

**IOWA DEPARTMENT OF NATURAL RESOURCES
NATURAL RESOURCE COMMISSION**

Wednesday, May 16, 2018 - NRC Teleconference Business Meeting

Meeting Location:
Wallace Building- 502 E 9th Street
4th Floor Conference Room
Des Moines, IA 50319

TELECONFERENCE BUSINESS MEETING AGENDA

Meeting convenes at 7:30 am

7:30 am Public Teleconference Meeting Begins

Teleconference Call-In Instructions:

A few minutes prior to the meeting time, **call 1-866-685-1580**

When prompted, enter **conference code 5152817122** followed by the # key.
You will be connected to the conference call.

Public Participation begins at approximately 7:35 am

1.	Approval of Agenda	Decision	Commission
2.	Chapter 94, "Non-Resident Deer Hunting" and Chapter 106, "Deer Hunting by Residents" – Final Rule	Decision	Todd Bishop
3.	Chapter 98, "Wild Turkey Spring Hunting" and Chapter 99, "Wild Turkey Fall Hunting" – Final Rule	Decision	Todd Bishop
4.	Naming of the Decorah Fish Hatchery	Decision	Commission
5.	General Discussion		

For details on the NRC meeting schedule, visit:

<http://www.iowadnr.gov/InsideDNR/BoardsCommissions/NaturalResourceCommission.aspx>

Comments during the public participation period regarding proposed rules or notices of intended action are not included in the official comments for that rule package unless they are submitted as required in the Notice of Intended Action.

Any person attending the public meeting and has special requirements such as those related to mobility or hearing impairments should contact the DNR or ADA Coordinator at 515-725-8200, Relay Iowa TTY Service 800-735-7942, or Webmaster@dnr.iowa.gov, and advise of specific needs.

Iowa Department of Natural Resources
Natural Resource Commission

#2

Decision Item

Chapter 94, “Non-Resident Deer Hunting” and Chapter 106, “Deer Hunting by Residents” – Final Rule

The Commission is requested to approve Final Rules – Chapter 94, “Non-Resident Deer Hunting” and Chapter 106, “Deer Hunting by Residents.”

Chapter 94, Non-Resident Deer Hunting:

Basic Intent of Rule: Chapter 94 sets regulations for deer hunting by non-residents and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of take, and transportation and reporting requirements.

NOIA Process: The Notice of Intended Action was approved by the NRC on 03/13/18.

All Chapter 94 method of take rules are amended to reference the Chapter 106 method of take rules. This ensures consistency in the rules and will avoid the need to amend both chapters in the future. The Chapter 94 nonresident license quotas for any-deer and mandatory antlerless licenses are lowered in Zones 1, 2, and 10 and raised in Zone 9. These quota changes are intended to stabilize a declining deer population in the northwest area of the state, similar to the changes described for Chapter 106 below.

Notice of Intended Action was published in the Iowa Administrative Bulletin on April 11, 2018, as ARC#3731C. A public hearing was held on May 1, 2018. In total, 3,245 comments were received. Of the total comments, 98.4% addressed three subjects: opposed to a round limitation (1,161), opposed to language defining firearm types (1,137), and in favor of youth handgun use for deer hunting (895). The remaining 1.6% of the comments covered 14 different subjects relating to deer hunting.

Changes from NOIA: None – changes based on these comments were made in Chapter 106, below.

Effective Date of Final Rule: July 11, 2018

Chapter 106, Deer Hunting by Residents:

Basic Intent of Rule - Chapter 106 sets regulations for deer hunting by residents and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of take, and transportation and reporting requirements.

NOIA Process: The Notice of Intended Action was approved by the NRC on 03/13/18.

Several of the amendments to Chapter 106 involve reestablishment of a January antlerless-deer-only season in Allamakee, Appanoose, Clayton, and Wayne counties and define license requirements, season dates, bag limits, and method of take. This season is coupled with

increased county quotas and is targeted at slowing the spread of Chronic Wasting Disease (CWD) in the four counties.

Modifications to the resident antlerless deer county quotas are made to Allamakee, Appanoose, Bremer, Butler, Clayton, Fayette, Madison, Wayne, and Winneshiek counties. With the exception of Bremer County, all quotas are increased in order to reduce deer densities for disease control or to alleviate negative human-deer interactions. The quota in Bremer County is decreased modestly as a first attempt to stabilize a healthy local population. Statewide, the overall quota change is an increase of 1,550.

Clarifications are made to the definition of a legal handgun and to the legal calibers for SWC rifles. These clarifications will ensure hunters can determine what firearms are legal methods of take for deer hunting in this state. These definitions apply only to the firearms that may be used while deer hunting, and have no bearing on or relevance to other firearm laws.

The rule proposed in the NOIA also included language removing handguns from the late muzzleloader season. The final rule does not include this change (see below).

Lastly, there are general organization and clarification changes made in Chapter 106. For example, in subrule 106.1(9), two references to an earlier Iowa Acts are changed to reflect that this law has been codified as Iowa Code section 483A.8C.

Notice of Intended Action was published in the Iowa Administrative Bulletin on April 11, 2018, as ARC#3731C. A public hearing was held on May 1, 2018. In total, 3,245 comments were received. Of the total comments, 98.4% addressed three subjects: opposed to a round limitation (1,161), opposed to language defining firearm types (1,137), and in favor of youth handgun use for deer hunting (895). The remaining 1.6% of the comments covered 14 different subjects relating to deer hunting.

Changes from NOIA:

- The six cartridge limit proposed for 106.7(2) is withdrawn.
- The language in 106.7(2)“c”(2) is modified to more closely follow Iowa Code 481A.48(5).
- The proposed removal of handguns from 106.7(3) is withdrawn.
- 106.10 is amended to reflect legislation passed during the course of this rule making. This amendment makes youth deer licenses and tags valid, if unfilled, in all subsequent deer hunting seasons.

Effective Date of Final Rule: July 11, 2018

Todd Bishop, Wildlife Bureau Chief
Conservation and Recreation Division
May 16, 2018

Attached: Chapter 94, “Non-Resident Deer Hunting” and Chapter 106, “Deer Hunting by Residents” – Final Rule

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed

The Natural Resource Commission (Commission) hereby amends Chapter 94, "Nonresident Deer Hunting," and Chapter 106, "Deer Hunting by Residents," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 455A.5(6), 481A.38(1)"a," 481A.39, 481A.48(1), 481A.48(5) and 481A.48(6).

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 481A.38(1)"a," 481A.39, 481A.48(1), 481A.48(5), and 481A.48(6).

Purpose and Summary

Chapter 94 provides rules for deer hunting by nonresidents and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of take, and transportation and reporting requirements. Chapter 106 provides rules for deer hunting by residents and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of take, and transportation and reporting requirements.

Chapter 94

All of the rules regarding method of take in Chapter 94 are amended to reference the method of take rules in Chapter 106. This will ensure consistency in the rules and to avoid the need to amend both chapters in the future when changes apply to both chapters.

Nonresident license quotas for any-sex and mandatory antlerless licenses in Chapter 94 are decreased in Zones 1, 2, and 10 and increased in Zone 9. The changes in quotas are intended to stabilize a declining deer population in the northwest area of the state, similar to the changes in this rule making regarding Chapter 106. More specifically, both any-sex and mandatory antlerless license quotas are decreased from 180 to 90 in Zones 1 and 2 for all methods of take. Because Iowa Code section 483A.8(3)"b" requires that a nonresident who purchases an any-sex license must also purchase an antlerless license, the two licenses are necessarily paired in the regulations. This decrease results in a corresponding decrease in any-sex licenses for bow season from 63 to 31 because Iowa Code section 483A.8(3)"c" also requires that bow licenses not account for more than 35 percent of nonresident any-sex deer licenses available each year. Similarly, both any-sex and mandatory antlerless license quotas will be decreased from 200 to 100 in Zone 10 for all methods of take, resulting in a corresponding decrease in any-sex licenses available for bow season from 70 to 35. Finally, both any-sex and mandatory antlerless license quotas are increased from 600 to 880 for all methods of take in Zone 9, resulting in an increase in any-sex licenses available for bow season from 210 to 308. The changes to the number of nonresident any-sex and mandatory antlerless licenses available in these four zones result in no net change to the number of nonresident any-sex and mandatory antlerless licenses available statewide.

Chapter 106

Several of the amendments to Chapter 106 involve reestablishment of a January antlerless-deer-only season in Allamakee, Appanoose, Clayton, and Wayne counties and define license requirements, season dates, bag limits, and means and method of take. This season is coupled with increased county quotas and is targeted at slowing the spread of chronic wasting disease (CWD) in the four counties.

Modifications to the resident antlerless deer county quotas are made to Allamakee, Appanoose, Bremer, Butler, Clayton, Fayette, Madison, Wayne, and Winneshiek counties. With the exception of Bremer County, all quotas are increased in order to reduce deer densities for disease control or to alleviate negative human-deer interactions. The quota in Bremer County is decreased modestly as a

first attempt to stabilize a healthy local population. Statewide, the overall quota change is an increase of 1,550.

Clarifications are made to the definition of a legal handgun and to the legal calibers for SWC rifles. These clarifications will ensure that hunters can determine what firearms are a legal method of take for deer hunting in this state. These definitions apply only to the firearms that may be used while deer hunting and have no bearing on or relevance to other firearms laws.

Lastly, general organization and clarification changes are made in Chapter 106. For example, in subrule 106.1(9), two references to 2009 Iowa Acts are being updated to reflect codification as Iowa Code section 483A.8C.

Public Comment and Changes to Rule Making

Notice of Intended Action was published in the Iowa Administrative Bulletin on April 11, 2018, as ARC#3731C. A public hearing was held on May 1, 2018. In total, 3,245 comments were received. Of the total comments, 98.4% addressed three subjects: opposed to a round limitation (1,161), opposed to language defining firearm types (1,137), and in favor of youth handgun use for deer hunting (895). The remaining 1.6% of the comments covered 14 different subjects relating to deer hunting.

The Commission has addressed these comments in the Final Rule as follows:

1. The six round limitation proposed for 106.7(2) is withdrawn.
2. The language defining firearm types remains unchanged. The Commission believes that the language is accurate, consistent with Iowa Code, and no sufficient alternative language has been proposed.
3. The language in 106.7(2)“c”(2) regarding shoulder stock or long-barrel modifications is modified to more closely follow Iowa Code section 481A.48(5).

The Commission also notes that the ability to create a youth handgun season is beyond the authority of the Commission. Such a season is explicitly prohibited by Iowa Code section 481A.48(5). The Commission also received comments opposing the removal of handguns as an allowable method of take during the late muzzleloader season. In response, this proposal is withdrawn.

Additionally, the amendment of subsection 106.10(2) allows youth deer hunting licenses and tags to remain valid, if unfilled, in all subsequent deer hunting seasons. This amendment is added to enact a provision of House File 631 which was passed by the Iowa legislature during the course of this rule making.

Adoption of Rule Making

This rule making was adopted by the Commission on May 16, 2018.

Fiscal Impact

This rule making should not result in any negative fiscal impact to the State. Deer hunting has been relatively constant in Iowa for many years, and none of the changes will substantially alter hunters' ability to purchase tags and pursue deer. The Commission expects a very minor increase in license sales with only 1,550 additional tags being available statewide (many of which will be free or low-cost (\$10) tags). The Commission is not aware of any fiscal impact of this rule making on the general public, counties or local governments. A copy of the fiscal impact statement is available upon request from the Department of Natural Resources (Department).

Jobs Impact

After analysis and review of this rule making, the Commission has determined that there should not be a noticeable change overall in deer hunting in the state based upon the rule making. The adopted quotas are designed to keep deer numbers stable in the identified counties and will not significantly alter license sales overall. The following types of jobs are positively impacted by deer hunting in Iowa generally and should see no noticeable change due to this rule making: hunting equipment retailers (firearms, ammunition, clothing, chairs, stands, binoculars, and other supporting equipment); field

guides and outfitters; taxidermists; and restaurants, hotels, and gas stations for hunters traveling around the state. A copy of the jobs impact statement is available upon request from the Department.

Waivers

This rule is subject to the waiver provisions of 561—Chapter 10. 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 Department 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 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).

Effective Date

This rule making will become effective on July 11, 2018.

The following rule-making action is adopted:

ITEM 1. Amend subrule 94.6(1) as follows:

94.6(1) Zone license quotas. Nonresident license quotas are as follows:

	Any-deer <u>Any-sex</u> licenses		Mandatory Antlerless- only	Optional Antlerless- only
	All Method s	Bow		
Zone 1.	180 <u>90</u>	63 <u>31</u>	180 <u>90</u>	
Zone 2.	180 <u>90</u>	63 <u>31</u>	180 <u>90</u>	
Zone 3.	560	196	560	
Zone 4.	128 0	448	1280	
Zone 5.	160 0	560	1600	
Zone 6.	800	280	800	
Zone 7.	360	126	360	
Zone 8.	240	84	240	
Zone 9.	600 <u>880</u>	210 <u>308</u>	600 <u>880</u>	

	Any-deer Any-sex licenses		Mandatory Antlerless- only	Optional Antlerless- only
	All Method s	Bow		
Zone	200	70 <u>35</u>	<u>200</u>	
10.	<u>100</u>		<u>100</u>	
Tot al	600 0	2100 <u>2099</u>	6000	3500

ITEM 2. Rescind rule 571—94.7(483A) and adopt the following **new** rule in lieu thereof:

571—94.7(483A) Method of take. Permitted weapons and devices vary according to the type of season.

94.7(1) Bow season. Bow season is as described in 571—subrule 106.7(1).

94.7(2) Regular gun seasons. Regular gun seasons are as described in 571—subrule 106.7(2).

94.7(3) Muzzleloader seasons. Muzzleloader seasons are as described in 571—subrule 106.7(3).

94.7(4) Prohibited weapons and devices. Prohibited weapons and devices are as described in 571—subrule 106.7(6).

94.7(5) Discharge of firearms from roadway. Discharge of firearms from roadway is as described in 571—subrule 106.7(7).

94.7(6) Hunting from blinds. Hunting from blinds is as described in 571—subrule 106.7(8).

ITEM 3. Amend subrule 106.1(6) as follows:

106.1(6) January antlerless-deer-only licenses. ~~Rescinded IAB 8/6/14, effective 9/10/14. Only antlerless-deer-only licenses, paid or free, will be issued for the January antlerless-deer-only season. 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 January antlerless-deer-only season.~~

ITEM 4. Amend subrule 106.1(9) as follows:

106.1(9) ~~Nonambulatory deer~~ Deer hunting licenses for nonambulatory persons. The commission shall issue licenses in conformance with ~~2009 Iowa Acts, Senate File 187~~ Iowa Code section 483A.8C. 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 is nonambulatory using the criteria listed in ~~2009 Iowa Acts, Senate File 187~~ Iowa Code section 483A.8C(4). 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.

ITEM 5. Amend subrule 106.2(5) as follows:

106.2(5) January antlerless-deer-only season. ~~Rescinded IAB 8/6/14, effective 9/10/14. Antlerless deer may be taken from January 11 through the third Sunday after that date.~~

ITEM 6. Amend subrule 106.4(5) as follows:

106.4(5) January antlerless-deer-only season. ~~Rescinded IAB 8/6/14, effective 9/10/14. The daily bag and possession limits and tagging requirements are the same as for the regular gun seasons.~~

ITEM 7. Amend subrule 106.6(4) as follows:

106.6(4) January antlerless-deer-only licenses. ~~Rescinded IAB 8/6/14, effective 9/10/14. Licenses for the January antlerless-deer-only season shall be available in the following counties: Allamakee,~~

Appanoose, Clayton, and Wayne. Prior to December 15, a hunter may purchase up to three January antlerless-deer-only licenses. Beginning December 15, an unlimited number of paid antlerless-deer-only licenses may be purchased for the January antlerless-deer-only season until the antlerless-deer-only quota as described in 106.6(6) is met in the aforementioned counties. These licenses may be obtained regardless of any other paid any-sex or paid antlerless-deer-only licenses that may have been obtained.

ITEM 8. Amend subrule 106.6(6) as follows:

106.6(6) Antlerless-deer-only licenses. Paid antlerless-deer-only licenses will be available by county for the 2017–2018 deer season as follows:

County	Quota	County	Quota	County	Quota
Adair	1025	Floyd	0	Monona	850
Adams	1450	Franklin	0	Monroe	1950
Allamakee	3600 <u>3700</u>	Fremont	400	Montgomery	750
Appanoose	1800 <u>2400</u>	Greene	0	Muscatine	775
Audubon	0	Grundy	0	O’Brien	0
Benton	325	Guthrie	1950	Osceola	0
Black Hawk	0	Hamilton	0	Page	750
Boone	300	Hancock	0	Palo Alto	0
Bremer	650 <u>500</u>	Hardin	0	Plymouth	0
Buchanan	300	Harrison	850	Pocahontas	0
Buena Vista	0	Henry	925	Polk	1350
Butler	0 <u>150</u>	Howard	350	Pottawattamie	850
Calhoun	0	Humboldt	0	Poweshiek	300
Carroll	0	Ida	0	Ringgold	1600
Cass	400	Iowa	450	Sac	0
Cedar	775	Jackson	825	Scott	200
Cerro Gordo	0	Jasper	775	Shelby	0

County	Quota	County	Quota	County	Quota
Cherokee	0	Jefferson	1650	Sioux	0
Chickasaw	375	Johnson	850	Story	150
Clarke	2100	Jones	800	Tama	200
Clay	0	Keokuk	450	Taylor	1600
Clayton	3400 <u>3600</u>	Kossuth	0	Union	1500
Clinton	400	Lee	1275	Van Buren	2000
Crawford	0	Linn	850	Wapello	1825
Dallas	1875	Louisa	675	Warren	2200
Davis	1600	Lucas	2200	Washington	750
Decatur	2200	Lyon	0	Wayne	2200 <u>2400</u>
Delaware	800	Madison	2350 <u>2600</u>	Webster	0
Des Moines	800	Mahaska	475	Winnebago	0
Dickinson	0	Marion	1650	Winneshiek	2275 <u>2375</u>
Dubuque	825	Marshall	150	Woodbury	625
Emmet	0	Mills	750	Worth	0
Fayette	1800 <u>1900</u>	Mitchell	0	Wright	0

ITEM 9. Amend subrule 106.7(1) as follows:

106.7(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 106.7(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—15.5(481A)~~ 571—15.22(481A); and

(2) By persons over the age of 70 with an antlerless-deer-only license as provided in Iowa Code section ~~483A.8A~~ 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.

~~b.c.~~ No explosive or chemical devices device may be attached to the any arrow, broadhead or bolt (if used with a crossbow).

ITEM 10. Amend subrule 106.7(2) as follows:

106.7(2) Regular gun seasons. Only 10-, 12-, 16-, and 20-gauge shotguns shooting single slugs, and straight wall cartridge rifles ; as described in 106.7(2)“a” and “b,” muzzleloaders as described in 106.7(3), and handguns as described more fully in 106.7(3), will be permitted for taking in 106.7(2)“c” to “e” shall be used to take deer during the regular gun seasons.

a. Legal straight wall cartridge rifle calibers for hunting deer in Iowa must meet all of the following criteria:

(1) Be center-fired;

(2) Be straight-walled;

(3) Have a diameter of 0.357 inches to 0.500 inches;

(4) Have a case length no greater than 1.800 inches; and

(5) For rimless cartridges, have a case length of no less than 0.850 inches, and for rimmed cartridges, have a case length of no less than 1.285 inches.

b. Notwithstanding 106.7(2)“a,” the following calibers are considered legal straight wall cartridge rifle calibers:

(1) .375 Winchester;

(2) .444 Marlin; or

(3) .45-70 Gov’t.

c. Legal centerfire handguns for hunting deer in Iowa must meet all of the following criteria:

(1) Have a 4-inch minimum barrel length;

(2) Have no shoulder stock or long barrel modifications;

(3) Be designed to be shot with one hand using a pistol grip and have either:

1. A cylinder of several chambers brought successively into line with the barrel and discharged with the same hammer; or

2. A magazine feeding a single chamber integral with the barrel and using either the action of a slide or a bolt action to eject the casing, or having a break action capable of only holding one round.

d. Legal centerfire handgun calibers for hunting deer in Iowa must meet all of the following criteria:

(1) Be center-fired;

(2) Be straight-walled;

(3) Have a diameter of 0.357 inches to 0.500 inches;

(4) Have a case length no greater than 1.800 inches; and

(5) For rimless cartridges, have a case length of no less than 0.850 inches, or for rimmed cartridges, have a case length of no less than 1.285 inches.

e. Notwithstanding 106.7(2)“d,” the following calibers are considered legal centerfire handgun calibers:

(1) .375 Winchester;

(2) .444 Marlin; or

(3) .45-70 Gov’t.

ITEM 11. Amend subrule 106.7(3) as follows:

106.7(3) Muzzleloader seasons. Only muzzleloading rifles and muzzleloading pistols 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 pistol, centerfire handgun, crossbow as described in 106.7(1)“b,” or bow as described in 106.7(1).

a. Muzzleloading rifles are defined as flintlock or percussion cap lock muzzleloaded rifles and muskets of not less than .44 caliber and not larger than .775 caliber, shooting single projectiles only.

~~b. Centerfire handguns must be .357 caliber or larger shooting straight wall cartridges propelling an expanding type bullet (no full metal jacket) and complying with all other requirements provided in Iowa Code section 481A.48. In addition, centerfire handguns must be designed to be shot with one hand using a pistol grip and have either:~~

~~(1) A cylinder of several chambers brought successively into line with the barrel and discharged with the same hammer; or~~

~~(2) A magazine feeding a single chamber integral with the barrel and using either the action of a slide or a bolt action to eject the casing, or having a break action capable of only holding one round.~~

~~c.b. Muzzleloading pistols must be .44 caliber or larger, shooting shoot single projectiles only, and have a 4-inch minimum barrel length.~~

~~d. 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.~~

~~e. Legal handgun calibers for hunting deer in Iowa are listed in the department of natural resources' hunting and trapping regulations booklet published each summer and adopted by reference herein. Centerfire handguns and black powder handguns must have a 4 inch minimum barrel length, and centerfire handguns shall not have any parts that extend beyond the back of the pistol grip. There can be no shoulder stock or long barrel modifications to any handgun.~~

ITEM 12. Amend subrule 106.7(5) as follows:

106.7(5) January antlerless-deer-only season. Rescinded IAB 8/6/14, effective 9/10/14. Bows, crossbows, shotguns, muzzleloaders, and handguns as described in this rule, and centerfire rifles .24 caliber or larger, may be used during the January antlerless-deer-only season.

ITEM 13. Amend subrule 106.7(6) as follows:

106.7(6) Prohibited weapons and devices. The use of dogs, domestic animals, bait, rifles other than muzzleloaded or straight wall cartridge as provided in 106.7(2), 106.7(3) , 106.7(5), and 106.10(5), handguns except as provided in 106.7(2) and ~~106.7(3)~~ 106.7(5), crossbows except as provided in 106.7(1) and 106.7(3), 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 106.7(2), 106.7(3), 106.7(5), and 106.10(5). A person in possession of a valid permit to carry weapons may carry a handgun while hunting. However, only ~~the handguns listed as described in 106.7(3)~~ shall 106.7(2) may be used to hunt deer and only when a handgun is a lawful method of take.

ITEM 14. Amend subrule 106.10(2) as follows:

106.10(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 ~~the early muzzleloader, late muzzleloader, and one of the shotgun~~ 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. ~~A youth hunting in one of the other seasons must obtain a hunting license and habitat stamp or hunt with a licensed adult if required by Iowa Code section 483A.24.~~ If the tag is filled during ~~one~~ any of the seasons, the license will not be valid in subsequent seasons.

Iowa Department of Natural Resources
Natural Resource Commission

#3

Decision Item

Chapter 98, “Wild Turkey Spring Hunting” and Chapter 99, “Wild Turkey Fall Hunting” – Final Rules

The Commission is requested to approve the Final Rules – Chapter 98, “Wild Turkey Spring Hunting”, and Chapter 99, “Wild Turkey Fall Hunting.”

Chapter 98, Wild Turkey Spring Hunting:

Basic Intent of Rule - Chapter 98 sets regulations for spring turkey hunting and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of take, and transportation and reporting requirements.

NOIA Process: The Notice of Intended Action was approved by the NRC on 03/13/18.

The NOIA proposed the following amendments:

1. The shotgun shot sizes approved for hunting wild turkey are out of date with what is available on the market, so the ammunition lists for both residents and nonresidents are updated.
2. The start of the first shotgun-and-archery season for spring wild turkey is pushed back by several days and permanently established in narrative form (“second Monday of April”).
3. The youth-only season is reduced from nine days to three days because, by law, youth are now able to hunt with an unfilled youth license and tag during any remaining spring wild turkey hunting season in the year the youth license was issued. In other words, this reduction does not limit youth opportunity, and enables an earlier start to the first shotgun-and-archery season. See IOWA CODE § 483A.7(4). Furthermore, the youth-only season had long been three days, but was expanded in 2011 to afford youths more opportunity. Subsequently, in 2014 the Iowa Code was amended to allow unfulfilled youth licenses and tags to be valid in any other season, rendering the need for a longer youth-only season unnecessary, as previously noted. Thus, this proposed rule change is a return to the original youth-only three-day season.
4. Code and rule references are updated to reflect current law.

Notice of Intended Action was published in the Iowa Administrative Bulletin on April 11, 2018, as ARC# 3729C. A public hearing was held on May 1, 2018, for these two rules. No one attended the public hearing and two comments were received during the open comment period. One comment was opposed to shortening the Youth Season and one comment was supportive of the proposed change.

Changes from NOIA: None

Effective Date of Final Rule: July 11, 2018

Chapter 99, Wild Turkey Fall Hunting:

Basic Intent of Rule - Chapter 99 sets regulations for fall turkey hunting and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of take, and transportation and reporting requirements.

NOIA Process: The Notice of Intended Action was approved by the NRC on 03/13/18.

Chapter 99 is amended to likewise adjust the approved shotgun shot sizes for hunting wild turkeys to

reflect the materials and sizes available on the current market. In addition, a code reference is updated to reflect current law.

Notice of Intended Action was published in the Iowa Administrative Bulletin on April 11, 2018, as ARC# 3729C. A public hearing was held on May 1, 2018, for these two rules. No one attended the public hearing and two comments were received during the open comment period. One comment was opposed to shortening the Youth Season and one comment was supportive of the proposed change.

Changes from NOIA: None

Effective Date of Final Rule: July 11, 2018

Todd Bishop, Wildlife Bureau Chief
Conservation and Recreation Division
May 16, 2018

Attached: Chapter 98, "Wild Turkey Spring Hunting" and Chapter 99, "Wild Turkey Fall Hunting" – Final Rules

NATURAL RESOURCE COMMISSION[571]
Adopted and Filed

The Natural Resource Commission hereby amends Chapter 98, "Wild Turkey Spring Hunting," and Chapter 99, "Wild Turkey Fall Hunting," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 455A.5(6), 481A.38, 481A.39 and 481A.48.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 481A.38, 481A.39 and 481A.48(1).

Purpose and Summary

Chapter 98 regulates spring wild turkey hunting for both residents and nonresidents, and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of take, and transportation tag requirements.

Several changes to Chapter 98 are made. First, because the shotgun shot sizes approved for hunting wild turkey are out of date with shot types currently available on the market, the ammunition lists for both residents and nonresidents are being updated.

Second, the start of the first shotgun-and-archery season for spring wild turkey hunting is pushed back by several days and permanently established in narrative form ("second Monday of April").

Third, the youth-only season is reduced from nine days to three days because, pursuant to Iowa Code section 483A.7(4), youth are now allowed to hunt with an unfilled youth license and tag during any other established wild turkey season. In other words, this reduction does not limit youth opportunity and enables an earlier start to the first shotgun-and-archery season. Furthermore, the youth-only season had long been three days but was expanded in 2011 to afford youth more opportunity. Subsequently, in 2014 the Iowa Code was amended to allow unfilled youth licenses and tags to be valid in any other season, rendering the need for a longer youth-only season unnecessary, as previously noted. Thus, this proposed amendment is a return to the original youth-only, three-day season.

Finally, references to the Iowa Code and to Chapter 98 are updated to reflect current law.

Chapter 99 regulates fall wild turkey hunting for residents, and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of take, and transportation tag requirements. (It should be noted that there is no fall wild turkey season for nonresidents in Iowa, except for nonresidents who are under 21 years old and have a severe physical disability or have been diagnosed with a terminal illness, as set forth in Iowa Code section 483A.24(12) and subrule 99.2(4)).

Chapter 99 is amended to adjust the approved shotgun shot sizes for hunting wild turkeys to reflect the materials and sizes available on the current market. This amendment is identical to that proposed in Chapter 98. In addition, an Iowa Code reference is updated to reflect current law.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on April 11, 2018, as ARC 3729C.

A public hearing was held on May 1, 2018 at 12 noon at Conference Room 4E of the Wallace State Office Building, Des Moines, Iowa.

No one attended the public hearing and two comments were received during the open comment period. One comment was opposed to shortening the Youth Season and one comment was supportive of the proposed change.

Adoption of Rule Making

This rule making was adopted by the Natural Resource Commission on May 16, 2018.

Fiscal Impact

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

Jobs Impact

After analysis and review of this rule making, the Commission does not expect any impact to private sector jobs as a result of this rule making, nor does the Commission expect any impact to wild turkey hunting participation or license sales. The following types of jobs are positively impacted by turkey hunting in Iowa generally and should see no noticeable change due to this rule making: hunting equipment retailers (firearms, ammunition, clothing, chairs, stands, binoculars, and other supporting equipment); field guides and outfitters; taxidermists; and restaurants, hotels, and gas stations for hunters traveling around the state. A copy of the jobs impact statement is available upon request from the Department.

Waivers

This rule is subject to the waiver provisions of 561—Chapter 10. 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 Department 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 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).

Effective Date

This rule making will become effective on July 11, 2018.

The following rule-making action is adopted:

ITEM 1. Amend subrule 98.2(1) as follows:

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 20-gauge and shooting only shot sizes ~~number 2 or 3 nontoxic shot or number 4, 5, 6, 7½, or through 8 lead or nontoxic shot~~; and by bow and arrow as defined in paragraph 98.2(1)"b." A person shall not have ~~shot shells~~ shotshells containing shot of any size other than ~~number 2 or 3 nontoxic shot or number 4, 5, 6, 7½, or through 8 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—15.5(481A)~~ 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.

ITEM 2. Amend paragraph **98.2(4)"a"** as follows:

a. *Combination shotgun-or-archery licenses.* Consecutive seasons are 4, 5, 7, and 19 days, respectively, with the first season beginning on the second Monday ~~closest to~~ of April ~~15~~. These seasons shall be designated as seasons 1, 2, 3 and 4, respectively.

ITEM 3. Amend subrule 98.6(2) as follows:

98.6(2) Youth season dates. The youth turkey hunting license shall be valid during the ~~nine~~ 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.

ITEM 4. Amend subrule 98.9(5) as follows:

98.9(5) Special licenses. The commission shall issue licenses in conformance with Iowa Code section ~~483A.24(10)~~ 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.

ITEM 5. Amend subrule 98.12(1) as follows:

98.12(1) Permitted weapons. Wild turkey may be taken only with shotguns and muzzleloading shotguns not smaller than 20-gauge and shooting only shot sizes ~~2 or 3 nontoxic shot or number 4, 5, 6, 7½, and through 8 lead or nontoxic shot.~~ No person may have ~~shot shells~~ shotshells containing shot of any size other than ~~2 or 3 nontoxic shot or number 4, 5, 6, 7½, or through 8 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—15.5(481A)~~ 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.

ITEM 6. Amend subrule 99.2(4) as follows:

99.2(4) Special licenses. The commission shall issue licenses in conformance with Iowa Code section ~~483A.24(10)~~ 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.

ITEM 7. Amend subrule 99.8(1) as follows:

99.8(1) Permitted weapons. In accordance with the type of license issued, wild turkey may be taken by shotgun and muzzleloading shotgun not smaller than 20-gauge and shooting only shot sizes ~~2 or 3 nontoxic shot or number 4, 5, 6, 7½, or through 8 lead or nontoxic shot;~~ and by longbow, recurve, or compound bow shooting broadhead or blunthead (minimum diameter 9/16 inch) arrows only. No person may carry or have in possession shotshells containing shot of any size other than ~~2 or 3 nontoxic shot or number 4, 5, 6, 7½, or through 8 lead or nontoxic shot~~ while hunting wild turkey. Arrows with chemical or explosive pods are not permitted.

**Iowa Department of Natural Resources
Natural Resource Commission**

#4

Decision Item

Naming of the Decorah Fish Hatchery

The Commission proposes the naming of the Decorah Fish Hatchery to the Charles R. Gipp, Decorah Fish Hatchery.

For the last 27 years, Charles (Chuck) Gipp held numerous positions in state government (Legislature, Speaker of the House, Iowa Department of Agriculture and Land Stewardship Division of Soil Conservation, and the Department of Natural Resources (DNR)) making a difference where natural resources are concerned. On May 1, 2018, Chuck retired after serving in his final position as the Director of the DNR. He notes this role was his crowning achievement, being able to lead the dedicated, committed staff of the DNR---a group that comes to work every day determined to improve access to our natural resources for all Iowans. Whether it be state park personnel, field inspectors, conservation officers, fish hatchery technicians, air quality stack testers or support staff, their dedication to their jobs of enhancing the environment for future generations is obvious.

Margo Underwood, Chair
Natural Resource Commission
May 16, 2018