Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 561—Chapter 12
"Special Nonresident Deer and Turkey Licenses"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 483A.24
State or federal law(s) implemented by the rulemaking: Iowa Code section 483A.24

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

September 24, 2024	6200 Park Avenue, Suite 200
12 noon to 1 p.m.	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 no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Denise Roberg
6200 Park Avenue, Suite 200
Des Moines, Iowa 50321
Email: denise.roberg@dnr.iowa.gov

Purpose and Summary

Proposed Chapter 12 implements Iowa Code section 483A.24, which requires the director to provide a certain number of special nonresident turkey and deer licenses. 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.

This chapter has been reviewed and edited consistent with Executive Order 10 (January 10, 2023). Changes from the prior version of the chapter include removing inconsistency on due dates for applications by allowing the coordinator to set dates, removing language about services provided by recipients of special promotional licenses, and removing a reference to an electronic lottery system since it is outdated.

Analysis of Impact

1. Persons affected by the proposed rulemaking:

- Classes of persons that will bear the costs of the proposed rulemaking:

Individuals who receive the special license will bear the costs.

- Classes of persons that will benefit from the proposed rulemaking:

Individuals who receive the special license, nonprofit organizations and their local communities will benefit.

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:

The general public does not have a cost. Individuals who receive the special license pay the hunt and habitat fee and cost of the license; however, those costs are imposed by statute.

- Qualitative description of impact:

Nonprofit organizations and local communities benefit from providing these hunting opportunities to nonresidents. Individuals who receive these special licenses benefit from hunting they otherwise may not qualify to engage in as a nonresident. These activities promote the state and Iowa's natural resources.

3. Costs to the State:

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

Department staff administers the program, including reviewing applications and answering questions from organizations and applicants.

- Anticipated effect on state revenues:

While the program itself increases tourism and is anticipated to have a positive impact on state revenues, the process in the rules does not have a direct impact on state revenues.

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

The costs are minimal compared to the benefits to the state of Iowa.

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

There are no less costly or less intrusive methods. This program is required by statute.

6. Alternative methods considered by the agency:

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

Not applicable. These rules are required by statute and are narrowly tailored to adhere to state law.

- Reasons why alternative methods were rejected in favor of the proposed rulemaking:

Not applicable. These rules are required by statute and are narrowly tailored to adhere to state law.

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?

There is no substantial impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 561—Chapter 12 and adopt the following **new** chapter in lieu thereof:

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:

"Approved organization" means an organization that is incorporated under Iowa Code chapter 504 as a nonprofit organization, whose mission involves providing hunting experiences for disabled veterans and military personnel.

"Conservation organization" means an organization that is incorporated under Iowa Code chapter 504 as a nonprofit organization, 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. A person who purchases a deer license from a conservation organization under these rules is not subject to the restriction provided in 12.5(1)*"b."*

"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 director or the director's designee 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.

"Nonresident disabled veteran or disabled member of the armed forces" means a person who is a veteran and who has an assigned service-related disability rating of 30 percent or more under United States Code, Title 38, Chapter 11; or a person who is a member of the armed forces serving on active federal duty currently participating in the Integrated Disability Evaluation System (IDES).

"Outdoor industry" means a commercial enterprise or venture that promotes or otherwise contributes to the use of natural resources. 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. Sponsors shall either conduct business in Iowa and be registered with the secretary of state or have some other affiliation with the state of Iowa.

561—12.3(483A) Availability of special licenses. The program shall be available to provide no more than the number of special licenses allowed by Iowa Code section 483A.24 to nonresidents through requests submitted by individual hunters, through a sponsor, or through an approved organization.

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

12.4(1) Assist the internal committee 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, sponsors, and approved organizations 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 the director or the director's designee.

12.4(5) Establish the date on which applications for special licenses for disabled veterans and disabled active military personnel are due, establish the dates on which the director or the director's designee will select the conservation organizations and hunters who will receive special licenses, and inform the conservation organizations, the approved organizations and the hunters of their selection.

561—12.5(483A) Request, review, and selection process for promotional special licenses.

12.5(1) *Submission of requests.*

a. Individual hunters or sponsors shall submit a request, or requests, to the coordinator.

b. Applicants will not qualify for a deer license under this rule if they were issued a deer license under this rule the previous year.

c. Hunters awarded a deer license under this rule may purchase preference points for the regular nonresident deer license and shall not lose those preference points when awarded a deer license under this rule.

12.5(2) *Review.* 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 director or the director's designee for consideration and final selection. The internal committee shall exercise its discretion and, in addition to the criteria in 561—12.7(483A), shall also consider the following:

a. Requests that demonstrate little or no promotion of the state of Iowa or its natural resources shall not be included in the rankings forwarded to or considered by the director or the director's designee.

b. Requests from a sponsor, a sponsor-related entity, or hunter that has been found guilty of a game violation in Iowa or elsewhere within the past five years or that, in the opinion of the internal committee, has exhibited poor hunting ethics or judgment shall not be considered for a special license.

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 561—12.12(483A) to the department through the coordinator.

561—12.6(483A) Consideration of requests for promotional special licenses. The internal committee will recommend to the director or the director's designee that conservation organizations are best qualified to promote the state and its natural resources. In making recommendations to the director or the director's designee, the internal committee will base its recommendations on the expected ability of hunters 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 fundraiser 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 director or the director's designee. The sponsoring conservation organization shall notify the coordinator 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 fundraiser.

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

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 for promotional special licenses.

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 director or the director's designee as an aid in determining the selection of hunters.

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

b. From 0 to 10 points for 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 director or the director's designee if the conservation organization meets the definition in 561—12.2(483A) and approval shall be based on 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 director or the director's designee for consideration.

561—12.8(483A) License term for promotional special licenses. With the exception of the term provided for in 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—12.9(483A) Reporting by recipients of promotional special licenses. 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. The director or the director's designee may consider compliance with this reporting requirement in evaluating future requests.

561—12.10(483A) License costs for promotional special licenses. With the exception provided in 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:

12.10(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.

12.10(2) For a special nonresident turkey license, the fee described in Iowa Code section 483A.1 for a wild turkey hunting license.

561—12.11(483A) Request, review, and selection processes for special licenses for nonresident disabled veterans or disabled members of the armed forces.

12.11(1) *Submission of requests.*

a. Individual hunters or approved organizations shall submit a request, or requests, to the coordinator.

b. Applicants will not qualify for a deer or turkey license under this rule if they were issued a deer or turkey license under this rule the previous year. However, if there are unclaimed deer or turkey licenses under this rule, then the coordinator may keep a list of applicants who received licenses the previous year and who apply for the current year, and process those applicants' applications to determine the recipients of the unclaimed licenses.

c. Hunters awarded a deer license under this rule may purchase preference points for the regular nonresident deer license and shall not lose those preference points when awarded a deer license under this rule.

12.11(2) *Review.* After the established deadlines have passed, the coordinator shall review the applications for completeness and shall process the complete applications to determine the recipients of the special licenses. The coordinator shall exercise discretion and shall also consider the following:

a. Requests from an approved organization or hunter that has been found guilty of a game violation in Iowa or elsewhere shall not be considered for a special license.

b. If special licenses are unclaimed after the established deadlines, the coordinator may set new deadlines and inform participating approved organizations that licenses are still available.

12.11(3) *Selection and payment.* Upon notice of selection to receive a special license, the approved organization or hunter shall make payment in accordance with 561—12.17(483A) to the department through the coordinator.

561—12.12(483A) License term for disabled veteran and military special licenses. Special deer or turkey licenses issued under these rules shall be valid for only the applicable deer or turkey season immediately following allocation of the license.

561—12.13(483A) License costs for disabled veteran and military special licenses. A nonresident who obtains a special license issued pursuant to this chapter shall pay the applicable fee as follows:

12.13(1) For a special nonresident deer hunting antlered or any sex deer license or a turkey hunting license, the fee described in Iowa Code section 483A.24(5)*"c."*

12.13(2) For a special nonresident hunting license that includes the wildlife habitat fee, the fee described in Iowa Code section 483A.24(5)*"d."*

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