



Colorado Division of Water Resources Dam Safety Branch

Policy Memorandum No. 01-05 **Subject: Public Access to Dam Files and Records**

1.0 INTRODUCTION

The Colorado Open Records Act provides that certain records and information pertaining to specialized details of security arrangements or investigations and certain data that could result in substantial injury to the public interest are protected from public disclosure, Sections 24-72-204(3)(a)(XVII) and -204(6)(a), C.R.S. Pursuant to these provisions, the Division of Water Resources' Dam Safety Branch generally includes the following types of file information in this "protected" category: emergency preparedness and response plans, specific information on the physical details of dams and appurtenant structures, threat and vulnerability assessments, failure mode and consequences analyses, construction details, photographs, hydrology analyses, hazard classification analyses and detailed information regarding discharge-stage analyses, and other records for which disclosure would not be in the interest of public safety.

The Division of Water Resources recognizes that disclosure of some of this information in a structured manner is necessary for the purpose of improving the structural and operational aspects of dams and public safety.

2.0 PURPOSE

This policy memorandum sets forth the standards and procedures for balancing the protection of security sensitive information and public access to information and documents contained in dam files and records. These standards and procedures are intended to establish consistent procedures, set forth minimum requirements, and establish reasonable fees for the recovery of costs associated with the review and processing of requests for information pertaining to dams.

The State Engineer and Deputy State Engineer reserve the right to alter these procedures and requirements under certain circumstances, within the provisions of law, as may be necessary for public safety and security.

3.0 PROCEDURES FOR REQUESTING ACCESS TO DAM FILES AND RECORDS

3.1 Request

All persons requesting access to dam files shall submit their requests in writing to the Colorado Division of Water Resources, Office of the State Engineer. The request should contain the following information:

1. The purpose of request and potential or planned use of the information requested.
2. A detailed description of the specific information requested, and other pertinent information.
3. Name(s) and affiliation of the individual(s) requesting the information. In addition to a written request, walk-in access requires a picture ID, which will be photo copied when presented. Written requests will be on letterhead of a verified entity including physical address and telephone contact information.
4. Written requests must include a signature. E-mail requests will not be honored due to insufficient documentation.

3.2 Review and Approval

The Deputy State Engineer shall review and approve all requests prior to providing access to or information from the dam file or record. The approval will generally be provided in writing or email to the person making the request, the person providing the information and the dam safety engineer who has responsibility for the dam. When someone other than the responsible dam safety engineer processes the request, a copy of the request and approval will be provided to the dam safety engineer responsible for the dam.

Determinations regarding disclosure will be made on a case-by-case basis, taking into consideration the risk to the public, national security alert level, the most recent Department of Homeland Security (DHD) and Federal Bureau of Investigation (FBI) status information, the size and condition of the dam, and the owner-engineer notification information. The original request shall be filed in a separate file in the receiving office.

3.3 Confirmation of Intent to Proceed with Public Review

Upon approval for access to records, the appropriate dam safety engineer shall review the file and provide only the requested information to the individual or entity for inspection in Denver or at the appropriate division office. The individual or entity may request copies of the information in lieu of or in addition to inspection.

3.4 Fees

The fee for copies shall be \$1.25 per page and \$60 per hour with a 0.25-hour minimum.



Hal D. Simpson, State Engineer
August 17, 2005