of the three.

"Off-road motorcycle" or *"ORM"* means the same as defined in Iowa Code section 321I.1(16).

"Off-road utility vehicle" or *"ORV"* means the same as defined in Iowa Code section 321I.1(17).

"Permit" means a document issued by the department that enumerates all stipulations, requirements, and contingencies that the applicant must accept and adhere to throughout the duration of the approved special event.

"Public land" means land under the jurisdiction of the natural resource commission.

"Public water" means the same as "navigable waters" as defined in Iowa Code section 462A.2(22) and "waters of this state under the jurisdiction of the commission" as defined in Iowa Code section 462A.2(45).

"Sailing school" means an organization that provides basic and advanced sailing instruction by U.S. Sailing-certified instructors and is affiliated with a yacht club, an accredited postsecondary institution or program, a private or public primary or secondary school, a scouting organization, or a religious institution.

"Snowmobile" means the same as defined in Iowa Code section 321G.1(26).

"Special event" means either of the following occurring on public land, water, or ice:

1. An organized race, tournament, exhibition, demonstration, or other planned event in which an admission fee is charged, prizes are awarded, or competition occurs between participants;

2. A planned event that, due to its nature, potential or actual size, or length, would likely adversely impact the use of the area by the public.

"Vessel" means the same as defined in Iowa Code section 462A.2(40).

[**ARC 9220C**, IAB 5/14/25, effective 6/18/25; Editorial change: IAC Supplement 6/11/25]

DIVISION I
SPECIAL EVENTS

571—44.3(321G,321I,461,462A,481A) Permit required. A permit is required in order to conduct a special event on any public land, water, or ice. A permit is also required for a field and retriever meet or trial held on private land.

[**ARC 9220C**, IAB 5/14/25, effective 6/18/25]

571—44.4(321G,321I,461A,462A,481A) Permit conditions. The department may impose permit conditions not specifically covered herein as deemed necessary to protect the resource or to ensure public safety. Such conditions shall be included in the permit issued by the department.

44.4(1) *Use of concessionaire.* If the state park or recreation area where a special event is being held has a concessionaire, the sale of food or drinks shall be governed pursuant to 571—subrule 14.5(3). If a concessionaire chooses not to provide services during the special event, the event sponsor may bring in other concession operations as approved by the department.

44.4(2) *Special permit conditions for fishing tournaments.* In addition to permit conditions deemed necessary by rule 571—44.4(321G,321I,461A,462A,481A), the department may include some or all of the following permit conditions for fishing tournaments:

a. Release of live fish.

b. Fish measured to length and released from boat.

c. Multiple weigh-ins when water temperatures exceed 70°F.

d. Aerated live wells.

e. Designated release areas.

f. Designated release persons.

44.4(3) *Catfish fishing tournaments.* The daily catch limit for a catch and release catfish fishing tournament permitted under this chapter is five catfish per boat regardless of the number of tournament participants on the boat.

44.4(4) *Bass fishing tournaments.* In addition to permit conditions deemed necessary under the introductory paragraph of 571—44.4(321G,321I,461A,462A,481A) or under 44.4(2), the permit conditions for bass fishing tournaments shall include those listed in Iowa Code section 483A.39(2).

[**ARC 9220C**, IAB 5/14/25, effective 6/18/25]

571—44.5(321G,321I,461A,462A,481A) Application procedures. The following procedures shall be used to apply for a special event permit:

44.5(1) Applications are made and submitted through the department's centralized special events application system.

44.5(2) Applications—when submitted.

a. Events for the current year. Applications may be submitted anytime during the calendar year in which the special event is to begin but no later than 30 days prior to the special event.

b. Events for the next year. Applications for a special event that will start in the next calendar year shall not be submitted until 7 p.m. on September 1 of the current year.

44.5(3) The number of special events to be held at any area on the same day may be restricted if deemed necessary to avoid congestion within the area or to protect the resource.

44.5(4) One application form may be submitted for all events of the same type being held at the same location within a nine-day period and will be processed as a single application. A distributed virtual fishing tournament may extend beyond the nine-day period and need not be at a single location.

44.5(5) Submission of an application does not guarantee issuance of a permit.

44.5(6) Permits are nontransferable.

[**ARC 9220C**, IAB 5/14/25, effective 6/18/25]

571—44.6(321G,321I,462A) Alternate dates for snowmobile, boating, all-terrain vehicle, off-road utility vehicle, and off-road motorcycle special events. An applicant may submit and the department may approve both a primary date and an alternate date for snowmobile, boating, ATV, ORM, and ORV special events. However, if both a primary date and an alternate date are approved, the primary date shall be used unless circumstances beyond the control of the applicant prevent its use. If the alternate date must be used for the event, the applicant shall contact the department representative at least one week in advance of the event date to obtain final approval to use the alternate date. The department representative shall document this approval in writing. Upon approval of an alternate date, the applicant shall notify the local conservation officer, and the department representative will update the calendar of events.

[**ARC 9220C**, IAB 5/14/25, effective 6/18/25]

571—44.7(321G,321I,461A,462A,481A) Insurance coverage. The applicant shall secure liability insurance for the special event that names the department as an additional insured. Insurance information shall be available at the time the application is submitted. The applicant shall have a copy of the insurance policy available at the event location to present to department personnel if requested. These requirements do not apply to events sponsored by a friends group. The department reserves the right to waive these requirements on a case-by-case basis.

[**ARC 9220C**, IAB 5/14/25, effective 6/18/25]

571—44.8(321G,321I,461A,462A,481A) Fees and exceptions.

44.8(1) The administrative fee for each special event application is $25 plus a processing fee, except applications for field and retriever meets and trials, which are subject to the fee described in Iowa Code section 481A.22(1)*"c."* The fees are nonrefundable.

44.8(2) The department will waive the administrative fee for processing special event applications for sailing schools; accredited postsecondary institutions and programs; private and public primary and secondary schools; all department-approved watercraft education courses, ATV education courses, and snowmobile education courses; fishing clinics; friends groups; department-sponsored youth fishing days; and distributed virtual fishing tournaments.

[**ARC 9220C**, IAB 5/14/25, effective 6/18/25]

571—44.9(321G,461A) Structures placed on ice during a special event. The following requirements apply to the placement, construction, or erection of structures on ice during a special event:

44.9(1) *Vendor information provided on application.* The applicant shall identify the names and addresses of any vendors who will be on site during the special event.

44.9(2) *Owner information.* The full name, street address, and city of the structure's owner shall be displayed legibly on all sides of the structure, in block letters at least four inches in height, and in a color contrasting to the background.

44.9(3) *Accessibility.* Structures cannot be locked when in use.

44.9(4) *Reflectors.* Reflectors shall be attached to all sides of the structure in such a manner to enable them to reflect light at all times from sunrise to sunset.

[**ARC 9220C**, IAB 5/14/25, effective 6/18/25]

571—44.10(462A) Boating special events—registration exemptions.

44.10(1) A vessel entered in a boating special event shall not be required to be registered pursuant to Iowa Code sections 462A.4 and 462A.5 but shall be labeled with an identifying number or letter that is at least four inches high and is in a color contrasting to the vessel. The identifying number or letter shall be located in a prominent spot on the exterior of the vessel, other than on the bow.

44.10(2) The sponsor of the boating special event shall maintain a list containing:

a. The names and addresses of all persons participating in the event.

b. A description of and identifying number for each vessel in the event.

[**ARC 9220C**, IAB 5/14/25, effective 6/18/25]

571—44.11(462A) Mississippi River or Missouri River. Upon notification and proof that a United States Coast Guard (U.S.C.G.) permit has been secured, the department shall not require a special event application for fireworks displays or boating special events on the Mississippi River or the Missouri River. The regional U.S.C.G. office issuing permits for Mississippi River and Missouri River events is located in St. Louis, Missouri. This rule does not apply to fishing tournaments.

[**ARC 9220C**, IAB 5/14/25, effective 6/18/25]

571—44.12(321G,321I,461A,462A,481A) Other requirements and permits. The applicant for a permit is responsible for ensuring full compliance with the requirements of Iowa Code chapters 321G, 321I, 461A, 462A, and 481A and any other Iowa Code chapters and rules promulgated under those chapters that may be applicable to special events. The applicant shall also acquire and comply with all applicable state and local permits issued by other state and local agencies necessary to hold the special event.

[**ARC 9220C**, IAB 5/14/25, effective 6/18/25]

571—44.13(321G,321I,461A,462A,481A) Authority to cancel or stop a special event. If a peace officer or any department employee determines that a permit is being violated or that safety concerns warrant canceling or stopping the special event, the peace officer or department employee has the authority to cancel or stop the special event.

[**ARC 9220C**, IAB 5/14/25, effective 6/18/25]

571—44.14(321G,321I,461A,462A,481A) Nonexclusive use of area. Issuance of a permit does not grant the applicant exclusive use of the public land, water, or ice that is the subject of the permit unless the permit explicitly provides otherwise.

[**ARC 9220C**, IAB 5/14/25, effective 6/18/25]

DIVISION II
FIREWORKS DISPLAYS

571—44.15(461A) Entities eligible for permits. Permits for fireworks displays shall be issued only to qualified entities, such as political subdivisions of the state of Iowa, and to community or civic organizations. Permits shall not be issued to individuals. Permits are not transferable to another entity and do not relieve the sponsoring entity from obtaining any other permits required by the state or its political subdivisions.

[**ARC 9220C**, IAB 5/14/25, effective 6/18/25]

571—44.16(461A) Permit conditions. The department may impose permit conditions not specifically required in these rules for any fireworks display special event as deemed necessary to protect the resource or ensure public safety. Conditions shall be included in the permit that the applicant or sponsoring organization receives if the event is approved.

[**ARC 9220C**, IAB 5/14/25, effective 6/18/25]

571—44.17(461A) Application procedures. The following procedures shall be used to apply for a permit:

44.17(1) Applications shall be made and submitted through the department's centralized special events application system.

44.17(2) Applications—when submitted.

a. Events for current year. Applications may be submitted anytime during the calendar year in which the fireworks display is to begin but no later than 30 days prior to the display.

b. Events for the next year. Applications for a fireworks display that will start in the next calendar year may be submitted beginning at 7 p.m. on September 1 of the current year.

44.17(3) The number of fireworks displays or other special events at any one public land, water or ice location during a given day may be restricted if deemed necessary to avoid congestion with the public or competing events and to protect the resource.

44.17(4) The applicant shall certify in the application that the fireworks display shall be conducted by a competent operator. The location of the display shall be determined by the department representative in charge of the area.

44.17(5) Submission of an application does not guarantee issuance of a permit by the department.

[**ARC 9220C**, IAB 5/14/25, effective 6/18/25]

571—44.18(461A) Fireworks display procedures.

44.18(1) The sponsoring entity shall take adequate safety precautions to ensure that persons not actively involved in conducting the display remain a safe distance from the firing area and any areas containing set pieces.

44.18(2) The department representative in charge of the area in which the display is conducted or any state peace officer may halt any display when the character, location, weather, or firing of the display makes it hazardous to property or dangerous to any person.

44.18(3) Any fireworks that remain unfired after the display is concluded shall be immediately disposed of by the operator or the sponsoring entity in a manner that is safe for the particular type of fireworks.

44.18(4) The sponsoring entity shall make arrangements for firefighting equipment and emergency medical services to be on the scene at all times during the firing of the display.

44.18(5) The sponsoring entity is totally responsible for cleanup of the fireworks display site at the conclusion of the display.

[**ARC 9220C**, IAB 5/14/25, effective 6/18/25]

571—44.19(461A) Fees. A nonrefundable administrative fee of $25 plus a processing fee shall be charged for each fireworks display application.

[**ARC 9220C**, IAB 5/14/25, effective 6/18/25]

571—44.20(461A) Insurance. The sponsoring entity for a fireworks display shall provide proof of liability insurance naming the applicant and the department as an additional insured in the sum of not less than $1 million. The department may, at its discretion, require a greater amount. Insurance information shall be available at the time the application is submitted.

[**ARC 9220C**, IAB 5/14/25, effective 6/18/25]

571—44.21(461A) Concessions. If the state park or recreation area has a concessionaire on site, sales of food and other items during the display shall be governed pursuant to 571—subrule 14.5(3). If a concessionaire chooses not to provide services during the event, the sponsoring entity may then bring in other concession operations as approved by the department.

[**ARC 9220C**, IAB 5/14/25, effective 6/18/25]

These rules are intended to implement Iowa Code sections 321G.16, 321I.17, 455A.14, 461A.3, 461A.4, 461A.42, 461A.57, 462A.16, 481A.22, and 481A.38.

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CHAPTER 45
BOAT MOTOR REGULATIONS

[Prior to 12/31/86, Conservation Commission[290] Ch 40]

Rescinded **ARC 9219C**, IAB 5/14/25, effective 6/18/25

CHAPTER 46
ALL-TERRAIN VEHICLES, OFF-ROAD MOTORCYCLES AND OFF-ROAD UTILITY VEHICLES

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/18/30

DIVISION I
REGISTRATION, RENEWAL, TITLING, DECAL PLACEMENT AND ACCIDENT REPORTS

571—46.1(321I) Definitions. For purposes of this chapter, the following definitions shall apply:

"All-terrain vehicle" means the same as defined in Iowa Code section 321I.1.

"A scale" means the physical scale marked "A" and graduated in decibels on a sound level meter that meets the requirements of the American National Standards Institute, Incorporated, publication S1.4-2014, Electroacoustics—Sound Level Meters.

"Commission" means the same as defined in Iowa Code section 321I.1.

"Department" means the same as defined in Iowa Code section 321I.1.

"Designated riding area" means the same as defined in Iowa Code section 321I.1.

"Designated riding trail" means the same as defined in Iowa Code section 321I.1.

"Off-road motorcycle" means the same as defined in Iowa Code section 321I.1.

"Off-road utility vehicle" means the same as defined in Iowa Code section 321I.1.

"Operator" means the same as defined in Iowa Code section 321I.1.

"Owner" means the same as defined in Iowa Code section 321I.1.

"Public land" means the same as defined in Iowa Code section 321I.1.

"Regulated vehicle" means all-terrain vehicles, off-road motorcycles, and off-road utility vehicles, either collectively or individually.

"Roadway" means the same as defined in Iowa Code section 321I.1.

[**ARC 9221C**, IAB 5/14/25, effective 6/18/25]

571—46.2(321I) Off-road motorcycles.

46.2(1) Off-road motorcycles shall be subject to the following:

a. Registration requirements of this chapter; and

b. Titling requirements of this chapter, if a title has not previously been issued under Iowa Code chapter 321.

46.2(2) An operator of an off-road motorcycle is subject to the provisions of Iowa Code chapter 321I and this chapter, except that the operator is exempt from the safety instruction and certification program requirements of Iowa Code chapter 321I.

[**ARC 9221C**, IAB 5/14/25, effective 6/18/25]

571—46.3(321I) Off-road utility vehicles.

46.3(1) An owner of an off-road utility vehicle operating the off-road utility vehicle on public land or ice, a designated riding area, or a designated riding trail shall register the off-road utility vehicle in accordance with Iowa Code chapter 321I and this chapter.

46.3(2) An operator of an off-road utility vehicle is subject to the provisions of Iowa Code section 321.234A and chapter 321I and this chapter, except that the operator is exempt from the safety instruction and certification program requirements of Iowa Code chapter 321I.

[**ARC 9221C**, IAB 5/14/25, effective 6/18/25]

571—46.4(321I) Operation on roadways, highways, streets, and snowmobile trails. A person shall not operate a regulated vehicle upon roadways, highways, streets, or snowmobile trails except as provided in Iowa Code sections 321.234A and 321I.10.

NOTE: Additional driving and operation limitations are listed in Iowa Code section 321I.14.

[**ARC 9221C**, IAB 5/14/25, effective 6/18/25]

571—46.5(321I) Registration for regulated vehicles.

46.5(1) *General.* A person shall not operate, maintain, or give permission for the operation or maintenance of a regulated vehicle on public land, a designated riding area, a designated riding trail, or ice unless the regulated vehicle:

a. Is registered in accordance with the requirements of Iowa Code chapter 321I and this chapter;

b. Displays a current nonresident user permit decal issued as provided in 571—46.6(321I); or

c. Is exempt from registration pursuant to Iowa Code section 321I.9.

46.5(2) *Registration requirements.*

a. The owner of each regulated vehicle required to be registered shall file an application for registration with the department through a county recorder and pay all applicable fees pursuant to Iowa Code section 321I.4 and these rules, except that a dealer of regulated vehicles shall make application and pay all applicable registration and title fees on behalf of a purchaser of a regulated vehicle.

(1) Application forms. Applications for registration shall be made on forms provided by the department. In the event the applicant does not have required documentation, the applicant may be required to secure a bond consistent with the requirements of 571—Chapter 50.

(2) Fees. The applicant shall pay the following fees: $15 for the permit fee; $2 for the writing fee; and $1.50 for the administrative fee.

b. At such time the department or the county recorder is satisfied with the application and has received the required fees, the department or county recorder shall issue to the applicant a registration certificate and registration decal.

46.5(3) *Preregistration grace period.*

a. Dealer purchases. An unregistered regulated vehicle sold by a dealer to an Iowa resident for use in Iowa shall bear a card that includes the words "registration applied for" and the date of purchase. Such card shall entitle the purchaser to operate the regulated vehicle for 45 days immediately following the purchase. The purchaser shall place this card on the rear of the all-terrain vehicle or off-road utility vehicle and the steering yoke of an off-road motorcycle in a position so as to be clearly visible at all times and maintained in a legible manner. The operator of any regulated vehicle displaying a "registration applied for" card described in this paragraph shall carry and provide upon request to any peace officer a valid bill of sale for the regulated vehicle.

b. Nondealer purchases. Regulated vehicles may be sold by nondealers, and the registration grace period may apply depending on the current registration of the vehicle.

(1) A regulated vehicle that is currently registered in the state of Iowa may be legally operated for 30 days before it is registered under the purchaser's name.

(2) A regulated vehicle not currently registered in the state of Iowa shall not be operated until it is titled and registered in the purchaser's name. Valid registration in another state does not authorize preregistration operation.

46.5(4) *Registration—renewals.* Every regulated vehicle registration certificate and registration decal expires at midnight December 31 of the year issued or at the time specified on the registration decal. Applications for renewal shall be completed pursuant to Iowa Code section 321I.7.

[**ARC 9221C**, IAB 5/14/25, effective 6/18/25]

571—46.6(321I) Nonresident user permits.

46.6(1) A nonresident wishing to operate a regulated vehicle, other than such vehicle owned by a resident and registered pursuant to Iowa Code chapter 321I, on public land, a designated riding area, a designated riding trail, or ice of this state must first obtain a user permit from the department.

46.6(2) The department, a county recorder or license agent designated by the director may issue nonresident user permits. The applicant shall pay the following fees for a user permit: $15 for the permit fee, $2 for a writing fee, and $1.50 for an administrative fee.

46.6(3) A nonresident user permit issued under this rule shall be valid for the calendar year or time period specified in the permit and be limited to the vehicle specified at the time of application.

46.6(4) Nonresident user permits are issued to a vehicle and are not transferable.

[**ARC 9221C**, IAB 5/14/25, effective 6/18/25]

571—46.7(321I) Display of registration and nonresident user permit decals. The owner shall display the registration decal or nonresident user permit decal as follows:

46.7(1) *All-terrain vehicle.* The decal shall be affixed to the rear of the all-terrain vehicle so that the decal is clearly visible.

46.7(2) *Off-road motorcycle.* The decal shall be affixed to the steering yoke in such a manner that the decal does not cover up the vehicle identification number and is clearly visible.

46.7(3) *Off-road utility vehicle.* The decal shall be affixed to the rear of the vehicle so that the decal is clearly visible.

[**ARC 9221C**, IAB 5/14/25, effective 6/18/25]

571—46.8(321I) Registration certificate.

46.8(1) An operator of a regulated vehicle shall carry the registration certificate either in such vehicle or on the person of the operator when the regulated vehicle is in use.

46.8(2) The operator of a regulated vehicle shall exhibit the registration certificate to all of the following:

a. To a peace officer or department personnel upon request;

b. To a person injured in an accident involving the regulated vehicle, or that person's agent;

c. To the owner or operator of another regulated vehicle when the regulated vehicle is involved in a collision or accident with the other regulated vehicle, or that person's agent;

d. To the owner of personal or real property when the regulated vehicle is involved in a collision or accident with the property of the other person, or that person's agent; and

e. To the property owner or tenant when the regulated vehicle is being operated on private property without permission from the property owner or tenant, or that person's agent.

[**ARC 9221C**, IAB 5/14/25, effective 6/18/25]

571—46.9(321I) Owner's certificate of title. The owner of a regulated vehicle acquired on or after January 1, 2000, other than an all-terrain vehicle or an off-road utility vehicle used exclusively as a farm implement or an off-road motorcycle previously issued a title pursuant to Iowa Code chapter 321, shall apply to the county recorder of the county in which the owner resides for a certificate of title for the regulated vehicle. The owner shall make application within 30 days after acquisition of the regulated vehicle, using forms provided by the department, and shall include the required fees set out in Iowa Code section 321I.32.

[**ARC 9221C**, IAB 5/14/25, effective 6/18/25]

571—46.10(321I) Procedures for application and for issuance of a vehicle identification number (VIN) for homebuilt regulated vehicles.

46.10(1) A person, other than a manufacturer, who constructs or rebuilds a regulated vehicle for which there is no legible VIN may make application to the department on forms provided by the department for the issuance of a new VIN. The application process shall include an inspection of the regulated vehicle by the department. If the application is approved, the VIN shall be affixed to the vehicle by a peace officer. The completed application shall then be surrendered to the county recorder.

46.10(2) The peace officer shall permanently affix the VIN as follows:

a. *All-terrain vehicle.* The VIN shall be affixed to the frame under the seat.

b. *Off-road motorcycle.* The VIN shall be affixed to the steering yoke.

c. *Off-road utility vehicle.* The VIN shall be affixed to the frame under the seat.

[**ARC 9221C**, IAB 5/14/25, effective 6/18/25]

571—46.11(321I) Accident report.

46.11(1) Whenever any regulated vehicle is involved in an accident resulting in injury or death to any person or property damage amounting to $1,500 or more, the operator or a person acting for the operator shall immediately notify the county sheriff or another law enforcement agency in the state.

46.11(2) If the accident occurred on public land, a designated riding area, a designated riding trail, or ice under the jurisdiction of the commission, the operator shall file a report of the accident with the department within 72 hours. The report shall be on forms provided by the department.

46.11(3) Accidents other than those specified in 46.11(2) shall be reported as required in Iowa Code section 321.266.

[**ARC 9221C**, IAB 5/14/25, effective 6/18/25]

571—46.12(321I) Sound level limitation. No person shall operate an all-terrain vehicle or off-road motorcycle that is constructed or altered in a manner that noise emitted from the all-terrain vehicle or off-road motorcycle exceeds 96 decibels on the A scale when measured in the manner prescribed in the revised 2017-04, Society of Automotive Engineers Standard J1287, titled "Measurement of Exhaust Sound Pressure Levels of Stationary Motorcycles."

[**ARC 9221C**, IAB 5/14/25, effective 6/18/25]

DIVISION II
ALL-TERRAIN VEHICLE DEALERS

571—46.13(321I) Purpose. The rules in this division apply to registered regulated vehicle dealers, manufacturers, and distributors. These rules establish minimum standards for dealers as authorized under Iowa Code section 321I.22(9).

[**ARC 9221C**, IAB 5/14/25, effective 6/18/25]

571—46.14(321I) Definitions. For purposes of this division, the following definitions shall apply:

"Dealer" means the same as defined in Iowa Code section 321I.1.

"Distributor" means the same as defined in Iowa Code section 321I.1.

"Engaged in the business," or similar wording, means doing any of the following acts for the purpose of selling all-terrain vehicles at retail: acquiring, selling, exchanging, holding, offering, displaying, brokering, accepting on consignment or conducting a retail auction, or acting as an agent for the purpose of doing any of these acts. A person selling at retail more than five regulated vehicles during a 12-month period may be presumed to be engaged in the business.

"Established place of business" means the same as defined in Iowa Code section 321I.1.

"Manufacturer" means the same as defined in Iowa Code section 321I.1.

"Manufacturer's certificate of origin" means a certification signed by the manufacturer, distributor or importer that the regulated vehicle described has been transferred to the person or dealer named, and that the transfer is the first transfer of the vehicle in ordinary trade and commerce. A manufacturer's certificate of origin may also be referred to as a manufacturer's statement of origin.

[**ARC 9221C**, IAB 5/14/25, effective 6/18/25]

571—46.15(321I) Dealer's established place of business. A dealer's established place of business shall include phone service and an adequate office area for keeping business records, manufacturers' certificates of origin, certificates of title or other evidence of ownership for regulated vehicles offered for sale.

[**ARC 9221C**, IAB 5/14/25, effective 6/18/25]

571—46.16(321I) Zoning. Dealers licensed under these rules must comply with applicable local zoning ordinances. Upon request by the department, a dealer shall provide to the department written evidence, issued by the office responsible for the enforcement of zoning ordinances in the city or county where the dealer's established place of business is located, that the dealer's established place of business complies with all applicable zoning provisions.

[**ARC 9221C**, IAB 5/14/25, effective 6/18/25]

571—46.17(321I) Sales tax permit. A dealer shall provide to the department written evidence that the dealer has obtained a sales tax permit issued by the department of revenue.

[**ARC 9221C**, IAB 5/14/25, effective 6/18/25]

571—46.18(321I) Special registration certificates for manufacturers, distributors, and dealers.

46.18(1) A manufacturer, distributor, or dealer owning a regulated vehicle required to be registered under Iowa Code chapter 321I and this chapter may operate the unregistered regulated vehicle for purposes of transporting, testing, demonstrating, or selling it if both of the following requirements are met:

a. The manufacturer, distributor, or dealer obtains from the department a special registration certificate containing a general identification number in accordance with Iowa Code section 321I.22. An application for a special registration certificate shall be submitted on forms provided by the department; and

b. The manufacturer, distributor, or dealer has the assigned identification number printed upon or attached to a removable sign that is temporarily but firmly attached to the regulated vehicle being used.

46.18(2) If a manufacturer, distributor, or dealer has an established place of business in more than one location, the manufacturer, distributor, or dealer shall obtain from the department a separate and distinct special registration certificate and general identification number for each place of business.

46.18(3) Duplicate special registration certificates may be obtained pursuant to the conditions set forth in Iowa Code section 321I.22.

[**ARC 9221C**, IAB 5/14/25, effective 6/18/25]

571—46.19(321I) Information provided to purchaser. At the time of sale, a dealer shall provide all purchasers of all-terrain vehicles with information on how to access the department's website. The department shall provide regulations related to regulated vehicle use. Information provided on the department's website shall be deemed current information for purposes of this rule.

[**ARC 9221C**, IAB 5/14/25, effective 6/18/25]

571—46.20(321I) Right of inspection. The department or any peace officer has the authority to inspect the following at any dealer location: (1) regulated vehicles or component parts of vehicles, (2) business records, and (3) manufacturers' certificates of origin, certificates of title and other evidence of ownership for regulated vehicles offered for sale. The department has the right at any time to verify compliance with all statutory and regulatory requirements by a dealer registered under Iowa Code chapter 321I.

[**ARC 9221C**, IAB 5/14/25, effective 6/18/25]

571—46.21(321I) Denial or revocation. The department may deny a dealer application or revoke a dealer registration certificate when the director determines the applicant or dealer has violated any rule of this chapter or Iowa Code chapter 321I or when continuation of the permit is not in the public interest. Such denial or revocation shall become effective upon a date specified in the notice. The notice shall state the extent of the denial or revocation and the reasons for the action. Within 30 days following receipt of the notice of a revocation or denial, the applicant or dealer, whichever is applicable, may file a notice of appeal, requesting a contested case pursuant to 561—Chapter 7. The notice of appeal shall specify the basis for requesting that the permit be issued or reinstated.

[**ARC 9221C**, IAB 5/14/25, effective 6/18/25]

DIVISION III
REGULATION OF DESIGNATED RIDING AREAS

571—46.22(321I) Definitions. In addition to the definitions in division I and division II of this chapter, the following definitions shall apply:

"Direct supervision" means the same as defined in Iowa Code section 321I.1.

"Local sponsor" means the entity that owns the designated riding area or is otherwise responsible for the day-to-day operations of the designated riding area. A local sponsor may or may not be a unit of government.

"Operate" means the same as defined in Iowa Code section 321I.1.

[**ARC 9221C**, IAB 5/14/25, effective 6/18/25]

571—46.23(321I) Designated riding areas.

46.23(1) Designated riding areas shall be considered to be public land, available and open to the public to use consistent with these rules.

46.23(2) The following areas are hereby established as designated riding areas:

a. Bluff Creek OHV Park, Mahaska County.

b. Lakeview OHV Park, Johnson County.

c. Gypsum City OHV Park, Webster County.

d. Nicholson-Ford OHV Park, Marshall County.

e. Rathbun OHV Park, Appanoose County.

f. River Valley OHV Park, Pottawattamie County.

g. Paul Huting Recreation Area, Black Hawk County.

h. Tama County OHV Park, Tama County.

46.23(3) A local sponsor may request that the commission adopt the local sponsor's riding area as a designated riding area by contacting the department in writing and providing information, as requested by the department, that demonstrates that the local sponsor's proposed designated riding area meets the minimum qualifications described in these rules. All studies or surveys required by these rules shall be at the local sponsor's expense. The department may require additional surveys or studies and conduct an on-site evaluation for each proposed designated riding area to determine whether the department should recommend that the commission adopt the proposed area as a designated riding area. The commission may adopt additional designated riding areas that meet the following minimum qualifications:

a. The site and plan for development and management is suitable for off-highway vehicle recreation. The department shall consider sites that were previously disturbed areas, such as agricultural lands, mining operations, road surfaces or other intensive land uses that have resulted in the elimination of high-quality natural areas, native plant communities, critical habitats and cultural resources.

b. There is demand for the proposed designated riding area. Consideration shall be given to nearby populations, distance to other OHV facilities, partnership possibilities and local support.

c. The local sponsor, through a letter of support, demonstrates a willingness and ability to maintain the proposed designated riding area consistent with these rules.

d. There is evidence that adjacent property owners, including those within the viewshed and within earshot of the proposed designated riding area, that exist at the time of establishment have been notified of the plan and their concerns have been addressed.

e. The proposed development and management of the proposed designated riding area comply with local, state or federal laws.

f. Any federal- or state-listed threatened or endangered species are identified and a plan to ensure that the development and management of the proposed designated riding area would not negatively impact those species is included.

g. Any cultural, historical or high-quality natural resources on the site are identified and a plan to ensure that the development and management of the proposed designated riding area would not negatively impact those resources is included. High-quality areas include those areas of high-quality native plant communities, highly restorable native plant communities or other areas that provide critical wildlife habitat. In addition, if a site contains fragments of high-quality areas, but has been determined by the commission as suitable for use as a designated riding area, the local sponsor shall include in the plan how it will protect and enhance those fragments.

46.23(4) Designated riding areas approved by the commission shall be subject to these rules and shall be managed according to the plan approved by the commission. Major modifications to the plan, including expansions, must be approved by the commission for the designated riding area to continue to be a recognized designated riding area under these rules.

[**ARC 9221C**, IAB 5/14/25, effective 6/18/25]

571—46.24(321I) Department law enforcement at designated riding areas. A local sponsor may request that the department provide law enforcement and other management assistance and oversight at the designated riding area, including adjacent parking and unloading areas, and at camping areas if applicable. The department, in its sole discretion, may provide such law enforcement and other management assistance

and oversight it deems appropriate, provided that the local sponsor and the department enter into a written agreement describing what role and responsibilities the department shall have at the designated riding area and affording the department the right to terminate such agreement at any time, for any reason.
[**ARC 9221C**, IAB 5/14/25, effective 6/18/25]

571—46.25(321I) General rules for regulated vehicle operation in designated riding areas. Operation on designated riding areas is limited to regulated vehicles as defined in this chapter and as described below:

46.25(1) *Allowable vehicles.* Persons shall operate only the vehicles allowed at a designated riding area that is signed as open for the specified vehicle.

46.25(2) *Compliance with signs.* Persons at designated riding areas shall comply with all signs erected and maintained by the local sponsor or the department consistent with its relationship to the local sponsor under 571—46.53(321I).

46.25(3) *Hours of operation.* Designated riding areas shall be open from sunrise to sunset. There may be instances when operating regulated vehicles in dark conditions is permissible. In those instances, persons operating regulated vehicles between sunset and sunrise, or in otherwise dark conditions, in designated riding areas must have headlights and taillights equipped on their regulated vehicles and use such lights.

46.25(4) *Registration required.* A person shall not operate, maintain, or give permission for the operation or maintenance of a regulated vehicle in a designated riding area unless the regulated vehicle is registered and such registration is displayed in accordance with Iowa Code chapter 321I and these rules. This requirement includes nonresidents operating regulated vehicles in a designated riding area who are required to have nonresident user permits for their regulated vehicles.

46.25(5) *Safety equipment required.* All operators and their passengers shall wear helmets while operating a regulated vehicle on a designated riding area, including parking and unloading areas. The local sponsor, or the department consistent with its relationship to the local sponsor under 571—46.53(321I), may post signs that require operators to wear additional safety gear depending on conditions.

46.25(6) *Working brakes.* Every regulated vehicle operated in a designated riding area, including parking and unloading areas, shall be equipped with working brakes.

46.25(7) *Minors—supervision.* A person under 12 years of age shall not operate an all-terrain vehicle or an off-road motorcycle on a designated riding area unless one of the following applies:

a. The person is taking an education training course, and the operation of the vehicle is under the direct supervision of a certified education instructor.

b. The operation is under the direct supervision of a parent or guardian of at least 18 years of age who is experienced in all-terrain vehicle or off-road motorcycle operation and who possesses a valid driver's license as defined in Iowa Code section 321.1.
[**ARC 9221C**, IAB 5/14/25, effective 6/18/25]

571—46.26(321I) Unauthorized vehicles. The local sponsor, or the department consistent with its relationship to the local sponsor under 571—46.53(321I), may tow unauthorized vehicles, including hauling equipment. Towing shall be at the owner's expense.
[**ARC 9221C**, IAB 5/14/25, effective 6/18/25]

571—46.27(321I) Parking and unloading areas. All vehicles, other than regulated vehicles, and trailers shall be parked in designated parking areas. No such vehicles, other than regulated vehicles, shall be left unattended in any park drive access point, unloading area, road or highway, except in the case of an emergency.
[**ARC 9221C**, IAB 5/14/25, effective 6/18/25]

571—46.28(321I) Operation with passengers.

46.28(1) Persons shall not operate regulated vehicles on designated riding areas with a passenger unless the regulated vehicle is designed and constructed according to the manufacturer's specifications to carry a passenger. Passengers shall not ride on regulated vehicles that have been modified from the manufacturer's original design and construction to carry a passenger.

46.28(2) A person shall not operate a regulated vehicle in a designated riding area with a passenger without possession of a valid driver's license as defined in Iowa Code section 321.1.

46.28(3) The number of passengers on a regulated vehicle in a designated riding area shall not exceed the manufacturer's capacity recommendation and shall not exceed the number of passenger restraints originally installed by the manufacturer.

46.28(4) A passenger on an all-terrain vehicle or off-road motorcycle must be seated behind the operator and have the physical ability to securely hold on to the operator or passenger handles.

46.28(5) Passengers on an off-road utility vehicle must be able to place both feet flat on the floor boards with their backs resting against the seat back.

[**ARC 9221C**, IAB 5/14/25, effective 6/18/25]

571—46.29(321I) Off-road utility vehicle requirements. The following additional restrictions apply to the operation of off-road utility vehicle operation in designated riding areas signed open to such use:

46.29(1) Driver's license required. A person shall not operate an off-road utility vehicle in a designated riding area without possession of a valid driver's license as defined in Iowa Code section 321.1.

46.29(2) Vehicles shall not be homebuilt or substantially modified from the manufacturer's specifications in the sole opinion of a peace officer.

46.29(3) Vehicles must be equipped with a roll-over protection system (ROPS) installed by the manufacturer.

46.29(4) Vehicles must be equipped with manufacturer seat belts or equivalent that are in good working order. The operator and all passengers must wear seat belts at all times the vehicle is in motion.

46.29(5) The operator and all passengers must keep their hands, arms, legs, and feet inside the vehicle at all times the vehicle is in motion.

46.29(6) The vehicle must be no wider than 65 inches.

[**ARC 9221C**, IAB 5/14/25, effective 6/18/25]

571—46.30(321I) Youth operational areas. The local sponsor, or the department consistent with its relationship to the local sponsor under 571—46.53(321I), may establish areas for youth all-terrain vehicle and off-road motorcycle operation on designated riding areas, may restrict the age of the operator and the size of the all-terrain vehicle, may limit the engine displacement for both all-terrain vehicles and off-road motorcycles, and shall post such restrictions.

[**ARC 9221C**, IAB 5/14/25, effective 6/18/25]

571—46.31(321I) Unlawful operation. A person shall not operate a regulated vehicle in any of the following instances:

46.31(1) At a rate of speed greater than reasonable or proper under all existing circumstances or greater than the posted speed, whichever is less. In no event shall a person operate any vehicle in a parking area of or adjacent to a designated riding area in excess of five miles per hour.

46.31(2) In a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto.

46.31(3) While under the influence of intoxicating substances or narcotics or habit-forming drugs.

46.31(4) Without a lighted headlight and taillight from sunset to sunrise and at such other times when conditions provide insufficient lighting to render clearly discernible persons and vehicles at a distance of 500 feet ahead.

46.31(5) Off established or marked trails or in prohibited areas.

46.31(6) In violation of official signs posted by the local sponsor or by the department consistent with its relationship to the local sponsor under 571—46.53(321I).

46.31(7) If the person's license to operate a motor vehicle is under suspension, revocation, bar, disqualification, cancellation or denial by this state or any other state.

[**ARC 9221C**, IAB 5/14/25, effective 6/18/25]

571—46.32(321I) Alcohol prohibited. Persons shall not consume or possess alcohol in designated riding areas, except that the consumption and possession of alcohol shall be permitted at designated camping areas.

[**ARC 9221C**, IAB 5/14/25, effective 6/18/25]

571—46.33(321I) Pets. Pets shall not be permitted in designated riding areas, except for parking and camping areas, if any.

[**ARC 9221C**, IAB 5/14/25, effective 6/18/25]

571—46.34(321I) Camping. Camping shall not be permitted in designated riding areas, except for areas specifically designed for and identified by the local sponsor, or the department consistent with its relationship to the local sponsor under 571—46.53(321I), for such use. In such instances, camping rules shall be posted in such areas.

[**ARC 9221C**, IAB 5/14/25, effective 6/18/25]

These rules are intended to implement Iowa Code chapter 321I.

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[Filed ARC 9221C (Notice ARC 8598C, IAB 1/8/25), IAB 5/14/25, effective 6/18/25]

CHAPTER 47
SNOWMOBILES

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/18/30

DIVISION I
REGISTRATION, RENEWAL, TITLING, DECAL PLACEMENT AND ACCIDENT REPORTS

571—47.1(321G) Definitions. For purposes of this chapter, the following terms shall mean the same as defined in Iowa Code section 321G.1:

"Commission"
"Department"
"Operator"
"Public land"
"Roadway"
"Snowmobile"

[**ARC 9222C**, IAB 5/14/25, effective 6/18/25]

571—47.2(321G) Operation on roadways, highways, streets and snowmobile trails. A person shall not operate a snowmobile upon roadways, highways, streets, or designated snowmobile trails except as provided in Iowa Code section 321G.9.

NOTE: Additional driving and operation limitations are listed in Iowa Code section 321G.13.

[**ARC 9222C**, IAB 5/14/25, effective 6/18/25]

571—47.3(321G) Registration for snowmobiles.

47.3(1) *General.* A person shall not operate, maintain, or give permission for the operation or maintenance of a snowmobile on public land, a designated snowmobile trail, or ice unless the snowmobile:

a. Is registered in accordance with the requirements of Iowa Code chapter 321G and this chapter;

b. Displays a current nonresident user permit decal issued as provided in 571—47.4(321G); or

c. Is exempt from registration pursuant to Iowa Code section 321G.8.

47.3(2) *Registration requirements.*

a. The owner of each snowmobile required to be registered shall file an application for registration with the department through a county recorder and pay all applicable fees pursuant to Iowa Code section 321G.4 and these rules, except that a snowmobile dealer shall make application and pay all applicable registration and title fees on behalf of a purchaser of a snowmobile.

(1) Application forms. Applications for registration shall be made on forms provided by the department. In the event the applicant does not have the required documentation, the applicant may be required to secure a bond consistent with the requirements of 571—Chapter 50.

(2) Fees. The applicant shall pay the following fees: $30 for the registration fee; $2 for the writing fee; and $1.50 for the administrative fee.

b. At such time the department or the county recorder is satisfied with the application and has received the required fees, the department or county recorder shall issue to the applicant a registration certificate and registration decal.

47.3(3) *Preregistration grace period.*

a. Dealer purchases. An unregistered snowmobile sold by a dealer to an Iowa resident for use in Iowa shall bear a card made of cardstock or other similar material that includes the words "registration applied for" and the date of purchase. Such card shall entitle the purchaser to operate the snowmobile for 45 days immediately following the purchase. The purchaser shall place this card on the windshield area of the snowmobile in a position so as to be clearly visible at all times and maintained in a legible manner. The

operator of any snowmobile displaying a "registration applied for" card described in this paragraph shall carry and provide upon request to any peace officer a valid bill of sale for the snowmobile.

b. Nondealer purchases. Snowmobiles may be sold by nondealers, and the registration grace period may apply depending on the current registration of the vehicle.

(1) A snowmobile that is currently registered in the state of Iowa may be legally operated for 30 days before it is registered under the purchaser's name.

(2) A snowmobile not currently registered in the state of Iowa shall not be operated until it is titled and registered in the purchaser's name. Valid registration in another state does not authorize preregistration operation.

47.3(4) *Registration—renewals.* Every snowmobile registration certificate and registration decal expires at midnight December 31 of the year issued or at the time specified on the registration decal. Applications for renewal shall be completed pursuant to Iowa Code section 321G.6.

[**ARC 9222C**, IAB 5/14/25, effective 6/18/25]

571—47.4(321G) Nonresident user permits.

47.4(1) A nonresident wishing to operate a snowmobile, other than such vehicle owned by a resident and registered pursuant to Iowa Code chapter 321G, on public land, a designated snowmobile trail, or ice of this state must first obtain a nonresident user permit from the department.

47.4(2) The department, a county recorder or license agent designated by the director may issue nonresident user permits. The applicant shall pay the following fees for a user permit: $15 for the permit fee; $2 for a writing fee; and $1.50 for an administrative fee.

47.4(3) A user permit issued under this rule shall be valid for the calendar year or time period specified in the permit and shall be limited to the vehicle specified at the time of application.

47.4(4) Nonresident user permits are issued to a vehicle and are not transferable.

[**ARC 9222C**, IAB 5/14/25, effective 6/18/25]

571—47.5(321G) Display of registration and nonresident user permit decals. The owner of a snowmobile shall display the registration decal or nonresident user permit decal on the windshield of the snowmobile so that the decal is clearly visible. If the snowmobile does not have a windshield, then the decal shall be affixed to the area of the hood near the headlamp so that the decal is clearly visible.

[**ARC 9222C**, IAB 5/14/25, effective 6/18/25]

571—47.6(321G) Registration certificate.

47.6(1) An operator of a snowmobile shall carry the registration certificate either in such vehicle or on the person of the operator when the snowmobile is in use.

47.6(2) The operator of a snowmobile shall exhibit the registration certificate to all of the following:

a. To a peace officer or department personnel upon request;

b. To a person injured in an accident involving the snowmobile, or that person's agent;

c. To the owner or operator of another snowmobile when the snowmobile is involved in a collision or accident with the other snowmobile, or that person's agent;

d. To the owner of personal or real property when the snowmobile is involved in a collision or accident with the property of the other person, or that person's agent; and

e. To the property owner or tenant when the snowmobile is being operated on private property without permission from the property owner or tenant, or that person's agent.

[**ARC 9222C**, IAB 5/14/25, effective 6/18/25]

571—47.7(321G) Owner's certificate of title.

47.7(1) The owner of a snowmobile acquired on or after January 28, 1998, other than a snowmobile used exclusively as a farm implement or a previously registered snowmobile that is more than 30 years old, shall apply to the county recorder of the county in which the owner resides for a certificate of title for the snowmobile. The owner shall make application within 30 days after acquisition of the snowmobile, using forms provided by the department, and shall include the required fees set out in Iowa Code section 321G.30.

47.7(2) A certificate of title issued by the county recorder shall be on forms provided by the department.

[**ARC 9222C**, IAB 5/14/25, effective 6/18/25]

571—47.8(321G) Procedures for application and for issuance of a vehicle identification number (VIN) for homebuilt snowmobiles.

47.8(1) A person, other than a manufacturer, who constructs or rebuilds a snowmobile for which there is no legible VIN may make application to the department on forms provided by the department for the issuance of a new VIN. The application process shall include an inspection of the snowmobile by the department. If the application is approved, the VIN shall be affixed to the vehicle by a peace officer. The completed application shall then be surrendered to the county recorder.

47.8(2) The peace officer shall permanently affix the VIN to the frame under the seat of the snowmobile.

[**ARC 9222C**, IAB 5/14/25, effective 6/18/25]

571—47.9(321G) Accident report.

47.9(1) Whenever any snowmobile is involved in an accident resulting in injury or death to anyone or property damage amounting to $1,500 or more, the operator or someone acting for the operator shall immediately notify the county sheriff or another law enforcement agency of the state.

47.9(2) If the accident occurred on public land, a designated snowmobile trail, or ice under the jurisdiction of the commission, the operator shall file a report of the accident with the department within 72 hours. The report shall be on forms provided by the department.

47.9(3) Accidents other than those specified in 47.9(2) shall be reported as required in Iowa Code section 321.266.

[**ARC 9222C**, IAB 5/14/25, effective 6/18/25]

571—47.10(321G) Snowmobile fee grants, cost-share programs, and contracts. The department shall transfer, via contract, at least 70 percent of snowmobile fees to a political subdivision or an incorporated private organization for distribution through snowmobile-related grants, cost-share agreements, or contracts consistent with Iowa Code section 321G.7(2). Terms of this contract shall, at a minimum, direct the receiving party to identify and make publicly available grant, cost-share program, and contract eligibility and selection criteria; accounting, auditing, and reporting requirements; termination terms; and unspent money repayment processes. Any contract entered into pursuant to this rule shall be available upon request from department snowmobile program staff.

[**ARC 9222C**, IAB 5/14/25, effective 6/18/25]

DIVISION II
SNOWMOBILE DEALERS

571—47.11(321G) Purpose. The rules in this division apply to registered snowmobile dealers, manufacturers, and distributors. These rules establish minimal standards for snowmobile dealers as authorized under Iowa Code section 321G.21.

[**ARC 9222C**, IAB 5/14/25, effective 6/18/25]

571—47.12(321G) Definitions. For purposes of this division, the following definitions shall apply:

"Dealer" means the same as defined in Iowa Code section 321G.1.

"Distributor" means the same as defined in Iowa Code section 321G.1.

"Engaged in the business," or similar wording, means doing any of the following acts for the purpose of selling snowmobiles at retail: acquiring, selling, exchanging, holding, offering, displaying, brokering, accepting on consignment or conducting a retail auction, or acting as an agent for the purpose of doing any of these acts. A person selling at retail more than five snowmobiles during a 12-month period may be presumed to be engaged in the business.

"Established place of business" means the same as defined in Iowa Code section 321G.1.

"Manufacturer" means the same as defined in Iowa Code section 321G.1.

"Manufacturer's certificate of origin" means a certification signed by the manufacturer, distributor or importer that the snowmobile described has been transferred to the person or dealer named, and that the transfer is the first transfer of the vehicle in ordinary trade and commerce. A manufacturer's certificate of origin may also be referred to as a manufacturer's statement of origin.

[**ARC 9222C**, IAB 5/14/25, effective 6/18/25]

571—47.13(321G) Dealer's established place of business. A dealer's established place of business shall include phone service and an adequate office area for keeping business records, manufacturers' certificates of origin, certificates of title or other evidence of ownership for all snowmobiles offered for sale.

[**ARC 9222C**, IAB 5/14/25, effective 6/18/25]

571—47.14(321G) Zoning. Dealers licensed under these rules must comply with applicable local zoning ordinances. Upon request by the department, a dealer shall provide to the department written evidence issued by the office responsible for the enforcement of zoning ordinances in the city or county where the dealer's established place of business is located that the dealer's established place of business complies with all applicable zoning provisions.

[**ARC 9222C**, IAB 5/14/25, effective 6/18/25]

571—47.15(321G) Sales tax permit. A dealer shall provide to the department written evidence that the dealer has obtained a sales tax permit issued by the department of revenue.

[**ARC 9222C**, IAB 5/14/25, effective 6/18/25]

571—47.16(321G) Special registration certificates for manufacturers, distributors and dealers.

47.16(1) A manufacturer, distributor, or dealer owning a snowmobile required to be registered under Iowa Code chapter 321G and this chapter may operate the unregistered snowmobile for purposes of transporting, testing, demonstrating, or selling it if both of the following requirements are met:

a. The manufacturer, distributor, or dealer obtains from the department a special registration certificate and decal containing a general identification number in accordance with Iowa Code section 321G.21. An application for a special registration certificate shall be submitted on forms provided by the department; and

b. The manufacturer, distributor, or dealer has the assigned decal attached to a removable sign that is temporarily but firmly attached to the snowmobile being used.

47.16(2) If a manufacturer, distributor, or dealer has an established place of business in more than one location, the manufacturer, distributor, or dealer shall obtain from the department a separate and distinct special registration certificate, decal and general identification number for each place of business.

47.16(3) Duplicate special registration certificates and decals may be obtained pursuant to the conditions set forth in Iowa Code section 321G.21.

[**ARC 9222C**, IAB 5/14/25, effective 6/18/25]

571—47.17(321G) Information provided to purchasers. At the time of sale, a dealer shall provide all purchasers of snowmobiles with information on how to access the department's website. The department shall provide regulations related to snowmobile use. Information provided on the department's website shall be deemed current information for purposes of this rule.

[**ARC 9222C**, IAB 5/14/25, effective 6/18/25]

571—47.18(321G) Right of inspection. The department or any peace officer has the authority to inspect the following at any dealer location: (1) snowmobiles or component parts of vehicles, (2) business records, and (3) manufacturers' certificates of origin, certificates of title and other evidence of ownership for snowmobiles offered for sale. The department has the right at any time to verify compliance with all statutory and regulatory requirements by a dealer registered under Iowa Code chapter 321G.

[**ARC 9222C**, IAB 5/14/25, effective 6/18/25]

571—47.19(321G) Denial or revocation. The department may deny a dealer application or revoke a dealer registration certificate when the director determines the applicant or dealer has violated any rule of this

chapter or Iowa Code chapter 321G or when continuation of the permit is not in the public interest. Such denial or revocation shall become effective upon a date specified in the notice. The notice shall state the extent of the denial or revocation and the reasons for the action. Within 30 days following receipt of the notice of a revocation or denial, the applicant or dealer, whichever is applicable, may file a notice of appeal, requesting a contested case pursuant to 561—Chapter 7. The notice of appeal shall specify the basis for requesting that the permit be issued or reinstated.

[**ARC 9222C**, IAB 5/14/25, effective 6/18/25]

These rules are intended to implement Iowa Code chapter 321G.

[Filed ARC 8879B (Notice ARC 8731B, IAB 5/5/10), IAB 6/30/10, effective 8/4/10]
[Filed ARC 1226C (Notice ARC 1022C, IAB 9/18/13), IAB 12/11/13, effective 1/15/14]
[Filed ARC 3983C (Notice ARC 3828C, IAB 6/6/18), IAB 8/29/18, effective 10/3/18]
[Filed ARC 9222C (Notice ARC 8603C, IAB 1/8/25), IAB 5/14/25, effective 6/18/25]

CHAPTER 48
INSPECTION OF PERMANENTLY MOORED VESSELS

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/18/30

571—48.1(462A) Purpose. This chapter is intended to establish the procedures for compliance with the inspection requirements of Iowa Code sections 99F.7(14) and 462A.20.
[**ARC 9223C**, IAB 5/14/25, effective 6/18/25]

571—48.2(462A) Definitions.

"Commission" means the Iowa racing and gaming commission.

"Critical systems" on a PMV means fire safety systems, systems that protect against flooding and progressive flooding, emergency power systems, emergency lighting systems, emergency ventilation shutdown systems, and fuel and sewage discharge prevention systems.

"Permanently moored vessel" or *"PMV"* means an excursion boat used for gambling that is removed from navigation and defined as a vessel under 46 CFR, Subchapter K or H (June 1, 2024), that would have previously required a United States Coast Guard Certificate of Inspection.
[**ARC 9223C**, IAB 5/14/25, effective 6/18/25]

571—48.3(462A) Inspection requirements. All PMVs shall be inspected by a qualified inspector to determine compliance with the "State of Iowa Permanently Moored Vessel Inspection Requirements," 2005, as adopted by reference herein.
[**ARC 9223C**, IAB 5/14/25, effective 6/18/25]

571—48.4(462A) Inspectors. Inspections of PMVs shall be conducted by a person or persons meeting the criteria set forth in this rule.

48.4(1) *Qualifications.* An inspector shall:

a. Have prior experience as a U.S. Coast Guard marine inspector or as a classification society (recognized by the U.S. Coast Guard) surveyor; or

b. Be a classification surveyor acting on behalf of a classification society; or

c. Be a professional engineer licensed by one of the 50 states; or

d. Be a professional naval architect or marine engineer.

48.4(2) *Minimum documented work experience.* An inspector shall:

a. Have obtained three years' experience in the examination of steel or aluminum vessels of similar design; and

b. Be familiar with the regulations and standards under which the PMV was built; and

c. Be familiar with permanent mooring arrangements and ship structures supporting the same; and

d. Have experience in marine emergency response operations and planning that is sufficient for the individual to competently review emergency action plans required by these rules; and

e. Have experience in the investigation of reportable occurrences as described in the "State of Iowa Permanently Moored Vessel Inspection Requirements," 2005.
[**ARC 9223C**, IAB 5/14/25, effective 6/18/25]

571—48.5(462A) Statewide inspection contract. If the department determines that the administration of this chapter could best be effectuated through a contract with one or more third parties, the state may award such a contract or contracts pursuant to the provisions of 561—Chapter 8, as adopted by reference in 571—8.1(17A).

48.5(1) A statewide inspection contract shall authorize an inspection program coordinator to conduct the inspections required by this chapter, prepare and submit the required reports, and engage in such other activities as may be necessary for the administration of the PMV inspection program.

48.5(2) A contract entered into pursuant to this rule shall establish fees to be paid by PMV operators to the inspection program coordinator for the inspection of PMVs. There shall be a fixed fee established by contract for inspections and administration of the program by the inspection program coordinator. The contract may establish additional fees to be charged by the inspection program coordinator for work related

to addressing deficiencies or other noncompliance by a PMV operator. Said fees shall be the sole source of payment to the inspection program coordinator.

48.5(3) In the event that a statewide inspection contract is executed by the department, all submissions required by these rules shall be sent to the inspection program coordinator established by the contract.

[**ARC 9223C**, IAB 5/14/25, effective 6/18/25]

571—48.6(462A) Submission. Any person making application to the commission for the licensing of a PMV shall submit proof to the department that the PMV has been inspected by a qualified inspector and that the PMV satisfies all of the requirements of the "State of Iowa Permanently Moored Vessel Inspection Requirements," 2005. All PMVs licensed pursuant to Iowa Code chapter 99F shall submit to the department quarterly and annual reports in compliance with all of the requirements of the "State of Iowa Permanently Moored Vessel Inspection Requirements," 2005.

[**ARC 9223C**, IAB 5/14/25, effective 6/18/25]

571—48.7(462A) Notification to the commission. If a PMV operator fails to cure an inadequacy in an inspection report or to comply with a correction report for a critical system or maritime security deficiency within the applicable time period, a determination of inadequacy shall be forwarded to the commission and shall be subject to the appeal and contested case procedures of the department as established by 561—Chapter 7 and adopted by reference at 571—7.1(17A).

48.7(1) *Inspection reports.* The department shall, within 60 days of receipt of an initial inspection, quarterly or annual report, determine the adequacy of the report and shall notify the submitting party of such determination. The submitting party shall be given a minimum of 60 days to cure any inadequacy not involving critical systems or maritime security.

48.7(2) *Correction reports.* To minimize safety and maritime security risks to the public, the environment and the PMV itself, deficiencies found in critical systems or security systems shall be immediately reported to the department. After consulting with the PMV operator, the department may issue a correction report if the deficiency was not immediately corrected. The correction report will direct the PMV operator to take corrective action within a specific period of time that is based on the nature and severity of the deficiency.

[**ARC 9223C**, IAB 5/14/25, effective 6/18/25]

These rules are intended to implement Iowa Code sections 99F.7(14) and 462A.20.

[Filed emergency 5/13/05 after Notice 3/2/05—published 6/8/05, effective 5/13/05]

[Filed ARC 9223C (Notice ARC 8604C, IAB 1/8/25), IAB 5/14/25, effective 6/18/25]

CHAPTER 49
OPERATION OF MOTOR VEHICLES IN MEANDERED STREAMS, NAVIGABLE STREAMS AND TROUT STREAMS

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/18/30

571—49.1(462A) Purpose and intent. This chapter implements Iowa Code section 462A.34A and identifies meandered streams, trout streams, and navigable streams in which motor vehicles may not be operated.

[**ARC 9224C**, IAB 5/14/25, effective 6/18/25]

571—49.2(462A) Definitions.

"Department" means the department of natural resources.

"Meandered stream" means a lake or stream that, at the time of the original government survey, was surveyed as a navigable and important water body and was transferred to the state upon admission to the union to be transferred or retained by the public in accordance with the laws of the state upon admission to the union.

"Motor vehicle" means a vehicle that is self-propelled and not operated upon rails. A motor vehicle is not a watercraft as defined in Iowa Code section 462A.2(43).

"Navigable stream" means all streams that can support a vessel capable of carrying one or more persons during a total of a six-month period in one out of every ten years.

"Trout stream" means a stream that, by natural or artificial methods, supports trout fish species.

[**ARC 9224C**, IAB 5/14/25, effective 6/18/25]

571—49.3(462A) Motor vehicle prohibition in meandered streams, trout streams and navigable streams and identification of streams.

49.3(1) Motor vehicles shall not be operated in the following locations, except as provided for in Iowa Code section 462A.34A(2):

a. Any portion of the bed of a navigable stream when covered by water.

b. Any portion of a trout stream or meandered stream, including the dry bed and sandbars.

49.3(2) A vessel operating on any of the streams listed in this rule must be operating by floating on the water as a result of the buoyant force of the water. A vessel propelled by tires in contact with the bed of the stream is not a watercraft for the purpose of this rule.

49.3(3) For the purpose of this rule, meandered streams, trout streams and navigable streams include the following:

COUNTY	RIVER/STREAM	LOCATION
Adair	Middle Nodaway River	Adams/Adair line to Hwy. 92
	Middle River	All
	West Fork-Middle Nodaway	Mouth to County Road N51
Adams	East Nodaway River	Adams/Taylor line to County Road H24
	Middle Nodaway River	All
Allamakee	Bear Creek	Mouth, S1,T99N,R6W to West Line S30,T100N,R6W
	Clear Creek	Mouth, S35,T100,R5W to North Line S15,T100N,R5W
	Clear Creek	Mouth, S29,T99N,R3W to West Line S25,T99N,R4W
	Cota Creek	Mouth, S26,T97N,R3W to West Line S10,T97N,R3W
	Dousman Creek	Mouth, S33,T96N,R3W to South Line S36,T96N,R3W
	French Creek	Mouth, S1,T99N,R5W to East Line S23,T99N,R5W
	Hickory Creek	Mouth, S23,R96N,R5W to South Line S28,T96N,R5W
	Irish Hollow Creek	Mouth, S21,T100N,R4W to North Line S17,T100N,R4W
	Little Paint Creek	Mouth, S32,T97N,R3W to North Line S30,T97N,R3W
	Mississippi River	All
	Norfolk Creek	Mouth, S6,T96,R5W to Conf. w/Teeple Creek, S24,T97N,R6W

	Paint Creek	Conf. w/Little Paint Creek, S32,T97N,R3W to Road Crossing, S18,T97N,R4W
	Patterson Creek	Mouth, S29,T99N,R6W to East Line S3,T98N,R6W
	Silver Creek	Mouth, S4,T99N,R5W to South Line S31,T99N,R5W
	Suttle Creek	Mouth, S18,T96N,R4W to South Line S31,T96N,R4W
	Teeple Creek	Mouth, S24,T97N,R6W to West Line S11,T97N,R6W
	Trout Run a/k/a Erickson's Brook	Mouth, S16,T98N,R4W to North Line S8,T98N,R4W
	Unnamed Creek	Mouth, S12,T99N,R4W to West Line S12,T99N,R4W
	Unnamed Tributary to Village Creek	Mouth, S23,T98N,R4W to West Line S23,T98N,R4W
	Unnamed Tributary to Yellow River	Mouth, S13,T96N,R5W to North Line S12,T96N,R5W
	Upper Iowa River	Mouth, S36,T100N,R4W to West Line S31,T100N,R6W
	Village Creek	Mouth, S33,T99N,R3W to West Line S19,T98N,R4W
	Waterloo Creek	Conf. w/Bear Creek, S35,T100N,R6W to North Line S8,T100N,R6W
	Wexford Creek	Mouth, S5,T98N,R2W to West Line S25,T98N,R3W
	Yellow River	Mouth, S34,T96N,R3W to West Line S24,T96N,R5W
Appanoose	Chariton River	Missouri Line to Rathbun Dam
	North Chariton River	Rathbun Lake to Hwy. 14
	South Chariton River	Appanoose/Wayne Line to Rathbun Lake
Benton	Bear Creek	Benton County Line to Mouth at Cedar River
	Cedar River	All
	Iowa River	All
	Mud Creek	Road Crossing W½ S13,T84N,R11W to Mouth at Cedar River
	Opossum Creek	SE¼ S5,T84N,R9W to Benton/Linn Line
	Prairie Creek 2	Road Crossing N½ S24,T83N,R12W to Benton/Linn Line
	Wolf Creek	All
Black Hawk	Beaver Creek	Mouth, S34,T90N,R14W to West County Line, S31,T90N,R14W
	Black Hawk Creek	Mouth, S22,T89N,R13W to West County Line, S6,T87N,R14W
	Cedar River	All
	Shell Rock River	Mouth, S4,T90N,R14W to North County Line, S4,T90N,R14W
	Wapsipinicon River	All
	West Fork Cedar River	All
	Wolf Creek	Mouth, S19,T87N,R11W to South County Line
Boone	Beaver Creek	West Line of S10,T82N,R28W to South County Line
	Des Moines River	All
Bremer	Cedar River	All
	Shell Rock River	All
	Wapsipinicon River	All
Buchanan	Wapsipinicon River	All
Buena Vista	Little Sioux River	All
	North Raccoon River	South County Line to North Line of S15,T91N,R36W
	Beaver Creek	All
	Hartgraves Creek	West County Line to Mouth at West Fork of Cedar River
Butler	Maynes Creek	West County Line to Mouth at West Fork of Cedar River
	Shell Rock River	All
	West Fork Cedar River	All
Calhoun	Cedar Creek	South County Line to S31,T87N,R31W
	North Raccoon River	All
Carroll	Middle Raccoon River	South County Line to West Line of S23,T84N,R35W

	North Raccoon River	All
Cass	East Nishnabotna River	All
Cedar	Cedar River	All
	Clear Creek	East Line of S21,T82N,R4W to Mouth at Cedar River
	Rock Creek	Road Crossing North Line Section 1, T81N,R3W to Mouth at Cedar River
	Sugar Creek	Road Crossing North Line Section 29, T81N,R2W to South County Line
	Wapsipinicon River	All
Cerro Gordo	Beaverdam Creek	I-35 to Franklin County Line
	E Branch-Beaverdam Creek	Hwy. 65 to Mouth at Beaverdam Creek
	Shell Rock River	All
	Spring Creek	County Road B15 to Mouth at Winnebago River
	Willow Creek	Hwy. 18 to Mouth at Winnebago River
	Winnebago River	All
Cherokee	Grey Creek	North Line of S22,T93N,R40W to Mouth at Mill Creek
	Little Sioux River	All
	Maple River	North Line of S5,T90N,R39W to Ida County Line
	Mill Creek	North Line S13,T93N,R41W to Mouth at Little Sioux River
	Perry Creek	North Line of S5,T91N,R40W to Mouth at Little Sioux River
	Rock Creek	East Line of S4,T91N,R41W to Mouth at Little Sioux River
	West Fork, Little Sioux River	North Line of S12,T92N,R42W to Plymouth County Line
	Willow Creek	North Line S30,T91N,R41W to Mouth at Little Sioux River
Chickasaw	Cedar River	All
	Little Cedar River	All
	Little Turkey River	All
	Wapsipinicon River	All
Clay	Little Sioux River	All
	Ocheyedan River	All
Clayton	Bear Creek	South Line S18,T91N,R4W to South Line S26,T91N,R5W
	Bloody Run Creek	Mouth, S15,T95N,R3W to South Line S21,T95N,R4W
	Brownfield Creek	Mouth, S25,T91N,R4W to Source, S31,T91N,R3W
	Buck Creek	Mouth, S32,T92N,R2W to West Line S9,T93N,R3W
	Cox Creek	Conf. w/Spring Creek, S25,T92N,R6W to South Line S12,T91N,R6W
	Dry Mill Creek	Mouth, S25,T93N,R5W to West Line S9,T93N,R4W
	Hewett Creek	Mouth, S11,T92N,R6W to South Line S29,T92N,R6W
	Maquoketa River	South Line S32,T91N,R6W to West Line S19,T91N,R6W
	Miners Creek	Mouth, S20,T92N,R2W to West Line S1,T92N,R3W
	Mink Creek	Mouth, S30,T93N,R6W to West Line S19,T93N,R6W
	Mossy Glen Creek	Mouth, S3,T91N,R5W to South Line S3,T91N,R5W
	Mississippi River	All
	North Cedar Creek	Mouth, S8,T94N,R3W to Source, S24,T94N,R4W
	Pecks Creek	Mouth, S1,T91N,R3W to South Line S15,T91N,R3W
	Pine Creek	Mouth, S26,T91N,R4W to Conf. w/Brownfield Creek, S25,T91N,R4W
	Sny-Magill Creek a/k/a Magill	Mouth, S23,T94N,R3W to West Line S6,T94N,R3W
	South Cedar Creek a/k/a Cedar	North Line S7,T92N,R3W to North Line S24,T93N,R4W
	Spring Creek a/k/a Kleinlein Creek	Mouth, S25,T92N,R6W to Source, S10,T91N,R6W
	Steeles Brook	Mouth, S26,T91N,R4W to South Line S34,T91N,R4W
	Turkey River	All
	Unnamed Tributary to	

	Sny-Magill a/k/a West Fork	Mouth, S7,T94N,R3W to West Line S7,T94N,R3W
	Volga River	All
Clinton	Brophys Creek	South Line of S4,T81N,R5E to Mouth at the Wapsipinicon River
	Drainage Ditch 12	South Line of S30,T82N,R2E to Mouth at the Wapsipinicon River
	Elk River	South Line of S5,T83N,R6E to Mouth at the Mississippi River
	Harts Mill Creek	South Line of S8,T81N,R6E to Mouth at Mill Creek
	Mill Creek	South Line of S14,T81N,R6E to Mouth with Mississippi River
	Mississippi River	All
	Silver Creek	South Line of S22,T82N,R3E to S6,T80N,R4E
	Wapsipinicon River	All
Crawford	Boyer River	All
	Soldier River	All
Dallas	Beaver Creek	All
	Des Moines River	All
	Middle Raccoon River	All
	Raccoon River	All
	South Raccoon River	All
Davis	Des Moines River	All
Decatur	Long Creek	DeKalb Wildlife Area to Mouth at the Thompson River
	Thompson River	All
	Weldon River	Missouri Border to Hwy. 2
Delaware	Fenchel Creek	Mouth, S5,T90N,R6W to Richmond Springs, S4,T90N,R6W
	Fountain Spring Creek a/k/a Odell Branch	Mouth, S10,T90N,R4W to West Line S9,T90N,R4W
	Little Turkey River	North County Line, S1,T90N,R3W to South Line S11,T90N,R3W
	Maquoketa River	All
	Schechtman Branch	Mouth, S14,T90N,R4W to South Line S14,T90N,R4W
	South Branch Fountain Spring Creek	Mouth, S10,T90N,R4W to West Line S16,T90N,R4W
	Spring Branch	Mouth, S10,T88N,R5W to Spring Source, S35,T89N,R5W
	Steeles Branch	North County Line, S4,T90N,R4W to West Line S5,T90N,R4W
	Twin Springs Creek	Mouth, S2,T90N,R4W to Spring Source S12,T90N,R4W
Des Moines	Brush Creek	South Line of S5,T69N,R3W to Mouth at the Skunk River
	Cedar Fork Creek	West Line of S31,T72N,R3W to Mouth at the Flint River
	Dolbee Creek	East Line of S24,T72N,R2W to S31,T71N,R1W
	Flint River	County Line to Mouth at the Mississippi River
	Hawkeye Creek	North Line of S30,T72N,R3W to Mouth at the Mississippi River
	Knotty Creek	East Line of S25,T71N,R3W to the Mouth at the Flint River
	Long Creek	South Line of S3,T69N,R4W to the Mouth at the Skunk River
	Mississippi River	All
	Skunk River	All
	Spring Creek	South Line of S15,T69N,R3W to Mouth at the Mississippi River
	Tributary to Flint River	South Line of S27,T71N,R3W to Mouth at the Flint River
Dickinson	Little Sioux River	All
	Milford Creek	S12,T98N,R37W to Mouth at Little Sioux River
	West Branch, Little Sioux River	South Line of S27,T100N,R38W to Mouth at West Fork of Little Sioux River
	West Fork,	South Line of S24,T100N,R38W to Mouth at

	Little Sioux River	Little Sioux River
Dubuque	Bloody Run	Mouth, S34,T90N,R2E to West Line S21,T90N,R2E
	Catfish Creek	South Line S9,T88N,R2E to Source S36,T88N,R1E
	Cloie Branch	Mouth, S5,T89N,R2E to West Line S5,T89N,R2E
	Hogans Branch	Mouth, S35,T89N,R1W to Gravel Road West Line S9,T88N,R1W
	Little Maquoketa River	S5,T88N,R1W to Mouth at Mississippi River
	Middle Fork, Little Maquoketa River a/k/a Bankston Creek	West Line S31,T90N,R1E to North Line S33,T90N,R1W
	Mississippi River	All
	North Fork, Maquoketa River	All
	Paint Hollow Creek a/k/a White Pine Creek	North County Line, S6,T90N,R2W to Spring Source S8,T90N,R2W
Emmet	East Fork, Des Moines River	Tuttle Lake Outlet to East County Line
	West Fork, Des Moines River	All
Fayette	Bass Creek a/k/a Turners	Mouth, S3,T95N,R9W to West Line S3,T95N,R9W
	Bear Creek	Mouth, S25,T93N,R7W to West Line S6,T92N,R7W
	Bell Creek	Mouth, S10,T94N,R7W to West Line S8,T94N,R7W
	Brush Creek	Mouth, S8,T92N,R7W to Road Crossing S20,T92N,R7W
	Little Turkey River	Mouth, S18,T95N,R8W to North Line S5,T95N,R10W
	Maquoketa River	East Line S24,T91N,R7W to Conf. w/Hwy. 3
	Mink Creek	East Line S24,T93N,R7W to West Line S15,T93N,R7W
	Otter Creek	Mouth, S13,T94N,R7W to S22,T94N,R8W
	Turkey River	All
	Unnamed Creek a/k/a Glovers Creek	Mouth, S22,T94N,R8W to West Line S15,T94N,R8W
	Unnamed Creek a/k/a Grannis Creek	Mouth, S30,T93N,R7W to Source, E¼ S36,T93N,R8W
	Volga River	East County Line to South Line S22,T93N,R8W
Floyd	Cedar River	All
	Little Cedar River	All
	Shell Rock River	All
	Winnebago River	All
Franklin	Bailey Creek	South Line of S13,T93N,R20W to Mouth at the West Fork, Cedar River
	Beaverdam Creek	North County Line to Mouth at the West Fork, Cedar River
	Hartgraves Creek	South Line of S28,T92N,R19W to East County Line
	Iowa River	All
	Maynes Creek	East Line of S30,T91N,R20W to East County Line
	Otter Creek	East Line of S31,T93N,R20W to Mouth at Hartgraves Creek
	Spring Creek	Beeds Lake Outlet to Mouth at Otter Creek
	West Fork, Cedar River	East Line of S19,T93N,R19W to East County Line
Fremont	East Nishnabotna River	Mouth at Nishnabotna River to East County Line
	Missouri River	All
	Nishnabotna River	Missouri/Iowa Line to South Line of S25,T68N,R41W
	West Nishnabotna River	Mouth at Nishnabotna River to North County Line
Greene	Cedar Creek	Mouth at North Raccoon River to North County Line
	North Raccoon River	All
Grundy	Black Hawk Creek	East Line of S35,T88N,R17W to Black Hawk County Line
	North Black Hawk Creek	NE¼ S8,T88N,R15W to Black Hawk County Line
	South Beaver Creek	E½ S3,T88N,R18W to Butler County Line

	Wolf Creek	N½ of S31,T86N,R17W to Black Hawk County Line
Guthrie	Middle Raccoon River	All
	South Raccoon River	East County Line to County Road F32
Hamilton	Boone River	All
	Brewers Creek	Mouth at Boone River to County Road R27
	Eagle Creek	Mouth at Boone River to Wright County Line
	Skunk River	County Line to Hwy. 175
	White Fox Creek	Mouth at Boone River to Wright County Line
Hancock	East Fork, Iowa River	South County Line to Hwy. 18
	West Fork, Iowa River	South County Line to County Road B55
	Winnebago River	All
Hardin	Elk Creek	Mouth at Iowa River to County Road D35
	Honey Creek	South County Line to County Road D65
	Iowa River	All
	South Fork, Iowa River	Mouth at Iowa River to Hwy. 359
Harrison	Boyer River	All
	Little Sioux River	All
	Missouri River	All
	Soldier River	All
Henry	Big Creek	North Line of S31,T72N,R5W to S19,T70N,R5W
	Cedar Creek	County Line to Mouth at the Skunk River
	Crooked Creek	Mouth at S31,T73N,R7W to East Section Line
	East Fork, Crooked Creek	All
	Little Cedar Creek	South County Line to Mouth at Cedar Creek
	Mud Creek	South Line of S15,T70N,R5W to Mouth at the Skunk River
	Skunk River	All
Howard	Beaver Creek	Mouth, S19,T100N,R12W to County Road A23
	Bohemian Creek	East Line S13,T97N,R11W to West Line S2,T97N,R11W
	Chialk Creek	Mouth, S1,T98N,R11W to Road Crossing, S36,T99N,R11W
	Nichols Creek	East Line S13,T100N,R11W to County Road V58
	Staff Creek	Mouth, S7,T100N,R13W to County Road V10
	Turkey River	East Line S12,T98N,R11W to Hwy. 9
	Upper Iowa River	East Line S12,T100N,R11W to North Line S11,T100N,R14W
	Wapsipinicon River	South Line S17,T97N,R14W to West Line S19,T98N,R14W
Humboldt	Des Moines River	South County Line to Conf. of East and West Fork of Des Moines River
	East Fork, Des Moines River	Mouth at the Des Moines River to North County Line
	West Fork, Des Moines River	Mouth at the Des Moines River to West County Line
Ida	Little Sioux River	All
	Maple River	All
Iowa	Bear Creek	West County Line to Mouth at the Iowa River
	Iowa River	All
	North Fork, English River	All
	Old Man Creek	West Line of S35,T79N,R10W to East County Line
Jackson	Brush Creek	North Line S23,T85N,R3E to North Line S1,T85N,R3E
	Cedar Creek	Mouth, S30,T85N,R3E to East Line S29,T85N,R3E
	Little Mill Creek	Mouth, S13,T86N,R4E to West Line S29,T86N,R4E
	Maquoketa River	All
	Mill Creek a/k/a Big Mill Creek	Conf. w/Little Mill Creek S13,T86N,R4E to West Line S1,T86N,R3E
	Mississippi River	All
	North Fork, Maquoketa River	West County Line to Mouth at the Maquoketa River

	Ozark Spring Run	Mouth, S32,T86N,R1E to Spring Source S32,T86N,R1E
	Pleasant Creek	East Line S11,T85N,R4E to West Line S15,T85N,R4E
	Unnamed Creek	Mouth, S7,T86N,R2E to West Line S11,T86N,R1E
	South Fork, Big Mill	Mouth, S8,T86N,R4E to West Line S17,T86N,R4E
	Storybook Hollow	Mouth, S7,T86N,R4E to South Line S12,T86N,R3E
	Unnamed Creek	Mouth, S1,T86N,R3E to West Line S2,T86N,R3E
Jasper	Indian Creek	All
	North Skunk River	All
	South Skunk River	All
Jefferson	Brush Creek	South Line of S18,T72N,R8W to the East County Line
	Cedar Creek	All
	Competine Creek	West County Line to Mouth at Cedar Creek
	Skunk River	All
	Walnut Creek	East Line of S22,T73N,R9W to the Mouth at the Skunk River
Johnson	Cedar River	All
	Clear Creek	West County Line to Mouth at the Iowa River
	Iowa River	All
	Old Mans Creek	West County Line to Mouth at the Iowa River
Jones	Buffalo Creek	West County Line to Mouth at the Wapsipinicon River
	Maquoketa River	All
	North Fork, Maquoketa River	All
	Wapsipinicon River	All
Keokuk	Bridge Creek	South Line of S23,T76N,R12W to the Mouth at the North Skunk River
	Cedar Creek	East Line of S19,T76N,R13W to the Mouth at the North Skunk River
	North Skunk River	West County Line to Mouth at the Skunk River
	Rock Creek	South Line of S21,T76N,R12W to Mouth at Cedar Creek
	South Fork, English River	West County Line to Mouth at the English River
	Skunk River	All
	South Skunk River	West County Line to Mouth at the Skunk River
Kossuth	Buffalo Creek	West Line of S4,T97N,R27W to Mouth at the East Fork, Des Moines River
	East Fork, Des Moines River	All
Lee	Big Sugar Creek	South Line of S26,T69N,R6W to Mouth at the Mississippi River
	Des Moines River	All
	Little Sugar Creek	South Line of S24,T68N,R7W to Mouth at the Des Moines River
	Lost Creek	South Line of S32,T69N,R4W to Mouth at the Mississippi River
	Mississippi River	All
	Pitman Creek	South Line of S10,T68N,R5W to Mouth at the Mississippi River
	Skunk River	All
Linn	Cedar River	All
	Prairie Creek	West County Line to Mouth at Cedar River
	Wapsipinicon River	All
Louisa	Big Slough Creek	East Line of S7,T74N,R5W to Mouth at Long Creek
	Cedar River	All
	Goose Creek	West County Line to Mouth at the Iowa River
	Iowa River	All
	Long Creek	South Line of S30,T75N,R5W to the Mouth at the Iowa River

	Mississippi River	All
	Muscatine Slough	North County Line to County Road Bridge in S31,T75N,R3W
	Muskrat Lake	S16,T74N,R3W to Mouth at the Iowa River
Lucas	Chariton River	Rathbun Lake to Hwy. 14
Lyon	Big Sioux River	All
	Little Rock River	East County Line to Mouth at Rock River
	Rock River	All
Madison	Clanton Creek	South Line of S32,T75N,R26W to the East County Line
	Middle River	All
	Thompson River	All
Mahaska	Cedar Creek	West County Line to Mouth at Des Moines River
	Des Moines River	All
	North Skunk River	All
	Skunk River	All
Marion	Des Moines River	All
	Skunk River	All
	Whitebreast Creek	West County Line to Mouth at Des Moines River
Marshall	Honey Creek	North County Line to Mouth at Iowa River
	Iowa River	All
	Minerva Creek	NW¼ S9,T85N,R20W to Mouth at Iowa River
	Timber Creek	County Road Bridge in S24,T83N,R18W to Mouth at Iowa River
Mills	Missouri River	All
	West Nishnabotna River	All
Mitchell	Beaver Creek	Mouth at S1,T98N,R16W to North Line S8,T99N,R15W
	Burr Oak Creek	County Road T46 to North Line S5,T98N,R16W
	Cedar River	South Line S13,T97N,R17W to North Line S8,T100N,R18W
	Little Cedar River	South Line S13,T97N,R15W to North Line S7,T100N,R16W
	Otter Creek	Mouth at S21,T100N,R18W to North Line S11,T100N,R18W
	Rock Creek	Conf. w/Goose Creek S35,T98N,R18W to Hwy. 9
	Spring Creek	Mouth at S13,T97N,R17W to North Line S8,T97N,R16W
	Turtle Creek	Mouth at S23,T99N,R18W to East Line S7,T99N,R17W
	Wapsipinicon River	East County Line to North Line of S20,T100N,R15W
Monona	Little Sioux River	All
	Maple River	Mouth at Little Sioux River to North County Line
	Missouri River	All
	Soldier River	All
	West Fork, Little Sioux River	Mouth at Little Sioux River to North County Line
Montgomery	East Nishnabotna River	All
	Middle Nodaway River	Mouth at Nodaway River to East County Line
	Nodaway River	All
Muscatine	Cedar River	All
	Mississippi River	All
	Mud Creek	West Line of S5,T78N,R1E to Mouth at Mississippi River
	Muscatine Slough	South Line of S4,T76N,R2W to South County Line
	Pike Run	South Line of S34,T78N,R3W to S19,T77N,R3W
	Pine Creek	Wildcat Den State Park to Mouth at Mississippi River
	Sugar Creek	North County Line to Mouth at the Cedar River
	Wapsinonoc Creek	North County Line to Mouth at the Cedar River
	Weise Slough	S19,T78N,R3W
O'Brien	Little Sioux River	All
Osceola	Little Rock River	All
	Ocheyedan River	All

Page	East Nishnabotna River	All
	East Nodaway River	East County Line to Mouth at the Nodaway River
	Nodaway River	All
	Tarkio River	Hwy. 2 to South County Line
Palo Alto	West Fork, Des Moines River	All
Plymouth	Big Sioux River	All
	Floyd River	All
	West Fork, Little Sioux River	All
Pocahontas	Lizard Creek	West Line of S2,T90N,R31W to East County Line
	North Branch, Lizard Creek	North Line of S6,T91N,R31W to Mouth with Lizard Creek
	Pilot Creek	West Line of S9,T92N,R31W to Mouth with the West Fork, Des Moines River
	West Fork, Des Moines River	All
Polk	Beaver Creek	All
	Des Moines River	All
	North River	All
	Raccoon River	All
	South Skunk River	All
	Walnut Creek	All
Pottawattamie	East Nishnabotna River	All
	Missouri River	All
	West Nishnabotna River	All
Poweshiek	Bear Creek	NW¼ S8,T80N,R14W to the East County Line
	North Fork, English River	North Line of S23,T79N,R14W to East County Line
	North Skunk River	All
Ringgold	East Fork, Grand River	South County Line to Hwy. 2
	Grand River	South County Line to Hwy. 66
	Platte River	All
	Thompson River	All
Sac	Big Cedar Creek	West Line of S10,T88N,R35W to the Mouth at the North Raccoon River
	Boyer River	West Line of S5,T89N,R37W to South County Line
	Indian Creek	North Line of S7,T87N,R36W to Mouth at the North Raccoon River
	North Raccoon River	All
	Outlet Creek	East Line of S35,T87N,R36W to Mouth at Indian Creek
Scott	Lost Creek	North Line of S32,T80N,R5E to Mouth at the Wapsipinicon River
	Mississippi River	All
	Mud Creek	County Road Bridge in S11,T79N,R1E to Mouth at the Wapsipinicon River
	Wapsipinicon River	All
Sioux	Big Sioux River	All
	Floyd River	Hwy. 18 to South County Line
	Rock River	All
Story	Skunk River	All
Tama	Iowa River	All
	Salt Creek	West Line of S28,T84N,R13W to Mouth at the Iowa River
	Wolf Creek	All
Taylor	East Fork, 102 River	Hwy. 49 to South County Line
	Platte River	All
	West Fork, 102 River	Hwy. 2 to South County Line

Union	Platte River	All
	Thompson River	All
Van Buren	Cedar Creek	All
	Des Moines River	All
Wapello	Des Moines River	All
Warren	Clanton Creek	West County Line to Mouth at Des Moines River
	Middle River	West County Line to Mouth at Des Moines River
	North River	All
	South River	All
	Whitebreast Creek	All
Washington	Camp Creek	North Line of S33,T77N,R7W to the Mouth at English River
	Clemons Creek	West Line of S9,T75N,R8W to the South Line S14,T75N,R8W
	Crooked Creek	East Line of S28,T76N,R9W to Henry County Line
	Dutch Creek	South Line of S21,T75N,R9W to the Mouth at the Skunk River
	East Fork, Crooked Creek	All
	English River	All
	Goose Creek	East County Line to East Line of S22,T76N,R6W
	Honey Creek	Lake Darling to Mouth at the Skunk River
	Iowa River	All
	Long Creek	East County Line to West Line of S26,T75N,R6W
	North Fork, Long Creek	East Line of S3,T75N,R7W to Mouth at Long Creek
	Skunk River	All
	Smith Creek	West County Line to Mouth at the English River
	South Fork, Long Creek	County Road W61 to Mouth at Long Creek
	Williams Creek	South County Line to Mouth at East Fork, Crooked Creek
Wayne	North Chariton River	Rathbun Lake to Hwy. 14
	South Chariton River	Rathbun Lake to County Road S56
Webster	Brushy Creek	North Line of S8,T88N,R27W to Mouth at the Des Moines River
	Deer Creek	North Line of S16,T90N,R29W to Mouth at the Des Moines River
	Des Moines River	All
	North Branch, Lizard Creek	West County Line to Mouth at Des Moines River
	Prairie Creek	West Line of S29,T88N,R28W to Mouth at the Des Moines River
Winnebago	Winnebago River	All
Winneshiek	Bear Creek	East Line, S25,T100N,R7W to East Line of S29,T100N,R7W
	Bohemian Creek	Mouth at Turkey River to West Line S18,T97N,R10W
	Canoe Creek	County Road W38 to West Line S8,T99N,R8W
	Casey Spring	Mouth in S25,T99N,R9W to West line S26,T99N,R9W
	Coldwater Creek	Mouth S32,T100N,R9W to North Line S11,T100N,R10W
	Coon Creek	Mouth S2,T98N,R7W to NW¼ S13,T98N,R7W
	Dry Run Creek	Mouth S17,T98N,R8W to West Line S36,T98N,R9W
	East Pine Creek	Mouth S28,T100N,R9W to North Line of S9,T100N,R9W
	Martha Creek	Mouth S6,T99N,R9W to West Line of S13,T99N,R10W
	Middle Bear Creek	Mouth S14,T100N,R7W to North Line S16,T100N,R7W
	Nichols Creek	Mouth S18,T100N,R10W to West Line S18,T100N,R10W
	North Bear Creek	Conf. w/South Bear Creek, S25,T100N,R7W to East Line of S10,T100N,R7W
	North Canoe Creek	Mouth S22,T99N,R8W to North Line S1,T99N,R8W
	Pine Creek	Mouth at Upper Iowa River to the North Line S7,T100N,R9W
	Pine Creek	Mouth at Canoe Creek to the North Line S21,T99N,R7W

	Paint Creek	East Line S13,T99N,R7W to West Line S11,T99N,R7W
	Silver Creek	Mouth at Upper Iowa River to North Line S26,T100N,R9W
	Smith Creek	Conf. w/Trout Creek in S21,T98N,R7W to South Line S33,T98N,R7W
	Ten Mile Creek	Mouth at Upper Iowa River to Conf. w/Walnut Creek at S18,T98N,R9W
	Trout Creek	Mouth at Upper Iowa River to Conf. w/Smith Creek at S21,T98N,R7W
	Trout Creek	Mouth at Upper Iowa River to East Line of S27,T98N,R8W
	Trout Run Creek	Road Crossing at NW¼ S1,T97N,R8W to Mouth at Trout Creek
	Twin Springs Creek	West Line of S17,T98N,R8W to Mouth at Upper Iowa River
	Upper Iowa River	All
Woodbury	Big Sioux River	All
	Floyd River	All
	Little Sioux River	All
	Maple River	All
	Missouri River	All
	West Fork, Little Sioux River	All
Worth	Beaver Creek	Hwy. 9 to Mouth at Winnebago River
	Deer Creek	County Road S56 to East County Line
	Elk Creek	Hwy. 105 to Mouth at Shell Rock River
	Shell Rock River	All
	Willow Creek	Hwy. 9 to Mouth at Winnebago River
	Winans Creek	Hwy. 9 to Mouth at Winnebago River
Wright	Boone River	All
	Eagle Creek	County Road R33 to South County Line
	East Fork, Iowa River	North County Line to Mouth at Iowa River
	Iowa River	South Line of S19,T93N,R23W to East County Line
	West Fork, Iowa River	North County Line to Mouth at Iowa River
	White Fox Creek	County Road R38 to South County Line

[**ARC 9224C**, IAB 5/14/25, effective 6/18/25]

571—49.4(462A) Motor vehicle prohibition in meandered streams. Motor vehicles shall not be operated in any part of the beds of meandered streams, including dry sandbars. Meandered streams are the following:

1. Des Moines River. From Mississippi River to west line of T95N, R32W, Palo Alto County, west branch, and north line of T95N, R29W, Kossuth County, east branch at a point near Algona.
2. Iowa River. From Mississippi River to west line T81N, R11W, Iowa County, due north of Ladora.
3. Cedar River. From Iowa River to west line T89N, R13W, Black Hawk County, at the east edge of Cedar Falls.
4. Raccoon River. From Des Moines River to west line of Polk County.
5. Wapsipinicon River. From Mississippi River to west line T86N, R6W, Linn County, northwest of Central City.
6. Maquoketa River. From Mississippi River to west line T84N, R3E, Jackson County, due north of Maquoketa.
7. Skunk River. From Mississippi River to north line of Jefferson County, at the southwest edge of Coppock.
8. Turkey River. From Mississippi River to west line T95N, R7W, Fayette County, northwest of Clermont.
9. Nishnabotna River. From Missouri River to north line T67N, R42W, Fremont County, northeast of Hamburg.

10. Upper Iowa River. From Mississippi River to west line Section 28, T100N, R4W, Allamakee County, about two and one-half miles upstream from its mouth.

11. Little Maquoketa River. From Mississippi River to west line Section 35, T90N, R2E, Dubuque County, about one mile upstream from its mouth.

[**ARC 9224C**, IAB 5/14/25, effective 6/18/25]

These rules are intended to implement Iowa Code chapter 462A.

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[Filed ARC 9224C (Notice ARC 8611C, IAB 1/8/25), IAB 5/14/25, effective 6/18/25]

CHAPTER 50
REGULATED VEHICLE, SNOWMOBILE AND VESSEL BONDING

[Prior to 12/31/86, Conservation Commission[290] Ch 50]

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/18/30

571—50.1(321G,321I) Definitions. For the purposes of this chapter, the following definitions shall apply:

"All-terrain vehicle" means the same as defined in Iowa Code section 321I.1.

"Department" means the department of natural resources.

"Off-road motorcycle" means the same as defined in Iowa Code section 321I.1.

"Off-road utility vehicle" means the same as defined in Iowa Code section 321I.1.

"Regulated vehicle" means all-terrain vehicles, off-road motorcycles, and off-road utility vehicles, either collectively or individually. For purposes of this chapter only, "regulated vehicle" shall also include a snowmobile.

"Snowmobile" means the same as defined in Iowa Code section 321G.1.

"Vessel" means the same as defined in Iowa Code section 462A.2.

"Watercraft" means the same as defined in Iowa Code section 462A.2. Docks, defined in and regulated by 571—Chapter 16, are not watercraft.

[**ARC 9225C**, IAB 5/14/25, effective 6/18/25]

DIVISION I
REGULATED VEHICLES

571—50.2(321G,321I) Bond required before issuance of title or registration.

50.2(1) *Procedures.* An applicant for certificate of title who cannot provide the supporting documents required in 571—Chapters 46 and 47 (implementing Iowa Code chapters 321G and 321I) shall be required to complete the following procedures as a condition to obtaining a title and registration. The procedures described are in addition to the regular procedures for titling and registering a regulated vehicle.

a. The applicant shall submit a request form to the department on a form provided by the department. The request form shall include a copy of the written proof of ownership at the time the vehicle was acquired.

b. The applicant shall contact the department and provide identifying information in regard to the regulated vehicle. The required identifying information shall include the manufacturer identification number; registration sticker (if affixed to the regulated vehicle); photographs of the regulated vehicle that show the front, rear, and one side of the regulated vehicle; and any additional information about the regulated vehicle as may be requested by the department. If no manufacturer identification number is currently affixed to the regulated vehicle, the applicant shall complete the department's procedure for obtaining such number, and the assigned number shall be affixed before the applicant may proceed with the registration application process set forth in this chapter.

50.2(2) *Investigation.* The department, upon receipt of sufficient identifying information from an applicant, shall:

a. Search the department's registration records to determine whether there is an owner of record for the regulated vehicle and whether the regulated vehicle has been reported stolen or embezzled;

b. If the department finds a record of prior ownership in the department's registration records, mail the release of ownership and rights to the regulated vehicle by first-class mail to the owner of record at the owner's last-known address. The notice shall state that the owner of record may assert the owner's right to claim the regulated vehicle.

50.2(3) *Letter of release.* Upon receipt of the letter of release by the last registered owner or legal representative, the department may:

a. Provide approval notification to the applicant and the county recorder that there is sufficient evidence to indicate that the applicant is the rightful owner and that there is no known unsatisfied security interest, so the regulated vehicle may be registered and titled in Iowa.

b. Notify the appropriate authorities of the owner's claim to the regulated vehicle. No further action will be completed by the department.

50.2(4) *Letter of release.*

a. If the department receives no response from the owner of record within 30 days after the date of mailing or if the post office returns the notice to the department as undeliverable, the department will continue processing the bond request.

b. The department will determine the current retail value for the same type of regulated vehicle for which the registration is being sought with documentation from J.D. Power (formerly the National Automobile Dealers Association, or NADA) or Kelley Blue Book or through competitive pricing found on the Internet, or the applicant may submit an appraisal of the regulated vehicle by a licensed regulated vehicle dealer.

(1) If the current retail value of the regulated vehicle is $1,000 or less as determined by the department and is over 15 years old, the department may allow the registration of the vehicle.

(2) If the current retail value of the regulated vehicle as determined by the department is more than $1,000, the department will notify the applicant that the following requirements are needed to proceed with the bonding process:

1. A completed registration application form (as provided by the department).
2. Inspection of the regulated vehicle by a representative of the department, with a signature required on the registration application form.
3. A complete surety bond form (as provided by the department).

50.2(5) *Approval.* If the department determines that the applicant has complied with this rule, that there is sufficient evidence to indicate that the applicant is the rightful owner, and that there is no known unsatisfied security interest, the department shall forward the original application to the county recorder and notify the applicant that the regulated vehicle may be registered and titled in Iowa.

50.2(6) *Disapproval.* If the department determines that the applicant has not complied with this rule, that there is sufficient evidence to indicate that the applicant may not be the rightful owner, that there is an unsatisfied security interest, or that the owner of record asserts a claim for the regulated vehicle, the department shall not authorize issuance of a certificate of title or registration receipt and shall notify the applicant in writing of the reason(s).

[**ARC 9225C**, IAB 5/14/25, effective 6/18/25]

DIVISION II
VESSELS

571—50.3(462A) Bond required before issuance of title or registration.

50.3(1) *Procedures.* An applicant for certificate of title who cannot provide the supporting documents required in 571—Chapters 46 and 47 (implementing Iowa Code chapters 321G and 321I) shall be required to complete the following procedures as a condition to obtaining a title and registration. The procedures described are in addition to the regular procedures for titling and registering a vessel.

a. The applicant shall submit a request form to the department on a form provided by the department. The request form shall include a copy of the written proof of ownership at the time the vessel was acquired.

b. The applicant shall contact the department and provide identifying information in regard to the vessel. The required identifying information shall include the manufacturer identification number; registration sticker (if affixed to the regulated vessel); photographs of the vessel that show the front, rear, and one side of the vessel; and any additional information about the vessel as may be requested by the department. If no manufacturer identification number is currently affixed to the vessel, the applicant shall complete the department's procedure for obtaining such number, and the assigned number shall be affixed before the applicant may proceed with the registration application process set forth in this chapter.

50.3(2) *Investigation.* The department, upon receipt of sufficient identifying information from an applicant, shall:

a. Search the department's registration records to determine whether there is an owner of record for the vessel and whether the vessel has been reported stolen or embezzled;

b. If the department finds a record of prior ownership in the department's registration records, mail the release of ownership and rights to the vessel by first-class mail to the owner of record at the owner's last-known address. The notice shall state that the owner of record may assert the owner's right to claim the vessel.

50.3(3) *Letter of release.* Upon receipt of the letter of release by the last registered owner or legal representative, the department may:

a. Provide approval notification to the applicant and the county recorder that there is sufficient evidence to indicate that the applicant is the rightful owner and that there is no known unsatisfied security interest, so the vessel may be registered and titled in Iowa.

b. Notify the appropriate authorities of the owner's claim to the vessel. No further action will be completed by the department.

50.3(4) *Letter of release.*

a. If the department receives no response from the owner of record within 30 days after the date of mailing or if the post office returns the notice to the department as undeliverable, the department will continue processing the bond request.

b. The department will determine the current retail value for the same type of vessel for which the registration is being sought with documentation from J.D. Power (formerly NADA) or Kelley Blue Book or through competitive pricing found on the Internet, or the applicant may submit an appraisal of the vessel by a licensed vessel dealer.

(1) If the current retail value of the vessel is $1,000 or less as determined by the department and is over 15 years old, the department may allow the registration of the vehicle.

(2) If the current retail value of the vessel as determined by the department is more than $1,000, the department will notify the applicant that the following requirements are needed to proceed with the bonding process:

1. A completed registration application form (as provided by the department).
2. Inspection of the vessel by a representative of the department, with a signature required on the registration application form.
3. A complete surety bond form (as provided by the department).

50.3(5) *Approval.* If the department determines that the applicant has complied with this rule, that there is sufficient evidence to indicate that the applicant is the rightful owner, and that there is no known unsatisfied security interest, the department shall forward the original application to the county recorder and notify the applicant that the vessel may be registered and titled in Iowa.

50.3(6) *Disapproval.* If the department determines that the applicant has not complied with this rule, that there is sufficient evidence to indicate that the applicant may not be the rightful owner, that there is an unsatisfied security interest, or that the owner of record asserts a claim for the vessel, the department shall not authorize issuance of a certificate of title or registration receipt and shall notify the applicant in writing of the reason(s).

[**ARC 9225C**, IAB 5/14/25, effective 6/18/25]

These rules are intended to implement Iowa Code sections 321I.31(9), 321G.29(9) and 462A.5A.

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TITLE V
MANAGEMENT AREAS AND PRACTICES

CHAPTER 51
GAME MANAGEMENT AREAS

[Prior to 12/31/86, Conservation Commission[290] Chs 1,2,4,8,9,24]

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/18/30

571—51.1(481A) Definitions.

"Blind" means a constructed place of ambush or concealment for the purpose of hunting, observing, or photographing any species of wildlife.

"Decoy" means a bird, or animal, or a likeness of one, used to lure game within shooting range.

"Horse" means any equine animal, including horses, mules, burros, donkeys, and all llamas or alpaca-like animals.

"Motor vehicle" means any self-propelled vehicle having at least three wheels and registered as a motor vehicle under Iowa Code chapter 321, 321G, or 321I.

"Person with a physical disability" means any of the following: an individual commonly termed a paraplegic or quadriplegic, with paralysis or a physical condition of the lower half of the body with the involvement of both legs, usually due to disease or injury to the spinal cord; a person who is a single or double amputee of the legs; or a person with any other physical affliction that makes it impossible to ambulate successfully without the use of a motor vehicle.

"Target shooting" means the discharge of a firearm for any reason other than the taking of, or attempting to take, any game birds, game animals, or furbearers.

[**ARC 9226C**, IAB 5/14/25, effective 6/18/25]

571—51.2(481A) Jurisdiction. All lands and waters under the jurisdiction of the department are established as game management areas under the provisions of Iowa Code section 481A.6. Use restrictions are established to protect the primary purpose of game management areas, which is to provide fish and wildlife habitat and associated fish- and wildlife-dependent recreation. In addition to the restrictions in this chapter, the department may close portions of game management areas to any use if hazardous or poor conditions warrant. Use restrictions in this chapter do not apply to department personnel, law enforcement officials, or other authorized persons engaged in research, management, or enforcement when in performance of their duties.

[**ARC 9226C**, IAB 5/14/25, effective 6/18/25]

571—51.3(481A) Use of firearms.

51.3(1) *Restrictions.* The use or possession of firearms on certain game management areas is restricted.

a. Target shooting with shotguns shooting shot is not restricted to a specific range, except as otherwise provided. Target shooters using shotguns with lead shot cannot discharge the shot over water.

b. Target shooting shall occur only on the designated and posted shooting range.

c. Any person target shooting with any type of handgun or any type of rifle, or shooting shotgun slugs through a shotgun, must fire through one of the firing tubes, if provided, or at the firing points on the rifle or pistol range.

d. It is a violation of these rules to place any target on the top of the earthen backstop or to fire at any target placed on top of the backstop.

e. The shotgun range, if provided, is restricted to the use of shotguns and the shooting of shotshells only.

f. Target shooting shall occur only between the hours of sunrise and sunset, unless otherwise posted.

g. No alcoholic beverages are allowed on the shooting range or adjacent parking area.

h. Target shooting is restricted to legal firearms and shall not be done with any fully automatic pistol, rifle, or shotgun of any kind. Armor piercing and tracer ammunition is prohibited.

i. Targets are restricted to paper or cardboard targets or metal silhouette-type targets. Metal targets must be placed a minimum of 15 yards from the firing point for handguns and 100 yards away from the firing point for rifles. No glass, plastic containers, appliances, or other materials may be used. Targets must be removed from the area after use or must be disposed of in trash receptacles if provided.

j. All requirements listed in this subrule shall apply to the following shooting ranges:

(1) Brushy Creek Area—Webster County.

(2) Hawkeye Wildlife Area—Johnson County.

(3) Hull Wildlife Area—Mahaska County.

(4) Mines of Spain—Dubuque County.

(5) Ocheyedan Wildlife Area—Clay County.

(6) Spring Run Wildlife Area—Dickinson County.

(7) Oyens Shooting Range—Plymouth County. The range is closed to the public except between 9 a.m. and sunset.

(8) McIntosh Wildlife Area—Cerro Gordo County. The use or possession of firearms, except shotguns shooting shot only, is prohibited.

51.3(2) *Use of paintball guns.* The use of any item generally referred to as a paintball gun is prohibited on all game management areas.

[**ARC 9226C**, IAB 5/14/25, effective 6/18/25]

571—51.4(481A) Use of horses on game management areas.

51.4(1) *Prohibition.* Horses are prohibited on all game management areas unless allowed by exception. This rule does not apply to state forests or state recreation areas.

51.4(2) *Exception for hunting and field trials.* Horses may be used on all game management areas for training raccoon hunting dogs from October 1 to February 1 and for hunting raccoons during open hunting seasons. Horses may be used for participating in authorized field trials, unless this activity is posted as prohibited.

51.4(3) *Exception for horseback riding.* Horseback riding is allowed on the following game management areas from May 25 to September 30 and is confined to existing roads or trails as posted:

a. Elk Grove Wildlife Area—Guthrie County.

b. Lennon Mills Wildlife Area—Guthrie County.

c. Marlow Ray Wildlife Area—Guthrie County.

d. Middle Raccoon River Wildlife Area—Guthrie County.

e. Sand Creek Wildlife Area—Decatur and Ringgold Counties.

f. Cardinal Marsh—Winneshiek County.

g. Hawkeye Wildlife Area—Johnson County.

h. Black Hawk Wildlife Area—Sac County.

i. Turkey River Wildlife Area—Howard County.

[**ARC 9226C**, IAB 5/14/25, effective 6/18/25]

571—51.5(481A) Dogs prohibited—exception. Dogs are prohibited on all state-owned game management areas between the dates of March 15 and July 15 each year. Training of dogs is permitted in designated training areas. Field and retriever meets are only permitted at designated sites and must have secured a permit as provided in Iowa Code section 481A.22 that shows the exact designated site of said meet, and all dogs shall be confined to that site.

[**ARC 9226C**, IAB 5/14/25, effective 6/18/25]

571—51.6(481A) Use of blinds and decoys on game management areas.

51.6(1) *Stationary blinds.* The construction and use of stationary blinds on all game management areas, except on Pool 14 downstream of the Upper Mississippi River National Wildlife and Fish Refuge (River Mile 502) near Princeton, Iowa, and on Pools 15, 16, 17, and 18 of the Mississippi River, are restricted as follows:

a. Construction. Any person may construct a stationary blind using only the natural vegetation found on the area. No trees or parts of trees other than willows may be cut for use in constructing a blind. No other man-made materials of any type may be used for building or providing access to a stationary blind.

b. Use of blinds. The use of any stationary blind that is constructed in violation of 51.6(1)*"a"* is prohibited.

c. Ownership of blinds. Any person who constructs or uses a stationary blind does not have any proprietary right-of-ownership to the blind.

51.6(2) *Portable blinds.* The construction and use of portable blinds on game management areas is restricted as follows:

a. Construction. A portable blind may be constructed of any natural or man-made material, as long as it is a self-contained unit capable of being readily moved from one site to another.

b. Prohibited use. Portable blinds shall be prohibited from one hour after sunset until midnight each day. Portable blinds that are built on, or are part of, a boat shall be considered as removed from an area when the boat and blind are tied up or moored at an approved access site. No boat shall be anchored away from shore and left unattended unless it is attached to a legal buoy.

c. Exception—tree blinds. Portable blinds placed in trees and used for purposes other than hunting waterfowl may be left on an area for a continuous period of time beginning seven days prior to the open season for hunting deer or turkey and ending seven days after the final day of that open season. Portable blinds left on game management areas do not guarantee the owner exclusive use of the blind when unattended, or exclusive use of the site.

d. Protection of trees. The use of any spike, nail, pin, or other object that is driven or screwed into a tree is prohibited.

51.6(3) *Use of decoys.* The use of decoys on any game management area, except on Pool 14 downstream of the Upper Mississippi River National Wildlife and Fish Refuge (River Mile 502) near Princeton, Iowa, and on Pools 15, 16, 17, and 18 of the Mississippi River, is restricted as follows:

Decoys are prohibited from one hour after sunset until midnight each day, and decoys cannot be left unattended for over 30 minutes between midnight and one hour after sunset. Decoys are considered removed from an area when they are picked up and placed in a boat, vehicle or other container at an approved access site.

51.6(4) *Use of stationary blinds and waterfowl decoys on Pool 14 downstream of the Upper Mississippi River National Wildlife and Fish Refuge (River Mile 502) near Princeton, Iowa, and on Pools 15, 16, 17, and 18 of the Mississippi River.* The use of stationary blinds for waterfowl hunting on Pool 14 downstream of the Upper Mississippi River National Wildlife and Fish Refuge (River Mile 502) near Princeton, Iowa, and on Pools 15, 16, 17, and 18 of the Mississippi River is restricted as follows:

a. Registration. Hunters must register their blind site with the department of natural resources. Registration will be held annually in August. Registration is for a five-year period and requires payment of a fee of $100. The blind registration number must be visibly posted at the blind's entrance.

b. Construction. Blinds must have minimum dimensions of 4 feet by 8 feet and not greater than 500 square feet of floor space, not including a boat hide. The blind must be constructed of biodegradable materials, including nontreated dimensional lumber and nontreated plywood, unless the blind will be removed at the end of the waterfowl season. The use of metal or nylon fasteners, including but not limited to nails, screws, lag bolts, staples and ties, is allowed. Treated lumber, treated plywood, woven wire, chicken wire, cattle panels, tin and sheet metal, vinyl and plastic, and other nonbiodegradable materials are not allowed unless those materials or the entire blind is removed within three days after the close of the waterfowl season.

c. Tree and brush removal. The removal of brush or trees, except willows, surrounding any blind is prohibited. Willows and annual vegetation from the blind site may be used to cover the blind.

d. Occupation of blinds. Registrants must occupy their blind site by the opening of shooting time each day to claim the blind site for that day. After that time, unoccupied blind sites will be available to any other hunters. No person may claim or attempt to claim a blind that is legally occupied. No person may harass, in any manner, the occupants of a blind that is legally occupied.

e. Locking blinds. Locking of any blind is prohibited.

f. Decoys. Decoys may be left out for the entire waterfowl season but must be picked up and removed from the area within three days after the close of the waterfowl season. All jugs and other floating devices used to attract waterfowl are considered decoys.
[**ARC 9226C**, IAB 5/14/25, effective 6/18/25]

571—51.7(481A) Trapping on game management areas—marking trap sites. The placement of traps, stakes, flags, markers, or any other item or device to be used for trapping furbearers, or to mark or otherwise claim any site for trapping furbearers on game management areas, is prohibited, except during the open season for taking furbearers other than coyote or raccoon.
[**ARC 9226C**, IAB 5/14/25, effective 6/18/25]

571—51.8(481A) Motor vehicle restrictions. The use of motor vehicles on all game management areas is restricted.

51.8(1) *Roads and parking lots.* Except as otherwise provided in these rules, motor vehicles are prohibited on game management areas except on constructed and designated roads and parking lots.

51.8(2) *Use of motor vehicles by persons with a physical disability.* Persons with a physical disability may use certain motor vehicles to access specific areas in game management areas, according to restrictions set out in this subrule or otherwise provided for by the department's other power-driven mobility device (OPDMD) processes, in order to enjoy the same recreational opportunities available to others.

a. Reasonable accommodations. Each person with a physical disability or mobility impairment may request a reasonable accommodation to game management area staff in order to use an OPDMD within game management areas. Reasonable accommodation requests are considered on a case-by-case basis based on the facts and circumstances and considering need, protection of the permit holder, protection of other users, and protection of natural resources consistent with relevant state and federal law.

b. Permits. Persons with a physical disability or mobility impairment must have a permit issued by game management area staff in order to use a motor vehicle in specific, approved areas within game management areas. One companion may accompany the OPDMD user on the same vehicle if that vehicle is designed for more than one rider; otherwise, the companion must walk.

c. Exclusive use. The issuance of a permit does not imply that the permittee has exclusive or indiscriminate use of an area. Permittees shall take reasonable care not to unduly interfere with the use of the area by others.

d. Prohibited acts. Except as provided in 51.8(1), the use of a motor vehicle on any game management area by a person without a valid permit, or at any site not approved on a signed map, is prohibited. Permits and maps must be carried by the permittee at any time the permittee is using a motor vehicle on a game management area and must be exhibited to any department employee or law enforcement official upon request.

e. Shooting from motor vehicle. Except where prohibited by law, a person with a physical disability or mobility impairment meeting the conditions of this rule may shoot from a stationary motor vehicle.
[**ARC 9226C**, IAB 5/14/25, effective 6/18/25]

571—51.9(481A) Use of nontoxic shot on wildlife areas. It shall be unlawful to hunt any migratory game bird or resident game or furbearers, except deer and turkeys, or target shoot with a shotgun while having in one's possession any shot other than nontoxic shot approved by the U.S. Fish and Wildlife Service on the following wildlife areas:

County	Wildlife Area
Benton	Iowa River Corridor
Boone	Harrier Marsh
Buena Vista	All state and federal areas
Calhoun	South Twin Lake
Cerro Gordo	All state and federal areas
Clay	All state and federal areas except the Ocheyedan wildlife area target shooting range

County	Wildlife Area
Dickinson	All state and federal areas except the Spring Run target shooting range
Emmet	All state and federal areas
Franklin	All state and federal areas
Greene	All state and federal areas except Rippey Access and McMahon Access
Guthrie	McCord Pond, Lakin Slough and Bays Branch
Hamilton	Little Wall Lake, Gordon Marsh and Bauer Slough
Hancock	All state and federal areas
Humboldt	All state and federal areas
Iowa	Iowa River Corridor
Jasper	Chichaqua
Kossuth	All state and federal areas
Osceola	All state and federal areas
Palo Alto	All state and federal areas
Pocahontas	All state and federal areas except Kalsow Prairie
Polk	Paul Errington Marsh and Chichaqua
Sac	All state and federal areas except White Horse Access and Sac City Access
Story	Hendrickson Marsh and Colo Bog
Tama	Iowa River Corridor
Winnebago	All state and federal areas
Worth	All state and federal areas
Wright	All state and federal areas

[**ARC 9226C**, IAB 5/14/25, effective 6/18/25]

571—51.10(481A) Rock climbing and rappelling. Rock climbing and rappelling are prohibited at all game management areas except at Indian Bluffs and Pictured Rocks wildlife management areas, Boone Forks wildlife management area only on the abandoned railroad bridge piers, and those authorized by 571—subrule 61.10(12). No one shall place bolts, pitons, or similar anchoring devices at Indian Bluffs or Pictured Rocks unless authorized to do so by the wildlife biologist in charge of the area.
[**ARC 9226C**, IAB 5/14/25, effective 6/18/25]

571—51.11(481A) Camping restrictions. Primitive camping is allowed on all game management areas for a period not to exceed 14 days of consecutive use, unless specific restrictions are posted on site. The department may prohibit or restrict camping at any game management area by the posting of signs stating the applicable restrictions.
[**ARC 9226C**, IAB 5/14/25, effective 6/18/25]

These rules are intended to implement Iowa Code sections 456A.24(2) and 481A.6.

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CHAPTER 52
WILDLIFE REFUGES

[Prior to 12/31/86, Conservation Commission[290] Chs 3,7,46]

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/18/30

571—52.1(481A) Established. State-owned lands and water under the jurisdiction of the department of natural resources may be established as wildlife refuges or sanctuaries for the purpose of preserving the biological balance pursuant to the provisions of Iowa Code section 481A.39; for the protection of public parks and public health, safety and welfare; and to effect sound wildlife management.

52.1(1) *State parks, recreation areas and preserves.* State parks, recreation areas, and preserves listed on the department's website at www.iowadnr.gov/things-do/hunting-trapping/hunting-regulations-laws are established as wildlife refuges, except where posted as open to public hunting.

52.1(2) *Wildlife refuges.* Areas listed on the department's website at www.iowadnr.gov/things-do/hunting-trapping/hunting-regulations-laws are established as wildlife refuges where posted. It is unlawful to hunt, pursue, kill, trap, or take any wild animal, bird, or game on these areas at any time, and no one shall carry firearms thereon, except where and when specifically authorized by the department. It is unlawful to trespass in any manner on these areas, where posted, during the dates posted, both dates inclusive, except that department personnel, law enforcement officials, and other persons specifically authorized by the department may enter the area at any time in performance of their duties, and hunters, under the supervision of department staff, may enter the area when specifically authorized by the department.

52.1(3) *Waterfowl refuges.* Areas listed on the department's website at www.iowadnr.gov/things-do/hunting-trapping/hunting-regulations-laws are established as waterfowl refuges where posted. It is unlawful to hunt ducks and geese on these areas, where posted, at any time during the year. It is unlawful to trespass in any manner on these areas, where posted, during the dates posted, both dates inclusive, except that department personnel, law enforcement officials, and other persons specifically authorized by the department may enter the area at any time in performance of their duties, and hunters, under the supervision of department staff, may enter the area when specifically authorized by the department.

52.1(4) *Restricted areas.* It is unlawful to trespass in any manner on areas posted as restricted areas, except that department personnel, law enforcement officials, and other persons specifically authorized by the department may enter the area at any time in performance of their duties.

This rule is intended to implement Iowa Code sections 481A.5, 481A.6, 481A.9 and 481A.39.

[**ARC 9227C**, IAB 5/14/25, effective 6/18/25]

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[1] Effective date of 52.1(1) “Mines of Spain”(7/31/91) delayed 70 days by the Administrative Rules Review Committee at its meeting held 7/12/91.

CHAPTER 53
CONTROLLED HUNTING AREAS

[Prior to 12/31/86, Conservation Commission[290] Chs 14 and 15]

Rescinded **ARC 1755C**, IAB 12/10/14, effective 1/14/15

CHAPTER 54
RESTRICTIONS ON REMOVAL OF PLANT LIFE

[Prior to 12/31/86, Conservation Commission[290] Ch 47]

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/18/30

571—54.1(461A) Mushrooms and asparagus. The public may harvest mushrooms and asparagus on lands under the jurisdiction of the natural resource commission during the hours the areas are open to the public.

[**ARC 9228C**, IAB 5/14/25, effective 6/18/25]

571—54.2(461A) Fruit. Lands under the jurisdiction of the commission shall be open for the harvesting of all varieties of nuts, fruits, and berries unless signs are posted prohibiting such activity. Nut, fruit, and berry gathering shall be permitted only during the hours the areas are open to the public and shall not be permitted in state preserves unless allowed by the preserve's management plan.

[**ARC 9228C**, IAB 5/14/25, effective 6/18/25]

571—54.3(461A) American ginseng. The harvesting of American ginseng (*Panax quinquefolius*) is subject to regulation by 571—Chapter 78.

[**ARC 9228C**, IAB 5/14/25, effective 6/18/25]

571—54.4(461A) Trees. The commercial harvest of trees from lands under the jurisdiction of the commission shall be done in accordance with 561—8.5(17A,456A,461A) and 561—8.6(455B), according to the department's Forest Ecosystem Management Guide, approved by the commission on December 8, 1994, and hereby adopted by reference.

[**ARC 9228C**, IAB 5/14/25, effective 6/18/25]

571—54.5(461A) Aquatic plants. This rule applies to the removal of plants in public waters as those waters are defined by rule 571—13.2(455A,461A,462A). For purposes of this rule, aquatic plants include vegetation that exists at or below the ordinary high-water line of a waterway.

54.5(1) *Permits.*

a. The department may issue permits for the removal of aquatic plants in public waters. To be considered for a permit under this rule, applicants shall use the department's application form for sovereign lands construction permits, as described in 571—13.9(455A,461A,462A), and complete all relevant information on that application form. Applicants shall also provide any additional information as may be necessary, as described in 571—13.10(455A,461A). The term of the permit shall be stated in the permit. Permits are nontransferable and are subject to reevaluation upon expiration. Permits may be issued for between one and five years.

b. Cities and counties in Iowa may use chemicals, including herbicides, to remove aquatic vegetation from water intake structures. Such cities and counties shall be required to obtain a permit under this rule unless operating under a vegetation management plan approved by the director. Permits under 567—Chapter 66 may be required separately. Additionally, a certified aquatic applicator is required to conduct all such use of chemicals, and any application is subject to the terms of a vegetation management plan approved by the director. Issuance of such permits and approval of a vegetation management plan is at the sole discretion of the department.

54.5(2) *Evaluation.* The department shall evaluate all permits sought under this rule in accordance with the evaluation criteria enumerated in 571—13.6(455A,461A,462A). In addition, the department shall consider the following criteria for aquatic plant removal:

a. The plants shall be removed by hand-cutting, hand-pulling, hand-raking or mechanical cutting only;

b. The plants shall be removed to establish a designated travel lane from a boat dock that has been permitted in accordance with 571—Chapter 16. Such travel lane shall not exceed a 15-foot width, and the placement of such lane shall be subject to the review and approval of the department. A travel lane allowed under this rule may be in the same location during the term of the permit, may be sited by the department to

accommodate vegetation, and may not necessarily be the most direct path from the dock to the open water area; and

c. All plant material removed under the permit must be left in place or collected and composted on the land owned, leased or otherwise subject to use by the applicant that is adjacent to the removal area.

d. Unless otherwise provided by this rule, in no event may a person be allowed to apply chemicals including, without limitation, herbicides to remove aquatic plants from public waters. For nonpublic waters that meet certain designations in 567—Chapter 66, a person may be required to seek a permit under the rules established herein to use herbicides.

54.5(3) *Inspection requirements.* For the purpose of inspecting for compliance with permit conditions, the department shall have the right to enter the property attached to the public water at or near the place of removal. This inspection shall include, without limitation, identification of introduced species, a determination as to whether the travel lane is being maintained in accordance with the permit conditions, and whether removed plant material is left on site.

54.5(4) *Violations.* Persons in violation of this rule or who introduce aquatic plants to public waters are guilty of a simple misdemeanor as described by Iowa Code section 461A.57.

54.5(5) *Exceptions.*

a. A dock permittee whose dock meets the conditions of 571—16.4(461A,462A), 571—16.6(461A,462A), or 571—16.7(461A,462A) may remove aquatic vegetation without a permit if the aquatic vegetation:

(1) Creates a hazardous or detrimental condition in the boating area around the dock, or

(2) Covers a minimum of 75 percent of the boating area around the dock.

b. A dock permittee meeting one of the exceptions in 54.5(5)*"a"* must verify at inspection that the dock meets the criteria for a Class I, Class II or Class III dock permit and is limited to the following:

(1) Removal of vegetation in a 20-foot radius around the dock;

(2) Removal of a hazardous or detrimental condition when it interferes with safe boating passage and is located within the boating area around the dock;

(3) Creation of a 15-foot-wide boating pathway utilizing a direct route from the dock to open water;

(4) Adherence to the requirement to leave the vegetation in place or collect and compost it on land that is owned, leased or otherwise subject to use by the dock permittee and is adjacent to the removal area; and

(5) Removal of the vegetation by hand-cutting, hand-pulling, hand-raking or mechanical cutting devices, excluding automated plant control devices that disturb the bottom substrate.

[**ARC 9228C**, IAB 5/14/25, effective 6/18/25]

These rules are intended to implement Iowa Code sections 456A.24, 461A.35, and 461A.42.

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CHAPTER 55
NONPERMANENT STRUCTURES

[Prior to 12/31/86, Conservation Commission[290] Ch 44]

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/18/30

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.

[**ARC 9229C**, IAB 5/14/25, effective 6/18/25]

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CHAPTER 56
SHOOTING SPORTS GRANT PROGRAM

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/18/30

571—56.1(456A,481A) Purpose. The purpose of the shooting sports development grant is to provide state cost sharing to eligible applicants for the creation of new shooting ranges and improvement of existing shooting ranges and facilities. The purpose of the shooting sports equipment grant is to provide state cost sharing to eligible applicants for the purchase or improvement of shooting range equipment. The department of natural resources shall administer this program.
[**ARC 9230C**, IAB 5/14/25, effective 6/18/25]

571—56.2(462A) Definitions.

"Commission" means the same as defined in Iowa Code section 481A.1.

"Committee" means the review and selection committee established in 56.6(1).

"Department" means the same as defined in Iowa Code section 481A.1.

"Director" means the same as defined in Iowa Code section 481A.1.
[**ARC 9230C**, IAB 5/14/25, effective 6/18/25]

571—56.3(456A,481A) Eligibility requirements. The applicant must submit an application and all supporting documents in a timely manner.

56.3(1) *Applicant requirements.* The entity submitting the application must meet the requirements of this subrule. The entity must:

a. Allow public access;

b. Be free of any unresolved close-out issues on prior grant projects;

c. Ensure that the shooting range will be located on property owned by the applicant or that the property is enrolled in a long-term lease of at least 25 years;

d. Have liability insurance unless not required by law; and

e. Make the range available for department hunter education courses, department hunter and recreational shooter recruitment efforts, department archery programs, and Scholastic Clay Target Program and Scholastic Action Shooting Program activities.

56.3(2) *Eligible entities.* The following entities are eligible to apply for development grants:

a. Iowa-based shooting sports organizations.

b. Iowa primary and secondary public and private schools.

c. Iowa public and private colleges and universities.

d. Iowa nonprofit corporations.

e. Public ranges not owned by the state.

f. City park and recreation agencies, or county governments.

56.3(3) *Ineligible entities.* Privately owned for-profit ranges and state-owned-and-operated public ranges are not eligible for development grants.
[**ARC 9230C**, IAB 5/14/25, effective 6/18/25]

571—56.4(456A,481A) Maximum grant amounts. The following are the maximum grant request amounts established for the development and equipment grant programs:

56.4(1) The maximum grant request amount for development grants is $50,000 per project with at least a 25 percent match as described in 56.5(3).

56.4(2) There is no maximum grant request amount for equipment grants, but a 50 percent match is required as described in 56.5(3).
[**ARC 9230C**, IAB 5/14/25, effective 6/18/25]

571—56.5(456A,481A) Grant application submissions.

56.5(1) *Form of application.* Grant applications shall be on forms provided by the department and shall follow guidelines provided by the department.

56.5(2) *Application deadline.* Grant applications (one original and five copies) must be received by the department by February 1.

56.5(3) *Match and local funding.* Applicants are expected to finance 25 percent of development grant projects or 50 percent of equipment grant projects, either through cash, donated materials and labor, or another preapproved in-kind match. An applicant shall certify that it has committed its match before the 90 percent up-front grant payment will be made pursuant to 571—56.11(456A,481A). A letter of intent signed by the mayor, the chairperson of the board of supervisors, the chairperson of the county conservation board, or the CEO or chief financial officer of an agency, organization, or corporation and submitted with the application showing intent to include matching funds in finalized budgets will be accepted as proof of commitment. Applicants must forward proof of local funding to the department by June 1. If proof of local funding is not submitted, the application will be removed from the list of approved projects.

56.5(4) *Competitive bids.* Any development or equipment grant expense of more than $15,000 that is funded by grant dollars must be purchased through a competitive bid or quotation process. Records of such processes must be submitted with close-out documentation. Items purchased by any other means are not reimbursable under the grant.

[**ARC 9230C**, IAB 5/14/25, effective 6/18/25]

571—56.6(456A,481A) Grant project review and selection.

56.6(1) *Review and selection committee.* The review and selection committee shall be comprised of six members appointed by the director. The committee shall review and evaluate grant applications and determine final project approval to be recommended to the commission. Three members shall be department staff, and three members shall be from the public/private sector and shall be appointed based upon their expertise and interest in one of the three shooting sports of rifle/handgun, shotgun, and archery.

56.6(2) *Conflict of interest.* If a grant project is submitted to the committee by an entity with a member or employee on the committee, that committee member shall not participate in discussion and shall not vote on that particular project.

56.6(3) *Consideration withheld.* The committee will not consider any application that, on the date of the selection session, is not complete or for which additional pertinent information has been requested and not received. The committee will not consider any application from an entity that, on the date of the selection session, has not demonstrated compliance with or does not have a reasonable plan for achieving compliance with the requirements of Iowa Code section 657.9.

56.6(4) *Application rating system.* The committee will apply a numerical rating system to each grant application that is considered for funding. The criteria and maximum number of points are as follows:

a. Overall program strength and feasibility—30 points.
b. Education—30 points.
c. Proximity to other public ranges—25 points.
d. Range capacity—15 points.
e. Project type—10 points.

56.6(5) *Rating of scores for tiebreakers.* If two or more projects receive the same score, the committee shall use the points awarded for overall program strength and feasibility (56.6(4)*"a"*) to determine which project has a higher rank.

[**ARC 9230C**, IAB 5/14/25, effective 6/18/25]

571—56.7(456A,481A) Commission review. The commission will review and act upon all committee recommendations at the next scheduled commission meeting. The commission may reject any grant application selected for funding. Applicants shall be notified of their grant status in writing within 30 days after the commission meeting.

[**ARC 9230C**, IAB 5/14/25, effective 6/18/25]

571—56.8(456A,481A) Appeals. Unfunded applicants may appeal the commission's decision to the director within five days of receipt of the commission's decision. A letter of appeal shall be sent to the director of the department. Before making a final decision as to the grant award, the director shall review the application, committee score sheets and commission minutes.

[**ARC 9230C**, IAB 5/14/25, effective 6/18/25]

571—56.9(456A,481A) Grant amendments. Grant amendments may be made upon request by the applicant, subject to the availability of funds and approval by the director or the director's designee.
[**ARC 9230C**, IAB 5/14/25, effective 6/18/25]

571—56.10(456A,481A) Timely commencement of projects. Grant recipients are expected to carry out their projects in an expeditious manner. Projects shall be initiated no later than two months following their approval by the committee and shall be completed no later than June 30 of the year following the grant award. Failure to initiate projects in a timely manner may be cause for termination of the agreement and cancellation of the grant.
[**ARC 9230C**, IAB 5/14/25, effective 6/18/25]

571—56.11(456A,481A) Payments. Ninety percent of approved grant funding may be paid to project grantees when requested, but no earlier than the start-up date of the project. Ten percent of the grant total shall be withheld by the department, pending successful completion of the project and final site inspection, or until any irregularities discovered as a result of the final site inspection have been resolved.

56.11(1) *Expense documentation, balance payment or reimbursement.* Documentation of expenditures eligible for prepayment or reimbursement shall be submitted on forms provided by the department and shall be accompanied by applicable receipts showing evidence that the expense is necessary and reasonably related to the creation of a new shooting range or to the improvement of an existing shooting range or facility. The grantee shall sign a certification stating that all expenses for which reimbursement is requested are related to the project and have been paid by the grantee prior to requesting reimbursement. The grantee shall provide copies of evidence or documents to verify that expenses were made.

56.11(2) *Reasonable costs.* For purposes of this rule, expenses that are necessary and reasonably related to the creation of a new shooting range or to the improvement of an existing shooting range or facility include, without limitation: (1) costs associated with the lease or acquisition of real property used for the project; (2) personal property acquired for use in the project; (3) management and maintenance costs associated with the project; and (4) if applicable, costs of the actual equipment approved as the funded project and associated delivery costs, as well as the management and maintenance costs associated with such equipment. However, in no event shall funds awarded under this program be used to cover costs associated with employment or personnel costs of the grant recipient, including salaries and benefits. Those costs, however, may be used to meet the match requirement described in 56.5(3).
[**ARC 9230C**, IAB 5/14/25, effective 6/18/25]

571—56.12(456A,481A) Recordkeeping and retention. Grant recipients shall keep adequate records relating to the administration of the project, particularly relating to all incurred expenses. These records shall be available for audit by representatives of the department and the state auditor's office for a period of three years following the close of the grant. All records shall be retained in accordance with state laws.

56.12(1) *Definition of records.* Records include but are not necessarily limited to invoices, canceled checks, bank statements, and bid and quote documentation.

56.12(2) *Annual reports.* Grant recipients shall submit on forms provided by the department an annual report for five years following the close of the grant.

56.12(3) *Final performance reports.* At the conclusion of the project agreement, grant recipients shall submit on forms provided by the department a final performance report.
[**ARC 9230C**, IAB 5/14/25, effective 6/18/25]

571—56.13(456A,481A) Project life and recovery of grant funds. Applicants shall state an expected project life of at least ten years, which will become part of the project agreement. Should the funded project cease to be used for public recreation before the end of the stated project life, the director may seek to recover the remaining value of the grant award.
[**ARC 9230C**, IAB 5/14/25, effective 6/18/25]

571—56.14(456A,481A) Unlawful use of grant funds. Unlawful use of grant funds includes whenever any property, real or personal, acquired or developed with grant funds under this program passes from the control of the grantee or is used for purposes other than the approved project.

[**ARC 9230C**, IAB 5/14/25, effective 6/18/25]

571—56.15(456A,481A) Remedy. Grant funds used without authorization for purposes other than the approved project, or unlawfully, must be returned to the department for deposit in the account supporting this program. In the case of diversion of personal property, the grantee shall remit to the department funds in the amount of the original purchase price of the property. The grantee shall have a period of three months after notification from the department in which to correct the unlawful use of funds. The remedy provided in this rule is in addition to others provided by law.
[**ARC 9230C**, IAB 5/14/25, effective 6/18/25]

571—56.16(456A,481A) Ineligibility. Whenever the director determines that a grantee is in violation of these rules, that grantee shall be ineligible for further assistance until the matter has been resolved to the satisfaction of the director.
[**ARC 9230C**, IAB 5/14/25, effective 6/18/25]

These rules are intended to implement Iowa Code sections 456A.30 and 481A.17.

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CHAPTERS 57 to 60
Reserved

TITLE VI
PARKS AND RECREATION AREAS

CHAPTER 61
STATE PARKS, RECREATION AREAS, AND STATE FOREST CAMPING

[Prior to 12/31/86, Conservation Commission[290] Ch 45]

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/5/29

571—61.1(461A) Definitions.

"Bank" or *"shoreline"* means the zone of contact of a body of water with the land and an area within 25 feet of the water's edge.

"Basic unit" or *"basic camping unit"* means the portable shelter used by one to six persons.

"Beach" means the same as defined in rule 571—64.1(461A).

"Beach house open shelter" means a building located on the beach that is open on two or more sides and that may or may not have a fireplace.

"Cabin" means a dwelling available for rental on a nightly or weekly basis. Cabins may or may not contain restroom and kitchen facilities.

"Camping" means erecting a tent, hammock, or shelter of natural or synthetic material; placing a sleeping bag or other bedding material on the ground; or parking a motor vehicle, motor home, or trailer for the apparent purpose of overnight occupancy.

"Centralized reservation system" means a system that processes reservations using more than one method to accept reservations. Each method simultaneously communicates to a centralized database at a reservation contractor location to ensure that no campsite or rental facility is booked more than once.

"Chaperoned, organized youth group" means a group of persons 17 years of age and under that is sponsored by and accompanied by adult representatives of a formal organization, including but not limited to the Scouting America or Girl Scouts of America, a church, or a Young Men's or Young Women's Christian Association. "Chaperoned, organized youth group" does not include family members of a formal organization.

"Fishing" means the same as described in Iowa Code sections 481A.72, 461A.42 and 481A.76.

"Free climbing" means climbing with the use of hands and feet only and without the use of ropes, pins and other devices normally associated with rappelling and rock climbing.

"Group camp" means the camping area at Lake Keomah State Park where organized groups (e.g., family groups or youth groups) may camp. Dining hall facilities are available.

"Immediate family" means spouses, parents or legal guardians, domestic partners, dependent children and grandparents.

"Lodge" means a day-use building that is enclosed on all four sides and may have kitchen facilities such as a stove or refrigerator and that is available for rent on a daily basis. "Lodge" does not include buildings that are open on two or more sides and that contain fireplaces only.

"Modern area" means a camping area that has showers and flush toilets.

"Nonmodern area" means a camping area in which no showers are provided and that contains only pit-type latrines or flush-type toilets. Potable water may or may not be available to campers.

"Open shelter" means a building that is open on two or more sides and that may or may not include a fireplace.

"Open shelter with kitchenette" means a building that is open on two or more sides and contains a lockable, enclosed kitchen area.

"Organized youth group campsite" means a designated camping area within or next to the main campground where chaperoned, organized youth groups may camp.

"Person with a physical disability" means any of the following: an individual, commonly termed a paraplegic or quadriplegic, with paralysis or a physical condition of the lower half of the body with the involvement of both legs, usually due to disease or injury to the spinal cord; a person who is a single or double amputee of the legs; or a person with any other physical affliction that makes it impossible to ambulate successfully in park or recreation area natural surroundings without the use of a wheeled conveyance.

"Possession" means the same as defined in Iowa Code section 481A.1(27).

"Prohibited activity" means any activity other than fishing as defined in this chapter including, but not limited to, picnicking and camping.

"Property" means personal property such as goods, money, or domestic animals.

"Recreation areas" means the following areas that have been designated by action of the commission:

Area	County
Badger Creek Recreation Area	Madison
Brushy Creek Recreation Area	Webster
Clair Wilson Park	Dickinson
Emerson Bay and Lighthouse	Dickinson
Fairport Recreation Area	Muscatine
Lower Gar Access	Dickinson
Marble Beach	Dickinson
Mines of Spain Recreation Area	Dubuque
Pilot Knob State Recreation Area	Winnebago
Pleasant Creek Recreation Area	Linn
Templar Park	Dickinson
Volga River Recreation Area	Fayette
Wilson Island Recreation Area	Pottawattamie

These areas are managed for multiple uses, including public hunting, and are governed by rules established in this chapter as well as in 571—Chapters 51 and 105.

"Refuse" means trash, garbage, rubbish, waste papers, bottles or cans, debris, litter, oil, solvents, liquid or solid waste or other discarded material.

"Rental facilities" means facilities that may be rented on a daily or nightly basis and includes open shelters, open shelters with kitchenettes, beach house open shelters, warming lodges, lodges, cabins, yurts and group camps.

"Reservation window" means a rolling period of time in which a person may reserve a campsite or rental facility.

"Scuba diving" means swimming with the aid of self-contained underwater breathing apparatus.

"State park" means areas managed by the state and designated by action of the commission and listed on the department's website at www.iowadnr.gov. Use and management of these areas are governed by Iowa Code chapter 461A and by other restrictions prescribed on area signs pursuant to Iowa Code section 461A.44.

"State park managed by another governmental entity" means areas designated by action of the commission and listed on the department's website at www.iowadnr.gov. Use and management of these areas are governed by Iowa Code chapter 461A, by this chapter, and by rules adopted by the managing entity.

"State preserve" means the areas or portions of the areas dedicated by actions pursuant to Iowa Code section 465C.10 and listed on the department's website at www.iowadnr.gov.

"Swim" or *"swimming"* means to propel oneself in water by natural means, such as movement of limbs, and includes but is not limited to wading and the use of inner tubes or beach toy-type swimming aids.

"Walk-in camper" means a person arriving at a campground without a reservation and wishing to occupy a first-come, first-served campsite or unrented, reservable campsite.

"Yurt" means a one-room circular fabric structure built on a platform that is available for rental on a nightly or weekly basis.

[**ARC 7913C**, IAB 5/1/24, effective 6/5/24; **ARC 9231C**, IAB 5/14/25, effective 6/18/25]

571—61.2(461A) Centralized reservation system. The centralized reservation system of the department accepts and processes reservations for camping, rental facilities, and other special privileges in state parks, recreation areas, and state forests. The system is accessible through the department's website at www.iowadnr.gov. The operating policies and procedures for the centralized reservation system are available upon request.

[**ARC 7913C**, IAB 5/1/24, effective 6/5/24]

571—61.3(461A) Camping in state parks and recreation areas.

61.3(1) *Procedures for camping registration.*

a. Registration of walk-in campers occupying nonreservable campsites or unrented, reservable campsites will be on a first-come, first-served basis and will be handled by a self-registration process. Registration forms will be provided by the department. Campers shall, within one-half hour of arrival at the campground, complete the registration form, place the appropriate fee in the envelope and place the envelope in the depository provided by the department. One copy of the registration form must then be placed in the campsite holder provided at the campsite. The camping length of stay identified on the camping registration form must begin with the actual date the camper registers, pays and posts the registration at the campsite.

b. Campsites are considered occupied and registration for a campsite shall be considered complete when the requirements of paragraph 61.3(1)*"a"* have been met.

c. Campsite registration must be in the name of a person 18 years of age or older who will occupy the camping unit on that site for the full term of the registration.

61.3(2) *Organized youth group campsite registration.*

a. Registration procedures for organized youth group campsites shall be governed by paragraphs 61.3(1)*"a,"* *"b"* and *"c."*

b. A chaperoned, organized youth group may choose to occupy campsites not designated as organized youth group campsites. However, the group is subject to subrules 61.3(1), 61.3(3) and 61.3(5) pertaining to the campsite the group wishes to occupy.

61.3(3) *Restrictions on campsite/campground use.* This subrule sets forth conditions of public use that apply to all state parks and recreation areas. Specific areas as listed in subrule 61.3(4), rule 571—61.10(461A) and rule 571—61.13(461A) are subject to additional restrictions or exceptions. The conditions in this subrule are in addition to specific conditions and restrictions set forth in Iowa Code chapter 461A.

a. No more than six persons shall occupy a campsite except for the following:

(1) Families that exceed six persons may be allowed on one campsite if all members are immediate family and cannot logically be split to occupy two campsites.

(2) Campsites that are designated as chaperoned, organized youth group campsites.

b. Camping is restricted to one basic unit per site except that a small tent or hammock may be placed on a site with the basic unit.

c. Each camping group shall utilize only the electrical outlet fixture designated for its particular campsite.

d. Each camping group will be permitted to park one motor vehicle not being used for camping purposes at the campsite. Unless otherwise posted, one additional vehicle may be parked at the campsite.

e. All motor vehicles, excluding motorcycles, not covered by the provision in paragraph 61.3(3)*"d"* shall be parked in designated extra-vehicle parking areas.

f. Walk-in campers occupying nonreservable campsites or unrented, reservable campsites shall register as provided in subrule 61.3(1) within one-half hour of entering the campground.

g. Campers occupying nonreservable campsites shall vacate the campground or register for the night prior to 3 p.m. daily. Registration can be for more than 1 night at a time but not for more than 14 consecutive nights for nonreservable campsites. All members of the camping party must vacate the state park or recreation area campground after the fourteenth night and may not return to the state park or recreation area until a minimum of three nights has passed. All equipment must be removed from the site at the end of each stay. The 14-night limitation shall not apply to volunteers working under a department program.

h. Walk-in campers shall not occupy unrented, reservable campsites until 10 a.m. on the first camping day of their stay. Campers shall vacate the campground by 3 p.m. of the last day of their stay. Initial registration shall not exceed two nights. Campers may continue to register after the first 2 nights on a night-to-night basis up to a maximum of 14 consecutive nights, subject to campsite availability. All members of the camping party must vacate the state park, recreation area, or state forest campground after the fourteenth night and may not return to the state park, recreation area, or forest campground until a minimum of three nights has passed. All equipment must be removed from the site at the end of each stay. The 14-night limitation shall not apply to volunteers working under a department program.

i. Campers with reservations shall not occupy a campsite before 4 p.m. of the first day of their stay. Campers shall vacate the site by 3 p.m. of the last day of their stay. Campers may register for more than 1 night at a time but not for more than 14 consecutive nights. All members of the camping party must vacate the state park or recreation area campground after the fourteenth night and may not return to the state park or recreation area until a minimum of three nights has passed. All equipment must be removed from the site at the end of each stay. The 14-night limitation shall not apply to volunteers working under a department program.

j. Minimum stay requirements for camping reservations. From May 1 to October 31, a two-night minimum stay is required for weekends. The two nights shall be designated as Friday and Saturday nights. However, if October 31 is a Friday, the Friday and Saturday night stay shall not apply. If October 31 is a Saturday, the Friday and Saturday night stay shall apply. The following additional exceptions apply:

(1) A Friday, Saturday, and Sunday night stay is required for the national Memorial Day holiday and national Labor Day holiday weekends.

(2) A Friday, Saturday, and Sunday night stay is required for the Fourth of July holiday when the Fourth of July occurs on a Monday.

(3) Exception to the paragraph 571—61.3(3)*"j"* stay requirement. For campgrounds that are 100 percent reservable, with no walk-in sites, customers can reserve a Saturday stay if the Friday/Saturday stay is not reserved before the booking cut-off time has passed to make a Friday/Saturday stay reservation.

(4) Exception to subparagraphs 571—61.3(3)*"j"*(1) and (2) stay requirements. For campgrounds that are 100 percent reservable, with no walk-in sites, customers can reserve a Saturday or Sunday separately if the Friday/Saturday/Sunday is not reserved before the booking cut-off time has passed to make a three-night reservation.

k. Buddy campsite reservations. Buddy campsites are between two to four individual sites that are grouped together and can only be reserved and used collectively. Campers reserving buddy campsites through the centralized reservation system must reserve both or all four of the individual sites that make up the group buddy campsite or buddy campsite.

l. In designated campgrounds, equine animals and llamas must be stabled at a hitching rail, individual stall or corral if provided. Equine animals and llamas may be hitched to trailers for short periods of time to allow for grooming and saddling. These animals may be stabled inside trailers if no hitching facilities are provided. Portable stalls/pens and electric fences are not permitted.

m. Campers shall use only straps to secure hammocks to trees on campsites. Straps must be a minimum of one inch wide.

n. Special events. The department director or director's authorized representative may authorize camping in areas outside designated campgrounds for certain special events as defined in rule 571—44.2(321G,321I,461A,462A,481A). Requests shall be reviewed on a case-by-case basis and permitted under the provisions of 571—Chapter 44.

61.3(4) *Area-specific restrictions on campground use.* In addition to the general conditions of public use set forth in this chapter, special conditions shall apply to specific areas listed as follows:

a. Brushy Creek Recreation Area, Webster County.

(1) In the designated equestrian campgrounds, the maximum number of equine animals to be tied to the hitching rails is six. Persons with a number of equine animals in excess of the number permitted on the hitching rail at their campsite shall be allowed to stable their additional animals in a trailer or register and pay for an additional campsite if available.

(2) In the designated equestrian campgrounds, equine animals may be tied to trailers for short periods of time to allow grooming or saddling; however, the tying of equine animals to the exterior of trailers for extended periods of time or for stabling is not permitted.

b. Recreation area campgrounds. Access into and out of designated campgrounds shall be permitted from 4 a.m. to 10:30 p.m. From 10:31 p.m. to 3:59 a.m., only registered campers are permitted in and out of the campgrounds.

c. Lake Manawa State Park, Pottawattamie County. Except for the following limitations on campground length of stay, campsite use restrictions as stated in subrule 61.3(3) shall apply to Lake Manawa. Campers may register for more than 1 night at a time but not for more than 14 consecutive nights. No person may camp at the Lake Manawa campground for more than 14 nights in any 30-day period.

d. Walnut Woods State Park, Polk County. Except for the following limitations on campground length of stay, campsite use restrictions as stated in subrule 61.3(3) shall apply to Walnut Woods. Campers may register for more than 1 night at a time but not for more than 14 consecutive nights. No person may camp at the Walnut Woods campground for more than 14 nights in any 30-day period.

61.3(5) *Campground fishing.* Rule 571—61.13(461A) is not intended to prohibit fishing by registered campers who fish from the shoreline within the camping area.

[**ARC 7913C**, IAB 5/1/24, effective 6/5/24]

571—61.4(461A) State forest camping areas established and marked.

61.4(1) Areas to be utilized for camping shall be established within the following state forests:

a. Shimek State Forest in Lee and Van Buren Counties.

b. Stephens State Forest in Appanoose, Clarke, Davis, Lucas and Monroe Counties.

c. Yellow River State Forest in Allamakee County.

61.4(2) Signs designating the established camping areas shall be posted along the access roads into these areas and around the perimeter of the area designated for camping use.

61.4(3) Areas approved for backpack camping (no vehicular access) shall be marked with appropriate signs and shall contain fire rings.

[**ARC 7913C**, IAB 5/1/24, effective 6/5/24]

571—61.5(461A) Campground reservations. Procedures and policies regarding camping reservations in established state forest campgrounds shall be the same as those cited in rule 571—61.2(461A). Reservations will not be accepted for backpack campsites.

[**ARC 7913C**, IAB 5/1/24, effective 6/5/24]

571—61.6(461A) Camping fees and registration.

61.6(1) *Fees.*

a. Backpack campsites. No fee will be charged for the use of the designated backpack campsites.

b. The fees for camping in established state forest campgrounds shall be set by the department pursuant to 561—Chapter 16.

61.6(2) *Procedures for camping registration.*

a. Backpack campsites. Persons using backpack campsites shall register at the forest area check station or other designated site.

b. The procedures for camping registration in established state forest campgrounds shall be the same as those cited in paragraphs 61.3(1)*"a," "b,"* and *"c."*

c. Organized youth group campsites. The procedures for camping registration for organized youth group campsites shall be the same as those cited in subrule 61.3(2).

[**ARC 7913C**, IAB 5/1/24, effective 6/5/24]

571—61.7(461A) State forest camping restrictions—area and use.

61.7(1) Restrictions of campsite or campground use in established state forest campgrounds shall be the same as those cited in paragraphs 61.3(3)*"a," "b," "d"* through *"j,"* and *"l"* through *"n."*

61.7(2) Hours. Access into and out of the established camping areas shall be permitted from 4 a.m. to 10:30 p.m. From 10:31 p.m. to 3:59 a.m., only registered campers are permitted in the campgrounds.

61.7(3) Firearms use prohibited. Except for peace officers acting in the scope of their employment, the use of firearms, fireworks, explosives, and weapons of all kinds by the public is prohibited within the established camping area as delineated by signs marking the area.
[**ARC 7913C**, IAB 5/1/24, effective 6/5/24]

571—61.8(461A) Rental facilities.

61.8(1) *Procedures for rental facility registration.*

a. Registrations for all rental facilities must be in the name of a person 18 years of age or older who will be present at the facility for the full term of the reservation.

b. Rental stay requirements for cabins and yurts.

(1) Except as provided in subparagraphs 61.8(1)*"b"*(2) and 61.8(1)*"b"*(3), cabins and yurts may be reserved for a minimum of two nights throughout the entire season.

(2) Cabins and yurts must be reserved for a minimum of three nights (Friday, Saturday, and Sunday nights) for the national Memorial Day holiday weekend, the Fourth of July holiday weekend when the Fourth of July occurs on a Monday, and the national Labor Day holiday weekend.

(3) The department may require cabins with restroom and kitchen facilities to be reserved for a minimum stay of one week (Friday p.m. to Friday a.m.) during the time period beginning with the Friday of the national Memorial Day holiday weekend and ending with the Thursday after the national Labor Day holiday.

(4) All unreserved cabins, all unreserved yurts and the group camp must be rented for a minimum of two nights on a walk-in first-come, first-served basis. No walk-in rentals will be permitted after 6 p.m.

(5) Reservations or walk-in rentals for more than a two-week stay will not be accepted for any facility.

c. Persons renting cabins, yurts or the group camp facility must check in at or after 4 p.m. on the first day of the rental period. Check-out time is 11 a.m. or earlier on the last day of the rental period.

d. Except by arrangement for late arrival with the park staff, no cabin, yurt or group camp reservation will be held past 6 p.m. on the first night of the reservation period if the person reserving the facility does not arrive. When arrangements for late arrival have been made, the person must appear prior to the park's closing time established by Iowa Code section 461A.46 or access will not be permitted to the facility until 8 a.m. the following day. Arrangements must be made with the park staff if next-day arrival is to be later than 9 a.m.

e. Except at parks or recreation areas with camping cabins or yurts, no tents or other camping units are permitted for overnight occupancy in the designated cabin area. One small tent shall be allowed at each cabin or yurt in the designated areas and is subject to the occupancy requirements of paragraph 61.3(3)*"b."*

f. Open shelters and beach house open shelters that are not reserved are available on a first-come, first-served basis. If the open shelters with kitchenettes are not reserved, the open shelter portions of these facilities are available on a first-come, first-served basis.

g. Except by arrangement with the park staff in charge of the area, persons renting a lodge, shelter, or beach house open shelter facility and all guests shall vacate the facility by 10 p.m.

61.8(2) *Damage deposits for cabins, lodges, open shelters with kitchenettes, and yurts.*

a. Renters shall pay in full a damage deposit equal to the weekend daily or nightly rental fee for the facility or $50, whichever is greater, by the established deadline for the facility.

b. Damage deposits will be refunded only after authorized personnel inspect the facility to ensure that the facility and furnishings are in satisfactory condition.

c. If it is necessary for department personnel to clean up the facility or repair any damage beyond ordinary wear and tear, a log of the time spent in such cleanup or repair shall be kept. The damage deposit refund shall be reduced by the applicable hourly fee for the time necessary to clean the area or repair the damage and by the cost of any repairs of furnishings.

d. The deposit is not to be construed as a limit of liability for damage to state property. The department may take legal action necessary to recover additional damages.
[**ARC 7913C**, IAB 5/1/24, effective 6/5/24; **ARC 9231C**, IAB 5/14/25, effective 6/18/25]

571—61.9(461A) Wet and dry storage for vessels. The department may provide limited temporary vessel storage for individuals who own vessels that are actively used on waters in state parks and recreation areas.

61.9(1) *Vessel storage fees.* A person who fails to pay a vessel storage fee by the established payment due date shall forfeit the slip assignment.

61.9(2) *Storage slip assignment.*

a. Slip assignments shall be made on a first-come, first-served basis. Park staff may establish a waiting list upon receiving more requests for storage slips than the number of slips available. The waiting list shall be maintained in chronological order of the requests received.

b. Slip assignments shall be valid for one year with the option to renew annually.

c. In the event a person on a waiting list refuses a specific slip assignment, the person's name will be removed from the waiting list.

61.9(3) *Storage slip requirements and conditions.*

a. Each storage slip is limited to no more than one vessel at any given time.

b. All vessels in a storage slip must have a current boat registration.

c. Slip assignments must be in the same name of the person to whom the vessel that will occupy the slip is registered.

d. Dry storage slips shall be maintained in a clean and orderly manner. Failure to maintain the slip in a satisfactory condition will result in forfeiture of the slip assignment and any storage fees paid.

e. Slip assignments are not transferable.

[**ARC 7913C**, IAB 5/1/24, effective 6/5/24]

571—61.10(461A) Restrictions—area and use. This rule sets forth conditions of public use that apply to all state parks and recreation areas. Specific areas as listed in subrule 61.3(4), rule 571—61.11(461A) and rule 571—61.14(461A) are subject to additional restrictions or exceptions. The conditions in this rule are in addition to specific conditions and restrictions set forth in Iowa Code chapter 461A.

61.10(1) *Animals.*

a. The use of equine animals and llamas is limited to roadways or to trails designated for such use.

b. Animals are prohibited within designated beach areas.

c. Livestock are not permitted to graze or roam within state parks and recreation areas. The owner of the livestock shall remove the livestock immediately upon notification by department personnel in charge of the area.

d. Animals are prohibited in all park buildings, with the following exceptions:

(1) Service dogs and assistive animals.

(2) Dogs in designated cabins and yurts. A maximum of two dogs of any size shall be allowed in any designated cabin or yurt.

(3) Animals being used in education and interpretation programs.

e. Except for dogs being used in designated hunting areas during hunting season or in designated dog training areas outside of the nesting period closure from March 15 to July 15, pets such as dogs or cats shall not be allowed to run at large within state parks, recreation areas, or preserves. Such animals shall be on a leash or chain not to exceed six feet in length and shall be either led by or carried by the owner, attached to an anchor/tie-out or vehicle, or confined in a vehicle. Pets shall not be left unattended in campgrounds. Dogs shall be kenneled when left unattended in a cabin or yurt and shall not be left unattended if tied up outside of the cabin or yurt.

61.10(2) *Beach use/swimming.*

a. All swimming shall take place between sunrise and sunset. Swimming is prohibited between sunset and sunrise.

b. Except as provided in paragraphs 61.10(2)*"c"* and *"d,"* all swimming and scuba diving shall take place in the beach area within the boundaries marked by ropes, buoys, or signs within state parks and recreation areas. Inner tubes, air mattresses and other beach-type items shall be used only in designated beach areas.

c. Persons may scuba dive in areas other than the designated beach area provided they display the diver's flag as specified in rule 571—41.10(462A).

d. Swimming outside beach area.

(1) Persons may swim outside the beach area under the following conditions:

1. The swimmer must be accompanied by a person operating a vessel and must stay within 20 feet of the vessel at all times during the swim;

2. The vessel accompanying the swimmer must display a flag, which is at least 12 inches square, is bright orange, and is visible all around the horizon; and

3. The person swimming pursuant to this subparagraph must register with the park staff in charge of the area and sign a registration immediately prior to the swim.

(2) Unless swimming is otherwise posted as prohibited or limited to the designated beach area, a person may also swim outside the beach area provided that the person swims within ten feet of a vessel which is anchored not less than 100 yards from the shoreline or the marked boundary of a designated beach. Any vessel, except one being uprighted, must be attended at all times by at least one person remaining on board.

(3) A passenger on a sailboat or other vessel may enter the water to upright or repair the vessel and must remain within ten feet of that vessel.

e. The provisions of paragraph 61.10(2)*"a"* shall not be construed as prohibiting wading in areas other than the beach by persons actively engaged in shoreline fishing.

f. Alcoholic liquor, beer, and wine, as each is defined in Iowa Code section 123.3, are prohibited on the beaches located within Lake Macbride State Park and Pleasant Creek State Recreation Area. This ban does not apply to rental facilities located within the 200-foot buffer of land surrounding the sand or fenced-in area that have been officially reserved through the department.

61.10(3) *Bottles.* Possession or use of breakable containers, the fragmented parts of which can injure a person, is prohibited in beach areas of state parks and recreation areas.

61.10(4) *Chainsaws.* Except by written permission of the director of the department, chainsaw use is prohibited in state parks and recreation areas. This provision is not applicable to employees of the department in the performance of their official duties.

61.10(5) *Firearms.* The use of firearms in state parks and recreation areas as defined in rule 571—61.1(461A) is limited to the following:

a. Lawful hunting as traditionally allowed at Badger Creek Recreation Area, Brushy Creek Recreation Area, Pleasant Creek Recreation Area, Mines of Spain Recreation Area (pursuant to rule 571—61.12(461A)), Volga River Recreation Area and Wilson Island Recreation Area.

b. Target and practice shooting in areas designated by the department.

c. Special events, festivals, and education programs sponsored or permitted by the department.

d. Special hunts authorized by the commission to control animal populations.

61.10(6) *Fishing off boat docks within state areas.* Persons may fish off all state-owned docks within state parks and recreation areas. Persons fishing off these docks must yield to boats and not interfere with boaters.

61.10(7) *Garbage.* Using government refuse receptacles for dumping household, commercial, or industrial refuse brought as such from private property is prohibited.

61.10(8) *Motor vehicle restrictions.*

a. Except as provided in these rules, motor vehicles are prohibited on state parks, recreation areas and preserves except on constructed and designated roads, parking lots and campgrounds.

b. Use of motorized vehicles by persons with a physical disability. Persons with a physical disability may use certain motorized vehicles to access specific areas in state parks, recreation areas and preserves, according to restrictions set out in this paragraph, or otherwise provided for by department other power-driven mobility device (OPDMD) processes, in order to enjoy the same recreational opportunities available to others.

(1) Reasonable accommodations. Each person with a physical disability or mobility impairment may request a reasonable accommodation to park or recreation area staff in order to use an OPDMD within state parks, recreation areas, and preserves. Reasonable accommodation requests are considered on a case-by-case basis based on the facts and circumstances and considering need, protection of the permit holder, protection of other users, and protection of natural resources consistent with relevant state and federal law.

(2) Permits. Except where areas or trails are preapproved for OPDMD use, persons with a physical disability or mobility impairment must have a permit issued by park or recreation area staff in order to use a motorized vehicle in specific, approved areas within state parks, recreation areas, and preserves.

(3) One companion may accompany the OPDMD user on the same vehicle if that vehicle is designed for more than one rider; otherwise, the companion must walk.

(4) Exclusive use. The issuance of a permit does not imply that the permittee has exclusive or indiscriminate use of an area. Permittees shall take reasonable care not to unduly interfere with the use of the area by others.

(5) Prohibited acts and restrictions.

1. Except as provided in paragraph 61.10(8)*"b,"* the use of a motorized vehicle on any park, recreation area or preserve by a person without a valid permit or at any site not approved on a signed map is prohibited. Permits and maps shall be carried by the permittee at any time the permittee is using a motorized vehicle in a park, recreation area or preserve and shall be exhibited to any department employee or law enforcement official upon request.

2. The speed limit for an approved motorized vehicle off-road will be no more than 3 miles per hour, unless otherwise approved in writing. The permit of a person who is found exceeding the speed limit will be revoked.

3. The permit of any person who is found causing damage to cultural and natural features or abusing the privilege of riding off-road within the park will be revoked, and restitution for damages or other remedies available under the law may be sought.

61.10(9) *Noise.* Creating or sustaining any unreasonable noise in any portion of any state park or recreation area is prohibited at all times. The nature and purpose of a person's conduct, the impact on other area users, the time of day, location, and other factors that would govern the conduct of a reasonable, prudent person under the circumstances shall be used to determine whether the noise is unreasonable. Between the hours of 10:30 p.m. and 6 a.m., noise that can be heard at a distance of 120 feet or three campsites shall be considered unreasonable.

61.10(10) *Opening and closing times.* Except by arrangement or permission granted by the director or the director's authorized representative or as otherwise stated in this chapter, the following restrictions shall apply: All persons shall vacate all state parks and preserves before 10:30 p.m. each day, except authorized campers in accordance with Iowa Code section 461A.46, and no person shall enter into such parks and preserves until 4 a.m. the following day.

61.10(11) *Paintball guns.* The use of any item generally referred to as a paintball gun is prohibited in state parks, recreation areas and preserves.

61.10(12) *Rock climbing or rappelling.* The rock climbing practice known as free climbing and climbing or rappelling activities that utilize bolts, pitons, or similar permanent anchoring equipment or ropes, harnesses, or slings are prohibited in state parks and recreation areas, except by persons or groups registered with the park staff in charge of the area. Individual members of a group must each sign a registration. Climbing or rappelling will not be permitted at Elk Rock State Park, Marion County; Ledges State Park, Boone County; Dolliver Memorial State Park, Webster County; Stone State Park, Woodbury and Plymouth Counties; Maquoketa Caves State Park, Jackson County; Wildcat Den State Park, Muscatine County; or Mines of Spain Recreation Area, Dubuque County. Other sites may be closed to climbing or rappelling if environmental damage or safety problems occur or if an endangered or threatened species is present.

61.10(13) *Speech or conduct interfering with lawful use of an area by others.*

a. Speech commonly perceived as offensive or abusive is prohibited when such speech interferes with lawful use and enjoyment of the area by another member of the public.

b. Quarreling or fighting is prohibited when it interferes with the lawful use and enjoyment of the area by another member of the public.

61.10(14) *Animal population control hunts.* Animal hunting as allowed under Iowa Code section 461A.42(1)*"c"* shall be designated annually by the commission. During the dates of special hunts, only persons participating in special hunts shall use the area or portions thereof as designated by the department and signed as such.

61.10(15) *Prohibited areas for kegs.* Gatherings at which keg beer is served shall not be conducted in beach areas, campgrounds, or parking areas or in areas immediately adjacent to those areas. Kegs are permitted in day-use lodges and open-air shelters with a kitchenette.

[**ARC 7913C**, IAB 5/1/24, effective 6/5/24; **ARC 9231C**, IAB 5/14/25, effective 6/18/25]

571—61.11(461A) Certain conditions of public use applicable to specific parks and recreation areas. In addition to the general conditions of public use set forth in this chapter, special conditions shall apply to the specific areas listed as follows:

61.11(1) *Hattie Elston Access and Clair Wilson Park, Dickinson County.*

a. Parking of vehicles overnight on these areas is prohibited unless the vehicle operator and occupants are actively involved in boating or are fishing as allowed under rule 571—61.14(461A).

b. Overnight camping is prohibited.

61.11(2) *Mines of Spain Recreation Area, Dubuque County.* All persons shall vacate all portions of the Mines of Spain Recreation Area prior to 10:30 p.m. each day, and no person or persons shall enter into the area until 4 a.m. the following day.

61.11(3) *Pleasant Creek Recreation Area, Linn County.* Fishing access into and out of the north portion of the area between the east end of the dam to the campground shall be closed from 10:30 p.m. to 4 a.m., except that walk-in overnight fishing will be allowed along the dam. The area known as the dog trial area shall be closed from 10:30 p.m. to 4 a.m., except for those persons participating in a department-authorized field trial. From 10:30 p.m. to 4 a.m., only registered campers are permitted in the campground.

61.11(4) *Wapsipinicon State Park, Jones County.* The land adjacent to the park on the southeast corner and generally referred to as the "Ohler property" is closed to the public from 10:31 p.m. to 3:59 a.m.

[**ARC 7913C**, IAB 5/1/24, effective 6/5/24]

571—61.12(461A) Mines of Spain hunting, trapping and firearms use.

61.12(1) The following described portions of the Mines of Spain Recreation Area are established and will be posted as wildlife refuges:

a. That portion within the city limits of the city of Dubuque located west of U.S. Highway 61 and north of Mar Jo Hills Road.

b. The tract leased by the department from the city of Dubuque upon which the E. B. Lyons Interpretive Center is located.

c. That portion located south of the north line of Section 8, Township 88 North, Range 3 East of the 5th P.M. between the west property boundary and the east line of said Section 8.

d. That portion located north of Catfish Creek, east of the Mines of Spain Road and south of the railroad tracks. This portion contains the Julien Dubuque Monument.

61.12(2) Trapping and archery hunting for all legal species are permitted in compliance with all open-season, license and possession limits on the Mines of Spain Recreation Area except in those areas designated as refuges by subrule 61.12(1).

61.12(3) Firearms use is prohibited in the following described areas:

a. The areas described in subrule 61.12(1).

b. The area north and west of Catfish Creek and west of Granger Creek.

61.12(4) Deer hunting and hunting for all other species are permitted using shotguns only and are permitted only during the regular gun season as established by 571—Chapter 106. Areas not described in subrule 61.10(3) are open for hunting. Hunting shall be in compliance with all other regulations.

61.12(5) Turkey hunting with shotguns is allowed only in compliance with the following regulations:

a. Only during the first shotgun hunting season established in 571—Chapter 98, which is typically four days in mid-April.

b. Only in that area of the Mines of Spain Recreation Area located east of the established roadway and south of the Horseshoe Bluff Quarry.

61.12(6) The use of a handgun or any type of rifle is prohibited on the entire Mines of Spain Recreation Area except as provided in subrule 61.12(4). Target and practice shooting with any type of firearm is prohibited.

61.12(7) All forms of hunting, trapping and firearms use not specifically permitted by rule 571—61.12(461A) are prohibited in the Mines of Spain Recreation Area.
[**ARC 7913C**, IAB 5/1/24, effective 6/5/24]

571—61.13(461A) After-hours fishing—exception to closing time. Persons shall be allowed access to the areas designated in rule 571—61.14(461A) between the hours of 10:30 p.m. and 4 a.m. under the following conditions:

1. The person shall be actively engaged in fishing.
2. The person shall behave in a quiet, courteous manner so as not to disturb other users of the park.
3. Access to the fishing site from the parking area shall be by the shortest and most direct trail or access facility.
4. Vehicle parking shall be in the lots designated by signs posted in the area.
5. Activities other than fishing are allowed with permission of the director or an employee designated by the director.

[**ARC 7913C**, IAB 5/1/24, effective 6/5/24]

571—61.14(461A) Designated areas for after-hours fishing. These areas are open from 10:30 p.m. to 4 a.m. for fishing only. The areas are described as follows:

61.14(1) *Black Hawk Lake, Sac County.* The area of the state park between the road and the lake running from the marina at Drillings Point on the northeast end of the lake approximately three-fourths of a mile in a southwesterly direction to a point where the park boundary decreases to include only the roadway.

61.14(2) *Clair Wilson Park, Dickinson County.* The entire area including the parking lot, shoreline and fishing trestle facility.

61.14(3) *Clear Lake State Park, Ritz Unit, Cerro Gordo County.* The boat ramp, courtesy dock, fishing dock and parking lots.

61.14(4) *Elinor Bedell State Park, Dickinson County.* The entire length of the shoreline within state park boundaries.

61.14(5) *Elk Rock State Park, Marion County.* The Teeter Creek boat ramp area just east of State Highway 14, access to which is the first road to the left after the entrance to the park.

61.14(6) *Green Valley State Park, Union County.* The shoreline adjacent to Green Valley Road commencing at the intersection of Green Valley Road and 130th Street and continuing south along the shoreline to the parking lot on the east side of the dam, and then west along the dam embankment to the shoreline adjacent to the parking lot on the west side of the spillway.

61.14(7) *Hattie Elston Access, Dickinson County.* The entire area including the parking lot shoreline and boat ramp facilities.

61.14(8) *Honey Creek State Park, Appanoose County.* The boat ramp area located north of the park office, access to which is the first road to the left after the entrance to the park.

61.14(9) *Geode State Park, Des Moines County portion.* The area of the dam embankment that is parallel to County Road J20 and lies between the two parking lots located on each end of the embankment.

61.14(10) *Lake Keomah State Park, Mahaska County.*

a. The embankment of the dam between the crest of the dam and the lake.

b. The shoreline between the road and the lake from the south boat launch area west and north to the junction with the road leading to the group camp shelter.

61.14(11) *Lake Macbride State Park, Johnson County.* The shoreline of the south arm of the lake adjacent to the county road commencing at the intersection of Cottage Reserve Road at the north end of the north-south causeway proceeding across the causeway thence southeasterly along a foot trail to the east-west causeway, across the causeway to the parking area on the east end of that causeway.

61.14(12) *Lake Manawa State Park, Pottawattamie County.* The west shoreline including both sides of the main park road, commencing at the north park entrance and continuing south one and one-half miles to the parking lot immediately north of the picnic area located on the west side of the southwest arm of the lake.

61.14(13) *Lower Pine Lake, Hardin County.* West shoreline along Hardin County Road S56 from the beach southerly to the boat ramp access.

61.14(14) *Mini-Wakan State Park, Dickinson County.* The entire area.

61.14(15) *North Twin Lake State Park, Calhoun County.* The shoreline of the large day-use area containing the swimming beach on the east shore of the lake.

61.14(16) *Pikes Point State Park, Dickinson County.* The shoreline areas of Pikes Point State Park on the east side of West Okoboji Lake.

61.14(17) *Prairie Rose State Park, Shelby County.* The west side of the embankment of the causeway across the southeast arm of the lake including the shoreline west of the parking area located off County Road M47 and just north of the entrance leading to the park office.

61.14(18) *Rock Creek Lake, Jasper County.* Both sides of the County Road F27 causeway across the main north portion of the lake.

61.14(19) *Union Grove State Park, Tama County.*

a. The dam embankment from the spillway to the west end of the parking lot adjacent to the dam.

b. The area of state park that parallels BB Avenue, from the causeway on the north end of the lake southerly to a point approximately one-tenth of a mile southwest of the boat ramp.

61.14(20) *Upper Pine Lake, Hardin County.* Southwest shoreline extending from the boat launch ramp to the dam.

61.14(21) *Viking Lake State Park, Montgomery County.* The embankment of the dam from the parking area located southeast of the dam area northwesterly across the dam structure to its intersection with the natural shoreline of the lake.

[**ARC 7913C**, IAB 5/1/24, effective 6/5/24]

571—61.15(461A) Vessels prohibited. Rule 571—61.14(461A) does not permit the use of vessels on the artificial lakes within state parks after the 10:30 p.m. park closing time. All fishing is to be done from the bank or shoreline of the permitted area.

[**ARC 7913C**, IAB 5/1/24, effective 6/5/24]

571—61.16(461A,463C) Honey Creek Resort State Park. This chapter shall not apply to Honey Creek Resort State Park. Where permission is required to be obtained from the department, an authorized representative of the department's management company may provide such permission in accordance with policies established by the department.

[**ARC 7913C**, IAB 5/1/24, effective 6/5/24]

These rules are intended to implement Iowa Code sections 422.43, 455A.4, 461A.3, 461A.3A, 461A.35, 461A.38, 461A.39, 461A.42, 461A.43, 461A.45 to 461A.51, 461A.57, and 723.4 and chapters 463C and 724.

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◊ Two or more ARCs

1 Effective date of subrule 61.6(2) and rule 61.7(7/31/91) delayed 70 days by the Administrative Rules Review Committee at its meeting held 7/12/91.

2 Amendments to 61.4(2)*"f"* and 61.3(5)*"a"* effective January 1, 1993.

3 Amendments to 61.4(2)*"a"* to *"d"* effective October 31, 1993.

4 October 5, 2016, effective date of ARC 2694C [61.7(2)*"e"*] delayed until the adjournment of the 2017 General Assembly by the Administrative Rules Review Committee at its meeting held September 13, 2016.

CHAPTER 62
STATE FOREST CAMPING

[Prior to 12/31/86, Conservation Commission[290] Ch 41]

Rescinded **ARC 0383C**, IAB 10/3/12, effective 11/7/12; see 571—Ch 61, div. II

CHAPTER 63
KEG BEER RULES

[Prior to 12/31/86, Conservation Commission(290) Ch 42]

Rescinded **ARC 9231C**, IAB 5/14/25, effective 6/18/25

CHAPTER 64
METAL DETECTOR USE IN STATE AREAS

[Prior to 12/31/86, Conservation Commission[290] Ch 43]

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/18/30

571—64.1(461A) Definitions.

"Beach" or *"beach area"* means that portion of state parks or recreation areas designated for swimming activity including the sand, a 200-foot buffer of land surrounding the sand or a designated area that is fenced in, and the water area contiguous to the beach as marked by swim buoys or swim lines.

"Metal detector" means a portable electronic device carried by an individual used only for detecting metal above or below the surface of the ground.

[**ARC 9232C**, IAB 5/14/25, effective 6/18/25]

571—64.2(461A) Use areas. Metal detector use in state parks and recreation areas is prohibited except in the following areas:

64.2(1) *Designated beach areas.* From May 22 to September 7 each year, metal detectors may be used on designated beach areas from 4 a.m. to 11 a.m. each day. From September 8 to May 21 each year, metal detectors may be used on designated beach areas during the hours established in 571—subrule 61.10(10).

64.2(2) *Drained lakes.* When an artificial lake has been drained or the water level lowered for any reason, metal detector use may be allowed during the hours established in 571—subrule 61.10(10) only after the lake bed has been thoroughly surveyed for archaeological resources and a survey report has been completed and approved by the state historic preservation office.

[**ARC 9232C**, IAB 5/14/25, effective 6/18/25]

571—64.3(461A) Archaeological/scientific studies. When the use of a metal detector may support an archaeological or scientific study, a sovereign lands construction permit may be issued. Review of all sovereign lands construction permit applications shall be coordinated with the state historic preservation office.

[**ARC 9232C**, IAB 5/14/25, effective 6/18/25]

571—64.4(461A) Found items. All items found are subject to the provisions of Iowa Code chapter 556F.

[**ARC 9232C**, IAB 5/14/25, effective 6/18/25]

571—64.5(461A) Lost item search by owner. An owner of lost property may use a metal detector to search for that item in an area where such use is prohibited under the following conditions:

64.5(1) Written approval has been granted by the director of the department of natural resources or designee.

64.5(2) The search is confined to a reasonable area within the park or recreation area.

64.5(3) The search is limited to 12 hours or less in length.

[**ARC 9232C**, IAB 5/14/25, effective 6/18/25]

571—64.6(461A) Tools used. Tools used to recover items detected beneath the ground level shall be limited to the following:

64.6(1) Probes not over 12 inches long, 1-inch wide, and ¼-inch thick.

64.6(2) A sand scoop or sieve not over ten inches in diameter.

[**ARC 9232C**, IAB 5/14/25, effective 6/18/25]

571—64.7(461A) Digging limitations and restoration.

64.7(1) In recovering items located below the ground, a person shall not unduly disturb the earth and shall limit all excavations to less than three inches square when using probes and ten inches in diameter when using sand scoops or sieves.

64.7(2) When digging is done to search for an object, the metal detector operator shall restore the disturbed area as nearly as possible to its original condition.
[**ARC 9232C**, IAB 5/14/25, effective 6/18/25]

571—64.8(461A) Disposal of litter. All litter that is recovered shall be disposed of in approved trash receptacles.
[**ARC 9232C**, IAB 5/14/25, effective 6/18/25]

These rules are intended to implement Iowa Code section 461A.35.

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CHAPTER 65
FIREWORKS DISPLAYS—
STATE PARKS AND RECREATION AREAS

Rescinded IAB 6/1/11, effective 7/6/11; see 571—Chapter 44

CHAPTER 66
SAYLORVILLE MULTIUSE TRAIL
[Prior to 12/31/86, Conservation Commission[290] Ch 56]

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/18/30

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.

[**ARC 9233C**, IAB 5/14/25, effective 6/18/25]

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.

[**ARC 9233C**, IAB 5/14/25, effective 6/18/25]

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.

[**ARC 9233C**, IAB 5/14/25, effective 6/18/25]

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.

[**ARC 9233C**, IAB 5/14/25, effective 6/18/25]

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

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CHAPTER 67
DEVELOPMENT AND MANAGEMENT OF RECREATION TRAILS ON STATE FORESTS, PARKS, PRESERVES AND RECREATION AREAS

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/18/30

571—67.1(456A,461A) Applicability. This chapter is applicable to all state-owned parks, recreation areas, forests and preserves under the jurisdiction of the department of natural resources, except those areas under management by a local government entity.
[**ARC 9234C**, IAB 5/14/25, effective 6/18/25]

571—67.2(456A,461A) Definitions.

"All-terrain vehicle" means the same as defined in Iowa Code section 321I.1.

"Area" means any park, recreation area, forest, or preserve under the jurisdiction of the department of natural resources.

"Department" means the same as defined in Iowa Code section 461A.1(2).

"Director" means the same as defined in Iowa Code section 461A.1(3).

"Division administrator" means the division administrator of the department division responsible for managing the area in question.

"Equestrian" means a horse rider or a person who is horseback riding.

"Horse" means any equine animal, including horses, mules, burros, donkeys, and all llamas or alpaca-like animals.

"Snowmobile" means the same as defined in Iowa Code section 321G.1.
[**ARC 9234C**, IAB 5/14/25, effective 6/18/25]

571—67.3(456A,461A) Purpose. The purpose of this chapter is to establish guidelines for developing and properly managing the use of recreation trails on state parks, recreation areas, forests and preserves.
[**ARC 9234C**, IAB 5/14/25, effective 6/18/25]

571—67.4(456A,461A) Establishment of trails. Establishment and designation of recreation trails shall not be undertaken until after a plan showing the basic design, location and designated use for any such trail has been prepared. The director shall approve all trail plans for areas, and trails shall follow only those routes designated on the plan.
[**ARC 9234C**, IAB 5/14/25, effective 6/18/25]

571—67.5(456A,461A) Designation of recreation trails. All trails shall be designated by the department. Designation shall include an assignment of the use or uses for which each trail is intended. Uses shall be classified as follows: foot traffic, horseback riding, snowmobiling, cross-country skiing, bicycling and multiple-use trails. The intended uses of trails shall be described on signs at appropriate locations within the area, in informational brochures about the area, or on posted notice at the area's headquarters.
[**ARC 9234C**, IAB 5/14/25, effective 6/18/25]

571—67.6(456A,461A) Guidelines for trail location. No new trail shall be designated or constructed:

1. On any slope where erosion will occur unless measures are taken to permanently control erosion. The measures may include but not be limited to water bars, steps, vegetative or crushed stone surfacing and terraces;
2. Through rare or sensitive plant communities, except for trails intended for interpretive purposes and designed for foot traffic only;
3. In locations where wildlife management practices are being carried out that would be negatively affected by trail activity;
4. To pass over archaeological sites or adversely affect known archaeological sites eligible for the National Register of Historic Places or known sites not yet evaluated;
5. Where past trail use has resulted in erosion or other environmental damage that would be exacerbated by continued trail use;

6. So as to allow travel through a river, stream or wetland or waterway except at designated crossings.

[**ARC 9234C**, IAB 5/14/25, effective 6/18/25]

571—67.7(456A,461A) Control of trail use.

67.7(1) Use of trails may be temporarily limited or suspended by the area manager when use or any natural event has created conditions that will cause the trail to degrade if further use is allowed. Guidelines may include but are not limited to the following considerations:

a. Precipitation events (e.g., rain, thaws, or flooding that, based on the soils and topography, would present a problem for resource protection or public safety if the trail were to remain open).

b. Special events (e.g., events that are large, involve concessionaires, or would otherwise require a special event permit as described in 571—subrule 61.7(16) and would interfere with the safety or enjoyment of other trail users).

c. Ecosystem management activities (e.g., scheduled harvests, timber stand improvement, planting, or controlled burns that would temporarily disrupt trail use).

d. Trail construction or repair.

e. Off-trail use (e.g., vehicle or animal use that has created damage off the actual trail that affects the trail and needs to be corrected).

f. Conflicts between trail users.

g. Trail damage/erosion (e.g., overuse, use at the wrong time, or unauthorized vehicle use).

67.7(2) The area manager shall limit or suspend use of a trail by posting signs at appropriate trailheads and by posting notices in conspicuous locations within the area.

67.7(3) Upon suspension or limitation of trail use, the area manager shall take prompt and reasonable steps to correct the conditions that led to suspension or limitation. When, in the area manager's judgment, such conditions have been corrected, normal use of the trail may resume.

67.7(4) No trail shall be permanently closed to public use without approval of the director. Recommendations for permanent closure shall be made to the division administrator by the area manager. The division administrator shall prepare a report documenting reasons for closure and provide the report and recommendation to the director. At the request of six or more persons, the director shall direct that a public informational meeting be held in the vicinity of the area to inform the public of the planned closure and to receive public comments. A summary of the public comments made at the meeting shall be presented to the natural resource commission for review. The commission may uphold or reverse the director's decision and shall consider both public comments and staff recommendations before taking action.

[**ARC 9234C**, IAB 5/14/25, effective 6/18/25]

571—67.8(456A,461A) Use of designated trails.

67.8(1) Bicyclists, equestrians and snowmobile operators shall use only trails officially designated and properly signed for such uses.

67.8(2) Unless otherwise prohibited by law, the use of motorized all-terrain vehicles shall be limited to roadways on all areas except as necessary to carry on authorized activities such as area management, agricultural activity, search and rescue operations and special events authorized by the department.

[**ARC 9234C**, IAB 5/14/25, effective 6/18/25]

These rules are intended to implement Iowa Code sections 455A.5, 456A.24 and 461A.35.

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CHAPTERS 68 to 70
Reserved

TITLE VII
FORESTRY

CHAPTER 71
NURSERY STOCK SALE TO THE PUBLIC
[Prior to 12/31/86, Conservation Commission[290] Ch 48]

Rescinded by 2017 Iowa Acts, House File 511, section 2, on 4/12/17; removed IAC Supplement 12/20/17.

CHAPTER 72
TIMBER BUYERS

[Prior to 12/31/86, Conservation Commission[290] Ch 49]

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/18/30

571—72.1(456A) Definitions.

"Collateral bond" means a bond signed by the timber buyer as principal and accompanied by a bank certificate of deposit.

"Corporate surety bond" means a bond signed by the timber buyer as principal and a corporate surety authorized to engage in the business of executing surety bonds within Iowa.

"Department" means the department of natural resources.

"Director" means the director of the department of natural resources or the administrator of the division of forests and forestry who has been designated to act for the director.

"Proof of ownership" means a timber sale contract; bill of sale or bill of lading showing owner's name, address, and telephone number, point of origin, and destination.

"The Act" means Iowa Code section 456A.36.

"Timber buyer" means a person engaged in the business of buying timber for sawing into lumber for processing or resale, but does not include a person who occasionally purchases timber for sawing or processing for the person's own use and not for resale. "Timber buyer" includes a person who contracts with a timber grower on a shared-profit basis to harvest timber from the grower's land.

"Timber buyer surety bond" means a bond signed by the timber buyer as principal, bonding the timber buyer to the commission for the performance under the Act.

[**ARC 9235C**, IAB 5/14/25, effective 6/18/25]

571—72.2(456A) Applicability of rules.

72.2(1) *Duty to file.*

a. General. On and after January 1, 1981, no person shall engage in the business of timber buying in the state of Iowa unless the timber buyer shall have on file with the department a bond and application for bond approval in compliance with these rules.

b. Timber buying. All persons engaged in the business of timber buying shall file prior to engaging in business as a timber buyer, a bond complying with these rules and an application for bond approval as specified in 571—72.2(456A) and 571—72.3(456A). Should the department determine that the bond or application, although in substantial compliance, is insufficient to comply with the law, it shall provide notice by certified mail, return receipt requested. The timber buyer will be given 20 days to correct the insufficiency. If not corrected within that time period, or within an additional time period approved by the director, the timber buyer shall be deemed to be in violation of the Act and of these rules. If the department determines that the bond or application does not substantially comply with the Act or these rules, it shall immediately notify the timber buyer that the filing does not satisfy the statutory requirements for filing a bond or surety and that the buyer may not lawfully engage in the business of timber buying until a bond has been approved by the department.

c. Date of filing. For purposes of this rule, the date of filing shall be the date on which the materials are received by the department or the date postmarked, if mailed.

72.2(2) *Filing of required forms.*

a. Application for Bond Approval, Form NRC72-1.

(1) Form NRC72-1 shall be filed as a single copy with the department.

(2) Form NRC72-1 shall be filed prior to buying timber from timber growers in Iowa.

(3) Form NRC72-1 shall be refiled annually by January 1 of each calendar year the timber buyer will be engaged in the business of buying timber from timber growers in Iowa.

(4) The timber buyer shall report the amount of dollars paid to timber growers in one of the following ways: (1) for the timber buyer's most recently completed fiscal or business year, or (2) for the 12 months preceding the filing of the application for bond approval and bond.

(5) Forms are available from the department.

b. Corporate Surety Bond, Form NRC72-2.

(1) Form NRC72-2 shall be filed as a single copy with the department at the same time as the application for bond approval unless a collateral bond and bank certificate of deposit are submitted.

(2) Form NRC72-2 shall be filed prior to buying timber from timber growers in Iowa.

(3) Form NRC72-2 shall be in the amount determined by the timber buyer and reported to the department by the timber buyer on Form NRC72-1, Application for Bond Approval.

(4) Forms are available from the department.

c. Timber Buyer Surety Bond, Form NRC72-3.

(1) Form NRC72-3 shall be filed as a single copy at the same time as the collateral assignment of certificate of deposit, Form NRC72-4, and the bank certificate of deposit, with the department.

(2) Form NRC72-3 shall be filed prior to buying timber from timber growers in Iowa.

(3) Forms are available from the department.

d. Collateral Assignment of Certificate of Deposit, Form NRC72-4.

(1) Form NRC72-4 shall be filed as a single copy with the department unless a surety bond is submitted.

(2) Form NRC72-4 shall be filed prior to buying timber from timber growers in Iowa.

(3) Form NRC72-4 shall be accompanied by a bank certificate of deposit in the amount determined by the timber buyer and reported to the department by the timber buyer on the Application for Bond Approval, Form NRC72-1, and by Timber Buyer Surety Bond, Form NRC72-3.

(4) Forms are available from the department.

e. Verified Application for Release of Bond and Certificate of Deposit, Form NRC72-5.

(1) Form NRC72-5 shall be filed with the department by timber buyers who wish the release of their certificate of deposit being held by the department in lieu of a surety bond because that person wishes to replace it with a surety bond or because that person no longer wishes to stay in the timber buying business in Iowa.

(2) Forms are available from the department.

f. All filings must be on approved department forms.

72.2(3) *Terms and conditions of bank certificate of deposit and collateral bond.* Collateral bonds shall be subject to the following conditions:

a. The department shall obtain possession of and keep in custody all collateral deposited by the timber buyer, until released or replaced.

b. Certificates of deposit shall be assigned to the department, in writing, and upon the books of the bank issuing such certificates.

c. Banks issuing these certificates shall waive all rights of setoff or liens that they have or might have against those certificates.

d. Certificates of deposit shall be automatically renewed unless the director approves release of the funds in writing.

e. The funds shall be made payable upon demand to the director, subject to the provisions of the Act, for the use and benefit of the people of the state and for the use and benefit of a timber grower whose timber has been cut by the timber buyer or the timber buyer's agents, and who has not been paid.

f. The timber buyer may, upon 60 days' written notice to the department, provide a surety bond in lieu of the certificate of deposit and collateral bond.

g. The certificate of deposit and collateral bond will be kept in custody by the department for one year beyond the date of presentation by the timber buyer of a surety bond in lieu of certificate of deposit and collateral bond or upon written notice to the department of termination of the business of buying timber in Iowa.

72.2(4) *Determination of the bond amount.*

a. The standard applied by the department in determining the amount of the bond shall be:

(1) The bond shall be in the principal amount of 10 percent of the total amount paid to timber growers during the preceding year, plus 10 percent of the total amount due or delinquent and unpaid to timber growers at the end of the preceding year, and 10 percent of the market value of growers' share of timber

harvested during the previous year. However, the total amount of the bond shall be not less than $25,000 and no more than $50,000.

(2) In the case of a timber buyer not previously engaged in business as a timber buyer, the amount of the bond shall be based on the estimated dollar amount to be paid by the timber buyer to timber growers for timber purchased during the next succeeding year.

(3) In determining the amount of the bond, the department shall consider only amounts paid or estimated to be paid, to Iowa timber growers.

b. The timber buyer is responsible for maintaining the proper amount of bond to comply with the Act.

c. Change in bond amount. If the amount of the bond, as determined under this section, has changed from that of the existing bond on file, the timber buyer shall enclose a rider to the bond or an additional certificate of deposit as necessary to increase the amount of bonding to meet the required amount for the new year or may request approval of a substituted bond or certificate of deposit if the amount required for future bonding is reduced.

72.2(5) *Release of collateral bond and certificate of deposit.* The timber buyer, or any person authorized to act on behalf of the timber buyer, may file Form NRC72-5, Verified Application for Release of Bond and Certificate of Deposit with the department for release of the security and the department will respond as follows:

a. If the timber buyer replaces the certificate of deposit and collateral assignment with a surety bond, the department will release the certificate of deposit and collateral assignment to the timber buyer or the timber buyer's authorized representative one year after the timber buyer files a surety bond, if no known claims on the collateral bond exist.

b. If the timber buyer no longer wishes to stay in the timber buying business in Iowa, the department will hold the verified application for 12 months from the date of receipt and after that time release the certificate of deposit and collateral bond to the timber buyer or the timber buyer's authorized representative by certified mail or in person, if no known claims on the collateral bond exist.

c. Should any person be adversely affected by the release of the collateral bond, that person may file a written request with the department to obtain notice of any application by the timber buyer for release of collateral bond. The request shall give name, mailing address, and the reason why that party would be affected.

72.2(6) *Use of bond proceeds when the bond is forfeited.* If the department realizes more than the amount of the liability from the security, after deducting expenses including all costs and expenses of the state in forfeiture proceedings and incurred by the state in converting the security into money, the department shall pay the excess as follows:

a. Certificate of deposit excess will be paid to the timber buyer who furnished the security.

b. Surety bond excess will be paid to the corporate surety.

72.2(7) *Requests for confidential treatment.*

a. If any person filing a document with the director for use in carrying out the responsibilities under the Act relating to timber buyer bonding claims that some or all the information contained in the document is exempted from disclosure by Iowa Code chapter 22, or is otherwise exempt by law from public disclosure, and if the person requests the director not to disclose this information, the person shall file together with the document a second copy of the document from which has been deleted the information for which confidential treatment is claimed. The person shall conspicuously indicate on the face of the original document that it is confidential information and shall file a statement specifying the justification of nondisclosure of the information for which confidential treatment is claimed. If the person filing a document does not submit a second copy of the document with the confidential information deleted, the director may assume that there is no objection to public disclosure of the document in its entirety.

b. The director retains the right to make a determination with regard to any claim of confidentiality. Notice of the decision by the director to deny a claim, in whole or in part, and an opportunity to respond shall be given to a person claiming confidentiality of information no less than five days if possible prior to its public disclosure, or placement in files open to the public.

[**ARC 9235C**, IAB 5/14/25, effective 6/18/25]

571—72.3(456A) Forms. The forms required for use in complying with this chapter and Iowa Code section 456A.36 shall be available from the department. The forms are as follows:

NRC72-1	APPLICATION FOR BOND (Revised 2/23)
NRC72-2	CORPORATE SURETY BOND COVERING THE PURCHASE OF TIMBER FROM TIMBER GROWERS BY TIMBER BUYER OR BUYER'S AGENT (Revised 3/21)
NRC72-3	TIMBER BUYER SURETY BOND (USING A CERTIFICATE OF DEPOSIT) GOVERNING THE PURCHASE OF TIMBER FROM TIMBER GROWERS BY BUYER OR BUYER'S AGENT (Revised 8/17)
NRC72-4	COLLATERAL ASSIGNMENT OF CERTIFICATE OF DEPOSIT (Revised 8/17)
NRC72-5	VERIFICATION APPLICATION FOR RELEASE OF BOND AND CERTIFICATE OF DEPOSIT (Revised 8/17)
NRC72-6	TIMBER TRANSPORT CERTIFICATE (Revised 5/20)

Copies of the forms may be obtained by writing Forestry Section, Iowa Department of Natural Resources, 6200 Park Avenue, Suite 200, Des Moines, Iowa 50321; by calling 515.725.8200; or online at iowadnr.gov.

[**ARC 9235C**, IAB 5/14/25, effective 6/18/25]

These rules are intended to implement Iowa Code sections 456A.24 and 456A.36.

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[Filed ARC 9235C (Notice ARC 8589C, IAB 1/8/25), IAB 5/14/25, effective 6/18/25]

CHAPTER 73
FOREST AND FRUIT-TREE RESERVATIONS

[Prior to 12/31/86, Conservation Commission[290] Ch 53]

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/18/30

571—73.1(427C,456A) Criteria for establishing and maintaining forest and fruit-tree reservations.

73.1(1) *Designation.* The selection of a forest or fruit-tree reservation is the prerogative of the taxpayer and shall not be denied unless the criteria set forth in Iowa Code chapter 427C and these rules have not been satisfied.

73.1(2) *Area designated.* The area designated as a forest or fruit-tree reservation may be less than one legally described tract of land if the minimum acreage requirement of Iowa Code section 427C.2 is satisfied.

73.1(3) *Size of reservation.* As used in Iowa Code section 427C.2, the term "continuous area" means an area of land that is not separated by public roads or streets. A continuous area may include land contained in more than one legal description.

73.1(4) *Fencing.* It is not mandatory that a forest or fruit-tree reservation be fenced. However, it is the taxpayer's responsibility to ensure that livestock are not permitted on the reservation (1938 O.A.G. 198).

73.1(5) *Number of trees.* To qualify initially as a forest reservation, a tract of land must contain at least 200 growing trees on each acre. However, if trees are removed pursuant to Iowa Code section 427C.4, a taxpayer has up to one year to replace the trees.

73.1(6) *Economic gain.* As used in Iowa Code section 427C.10, the term "gain from raising fruit or forest trees" means gain from the harvest from trees, including but not limited to fruit, nuts, Christmas trees and greens, posts, poles, logs, fuelwood, pulpwood, and tree sap.

[**ARC 9236C**, IAB 5/14/25, effective 6/18/25]

571—73.2(427C,456A) County assessor's annual report on forest and fruit-tree reservations to the department of natural resources.

73.2(1) *Report content.* The report shall be submitted in a sortable Microsoft Excel file and shall contain the county, parcel ID, class of parcel (agricultural, commercial, residential, etc.), name of owner, mailing address of owner, number of acres for each parcel, and exempted dollar value of each parcel for each forest and fruit-tree reservation. In addition, the report shall include the total number of acres, total number of parcels, and total exempted value.

73.2(2) *Report due date.* The report shall be submitted annually to the department of natural resources no later than June 15 of the assessment year.

[**ARC 9236C**, IAB 5/14/25, effective 6/18/25]

These rules are intended to implement Iowa Code chapters 427C and 441.

[Filed 2/8/85, Notice 1/2/85—published 2/27/85, effective 4/3/85]
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CHAPTER 74
FOREST LAND ENHANCEMENT PROGRAM (FLEP)
Rescinded **ARC 9237C**, IAB 5/14/25, effective 6/18/25

CHAPTER 75
Reserved

TITLE VIII
SEASONS, LIMITS, METHODS OF TAKE

CHAPTER 76
UNPROTECTED NONGAME

[Prior to 12/31/86, Conservation Commission[290] Ch 16]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

571—76.1(481A) Species. Certain species of nongame shall not be protected.

76.1(1) *Birds.* The European starling and the house sparrow shall not be protected.

76.1(2) *Reptiles.*

a. Garter snake.

b. Timber rattlesnake except in Allamakee, Appanoose, Clayton, Delaware, Des Moines, Dubuque, Fayette, Henry, Jackson, Jones, Lee, Madison, Van Buren, and Winneshiek Counties but not including an area of 50 yards around houses actively occupied by human beings in those counties.

This rule is intended to implement Iowa Code sections 481A.38, 481A.39, and 481A.42.

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[Filed 6/21/01, Notice 5/2/01—published 7/11/01, effective 8/15/01]

[1] At its meeting held October 9, 2000, the Administrative Rules Review Committee delayed the effective date of the rescission of 76.1(2) from 10/11/00 until adjournment of the 2001 Session of the General Assembly.

CHAPTER 77
ENDANGERED AND THREATENED PLANT AND ANIMAL SPECIES

[Prior to 12/31/86, Conservation Commission[290], Ch 19]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

571—77.1(481B) Definitions. As used in this rule:

"Endangered species" means any species of fish, plant life, or wildlife which is in danger of extinction throughout all or a significant part of its range.

"Special concern species" means any species about which problems of status or distribution are suspected, but not documented, and for which no special protection is afforded under this rule.

"Threatened species" means any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

571—77.2(481B) Endangered, threatened, and special concern animals. The natural resource commission, in consultation with scientists with specialized knowledge and experience, has determined the following animal species to be endangered, threatened or of special concern in Iowa:

77.2(1) *Endangered animal species:*

Mammals	
Indiana Bat	Myotis sodalis
Plains Pocket Mouse	Perognathus flavescens
Red-backed Vole	Clethrionomys gapperi
Spotted Skunk	Spilogale putorius
Birds	
Red-shouldered Hawk	Buteo lineatus
Northern Harrier	Circus cyaneus
Piping Plover	Charadrius melodus
Common Barn Owl	Tyto alba
Least Tern	Sterna antillarum
King Rail	Rallus elegans
Short-eared Owl	Asio flammeus
Fish	
Lake Sturgeon	Acipenser fulvescens
Pallid Sturgeon	Scaphirhynchus albus
Pugnose Shiner	Notropis anogenus
Weed Shiner	Notropis texanus
Pearl Dace	Semotilus margarita
Freckled Madtom	Noturus nocturnus
Bluntnose Darter	Etheostoma chlorosomum
Least Darter	Etheostoma microperca
Reptiles	
Yellow Mud Turtle	Kinosternon flavescens
Wood Turtle	Clemmys insculpta
Great Plains Skink	Eumeces obsoletus
Copperbelly Water Snake	Nerodia erythrogaster neglecta
Western Hognose Snake	Heterodon nasicus
Copperhead	Agkistrodon contortrix
Prairie Rattlesnake	Crotalus viridis
Massasauga Rattlesnake	Sistrurus catenatus
Amphibians	
Blue-spotted Salamander	Ambystoma laterale

Crawfish Frog	Rana areolata

Butterflies

Dakota Skipper	Hesperia dacotae
Ringlet	Coenonympha tullia

Land Snails

Iowa Pleistocene Snail	Discus macclintocki
Minnesota Pleistocene Ambersnail	Novisuccinea new species A
Iowa Pleistocene Ambersnail	Novisuccinea new species B
Frigid Ambersnail	Catinella gelida
Briarton Pleistocene Vertigo	Vertigo briarensis
Bluff Vertigo	Vertigo meramecensis
Iowa Pleistocene Vertigo	Vertigo new species

Fresh Water Mussels

Spectacle Case	Cumberlandia monodonta
Slippershell	Alasmidonta viridis
Buckhorn	Tritogonia verrucosa
Ozark Pigtoe	Fusconaia ozarkensis
Bullhead	Plethobasus cyphyus
Ohio River Pigtoe	Pleurobema sintoxia
Slough Sandshell	Lampsilis teres teres
Yellow Sandshell	Lampsilis teres anodontoides
Higgin's-eye Pearly Mussel	Lampsilis higginsi

77.2(2) *Threatened animal species:*

Mammals

Least Shrew	Cryptotis parva
Southern Bog Lemming	Synaptomys cooperi

Birds

Long-eared Owl	Asio otus
Henslow's Sparrow	Ammodramus henslowii

Fish

Chestnut Lamprey	Ichthyomyzon castaneus
American Brook Lamprey	Lampetra appendix
Grass Pickerel	Esox americanus
Blacknose Shiner	Notropis heterolepis
Topeka Shiner	Notropis topeka
Western Sand Darter	Ammocrypta clara
Black Redhorse	Moxostoma duquesnei
Burbot	Lota lota
Orangethroat Darter	Etheostoma spectabile

Reptiles

Slender Glass Lizard	Ophisaurus attenuatus
Common Musk Turtle	Sternotherus odoratus
Blanding's Turtle	Emydoidea blandingii
Ornate Box Turtle	Terrapene ornata
Diamondback Water Snake	Nerodia rhombifera
Western Worm Snake	Carphophis amoenus vermis
Speckled Kingsnake	Lampropeltis getulus

Amphibians

Mudpuppy	Necturus maculosus

Central Newt	Notophthalmus viridescens

Butterflies

Powesheik Skipperling	Oarisma powesheik
Byssus Skipper	Problema byssus
Mulberry Wing	Poanes massasoit
Silvery Blue	Glaucopsyche lygdamus
Baltimore	Euphydryas phaeton

Snails

Midwest Pleistocene Vertigo	Vertigo hubrichti
Occult Vertigo	Vertigo occulta

Fresh Water Mussels

Cylinder	Anodontoides ferussacianus
Strange Floater	Strophitus undulatus
Creek Heelsplitter	Lasmigona compressa
Purple Pimpleback	Cyclonaias tuberculata
Butterfly	Ellipsaria lineolata
Ellipse	Venustaconcha ellipsiformis

77.2(3) *Special concern animal species:*

Mammals

Southern Flying Squirrel	Glaucomys volans

Birds

Forster's Tern	Sterna forsteri
Black Tern	Chlidonias niger
Peregrine Falcon	Falco peregrinus
Bald Eagle	Haliaeetus leucocephalus

Fish

Pugnose Minnow	Notropis emiliae
Pirate Perch	Aphredoderus sayanus

Reptiles

Smooth Green Snake	Opheodrys vernalis
Bullsnake	Pituophis catenifer sayi

Butterflies

Dreamy Duskywing	Erynnis icelus
Sleepy Duskywing	Erynnis brizo
Columbine Duskywing	Erynnis lucilius
Wild Indigo Duskywing	Erynnis baptisiae
Ottoe Skipper	Hesperia ottoe
Leonardus Skipper	Hesperia l. leonardus
Pawnee Skipper	Hesperia leonardus pawnee
Beardgrass Skipper	Atrytone arogos
Zabulon Skipper	Poanes zabulon
Broad-winged Skipper	Poanes viator
Sedge Skipper	Euphyes dion
Two-spotted Skipper	Euphyes bimacula
Dusted Skipper	Atrytonopsis hianna
Salt-and-pepper Skipper	Amblyscirtes hegon
Pipevine Swallowtail	Battus philenor
Zebra Swallowtail	Eurytides marcellus
Olympia White	Euchloe olympia

Purplish Copper	Lycaena helloides
Acadian Hairstreak	Satyrium acadicum
Edward's Hairstreak	Satyrium edwardsii
Hickory Hairstreak	Satyrium caryaevorum
Striped Hairstreak	Satyrium liparops
Swamp Metalmark	Calephelis mutica
Regal Fritillary	Speyeria idalia
Baltimore	Euphydryas phaeton ozarkae

[**ARC 8105B**, IAB 9/9/09, effective 10/14/09]

571—77.3(481B) Endangered, threatened, and special concern plants. The natural resource commission, in consultation with scientists with special knowledge and experience, determined the following plant species to be endangered, threatened, or of special concern in Iowa.

77.3(1) *Endangered plant species:*

COMMON NAME	SCIENTIFIC NAME
Pale false foxglove	Agalinus skinneriana
Blue giant-hyssop	Agastache foeniculum
Bearberry	Arctostaphylos uva-ursi
Black chokeberry	Aronia melanocarpa
Eared milkweed	Asclepias engelmanniana
Mead's milkweed	Asclepias meadii
Narrow-leaved milkweed	Asclepias stenophylla
Ricebutton aster	Aster dumosus
Large-leaved aster	Aster macrophyllus
Schreber's aster	Aster schreberi
Fern-leaved false foxglove	Aureolaria pedicularia
Matricary grape fern	Botrychium matricariifolium
Poppy mallow	Callirhoe triangulata
Cordroot sedge	Carex chordorrhiza
Large-bracted corydalis	Corydalis curvisiliqua
Silky prairie-clover	Dalea villosa
Swamp-loosestrife	Decodon verticillatus
Northern panic-grass	Dichanthelium boreale
Roundleaved sundew	Drosera rotundifolia
False mermaid	Floerkea proserpinacoides
Bog bedstraw	Galium labradoricum
Povertygrass	Hudsonia tomentosa
Northern St. Johnswort	Hypericum boreale
Pineweed	Hypericum gentianoides
Winterberry	Ilex verticillata
Black-based quillwort	Isoetes melanopoda
Water-willow	Justicia americana
Dwarf dandelion	Krigia virginica
Cleft conobea	Leucospora multifida
Whiskbroom parsley	Lomatium foeniculaceum
Running clubmoss	Lycopodium clavatum
Bog clubmoss	Lycopodium inundatum
Annual skeletonweed	Lygodesmia rostrata
Water marigold	Megalodonta beckii
Northern lungwort	Mertensia paniculata
Bigroot pricklypear	Opuntia macrorhiza
Clustered broomrape	Orobanche fasciculata
Ricegrass	Oryzopsis pungens

Cinnamon fern	Osmunda cinnamomea
Purple cliffbrake	Pellaea atropurpurea
Arrow arum	Peltandra virginica
Pale green orchid	Platanthera flava
Eastern prairie fringed orchid	Platanthera leucophaea
Clammyweed	Polansia jamesii
Crossleaf milkwort	Polygala cruciata
Purple milkwort	Polygala polygama
Jointweed	Polygonella articulata
Douglas' knotweed	Polygonum douglasii
Three-toothed cinquefoil	Potentilla tridentata
Canada plum	Prunus nigra
Frenchgrass	Psoralea onobrychis
Pink shinleaf	Pyrola asarifolia
Prickly rose	Rosa acicularis
Meadow spikemoss	Selaginella eclipes
Rough-leaved goldenrod	Solidago patula
Bog goldenrod	Solidago uliginosa
Yellow-lipped ladies-tresses	Spiranthes lucida
Pickering morning-glory	Stylisma pickeringii
Rough-seeded fameflower	Talinum rugospermum
Waxy meadowrue	Thalictrum revolutum
Long beechfern	Thelypteris phegopteris
Large-leaved violet	Viola incognita
Rusty woodsia	Woodsia ilvensis
Yellow-eyed grass	Xyris torta

77.3(2) *Threatened plant species:*

Northern wild monkshood	Aconitum noveboracense
Round-stemmed false foxglove	Agalinus gattingerii
Nodding wild onion	Allium cernuum
Fragrant false indigo	Amorpha nana
Virginia snakeroot	Aristolochia serpentaria
Woolly milkweed	Asclepias lanuginosa
Showy milkweed	Asclepias speciosa
Forked aster	Aster furcatus
Rush aster	Aster junciformis
Flax-leaved aster	Aster linariifolius
Water parsnip	Berula erecta
Kittentails	Besseya bullii
Bog birch	Betula pumila
Pagoda plant	Blephilia ciliata
Leathery grapefern	Botrychium multifidum
Little grapefern	Botrychium simplex
Sweet Indian-plantain	Cacalia suaveolens
Poppy mallow	Callirhoe alcaeoides
Pipsissewa	Chimaphila umbellata
Golden saxifrage	Chrysosplenium iowense
Dayflower	Commelina erecta
Spotted coralroot	Corallorhiza maculata
Bunchberry	Cornus canadensis
Golden corydalis	Corydalis aurea
Pink corydalis	Corydalis sempervirens
Showy lady's-slipper	Cypripedium reginae

Slim-leaved panic-grass	Dichanthelium linearifolium
Jeweled shooting star	Dodecatheon amethystinum
Glandular wood fern	Dryopteris intermedia
Marginal shield fern	Dryopteris marginalis
Woodland horsetail	Equisetum sylvaticum
Slender cottongrass	Eriophorum gracile
Yellow trout lily	Erythronium americanum
Queen of the prairie	Filipendula rubra
Blue ash	Fraxinus quadrangulata
Black huckleberry	Gaylussacia baccata
Oak fern	Gymnocarpium dryopteris
Green violet	Hybanthus concolor
Twinleaf	Jeffersonia diphylla
Creeping juniper	Juniperus horizontalis
Intermediate pinweed	Lechea intermedia
Hairy pinweed	Lechea villosa
Prairie bush clover	Lespedeza leptostachya
Twinflower	Linnaea borealis
Western parsley	Lomatium orientale
Wild lupine	Lupinus perennis
Tree clubmoss	Lycopodium dendroideum
Rock clubmoss	Lycopodium porophilum
Hairy waterclover	Marsilea vestita
Bog buckbean	Menyanthes trifoliata
Winged monkeyflower	Mimulus alatus
Yellow monkeyflower	Mimulus glabratus
Partridge berry	Mitchella repens
Pinesap	Monotropa hypopithys
Small sundrops	Oenothera perennis
Little pricklypear	Opuntia fragilis
Royal fern	Osmunda regalis
Philadelphia panic-grass	Panicum philadelphicum
Slender beardtongue	Penstemon gracilis
Hooker’s orchid	Platanthera hookeri
Northern bog orchid	Platanthera hyperborea
Western prairie fringed orchid	Platanthera praeclara
Purple fringed orchid	Platanthera psycodes
Pink milkwort	Polygala incarnata
Silverweed	Potentilla anserina
Shrubby cinquefoil	Potentilla fruticosa
Pennsylvania cinquefoil	Potentilla pensylvanica
One-sided shinleaf	Pyrola secunda
Meadow beauty	Rhexia virginica
Beaked rush	Rhynchospora capillacea
Northern currant	Ribes hudsonianum
Shining willow	Salix lucida
Bog willow	Salix pedicellaris
Low nutrush	Scleria verticillata
Buffaloberry	Sheperdia argentea
Scarlet globemallow	Sphaeralcea coccinea
Slender ladies-tresses	Spiranthes lacera
Oval ladies-tresses	Spiranthes ovalis
Hooded ladies-tresses	Spiranthes romanzoffiana
Spring ladies-tresses	Spiranthes vernalis

Rosy twisted-stalk	Streptopus roseus
Fameflower	Talinum parviflorum
Large arrowgrass	Triglochin maritimum
Small arrowgrass	Triglochin palustre
Low sweet blueberry	Vaccinium angustifolium
Velvetleaf blueberry	Vaccinium myrtilloides
False hellebore	Veratrum woodii
Kidney-leaved violet	Viola renifolia
Oregon woodsia	Woodsia oregana

77.3(3) *Special concern plant species:*

Balsam fir	Abies balsamea
Three-seeded mercury	Acalypha gracilens
Three-seeded mercury	Acalypha ostryifolia
Mountain maple	Acer spicatum
Moschatel	Adoxa moschatellina
Water plantain	Alisma gramineum
Wild onion	Allium mutabile
Amaranth	Amaranthus arenicola
Lanceleaf ragweed	Ambrosia bidentata
Saskatoon serviceberry	Amelanchier alnifolia
Low serviceberry	Amelanchier sanguinea
Raccoon grape	Ampelopsis cordata
Pearly everlasting	Anaphalis margaritacea
Sand bluestem	Andropogon hallii
Broomsedge	Andropogon virginicus
Purple angelica	Angelica atropurpurea
Purple rockcress	Arabis divaricarpa
Green rockcress	Arabis missouriensis
Lakecress	Armoracia lacustris
Fringed sagewort	Artemisia frigida
Common mugwort	Artemisia vulgaris
Pawpaw	Asimina triloba
Curved aster	Aster falcatus
Hairy aster	Aster pubentior
Prairie aster	Aster turbinellus
Standing milkvetch	Astragalus adsurgens
Bent milkvetch	Astragalus distortus
Missouri milkvetch	Astragalus missouriensis
Blue wild indigo	Baptisia australis
Yellow wild indigo	Baptisia tinctoria
Prairie moonwort	Botrychium campestre
Watershield	Brasenia schreberi
Buffalograss	Buchloe dactyloides
Poppy mallow	Callirhoe papaver
Water-starwort	Callitriche heterophylla
Grass pink	Calopogon tuberosus
Low bindweed	Calystegia spithamaea
Clustered sedge	Carex aggregata
Back’s sedge	Carex backii
Bush’s sedge	Carex bushii
Carey’s sedge	Carex careyana
Flowerhead sedge	Carex cephalantha
Field sedge	Carex conoidea

Crawe's sedge	Carex crawei
Fringed sedge	Carex crinita
Double sedge	Carex diandra
Douglas' sedge	Carex douglasii
Dry sedge	Carex foena
Thin sedge	Carex gracilescens
Delicate sedge	Carex leptalea
Mud sedge	Carex limosa
Hoplike sedge	Carex lupuliformis
Yellow sedge	Carex lurida
Intermediate sedge	Carex media
Backward sedge	Carex retroflexa
Richardson's sedge	Carex richardsonii
Rocky Mountain sedge	Carex saximontana
Sterile sedge	Carex sterilis
Soft sedge	Carex tenera
Deep green sedge	Carex tonsa
Tuckerman's sedge	Carex tuckermanii
Umbrella sedge	Carex umbellata
Wild oats	Chasmanthium latifolium
Pink turtlehead	Chelone obliqua
Fogg's goosefoot	Chenopodium foggii
Missouri goosefoot	Chenopodium missouriensis
Coast blite	Chenopodium rubrum
Bugbane	Cimicifuga racemosa
Hill's thistle	Cirsium hillii
Swamp thistle	Cirsium muticum
Wavy-leaved thistle	Cirsium undulatum
Western clematis	Clematis occidentalis
Blue-eyed Mary	Collinsia verna
Cancer-root	Conopholis americana
Fireberry hawthorn	Crataegus chrysocarpa
Red hawthorn	Crataegus coccinea
Two-fruited hawthorn	Crataegus disperma
Hawthorn	Crataegus pruinosa
Hawksbeard	Crepis runcinata
Prairie tea	Croton monanthogynus
Crotonopsis	Crotonopsis elliptica
Waxweed	Cuphea viscosissima
Dodder	Cuscuta indecora
Small white lady's-slipper	Cypripedium candidum
Carolina larkspur	Delphinium carolinianum
Sessile-leaved tick trefoil	Desmodium sessilifolium
Fingergrass	Digitaria filiformis
Buttonweed	Diodia teres
Purple coneflower	Echinacea purpurea
Waterwort	Elatine triandra
Purple spikerush	Eleocharis atropurpurea
Green spikerush	Eleocharis olivacea
Oval spikerush	Eleocharis ovata
Dwarf spikerush	Eleocharis parvula
Few-flowered spikerush	Eleocharis pauciflora
Wolf's spikerush	Eleocharis wolfii
Interrupted wildrye	Elymus interruptus

Dwarf scouring rush	Equisetum scirpoides
Ponygrass	Eragrostis reptans
Tall cottongrass	Eriophorum angustifolium
Tawny cottongrass	Eriophorum virginicum
Upland boneset	Eupatorium sessilifolium
Spurge	Euphorbia commutata
Missouri spurge	Euphorbia missurica
Slender fimbristylis	Fimbristylis autumnalis
Umbrella grass	Fuirena simplex
Rough bedstraw	Galium asprellum
Small fringed gentian	Gentianopsis procera
Northern cranesbill	Geranium bicknellii
Spring avens	Geum vernum
Early cudweed	Gnaphalium purpureum
Limestone oak fern	Gymnocarpium robertianum
Bitterweed	Helenium amarum
Mud plantain	Heteranthera limosa
Water stargrass	Heteranthera reniformis
Hairy goldenaster	Heterotheca villosa
Common mare’s-tail	Hippuris vulgaris
Canadian St. Johnswort	Hypericum canadense
Drummond St. Johnswort	Hypericum drummondii
White morning glory	Ipomoea lacunosa
Sumpweed	Iva annua
Alpine rush	Juncus alpinus
Toad rush	Juncus bufonius
Soft rush	Juncus effusus
Green rush	Juncus greenii
Edged rush	Juncus marginatus
Vasey’s rush	Juncus vaseyi
Potato dandelion	Krigia dandelion
Pinweed	Lechea racemulosa
Duckweed	Lemna perpusilla
Creeping bush clover	Lespedeza repens
Silvery bladder-pod	Lesquerella ludoviciana
Wild flax	Linum medium
Brook lobelia	Lobelia kalmii
False loosestrife	Ludwigia peploides
Crowfoot clubmoss	Lycopodium digitatum
Adder’s-mouth orchid	Malaxis unifolia
Globe mallow	Malvastrum hispidum
Two-flowered melic-grass	Melica mutica
Ten-petaled blazingstar	Mentzelia decapetala
Millet grass	Milium effusum
Rock sandwort	Minuartia michauxii
Naked mitrewort	Mitella nuda
Scratchgrass	Muhlenbergia asperifolia
Water milfoil	Myriophyllum heterophyllum
Rough water milfoil	Myriophyllum pinnatum
Water milfoil	Myriophyllum verticillatum
Glade mallow	Napaea dioica
Showy evening primrose	Oenothera speciosa
Northern adders-tongue fern	Ophioglossum vulgatum
Louisiana broomrape	Orobanche ludoviciana

Mountain ricegrass	Oryzopsis asperifolia
Gattinger's panic-grass	Panicum gattingeri
White beardtongue	Penstemon albidus
Cobaea penstemon	Penstemon cobaea
Tube penstemon	Penstemon tubiflorus
Cleft phlox	Phlox bifida
Annual ground cherry	Physalis pubescens
Heart-leaved plantain	Plantago cordata
Wood orchid	Platanthera clavellata
Green fringed orchid	Platanthera lacera
Plains bluegrass	Poa arida
Chapman's bluegrass	Poa chapmaniana
Weak bluegrass	Poa languida
Bog bluegrass	Poa paludigena
Meadow bluegrass	Poa wolfii
Hairy Solomon's-seal	Polygonatum pubescens
Large-leaved pondweed	Potamogeton amplifolius
Ribbonleaf pondweed	Potamogeton epihydrus
White-stemmed pondweed	Potamogeton praelongus
Spiralled pondweed	Potamogeton spirillus
Tussock pondweed	Potamogeton strictifolius
Vasey's pondweed	Potamogeton vaseyi
Bird's-eye primrose	Primula mistassinica
Prionopsis	Prionopsis ciliata
Mermaid weed	Proserpinaca palustris
Dwarf cherry	Prunus besseyi
Hortulan plum	Prunus hortulana
Sand cherry	Prunus pumila
Lemon scurfpea	Psoralea lanceolata
Crowfoot	Ranunculus circinatus
Gmelin's crowfoot	Ranunculus gmelinii
Buckthorn	Rhamnus alnifolia
Dwarf sumac	Rhus copallina
Northern gooseberry	Ribes hirtellum
Yellow cress	Rorippa sinuata
Swamp rose	Rosa palustris
Tooth-cup	Rotala ramosior
Dewberry	Rubus hispidus
Western dock	Rumex occidentalis
Widgeon grass	Ruppia maritima
Prairie rose gentian	Sabatia campestris
Sage willow	Salix candida
Sassafras	Sassafras albidum
Tumblegrass	Schedonnardus paniculatus
Scheuchzeria	Scheuchzeria palustris
Sensitive briar	Schrankia nuttallii
Hall's bulrush	Scirpus hallii
Prairie bulrush	Scirpus maritimus
Pedicelled bulrush	Scirpus pedicellatus
Smith's bulrush	Scirpus smithii
Torrey's bulrush	Scirpus torreyi
Veiny skullcap	Scutellaria nervosa
Wild stonecrop	Sedum ternatum
Rock spikemoss	Selaginella rupestris

Butterweed	Senecio glabellus
False golden ragwort	Senecio pseudaureus
Knotweed bristlegrass	Setaria geniculata
Virginia rockcress	Sibara virginica
Prairie dock	Silphium terebinthinaceum
Burreed	Sparganium androcladum
Great plains ladies-tresses	Spiranthes magnicamporum
Clandestine dropseed	Sporobolus clandestinus
Rough hedge-nettle	Stachys aspera
Needle-and-thread	Stipa comata
White coralberry	Symphoriocarpos albus
Eared false foxglove	Tomanthera auriculata
Spiderwort	Tradescantia virginiana
Humped bladderwort	Utricularia gibba
Flat-leaved bladderwort	Utricularia intermedia
Small bladderwort	Utricularia minor
Valerian	Valeriana edulis
American brookline	Veronica americana
Marsh speedwell	Veronica scutellata
Maple-leaved arrowwood	Viburnum acerifolium
Black arrowwood	Viburnum molle
Black haw	Viburnum prunifolium
Spurred violet	Viola adunca
Lance-leaved violet	Viola lanceolata
Macloskey's violet	Viola macloskeyi
Pale violet	Viola striata
Summer grape	Vitis aestivalis
Frost grape	Vitis vulpina

571—77.4(481B) Exemptions. Notwithstanding the foregoing list and the prohibitions in Iowa Code chapter 481B, a person may import, export, possess, transport, purchase, barter, buy, sell, offer to sell, hold for processing or process a species of animal or plant which is listed as endangered or threatened on the state list or as listed in the Code of Federal Regulations, Title 50, part 17, as amended to December 30, 1991, according to the following rules:

77.4(1) Trophies lawfully taken by persons licensed to hunt or fish (not including trapping or commercial harvest licenses) in another state, country or territory may be brought into this state and possessed, held for processing and processed but may not be sold or offered for sale.

77.4(2) Furs or skins of wildlife species appearing on the state list of endangered and threatened species which were lawfully taken or purchased in another state, country or territory may be imported, exported, purchased, possessed, bartered, offered for sale, sold, held for processing, or processed in this state if they are tagged or permanently marked by the state, country, or territory of origin.

77.4(3) Species of live animals appearing on the state list of endangered and threatened species may be imported, exported, possessed, purchased, bartered, offered for sale, or sold under the terms of a scientific collecting permit or educational project permit issued pursuant to Iowa Code section 481A.6 and administrative rules adopted by the department.

77.4(4) Plants, seeds, roots, and other parts of plants which appear on the state list of endangered and threatened plants which were lawfully taken or purchased in another state, country or territory may be imported, exported, purchased, possessed, offered for sale or sold in this state.

77.4(5) A part or product of a species of fish or wildlife appearing on the state list of endangered or threatened species which enters the state from another state or from a point outside the territorial limits of the United States may enter, be transported, exported, possessed, sold, offered for sale, held for processing or processed in accordance with the terms of a permit issued by the agency of jurisdiction in the state of origin or, if entering from outside the United States, a federal permit issued by the United States government. If proper documentation is available, a person may buy or offer to buy a part or product of a

species of fish or wildlife appearing on the state or federal lists as long as it is imported from a legal source outside this state and proper documentation is provided.

77.4(6) If a person possesses a species of fish or wildlife or a part, product or offspring of such a species, proper documentation such as receipt of purchase and the permit from the state of origin or the U.S. government must be presented upon request of any conservation officer. Failure to produce such documentation is a violation of this chapter and will constitute grounds for forfeiture to the Iowa DNR.

77.4(7) A species of plant, fish or wildlife appearing on the state list of endangered and threatened species may be collected, held, salvaged and possessed under the terms of a scientific collecting permit issued pursuant to Iowa Code section 481A.6 and administrative rules adopted by the department.

77.4(8) Drainage district repairs and improvements to existing open ditch facilities are excluded from the department's protection efforts for the Topeka shiner. This includes facilities of levee and drainage districts established and maintained under Iowa Code chapter 468. This exclusion does not apply to new channelization, deepening, or leveeing of existing streams and rivers with permanent flow or existing streams with off-channel water areas capable of supporting fish.

77.4(9) The department may enter into an agreement with a private landowner for habitat improvements that benefit endangered and threatened species while limiting the potential impacts to the landowner arising when a covered species becomes more numerous due to the voluntary improvements to the habitat. If any covered species becomes more numerous as a result of the landowner's voluntary actions, a private landowner who commits to implement voluntary conservation measures for a listed species will not be required to implement additional measures, and additional land, water, or resource use restrictions will not be imposed.

a. The department will provide participating landowners with technical assistance to develop landowner incentive program agreements. Each agreement shall include the following:

1. Landowner's name.
2. Legal description of the property covered by the agreement.
3. Length of agreement period.
4. Species covered by the agreement.
5. Baseline conditions: the estimated number of listed species and the size and condition of habitat for each species covered.
6. Conservation measures to be implemented and implementation schedule.
7. Financial commitment of the department and the landowner.
8. Measures to determine if the agreement has been fulfilled.
9. Any property use restrictions.
10. Terms for the termination of the agreement prior to its scheduled expiration.

b. The landowner, through normal lawful activities, may return the property to the baseline or a mutually agreed-upon condition above the baseline at any time after expiration of the landowner incentive program agreement.

This rule is intended to implement Iowa Code chapter 481B.

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CHAPTER 78
GINSENG HARVESTING AND SALE

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

571—78.1(456A) Purpose. The purposes of these rules are to establish a program for the harvesting and sale of American Ginseng subject to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); to provide for the time and conditions for harvesting the plant; and to provide requirements for the registration of growers, dealers and exporters and the records kept by dealers and exporters. The goal of the department's program is to ensure that American Ginseng (Panax quinquefolius), a slow-growing plant with increased demand due to its medicinal and commercial value, remains a sustainable resource in the state of Iowa.
[**ARC 7680B**, IAB 4/8/09, effective 4/1/09]

571—78.2(456A) Scope. These rules shall apply to all persons harvesting, cultivating and dealing in American Ginseng (Panax quinquefolius) in Iowa. However, these rules are not intended to apply to the trade or trafficking of lawfully obtained American Ginseng that has been processed, prepared, packaged and labeled in a manner intended for its final consumptive use.
[**ARC 7680B**, IAB 4/8/09, effective 4/1/09]

571—78.3(456A) Definitions. All words and phrases used in these rules shall have their ordinary and customary meaning, except that the following words and phrases shall be defined as follows:

"Controlled conditions" means a nonnatural environment that is intensively manipulated by human intervention for the purpose of plant production. General characteristics of controlled conditions may include, but are not limited to, tillage, fertilization, weed and pest control, irrigation, or nursery operations, such as potting, bedding, or protection from weather and artificial or natural shade or light.

"Cultivated ginseng" means ginseng that is nurtured, artificially propagated or maintained under controlled conditions from a seed, cutting, division, callus tissue, root, rhizome, other plant tissue, spore, or other propagule that has been derived from cultivated parental stock.

"Cultivated parental stock" means the ensemble of plants grown under controlled conditions that are used for reproduction and must be maintained in sufficient quantities for propagation.

"Cutting" or *"division"* means a plant grown from the root, rhizome, stem, or leaf of another plant and is considered to be artificially propagated only if the traded specimen does not contain any material collected from the wild.

"Dealer" means any person who deals in ginseng, which includes without limitation buying, selling, purchasing, holding, brokering, billing for, bartering, trading or otherwise receiving payment for wild or cultivated ginseng in Iowa, for the purpose of selling or otherwise transacting wild or cultivated ginseng. The term "dealer" includes any person, including without limitation a harvester, who sells ginseng to any person other than a dealer licensed pursuant to these rules or lawfully licensed in another state.

"Dealer's permit" means a permit issued to a dealer by the department under these rules.

"Department" means the Iowa department of natural resources.

"Director" means the director of the Iowa department of natural resources or a designee.

"Ginseng" means all parts of the American Ginseng (Panax quinquefolius) plant, including without limitation roots, rhizomes, leaves and seeds, which may be cultivated or wild. "Ginseng," however, for purposes of these rules, does not mean those parts of the American Ginseng plant that have been processed.

"Green ginseng" means a root of ginseng from which the moisture has not been removed by drying. For the purposes of these rules, the amount of dried ginseng rhizome which can be derived from green ginseng rhizome shall be calculated using a ratio of three and three-tenths to one (3.3:1) by weight.

"Grower" means a person who grows cultivated ginseng for the purpose of selling the ginseng.

"Grower's permit" means a permit issued under these rules to a grower.

"Harvester" means any person who harvests, possesses, transports, cuts, gathers, destroys, digs or uproots wild ginseng for the purpose of selling the ginseng or for personal use.

"Harvester's permit" means a permit issued under these rules to a harvester.

"Nonresident" means a person other than a resident as defined by Iowa Code section 483A.1A.

"Permits" means dealer's permits, grower's permits and harvester's permits issued under these rules.

"Resident" means a resident as defined by Iowa Code section 483A.1A.

"Root" means the ginseng rhizome and its roots.

"True leaves" or *"prongs"* means compound leaves that include five leaflets consisting of three large leaflets and two small leaflets.

"Wild ginseng" means an unprocessed plant, dry or live green root, rhizome, seed or other part of ginseng, which is growing in or has been collected from its native habitat, including ginseng plants which have arisen from a seed that is planted in the wild, or which have been transplanted into native habitat. "Wild ginseng" is ginseng that has not been grown or nurtured by a person beyond planting of seeds or plants.

[**ARC 7680B**, IAB 4/8/09, effective 4/1/09]

571—78.4(456A) Season for legal harvest. The season for legally harvesting ginseng is September 1 to October 31.

[**ARC 7680B**, IAB 4/8/09, effective 4/1/09]

571—78.5(456A) General prohibitions.

78.5(1) *Harvest.* From November 1 through the following August 31, no person shall harvest, dig, cut, uproot, gather, intentionally disturb, or destroy ginseng, whether the ginseng is wild or cultivated ginseng. This prohibition shall not apply to the transplantation or intentional disturbance of cultivated ginseng when such activities are incidental to the cultivation and growing of cultivated ginseng in a nursery business.

78.5(2) *Sale.* A person, other than a dealer licensed pursuant to these rules, shall not sell ginseng from March 16 through August 31.

78.5(3) *Sale and possession of green ginseng.* A person shall not possess or transact business in green ginseng from November 21 through August 31, unless otherwise provided for by these rules.

78.5(4) *State-owned and state-managed lands.* In an effort to conserve and protect native stands of wild ginseng, the introduction of nonnative ginseng stock on state-owned or state-managed lands under the jurisdiction of the commission is prohibited, except in narrow circumstances as described in these rules. As such, a person shall not, at any time, possess, harvest, dig, cut, uproot, gather, plant, propagate, intentionally disturb or destroy ginseng or ginseng seed on state-owned or state-managed lands under the jurisdiction of the commission. Nothing in this chapter shall prohibit the department from taking measures on state-owned or state-managed lands under the jurisdiction of the commission to conserve and protect native wild ginseng, which may include without limitation planting and possessing seeds.

78.5(5) *Out-of-state ginseng.* No ginseng dug, harvested or purchased outside the borders of Iowa which is not accompanied by a valid certificate of origin pursuant to rule 571—78.9(456A) shall be transported into or be in the state of Iowa lawfully.

[**ARC 7680B**, IAB 4/8/09, effective 4/1/09]

571—78.6(456A) Ginseng permits. The department shall issue a grower's permit or dealer's permit upon receipt of a signed and complete application. An application shall be submitted on the form provided by the department, and payment of the appropriate fee, if applicable, shall be included with the application. Harvester's permits are available for sale through the department's electronic licensing system for Iowa (ELSI), which may be accessed through license agents throughout the state or on the department's Web site. The department shall not issue a permit if the department determines that the permit will be detrimental to the survival of ginseng or will otherwise be in contravention of the laws of this state or applicable federal laws. A person shall not carry, possess or use any other person's permit issued pursuant to these rules, except as specifically provided by these rules.

78.6(1) *Grower's permits.*

a. A person must obtain a permit from the department to legally grow cultivated ginseng. There is no fee for the permit, except for the charge associated with ELSI.

b. In order to be considered, an application for a grower's permit shall be made on the form provided by the department, shall be complete, and shall be executed by the person seeking the grower's permit.

c. A grower's permit shall be valid for five years from the date of issuance.

d. An application for permit renewal must be filed with the department within 60 days of expiration of the existing permit.

78.6(2) *Dealer's permits.*

a. A dealer in Iowa must have a valid dealer's permit issued by the department. A dealer's paid employees and family members who work at a dealer's primary place of business as identified on the dealer's permit may operate legally under the dealer's permit. For purposes of this subrule, family members include a dealer's spouse, domestic partner, parents, siblings, and children.

b. In order to be considered, an application for a dealer's permit shall be made on the form provided by the department, shall be complete, and shall be executed by the person seeking the dealer's permit.

c. Dealer's permits shall be issued as either Class A or Class B. A Class A dealer's permit authorizes a person to deal in any amount of ginseng in a license year. The permit application shall be accompanied by a $250 permit fee for Iowa residents and a $500 permit fee for nonresidents. A Class B dealer's permit authorizes an Iowa resident to deal in not more than five pounds dry weight of wild ginseng in a license year. The permit application shall be accompanied by a $50 permit fee. There shall be an additional charge associated with ELSI. The department's issuance of the permit may take in excess of 60 days to complete.

d. A dealer's permit shall be valid for a license year, from April 1 until March 31 of the following year.

e. A dealer's permit must be shown to the department when the department is certifying ginseng and must be shown to harvesters or other dealers when the dealer is buying ginseng.

78.6(3) *Harvester's permits.*

a. Any person who harvests wild ginseng must have a valid harvester's permit issued by the department and shall produce such permit upon the request of the department while the person is engaged in harvesting activities, including the person's moving to or from the harvest site, transporting ginseng and the selling of the harvested ginseng.

b. An application for a harvester's permit shall be made on the form provided by the department, unless the harvester's permit is purchased through ELSI, and shall be accompanied by a fee of $35 for residents and $65 for nonresidents. There shall be an additional charge associated with ELSI. The application and subsequent harvester's permit shall be signed by the applicant.

c. A harvester's permit shall be valid from September 1 through March 15 of the following year.

d. A harvester who has a valid harvester's permit may sell wild ginseng from September 1 through March 15 of the following year.

e. A harvester with a valid harvester's permit may retain no more than four ounces of dry wild ginseng for personal consumption for one year beyond the expiration date of the permit. All wild ginseng possessed pursuant to this paragraph shall be for the harvester's personal use only and may not be lawfully sold.

f. No person may sell, barter or otherwise offer for sale any ginseng that has been unlawfully collected, obtained or possessed in violation of this chapter, the Code of Iowa, or the Code of Federal Regulations.

78.6(4) *Duplicate permits.* A duplicate grower's permit, harvester's permit or dealer's permit may be issued upon application to the department and the payment of a $5 fee, plus any charges assessed to use ELSI to issue the duplicate permit.

[**ARC 7680B**, IAB 4/8/09, effective 4/1/09]

571—78.7(456A) Dealers—record keeping.

78.7(1) *Contents of records.* Each permitted ginseng dealer shall keep individual, accurate, legible and complete records of each ginseng transaction. The records shall be on forms prescribed by the department, which shall provide a reasonable number of these forms at no cost to the dealer. The dealer's record of each ginseng transaction shall include:

a. The date of transaction; and

b. The name and address of the buyer or seller, whichever is applicable for the transaction; and

c. The harvester's permit number or dealer's permit number, if a dealer is buying ginseng in the transaction; and

d. A description of the ginseng transacted, including the actual weight of the ginseng transacted and whether the ginseng is dried or green. If the ginseng is green ginseng, the weight shall also be converted to the dried weight of ginseng according to the ratio in rule 571—78.3(456A); and

e. The name of the county or counties where the ginseng was harvested if the ginseng is purchased from a harvester; and

f. A copy of the ginseng's certificate of origin, signed by the seller, if applicable; and

g. The year of harvest for the ginseng bought or sold; and

h. Any additional information as requested by the department and included on the department's form.

78.7(2) *Monthly reporting.* Each dealer shall submit to the department copies of all records required by subrule 78.7(1) on a monthly basis, no later than the fifteenth day of each month.

78.7(3) *Annual reporting.* Each dealer shall file an annual report with the department, which shall be delivered or postmarked by April 15. The annual report shall be filed on forms provided by the department and shall include the following information:

a. A summary of all the dealer's transactions during the preceding license year, from April 1 through March 31, including sales to out-of-state persons; and

b. An inventory of any roots remaining in the dealer's possession in Iowa as of April 1, including the roots' certified weight and designation as either wild ginseng or cultivated ginseng, or a statement that the dealer has no roots remaining in the dealer's possession in Iowa as of that date. Any certification regarding a root's weight as required by this subrule shall be completed through the department or its agents at locations designated by the department, upon appointment.

c. Any roots carried over from one license year to the next shall be documented on the following license year's reports.

78.7(4) *Records retention.* All records required by this rule shall be kept by the dealer for a period of three years after the expiration of the dealer's permit.

[**ARC 7680B**, IAB 4/8/09, effective 4/1/09]

571—78.8(456A) Dealer locations.

78.8(1) *Generally.* Ginseng dealers shall transact business only at the location specified on the dealer's permit or at the place of business specified on the permit of any other dealer who holds a dealer's permit in Iowa and is involved in the transaction.

78.8(2) *Location permits.* A dealer who wishes to transact business at a location other than the locations provided for in subrule 78.8(1) may obtain a location permit from the department. Each location permit shall be valid only for the location specified on the location permit and shall entitle the dealer to operate at that location in addition to the location specified on the corresponding dealer's permit.

The department shall, upon application and payment of the applicable location permit fee, furnish a location permit to the dealer. The location permit fee shall be $5 for residents and $50 for nonresidents, plus any charge assessed for use of ELSI to issue the permit.

78.8(3) *Duplicate location permits.* A duplicate location permit may be issued upon application to the department and the payment of a $5 fee, plus any charge assessed for use of ELSI to issue the duplicate permit.

[**ARC 7680B**, IAB 4/8/09, effective 4/1/09]

571—78.9(456A) Certificates of origin.

78.9(1) *Shipments.* Every shipment of ginseng to a location outside the state of Iowa by a grower, harvester or dealer shall be accompanied by a certificate of origin, or shipping certificate, which certifies that the ginseng was lawfully harvested.

a. The department will issue a certificate of origin for cultivated ginseng to a grower or dealer upon application by the permit holder and based upon the completeness of the permit holder's application, which shall be on a form provided by the department, and the permit holder's compliance with the requirements of this chapter.

b. The department will issue a certificate of origin for wild ginseng to a harvester upon application by the permit holder and based upon the completeness of the permit holder's application, which shall be on a form provided by the department, and the permit holder's compliance with the requirements of this chapter.

c. The certificate of origin for wild ginseng will be issued by the department and its agents after the roots have been weighed and certified by the department or its agents at one of the locations designated by the department, upon appointment.

d. A grower, harvester, or dealer seeking a certificate of origin must have a valid grower's permit, harvester's permit, or dealer's permit, respectively, and must present the permit to receive a certificate of origin.

78.9(2) *Fees.* The department shall issue a certificate of origin free to any grower or dealer who lawfully possesses a valid grower's permit or dealer's permit, respectively, and for a fee of $5 for each certificate to any harvester who lawfully possesses a valid harvester's permit.

78.9(3) *Compliance.* Certificates of origin shall be issued only to permit holders who have complied with the requirements of this chapter, including without limitation requirements regarding plant size for wild ginseng.

78.9(4) *Wild ginseng originating in another state.*

a. No person may ship out of this state to a foreign country wild ginseng that originates in another state or foreign country unless the wild ginseng is accompanied by a valid certificate of origin issued by that other state or foreign country. No person may ship out of this state wild ginseng that originates in another state under a certificate of origin issued pursuant to this chapter.

b. No resident may import for purposes of dealing wild ginseng that originates in another state unless the wild ginseng is accompanied by a valid certificate of origin from the other state. Original certificates of origin shall remain with the wild ginseng at all times.

c. If a resident dealer receives wild ginseng that originated in another state and if a certificate of origin issued by that state does not accompany the wild ginseng, the dealer shall return the wild ginseng to the sender within 30 days after its receipt.

d. A dealer shall maintain a copy of the certificate of origin with the record of transaction.

e. It shall be lawful for any person to have in possession any wild ginseng lawfully harvested or purchased outside Iowa and lawfully brought into the state so long as the person possesses a valid certificate of origin for the wild ginseng.

[**ARC 7680B**, IAB 4/8/09, effective 4/1/09]

571—78.10(456A) Inspection.

78.10(1) At any time upon request, any permit issued under this chapter shall be made available to the department, director, officer appointed by the department, peace officer, or, in the case of a harvesting permit, the owner or person in lawful control of the land upon which the permittee may be harvesting wild ginseng. Failure of a person to carry or refusal to show or exhibit a valid permit while engaged in or presumed to be engaged in the harvesting, growing or dealing of ginseng in Iowa shall be a violation of this chapter. However, a person charged with violating these rules shall not be convicted if the person produces to the department or to a court officer, within a reasonable time, a permit issued to that person and valid when the person was charged with a violation of these rules. Failure to make such permit available is a violation of these rules.

78.10(2) Any records required by this chapter to be maintained or submitted shall be produced for inspection upon request of the department, director, officer appointed by the department, or peace officer. Failure to maintain records or to submit reports as required by these rules is a violation of these rules.

78.10(3) Any person or dealer who has in possession any ginseng or part thereof shall upon request of the department, director, any officer appointed by the department, or peace officer show the ginseng to the department, director or officer; a refusal to do so is a violation of this chapter.

[**ARC 7680B**, IAB 4/8/09, effective 4/1/09]

571—78.11(456A) Restrictions and prohibitions for harvesting wild ginseng.

78.11(1) Every person shall have in possession a valid, department-issued permit to harvest wild ginseng for the current harvest season when harvesting, cutting, uprooting, gathering, destroying, possessing or transporting wild ginseng.

78.11(2) No person shall harvest a plant unless the plant possesses three or more true leaves or prongs and a flowering or fruiting stalk with red berries. If, after a person removes a plant from the soil with the requisite leaves or prongs, it is determined the root has less than five stem scars, the person shall return the plant to the soil at the same location and make best efforts to return the plant and the surrounding area to their condition prior to harvest of the plant. In no event shall a person harvest or possess a wild ginseng root unless the root has at least five stem scars.

78.11(3) When a person harvests wild ginseng, the entire plant, except the fruit and seeds, shall be retained with the plant until the plant is taken to the harvester's residence or place of business, as identified in the harvester's permit.

[**ARC 7680B**, IAB 4/8/09, effective 4/1/09]

571—78.12(456A) Additional restrictions and prohibitions for wild ginseng.

78.12(1) *Seeds.*

a. All persons harvesting wild ginseng shall plant all seeds collected from such plants within 100 feet of the parent plant. Seeds collected for planting pursuant to this subrule should be collected from the fruit by gently pressing the fruit of the ginseng.

b. A person shall use no tool other than the person's finger to plant seeds from wild ginseng and shall push each seed to a depth of no more than one inch into the soil.

c. A person shall not possess or transport seeds of wild ginseng more than 100 feet from the site of the parent plant.

78.12(2) *Dealing.*

a. A person shall not purchase or sell wild ginseng if the person knows or should have known that the ginseng was harvested illegally.

b. A dealer shall not purchase wild ginseng without inspecting the permit of the harvester or dealer. A dealer shall not purchase wild ginseng if the dealer knows or should have known that the harvester or dealer has violated this chapter.

c. A person shall not buy, deal, purchase or otherwise transact business involving seeds from wild ginseng.

[**ARC 7680B**, IAB 4/8/09, effective 4/1/09]

571—78.13(456A) Compliance with laws. A person shall not violate any state, federal or local laws in harvesting, dealing or shipping ginseng.

[**ARC 7680B**, IAB 4/8/09, effective 4/1/09]

571—78.14(456A) Violations of this chapter.

78.14(1) A person violating this chapter shall be subject to a schedule fine pursuant to Iowa Code section 805.8B, subsection 4, and permit suspension, modification and revocation pursuant to 571—78.17(456A).

78.14(2) Separate offense. Each ginseng plant or part thereof, including wild ginseng, unlawfully harvested, dealt, or shipped shall be a separate offense. More than one person per plant may be guilty of violating this chapter.

78.14(3) Materials determined by the department's law enforcement personnel to be contraband or to have been taken in violation of this chapter may be seized and disposed of in conformance with Iowa Code chapter 809.

[**ARC 7680B**, IAB 4/8/09, effective 4/1/09]

571—78.15(456A) Possession. When a person is in possession of wild ginseng, including the shipping or transporting of wild ginseng, and a container includes one or more parts of wild ginseng that are unlawful, the entire contents of the container shall be deemed unlawful.

[**ARC 7680B**, IAB 4/8/09, effective 4/1/09]

571—78.16(456A) Valuation. The value of seized ginseng that was harvested in violation of these rules shall be based on the current market value, as determined by the department.
[**ARC 7680B**, IAB 4/8/09, effective 4/1/09]

571—78.17(456A) Revocation of permits. Any permit issued pursuant to this chapter may be revoked, in whole or in part, by written notice, if the director determines that the permit holder has violated any provision of this chapter and determines that continuation of the permit is not in the public interest. Such revocation shall become effective upon a date specified in the notice. The notice shall state the extent of the revocation and the reasons for the action. Within 30 days following receipt of the notice of a revocation, the permit holder may file a notice of appeal, requesting a contested case pursuant to 561—Chapter 7. The notice of appeal shall specify the basis for requesting that the permit be reinstated.
[**ARC 7680B**, IAB 4/8/09, effective 4/1/09]

571—78.18(456A) Reciprocity. Nonresident harvesters, growers and dealers from states that regulate American Ginseng by allowing the harvesting, cultivating and dealing in American Ginseng but that prohibit Iowa harvesters, growers and dealers to lawfully operate in those states are not eligible for permits issued by the department.
[**ARC 7680B**, IAB 4/8/09, effective 4/1/09]

These rules are intended to implement Iowa Code section 456A.24(11).

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CHAPTER 79
FISH STOCKING PROCEDURES AND FEES FOR PRIVATE WATERS

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

571—79.1(481A) Purpose. This chapter establishes procedures and fees for the stocking of private waters.

571—79.2(481A) Application procedures.

79.2(1) Eligibility. Upon approval of application and payment of fees, any owner of a pond may receive fish stocks for private waters, provided all of the following conditions are met:

a. The pond is newly impounded, has been drained and refilled, or is free of fish.

b. Livestock are, and will continue to be, excluded from the impoundment area with a minimum of a 60-foot buffer between pond edge and fence.

c. The pond is at least one-half acre and no more than ten acres in size.

d. The pond has a depth of at least eight feet at its deepest point.

79.2(2) The following procedures shall be used to administer the stocking of private waters:

a. Application shall be made on a standard form provided by the department which shall include the name, address, and telephone number of the pond owner and the location of and physical information about the pond to be stocked.

b. The pond owner shall submit the appropriate fee with the application to the department.

c. A department employee will review the pond information to determine eligibility.

d. An application shall not be accepted after August 15 of each year for fish stocking that same year.

e. If the application is rejected, the fee shall be refunded to the pond owner.

79.2(3) Limitations.

a. Pursuant to Iowa Code section 481A.141, a pond stocked by the department pursuant to Iowa Code section 481A.78 shall not be used for aquaculture purposes.

b. The landowner retains full rights to control access to the land, but fishing shall be subject to all applicable fishing regulations.

c. Once an application has been accepted, the fee is nonrefundable.

79.2(4) Customer obligation. Fish stocks will be delivered to one site in a county, with advance notice of time and place provided to each approved applicant by the department. It is the responsibility of each pond owner to pick up the fish and place them in the designated waters.

571—79.3(481A) Fish stocks. Fish species provided and maximum stocking rates by the department are as follows: largemouth bass – 70/acre, bluegill – 1000/acre and channel catfish – 100/acre. The stocking cycle begins in October with the delivery of bluegill and channel catfish. The cycle is then completed during June of the following year with the delivery of largemouth bass.

571—79.4(481A) Fees. The stocking fee will be $25 per acre or fraction of an acre as follows:

0.5-1.0 acre =	$25
1.1-2.0 acres =	$50
2.1-3.0 acres =	$75
3.1-4.0 acres =	$100
4.1-5.0 acres =	$125
5.1-6.0 acres =	$150
6.1-7.0 acres =	$175
7.1-8.0 acres =	$200
8.1-9.0 acres =	$225
9.1-10.0 acres =	$250

These rules are intended to implement Iowa Code sections 456A.24 and 481A.78.

[Filed 11/17/04, Notice 9/29/04—published 12/8/04, effective 1/12/05]

CHAPTER 80
SALVAGE OF FISH AND GAME

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

571—80.1(481A) Salvage. Salvage is authorizing the possession of accidentally killed game for the purpose of human consumption or the feeding of domestic animals. Any benefits derived from the possession of legally salvaged game (such as sale of hides, plumage, or antlers) is a secondary benefit only.

80.1(1) Peace officers are not to salvage game solely for the purpose of financial gain or commercial taxidermy.

80.1(2) The following game when accidentally killed by a motor vehicle shall not be considered salvageable: spotted fawn deer and hen pheasants.

80.1(3) All salvage tags referred to in this chapter are not transferable.

571—80.2(481A) Game killed by motor vehicle. The following conditions shall apply to a person being allowed to take possession of a game animal that has been accidentally killed by a motor vehicle.

80.2(1) Any person wanting to possess game accidentally killed by a motor vehicle shall immediately notify the nearest conservation officer, Iowa state trooper, or sheriff's department and request a salvage tag prior to taking possession of said game.

80.2(2) When a request is made for game accidentally killed by a motor vehicle, the game shall, when salvageable, be disposed of in accordance with the following priorities:

a. Individuals involved in the accident;

b. Public institutions;

c. Nonprofit organizations;

d. Others.

80.2(3) All game accidentally killed by a motor vehicle shall be tagged with forms provided by the department of natural resources.

80.2(4) All game accidentally killed by a motor vehicle shall be subject to the following possession regulations:

a. A salvage tag is not valid unless signed by the holder and a designee of the director of the department of natural resources.

b. A salvage tag shall not be valid for more than 90 days.

c. A salvage tag shall remain with the game until consumed.

d. It is unlawful to sell or trade any part of the carcass except as provided by law.

e. It is unlawful to process or cut up for preservation any game prior to obtaining a salvage tag or verbal authorization from a conservation officer with the department of natural resources.

80.2(5) The conservation officer is the issuing authority for the salvage tags and is responsible for the county program records.

571—80.3(481A) Confiscated fish or game. The following conditions shall apply to a person being allowed to take possession of fish or game confiscated by the department of natural resources or a court.

80.3(1) Confiscated fish or game, when salvageable, shall be disposed of in accordance with the following priorities:

a. Public institutions;

b. Nonprofit organizations;

c. Others.

80.3(2) Confiscated fish or game shall be tagged with forms provided by the department of natural resources.

80.3(3) All confiscated fish or game shall be subject to the following possession regulations:

a. A salvage tag is not valid unless signed by the holder and a designee of the director of the department of natural resources.

b. A salvage tag shall not be valid for more than 90 days.

c. A salvage tag shall remain with the fish or game until consumed.

d. It is unlawful to sell or trade any part of the carcass except as provided by law.

These rules are intended to implement Iowa Code section 481A.11.

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[Filed 8/1/91, Notice 6/26/91—published 8/21/91, effective 9/25/91]

CHAPTER 81
FISHING REGULATIONS

[Prior to 12/31/86, Conservation Commission[290] Ch 108]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

571—81.1(481A) Seasons, territories, daily bag limits, possession limits, and length limits.

	INLAND WATERS OF THE STATE				BOUNDARY RIVERS
KIND OF FISH	OPEN SEASON	DAILY BAG LIMIT	POSSESSION LIMIT	MINIMUM LENGTH LIMITS	MISSISSIPPI RIVER MISSOURI RIVER BIG SIOUX RIVER
Rock Sturgeon	Closed	0	0	0	Same as inland waters
Shovelnose Sturgeon	Continuous	None	None	None	Same as inland waters except no harvest allowed in the Big Sioux River and aggregate daily bag limit 10, aggregate possession limit 20, in the Missouri River
Paddlefish*	Continuous	2	4	None	Mississippi River— Same as inland waters except for an open season and length limit; see below* Missouri and Big Sioux Rivers—Special regulations; see below*
Yellow Perch	Continuous	25	50	None	Same as inland waters except no bag or possession limit in the Missouri River
Trout	Continuous	5	10	None*	Same as inland waters
Catfish*	Continuous	8 Lakes 15 Streams	30	None	Same as inland waters except no bag or possession limit in the Mississippi River
Black Bass (Largemouth Bass) (Smallmouth Bass) (Spotted Bass)	Continuous	3 In Aggregate	6	See below*	Continuous open season; aggregate daily bag limit 5, aggregate possession limit 10 See below*
Combined Walleye, Sauger and Saugeye	Continuous*	5*	10*	None*	Continuous open season; aggregate daily bag limit 6, aggregate possession limit 12; except aggregate daily bag limit 4, aggregate possession limit 8, in the Big Sioux and Missouri Rivers See below*
Northern Pike	Continuous*	3	6	None	Continuous open season; daily bag limit 5, possession limit 10; except daily bag limit 6, possession limit 12, in the Big Sioux River
Muskellunge or Hybrid Muskellunge	Continuous*	1	1	40″	Same as inland waters
Crappie	Continuous	25*	None	None	Same as inland waters except 50 in possession

	INLAND WATERS OF THE STATE				BOUNDARY RIVERS
KIND OF FISH	OPEN SEASON	DAILY BAG LIMIT	POSSESSION LIMIT	MINIMUM LENGTH LIMITS	MISSISSIPPI RIVER MISSOURI RIVER BIG SIOUX RIVER
Bluegill	Continuous	25*	None	None	Same as inland waters except in aggregate with pumpkinseed on the Mississippi River
All other fish species*	Continuous	None	None	None	See below*
Frogs (except Bullfrogs)	Continuous	48	96	None	Same as inland waters
Bullfrogs (Rana Catesbeiana)	Continuous	12	12	None	Same as inland waters

*Also see 571—81.2(481A), Exceptions.

[**ARC 8195B**, IAB 10/7/09, effective 11/11/09; **ARC 1702C**, IAB 10/29/14, effective 12/3/14]

571—81.2(481A) Exceptions to seasons and limits, set in 81.1(481A).

81.2(1) Exception closed season. In Lakes West Okoboji and East Okoboji and Spirit Lake, there shall be a closed season on walleye beginning February 15 each year. The annual opening for walleye in these three lakes shall be the first Saturday in May. In these three lakes there shall be an open season on muskellunge and tiger muskie from May 21 through November 30.

81.2(2) Black bass. The department may post season, bag or possession limits, length limits, and catch and release regulations specific to a body of water at that body of water. For bodies of water without posted regulations, the following regulations apply to black bass:

a. A 15-inch minimum length limit shall apply on black bass in all public lakes.

b. A 12-inch minimum length limit shall apply on black bass in all interior streams, river impoundments, and the Missouri River including chutes and backwaters of the Missouri River where intermittent or constant flow from the river occurs.

c. A 14-inch minimum length limit shall apply to the Mississippi River including chutes and backwaters where intermittent or constant flow from the river occurs.

81.2(3) Walleye.

a. West Okoboji, East Okoboji, Spirit, Upper Gar, Minnewashta, and Lower Gar Lakes in Dickinson County, Storm Lake in Buena Vista County, Clear Lake in Cerro Gordo County, and Big Creek Lake in Polk County. The daily bag limit shall be three, with a possession limit of six.

b. Length limits. Length limits shall apply on walleye in public waters that have length limits posted or published.

81.2(4) Paddlefish snagging is permitted in waters of the state designated in rule 571—81.1(481A), except as follows:

a. There shall be no open season above the Interstate 29 bridge in the Big Sioux River, nor in any tributary of this stream within 200 yards immediately upstream of a tributary confluence.

b. Snagging for paddlefish on the Missouri and Big Sioux Rivers is limited to Iowa waters only, beginning in the Big Sioux River below the Interstate 29 bridge to the Big Sioux River's confluence with the Missouri River and in the Missouri River, including all backwaters and sloughs and any tributary of the Missouri River at its confluence and extending below its Interstate 29 bridge, beginning at the Big Sioux River confluence and extending to the Hamburg Landing boat ramp.

(1) There shall be an open season from February 1 through April 30.

(2) Snagging hours are from sunrise to sunset.

(3) The bag limit is one paddlefish per paddlefish fishing license.

(4) The paddlefish fishing license quota is 950 for resident anglers and 50 for nonresident anglers. Licenses shall be issued on a first-come, first-served basis. A person may purchase one paddlefish fishing license from December 15 through December 31 and either a first or second license between January 1 and January 7. No duplicate license or transportation tag shall be issued after the start of the season.

(5) Each angler fishing for paddlefish and any species listed in subrule 81.2(11) on the Missouri and Big Sioux Rivers shall have a valid paddlefish fishing license and unused tag. All snagged fish except for a

species listed in subrule 81.2(11) or a legal paddlefish taken into possession shall immediately be released alive.

(6) Immediately upon an angler's taking into possession a legal paddlefish, a valid current year transportation tag issued with the license shall be visibly attached to the fish's lower jaw. The tag must be attached in such a manner that it cannot be removed without mutilating or destroying the tag. An angler shall not possess a paddlefish fishing license or transportation tag issued to another angler or tag a paddlefish with a transportation tag issued to another angler. The transportation tag shall be attached before the carcass can be moved in any manner from the place of harvest. The transportation tag shall remain affixed to the paddlefish until the paddlefish is processed for consumption. The paddlefish shall remain intact except for the snout in front of the eye until the fish reaches the final processing place. For the purposes of this subrule, the "final processing place" is defined as the angler's residence or the location where consumption occurs. The transportation tag shall be proof of possession of the carcass by the above-mentioned licensee. During the closed season, the possession of paddlefish on the Missouri and Big Sioux Rivers is prohibited unless the paddlefish are legally taken in Nebraska or South Dakota.

(7) No hooks larger than 5/0 treble or measuring more than 1¼ inches in length when two of the hook points are placed on a ruler are permitted when snagging.

(8) A gaffe hook or other penetrating device may not be used as an aid in the landing of a snagged fish.

c. Snagging for paddlefish on the Mississippi River is restricted to the area within 500 yards below the navigation dams and their spillways. No hooks larger than 5/0 treble or measuring more than 1¼ inches in length when two of the hook points are placed on a ruler are permitted when snagging. The open season on the Mississippi River is the period from March 1 through April 15.

d. Except during the Missouri and Big Sioux Rivers open paddlefish fishing season, snagging for paddlefish is not permitted at any time in those areas where snagging is prohibited as a method of take as listed in subrule 81.2(11).

e. On the Mississippi River, a 33-inch maximum length limit shall apply; any paddlefish measuring 33 inches or more when measured from the front of the eye to the natural unaltered fork of the tail must immediately be released alive. On the Missouri and Big Sioux Rivers and on each Missouri River tributary from its confluence and extending to below its Interstate 29 bridge, a 35-inch to 45-inch protected-slot limit shall apply; a paddlefish measuring 35 inches to 45 inches when measured from the front of the eye to the natural unaltered fork of the tail shall immediately be released alive. To measure a paddlefish, the angler shall use a flexible tape and measure along and over the center line contour of the fish while it is lying flat.

81.2(5) Trout regulations. The department may post season, bag or possession limits, length limits, catch and release regulations, and tackle restrictions specific to a body of water at that body of water. On bodies of water posted as artificial lure only, "artificial lure" means lures that do not contain or have applied to them any natural or synthetic substances designed to attract fish by the sense of taste or smell. For bodies of water without posted regulations, the following regulations apply to trout:

a. Open season is continuous.

b. A five-fish daily bag limit and ten-fish possession limit shall apply to any combination of brown trout, brook trout, rainbow trout, and their hybrids.

c. A trout fee is required to fish for and possess trout.

81.2(6) Exception border lakes. In Little Spirit Lake, Dickinson County; Iowa and Tuttle (Okamanpedan) Lakes, Emmet County; Burt (Swag) Lake, Kossuth County; and Iowa Lake, Osceola County, the following species have a continuous open season and daily bag and possession limits as set forth below:

a. Walleye—daily bag and possession limit 3;

b. Northern pike—daily bag and possession limit 3;

c. Largemouth and smallmouth bass—daily bag and possession limit 3;

d. Channel catfish—daily bag and possession limit 8;

e. Yellow perch—daily bag and possession limit 25;

f. Crappie species—combined daily bag and possession limit 25;

g. Sunfish (bluegill, pumpkinseed, green sunfish, orangespotted sunfish, longear sunfish, warmouth, and hybrids)—combined daily bag and possession limit 25;

h. White bass, yellow bass, bullhead, common carp, bowfin, suckers, sheepshead, buffalo, gar and quillback—no daily bag or possession limit;

i. Muskellunge—daily bag and possession limit one. Open season shall be May 21 through November 30. A 40-inch minimum length limit shall apply on all border lakes;

j. Spears and bow and arrow may be used to take carp, buffalo, bowfin, gar, sheepshead, and quillback carpsucker with a continuous open season;

k. All species not listed above are subject to the inland regulations of the state and have a continuous open season.

81.2(7) DeSoto Bend Lake. All fishers shall conform with federal refuge regulations as posted under the authority of Section 33.19 of Title 50 CFR. The text of the rules will be contained on the signs as posted.

81.2(8) General restriction. Anglers must comply with the most restrictive set of regulations applicable to the water on which they are fishing. Where length limits apply, fish less than the legal length must be immediately released into the water from which they were caught.

81.2(9) Catfish. For the purpose of this rule, stream catfish bag and possession limits apply at the federal flood control impoundments of Rathbun Lake, Red Rock Lake, Saylorville Lake, and Coralville Lake.

81.2(10) Identification of catch. No person shall transport or possess on any waters of the state any fish unless (a) the species of any such fish can be readily identified and a portion of the skin (at least 1 square inch) including scales is left on all fish or fillets and (b) the length of fish can be determined when length limits apply. “On any waters of the state” includes from the bank or shoreline in addition to wading and by boat.

81.2(11) Method of take. Artificial light may be used in the taking of any fish. The following species of fish may be taken by snagging, spearing, and bow and arrow: common carp, bighead carp, grass carp, silver carp, black carp, bigmouth buffalo, smallmouth buffalo, black buffalo, quillback carpsucker, highfin carpsucker, river carpsucker, spotted sucker, white sucker, shorthead redhorse, golden redhorse, silver redhorse, sheepshead, shortnose gar, longnose gar, dogfish, gizzard shad, and goldfish. All other species of fish not hooked in the mouth, except paddlefish legally taken by snagging, must be returned to the water immediately with as little injury as possible. A fish is foul hooked when caught by a hook in an area other than in the fish’s mouth. Snagging is defined as the practice of jerking any type of hook or lure, baited or unbaited, through the water with the intention of foul hooking fish. No hook larger than a 5/0 treble hook or measuring more than 1¼ inches in length when two of the hook points are placed on a ruler are permitted when snagging. Exceptions to snagging as a method of take are as follows:

a. No snagging is permitted in the following areas:

(1) Des Moines River from directly below Saylorville Dam to the Southeast 14th Street bridge in Des Moines.

(2) Cedar River in Cedar Rapids from directly below the 5 in 1 Dam under Interstate 380 to the 1st Avenue bridge.

(3) Cedar River in Cedar Rapids from directly below the “C” Street Roller Dam to 300 yards downstream.

(4) Iowa River from directly below the Coralville Dam to 300 yards downstream.

(5) Chariton River from directly below Lake Rathbun Dam to 300 yards downstream.

(6) Spillway area from directly below the Spirit Lake outlet to the confluence at East Okoboji Lake.

(7) Northeast bank of the Des Moines River from directly below the Ottumwa Dam, including the catwalk, to the Jefferson Street Bridge. Snagging from the South Market Street Bridge is also prohibited.

(8) Missouri River, any Missouri River tributary beginning at its confluence and extending below its Interstate 29 bridge and the Big Sioux River from the Interstate 29 bridge to the confluence with the Missouri River, with the exception of snagging paddlefish or any of the species listed in subrule 81.2(11) during the paddlefish open season.

(9) Des Moines River from directly below the Hydroelectric Dam (Big Dam) to the Hawkeye Avenue Bridge in Fort Dodge.

(10) Des Moines River from directly below the Little Dam to the Union Pacific Railroad Bridge in Fort Dodge.

(11) Skunk River from directly below Oakland Mills Dam to the downstream end of the 253rd Street boat ramp.

b. No snagging, bow and arrow fishing, or spearing of fish is permitted in the following areas:

(1) Clear Lake and Ventura Marsh from the Ventura Grade, Jetties and Bridge.

(2) Lost Island Lake Inlet within 300 feet of the concrete culvert and metal fish barrier.

(3) Lost Island Lake Outlet within 300 feet of the outlet structure and metal fish barrier.

(4) Barringer Slough Outlet within 300 feet of the outlet and metal fish barrier.

(5) The outlet area of Lower Gar Lake beginning at 230th Avenue and extending downstream to the signed Iowa Great Lakes Sanitary District property line.

81.2(12) Panfish. The daily bag limit for crappie and bluegill applies only to public waters of the state. In all waters of the Mississippi River, the daily bag and possession limit applied individually to crappie, yellow perch and rock bass shall be 25 and 50, respectively. In all waters of the Mississippi River, the daily bag and possession limit applied in the aggregate for bluegill and pumpkinseed and for white bass and yellow bass shall be 25 and 50, respectively.

81.2(13) Culling. It is prohibited to sort, cull, high-grade, or replace any fish already in possession. Participants in permitted black bass fishing tournaments are exempted, as are participants in catch and release catfish fishing tournaments if the participants are fishing from a boat with a functioning aerated or water-circulated live well. Any fish taken into possession by holding in a live well, on a stringer or in other fish-holding devices is part of the daily bag limit. Once the daily bag limit of a particular species is reached, fishing for that species is permitted as long as all fish of that species caught are immediately released.

[**ARC 8195B**, IAB 10/7/09, effective 11/11/09; **ARC 9052B**, IAB 9/8/10, effective 10/13/10; **ARC 1702C**, IAB 10/29/14, effective 12/3/14; **ARC 3443C**, IAB 11/8/17, effective 12/13/17; **ARC 5056C**, IAB 6/17/20, effective 7/22/20]

571—81.3(481A) Trotlines and throw lines.

81.3(1) *Where permitted.* It shall be lawful to use trotlines or throw lines in all rivers and streams of the state, except in Mitchell, Howard, Winneshiek, Allamakee, Fayette, Clayton, Delaware, Dubuque, and Jackson Counties. Trotlines or throw lines may be used in the above nine counties in the following stream segments: Mississippi River; Maquoketa River, mouth to Backbone State Park Dam; North Fork Maquoketa River, mouth to Jones-Dubuque County line; Turkey River, mouth to the Elkader Dam; and Upper Iowa River, mouth to the first dam upstream in Winneshiek County.

81.3(2) *Removal of lines.* All trotlines and parts thereof shall be removed from the shore when they are not being actively fished. A trotline shall be considered actively fished if at least once daily the trotline is left with at least one baited hook in the water.

[**ARC 1702C**, IAB 10/29/14, effective 12/3/14]

These rules are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.67 and 481A.76.

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CHAPTER 82
COMMERCIAL FISHING

[Prior to 12/31/86, Conservation Commission[290] Ch 110]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

INLAND WATERS

571—82.1(482) Contract policy. All contracts for removal of fish from inland waters shall be awarded on a competitive basis to the maximum practical extent subject to the following provisions. Commercial fishers licensed with the state may enter into contract with owners of private water bodies for the removal of injurious fish provided approval is received from the director or staff of the department prior to any sampling or removal operations. Owners of private water bodies need not comply with subrules 82.1(1) to 82.1(6).

82.1(1) *Invitation for bids.* Sealed bids to be opened at a specified time, place, and date must be solicited for all fish removal operations under contract. Prospective bidders shall be informed by an advertisement in at least one newspaper of statewide circulation; one newspaper published in the county seat of the county in which the work is to be done, and such other means as may be appropriate in sufficient time to enable prospective bidders to prepare and submit bids. Specifications of the contract shall be provided to all prospective bidders as provided in the invitation for bids.

82.1(2) *Public bid letting.* All sealed bids shall be publicly opened as specified in the invitation for bids. The bids shall be tabulated and made available in a written form to any interested party.

82.1(3) *Contract award.* The contract shall be awarded to the firm or individual whose bid is believed to be the most advantageous to the state. Bids may be rejected if they do not appear to be reasonable or if there is reason to believe that the firm or individual is not sufficiently qualified to accomplish the desired work.

82.1(4) *Contract approval.* All contracts for fish removal operations in excess of $25,000 shall be approved by the commission. Contracts less than $25,000 shall be approved by the director.

82.1(5) *Failure to receive a bid.* In the event that no sealed bids are received, the fisheries bureau chief, or staff at the direction of the fisheries bureau chief, may negotiate a contract with a qualified contractor.

82.1(6) *Contract period.* Contracts shall have a maximum duration of 12 months. A contract may be extended, with the mutual consent of both parties, on an annual basis, for a period up to and including three years from the time of the original contract. All terms and conditions existing in the original contract will apply during the extended contract period.

MISSISSIPPI AND MISSOURI RIVERS

571—82.2(482) Commercial taking. Fish may be taken for commercial purposes, from the Mississippi and Missouri Rivers subject to the following regulations.

82.2(1) *Permissive catch.* Except for channel catfish, flathead catfish and shovelnose sturgeon which may not be taken from the Missouri River, it shall be lawful to take with licensed commercial fishing gear the following species: carp, smallmouth buffalo, largemouth buffalo, black buffalo, channel catfish, flathead catfish, black bullhead, yellow bullhead, brown bullhead, freshwater drum, northern redhorse, silver redhorse, spotted sucker, white sucker, river carpsucker, quillback, highfin carpsucker, white amur, bighead carp, silver carp, shovelnose sturgeon, longnose gar, shortnose gar, bowfin, gizzard shad, goldeye, and mooneye.

82.2(2) *Size limits.* Fish less than a minimum length or longer than the maximum length shall be returned to the water unharmed. The minimum total length for all catfish is 15 inches. The minimum fork length for shovelnose sturgeon, measured from the tip of the snout to the fork of the tail, is 27 inches. No shovelnose sturgeon longer than 34 inches fork length may be harvested from waters of the Mississippi

River bordering Wisconsin. No shovelnose sturgeon less than 27 inches fork length may be possessed in Iowa waters.

82.2(3) *Permitted gear.* Hoop nets, trap nets (fyke nets), gill nets, trammel nets, slat nets (basket traps), seines, and trotlines (setlines) may be used by licensed commercial fishers.

82.2(4) *Mesh size restrictions.*

a. Hoop nets. An escape hole with a minimum diameter of 1½ inches all directions shall be provided within 12 inches beyond the last hoop to the tail-line.

b. Trap nets. An escape hole with a minimum diameter of 1½ inches all directions shall be provided within 12 inches beyond the last hoop to the tail-line.

c. Gill nets. The webbing shall have a mesh size not less than 3½ inches square measure.

d. Trammel nets. The webbing shall have a mesh size not less than 2 inches square measure.

e. Seines. There are no mesh size restrictions.

f. Slat nets. An escape hole with a minimum diameter of 1½ inches all directions shall be provided in the end opposite the throat.

82.2(5) *Gear attendance.* All commercial gear shall be lifted and emptied of catch at the following time intervals, except during periods of inclement weather. Inclement weather is defined as that threatening to life, health, or safety.

a. Hoop nets shall be attended at least once every 96 hours and slat nets at least once every 48 hours during open water conditions. Hoop nets shall be attended at least once every 20 days during ice cover conditions.

b. Trap nets and trotlines shall be attended at least once every 24 hours.

c. Gill nets and trammel nets shall be attended at least once every 24 hours during open water conditions, and at least once every 96 hours during ice cover conditions.

82.2(6) *Report of catch.* Licensed commercial fishers must comply with the reporting requirements as set forth in Iowa Code section 482.14.

82.2(7) *Duplicate operator's license.* An owner making a request for a duplicate operator's license will be issued one only after records show the owner has purchased a limit of five operator's licenses. The duplicate helper's license will be issued to one individual and is not transferable. The issuing fee is $1.

82.2(8) *Seasons.* There is a continuous open season for commercial fishing of all species listed in 82.2(1) except there is a closed season for shovelnose sturgeon from May 16 through October 14. No shovelnose sturgeon may be harvested from gear set prior to midnight on October 15.

82.2(9) *Special shovelnose and bowfin regulations.* Shovelnose sturgeon and bowfin must remain intact until the fish reach the final processing facility or business. For the purposes of this subrule, final processing facility does not include vessels or vehicles.

82.2(10) *Closed areas.* The use of entanglement gear, including gill and trammel nets, is prohibited from that area extending 600 feet downstream of the 900 foot existing closed areas (Iowa Code section 482.9, subsection 2) located below each of the locks and dams on the Mississippi River.

These rules are intended to implement Iowa Code sections 481A.38, 481A.39, 482.1, 482.3, 482.5, and 482.14.

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CHAPTER 83
SCUBA AND SKIN SPEARING OF ROUGH FISH

[Prior to 12/31/86, Conservation Commission[290] Ch 6]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

571—83.1(481A) When permitted. The spearing of rough fish by scuba and skin divers will be permitted in accordance with the following seasons and rules.

571—83.2(481A) Prohibited areas. Scuba and skin spearing for rough fish shall be lawful in all natural lakes in Iowa year-round.

83.2(1) Scuba and skin spearing shall be permitted in all state-owned meandered streams.

a. Des Moines River—From Mississippi River to west line of T-95N, R-32W, Palo Alto County, west branch, and north line of T-95N, R-29W, Kossuth County, east branch a point near Algona.

b. Iowa River—From Mississippi River to west line T-81N, R-11W, Iowa County near Koszta.

c. Cedar River—From Iowa River to west line T-89N, R-13W, Black Hawk County, at Cedar Falls.

d. Raccoon River—From Des Moines River to west line Polk County.

A meandered lake or stream is one which at the time of the original government survey was so surveyed as to mark, plat and compute acreage of adjacent fractional section.

e. Wapsipinicon River—From Mississippi River to west line T-86N, R-6W, above Central City in Linn County.

f. Maquoketa River—From Mississippi River to west line T-84N, R-3E, near Maquoketa in Jackson County.

g. Skunk River—From Mississippi River to north line T-73N, R-8W, northeast corner of Jefferson County.

h. Turkey River—From Mississippi River to west line T-95N, R-7W, Fayette County near Clermont.

i. Nishnabotna River—To north line T-67N, R-42W, Fremont County, northeast of Hamburg.

j. Upper Iowa River—From its mouth to west line Section 28-100-4 west, Allamakee County.

k. Little Maquoketa River—From Mississippi River to west line Section 35-90N-2 east, Dubuque County.

83.2(2) Scuba and skin spearing shall be permitted in streams or impoundments on private land where access is permitted by owner or lessee.

83.2(3) Scuba and skin spearing is prohibited in all state-owned artificial lakes.

83.2(4) Scuba and skin spearing is prohibited in all state-owned strip mines, county conservation board areas and fish and game management areas where posted as such.

83.2(5) Scuba and skin spearing is prohibited within 100 feet of any swimming beach area.

83.2(6) A valid fishing license shall be required of all individuals engaged in scuba and skin spearing unless the individual is exempt under the provisions of Iowa Code section 483A.17.

571—83.3(481A) Permitted equipment. Permitted equipment to be used in scuba and skin spearing shall be:

1. Hand and pole spears.
2. Rubber band powered spear guns.
3. Spring powered spear guns.
4. Pneumatic spring powered spear guns.
5. All spears used on powered spear guns shall be attached to the gun by a cord lanyard or other device, the overall length of spear gun and cord shall not exceed 20 feet.

571—83.4(481A) Prohibited equipment. Prohibited equipment and methods shall be:

1. No power or exploding spear heads will be permitted.
2. No guns powered by gunpowder explosive or explosives or compressed gas will be permitted.
3. A spear gun may not be cocked or fired within 100 feet of any swimming beach area.

571—83.5(481A) Diver's flag. The "International Diver's Flag" (a red flag with a white diagonal stripe running from the upper left-hand corner to the lower right-hand corner, minimum size, 12″ × 15″, with a 3″ stripe), shall be displayed by each diver or group of divers on a buoy, float or boat during any diving or underwater spear fishing activity. This diving flag shall be displayed on the water only when underwater diving activity is in progress, the diver or group of divers must stay within a 100-foot circle of the flag. Recognition of this flag by law will not be construed as conferring any rights or privileges on its users nor be construed as restricting the use of the water so marked. Operators of boats shall exercise precaution commensurate with conditions indicated.

571—83.6(481A) Employees exempt. Underwater scuba and skin spearing regulations shall not apply to authorized agents of the department of natural resources when engaged in research or management studies or enforcement.

These rules are intended to implement Iowa Code sections 481A.38, 481A.39, and 481A.67.

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CHAPTER 84
PROMISCUOUS FISHING

[Prior to 12/31/86, Conservation Commission[290] Ch 11]

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571—84.1(481A) General. The natural resource commission may, after an investigation, when it is found there is imminent danger of loss of fish through natural causes, authorize by public order the taking of fish from any area and by such means as they may deem advisable to salvage such imperiled fish populations.

84.1(1) *Method of take.* Fish may be taken by any means except by use of dynamite, poison, electric shocking devices or any stupefying substances.

84.1(2) *Commercial purposes.* This rule shall not authorize the taking of fish for commercial purposes.

This rule is intended to implement Iowa Code chapter 481A.

[Filed 9/20/68]

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CHAPTER 85
TROTLINES

[Prior to 12/31/86, Conservation Commission[290] Ch 20]

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CHAPTER 86
TURTLES

[Prior to 12/31/86, Conservation Commission[290] Ch 115]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

571—86.1(481A,482) Taking. Turtles may be taken from the waters of the state subject to the following regulations.

86.1(1) *Species and season.* It shall be lawful to commercially and noncommercially (recreationally) take spiny softshell (Apalone spinifera), smooth softshell (Apalone mutica), and painted (Chrysemys picta) turtles from July 16 to May 14. Common snapping turtles (Chelydra serpentina) may be taken commercially from July 16 to May 14, but may be taken recreationally year-round. The taking of turtle eggs from wild nests is prohibited. Turtles shall not be harvested from gear set prior to midnight on July 15.

86.1(2) *Methods.* The method of taking turtles shall only be by hand, turtle hook, turtle trap, licensed commercial fishing gear in the Mississippi and Missouri Rivers only, and hook-and-line. Turtle traps shall be constructed with no more than one throat or funneling device. The last hoop to the tail-line of turtle traps shall have a functional escape hole provided with a minimum diameter in all directions of 7½ inches to allow passage of fish and small turtles. Barrel- and floating-type turtle traps must have a functional escape hole below the water surface with a minimum diameter in all directions of 7½ inches.

86.1(3) *Daily catch and possession limits.*

a. The following daily catch limits apply to commercial and recreational harvesters, while the possession limits apply only to commercial harvesters:

Turtle Species	Daily Catch Limit (commercial and recreational)	Possession Limit (commercial only)
Common snapping turtle	4	20
Spiny softshell and smooth softshell turtle, in aggregate	1	5
Painted turtle	1	5

b. The possession limit for recreational harvesters is a maximum of 100 pounds of live turtles or 50 pounds of dressed turtles pursuant to Iowa Code section 483A.28. A recreational harvester's daily catch limit shall not exceed this possession limit.

86.1(4) *Culling.* It is unlawful to sort, cull, high-grade, or otherwise replace any turtle in possession.

86.1(5) *Tags.* All harvesters shall affix a weather-resistant gear tag above the waterline to each piece of gear. The gear tag must plainly show the name, address, and license number of the licensee.

86.1(6) *Gear attendance.* All turtle traps shall be set with the top of the trap visible above the waterline at all times and shall be checked and completely emptied of catch at least once every 72 hours. When a turtle trap is checked, turtles shall either be taken into possession, up to the daily catch limit, or immediately released.

86.1(7) *Exclusions.* Chapter 482 does not apply to turtles taken and imported from outside the state. For purposes of this rule "state" does not include the boundary waters.

This rule is intended to implement Iowa Code sections 481A.38, 481A.39, 481A.67 as amended by 2016 Iowa Acts, House File 2357, 482.1, 482.4, and 482.11.

[**ARC 2951C**, IAB 2/15/17, effective 3/22/17]

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CHAPTER 87
MUSSEL REGULATIONS

[Prior to 12/31/86, Conservation Commission[290] Ch 12]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

571—87.1(481A) Seasons, areas, methods, species, limits. The taking and possession of mussels from the public waters of the state shall be limited to the following regulations.

87.1(1) *Seasons.* There shall be an open season for taking mussels throughout the year. The taking of mussels is restricted to the hours between sunrise and sunset.

87.1(2) *Species.* Species other than those listed as threatened or endangered may be lawfully taken and possessed. Zebra mussels shall not be taken and possessed.

87.1(3) *Areas.* Live mussels may be harvested only from the Mississippi River and connected backwaters. Dead mussels may be harvested from all waters of the state.

87.1(4) *Limits.* The possession limit is 24 whole mussels or 48 shell halves. The sale of mussels or shells is not permitted. Licensed commercial fishers, licensed sport anglers, and children younger than 16 years of age may take and possess mussels.

87.1(5) *Methods.* Mussels may be taken by hand, pole and line, diving, and crowfoot bar not to exceed 20 feet in length.

This rule is intended to implement Iowa Code sections 481A.38, 481A.39, 482.1, 482.3 and 482.12.

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[1] At its meeting held May 12, 1998, the Administrative Rules Review Committee delayed the effective date of May 13, 1998, until the adjournment of the 1999 Session of the General Assembly.

CHAPTER 88
FISHING TOURNAMENTS
Rescinded IAB 6/29/11, effective 8/3/11; see 571—Chapter 44

CHAPTER 89
AQUACULTURE

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

571—89.1(481A) Approved aquaculture species. The following approved aquaculture species may be propagated and sold:

FISH

American Eel	Anguilla rostrata
Banded Darter	Etheostoma zonale
Banded Killifish	Fundulus diaphanus
Bigmouth Buffalo	Ictiobus cyprinellus
Bigmouth Shiner	Notropis dorsalis
Black Buffalo	Ictiobus niger
Black Bullhead	Ictalurus melas
Black Crappie	Pomoxis nigromaculatus
Blackchin Shiner	Notropis heterodon
Blacknose Dace	Rhinicthys atratulus
Blackside Darter	Percina maculata
Blackstripe Topminnow	Fundulus notatus
Blue Catfish	Ictalurus furcatus
Blue Sucker	Cycleptus elongus
Bluegill & Hybrids	Lepomis macrochirus
Bluntnose Minnow	Pimephales notatus
Bowfin	Amia calva
Brassy Minnow	Hybognathus hankinsoni
Brook Silverside	Labidesthes sicculus
Brook Stickleback	Culaea inconstans
Brook Trout	Salvelinus fontinalis
Brown Bullhead	Ictalurus nebulosus
Brown Trout	Salmo trutta
Bullhead Minnow	Pimephales vigilax
Central Mudminnow	Umbra limi
Central Stoneroller	Campostoma anomalum
Channel Catfish	Ictalurus punctatus
Common Carp	Cyprinus carpio
Common Shiner	Notropis cornutus
Creek Chub	Semotilus atromaculatus
Crystal Darter	Ammocrypta asprella
Emerald Shiner	Notropis atherinoides
Fantail Darter	Etheostoma flabellare
Fathead Minnow & Hybrids	Pimephales promelas
Flathead Catfish	Pylodictus olivaris
Flathead Chub	Hybopsis gracilis
Freshwater Drum	Aplodinotus grunniens
Ghost Shiner	Notropis buchanani
Gilt Darter	Percina evides
Gizzard Shad	Dorosoma cepedianum
Golden Redhorse	Moxostoma erythurum
Golden Shiner	Notemigonus crysoleucas
Goldeye	Hiodon alosoides
Goldfish	Carassius auratus
Gravel Chub	Hybopsis x-punctata

Greater Redhorse	Moxostoma valenciennesi
Green Sunfish	Lepomis cyanellus
Highfin Carpsucker	Carpiodes velifer
Horneyhead Chub	Nocomis biguttatus
Iowa Darter	Etheostoma exile
Ironcolor Shiner	Notropis chalybaeus
Johnny Darter	Etheostoma nigrum
Lake Chub	Couesius plumbeus
Largemouth Bass	Micropterus salmoides
Largescale Stoneroller	Campostoma oligolepis
Longear Sunfish	Lepomis megalotis
Longnose Dace	Rhinichthys cataractae
Longnose Gar	Lepisosteus osseus
Mimic Shiner	Notropis volucellus
Mississippi Silvery Minnow	Hybognathus nuchalis
Mooneye	Hiodon tergisus
Mosquito Fish	Gambusia affinis
Mottled Sculpin	Cottus bairdi
Mud Darter	Etheostoma asprigene
Muskellunge & Hybrids	Esox masquinongy
Northern Hog Sucker	Hypentelium nigricans
Northern Logperch	Percina caprodes
Northern Pike	Esox lucius
Northern Rock Bass	Ambloplites rupestris
Orangespotted Sunfish	Lepomis humilus
Ozark Minnow	Notropis nubilus
Pallid Shiner	Notropis amnis
Pirate Perch	Aphredoderus sayanus
Plains Minnow	Hybognathus placitus
Plains Topminnow	Fundulus sciadicus
Pugnose Minnow	Notropis emiliae
Pumpkinseed	Lepomis gibbosus
Quillback Carpsucker	Carpiodes cyprinus
Rainbow Darter	Etheostoma caeruleum
Rainbow Smelt	Osmerus mordax
Rainbow Trout	Oncorhynchus mykiss
Red Shiner	Notropis lutrensis
Redear Sunfish & Hybrids	Lepomis microlophus
Redfin Shiner	Notropis umbratilis
Redside Dace	Clinostomus elongatus
River Carpsucker	Carpiodes carpio
River Darter	Percina shumardi
River Redhorse	Moxostoma carinatum
River Shiner	Notropis blennius
Rosyface Shiner	Notropis rubellus
Sand Shiner	Notropis stramineus
Sauger & Hybrids	Stizostedion canadense
Shorthead Redhorse	Moxostoma macrolepidotum
Shortnose Gar	Lepisoteus platostomus
Shovelnose Sturgeon	Scaphirhynchus platorynchus
Sicklefin Chub	Hybopsis meeki
Silver Chub	Hybopsis storeriana
Silver Lamprey	Ichthyomyzon unicuspis
Silver Redhorse	Moxostoma anisurum

Silverband Shiner	Notropis shumardi
Skipjack Herring	Alosa chrysochloris
Slender Madtom	Noturus exilis
Slenderhead Darter	Percina phoxocephala
Slimy Sculpin	Cottus cognatus
Smallmouth Bass	Micropterus dolomieui
Smallmouth Buffalo	lctiobus bubalus
Southern Redbelly Dace	Phoxinus erythrogaster
Speckled Chub	Hybopsis aestivalis
Spotfin Shiner	Notropis spilopterus
Spottail Shiner	Notropis hudsonius
Spotted Bass	Micropterus punctucatus
Spotted Sucker	Minytrema melanops
Starhead Topminnow	Fundulus notti
Stone Cat	Noturus flavus
Striped Bass & Hybrids	Morone saxatilis
Sturgeon Chub	Hybopsis gelida
Suckermouth Minnow	Phenacobius mirabilis
Tadpole Madtom	Noturus gyrinus
Topeka Shiner	Notropis topeka
Trout Perch	Percopsis omiscomaycus
Walleye & Hybrids	Stizostedion vitreum
Warmouth	Lepomis gulosus
Western Silvery Minnow	Hybognathus argyritis
White Amur	Ctenopharyngodon idella
White Bass & Hybrids	Morone chrysops
White Crappie	Pomoxis annularis
White Sucker	Catostomus commersoni
Yellow Bass	Morone mississippiensis
Yellow Bullhead	Ictalurus natalis
Yellow Perch	Perca flavescens

AMPHIBIANS

Bullfrog	Rana catesbeiana
Leopard Frog	Rana pipiens

REPTILES

Common Snapping Turtle	Chelydra serpentina
Painted Turtle	Chrysemys picta
Smooth Softshell	Trionyx muticus

571—89.2(481A) Importation permit. An importation permit is required to receive, propagate or sell in the state any aquaculture species not listed in subrule 89.1(1). In addition, aquaculture units shall not import live fish, viable eggs, or semen of any species of the salmonid family (trout, salmon or char) and ictalurid family (catfishes and bullheads), unless the owner or operator possesses a fish importation permit. Importation permits may be applied for on forms provided by the department.

571—89.3(481A) Disease-free certification. Importation permits will not be issued for live fish, viable eggs, or semen of any species of the salmonid family (trout, salmon or char) unless the owner or operator of an aquaculture unit provides a statement certifying the fish, eggs or semen to be free of the following diseases:

89.3(1) *Diseases detrimental to the state's fishery resources.*

Viral Hemmorhagic Septicemia (VHS)

Infectious Pancreatic Necrosis (IPN)

Whirling Disease (Myxosoma cerebralis)

Infectious Hematopoietic Necrosis (IHN)
Ceratomyxosis (Ceratomyxa shasta)
Bacterial Kidney Disease (R. salmoninarium)
Proliferative Kidney Disease (PKD)
Enteric Redmouth (Yersinia ruckeri)
Vibriosis (vibrio sp.)

89.3(2) *Reportable diseases.* Reportable diseases are detrimental to individual aquaculture units and may be detrimental to wild fish populations. Reportable diseases are Enteric Septicemia of Catfish (Edwardsiella ictaluri) (ESC), Channel Catfish Virus Disease (CCVD) and Furunculosis (Aeromonas salmonicida). Disease certification statements are required for the diseases prior to importation of any live fish, viable eggs, or semen of any species of the Ictalurid (catfishes and bullheads) and Salmonid (trout, salmon and char) families. Importation permits will be considered on a case-by-case basis for fish with reportable diseases.

89.3(3) *Certified pathologists for inspection.* All disease certification statements must be issued by approved certified pathologists. A list of approved certified pathologists will be made available to the owner or operator of the aquaculture unit requesting a fish importation permit.

These rules are intended to implement Iowa Code sections 481A.142 and 481A.143.

[Filed 11/6/92, Notice 9/2/92—published 11/25/92, effective 12/30/92]

CHAPTER 90
AQUATIC INVASIVE SPECIES

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

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 cause a species to be moved 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 Code of Federal Regulations, Title 7, Section 360.200, are also designated as aquatic invasive species.

90.2(5) *Injurious wildlife species.* For purposes of this rule, aquatic species listed in Code of Federal Regulations, Title 50, Section 16.11 through 16.15, 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 shall designate infested waters of the state. The department shall publish the names of infested waters in the fishing regulations brochure each year and 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 shall 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 as amended by 2004 Iowa Acts, House File 2357.

[Filed 11/17/04, Notice 9/1/04—published 12/8/04, effective 1/12/05]

CHAPTER 91
MIGRATORY GAME BIRD HUNTING

[Prior to 12/31/86, Conservation Commission[290] Ch 107]

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/18/30

571—91.1(481A) Duck hunting.

91.1(1) *Zone boundaries.* Zone boundaries are as specified in the November 2023 Waterfowl Hunting Map Book published on the department of natural resources' (department's) website (www.iowadnr.gov/Hunting/Migratory-Game-Birds), chapter 1 "Waterfowl Hunting Zones."

91.1(2) *Season dates - north zone.* Special September teal season: Will be the maximum number of days allowed by the U.S. Fish and Wildlife Service. A 16-day teal season will begin on September 1. A nine-day teal season will begin on the first Saturday in September. For all ducks: The first segment of the season will begin on the Saturday nearest September 30 and run for seven days. The second segment of the season will open on the Saturday nearest October 14 and continue for 53 consecutive days.

91.1(3) *Season dates - central zone.* Special September teal season: Will be the maximum number of days allowed by the U.S. Fish and Wildlife Service. A 16-day teal season will begin on September 1. A nine-day teal season will begin on the first Saturday in September. For all ducks: The first segment of the season will begin on the Saturday nearest October 7 and run for seven days. The second segment of the season will open on the Saturday nearest October 21 and continue for 53 consecutive days.

91.1(4) *Season dates - south zone.* Special September teal season: Will be the maximum number of days allowed by the U.S. Fish and Wildlife Service. A 16-day teal season will begin on September 1. A nine-day teal season will begin on the first Saturday in September. For all ducks: The first segment of the season will begin on the Saturday nearest October 14 and run for seven days. The second segment of the season will open on the Saturday nearest October 28 and continue for 53 consecutive days.

91.1(5) *Bag limit.* Bag limits for all species are as adopted by the U.S. Fish and Wildlife Service. The daily bag limit for scaup will be one for the first 15 days of the duck hunting season and two for the remaining 45 days.

91.1(6) *Possession limit.* For the special September teal season and for all ducks: Possession limit is three times the daily bag limit.

91.1(7) *Shooting hours.* For the special September teal season: Shooting hours are sunrise to sunset each day. For all ducks: Shooting hours are one-half hour before sunrise to sunset each day.

[**ARC 9238C**, IAB 5/14/25, effective 6/18/25]

571—91.2(481A) Coots (split season).

91.2(1) Same as duck season dates and shooting hours.

91.2(2) Bag and possession limits. Daily bag limit is 15 and possession limit is three times the daily bag limit.

[**ARC 9238C**, IAB 5/14/25, effective 6/18/25]

571—91.3(481A) Goose hunting.

91.3(1) *Zone boundaries.* Zone boundaries are as specified in the November 2023 Waterfowl Hunting Map Book published on the department's website (www.iowadnr.gov/Hunting/Migratory-Game-Birds), chapter 1 "Waterfowl Hunting Zones."

91.3(2) *Season dates - north zone.* For all geese: The first segment of the regular goose season will begin on the Saturday nearest September 23 and run for a 16-day period. The second segment of the goose season will open on the Saturday nearest October 14 and continue for 53 consecutive days. The goose season will reopen on the Saturday nearest December 13 and remain continuously open until the total number of days used for goose hunting reaches 107.

91.3(3) *Season dates - central zone.* For all geese: The first segment of the regular goose season will begin on the Saturday nearest September 30 and run for a 16-day period. The second segment of the goose season will open on the Saturday nearest October 21 and continue for 53 consecutive days. The

goose season will reopen on the Saturday nearest December 20 and remain continuously open until the total number of days used for goose hunting reaches 107.

91.3(4) *Season dates - south zone.* For all geese: The first segment of the regular goose season will begin on the Saturday nearest October 7 and run for a 16-day period. The second segment of the goose season will open on the Saturday nearest October 28 and continue for 53 consecutive days. The goose season will reopen on the Saturday nearest December 27 and remain continuously open until the total number of days used for goose hunting reaches 107.

91.3(5) *Bag limit.* The daily bag limit for dark geese (Canada geese, white-fronted geese, brant and any other geese that are not light geese) is five and may include no more than two Canada geese during the first segment of the statewide season and no more than three Canada geese during the remainder of the statewide season. The daily bag limit for light geese (white and blue-phase snow geese and Ross' geese) is 20.

91.3(6) *Possession limit.* The possession limit is three times the daily bag limit for Canada geese, brant and white-fronted geese. There is no possession limit for light geese.

91.3(7) *Shooting hours.* Shooting hours are one-half hour before sunrise until sunset each day.

91.3(8) *Light goose conservation order season.* Only light geese (white and blue-phase snow geese and Ross' geese) may be taken under a conservation order from the U.S. Fish and Wildlife Service beginning the day after the regular goose season closes and continuing until May 1.

a. *Zone boundaries.* Statewide.

b. *Shooting hours.* One-half hour before sunrise to one-half hour after sunset.

c. *Bag limit.* No bag limit.

d. *Possession limit.* No possession limit.

e. *Other regulations.* Methods of take approved by the U.S. Fish and Wildlife Service for hunting light geese during the conservation order season shall be permitted.

91.3(9) *Metropolitan goose hunting seasons and specified areas.*

a. *Season dates.* The second Saturday in September for nine consecutive days.

b. *Bag limit.* Daily bag limit is five Canada geese.

c. *Possession limit.* Three times the daily bag limit.

d. *Specified areas.*

(1) Cedar Rapids/Iowa City. Areas are as specified in the November 2023 Waterfowl Hunting Map Book published on the department's website (www.iowadnr.gov/Hunting/Migratory-Game-Birds), chapter 2 "Metropolitan Goose Hunting Areas."

(2) Des Moines. Areas are as specified in the November 2023 Waterfowl Hunting Map Book published on the department's website (www.iowadnr.gov/Hunting/Migratory-Game-Birds), chapter 2 "Metropolitan Goose Hunting Areas."

(3) Cedar Falls/Waterloo. Areas are as specified in the November 2023 Waterfowl Hunting Map Book published on the department's website (www.iowadnr.gov/Hunting/Migratory-Game-Birds), chapter 2 "Metropolitan Goose Hunting Areas."

[**ARC 9238C**, IAB 5/14/25, effective 6/18/25]

571—91.4(481A) Closed areas. Waterfowl and coots may be hunted statewide except in specific areas.

91.4(1) *Waterfowl and coots.* There shall be no open season for ducks, coots and geese as specified in the November 2023 Waterfowl Hunting Map Book published on the department's website (www.iowadnr.gov/Hunting/Migratory-Game-Birds), chapter 3 "Areas Closed to Waterfowl Hunting."

91.4(2) *Canada geese.* There shall be no open season on Canada geese in certain areas described as specified in the November 2023 Waterfowl Hunting Map Book published on the department's website (www.iowadnr.gov/Hunting/Migratory-Game-Birds), chapter 4 "Areas Closed to Canada Goose Hunting."

[**ARC 9238C**, IAB 5/14/25, effective 6/18/25]

571—91.5(481A) Canada goose hunting within closed areas.

91.5(1) *Closed areas.* All areas are as described in 91.4(2).

a. *Purpose.* The hunting of Canada geese in closed areas is being undertaken to allow landowners or tenants who farm in these closed areas to hunt Canada geese on land they own or farm in the closed area.

b. Criteria.

(1) Landowners and tenants who own or farm land in the closed areas will be permitted to hunt Canada geese in the closed areas.

(2) Landowners and those individuals named on the permit according to the criteria specified in 91.5(1)*"b"*(9) will be permitted to hunt in the closed area. Tenants may obtain a permit instead of the landowner if the landowner transfers this privilege to the tenant. Landowners may choose, at their discretion, to include the tenant and those individuals of the tenant's family specified in 91.5(1)*"b"*(9) on their permit. Assigned permits must be signed by both the permittee and the landowner assigning the permit.

(3) Landowners must hold title to, or tenants must farm by a rent/share/lease arrangement, at least eight acres inside the closed area to qualify for a permit.

(4) No more than one permit will be issued to corporations, estates, or other legal associations that jointly own land in the closed area. No individual may obtain more than two permits nor may an individual be named as a participant on more than two permits.

(5) Persons holding a permit can hunt with those individuals named on their permit as specified in 91.5(1)*"b"*(9) on any property they own (or rent/share/lease in the case of tenants) in the closed area provided their activity complies with all other regulations governing hunting. Nothing herein shall permit the hunting of Canada geese on public property within the closed area.

(6) Persons hunting under this permit must adhere to all municipal, county, state and federal regulations that are applicable to hunting and specifically applicable to Canada goose hunting. Hunting as authorized by this rule shall not be used to stir or rally waterfowl.

(7) Hunting within the closed area will be allowed through October 31.

(8) Permit holders will be allowed to take eight Canada geese per year in the closed area.

(9) Permits will be issued only to individual landowners or tenants; however, permit holders must specify, when requesting a permit, the names of all other individuals qualified to hunt on the permit. Individuals qualified to hunt on the permit shall include the landowners or tenants and their spouses, domestic partners, parents, grandparents, children, children's spouses, grandchildren, siblings and siblings' spouses only.

c. Procedures.

(1) Permits can be obtained from the local conservation officer or wildlife unit headquarters within the closed area no later than 48 hours before the first Canada goose season opens. The permit will be issued to an individual landowner or tenant and must list the names of all individuals who may hunt with the permittee. The permit will also contain a description of the property covered by the permit. The permit must be carried by a member of the hunting party whose name is listed on the permit. Conservation officers will keep a record of permittees and locations of properties that are covered by permits.

(2) Eight consecutively numbered tags will be issued with each permit. Geese will be tagged around the leg immediately upon being reduced to possession and will remain tagged until delivered to the person's abode.

(3) No one may attempt to take Canada geese under this permit unless the person possesses an unused tag for the current year.

(4) No landowner or tenant shall be responsible or liable for violations committed by other individuals listed on the permit issued to the landowner or tenant.

91.5(2) Reserved.

[**ARC 9238C**, IAB 5/14/25, effective 6/18/25]

571—91.6(481A,483A) Youth waterfowl hunt. A special youth waterfowl hunt will be held the weekend before the first segment of the regular duck season in each duck hunting zone. Youth hunters must be residents of Iowa as defined in Iowa Code section 483A.1A and less than 16 years old. Each youth hunter must be accompanied by an adult 18 years old or older. The youth hunter does not need to have a hunting license or stamps. The adult must have a valid hunting license and habitat stamp if normally required to have them to hunt and a state waterfowl stamp. Only the youth hunter may shoot ducks and coots. The adult may hunt for any game birds for which the season is open. The daily bag and possession limits are the

same as for the regular waterfowl season, as defined in 571—91.1(481A). All other hunting regulations in effect for the regular waterfowl season apply to the youth hunt.
[**ARC 9238C**, IAB 5/14/25, effective 6/18/25]

571—91.7(481A) Common snipe season. Open season for hunting common snipe shall be from the first Saturday in September through November 30. Shooting hours shall be from one-half hour before sunrise to sunset each day. Daily bag limit 8; possession limit 24. Entire state open.
[**ARC 9238C**, IAB 5/14/25, effective 6/18/25]

571—91.8(481A) Virginia rail and sora season. Open season for hunting Virginia rail and sora shall be from the first Saturday in September and continue for 70 consecutive days. Shooting hours shall be from one-half hour before sunrise to sunset each day. Daily bag limit 12 and possession limit 36 in aggregate of both species. Entire state open.
[**ARC 9238C**, IAB 5/14/25, effective 6/18/25]

571—91.9(481A) Woodcock season. Open season for hunting woodcock shall be from the first Saturday in October and continue for 45 consecutive days. Shooting hours shall be from sunrise to sunset each day. Daily bag limit 3; possession limit 9. Entire state open.
[**ARC 9238C**, IAB 5/14/25, effective 6/18/25]

571—91.10(481A) Dove season. Open season for hunting mourning doves and Eurasian collared-doves shall begin on September 1 and continue for 90 consecutive days. Shooting hours shall be from one-half hour before sunrise to sunset each day. Daily bag limit 15; possession limit 45. Entire state open.
[**ARC 9238C**, IAB 5/14/25, effective 6/18/25]

571—91.11(481A) Crow season. Open season for hunting crows shall be from October 15 through November 30 and January 14 through March 31 of each year. No bag or possession limit. Entire state open.
[**ARC 9238C**, IAB 5/14/25, effective 6/18/25]

571—91.12(481A) General. Migratory game birds may be taken only in accordance with the daily bag and possession limits during the open season and shooting hours as prescribed annually by the natural resource commission.
[**ARC 9238C**, IAB 5/14/25, effective 6/18/25]

571—91.13(481A) Duck stamp. It shall be unlawful for any person who has attained the age of 16 years to take any migratory waterfowl (brant, wild ducks, geese, and swans) unless at the time of such taking that person has with them an unexpired federal migratory bird hunting and conservation stamp (commonly called duck stamp), validated by the person's signature written across the face of the stamp in ink, or an unexpired e-stamp version of the federal migratory bird hunting and conservation stamp.
[**ARC 9238C**, IAB 5/14/25, effective 6/18/25]

571—91.14(481A) Hunting methods. Migratory game birds may be taken by any method except those prohibited in this rule. No person shall take migratory game birds (brant, wild ducks, geese, rails, coots, woodcock, and snipe):

91.14(1) With a trap, snare, net, rifle, pistol, swivel gun, shotgun larger than 10-gauge, punt gun, battery gun, machine gun, fish hook, poison, drug, explosive or stupefying substance;

91.14(2) With a shotgun of any description capable of holding more than three shells, unless it is plugged with a one-piece filler, incapable of removal without disassembling the gun, so its total capacity does not exceed three shells;

91.14(3) On all lands and waters of the state of Iowa while having in one's possession any shot other than nontoxic shot approved by the U.S. Fish and Wildlife Service. This subrule shall not apply to the taking of woodcock.

91.14(4) From or by means or use of a sinkbox or any other type of low-floating device, having a depression affording the hunter a means of concealment beneath the surface of the water;

91.14(5) From or by means, aid, or use of any motor vehicle, motor-drive land conveyance, or aircraft of any kind, except that paraplegics and single or double amputees of the legs may take from any stationary motor-driven land conveyance. "Paraplegic" means an individual afflicted with paralysis of the lower half of the body with the involvement of both legs, usually due to disease of or injury to the spinal cord;

91.14(6) From or by means of any motorboat or other craft having a motor attached, or any sailboat, unless the motor has been completely shut off or the sail furled, and its progress therefrom has ceased: Provided, that a craft under power may be used to retrieve dead or crippled birds. However, crippled birds may not be shot from such craft under power;

91.14(7) By the use or aid of live birds as decoys; although not limited to, it shall be a violation of this subrule for any person to take migratory waterfowl on an area where tame or captive live ducks or geese are present unless such birds are and have been for a period of ten consecutive days prior to such taking, confined within an enclosure which substantially reduces the audibility of their calls and totally conceals such birds from the sight of wild migratory waterfowl;

91.14(8) By the use or aid of recorded or electrically amplified bird calls or sounds, or recorded or electrically amplified imitations of bird calls or sounds;

91.14(9) By means or aid of any motor-driven land, water, or air conveyance or any sailboat used for the purpose of or resulting in the concentrating, driving, rallying, or stirring up of any migratory bird; or

91.14(10) By the aid of baiting, or on or over any baited area where a person knows or reasonably should know that the area is or has been baited. As used in this subrule, "baited area" means any area on which salt, grain, or other feed has been placed, exposed, deposited, distributed, or scattered if that salt, grain, or other feed could serve as a lure or attraction for migratory game birds to, on, or over areas where hunters are attempting to take them. Any such area will remain a baited area for ten days following the complete removal of all such salt, grain, or other feed. "Baiting" means the direct or indirect placing, exposing, depositing, distributing, or scattering of salt, grain, or other feed that could serve as a lure or attraction for migratory game birds to, on, or over any areas where hunters are attempting to take them. However, nothing in this subrule shall prohibit:

a. The taking of all migratory game birds, including waterfowl, on or over standing crops, flooded standing crops (including aquatics), flooded harvested croplands, grain crops properly shocked on the field where grown, or grains found scattered solely as the result of normal agricultural planting or harvesting; and

b. The taking of all migratory game birds, except waterfowl, on or over any lands where shelled, shucked or unshucked corn, wheat or other grain, salt, or other feed has been distributed or scattered solely as the result of valid agricultural operations or procedures.

91.14(11) By any of the methods or means prohibited in this rule unless such methods or means have been approved by the U.S. Fish and Wildlife Service for the taking of light geese during special light goose-only seasons or light goose-only hunts.

[**ARC 9238C**, IAB 5/14/25, effective 6/18/25]

571—91.15(481A) Restrictions applicable to possession, tagging, and recordkeeping requirements.

91.15(1) No person shall possess, have in custody, or transport more than the daily bag limit or aggregate daily bag limit, whichever applies, of migratory game birds, tagged or not tagged, at or between the place, where taken and either:

a. The person's automobile or principal means of land transportation; or

b. The person's personal abode or temporary or transient place of lodging; or

c. A migratory bird preservation facility; or

d. A post office; or

e. A common carrier facility.

91.15(2) No person shall put or leave any migratory game birds at any place other than at the person's personal abode, or in the custody of another person for picking, cleaning, processing, shipping, transportation, or storage (including temporary storage), or for the purpose of having taxidermy services performed, unless such birds have a tag attached, signed by the hunter, stating the person's address, the total number and species of birds, and the date such birds were killed. Migratory game birds being

transported in any vehicle as the personal baggage of the possessor shall not be considered as being in storage or temporary storage.

91.15(3) No person shall receive or have in custody any migratory game birds belonging to another person unless such birds are tagged as required under 91.15(2).

91.15(4) No migratory bird preservation facility shall:

a. Receive or have in custody any migratory game birds unless accurate records are maintained showing:

(1) The number of each species;

(2) The date such birds were received;

(3) The name and address of the person from whom such birds were received;

(4) The date such birds were disposed of;

(5) The name and address of the person to whom such birds were delivered.

b. Destroy any records required to be maintained under this rule for period of one year following the last entry on the record.

c. No migratory bird preservation facility shall prevent any person authorized to enforce this part from entering such facilities at all reasonable hours and inspecting the records and the premises where such operations are being carried on.

[**ARC 9238C**, IAB 5/14/25, effective 6/18/25]

571—91.16(481A) Transportation within the state or between states. No person shall transport or ship any migratory game birds, unless the head or one fully feathered wing remains attached to each such bird at all times while being transported or shipped from the place where taken until they have arrived at the personal abode of the possessor or a migratory bird preservation facility.

[**ARC 9238C**, IAB 5/14/25, effective 6/18/25]

571—91.17(481A) Wounded, live migratory game birds.

91.17(1) Every migratory game bird wounded by hunting and reduced to possession by the hunter shall be immediately killed and become a part of the daily bag limit.

91.17(2) Wanton waste. No person shall kill or cripple any migratory game bird pursuant to this chapter without making a reasonable effort to retrieve the bird and include it in the daily bag limit.

[**ARC 9238C**, IAB 5/14/25, effective 6/18/25]

571—91.18(481A) Migratory game bird hunting by falconry.

91.18(1) In addition to the falconry permit, a falconer must have all other licenses, stamps, and permits required by law. A falconry observer is not required to be licensed for hunting, but an observer shall not assist in the hunt.

91.18(2) No falconer or observer may possess a long gun, bow, or crossbow while in the field with a raptor or in the act of falconry.

91.18(3) Ducks and coots. The season for taking ducks and coots by means of falconry may vary among duck hunting zones. Falconry seasons for ducks and coots shall be open whenever the conventional (gun) duck and coot hunting season is open in each zone, as described in 571—91.1(481A) and 571—91.2(481A), and shall also be open beginning the first Saturday in January in each zone and remain open until the combined total of the conventional hunting season days plus falconry hunting season days reaches 107 for the zone or February 28, whichever occurs first.

91.18(4) Geese. The season for taking geese by means of falconry may vary among goose hunting zones. Falconry seasons for white-fronted geese and light geese (white and blue-phase snow geese and Ross' geese) shall begin each year on the first day of the conventional (gun) hunting season for these geese in each zone, as described in 571—91.3(481A). Falconry seasons for Canada geese and brant shall be open concurrently with the conventional (gun) hunting season for these geese.

91.18(5) Rails, snipe and woodcock. The seasons for taking rails, snipe, and woodcock by means of falconry shall begin each year on the first day of the conventional (gun) hunting seasons for these species, as described in 571—91.7(481A), 571—91.8(481A), and 571—91.9(481A), and continue for 107 consecutive days. The entire state is open for these species.

91.18(6) Hawking hours and limits. Hawking hours for migratory game birds are one-half hour before sunrise to sunset. The daily bag limit shall include no more than three migratory game birds, singly or in aggregate. The possession limit is three times the daily bag limit. There are no hawking hour restrictions for nonmigratory game during the legal season.

[**ARC 9238C**, IAB 5/14/25, effective 6/18/25]

571—91.19(481A) Harvest information program (HIP).

91.19(1) Each licensed hunter pursuing migratory game birds (brant, wild ducks, geese, rails, coots, snipe, woodcock, doves or any other migratory game bird) shall carry proof that they have first registered with the HIP. Hunters must supply their name, address, and information on the number of migratory game birds taken during the previous year, or other information that may be requested.

91.19(2) The natural resource commission will develop methods for collecting information from hunters at the time they purchase their hunting license or prior to going hunting, either by written or electronic means, and develop a method for validating in the field that hunters have registered.

[**ARC 9238C**, IAB 5/14/25, effective 6/18/25]

These rules are intended to implement Iowa Code sections 481A.38, 481A.39, and 481A.48(2).

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CHAPTER 92
MIGRATORY GAME BIRDS

[Prior to 12/31/86, Conservation Commission[290] Ch 105]

Rescinded **ARC 9238C**, IAB 5/14/25, effective 6/18/25

CHAPTER 93
COMMERCIAL USE OF CAPTIVE-REARED WATERFOWL

[Prior to 12/31/86, see Conservation Commission[290] Ch 10]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

571—93.1(481A) General. Nothing in this chapter shall be construed to permit 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. In addition to definitions contained in Iowa Code section 481A.1, as used in this chapter:

"Bred in captivity" or *"captive-reared"* refers to 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.

"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. A taxidermist permit is required before any person may perform taxidermy services on migratory birds or their parts, nests, or eggs for any reason other than personal use.

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, Notice of Waterfowl Sale or Transfer, confirming acquisition of captive-reared, properly marked waterfowl from the holder of a current waterfowl sale and disposal permit. 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: Provided, this method shall be 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-red, properly marked mallards) are acquired from a taxidermist, the taxidermist shall furnish a copy of federal Form 3-186, Notice of Waterfowl Sale or Transfer, indicating all information required by the form and the method or methods by which individual birds are marked as required in subrule 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.

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CHAPTER 94
NONRESIDENT DEER HUNTING
Rescinded **ARC 7915C**, IAB 5/1/24, effective 6/5/24

CHAPTER 95
GAME HARVEST REPORTING AND LANDOWNER-TENANT REGISTRATION

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

571—95.1(481A) Harvest reporting system. Deer and turkey hunters must report each deer and wild turkey harvested to the department of natural resources (DNR) harvest reporting system. The hunter whose name is on the transportation tag is responsible for making the report. Hunters who do not bag a deer or wild turkey do not report.

95.1(1) *Reporting deadlines for deer and turkey.* A harvest report must be made by midnight on the day after the animal is tagged or before the animal is taken to a locker or taxidermist, is processed for consumption, or is transported out of state, whichever occurs first.

95.1(2) *Method of reporting.* Hunters may report the harvest in one of three ways:

a. By calling the DNR toll-free harvest reporting telephone number. The telephone number will be in operation from 6 a.m. to midnight each day during hunting seasons and for the legal reporting period after the season.

b. By reporting through the Internet using the DNR online harvest reporting system. The system will function 24 hours a day, seven days a week during hunting seasons and for the legal reporting period after the season.

c. By visiting an electronic licensing system for Iowa (ELSI) license agent during the license agent's normal business hours. Reports may be made through ELSI whenever hunting seasons are open and for the legal reporting period after the seasons.

95.1(3) *Report confirmation.* After the report is made, the hunter will be given a confirmation number to write on the harvest report tag to verify that the hunter has reported the kill. The harvest report tag and confirmation number must remain attached to the deer or wild turkey until the deer or turkey is processed for consumption.

571—95.2(481A) Verifying eligibility for free landowner or tenant licenses. Eligibility for free and reduced-fee deer and wild turkey hunting licenses, which are hereafter referred to as free licenses, is defined in Iowa Code section 483A.24, rule 571—98.5(483A) and rule 571—106.12(481A). The electronic licensing system for Iowa (ELSI) will not issue free licenses to persons who have not registered their eligibility with ELSI.

95.2(1) *Farm unit.* As provided in 571—subrule 106.12(6), all the land under the lawful control of the landowner or tenant is considered one farm unit no matter how it is subdivided for business purposes. No one may be registered as eligible for free licenses on more than one farm unit. Registering on one parcel of land within the farm unit will allow the landowner, tenant or family member to hunt on all land in the farm unit.

95.2(2) *Who may obtain free licenses.* One member of the landowner family (the landowner or an eligible family member) may obtain a free any-deer license. Members of the landowner family may divide the free antlerless-deer-only licenses for which the family is eligible among themselves in any way they choose. If there is a tenant on the same property, one member of the tenant family (the tenant or an eligible family member) may also obtain a free any-deer license. Members of the tenant family may divide the free antlerless-deer-only licenses for which they may be eligible among themselves in any way they choose. One member of the landowner family and one member of the tenant family may each obtain one free spring turkey hunting license and one free fall turkey hunting license.

95.2(3) *Method of registration.* A landowner or tenant may register in one of the following ways:

a. Landowners. Persons who own at least one parcel of qualifying land may register on the Internet through ELSI or by mailing or faxing an affidavit obtained from DNR. The online system is available 24 hours a day, seven days a week. An online registrant may immediately obtain a free license once the registration process is complete. A person who registers through the mail or by fax may have to wait up to ten business days after the form is received by DNR to obtain a free license.

b. Tenants. A person who qualifies as a tenant but does not own any qualifying land may register on the Internet through ELSI or by mailing or faxing an affidavit obtained from DNR. A tenant may have to wait up to ten business days after the affidavit is received by DNR before obtaining a free license.

95.2(4) *Information verifying eligibility.* In order to register, a landowner, tenant or qualifying family member must have a customer record in ELSI, i.e., have already purchased a license through ELSI. A person without an ELSI customer record must call the ELSI telephone ordering system to establish a customer record before registering. When registering, landowners, tenants and family members will be required to provide their ELSI customer number or their Iowa driver's license number or social security number and their date of birth to identify their ELSI customer record.

a. Landowners. A landowner shall provide the parcel identification number (PIN) from the landowner's current property tax statement for one parcel of qualifying land owned by the landowner and the number of the county where the land is located. Qualifying family members shall be registered to the same parcel of qualifying land as the landowner.

b. Partnerships, corporations or other forms of joint land ownership. Each owner of a jointly owned farm unit and the owner's qualifying family members who wish to receive free licenses for that farm unit shall register with the same county number and PIN. Only one joint owner or family member may obtain the one any-deer license available for the farm unit. The other joint owner(s) and family members may divide any other free licenses to which they are entitled among themselves in any way they choose.

c. Tenants. A tenant shall provide an affidavit that contains the name, address, and telephone number of the owner of the qualifying land rented by the tenant; the county number where the land is located; and the landowner's PIN from one parcel of that qualifying land. If a tenant rents land from more than one landowner, the tenant shall provide the required information about only one landowner. The tenant's qualifying family members shall be registered to the same parcel of qualifying land as the tenant.

d. Signature required. Pursuant to Iowa Code section 483A.24(2)*"f,"* all affidavits submitted to register eligibility for free licenses shall bear the signature of the landowner, tenant, or family member attesting that the information contained therein is true.

95.2(5) *Forms.* Instructions and affidavits may be obtained online at www.iowadnr.com, at DNR offices, or by calling (515)281-5918.

95.2(6) *Registration expiration and renewal.* A registered landowner, tenant, or eligible family member may obtain free licenses as allowed in subrule 95.2(2) provided the registration information and eligibility status remain valid. If the registration information or eligibility status of a registered landowner, tenant, or eligible family member changes, that individual must send by U.S. mail or by fax a DNR affidavit form or contact the DNR by telephone. The DNR will periodically review registration information to verify eligibility status and will inactivate registrations when the registration information fails to indicate eligibility.

95.2(7) *Penalties.* Free licenses will not be issued to an applicant until a legible and complete affidavit is received by DNR. An illegible or incomplete affidavit will be returned to the applicant for correction. A person who has made a false attestation in obtaining a license in violation of Iowa Code Supplement section 483A.24(2)*"f"* shall be guilty of a simple misdemeanor and subject to license revocation, as provided in Iowa Code section 483A.21, Iowa Code supplement section 483A.24(2)*"f"* and 571—subrule 106.8(3).

[**ARC 7919B**, IAB 7/1/09, effective 8/5/09]

These rules are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48, 483A.1 and 483A.7.

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CHAPTER 96
SMALL GAME HUNTING

[Prior to 12/31/86, Conservation Commission[290] Ch 103]

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/18/30

571—96.1(481A) Pheasant season.

96.1(1) *Open season.* Open season for hunting cock pheasants is the last Saturday in October through January 10 of the succeeding year. Daily bag limit 3 cocks; possession limit 12. Shooting hours are 8 a.m. to 4:30 p.m. Entire state open.

96.1(2) *Transportation.* No person shall transport a pheasant within the state without a leg and foot, or fully feathered wing, or fully feathered head attached to the intact carcass.

96.1(3) *Youth pheasant hunt.* A special two-day youth pheasant hunt for residents only will be held on the weekend preceding the last Saturday in October. Youth hunters must be 15 years old or younger. Each youth hunter must be accompanied by an adult 18 years old or older. The youth hunter does not need to have a hunting license or stamps. The adult must have a valid hunting license and habitat stamp if normally required to have them to hunt. Only the youth hunter may shoot pheasants. The daily bag limit is 1 cock bird and possession limit is 2 after the first day. All other hunting regulations in effect for the regular pheasant season apply to the youth hunt. Entire state open.

[**ARC 9239C**, IAB 5/14/25, effective 6/18/25]

571—96.2(481A) Gray (Hungarian) partridge season. Open season for hunting gray partridge is the second Saturday in October through January 31 of the succeeding year. Daily bag limit 8; possession limit 16. Shooting hours are 8 a.m. to 4:30 p.m. Entire state open.

[**ARC 9239C**, IAB 5/14/25, effective 6/18/25]

571—96.3(481A) Bobwhite quail season. Open season for hunting quail is the last Saturday in October through January 31 of the succeeding year. Daily bag limit 8; possession limit 16. Shooting hours are 8 a.m. to 4:30 p.m. Entire state open.

[**ARC 9239C**, IAB 5/14/25, effective 6/18/25]

571—96.4(481A) Ruffed grouse season. Open season for hunting ruffed grouse is the first Saturday in October through January 31 of the succeeding year. Daily bag limit 3; possession limit 6. Shooting hours are sunrise to sunset.

96.4(1) *Portion of the state open to hunting.* The area open to hunting shall be that portion of the state lying north and east of a line described as follows: beginning at Sabula, Iowa; thence west along State Highway 64 to U.S. Highway 151; thence west along U.S. Highway 151 to State Highway 13; thence north along State Highway 13 to U.S. Highway 20; thence west along U.S. Highway 20 to U.S. Highway 63; thence north along U.S. Highway 63 to the state line.

96.4(2) Reserved.

[**ARC 9239C**, IAB 5/14/25, effective 6/18/25]

571—96.5(481A) Pigeon season. There is a continuous open season for hunting pigeons. No bag or possession limit. There are no restrictions on shooting hours. Entire state open.

[**ARC 9239C**, IAB 5/14/25, effective 6/18/25]

571—96.6(481A) Cottontail rabbit season. Open season for hunting cottontail rabbits is the Saturday before Labor Day through February 28 of the succeeding year. Daily bag limit 10; possession limit 20. Shooting hours are sunrise to sunset. Entire state open.

[**ARC 9239C**, IAB 5/14/25, effective 6/18/25]

571—96.7(481A) Jackrabbit season. Continuous closed season.

[**ARC 9239C**, IAB 5/14/25, effective 6/18/25]

571—96.8(481A) Squirrel season. Open season for hunting squirrels (fox and gray) is the Saturday before Labor Day through January 31 of the succeeding year. Daily bag limit 6; possession limit 12. There are no restrictions on shooting hours. Entire state open.
[**ARC 9239C**, IAB 5/14/25, effective 6/18/25]

571—96.9(481A) Small game hunting by falconry.

96.9(1) In addition to the falconry permit, a falconer must have all other licenses, stamps, and permits required by law. A falconry observer is not required to be licensed for hunting, but an observer shall not assist in the hunt.

96.9(2) No falconer or observer may possess a long gun, bow, or crossbow while in the field with a raptor or in the act of falconry.

96.9(3) Seasons.

a. Pheasant (both sexes), quail, gray partridge, ruffed grouse, and jackrabbit. The season for the taking of pheasant, quail, gray partridge, ruffed grouse, and jackrabbit is October 1 of each year through March 31 of the following year.

b. Cottontail rabbit and squirrel. The season for the taking of cottontail rabbits and squirrels is September 1 of each year through March 31 of the following year.

96.9(4) Limits.

a. Pheasants (both sexes) and jackrabbit. The daily limit is two pheasants, no more than one of which may be a hen, and one jackrabbit; the possession limit is four pheasants and two jackrabbits.

b. Quail, gray partridge, ruffed grouse, squirrels and cottontail rabbit. The daily limit is two quail, two gray partridge, two ruffed grouse, four cottontail rabbits and four squirrels; the possession limit is four quail, four gray partridge, four ruffed grouse, eight cottontail rabbits, and eight squirrels.
[**ARC 9239C**, IAB 5/14/25, effective 6/18/25]

These rules are intended to implement Iowa Code sections 481A.38, 481A.39, and 481A.48.

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CHAPTER 97
COMMON SNIPE, VIRGINIA RAIL AND SORA, WOODCOCK, RUFFED GROUSE, AND DOVE HUNTING SEASONS

[Prior to 12/31/86, Conservation Commission[290] Ch 109]

Rescinded **ARC 9238C**, IAB 5/14/25, effective 6/18/25

CHAPTER 98
WILD TURKEY HUNTING

[Prior to 12/31/86, Conservation Commission[290] Ch 111]

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/18/30

RESIDENT WILD TURKEY HUNTING

571—98.1(483A) General. Wild turkey may be taken during the spring or fall season subject to the following:

98.1(1) *License.* When hunting wild turkey, all hunters must have in possession a wild turkey hunting license valid for the current year and season, the unused transportation tag issued with that license, a hunting license, and evidence of having paid the habitat fee (if normally required to have a hunting license and to pay the habitat fee to hunt). No one, while hunting wild turkey, shall carry or have in possession any license or transportation tag issued to another hunter. No one who is issued a wild turkey license and transportation tag shall allow another person to use or possess that license or transportation tag while turkey hunting or tagging a turkey. A hunter having a license valid for one of the spring turkey seasons may accompany, call for, or otherwise assist any other hunter who has a valid turkey hunting license for any of the spring seasons. The hunter who is assisting may not shoot a turkey or carry a firearm or bow unless the hunter has a valid license with an unused tag for the current season. Licenses for the fall turkey season will only be issued to Iowa residents, except as specified in 98.9(5).

a. Types of spring licenses.

(1) Combination shotgun-or-archery license. Combination shotgun-or-archery licenses shall be issued by season and shall be valid statewide in the designated season only.

(2) Archery-only license. Archery-only licenses shall be valid statewide and shall be valid during all seasons open for spring turkey hunting, except the youth season.

b. Number of spring licenses. No one may apply for or obtain more than two spring wild turkey hunting licenses. A hunter may obtain no more than two combination shotgun-or-archery licenses, or two archery-only licenses, or one of each. If two combination shotgun-or-archery licenses are obtained, at least one must be for season 4. If one combination shotgun-or-archery license and one archery-only license are obtained, the combination shotgun-or-archery license must be for season 4.

c. Types of fall licenses.

(1) Combination shotgun-or-archery licenses. Combination shotgun-or-archery licenses shall be valid for taking turkeys of either sex in the zone designated on the license.

(2) Archery-only licenses. Archery-only licenses shall be valid statewide for taking turkeys of either sex.

d. Number of fall licenses. No one may apply for or obtain more than two wild turkey fall hunting licenses. A hunter may obtain no more than two combination shotgun-or-archery licenses, or two archery-only licenses, or one of each. One license of either type may be free to eligible landowners or tenants.

98.1(2) *Daily bag and possession limit.* Season possession limit, including daily bag limit, is one bearded (or male) wild turkey per spring license. Season possession limit, including daily bag limit, is one turkey of either sex per fall license.

98.1(3) *Shooting hours.* Shooting hours for combination shotgun-archery licenses and spring archery-only licenses shall be from one-half hour before sunrise to sunset. Shooting hours for fall archery-only licenses shall be from one-half hour before sunrise to one-half hour after sunset.

[**ARC 9240C**, IAB 5/14/25, effective 6/18/25]

571—98.2(483A) Means and method of take.

98.2(1) *Permitted weapons.* Wild turkey may be taken in accordance with the type of license issued as follows:

a. Combination shotgun-or-archery license. Wild turkey may be taken by shotgun or muzzleloading shotgun not smaller than caliber .410 and shooting only shot sizes number 4 through 10 (lead or nontoxic)

shot; or archery equipment as described in 98.2(1)*"b."* A person shall not have shotshells containing shot of any size other than number 4 through 10 (lead or nontoxic) shot on the person while hunting wild turkey.

b. Archery-only license. Except for crossbows for persons with certain afflictions of the upper body, as provided in 571—15.22(481A), only longbows, compound bows, or recurve bows shooting broadhead arrows are permitted. Blunthead arrows with a minimum diameter of 9/16 inch may also be used. Arrows must be at least 18 inches long. Arrows with chemical or explosive pods are not permitted.

98.2(2) *Prohibited devices.* The use of live decoys, dogs (except for fall licenses), horses, motorized vehicles, aircraft, bait, or crossbows, except as otherwise provided, and the use or aid of recorded or electronically amplified bird calls or sounds, or recorded or electronically amplified imitations of bird calls or sounds, are prohibited. Paraplegics and single or double amputees of the legs may hunt from any stationary motor-driven land conveyance. "Paraplegic" means an individual afflicted with paralysis of the lower half of the body with the involvement of both legs, usually due to disease of or injury to the spinal cord. "Bait" means grain, fruit, vegetables, nuts or any other natural food materials; commercial products containing natural food products; or by-products of such materials transported to or placed in an area for the intent of attracting wildlife.

98.2(3) *Zones, quotas and seasons.* A person with a resident wild turkey spring hunting license may take wild turkey statewide during the spring seasons. Fall resident hunting is limited to zones and permits as designated by the natural resource commission. Fall resident zones and quotas for combination shotgun-or-archery licenses will be issued by zone as follows:

a. Zone 4: 1,500.
b. Zone 5: 650.
c. Zone 6: 1,400.
d. Zone 7: 250.
e. Zone 8: 200.
f. Zone 9: 200.

98.2(4) *Archery-only licenses.* The number of fall archery-only licenses shall not be limited.

98.2(5) *Landowner/tenant licenses.* The total number of fall landowner/tenant licenses shall not be limited.

98.2(6) *Additional licenses.* Additional combination shotgun-or-archery licenses may be added to zone quotas if turkey surveys indicate that annual brood production and turkey populations are high enough to warrant additional hunting opportunity. The licenses will be added at the discretion of the commission upon advice from the wildlife bureau.

98.2(7) *Seasons.* Seasons will be established in accordance with the type of license issued.

a. Spring combination shotgun-or-archery licenses. Consecutive seasons are 4, 5, 7, and 19 days, respectively, with the first season beginning on the second Monday of April. These seasons shall be designated as seasons 1, 2, 3 and 4, respectively.

b. Spring archery-only licenses. The season shall be 35 days beginning on the second Monday of April.

c. Fall combination shotgun-or-archery licenses. The dates for the fall combination shotgun-or-archery season shall be from the Monday following the second Saturday in October through the Friday before the first Saturday in December of the same year. Wild turkey may be taken with a combination shotgun-or-archery license only in the following zones: 4, 5, 6, 7, 8, and 9 as defined by the department of natural resources.

d. Fall archery-only licenses. The dates for the fall archery-only wild turkey hunting season shall be the same as the dates for the bow season for deer as described in 571—Chapter 106.

[**ARC 9240C**, IAB 5/14/25, effective 6/18/25]

571—98.3(483A) Procedures to obtain licenses. All wild turkey hunting licenses will be issued using the electronic licensing system for Iowa (ELSI). Licenses may be purchased through ELSI license agents, by calling the ELSI telephone ordering system, or through the ELSI Internet license sales website.

98.3(1) Spring wild turkey hunting licenses will be sold beginning December 15 through the last day of the season for which the license is valid. There will be no quotas for combination shotgun-or-archery licenses or for archery-only licenses for resident hunters.

98.3(2) Landowner/tenant licenses. An eligible resident landowner or tenant may obtain a combination shotgun-or-archery license or a free archery-only license. Nonresident landowners are not eligible for turkey hunting licenses.

a. Spring combination shotgun-or-archery licenses. A spring combination shotgun-or-archery license will be issued by season and will be valid only on the farm unit of the landowner or tenant.

b. Spring archery-only licenses. A spring archery-only license will be valid for all seasons but only on the farm unit of the landowner or tenant.

c. Number of spring licenses. One combination shotgun-or-archery license or one archery-only license may be obtained in addition to the free shotgun-or-archery license or the free archery-only license. If an archery-only license and a combination shotgun-or-archery license are obtained, the shotgun-or-archery license must be for season 4. If a free shotgun-or-archery license and a paid shotgun-or-archery license are obtained, one of the licenses must be for season 4.

98.3(3) Fall license availability. All fall turkey hunting licenses for which a quota is established may be obtained from ELSI agents on a first-come, first-served basis beginning August 15 until the quota fills, or through the last day of the hunting period for which the license is valid. All fall turkey hunting licenses that have no quota may be obtained from ELSI agents beginning August 15 through the last day of the hunting period for which a license is valid.

[**ARC 9240C**, IAB 5/14/25, effective 6/18/25]

571—98.4(483A) Providing false information. If anyone provides false information when obtaining any turkey hunting license, that license and transportation tag and any other turkey hunting license and transportation tag obtained during the same year shall be invalid.

[**ARC 9240C**, IAB 5/14/25, effective 6/18/25]

571—98.5(483A) Transportation tag. Immediately upon the killing of a wild turkey, the transportation tag issued with the license and bearing the license number of the licensee, year of issuance, and date of kill properly shown shall be visibly attached to one leg of the turkey. The hunter who shot the turkey must use the transportation tag issued to that hunter to tag the turkey. No one may tag a turkey with a transportation tag issued to another hunter. The tag must be attached in such a manner that it cannot be removed without mutilating or destroying the tag. The tag must be attached before the carcass can be moved in any manner from the place of kill. The transportation tag shall remain affixed to the leg of the turkey until the turkey is processed for consumption. The leg that bears the tag must be attached to the carcass of any wild turkey being transported within the state during any wild turkey hunting season. The tag shall be proof of possession of the carcass by the above-mentioned licensee.

[**ARC 9240C**, IAB 5/14/25, effective 6/18/25]

571—98.6(483A) Eligibility for free landowner/tenant turkey licenses.

98.6(1) *Who qualifies for a landowner/tenant turkey hunting license.*

a. Owners and tenants of a farm unit and the spouse or domestic partner as defined by the Iowa department of administrative services and juvenile child of an owner or tenant who reside with the owner or tenant are eligible for free turkey licenses. The owner or tenant does not have to reside on the farm unit but must be actively engaged in farming it. Nonresident landowners do not qualify.

b. "Juvenile child" means a person less than 18 years of age or a person who is 18 or 19 years of age and is in full-time attendance at an accredited school pursuing a course of study leading to a high school diploma or a high school equivalency diploma. A person 18 years of age or older who has received a high school diploma or high school equivalency diploma does not qualify.

98.6(2) *Who qualifies as a tenant.* A "tenant" is a person other than the landowner who is actively engaged in the operation of the farm. The tenant may be a member of the landowner's family, including in some circumstances the landowner's spouse or child, or a third party who is not a family member. The tenant does not have to reside on the farm unit.

98.6(3) *Definition of "actively engaged in farming."* Landowners and tenants are "actively engaged in farming" if they personally participate in decisions about farm operations and those decisions, along with external factors such as weather and market prices, determine their profit or loss for the products

they produce. Tenants qualify if they farm land owned by another and pay rent in cash or in kind. A farm manager or other third party that operates a farm for a fee or a laborer who works on the farm for a wage and is not a family member does not qualify as a tenant.

98.6(4) *Landowners who qualify as active farmers.* These landowners:

a. Are the sole operator of a farm unit (along with immediate family members); or

b. Make all decisions about farm operations, but contract for custom farming or hire labor to do some or all of the work; or

c. Participate annually in decisions about farm operations such as negotiations with federal farm agencies or negotiations about cropping practices on specific fields that are rented to a tenant; or

d. Raise specialty crops from operations such as orchards, nurseries, or tree farms that do not necessarily produce annual income but require annual operating decisions about maintenance or improvements; or

e. May have portions of the farm enrolled in a long-term land retirement program such as the Conservation Reserve Program (CRP) as long as other farm operations occur annually; or

f. Place their entire cropland in the CRP or other long-term land retirement program with no other active farming operation occurring on the farm.

98.6(5) *Landowners who do not qualify.* These landowners:

a. Use a farm manager or other third party to operate the farm; or

b. Cash rent the entire farm to a tenant who is responsible for all farm operations including following preapproved operations plans.

98.6(6) *Where landowner/tenant licenses are valid.* A free license is valid only on the farm unit of the landowner or tenant. "Farm unit" means all parcels of land that are at least two contiguous acres in size, that are operated as a unit for agricultural purposes, and that are under lawful control of the landowner or tenant regardless of how that land is subdivided for business purposes. Individual parcels of land do not need to be adjacent to one another to be included in the farm unit. "Agricultural purposes" includes but is not limited to field crops, livestock, horticultural crops (e.g., from nurseries, orchards, truck farms, or Christmas tree plantations), and land managed for timber production.

98.6(7) *How many landowner/tenant licenses may be obtained.* The maximum number of landowner/tenant licenses for the spring turkey season is two per farm unit, one for the landowner (or family member) and one for the tenant (or family member). If there is no tenant, the landowner's family may obtain only one license. A tenant or the tenant's family is entitled to only one landowner/tenant license even if the tenant farms land for more than one landowner.

98.6(8) *Registration of landowners and tenants.* Landowners and tenants and their eligible family members who want to obtain free spring wild turkey hunting licenses must register with the department of natural resources before the free licenses will be issued. Procedures for registering are described in 571—95.2(481A).

[**ARC 9240C**, IAB 5/14/25, effective 6/18/25]

571—98.7(483A) Youth spring wild turkey hunt.

98.7(1) *Licenses.* A special youth spring wild turkey hunting license valid statewide may be issued to any Iowa resident who is 15 years old or younger on the date the youth purchases the license. The youth license may be paid or free to persons eligible for free licenses. If the youth obtains a free landowner/tenant license, it will count as the one free license for which the youth's family is eligible. Each participating youth must be accompanied by an adult who possesses a valid wild turkey spring hunting license for one of the seasons and a hunting license, and has paid the habitat fee (if the adult is normally required to have a hunting license and to pay the habitat fee to hunt). The accompanying adult must not possess a firearm or bow and must be in the direct company of the youth at all times. A person may obtain only one youth turkey hunting license but may also obtain one archery-only license or one combination shotgun-or-archery license for season 4.

98.7(2) *Youth season dates.* The youth turkey hunting license shall be valid during the three days immediately before the first turkey season. A person who is issued a youth spring wild turkey hunting license and does not take a wild turkey during the youth spring wild turkey hunting season may use the

wild turkey hunting license and unused tag during any remaining spring wild turkey hunting season in the year in which the youth license was issued.

98.7(3) *Limits and license quotas.* An unlimited number of licenses may be issued. The daily and season bag and possession limit is one bearded (or male) wild turkey.

98.7(4) *Method of take and other regulations.* Wild turkeys may be taken with shotguns, muzzleloaded shotguns or bows as described in 571—98.2(483A). All other spring wild turkey hunting regulations for residents shall apply.

98.7(5) *Procedures for obtaining licenses.* Youth season licenses may be obtained through ELSI beginning December 15 through the last day of the youth season.

[**ARC 9240C**, IAB 5/14/25, effective 6/18/25]

571—98.8(481A) Harvest reporting. Each hunter who harvests a turkey must report that kill according to procedures described in 571—95.1(481A).

[**ARC 9240C**, IAB 5/14/25, effective 6/18/25]

NONRESIDENT WILD TURKEY HUNTING

571—98.9(483A) General. Wild turkey may be taken during the spring season subject to the following:

98.9(1) *License.* When hunting wild turkey, all hunters must have in possession a valid nonresident wild turkey spring hunting license, the unused transportation tag issued with that license, a valid nonresident hunting license, and proof of having paid the current year's habitat fee. No one, while hunting turkey, shall carry or have in possession any license or transportation tag issued to another hunter. No one who is issued a wild turkey license and transportation tag shall allow another person to possess that license or transportation tag while turkey hunting or tagging a turkey. Licenses will be issued by zone and season and will be valid in the designated zone and season only. No one shall obtain more than one nonresident wild turkey spring hunting license. A hunter having a license valid for one of the spring turkey seasons may accompany, call for, or otherwise assist any other hunter who has a valid turkey hunting license in that season and zone. The hunter who is providing assistance may not shoot a turkey or carry a firearm or bow unless that hunter has a valid license and an unused tag for the current season and zone. Two types of licenses will be issued:

a. Combination shotgun-or-archery license. Shotguns, muzzleloading shotguns and archery equipment as defined in 98.12(1) may be used.

b. Muzzleloading shotgun-only license. Only muzzleloading shotguns as defined in 98.12(1) may be used.

98.9(2) *Seasons.* Bearded (or male) wild turkey may be taken only by the use of shotguns, muzzleloading shotguns, and bow and arrow during the first, second, third or fourth seasons as defined in 98.2(4)*"a."*

98.9(3) *Daily bag, possession and season limits.* The daily bag limit is one bearded (or male) wild turkey; the possession and season limit is one bearded (or male) wild turkey.

98.9(4) *Shooting hours.* Shooting hours shall be from one-half hour before sunrise to sunset each day.

98.9(5) *Fall special licenses.* The commission shall issue licenses in conformance with Iowa Code section 483A.24(12) to nonresidents 21 years of age or younger who have a severe physical disability or who have been diagnosed with a terminal illness. A person applying for this license must provide a completed form obtained from the department of natural resources. The application shall be certified by the applicant's attending physician with an original signature and declare that the applicant has a severe physical disability or a terminal illness using the criteria listed in 571—Chapter 15. A medical statement from the applicant's attending physician that specifies criteria met shall be on 8½″ × 11″ letterhead stationery. The attending physician shall be a currently practicing doctor of medicine, doctor of osteopathy, physician assistant or nurse practitioner.

[**ARC 9240C**, IAB 5/14/25, effective 6/18/25]

571—98.10(483A) Zones open to hunting. Licenses shall be valid only in designated areas as follows:

1. Zone 4. Zone 4 is that portion of Iowa bounded on the north by Interstate Highway 80 and on the west by U.S. Highway 59.

2. Zone 5. Zone 5 is that portion of Iowa bounded on the north by U.S. Highway 20 and on the east by U.S. Highway 59.

3. Zone 6. Zone 6 is that portion of Iowa lying east of U.S. Highway 63 and north of Interstate Highway 80.

4. Zone 7. Zone 7 is that portion of Iowa bounded on the north by U.S. Highway 20, on the west by U.S. Highway 59, on the south by Interstate Highway 80, and on the east by U.S. Highway 63.

5. Zone 8. Zone 8 is that portion of Iowa north of U.S. Highway 20 and west of U.S. Highway 63.

[**ARC 9240C**, IAB 5/14/25, effective 6/18/25]

571—98.11(483A) License quotas. A limited number of wild turkey hunting licenses will be issued in each zone in each season as follows:

98.11(1) *Combination shotgun-or-archery licenses.*

a. Zone 4: 262.

b. Zone 5: 55.

c. Zone 6: 165.

d. Zone 7: 35.

e. Zone 8: 20.

98.11(2) *Muzzleloading shotgun-only licenses.* 150 statewide. A hunter purchasing a muzzleloading shotgun license must declare a zone and season and hunt only in that zone and season.

[**ARC 9240C**, IAB 5/14/25, effective 6/18/25]

571—98.12(483A) Means and method of take.

98.12(1) *Permitted weapons.* Wild turkey may be taken only with shotguns and muzzleloading shotguns not smaller than caliber .410 and shooting only shot sizes number 4 through 10 (lead or nontoxic) shot. No person may have shotshells containing shot of any size other than number 4 through 10 (lead or nontoxic) shot on the person while hunting wild turkey. Except for crossbows for persons with certain afflictions of the upper body, as provided in 571—15.22(481A), only longbow, compound, or recurve bows shooting broadhead arrows are permitted. Blunthead arrows with a minimum diameter of 9/16 inch may also be used. Arrows must be at least 18 inches long. No explosive or chemical devices may be attached to the arrow, broadhead, or blunthead.

98.12(2) *Prohibited devices.* The use of live decoys, dogs, horses, motorized vehicles, aircraft, bait, crossbows, except as otherwise provided, and the use or aid of recorded or electronically amplified bird calls or sounds, or recorded or electronically amplified imitations of bird calls or sounds are prohibited, except that paraplegics and single or double amputees of the legs may hunt from any stationary motor-driven land conveyance. "Paraplegic" means an individual afflicted with paralysis of the lower half of the body with the involvement of both legs, usually due to disease of or injury to the spinal cord. "Bait" means grain, fruit, vegetables, nuts or any other natural food materials; commercial products containing natural food materials; or by-products of such materials transported to or placed in an area for the intent of attracting wildlife.

[**ARC 9240C**, IAB 5/14/25, effective 6/18/25]

571—98.13(483A) Application procedure.

98.13(1) Applications for nonresident wild turkey spring hunting licenses must be made through the ELSI telephone ordering system or the ELSI Internet license sales website. Applications will be accepted from December 15 through the last Sunday in January. No one may submit more than one application during the application period. If applications have been sold in excess of the license quota for any license type, zone, or season, a drawing will be held to determine which applicants receive licenses. Licenses or refunds of license fees will be mailed to applicants after the drawing is completed. License agent writing fees, department administrative fees, Internet sales charges and telephone order charges will not be refunded. If any license quota has not been filled, the excess licenses will be sold first-come, first-served through the telephone ordering system or the Internet license sales website beginning at 6 a.m. the second

Saturday after the close of the application period until the quota has been filled or the last day of the season for which the license is valid, whichever occurs first. No one may obtain more than one nonresident wild turkey spring hunting license. Hunters may apply individually or as a group of up to 15 applicants. All members of a group will be accepted or rejected as a group in the drawing. If a group is rejected, members of that group may purchase licenses individually if excess licenses are available.

98.13(2) Each individual applicant who is unsuccessful in the drawing will be assigned one preference point for each year in which the individual applies and is unsuccessful. If a person who was unsuccessful in the drawing purchases a leftover license within four weeks, the person will receive a refund for the cost of the preference point. Preference points will not accrue in a year in which an applicant fails to apply, but the applicant will retain any preference points previously earned. Once an applicant receives a license, all preference points will be erased. Preference points will apply to any zone or season for which a hunter applies. The first license drawing each year will be made from the pool of applicants with the most preference points. If licenses are still available after the first drawing, subsequent drawings will be made from pools of applicants with successively fewer preference points and continue until the license quota is reached or all applicants have received licenses. Applicants who apply as a group will be included in a pool of applicants with the same number of preference points as that of the member of the group with the fewest preference points assigned.

[**ARC 9240C**, IAB 5/14/25, effective 6/18/25]

571—98.14(483A) Transportation tag. Immediately upon the killing of a wild turkey, the transportation tag issued with the license and bearing the license number of the licensee, year of issuance, and date of kill properly shown shall be visibly attached to one leg of the turkey. The hunter who shot the turkey must use the transportation tag issued to that hunter to tag the turkey. No one may tag a turkey with a transportation tag issued to another hunter. The tag must be attached in such a manner that it cannot be removed without mutilating or destroying the tag. The tag must be attached before the carcass can be moved in any manner from the place of kill. The transportation tag shall remain affixed to the leg of the turkey until the turkey is processed for consumption. The leg that bears the tag must be attached to the carcass of any wild turkey being transported within the state during any wild turkey spring hunting season. The tag shall be proof of possession of the carcass by the above-mentioned licensee.

[**ARC 9240C**, IAB 5/14/25, effective 6/18/25]

571—98.15(481A) Harvest reporting. Each hunter who bags a turkey must report that kill according to procedures described in 571—95.1(481A).

[**ARC 9240C**, IAB 5/14/25, effective 6/18/25]

These rules are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48, 483A.1, 483A.7 and 483A.24.

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CHAPTER 99
WILD TURKEY FALL HUNTING

Rescinded **ARC 9240C**, IAB 5/14/25, effective 6/18/25

CHAPTER 100
CROW AND PIGEON REGULATIONS

[Ch 101—formally related to Mourning Dove Season]
[Prior to 12/31/86, Conservation Commission [290] Ch 101]

Rescinded **ARC 9239C**, IAB 5/14/25, effective 6/18/25

CHAPTER 101
FALCONRY REGULATIONS

[Prior to 12/31/86, Conservation Commission[290] Ch 18]

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/18/30

571—101.1(481A) Falconry regulations. No person may take, transport, or possess any raptor without having first obtained a valid state/federal falconer's permit. Falconry permit holders shall comply with the department of natural resources' rules and with the current Code of Federal Regulations pertaining to falconry. Only the following raptors may be taken from the wild: American kestrel, Cooper's hawk, Ferruginous hawk, American goshawk, Great horned owl, Gyrfalcon, Harris's hawk, Merlin, Peregrine falcon, Prairie falcon, Red-tailed hawk, Rough-legged hawk, and Sharp-shinned hawk. Raptors taken from the wild shall not be sold, bartered or traded. All wild raptors legally trapped or taken by a resident or nonresident falconer must be marked with an Iowa band provided by the department.

101.1(1) A falconry permit allows for the purchase, capture, possession and use of designated legal raptors in hunting, subject to state regulations.

101.1(2) A falconry permit may be issued to any person 14 years of age or older who has successfully passed a written examination provided by the department and approved by the U.S. Department of the Interior covering basic biology, care and handling of raptors, laws, regulations or other appropriate subject matter, with a minimum score of 80 percent, and who has satisfied the minimum requirements for keeping raptors as determined by inspection of the applicant's facilities. In the event an individual fails the examination, this individual may reapply.

101.1(3) There shall be three classes of falconer permits as follows:

a. Apprentice falconer.

(1) An applicant shall have a sponsor who is a holder of a general or master falconry permit and who has at least two years of active experience as a general falconer. A qualifying sponsor must submit a signed letter to the department in which the sponsor agrees to assist and mentor the apprentice falconer for the duration of the apprenticeship. A sponsor may have no more than two apprentices at any one time.

(2) Apprentice permit holders may only possess a Red-tailed hawk (Buteo jamaicensis) and shall not possess more than one individual or obtain more than one replacement bird during any 12-month period. Apprentice permit holders may not take nestling or fledgling birds.

(3) A sponsor has the right to withdraw sponsorship at any time by submitting a signed letter to the department requesting withdrawal of sponsorship. If an apprentice falconer fails to successfully complete the required two-year apprenticeship, the apprentice falconer's Red-tailed hawk shall be transferred to the sponsor of record. The sponsor will be required to properly care for the bird until it is transferred to another permitted falconer or hacked back into the wild.

(4) Upon completion of the apprenticeship requirements, the apprentice's sponsor must submit a signed letter of endorsement confirming that the apprentice has satisfied the terms and conditions of the apprenticeship as required by these rules and approved by the department.

b. General falconer. An applicant shall be at least 18 years old. An applicant shall have at least two years of field experience in the practice of falconry at the apprentice level or its equivalent; the keeping of raptors without actively hunting the bird(s) shall not be considered field experience. General permit holders shall not possess more than three raptors and may not take more than one raptor for a replacement bird from the wild during any 12-month period. Licensed general class falconers may purchase properly marked captive-bred raptors only from federally licensed raptor propagators.

c. Master falconer. An applicant shall have at least five years of field experience in the practice of falconry at the general level or its equivalent. The keeping of raptors without actively hunting the bird(s) shall not be considered field experience. A master falconer shall possess no more than five raptors at any one time and be permitted to take no more than two replacement birds from the wild in any 12-month period. Master class falconers may purchase properly marked captive-bred raptors only from federally licensed raptor propagators.

101.1(4) Falconry permits are $61.50, are valid for a three-year period, and are nontransferable. Permits shall expire June 30 of the third year after issuance. Permits may be renewed without examination

following the falconer's submission of an annual report of birds possessed during the previous year and provided that the department is satisfied as to the competency of the applicant whose permit has expired.

101.1(5) A federal raptor propagation permit is required before any raptor propagator may take, possess, transport, sell, purchase, barter, or transfer any captive-bred raptor, raptor egg, or raptor semen for propagation or sale purposes.

This rule is intended to implement Iowa Code section 481A.48 and conforms to the federal regulations promulgated under the Migratory Bird Treaty Act.

[**ARC 9241C**, IAB 5/14/25, effective 6/18/25]

571—101.2(481A) Facilities and equipment. Before any individual shall be issued a falconry permit, the applicant's raptor housing facilities and falconry equipment shall be inspected and certified by a representative of the department as meeting the following standards:

101.2(1) Facilities. The primary consideration for raptor housing facilities, whether indoors or outdoors, is protection from the environment, predators or undue disturbance. Depending upon climatic conditions, the applicant shall have either or both of the following facilities:

a. Indoor facilities. Indoor facilities (mews) shall be a minimum of 6 feet high, with a floor area at least 6 feet square for each bird. If more than one raptor is to be kept in the mews, the raptors shall be tethered or separated by partitions. There shall be at least one window, protected on the inside by vertical bars spaced narrower than the width of the bird's body and a door that can be easily closed and secured. The floor of the mews shall permit easy cleaning. Falcons are to be kept on perches with a flat perching surface while accipiters, buteos and eagles are to be kept on perches that have a perching surface round in cross section and all perches should provide a good grasping surface satisfactory to the bird in possession.

b. Indoor facilities—exception. An exception may be allowed from the standard size requirements listed in 101.2(1)*"a"* to general and master class permittees only for housing the smaller species of raptors; however, the facilities shall be large enough to allow the bird to fully extend its wings without touching the walls of the mew.

c. Outdoor facilities. Outdoor facilities (weathering area) shall be fenced and covered with netting or wire, or roofed to protect the birds from disturbance and attack by predators. The enclosed area shall be large enough to ensure the birds cannot strike the fence when flying from the perch. Protection from excessive sun, wind, and inclement weather shall be provided for each bird. Adequate perches shall be provided.

d. Transportation—temporary holding. A raptor may be transported or held in temporary facilities, which shall be provided with an adequate perch and protected from extreme temperatures and excessive disturbance for a period not to exceed 30 days.

e. Maintenance and inspection. All facilities and equipment shall be kept at or above the preceding standards at all times and shall be available for inspection by representatives of the department at all reasonable hours.

101.2(2) Equipment. The following items shall be in the possession of the applicant before the applicant can obtain a permit.

a. Jesses. At least one pair of Alymeri or similar-type jesses constructed of pliable, high-quality leather or suitable synthetic material to be used when any raptor is flown free (traditional one-piece jesses may be used on raptors when the raptors are not being flown).

b. Leashes and swivels. At least one flexible, weather-resistant leash and one strong swivel of acceptable falconry design.

c. Bath container. At least one suitable container for each raptor, two to six inches deep and wider than the length of the raptor.

d. Outdoor perches. At least one weathering area perch of an acceptable design for each raptor.

e. Weighing device. A working scale or balance suitable for weighing the raptor(s) held and graduated to increments of not more than two-tenths of an ounce, or five grams.

This rule is intended to implement Iowa Code section 481A.48 and conforms to the federal regulations promulgated under the Migratory Bird Treaty Act.

[**ARC 9241C**, IAB 5/14/25, effective 6/18/25]

571—101.3(481A) Taking and possession provision. The taking of American kestrel, Cooper's hawk, Ferruginous hawk, American goshawk, Great horned owl, Gyrfalcon, Harris's hawk, Merlin, Prairie falcon, Red-tailed hawk, Rough-legged hawk, and Sharp-shinned hawk from the wild by resident falconers shall be limited to the following conditions:

101.3(1) Young birds not yet capable of flight may be taken at any time following hatch by a general class or master class falconer. The falconer may take no more than two nestlings, and at least one nestling shall be left in any nest from which a nestling is taken. The taking of nestlings and branchers is permitted only between April 1 and July 31. Removal of eggs from nests is prohibited.

101.3(2) First year (passage) birds shall be taken only from August 1 through March 31.

101.3(3) Only American kestrels (Falco sparverius) and Great horned owls (Bubo virginianus) may be taken when over one year old; however, the permissible period for taking shall be no different than that prescribed for passage birds of all other legal species.

101.3(4) No permittee shall employ any method of taking raptors that is injurious to the bird.

101.3(5) Any species except endangered or threatened species or exotic birds, the import of which has been banned by the international convention, federal regulation or the department, may be possessed and used for falconry provided the license holder can provide evidence that the bird was legally acquired. No one may import a raptor into Iowa or export a raptor out of Iowa for a period greater than 30 days without having first obtained written permission of the department.

101.3(6) Recapture. Banded raptors that are lost to the wild through accident may be retrapped provided that the department has been advised of the loss and is notified of the attempt to recapture. If the banded raptor is recaptured, the department shall be notified of the recovery within 48 hours.

101.3(7) Previously banded birds. Any raptor captured with a federal leg band or any research band already attached shall be immediately released at the site of capture, and the band number and location of trapping site shall be reported to the department within 48 hours.

101.3(8) Nonresident raptor trapping. A permit may be issued upon application by a nonresident for the purpose of taking a raptor in Iowa, provided that the applicant's resident state provides for the taking of raptors by nonresidents. Nonresidents shall submit a photocopy of a valid state or federal falconry permit. Only general and master class nonresident raptor trapping permits shall be issued.

a. Trapping provisions. Trapping of raptors in Iowa by permitted nonresident falconers shall be limited to the legal species listed in these rules.

b. Marking requirements. Raptors legally trapped by nonresidents must be marked with an Iowa band provided by the department. No raptor shall be transported from Iowa without first having had the Iowa band attached. Permittees may, with written permission from the department, provide their own band issued by their state of residency. Permittees who provide their own band shall place the band on the raptor immediately upon capture and must notify the department within five days of the capture and of the corresponding band number.

c. Fees. Fees for nonresident raptor trapping applications shall be reciprocal to the fee charged by the applicant's resident state. If the applicant's resident state does not provide for a nonresident raptor trapping fee, then the Iowa nonresident raptor trapping application fee shall be $100.

d. Restrictions. Nonresident falconers may apply for one raptor trapping permit per trapping season. All nonresident raptor trapping permits shall be valid for a period not to exceed 60 consecutive days, beginning on the date of issuance. No nestlings or raptor eggs may be taken. First year (passage) birds may be taken only from September 1 through January 31. The nonresident raptor trapping permit shall be valid for only one raptor of the species designated on the permit. The raptor trapping permit shall be carried by the permittee while in the act of trapping and the transportation of any subsequently trapped raptor.

[**ARC 9241C**, IAB 5/14/25, effective 6/18/25]

571—101.4(481A) Wild Peregrine falcons. A wild Peregrine falcon permit allows for the capture, possession and use of a wild Peregrine falcon in hunting, subject to 571—Chapter 101. In addition to the following provisions, the holder of a wild Peregrine falcon permit shall comply with 571—101.1(481A), 571—101.2(481A), and 571—101.5(481A) through 571—101.7(481A) as well as other applicable law.

101.4(1) The taking of Peregrine falcons from the wild shall be conducted only by resident general or master falconers with at least five consecutive years of field experience in the years immediately preceding the filing of an application as described in 101.4(4) and subject to the following conditions:

a. Nestling birds shall not be taken. Young birds not yet capable of flight shall not be taken. Removal of eggs from nests is prohibited.

b. Only wild Peregrine falcons less than one year old shall be taken, and only between September 20 and October 20.

c. No permittee shall employ any method of take that is injurious to the bird.

d. No more than one wild Peregrine falcon per person may be possessed at any given time.

101.4(2) Recapture. Banded Peregrine falcons that are lost to the wild through accident may be retrapped at any time provided that the department has been advised of the loss and is notified of the attempt to recapture. If the banded raptor is recaptured, the department shall be notified of the recovery within 48 hours.

101.4(3) Previously banded Peregrines. Any wild Peregrine falcon captured with a federal leg band or any research band already attached shall be immediately released at the site of capture, and the band number and location of trapping site shall be reported to the department within 48 hours.

101.4(4) Lottery. Applications for wild Peregrine falcon permits shall be received by the department no later than July 31 of each year. Permit drawing from the names of qualifying applicants will be held at the August commission meeting.

[**ARC 9241C**, IAB 5/14/25, effective 6/18/25]

571—101.5(481A) Annual reports. Each holder of a falconer's permit shall submit an annual report to the department by July 31 of each year. This report shall list all raptors in possession on the preceding thirtieth day of June and any raptor held during the year by species, sex (if known), age (if known), date acquired and where or from whom acquired, and whether the raptor escaped, died, was recaptured, or was released during this time period and the date on which the event occurred.

[**ARC 9241C**, IAB 5/14/25, effective 6/18/25]

571—101.6(481A) Other provisions.

101.6(1) Any raptor captured with a research radio transmitter attached must be reported to the department within five days, and the raptor shall be released immediately.

101.6(2) No permittee may take, purchase, receive or otherwise acquire, sell, barter, transfer, or otherwise dispose of any raptor unless such permittee submits federal Form 3-186A (Migratory Bird Acquisition/Disposition Report), completed in accordance with the instructions on the form, to the issuing regional fish and wildlife service office within five days of such transaction. A falconry permittee shall notify the department in writing of the death, replacement, loss, release or temporary transfer or other such change in the status of the permittee's raptors within five days of such occurrence. Written authorization shall be obtained from the department before a replacement raptor may be secured. Each dead raptor shall be surrendered to the department or disposed of at the department's direction. Primary, secondary, and tail feathers may be retained and exchanged from these birds to imp or repair broken feathers.

101.6(3) Raptor exportation and importation permits may be issued to resident and nonresident falconers licensed to practice falconry in other states. Such permits shall be issued only when the export or import term will exceed 30 days. In the case of exportation or importation terms of less than 30 days, the permittee shall have in possession a photocopy of raptor possession documentation (Form 3-186A) and a photocopy of a valid state or federal falconry permit. Persons wishing to participate in hunting will be required to possess appropriate hunting licenses or permits.

101.6(4) A falconry permit holder shall obtain written authorization from the department before any raptor not indigenous to the state is intentionally released to the wild, at which time the band from the released raptor shall be removed and surrendered to the department. The band from an intentionally released raptor which is indigenous to the state shall also be removed and surrendered to the department. A standard federal bird band shall be attached to such raptors by the state or a service-authorized federal bird bander whenever possible. A falconer shall not permanently release a captive-bred raptor to the wild.

101.6(5) A raptor possessed under a state or federal falconry permit may be temporarily held by a person other than the permittee only if that person is otherwise authorized to possess raptors and only if the raptor is accompanied at all times by the properly completed Form 3-186A (Migratory Bird Acquisition/ Disposition Report) designating the permittee as the possessor of record and by a signed, dated statement from the permittee authorizing the temporary possession.

101.6(6) A general or master falconer may charge a fee for presentation of a raptor education program to the public. The fee cannot exceed the amount required to cover the falconer's expenses.

101.6(7) When a hybrid or exotic falconry bird is flown free, it must be fitted with two working radio telemetry transmitters.

[**ARC 9241C**, IAB 5/14/25, effective 6/18/25]

571—101.7(481A) Compliance. Permits will be revoked for any individual failing to comply with the provisions of these rules.

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CHAPTER 102
FALCONRY REGULATIONS FOR HUNTING GAME

[Prior to 12/31/86, Conservation Commission[290] Ch 100]

Rescinded **ARC 9238C**, IAB 5/14/25, effective 6/18/25

CHAPTER 103
MOBILE RADIO TRANSMITTERS

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571—103.1(481A) Definitions.

"One-way mobile radio transmitters" means radios capable of transmitting a radio signal only. The signal is tracked or located by radio telemetry or by location of an audible sound signal. The system is not capable of transmitting voice signals.

"Two-way mobile radio transmitters" means radios capable of transmitting and receiving voice messages. An example would be a CB radio or a cellular telephone.

571—103.2(481A) Falconry. Licensed falconers may use one-way mobile radio transmitters to recover free-flying birds of prey properly banded and covered on their falconry permit.

571—103.3(481A) Hunting dogs. Any person hunting with the aid of a dog may use, at any time, a one-way mobile transmitter designed to track or aid in the recovery of the dog.

These rules are intended to implement Iowa Code section 481A.24.

[Filed 3/12/93, Notice 11/25/92—published 3/31/93, effective 5/5/93]

CHAPTER 104
WILDLIFE IMPORTATION, TRANSPORTATION AND DISEASE MONITORING

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

571—104.1(481A) Definitions.

"Accredited veterinarian" means a veterinarian approved by the deputy administrator of veterinary services, Animal and Plant Health Inspection Service (APHIS), U.S. Department of Agriculture (USDA), and the state veterinarian in accordance with Part 161 of Title 9, Chapter 1, of the Code of Federal Regulations, revised as of January 1, 2000, to perform functions required by cooperative state/federal animal disease control and eradication programs.

"Adjacent herd" means one of the following:

1. A herd of Cervidae occupying premises that border an affected herd, including herds separated by roads or streams.

2. A herd of Cervidae occupying premises that were previously occupied by an affected herd within the past five years as determined by the department.

"Affected herd" means a cervid herd from which any animal has been diagnosed as affected with chronic wasting disease (CWD) and which has not been in compliance with the control program for CWD as described in rules 571—104.2(481A) through 571—104.22(481A).

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

"Brucellosis" means bovine brucellosis.

"Captive cervid" means all cervidae that are legally acquired and held on private property for personal use or use by others.

"Certificate" means an official document, issued by a state veterinarian or federal animal health official or an accredited veterinarian at the point of origin, containing information on the individual identification of each animal being moved, the number of animals, the purpose of the movement, the points of origin and destination, the consignor, the consignee, and any other information required by the department.

"Certificate of veterinary inspection" means an approved certificate of veterinary inspection which is a legible record accomplished on an official form of the state or province of origin, issued by a licensed, accredited veterinarian and approved by the livestock sanitary official of the state or province of origin; or an equivalent form of the U.S. Department of Agriculture issued by a federally employed veterinarian.

"Certified CWD cervid herd" means a herd of Cervidae that has met the qualifications for and has been issued a certified CWD cervid herd certificate signed by the department.

"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(20)*"h."* Only members of the species dama dama (fallow deer), cervus nippon (sika deer), and captive cervus elaphus (elk and red deer) are not included. "Farm deer" does not include any unmarked free ranging elk, moose or caribou.

"Cervid CWD surveillance identification program" or *"CCWDSI program"* means a CWD surveillance program that requires identification and laboratory diagnosis on all deaths of Cervidae over six months of age including, but not limited to, deaths by slaughter, hunting, illness, and injury. A copy of approved laboratory reports shall be maintained by the owner for purposes of completion of the annual inventory examination for recertification. Such diagnosis shall include examination of brain and any other tissue as directed by the department. If there are deaths for which tissues were not submitted for laboratory diagnosis due to postmortem changes or unavailability, the department shall determine compliance.

"Cervid herd" means a group of Cervidae or one or more groups of Cervidae maintained on common ground or under common ownership or supervision that are geographically separated but can have interchange or movement.

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

"CWD affected" means a designation applied to Cervidae diagnosed as affected with CWD based on laboratory results, clinical signs, or epidemiological investigation.

"CWD exposed" or *"exposed"* means a designation applied to Cervidae that are either part of an affected herd or for which epidemiological investigation indicates contact with CWD affected animals or contact with animals from a CWD affected herd in the past five years.

"CWD suspect" means a designation applied to Cervidae for which laboratory evidence or clinical signs suggest a diagnosis of CWD but for which laboratory results are inconclusive.

"Department" means the department of natural resources or its designee.

"Designated epidemiologist" means a person who has demonstrated the knowledge and ability to perform the functions required under these rules and who has been selected by the department.

"Endemic area" means an area or portion of a state or province where CWD or TB has been confirmed in either wild or captive cervids. The endemic area shall be determined by the state veterinarian or designee of the state or province of the cervid's origin.

"Group" means one or more Cervidae.

"Herd of origin" means a cervid herd or any farm or other premises where the animals were born or where they currently reside.

"Herd plan" means a written herd management and testing plan that is designed by the herd owner, the owner's veterinarian, if requested, and a designated epidemiologist to identify and eradicate CWD from an affected, exposed, or adjacent herd.

"Monitored CWD cervid herd" means a herd of Cervidae that is in compliance with the CCWDSI program as defined in this rule. Monitored herds are defined as one-year, two-year, three-year, four-year, and five-year monitored herds in accordance with the time in years such herds have been in compliance with the CCWDSI program.

"Permit" means an official document that is issued by the department or USDA area veterinarian-in-charge or an accredited veterinarian for movement of affected, suspect, or exposed animals.

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

"State" means any state of the United States; the District of Columbia; Puerto Rico; the U.S. Virgin Islands; or Guam.

"TB" means bovine tuberculosis.

"Trace back" means the process of identifying the herd of origin of CWD positive animals, including herds that were sold for slaughter.

571—104.2(481A) Chronic wasting disease in captive cervids.

104.2(1) *Testing required.* A person who keeps captive cervids in this state shall have chronic wasting disease tests performed on the following:

a. Any captive cervid that dies or is killed on the premises. A person trained and authorized shall collect the test sample before any part of the carcass is removed from the herd premises and shall submit the sample for testing at an approved laboratory. This paragraph does not apply to cervids less than six months old.

b. Any captive cervid that is shipped to slaughter from the herd premises. A person trained and authorized shall collect the test sample after the cervid is slaughtered and shall submit the sample for testing at an approved laboratory. This paragraph does not apply to cervids less than six months old.

104.2(2) *Moving live captive cervids from herds in this state.* A person shall not move a live captive cervid from a herd in this state unless the movement complies with these rules.

104.2(3) *Collecting test samples.* One of the following persons shall collect a test sample and submit it for testing:

a. A certified veterinarian.

b. An employee of the department authorized by the department.

c. A person approved by the department. Before a person collects a test sample, that person shall complete training approved by the department. The person shall comply with standard veterinary procedures when collecting a test sample.

104.2(4) *Reporting disease findings.* Whenever any person receives a laboratory test result for chronic wasting disease, 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 cervid. This reporting requirement applies to any laboratory test result for chronic wasting disease. Telephone and fax reports should be made to the following telephone numbers: (515)281-7127 or fax (515)281-6794. Written reports should be sent to: Iowa Department of Natural Resources, 502 E. 9th Street, Des Moines, Iowa 50319-0034, Attn: Wildlife Bureau.

571—104.3(481A) Chronic wasting disease in captive cervids—herd monitoring program. A person who keeps captive cervids in this state may enroll the herd in the cervid CWD surveillance identification (CCWDSI) program under this rule. A person shall not move a live captive cervid from a herd in this state unless the herd is enrolled in the CCWDSI program under this rule. To enroll a herd in the CCWDSI program under this rule, a person shall complete and submit a form as provided by the department. No person may enroll a herd in this program prior to October 15, 2002. All animals enrolled in this program must be identified as prescribed in 104.4(481A).

571—104.4(481A) Identification of animals. Beginning May 1, 2003, each captive cervid must be identified with two individual permanent identifications that are unique identifying numbers or marks and that can be a combination of any two of the following: ear tag, tattoo, microchip or other permanent identifier approved by the department in writing. Tags or marks shall be used to identify the herd premises and uniquely identify the individual animal. Licensed hunting preserves are exempt from this requirement except in regard to those cervids purchased or otherwise acquired after October 15, 2002.

571—104.5(481A) Supervision of the CCWDSI program. The department will conduct an annual inventory of Cervidae in a herd enrolled in the CCWDSI program.

571—104.6(481A) Surveillance procedures. For cervid herds enrolled in this mandatory certification program, surveillance procedures shall include the following:

104.6(1) *Slaughter establishments.* All slaughtered Cervidae over six months of age must have brain tissue and other appropriate tissues submitted at slaughter and examined for CWD by an approved laboratory. These tissue samples will be obtained by the department or accredited veterinarian on the premises at the time of slaughter.

104.6(2) *Cervid herds.* All cervid herds must be under continuous surveillance for CWD as defined in the CCWDSI program.

571—104.7(481A) Official cervid CWD tests. The following are recognized as official cervid tests for CWD:

1. Histopathology.
2. Immunohistochemistry.
3. Western blot.
4. Negative stain electron microscopy.
5. Bioassay.
6. Any other tests performed by an approved laboratory to confirm a diagnosis of CWD.

571—104.8(481A) Investigation of CWD affected animals identified through surveillance. Trace back must be performed for all animals diagnosed at an approved laboratory as affected with CWD. All herds of origin and all adjacent herds having contact with affected animals as determined by the CCWDSI program must be investigated epidemiologically. All herds of origin, adjacent herds, and herds having contact with affected animals or exposed animals must be quarantined.

571—104.9(481A) Duration of quarantine. Quarantines placed in accordance with these rules shall be removed as follows:

1. For herds of origin, quarantines shall be removed after five years of compliance with rules 571—104.2(481A) through 571—104.22(481A).

2. For herds having contact with affected or exposed animals, quarantines shall be removed after five years of compliance with rules 571—104.2(481A) through 571—104.22(481A).

3. For adjacent herds, quarantines shall be removed as directed by the department in consultation with a designated epidemiologist.

571—104.10(481A) Herd plan. The herd owner, the owner's veterinarian, if requested, and a designated epidemiologist shall develop a plan for eradicating CWD in each affected herd. The plan must be designed to reduce and then eliminate CWD from the herd, to prevent spread of the disease to other herds, and to prevent reintroduction of CWD after the herd becomes a certified CWD cervid herd. The herd plan must be developed and signed within 60 days after the determination that the herd is affected. The plan must address herd management and adhere to rules 571—104.2(481A) through 571—104.22(481A). The plan must be formalized as a memorandum of agreement between the owner and program officials, must be approved by the department, and must include plans to obtain certified CWD cervid herd status.

571—104.11(481A) Identification and disposal requirements. Affected and exposed animals must remain on the premises where they are found until they are identified and disposed of in accordance with this rule.

104.11(1) The carcasses of affected or exposed animals may be disposed of at a permitted sanitary disposal project, incinerated in a department-approved incinerator, or buried on the premises. Appropriate disposal method(s) will be determined by the department. If burial is the approved method, it must be done in accordance with all of the following:

a. A maximum loading rate of 20 Cervidae per acre per year may be buried on the premises. Animals or parts thereof that are less than 40 pounds may be buried without regard to number.

b. The animals are buried in soils listed in tables contained in the county soil surveys and soil interpretation records (published by the Natural Resources Conservation Service) as being moderately well drained, well drained, somewhat excessively well drained, or excessively drained.

c. The lowest elevation of the burial pit is 6 feet or less below the surface.

d. The animals are immediately covered with a minimum of 6 inches of soil and finally covered with a total minimum of 30 inches of soil.

104.11(2) In addition to the disposal methods listed in 104.11(1), the Cervidae carcasses, or portions thereof, which come into the possession of the department for the purpose of disease testing or for any other reason may be disposed of by burial on public property under the jurisdiction of the department provided that burial is done in accordance with 104.11(1)*"a"* through *"d"* and the location of burial is situated to minimize the impact on public use of the property.

571—104.12(481A) Cleaning and disinfecting. Premises must be cleaned and disinfected under department supervision within 15 days after affected animals have been removed.

571—104.13(481A) Methods for obtaining certified CWD cervid herd status. Certified CWD cervid herd status must include all Cervidae under common ownership. They cannot be commingled with other cervids that are not certified, and a minimum geographic separation of 30 feet between herds of different status must be maintained in accordance with the USDA Uniform Methods and Rules as defined in APHIS manual 91-45-011, revised as of January 22, 1999. A herd owner may qualify a herd for status as a certified CWD cervid herd by one of the following means:

104.13(1) *Purchasing a certified CWD cervid herd.* Upon request and with proof of purchase, the department shall issue a new certificate in the new owner's name. The anniversary date and herd status for the purchased animals shall be the same as for the herd to which the animals are added; or if part or all of the purchased herd is moved directly to premises that have no other Cervidae, the herd may retain the certified CWD status of the herd of origin. The anniversary date of the new herd is the date of the most recent herd certification status certificate.

104.13(2) *Complying with the CCWDSI program.* Upon request and with proof by records, a herd owner shall be issued a certified CWD cervid herd certificate by complying with the CCWDSI program for a period of five years.

571—104.14(481A) Recertification of CWD cervid herds. A herd is certified for 12 months. Annual inventories conducted by the department are required every 9 to 15 months from the anniversary date. For continuous certification, adherence to the provisions in these rules and all other state laws and rules pertaining to raising cervids is required. A herd's certification status is immediately terminated and a herd investigation shall be initiated if CWD affected or exposed animals are determined to originate from that herd.

571—104.15(481A) Movement into a certified CWD cervid herd.

104.15(1) Animals originating from certified CWD cervid herds may move into another certified CWD cervid herd.

104.15(2) Animals originating from noncertified or nonmonitored herds that are moving into certified CWD cervid herds will change the status of the certified CWD cervid herd to the same level as the animals that are imported into that herd.

104.15(3) Animals originating from CWD monitored herds cannot be certified until the years in the CCWDSI program total five years.

571—104.16(481A) Movement into a monitored CWD cervid herd.

104.16(1) Animals originating from a monitored CWD cervid herd may move into another monitored CWD cervid herd of the same status.

104.16(2) Animals originating from a herd which is not a monitored CWD cervid herd or from a lower status monitored CWD cervid herd will change the status of the monitored CWD cervid herd to the same level as the animals that are imported into that herd until completion of CWD certification.

571—104.17(481A) Recognition of monitored CWD cervid herds. The department shall issue a monitored CWD cervid herd certificate including CWD monitored herd status as CWD monitored Level A during the first calendar year, CWD monitored Level B during the second calendar year, CWD monitored Level C during the third calendar year, CWD monitored Level D during the fourth calendar year, CWD monitored Level E during the fifth calendar year, and CWD certification at the end of the fifth year and thereafter.

571—104.18(481A) Recognition of certified CWD cervid herds. The department shall issue a certified CWD cervid herd certificate when the herd first qualifies for recertification. The department shall issue a renewal form annually.

571—104.19(481A) Intrastate movement requirements.

104.19(1) All intrastate movements of Cervidae other than to a state-inspected or federally inspected slaughter establishment shall be accompanied by an intrastate movement certificate of veterinary inspection signed by a licensed, accredited veterinarian.

104.19(2) Such intrastate movement certificate shall include all of the following:

a. Consignor's name and address.

b. Consignee's name and address.

c. Individual identification of each animal as prescribed in 571—104.4(481A).

d. The following statement: "There has been no diagnosis, sign, or epidemiological evidence of CWD in this herd for the past two years."

571—104.20(481A) Import requirements.

104.20(1) All Cervidae transported into Iowa must be accompanied by all of the following:

a. An official certificate of veterinary inspection.

b. A permit number requested by the licensed, accredited veterinarian signing the certificate and issued by the Iowa department of agriculture and land stewardship prior to movement.

c. One of the following statements must appear on the certificate:

"All Cervidae on this certificate have been part of the herd of origin for at least two years or were natural additions to this herd. There has been no diagnosis, sign, or epidemiological evidence of CWD in this herd for the past five years"; or

"All Cervidae on this certificate originate from a CWD monitored or certified herd in which these animals have been kept for at least two years or were natural additions. There has been no diagnosis, sign, or epidemiological evidence of CWD in this herd for the past five years."

104.20(2) All cervids transported into Iowa must be in compliance with the uniform methods and rules set forth in U.S. Department of Agriculture, Animal and Plant Health Inspection Service bulletins 91-45-001, "Tuberculosis Eradication in Cervidae," (effective February 3, 1989), 91-45-005 (effective May 15, 1994, including 1996 amendments) and 91-45-12, "Brucellosis in Cervidae," (effective September 30, 1998).

104.20(3) Animal health officials of the state of origin must have access to herd records for the past five years including records of cervid deaths and causes of death.

104.20(4) If the Cervidae listed on the certificate are enrolled in a CWD program, the anniversary date and program status for each individual animal must be listed.

571—104.21(481A) Prohibited movement of cervid carcasses. The importation into Iowa of cervid carcasses from a CWD endemic area is prohibited, except for the meat from which all bones have been removed, the cape (skin), and antlers. Antlers may be attached to a clean skull plate from which all brain tissue has been removed.

571—104.22(481A) Inspection. The department may inspect any shipment of cervids and accompanying certificate of veterinary inspection or shipment documentation. The department may quarantine or destroy any cervids that are found to be infected with CWD or TB.

These rules are intended to implement Iowa Code sections 481A.47, 481A.62 and 484B.12.

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CHAPTER 105
DEER POPULATION MANAGEMENT ZONES

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/18/30

571—105.1(481A) Definitions.

"Commission" means the natural resource commission.

"Department" means the department of natural resources.

"Special deer management zones" means defined units of public and private land, including state parks, state recreation areas, county parks, urban areas, and areas managed by other governmental jurisdictions.

"Urban deer management zones" means areas mostly within incorporated city limits including city, county, state, and private land.

[**ARC 9242C**, IAB 5/14/25, effective 6/18/25]

571—105.2(481A) Special deer management zones. Special deer management zone boundaries, seasons, permitted weapons, license quotas, and other conditions for hunting shall be designated annually by the commission.

105.2(1) *Seasons.* Deer hunting in a special deer management zone may occur only on dates established by the commission. Season dates may or may not coincide with seasons for general deer hunting outside special deer management zones.

105.2(2) *Licenses.* Every hunter must have in possession a paid special hunting license valid only for the specific special deer management zone. The hunting license shall specify dates of hunting and the type of deer that may be taken as designated by the commission. The special licenses will be issued at locations and on dates announced by the commission. Special licenses shall be issued to Iowa residents only and shall cost the same as deer licenses issued during the general deer seasons. Incentives, including but not limited to issuing additional antlerless-only or any-deer licenses, may be used to attract hunters to a special hunt.

105.2(3) *Permitted weapons.* Only weapons permitted during the general deer seasons may be used. The commission may limit the use of specific weapons in some deer management zones and seasons on a case-by-case basis to improve the safety of hunters and the surrounding area.

105.2(4) *Hunter safety and proficiency.* Hunters may be required to pass a weapons proficiency test and attend a meeting prior to hunting in special deer management zones. The meeting will be used to familiarize hunters with zone boundaries, location of private lands, safety areas around buildings, access points, objectives of the hunt and other aspects of hunting in a special deer management zone.

105.2(5) *Checking deer.* A hunter who takes a deer may be required to check the deer at a designated headquarters prior to leaving the area.

105.2(6) *Educational hunts.* Hunts in designated special deer management zones may be restricted to youth or novice hunters to introduce them to safe and ethical deer hunting.

a. Age, experience or other eligibility restrictions may be designated by the commission. Zones, seasons and other conditions for hunting will be designated the same as specified in this rule.

b. An adult must accompany each youth participating in an educational hunt. The adult must be licensed as specified in 571—subrule 106.10(1).

c. A novice, nonyouth hunter may be accompanied by an adult mentor. The mentor must have a valid hunting license and have paid the habitat fee, if otherwise required to do so.

105.2(7) *Zone request.* Deer management zones will be established only upon request from cities, task forces, a county government, the federal government, or an appropriate responsible entity and when approved by the commission.

[**ARC 9242C**, IAB 5/14/25, effective 6/18/25]

571—105.3(481A) State parks and recreation areas. A summary of public comments shall be included with other recommendations to the commission related to hunting in a state park or state recreation area.

[**ARC 9242C**, IAB 5/14/25, effective 6/18/25]

571—105.4(481A) Urban deer management zones.

105.4(1) *Special restrictions.* Cities, deer task forces, or other public entities may require hunters to do one or more of the following: pass a hunter safety and education course, pass a weapons proficiency test, or be approved by the appropriate police department or conservation officer.

105.4(2) *Other methods.* The natural resource commission in cooperation with the city government may approve other methods of deer removal in urban areas.

[**ARC 9242C**, IAB 5/14/25, effective 6/18/25]

571—105.5(481A) County park deer management zones—special restrictions. County park managers may require hunters to do one or more of the following: pass a hunter safety and education course, pass a weapons proficiency test, or be approved by the appropriate county sheriff or conservation officer.

[**ARC 9242C**, IAB 5/14/25, effective 6/18/25]

571—105.6(481A) Special deer management zones on private land. Special deer management zones may be established on private land when approved by the commission. Zones, seasons, and other conditions for hunting will be determined by the commission. Hunters will be required to comply with all applicable regulations specified in 571—Chapter 106.

[**ARC 9242C**, IAB 5/14/25, effective 6/18/25]

These rules are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48 and 483A.8.

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CHAPTER 106
DEER HUNTING

[Prior to 12/31/86, Conservation Commission[290] Ch 106]

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/5/29

PART I
DEER HUNTING

571—106.1(481A) Licenses. When hunting deer, all hunters must have in their possession a valid deer hunting license and a valid resident or nonresident hunting license and must have paid the habitat fee (if normally required to have a hunting license and to pay the habitat fee to hunt). No person while hunting deer shall carry or have in possession any license or transportation tag issued to another person. No person who is issued a deer hunting license and transportation tag shall allow another person to possess that license or transportation tag while that person is deer hunting or tagging a deer. An "any-deer" license shall mean the same as an "any sex" license as referenced in Iowa Code chapter 483A.

106.1(1) *Types of resident licenses.*

a. General deer licenses. General deer licenses shall be valid for taking deer in one resident hunting zone per season selected at the time the license is purchased. General deer licenses shall be valid for taking deer of one or either sex depending on the resident hunting zone selected at the time of purchase. Paid general deer licenses shall be valid zonewide except where prohibited in deer population management zones established under 571—Chapter 105. Free general deer licenses shall be valid for taking deer of either sex only on the farm unit of an eligible landowner or tenant in the season or seasons selected at the time the license is obtained.

b. Any-deer licenses. Any-deer licenses shall be valid for taking deer of either sex in the zone, county, and season selected by the hunter at the time of purchase.

c. Antlerless-deer-only licenses. Antlerless-deer-only licenses shall be valid for taking deer that have no forked antler. Paid antlerless-deer-only licenses shall be valid in one county or in one deer population management zone and in one season as selected at the time the license is purchased. Free and reduced-fee antlerless-deer-only licenses shall be valid on the farm unit of an eligible landowner or tenant in the season or seasons selected at the time the license is obtained.

d. Bow season licenses. General deer and antlerless-deer-only licenses, paid or free, shall be valid in both segments of the bow season.

e. Regular gun season licenses. Paid general deer and antlerless-deer-only licenses shall be valid in either the first or the second regular gun season, as designated on the license. Free general deer licenses and antlerless-deer-only licenses shall be valid in both the first and second regular gun seasons.

f. Muzzleloader season licenses. General deer and antlerless-deer-only licenses, paid or free, shall be valid in either the early or the late muzzleloader season, as designated on the license.

106.1(2) *Resident hunting zones.*

a. Resident zone boundaries. Boundaries are as specified in the resident deer hunting zones map (dated October 2025) published on the department's website (www.iowadnr.gov/deerhunting, "Resident Deer Hunting Zones.")

b. Zone A. Paid general deer licenses shall be valid for taking deer of either sex zonewide.

c. Zone B. Paid general deer licenses shall be valid for taking deer with at least one forked antler zonewide. Paid any-deer licenses shall be valid for taking deer of either sex in only the county selected at the time of purchase. Hunters may obtain no more than one zone B any-deer license annually.

106.1(3) *January antlerless-deer-only resident licenses.*

a. Population management season. Licenses for the population management January antlerless-deer-only season may be issued for counties designated by the commission following a 30-day public comment period. Population management January antlerless-deer-only licenses shall be issued for a county only when a minimum of 100 antlerless-deer-only licenses, as described in 106.10(5), remain unsold in that

county as of the third Monday in December. If 100 or more antlerless-deer-only licenses remain unsold for a given county as of the third Monday in December, those remaining antlerless-deer-only licenses shall be made available for the population management January antlerless-deer-only season in that county until the relevant antlerless-deer-only quota as described in 106.10(5) is met. Population management season licenses will be available for purchase starting at 9 a.m. Central Standard Time (CST) on the Tuesday morning following the third Monday in December.

b. Excess tag season. Licenses for the excess tag January antlerless-deer-only season may be issued in any county. Excess tag January antlerless-deer-only licenses shall be issued for a county only when a minimum of one antlerless-deer-only license, as described in 106.10(5), remains unsold for a given county through January 10. Remaining antlerless-deer-only licenses shall be made available starting at 9 a.m. CST on January 11 for the excess tag January antlerless-deer-only season in that county until the relevant antlerless-deer-only quota as described in 106.10(5) is met.

106.1(4) *Types of nonresident licenses.*

a. Any-deer licenses. Any-deer licenses shall be valid for taking deer of either sex in the zone and season designated by the hunter when the application is submitted as described in 571—106.8(483A).

b. Mandatory antlerless-deer-only licenses. Each hunter who is successful in drawing an any-deer license must also purchase an antlerless-deer-only license for the same zone and season as the any-deer license. If the hunter is unsuccessful in drawing an any-deer license, neither the any-deer nor antlerless-deer-only license will be issued. Antlerless-deer-only licenses shall be valid for taking deer that have no forked antler.

c. Optional antlerless-deer-only licenses. A hunter who is not successful in drawing an any-deer license may purchase an antlerless-deer-only license as described in 571—106.8(483A).

d. Bow season license. Bow and arrow deer licenses shall be valid for deer of either sex or antlerless deer during the bow season and in the zone designated by the hunter at the time the application is submitted.

e. Regular gun season license. Regular gun season licenses will be issued for deer of either sex or antlerless deer. Regular gun season licenses will be issued by zone and season and will be valid in the zone and season designated by the hunter when the application is submitted.

f. Muzzleloader season license. Muzzleloader season licenses will be issued for deer of either sex or antlerless deer and shall be valid only during the muzzleloader season and in the zone designated by the hunter when the application is submitted.

g. Excess tag January antlerless-deer-only license. Beginning at 9 a.m. CST on January 11, nonresident hunters may obtain antlerless-deer-only licenses for the excess tag January antlerless-deer-only season specified in 106.2(4). Licenses will be available only in those counties specified in 106.10(3) until the quota provided in 106.10(5) is filled. All regulations specified in this chapter for the January antlerless deer season for resident hunters including limits, shooting hours, method of take, tagging and reporting requirements will also apply to nonresident hunters during this season.

h. Special licenses. The commission shall issue licenses in conformance with Iowa Code section 483A.24(12) to nonresidents 21 years of age or younger who have a severe physical disability or who have been diagnosed with a terminal illness. A person applying for this license must provide a completed form obtained from the department of natural resources. The application shall be certified by the applicant's attending physician with an original signature and declare that the applicant has a severe physical disability or a terminal illness using the criteria listed in 571—Chapter 15. A medical statement from the applicant's attending physician that specifies criteria met shall be on 8½" × 11" letterhead stationery. The attending physician shall be a currently practicing doctor of medicine, doctor of osteopathy, physician assistant or nurse practitioner.

[**ARC 7915C**, IAB 5/1/24, effective 6/5/24; **ARC 0116D**, IAB 3/4/26, effective 4/8/26]

571—106.2(481A) Season dates. Deer may be taken only during the following seasons:

106.2(1) *Bow season.* Deer may be taken in accordance with the type of license issued from October 1 through the Friday before the first Saturday in December and from the Monday following the third Saturday in December through January 10 of the following year.

106.2(2) *Regular gun seasons.* Deer may be taken in accordance with the type, season and zone designated on the license from the first Saturday in December and continuing for five consecutive days (first regular gun season) or from the second Saturday in December and continuing for nine consecutive days (second regular gun season).

106.2(3) *Muzzleloader seasons.* Deer may be taken in accordance with the type, season and zone designated on the license from the Saturday closest to October 14 and continuing for nine consecutive days (early muzzleloader season) or from the Monday following the third Saturday in December through January 10 of the following year (late muzzleloader season).

106.2(4) *Resident population management and excess tag January antlerless-deer-only seasons.* Deer may be taken in accordance with the type, season, and zone designated on the license from January 11 through the second Sunday following that date.

[**ARC 7915C**, IAB 5/1/24, effective 6/5/24]

571—106.3(481A) Shooting hours. Legal shooting hours shall be from one-half hour before sunrise to one-half hour after sunset in all seasons.

[**ARC 7915C**, IAB 5/1/24, effective 6/5/24]

571—106.4(481A) Limits.

106.4(1) *Bow season.* The daily bag limit is one deer per license. The possession limit is one deer per license.

106.4(2) *Muzzleloader seasons.* The daily bag limit is one deer per license. The possession limit is one deer per license.

106.4(3) *Regular gun seasons.* The bag limit is one deer per license. The possession limit is one deer per license.

106.4(4) *Resident population management and excess tag January antlerless-deer-only seasons.* The bag limit is one deer per license. The possession limit is one deer per license.

106.4(5) *Maximum annual possession limit.* The maximum annual possession limit for a deer hunter is one deer for each legal license and transportation tag obtained.

[**ARC 7915C**, IAB 5/1/24, effective 6/5/24]

571—106.5(481A) Areas closed to hunting. There shall be no open seasons for hunting deer on the county roads immediately adjacent to or through Union Slough National Wildlife Refuge, Kossuth County, where posted accordingly. There shall be no open seasons for hunting deer on all portions of rights-of-way on Interstate Highways 29, 35, 80 and 380.

[**ARC 7915C**, IAB 5/1/24, effective 6/5/24]

571—106.6(483A) Nonresident zones open to hunting. Licenses will be valid only in designated areas as follows:

106.6(1) *Nonresident zone boundaries.* As specified in the nonresident deer hunting zones map (dated December 2023) published on the department's website (www.iowadnr.gov/Hunting/Deer-Hunting) "Nonresident Deer Hunting Zones."

106.6(2) Reserved.

[**ARC 7915C**, IAB 5/1/24, effective 6/5/24]

571—106.7(483A) Nonresident license quotas. A limited number of nonresident deer licenses will be issued in zones as follows:

106.7(1) *Zone license quotas.* Nonresident license quotas are as follows:

	Any-deer licenses		Mandatory	Optional
	All Methods	Bow	Antlerless-deer-only	Antlerless-deer-only
Zone 1	90	31	90	
Zone 2	90	31	90	
Zone 3	560	196	560	
Zone 4	1280	448	1280	

	Any-deer licenses		Mandatory	Optional
	All Methods	Bow	Antlerless-deer-only	Antlerless-deer-only
Zone 5	1600	560	1600	
Zone 6	800	280	800	
Zone 7	360	126	360	
Zone 8	240	84	240	
Zone 9	880	308	880	
Zone 10	100	35	100	
Total	6000	2099	6000	3500

106.7(2) *Quota applicability.* The license quota issued for each zone will be the quota for all bow, regular gun and muzzleloader season licenses combined. No more than 6,000 any-deer licenses and 6,000 mandatory antlerless-deer-only licenses will be issued for all methods of take combined, for the entire state. Of the 6,000 any-deer and 6,000 mandatory antlerless-deer-only licenses, no more than 35 percent in any zone can be bow licenses. A maximum of 4,500 optional antlerless-deer-only licenses will be issued on a county-by-county basis. The licenses will be divided between the counties in the same proportion as resident antlerless-deer-only licenses. Hunters must designate a zone or county and season when purchasing the license and hunt only in that zone or county and season.

[**ARC 7915C**, IAB 5/1/24, effective 6/5/24; **ARC 0116D**, IAB 3/4/26, effective 4/8/26]

571—106.8(483A) Nonresident application procedure. Applications for nonresident deer hunting licenses must be made through the electronic licensing system for Iowa (ELSI) telephone order system or the ELSI Internet license sales website.

106.8(1) *Any-deer licenses.* Applications for any-deer and mandatory antlerless-deer-only licenses will be accepted from the first Saturday in May through the first Sunday in June. No one may submit more than one application during the application period. Hunters may apply as individuals or as a group of up to 15 applicants. All members of a group will be accepted or rejected together in the drawing. If applications have been sold in excess of the license quota for any zone or season, a drawing will be held to determine which applicants receive licenses. Licenses or refunds of license fees will be mailed to applicants after the drawing is completed. License agent writing fees, department administrative fees and telephone order charges will not be refunded. If any zone's license quota for any-deer and mandatory antlerless-deer-only licenses has not been filled, the excess any-deer and mandatory antlerless-deer-only licenses will be sold on a first-come, first-served basis through the ELSI telephone ordering system or the ELSI Internet license sales website. Excess any-deer and mandatory antlerless-deer-only licenses will be sold beginning the last Saturday in July until the quota has been filled or the last day of the hunting period for which the license is valid, whichever occurs first. Members of a group that are rejected may purchase licenses individually if excess any-deer and mandatory antlerless-deer-only licenses or optional antlerless-deer-only licenses are available.

106.8(2) *Optional antlerless-deer-only licenses.* Optional antlerless-deer-only licenses must be purchased through the ELSI telephone ordering system or the ELSI Internet license sales website. Licenses for taking only antlerless deer will be available on the same date as excess any-deer licenses are sold as explained in 106.8(1). Optional antlerless-deer-only licenses will only be issued for one of the two regular gun seasons and for qualified disabled hunters (571—106.15(481A)). They will be sold first-come, first-served until the county quota is filled, or until the last day of the season for which a license is valid. If optional antlerless-deer-only licenses are still available on December 15, they may be purchased by nonresidents to hunt during the period from December 24 through January 2. These licenses will be available to nonresidents who have not purchased a nonresident deer license during one of the current deer seasons. The hunter must have in possession a valid nonresident small game hunting license and proof of having paid the current year's wildlife habitat fee. Optional antlerless-deer-only licenses will be valid only in the season and county designated by the hunter at the time the license is purchased.

a. Nonresident landowners. Nonresidents who own land in Iowa will have preference in obtaining optional antlerless-deer-only licenses. Nonresidents must qualify as landowners following the criteria stated in 106.17(1) and 106.17(3) through 106.17(6), except that nonresident tenants and family members of

nonresident landowners and tenants do not qualify and nonresident optional antlerless-deer-only licenses will not be free of charge. If a farm unit is owned jointly by more than one nonresident, only one owner may claim landowner preference in the same year. Nonresidents who own land jointly with a resident do not qualify for preference. Nonresidents who have provided proof to the department that they own land in Iowa and meet the qualifying criteria may purchase an optional antlerless-deer-only license for one of the two regular gun seasons when excess any-deer licenses go on sale or for the holiday season beginning December 15. Such proof must be provided before an optional antlerless-deer-only license can be purchased and must be resubmitted each year in which an optional antlerless-deer-only license is purchased. These licenses do not count against the county quota.

b. Nonresident proof of land ownership. Nonresidents who request preference for optional antlerless-deer-only licenses will be required to submit a copy of their state of Iowa property tax statement for the current year or sign an affidavit that lists the legal description of their land, date purchased, and book and page number, or instrument number, where the deed is recorded.

106.8(3) *Preference points.* Each individual applicant who is unsuccessful in the drawing for an any-deer license will be assigned one preference point for each year that the individual is unsuccessful. If a person who was unsuccessful in the drawing purchases a leftover license within four weeks, the person will receive a refund for the cost of the preference point. Preference points will not accrue in a year in which an applicant fails to apply, but the applicant will retain any preference points previously earned. Preference points will apply only to obtaining any-deer licenses. Once an applicant receives an any-deer nonresident deer hunting license, all preference points will be removed until the applicant is again unsuccessful in a drawing or purchases a preference point as described in 106.8(4). Preference points will apply to any zone or season for which a hunter applies. The first drawing for any-deer licenses each year will be made from the pool of applicants with the most preference points. If licenses are still available after the first drawing, subsequent drawings will be made from pools of applicants with successively fewer preference points and continue until the any-deer license quota is reached or all applicants have received licenses. Applicants who apply as a group will be included in a pool of applicants with the same number of preference points as that of the member of the group with the fewest preference points assigned.

106.8(4) *Purchasing preference points.* A nonresident who does not want to hunt in the current year may purchase one preference point per calendar year. The preference point will apply to the next year's drawing for any-deer licenses. The preference point will be treated in the same manner as preference points obtained by hunters who are unsuccessful in the any-deer license drawing. A nonresident may not purchase a preference point and apply for an any-deer license in the same calendar year. Preference points may be purchased only during the application period for any-deer licenses.

[**ARC 7915C**, IAB 5/1/24, effective 6/5/24]

571—106.9(481A) Free and reduced-fee deer licenses for resident landowners and tenants. A maximum of one free general deer license, two free antlerless-deer-only licenses, and two reduced-fee antlerless-deer-only licenses may be issued to a qualifying landowner or eligible family member and a qualifying tenant or eligible family member. Eligibility for licenses is described in 571—106.17(481A). The free general deer license shall be available for one of the following seasons: the youth/disabled hunter season (if eligible), bow season, early muzzleloader season, late muzzleloader season, or first and second regular gun seasons. One free antlerless-deer-only license shall be available for one of the following seasons: youth/disabled hunter season (if eligible), bow season, early muzzleloader season, late muzzleloader season, or first and second regular gun seasons. The second free antlerless-deer-only license shall be valid only for the January antlerless-deer-only season and will be available only if a portion of the farm unit lies within a county where paid antlerless-deer-only licenses are available during that season. Each reduced-fee antlerless-deer-only license shall be valid for one of the following seasons: youth/disabled hunter season (if eligible), bow season, early muzzleloader season, late muzzleloader season, first and second regular gun seasons, or January antlerless-deer-only seasons. January antlerless-deer-only licenses will be available only if a portion of the farm unit is located in a county where paid antlerless-deer-only licenses are available in that season.

[**ARC 7915C**, IAB 5/1/24, effective 6/5/24]

571—106.10(481A) Resident paid deer license quotas and restrictions. Paid deer licenses, including antlerless-deer-only licenses, will be restricted in the type and number that may be purchased.

106.10(1) *Paid general deer licenses.* Residents may purchase no more than two paid general deer licenses, one for the bow season and one for one of the following seasons: early muzzleloader season, late muzzleloader season, first regular gun season, or second regular gun season. No more than 7,500 paid statewide general deer licenses will be sold for the early muzzleloader season. Fifty additional paid early muzzleloader season licenses will be sold through and will be valid only for the Iowa Army Ammunition Plant. There will be no quota on the number of paid general deer licenses issued in the bow season, late muzzleloader season, first regular gun season, or second regular gun season.

106.10(2) *Paid antlerless-deer-only licenses.* Paid antlerless-deer-only licenses have quotas for each county and will be sold for each county until quotas are reached.

a. Paid antlerless-deer-only licenses may be purchased for any season in counties where licenses are available, except as outlined in 106.10(2)*"b."* A license must be used in the season, county or deer population management area selected at the time the license is purchased.

b. No one may obtain paid licenses for both the first regular gun season and second regular gun season regardless of whether the licenses are valid for any deer or antlerless deer only. Paid antlerless-deer-only licenses for the early muzzleloader season may only be purchased by hunters who have already purchased one of the 7,500 paid statewide general deer licenses. Hunters who purchase one of the 7,500 paid statewide general deer licenses for the early muzzleloader season may not obtain paid antlerless licenses for the first or second regular gun season.

c. Prior to September 15, a hunter may purchase one antlerless-deer-only license for any season for which the hunter is eligible. Beginning September 15, a hunter may purchase an unlimited number of antlerless-deer-only licenses for any season for which the hunter is eligible, as set forth in 106.10(2)*"b,"* until the county or population management area quotas are filled. Licenses purchased for deer population management areas will not count in the county quota.

106.10(3) *Population management and excess tag January antlerless-deer-only seasons.* Only antlerless-deer-only licenses, paid or free, are available in counties pursuant to the conditions described in 106.1(3). A license must be used during the population management or excess tag January antlerless-deer-only season as described in 106.2(4) and in the county or deer population management area selected at the time the license is purchased. Free antlerless-deer-only licenses shall be available only in the portion of the farm unit located in a county where paid antlerless-deer-only licenses are available during the population management or excess tag January antlerless-deer-only season.

106.10(4) *Free resident landowner/tenant licenses.* A person obtaining a free landowner/tenant license may purchase any combination of paid bow and paid gun licenses available to persons who are not eligible for landowner/tenant licenses as described in 571—106.17(481A).

106.10(5) *Antlerless-deer-only licenses and zone B any-deer licenses.* Paid antlerless-deer-only licenses and zone B any-deer licenses shall be available by county as designated annually by the commission. Prior to the commission designating the quotas, the department shall publish on its website (www.iowadnr.gov/deerhunting) a proposed allocation and accept public comments for at least 30 days.

106.10(6) *Disabled veteran any-deer licenses.* A paid any-deer license shall be available for a resident disabled veteran consistent with Iowa Code section 483A.8D. The fee for this license shall be the same as the general deer license set forth in 571—subrule 15.10(1). Resident disabled veteran any-deer licenses shall be valid during any established firearm season using the method of take authorized for that season. A person may obtain only one disabled veteran any-deer license but may also obtain any other paid or free general deer and antlerless-deer-only licenses that are available to other hunters.

[**ARC 7915C**, IAB 5/1/24, effective 6/5/24; **ARC 0116D**, IAB 3/4/26, effective 4/8/26]

571—106.11(481A) Method of take. Permitted weapons and devices vary according to the type of season.

106.11(1) *Bow season.* Only longbow, compound, or recurve bows shooting broadhead arrows are permitted during the bow season. Arrows must be at least 18 inches long.

a. Crossbows, as described in 106.11(1)*"b,"* may be used during the bow season in the following two situations:

(1) By persons with certain afflictions of the upper body as provided in 571—15.22(481A); and

(2) By persons over the age of 65 with an antlerless-deer-only license as provided in Iowa Code section 483A.8B.

b. Crossbow means a weapon consisting of a bow mounted transversely on a stock or frame and designed to fire a bolt, arrow, or quarrel by the release of the bow string, which is controlled by a mechanical trigger and a working safety. Crossbows equipped with pistol grips and designed to be fired with one hand are illegal for taking or attempting to take deer. All projectiles used in conjunction with a crossbow for deer hunting must be equipped with a broadhead.

c. No explosive or chemical device may be attached to any arrow, broadhead or bolt.

106.11(2) *Regular gun seasons.* Only the following shall be used in the regular gun season: 10-, 12-, 16-, and 20-gauge shotguns shooting single slugs; any handgun or rifle as described in Iowa Code section 481A.48; and any muzzleloaders as described in 106.11(3).

106.11(3) *Muzzleloader seasons.* Only muzzleloading rifles, muzzleloading muskets, muzzleloading pistols, and muzzleloading revolvers will be permitted for taking deer during the early muzzleloader season. During the late muzzleloader season, deer may be taken with a muzzleloading rifle, muzzleloading musket, muzzleloading pistol, muzzleloading revolver, any handgun as defined in 106.11(2), crossbow as described in 106.11(1)*"b,"* or bow as described in 106.11(1). All muzzleloaders as described in this subrule shall only shoot a single projectile between .44 and .775 of an inch.

106.11(4) *January antlerless-deer-only seasons.*

a. Population management January antlerless-deer-only season. Bows, crossbows, shotguns, muzzleloaders, and handguns, as each is described in this rule, and rifles as described in Iowa Code section 483A.8(9) may be used during the population management January antlerless-deer-only season.

b. Excess tag January antlerless-deer-only season. Only rifles as described in Iowa Code section 483A.8(9) shall be used during the excess tag January antlerless-deer-only season.

106.11(5) *Prohibited weapons and devices.* The use of dogs, domestic animals, bait, firearms except as provided for in this chapter, crossbows except as provided in 106.11(1), automobiles, aircraft, or any mechanical conveyance or device, including electronic calls, is prohibited, except that paraplegics and single or double amputees of the legs may hunt from any stationary motor-driven land conveyance. "Bait" means grain, fruit, vegetables, nuts, hay, salt, mineral blocks, or any other natural food materials; commercial products containing natural food materials; or by-products of such materials transported to or placed in an area for the intent of attracting wildlife. Bait does not include food placed during normal agricultural activities. "Paraplegic" means an individual with paralysis of the lower half of the body with involvement of both legs, usually due to disease of or injury to the spinal cord. It shall be unlawful for a person, while hunting deer, to carry or have in possession a rifle except as provided in 106.11(2) or 106.11(3). Only handguns as described in 106.11(2) may be used to hunt deer and only when a handgun is a lawful method of take.

106.11(6) *Discharge of firearms from roadway.* No person shall discharge a rifle, including a muzzleloading rifle or musket, or a handgun from a highway while deer hunting. In addition, no person shall discharge a shotgun shooting slugs from a highway north of U.S. Highway 30. A "highway" means the way between property lines open to the public for vehicle traffic, including the road ditch, as defined in Iowa Code section 321.1(78).

106.11(7) *Hunting from blinds.* No person shall use a blind for hunting deer during the regular gun deer seasons as defined in 106.2(2), unless such blind exhibits a solid blaze orange marking that is a minimum of 144 square inches in size and is visible in all directions. Such blaze orange shall be affixed directly on or directly on top of the blind. For the purposes of this subrule, the term "blind" is defined as an enclosure used for concealment while hunting, constructed either wholly or partially from man-made materials, and used by a person who is hunting for the purpose of hiding from sight. A blind is not a naturally occurring landscape feature or an arrangement of natural or agricultural plant material that a hunter uses for concealment. In addition to the requirements in this subrule, hunters using blinds must also satisfy the requirements of wearing blaze orange as prescribed in Iowa Code section 481A.122.

[**ARC 7915C**, IAB 5/1/24, effective 6/5/24]

571—106.12(481A) Procedures to obtain licenses. All resident deer hunting licenses must be obtained using the ELSI. Licenses may be purchased from ELSI license agents, or online at www.iowadnr.com, or by calling the ELSI telephone ordering system.

106.12(1) *Licenses with quotas.* All paid deer hunting licenses for which a quota is established may be obtained from the ELSI system on a first-come, first-served basis beginning at 9 a.m. CST on August 15 until the quota fills, or through the last day of the hunting period for which the license is valid.

106.12(2) *Licenses without quotas.* All deer hunting licenses that have no quota may be obtained from the ELSI system beginning at 9 a.m. CST on August 15 through the last day of the hunting period for which a license is valid.

106.12(3) *Providing false information.*

a. Any person who provides false information about the person's identity or eligibility for any paid or free landowner/tenant deer license and tag and who attests that the information is correct by accepting and signing the license or tag shall have the person's hunting license revoked as a part of the sentencing for such criminal conviction, and the person shall not be issued a hunting license for one year pursuant to the authority of Iowa Code section 483A.24(2)*"f"* and 571—15.6(483A).

b. In addition to any legal penalties that may be imposed, the obtaining of a license in violation of this rule shall invalidate that deer license and transportation tag and any other deer hunting license and transportation tag obtained during the same year.

[**ARC 7915C**, IAB 5/1/24, effective 6/5/24; **ARC 0116D**, IAB 3/4/26, effective 4/8/26]

571—106.13(481A) Transportation tag.

106.13(1) *Use of transportation tag.* A transportation tag bearing the license number of the licensee, year of issuance, and date of kill properly shown shall be visibly attached to one leg of each antlerless deer or on the main beam between two points, if present, on one of the antlers of an antlered deer in such a manner that the tag cannot be removed without mutilating or destroying the tag. This tag shall be attached to the carcass of the deer within 15 minutes of the time the deer carcass is located after being taken or before the carcass is moved to be transported by any means from the place where the deer was taken, whichever occurs first. No person shall tag a deer with a transportation tag issued to another person or with a tag that was purchased after the deer was taken. This tag shall be proof of possession and shall remain affixed to the carcass until such time as the animal is processed for consumption. The head, and antlers if any, shall remain attached to the deer while being transported by any means whatsoever from the place where taken to the processor or commercial preservation facility or until the deer has been processed for consumption. The hunter who killed the deer must tag the deer using the transportation tag issued in that person's name unless lawfully party hunting.

106.13(2) *Party hunting.*

a. Resident party hunting. During the first and second regular gun seasons and the January antlerless-deer-only seasons in resident zone A only, any resident hunter present in the hunting party may use their tag on a deer harvested by another resident. Party hunting is not allowed in resident zone B.

b. Nonresident party hunting. Party hunting is not allowed by nonresidents.

[**ARC 7915C**, IAB 5/1/24, effective 6/5/24; **ARC 0116D**, IAB 3/4/26, effective 4/8/26]

571—106.14(481A) Resident youth deer and severely disabled hunts.

106.14(1) *Licenses.*

a. Youth deer hunt. A youth deer license shall be valid for taking a deer of either sex zonewide. A youth deer license may be issued to any Iowa resident who is not over 15 years old on the day the youth obtains the license. The youth license may be paid or free to persons eligible for free licenses. If the youth obtains a free landowner/tenant license, it will count as the one free general deer license for which the youth's family is eligible.

Each participating youth must be accompanied by an adult who possesses a regular hunting license and has paid the habitat fee (if the adult is normally required to have a hunting license and to pay the habitat fee to hunt). Only one adult may participate for each youth hunter. The accompanying adult must not possess a long gun, bow, or crossbow and must be in the direct company of the youth at all times. Youth deer tags must be filled by the eligible youth hunter named on the youth license.

A person may obtain only one youth general deer license but may also obtain any other paid or free general deer and antlerless-deer-only licenses that are available to other hunters. Antlerless-deer-only or any-deer licenses must be obtained in the same manner with which other hunters obtain them, as described in 106.10(2).

b. Severely disabled hunt. Any severely disabled Iowa resident meeting the requirements of Iowa Code section 321L.1(8) may be issued one general deer license to hunt deer during the youth season. A person applying for this license must either possess a disability parking permit or provide a completed form from the department of natural resources. The form must be signed by a physician verifying that the person's disability meets the criteria defined in Iowa Code section 321L.1(8). The attending physician shall be currently practicing medicine and shall be a medical doctor, a doctor of osteopathy, a physician assistant, or a nurse practitioner. Forms are available online at www.iowadnr.gov, by visiting the Department of Natural Resources office at 6200 Park Avenue, Des Moines, Iowa, or any district office, or by calling 515.725.8200. A person between 16 and 65 years of age must also possess a regular hunting license and have paid the habitat fee to obtain a license (if normally required to have a hunting license and to pay the habitat fee to hunt). A severely disabled person obtaining this license may obtain any other paid and free general deer and antlerless-deer-only licenses that are available to other hunters. Antlerless-deer-only licenses must be obtained in the same manner by which other hunters obtain them, as described in 106.10(2).

106.14(2) *Season dates.* Deer of either sex may be taken statewide for 16 consecutive days beginning on the third Saturday in September. A person who is issued a youth deer hunting license and does not take a deer during the youth deer hunting season may use the deer hunting license and unused tag during any subsequent deer seasons. The license will be valid for the type of deer and in the area specified on the original license. The youth must follow all other rules specified in this chapter for each season, including method of take. If the tag is filled during any of the seasons, the license will not be valid in subsequent seasons.

106.14(3) *Shooting hours.* Legal shooting hours will be one-half hour before sunrise to one-half hour after sunset each day regardless of weapon used.

106.14(4) *Limits and license quotas.* An unlimited number of licenses may be issued. The daily and season bag and possession limit is one deer per license. A person may shoot and tag a deer only by utilizing the license and tag issued in the person's name.

106.14(5) *Method of take and other regulations.* Deer may be taken with shotguns, bows, handguns, rifles, or muzzleloaders as permitted in 571—106.11(481A). Youth hunters using a handgun must be accompanied and under direct supervision throughout the hunt by a responsible person with a valid hunting license who is at least 21 years of age, with the consent of a parent or guardian. The responsible person with a valid hunting license who is at least 21 years of age shall be responsible for the conveyance of the pistol or revolver while the pistol or revolver is not actively being used for hunting. "Direct supervision" means the same as defined in Iowa Code section 483A.27A(4). All participants must meet the deer hunters' orange apparel requirement in Iowa Code section 481A.122. All other regulations for obtaining licenses or hunting deer shall apply.

106.14(6) *Procedures for obtaining licenses.*

a. Licenses for severely disabled hunters may be obtained through ELSI beginning at 9 a.m. CST on August 15 through the last day of the severely disabled hunter season.

b. Paid and free youth licenses are available for purchase through ELSI beginning at 9 a.m. CST on August 15 through the last day of the last established deer season.

[**ARC 7915C**, IAB 5/1/24, effective 6/5/24; **ARC 0116D**, IAB 3/4/26, effective 4/8/26]

571—106.15(481A) Nonresident deer hunting season for severely disabled persons.

106.15(1) *Licenses.* A nonresident meeting the requirements of Iowa Code section 321L.1(8) may apply for or purchase a nonresident deer hunting license to participate in a special deer hunting season for severely disabled persons. Nonresidents applying for this license must have on file with the department of natural resources either a copy of a disabilities parking permit issued by a state department of transportation or an Iowa department of natural resources form signed by a physician that verifies their disability.

106.15(2) *Season dates.* Any deer or antlerless deer may be taken in the hunting zone indicated on the deer license during 16 consecutive days beginning the third Saturday in September.

106.15(3) *Shooting hours.* Legal shooting hours will be from one-half hour before sunrise until one-half hour after sunset each day regardless of the type of weapon used.

106.15(4) *Limits.* Daily bag and possession limit is one deer. A person may shoot and tag only one deer by utilizing the license and tag issued in the person's name.

106.15(5) *License quotas.* Licenses for the special hunting season for severely disabled persons shall be issued from the quotas established in 571—106.7(483A). A special quota will not be set aside for severely disabled persons.

106.15(6) *Method of take and other regulations.* Deer may be taken with shotgun, bow, muzzleloading rifle or pistol as defined in 571—106.11(483A). All participants must meet the hunters' orange apparel requirement in Iowa Code section 481A.122. All other regulations for taking deer with a gun or bow shall apply.

106.15(7) *Application procedures.* Persons meeting the requirements for this season must apply following the procedures described in 571—106.12(483A). A person who does not have a form on file to verify a disability will not be entered into the drawing or be allowed to purchase a license and will have the license fee refunded, less a $10 administrative fee to cover the cost of handling the application as provided in 571—subrule 15.8(1). License agent writing fees, department administrative fees, Internet sales charges and telephone order charges will not be refunded.

[**ARC 7915C**, IAB 5/1/24, effective 6/5/24]

These rules are intended to implement Iowa Code sections 481A.38, 481A.48, 483A.8, and 483A.24.

PART II
DEER DEPREDATION

571—106.16(481A) Deer depredation management. The deer depredation management program provides assistance to producers through technical advice and additional deer licenses and permits where the localized reduction of female deer is needed to reduce damage. Upon signing a depredation management agreement with the department, producers of agricultural or high-value horticultural crops shall be issued, consistent with this rule, deer depredation licenses and deer shooting permits to shoot deer causing excessive crop damage. If immediate action is necessary to forestall serious damage, depredation licenses or shooting permits may be issued before an agreement is signed. Further licenses or permits will not be authorized until an agreement is signed.

106.16(1) *Method of take and other regulations.* Legal weapons and restrictions will be governed by 571—106.11(481A). For deer shooting permits only, there are no shooting hour restrictions; however, taking deer with an artificial light is prohibited by Iowa Code section 481A.93. The producer or designee must meet the deer hunters' orange apparel requirement in Iowa Code section 481A.122.

106.16(2) *Eligibility.* Producers growing typical agricultural crops (such as corn, soybeans, hay and oats and tree farms and other forestlands under a timber management program) and producers of high-value horticultural crops (such as Christmas trees, fruit or vegetable crops, nursery stock, and commercially grown nuts) shall be eligible to enter into depredation management agreements if these crops sustain excessive damage.

a. The producer may be the landowner or a tenant, whoever has cropping rights to the land.

b. Excessive damage is defined as crop losses exceeding $1,000 in a single growing season, or the likelihood that damage will exceed $1,000 if preventive action is not taken, or a documented history of at least $1,000 of damage annually in previous years.

c. Producers who lease their deer hunting rights are not eligible for the deer depredation management program.

106.16(3) *Depredation management plans.* Upon request from a producer, field employees of the wildlife bureau will inspect and identify the type and amount of crop damage. If deer damage is not excessive, technical advice will be given to the producer on methods to reduce or prevent future damage.

If damage is excessive and the producer agrees to participate, a depredation management plan will be developed by depredation biologists in consultation with the producer.

a. The goal of the management plan will be to reduce damage to below excessive levels within a specified time period through a combination of producer-initiated preventive measures and the issuance of deer depredation permits.

(1) Depredation plans may require preventive measures such as harassment of deer with pyrotechnics and cannons, guard dogs, temporary fencing, permanent fencing costing less than $1,000, allowing more hunters, increasing the take of antlerless deer, and other measures.

(2) Depredation permits to shoot deer may be issued to Iowa residents to reduce deer numbers until long-term preventive measures become effective. Depredation permits will not be used as a long-term solution to deer damage problems.

b. Depredation management plans will normally be written for a three-year period with progress reviewed annually by the department and the producer.

(1) The plan will become effective when signed by the depredation biologist and the producer.

(2) Plans may be modified or extended if mutually agreed upon by the department and the producer.

(3) Depredation permits will not be issued after the initial term of the management plan if the producer fails to implement preventive measures outlined in the plan.

106.16(4) *Depredation permits.* Two types of permits may be issued under a depredation management plan.

a. Deer depredation licenses. Deer depredation licenses may be sold to resident hunters only for a fee of $5 for use during one or more legal hunting seasons. Depredation licenses will be available to producers of agricultural and horticultural crops.

(1) Depredation licenses will be issued up to the number specified in the management plan.

(2) The landowner or an eligible family member, which shall include the landowner's spouse or domestic partner and juvenile children, may obtain one depredation license for each season established by the commission.

(3) Depredation licenses will be valid only for hunting antlerless deer, regardless of restrictions that may be imposed on regular deer hunting licenses in that county.

(4) All other regulations for the hunting season specified on the license apply.

(5) Depredation licenses are valid only on the land where damage is occurring and the immediately adjacent property unless the land is within a designated block hunt area as described in 106.16(4)*"a"*(6). Other parcels of land in the farm unit not adjacent to the parcels receiving damage will not qualify.

(6) Block hunt areas are areas designated and delineated by wildlife biologists of the wildlife bureau to facilitate herd reduction in a given area where all producers may not qualify for the depredation program or in areas of persistent deer depredation. Depredation licenses issued to producers within the block hunt area are valid on all properties within the delineated boundaries. Individual landowner permission is required for hunters utilizing depredation licenses within the block hunt area boundaries. Creation of a given block hunt area does not authorize trespass.

b. Deer shooting permits. Permits for shooting deer outside an established hunting season may be issued to producers of high-value horticultural crops when damage cannot be controlled in a timely manner during the hunting seasons (such as late summer buck rubs in an orchard and winter browsing in a Christmas tree plantation) and to other agricultural producers who have an approved department deer depredation plan, and on areas such as airports where public safety may be an issue.

(1) Deer shooting permits will be issued for a fee of $5 to the applicant.

(2) The applicant or one or more designees approved by the department may take all the deer specified on the permit.

(3) Permits available to producers of high-value horticultural crops or agricultural crops may be valid for taking deer outside of a hunting season depending on the nature of the damage. The number and type of deer to be killed will be determined by a department depredation biologist and will be part of the deer depredation management plan.

(4) Permits issued due to public safety concerns may be used for taking any deer, as necessary, to address unpredictable intrusion that could jeopardize public safety. Permits may be issued for an entire year (January 1 through December 31) if the facility involved signs an agreement with the department.

(5) All deer killed must be recovered and processed for human consumption.

(6) The times, dates, place and other restrictions on the shooting of deer will be specified on the permit.

(7) Antlers from all deer recovered must be turned over to the conservation officer within 48 hours. Antlers will be disposed of according to department rules.

(8) For out-of-season shooting permits, there are no shooting hour restrictions; however, taking deer with an artificial light is prohibited by Iowa Code section 481A.93.

c. Depredation licenses and shooting permits will be issued in addition to any other licenses for which the hunters may be eligible.

d. Depredation licenses and shooting permits will not be issued if the producer restricts the legal take of deer from the property sustaining damage by limiting hunter numbers below levels required to control the deer herd. This restriction does not apply in situations where shooting permits are issued for public safety concerns.

e. A person who receives a depredation permit pursuant to this paragraph shall pay a $1 fee for each license that shall be used and is appropriated for the purpose of deer herd population management, including assisting with the cost of processing deer donated to the help us stop hunger (HUSH) program administered by the commission and a $1 writing fee for each license to the license agent.

[**ARC 7915C**, IAB 5/1/24, effective 6/5/24; **ARC 0116D**, IAB 3/4/26, effective 4/8/26]

571—106.17(481A) Eligibility for free landowner/tenant deer licenses.

106.17(1) *Who qualifies for free deer hunting licenses.*

a. Owners and tenants of a farm unit and the spouse and juvenile child of an owner or tenant who reside with the owner or tenant are eligible for free deer licenses. The owner or tenant does not have to reside on the farm unit but must be actively engaged in farming it. Nonresident landowners do not qualify.

b. Juvenile child defined. "Juvenile child" means a person less than 18 years of age or a person who is 18 or 19 years of age and is in full-time attendance at an accredited school pursuing a course of study leading to a high school diploma or a high school equivalency diploma. A person 18 years of age or older who has received a high school diploma or high school equivalency diploma does not qualify.

106.17(2) *Who qualifies as a tenant.* A "tenant" is a person other than the landowner who is actively engaged in the operation of the farm. The tenant may be a member of the landowner's family, including in some circumstances the landowner's spouse or child, or a third party who is not a family member. The tenant does not have to reside on the farm unit.

106.17(3) *What "actively engaged in farming" means.* Landowners and tenants are "actively engaged in farming" if they personally participate in decisions about farm operations and those decisions, along with external factors such as weather and market prices, determine their profit or loss for the products they produce. Tenants qualify if they farm land owned by another and pay rent in cash or in kind. A farm manager or other third party who operates a farm for a fee or a laborer who works on the farm for a wage and is not a family member does not qualify as a tenant.

106.17(4) *Landowners who qualify as active farmers.* These landowners:

a. Are the sole operator of a farm unit (along with immediate family members), or

b. Make all decisions about farm operations, but contract for custom farming or hire labor to do some or all of the work, or

c. Participate annually in decisions about farm operations such as negotiations with federal farm agencies or negotiations about cropping practices on specific fields that are rented to a tenant, or

d. Raise specialty crops from operations such as orchards, nurseries, or tree farms that do not necessarily produce annual income but require annual operating decisions about maintenance or improvements, or

e. May have portions of the farm enrolled in a long-term land retirement program such as the Conservation Reserve Program (CRP) as long as other farm operations occur annually, or

f. Place their entire cropland in the CRP or other long-term land retirement program with no other active farming operation occurring on the farm.

106.17(5) *Landowners who do not qualify.* These landowners:

a. Use a farm manager or other third party to operate the farm, or

b. Cash rent the entire farm to a tenant who is responsible for all farm operations including following preapproved operations plans.

106.17(6) *Where free licenses are valid.* A free license is valid only on that portion of the farm unit that is in a zone open to deer hunting. "Farm unit" means all parcels of land in tracts of two or more contiguous acres that are operated as a unit for agricultural purposes and are under lawful control of the landowner or tenant regardless of how that land is subdivided for business purposes. Individual parcels of land do not need to be adjacent to one another to be included in the farm unit. "Agricultural purposes" includes but is not limited to field crops, livestock, horticultural crops (e.g., from nurseries, orchards, truck farms, or Christmas tree plantations), and land managed for timber production.

106.17(7) *Registration of landowners and tenants.* Landowners and tenants and their eligible family members who want to obtain free deer hunting licenses must register with the department before the free licenses will be issued. Procedures for registering are described in 571—95.2(481A).

[**ARC 7915C**, IAB 5/1/24, effective 6/5/24]

571—106.18(481A) Harvest reporting. Each hunter who bags a deer must report that kill according to procedures described in 571—95.1(481A).

[**ARC 7915C**, IAB 5/1/24, effective 6/5/24]

These rules are intended to implement Iowa Code chapter 481C.

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CHAPTER 107
RABBIT AND SQUIRREL HUNTING

[Prior to 12/31/86, Conservation Commission[290] Ch 102]

Rescinded **ARC 9239C**, IAB 5/14/25, effective 6/18/25

CHAPTER 108
WILD FURBEARER TRAPPING AND HUNTING

[Prior to 12/31/86, Conservation Commission[290] Ch 104]

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/18/30

571—108.1(481A) Badger, opossum, striped skunk, red fox, gray fox, mink, muskrat and weasel. Open season shall be from 8 a.m. on the first Saturday in November through February 28 of the succeeding year. Entire state open. No daily bag or possession limit.

108.1(1) *Disturbing muskrat houses.* Any department of natural resources officer, natural resource biologist, or county conservation board director may permit trappers to dig into or disturb muskrat houses on specific state or county game management areas as provided in Iowa Code section 481A.90, after finding that muskrats are causing excessive damage by destroying the vegetation essential to the welfare of a marsh and after so posting the area.

108.1(2) *Game management areas.* Open season for taking muskrats on certain state game management areas, certain federal national wildlife refuges, and certain county conservation board areas, only where approved by the wildlife bureau and posted accordingly, shall be from 8 a.m. the day after the regular muskrat trapping season ends until April 1. The use of foothold traps during this season is prohibited unless each trap is placed completely inside a muskrat house. No daily bag or possession limit.

[**ARC 9243C**, IAB 5/14/25, effective 6/18/25; **ARC 0117D**, IAB 3/4/26, effective 4/8/26]

571—108.2(481A) Groundhog. Continuous open season. Entire state open. No daily bag or possession limit.

[**ARC 9243C**, IAB 5/14/25, effective 6/18/25]

571—108.3(481A) Raccoon.

108.3(1) *Hunting.* Continuous open season on private lands and from 8 a.m. on the first Saturday in November through February 28 of the succeeding year on public lands. Entire state open. No daily bag or possession limit.

108.3(2) *Trapping.* Continuous open season using cage traps and dog-proof traps on private lands year-round. Trapping limitations described in this chapter apply to trapping raccoons from 8 a.m. on the first Saturday in November through February 28 of the succeeding year on all lands. Entire state open. No daily bag or possession limit.

[**ARC 9243C**, IAB 5/14/25, effective 6/18/25]

571—108.4(481A) Beaver. Open season shall be from 8 a.m. on the first Saturday in November through April 15 of the succeeding year. No daily bag or possession limit.

[**ARC 9243C**, IAB 5/14/25, effective 6/18/25; **ARC 0117D**, IAB 3/4/26, effective 4/8/26]

571—108.5(481A) Coyote.

108.5(1) *Hunting.* Continuous open season. Entire state open. No daily bag or possession limit.

108.5(2) *Trapping.* Open season for trapping coyote shall be 8 a.m. on the first Saturday in November through February 28 of the succeeding year. Entire state open. No daily bag or possession limit. Any conservation officer or wildlife biologist may authorize a landowner, tenant or designee to trap coyotes causing damage outside the established trapping season dates.

[**ARC 9243C**, IAB 5/14/25, effective 6/18/25]

571—108.6(481A) Gray (timber) wolf and spotted skunk. Continuous closed season.

[**ARC 9243C**, IAB 5/14/25, effective 6/18/25]

571—108.7(481A) River otter and bobcat.

108.7(1) *License requirements.* Each person who takes river otters or bobcats shall have a valid fur harvester license and pay the habitat fee if normally required to have a license to hunt or trap.

108.7(2) *Open area.* River otters may be taken statewide. Bobcats may be taken in the following counties: Adair, Adams, Appanoose, Audubon, Boone, Cass, Cedar, Cherokee, Clarke, Clinton, Crawford, Dallas, Davis, Decatur, Delaware, Des Moines, Fremont, Guthrie, Harrison, Henry, Iowa, Jackson, Jasper, Jefferson, Johnson, Jones, Keokuk, Lee, Louisa, Lucas, Lyon, Madison, Mahaska, Marion, Mills, Monona, Monroe, Montgomery, Muscatine, Page, Plymouth, Polk, Pottawattamie, Poweshiek, Ringgold, Scott, Shelby, Sioux, Taylor, Union, Van Buren, Wapello, Warren, Washington, Wayne, Webster, and Woodbury.

108.7(3) *Seasonal daily bag limit.*

a. The seasonal daily bag limit for river otters is 3 river otters per person.

b. The seasonal daily bag limit for bobcats is 1 bobcat per person in the following counties: Audubon, Boone, Cedar, Cherokee, Clinton, Crawford, Dallas, Delaware, Guthrie, Harrison, Iowa, Jackson, Jasper, Johnson, Jones, Lyon, Monona, Muscatine, Plymouth, Polk, Poweshiek, Scott, Shelby, Sioux, Webster, and Woodbury.

c. The seasonal daily bag limit for bobcats is 3 bobcats per person in the following counties: Adair, Adams, Appanoose, Cass, Clarke, Davis, Decatur, Des Moines, Fremont, Henry, Jefferson, Keokuk, Lee, Louisa, Lucas, Madison, Mahaska, Marion, Mills, Monroe, Montgomery, Page, Pottawattamie, Ringgold, Taylor, Union, Van Buren, Wapello, Warren, Washington, and Wayne.

d. No more than 3 bobcats total can be legally harvested by a fur harvester in a season. River otters or bobcats trapped in excess of the seasonal daily bag limit or in a closed area must be turned over to the department; the fur harvester shall not be penalized.

108.7(4) *Season dates.* The season for taking river otters and bobcats opens on the first Saturday in November and closes on February 28 of the following year.

108.7(5) *Reporting requirements.* Anyone, including a landowner or tenant not required to have a fur harvester license, who takes a river otter or bobcat must report the harvest and arrange to receive a Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) tag from the officer or designated department employee within seven days of harvest. The river otter or bobcat shall be skinned and its lower jaw or skull turned over to the department conservation officer or designated department employee at the time the CITES tag is issued. If the specimen is to be kept whole for taxidermy purposes, a cut shall be made by the trapper between the gum line and eye so the CITES tag can be attached to the skin.

108.7(6) *Tagging requirements.* Every river otter or bobcat that may legally be kept must have a CITES tag attached. Tags will be supplied by the conservation officer or designated department employee. The tag must remain with the pelt until the pelt is sold or used for other purposes that render it no longer available for sale. Persons displaying river otters or bobcats as taxidermy mounts or as other decorative items must keep the tags in their possession as proof of legal harvest.

[**ARC 9243C**, IAB 5/14/25, effective 6/18/25]

571—108.8(481A) Accidental capture of a river otter or bobcat during a closed season. A person who accidentally captures a river otter or bobcat during a closed season or in a closed area or after the person's individual daily bag limit has been reached shall not be penalized provided that:

1. The river otter or bobcat is captured during a legal trapping season or as part of a legal depredation control process; and

2. A conservation officer is contacted within 24 hours and the river otter or bobcat and all parts thereof are turned over to a conservation officer as soon as practical.

[**ARC 9243C**, IAB 5/14/25, effective 6/18/25]

571—108.9(481A) Trapping restrictions. Trapping for all furbearers will be restricted as follows:

108.9(1) *Exposed bait.* No person shall set or maintain any leghold, body-clasping trap, or snare within 20 feet of exposed bait on land anywhere in the state or over water in the following areas:

a. Mississippi River corridor—Allamakee, Clayton, Dubuque, Jackson, Clinton, Scott, Muscatine, Louisa, Des Moines and Lee Counties.

b. Missouri River corridor—Those portions of Woodbury, Monona, Harrison, Pottawattamie, Mills and Fremont Counties west of Interstate 29.

c. Des Moines River corridor—Boone, Dallas, Polk, Marion, Mahaska, Wapello and Van Buren Counties.

"Exposed bait" means meat or viscera or any animal, bird, fish, amphibian, or reptile with or without skin, hide, or feathers visible to soaring birds.

108.9(2) Reserved.

[**ARC 9243C**, IAB 5/14/25, effective 6/18/25]

571—108.10(481A) Public roadside limitations—snares and body-gripping type traps. No person shall set or maintain any snare or body-gripping type trap within any public road right-of-way within 200 yards of buildings inhabited by human beings unless a resident of the dwelling adjacent to the public road right-of-way has given permission or unless the body-gripping type trap is completely underwater or at least one-half of the loop of a snare is underwater. Nothing in this rule shall be construed as limiting the use of foothold traps or box-type live traps in public road rights-of-way. No person shall place or leave any trap, stake, or nonindigenous set making material upon any public road right-of-way except during a period of time that begins two weeks before the trapping season opens and ends on the last day of the season.

[**ARC 9243C**, IAB 5/14/25, effective 6/18/25]

571—108.11(481A) Snares.

108.11(1) *Placement.* No person shall set or maintain any snare in any public road right-of-way so that the snare when fully extended can touch any fence. Snares may not be attached to a drag.

108.11(2) *Loop size.* No snare when set will have a loop larger than 8 inches in horizontal measurement except for snares set with at least one-half of the loop underwater or snares set on private land other than roadsides within 30 yards of a pond, lake, drainage ditch, creek, stream or river shall not have a loop larger than 11 inches in horizontal measurement.

108.11(3) *Deer locks.* All snares must have a functional deer lock that will not allow the snare loop to close smaller than 2½ inches in diameter.

108.11(4) *Mechanical snares.* It shall be illegal to set any mechanically powered snare designed to capture an animal by the neck or body unless such snares are placed completely underwater.

[**ARC 9243C**, IAB 5/14/25, effective 6/18/25]

571—108.12(481A) Body-gripping traps. No person shall set or maintain any body-gripping trap on any public road right-of-way within five feet of any fence.

[**ARC 9243C**, IAB 5/14/25, effective 6/18/25]

571—108.13(481A) Foothold traps. No person shall set or maintain on land any foothold trap with metal-serrated jaws, metal-toothed jaws or a spread inside the set jaws of greater than 7 inches.

[**ARC 9243C**, IAB 5/14/25, effective 6/18/25]

571—108.14(481A) Removal of animals from traps and snares. All animals or animal carcasses caught in any type of trap or snare, except those that are placed entirely underwater and designed to drown the animal immediately, must be removed from the trap or snare by the trap or snare user immediately upon discovery and within 24 hours of the time the animal is caught.

[**ARC 9243C**, IAB 5/14/25, effective 6/18/25]

571—108.15(481A) Trap tag requirements. All traps and snares, whether set or not, possessed by a person who can reasonably be presumed to be trapping shall have a metal tag attached plainly labeled with the user's name and address.

[**ARC 9243C**, IAB 5/14/25, effective 6/18/25]

571—108.16(481A) Colony traps. All colony traps must be set entirely under water.

[**ARC 9243C**, IAB 5/14/25, effective 6/18/25]

These rules are intended to implement Iowa Code sections 481A.6, 481A.38, 481A.39, 481A.87, 481A.90, and 481A.92.

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[1] June 7, 2023, effective date of amendments to 108.1 to 108.10 [ARC 7010C] delayed 70 days by the Administrative Rules Review Committee at its meeting held May 8, 2023; delay lifted at the meeting held June 13, 2023.

CHAPTER 109
GROUNDHOG SEASON

[Previously Ch 17, renumbered IAC 2/1/84]
[Prior to 12/31/86, Conservation Commission[290] Ch 113]

Rescinded **ARC 9243C**, IAB 5/14/25, effective 6/18/25

CHAPTER 110
TRAPPING LIMITATIONS

[Prior to 12/31/86, Conservation Commission[290] Ch 114]

Rescinded **ARC 9243C**, IAB 5/14/25, effective 6/18/25

CHAPTER 111
SCIENTIFIC COLLECTING AND WILDLIFE REHABILITATION

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

571—111.1(481A) Definitions.

"Educational project permit" means a permit which may authorize the holder to take and possess live state-protected birds, mammals, amphibians, reptiles, fish, or invertebrates for educational or zoological displays.

"Permit holder" means an organization or person that possesses a valid permit issued by the Iowa department of natural resources under Iowa Code section 481A.65.

"Raptor" means hawks, owls, eagles, falcons, vultures, harriers, kites, accipiters, and ospreys.

"Scientific collector's license" means a license which authorizes the holder to take, for scientific purposes only, any birds, nests, eggs or mammals, amphibians, reptiles, fish, invertebrates, plants or parts thereof which are protected by state regulations.

"Wildlife rehabilitation permit" means a permit which authorizes the holder to take and temporarily possess injured, sick or orphaned state-protected species of birds, mammals, amphibians or reptiles with the intent to return the animal to its natural habitat as soon as possible.

"Wildlife salvage permit" means a permit which authorizes the holder to possess, for natural resource education programs, any state-protected species of birds, mammals, amphibians, reptiles, fish, or invertebrates which have died as the result of natural causes or accidents (i.e., road-kills, window-kills or tower-kills) or specimens which have been donated by the department of natural resources.

571—111.2(481A) Scientific collector's license. A scientific collector's license may, after investigation, be issued to any university, college or person engaged in a scientific project approved by the department of natural resources.

This license may be issued for a period of up to three years.

Species, numbers, geographic location, and collection methods must be identified in the application narrative and approved by the department of natural resources.

571—111.3(481A) Wildlife salvage permit. A wildlife salvage permit may be issued to any university, college, school, county conservation board, public agency, other organization or person engaged in a natural resource education program approved by the department of natural resources.

This permit may be issued for a period of up to three years.

Special approval is required for the salvage of abandoned bird nests, not including raptor nests. This permit does not authorize any taking or possession of live animals.

571—111.4(481A) Educational project permit. The following classes of educational project permits may be issued by the department:

111.4(1) An apprentice educational project permit may be issued to a person serving a one-year internship with and being sponsored by a person possessing a master wildlife rehabilitation permit and having two years' experience using raptors under a state or federal educational project permit, or a person possessing a master class state or federal falconry permit. This permit is required only for state and federally protected raptor species. An apprentice permit will be required for each individual providing day-to-day care and for each person presenting educational programs using live raptors. An apprentice will be limited to the possession of one American kestrel and one screech owl that are permanently crippled or human imprinted. In the case where an apprentice will be in charge of an existing facility with additional birds, the sponsor and the conservation officer must approve the possession of the additional species and individuals. This permit may be issued for a period of up to two years.

111.4(2) A general educational project permit for protected animal species other than raptors may be issued to any university, college, school, county conservation board, public agency, other organization or person engaged in a natural resource education program approved by the department of natural resources.

The limitation on the number of animals in possession shall be established by the ability of the permit holder to provide adequate facilities and care.

111.4(3) A general educational project permit for raptors may be issued to a person who has served the appropriate apprenticeship and is recommended by the person's sponsor; or has previously held an educational project permit for raptors issued by the Iowa department of natural resources or the U.S. Fish and Wildlife Service; or has held a master class state and federal falconry permit within the last five years.

Any mammals, reptiles, amphibians, or fish which are not state listed endangered or threatened species and are obtained from legal sources outside the state of Iowa are exempt from these permit requirements. Proof of origin of each animal is the responsibility of the owner.

This permit may be issued for a period of up to three years.

571—111.5(481A) Wildlife rehabilitation permit. The following classes of wildlife rehabilitation permits may be issued by the department:

111.5(1) An apprentice wildlife rehabilitation permit may be issued to a person serving a one-year internship with and being sponsored by a person possessing a master wildlife rehabilitation permit, or to a person serving a two-year internship with and being sponsored by a person possessing a general wildlife rehabilitation permit.

This permit may be issued for a period of up to two years.

111.5(2) A general wildlife rehabilitation permit may be issued to a person who has served the appropriate apprenticeship; has graduated with a degree in veterinary medicine; or has previously held a rehabilitation permit issued by the Iowa department of natural resources, U.S. Fish and Wildlife Service, or any other state natural resource agency.

A general wildlife rehabilitator may sponsor up to four apprentices.

This permit may be issued for a period of up to three years.

111.5(3) A master wildlife rehabilitation permit may be issued to a person who has completed five consecutive years of extensive rehabilitation work and has received a recommendation from the local state conservation officer, or who is a licensed veterinarian with specific training and experience in wildlife rehabilitation. The department of natural resources may issue a master wildlife rehabilitation permit to individuals who have demonstrated special ability, knowledge, training and experience in wildlife rehabilitation.

A master wildlife rehabilitator may sponsor up to six apprentices.

This permit may be issued for a period of up to three years.

571—111.6(481A) Application qualifications. All applicants for a wildlife rehabilitation permit must possess adequate facilities to temporarily house and properly confine species held under the permit. The facilities of all applicants should follow the minimum housing guidelines as established for the various species by the National Wildlife Rehabilitator's Association and the International Wildlife Rehabilitation Council in 1993, or be approved by the local state conservation officer. Applicants must provide written documentation of access to a licensed veterinarian willing to provide professional counsel to the rehabilitator. Applicants must list species or groups of species such as but not limited to: rabbits, squirrels, songbirds, snakes or turtles, for which they will be providing rehabilitation services on their permit application narrative.

The application narrative for an educational project permit must list the species and number of each species that will be held. Facilities for raptors must meet the design and size criteria listed in the 1994 Iowa Association of Naturalists' publication "Educating With Raptors—A Resource Booklet."

571—111.7(481A) Evaluation committee. For the purpose of evaluating facilities and standards of care employed by holders of educational project permits and wildlife rehabilitation permits, the director may establish an ad hoc committee of persons with expertise in wildlife care, rehabilitation, veterinary medicine and wildlife education. Upon request by the director, the committee shall inspect the facilities, care procedures and educational programs and provide the department with appropriate recommendations. The recommendations may be used as a basis for placing certain conditions on a permit or modifying or terminating a permit.

571—111.8(481A) Disposition of animals. Injured or orphaned animals which cannot be returned to their natural environment shall be transferred to someone with an educational project permit or, after being euthanized by or under the guidance of a licensed veterinarian, handled as follows:

- Transferred to someone with a scientific collector's license or a wildlife salvage permit after obtaining permission from the local state conservation officer, or
- Buried or burned according to Iowa Code chapter 167.

Specimens held under a wildlife salvage permit may be transferred to someone holding a scientific collector's license, a wildlife salvage permit, or burned or buried according to Iowa Code chapter 167 after obtaining permission from the local conservation officer.

All threatened and endangered species which have died, which must be euthanized, or which cannot be released shall be referred to the department of natural resources. The department of natural resources shall provide these specimens to persons who hold a scientific collector's license, a wildlife salvage permit, or an educational project permit or shall provide for proper disposal.

571—111.9(481A) General conditions for permits.

1. Applications will not be approved for private collections or for commercial use of protected species.
2. Any costs incurred by the permittee for the administration of any permit authorized by this chapter of rules will be the responsibility of the permittee.
3. Scientific collecting licenses, wildlife salvage permits, general educational project permits, with the exception of those for raptors, will generally be issued in the name of the institution or organization. The principal collector or permit holder will be listed on the permit and be responsible for administering the license or permit. All persons collecting or working under the authority of the license or permit shall carry a copy of the permit and a letter of authorization from the principal license or permit holder.
4. Educational project permits for raptors and wildlife rehabilitation permits may list an institution or organization, but also must list the person or persons with the qualifications for that particular permit. These permits do not necessarily continue with the institution or organization if the person or persons listed on the permits leave. If replacement personnel with the proper qualifications for the permit or permits are found, then the permit or permits will stay in the institution's or organization's name.
5. Specimens collected or possessed under any license or permit authorized by this chapter of rules remain the property of the state of Iowa. The department of natural resources reserves the right to determine the disposition of all specimens collected under authority of these permits.
6. Records, facilities and inventories must be made available for inspection by officers of the department of natural resources during reasonable hours.
7. Records of collections and the manner in which specimens have been acquired and their disposition must be kept current at all times. Rehabilitation permits must be updated within 24 hours of the event. All other permits must be updated within 48 hours of the event.
8. Authorization to collect or possess endangered or threatened species requires special permission and must comply with provisions established in Iowa Code chapter 481B.
9. A representative of the department of natural resources must be notified within 72 hours of taking or holding of threatened or endangered species that are found dead and within 24 hours for those that are injured or sick.
10. A licensed rehabilitator or veterinarian must determine if a raptor is permanently crippled before it can be held under an educational project permit.
11. License or permit fees will be $5 for one year, $10 for two years, and $15 for three years.
12. Applicants for scientific collecting, wildlife rehabilitation, and educational projects must be 18 years old or provide written permission from a parent or guardian.
13. No animals being rehabilitated may be used for educational programs.
14. Applicants for scientific collecting licenses, wildlife rehabilitation, wildlife salvage, and educational project permits that are requesting permission to possess, hold, or collect bird species as listed in the Code of Federal Regulations, 50 CFR 10.13 (April 5, 1985), may also be required to obtain a federal permit issued by the U.S. Fish and Wildlife Service.

These rules are intended to implement Iowa Code section 481A.65.

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CHAPTER 112
HUNTING PRESERVES

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

571—112.1(484B) Definitions. As used in these rules:

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

"Boundary sign" means a sign prescribed by the department which, when posted, designates hunting preserve boundaries.

"Game birds" means the same as defined in Iowa Code section 484B.1(5).

"Hunting preserve operator's license" means a seasonal license which authorizes the holder to establish a hunting preserve for the purpose of holding, propagating, and releasing game birds and ungulates for hunting purposes.

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

"Licensee" means a person or organization that possesses a valid hunting preserve operator's license issued by the Iowa department of natural resources under Iowa Code section 484B.4.

"Pen-reared" means the propagation and holding of game birds and game animals whose origins are from captive populations.

"Tag" means a self-adhesive, numbered transportation tag for marking individual game birds and ungulates taken.

"Ungulate" means the same as defined in Iowa Code section 484B.1(10).

[**ARC 6305C**, IAB 5/4/22, effective 6/8/22]

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

571—112.3(484B) Land leases required. All hunting preserve applications which 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 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 plat map depicting location of leased tract(s), and dated signatures by both parties.

571—112.4(484B) Boundary signs required. All licensed hunting preserves shall provide, post, and maintain boundary signs which 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 "Licensed Hunting Preserve." Boundary sign spacing shall be no more than 500 feet apart.

571—112.5(484B) Fencing required—ungulates. All licensed hunting preserves possessing a valid hunting preserve license for ungulates shall construct and maintain a "deer-proof" boundary fence. Such fence shall be constructed and maintained with a minimum fence height of 8 feet above ground level.

571—112.6(484B) Records and annual report. All licensed hunting preserves shall submit a completed annual activity report no later than April 30 of the license year to the Law Enforcement Bureau, Iowa Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034. All licensed hunting preserves shall retain sales/shipping receipts involving the purchase and delivery of any game birds or ungulates to the licensee. All licensed hunting preserves shall record any transaction involving the sale of game birds or ungulates by the licensee. All original sales receipts for harvested game birds and ungulates shall remain with the licensee as a part of the permanent record and a copy shall be provided to the purchasing hunter/client. This record requirement shall also apply to any sale of live birds or ungulates for private or commercial use and must be recorded immediately following the event.

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

571—112.7(484B) Game bird transportation tags. Numbered, self-adhesive bird tags shall be placed on a leg of all birds harvested on a licensed hunting preserve prior to the bird being transported from the licensed area. The bird tag shall remain attached to the bird until the time it is processed for consumption.

Bird tags shall be purchased from the License Bureau of the Iowa Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034, at a cost of $5 per 100 bird tags.

571—112.8(484B) Ungulate transportation tags. Numbered, self-adhesive ungulate tags shall be placed on a leg of each ungulate harvested on a licensed hunting preserve prior to moving the carcass in any manner. The hunter shall, upon taking an ungulate, immediately validate the ungulate 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 ungulate tag designating the year, month and day the animal was taken. The ungulate tag shall remain attached to the ungulate until it is processed for consumption.

Ungulate tags shall be purchased from the License Bureau of the Iowa Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034, at a cost of $1 per ungulate tag.

571—112.9(484B) Processed game birds. Licensed hunting preserves may prepare game birds for hunters/clients 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 bird tag placed around the opening of the bag or attached to the bag in such a manner so that the bird tag number(s) is completely legible. The number of game birds or combination of bird parts shall correspond to the number of bird tags affixed to the clear plastic bag.

571—112.10(484B) Processed ungulates. Licensed hunting preserves may prepare ungulates for hunters/clients by cleaning, dressing, preserving, and packaging the meat. Packaging material shall be a freezer-type paper wrap which shall be sealed and bear the species name, date killed, and hunting preserve name in a legible fashion on the outside of the package. The ungulate tag shall remain with the meat during processing and shipment.

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

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.

All ungulates shipped or transported into Iowa for hunting preserve purposes shall be accompanied by an approved Certificate of Veterinary Inspection. Ungulates that are livestock are subject to regulations administered by the Iowa department of agriculture and land stewardship. All veterinary inspection certificates shall be retained as a part of licensee's permanent records.

571—112.12(484B) General conditions for permits.

1. Records and facilities shall be available for inspection by officers of the department during reasonable hours.
2. All records and reports must be kept current and shall reflect a true and accurate account of the licensee's activities.
3. The department's law enforcement bureau must be notified within 30 days in writing if the licensee ceases operation as a hunting preserve.

4. Licensees must seek to renew their hunting preserve operator's license within 30 days following the expiration date. Renewal requests received after this period may be considered as a new application pursuant to rules 112.2(484B) and 112.3(484B).

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

These rules are intended to implement Iowa Code chapter 484B.

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[Filed ARC 6305C (Notice ARC 6143C, IAB 1/12/22), IAB 5/4/22, effective 6/8/22]

CHAPTER 113
RESTITUTION FOR POLLUTION CAUSING INJURY TO WILD ANIMALS

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

571—113.1(481A) Applicability. These rules apply to persons who cause, by water pollution, the destruction of or injury to wild animals held in trust by the state for the public. In most cases this would involve the destruction of aquatic life or other wildlife under the ownership of the state, as provided in Iowa Code section 481A.2. These rules relate to the compensation to the state and public for the natural resource damages and are in addition to any other legal recourse for the event or action that caused the destruction or damage. The administration of this chapter shall not result in a duplication of damages collected by the department under Iowa Code section 455B.392, subsection 1, paragraph *"c."*

571—113.2(481A) Definitions.

"AFS" means the Special Publication 35, "Investigation and Monetary Values of Fish and Freshwater Mollusk Kills," published by the American Fisheries Society.

"Damages" means the costs of restoration, rehabilitation, and replacement of resources or acquisition of equivalent resources, as determined in accordance with this chapter; the reasonable and necessary costs of the assessment, to include the cost of performing the assessment and administrative costs and expenses necessary for, and incidental to, the assessment; lost services to the public; and, in the event the damages claim is not resolved within six months after the incident leading to the damages, interest at the current rate published in the Iowa Administrative Bulletin by the department of revenue pursuant to Iowa Code section 421.7. The interest amount shall be computed from the date the amount of the claim is confirmed by a final ruling of the commission in a contested case decision.

"Priority watershed" means a watershed for which:

1. The department of natural resources, in partnership with other state or federal agencies, the agriculture community or nonprofit organizations, creates and implements plans, programs or projects to sustain and enhance watershed and stream functions; and
2. The principal objective is to manage wild animals and their habitats.

"Surface water resources" means the waters of the state, including the sediments suspended in water or lying on the bank, bed, or shoreline. This term does not include groundwater or water or sediments in ponds, lakes, or reservoirs designed for waste treatment under applicable laws regulating waste treatment.

"Wild animals" means fish, wildlife and other biota belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the state of Iowa, the United States, or local government. Fish and wildlife include freshwater aquatic and terrestrial species; game, nongame, and commercial species; and threatened and endangered species. Other biota encompass shellfish and other living organisms not otherwise listed in this definition.

[**ARC 8464B**, IAB 1/13/10, effective 2/17/10; **ARC 9054B**, IAB 9/8/10, effective 10/13/10; **ARC 5058C**, IAB 6/17/20, effective 7/22/20]

571—113.3(481A) Liability to the state. Persons who cause by water pollution the destruction of or injury to wild animals of the state shall be liable to the state as provided in Iowa Code section 481A.151. These rules establish the methodologies and criteria for evaluating the extent and value of the destruction or injury and establish the methods of compensation. If the person and the department cannot agree to the proper resolution of a particular case, the issues of liability, damage and compensation will be established through contested case proceedings, as provided by 571—Chapter 7.

[**ARC 8464B**, IAB 1/13/10, effective 2/17/10]

571—113.4(481A) Assessment. When wild animals are destroyed or injured by an identifiable source of water pollution, the degree and value of the losses shall be assessed by collecting, compiling, and analyzing relevant information, statistics, or data through prescribed methodologies to determine damages, as set forth in this rule.

113.4(1) *General.* For species other than fish, the professional judgment of fish and wildlife staff and available literature and guidance normally relied on in the fish and wildlife professions may be used to assess the injuries.

113.4(2) *Fish loss.* Assessment of damages for fish kills shall be in accordance with the following:

a. Normally investigators will follow the methods prescribed by AFS to determine, by species and size, numbers of fish killed.

b. During periods of ice cover, where local conditions prevent using the methods in *"a"* above, or in other appropriate circumstances, for example, when the resources are known to have been diminished by prior incidents, investigators will utilize the best information available to determine, by species and size, numbers of fish killed. Information may include existing or prior data on population levels in the affected water body or a nearby water body with similar characteristics, including any historical fish kill data.

c. The monetary valuation of fish shall be the replacement values as published in AFS for all fish lost except the following: channel catfish, flathead catfish, blue catfish, northern pike, muskellunge, northern pike/muskellunge hybrid, rainbow trout, brown trout, brook trout, white bass, yellow bass, white bass/striped bass hybrid, largemouth bass, smallmouth bass, spotted bass, crappie, rock bass, bluegill, redear sunfish, warmouth, pumpkinseed, freshwater drum, yellow perch, walleye, sauger and walleye/sauger hybrid. The value of these fish shall be $15 each, unless AFS establishes a higher value. Notwithstanding the above, the value of each fish classified by the department as an endangered or threatened species shall be $1,000.

d. The value of lost services to the public shall be the number of fishing trips lost over the period of the resource loss, as determined through local creel survey information or through interpolation from the most recent statewide creel survey. Each trip shall be valued at $30.

e. The cost of the investigation shall include:

(1) Salaries plus overhead of staff, including support staff, involved in investigating the fish kill and performing the assessment.

(2) Any meals and lodging of staff while they are in the field conducting the assessment.

(3) Mileage valued at the current rate established pursuant to Iowa Code section 18.117.

(4) Costs borne by the department associated with containment or cleanup operations.

(5) Any other costs directly associated with the investigation and assessment.

[**ARC 8464B**, IAB 1/13/10, effective 2/17/10]

571—113.5(481A) Compensation. The department will extend to the responsible person the opportunity to reach voluntary agreement as to the amount of damages and the compensation method. The method of compensation shall be solely in the discretion of the department. If the person disputes liability or the damage amount, these issues will be resolved through contested case proceedings.

113.5(1) *Direct monetary payment.* Compensation shall normally be by direct monetary payment to the department for projects in priority watersheds selected by the department. To the extent reasonable and practical, the money received will be used to replace, restore or rehabilitate the lost or injured animals. Resource enhancement projects, support of educational programs relating to resource protection or enhancement, or resource acquisition of equal or greater value also may be funded. If practical, such alternatives should provide similar services to the public.

113.5(2) *Indirect monetary payment.* In cases where the destruction of or injury to wild animals is in a selected priority watershed, an equal or greater amount of compensation may be made by monetary payment to another government agency or private nonprofit group in the natural resource field for the same purposes as provided in subrule 113.5(1).

113.5(3) *Direct funding of projects.* With the approval and oversight of the department, the person may be allowed to contract directly for the same purposes as provided in subrule 113.5(1).

[**ARC 9054B**, IAB 9/8/10, effective 10/13/10]

These rules are intended to implement Iowa Code sections 456A.23, 481A.2 and 481A.151.

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[Filed ARC 5058C (Notice ARC 4921C, IAB 2/12/20), IAB 6/17/20, effective 7/22/20]

CHAPTER 114
NUISANCE WILDLIFE CONTROL

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/18/30

571—114.1(456A) Nuisance wildlife control program. No provision of this chapter shall restrict a landowner from lawfully removing nuisance wildlife pursuant to Iowa Code section 481A.87.
[**ARC 9244C**, IAB 5/14/25, effective 6/18/25]

571—114.2(456A) Definitions.

"Annual activity report" means an annual report submitted on a form provided by the department of natural resources.

"Biologist" means a natural resource biologist employed by the wildlife bureau of the department.

"Guidebook" means the nuisance wildlife control operator's manual provided by the department, updated November 2024.

"Helper" means a person who possesses a fur harvester license, has paid the habitat fee, and is listed, by name, on the permit as authorized to perform nuisance wildlife control operator duties under the direction of the permittee.

"Nuisance wildlife" means wild, native animals or birds under the jurisdiction of the department that are causing damage to property, creating a nuisance, or presenting a health hazard.

"Nuisance wildlife control operator" or *"NWCO"* means a person who operates as a business and charges a fee to remove nuisance wildlife.

"Permit" means an annual permit issued by the department under the authority of Iowa Code section 455A.5(6)*"e"* for the purpose of capturing and removing nuisance wildlife.

"Permittee" means an NWCO who possesses a valid nuisance wildlife control operator's permit issued by the department.

"Special Canada goose control permit" or *"SCGCP"* means a permit to engage in the Canada goose population control activities specified by the department.

"Translocate" means to transport and release an animal at a site other than the site at which it was captured.
[**ARC 9244C**, IAB 5/14/25, effective 6/18/25]

571—114.3(456A) Nuisance wildlife control operator's permit. An NWCO permit may be issued to an NWCO who complies with all requirements established within this chapter. This is an annual permit and may be renewed by January 10 of the following year and is not transferable. The department shall not renew a permit without first receiving a completed annual activity report for the previous year.
[**ARC 9244C**, IAB 5/14/25, effective 6/18/25]

571—114.4(456A) Application requirements. All applicants must be at least 18 years of age and possess a valid driver's license.
[**ARC 9244C**, IAB 5/14/25, effective 6/18/25]

571—114.5(456A) Nuisance wildlife control operator's guidebook. All applicants will receive an NWCO guidebook at the time they submit a completed permit application form. The permittee shall refer to the guidebook as an operating manual for nuisance wildlife control activity. All requirements and procedures listed in the guidebook must be followed. The NWCO guidebook is hereby adopted by reference and shall be a part of this chapter as if set forth herein.
[**ARC 9244C**, IAB 5/14/25, effective 6/18/25]

571—114.6(456A) Nuisance wildlife control operator's test and interview. An applicant must successfully pass a written test with a minimum test score of 80 percent before an NWCO permit will be issued. If the applicant fails the written test, the applicant must wait 45 days before retaking the test. If the applicant fails the written test a second time, the applicant must wait 180 days before reapplying. A $25 testing fee will be assessed when the applicant successfully completes the test. In addition, the

applicant must successfully complete an oral, in-person interview with a representative of the department to determine the applicant's knowledge of wildlife and wildlife capture techniques, and to determine if the applicant has the ability to provide effective services to the public.
[**ARC 9244C**, IAB 5/14/25, effective 6/18/25]

571—114.7(456A) Records and recordkeeping requirements. All permittees shall keep an up-to-date daily record of their nuisance wildlife control activities and keep it on file at the business location specified in the permit. Each record must contain the client's name, address, telephone number, date of service, service provider's name, species of animal, number of animals removed, control methods used, and disposition of the animals. Permittees holding an SCGCP must also document the locations of all Canada goose nests destroyed, the numbers of Canada goose eggs destroyed, and the numbers of Canada geese killed at each project site. The permittee shall provide these records for inspection by a department representative at any reasonable time.
[**ARC 9244C**, IAB 5/14/25, effective 6/18/25]

571—114.8(456A) Annual activity report. The permittee shall submit an annual activity report on forms provided by the department no later than January 31 of the following year. The department shall not renew a permit until a complete and accurate annual activity report has been received for the preceding year.
[**ARC 9244C**, IAB 5/14/25, effective 6/18/25]

571—114.9(456A) Permit renewal. An NWCO permit may be renewed by the department when all reporting requirements for the previous year have been met. An administrative fee of $20 will be assessed at the time of permit renewal.
[**ARC 9244C**, IAB 5/14/25, effective 6/18/25]

571—114.10(456A) Helper. A helper shall operate under the same conditions as the permittee. The permittee shall be responsible for all actions of the helpers listed on the permit. Compliance violations committed by a helper may be cause for the department to revoke the NWCO permit.
[**ARC 9244C**, IAB 5/14/25, effective 6/18/25]

571—114.11(456A) Capture methods and trap tagging. The permittee and designated helpers shall observe all Iowa fur trapping and fur possession regulations as provided by Iowa law, the Iowa Administrative Code, and the NWCO guidebook. If traditional capture methods fail, the permittee may use chemicals, smoking devices, mechanical ferrets, wire, tools, instruments, or water to remove nuisance animals in accordance with the procedures contained in the guidebook. No person, except a person acting under an NWCO permit, shall capture or take, or attempt to capture or take, with any trap, snare, or net, any game bird.
[**ARC 9244C**, IAB 5/14/25, effective 6/18/25]

571—114.12(456A) Endangered and threatened wildlife species. The permittee is not authorized to capture or possess any wildlife species listed as endangered or threatened. A permittee may only capture or possess a federally protected species to the extent that the permittee is authorized to engage in specific Canada goose population control activities by the terms of a valid SCGCP. This prohibition includes but is not limited to the capture or possession of bobcats, spotted skunks, hawks, owls, eagles, migratory birds, waterfowl, and songbirds. When a nuisance wildlife problem involves an endangered or threatened species, the local state conservation officer must be contacted, and the officer will determine how the situation should be handled.
[**ARC 9244C**, IAB 5/14/25, effective 6/18/25]

571—114.13(456A) Special Canada goose control permits. A person applying for a special Canada goose control permit to use lethal methods to control Canada goose populations or to trap and translocate Canada geese must be a currently certified NWCO and must abide by the following rules:

114.13(1) *Lethal control practices.* Permittees wishing to use lethal methods, such as nest destruction, egg oiling, egg addling, or killing geese, must comply with the following procedures:

a. Permittees must obtain written permission from the biologist responsible for the county in which the lethal control practice is proposed for every site where a lethal control practice is proposed before implementing any such practice. The biologist will determine if lethal control practices are necessary and will specify the number of nests, eggs, or adult geese that can be destroyed at each site.

b. The permittee must follow the procedures in the NWCO guidebook for implementing lethal control practices and disposing of dead birds, eggs, and nests. Failure to follow such procedures will result in immediate revocation of the permit.

c. Permittees must satisfactorily complete at least two lethal control projects under the direct supervision of a biologist before being granted an SCGCP for lethal control practices. Upon the permittee's satisfactory completion of two lethal control projects, the biologist can issue the NWCO an SCGCP to perform lethal control activities without direct supervision by department personnel. The NWCO must carry this permit whenever engaged in lethal Canada goose control activities and exhibit it upon request by department personnel. Any persons assisting with the lethal control practices must be listed on the SCGCP. The permittee is responsible for the conduct of all persons listed on the SCGCP who are helping conduct lethal control operations.

d. All Canada goose work must be reported as specified in the NWCO guidebook by December 31 of the year for which the SCGCP is valid. The department will not renew a permit until a complete and accurate annual activity report has been received for the preceding year.

114.13(2) *Trapping and translocation operations.* Permittees wishing to trap and translocate Canada geese must comply with the following procedures:

a. Permittees must obtain written permission from the biologist responsible for the county in which the trap and translocation operation is proposed for every site where such operation is proposed before implementing any such operation. The biologist will determine if a trap and translocation operation is necessary and will specify the number of geese that can be translocated from each site. The biologist will also specify release sites for the captured geese. Release sites must be approved by the biologist before any geese are captured.

b. The permittee must follow the procedures in the NWCO guidebook for implementing trap and translocation operations. Failure to follow such procedures will result in immediate revocation of the permit.

c. Before the permittee engages in a trap and translocation operation, the permittee's trapping and transport equipment must be inspected and approved by a biologist.

d. Permittees must satisfactorily complete at least four trap and translocation projects under the direct supervision of a biologist before being granted an SCGCP for trap and translocation operations. Upon satisfactory completion of four trap and translocation projects, the biologist can issue the NWCO an SCGCP to perform trap and translocation operations without direct supervision by department personnel. The NWCO must carry this permit whenever engaged in trap and translocation operations and exhibit it upon request by department personnel. Any persons assisting with the trap and translocation operations must be listed on the SCGCP. The permittee is responsible for the conduct of all persons listed on the SCGCP who are helping with trap and translocation operations.

e. Permittees must inform the biologist of the number of birds captured and translocated within 48 hours of the completion of each operation. Permittees must document the number of Canada geese trapped and released for each capture and release site and the number of geese that died during each trap and translocation operation. Any banded geese that are captured and translocated must be reported as specified in the NWCO guidebook within 48 hours of completion of the project.

f. Permittees must provide the department a written report of all trap and translocation operations by December 31 of the year for which the SCGCP is valid. Failure to provide this report by December 31 will result in the permittee's not being reauthorized to trap and translocate geese the following year.

114.13(3) *General provisions.*

a. The SCGCP is valid for one year and must be reauthorized by a biologist each year when the NWCO permit is renewed.

b. Any plumage, eggs, eggshells, nests, or dead birds encountered by the permittee when performing activities permitted under this rule may not be sold, offered for sale, bartered or shipped or possessed for the purposes of being sold, offered for sale, bartered or shipped.

c. Any properties on which lethal control or trap and transport operations are conducted must be open at all reasonable times, including during actual operations, to any biologist, conservation officer, U.S. Fish and Wildlife Service special agent, or U.S. Department of Agricultural Wildlife Services agent wishing to inspect the activity or the results of the activity.

d. Nothing in the permit should be construed to authorize the killing of any migratory bird or the destruction of the nests or eggs of any migratory bird other than resident Canada geese.

[**ARC 9244C**, IAB 5/14/25, effective 6/18/25]

571—114.14(481A) Pigeons.

114.14(1) Pigeons causing a health or safety hazard may be taken by trapping, or any current Environmental Protection Agency (EPA)- and Iowa-registered pesticide repellent, or toxic perches. Strychnine-based products cannot be used. The person or organization engaging in such a program will provide for proper removal and disposal of all pigeons taken by such means.

114.14(2) If a specific problem involving the use of a toxic substance or a procedure designed to destroy problem pigeons proves not to be species-specific, the director, conservation officer or biologist will issue an immediate order to stop the particular method being employed or the substance being used.

[**ARC 9244C**, IAB 5/14/25, effective 6/18/25]

571—114.15(456A) Disposition of captured nuisance wildlife. Nuisance wildlife, with the exception of endangered or threatened species, may be relocated or euthanized. The permittee shall comply with the euthanization and release methods described in the NWCO guidebook. Sick or injured wildlife must be handled as described in the NWCO guidebook. The carcass of a dead nuisance animal must be disposed of in a legal manner and within 24 hours of the animal's death.

[**ARC 9244C**, IAB 5/14/25, effective 6/18/25]

571—114.16(456A) General conditions for permits. Records and facilities shall be available for inspection by officers of the department during reasonable hours. All records and reports must be kept current and shall reflect a true and accurate account of the permittee's activities. The department's law enforcement bureau shall be notified in writing within 30 days if the permittee ceases operation as a nuisance wildlife control operator. Permittees and helpers must obtain and possess valid fur harvester licenses and have paid the habitat fees, except that permittees and helpers solely conducting Canada goose control activities with an SCGCP do not need to have a valid fur harvester license nor to have paid the habitat fee. Permittees must renew their NWCO permits by January 31 of each year.

[**ARC 9244C**, IAB 5/14/25, effective 6/18/25]

571—114.17(456A) Permit refusal. The department may suspend, revoke, refuse to issue, or refuse to renew a nuisance wildlife control operator's permit if the department finds that the permittee, a helper, or an employee of the permittee is not in compliance with this chapter. In addition, any violation of Iowa Code chapter 481A, 481B, 482, 483A, 484A, 484B, or 716 shall be cause for the department to suspend, revoke, refuse to issue, or refuse to renew a permit.

[**ARC 9244C**, IAB 5/14/25, effective 6/18/25]

571—114.18(456A) Penalties. A person or organization that violates a provision of this chapter is guilty of a simple misdemeanor.

[**ARC 9244C**, IAB 5/14/25, effective 6/18/25]

These rules are intended to implement Iowa Code sections 456A.24(8), 481A.38, 481A.39 and 481A.48.

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[Filed ARC 9244C (Notice ARC 8624C, IAB 1/8/25), IAB 5/14/25, effective 6/18/25]

CHAPTER 115
WHITETAIL HUNTING PRESERVES

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

571—115.1(81GA,SF206) Definitions. As used in these rules:

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

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

"Documented event" means but is not limited to the birth, death, harvest, transfer, sale, purchase, escape or release of preserve whitetail.

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

"Registrant" means a person or organization that holds an interest in land including a title holder that registers annually to possess a whitetail hunting preserve operator's registration issued by the Iowa department of natural resources.

"Transportation tag" means a self-adhesive, numbered tag for marking an individual whitetail carcass prior to transportation.

"Whitetail" means an animal belonging to the Cervidae family and classified as part of the virginianus species of the odocoileus genus.

"Whitetail hunting preserve operator's annual registration" means a registration which authorizes the holder to establish a hunting preserve for the purpose of holding, propagating, and releasing privately owned whitetail for hunting purposes.

571—115.2(81GA,SF206) Hunting preserve operator's 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 2005 Iowa Acts, Senate File 206, section 17, and this chapter. The registration fee shall be $350 annually. Renewal registration fees shall be due and payable to the department no later than June 30 and must be accompanied by a completed annual report of the current fiscal year.

571—115.3(81GA,SF206) Boundary signs required. All registered hunting preserves shall provide, post, and maintain boundary signs which 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 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—115.4(81GA,SF206) Fencing required. All registered hunting preserves that possess a valid hunting preserve registration for whitetail shall construct and maintain a "deer-proof" boundary fence. Preserves shall have fencing 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—115.5(81GA,SF206) Records and annual report. All registered hunting preserves shall submit a completed annual activity report no later than June 30 of the current year to the Law Enforcement Bureau, Iowa Department of Natural Resources, Wallace State Office Building, 502 East 9th Street, Des Moines, Iowa 50319-0034. All registered hunting preserves shall retain sales/shipping receipts involving the purchase and delivery of any whitetail to the registrant. All registered hunting preserves shall record

any transaction involving the sale or purchase of whitetail. All original sales receipts for harvested whitetail shall remain with the registrant as a part of the permanent record, and a copy shall be provided to the purchasing client. This record requirement shall also apply to any sale of live whitetail for private or commercial use, and the sale must be recorded immediately following the event.

571—115.6(81GA,SF206) Whitetail transportation tags. A numbered, self-adhesive transportation tag shall be placed on a leg of each whitetail harvested on a registered hunting preserve prior to a person's moving the carcass in any manner. The client shall, upon taking a whitetail, immediately validate the transportation tag by including the following information in the space provided: species and sex of animal taken and the client's signature. The client shall also notch or punch a hole in the corresponding blocks on the transportation tag designating the year, month and day the animal was taken. The transportation tag shall remain attached to the whitetail until the whitetail is processed for consumption. Transportation tags shall be purchased from the license bureau of the Iowa Department of Natural Resources, Wallace State Office Building, 502 East 9th Street, Des Moines, Iowa 50319- 0034, at a cost of $1 per tag.

571—115.7(81GA,SF206) Processed whitetail. Registered hunting preserves may prepare whitetail for clients by cleaning, dressing, preserving, and packaging the meat. Packaging material shall bear the transportation tag number, date the animal was killed, and hunting preserve name in a legible fashion on the outside of the package. The transportation tag shall remain with the meat during processing and shipment.

571—115.8(81GA,SF206) Health requirements—whitetail. No whitetail shipped or transported into or within Iowa shall be affected with or recently exposed to any infectious, contagious, or communicable disease, or originate from a quarantined area. All whitetail 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). All veterinary inspection certificates shall be retained by the registrant for a period of no less than five years.

571—115.9(81GA,SF206) Chronic wasting disease testing.

115.9(1) *Testing required.* A person who keeps whitetail under this chapter shall have chronic wasting disease tests performed on the following:

a. Any whitetail that dies or is killed on the premises. A person trained and authorized shall collect the test sample and shall submit the sample for testing at an approved laboratory. This paragraph does not apply to whitetail less than six months old.

b. Any whitetail that is shipped to slaughter from the herd premises. A person trained and authorized shall collect the test sample after the whitetail is slaughtered and shall submit the sample for testing at an approved laboratory. This paragraph does not apply to whitetail less than six months old.

c. Testing under this subrule shall not qualify the herd for certification in the chronic wasting disease program administered by the department of agriculture and land stewardship. No live animals will be allowed to leave the hunting preserves.

115.9(2) *Collecting test samples.* One of the following persons shall collect a test sample and submit it for testing:

a. A certified veterinarian.

b. An employee of the department authorized by the department.

c. A person approved by the department. Before a person collects a test sample, that person shall complete training approved by the department. The person shall comply with standard veterinary procedures when collecting a test sample.

115.9(3) *Reporting disease findings.* Whenever any person receives a laboratory test result for chronic wasting disease, 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 chronic wasting disease. Telephone and fax reports should be made to the following numbers: telephone (515)281-6156 or fax

(515)281-6794. Written reports should be sent to Iowa Department of Natural Resources, 502 E. 9th Street, Des Moines, Iowa 50319-0034, Attn: Wildlife Bureau.

571—115.10(81GA,SF206) Positive chronic wasting disease test results. A positive test result for chronic wasting disease 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 shall occur during the quarantine period. The preserve operator, the operator's veterinarian if requested, and a designated epidemiologist shall develop a plan for eradicating chronic wasting disease in each affected herd. The plan must be designed to reduce and then eliminate chronic wasting disease from the herd; to prevent the spread of the disease to other herds, both privately owned and wild; and to prevent reintroduction of chronic wasting disease after the herd is released from quarantine. The herd plan must be developed and signed within 30 days after the determination that the herd is infected. The plan must be formalized as a memorandum of agreement between the preserve operator, the department and the state veterinarian's office. Disposal of infected animals must be in accordance with 571—104.11(481A). Premises must be cleaned and disinfected under department supervision within 15 days after affected animals have been removed.

571—115.11(81GA,SF206) General conditions for registration.

1. Records shall be available for inspection by officers of the department during any reasonable hours.
2. All records and reports shall be kept current and shall reflect a true and accurate account of the registrant's activities.
3. The department's law enforcement bureau shall be notified within 30 days in writing if the registrant ceases operation as a hunting preserve, at which time all unused whitetail transportation tags shall be returned to the department.
4. 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.
5. 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.
6. For purposes of this chapter, there shall be a continuous open season on whitetail enclosed on registered preserves.
7. Individuals may use centerfire rifles, pistols, crossbows, modern or traditional archery equipment, muzzleloaders, or shotguns to hunt and harvest preserve whitetail.

These rules are intended to implement 2005 Iowa Acts, Senate File 206, sections 14 to 26.

[Filed emergency 9/29/05—published 10/26/05, effective 9/29/05]

CHAPTER 116
HELP US STOP HUNGER PROGRAM ADMINISTRATION

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

571—116.1(483A) Purpose. This chapter establishes the procedures for the administration of the help us stop hunger (HUSH) deer donation program. HUSH is established pursuant to Iowa Code section 483A.8(1) to encourage hunters, during periods of excessive deer populations, to harvest more deer than needed for personal consumption and to donate those deer to a program to feed Iowans in need.

571—116.2(483A) Definitions.

"Deer" means any wild deer legally taken in Iowa and deer confiscated as legal evidence if the confiscated carcass is considered by a conservation officer to be in good condition for donation.

"Department" means the department of natural resources.

"Distributor" means the Food Bank of Iowa or, in the event the Food Bank of Iowa discontinues participation in HUSH, such other venison distribution service provider as shall be designated by future contract with the department.

"Field dressed" means that the deer has been properly bled and cleaned of its internal organs.

"Food Bank of Iowa" means the private, nonprofit charitable organization incorporated under that name, whose mission is to alleviate hunger and reduce food waste in Iowa.

"HUSH" means the help us stop hunger program.

"HUSH coordinator" means an employee of the department who administers the deer donation program.

"Meat processor" means any business that is licensed by the department of agriculture and land stewardship's bureau of meat and poultry inspection, the USDA, or a neighboring state's department that is similar to Iowa's, to process meat for retail customers.

571—116.3(483A) Restrictions. Deer is the only species of wildlife that shall be covered by the HUSH program. The entire deer carcass must be donated, but the hunter may keep the antlers, head and cape.

571—116.4(483A) HUSH council. There is hereby created a HUSH council. Members shall serve without additional compensation.

116.4(1) *Membership.* The HUSH council shall include the following voting members:

a. The HUSH coordinator, who shall serve as the chairperson;

b. An additional department representative designated by the department's wildlife bureau chief;

c. A representative of the Food Bank of Iowa appointed by its executive director;

d. The chief of the department of agriculture and land stewardship's bureau of meat and poultry inspection or a designee of the chief.

116.4(2) *Duties.*

a. To set a fair market price, the council shall consider prices for similar services paid by retail customers in Iowa and nearby states and shall recommend to the department an annual per-deer processing payment to be made to meat processors.

b. The council shall recommend to the department an annual per-deer administrative payment to be made to the Food Bank of Iowa. The Food Bank of Iowa shall provide information to assist in this determination but shall not participate in any vote of the council regarding the recommendation of the annual per-deer administrative payment to the Food Bank of Iowa.

c. The council shall make recommendations to the department to resolve conflicts or disputes in the operation of the HUSH program as brought to it by any person or entity.

d. The council shall adopt standards for participating lockers to meet in terms of their record of violations of rules of the bureau of meat and poultry inspection and the department of natural resources.

e. The council shall advise the department in the administration of HUSH.

116.4(3) *Administration.* The HUSH coordinator shall convene the council as needed to conduct business. A majority vote shall be required for action or decision by the council. The chief of the

department's wildlife bureau shall have the right to overrule the council for cause and shall provide the council with justification for the reasons. A quorum to conduct business shall consist of three council members, one of whom shall be the HUSH coordinator.

571—116.5(483A) Duties of the department. During periods of excessive deer populations, the department shall promote the harvest of deer by hunters and the donation of deer at meat processors participating in HUSH. During periods of nonexcessive deer populations, HUSH may continue with less emphasis on promotion to hunters.

116.5(1) *Meat processors.* The department shall enlist as many meat processors as available to participate in HUSH and shall enter into uniform agreements with meat processors. The department shall provide forms for donations of deer by hunters, posters for meat processors to advertise their participation, venison pickup receipts and invoices, and two-pound freezer bags for use by meat processors that are HUSH participants. The department shall provide informational and promotional materials to meat processors regarding HUSH.

116.5(2) *Venison distributor.* The department shall enter into an annual agreement with the Food Bank of Iowa or, in the event the Food Bank of Iowa discontinues participation in HUSH, other service providers designated by future contract to carry out the duties described in 571—116.6(483A). The department shall pay the distributor a per-deer rate of payment for administrative services provided. The department shall make such payments to the distributor as described in the annual agreement for the purpose of making payments to participating meat processors.

571—116.6(483A) Duties of venison distributor. In order to continue participation in HUSH, the distributor shall enter into an annual agreement with the department for venison pickup from meat processors and distribution throughout Iowa, and for the administration of financial accounts with meat processors. The distributor shall make reports to the department. The distributor shall be compensated by the department at a rate per deer as determined annually by the department, with recommendations from the HUSH council taken into consideration.

116.6(1) *Venison pickup and distribution.* The distributor shall cause timely pickup of venison from meat processors and distribution of the venison to the distributor's member social service agencies.

116.6(2) *Payments to meat processors.* The distributor shall make payments to meat processors at the rate set by the department. Prior to receiving payment, a meat processor shall be required to provide the following: a record of each donated deer that includes information required by the department, an invoice from the meat processor, a copy of a completed donor form, and a supporting record of the venison pickup. Provided funding is available from the department, payments shall be made to meat processors within 30 days of submittal of a complete and accurate record.

116.6(3) *Reports to the department.* The distributor shall keep accurate records of the amount of venison picked up from meat processors and distributed to qualified agencies, including copies of receipts and invoices from venison pickups, and by April 1 of each year shall provide the department a report of each donated deer for which payment was made to a meat processor.

116.6(4) *Reimbursement to the department.* If any funding provided by the DNR is unused for venison processing or administrative costs, all unused funds shall be refunded to the department by May 1 of each year.

571—116.7(483A) Meat processors.

116.7(1) *Eligibility.* To participate in the HUSH program, each meat processor shall enter into a uniform annual agreement with the department which details the meat processor's participation. The agreement shall be signed by the meat processor and the department by August 1 prior to the coming deer season. Exceptions to this date may be considered by the HUSH council, which will then make recommendations to the department.

116.7(2) *Requirements.* Meat processors shall accept the entire field-dressed carcass of a donated deer, pursuant to 571—116.3(483A), and shall not assess any fees or costs to donors. Information from the donor is required for each donated deer and shall be submitted on forms provided by the department. Payment shall not be made to a meat processor without this information.

116.7(3) *Venison.* Meat processors shall accept a donated deer, pursuant to 571—116.3(483A), if the meat processor determines the venison is in acceptable condition. Deer shall be processed into pure ground venison with no additives, put into bags provided by the department, and frozen prior to being received by a representative of the Food Bank of Iowa or another designated distributor. Venison pickup shall be initiated by the meat processor by contacting the meat processor's designated pickup person.

116.7(4) *Venison pickup.* At the time of venison pickup, the meat processor shall provide accurate information and an official signature on a form provided by the department. The meat processor shall retain one copy of the form for billing purposes and one copy for the meat processor's business records.

116.7(5) *Billing the distributor.* To receive payment for venison processing, the meat processor shall submit to the distributor a copy of the venison pickup and invoice form, the department form that provides information on each donated deer, and any additional information that is required by the department on the form provided.

571—116.8(483A) Partnerships with other organizations. The department, at its own discretion, may enter into agreements with other organizations for the purpose of expanding the deer donation program. The department may include the offer of matching grants to pay for deer processing to organizations that acquire funding from sources other than the state of Iowa.

These rules are intended to implement Iowa Code chapter 483A.

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