Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 561—Chapter 16
"State Park and Recreation Area Fees"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 455A.14
State or federal law(s) implemented by the rulemaking: Iowa Code section 455A.14

Public Hearing

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

September 25, 2024	6200 Park Avenue, Suite 200
12 noon to 1 p.m.	Des Moines, Iowa

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis. Written or oral 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:

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Des Moines, Iowa 50312
Phone: 515.571.4010
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Purpose and Summary

Proposed Chapter 16 provides the methodology for how fees for camping, the use of rental facilities, vessel storage, and other special privileges are determined in state park and recreation areas. The overall intent of the chapter is to increase revenue for the state's conservation fund, which is required by law to support Iowa's state parks system, among other public lands and waters, but to also maximize occupancy and usage of the Iowa state parks and recreation areas.

The Department has statutory authority to set fees to be reasonably competitive with other parks and recreation areas in close proximity and to increase, reduce, or waive fees in response to promotional events or efforts. The chapter will provide clarity to staff and customers on reservation changes, what fee is charged when there is a recent fee change, and to expect alternative fees when political subdivisions are managing the state-owned areas.

This chapter has been reviewed and edited consistent with Executive Order 10 (January 10, 2023).

Analysis of Impact

1. Persons affected by the proposed rulemaking:

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

Members of the public using facilities in state park and recreation areas, including for camping, rental facilities, vessel storage, and other special privileges, will bear the costs.

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

Members of the public using facilities in state parks and recreation areas, including for camping, rental facilities, vessel storage, and other special privileges, 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 indirect cost to the public under Chapter 16 is the specific fees for camping, the use of rental facilities, vessel storage, and other special privileges at state parks and recreation areas. The authority to set fees at a reasonably competitive basis is in statute, but the actual amount of each fee is subject to the methodology in Chapter 16. Members of the public may see fee increases at parks and recreation areas under this methodology.

- Qualitative description of impact:

The rules provide an objective methodology to maximize occupancy and usage of Iowa state parks and recreation areas.

3. Costs to the State:

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

Department costs include staff involvement in determining and justifying the fees, and updating the website with any fee adjustments.

- Anticipated effect on state revenues:

These rules increase funding to the state conservation fund by allowing flexibility to increase occupancy and usage of park and recreation area facilities.

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

The benefits of increasing occupancy and usage of state park and recreation facilities outweigh the cost to the public.

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 associated with this proposed chapter. Under Iowa Code section 455A.14, the Department must adopt a methodology to set fees to be reasonably competitive.

6. Alternative methods considered by the agency:

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

None. These rules are required by statute.

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

Not applicable. These rules are required by statute.

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?

This proposed rulemaking does not have an impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 561—Chapter 16 and adopt the following **new** chapter in lieu thereof:

CHAPTER 16
STATE PARK AND RECREATION AREA FEES

561—16.1(455A) Definitions.

"Commission" means the same as defined in Iowa Code section 461A.1(1).

"Department" means the same as defined in Iowa Code section 461A.1(2).

"Director" means the same as defined in Iowa Code section 461A.1(3).

561—16.2(455A) Camping, rental facilities, vessel storage, and other special privileges—fees.

16.2(1) *Fee methodology.* The director or the director's designee shall fix and publish on the department's website base fees for camping, the use of rental facilities, vessel storage and other special privileges at state parks and recreation areas under the jurisdiction of the department and the commission. The director or the director's designee may consider the following factors when establishing and when adjusting base fees:

a. The specific park's or recreation area's amenities.

b. The size and features of a particular campsite or rental facility.

c. Use of campsites, rental facilities, or other special privileges.

d. Day of the week, season of the year, holidays, or other noteworthy occasions or special events.

e. Cost of operations.

f. Other considerations that the director or the director's designee deems appropriate.

16.2(2) *Fees honored.* The fee to be charged shall be the fee currently in effect at the time the reservation is made and paid for. Any change to a reservation shall be subject to the fees applicable to the campsite or rental facility, along with any applicable reservation change fee, at the time the reservation is modified.

561—16.3(455A) Areas under management—varying fees. Fees charged for like services in state-owned areas under management by political subdivisions may vary from those established pursuant to this chapter.

These rules are intended to implement Iowa Code section 455A.14.