

Attachment O

RESOLUTION NO. 85-56

Before the Board of County Commissioners of the
County of Summit
State of Colorado

GRANTING THE DENVER WATER BOARD A "1041" PERMIT FOR STRAIGHT CREEK

WHEREAS, the Denver Water Board wishes to construct a connection to an existing diversion structure to divert certain flows from Straight Creek above Dillon Valley and wishes to construct a pipeline to carry the water into Dillon Reservoir, and

WHEREAS, the County's land use regulations require a "1041" permit for the expansion of a water collection and delivery system, and

WHEREAS, the Denver Water Board has submitted the necessary information to secure a "1041" permit, and

WHEREAS, the Board of County Commissioners has given proper public notice and held a public hearing on granting the Denver Water Board a "1041" permit, and

WHEREAS, the Board of County Commissioners has considered the recommendations of the Snake River Planning Commission, and the Planning Department staff as well as all comments submitted at the public hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SUMMIT COUNTY, COLORADO, that:

- 1) The application complies with the criteria for permit issuance in section 4-306 of the County's "Guidelines and Regulations for Activities of State Interest" adopted May 4, 1982, and amended August 3, 1982.
- 2) The Board of County Commissioners is authorized to sign and issue the attached "1041" permit for Straight Creek along with the "conditions" and mutual "understandings" of the permit.

ADOPTED this 17th day of July, 1985

BOARD OF COUNTY COMMISSIONERS
OF SUMMIT COUNTY, COLORADO

BY Don Peterson
Don Peterson, Chairman

ATTEST:

Colleen Richmond
Colleen Richmond, Clerk and Recorder

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EXHIBIT B
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SUMMIT COUNTY
COLORADO
PERMIT FOR AN ACTIVITY OF STATE INTEREST

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A PERMIT FOR THE EXPANSION OF A WATER COLLECTION AND DELIVERY SYSTEM
SUMMIT COUNTY
Board of County Commissioners

Is hereby issued to the Denver Water Board for the construction of a connection to an existing diversion structure to divert certain flows from Straight Creek above Dillon Valley, and for the construction of a pipeline to carry the water into Dillon Reservoir, and to construct outlet works in the Reservoir below the intersection of Tenderfoot Street and Highway 6. The pipeline will be approximately 1.8 miles long. The required right-of-way is about 30 feet in width. The majority of the pipeline will be located within the Oro Grande No. 2 canal.

This permit is granted with the following conditions which must be met:

- 1) The Denver Water Board shall mitigate the phosphorus and sediment loading of Dillon Reservoir above normal background levels resulting from the Straight Creek Diversion. For the purposes of this condition "mitigation" shall mean the removal of phosphorus on a pound for pound basis. "Background level" is defined as the 1982 phosphorus concentration in Dillon Reservoir. It is understood that "background" for other water years can be computed by comparing the water yield and phosphorus loading rate to the 1982 water yield and phosphorus loading rate. Before construction begins the Denver Water Board shall submit and receive County approval for a phosphorus mitigation plan. The mitigation plan may be approved and implemented in more than one phase. Denver will participate with the County in a program to monitor phosphorus loading from Straight Creek.
- 2) The Denver Water Board recognizes the need for minimum streamflows in the Blue River below Dillon Dam. The Denver Water Board will not divert water out of Straight Creek at any time that the inflow to Dillon Reservoir falls below 50 cubic feet per second (cfs), or when the flow in Straight Creek falls below agreed-upon minimum flows necessary for that stream. Denver shall provide for a minimum stream flow of either:
 - i) 2 cfs or
 - ii) the minimum flow required by the Army Corps of Engineers, whichever is greater, to be measured immediately below the existing structure on Straight Creek.
- 3) Adverse impacts due to soil disturbance and erosion, as a result of construction shall be mitigated. Before commencing construction the Denver Water Board will prepare and submit an erosion control and revegetation plan for review and approval by the County. Mitigation shall include successful revegetation of all disturbed areas. The County planning staff will have access to all disturbed areas for the purpose of monitoring erosion control and revegetation.
- 4) This permit is effective upon the date of execution of the agreement between the City and County of Denver and Summit County concerning water quantity and water quality matters and the operation of Dillon Reservoir, a draft copy of which has been made a part of the public hearing record.

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- 4) If further reviews or more detailed data developed before commencement of construction should require changes through the project plans or disclose impacts not previously anticipated, the Denver Water Board agrees to cooperate with Summit County in modifying the understandings and conditions contained herein.

This permit is granted based on the following understandings:

- 1) The Board of County Commissioners has considered the following: information provided by the Denver Water Board describing the project; the recommendations of the Snake River Planning Commission; the recommendation from the Planning and Engineering Department, and information presented at the public hearing held July 17, 1985, including, inter alia:
 - a) "Modeling the Effects of Proposed Diversions from Straight Creek into Lake Dillon", prepared by Dr. William Lewis and James Saunders, June 1985, and
 - b) "Fishery Impacts of the Proposed Straight Creek Water Collection System", prepared by Chadwick & Associates, June 1985.
- 2) Any documents evaluating environmental impacts of the Straight Creek Diversion, which may be prepared pursuant to the National Environmental Policy Act, will be forwarded by the Denver Water Board to Summit County for review.
- 3) The Denver Water Board will submit the construction drawings for the diversion pipeline and improvements to Summit County for review by the County prior to the commencement of construction.
- 4) The Denver Water Board recognizes the need to mitigate the loss and degradation of wetlands along Straight Creek below the diversion point that could result from the proposed diversion. Special attention will be paid to water quality and wildlife values of the existing wetlands. Construction of sedimentation ponds or infiltration galleries in the Straight Creek Basin below Dillon Valley, and vegetation enhancement in the existing wetland area should be considered as means of mitigation.
- 5) The Straight Creek fishery will be maintained and, if possible, enhanced. The Denver Water Board will cooperate with the Colorado Division of Wildlife to solicit ideas and advice regarding enhancement of the fishery.
- 6) The Denver Water Board and its contractor will pay special attention to dust, noise control and hours of operation during construction. The Denver Board will develop plans to meet those concerns and submit them to the County prior to construction.
- 7) The Denver Water Board will pay special attention to the loss of access to Straight Creek for emergency fire flow, and will submit a plan to the County to address concerns about fire flows prior to construction. The review of these plans conducted by the County shall involve second alarm fire districts who depend on Straight Creek.

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- 8) An emergency response plan will be developed in cooperation with the Towns of Dillon and Silverthorne, Dillon Valley, and the Buffalo Mountain Metro District, for handling adverse impacts from hazardous materials which may be spilt from I-70 into Straight Creek above the Denver diversion. This plan will include information on how the diversion will be shut down to prevent contamination of the reservoir and the Town of Dillon water supply, notification of appropriate agencies, and containment and clean-up activities. The plan shall be submitted to the County prior to commencement of construction.
- 9) The Denver Water Board will participate with the County in keeping the flood channel of Straight Creek clear of brush and debris which would have been deterred from growing or debris which would have been flushed out if the diversion had not been built. The Denver Water Board will construct the diversion so it does not increase any flood hazards. Flood hazard maps shall be updated by the Denver Water Board as appropriate, and supplied to the County.
- 10) Recreational values in the immediate area of the diversion right-of-way will be maintained and enhanced. The Denver Water Board will cooperate in establishing public access to the Tenderfoot Trail, a bicycle path easement along that section of shoreline of Dillon Reservoir between the Town of Dillon and the Summerwood Subdivision, and public fishing access to the reservoir.
- 11) It is anticipated that construction of the pipeline will occur by 1995.

Executed this 17th day of July 1985.

By:


Don Peterson, Chairman


Dan Ulmer


Rich Levengood

Recommended for approval by:


Bruce Baumgartner, County Manager


Pam Sheldon, Planning Director

Approved as to form & legality:

By:


Bob Golden, County Attorney

ATTEST:


Colleen Richmond, Clerk & Recorder

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