Regulatory Analysis

Notice of Intended Action to be published: 561—Chapter 6
"Declaratory Orders"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A.9(2) and 455A
State or federal law(s) implemented by the rulemaking: Executive Order 10 (2023)

Public Hearing

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

September 24, 2025 1 to 2 p.m.	Yellow River Conference Room 6200 Park Avenue, Suite 200 Des Moines, Iowa

Free language access: If you speak a non-English language, the Department of Natural Resources (Department) offers you language assistance services free of charge. Contact the Department at kelli.book@dnr.iowa.gov.

Asistencia lingüística gratuita: Si habla un idioma que no sea el inglés, los servicios de asistencia lingüística están disponibles de forma gratuita. Comuníquese con el Departamento al kelli.book@dnr.iowa.gov.

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Department no later than 4:30 p.m. on September 24, 2025. Comments should be directed to:

Kelli Book
Iowa Department of Natural Resources
6200 Park Avenue, Suite 200
Des Moines, Iowa 50321
Phone: 515.210.3408
Email: kelli.book@dnr.iowa.gov

Free language assistance: If you need assistance in a language other than English, contact the Department at kelli.book@dnr.iowa.gov or civilrights@dnr.iowa.gov or by telephone at 515.210.3408 at least seven days before the event.

Asistencia linguistica gratuita: Si necesita ayuda en un idioma que no sea ingles, comuniquese con el Departamento at kelli.book@dnr.iowa.gov o civilrights@dnr.iowa.gov o por telefono a 515.210.3408 el menos siete dias antes del evento.

Purpose and Summary

The Iowa Administrative Procedure Act requires an agency to adopt rules describing how it will receive and process declaratory orders. Chapter 6 governs the Department's process for receiving and reviewing declaratory orders. The proposed chapter adopts the Uniform Rules on Agency Procedures contained in the first volume of the Iowa Administrative Code along with Department-specific provisions.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

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

There are no costs associated with this proposed rulemaking. The proposed rulemaking is procedural in nature and is required by law.

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

Persons who seek a declaratory order from the Department will benefit from this proposed rulemaking because it provides a clear and concise process for seeking a declaratory order.

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:**

There are no costs associated with this proposed rulemaking. The proposed rulemaking is procedural in nature and is required by law.

- **Qualitative description of impact:**

There are no costs associated with this proposed rulemaking. The proposed rulemaking is procedural in nature and is required by law.

3. **Costs to the State:**

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

There are no costs associated with this proposed rulemaking. The proposed rulemaking is procedural in nature and is required by law.

- **Anticipated effect on State revenues:**

There will be no impact on State revenues associated with this proposed rulemaking. The proposed rulemaking is procedural in nature and is required by law.

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

Not applicable; the proposed rulemaking is required by law.

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

Not applicable; the proposed rulemaking is procedural in nature and is required by law.

6. **Alternative methods considered by the agency:**

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

None were considered.

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

The proposed rulemaking is required by 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?

The proposed rulemaking has no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 561—Chapter 6 and adopt the following **new** chapter in lieu thereof:

CHAPTER 6
DECLARATORY ORDERS

The department of natural resources hereby adopts, with the following amendments, the Uniform Rules on Agency Procedure relating to declaratory orders, which are published on the general assembly's website at www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf.

561—6.1(17A) Petition for declaratory order. In lieu of the words "(designate agency)", insert "department of natural resources". In lieu of the words "(designate office)", insert "director's office, department of natural resources". In lieu of the words "(AGENCY NAME)", the heading of the petition should read:

BEFORE THE DEPARTMENT OF NATURAL RESOURCES

561—6.2(17A) Notice of petition. In lieu of "___ days (15 or less)", insert "15 days". In lieu of the words "(designate agency)", insert "department of natural resources".

561—6.3(17A) Intervention.

6.3(1) In lieu of "___ days", insert "20 days".

6.3(2) In lieu of the words "(designate agency)", insert "department of natural resources".

6.3(3) In lieu of the words "(designate office)", insert "director's office, department of natural resources". In lieu of the words "(designate agency)", insert "department". In lieu of the words "(AGENCY NAME)", the heading of the petition should read:

BEFORE THE DEPARTMENT OF NATURAL RESOURCES

561—6.4(17A) Briefs. In lieu of the words "(designate agency)", insert "department".

561—6.5(17A) Inquiries. In lieu of the words "(designate official by full title and address)", insert "Director, Department of Natural Resources, 6200 Park Avenue, Suite 200, Des Moines, Iowa 50321."

561—6.6(17A) Service and filing of petitions and other papers.

6.6(2) *Filing—when required.* In lieu of the words "(specify office and address)", insert "Director, Department of Natural Resources, 6200 Park Avenue, Suite 200, Des Moines, Iowa 50321." In lieu of the words "(agency name)", insert "department of natural resources".

561—6.7(17A) Consideration. In lieu of the words "(designate agency)", insert "department of natural resources". Add the following new paragraphs:

An order, including a refusal to issue an order, issued by the director is final unless the issue is within the rulemaking authority of one of the department's commissions, in which case the order or refusal is final unless appealed to the commission within ten days of receipt by the petitioner or reviewed by the commission on its own motion. On appeal or review, the commission may:

1. Approve the director's ruling, in which case the order becomes the final declaratory order of the department, or
2. Reverse or modify the declaratory order, in which case the modified order becomes the final declaratory order of the department, or
3. Request additional information from the petitioner, or
4. Decline to issue an order, as specified in rule 561—6.9(17A).

The commission's order or refusal to issue an order will be made within a reasonable time and sent by certified mail to the petitioner upon issuance.

561—6.8(17A) Action on petition. In lieu of the words "(designate agency head)", insert "director".

561—6.9(17A) Refusal to issue order. In lieu of the words "(designate agency)", insert "department of natural resources".

561—6.10(17A) Effect of a declaratory order. In lieu of the words "(designate agency)", insert "department of natural resources".

These rules are intended to implement Iowa Code section 17A.9.