

CHAPTER 92
MIGRATORY GAME BIRDS
[Prior to 12/31/86, Conservation Commission[290] Ch 105]

571—92.1(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.

571—92.2(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.

571—92.3(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):

92.3(1) With a trap, snare, net, crossbow, rifle, pistol, swivel gun, shotgun larger than 10-gauge, punt gun, battery gun, machine gun, fish hook, poison, drug, explosive or stupefying substance;

92.3(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;

92.3(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.

92.3(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;

92.3(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;

92.3(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;

92.3(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;

92.3(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;

92.3(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

92.3(10) By the aid of baiting, or on or over any baited area. As used in this subrule, "baiting" shall mean the placing, exposing, depositing, distributing, or scattering of shelled, shucked or unshucked corn, wheat or other grain, salt, or other feed so as to constitute for such birds a lure, attraction or enticement to, on, or over any areas where hunters are attempting to take them; and "baited area" means any area where shelled, shucked or unshucked corn, wheat or other grain, salt, or other feed capable of luring, attracting, or enticing such birds is directly or indirectly placed, exposed, deposited, distributed, or scattered and such area shall remain a baited area for ten days following complete removal of all such corn, wheat or other grain, salt, or other feed. 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.

92.3(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 6355C, IAB 6/15/22, effective 7/20/22]

571—92.4(481A) Restrictions applicable to possession, tagging, and record-keeping requirements.

92.4(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.

92.4(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.

92.4(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 92.4(2).

92.4(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.

571—92.5(481A) Transportation within the state or between states.

92.5(1) 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.

92.5(2) Reserved.

571—92.6(481A) Wounded, live migratory game birds.

92.6(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.

92.6(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.

571—92.7(481A) Harvest information program (HIP).

92.7(1) Beginning January 1, 1998, no persons shall hunt migratory game birds (brant, wild ducks, geese, rails, coots, snipe, woodcock or any other migratory game bird) without carrying 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.

92.7(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.

These rules are an adoption of the federal waterfowl method to take regulations, and are intended to implement Iowa Code sections 481A.38, 481A.39, and 481A.48.

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¹ Effective date of 105.3(3) delayed 70 days by the Administrative Rules Review Committee.

² Effective date of 105.3(3) delayed by the Administrative Rules Review Committee 45 days after convening of the next General Assembly pursuant to §17A.8(9).