



May 15, 2026

RE: Dam Safety Policy and Interpretive Statement – Public Review on behalf of American Rivers

Dear Washington Department of Ecology Dam Safety Office:

Thank you for the opportunity to provide comments on the Draft Dam Safety Policy and Interpretive Statement. On behalf of American Rivers, we appreciate Ecology's efforts to review and update existing dam safety policies and interpretive statements to improve clarity, transparency, and consistency in the administration of Washington's dam safety statutes and rules.

American Rivers is a national conservation organization working to make every river clean and healthy for people and wildlife. We combine evidence-based solutions with enduring partnerships to protect the 4.4 million miles of rivers and streams that provide clean drinking water, support fish and wildlife, and strengthen communities nationwide.

Washington's rivers are vital to its communities, yet the state's aging dam infrastructure poses a growing threat to public safety. According to Ecology's *Dam Safety Report (2026)*, the Dam Safety Office (DSO) oversees 1,075 of 1,236 dams across the state. The National Inventory of Dams further identifies that Washington State manages 425 high and significant hazard dams. According to data from the Association of State Dam Safety Officials, there have been 1,323 dam failures or emergency interventions in the United States, with these events increasing sharply over the past three decades, from an average of three per year between 1994 and 2003 to 76 per year between 2014 and 2020. Additionally, more than 53% of dams in Washington are more than 50 years old increasing the likelihood of failure during extreme weather events and putting downstream lives and property at risk.

To ensure community resilience, the Department of Ecology's policy must prioritize the removal of obsolete or unsafe dams as the most effective long-term strategy for eliminating these preventable hazards while restoring river health. While these dams also degrade water quality and block fish passage, their primary hazard lies in potential structural failure.

American Rivers supports Ecology's effort to consolidate and clarify DSO policies, while encouraging Ecology to further strengthen the draft by more clearly recognizing dam removal as an important tool for reducing long term public safety risk, owner liability, maintenance burdens, downstream hazard exposure, and ecological harm. Below are our recommendations and suggested clarifications:



Section 1: Definitions

- We appreciate Ecology’s efforts to consolidate recurring definitions from the original 27 DSO policies for improved clarity and consistency.
- We recommend that the definition of “periodic inspection” be reviewed and refer to “dams and controlling works” rather than “the dam and appurtenant works”. This change will help to more consistently reference the clarified recurring definition of “dam and controlling works.”

Section 2: Applicability of DSO Regulations (Combined POLs 5102, 5103, and 5104)

- We support Ecology’s effort to consolidate existing interpretive guidance into a more accessible and transparent framework and appreciate the additional clarity provided regarding regulated and exempt structures.
- We appreciate Ecology’s efforts to clarify jurisdictional authority and improve consistency in the administration of dam safety regulations. Clearer definitions and written applicability determinations will help improve transparency and predictability for dam owners, local governments, Tribes, and other project proponents navigating the dam safety process. This clarity is particularly important given the number of structures across Washington with unknown ownership or unclear regulatory status, where Ecology plays an important role in providing jurisdictional determinations and regulatory oversight.
- We recommend considering Ecology’s authority to remove “old and abandoned dams”, following public notice, where ownership is unknown or where owners are unwilling or unable to maintain infrastructure that poses ongoing public safety or environmental risks.
- We encourage Ecology to consider additional jurisdictional authority or guidance including low-head dams that pose significant public safety risks, including drowning hazards, even where structures impound less than 10 acre-feet of water.
- We also encourage Ecology to consider owner responsibility for long term inspection, maintenance, and compliance costs. Increased owner accountability would make dams safer and would help incentivize owners of obsolete or uneconomical dams to consider dam removal as a permanent safety solution. We also encourage Ecology to consider requiring the owners of High and Significant Hazard dams to demonstrate financial responsibility for operations, maintenance, inspections, and repairs.

Section 3: Multiple Dams in a Series (POL 5106)

- We appreciate Ecology clarifying hydraulically connected systems and cumulative storage considerations. These considerations will become increasingly important during atmospheric rivers and other intense hydrologic events which exceed the design flows for



the aging dams. Adding examples to the document illustrating how these determinations are made in practice could further improve consistency and transparency for regulated entities and project proponents.

- We also encourage Ecology to acknowledge that many aging dams or dams that are no longer serving a purpose may present opportunities for coordinated long term risk reduction through removal strategies. Evaluating infrastructure at a system scale may help identify opportunities to reduce public safety risks, maintenance burdens, owner liability, and environmental impacts simultaneously, while supporting proactive planning for obsolete infrastructure.

Section 4: Engineering Approval, Issuance of Construction Permit, Construction Change Orders (Combined POLs 5201, 5202, 5204, 5205, and 5206)

- We support Ecology's emphasis on maintaining strong public safety review and engineering oversight for projects affecting dam safety components.
- We encourage consideration of additional discussion or guidance related to dam removal projects. While dam removal projects still require engineering review and oversight, they result in long term reduction of structural risk, maintenance obligations, and owner liability.
- Clarifying how dam removal projects are evaluated within DSO review and permitting processes could improve transparency and predictability for project proponents and dam owners pursuing long term risk reduction strategies. We recommend consideration of a streamlined or programmatic review process for qualifying dam removal projects, with clear approval criteria, to reduce administrative burden on Ecology staff while supporting timely implementation of risk reduction and river restoration projects.

Section 5: Periodic Inspection of Existing Dams and Records Management (Combined POLs 5401, 5402, 5403, and 5404)

- We appreciate Ecology's efforts to improve consistency in inspection intervals and records management expectations.
- We recommend that dam owners be held responsible to submit dam safety inspections by a Washington-licensed professional engineer. Placing inspection responsibility on dam owners, backed by professional engineering standards, schedules, and consequences, leads to higher inspection rates, safer dams, and more active decision-making to repair or remove structures that pose ongoing risks.
- We recommend consideration of dam removal as a permanent solution for aging, inactive, or abandoned dam infrastructure across Washington State. We encourage consideration of Ecology's authority to remove "old and abandoned dams", following public notice, where ownership is unknown or where owners are unwilling or unable to maintain infrastructure



that poses ongoing public safety or environmental risks. Recognition of these realities within the policy framework could help support more proactive planning and long-term risk reduction efforts.

Section 6: Dams Constructed Without Prior Dam Safety Office Approval of Plans and Specifications (Combined POLs 5405 and 5406)

- We appreciate the clarification on evaluating dams constructed or modified without prior Dam Safety Office approval. Clear expectations regarding corrective actions, engineering review, compliance, and enforcement pathways will help improve consistency and transparency for dam owners and project proponents. We encourage inclusion of Ecology’s authority to remove “old and abandoned dams”, following public notice, where ownership is unknown or where owners are unwilling or unable to maintain infrastructure that poses ongoing public safety or environmental risks.
- As the sole regulatory authority responsible for dam safety oversight in Washington State, Ecology plays an important role in ensuring unauthorized or unapproved dams are addressed in a manner that protects public safety, reduces long term risk, and supports broader watershed health and fish passage goals. We recommend providing additional clarity on how violations will be evaluated, prioritized, and resolved, including potential corrective actions, enforcement pathways, and circumstances under which removal may be considered an appropriate outcome.

Section 7: Compliance Actions (POL 5502)

- We encourage Ecology to acknowledge that, in appropriate cases, dam removal serves as an effective long-term corrective action for unauthorized or structurally deficient infrastructure, while also supporting fish passage and aquatic connectivity goals. We encourage inclusion of Ecology’s authority to remove “old and abandoned dams”, following public notice, where ownership is unknown or where owners and unwilling or unable to maintain infrastructure that poses ongoing public safety or environmental risks.

Section 8: Operation and Maintenance Manuals and Emergency Action Plans for Dams (PL5601)

- We support the requirement for Operations & Maintenance Manuals for all dams and the requirement for owners of High and Significant hazard dams to have an Emergency Action Plan.
- We support the recommendation that owners of Low hazard dams develop emergency procedures as environmental degradation is likely to occur downstream during a dam breach, even if loss of life and property is not expected.



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- We encourage Ecology to consider requiring the owners of High and Significant Hazard dams to demonstrate financial responsibility for operations, maintenance, inspections, repairs, and implementation of the Emergency Action Plans.
- As part of dam operations and maintenance, we encourage Ecology to require owners add public signage near the dam structure to reduce drowning risk at low-head dams.
- We encourage Ecology acknowledge that, for certain obsolete or aging dams, removal may permanently eliminate the need for long term emergency response planning, operational maintenance obligations, and associated downstream risk management responsibilities. To that end, recognizing removal as one potential long term risk reduction strategy would strengthen the policy's overall public safety framework.

Section 9: Spillway Requirements at Off-Channel Storage Facilities (POL 5602)

- We appreciate recognition of safety considerations for off-channel storage facilities. We encourage further consideration of projected future flow conditions, including climate driven changes and extreme precipitation events, when evaluating reservoir inflow volumes and spillway capacity requirements.

Section 10: Emergency Response and Discretionary Actions During Emergency or Exigency Conditions (POLs 5701 and 5702)

- We support Ecology's authority for discretionary actions during emergency conditions. Clear authority and coordination pathways are critical for protecting public safety during rapidly evolving dam safety incidents. We also encourage Ecology to require demonstration of financial capacity for dam owners to implement Emergency Action Plans and complete post-emergency repairs and corrective actions.
- We encourage Ecology to consider including dam removal as a recommend required corrective action when the dam owner is unwilling or unable to maintain dams to sufficient safety standards.

To safeguard Washington's communities, the Dam Safety Office's updated policy must address the risks posed by all hazardous structures, regardless of size or impoundment volume. Expanding jurisdiction beyond the 10 acre-feet threshold to capture dangerous low-head dams and other small but high-risk structures would represent an important step towards preventing future loss of life. We also urge Ecology to strengthen owner accountability through funded inspections, financial responsibility requirements, and clear enforcement pathways to ensure long term compliance and risk reduction.

Throughout these comments, you will see recurring recommendations related to clarifying dam removal as a long-term public safety tool. We encourage Ecology to consider their authority for addressing old or abandoned dams where ownership is unknown or where owners are unwilling



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or unable to maintain infrastructure that poses ongoing public safety or environmental risks. Following appropriate public notice and due process, removal of these structures could support long-term risk reduction, fish passage, and watershed health goals.

Ultimately, the safest dam is often one that has been removed. By streamlining the review process for qualifying removal projects and prioritizing proactive solutions for aging and obsolete infrastructure, Washington can reduce long term public safety risks while ensuring rivers remain assets to communities rather than ongoing hazards.

Thank you for the opportunity to provide comments and for your continued work to ensure clarity, transparency, and consistency in the administration of Washington's dam safety statutes and rules.

If you have any questions on our comments, please do not hesitate to email me at kguetz@americanrivers.org. We appreciate the collaborative approach reflected in this process and look forward to continued partnership to advance shared dam safety goals.

Sincerely,

A handwritten signature in black ink that reads "Katie Guetz".

Katie Guetz
Director of River Restoration