

**Iowa Department of Natural Resources
Natural Resource Commission**

15. Chapter 106, “Deer Hunting by Residents”- Notice of Intended Action

The Commission is requested to approve the Notice of Intended Action – Chapter 106, “Deer Hunting by Residents.”

Basic Intent of Rule – Chapter 106 contains the regulations for the resident deer hunting seasons and includes licensing requirements, season dates, shooting hours, bag limits, possession limits, tagging requirements and methods of take.

Proposed Rule Change – This Notice of Intended Action is proposed to align Chapter 106 with Iowa Code section 481A.48, as amended by House File 716 (signed by Governor Reynolds on June 18, 2020). This legislation made certain firearms legal for deer hunting. Specifically, the following amendments are proposed:

- 1) Adopt in full the statute’s technical parameters for the handguns and rifles that are now legal for deer hunting during the regular gun seasons and the youth/severely disabled season; and
- 2) Adopt the statute’s requirement that youth who are hunting deer with a handgun must do so under the direct supervision of a licensed responsible adult.

Trace Kendig, Law Enforcement Bureau Chief
Conservation and Recreation Division
NRC Meeting Date: January 20, 2021

Attached: Chapter 106, “Deer Hunting by Residents” – Notice of Intended Action

NATURAL RESOURCE COMMISSION [571]
Notice of Intended Action

The Natural Resource Commission (Commission) hereby proposes to amend Chapter 106, “Deer Hunting by Residents,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 455A.5(7), 481A.38(1)“a”, and 481A.48.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 481A.48.

Purpose and Summary

Chapter 106 contains the regulations for the resident deer hunting seasons and includes licensing requirements, season dates, shooting hours, bag limits, possession limits, tagging requirements, and methods of take.

This rule making proposes to align Chapter 106 with Iowa Code section 481A.48, as amended by House File 716 (signed by Governor Reynolds on June 18, 2020), which made certain firearms legal for deer hunting. Specifically, the following amendments are proposed:

- 1) Adopt in full the statute’s technical parameters for the handguns and rifles that are now legal for deer hunting during the regular gun seasons and the youth/severely disabled season; and
- 2) Adopt the statute’s requirement that youth who are hunting deer with a handgun must do so under the direct supervision of a licensed responsible adult.

Fiscal Impact

This rule making has no fiscal impact to the state of Iowa. A copy of the fiscal impact statement is available from the Department of Natural Resources (Department) upon request.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found. A copy of the jobs impact statement is available from the Department upon request.

Waivers

This rule is subject to the waiver provisions of 571—11. Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions.

Public Comment

Any interested person may submit comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Commission no later than 4:30 p.m. on March 2, 2021.

Comments should be directed to:

Captain Matt Bruner
Department of Natural Resources
Law Enforcement Bureau
502 E 9th Street
Des Moines, IA 50319
Email: matt.bruner@dnr.iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held by conference call as follows. Persons who wish to attend the conference call should contact Captain Bruner at matt.bruner@dnr.iowa.gov. A conference call number will be provided prior to the hearing. Persons who wish to make oral comments at the conference call public hearing must submit a request to Captain Bruner prior to the hearing to facilitate an orderly hearing.

March 2, 2021	Conference call
TIME	Wallace State Office Building

Persons who wish to make oral comment at the hearing will be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Rescind subrule 106.7(2) and adopt the following **new** subrule in lieu thereof:

106.7(2) Regular gun seasons. Only the following shall be used in the regular gun season: 10-, 12-, 16-, and 20-gauge shotguns shooting single slugs; any handgun or rifle as described in Iowa Code section 481A.48; and any muzzleloaders as described in subrule 106.7(3).

ITEM 2. Amend subrule 106.7(3) as follows:

106.7(3) Muzzleloader seasons. Only muzzleloading rifles, muzzleloading muskets, ~~and muzzleloading pistols, and muzzleloading revolvers~~ will be permitted for taking deer during the early muzzleloader season. During the late muzzleloader season, deer may be taken with a muzzleloading rifle, muzzleloading musket, muzzleloading pistol, muzzleloading revolver, ~~centerfire any handgun as defined in subrule 106.7(2)~~, crossbow as described in 106.7(1) "b," or bow as described in 106.7(1).

a. All muzzleloaders as described in this subrule shall only shoot a single projectile between .44 and .775 of an inch. Muzzleloading rifles are defined as flintlock or percussion cap lock muzzleloaded rifles and muskets of not less than .44 caliber and not larger than .775 caliber, shooting single projectiles only.

b. ~~Muzzleloading pistols must be .44 caliber or larger, shoot single projectiles only, and have a 4-inch minimum barrel length.~~

ITEM 3. Amend subrule 106.7(5) as follows:

Bows, crossbows, shotguns, muzzleloaders, rifles, and handguns as described in this rule, ~~and centerfire rifles .24 caliber or larger~~, may be used during the January antlerless-deer-only season.

ITEM 4. Amend subrule 106.7(6) as follows:

The use of dogs, domestic animals, bait, firearms except as provided for in this chapter ~~rifles other than muzzleloaded, straight wall cartridge as provided in 106.7(2), 106.7(3), 106.7(5), and 106.10(5), handguns except as provided in 106.7(2) and 106.7(5)~~, crossbows except as provided in 106.7(1) ~~and 106.7(3)~~, automobiles, aircraft, or any mechanical conveyance or device, including electronic calls, is prohibited, except that paraplegics and single or double amputees of the legs may hunt from any stationary motor-driven land conveyance. "Bait" means grain, fruit, vegetables, nuts, hay, salt, mineral blocks, or any other natural food materials; commercial products containing natural food materials; or by-products of such materials transported to or placed in an area for the intent of attracting wildlife. Bait does not include food placed during normal agricultural activities. "Paraplegic" means an individual with paralysis of the lower half of the body with involvement of both legs, usually due to disease of or injury to the spinal cord. It shall be unlawful for a person, while hunting deer, to carry or have in possession a rifle except as provided in 106.7(2) ~~or, 106.7(3), 106.7(5), and 106.10(5)~~. A person in possession of a valid permit to carry weapons may carry a handgun while hunting. However, only handguns as described in 106.7(2) may be used to hunt deer and only when a handgun is a lawful method of take.

ITEM 5. Amend subrule 106.10(5) as follows:

Deer may be taken with shotguns, bows, handguns, ~~straight wall cartridge rifles, or muzzleloaders~~ as permitted in 571—106.7(481A). Youth hunters using a handgun must be accompanied and under direct supervision throughout the hunt by a responsible person with a valid hunting license who is at least twenty-one years of age, with the consent of a parent or guardian. The responsible person with a valid hunting license who is at least twenty-one years of age shall be responsible for the conveyance of the pistol or revolver while the pistol or revolver is not actively being used for hunting. "Direct supervision" means the same as that term is defined in Iowa Code section 483A.27A(4). All participants must meet the deer hunters' orange apparel requirement in Iowa Code section 481A.122. All other regulations for obtaining licenses or hunting deer shall apply.