

ACTION MEMORANDUM
CHATFIELD WATERSHED AUTHORITY

TO: Chatfield Watershed Authority (CWA) Technical Advisory Committee (TAC)
FROM: Michael Daugherty, Somach Simmons & Dunn (SSD)
RE: Colorado Parks and Wildlife Commission (CPWC) Rulemaking Petition to
Establish Chatfield State Park Water Quality Fee
DATE: March 27, 2024

SUMMARY OF ACTION REQUESTED:

TAC should discuss the draft Rulemaking Petition Form attached as Exhibit A to this memorandum, propose any revisions, and vote to send the final form to the CWA Board of Directors for consideration at its April 15, 2024, meeting.

PURPOSE / BACKGROUND:

SB23-267 created a process for CWA to request the establishment of a water quality fee at Chatfield State Park to support CWA's proposed water quality projects throughout the Chatfield watershed, with 25 percent of the funding going toward projects within Chatfield State Park. At its March 13, 2024, meeting, CPWC approved regulatory revisions to add a new provision regarding the implementation of the water quality fee. Accordingly, the next step is for CWA to submit a rulemaking petition form to CPWC by May 31, 2024. The petition process is as follows: (1) initiate the process by contacting CPW's regulation manager; (2) submit rulemaking petition form; (3) CPW staff will review petition; (4) if CPW staff supports the petition, they will present it to CPWC; and (4) CPWC will vote whether to grant or deny the petition. CPW staff expects CWA's petition to be considered by CPWC at its August 21-22, 2024, meeting. At its March meeting, the TAC voted to move forward with recommending a \$2 fee to the Board of Directors (the "Board"), and to provide the Board with sufficient background and information to make an informed decision.

PROPOSED MOTION TO TAC:

TAC should vote to submit the attached rulemaking petition (Exhibit A) as currently drafted to the Board for final approval, or to revise the petition and submit the revised petition to the Board for final approval.

EXHIBIT A

RULEMAKING PETITION FORM

Date:

Issue:	Chatfield State Park Water Quality Fee (SB23-267)
Which rule are you seeking to create or revise? Please include a copy of the rule you are proposing to create or change, preferably with the change made in redline format.	
Redline changes to P-7 to reflect Commission granting Chatfield Watershed Authority petition to impose water quality fee	
P-7 <u>#700 - VEHICLE PASS</u>	
4. Daily vehicle passes are as follows:	
a. A fee of \$10.00 per vehicle <u>except for:</u>	
<u>1. for any vehicle except for passenger vans and buses operated by a commercial business-;</u>	
<u>2. A \$2.00 per vehicle Chatfield Water Basin Fee will be added to the cost of daily vehicle passes at Chatfield State Park.</u>	
b. School buses on official school outings, passenger vans and buses operated by a nonprofit corporation or organization as defined in 13-21-115.5 (3), C.R.S., and passenger vans and buses operated by any government agency are eligible to purchase a daily vehicle pass.	
c. For passenger vans and buses operated by a commercial business, the daily vehicle pass fee will be based upon the number of passengers on-board. The fee shall be \$10.00 for up to fifteen passengers on-board, \$40.00 for sixteen to thirty passengers on-board, and \$50.00 for more than thirty passengers on-board.	
<u>#708 - PASS AND PERMIT FEE SCHEDULE</u>	
1. The fees for the types of vehicle passes issued by the Division are as follows.	
a. Aspen leaf annual pass.....\$70.00	
b. Annual affixed vehicle pass.....\$80.00	
c. State parks annual transferable pass\$120.00	
d. Each additional annual affixed vehicle pass for noncommercial vehicles.....\$40.00	
(1) Each additional Aspen Leaf vehicle pass for noncommercial vehicles.....\$35.00	
e. Each replacement annual affixed vehicle pass, without proof of necessary replacement\$40.00	
(1) Each replacement additional annual affixed vehicle pass, without proof of necessary replacement\$20.00	
(2) Each replacement Aspen Leaf vehicle pass, without proof of necessary replacement\$35.00	
(3) Each replacement additional Aspen Leaf vehicle pass, without proof of necessary replacement\$17.50	
(4) Customers with proof of necessary replacement shall be issued a replacement annual affixed vehicle pass, additional annual affixed vehicle pass, or Aspen Leaf vehicle pass at no cost. Circumstances for necessary replacement include vehicle stolen, destroyed, traded, or sold; windshield replaced; pass damaged or 16 faded; new legal name or address; or Division error. Other circumstances will be considered by the Division on a case-by-case basis.	
f. Each replacement state parks annual transferable vehicle pass\$60.00	
g. Each daily vehicle pass\$10.00	
<u>(1) At Chatfield State Park\$12.00</u>	
h. Each daily vehicle pass for a passenger van or bus operated by a commercial business:	
(1) carrying up to fifteen passengers.....\$10.00	
(2) carrying sixteen to thirty passengers.....\$40.00	

(3) carrying more than thirty passengers.....\$50.00 i. Keep Colorado Wild annual pass, as provided for in section § 33-12-108, C.R.S., available for purchase through the Colorado Department of Revenue vehicle registration process starting with January 2023 vehicle registrations\$29.00 j. Keep Colorado Wild Collector’s Plate pass, for applicable vehicles only and valid for the length of the vehicle registration. Available for purchase only through the Colorado Department of Revenue vehicle registration process starting with January 2023 vehicle registrations.....\$145.00	
Why are you seeking to create or revise this rule? Please include a general statement of the reasons for the requested rule or revision and any relevant information related to the request.	
<p>The Chatfield Watershed Authority (“CWA”) seeks to establish a water quality fee for certain visitors to Chatfield State Park (the “Park”) in order to support water quality projects throughout the entire Chatfield watershed. A list of proposed water quality projects throughout the watershed that this funding would support is attached to this rulemaking petition form as Exhibit A. Pursuant to SB23-267, the list includes both projects within the Park and in the broader watershed, and 25 percent of the funds raised from the proposed fee would go toward projects within the Park.</p> <p>Recreators and other visitors to the Park benefit from high-quality water, which allows them to swim, boat, and fish in Chatfield Reservoir. For a variety of reasons, poor water quality in Colorado reservoirs can lead to toxic algal blooms, which necessitates closing the reservoir to citizens. Although Chatfield Reservoir has never experienced a toxic algal bloom, it has been closed due to concerning water quality and non-toxic algal blooms.</p> <p>Furthermore, as the region’s population continues to grow and development expands further into the Chatfield watershed, protecting the water quality of Chatfield Reservoir has become increasingly difficult and costly, at the same time that record amounts of citizens are visiting the Park to enjoy its water and other amenities. CWA’s member entities already expend millions of dollars on work aimed at maintaining and improving water quality throughout the Chatfield watershed; at the same time, state and federal regulations continue to tighten and have and will continue to necessitate expensive water treatment processes and facility upgrades. To ensure that Chatfield Reservoir maintains its high-quality water and remains open to the public throughout the summer months, stakeholders (including park visitors) need to work together to tackle water quality issues on all fronts.</p> <p>CWA has been dedicated to protecting water quality throughout the Chatfield watershed for over forty years, and this additional funding is necessary to support the development and construction of water quality projects that will help continue CWA’s mission. For a variety of reasons, including increased costs associated with state regulatory compliance, CWA lacks the funds to support the scale of projects necessary to protect the water quality of the Chatfield watershed, and this small fee will help enormously in CWA’s efforts to implement many of the important projects included on the list attached as Exhibit A.</p>	
Petitioner’s name: Chatfield Watershed Authority	By: Michael Daugherty, Alan Leak, and Diane Kielty

***The following information will not be posted publicly.**

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