




Ministry of Environment and Climate Change Strategy
**Ministry of Forests, Lands, Natural Resource Operations
and Rural Development**

NAME OF POLICY:	Inclusion of Minor Dams Under the Dam Safety Regulation
APPLICATION:	This policy applies to dam safety officers, water managers and the comptroller.
ISSUANCE:	Executive Director, Water Protection and Sustainability Branch, Ministry of Environment and Climate Change Strategy, and Director, Water Management Branch, Ministry of Forests, Lands, Natural Resource Operations and Rural Development
IMPLEMENTATION:	FLNRORD
LEGISLATIVE REFERENCES:	Water Sustainability Act (Ch. 15, S.B.C. 2014) Dam Safety Regulation (B.C. Reg. 40/2016)
RELATED POLICIES:	N/A.
RELATIONSHIP TO PREVIOUS POLICIES:	This is a new policy.
POLICY AMENDMENT PROCESS:	To amend this policy a request must be made in writing to the Executive Director, Water Protection and Sustainability Branch, Ministry of Environment and Climate Change Strategy and the Director, Water Management Branch, Ministry of Forests, Lands, Natural Resource Operations and Rural Development.



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Ted White
Director
Water Management Branch
Ministry of Forests, Lands, Natural
Resource Operations and Rural Development

March 30, 2021

Date

March 30, 2021

Date

APPROVED AMENDMENTS:		
Effective date	Approval date	Description/Summary of Changes:
N/A	N/A	N/A This is a new policy.

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1. POLICY STATEMENT

The comptroller or a water manager may order a minor dam that is otherwise exempted from the [Dam Safety Regulation](#) (Regulation) to meet the requirements for other dams under the Regulation where the comptroller or water manager is satisfied that the dam is or may become potentially hazardous to public safety, the environment or land or other property.

2. REASON FOR POLICY

This policy provides criteria and guidance for consideration by the comptroller, a water manager, or a dam safety officer (DSO) to determine whether or not it would be appropriate to order a minor dam to be subject to the requirements of the [Dam Safety Regulation](#).

3. DEFINITIONS

3.1 Relevant definitions under section 1 of the [Water Sustainability Act](#) (Ch. 15, S.B.C. 2014) are as follows:

- "**comptroller**"
- "**order**"
- "**owner**" and
- "**water manager**".

3.2 Relevant definitions under section 1 of the [Dam Safety Regulation](#) (B.C. Reg. 40/2016) are as follows:

- "**dam**"
- "**hazardous conditions**"
- "**owner**" and
- "**potential safety hazard**."

3.3 Relevant definitions under Schedule 1 of the [Dam Safety Regulation](#) (B.C. Reg. 40/2016) are as follows:

- "**consequences of failure**" and
- "**failure**".

4. LEGISLATION

Section 2(1) of the [Dam Safety Regulation](#) excludes minor dams from the requirements of the regulations if:

- (a) the dam is less than 7.5 m in height; and
- (b) the dam is capable of impounding at full supply level a maximum total storage volume of water in the reservoir of the dam of 10 000 m³ or less.

The owner of a minor dam under s. 2(1) of the [Dam Safety Regulation](#) is not required to determine the consequence of failure classification for a minor dam and is otherwise excluded from the requirements of the Regulation.

Notwithstanding s. 2 (1) of the Regulation, s. 2(2) of the [Dam Safety Regulation](#) enables the comptroller or a water manager to order that the regulation does apply to a minor dam described in section 2(1) if one or the other is satisfied that the dam is or may become potentially hazardous to:

- (a) public safety,
- (b) the environment, or
- (c) land or other property.

The owner of a minor dam is still required to properly inspect, maintain and repair the authorized work (i.e. the dam) under s. 29 of the [Water Sustainability Act](#).

5. PROCEDURES

Criteria:

The comptroller or a water manager may issue an order under s. 2 (2) of the Dam Safety Regulation if the comptroller or water manager is satisfied that the minor dam is or may become potentially hazardous to public safety, the environment or land or other property. Note that ‘environment’ in this context includes archeological resources.

The comptroller, a water manager, or a dam safety office (DSO) may wish to consider:

- If developments downstream of the minor dam are of a nature or extent that would warrant a consequence of failure classification – if such a classification were to be made -- of ‘significant’, ‘high’, ‘very high’, or ‘extreme;’ or
- If there is evidence of improper maintenance, repair or operation of the minor dam or reservoir.

Procedures:

The following procedures are recommended in the event that the comptroller, a water manager, or a dam safety officer (DSO) receives word or otherwise becomes aware that conditions at a minor dam may meet one or both of the above criteria.

- 5.1. A dam safety officer shall undertake an investigation to confirm or refute the alleged circumstances.
- 5.2. If the dam safety officer, after investigating the alleged circumstances of a minor dam, considers them to be accurate and concludes that the dam meets one or both of the above criteria, the dam safety officer shall bring the matter to the attention of the comptroller or a water manager forthwith.

- 5.3. The comptroller or a water manager shall review the report of the dam safety officer and decide if the [Dam Safety Regulation](#) should apply to the minor dam and if so, subsequently issue an order to the dam owner to that effect.
- 5.4. It is recommended that the Dam Safety Program include minor dams to which s. 2 (2) of the Regulation has been applied on the map layer disclosing dam names, dam locations and dam failure consequences classifications for dams in BC. This map layer is posted on the [Dam Safety](#) website and updated annually at the direction of the Manager, Dam Safety and Utility Regulation, located in Victoria.