

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed

Rule making related to Class I dock permits

The Natural Resource Commission (Commission) hereby amends Chapter 16, “Docks and Other Structures on Public Waters,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 455A.5(6), 461A.4(1)“b” and 462A.3.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 461A.4 and 461A.18.

Purpose and Summary

Chapter 16 contains rules governing docks and boat hoists, including the issuance of Class I dock permits. This rule making amends subrules 16.4(3) and 16.17(1), which designate procedures for issuing Class I dock permits. The amendments change the existing term of the Class I permit from five years to a perpetual term. The permit will be valid until the property is sold or transferred or until the dock no longer meets the criteria for a Class I permit.

Currently, the Department of Natural Resources (Department), on behalf of the Commission, manages 7,683 dock permits in its dock program. Of these docks, 4,854 are Class I permits. Eliminating routine Class I permit reapplications simplifies the process for Class I permittees and significantly reduces the amount of staff time spent assisting Class I dock permittees. This allows staff to work on other Department priorities.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on November 3, 2021, as **ARC 6028C**. A virtual public hearing was held on November 30, 2021, at 10 a.m. via conference call. No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Commission on January 19, 2022.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa because it requires no additional revenues or staffing to implement. A copy of the fiscal impact statement is available from the 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—Chapter 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, if any.

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).

Effective Date

This rule making will become effective on March 16, 2022.

The following rule-making actions are adopted:

ITEM 1. Amend subrule 16.4(3) as follows:

16.4(3) *Procedures for issuance of Class I dock permits.* The owner of a standard dock eligible for a Class I permit under the criteria in 16.4(1) or a dock in an area specified in 16.4(2) shall apply for a Class I dock permit on an application form supplied by the department. The applicant shall certify that the dock meets the criteria for a Class I permit. The department shall approve the application based on the applicant's certification and shall assign a permit number, which may be a series of numbers or letters, or a combination of numbers and letters. The applicant shall be responsible for obtaining stickers with the permit numbers and letters, for attaching them to the end of the dock facing opposite from the shoreline, and for displaying the 911 address as provided in 16.3(5). Class I dock permits authorized by this rule may be issued for terms up to five years and shall be issued without administrative fee and remain valid until the property is sold or transferred. In the event the property is sold or transferred, the new owner may request to transfer the Class I dock permit as provided in 16.17(1). A Class I dock permit shall be valid only while dock and hoists comply with the criteria for a Class I permit.

ITEM 2. Amend subrule 16.17(1) as follows:

16.17(1) *Duration and transferability of dock permits; administrative fee refunds.* ~~Each~~ With the exception of Class I dock permits, each dock permit shall be issued for a term of five years unless a shorter term is needed due to specified circumstances. The administrative fee paid with an application is nonrefundable unless the application is withdrawn before the department incurs administrative expense in investigating the application. A dock permit is automatically transferable to a new owner of the shoreline property upon request of the new owner.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/9/22.