

Dam Safety News

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A DAM

A dam is a barrier that impounds water and generally serves the primary purpose of retaining water. Wisconsin law defines a dam as "any artificial barrier in or across a watercourse which has the primary purpose of impounding or diverting water and includes all appurtenant works, such as a dike, canal or powerhouse".

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Transferring Dam Ownership?

In 2014 a new disclosure requirement that seeks to protect buyers and sellers of real estate involving a dam was passed into law in the State of Wisconsin. The new law is intended to notify buyers and sellers about a state law that could void a real estate transaction if the parties fail to complete the dam transfer process with the Department of Natural Resources prior to the sale of the property.

With more than 15,000 lakes and 84,000 miles of rivers and streams, Wisconsin has an abundance of water resources. Many of these water bodies have water levels that are controlled by dams, most of which are privately owned. In fact, 60 percent of the more than 3,800 dams in Wisconsin are owned by private individuals and companies.

Since 1981, Wisconsin law has required buyers and sellers to comply with financial, maintenance and transfer requirements before transferring ownership of a specific piece of land on which a dam is located. This is a requirement of State Statute 710.11. A dam owner, for example, must be familiar with the legal obligation to maintain a dam in a safe and reasonable condition. The general rule is that a dam owner is responsible for its

safety and liability can be imposed upon a dam owner for failure to maintain, repair or operate the dam in a safe and proper manner.

Many property owners may not realize they have a dam on their property. Dams come in many different shapes and sizes. They range from large concrete structures across major rivers in the state, to small earthen embankments with a culvert and stop logs, or even just a single board across a waterway. Dams can have a lot of different components — earthen embankments, powerhouses, concrete spillways, masonry walls, flashboards, gates and more. A rule of thumb is if you are standing looking across what you think may be a dam and the water is higher on one side and lower on the other side, there is a very good chance that it is a dam. This can be true even if it is a minimal difference between the water levels. Depending on the dam and property, the transfer process may take 30 to 120 days. If you are representing the seller of a property with a dam, you may want to contact the DNR early in the process to complete as many aspects of the transfer process as possible prior to negotiating with a potential buyer.

The transfer process requires an inspection by a professional engineer, a plan to complete any necessary repairs and calculation and demonstration of financial responsibility to operate and maintain the dam for a minimum of 10 years. It is very important to make sure that all portions of the dam have been identified and proof of ownership or access through easements is included in the land transfer. Once the transfer is approved, it is required to record the permit with the Register of Deeds.

More details can be found at www.wi.dnr.gov by searching for "dam." The site includes a fact sheet on responsibilities of owning a dam in Wisconsin, the mandatory owner-inspection requirement for large dams and how to hire an engineer to assist you with the transfer and inspection process.

If you are unsure whether you have a dam on your property, you can look at the DNR's mapping application, the Surface Water Data Viewer, which has a dam layer that can be turned on to locate DNR-identified dams. It is important to note that not all dams are listed on the website as some dams may not have gone through the appropriate authorization process when they were initially constructed.

Cont. on next page

Transferring Dam Ownership cont.

Exemptions and Permits

There are no exemptions for dam transfer of ownership

[Water Permits \(link\)](#) – choose the “Waterway and wetland” tab and then find activity “Dams – Transfer of Ownership. For detailed information on transfers use the same link and refer to the right side of the page.

There is a \$500 fee for the permit to transfer ownership of a dam. An after-the-fact permit is charged a \$1000 fee.

State regulations limit who can assume ownership of a dam. Under Ch. 31, Wis. Stats., lake districts formed under Ch. 33, Wis. Stats., have been considered municipalities. Ownership of a dam can be transferred from:

- Private individual to another private individual
- Private individual to a municipality
- Municipality to another municipality

Under no circumstances may a foreign individual or corporation assume ownership of a dam nor may a dam be transferred from municipal ownership to private ownership. Also, dams constructed as part of a cranberry operation are exempted from state regulations regarding the transfer of ownership.

ASDSO Honorary Member Award

At the Dam Safety 2017 National Conference in September, Meg M. Galloway, Dam & Floodplain Section Chief, Watershed Bureau was recognized by the Association of State Dam Safety Officials (ASDSO) with an Honorary Member Award.

ASDSO is a national non-profit organization serving state dam safety programs and the broader dam safety community with the vision, “A future where all dams are safe.” Annually, the ASDSO Board of Directors honors individuals who have contributed to the improvement of ASDSO and the advancement of dam safety over a lifetime of work.

Meg served on the ASDSO Board for most years between 1996 and 2006, serving as Board President from 2004-2005. She wrapped up her term as Board President with a bang - Hurricane Katrina struck three weeks before the Dam Safety 2005 National Conference was to be held in New Orleans, Louisiana.

Meg participated in many committees while on the board. Notably, she co-chaired a committee that worked to develop a series of reports on what it would cost to rehabilitate the dam infrastructure across the nation and propose a framework for federal legislation to assist with funding. That work was carried on by others and resulted in a dam repair fund being authorized in the federal Water Resources Development Act of 2016.

In Meg’s words, “My participation in ASDSO helped me become aware of dam safety issues across the country and allowed me to bring back many excellent ideas to improve our dam safety program. It was one of the most rewarding activities of my professional career and allowed me to build professional relationships and lasting friendships.”

Congratulations Meg!



Kilbourn Dam



Meg receiving ASDSO award!

Municipal Dam Grant Program

The 2017-19 Biennial Budget currently includes \$4 million for Dam Grants, of that, approximately \$3.5 million will be committed to fund eligible engineering and construction costs associated with the maintenance, repair, modification or abandonment and removal of municipally owned dams. The remaining \$0.5 million will go toward the dam removal grant program which can be used by any dam owner to remove their dam and is a \$50K reimburse grant for removals only. The Municipal Dam grant program provides a cost-sharing opportunity for up to a maximum of \$400,000. Funding sources outside the applicant's own resources can be used toward the local match for this grant.



Yellowstone Lake Dam

The priority funding list for the 2015-17 round of Municipal Dam grant applications is posted on the DNR Municipal Dam grant web page, <http://dnr.wi.gov/aid/dammunicipal.html>, under the Related Links on the right site of the page.

E-Permitting Update

DNR Dam Safety is pleased to announce even more updates to the newest electronic water permit application, Dam Repair or Reconstruction, Dam Transfer, New Dam and now Dam Abandonment are available through the Water Portal page at <http://dnr.wi.gov/permits/water/>. This application allows potential dam owners the ability to submit an application online, reducing time and effort for the applicant. The new system reduces paperwork and delivers quicker, more consistent permit decisions while improving environmental protection and better informing neighbors and others of such proposed projects.

For questions related to the application requirements, contact the Water Management Engineer for your County at: <http://dnr.wi.gov/topic/dams/regionalcontacts.html>.

For questions related to the online Permitting system, please use the Issue Tracker located here: <https://permits.dnr.wi.gov/water/SitePages/Issue%20Submittal.aspx>

Inspections

It is time to get ready for the next inspection year. There is a way you can find out when your dam is scheduled to be inspected either by the DNR or by a private consultant hired by you. You can search for your dam by going here: <http://dnr.wi.gov/topic/dams/damSearch.html>.

Dam Safety Database

The DNR Dam Safety Database is a great resource for dam owners and operators and others in the dam safety profession. The information in the database can be used when developing an emergency action plan or an inspection, operation, and maintenance plan. The database can also assist dam owners in determining inspection schedules.

The Dam Safety Database can be accessed from the Dam Safety website at: <http://dnr.wi.gov/topic/Dams/damSearch.html>. Two searches have been developed to help determine the inspection schedules for state regulated, large dams and to provide selected database information for dams in the dam inventory.

Emergency: Who do you call?

If despite your best efforts at maintaining your dam, an emergency arises, the first thing to do is to open your Emergency Action Plan (EAP) and follow the steps outlined. If for some reason, you do not yet have an EAP for your dam and failure is imminent, then call 911 and prepare to provide the following information to the 911 operator:

- Name and title of the person reporting the incident;
- Call back number of the person reporting the incident;
- Name/location of the dam, including: county, waterbody, and nearest road;
- Present condition of the dam such as perceived problem, gate status, or level of pond in relation to the low point in the embankment

**Under any circumstance, if failure is imminent, call 911 first.
Then call the Wisconsin Emergency Hotline to reach Dam
Safety Staff.**

Wisconsin Emergency Hotline
1(800) 943-0003 (24-hour)
Press "1"
Ask for "DNR Duty Officer"

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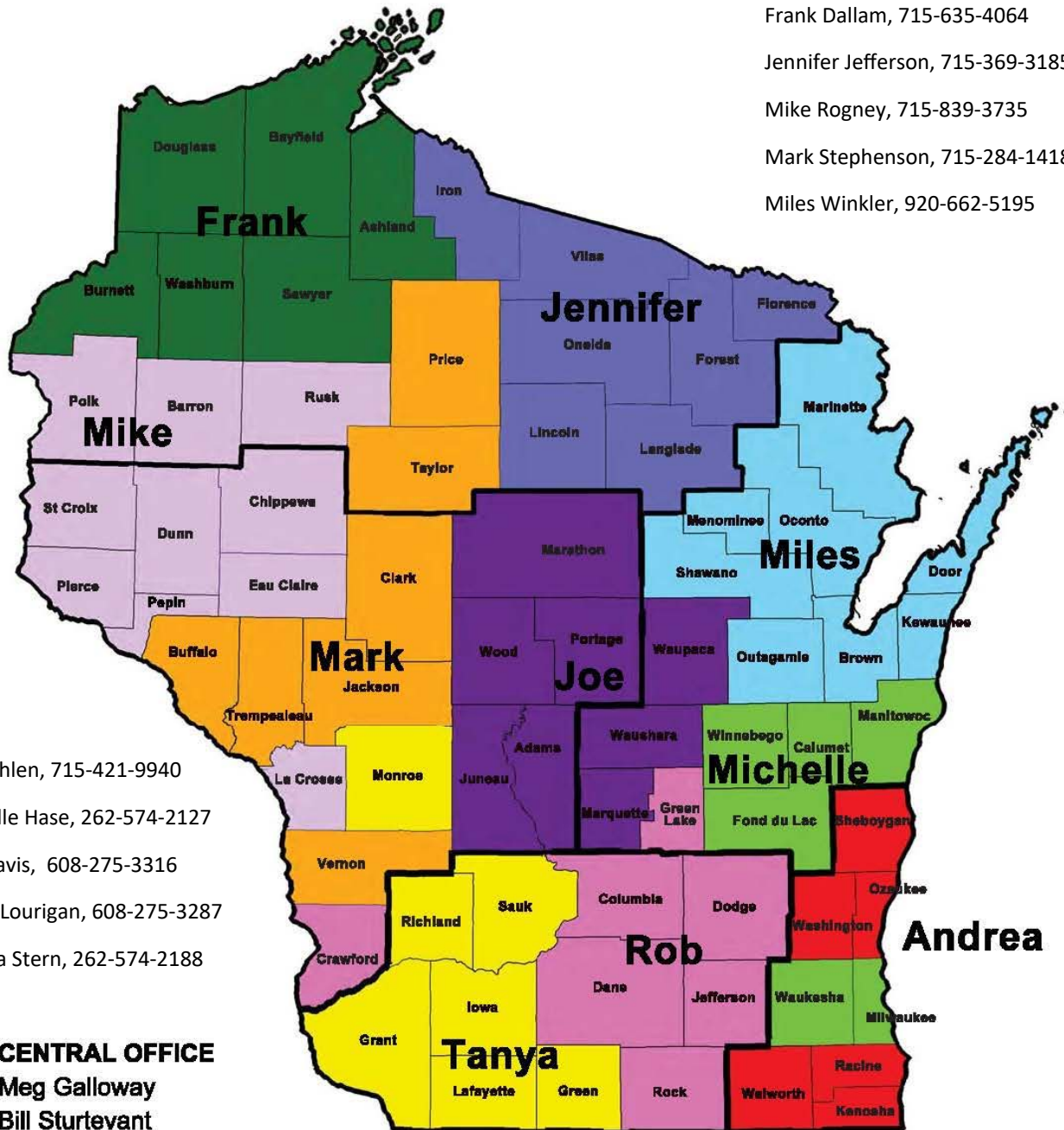
For further information regarding the WI Dam Safety Program, please visit our website at:

<http://dnr.wi.gov/topic/dams/> or email: [dnrdamsafety@wisconsin.gov](mailto:dnr damsafety@wisconsin.gov).

Burlington Dam



DAM SAFETY / FLOODPLAIN CONTACTS



Frank Dallam, 715-635-4064

Jennifer Jefferson, 715-369-3185

Mike Rogney, 715-839-3735

Mark Stephenson, 715-284-1418

Miles Winkler, 920-662-5195

Joe Behlen, 715-421-9940

Michelle Hase, 262-574-2127

Rob Davis, 608-275-3316

Tanya Lourigan, 608-275-3287

Andrea Stern, 262-574-2188

CENTRAL OFFICE

Meg Galloway

Bill Sturtevant

Konny Margovsky

Chris Olds

Chad Heimerl

Michelle Staff