

Iowa Department of Natural Resources
Natural Resource Commission

ITEM

15

DECISION

TOPIC

Chapter 99, Wild Turkey Fall Hunting by Residents NOIA

The Commission is requested to approve this Notice to amend Chapter 99, Wild Turkey Fall Hunting by Residents.

The proposed amendment allows this Chapter to conform with Iowa Code section 483A.24(9A). Iowa Code specifies that nonresidents 21 years of age or younger with a severe physical disability or who have been diagnosed with a terminal illness may obtain a special license to hunt turkey during any season in any zone. The new law requires the Commission to adopt rules to implement the new code section. The proposed amendments clarify that this Chapter now applies to nonresidents who may receive the special license and updates the implementation paragraph.

A nonresident who receives a special license pursuant to this subsection must purchase a hunting license and the nonresident turkey hunting license, and pay the wildlife habitat fee, but is not required to complete the hunter safety and ethics education course if the person is accompanied and aided by a person who is at least eighteen years of age. The accompanying person must be qualified to hunt and have a hunting license. During the hunt, the accompanying adult must be within arm's reach of the nonresident licensee. The person requesting the special license must apply on a form which requires that the person's attending physician sign the form declaring that the person has a severe physical disability or has been diagnosed with a terminal illness and is eligible for the special license.

Dr. Dale Garner, Wildlife Bureau Chief
Conservation and Recreation Division
July 9, 2009

Attached: Chapter 99, Wild Turkey Fall Hunting by Residents NOIA Rule

NATURAL RESOURCE COMMISSION [571]

Notice of Intended Action

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 99, "Wild Turkey Fall Hunting by Residents," Iowa Administrative Code.

The proposed amendments allow this Chapter to conform with Iowa Code section 483A.24(9A). Iowa Code specifies that nonresidents 21 years of age or younger with a severe physical disability or who have been diagnosed with a terminal illness may obtain a special

license to hunt turkey during any season in any zone. The new law requires the Commission to adopt rules to implement the new code section.

A nonresident who receives a special license pursuant to this subsection must purchase a hunting license and the nonresident turkey hunting license, and pay the wildlife habitat fee, but is not required to complete the hunter safety and ethics education course if the person is accompanied and aided by a person who is at least eighteen years of age. The accompanying person must be qualified to hunt and have a hunting license. During the hunt, the accompanying adult must be within arm's reach of the nonresident licensee. The person requesting the special license must apply on a form which requires that the person's attending physician sign the form declaring that the person has a severe physical disability or has been diagnosed with a terminal illness and is eligible for the special license.

Any interested person may make written suggestions or comments on the proposed amendments on or before August 18, 2009. Such written materials should be directed to the Wildlife Bureau Chief, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034; fax (515)281-6794. Persons who wish to convey their views orally should contact the Bureau at (515)281-5918 or at the Bureau offices on the fourth floor of the Wallace State Office Building.

There will be a public hearing on August 18, 2009, at 10 a.m. in the Fourth Floor East Conference Room of the Wallace State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

Any persons who intend to attend the public hearing and have special requirements such as those related to hearing or mobility impairments should inform the Department of Natural Resources of specific needs.

These amendments are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48, 483A.1, 483A.7 and 483A.24 .

The following amendments are proposed.

ITEM 1. Amend 571—Chapter 99, title, as follows:

~~WILD TURKEY FALL HUNTING BY RESIDENTS~~

ITEM 2. Amend rule 571--99.1(481A) as follows:

571--99.1(481A) General. When hunting wild turkey, all hunters must have in possession a fall wild turkey hunting license valid for the current year, the unused transportation tag issued with that license, a hunting license, and evidence of having paid the habitat fee (if normally required to have a hunting license and to pay the habitat fee to hunt). No person shall carry or have in possession a fall wild turkey hunting license or transportation tag issued to another person while hunting wild turkey. No one who is issued a wild turkey hunting license and transportation tag shall allow another person to use or possess that license or transportation tag while turkey hunting or tagging a turkey. Licenses for the fall turkey season will only be issued to Iowa residents except as specified in 99.2(4).

ITEM 3. Amend rule 571--99.2 by adopting **new** subrule (4) as follows:

99.2(4) Special licenses. The commission shall issue licenses in conformance with Iowa Code section 483A.24(10) to nonresidents 21 years of age or younger with 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 mental or physical disability or a life threatening illness

using the criteria listed in Iowa Administrative Code 571- Chapter 15. A medical statement from the applicant's attending physician specifying criteria met shall be on 8 inch by 11 ½ inch letterhead stationary. The attending physician shall be a currently practicing doctor of medicine, doctor of osteopathy, physician's assistant or nurse practitioner.

ITEM 4. Amend 571—Chapter 99, implementation paragraph, as follows:

These rules are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48, 483A.1, ~~and~~ 483A.8 and 483A.24.

Date

Richard A. Leopold, Director

(N:99n.doc/mg)