

Dam Safety Process

1. If a dam is being proposed to be constructed, repaired, altered, or removed a [Jurisdictional Determination/Hazard Classification Request](#) form must be filed with the Director of dam safety at least 10 days before the start of construction to determine if the dam is exempt from the law.

Exempt Dams

- a. Constructed by the United States Army Corps of Engineers, the Tennessee Valley Authority, or another agency of the United States government, when the agency designed or approved plans for the dam and supervised its construction.
- b. Constructed with financial assistance from the United States Natural Resources Conservation Service, when that agency designed or approved plans for the dam and supervised its construction.
- c. Licensed by the Federal Energy Regulatory Commission, or for which a license application is pending with the Federal Energy Regulatory Commission.
- d. For use in connection with electric generating facilities regulated by the Nuclear Regulatory Commission.
- e. Under a single private ownership that provides protection only to land or other property under the same ownership and that does not pose a threat to human life or property below the dam.
- f. That is less than 25 feet in height or that has an impoundment capacity of less than 50 acre-feet, unless the Department determines that failure of the dam could result in loss of human life or significant damage to property below the dam.
- g. Constructed for and maintains the purpose of providing water for agricultural use, when a person who is licensed as a professional engineer or is employed by the Natural Resources Conservation Service, county, or local Soil and Water Conservation District, and has federal engineering job approval authority under Chapter 89C of the General Statutes designed or approved plans for the dam, supervised its construction, and registered the dam with the Division of Energy, Mineral, and Land Resources of the Department prior to construction of the dam. This exemption shall not apply to dams that are determined to be high-hazard by the Department.

- a. Note: If the dam is determined to exceed statutory thresholds, the owner may be subject to enforcement action by the Division of Land Resources
8. Additional application processing fee along with an [Owner's Cost Certification](#) form must be submitted.
9. Final Approval to impound is issued by NCDEQ

Additional Forms and Guidance can be found at the [Dam Safety Website](#).