

**Second Regular Session
Seventieth General Assembly
STATE OF COLORADO**

PREAMENDED

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 and
7 other structures used to retain water within them should be operated and
8 maintained in a 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 or other water storage
13 structure for maintenance, repairs, or rehabilitation, an owner or operator
14 of the structure located on or requiring access through federal land must
15 seek permission, sometimes in the form of a special use permit, from the
16 federal agency managing the land; and

17 WHEREAS, In Colorado, there is variation in the extent of
18 communication and cooperation between local branches of federal land
19 management agencies and owners or operators of dams or other water
20 storage structures regarding access to the water structure to maintain,
21 repair, or rehabilitate the structure; and

22 WHEREAS, This lack of communication in some instances has
23 caused problems and, thus, counteracts efforts to maximize our state's
24 water storage capacity and protect water quality and critical natural
25 resources; and

26 WHEREAS, Lack of cooperation and communication could
27 further exacerbate the deteriorating condition of the structure, potentially
28 increasing both the cost to restore the structure to a satisfactory condition
29 and the risk the deteriorating structure poses to the safety of the citizens
30 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 communicate and work cooperatively on
2 requests for permission to access a dam or other water storage structure
3 when the purpose of accessing the water storage structure is to maintain,
4 repair, or rehabilitate the water storage structure.

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