Testimony of Sally Harold  
Director River Restoration and Fish Passage  
Before the Planning and Development Committee  
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In Support of H. B. No. 1010 - AAC Disclosure of Dams and Similar Structures by Owners of Real Property

On behalf of The Nature Conservancy’s 28,000 members in Connecticut, I am here today to express our support for Raised Bill #1010. This bill proposes requiring notice of the existence of a dam on the real-estate disclosure form.

Dams can benefit people by providing impoundments for water supply, electricity generation, and flood control, however, the majority of dams in Connecticut no longer serve the purpose for which they were constructed, and many are poorly or no longer maintained.

In 2013, I provided testimony here in the legislature in support of proposed bill #6441 that would require dam owners to cover the full cost of dam inspections, maintain their dam in safe condition and where appropriate ensure an Emergency Operating Plan was filed. This bill was passed and since then dam owners have become more keenly aware of the costs of dam inspections and maintenance. Some have opted to remove their dam thereby alleviating themselves of this financial burden and personal liability. Others, we’ve learned, have chosen to sell their property. Some property buyers have become owners of dams, taking on financial obligations and personal liability risk that they were completely unaware of. This is especially concerning in cases where the necessity for dam repair was known by the seller.

Where conditions are appropriate, the Nature Conservancy supports dam removal to restore river functions and fish passage. We also support resiliency measures that help to sustain people and nature. In New England, more frequent and severe storms often result in heavy rain events that can bring about sudden high stream flow. Dams that are unmaintained are especially prone to failure during such storms. Home buyers who choose to purchase a stream side property with a dam should be fully aware of their responsibility to maintain that dam in safe condition. They must be informed that a dam is part of the property. We strongly support the requirement in Section 1(d) of Bill #1010 that the seller of a property with a dam be required to notify the prospective buyer of the presence of the dam at least 15 days prior to a sale.

Dams disrupt natural processes in rivers and prevent aquatic species from moving freely up and downstream. Over time, the presence of dams in our waterways has diminished water quality, altered stream habitat, affected thermal changes in the water, increased genetic isolation of aquatic species, reduced species diversity and
abundance. For riverine migratory species, these unnatural barriers delay upstream migration and increase predation pressure \textit{(ask any fisherman and they'll tell you the best fishing is just below a dam)}. Dams can prevent access to and movement between feeding and breeding zones for all fish.

Selective dam removal, thoughtfully carried out, is one of the most cost-effective fisheries and river restoration methods available. Proposed bill #1010 would help to raise awareness of dams in the state and encourage owners uninterested in repairing and maintaining their dams to remove them. Changing the Real Estate Disclosure Form to include information about an existing dam will allow dam owners contemplating the sale of their property and interested buyers to more carefully consider their obligations as a dam owner.

Connecticut has over 4,000 dams and more than 3,600 have been registered with DEEP. \textit{(All dams are required to be registered.)} Around 500 of these dams (about 17%) are classified as Significant Hazard or High Hazard dams meaning their failure could cause loss of life, damage to habitable structures, residences, roadways and railroads, and significant economic loss. Those dams are listed on property records and would become evident in a title search. That leaves 83% of Connecticut’s dams, over 3,500 that are not listed on municipal property records, but still require ongoing maintenance and could require costly repairs to keep them in safe condition. When maintenance and repairs are required, the dam owner is responsible. The cost of an average inspection is $2,500 and repairs can easily exceed $150,000.

Many dam owners are unaware of their responsibilities and liabilities as a dam owner and even more are unaware of the impact dams have on streams. The Conservancy, in our effort to restore free flowing streams for the myriad benefits they provide will continue to work on outreach and education to owners. We support the Legislature’s efforts to help ensure citizens are protected from taking on financial burdens and liability associated with dam ownership without their awareness and encourage you to approve Bill #1010.