

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. R16-0139.01 Jennifer Berman x3286

HJR16-1002

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HOUSE JOINT RESOLUTION 16-1002

101 CONCERNING TIMELY ACCESS TO FEDERAL LANDS FOR DAM
102 RESTORATION PROJECTS.

1 WHEREAS, Colorado faces an increasing gap between water
2 supply and demand that could reach a statewide shortfall totaling 500,000
3 acre-feet or more by 2050; and

4 WHEREAS, Water storage is paramount as a means to address this
5 increasing gap in Colorado; and

6 WHEREAS, Reservoirs used for water storage and the dams used
7 to retain water within them should be operated and maintained in a
8 manner to maximize their water storage capacity; and

9 WHEREAS, The General Assembly has authorized the State

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 Engineer to inspect dams routinely to determine the safe storage level of
2 reservoirs; and

3 WHEREAS, When, upon inspection, the State Engineer
4 determines that the condition of a dam is unsatisfactory and the dam is in
5 need of repair or rehabilitation, the State Engineer will restrict the water
6 level behind the dam for safety purposes, thus limiting the reservoir's
7 storage capacity; and

8 WHEREAS, It is imperative for the purpose of maximizing our
9 state's water storage capacity that any dam put under restriction be
10 restored to a satisfactory condition as soon as practicable to remove the
11 storage restriction; and

12 WHEREAS, In order to access a dam for maintenance, repairs, or
13 rehabilitation, an owner or operator of a dam located on federal land must
14 seek permission, sometimes in the form of a special use permit, from the
15 federal agency managing the land; and

16 WHEREAS, Federal agencies have not responded promptly to
17 requests for approval to access the federal land on which a dam is located,
18 even when the purpose of seeking access to the dam is to maintain, repair,
19 or rehabilitate the dam; and

20 WHEREAS, A federal agency's failure to respond promptly to
21 requests for permission to access a dam located on federal land extends
22 the period of time during which the dam is under a storage restriction,
23 thus counteracting efforts to maximize our state's water storage capacity;
24 and

25 WHEREAS, A federal agency's failure to respond promptly to
26 requests for permission to access a dam in need of maintenance, repairs,
27 or rehabilitation could further exacerbate the deteriorating condition of
28 the dam, potentially increasing both the cost to restore the dam to a
29 satisfactory condition and the risk the deteriorating dam poses to the
30 safety of the citizens of Colorado; now, therefore,

31 *Be It Resolved by the House of Representatives of the Seventieth*
32 *General Assembly of the State of Colorado, the Senate concurring herein:*

33 That we, the members of the Colorado General Assembly, urge
34 federal agencies, specifically the United States Forest Service and the

1 Bureau of Land Management, to respond promptly to requests for
2 permission to access a dam located on federal land when the purpose of
3 accessing the dam is to maintain, repair, or rehabilitate the dam.

4 *Be It Further Resolved*, That copies of this Resolution be sent to
5 members of Colorado's congressional delegation, the Chief of the United
6 States Forest Service, and the Director of the Bureau of Land
7 Management.