

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed

Rulemaking related to rental fee schedule and sand and gravel permits

The Natural Resource Commission (Commission) hereby rescinds Chapter 18, “Rental Fee Schedule for State-Owned Property, Riverbed, Lakebed, and Waterfront Lands,” and Chapter 19, “Sand and Gravel Permits,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 455A.5(6)“a,” 455A.5(6)“e,” and 461A.4.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 461A.4, 461A.25, 462A.52, 462A.53 and 462A.55 to 462A.57.

Purpose and Summary

Chapter 18 and 19 are rescinded based on the Department of Natural Resources’ (Department’s) Executive Order 10 (January 10, 2023) review. However, the substance of these chapters will be retained in some form and consolidated with other related chapters.

In more detail, Chapter 18 provided a fee schedule for leases of state-owned property under the Commission’s jurisdiction. Additionally, when state-owned property is encroached upon, this chapter provided the lease fee as compensation as an alternative to requiring removal of the encroachment. This chapter was edited for length and clarity and incorporated into new Chapter 17.

Chapter 19 provided the procedures for individuals and businesses to obtain a permit for removal of sand and gravel from state-owned lands and waters under the jurisdiction of the Commission and the rules associated with the holding of a permit. The purpose of these rules is to ensure that the waterways are protected from permanent damage, that they remain ecologically intact, and that public recreational use is not adversely affected. This chapter was edited for length and clarity and incorporated into new Chapter 17.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on December 27, 2023, as **ARC 7252C**. A public hearing was held on January 23, 2024, at 12 noon via video/conference call. No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Commission on April 11, 2024.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

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

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking 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).

Effective Date

This rulemaking will become effective on June 5, 2024.

The following rulemaking action is adopted:

- ITEM 1. Rescind and reserve **571—Chapter 18**.
- ITEM 2. Rescind and reserve **571—Chapter 19**.

[Filed 4/11/24, effective 6/5/24]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/1/24.