



Colorado Division of Water Resources Dam Safety Program:

Policy Memorandum 01-2025

Subject: Dam Safety Policy for Public Access to Dam Records and CORA Requests

1. INTRODUCTION

In general, the Colorado Open Records Act (CORA) is intended to provide transparency to citizens we serve and requires governmental organizations to provide the public with timely access to public records that are maintained by the organization. CORA also provides that certain records and information pertaining to specialized details of either security arrangements or investigations or the physical and cyber assets of critical infrastructure, including the specific engineering, vulnerability, detailed design information, protective measures, emergency response plans, or system operational data of such assets that could result in substantial injury to the public interest are exempted from public disclosure. Reference CORA exemption section 24-72-204(2)(a)(VIII)(A), C.R.S.

Nothing in this subsection prohibits the custodian from transferring records containing specialized details of either security arrangements or investigations or the physical and cyber assets of critical infrastructure to the division of homeland security and emergency management in the department of public safety; except that the custodian shall not transfer any record received from a nongovernmental entity without the prior written consent of the entity unless such information is already publicly available.

2. DAM SAFETY PROGRAM RELEVANCE

The State Engineer's Office (SEO) Dam Safety Program is responsible for the oversight and regulation of dams in Colorado with a primary mission of protecting public safety from a potential uncontrolled release of floodwaters in the event of a dam failure. Given the widespread public impact from a potential dam failure and the importance dams/reservoirs play in providing water to the citizens of Colorado, dams are considered critical infrastructure.



Pursuant to these provisions, the Division of Water Resources' Dam Safety Program generally includes the following types of file information in this "protected" category: emergency action plans, inundation maps, specific 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 the above information in a structured manner is necessary for the purpose of improving the structural and operational aspects of dams and public safety.

3. 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 records. These standards and procedures are intended to establish consistent procedures, and requirements when processing requests for information pertaining to dams. This policy supersedes the previous Dam Safety program policy *No. 01-05: Public Access to Dam Files and Records Policy, August 17, 2005*.

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.

4. FORMAL CORA REQUEST

Per 37-87-107, the SEO is responsible for assessing the safe storage level in all dams located in the State of Colorado. When a formal CORA request is made for dams located in the State, the files requested will be provided except for the protected files falling under CORA Exemption as discussed in Section 1. CORA requests will be processed and managed by the records department manager to ensure timely internal reviews and responses. All dam safety files are stored electronically in Laserfiche, housed within certain document types.

Pursuant to the exemptions and in the interest of protection of critical dam infrastructure for public safety, the following Table defines the document types in the dam record and which will and will not be provided in a CORA request.

Table 1: Document Types in Dams

Document Types Allowed for CORA Distribution	Protected Document Types, <u>NOT</u> for CORA Distribution
Correspondence *	Drawings
Dam Monitoring Data	EAP
Information Request	Outlet Inspection Report
EIR and CIR (Document)	Inundation Map
WC Inspection Report	Photos
Notice of Intent	Reports (Hydrology, Geotech, Seismic, Design Report, CDSE Risk Assessments)
Application	Specifications

***Correspondence tied to protected information will not be released.**

5. PROCEDURES FOR REQUESTING FOCUSED ACCESS TO DAM FILES AND RECORDS

5.1 File Access Request

As noted, there will be situations with a dam owner or consulting engineer that will require access to more detailed dam information in support of assessment, design, or construction efforts on a dam. All persons requesting access to dam files shall submit their requests in writing via email to the Dam Safety Engineer responsible for the dam's records. 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 plan for non-disclosure protection of any document types that fall under the protected document types noted above.
- 3) Name(s) and affiliation of the individual(s) requesting the information including picture ID photocopy.
- 4) Written requests will be signed by the requester on the letterhead of a verified entity including physical address and telephone contact information.

5.2 Review and Approval

The dam safety engineer shall review requests and coordinate with the Dam Safety Chief for those situations that don't have a clearly defined dam safety improvement element . Approval will be provided in writing by email to the requesting person. 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. When providing information from the dam file or record, the following steps are to be followed:

- 1) Add note/signature to the letterhead reading:
Approved By: (name), Date:(), Signature:(sign using .pdf tool)
- 2) Send a copy of the approved letter and requested files via email or upload to an alternate delivery method.
- 3) Upload approval email transmittal and approval letter into laserfiche.

Determinations regarding disclosure will be made on a case-by-case basis, taking into consideration the risk to the public, 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.

6. FEES

Inline with the DNR Colorado Open Records Act Policy (DNR 113, February 2024) fees for document retrieval, review, copies, and release of records will apply. DNR will charge \$33.58 an hour for all staff time after the first hour spent researching, retrieving, reviewing, and producing records in response to a request. When review from legal counsel is necessary to ensure redaction or withholding is appropriate under CORA, legal review time will be charged at \$33.58 per hour. DNR staff will coordinate with the Department of Law and include its review time in any estimate or invoice for responding to the record request. DNR also may charge an hourly rate greater than \$33.58 an hour when specialized document production tools or specialized skills are required to locate, compile, or produce records pursuant to a records request, including the use of third-party contractors. Any costs charged to a requester shall not exceed the actual cost of producing the records.



John Hunyadi, PE
Deputy State Engineer
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