

**Proactive Response to Minimize  
Future Liability for Sponsors of  
Small Watershed Dams**

# Typical Sponsor Issues

Easement encroachment in pool area



# Typical Sponsor Issues

Easement encroachment – Dam Safety



# Typical Sponsor Issues

Breach Floodplain Mapping – Emergency Action Plans (EAP)



# Typical Sponsor Issues

Structures in Breach Inundation Zone – Dam Safety



# Typical Sponsor Issues

Urban Development – Utility Installation Beneath Dams



# Typical Sponsor Issues

## Operation, Maintenance, and Rehab Funding

### Funding Sources

- Local Taxes
- Developer Fees
- State
- Others?

# Sponsors of Watershed Projects

- How to minimize your risks

# Know your Dams!

- Know current dam hazard classification.
- Know design hazard classification
  - Are they the same?
- Know your easement boundaries.
- Know extent of breach inundation zone
- Know what is downstream of each dam
  - What is future potential use?

# Take Action!



- Ownership or development control of land downstream of dam
  - Purchase easement
  - Purchase land
  - Enroll in easement program such as WRP, GRP, or other easement program.

# Zoning

- Do SWCDs have zoning Authority. No
- Do Counties have zoning Authority ?
- Most cities have Zoning Authority within city limits and ETJ.
- Some Watershed Authorities and WCIDs have zoning authority.
- Other methods of “zoning”
  - Septic Tank Permits
  - 911 address

# Who should know?

- Notification of downstream landowners of dam hazard, and upstream landowners of potential inundation during floods.
  - Not a problem solver
  - Owner must disclose known defects to potential buyers
  - May provide some liability relief

# Who should know

- Notification of Tax assessors office or planning and zoning
  - Get area outlined on tax assessors map



# Who should know

- Notify area lenders, such as banks
- Notify area surveyors who complete flood certification for banks and surveys for new residential development



# Be proactive



Lot for sale  
immediately  
downstream of  
dam

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- Notification of all realtors and anyone who places a “for-sale” sign on a lot in the breach inundation zone.
  - Seller must disclose all known defects.

# Inform and educate

- Educate community of benefits of dams
  - property values enhanced by flood prevention
  - roads protected from flood damage
  - reduced interruption of public safety assistance (fire, health, police) during storm event due to reduction of flooding.
- Run regular news articles in paper

# Disclaimer

- This is not legal advice
- The information here is intended to educate you of the issues currently facing dam owners in Texas and across the country.



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