

NATURAL RESOURCE COMMISSION[571]

Notice of Intended Action

Proposing rule making related to restitution for pollution causing injury to wild animals and providing an opportunity for public comment

The Natural Resource Commission (Commission) hereby proposes to amend Chapter 113, “Restitution for Pollution Causing Injury to Wild Animals,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 455A.5(6) and 481A.151.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 455A.5(6) and 481A.151.

Purpose and Summary

Iowa Code section 481A.151 authorizes the Commission to adopt rules incorporating the methods and values published by the American Fisheries Society (AFS) for use by the Department of Natural Resources (Department) when conducting fish kill counts and assessing restitution for damages to the state’s natural resources and wildlife. The Commission has done so in Chapter 113. The proposed amendment would update the definition of “AFS” in 571—113.2(481A) by changing “Special Publication 30” to “Special Publication 35.” Special Publication 35 is the most current version of the AFS publication regarding fish and freshwater mollusk counting methods and restitution valuation. The alternative of not adopting the newest version of the AFS publication would require the Department to use a document that is no longer considered the best available publication for these purposes.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa. A copy of the fiscal impact statement is available from the Department upon request.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found. A copy of the jobs impact statement is available from the Department upon request.

Waivers

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

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Commission no later than 4:30 p.m. on March 5, 2020. Comments should be directed to:

Joe Larscheid
Iowa Department of Natural Resources
Wallace State Office Building
502 East Ninth Street
Des Moines, Iowa 50319
Fax: 515.725.8201
Email: fisheries@dnr.iowa.gov

Public Hearing

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

March 5, 2020 12 noon to 2 p.m.	Wallace State Office Building Conference Room 4E Des Moines, Iowa
March 5, 2020 12 noon to 2 p.m.	Spirit Lake Hatchery Conference Room 122 252nd Avenue Spirit Lake, Iowa
March 5, 2020 12 noon to 2 p.m.	Cold Springs District Office Conference Room 57744 Lewis Road Lewis, Iowa
March 5, 2020 12 noon to 2 p.m.	Manchester Hatchery Conference Room 22693 205th Avenue Manchester, Iowa
March 5, 2020 12 noon to 2 p.m.	Lake Darling District Office Conference Room 110 Lake Darling Road Brighton, Iowa

Persons who wish to make oral comments at a public hearing will be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend a hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making 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).

The following rule-making action is proposed:

Amend rule **571—113.2(481A)**, definition of “AFS,” as follows:

“AFS” means the Special Publication ~~30~~ 35, “Investigation and Monetary Values of Fish and Freshwater ~~Mussel~~ Mollusk Kills,” published by the American Fisheries Society.