

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed

Rulemaking related to habitat and public access program

The Natural Resource Commission (Commission) hereby rescinds Chapter 22, “Wildlife Habitat on Private Lands Promotion Program and Habitat and Public Access Program,” and adopts a new Chapter 22, “Habitat and Public Access Program,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 483A.3B(3)“c”(1).

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 483A.3B(3).

Purpose and Summary

Chapter 22 establishes rules governing the State’s popular Iowa Habitat and Access Program (IHAP). IHAP provides technical assistance for the development and management of wildlife habitat as well as financial incentives to landowners in exchange for public hunting access. Since its creation in 2011, IHAP has had 274 properties enrolled, providing 40,190 acres of public recreational access. Currently, there are approximately 238 properties enrolled, providing around 33,407 acres of access. IHAP is funded by a federal grant awarded by the U.S. Department of Agriculture and from a portion of state-based wildlife habitat fees.

Consistent with Executive Order 10 (January 10, 2023) and the five-year review of rules in Iowa Code section 17A.7(2), this chapter was edited for length and clarity.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on December 27, 2023, as **ARC 7251C**. Public hearings were held on January 16 and 18, 2024, at 1 p.m. at Wallace State Office Building, Conference Room 4E, 502 East 9th Street, Des Moines, Iowa. No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Commission on April 11, 2024.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

This rulemaking is subject to the waiver provisions of 571—Chapter 11. Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on June 5, 2024.

The following rulemaking action is adopted:

ITEM 1. Rescind 571—Chapter 22 and adopt the following **new** chapter in lieu thereof:

CHAPTER 22
HABITAT AND PUBLIC ACCESS PROGRAM

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.

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.

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.

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.

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.

These rules are intended to implement Iowa Code section 483A.3B(3).

[Filed 4/11/24, effective 6/5/24]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/1/24.