

Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 571—Chapter 105
“Deer Population Management Zones”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 481A.38, 481A.39, 481A.48, and 483A.8

State or federal law(s) implemented by the rulemaking: Iowa Code sections 481A.38, 481A.39, 481A.48, and 483A.8

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, Second Floor
Des Moines, Iowa

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis. Written 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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Iowa Department of Natural Resources
55 East Jefferson Street
Winterset, Iowa 50273
Email: andrew.kellner@dnr.iowa.gov

Purpose and Summary

Proposed Chapter 105 establishes deer management zone hunts to be used in areas that do not typically have hunting opportunities in order to safely, ethically, and effectively manage deer populations. The chapter includes additional measures for state parks, urban environments, county conservation board property, other government jurisdictions, and private property to make sure that the program is conducted safely and to guide the managing entities through the process. This chapter has been reviewed consistent with Executive Order 10.

Analysis of Impact

1. Persons affected by the proposed rulemaking:
 - Classes of persons that will bear the costs of the proposed rulemaking:
Hunters will bear the majority of the cost of this rulemaking in the form of license and tag fees. Other entities that are managing the wildlife in areas under their jurisdiction will have some staff time involved for administrative and operational work related to carrying out a hunt.
 - Classes of persons that will benefit from the proposed rulemaking:
Hunters gain additional hunting opportunities through this rulemaking, both in high-population centers and in more rural areas of the state. This rulemaking also benefits anyone managing property and resources in areas that would not otherwise see hunting in the form of a deer population management tool. Property damage, agricultural loss, and ecological disruption from overabundant deer populations can be mitigated through this chapter.

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:

Nearly 120 different deer management zones have been established through use of this chapter since the early to mid-1990s. Tens of thousands of deer have been harvested through this program in that time period. Over 6,000 deer have been harvested in the Des Moines metropolitan area through this program. The potential for an increase in deer population that has not occurred due to the implementation of this chapter is difficult to quantify but has significantly impacted cities and parks across the state.

- Qualitative description of impact:

Overabundance of deer in situations where hunting is not occurring can lead to property damage, agricultural damage, and increased rates of deer-vehicle collisions. This chapter offers a tool that cities, parks, refuges, and other entities can use to manage deer populations through special hunting opportunities alleviating conflict scenarios.

3. Costs to the State:

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

The Department's Law Enforcement Bureau, Wildlife Bureau, and Customer and Employee Services Bureau staff time is the only cost to the agency. The Department spends time assisting requesting entities through the process and offering guidance on ways to utilize the program safely, ethically, and effectively.

- Anticipated effect on state revenues:

Revenue from the sales of deer management zone tags, which cost \$28.50 for the first tag and \$15 for each additional tag a hunter purchases, is incorporated with revenue from other deer licenses.

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

The loss of these hunting opportunities would detrimentally impact many areas around the state that would not otherwise have an avenue for utilizing hunting as a management tool. Other deer population control methods are extremely controversial, potentially less effective, and much more expensive.

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

The Department could not identify less costly or less intrusive methods for achieving the purpose of this chapter.

6. Alternative methods considered by the agency:

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

No alternative methods were identified to effectively manage these situations.

- 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?

The updates made in the proposed chapter will be neutral toward small businesses. Small businesses benefit from an increased customer base when acting as a license vendor for a deer management zone under this chapter.

Text of Proposed Rulemaking

ITEM 1. Rescind 571—Chapter 105 and adopt the following **new** chapter in lieu thereof:

CHAPTER 105
DEER POPULATION MANAGEMENT ZONES

571—105.1(481A) Definitions.

“*Commission*” means the natural resource commission.

“*Department*” means the department of natural resources.

“*Special deer management zones*” means defined units of public and private land, including state parks, state recreation areas, county parks, urban areas, and areas managed by other governmental jurisdictions.

“*Urban deer management zones*” means areas mostly within incorporated city limits including city, county, state, and private land.

571—105.2(481A) Special deer management zones. Special deer management zone boundaries, seasons, permitted weapons, license quotas, and other conditions for hunting shall be designated annually by the commission.

105.2(1) Seasons. Deer hunting in a special deer management zone may occur only on dates established by the commission. Season dates may or may not coincide with seasons for general deer hunting outside special deer management zones.

105.2(2) Licenses. Every hunter must have in possession a paid special hunting license valid only for the specific special deer management zone. The hunting license shall specify dates of hunting and the type of deer that may be taken as designated by the commission. The special licenses will be issued at locations and on dates announced by the commission. Special licenses shall be issued to Iowa residents only and shall cost the same as deer licenses issued during the general deer seasons. Incentives, including but not limited to issuing additional antlerless-only or any-deer licenses, may be used to attract hunters to a special hunt.

105.2(3) Permitted weapons. Only weapons permitted during the general deer seasons may be used. The commission may limit the use of specific weapons in some deer management zones and seasons on a case-by-case basis to improve the safety of hunters and the surrounding area.

105.2(4) Hunter safety and proficiency. Hunters may be required to pass a weapons proficiency test and attend a meeting prior to hunting in special deer management zones. The meeting will be used to familiarize hunters with zone boundaries, location of private lands, safety areas around buildings, access points, objectives of the hunt and other aspects of hunting in a special deer management zone.

105.2(5) Checking deer. A hunter who takes a deer may be required to check the deer at a designated headquarters prior to leaving the area.

105.2(6) Educational hunts. Hunts in designated special deer management zones may be restricted to youth or novice hunters to introduce them to safe and ethical deer hunting.

a. Age, experience or other eligibility restrictions may be designated by the commission. Zones, seasons and other conditions for hunting will be designated the same as specified in this rule.

b. An adult must accompany each youth participating in an educational hunt. The adult must be licensed as specified in 571—subrule 106.10(1).

c. A novice, nonyouth hunter may be accompanied by an adult mentor. The mentor must have a valid hunting license and have paid the habitat fee, if otherwise required to do so.

105.2(7) *Zone request.* Deer management zones will be established only upon request from cities, task forces, a county government, the federal government, or an appropriate responsible entity and when approved by the commission.

571—105.3(481A) State parks and recreation areas. A summary of public comments shall be included with other recommendations to the commission related to hunting in a state park or state recreation area.

571—105.4(481A) Urban deer management zones.

105.4(1) *Special restrictions.* Cities, deer task forces, or other public entities may require hunters to do one or more of the following: pass a hunter safety and education course, pass a weapons proficiency test, or be approved by the appropriate police department or conservation officer.

105.4(2) *Other methods.* The natural resource commission in cooperation with the city government may approve other methods of deer removal in urban areas.

571—105.5(481A) County park deer management zones—special restrictions. County park managers may require hunters to do one or more of the following: pass a hunter safety and education course, pass a weapons proficiency test, or be approved by the appropriate county sheriff or conservation officer.

571—105.6(481A) Special deer management zones on private land. Special deer management zones may be established on private land when approved by the commission. Zones, seasons, and other conditions for hunting will be determined by the commission. Hunters will be required to comply with all applicable regulations specified in 571—Chapter 106.

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