

## NATURAL RESOURCE COMMISSION[571]

## Adopted and Filed

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby amends Chapter 94, “Nonresident Deer Hunting,” Iowa Administrative Code.

Chapter 94 gives the regulations for nonresident deer hunting and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of taking, and transportation and reporting requirements.

The amendment to subrule 94.6(2) adds 1,000 licenses to the quota for optional antlerless-only licenses. This change should allow more does to be taken in counties where the doe harvest needs to be increased to meet the Department’s goals. The change should also allow more former residents to return and hunt with their families and traditional groups.

The amendment to subrule 94.7(6) revises the paragraph that requires hunters during the shotgun seasons to use hunter orange on blinds. This change makes the requirements the same for both residents and nonresidents during the regular gun season.

The amendment to rule 571—94.12(481A) allows nonresidents to obtain antlerless-only licenses for the January antlerless season. These licenses will come from the resident quota in those counties where the resident quota has not filled and will go on sale to nonresidents on January 11. All regulations that apply to resident hunters during the January season will apply to nonresident hunters as well. This change will allow more does to be taken in those counties where the doe harvest needs to be increased to meet the Department’s goals.

Notice of Intended Action was published in the Iowa Administrative Bulletin on January 14, 2009, as **ARC 7500B**. A public hearing was held on February 13, 2009. No comments were received.

Since the Notice was published, one change has been made in rule 571—94.12(481A). The date that the January antlerless-only licenses go on sale to nonresidents was changed from January 3 to January 11 so that nonresidents will not be able to buy these licenses until after the resident late muzzleloader season ends on January 10.

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

These amendments shall become effective May 13, 2009.

The following amendments are adopted.

ITEM 1. Amend subrule 94.6(2) as follows:

**94.6(2) Quota applicability.** The license quota issued for each zone will be the quota for all bow, regular gun and muzzleloader season licenses combined. No more than 6,000 any-deer licenses and 6,000 mandatory antlerless-only licenses will be issued for all methods of take combined, for the entire state. Of the 6,000 any-deer and 6,000 mandatory antlerless-only licenses, no more than 35 percent in any zone can be bow licenses. A maximum of ~~3,500~~ 4,500 optional antlerless-only licenses will be issued on a county-by-county basis. The licenses will be divided between the counties in the same proportion as resident antlerless-only licenses. Hunters must designate a zone or county and season when purchasing the license and hunt only in that zone or county and season.

ITEM 2. Amend subrule 94.7(6) as follows:

**94.7(6) ~~Ground blinds. Hunting from blinds.~~** ~~No person shall use a portable ground blind for hunting deer during the regular gun deer seasons unless such blind exhibits a solid blaze orange marking visible in all directions with a minimum height of 12 inches and a minimum width of 12 inches. As used in this subrule, “ground blind” means a constructed place of concealment. A ground blind is not a naturally occurring feature that a hunter merely uses for concealment.~~ No person shall use a blind for hunting deer during the regular gun deer seasons as defined in 94.2(2), unless such blind exhibits a solid blaze orange marking visible in all directions with a minimum height of 12 inches and a minimum width of 12 inches. Such blaze orange shall be affixed directly on or directly on top of the blind. For the purposes of

this subrule, the term “blind” is defined as a place of concealment constructed, either wholly or partially from man-made materials, and used by a person who is hunting for the purpose of hiding from sight. A blind is not a naturally occurring landscape feature or an arrangement of natural or agricultural plant material that a hunter uses for concealment. In addition to the requirements in this subrule, hunters using blinds must also satisfy the requirements of wearing blaze orange as prescribed in Iowa Code section 481A.122.

ITEM 3. Adopt the following **new** rule 571—94.12(481A):

**571—94.12(481A) January antlerless season.** Beginning on January 11, nonresident hunters may obtain antlerless-only licenses for the January antlerless season specified in 571—subrule 106.2(5). Licenses will be available only in those counties specified in 571—subrule 106.6(4) until the quota provided in 571—subrule 106.6(6) is filled. All regulations specified in 571—Chapter 106 for the January antlerless season for resident hunters including limits, shooting hours, method of take, tagging and reporting requirements will also apply to nonresident hunters during this season.

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 4/8/09.