

Appendix A

Dam Safety Laws Applicable to Canyon Lake Dam Rehabilitation Project

CCID

Canyon Lake Dam is authorized through an easement recognized under the Act of 1866 and the Act of 1891 granted by the secretary of the General Land Office/Department of the Interior. Grants under both Acts are an outstanding property right and are permanent until relinquished or abandoned.

Canyon Creek Irrigation District, through their engineering representative, is responsible for the design, plans and specifications for this project. CCID and their engineering representative have the responsibility and liability associated with the implementation of the dam rehabilitation work. They plan to complete the work in accordance with professional engineers accountable for complying with statutory and regulatory requirements. All work associated with the anchor trench compaction, and installing and anchoring the membrane, shall be accomplished in accordance with generally accepted construction practices, which have been acknowledged in this analysis.

State of Montana

Canyon Lake Dam is a private, high hazard dam. The State of Montana regulates such dams as applicable in Montana Code Annotated Title 85 Water Use, Chapter 15 Dam Safety Act. The project will require a DNRC Construction Permit for a High Hazard Dam. CCID may need to obtain an Operating Permit from DNRC after construction.

U.S. Forest Service

The authorities through which the U.S. Forest Service regulates safety of dams on National Forest lands are as follows:

FSM 7500 Forest Service Engineering Requirements for Water Storage and Transmission Projects, May 11, 2011. Canyon Lake Dam is authorized by a pre-Federal Land Policy Management Act right-of-way. Therefore, the authorities established in FSM 7500 do not apply to Canyon Lake Dam. FSM 7501 states:

7501-Authority: The construction, operation, and maintenance of dams on National Forest System lands are conducted under the laws and regulations of the U. S. Department of Agriculture (USDA), Forest Service; the U.S. Department of Defense, U.S. Army Corps of Engineers (Corps); and the Federal Energy Regulatory Commission (FERC). The authorities in this section establishes direction on investigation, design, construction, emergency planning and response, and operation and maintenance of all dams operated by the Forest Service or by the holder of a special use authorization issued by the Forest Service on National Forest System lands. The authorities do not apply to dams authorized by a pre-Federal Land Policy Management Act right-of-way or to congressionally withdrawn water projects.

Additional Laws and Regulations

National Dam Safety and Security Act of 2002 (P.L. 107-310)

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=107_cong_public_laws&docid=f:publ310.107.pdf

National Dam Safety Program Act of 1996 (P.L. 104-303)

Water Resources Development Act of 1992, PL 102-580 (33 U.S.C. 2201)

Presidential Memorandum of October 4, 1979 and Federal Guidelines for Dam Safety, pub. June 1979, reprinted by FEMA April 2004.

Federal Dam Inspection Act of 1972 (P.L. 92-367) <http://npdp.stanford.edu/ndia.html>
Departmental Regulations 1043-18 (USDA)

Title 36, Code of Federal Regulations, Part 251, Subpart B

Title 18, Code of Federal Regulations, Part 4

Title 33, Code of Federal Regulations, Part 208