

CHAPTER 102
RULES OF PRACTICE

27—102.1(466A) Definitions. All words and terms defined in Iowa Code Supplement chapter 466A and employed in these rules are given the definitions found in that legislation. The following words and terms used in these rules shall have the meanings hereafter ascribed to them:

“*Auditor*” means the auditor of the state of Iowa.

“*Board*” means the watershed improvement review board as established in Iowa Code Supplement section 466A.3.

“*Committee*” means a local watershed improvement committee as provided in Iowa Code Supplement section 466A.4.

“*Division*” means the division of soil conservation within the department of agriculture and land stewardship as established in Iowa Code section 161A.4.

“*Eligible applicant*” means a nonprofit organization authorized by the secretary of state; a soil and water conservation district; a public water supply utility; a county; a city; or a county conservation board.

“*Fund*” means the watershed improvement fund as created pursuant to Iowa Code Supplement section 466A.2.

“*State*” means the state of Iowa.

“*Treasurer*” means the treasurer of the state of Iowa.

[ARC 1053C, IAB 10/2/13, effective 1/1/14]

27—102.2(466A) Public information. The public is invited to obtain information or make informal requests of the board by addressing these matters, either orally or in writing, to the chairperson of the Iowa Watershed Improvement Review Board, Department of Agriculture and Land Stewardship, Wallace State Office Building, 502 E. 9th St., Des Moines, Iowa 50319, or from the department’s Web site at www.iowaagriculture.gov/IWIRB.asp.

[ARC 1053C, IAB 10/2/13, effective 1/1/14]

27—102.3(466A) Informal settlement of controversies. Every possible attempt will be made to handle all complaints and controversies, whether raised by the board or by members of the public, in an informal manner.

102.3(1) In cases of a routine nature, the chairperson shall attempt to settle the matter. In cases indicating a need for interpretation of board policy or legal interpretation, the chairperson may defer action until after consultation with legal counsel, or the chairperson may defer action until after discussion of the subject at a board meeting.

102.3(2) In cases not of a routine nature, or in cases in which the efforts of the chairperson are unsuccessful, the board itself shall act to resolve the matter. In cases indicating a need for legal advice, the board may defer action until after consultation with legal counsel.

27—102.4(466A) Declaratory orders. On petition by an interested party who is aggrieved or adversely affected by the question contained in the petition, the board may issue a declaratory order with respect to the interpretation or applicability of any statutory provision, rule, or other written statement of the law or policy, decision, or order of the board.

102.4(1) Petitions shall be titled “PETITION FOR DECLARATORY ORDER” and shall include the name and address of all petitioners. The body of the petition must state the precise factual situation involved, the exact question to which an answer is desired, and the exact words, passages, sentences, or paragraphs which are the subject of inquiry.

102.4(2) The petition shall be filed at the office of the board at Wallace State Office Building, 502 E. 9th St., Des Moines, Iowa 50319.

102.4(3) The board will refuse to issue a declaratory order if the petition does not state with enough specificity the factual situation or the question presented; if the issuance of the order would not be in the best interests of the public; or for any other reason the board deems just and proper.

102.4(4) The board shall issue an order or dismiss the petition within 60 days of the filing of the petition except that when additional information is requested, the order shall be issued within 60 days following receipt of the requested information.

27—102.5(466A) Petition for adoption of rules. Any interested person may file with the board a written request that the board adopt, amend, or repeal a rule. The petition shall be addressed to the Iowa Watershed Improvement Review Board, Department of Agriculture and Land Stewardship, Wallace State Office Building, 502 E. 9th St., Des Moines, Iowa 50319, and shall include:

1. The names of those requesting the change.
2. The proposed rule or present rule as it would read following the desired amendment.
3. The reason for the proposed rule or amendment.
4. The statutory authority for the proposed rule or amendment.

Within 60 days following receipt of the petition, the board shall either deny the petition in writing on the merits, stating the board's reason for denial, or initiate rule-making proceedings.

These rules are intended to implement Iowa Code chapter 466A.

[Filed emergency 8/25/05—published 9/14/05, effective 8/25/05]

[Filed 1/27/06, Notice 9/14/05—published 2/15/06, effective 4/3/06]

[Filed ARC 1053C (Notice ARC 0927C, IAB 8/7/13), IAB 10/2/13, effective 1/1/14]