

571—17.9(461A) Standards. The following standards shall apply to operation of fleeting areas:

17.9(1) A fleeting lease shall be construed to do no more than give the operator the right to designate and improve an area to be utilized for fleeting. The lease creates no interest, personal or real, in the real estate below the ordinary high water line except as provided in the lease.

17.9(2) Improvements in fleeting areas shall be limited to items such as construction of dolphins, mooring cells, deadmen, mooring barge anchors, and other similar methods of ensuring retention of barges if approved by the department. Improvements shall be constructed in a manner consistent with engineering standards of the U.S. Army Corps of Engineers.

17.9(3) Fleeting activities within leased fleeting areas shall be limited to barge mooring service, ancillary harbor towing and minor barge repair or servicing. No washing or cleaning of barges is permitted, unless conducted in compliance with the requirements of Iowa Code chapter 455B; the washing activities will not have a substantial adverse effect on fish or wildlife (mussels, fish spawning, waterfowl, or furbearer) habitat; and the department specifically approves the cleaning activity.

17.9(4) Barges shall not be moored to trees or other natural features of an area except with the approval of the riparian property owner or during an emergency.

17.9(5) Barge fleeting shall be conducted in a manner that minimizes bank erosion attributable to the fleeting operation.

17.9(6) Leased fleeting areas may be used for navigation and recreational pursuits such as boating and fishing only to the extent that such use does not interfere with fleeting activities. Other waterway users shall not obstruct barge fleeting activities within leased fleeting areas.

17.9(7) The right of entry of barges into a fleeting area may be refused by:

a. The operator.

b. The department, after conferring with the operator, when there is an imminent hazard to the public interest, or to public health, safety or welfare.

17.9(8) The operator shall, at all times, be responsible for the safety and security of the barges in the fleeting area and shall take reasonable precautions to eliminate hazards to boaters or other persons in the fleeting area.

17.9(9) Lights or other warning devices as required by state and federal navigation regulations shall mark moored or fledged barges.

17.9(10) The operator shall notify the department of the current name, address, and day and evening telephone numbers of the individual directly responsible for supervising the fleeting area who is to be notified in case of emergency.

17.9(11) A lease issued under this chapter may not be exercised until all other necessary permits or approvals have been issued by local, state or federal agencies having jurisdiction over the lease area.

17.9(12) All structures and devices shall be removed by the operator upon the expiration of a lease unless the department determines some structures and devices must remain in place to correct existing problems or to prevent future problems that could cause environmental damage.