

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 23-0994.01 Richard Sweetman x4333

SENATE BILL 23-267

SENATE SPONSORSHIP

Van Winkle and Cutter,

HOUSE SPONSORSHIP

Titone and Bradley,

Senate Committees

Agriculture & Natural Resources
Finance
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING A WATER QUALITY FEE TO BE PAID FOR ADMISSION TO**
102 **CHATFIELD STATE PARK, AND, IN CONNECTION THEREWITH,**
103 **REQUIRING THE DIVISION OF PARKS AND WILDLIFE TO COLLECT**
104 **THE FEE AND TRANSFER THE AMOUNT OF THE FEE TO THE**
105 **CHATFIELD WATERSHED AUTHORITY AND MAKING AN**
106 **APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill requires the division of parks and wildlife (division) to

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

require each visitor to Chatfield state park to pay, in addition to any other fee that the division charges for admission to the park, a water quality fee in the following amount:

- For a person who pays the daily fee to enter the park, the amount of the water quality fee is \$1, to be paid for each visit; and
- For a person who uses an annual parks pass or a keep Colorado wild pass to enter the park, the amount of the water quality fee is \$3, to be paid once annually.

Beginning April 1, 2024, and every 3 months thereafter, the division shall pay the total amount of money collected during the preceding 3 months as water quality fees to the Chatfield watershed authority (authority); except that the division may retain up to 3% of the money to pay the division's administrative expenses. The authority is required to expend the money to provide for a regional, coordinated approach to phosphorous and other nonpoint source pollution control in the Chatfield watershed, including providing for the construction, operation, and maintenance of nonpoint source projects, water quality monitoring, and urban runoff and erosion management and control.

The water quality fee and associated requirements are repealed, effective January 1, 2029.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds that:

4 (a) Chatfield state park is situated in the lower foothills of the
5 front range on the southwestern edge of Denver, and Chatfield reservoir,
6 located in Chatfield state park, is a 1,400 surface acre water body at the
7 confluence of Plum creek and the South Platte river;

8 (b) Chatfield reservoir was constructed in 1970 for the purpose of
9 providing regional flood control for the Denver metropolitan area and is
10 a regional water supply source for multiple local and regional water
11 producers;

12 (c) Chatfield state park is one of the most popular recreation areas
13 in the Denver metropolitan region and in all of Colorado and offers

1 numerous recreational activities, including swimming, boating,
2 paddleboarding, fishing, wildlife viewing, biking, camping, and
3 horseback riding;

4 (d) The Chatfield watershed authority (authority) was established
5 in 1984 when the governor designated the authority as a 208 management
6 agency, in accordance with section 208 of the "Federal Water Pollution
7 Control Act", also known as the federal "Clean Water Act", 33 U.S.C.
8 sec. 1251 et seq.;

9 (e) The authority includes Jefferson county, Douglas county, the
10 town of Castle Rock, the city of Littleton, the town of Larkspur, and
11 water and wastewater providers in the Chatfield watershed;

12 (f) The authority's mission is to promote protection of water
13 quality in the Chatfield watershed for drinking water supplies, recreation,
14 fisheries, and other beneficial uses;

15 (g) The authority preserves these beneficial uses in Chatfield
16 reservoir and in the watershed through the promotion of point source,
17 nonpoint source, and storm water controls;

18 (h) Under regulation 73 of the water quality control commission,
19 the authority is required to limit the total maximum annual load of total
20 phosphorus entering the Chatfield reservoir;

21 (i) The authority continues to implement regulation 73 and
22 coordinate with state and federal agencies regarding water quality control
23 measures;

24 (j) The authority is also required to maintain compliance with
25 chlorophyll-a and phosphorous standards imposed by regulation 38 of the
26 water quality control commission;

27 (k) Since 1984, the authority and its members have monitored

1 water quality in the Chatfield reservoir and upstream in the Chatfield
2 watershed and have undertaken measures to protect water quality in the
3 watershed through voluntary funding contributions and grants;

4 (l) The Chatfield watershed plan identifies opportunities within
5 the watershed to address the chemical, physical, and biological pollutants
6 that impact the watershed, including controlling runoff from wildfire burn
7 areas, reducing phosphorus quantities by stabilizing degraded
8 streambanks, mitigating runoff from agricultural lands, minimizing
9 leachate from septic systems, and providing public education for reducing
10 contamination from the actions of people;

11 (m) The effects of increased floods and wildfires threaten to
12 increase pollutant loadings to Chatfield reservoir; and

13 (n) The authority is unable to qualify for grant programs, which
14 typically require a certain level of matching funds.

15 (2) The general assembly declares that it is in the best interests of
16 the state to:

17 (a) Create a water quality fee to be imposed with the entrance fee
18 that visitors pay to visit Chatfield state park;

19 (b) Require the division of parks and wildlife to collect the water
20 quality fee and pay the amounts collected as water quality fees to the
21 authority; and

22 (c) Require the authority to expend the money to provide for a
23 regional, coordinated approach to phosphorous and other nonpoint source
24 pollution control in the Chatfield watershed, including providing for the
25 construction, operation, and maintenance of nonpoint source projects,
26 water quality monitoring, and urban runoff and erosion management and
27 control.

1 **SECTION 2.** In Colorado Revised Statutes, **add** 33-9-114 as
2 follows:

3 **33-9-114. Chatfield state park - water quality fee - Chatfield**
4 **watershed authority - definition - repeal.** (1) AS USED IN THIS SECTION,
5 "CHATFIELD WATERSHED AUTHORITY", OR "AUTHORITY", MEANS THE
6 CHATFIELD WATERSHED AUTHORITY ESTABLISHED BY AN
7 INTERGOVERNMENTAL AGREEMENT EXECUTED PURSUANT TO SECTIONS
8 29-1-203 AND 29-1-204.2 AND INCLUDING THE FOLLOWING MEMBERS:

- 9 (a) JEFFERSON COUNTY;
- 10 (b) DOUGLAS COUNTY;
- 11 (c) THE CITY OF LITTLETON;
- 12 (d) THE TOWN OF CASTLE ROCK;
- 13 (e) THE TOWN OF LARKSPUR;
- 14 (f) CASTLE PINES METROPOLITAN DISTRICT;
- 15 (g) CENTENNIAL WATER AND SANITATION DISTRICT;
- 16 (h) DOMINION WATER AND SANITATION DISTRICT;
- 17 (i) LOUVIERS WATER AND SANITATION DISTRICT;
- 18 (j) PERRY PARK WATER AND SANITATION DISTRICT;
- 19 (k) ROXBOROUGH WATER AND SANITATION DISTRICT;
- 20 (l) THE CITY AND COUNTY OF DENVER, ACTING BY AND THROUGH
21 ITS BOARD OF WATER COMMISSIONERS; AND
- 22 (m) THE PLUM CREEK WATER RECLAMATION AUTHORITY.

23 (2) ON AND AFTER JANUARY 1, 2024, IN ADDITION TO ANY OTHER
24 FEE THAT THE DIVISION MAY CHARGE FOR ADMISSION TO CHATFIELD
25 STATE PARK, THE DIVISION SHALL CHARGE A WATER QUALITY FEE IN THE
26 FOLLOWING AMOUNTS:

- 27 (a) FOR A PERSON WHO USES A DAILY VEHICLE PASS TO ENTER THE

1 PARK, THE AMOUNT OF THE WATER QUALITY FEE IS ONE DOLLAR, TO BE
2 PAID FOR EACH VISIT; AND

3 (b) FOR A PERSON WHO USES AN ANNUAL PARKS PASS OR A KEEP
4 COLORADO WILD PASS, AS DESCRIBED IN SECTION 33-12-108, TO ENTER
5 THE PARK, THE AMOUNT OF THE WATER QUALITY FEE IS THREE DOLLARS,
6 TO BE PAID ONCE ANNUALLY.

7 (3) BEGINNING APRIL 1, 2024, AND EVERY THREE MONTHS
8 THEREAFTER, THE DIVISION SHALL PAY THE TOTAL AMOUNT OF MONEY
9 COLLECTED DURING THE PRECEDING THREE MONTHS AS WATER QUALITY
10 FEES PURSUANT TO SUBSECTION (2) OF THIS SECTION TO THE CHATFIELD
11 WATERSHED AUTHORITY; EXCEPT THAT THE DIVISION MAY RETAIN UP TO
12 THREE PERCENT OF THE MONEY TO PAY THE DIVISION'S ADMINISTRATIVE
13 EXPENSES.

14 (4) THE AUTHORITY SHALL EXPEND THE MONEY RECEIVED
15 PURSUANT TO SUBSECTION (3) OF THIS SECTION TO PROVIDE FOR A
16 REGIONAL, COORDINATED APPROACH TO PHOSPHOROUS AND OTHER
17 NONPOINT SOURCE POLLUTION CONTROL IN THE CHATFIELD WATERSHED,
18 INCLUDING PROVIDING FOR THE CONSTRUCTION, OPERATION, AND
19 MAINTENANCE OF NONPOINT SOURCE PROJECTS, WATER QUALITY
20 MONITORING, AND URBAN RUNOFF AND EROSION MANAGEMENT AND
21 CONTROL.

22 (5) THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1, 2029.

23 **SECTION 3. Appropriation.** For the 2023-24 state fiscal year,
24 \$250,000 is appropriated to the department of natural resources for use
25 by the division of parks and wildlife. This appropriation is from the parks
26 and outdoor recreation cash fund created in section 33-10-111 (1), C.R.S.
27 To implement this act, the division may use this appropriation for

1 payment to the chatfield water authority and related administrative costs.

2 **SECTION 4. Act subject to petition - effective date.** This act
3 takes effect at 12:01 a.m. on the day following the expiration of the
4 ninety-day period after final adjournment of the general assembly; except
5 that, if a referendum petition is filed pursuant to section 1 (3) of article V
6 of the state constitution against this act or an item, section, or part of this
7 act within such period, then the act, item, section, or part will not take
8 effect unless approved by the people at the general election to be held in
9 November 2024 and, in such case, will take effect on the date of the
10 official declaration of the vote thereon by the governor.