

567—73.32(455B) Raising or lowering of impoundment levels.

73.32(1) *When approval is required.* A separate approval is required to temporarily or permanently raise or lower the normal level of water impounded by a regulated dam 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.

73.32(2) *Information required for approval.* The applicant shall submit the following information:

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

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

73.32(3) *Criteria for approval.* The department's review of the raising or lowering of the impoundment includes determining the effects on flooding or flood control for any proposed works and adjacent lands and property; on the wise use and protection of water resources; on the quality of water; on fish, wildlife, and recreational facilities or uses; and on all other public rights and requirements.

73.32(4) *Conditions.* Conditions of approving the temporary or permanent raising or lowering of water levels may include:

a. Giving prior notice to the director of the local county conservation board or local enforcement officer for the department;

b. Publicizing 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; and

c. Maintaining a minimum release rate as determined by the department during refilling.

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