

NATURAL RESOURCES DEPARTMENT[561]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 455A.4 and 456A.24, the Department of Natural Resources hereby gives Notice of Intended Action to adopt new Chapter 12, "Special Nonresident Deer and Turkey Licenses," Iowa Administrative Code.

This new chapter establishes the process by which the Department will issue special nonresident deer and turkey licenses to individuals as part of statewide or local efforts to promote the state and its natural resources.

Any interested person may make written suggestions or comments on the proposed rules on or before April 14, 2009. Written comments may be sent to Ross Harrison, Special Nonresident Deer and Turkey License Program Coordinator, Department of Natural Resources, Wallace State Office Building, 502 East Ninth Street, Des Moines, Iowa 50319-0034; fax (515)281-6794. Persons who wish to convey their views orally should contact the Program Coordinator at (515)281-5973 or at the Department's offices on the fourth floor of the Wallace State Office Building.

These rules are intended to implement Iowa Code section 483A.24.

The following amendment is proposed.

Adopt the following **new** 561—Chapter 12:

CHAPTER 12
SPECIAL NONRESIDENT DEER AND TURKEY LICENSES

561—12.1(483A) Purpose. These rules establish the process by which the department will issue special nonresident deer and turkey licenses to individuals as part of statewide or local efforts to promote the state and its natural resources.

561—12.2(483A) Definitions. When used in this chapter:

"Conservation organization" means an organization that is developed and managed pursuant to Iowa Code chapter 504, the revised Iowa nonprofit corporation Act, and whose mission emphasizes natural resource conservation or supports science-based natural resource management. A local or state chapter or division of a national or international conservation organization shall qualify as a conservation organization.

"Coordinator" means the department staff person appointed by the director to administer the process for allocation of special nonresident deer and turkey licenses pursuant to this chapter.

"Department" means the department of natural resources.

"Director" means the director of the department of natural resources.

"Internal committee" means the committee that ranks certain requests for special licenses for consideration by the legislative committee and consists of the coordinator, the administrator of the conservation and recreation division, the chief of the wildlife bureau, and the chief of the law enforcement bureau.

"Legislative committee" means the committee that makes the final selection of recipients of special nonresident deer and turkey licenses and consists of the majority leader of the Iowa senate, the speaker of the Iowa house of representatives, and the director of the Iowa department of economic development, or their designees, as described in Iowa Code section 483A.24.

“*Outdoor industry*” means a commercial enterprise or venture that promotes or otherwise contributes to the use of natural resources. For purposes of illustration, an outdoor industry may include, but is not limited to, a television or radio show production; a video/DVD production; still and motion photography; an article in the popular print media, such as in a newspaper or periodical; a lecture presentation; the manufacture or acquisition of sporting equipment for resale; or a similar activity. A business that solely provides guide or outfitter services is not an outdoor industry.

“*Program*” means the review and selection process through which special nonresident deer and turkey licenses are allocated in accordance with Iowa Code section 483A.24 and these rules.

“*Special licenses*” means the special nonresident deer licenses and special nonresident turkey licenses issued pursuant to these rules.

“*Special nonresident deer license*” means a deer license issued pursuant to Iowa Code section 483A.24(3).

“*Special nonresident turkey license*” means a turkey license issued pursuant to Iowa Code section 483A.24(4).

“*Sponsor*” means an entity that applies on behalf of one or more hunters.

561—12.3(483A) Availability of special licenses. The program shall be available to provide not more than the number of special licenses allowed by Iowa Code section 483A.24 to nonresidents through requests submitted by individual hunters or through a sponsor. Sponsors may be located in the state of Iowa.

561—12.4(483A) Coordinator duties. The coordinator of the program shall:

12.4(1) Assist the internal and legislative committees in the evaluation and selection of hunters who may receive special licenses.

12.4(2) Develop templates for requests for special licenses and provide the templates to hunters and sponsors upon request.

12.4(3) Convene the internal committee to rank hunters according to the criteria in 561—12.7(483A).

12.4(4) Summarize each request received and distribute the summaries to the internal committee and legislative committee.

12.4(5) Provide additional information regarding requesters as needed to aid the legislative committee in the selection process.

12.4(6) Establish the dates on which the legislative committee will select the conservation organizations and hunters who will receive special licenses and inform the organizations and hunters of their selection.

561—12.5(483A) Request, review and selection process.

12.5(1) *Submission of requests.* Individual hunters or sponsors shall submit a request, or requests, to the coordinator. A request must be on the form provided by the department and may be submitted to the coordinator at any time during the year.

12.5(2) *Review.*

a. The internal committee shall review the summaries prepared by the coordinator, rank the hunters according to criteria in 561—12.7(483A), and forward the rankings to the legislative committee for consideration and final selection.

b. Requests that demonstrate little or no promotion of the state of Iowa or its natural resources, as determined by the internal committee, shall not be included in the rankings forwarded to or considered by the legislative committee.

c. Review of requests shall occur at least once annually but may occur more frequently as needed based upon the number of requests and the dates by which they are received.

12.5(3) *Selection and payment.* Upon notice of selection to receive a special license, the sponsor or hunter shall make payment in accordance with rule 561—12.12(483A) to the department through the

coordinator. Payment must be made at least 30 days prior to the hunting season for which the license is valid.

561—12.6(483A) Consideration of requests. The legislative committee will determine which conservation organizations and hunters are best qualified to promote the state and its natural resources. In making such a determination, the legislative committee will select hunters and conservation organizations based on their expected ability to promote the state and its natural resources and, if applicable, based on the degree of success special license holders have had in previous years or seasons in promoting the state and its natural resources. By way of illustration, the committee may consider requests from the following:

12.6(1) A hunter who has a direct beneficial impact on the state through an arm's-length business relationship with an Iowa-based outdoor industry.

12.6(2) A conservation organization that will use the special nonresident deer license as a fund-raiser for that organization. A conservation organization shall be limited to one special nonresident deer license per year, whether the organization is a local or state chapter or division of a national or international conservation organization. The organization shall return to the department the greater amount of either one-half of the proceeds from its sale of the special nonresident deer license or the fee for a nonresident deer license as set forth in Iowa Code section 483A.1. The department's proceeds shall cover the cost of the special nonresident deer license. A license made available to a conservation organization in accordance with this subrule may be valid for up to two years after selection of the organization by the legislative committee. The sponsoring conservation organization shall notify the coordinator by July 1 or immediately following the sale of the special nonresident deer license of which year and for what season the special nonresident deer license will be used. The conservation organization shall specifically explain how and during what period the organization will market the special nonresident deer license for auction or some other legal fund-raiser.

12.6(3) A hunter nominated by the governor, a member of the Iowa legislature or a member of the legislative committee.

12.6(4) A hunter recommended by the department.

12.6(5) A hunter who is a well-known public figure nationally or regionally and who may provide a positive portrayal of the state and its natural resources.

561—12.7(483A) Ranking criteria.

12.7(1) The following criteria shall be used by the internal committee to rank individual hunters as identified in 12.6(1), 12.6(4) and 12.6(5). The rankings shall be determined as the average of the following rating points and will be provided to the legislative committee as an aid in determining the selection of hunters.

a. Ten points if the hunter is directly affiliated with an Iowa-based outdoor industry.

b. From 0 to 10 points applied to each of the following:

(1) The relative size of the hunter's potential audience.

(2) The hunter's proposal to promote the state and its natural resources.

(3) If the hunter has received a special license in the past, the value of the actual promotion of the state and its natural resources or special services provided as a result.

c. From 0 to 5 points if the hunter meets the description in 12.6(5).

12.7(2) A conservation organization's request shall be forwarded to the legislative committee if the conservation organization meets the definition in 561—12.2(483A) and based on an evaluation of the organization's prior performance, if any, in selling the special nonresident deer license.

12.7(3) Hunters as identified in 12.6(3) shall not be ranked by the internal committee, and their requests will be forwarded to the legislative committee for its determination.

561—12.8(483A) Services provided by recipients of special licenses. In addition to promoting the state and its natural resources, recipients of special licenses may improve the ranking they receive for future license requests by providing additional services as specified by the department. Services shall be

limited to services which improve communications between the department and outdoor recreationalists and to assistance in marketing outdoor recreation and natural resource conservation.

561—12.9(483A) License term. With the exception of the term provided for in subrule 12.6(2), special licenses issued under these rules shall be valid for only the applicable deer or turkey season immediately following allocation of the license.

561—12.10(483A) Reporting. Within eight months after a hunter's participation in a hunt with a license issued pursuant to this chapter, the sponsor or hunter shall provide to the coordinator information about the hunt to demonstrate how the hunt will provide or has provided promotion of the state and its natural resources. This information may be in the form of testimonials of the participants, a completed DVD available for retail sale, a DVD copy of the actual television broadcast, an article in a periodical, or other verifiable means that demonstrate the promotional benefits. The legislative committee may consider compliance with this reporting requirement in evaluating future requests.

561—12.11(483A) Prohibitions. Photographs, videotapes, or any other form of media resulting from the special licenses issued pursuant to this chapter shall not be used for political campaign purposes.

561—12.12(483A) License costs. With the exception provided in subrule 12.6(2) for conservation organizations, a nonresident who obtains a special license issued pursuant to this chapter shall pay the applicable fee as follows:

12.12(1) For a special nonresident deer license, the fee described in Iowa Code section 483A.1 for a deer hunting license, antlered or any sex deer.

12.12(2) For a special nonresident turkey license, the fee described in Iowa Code section 483A.1 for a wild turkey hunting license.

561—12.13(483A) Hunter safety requirements. As provided in Iowa Code sections 483A.24(3) and 483A.24(4), the hunter safety and ethics certificate requirement is waived for holders of special licenses issued pursuant to this chapter.

These rules are intended to implement Iowa Code section 483A.24.