



## Legislation Text

---

**File #:** 15-00137, **Version:** 4

---

A Resolution of the City of Colorado Springs City Council in support of legislation concerning regional stormwater management and post-fire mitigation activities

**From:**

Travis Easton, Public Works Director  
Tim Mitros, Development Review & Stormwater Manager

**Summary:**

The Colorado Division of Water Resources and State Engineer's Office (SEO) recently announced that certain emergency debris basins require water augmentation because they may impair downstream water rights. In addition, the SEO also determined that regional stormwater detention constitutes a diversion of water that is subject to water rights administration. All regional facilities will now require a water court decree for a "plan for augmentation".

The City of Colorado Springs is opposed to unnecessarily subjecting our Regional Stormwater Management Facilities and Post-Fire Emergency Debris Basins to water rights administration.

In response to this announcement from the SEO, the Urban Drainage Flood Control District is working on legislation concerning Regional Stormwater Management and Post-Fire Mitigation Activities that does not subject our Regional Stormwater Management Facilities and Post-Fire Emergency Debris Basins to water rights administration. The City of Colorado Springs wishes to support this legislation. The most recent summary of that Bill is included as Attachment "A".

**Previous Council Action:**

None.

**Background:**

Regional Stormwater Management Facilities:

The historic practice of the SEO has been to allow stormwater management facilities to operate without water rights administration so long as stormwater is released or infiltrated within 72 hours (the "72-hour rule"). The State Engineer has recently indicated that this 72-hour rule applies only to on-site stormwater management facilities. If implemented, this policy shift will require public agencies to obtain a water court decree for a plan for augmentation for all existing and future regional stormwater management facilities. Without the benefit of the 72-hour rule for regional stormwater facilities, local governments will be

unable to fulfill their critical roles in protecting property, people and public health from flooding because local governments will have to cease construction of any further facilities and instead focus financial resources towards obtaining water court decrees for a plan of augmentation for each facility.

**Emergency Debris Basins:**

Emergency Debris Basins are structures designed to mitigate post fire debris flows and flash flooding. The City of Colorado Springs has used emergency debris basins as a critical means to effectively protect public safety, critical infrastructure, and public and private property from post-fire flood and debris flows.

Unfortunately, the Colorado Division of Water Resources and SEO recently announced that certain emergency debris basins require water augmentation plans under state law because they may impair downstream water rights. If enforced, it will delay or prohibit the construction of critical emergency debris basins.

As a result, we support the proposed legislation concerning Regional Stormwater Management Facilities and Post-Fire Mitigation Activities.

**Financial Implications:**

There are no financial implications specific to the approval or disapproval of this resolution. However, it should be noted that if the legislation does not pass, the City estimates that costs could be incurred in the hundreds of thousands of dollars.

**Board/Commission Recommendation:**

N/A

**Stakeholder Process:**

N/A

**Alternatives:**

Approve or do not approve the attached Resolution.

**Proposed Motion:**

Motion to approve A RESOLUTION OF THE CITY OF COLORADO SPRINGS CITY COUNCIL IN SUPPORT OF LEGISLATION CONCERNING REGIONAL STORMWATER MANAGEMENT AND POST-FIRE MITIGATION ACTIVITIES

N/A