If a dam is being proposed to be constructed, repaired, altered, or removed a <u>Jurisdictional</u>
 <u>Determination/Hazard Classification Request</u> 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.
- 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.
- 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.

- i. The exemption from this Part for a dam described in subdivisions (1) and (2) of subsection (a) of this section does not apply after the supervising federal agency relinquishes authority for the operation and maintenance of the dam to a local entity.
- 2. If it is deemed exempt, a Notice of Exemption will be issued and therefore Dam Safety Approval is NOT required for the proposed work
 - a. A field inspection may be conducted of the completed work by Regional Office staff. If the dam is determined to exceed statutory thresholds, the owner may be subject to enforcement action by the Division of Land Resources.
 - *Applicant should determine if a Section 404 wetlands permit is required from the
 United States Army Corps of Engineers (USACE) and/or if Section 401 Water Quality
 Certification is required from the Division of Water Quality (DAQ).
- 3. If the dam is deemed not exempt, then the applicant will be notified that it is not exempt within 10 days of dam safety receiving the statement. The applicant must then complete a <u>full and complete application</u> that must be filed at least 60 days before construction and submit the minimum application processing fee. The application is also a checklist.
- 4. Dam safety will refer copies of the application to the Department of Human Resources, the Wildlife Resources Commission, the Department of Transportation, and such other state and local agencies as it deems appropriate for review and comment.
 - a. *Applicant should determine if a Section 404 wetlands permit is required from the
 United States Army Corps of Engineers (USACE) and/or if Section 401 Water Quality
 Certification is required from the Division of Water Quality (DAQ).
- 5. If application is accepted, then an approval to construct is issued with any applicable stipulations.
- 6. Within 30 days of completion submit to dam safety, two (2) sets of "As-Built" record drawings, Engineer of Record's (EOR) Certification of completion report, and any additional information, along with an additional application processing fee.
 - a. If the proposed dam is determined to be Intermediate or High hazard, an Emergency Action Plan (EAP) is also required. NC Dam Safety recommends to plan an EAP as early as possible in case safety issues arise during construction.
- 7. "As-Built" Inspection is performed by the respective Regional Office staff.

- 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 <u>Dam Safety Website</u>.