

**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 Committees**

Agriculture, Livestock, & Natural Resources

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**HOUSE JOINT RESOLUTION 16-1002**

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

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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.