

567—73.2(109,455B) Raising or lowering of impoundment levels.

73.2(1) *When approval required.* A separate approval is required to temporarily or permanently raise or lower the level of water impounded by a dam which exceeds the thresholds of rule 567—71.3(455B) unless the raising and lowering has been authorized as part of an approved operating plan. Such approval shall be in the form of a letter authorizing the lowering or raising and may be conditioned upon various requirements.

73.2(2) *Procedure for approval of raising or lowering impoundment water levels.* Review procedure shall be as provided for operating plans in subrule 73.1(2) except that the applicant shall submit the following additional information:

a. The date raising or lowering will be initiated, the level to which the impoundment will be raised or lowered, and, if temporary, the anticipated date when the normal water level will be restored.

b. Evidence that during raising of the water level the required minimum downstream release rate will be maintained.

c. Evidence that the discharge rate during lowering will not exceed the capacity of the stream channel below the dam.

73.2(3) *Criteria for approval of raising or lowering impoundment water levels.* The criteria for approval are the statutory criteria for approval of operating plans identified in subrule 73.1(3). In addition, as a condition of approving temporary or permanent raising or lowering of water levels, the applicant may be required to give prior notice to the director of the local county conservation board or local enforcement officer for the department and publicize the lowering locally in order to notify downstream users, persons who have boats or docks on the impoundment and other persons whose use of the impoundment might be affected.