

567—73.11(109,455B) Removal of dams.

73.11(1) *When approval required.* Agency approval is required to remove any dam which exceeds the thresholds in rule 567—71.3(455B).

73.11(2) *Procedures for approving removal of dams.*

a. Information required. To request approval to remove a dam the applicant shall submit a written statement including the following:

- (1) Identification of the structure by name and location.
- (2) Identification of the owner and, if the applicant is not the owner, evidence of authority to act for the owner.
- (3) The purpose for removal of the dam.
- (4) Methods to be used in drainage of the impoundment and removal of the structure and appurtenances.
- (5) Proposed final disposition of the impoundment site.
- (6) Names, mailing addresses and location of the immediate upstream, downstream and adjacent landowners and occupants and, in addition, names and mailing addresses of other landowners and occupants who the director or council, after reviewing the proposal, believes will have a substantial interest in or will be substantially affected by removal of the dam.

b. Form of review. Agency review process shall be as provided for review of operating plans in 73.1(2)“a”(2) and (3).

c. Criteria for approval. Criteria for approval of removal of a dam are the statutory criteria for approval of operating plans identified in 73.1(3).

d. Waiver of procedures for requesting approval to remove certain small dams. If a dam to be removed is classified as “low hazard” and is not a “major structure” as defined in 567—Chapter 70, the department may waive the requirements of paragraphs “a” and “b” of this subrule and approve removal by letter in response to oral or written notice of intent to remove the dam.