

Iowa DNR Five-Year Rule Review Plan

Iowa Department of Natural Resources
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Des Moines, Iowa 50319

2018-2022

A. Introduction

Iowa Code section 17A.7(2) requires that

Beginning July 1, 2012, over each five-year period of time, an agency shall conduct an ongoing and comprehensive review of all of the agency's rules. The goal of the review is the identification and elimination of all rules of the agency that are outdated, redundant, or inconsistent or incompatible with statute or its own rules or those of other agencies. An agency shall commence its review by developing a plan of review in consultation with major stakeholders and constituent groups. When the agency completes the five-year review of the agency's own rules, the agency shall provide a summary of the results to the administrative rules coordinator and the administrative rules review committee.

1. Ongoing Rule Review Committee

DNR has an ongoing five-year rule review committee to ensure the provision of a structured and comprehensive approach to rule review. This internal committee will meet every six months.

2. Phased Review Process

DNR has conducted a comprehensive two-phase process of rule review since the enactment of Iowa Code section 17A.7(2). The initial phase of review (Phase 1) is intended to identify rules that could be repealed or amended because they are outdated, redundant, or inconsistent with other rules. Rule chapters that are not repealed or amended during the Phase 1 process are subject to Phase 2, which involves a more in-depth review of specific rules, in consultation with stakeholders.

DNR is continually updating and revising its rules, and DNR will continue to do so. The five-year rule review process is used by DNR to address specific concerns about the overall regulatory burden of state government in Iowa.

3. Executive Order 9

DNR's Fiscal Year 2018 Rule Regulatory Plan, compiled in compliance with Executive Order 9, is posted on DNR's website at <http://www.iowadnr.gov/About-DNR/About-DNR/Administrative-Rules> to inform stakeholders of any rule making the DNR may undertake in the current fiscal year.

Executive Order 9 requires that the plan include a "listing [of] each 'regulatory action' (each potential rule currently under active consideration or development within the [DNR] excluding those rules that do not have a substantial impact on

the legal rights, privileges, or duties of persons) that the [DNR] reasonably expects to issue in proposed or final form in that fiscal year or thereafter."

DNR's Regulatory Plan includes any rules that will be rescinded or amended in FY18 as a result of the five-year rule review process.

Based upon the statutory requirements of section 17A.7(2), DNR will address the following topics during review of its rules:

- Rescinding rules that no longer have statutory authority
- Rescinding rules that do not appear to have legal authority
- Revising or rescinding rules that are overly burdensome
- Identifying rules that are unnecessarily more stringent than required by the federal government
- Revising or rescinding redundant rules
- Creating more use-friendly rules (for example, easy to read with proper citations)

The intent of this analysis is the continuing elimination of any unnecessary rules and the improvement of all rules where modifications are determined to be necessary and appropriate.

B. Initial and Ongoing Review

DNR's initial Five-Year Rule Review Plan is available on DNR's website at <http://www.iowadnr.gov/About-DNR/About-DNR/Administrative-Rules>.

DNR's summary of its initial section 17A.7(2) five-year rule review is dated June 23, 2017, and is available on DNR's website at the following location: <http://www.iowadnr.gov/About-DNR/About-DNR/Administrative-Rules>.

This current DNR Five-Year Rule Review Plan was made available for review at the following location from February 26, 2018, through March 13, 2018, for the purpose of soliciting public comments: <https://comment.iowa.gov>. No comments were received.