

February 27, 2026

Park County Commissioners
856 Castello Avenue
Fairplay, CO 80440
Email submittal to: County.Administration@parkcountyco.gov

Re: Draft Park County Regulations for Domestic Water and Sewage Treatment Systems and Municipal and Industrial Water Projects Available for Public Review and Comment

Dear Commissioners:

The City and County of Denver, Acting By and Through its Board of Water Commissioners (“Denver Water”), appreciates the opportunity to provide feedback on Park County’s proposed revisions to their Regulations for Domestic Water and Sewage Treatment Systems and Municipal and Industrial Water Projects (“Water Project 1041 Regulations”).

In reviewing, we noticed that proposed section 106 could be interpreted to require a 1041 permit for the ongoing operation of preexisting water infrastructure. We think that this phrasing runs the risk of being interpreted as conflicting with HB 94-1041, which triggers 1041 land use permits on “development.” See 25-65.1-102(1), -501(1)(a). To resolve this, we propose replacing “operation” with “development,” which is a defined term in the statute and in Park County’s proposed revised regulation.

106. Permit Required to Conduct Designated Matters of State Interest. No person may engage in the construction or ~~operation~~ development of Domestic Treatment Systems or Municipal or Industrial Water Projects wholly or partially in Park County, whether on public or private land, without first obtaining a Permit or a Finding of No Significant Impact under these Regulations

We welcome further conversation if that would be of value to the Commission in reviewing this comment. Thank you for your time and consideration.

Sincerely,



Rachel Badger
Planning Manager
Rachel.Badger@denverwater.org



Board of County Commissioners
Park County, State of Colorado
856 Castello Avenue
Fairplay, CO 80440

Mailing address:
P.O. Box 1373
Fairplay, CO 80440

March 2, 2026

Re: Proposed 1041 Regulations. Preliminary Statement of Colorado Springs Utilities.

Submitted via email to County.Administration@parkcountyco.gov

To whom it may concern:

We appreciate the opportunity to comment on the February 2, 2026, draft of the proposed 1041 regulations for Park County. On behalf of Colorado Springs Utilities (“Utilities”), and for your consideration, we have included this preliminary statement along with a red-line version of the draft regulations that includes our recommendations for revisions.

REQUEST FOR PAUSE TO APRIL 21, 2026, FOR BOARD APPROVAL

After careful consideration, Utilities asks the Board of County Commissioners (“Board”) to consider a short pause related to final promulgation of the proposed 1041 regulations. The current schedule sets March 10, 2026, for the public hearing. March 17, 2026, is the date for final approval of the revised regulations by the Board.

We ask that the March 17, 2026, date for final approval of the revised regulations be postponed for approximately thirty-five (35) calendar days to and including the Board’s regular meeting on April 21, 2026. This additional time will allow stakeholders to review one another’s comments on the regulations and perhaps come to agreement on proposed revisions which could then be submitted to the Manager and the Board for consideration.

INTRODUCTION – THE MONTGOMERY RESERVOIR ENLARGEMENT

Utilities is a community-owned, not-for-profit, four-service utility, providing electricity, natural gas, water, and wastewater services to the Colorado Springs area. Established in 1924, it is governed by the City Council, with over 600,000 customers with a focus on reliability, competitive rates, and sustainability.

1521 South Hancock Expressway
P.O. Box 1103, Mail Code 1825
Colorado Springs, CO 80947-1825

Phone 719.448.8888
www@csu.org



Utilities owns and operates the Montgomery Reservoir which is located in Park County near Hoosier Pass and a few miles north of Alma. Built in 1957, the reservoir sits at an altitude of 10,873 feet and is used recreationally by locals and visitors for fishing and other activities. The reservoir is used to deliver municipal water to Colorado Springs via the Continental-Hoosier System.

Utilities is currently planning to enlarge the reservoir from a storage capacity of 5,699 acre-feet to approximately 13,799 acre-feet to increase drought resiliency and water supply for a growing population. The enlargement of existing infrastructure will allow Utilities to store, on average, an additional annual yield of 4,000 acre-feet of water of legally and physically available supplies that could be realized through diversions from the headwaters of the Blue River. The enlargement is described generally at this website: <https://www.csu.org/current-projects/continental-hoosier-system>

The Project timeline is summarized here:

- **2026:** submit federal, state and local permit applications;
- **2026-2027:** permitting decisions;
- **2028-2032:** construction activities.

RECOMMENDED REVISIONS TO THE 1041 REGULATIONS

Our recommended revisions to the regulations focus primarily on substantive concerns about the scope of the regulations with an attempt to clarify portions of the regulations that are ambiguous.

Of course, we recommend several less-substantive revisions that are self-explanatory. These include, for example, suggested revisions related to the length of time for permit reviews and the timing of public hearings. *See e.g.*, section 211.

The remaining portions of this preliminary statement will focus on the more substantive concerns.

Intergovernmental Agreement. Other counties provide an opportunity for entities to enter into an intergovernmental agreement (“IGA”) that would obviate the need for obtaining a 1041 permit. *See e.g.*, Larimer County land use code at section 10.4.2 (C). Utilities has also used this process of entering into an IGA in lieu of a 1041 permit in Bent County. To preserve that option, we recommend the **following language as an addition** to section 106 of the Park County regulations:

An entity that has an approved intergovernmental agreement with the County, and such agreement is specific to the project in question, shall be exempt from the requirement to obtain a Permit or a Finding of No Significant Impact pursuant to these Regulations. This exemption does not apply to any subsequent modifications to the activity or project that were not included within the approved intergovernmental agreement.

Water Rights and Operations. We recommend **revisions** to section 102 of the proposed regulations to clarify the relationship between the regulations and administration of water rights and the operation of reservoirs.

102. Purpose and Intent

These Regulations are intended to protect the health, safety, and general welfare of the public, and to protect the environment of Park County from **significant** adverse impacts through requirements that apply to the construction and operation of Domestic Water and Sewage Treatment Systems, Municipal Water Projects, Industrial Water Projects, and extensions thereof, as those terms are defined herein.

These Regulations are not intended to (1) address or impact the administration of water rights held by the owner of Domestic Water and Sewage Treatment Systems, Municipal Water Projects, or Industrial Water Projects; or (2) insert the County into the day-to-day operations of such projects or systems. The County recognizes, for example, that operations of reservoirs are conducted by the owner, and nothing in these Regulations is intended to impair the ability of the owner to manage reservoir levels in conformance with existing water rights.

General Considerations – Section 401. We recommend the following **revisions** to section 401 to accommodate the option for the County to select particular Permit Approval Standards that are not applicable to a particular Project and to consider the terms and conditions for monitoring and mitigation plans. We use this same type of language as a suggested revision to section 201.D. of the draft regulations as shown on pages 5 and 6 of this Preliminary Statement related to Major or Minor Permit Reviews.

401. General Considerations

The Board may approve the application if it finds that the application complies with each standard herein **that has been determined by the Manager and/or the Board to be applicable to the Project, and the Board may adopt** conditions of approval. The Board shall deny the application if the Board finds that the application does not comply with any one of the standards herein **that has been determined by the Manager and/or the Board to be applicable to the Project.** The burden is on the Applicant to demonstrate that the

proposed activity complies with the standards that have been determined by the Manager and/or the Board to be applicable to the Project.

In determining whether the proposed activity complies with each standard, the Board shall take into consideration:

1. The construction and operation of the Project.
2. The direct, indirect, and cumulative impacts in the County of the Project.
3. In the event a monitoring or mitigation plan is required for any aspect of the Project, the Board shall consider proposals submitted by the Applicant as to how such plans may be limited as to the term or length of implementation and which substantive requirements may be waived or revised over time.

Impacts Within the County. One concern that emerges in the context of virtually all 1041 regulations in Colorado is the extent to which requirements imposed in a 1041 permit extend beyond the boundaries of a particular jurisdiction. For example, one portion of the draft Park County 1041 regulations at section 323 requires submission of a description of “water conservation and efficiency techniques that the Project will utilize”

To avoid any suggestion that Park County maintains the authority to impose water conservation requirements in areas outside the boundaries of the County, we recommend the following revisions to section 323:

323. Efficient Utilization of Project Required as Part of the Application

A description of water conservation and efficiency techniques within the County that the Project will utilize, including water use, recycling, and reuse technology that will be deployed within the County, if any.

Similarly, we recommend the following revision to the definition of IMPACT AREA, again to ensure that the impacts being considered are those within the County:

IMPACT AREA. Those geographic areas within the County in which any impacts are likely to be caused by the Project.

With that concept in mind, then, we provide revisions throughout the draft regulations that clarify the concept. As one example only, we recommend this revision to section 322:

322. Existing Domestic Water and Sewage Treatment Systems and Municipal and Industrial Water Projects **Required as Part of the Application**

An assessment of whether the Project will result in the proper utilization of existing and proposed facilities and systems **within the County**, including those that perform the same or related function as the Project, including:

- A. Map and description of existing Domestic Water and Sewage Treatment Systems and Municipal and Industrial Water Projects **servicing the County** that are in the area to be served by the Project, including their capacity and existing service levels and reasons for and against hooking on to those facilities.
- B. If the Project is a replacement or expansion of an existing system serving the County, explanation of the necessity of replacement or expansion.
- C. Map and description of water and/or management agencies **within the County** in the area to be served by the Project reasons for and against consolidation with those agencies.

Contracts with entities to serve water. Utilities will provide water solely to entities outside Park County. To avoid interference with Utilities' contracts and agreements with such entities, we recommend the following **revision** to Section 305:

305. Technical and Financial Feasibility **Required as Part of the Application**

A description of the technical and financial feasibility of the Project, including:

- A. The estimated construction costs and period of construction for each phase or component of the Project
- B. The estimated mitigation costs for the Project.
- C. A description of the persons or entity(ies) who will pay for or use the Project and/or services produced by the Project.
- D. For Projects that will serve water to the County, details of any contract or agreement to serve water.
- E. For Projects that will serve water outside the County, a description of the area to be served and **a general description of the** contracts or agreements with entities to serve water; **provided that copies of such contracts or agreements shall not be required for submission with the application for the Project.**
- F. Documentation of financial and technical capabilities of the person(s) and/or entity(ies) proposing the Project to demonstrate that the Project will be completed in a reasonable length of time and will comply with County requirements.

Major or Minor Permit Review. We recommend revisions that would provide an option for Major or Minor Permit Review. Our recommendation revisions are similar to the provisions at section 2.103 in the **Bent County 1041 regulations** that can be accessed at this website: <https://cms3.revize.com/revize/bentcounty/Final%20Amended%20Bent%20County%201041%20Regulations%20-%206-29-21.pdf>

201. Permit or FONSI Required

- A. Any person requesting to conduct a Domestic Treatment Plant or a Municipal or Industrial Water Project wholly or partially within the County, whether on public or private land, must first obtain a Permit or a Finding of No Significant Impact from the Board.
- B. A Project cannot be phased or segmented to avoid the requirements of these Regulations. All phases or elements of the Project must be part of the permit application.
- C. The County shall not issue a building permit for a Domestic Treatment System or Water Project until the County has issued a Permit for such activities.
- D. Prior to deciding to issue a Finding of No Significant Impact or to require a permit for the Project, the Manager and/or the Board shall inform the project proponent as to which of the standards in Article 4 of these Regulations are applicable to the Project.
- E. Major or Minor Permit Review. The Manager shall determine whether the Project will be subject to the provisions herein for Major or Minor Permit Review.
 - 1. Major Permit Review. Major Permit Review is required if (a) the Project is likely to have significant adverse impacts in relation to two (2) or more categories of standards as described herein; or (b) the Project is determined to have severe adverse impacts in any one (1) category of standards as described in Article 4 of these Regulations. Notwithstanding the foregoing provisions, the Manager, in their discretion, may determine that other circumstances exist which do not warrant Major Permit Review.
 - 2. Minor Permit Review. Minor Permit Review is authorized if the Manager so determines; provided that the Manager identifies the submittal requirements for the application for a Permit as well as the permit approval standards provided in Article 4 of these Regulations that are

applicable for the Project. Any application submittal requirements and approval standards that are not expressly identified by the Manager shall be waived for purposes of the Minor Permit Review process.

Interpretation with Other Local, State, and Federal Requirements. Based, again in part, on the Bent County 1041 regulations, we recommend the following self-explanatory revisions to section 110 of the Park County regulations focusing on permit reviews by other agencies:

- E. Review or approval of a Municipal or Industrial Water Project by federal, state, or other county, or local agencies does not obviate, and will not substitute for, the need to obtain a Permit for such Project pursuant to these Regulations.
 - 1. However, where in the opinion of the Board, federal, state, or other county, or local agencies' review and approval processes and determinations adequately address the impacts that these Regulations are designed to address, the Board may agree to rely on all or any portion of such other agencies' review and approval processes and determinations.
 - 2. Any applicant for a Permit pursuant to these Regulations that is also subject to the regulations of federal, state, or other county, or local agencies may request that the Park County application and review process be coordinated with that of other agencies.
 - 3. The County will use best efforts to eliminate redundant application submittal requirements and will use best efforts to coordinate its review of the application with that of other agencies as appropriate.
 - 4. To the extent practicable and appropriate, the County will also use best efforts to coordinate the terms and conditions of any approval with that of other agencies.

Mitigation. We recommend the addition of a definition or MITIGATION.

MITIGATION. Actions or measures to reduce, minimize, eliminate, or outweigh significant adverse impacts of the Project within the County related to the standards and requirements of these Regulations.

Articles 5 through 8. Finally, we recommend revisions to Articles 5 through 8 that are self-explanatory.



Colorado Springs Utilities

It's how we're all connected

CONCLUSION

Thank you for the opportunity to recommend revisions to the Park County draft 1041 regulations. We look forward to working with you to finalize the changes.

If you have any questions, or if you seek clarification of our recommendations, please contact us at your convenience.

Sincerely,

Kim Gortz
Manager, Water Resources Management
Colorado Springs Utilities

From: [Jerry Shands](#)
To: [Park County Administration](#)
Subject: Comments for Proposed changes for Draft 1041 Water Regulations
Date: Tuesday, February 17, 2026 7:54:57 PM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Thanks to the Park County Board of Commissioners and others for reading and considering an exemption to the 1041 Water Regulations for small public water supply systems totally in Park County.

My name is Jerry Shands, I live in Park County full time in the Redhill Forest, Property Owners Mutual Water And Cattle Association (POMWACA) HOA. The HOA was begun in 1977 by a developer that felt it was important all 581 platted lots had access to potable water, electricity and lots big enough for onsite sewage disposal systems. The HOA has a great water system meeting all drinking water standards. The HOA water system now serves 170+ dwellings with a total of 220 metered connections. All lots have now been sold and under private ownership. The Community Water System is owned by the HOA and managed by a very active Water Committee of which I am the Chairman. The HOA has contracted with the same qualified operator for 25 years meeting CDPHE testing standards and requirements.

I managed State and National training programs for small water/wastewater system Managers, Board Members and System Personnel in all 50 States for 18 years and managed Rural Water Systems serving unincorporated areas for 15 years. I have an excellent understanding of the utility industry and believe there's a great need for regulations like the 1041 Water Regulations to protect State Interests and provide Park County protection they may not otherwise have and I have never seen County Commissioner's do anything but help small water systems in their County. Redhill Forest will need Upgrades to existing facilities that are required maintenance or otherwise required by federal or state regulations, including repairing and/or replacing old or outdated equipment, or installing new equipment for more capacity.

The HOA is highly regulated by the Colorado Department of Public Health and Environment that requires permits, reports, qualified personnel, engineering and approval of proposed changes or projects, strict water quality meeting all state and federal drinking water requirements and proper waste disposal. The CDPHE does onsite Sanitary Survey inspections to insure adherence to the regulations. The HOA restrictions imposed by the developer only allow for water service in the platted development and the neighboring Trout Creek Ranch where the HOA's wells are located. The HOA has sufficient water rights for continued future building of

dwelling and will not extend waterlines to other areas within or outside of Park County.

102. Purpose and Intent - Proposed 1041

These Regulations are intended to protect the health, safety, and general welfare of the public, and to protect the environment of Park County from adverse impacts through requirements that apply to the construction and operation of Domestic Water and Sewage Treatment Systems, Municipal Water Projects, Industrial Water Projects, and extensions thereof, as those terms are defined herein.

The Redhill Forest HOA meets the purpose and intent of the 1041 regulations by complying with the Colorado Department of Public Health and Environment regulations and should not be required to obtain a Permit or a Finding of No Significant Impact from the Park County BOCC. This would add extra cost and delays in completing projects already properly engineered and approved by the CDPHE.

The Redhill Forest HOA water system should be given consideration for exemption to the permit process and the **Finding of No Significant Impact process** of the 1041 Water Regulations. The owners of lots in Redhill Forest pay all cost of expanding the water system without impacting Park County Citizens. Park County Commissioner's, please do not support 1041 to create additional cost, applications, engineering or time to maintain and improve the Redhill Forest Water System. [Please consider the following, or similar descriptive language, added in blue](#) to the definition of A MAJOR EXTENSION OF AN EXISTING DOMESTIC WATER

TREATMENT SYSTEM or writing an exemption that would describe/include small public water systems like Redhill Forest for the proposed final draft of the 1041 Water Regulations and consideration for approval by the BOCC, approximately March 17, 2026.

The existing definition of Major doesn't really describe anything major.

MAJOR EXTENSION OF AN EXISTING DOMESTIC GROUNDWATER, WATER TREATMENT SYSTEM.

The increase in or expansion of existing domestic water service capacity with waterlines larger than 10" and a water treatment capacity more than 50,000 gallons per day (gpd) or a single storage tank capacity of more than 75,000 gallons with a design capacity of 15 or more service connections and all related components, or the equivalent thereof located totally in an unincorporated area in an approved platted subdivision located totally in Park County.

Other Research found that states purposes of 1041-

Colorado 1041 regulations (named for House Bill 74-1041) empower local governments to review, condition, or deny major development projects of state interest, such as pipelines, power plants, or highways

. They exist to protect local infrastructure, natural resources, and communities from external impacts while ensuring projects comply with local land-use goals.

From: [The Michele](#)
To: [Park County Administration](#)
Subject: DRAFT 1041 REGULATIONS
Date: Tuesday, February 10, 2026 5:05:08 AM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I welcome review and management of Park County water resources.

I suggest this document be revised to include a brief summary abstract at the beginning of the document for the purpose of offering a clear, citable statement for transparency and public scrutiny purposes. One paragraph would be ideal.

Thank you,

Michele White

VP Financial Development
Pikes Peak Chapter of Trout Unlimited





March 2, 2026

Submitted by Email to: County.Administration@parkcountyco.gov

Re: Aurora Water Comments on Draft 1041 Regulations

Dear Park County Board and Staff:

Aurora Water values the opportunity to comment on Park County's February 2nd Public Review Draft 1041 Regulations ("draft regulations") applicable to certain water projects in Park County. Aurora Water appreciates the County's efforts to update the 1041 Water Regulations but is concerned that several provisions differ substantially from the current Park County 1041 Water Regulations, as well as the more recently adopted 1041 Mineral Regulations, which appear to be very consistent with the State model for 1041 regulations, and may unintentionally move away from the cooperative and adaptive—yet protective—approach that we understand typically guides Park County's permitting. We look forward to reviewing a revised draft of the regulations that reflects stakeholder input prior to the March 17, 2026 hearing.

Aurora Water's primary concerns with the draft regulations are that they:

1. Introduce new, subjective standards for approval, namely "best complies" and "least detrimental."
2. Remove the "Net Effect" standard present in the current regulations, suggesting that mitigation cannot be factored into the Board's determination that a criteria or standard is met.
3. Impose onerous and impractical requirements that a 1041 permit application include eighteen (18) Mitigation and/or Monitoring Plans.
4. Impose NEPA-like requirements for an applicant to identify alternatives to their proposed project, but unlike NEPA does not relate those alternatives to the applicant's need, raising uncertainty for applicants about the Board's authority to prefer an alternative project to the one proposed by the applicant.
5. Require the evaluation of "Impacts" and an "Impact Area" that appear to extend outside of Park County's jurisdiction and go beyond recent federal case law and agency guidance revisions for evaluating impacts under NEPA.

6. May not clearly permit the Board to condition an approval, including to address appropriate sequencing with other Park County and federal or state agency approvals and construction planning.

We have organized our comments in two parts: first, overarching and otherwise general comments that apply broadly to the draft regulations are in this cover letter, and second, a bullet list addressing specific provisions and with some specific recommendations for alternative language.

General Comments

1. Introduces new, subjective standards for approval, namely “best complies” and “least detrimental.”

One of our primary concerns about the draft regulations is the extent to which they depart from the current regulations in terms of the proposed scope of the County’s regulatory reach and the new and largely subjective standards of approval. Under the *current* regulations, an applicant must “demonstrate[] that the net effect of the proposed project, as evaluated after implementation of all mitigation measures, will comply with the [list of 20 objective criteria].” (See 3-101(1)(a-t)). In addition, for water projects, “the project shall emphasize the most efficient use of water, including, to the extent permissible under existing law, the recycling and reuse of water.” (See 3-201(1)(a)). Under the *draft* regulations, that approval standard would be replaced with: “The Board may approve the application if it complies with [about 30 criteria],” including that “the Project represents the alternative that best complies with these Regulations and is the least detrimental practicable alternative.” (See 401 through 433).

The new overall approval standard that the proposed project “represents the alternative that best complies with these Regulations and is the least detrimental practicable alternative” is unclear and uncertain in scope and application. For one, the term “best” is not defined and does not identify the benchmark against which the standard is measured, rendering it entirely subjective. “Best” without a legally sufficient clear definition inherently introduces unnecessary and inappropriate subjectivity into the application review process. We recommend that the requirement for an applicant to demonstrate the “best” project be removed from the draft regulations.

Additionally, requiring a slate of alternatives in order for the County to identify the “least detrimental” is suggestive of the federal government’s approach to environmental review for federal permitting under the National Environmental Policy Act (NEPA). It indicates that the County would have the authority to select an alternative not favored or requested by the applicant. We further address the issue of alternatives in section 4 below.

2. Removes the “Net Effect” standard present in the current regulations, suggesting that mitigation cannot be factored into the Board’s determination that a criteria or standard is met.

The approval criteria in the current Park County 1041 Water Regulations and 1041 Mineral Resource Regulations (adopted in 2020) allow the applicant and the County to determine whether the “net effect” of the proposed project on County resources and interests is too significant for approval. In the current water regulations, “Net Effect” is defined as “the impact of an action after mitigation.” In the proposed regulations, the concept of net effect is entirely absent. We question the rationale for such a significant departure from the standards in current water project regulation and the relatively recently adopted mineral resource area regulations. Including the “net effect” standard clarifies that a project may meet criteria with mitigation and is a critical concept for effective implementation of 1041 permitting.

Also, while mitigation is referenced in the context of mitigation plans and monitoring in Article 3, the draft regulations do not define “mitigation,” nor do they expressly allow mitigation to factor into the County’s approval of the project. Under the draft regulations the Board’s approval requires the applicant to demonstrate, for most resources and interests, that the project will not “significantly deteriorate” or “degrade” resources, meaning any significant deterioration or degradation would not meet the criteria and thus the applicant’s project could be denied despite opportunities for mitigation to adequately address impacts to the County’s resources and interests. Reinstating the clear and comprehensive definition of “mitigation” from the current regulations will help clarify that mitigation is allowed to establish that approval criteria are met.

Also as with the current regulations, we recommend that the draft regulations at Article 4 be modified to clarify that impacts are evaluated after implementation of mitigation measures (i.e., “net effects”) for purposes of determining whether the application meets the approval criteria. Also as with the current regulations, we recommend that the proposed regulations be modified to expressly allow the Board to approve a project where mitigation adequately addresses impacts on resources and interests in Park County. The current regulations are clear on this point and state: “A permit application [] may be approved if the applicant demonstrates that the net effect of the proposed project, as evaluated after implementation of all mitigation measures, will comply with the following criteria.” (See 3-101). We support retention of this clear and appropriate standard of approval.

3. Imposes onerous and impractical requirements that a 1041 permit application include at least eighteen (18) Mitigation and/or Monitoring Plans.

The proposed regulations include a mandatory requirement for the applicant to provide Mitigation and Monitoring Plans for most resources. However, a resource assessment may indicate that mitigation is not necessary, so the mandatory requirement would be unnecessary and impractical in those cases. Also, the submission and review of Mitigation and Monitoring Plans (or just a Mitigation Plan for some resources) addressing eighteen or more resources could be onerous for the applicant to prepare and the County to review.

We recommend minimizing the administrative burden on both the County and the applicant with the following proposed revisions, which would accomplish the goal of protecting these resources. Wherever the regulations reference requirements for Mitigation and Monitoring Plans (or just a Mitigation Plan for some resources), we recommend the draft regulations incorporate a general statement to clarify that, “Where net effects are substantial and adverse, and are not regulated under a separate state or federal statute(s), a Mitigation and Monitoring Plan (or just Mitigation Plan) will be provided. At the County’s discretion, these requirements may be addressed as conditions of approval instead of as part of the permit application.”

4. Imposes NEPA-like requirements for an applicant to identify alternatives to their proposed project, but unlike NEPA does not relate those alternatives to the applicant’s need, raising uncertainty for applicants about the Board’s authority to prefer an alternative project to the one proposed by the applicant.

The proposed requirement for an applicant to provide the County alternatives to the project, and to demonstrate that the proposed alternative is the “least detrimental,” is a new concept for water project approvals in Park County, and based on our knowledge, in the state. While the scope and purpose of identifying alternatives might be assumed, the draft regulations do not explain how this requirement would be applied other than the project must be the “least detrimental.” How does an applicant demonstrate the proposed project is the “least detrimental” of practicable alternatives? Does this mean alternatives to the proposed project? Or does it mean alternatives of the proposed project? Alternatives proposed by others? One reference to alternatives in the draft regulations suggests it is referring to alternatives of or “for” the project in the context of information for the pre-application meeting. See 203(C)(8).

The draft regulation’s references and proposed approaches to alternatives are unclear and may lead to confusion. As we understand the 1041 powers at C.R.S. Title 24, Article 65.1, consideration of alternatives to the proposed project is not contemplated and there is no statutory requirement that the County consider alternatives to the applicant’s proposed project. We agree however, that alternatives of or for the project are an appropriate subject

of the County's 1041 permitting process to ensure the project meets applicable criteria and standards.

In addition, the proposed requirement to compare the proposed project to other options suggests that the Board could prefer an alternative to the proposed project and deny the applicant's proposed project on that basis. Especially when combined with the absence of clear authority to approve a mitigated project (see sections 2 and 3 above), this requirement may create significant uncertainty regarding the pathway to Board approval.

We recommend that the new subjective "least detrimental" requirement be removed from the draft regulation. As with Park County's existing 1041 regulations for water and minerals projects, if the project otherwise meets the objective criteria (with or without mitigation), it ought to be approved by the Board.

Also, given the ambiguities around identifying alternatives and the "least detrimental" of them, it is also concerning that the draft regulations do not allow for consideration of project need. The current regulations include a requirement for the application to include "[t]he need for the proposed project in the County, particularly in relation to existing and/or permitted facilities which perform a function similar or identical to that of the proposed project." (See 2-206(3)). Applicants should have the opportunity to provide a rationale for the proposed project in the County that the Board factors into its final decision.

We recommend that the draft regulations reinstate the current regulation's "need" factors so the applicant can present the purpose and need for its project in Park County and the Board can make its decision in the context of that rationale. We also recommend that the consideration of alternatives to the proposed project—as opposed to alternatives of the proposed project—be removed from the draft regulations. However, if the requirement for the consideration of alternatives to the proposed project is retained in the draft regulations, the nature, scope, extent, and purpose for considering alternatives must be clarified so the applicant can have some certainty that the Board will not act on a preference for an alternative that the applicant rejected in its own discretion.

5. Requires the evaluation of "Impacts" and an "Impact Area" that appear to extend outside of Park County's jurisdiction and go beyond current NEPA requirements for the scope of analysis of impacts.

In addition, the draft regulations do not expressly define the geographic extent of Park County's jurisdiction. However, the proposed definitions of "Impacts," the "Impact Area," as well as the overall approval standard and specific approval criteria indicate that Park County's review and jurisdiction under the draft regulations could extend outside of Park County. This is a major departure from Park County's current regulations, which limits the

impact area analysis to Park County unless another political subdivision enters a cooperative agreement to address impacts in both counties. (See current definition of “Impact Area”).

The Department of Local Affairs (“DOLA”) model 1041 regulations indicate in multiple references that the 1041 regulations should apply within the geographic jurisdiction of a county. State 1041 statutory powers similarly suggest that the powers apply within the relevant county rather than an impact area of the scope and scale that would be authorized if the draft regulations were adopted. We recommend that the draft regulations contain clear limits on the Board’s 1041 geographic jurisdiction within Park County consistent with current Park County regulations, statutory authority, and state guidance.

The proposed definition of “Impact” also incorporates a requirement for applicants to identify indirect and cumulative impacts beyond Park County which goes well beyond the definition of “Impact” in the current regulations (and, incidentally, the NEPA effects analysis after the U.S. Supreme Court’s *Seven Counties* decision). We recommend that the definition of “Impact” be limited to direct effects versus requiring an analysis of more remote indirect and cumulative effects. Limiting the analysis to direct effects in the County is appropriate, reduces time and cost for the applicant and the County, and typically would not affect the outcome of a 1041 approval.

6. May not clearly permit the Board to condition an approval, including to address appropriate sequencing with other Park County and federal or state agency approvals and construction planning.

The draft regulations may not clearly allow Board approval to be conditioned in ways that may make sense for the applicant and the County in terms of sequencing other permits and approvals, as well as construction activities. The current regulations provide clear authority for the Board to condition an approval: “If the applicant fails to meet any one of the applicable requirements, the permit may either be approved with conditions to ensure compliance with such requirements, or it shall be denied.” (See 2-301(2)). We also recommend that draft regulation section 211(B)(3) be revised to clarify that the Board may approve an application with conditions using clear language like the current regulations. We understand that is likely the intent of that draft provision.

Further, unless waived by the County as “not relevant,” the draft regulations would condition the Manager’s application completeness determination on the inclusion of several plans and other project information in the application for 1041 approval that would typically be available later in the project planning phase and/or prepared for other agencies later than the 1041 application phase. (See 301(A)). First, we recommend that the “not

relevant” standard for waivers be changed to a more discretionary “not necessary” standard because any information regarding a project’s impacts would be relevant and that waiver standard may never be met.

Regarding relevant project plans and approvals that would typically be available later, these include, for example, monthly operations plans (303.D.), mitigation or permit conditions imposed by other agencies (304.C.), documentation of necessary property rights (304.E.), stormwater management plan (312), erosion and sediment control plan (313), and detailed road improvements and maintenance plan (324). To allow appropriate sequencing of planning, design, and the related County, state and any federal approvals, we recommend that the draft regulations contain clear discretion both for (1) the Manager to deem the application complete without certain final plans and designs and (2) the Board to condition its 1041 approval on the availability of such final plans, designs, and other approvals prior to construction or operation of the project as relevant. We have included several recommendations to address appropriate timing and sequencing in our specific comments.

Please refer to our detailed comments listed below. Again, thank you for the opportunity to provide feedback on the draft regulations. We sincerely hope that our comments are constructive and will inform a new Park County 1041 Water Regulations that work well for both the Board and applicants.

Sincerely,



Sarah Young, PE
Assistant General Manager, Aurora Water

cc Lucas Meyer, Park County Manager

Aurora Water Review Comments to February 2, 2026, Draft Park County Regulations for Domestic Water and Sewage Treatment Systems and Municipal and Industrial Water Projects

This document contains Aurora Water’s section-specific comments to the Public Review Draft of the Park County Regulations for Domestic Water and Sewage Treatment Systems and Municipal and Industrial Water Projects dated February 2, 2026.

- **105.B. Designated Matters of State Interest** – It is unclear whether the permit requirement would apply only to operational efficiency, or also to development and construction activities. We recommend “efficient utilization of” be stricken from this provision. In the current regulations, “efficient use” is a criterion of approval.

The revised text would read: “105.B. Municipal and industrial water projects and extensions thereof (“Municipal and Industrial Water Projects”).”

- **106. Permit Required to Conduct Designated Matters of State Interest** – We recommend striking “operation” to keep with the language and intent of the current 1041 Water Regulation and suggest replacing it with “development.”

The revised text would read: “106. Permit Required to Conduct Designated Matters of State Interest No person may engage in the construction or development of...”

- **108. Exemptions from Park County Regulations** – Given the scope of these regulations and potential overlap with other Park County regulations and required approvals, we suggest adding Mineral Resource Area 1041, Location and Extent, Wetland Special Use and Article VII of Land Use Code regulations to the list of exemptions, or alternatively, include provisions in the draft regulations indicating how those additional approvals can be integrated with 1041 water project approval.

- **110.C. Interpretation with Other Local, State, and Federal Requirements** – Suggest adding the word “activities” after the word “Other than” and adding the word “as” between the words “exempted” and “provided” (if that was what was intended).

The revised text would read “C. Other than activities expressly exempted as provided in Section 108 and 109, these Regulations do not exempt any activity from any other County or local, state, or federal requirements.”

- **111. Definitions** – Suggest definition modifications as follows:

- Refine IMPACT to: Any significant alteration or significant change to the natural or human environment in Park County resulting from activity or development.
 - Refine IMPACT AREA to: Those geographic areas in Park County in which any Impacts are likely to be caused by the Project.
 - Retain MITIGATION definition from current regulations
 - Since PROJECT would replace PROPOSED PROJECT from the current regulations, refine PROJECT to add “including MITIGATION.”
- **201.B. Permit or FONSI Required** – To allow consideration for appropriate sequencing, we recommend the following language be added to 201.B.: “The County, at its discretion, may approve minor project phases (e.g., roadway changes, construction of water pipelines, development of staging yards) to be completed ahead of 1041 Permit approval through other County permitting processes (e.g., Right of Way Activity Permits, Utility Work Permits, Temporary Use Permits).”
- **203. Pre-Application Conference** –
 - 203.B.4. We suggest that the waiver standard be changed from “not relevant” to “not necessary.” Material may be relevant, but not necessary for a Board decision. See conforming suggestion for 301.A.2.
 - 203.C. Include the words “to the extent available” after the word “Manager.” Some of the listed items will not be available when the applicant submits the pre-application materials.
 - 203.C.6. Add “approximate” before “location of proposed”...
 - 203.C.8. Delete subjective standards and revise subsection to: “Description of the alternatives that were considered for the Project and how the Project complies with these regulations.”
- **207. Completeness Determination on Permit Application** – We recommend inclusion of timelines similar to other jurisdictions like the following:
 - Insert after 207.B: “Within seven to fourteen days (depending on the complexity of a project), the Manager will determine application completeness or request additional information from the applicant. Timeline to be determined at the pre-application meeting.
- **208.A. Board Hearing Scheduled and Notice Published** – We recommend a time frame on the hearing date after the completeness determination.
 - Insert after the period: “The date of the public hearing shall be no more than ninety (90) days after the Manager has determined that the application is complete.”

- **209. Referral of Application Suggest** – We recommend adding a timeline here similar to other agencies: “Referral agencies shall provide referral comments within twenty (20) days of referral receipt, or it is assumed that the agency has no objection to the proposed project.”
- **211.B.3. Board Public Hearing and Permit Decision** – We suggest language as follows: After “may issue a” insert “conditional” and after “conditions” insert “, including mitigation,”.
- **212. Form of Board Decision** – We recommend that the regulations state that the resolution will be signed at the next regular Board meeting following the public hearing.
- **301.A.2. Application Materials Generally** – We suggest that the waiver standard be changed from “not relevant” to “not necessary.” Material may relevant, but not necessary to a Board decision. Same suggestion was made for 203.B.4.

The revised text would read: “...the material is not necessary to a determination as to whether the application satisfies the Permit Approval Standards in these Regulations.”

- **302. Application Fee** – Compared to other jurisdictions, these application fees are high. Recommend applying a sliding scale of Application Fees based on project complexity, or in lieu of calling this an application fee, add a required commitment for the applicant to enter into a cost recovery agreement with the County.
- **302. Application Information** – Please clarify what is meant by the “owner of the Project” and “Project owner” and that it is not synonymous with, or intended to imply, landowner.
- **303. Project Information** –
 - 303.B&C. We recommend including the word “schematic” ahead of engineering design drawings to reflect the appropriate level of design for the 1041 approval application phase.
 - 303.D. The operation of most water projects will vary by month, annually depending on local applicant weather, snowpack and other operational constraints (i.e., outages or other things beyond the applicant’s control). Recommend deleting “including the rate and amount of water estimated to be stored, pumped, diverted, and/or released by the Project during each month” or replacing the words “each month” with “generally.” In addition, we recommend the last sentence be specific to those facilities in Park County.

- **304. Property Rights, Permits, and Other Approvals** – We recommend:
 - 304.A. – a second sentence stating that other state and federal approvals are not a condition for application completeness but may be incorporated as conditions of approval.
 - 304.C. – the following language from the DOLA model regulations: “An applicant may request that the county application and review process be coordinated with the applicable state or federal agency review process. If so requested, the county will eliminate redundant application submittal requirements and will coordinate its review of the application with that of other agencies.”
 - 304.E. – changing to the following: “Description of the property rights, easements and rights-of-way necessary for the Project. Any property rights not in place at the time of application are not a condition for application completeness but may be required as a condition of approval.”
- **305.B. Technical and Financial Feasibility** – We recommend revising to “The estimated mitigation costs for the Project if known at the time of application.”
- **306. Surface Water Quality and Quantity Assessment** – We recommend:
 - 306.A.3. deleting these requirements. The scope of this item would require an applicant to engage in extensive research unrelated to the proposed water project in Park County.
 - 306.A.5. add “in Park County” to the end of this item.
 - 306.A.6. delete this requirement as any water project in Park County would be required to comply with existing water quality regulations through CDPHE standards and permitting.
 - 306.B. replace with water quantity and quality impacts in the current regulations which require description of net effects to:
 - (a) Changes in patterns of water circulation, depth, water fluctuation, velocity, flow and temperature.
 - (b) Changes to the substrate.
 - (c) Increases in or changes to extent and persistence of levels of suspended particulates.
 - (d) Changes in clarity, odor, color or taste of water.
 - (e) Changes in levels of man-made or naturally occurring pollutants.
 - 306.C. delete this requirement as mitigation and monitoring, if needed, would be required by CDPHE and CPW under Colorado state statutes. Optionally, a sentence could be added “The mitigation and monitoring plan

may refer to a mitigation and monitoring plan as required by applicable state or federal law.”

- **308.C. Floodplains, Wetlands, and Riparian Areas Assessment** – We recommend deleting this requirement as mitigation and monitoring, if needed, would be required by USACE or CDPHE under the Clean Water Act or Regulation 87.
- **309. Wildlife and Wildlife Habitat Assessment** – In 309.A. we recommend deleting the requirement that an applicant consult with CPW in developing portions of the permit application. CPW is not staffed to support individual project consultation, nor do any state statutes define a consultation process with CPW. Regardless of any 1041 regulation, an applicant may contact CPW for input at their discretion. Per these regulations, the County may obtain input from CPW on a 1041 application by referring the application to CPW at their discretion.
 - In 309.D. we recommend making this item consistent with suggestions provided for 306 and 308.
- **312. Stormwater Management Plan** – A stormwater management plan is typically prepared prior to construction (after final design and construction plans) as part of the CDPHE construction stormwater permit. A stormwater management plan is not typically prepared for the 1041 permit application phase. Recommend deleting this requirement. The County can request documentation that a project has obtained required stormwater permits from CDPHE as a condition of approval at the County’s discretion.
- **313. Erosion and Sediment Control Plan** – An erosion and sediment control plan (typically combined with a stormwater management plan) is typically prepared prior to construction (after final design and construction plans) as part of the CDPHE construction stormwater permit. Recommend combining with item 312 and removing as an application requirement with the understanding that the County can include as a condition of approval.
- **315.C. Visual Quality Assessment** – We recommend deleting 315.C. The County has discretion to include project-specific conditions of approval if necessary at their discretion. It is unlikely to be feasible that all visible changes from a project can be mitigated.
- **317.C. Land Use Patterns Assessment** – We recommend deleting 317.C. The County has discretion to include project-specific conditions of approval if necessary at their discretion. Adverse impacts to county land use patterns are better evaluated by County staff than by an applicant.

- **318.C. Housing Assessment** – We recommend deleting 318.C. The County has discretion to include project-specific conditions of approval if necessary at their discretion. Adverse impacts to housing are better evaluated by County staff than by an applicant.
- **320.C. Public Services and Facilities Assessment** – We recommend deleting 320.C. The County has discretion to include project-specific conditions of approval if necessary at the County’s discretion. Adverse impacts to public services and facilities are better evaluated by County staff than by an applicant.
- **324. Road Improvements and Maintenance Plan** – We recommend adding the word “preliminary” ahead of “plan for improvements” as final design is typically not complete at the time of application.
 - This would read, “In addition to access or road use permits that may be required from the County, a preliminary plan for improvements and...”
- **326. Emergency Preparedness and Response Plan** – We recommend this be revised to request a draft plan. The design and construction methodologies would need to be finalized ahead of the final EPRP and this level of detail is often unknown at the time permit application. An applicant may work with local agencies to finalize a plan as appropriate to meet County needs and requirements.
- **329.A.2 Agriculture and Grazing Assessment** – We recommend deleting “indirect.”
- **330.A. Recreation and Tourism Assessment** -- We recommend deleting the words “and potential” before “...recreational and tourism...” as the applicant cannot sufficiently speculate what the potential recreation and tourism might be for any given location.
- **331.C. Assessment of areas of geological, paleontological, ecological and/or archeological significance** – We recommend deleting this requirement as mitigation for cultural resources, if needed, would be required by a federal agency under the National Historic Preservation Act for projects with any federal nexus. Optionally, a sentence could be added “The mitigation and monitoring plan may refer to a mitigation and monitoring plan as required by applicable state or federal law.”
- **332. Alternatives Analysis** – We recommend deleting this requirement, see General Comments.

- **401.C.2.General Considerations** -- We recommend that this consideration be limited to direct impacts in Park County. See General Comments.
- **402. Necessary Property Rights, Permits, and Approvals** – We recommend changing to the following: “Any necessary property rights not in place at the time of application will be required prior to construction on that property.” If an applicant does not own all required land rights at the time of the application, this change allows the landowners time to negotiate in good faith with an applicant while still maintaining the requirement that all required land rights be in place before work begins on an affected property.
- **404. Impairment of Property Rights** - We recommend clarification that this standard does not apply to the private property involved in the project and also which “private property rights” cannot be adversely impacted. Also, we recommend overall clarification that the Board may factor in mitigation in its determination of an application’s compliance with the “will not have a significant adverse impact” standard and that adverse impacts can be mitigated as a condition of approval. See General Comments.
- **405, 406, 407, 408 and 409, 413, 414, 414, 416, 417, 418, 419, 425, 428, 429, 430, and 431.** We recommend overall clarification that the Board may factor in mitigation in its determination of an application’s compliance with the “will not significantly deteriorate” standard and that adverse impacts can be mitigated as a condition of approval. See General Comments.
- **420. Capacity of the Area to Sustain Development** – The term “financial and environmental capacity of the area” and what is sustainable are vague and undefined. We recommend removing this standard, or at a minimum, revising it to recite an applicable objective standard and methodology.
- **424.B. Road Improvements and Maintenance** – We recommend adding the words “as a condition of approval” before “the owner will enter into...”
- **426. Emergency Preparedness and Response** – See comment pertaining to Section 326 and recommend a Final EPRP as a condition of approval.

- **427. Hazardous Materials** – See comment pertaining to Section 327 and recommend a Final HMMP as a condition of approval.
- **432. Best Alternative** – We recommend deleting. see General Comments re: “best” standard.
- **502.A. Term of Permit** – We recommend that “for the life of the project” be added as a potential term to avoid potential issues of an “indefinite” term.
 - 502.B. We recommend that the last clause be replaced with a County action subject to hearing and Board approval. Voiding the permit without notice or an opportunity to amend the approved schedule is a severe remedy that does not consider “acts of god” or other valid reasons for construction delays.
- **505.B. and C. Technical Revisions and Permit Amendment** -- We recommend that either Technical Amendment or Technical Revision be used, but not both. Neither is a defined term.
- **602.A.1. Amount of Guarantee** – This proposal is concerning because it relates environmental restoration costs to the Impact Area, which appears to include areas outside of Park County. Also, the standard “necessary to protect public health, safety, welfare, and the environment” is vague. To avoid confusion and uncertainty, we recommend retaining the current regulation standard of “a condition acceptable to the County in accordance with standards adopted by the County for the matter of state interest for which the permit is being granted.” (See 2-303(3)(a)).
- **604. Release of Guarantee** – We support the addition of provisions that allow the financial security to be released in phases or partially. We recommend the regulations also include a provision in 602 or 603 that expressly allows an applicant to provide financial security in part and based on phasing as appropriate for the project.
- **704. Inspection** – Due to the safety concerns around high hazard dams, it is recommended that inspections of high hazard dams require a project operator to be present.

From: [Badger, Rachel](#)
To: [Park County Administration](#)
Subject: Park County "Water Project 1041 Regulations" - Denver Water comment letter
Date: Friday, February 27, 2026 7:15:40 PM
Attachments: [20260227 DenverWater comment ltr ParkCounty1041regs.pdf](#)

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Park County Commissioners –

Denver Water respectfully submits the attached comment letter in response to Park County's process to revise regulations applicable to domestic water and wastewater projects and municipal and industrial water projects wholly or partially located in Park County ("Water Project 1041 Regulations").

Thank you – Rachel

Rachel Badger | Planning Manager [She, Her, Hers]
Denver Water | t: 303-628-6518 | c: 720-339-3663
1600 West 12th Ave, Denver, CO 80204
denverwater.org | denverwater.org/TAP



[Date: February 27, 2026]

TO: The Park County Board of Commissioners

FROM: Concerned Residents of Hartsel and Park County

RE: Formal Opposition to the Wild Horse South Reservoir Proposal and Associated Mining Operations

Dear Commissioners,

We are writing to you today to formally submit the attached signatures and voice our collective opposition to Aurora Water's pivot toward the **Wild Horse South Reservoir** alternative.

As the elected leaders of Park County, we look to you to protect the property rights and quality of life of your constituents against the overreach of a municipal government located 150 miles away. The "South" proposal represents a catastrophic shift in project scope that places an undue burden on our community for several reasons:

- **Secondary Displacement:** Having already cleared the original site of its residents, Aurora is now targeting a new group of landowners. This "rolling" use of eminent domain creates an atmosphere of perpetual instability for Hartsel residents.
- **The "Dust Bowl" Risk:** Aurora's plan to utilize the original reservoir site as a **surface pit mine** to harvest clay for the new dam is unacceptable. This operation would replace our natural landscape with a scarred industrial zone, creating significant dust pollution and further devaluing the surrounding properties.
- **A "Land Swap" Without Consent:** The proposal to swap residents from the new site onto the mined-out lands of the old site is an insult to the people who have built their lives here.
- **The Water Inequity Gap:** It is unconscionable that our land is being seized to provide water for Aurora's growth while Hartsel residents are forced to [haul water in 250-gallon totes](#) to survive.

We urge the Board of Commissioners to use every tool at its disposal—including **1041 land-use regulations** and formal protests during the [BLM's NEPA review process](#)—to

block this expansion. We request that the Board formally demand a **Social Impact Assessment** that accounts for the reality of rural water scarcity compared to Aurora's municipal usage.

We ask that you stand with Hartsel today to ensure that Park County is not treated as a mere extraction zone for the Front Range.

Respectfully submitted,

PETITION TO HALT ALL AURORA WATER RESERVOIR PROJECTS IN PARK COUNTY

TO: The Aurora City Council, the Park County Board of Commissioners, and the Bureau of Land Management (BLM) and **President Donald J. Trump.**

WHEREAS, the City of Aurora is currently attempting to pivot from the original Wild Horse Reservoir site to a new "South" alternative, demonstrating a lack of stable planning and a complete disregard for the private property rights of Park County residents; and

WHEREAS, these proposed reservoirs—including the original [Wild Horse Reservoir](#) and the newly proposed [Wild Horse South Reservoir](#)—are designed solely to provide [emergency storage and drought resilience](#) for a municipality 120 miles away, offering zero water security or infrastructure benefits to the residents of Hartsel; and

WHEREAS, Aurora Water intends to use previously seized lands at the original site as industrial "borrow areas" or surface mines to harvest materials for new dams, creating permanent environmental scars and air quality hazards for neighboring landowners; and

WHEREAS, there exists a profound and unjust "Water Divide" where Aurora markets itself as a leader in conservation while Hartsel residents are forced to [haul water 250 gallons of water at a time](#) to sustain their homes and families.

THEREFORE, the undersigned citizens and stakeholders demand an immediate and permanent halt to all Aurora Water reservoir construction and land acquisition in Park County, specifically:

1. **Rejection of the South Alternative:** We call on the BLM to issue a "No Action" alternative during the [NEPA Environmental Impact Statement \(EIS\)](#) process for the South site.
2. **Denial of 1041 Permits:** We urge the Park County Commissioners to exercise their [1041 land-use authority](#) to deny all permits for water projects that do not provide a direct, reliable water supply to the impacted local community.

3. **Return of Seized Lands:** We demand that any lands acquired under the threat of eminent domain for the original Wild Horse site be offered back to the original owners or protected from industrial mining use.
4. **Moratorium on New Infrastructure:** We demand a moratorium on any new trans-basin water storage infrastructure in Park County until the water needs of Hartsel and the South Park basin are fully met and codified.

Signatory Information

PETITION TO HALT THE WILD HORSE SOUTH RESERVOIR PROJECT

TO: The Aurora City Council, Aurora Water, and the Bureau of Land Management (BLM) and **President Donald J. Trump**

WHEREAS, the City of Aurora has already acquired significant private property for the original Wild Horse Reservoir site under the pressure of eminent domain, only to now propose an "Alternate South" location that threatens an entirely new group of private landowners with displacement; and

WHEREAS, Aurora Water proposes a "land swap" scheme that treats residents as chess pieces, forcing them from their homes and offering land at the original site that is slated to become a surface pit mine for clay harvesting—leaving behind a "dust bowl" rather than a viable community; and

WHEREAS, the residents of Hartsel and greater Park County live under the most extreme water conservation conditions in the state, frequently hauling water 250 gallons at a time for basic survival, while this project seeks to seize their land to support municipal infrastructure 150 miles away; and

WHEREAS, the proposed project offers no tangible benefit to the quality of life, water security, or economic health of the Hartsel community.

THEREFORE, the undersigned citizens and stakeholders demand the following:

1. **Cease All Eminent Domain And Private Land Acquisition Proceedings:** An immediate halt to any efforts to seize private property and all private land acquisitions for the "South Alternative" site.
2. **Prioritization of Local Water Security:** That no federal or state permits be granted for the Wild Horse project until a comprehensive plan is established to provide reliable water access to the residents and landowners of Hartsel.

From: [Abe Young](#)
To: [Park County Administration](#)
Subject: Wild Horse Reservoir Formal Opposition
Date: Thursday, February 26, 2026 10:10:50 PM
Attachments: [PETITION TO HALT THE WILD HORSE SOUTH RESERVOIR PROJECT.pdf](#)
[Park County Board of Commissioners.pdf](#)
[PETITION TO HALT ALL AURORA WATER RESERVOIR PROJECTS IN PARK COUNTY.pdf](#)

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To whom it my concern

Please find attached a formal letter of opposition and two petitions regarding Aurora Water's practices in Hartsel, Colorado.

I request that you support your constituents by signing both petitions.

Furthermore, I ask that you consider implementing a moratorium on the 1041 land-use application submitted by Aurora Water.

Thank you for your time and consideration of this matter.

Best regards,

--

Abe Young



From: [Abe Young](#)
To: [Park County Administration](#)
Subject: Wild Horse South reservoir objection letter
Date: Wednesday, March 4, 2026 4:55:11 PM

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To anyone

I am writing to express my concerns regarding the proposal to move the reservoir to the south location. Relocating the project is less beneficial to Hartsel, and the lack of comprehensive planning prior to the original land acquisitions has been disappointing.

Most concerning is the oversight regarding pumping requirements. It is difficult to understand how the head pressure for a pipeline originating from a mountain pass was not calculated during the initial stages. Furthermore, the process of acquiring personal property under the threat of eminent domain at the original site, only to offer land-swap deals to those at the south site, is unreasonable.

Hartsel requires clean, filtered drinking water filling stations. If this project serves as a "water savings account," then Hartsel should receive the interest in the form of these necessary filling stations, which Aurora must provide.

Additionally, the plan to harvest clay from the original site to support the south site is another example of poor planning. Given that Aurora will likely require another reservoir in the next 20 years, pillaging a viable reservoir site now is a short-sighted decision.

The lack of consistent infrastructure planning is deeply concerning.

Regards,

Abe Young

MONSON, CUMMINS, SHOHEI & FARR, LLC

ATTORNEYS AT LAW

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Retired: STEVEN T. MONSON

* Also licensed in Wyoming

March 11, 2026
Via Email Only

Board of County Commissioners, Park County
Attn: County.Administration@parkcountycogov

Re: Comments on the Draft 1041 Regulations

Dear County Commissioners:

On Behalf of the Headwater Authority of the South Platte ("HASP"), we provide you with the following comments to Park County's draft 1041 Regulations dated February 2, 2026:

1. HASP would encourage the County to consider adding express language to the revised 1041 Regulations that provides the County with the option to enter into an intergovernmental agreement ("IGA") with the State of Colorado or a political subdivision of the state, as defined by Section 29-1-202(1), C.R.S., in lieu of a permit application and County review. The IGA shall be at the County's sole option and would need to meet several requirements, including satisfying the purpose and intent of the revised 1041 regulations. The IGA in lieu of a permit application and review, would provide the County with express authority to execute an IGA if an IGA would be appropriate in certain circumstances. The current language does not allow for an IGA in lieu of a permit application and County review, which is a common term and condition in many County 1041 Regulations. HASP would be happy to provide suggested language for the County's review if it indeed decides to consider adding such language to the draft 1041 Regulations.
2. HASP would encourage the County to consider an additional category of de minimis projects that do not require a FONSI finding. Such projects may include drilling a new municipal well, stream gauging, or water projects under a certain amount of acre-feet, say 30 acre-feet. The County may want to specifically enumerate those projects that have no impact on the County, thereby allowing the

13511 NORTHGATE ESTATES DRIVE
SUITE 250
COLORADO SPRINGS, COLORADO 80921



211 EAST MAIN STREET
SUITE 1
OAK CREEK, COLORADO 80467

applicant and the County to avoid incurring expenses for a FONSI finding. HASP would be happy to work with the County to identify certain de minimis projects for enumeration under the revised 1041 Regulations.

3. Regarding the FONSI criteria and procedures, the County may desire to specify the standard of review and record generated by the Manager. HASP would also encourage the County to include examples of what would qualify for a FONSI finding to guide both County staff and applicants.
4. The County may want to consider identifying objective factors for granting waivers for certain application materials, along with a potential appeal process for the denial of a requested waiver.
5. The County may desire to consider a more scaled approach to its required mitigation and monitoring plans, and its proposed fees collected based on the size and scope of the project presented. For example, a water project involving a transfer of 50 acre-feet requires the same mitigation and monitoring plans and fees as a project transferring 500 acre-feet. The size and scope of the two projects may vary widely, warranting a more scaled mitigation and monitoring plan and a fee structure consistent with the size and scope of the project presented to the County.
6. HASP does not believe that it is appropriate for CPW to be a required entity to confer with as part of a 1041 process for numerous reasons. CPW is a water user with municipal and industrial water projects within the County. Moreover, if wildlife is a concern that the applicant must address, the applicant will submit the appropriate studies, and the County can retain its own expert on the matter rather than relying on CPW. Moreover, it's unclear whether CPW has the staff and funding to provide the requested information required by the County under the revised 1041 regulations. HASP would certainly encourage the County to refer any 1041 applications to CPW, but would suggest removing them as a mandatory entity to be consulted as part of the process. If the County insists that it must continue to have CPW as a mandatory reviewing agency, HASP would request that the County set a timeline, say 30 days from when the materials are presented to CPW, for CPW to respond to the materials.
7. 1041 regulations are designed to offset any impact from certain statewide activities of interest to the County as established by state statute. The County's current 1041 regulations reflect the State codified standard by requiring an applicant to demonstrate that the proposed project, after implementation of all mitigation measures, will comply with the County's current 1041 regulations. Moreover, the revised 1041 regulations require an alternative analysis. The proposed 1041 regulations break from the standard and, in fact, are inconsistent with the State statute by requiring the applicant to provide the project (or alternative) that "best complies" with the regulations. "Best complies" is not defined and is entirely subjective. If an applicant can appropriately show that it can mitigate any impacts to the County, the County cannot substitute what it thinks is a "best" practice or an

alternative to deny a permit. Such language goes beyond the County's authority. Accordingly, HASP would encourage the County to maintain its current standard for approving a 1041 permit upon demonstration that the net effect of the proposed project is appropriately mitigated by the applicant, and to remove any best practices and alternatives as standards in the County's revised 1041 regulations.

Thank you for your attention to these matters. HASP reserves its right to provide additional comments based on revised 1041 regulations, as well as additional public comments that HASP becomes aware of during this process.

HASP looks forward to working with the County on this matter.

Sincerely,

MONSON, CUMMINS, SHOHET & FARR, LLC

A handwritten signature in black ink that reads "David Shohet". The signature is written in a cursive style with a large, prominent 'D' and 'S'.

David M. Shohet

From: [REDACTED]
To: [Park County Administration](#)
Subject: Comments on Draft Water and Sewer Treatment Systems
Date: Monday, February 16, 2026 9:38:36 AM

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Hello, I am a Park County property owner and wanted to provide comment on the Draft Water and Sewer Treatment System regulations.

It appears this regulation is applicable to individual residences. The use of terms "domestic", "person", "building permit" implies this could be for all domestic wells and septic systems. If this is truly intended for individual residences, the fee of \$50,000 is prohibitively exorbitant and unreasonable. This unduly prohibits residence from building their homes.

If this regulation is not applicable domestic wells and septic systems (individual homes) and is instead meant to regulate Treatment PLANTS, the regular should be clarified in Sections 102 Purpose and Intent; 111 Definitions; 201 Permit of FONSI Required (terms Plant, Project, and System all used interchangeably); 208 Notices - mailings to adjoining and impacted neighboring properties should also be a required notice of hearing.

The ultimate construction "product" should also be clarified in the permit application - for example, single family, multi-family, mixed-use, retail, mining and processing, data center. Uses should be vetted prior to or along with water and sewer treatment applications. This is very important to identify significantly disproportionate resource consumption or impacts early.

Thank you
Deborah Snyder

From: [David Shohet](#)
To: [Park County Administration](#)
Cc: [REDACTED]
Subject: Comments on the draft 1041 Regulations
Date: Monday, March 2, 2026 9:35:19 PM
Attachments: [image001.png](#)

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To Whom It May Concern:

Our firm represents the Center of Colorado Water Conservancy District ("CCWCD"). On behalf of CCWCD, we provide you with the following comment on the current draft 1041 Regulations the County is considering adopting:

1. CCWCD would encourage the County to consider adding express language to the revised 1041 Regulations that provides the County with the option to enter into an intergovernmental agreement ("IGA") with the State of Colorado or a political subdivision of the state, as defined by Section 29-1-202(1), C.R.S., in lieu of a permit application and County review. The IGA shall be at the County's sole option and would need to meet several requirements, including satisfying the purpose and intent of the revised 1041 regulations. The IGA in lieu of a permit application and review, would provide the County with express authority to execute an IGA if an IGA would be appropriate in certain circumstances. The current language does not allow for an IGA in lieu of a permit application and County review, which is a common term and condition in many County 1041 Regulations. CCWCD would be happy to provide suggested language for the County's review if it indeed decides to consider adding such language to the draft 1041 Regulations.

CCWCD may provide additional comments on the current draft 1041 Regulations throughout the process and as the draft 1041 Regulations continue to evolve.

Thank you for considering this matter, and please feel free to contact me with any questions.

Sincerely,

David M. Shohet
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Colorado Springs, CO 80921
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From: noreply@civicplus.com
To: [Board of County Commissioners](#)
Subject: Online Form Submittal: Contact County Commissioner's Office
Date: Wednesday, February 11, 2026 8:53:42 AM

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Contact County Commissioner's Office

If you have a question or concern you would like us to address, please submit this form. We will try to address your request in a timely manner.

Personal Information

First Name Michael

Last Name Neff Tulley

Phone Number [REDACTED]

Email Address [REDACTED]

Questions & Concerns

What is your question or concern?

Hello, for some reason, my email is not being accepted by the posted "str@parkcountyco.gov" address. Therefore, I am sharing my public comments on the STR Ordinance below:

Dear Commissioners,

I am writing to respectfully submit comments regarding the proposed Short-Term Rental Ordinance and the associated subdivision caps.

I want to begin by stating clearly that I support thoughtful standards that are intended to protect public health, safety, and the welfare of Park County residents. Ensuring life-safety compliance, wastewater protections, occupancy limits, emergency access, and responsible management practices is reasonable and appropriate. Regulation, when well-designed, can strengthen our community.

However, I am struggling to understand how the proposed subdivision-specific caps — many of which equate to roughly 1–2% of improved lots in major neighborhoods — directly advance the stated purpose of the ordinance: “to safeguard public health, safety and welfare by regulating and controlling the use, occupancy, and maintenance of short-term rental properties.”

The existing life-safety standards, inspection requirements, wastewater compliance, occupancy limits, parking regulations, and enforcement provisions already address use and operational concerns. A hard numerical cap does not improve safety standards within a property. It does not enhance wastewater compliance. It does not increase emergency response capability. It simply limits how many properties may operate — regardless of whether they meet all safety and compliance requirements.

If the goal is accountability and neighborhood compatibility, those objectives can be achieved through strong enforcement mechanisms, clear operational standards, and meaningful penalties for violations — all of which are already included in the draft. Restricting supply through very low caps appears disconnected from the stated public health and safety purpose.

I am primarily concerned about the broader community implications. Short-term rentals in unincorporated Park County function as an important component of our local economy. They support locally-owned cleaning companies, maintenance providers, snow removal contractors, handymen, small property management companies, contractors that provide home building services and maintenance, and more. Visitor spending supports our stores, restaurants, gas stations, and other retail establishments. Park County does not have large-scale hotel infrastructure; therefore STRs provide the needed lodging capacity that supports tourism-related commerce.

Based on current lodging tax collections, short-term rentals generate a meaningful amount of annual revenue for Park County. If the proposed caps result in a significant long-term reduction in licensed STR inventory, it is reasonable to expect a corresponding decline in lodging tax revenue, along with related visitor spending that supports sales tax collections and local businesses. Because lodging tax dollars directly fund roads, law enforcement, emergency services, and tourism promotion, any structural reduction in STR activity could have immense budget implications that deserve careful consideration. I encourage the Board to evaluate the potential fiscal impact alongside the regulatory goals of the ordinance.

Rather than significantly reducing the number of permitted operators — and in turn reducing associated sales and lodging tax revenue — I would respectfully encourage the Board to consider alternative approaches that preserve both oversight and economic stability:

Replace fixed numerical caps with reasonable percentage-based caps per subdivision, allowing proportional limits instead of arbitrary ceilings.

Use zoning-based or density-based thresholds aligned with neighborhood character.
Tie licensing eligibility to compliance history, rewarding responsible operators while removing problem properties.
Allocate a portion of incoming STR tax revenue to fund a dedicated compliance and monitoring department within the county, as many Colorado communities have done successfully.
Investing STR-generated revenue into structured oversight would directly support the ordinance's stated goal of protecting public health and safety — without reducing the County's tax base or disadvantaging responsible property and business owners.

This community values both neighborhood integrity and economic vitality. I believe we can achieve both through balanced regulation, clear standards, and well-funded enforcement — instead of through restrictive caps that may not meaningfully advance the intended safety objectives. Rather than applying broad, blanket restrictions, I encourage Park County to provide clear data that supports these specific proposed numbers. We should ensure that any new regulations are backed by facts and address the actual needs of our community, as opposed to relying on arbitrary limits.

Thank you for your consideration.

Respectfully,

Michael Neff Tulley
Resident of Fairplay, Colorado

Email not displaying correctly? [View it in your browser.](#)

From: [REDACTED]
To: [Park County Administration](#)
Subject: Comments on Draft Water and Sewer Treatment Systems
Date: Monday, February 16, 2026 9:38:36 AM

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Hello, I am a Park County property owner and wanted to provide comment on the Draft Water and Sewer Treatment System regulations.

It appears this regulation is applicable to individual residences. The use of terms "domestic", "person", "building permit" implies this could be for all domestic wells and septic systems. If this is truly intended for individual residences, the fee of \$50,000 is prohibitively exorbitant and unreasonable. This unduly prohibits residence from building their homes.

If this regulation is not applicable domestic wells and septic systems (individual homes) and is instead meant to regulate Treatment PLANTS, the regular should be clarified in Sections 102 Purpose and Intent; 111 Definitions; 201 Permit of FONSI Required (terms Plant, Project, and System all used interchangeably); 208 Notices - mailings to adjoining and impacted neighboring properties should also be a required notice of hearing.

The ultimate construction "product" should also be clarified in the permit application - for example, single family, multi-family, mixed-use, retail, mining and processing, data center. Uses should be vetted prior to or along with water and sewer treatment applications. This is very important to identify significantly disproportionate resource consumption or impacts early.

Thank you
Deborah Snyder