

CHAPTER 5. LAKE RESTORATION PERMITTING & AUTHORIZATIONS

INTRODUCTION

Submission of permit applications and/or letter for authorization are required whenever a lake project involves water release, shore line armoring, construction of a jetty, fish habitat, and/or boat ramp. Most restoration projects involve lowering the conservation pool or completely draining the lake. Normally the lake's water elevation is manipulated after the Labor Day holiday. Most projects call for the construction phase to begin in early winter with an early spring completion date. Advanced planning is a must, in order to receive the necessary permits, authorization and federal funding prior to project construction.

Water Release Authorization:

A request letter to lower the lake's water level should to be submitted to the Flood Plain Section Supervisor at DNR Wallace State Office Building, 502 E. 9th Street, Des Moines, IA 50319. The request shall contain the lake's name, a legal description location, a date to begin water release, to what elevation the water will be lowered, project duration, the method used to release water, and the purpose for water release.

Authorization requires public involvement. A public meeting or new release announcing the proposed project with an invitation to comment can be completed before or after the request for authorization. Most often, public involvement occurs before the Fisheries Bureau commits to a lake project. If completed, documentation of public involvement should be included in or attached to the letter of request for authorization. If not complete the authorization letter will be conditioned to obtain public input prior to water release.

The biologist is responsible in obtaining authorization and receiving public comment. Normally it takes approximately two weeks to obtain an authorization letter.

Permit to apply chemical:

A permit is required to apply any chemical to a public water. The DNR Water Quality Bureau issues this permit in accordance to Administrative Code EP[567] Chapter 66; Pesticide Application to Waters. Chapter 66 can be found at <http://www.legis.state.ia.us/Rules/Current/iac/gnac/gnac2184/gna2185.pdf>. The application is to be mailed to Iowa DNR Water Supply Section at 401 SW 7th Suite M, Des Moines, IA 50309 - 4611.

The biologist is responsible in obtaining the permit. The information must be submitted on department Form 542—1409 entitled "Aquatic Pesticide Application to Prohibited Waters — Permit Application Form" (Table 1). The completed application form should be filed with the department at least 90 days prior to the anticipated period of aquatic pesticide application. The permit is issued for the period of time requested in the application, or such period of time as the department deems appropriate under the circumstances, but in no case shall the permit be valid for longer than the calendar year in which it was issued.

A permit may be denied if any of the following conditions are found to be applicable:

- a. Water quality data show a water quality standards violation for the aquatic pesticide, or its ingredients, within the same lake, wetland or reservoir as the requested area for aquatic

pesticide application, or downstream of the requested area for aquatic pesticide application;
or

b. Water quality testing by a public or private water supply or by the department has found quantifiable levels of the aquatic pesticide in its raw or finished water within the last four years. The testing would be applicable if conducted within the same lake, wetland or reservoir as the requested area for aquatic pesticide application or if conducted downstream of the requested area for aquatic pesticide application; or

c. The applicator does not possess a current Category 5—aquatic pest control certificate from DALs; or

d. The requested application of aquatic pesticide is not following label instructions for use of the aquatic pesticide; or

e. The active or inactive ingredients in the aquatic pesticide are regulated under the Safe Drinking Water Act (SDWA); or

f. A public or private water supply intake is within 2000 feet of the requested area of the aquatic pesticide application in a lake, reservoir, or wetland, or the public or private water supply intake is within 100 feet upstream or 2000 feet downstream of the requested area of the aquatic pesticide application in a river or stream; or

g. A shallow well, as defined in rule 567—40.2(455B), is located within 50 feet of the aquatic pesticide application area.

Other Permits and Federal Grant Approval:

All restoration projects require other permits and some may be cost shared with federal to Sport Fish Restoration funds. Obtaining the needed permits and federal grant approval is the most time consuming and project timing is of the up most importance. A construction contract can not be consummated until permits have been issued and a federal grant proposal approved.

One permit application covers all required permits. The application is know as "Joint Application Form - Protecting Iowa Waters" and can be found at: <http://www.iowadnr.com/other/files/jointpermit.pdf>. Copies of the application are sent to the Army Corps of Engineers, Iowa DNR Flood Plain Section and Iowa DNR Sovereign Land coordinator. The Engineering and Realty Services Bureau (ERSB) is responsible for applying for permits. However Des Moines Office Fisheries staff on certain occasions may submit an application.

The permit application and the federal grant proposal is based on the scope of work described in the Project Request submitted to the Engineering and Realty Services Bureau (ERSB). A PR must be submitted at least six months prior to bid letting. The Project Request is developed by the biologist with the aid of the ERSB Facilities Engineer. Once the PR is submitted it is imperative that project scope does not change unless the permit application and grant proposal are amended. Altering the project's scope after-the-fact will be in violation of an issued permit and may cause loss of federal grant money.

The grant proposal is normal written by Des Moines Office Fisheries staff. This proposal consists of a project description component and environmental review component. The project description component describes the project's need, objective, benefit, approach and location. The environmental review component assesses environmental affects of the project and must comply with the National Environmental Policy Act. Public input, wetlands, threatened/endangered species, accessibility and archaeological resources are the key issues that need to be addressed in the review. Federal agencies will not make grant funding available

until all environmental issues are fully addressed. Environmental issues are most responsible for delay in issuance of a permit and approval of grant money.

The biologist is responsible for public input. This is done early in project planning and before the DNR commits to the project. The Des Moines office staff assesses all other environmental issues. Investigating the presence of archaeological resources is what often holds up grant and permit approval. An archaeological investigation is required for all restoration projects. This investigation, a written report of its findings, its review and approval by state and federal agencies must be undertaken from the time the lake's water level is lowered and a construction contract let. Generally this time frame is from Labor Day to mid-January or approximately 130 days. Of these 130 days; approximately 18 days are needed to lower the lake, 45 days to conduct an archaeological survey and submit a report, 30 days for agency review, a 30-day public review notice issued by the Army Corps of Engineers and seven days to issue permits and approve grant money.

The short project duration period makes it difficult to complete all restoration project steps on time. However, it is possible when there is good communication among the biologist, Des Moines Office staff and ERSB

IOWA DEPARTMENT OF NATURAL RESOURCES

**Aquatic Pesticide Application to Prohibited Waters
PERMIT APPLICATION FORM**

Applicant Name	Address		
Area Code/Phone No.	Name of Receiving Water (lake, river, stream).		
Department of Agriculture and Land Stewardship--Category--5 (Aquatic Pest Control) Certificate Number (or enclose a copy of the Certificate)			
Purpose of Applying the Aquatic Pesticide. (Ex. to control submerged weed growth around the dock)			
Brief Description of Location of Aquatic Pesticide Application (include address of frontage property). Sec: _____ Twp: _____ Range: _____ County _____			
Describe Area of Aquatic Pesticide Application (include sketch on Side 2 of this form) (Ex: 50' along both sides of 200' boat dock and walkway located on the west side of Green Beach 80 feet South of Highway 1)			
1) Describe the Time Period: _____ (Ex. Beginning June 15 through September 15)			
2) Frequency of Aquatic Pesticide Application: (Ex. Once every 30 days as needed.)			
3) Rate of Pesticide Application:			
1) Brand Name of Aquatic Pesticide:			
2) Manufacturer:			
3) EPA Pesticide Registration No:			
4) Listing & % by Weight of Active Ingredient:			
Name and Location of Known Public and Private Water Supply Intakes within 2,000 feet of Application Area and wells within 50 feet (must be included in the sketch).			
		Internal use only	
Permit No:		Date Issued:	

Table 1. Continued.

Form No. 542-1409

For Sketch of Application Area

(Include important physical features within 2,000 feet of application area)



I CERTIFY THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE, ACCURATE, AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

Signature

Date