

Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 571—Chapter 51
“Game Management Areas”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 481A.6 and 456A.24(2)“a”

State or federal law(s) implemented by the rulemaking: Iowa Code sections 481A.6 and 456A.24(2)“a”

Public Hearing

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

September 24, 2024
1 to 2 p.m.

6200 Park Avenue, 2nd Floor
Des Moines, Iowa

Public Comment

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

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Purpose and Summary

Proposed Chapter 51 establishes allowable uses of Game Management Areas. The rules are designed to ensure that Game Management Areas meet the goals of Iowa Code section 481A.6, which are to maintain biological balance and to provide for public hunting, fishing, or trapping in conformity with sound wildlife management. This chapter has been reviewed and edited consistent with Executive Order 10 (2023). Specifically, there were provisions in this chapter that were outdated or repetitive to statute.

In addition, the new version updates and clarifies the process for power-driven mobility devices for persons with physical disabilities and removes a reference to a target shooting range at Bays Branch. This target shooting range is now closed.

Analysis of Impact

1. Persons affected by the proposed rulemaking:
 - Classes of persons that will bear the costs of the proposed rulemaking:
Not applicable. No class of persons will bear the costs of the rulemaking besides the Department itself.
 - Classes of persons that will benefit from the proposed rulemaking:
Citizens of Iowa, including persons with physical disabilities seeking recreational opportunities in Game Management Areas, will benefit.

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:

- Quantitative description of impact:

This rulemaking is not associated with an economic impact or cost.

- Qualitative description of impact:

This rulemaking does not impose burdens on the public. The rules clarify the process for persons with physical disabilities using power-driven mobility devices to access Game Management Areas, which creates transparency to allow these users access to Iowa's recreational opportunities.

3. Costs to the State:

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

The Department currently provides management and oversight of Game Management Areas and enforcement of these rules and provides assistance to users in understanding and complying with the rules, and those services will not change due to the proposed rulemaking.

- Anticipated effect on state revenues:

The proposed rulemaking does not have any effect on state revenue.

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

The general public does not have any costs to comply with the process and requirements set forth in these rules. The rules on power-driven mobility devices are beneficial since the rules increase transparency to persons with physical disabilities on how to apply for access to these areas.

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

There are no costs associated with this proposed rulemaking.

6. Alternative methods considered by the agency:

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

None.

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

Not applicable.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.

- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.

- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.

- Establish performance standards to replace design or operational standards in the rulemaking for small business.

- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

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

Text of Proposed Rulemaking

ITEM 1. Rescind 571—Chapter 51 and adopt the following **new** chapter in lieu thereof:

MANAGEMENT AREAS AND PRACTICES
TITLE V
CHAPTER 51
GAME MANAGEMENT AREAS

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.

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.

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.

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.

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.

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.

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.

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.

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

County	Wildlife Area
Clay	All state and federal areas except the Ocheyedan wildlife area target shooting range
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

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.

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.

These rules are intended to implement Iowa Code sections 456A.24(2) and 481A.6.