

# ***Law and dam removal: How to carry out dams and weirs removal projects successfully***

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## **EVERYTHING YOU ALWAYS WANTED TO KNOW ABOUT THE LAW OF DAM REMOVAL (BUT WERE AFRAID TO ASK)**

**WHAT?:** Demolition, notch, fish ladder, ramp... Which kind of dam?: hydropower, urban water supply, levee, irrigation...

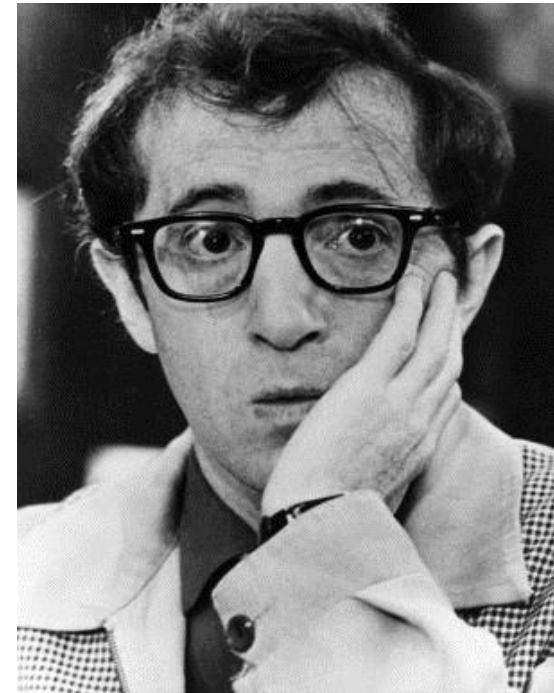
**WHO?:** A Public Administration or the very same private owner. The problem of jurisdiction in federally-ruled States.

**WHERE?:** Public or private rivers; protected areas, urban areas, heritage protection , Natura 2000 Network, military training grounds, archeological sites ...

**HOW?:** Is the dam a ruin?, does the demolition need an EIS?

**HOW MUCH?:** Public contracts, public agreement or subsidy. LIFE projects. How much are you willing to pay?

**WHAT FOR?:** Public safety, flooding control, environmental purposes.



## **A LITTLE LOGIC ON OLD WATER PERMITS:**

**Premise 1:** The unfulfilment of water licenses drives to its termination.

**Premise 2:** Water permits clauses included compulsory fish and some environmental protection, such as fish ladders and minimum flows.

**Premise 3:** That regulation of fishing and minimum flows were in force in those days, affecting 90 % of current dams .

**... Ergo:** The failure to abide by fishing and flows acts results in the termination of water licenses, and then, in the compulsory demolition of the works in public domain at the expense of the permit holder, as we will see later, no matter other kind of public liability (fines and compensations).

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**PUBLIC WATER REGISTERS:** Public registers and archives are the first place to check and consult.

a) Water permits or licenses in force: Do they abide by the Law? Check Fishing, Safety and Environmental Regulations

b) Lack of or extinguished water permits: Article 101 of the Spanish 33/2003 Act on Public Administrations Goods,

***“lura in re aliena”. The first answer is demolition***

*Cuando se extinga la concesión, las obras, construcciones e instalaciones fijas existentes sobre el bien demanial **deberán ser demolidas** por el titular de la concesión o, por ejecución subsidiaria, por la Administración a costa del concesionario, a menos que su mantenimiento hubiera sido previsto expresamente en el título concesional o que la autoridad competente para otorgar la concesión así lo decida.*

***A foreseen cascade of cases: Miño-Sil, Cantábrico, and Ebro basins, just because the end of hundreds of licenses issued in the early 20<sup>th</sup> century.***



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## El Derecho y la demolición de presas: Cómo se ejecuta correctamente un proyecto.





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- **Environmental Impact Statement?: It depends on the situation.**
- **Taking or expropriation of adjacent properties?**
- **Types of demolitions and debris management. Job security.**
- **Access to the works: a new road?**
- **Evaluation control and planning of the works carried out.**
- **Scenic River or “public domain reserve” designation.**
- **Administrative jurisdictional problems: Local, regional and national governments.**
- **Vey important: To foresee dam demolition and river restoration in every newly-issued water permit, at the expense of the licensee.**

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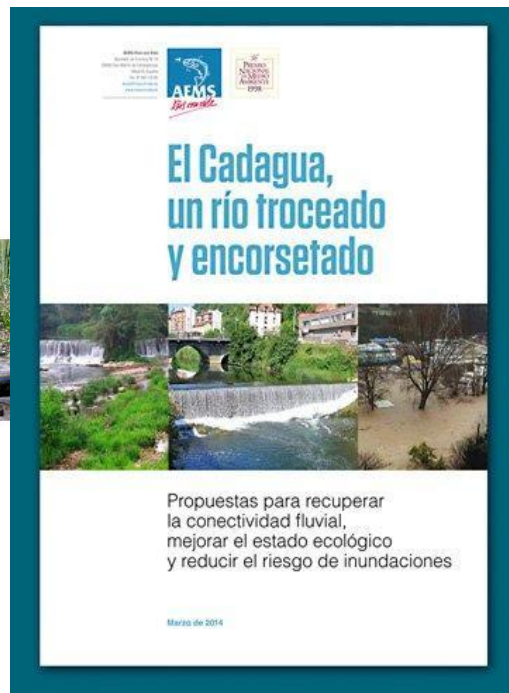


[www.riosconvida.es](http://www.riosconvida.es)



Alternativas al daño ambiental provocado por la sucesión de presas hidroeléctricas en el río Bidasoa

Junio de 2013

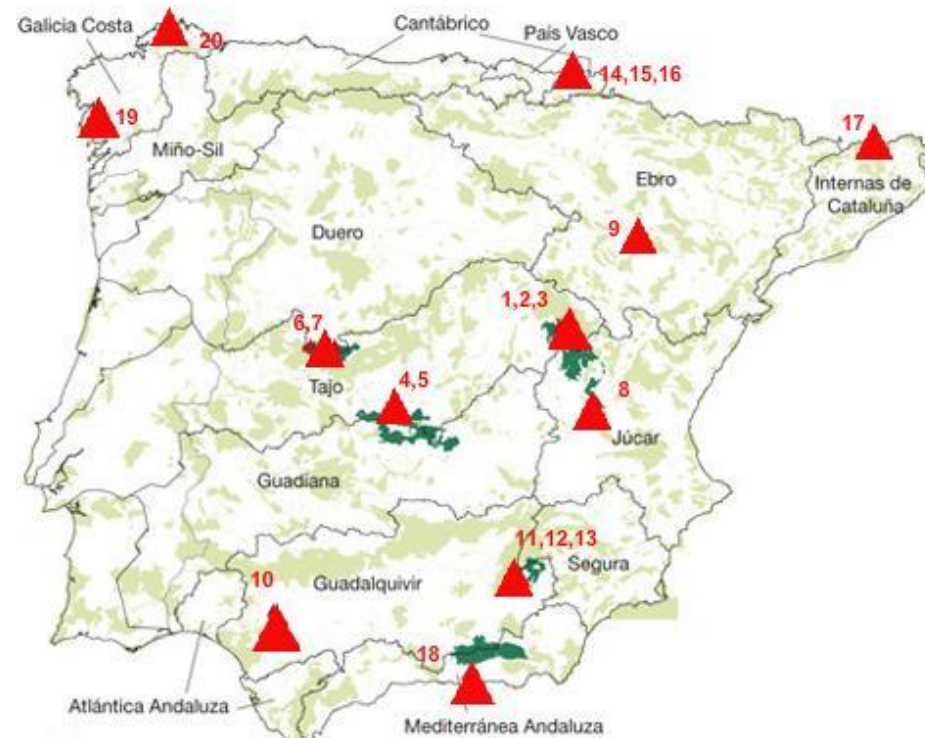


Propuestas para recuperar la conectividad fluvial, mejorar el estado ecológico y reducir el riesgo de inundaciones

Marzo de 2014

## Liberando 15 Ríos Propuesta de desmantelamiento de presas

Al pasar el ratón sobre cada triángulo, podrás ver información sobre las 20 presas propuestas por WWF para su desmantelamiento



- ▲ Propuesta de WWF para el desmantelamiento de presas
- Red Natura 2000
- Espacios Naturales afectados
- Cuencas Hidrográficas





**Thanks so much**