

INDIAN AFFAIRS MANUAL

- 1.1 Purpose.** This chapter establishes the policy, authorities, and responsibilities for the Bureau of Indian Affairs' (BIA) Safety of Dams (SOD) program.
- 1.2 Scope.** This policy applies to all Indian Affairs (IA) personnel and offices having jurisdiction and oversight for SOD program dams. This policy may also apply to entities carrying out activities on behalf of IA under contracts or other agreements if expressly agreed to in the contracts or agreements, or if the requirement to abide by such policy is otherwise required by law; these entities may include contractors or Tribes operating through contracts issued pursuant to Public Law (P.L.) 93-638.
- 1.3 Policy.** It is the policy of IA to protect, to the extent practicable, people who reside in or who otherwise occupy the potentially impacted areas downstream of dams on Indian lands. IA intends to protect this population from unreasonable risks posed by dams on Indian lands and encourage floodplain management downstream of dams and along reservoir shorelines.

1.4 Authority.

A. Statutes.

- 1) 25 U.S.C. § 13, Expenditure of appropriations by Bureau
- 2) 25 U.S.C. §§ 3801 - 3805, Indian Dams Safety, as amended
- 3) 33 U.S.C. §§ 467 - 467n, Dam Inspection Program
- 4) P.L. 93-638, Indian Self-Determination and Education Assistance Act of 1975

B. Guidance.

- 1) Executive Order (EO) 11988, Floodplain Management, May 24, 1977
- 2) 369 Departmental Manual (DM) 1, Value Analysis – General Criteria and Policy
- 3) 753 DM 1 – 2: Dam Safety and Security Program
- 4) BIA Memorandum: Safety of Dams – Dam Safety Risk Management, August 12, 2015
- 5) BIA Memorandum: Implementation of Professional Licensure Requirement for Safety of Dams Engineering Positions, March 11, 2019

INDIAN AFFAIRS MANUAL

- 6) Office of Management and Budget (OMB) Circular A-123 – Management’s Responsibility for Enterprise Risk Management and Internal Control (A-123), current version
- 7) Best Practices in Dam and Levee Safety Risk Analysis, U.S. Department of the Interior (DOI), Bureau of Reclamation, & U.S. Army Corps of Engineers, Version 4.1, July 2019
- 8) Federal Guidelines for Dam Safety, Hazard Potential Classification System for Dams (FEMA 333), FEMA, April 2004
- 9) Federal Guidelines for Emergency Action Planning for Dams, FEMA (FEMA P-64), July 1, 2013
- 10) Federal Guidelines for Dam Safety: Selecting and Accommodating Inflow Design Floods for Dams, FEMA (FEMA P-94), August 1, 2013
- 11) Federal Guidelines for Inundation Mapping of Flood Risks Associated with Dam Incidents and Failures, FEMA (FEMA P-946), March 25, 2014
- 12) Federal Guidelines for Dam Safety Risk Management, Federal Emergency Management Agency (FEMA) (FEMA P-1025), January 1, 2015

C. Handbook.

- 1) 55 IAM-H, Safety of Dams (SOD) Program Handbook, August 2014

1.5 Responsibilities.

A. **Assistant Secretary-Indian Affairs (AS-IA)** is responsible for ensuring that BIA conducts a dam safety and security program in accordance with relevant statutes, guidance, and handbooks.

B. **Director, BIA** is responsible for:

- 1) overseeing the overall operation of BIA’s SOD program in accordance with relevant statutes, guidance, and handbooks;
- 2) establishing policies, procedures, requirements, and technical standards for management of the SOD program;
- 3) designating the Dam Safety and Security Program’s BIA Designated Official, as required by 753 DM 2;

INDIAN AFFAIRS MANUAL

- 4) making recommendations to the AS-IA on matters related to dam safety and security; and
- 5) directing the Chief, Division of Water and Power (DWP) or BIA SOD Officer as needed during emergency dam safety incidents.

C. Deputy Bureau Director (DBD), Office of Trust Services (OTS), BIA is responsible for:

- 1) implementing the overall operation of BIA's SOD program in accordance with relevant statutes, guidance, and handbooks;
- 2) developing policies, procedures, requirements, and technical standards for management of the SOD program;
- 3) approving funding documents for the SOD program; and
- 4) directing the Chief, DWP or BIA SOD Officer as needed during emergency dam safety incidents.

D. Chief, DWP, OTS is responsible for:

- 1) providing oversight and guidance to the BIA SOD Officer;
- 2) reporting directly to the Director, BIA during emergency dam safety incidents;
- 3) monitoring compliance and making recommendations for changes to federal, DOI, and BIA SOD policy, guidance, and handbooks; and
- 4) providing assistance and advice to the Director, BIA and the DBD, OTS regarding matters of dam safety and security.

E. BIA SOD Officer is responsible for:

- 1) reporting directly to the Director, BIA during emergency dam safety incidents;
- 2) providing assistance and advice to the Director, BIA; DBD, OTS; and Chief, DWP;
- 3) collaborating with Regional Directors on all issues to resolve dam safety issues, as well as providing policy, advice, technical support, oversight, and guidance to Regional SOD Officers;
- 4) managing all responsibilities of the Department's Dam Safety and Security Program's Designated Official, as required in 753 DM 2;
- 5) monitoring compliance and making recommendations for changes to federal, DOI, and BIA SOD policy, guidance, and handbooks;
- 6) formulating policy recommendations, direction, and implementation guidance to

INDIAN AFFAIRS MANUAL

Regional Directors or their designated representatives;

- 7) serving as a liaison and promoting communication with Tribes, states, and other federal agencies concerning SOD program activities;
- 8) representing BIA on the DOI Working Group on Dam Safety and Security;
- 9) coordinating with other Indian Affairs' offices, bureaus, federal, and state agencies on SOD issues, including emergency preparedness, dam security, and floodplain management;
- 10) maintaining a database of dams for which BIA is responsible, as required by 753 DM 2.7, for input into the National Inventory of Dams;
- 11) ensuring all dam safety planning, design, construction, operation, maintenance, emergency preparedness, and security are completed by technically qualified personnel, in accordance with all applicable federal and DOI dam safety and security policy;
- 12) developing emergency management procedures as described in 55 IAM-H: SOD Program Handbook;
- 13) reviewing for concurrence any recommended dam safety Expedited Actions, which can occur when BIA dam safety risk thresholds are violated;
- 14) coordinating preparation of Facility Security Plans for each high- and significant-hazard dam, as required and in accordance with 753 DM 2.13; and
- 15) advising the DBD OTS on budgeting and funding of SOD program activities.

F. Regional Director is responsible for:

- 1) providing oversight for SOD program operations within their jurisdiction in accordance with relevant statutes, guidance, and handbooks;
- 2) designating a Regional SOD Officer and satisfying requirements as established in the Memorandum from the Director, BIA on Implementation of Professional Licensure Requirements for SOD Engineering Positions (Mar. 11, 2019); and
- 3) coordinating with the BIA SOD Officer regarding OMB Circular A-123 responsibilities, providing concurrence with the report findings, and upon request, submitting a Program Review Corrective Action Plan to the BIA SOD Officer.

G. Regional SOD Officer is responsible for:

- 1) planning, managing, and directing regional SOD program activities in accordance with relevant statutes, guidance, and handbooks;
- 2) maintaining the regional office record keeping and reporting system for the SOD program, including the National Inventory of Dams;

INDIAN AFFAIRS MANUAL

- 3) providing technical assistance to the region's staff and Tribes;
- 4) coordinating SOD activities with the BIA SOD Officer and interfacing with other organizations and federal agencies;
- 5) participating in the contracting or compacting process and serving as the Contracting Officer's Representative (COR), Contracting Officer's Technical Representative (COTR), Awarding Official's Representative (AOR), or Awarding Official's Technical Representative (AOTR) on regional SOD program contracts;
- 6) coordinating all SOD program activities with Superintendents, BIA agency, and Tribal personnel, as well as making decisions in collaboration with the BIA SOD Officer;
- 7) performing preliminary screening of dams on Indian lands to ensure adherence to SOD Handbook requirements and identifying potential downstream life-safety hazards that are attributed to the impoundment of water;
- 8) coordinating with the BIA SOD Officer to initiate a formal hazard potential classification of any and all dams on Indian lands that may impart life-safety hazards within downstream areas, based on the results of the preliminary hazard screening;
- 9) reporting immediately to the BIA SOD Officer and respective Regional Director following the onset of any dam failure, incident, or any abnormal operations which adversely affect public safety or dam operations;
- 10) implementing emergency management procedures as described in 55 IAM-H: SOD Program Handbook;
- 11) performing annual updates to the Communications Directory for all Emergency Action Plans for each high- and significant-hazard dam administered by the region, and providing the updated directory to the BIA SOD Officer;
- 12) providing oversight and conducting a final inspection of all completed modifications to existing dams or new dam construction, and determining the need for any post-construction activities;
- 13) arranging and facilitating training for regional and Tribal SOD program personnel;
- 14) providing a Dam Safety Incident Report to the BIA SOD Officer within 90 days of the termination of the incident response, following any incident requiring an Emergency Action Plan activation; and
- 15) distributing funding to agencies and Tribal entities with P.L. 93-638 contracts in accordance with BIA SOD initiatives.

INDIAN AFFAIRS MANUAL

H. BIA Agency Superintendent is responsible for:

- 1) coordinating SOD program activities with the Regional SOD Officer, including training for agency personnel involved in the SOD program; and
- 2) ensuring that BIA agency responsibilities in Dam Emergency Action Plans under their jurisdiction are implemented.

1.6 Definitions.

A. BIA SOD Officer is the BIA Dam Safety, Security, and Emergency Management Branch Chief or Designated Official, or in certain instances, an appointed representative.

B. Indian lands are any lands to which the title is held:

- 1) in trust by the United States for benefit of an Indian Tribe or an individual Indian; or
- 2) by an Indian Tribe or an individual Indian, subject to restriction against alienation under laws of the United States.

C. SOD program dams are located on Indian lands and adhere to the requirements and definitions of 55 IAM-H: SOD Program Handbook.

Approval

Darryl LaCounte

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Darryl LaCounte
Director, Bureau of Indian Affairs

Date