Purpose, Background and Instructions

When a dam is sold or otherwise transferred, both the Seller (or Transferor) and the Buyer (or Transferee) must submit one or more “Property Transfer Notices.” See, 6 NYCRR Subpart 673.11. This form DS-PTN-1 may be used for such notices.

Property Transfer Notices must be submitted for a dam that either (i) has an Intermediate Hazard (Class B) or High Hazard (Class C) designation or (ii) meets the dam safety permit size threshold (i.e., is equal to or greater than 15 feet in height or has a maximum impoundment capacity equal to or greater than three million gallons, unless the dam has a height equal to or less than six feet, regardless of impoundment capacity, or an impoundment capacity less than or equal to one million gallons, regardless of height).

There are three types of Property Transfer Notices. They are:

1. Notice that a Dam Exists on the Property. The Seller or Transferor must complete this Notice and provide it to the prospective Buyer or Transferee prior to the signing of a contract of sale or other legal instrument that provides for the transfer of rights in or title to the property where the dam is located. This Notice must include the location of the dam and a basic, but materially complete, narrative description of the dam and its appurtenant works. This Notice does not need to be submitted to NYSDEC.

2. Notice of Turnover of Records Concerning the Dam. The Seller or Transferor must provide to the Buyer or Transferee the documents and records concerning the dam that are subject to the recordkeeping requirements of 6 NYCRR Part 673, no later than the date upon which the transfer actually occurs (in a real property sale, this is often the closing date).

3. Notice of Sale/Transfer of the Dam. The Buyer or Transferee must provide this Notice to both (i) NYSDEC Dam Safety Section, and (ii) the municipality or municipalities in which the dam is located, no later than the date upon which the transfer occurs (often the closing date). In this Notice, the Buyer or Transferee must certify as to his/her/its name, mailing address, and a telephone number. This Notice must also include a more detailed description of the dam and its appurtenant works (see below) as well as a description of the rights or interest in the dam, which have been acquired by the Buyer or Transferee.

Please Check All that Apply

This form is being used to submit:

_______  1. Notice that a Dam Exists on the Property.
_______  2. Notice of Turnover of Records Concerning the Dam.
_______  3. Notice of Transfer of the Dam.
<table>
<thead>
<tr>
<th>Dam Name:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dam Location: County: ____________________ Town/City: ____________________</td>
</tr>
<tr>
<td>Location (deg/min/sec) Latitude: ____________________ Longitude: ____________________</td>
</tr>
<tr>
<td>Tax Lot and Block: ____________________ NYS Dam ID No.: ____________________</td>
</tr>
<tr>
<td>Hazard Class: (circle one) A - Low B - Intermediate C - High</td>
</tr>
<tr>
<td>Dam Height: ____________________ feet</td>
</tr>
<tr>
<td>Maximum Impoundment Capacity: ____________________ gallons</td>
</tr>
</tbody>
</table>

1. NOTICE THAT A DAM EXISTS ON THE PROPERTY.

Notice from Seller or Transferor to Prospective Buyer or Transferee.  PLEASE BE ADVISED: I, ________________________________________ (transferor/seller) hereby notify you, ________________________________________ (prospective buyer/transferee), that the above-identified dam exists on the property that is under consideration for sale or transfer to you.

Narrative Description of the Dam (Provide a basic, but materially complete, description of the dam and its appurtenant works; address of the dam):
____________________________________________________________________________________________
____________________________________________________________________________________________
____________________________________________________________________________________________

Certification of Seller/Transferor
I certify under penalty of law that all of the information provided above in the “Identification of Dam” box and under No. 1, was prepared by me or under my direction or supervision. All of the information is, to the best of my knowledge and belief, true, accurate, and complete.

If not signed by an individual on his or her own behalf, then this Certification must be signed by either a principal executive officer or ranking elected official, or duly authorized representative of that person.

Name: ________________________________________
Title: ________________________________________
Company: ________________________________________
Signature: ________________________________________
Date: ________________________________________
2. NOTICE OF TURNOVER OF RECORDS CONCERNING THE DAM.

Notice from Seller or Transferor to Buyer or Transferee. PLEASE BE ADVISED:

I, ___________________________________________________ (Seller/Transferor), hereby notify you, ___________________________________________________ (Buyer/Transferee), that the documents required to be maintained pursuant to 6 NYCRR Part 673 concerning the above-identified dam include the following, and I hereby confirm that either the originals or copies of all such documents have been provided to you:

- Inspection & Maintenance Plan (see 6 NYCRR Subpart 673.6);
- Emergency Action Plan (EAP) is / is not (circle one) required for this dam pursuant to 6 NYCRR §673.7. If required for this dam, the EAP and any updated pages thereto have been turned over to Buyer/Transferee. Date of most current EAP: ______________________________;
- Annual Certification(s) prepared pursuant to 6 NYCRR Subpart 673.8, including those of prior owner(s) if in the possession of the Seller/Transferor;
- Notification(s) of auxiliary spillway flow for the dam prepared pursuant to 6 NYCRR Subpart 673.9, including those of prior owner(s) if in the possession of the Seller/Transferor;
- Available records of (i) original construction and (ii) modifications to the dam’s design and construction, pursuant to 6 NYCRR Subpart 673.10;
- Safety Inspection Reports prepared pursuant to 6 NYCRR Subpart 673.11, including those by or on behalf of prior owner(s) if in the possession of the Seller/Transferor;
- Engineering Assessment (EA) is / is not (circle one) required for this dam pursuant to 6 NYCRR §673.13. If required for this dam, the EA has been turned over to Buyer/Transferee. Date of most recent EA: ______________________________;
- Field Inspection Report(s) prepared by NYSDEC and furnished to the Seller/Transferor (see 6 NYCRR Subpart 673.14), as well as those furnished to prior owner(s) if in the possession of the Seller/Transferor;
- Order(s) and consent orders of NYSDEC to or with the Seller/Transferor, and to or with prior owner(s) if in the possession of the Seller/Transferor.

The date of the last inspection of the dam by the NYSDEC Dam Safety Section: ____________________________

NYSDEC has / has not (circle one) assigned a Condition Rating to this dam pursuant to 6 NYCRR §673.16. If assigned, the condition rating is: ______________________________

Certification of Seller/Transferor

I certify under penalty of law that the information provided above in the “Identification of Dam” box, and the documents provided to Buyer/Transferee under No. 2, were gathered and provided by me or under my direction or supervision, and that the information and documents are, to the best of my knowledge and belief, true, accurate, and complete.

If not signed by an individual on his or her own behalf, then this Certification must be signed by either a principal executive officer or ranking elected official, or duly authorized representative of that person.

Name: _______________________________________________________________________________________

Title: _______________________________________________________________________________________

Company: __________________________________________________________________________________

Signature: ____________________________________________________________________________________

Date: _______________________________________________________________________________________

DS-PTN-1 (8/09) DRAFT -3-
3. NOTICE OF TRANSFER BY BUYER/TRANSFEREE.

Notice from Buyer or Transferee. PLEASE BE ADVISED:

I, ________________________________________________ (Buyer/Transferee), hereby notify (i) NYSDEC and (ii) _________________________________________________________ (the municipality or municipalities in which the dam is located) that property rights in and/or title to the property where the above-identified dam is located have/has been transferred to me, as particularized below.

3(a). Buyer/Transferee/New Owner Information:

Name: ______________________________________________________________________
Address: ____________________________________________________________________
Telephone Number, including Area Code: _________________________________________
Facsimile Number, including Area Code: _________________________________________
E-mail: _____________________________________________________________________
Name of Primary Contact: _____________________________________________________
Date of Transfer/Closing: _____________________________________________________
City, Town, County and Tax Lot(s) & Block(s) of the property transferred/conveyed:
____________________________________________________________________________
____________________________________________________________________________
Property rights that were transferred/conveyed: ____________________________________
____________________________________________________________________________

3(b). Description of the dam and its appurtenant works:

Dam Type: __________________________________________________________________
(embankment, concrete, combination, other)
Year of original construction: _________________________________________________
Dam Use(s): __________________________________________________________________
(water supply, flood control, energy generation, recreation, irrigation, other)
Dam Height: __________________________________________________________________ feet
(As measured from downstream toe at lowest point to top of dam)
Dam Crest Length: __________________________________________________________________ feet
Maximum Impoundment Volume: __________________________________________________________________ gallons
Reservoir/ Lake Surface Area: __________________________________________________________________ acres

For the three items below please specify vertical datum used, (such as local, barge canal, NGVD 29, NAVD 88, IGLD or other):

Normal Pool Elevation: _________________________________________________________
Auxiliary/ Emergency Spillway Elevation (if applicable): _____________________________
Maximum Design Water Surface Elevation: _______________________________________
Certification of Buyer/Transferee

I certify under penalty of law that all of the information provided above in the “Identification of Dam” box and under No. 3(a) was prepared by me or under my direction or supervision, and that the information is, to the best of my knowledge and belief, true, accurate, and complete.

Name: _______________________________________________________________________________________
Title: _______________________________________________________________________________________
Company: ____________________________________________________________________________________
Signature: _____________________________________________________________________________________
Date: ________________________________________________________________________________________

For submission to NYSDEC, send form to:

NYSDEC - Dam Safety Section
625 Broadway, 4th Floor
Albany, New York 12233-3504
Phone: (518) 402-8185
Fax: (518) 402-9029

NOTES:
• If dam property has been subdivided, or if there is more than one Buyer then this form must be submitted by each Buyer, or by a collective organization representing the buyers, such as a home owner’s association.
• The NYSDEC Dam Safety website is http://www.dec.ny.gov/lands/4991.html.
• Environmental Conservation Law § 15-0507(1) states “Any owner of a dam or other structure that impounds water shall at all times operate and maintain said structure and all appurtenant structures in a safe condition.”
• Nothing in 6 NYCRR Part 673 prohibits the Seller/Transferor from allowing a prospective buyer or transferee from inspecting any of the Seller/Transferor’s records that are required to be maintained by this Part in advance of the date of transfer/closing.