

Reclamation Manual

Directives and Standards

Subject: Dam Safety Issues in Title Transfers

Purpose: Establishes Reclamation-wide procedures to promote continuity of dam safety activities and regulatory responsibilities in cases where title to a Reclamation-owned dam is transferred to another entity

Authority: Reclamation Act of 1902, 32 Stat. 388; and the Reclamation Safety of Dams Act, Public Law 95-578.

Contact: Dam Safety Office, D-1440

1. **Scope.** This Reclamation Manual applies to title transfers of Reclamation-owned high- or significant-hazard dams.
2. **Background.** Reclamation has established its Dam Safety Program to ensure that high- and significant-hazard dams do not present unreasonable risks to public safety/welfare and environmental/cultural resources. Reclamation accomplishes this objective by conducting periodic monitoring, examinations, and analyses of the design, construction, and performance of these dams. The results of these activities and the associated recommendations for additional actions are documented in various reports and memorandums.

Reclamation's policy on Decisions Related to Dam Safety Issues (Reclamation Manual FAC P02) requires timely, documented decisions on Reclamation actions to address each identified dam safety issue. Dam safety issues may be identified during Reclamation's operation, maintenance, monitoring, inspection, or analysis of a structure. Reclamation's response to such issues may be to monitor, inspect, analyze, or otherwise address the issue while continuing to operate the structure. Some issues may present such risk that Reclamation's action will be to restrict normal operations and/or move aggressively to modify the structure to reduce risk.

Because dam safety issues can be identified at any time, the status of activities to resolve those issues can vary. At the time of title transfer, issue resolution may be in the early identification/decision phase or may be nearing completion. It is important that the status of the dam safety issue resolution process be conveyed to the new owners and associated regulators to ensure smooth transfer of ownership and regulatory responsibilities.

3. Definitions.

A. **Dam Safety Issue.** An issue that, if not resolved:

- (1) Could lead to a failure or malfunction resulting in an uncontrolled release of stored water that would place the public and/or resources at risk, or

Reclamation Manual

Directives and Standards

(2) Would compromise Reclamation's ability to detect developing adverse dam performance and prudently respond to that performance.

B. **High-hazard Dam.** A dam which places more than six lives at risk or would cause excessive economic loss (urban area including extensive community, industry, agriculture, or outstanding natural resources).

C. **Significant-hazard Dam.** A dam which places one to six lives at risk or would cause appreciable economic loss (rural area with notable agriculture, industry, work sites, or outstanding natural resources).

D. **Transferee.** An entity seeking to receive title/ownership of a dam from Reclamation.

4. **Dam Safety-related Title Transfer Activities.** As soon as a formal request is received to initiate the dam title transfer process, Reclamation will seek frequent involvement of appropriate local, State, and Federal agencies who will be involved in operational aspects or regulatory oversight of the facilities being transferred. The entities involved may include local emergency management officials, State Dam Safety regulatory officials, National Weather Service, Corps of Engineers, and others. Reclamation will inform all entities of the implications of title transfer and the potential impacts to their areas of responsibility. Reclamation will also notify the entities involved of the need to make appropriate changes to their operational plans, emergency response plans, communications directories, etc. The following activities will be addressed with the appropriate entities:

A. **Dam Safety Decisions.** The most recent dam safety decision document, including the latest Comprehensive Facility Review (CFR) report, will be discussed with the transferee and the State dam safety regulatory agency early in the title transfer process. Discussions will include:

1. Reclamation's understanding of dam safety risks associated with the facility.
2. Identification of all unresolved dam safety issues and recommendations.
3. Identification of the appropriate schedules for resolving the issues.
4. Identification of all significant O&M issues associated with the facility.

Reclamation will consider accelerating activities necessary to resolve outstanding dam safety issues, if deemed appropriate and achievable by the participating entities.

B. **Emergency Action Plan (EAP).** Reclamation will formally transmit copies (hard copy and electronic copy) of the EAP, including applicable inundation studies and mapping, to the transferee. They will be advised to review and revise the EAP to reflect their emergency response plans following title transfer and to remove all references to Reclamation responsibilities, as appropriate. Reclamation will advise State and local

Reclamation Manual

Directives and Standards

emergency management officials, and all holders of the EAP of the pending title transfer. The appropriate State regulatory agency will be responsible for advising the new title holder (transferee) of their requirements related to revising and exercising the EAP.

C. Standing Operating Procedures (SOP). Reclamation will update the SOP, as needed, to reflect accurate operational procedures and conformance to current Reclamation policies for SOPs. Reclamation will formally transmit copies (hard copy and electronic copy) of the SOP to the transferee. They will be advised to review and revise the SOP to remove references to Reclamation responsibilities.

D. Records and Information Transfer. Reclamation will advise the transferee of the availability of all relevant dam safety-related and security-related documents. Documents will be made available for review and copying. Original documents will be retained by Reclamation and compiled and archived in accordance with existing records management policies after completion of title transfer. Appropriate records will be scanned into Reclamation's Dam Safety Data Management System before they are sent to archives.

E. Decision Document. Reclamation will prepare an updated decision document, as necessary, to document the status of all dam safety issues immediately preceding completion of title transfer. The decision document will be written to acknowledge the pending dam title transfer and will include a discussion of recommended actions by the transferee considered necessary to resolve any outstanding dam safety issues. The decision document also will include a discussion of the relative urgency of resolving those issues. It will be signed by the Regional Director, Area Manager, and the Chief, Dam Safety Office in accordance with Reclamation Manual FAC PO2 4.C(1). The issues and associated recommended actions and schedules will be discussed with the transferee and the State dam safety regulatory agency. The final decision document will be formally transmitted to the transferee and to the State Dam Safety regulatory agency.

F. Pretransfer Review. Reclamation will encourage an onsite pretransfer review of the facility. The primary purpose of this review will be to facilitate the discussion of dam safety issues (outstanding safety of dam and dam safety related operations and maintenance recommendations, SOP, EAP, performance-monitoring data, etc.) and other issues of importance. Reclamation personnel with significant knowledge of the operations and dam safety issues related to the facility will participate in the review. Generally, this will include personnel from the Area Office, Regional Office, and the Technical Service Center (TSC). The transferee of the dam, the State Dam Safety regulatory agency, and other entities, as determined appropriate, will also be encouraged to participate in the review. Reclamation will document the results of the review in a letter to appropriate entities. Reclamation's related costs for the review will be nonreimbursable, similar to other facility reviews conducted on the dam.

Reclamation Manual

Directives and Standards

G. **Internal Notification of Transfer of Title.** The Reclamation Regional or Area Office responsible for the dam will transmit a memorandum notifying all appropriate Reclamation offices of the completion of title transfer and the discontinuation of services. These offices would include, at a minimum, the Commissioner's Office; Operations; Office of Program and Policy Services; Office of Security, Safety, and Law Enforcement; Director, TSC; and the Regional Director.

H. **External Notification of Transfer of Title.** The Reclamation Regional or Area Office responsible for the dam will transmit a letter to the State Dam Safety regulatory agency notifying them of the official transfer of title and effective date. The letter will indicate that Reclamation no longer owns, nor is it responsible for any operations, maintenance, dam safety, public safety, or dam safety regulatory functions associated with the facility (or as stipulated in the title transfer authorizing legislation). Copies of the letter will be sent to appropriate local and State emergency management officials as well as Federal agencies (National Weather Service, Corps of Engineers, etc.) and other applicable entities involved in the operations of the facility.