

DENVER BOARD OF WATER COMMISSIONERS

Meeting Date: December 19, 2012

Board Item 2-B-3

Intergovernmental Agreement between Denver Water and Boulder County regarding the Moffat Project

Action by Consent

Action

Information

Denver Water and Boulder County have negotiated an Intergovernmental Agreement (IGA) regarding the expansion of Gross Reservoir (the Moffat Project), which is located in Boulder County. This IGA provides mitigation for impacts of the Moffat Project as identified by Boulder County staff, elected officials, and residents. The IGA serves as Boulder County's approval of the Moffat Project in lieu of a potential 1041 land use permit process. Under the IGA, Denver Water agrees to several restrictions on construction of the project to address traffic, safety and noise concerns. In addition, Denver Water will make several payments for mitigation and compensation for project impacts.

Denver Water agrees to limit construction traffic and noise by implementing hauling restrictions (times of the day and numbers of trucks), providing shuttles for project workers, and limiting nighttime operation of machinery that produces noise in excess of 75 decibels.

Denver Water's monetary commitments include: (i) \$500,000 to the County for noise mitigation, with the potential for an additional \$1-2 million if Denver Water seeks relief from hauling or noise restrictions to avoid a third season of mass concrete placement; (ii) \$4 million for conservation of the Toll Property or similar property; (iii) \$2 million for preservation of land in Boulder or Jefferson County to limit sprawl or for noise mitigation; (iv) \$500,000 to Boulder County for forest treatment on private properties within watersheds upstream of the Board's diversions; (v) \$1 million to Coal Creek Canyon Parks and Recreation District; and (vi) \$250,000 to Boulder County to use towards recreation projects recommended by Preserve Unique Magnolia Association. In total, the Board will contribute between \$8.25 and \$10.25 million to Boulder County.

With the exception of the \$4 million for conservation of the Toll Property, all other funds under the IGA are contingent upon successful permitting of the Moffat Project and would be paid to Boulder County at different points in time (e.g., first budget year following permits, at notice to proceed to the contractor, etc.). The conservation of Toll Property might occur prior to receiving Moffat Project permits. Conservation of this property, in particular, would benefit the Board by preserving land within the Board's watershed

Recommendation:

It is recommended that the Board approve the IGA with Boulder County for the Moffat Collection System Project.

Approvals:

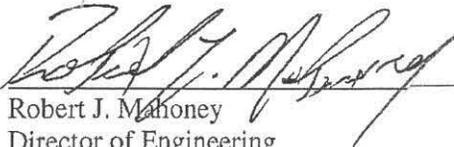
Respectfully submitted,



Patricia Wells
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James S. Lochhead
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Robert J. Mahoney
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