

# New York State Department of Environmental Conservation

## Division of Water

Bureau of Flood Protection and Dam Safety, 4<sup>th</sup> Floor

625 Broadway, Albany, New York 12233-3504

Phone: (518) 402-8185 • FAX: (518) 402-9029

Website: [www.dec.ny.gov](http://www.dec.ny.gov)



### DAM SAFETY - FORM FOR PROPERTY TRANSFER NOTICES

#### **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.

**- IDENTIFICATION OF DAM -  
(TO BE COMPLETED FOR EACH NOTICE:)**

**Dam Name:** \_\_\_\_\_

**Dam Location:** County: \_\_\_\_\_ Town/City: \_\_\_\_\_

**Location (deg/min/sec)** Latitude: \_\_\_\_\_ Longitude: \_\_\_\_\_

**Tax Lot and Block:** \_\_\_\_\_ **NYS Dam ID No.:** \_\_\_\_\_

**Hazard Class:** (circle one)                      A - Low                      B - Intermediate                      C -High  
(Latest accepted or provided by NYSDEC)

**Dam Height:** \_\_\_\_\_ feet  
(from downstream toe at lowest point to top of dam)

**Maximum Impoundment Capacity:** \_\_\_\_\_ gallons

**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: \_\_\_\_\_

**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: \_\_\_\_\_

\_\_\_\_\_

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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, 4<sup>th</sup> 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.