

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

RESOLUTION A

LLS NO. R16-0139 Jennifer Berman x3286

HOUSE JOINT RESOLUTION

HOUSE SPONSORSHIP

Coram and Mitsch Bush

SENATE SPONSORSHIP

Baumgardner, Roberts

HOUSE JOINT RESOLUTION

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
10 Engineer to inspect dams routinely to determine the safe storage level of
11 reservoirs; and

12 WHEREAS, When, upon inspection, the State Engineer
13 determines that the condition of a dam is unsatisfactory and the dam is in
14 need of repair or rehabilitation, the State Engineer will restrict the water
15 level behind the dam for safety purposes, thus limiting the reservoir's
16 storage capacity; and

17 WHEREAS, It is imperative for the purpose of maximizing our
18 state's water storage capacity that any dam put under restriction be

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 restored to a satisfactory condition as soon as practicable to remove the
2 storage restriction; and

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

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

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

16 WHEREAS, A federal agency's failure to respond promptly to
17 requests for permission to access a dam in need of maintenance, repairs,
18 or rehabilitation could further exacerbate the deteriorating condition of
19 the dam, potentially increasing both the cost to restore the dam to a
20 satisfactory condition and the risk the deteriorating dam poses to the
21 safety of the citizens of Colorado; now, therefore,

22 *Be It Resolved by the House of the Seventieth General Assembly*
23 *of the State of Colorado, the Senate concurring herein:*

24 That we, the members of the Colorado General Assembly, urge
25 federal agencies, specifically the United States Forest Service and the
26 Bureau of Land Management, to respond promptly to requests for
27 permission to access a dam located on federal land when the purpose of
28 accessing the dam is to maintain, repair, or rehabilitate the dam.

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