



STATE OF IOWA

TERRY E. BRANSTAD, GOVERNOR
KIM REYNOLDS, LT. GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
CHUCK GIPP, DIRECTOR

February 22, 2013

Steve Leonard, President
Lake Delhi Combined Recreational and Water Quality District
712A Third St.
Delhi, IA 52223

RE: Response to Request for Variance to Requirements of Iowa Code section 481A.14, Submitted on behalf of the Lake Delhi Recreational Facility and Water Quality District (District)

Dear Mr. Leonard,

I understand that the District is currently in the planning stage of reconstructing and repairing the dam at Lake Delhi (Lake Delhi Dam), a structure which failed on July 24, 2010. The District has divided this reconstruction and repair effort of Lake Delhi Dam into two phases, with the second phase including the reconstruction and repair of the actual water impoundment or dam structure.

Iowa Code section 481A.14 prohibits any person, firm or corporation from erecting a dam or obstruction in waters in this state that hinder the free passage of fish or otherwise do not provide fishway unless the director of the Department of Natural Resources (DNR) approves plans otherwise. The District, through its engineering firm Stanley Consultants, Inc. (Stanley), has requested that I approve reconstruction and repair activities at the Lake Delhi Dam that do not provide a fishway.

For purposes of Iowa Code section 481A.14 only and provided the District obtains all other necessary dam reconstruction permits required elsewhere by Iowa Code and regulated by Iowa Administrative Code for the reconstruction and repair of the actual water impoundment or dam structure of Lake Delhi Dam, I, as the Director of the DNR, hereby waive any requirement to provide fish passage that may be enumerated in Iowa Code section 481A.14 for the reconstruction and repair of Lake Delhi Dam to the extent either occur. Nothing in this letter shall be, or be interpreted to be, a permit to construct or repair the actual impoundment or dam structure of Lake Delhi Dam under Division III, Part 4 of Iowa Code chapter 455B, including section 455B.275, and related regulations. That permit shall be subject to separate review.

DNR reviewed funds that may be available for fish passage efforts and determined that spending them at Lake Delhi would not be consistent with the lake restoration priorities it has established in partnership with its various stakeholders for projects around the state. DNR would encourage you to work with our Fisheries Bureau to conduct activities to improve the fishery at Lake Delhi, and our staff will be available to provide technical assistance and provide feedback on mitigation activities you may choose to undertake.

If you have any questions or would like to discuss this letter, please contact Mike McGhee, who is serving as the DNR's primary contact for the issues discussed in this letter.

Sincerely,

A handwritten signature in black ink that reads "Chuck Gipp". The signature is written in a cursive style with a large initial "C" and a stylized "G".

Chuck Gipp
Director

CC: Mike McGhee, DNR