

567—73.1(109,455B) Operating plan for dams with movable structures.

73.1(1) *When approval of operating plan required.* An operating plan approved by the department shall be required for any dam exceeding the thresholds established in rule 567—71.3(455B) if the dam has movable structures which must operate during floods or to release a minimum downstream flow, or the impoundment water level is raised or lowered regularly or periodically.

73.1(2) *Procedures for approval of operating plan.*

a. Form of review. Requests for approval of an operating plan shall be submitted and reviewed in the following manner:

(1) *Where operating plan is related to proposed construction.* If an operating plan is required for a proposed new dam or because of proposed structural modification of an existing dam, the operating plan will be reviewed as part of the department review of construction plans which are required by 567—Chapters 70 to 72. Approval of the proposed operating plan will be made a part of the department permit, which approves the construction plans.

(2) *Where operating plan is not related to proposed construction.* If an operating plan is required because of a change in use of a dam and is not related to proposed structural modification of the dam, the proposed operating plan should be submitted to the department in writing together with department application Form 36, described in rule 567—70.3(455B). The applicant should indicate on Form 36 that structural modification of the dam is not proposed.

(3) *General review procedures.* Applications shall be reviewed in accordance with the procedures in 567—Chapter 70.

b. Information required for review. An application for approval of an operating plan shall be supported by written information identifying personnel responsible for operation of the dam, the circumstance under which gates or other movable structures must operate, the method of operation, and the method of discharge measurement. These requirements are more fully described in department Bulletin No. 16.

73.1(3) *Criteria for approval.*

a. Required findings. The department will approve a proposed operating plan only after the following findings are made:

(1) The proposed operating plan complies with the statutory criteria set forth in Iowa Code section 455B.275, considering the purposes of regulation set forth in Iowa Code section 455B.262 and the effects to be considered under Iowa Code section 455B.264.

(2) The proposed operating plan complies with the criteria in chapter IX of department Bulletin No. 16.

b. Anticipation of changed circumstances. In applying the approval criteria in paragraph “a” of this subrule, consideration shall be given to both existing conditions and potential future conditions which can reasonably be anticipated at the time the application is reviewed.