MEMORANDUM

TO: Members, Colorado Water Conservation Board and Colorado River Advisory Committee.

FROM: Felix L. Sparks, Director.

SUBJECT: Agenda Item #4, Proposed Resolution, Chatfield Flood Control Project, Board Meeting, December 13, 1967.

In addition to the construction of the Chatfield Dam, the plans for the Chatfield flood control project contemplate improvement of the river channel downstream from the dam to a point at about the Denver city limits. The projected operation of the dam for flood control purposes calls for the release of 5,000 c.f.s. at such time as the flood control pool of the reservoir is invaded. However, the river channel for about seven miles below the dam will not carry 5,000 c.f.s. without overflowing. The actual existing capacity is about 3,000 c.f.s. Beginning at the Denver city limits the channel will carry 5,000 c.f.s. or more. To avoid flooding the area between the dam and the Denver city limits, therefore, it will be necessary to increase the channel capacity. This will involve both widening and straightening the present channel.

All of the necessary construction work will be performed by the Corps of Engineers at federal expense. However, the Flood Control Act of 22 June 1936, as amended, provides that for channel improvements no federal money will be expended until the state, a political subdivision thereof, or other responsible local agency has given satisfactory assurances to the Secretary of the Army that it will: (1) provide without cost to the United States all lands, easements, and rights-of-way necessary for the construction of the project; (2) hold and save the United States free from damages due to the construction works; and (3) maintain and operate all the works after completion in accordance with regulations prescribed by the Secretary of the Army.

That portion of the South Platte River channel which is to be improved lies partially within and partially outside incorporated
areas. There is no existing agency other than this Board which can now give the assurances required by the federal government. Since the Chatfield project will be of benefit to a large part of the Denver metropolitan area, it is virtually impossible to identify particular beneficiaries. I do not believe it is advisable to attempt to create a special district for the purpose of sponsoring the project.

We have long been aware of the problem in connection with the channel improvements as a part of the Chatfield flood control project. As the Board members will recall, we asked the legislature this year to give us the authority to contract with the United States concerning rights-of-way for flood control projects. I specifically informed the legislative committees that the immediate problem was the Chatfield project. As a result, the legislature amended the laws pertaining to this Board by Senate Bill No. 157, as follows:

"Section 5. 149-1-11 (11) and (12), Colorado Revised Statutes 1963, are repealed and reenacted, with amendments, to read:

149-1-11. Duties of the board. - (11) To acquire by grant, purchase, bequest, devise, or lease, any real property or interest therein for the purpose of the prevention or control of floods, or to acquire by eminent domain any real property or interest therein with respect to any project specifically authorized by the United States Congress for the prevention or control of floods, including but not limited to easements and rights of way for ingress into and egress from such project, with the power in either event to lease such lands or interest therein to agencies of the federal government or to the state or any agency or political subdivision thereof for the construction, operation, or maintenance of flood control and prevention facilities.

(12) In general to take such action and have such powers as may be incidental to the foregoing specific provisions and to the general purposes of this article."

It is our plan that the counties and municipalities involved would actually furnish the lands, easements, and rights-of-way necessary for the channel improvements. This Board would furnish only the necessary legal and engineering assistance. If the proposed resolution is approved by the Board, then we expect to organize a small committee consisting of representatives of the affected

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counties and municipalities, along with representatives from this Board, to work out the necessary arrangements. If some financial assistance is needed from the state, then it would have to be provided by the legislature. At this time, however, we do not contemplate that such assistance will be required. In actuality the federal government will not commence the necessary construction until its cooperative requirements have been met. However, before plans for the channel improvement can be approved by the Chief of Engineers the proposed resolution is necessary. If the state cannot thereafter provide the required rights-of-way, etc., then the construction by the Corps of Engineers will not take place.

There is attached hereto a form of resolution on this subject. It is the recommendation of the staff that this resolution be adopted.

FLS:lk
Attachment
COLORADO WATER CONSERVATION BOARD
102 Columbine Building
1845 Sherman Street
Denver, Colorado 80203

R E S O L U T I O N

A RESOLUTION GIVING CERTAIN ASSURANCES OF THE COLORADO WATER CONSER­
VATION BOARD TO THE UNITED STATES OF AMERICA RELATIVE TO FLOOD PROTEC­
TION ALONG THE SOUTH PLATTE RIVER BETWEEN CHATFIELD DAM AND DENVER,
COLORADO.

WHEREAS, the Congress of the United States has authorized
by Public Law 516, 81st Congress (Flood Control Act of 1950), the
construction of flood protection along the South Platte River between
Chatfield Dam and Denver, Colorado, as one of the projects for flood
control in the South Platte River basin; and

WHEREAS, the District Engineer, U. S. Army Engineer Dis­
trict, Omaha, Nebraska, has formulated a plan of improvement which
has been explained and discussed with local interests, and consists
of levees and channel alterations along the South Platte River be­
tween Chatfield Dam and Denver, Colorado; and

WHEREAS, the Colorado Water Conservation Board recognizes
that the plan will create substantial benefits through the allevia­
tion of flooding and flood damages; and

WHEREAS, the Act of Congress authorizing the project pro­
vides that no money shall be expended on the construction of the
project unless and until a responsible local agency has given cer­
tain assurances of local cooperation satisfactory to the Secretary
of the Army; and

WHEREAS, the Colorado Water Conservation Board is organized
and existing under the laws of Colorado, and has the power and
authority to comply with the requirements of the Secretary of the
Army preliminary to the construction of the project of flood control
along the South Platte River between Chatfield Dam and Denver, Colo­
rado; and

WHEREAS, the Colorado Water Conservation Board decrees to
have the said project performed and done and desires to comply with
all the requirements imposed by the Act of Congress;
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE COLORADO WATER CONSERVATION BOARD, that the said Colorado Water Conservation Board will:

a. Provide without cost to the United States all necessary lands, easements, and rights-of-way;

b. Hold and save the United States free from damage due to the construction works;

c. Maintain and operate the works after completion in accordance with regulations prescribed by the Secretary of the Army;

d. Make a cash contribution equal to the cost of construction of all non-flood-control features which are provided at the request of local interests; and

BE IT FURTHER RESOLVED, that two true and correct copies of this Resolution be furnished the office of the District Engineer, U. S. Army Engineer District, Omaha, Nebraska, as evidence of the desire of the said Colorado Water Conservation Board to cooperate in securing the construction of the proposed flood control along the South Platte River between Chatfield Dam and Denver, Colorado.

Resolved and passed this 13th day of December 1967 by the Colorado Water Conservation Board at Denver, Colorado.

CERTIFICATE

I certify that the foregoing is a true and correct copy of a resolution adopted by a majority vote of the members of the Colorado Water Conservation Board in regular session assembled at Denver, Colorado, on the 13th day of December, 1967.

FELIX L. SPARKS, Secretary