

# **COLORADO SPRINGS UTILITIES**

**Subject: INTERIM WATERSHED ACCESS POLICY**

## **1.0 Purpose:**

The purpose of this document is to establish an interim Colorado Springs Utilities (Springs Utilities) watershed public access policy (“Interim Policy”) which ensures protection of watersheds, source water quality and collection system infrastructure on all City of Colorado Springs-owned (“City-owned”) watershed lands, while accommodating recreational activity.

City-owned watersheds are viewed as a cultural and natural resource with multiple use opportunities. Therefore, as the region’s population continues to increase, Springs Utilities will work collaboratively to find and implement the appropriate balance of access, recreational use and protection of natural and cultural resources for future generations.

Springs Utilities, like many other utilities across the nation, continues to manage security measures to ensure the safety of its water systems. Springs Utilities manages its watersheds in compliance with Springs Utilities’ Security Threat Management Plan.<sup>1</sup>

Springs Utilities, its designated representatives, or partnering agencies may access, conduct operations that support the operational and management goals of Springs Utilities, regardless of any restrictions that may be placed on public access due to any conditions or limitations defined in this Interim Policy within any and all watersheds. Springs Utilities will continue to protect its water supply and operate its infrastructure in an environmentally sensitive manner and will actively manage, with partnering agencies when appropriate, the natural and cultural resources using best management practices.

During this interim phase, Springs Utilities will lead a public participation process to consider Zone change requests including the methods and criteria for approval of Zone changes, new trail corridors and uses and special or unique access requests for all zones. Springs Utilities is committed to developing a process for these needs with public involvement beginning Spring 2007 and continuing through Spring 2009. Additionally, the Interim Policy will be reviewed upon completion of the process. By Summer of 2009, Springs Utilities will present its formal Watershed Access Policy.

## **2.0 Initiating Entity:**

Water Services Division, Water System Operations Department

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<sup>1</sup> In order to protect its critical infrastructure, when the security threat level for the nation, the community of Colorado Springs and/or Springs Utilities is raised to Threat Level Orange or Threat Level Red, Springs Utilities will evaluate closing the watersheds to public use until the threat level is lowered to yellow or below.

### 3.0 History:

Springs Utilities' mission is to provide safe, reliable, competitively-priced electric, natural gas, water and wastewater services to the citizen owners and customers of Colorado Springs Utilities. Springs Utilities has primary responsibility for watershed, source water quality and collection system infrastructure protection on City-owned watershed lands.

Throughout its history, the City of Colorado Springs ("City") has acquired lands to be used and protected for municipal water supply. In addition, the U.S. Congress set aside certain lands on Pikes Peak as municipal water supply reserve for the residents of Colorado Springs. Many of these lands were to be administered by the U.S. Forest Service in cooperation with the City for the purposes of storing and conserving the water supply, protecting the lands from pollution and managing the timber on the lands to accomplish these purposes.<sup>2</sup> Springs Utilities has managed these assets to benefit the Colorado Springs community.

Springs Utilities is mandated by the Colorado Department of Public Health and Environment (CDPHE) and U.S. Environmental Protection Agency (USEPA) to ensure Springs Utilities' public water supplies meet all national drinking water standards, designed to protect consumers from any harmful contaminants regulated under the Safe Drinking Water Act. Springs Utilities must also assist the CDPHE with the implementation of the Colorado Source Water Assessment and Protection Plan relevant to any City-owned, granted or permitted watershed lands serving as a source of supply to consumers.

Springs Utilities must adhere to all regulations, mandates and/or permits under the Clean Water Act to restore and maintain the chemical, physical and biological integrity of state and national waters. In order to comply with the above-mentioned mandates while providing fair and equitable access to the different watershed management zones, the following Interim Policy is established.

### 4.0 Policy:

Pursuant to City Code, all City-owned watershed areas are closed to the public unless otherwise designated. This Interim Policy identifies certain areas in the City-owned watershed where the public may have access by permit. The permitting procedure is on a limited case-by-case basis with the understanding that the protection of source water and other watershed natural and cultural resources is paramount. This Interim Policy identifies City-owned watershed as one of three zones as indicated on the attached reference map, which may be periodically updated by Springs Utilities.

#### 4.1. ZONE 1 (Closed Municipal Watersheds)

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<sup>2</sup> Through agreements with the U.S. Department of Agriculture, Forest Service (USFS), large expanses of national forest land are included as well.

- 4.1.1. The Pikes Peak Multi-Use Plan (PPMUP) identified environmentally sensitive areas worthy of continued protection. These areas are vital to the well-being of a particular species or ecotype, or protection of cultural resources. Zone 1 represents these areas that occur on City-owned watershed lands, and are identified as closed municipal watershed. Zone 1 areas are closed to public access except by Zone 1 permit. Access restrictions in Zone 1 include, but are not limited to, overnight camping, fires, hunting, fishing and commercial recreation of any kind.
- 4.1.2. In Zone 1 the public may apply for an Observational Study permit, Scientific Research permit, guided Public Education tour permit or Special or Unique Purpose permit for not-for-profit organizations conducting activities that have a direct, tangible benefit to the community. For all granted permits a permit fee may apply. Springs Utilities reserves the right to revoke permit(s), seasonally and otherwise, for reasons including, but not limited to, drought conditions, wildfire danger, national security threat level, threats to water quality, wildlife activity, Utilities operations, environmental recovery and non-conformance with permit conditions.

#### 4.2. ZONE 2 (Trail Corridors)

- 4.2.1. Zone 2 areas are certain recognized trail corridors that traverse in whole or in part through closed municipal watershed areas (Zone 1). Carrying capacity studies conducted through the PPMUP indicate viability for limited public access and recreational connectedness between other public lands. Access to Zone 2 trail corridors does not imply or allow access to the Zone 1 areas through which the trail passes. Restrictions in Zone 2 include, but are not limited to, overnight camping, fires, hunting, fishing and commercial recreation of any kind. This Interim Policy adopts existing approved trails for approved uses as Zone 2 trail corridors.
- 4.2.2. Zone 2 trail corridors are designated for non-motorized use. Zone 2 permits may be issued for approved recreational activities and use of amenities in Zone 2 as appropriate. Subject to periodic review, Springs Utilities may adjust the number of access permits issued. Access fees may be established and adjusted to offset the costs of administering the activities and maintaining the Zone 2 areas.
- 4.2.3. In Zone 2 the public may apply for an Observational Study permit, Scientific Research permit, guided Public Education tour permit or Special or Unique Purpose permit for not-for-profit organizations conducting activities that have a direct, tangible benefit to the community. For all granted permits a permit fee may apply. Springs Utilities reserves the right to revoke permit(s), seasonally and otherwise, for reasons including, but not limited to, drought conditions, wildfire danger, national security

threat level, threats to water quality, wildlife activity, Utilities operations, environmental recovery and non-conformance with permit conditions.

#### 4.3. ZONE 3 (Limited Public Access)

- 4.3.1. Zone 3 areas are City-owned watershed areas that have been identified for limited public access by City Charter, City Ordinance and/or direction of City Council/Utilities Board. Zone 3 areas may be subject to various access fees, restricted uses and seasonal closures. Some areas within Zone 3 (including, but not limited to, dams, valve houses and spillways) may be permanently closed to public access for safety and security reasons. Sensitive habitats and areas needing rehabilitation or revegetation may occur within Zone 3 and may require restriction of public access to those sites.
- 4.3.2. Land use restrictions and resource management regulations are established by City Council/Utilities Board or by Springs Utilities and in some cases in cooperation with partnering agencies. Interagency partnerships may establish administration, maintenance responsibilities and fees to offset operational costs. Springs Utilities will take into account adjoining public and private land ownership and uses. Typical restrictions in Zone 3 include but are not limited to, fires only in designated structures, watercraft limitations, wildlife regulations and no body contact in the water. Zone 3 permits may be required for organized large group activities and may be subject to additional fees. Commercial recreation is prohibited.
- 4.3.3. In Zone 3 the public may apply for an Observational Study permit, Scientific Research permit, guided Public Education tour permit or Special or Unique Purpose permit for not-for-profit organizations conducting activities that have a direct, tangible benefit to the community. For all granted permits a permit fee may apply. Springs Utilities reserves the right to revoke permit(s), seasonally and otherwise, for reasons including, but not limited to, drought conditions, wildfire danger, national security threat level, threats to water quality, wildlife activity, Utilities operations, environmental recovery and non-conformance with permit conditions.

#### 4.4. Utilities infrastructure located on non-city-owned land:

- 4.4.1. There are areas where Springs Utilities has collection system or other infrastructure located on land not owned by the City. Access to these areas is controlled by the landowner, not Springs Utilities. However, Springs Utilities may participate with the landowner in management of the land, as appropriate.

5.0 Procedure:

- 5.1. Administration of this Interim Policy and issuance of permits for access shall be the responsibility and sole discretion of the Water Services Division, Water System Operations Department, Colorado Springs Utilities. Anyone desiring watershed access that requires a permit must complete a Springs Utilities Watershed Access Request application.

6.0 Other:

- 6.1. In addition to stated prohibitions outlined for Zones 1, 2 and 3 in this Interim Policy, all City-owned watershed lands shall be subject to prohibitions enumerated in the Code of the City of Colorado Springs 2001, as amended, in particular Sections 12.4.801 through 12.4.806.