

STATEMENT OF PURPOSE

RS23991

This legislation is intended to accomplish two things: 1) to change the definition of a dam to remove some smaller sized dams from regulation requirements, and 2) to require written approval from the Department of Water Resources (IDWR) for plans, drawings and specifications to be submitted by a professional engineer to construct, enlarge, alter or repair all dams based on the new definition. Idaho Code Section 42-1711 is amended to increase the size of dams regulated by IDWR from a height of 10 feet or more or impounding a capacity of 50 acre-feet or more to a height of 10 feet or more and impounding a capacity of 50 acre-feet or more. This change will eliminate inspection for approximately one-quarter of all dams that are currently inspected without negatively affecting public safety. This section also adds definitions for "hazard," "professional engineer" and "artificial barrier or embankment." Idaho Code Section 42-1709 is amended to authorize the director to oversee artificial barriers or embankments that store water, as needed, to protect against the threat of direct loss of life or significant property damage. This change is necessary because there may be a limited number of existing or future barriers or embankments that will no longer qualify for regular inspection and regulation under the new definition of a dam, but development downstream may warrant inspection and regulation to protect life and property. Idaho Code Section 42-1712 is amended to change the size of the regulated dam to be consistent with the new definition under Idaho Code Section 42-1711. As currently presented in statute and rule, IDWR is responsible for regulating some numbers of dams that do not benefit from an approved design prepared by a professional engineer. This becomes a concern especially in areas where downstream development occurs after a dam is built or modified, increasing the threat to life or property due to a potential dam failure. The change will require written approval from IDWR for plans, drawings and specifications to be submitted by a professional engineer for a proposal to construct, enlarge, alter or repair any dam, based on the new definition. Idaho Code Section 42-1715 is amended to clarify the requirement for services of a professional engineer to be consistent with other sections.

FISCAL NOTE

This legislation has no impact on the General Fund. The legislation will reduce, by approximately \$1,000, filing fees paid into the water administration account each year for construction, enlargement, alteration or repair of structures that would no longer meet the definition of a regulated dam under the new definition.

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Statement of Purpose / Fiscal Note

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