

CHATFIELD STORAGE REALLOCATION PROJECT TECHNICAL ADVISORY COMMITTEE CHARTER

March 2016

A. Introduction.

The Project Coordination Team (“PCT”) for the Chatfield Storage Reallocation Project (“Project”) hereby establishes the Chatfield Reservoir Reallocation Technical Advisory Committee (“TAC”), pursuant to Appendix K and GG of the July 2013 Final Integrated Feasibility Report and Environmental Impact Statement (“FR/EIS”) for the Project. Appendix K is known as the Compensatory Mitigation Plan (“CMP”). The Project involves the implementation of mitigation measures described in the FR/EIS, and the Fish, Wildlife, and Recreation Mitigation Plan for the Chatfield Reallocation Project (approved by the Colorado Parks and Wildlife Commission on January 9, 2014), required for the reallocation of storage space in Chatfield Reservoir by the U.S. Army Corps of Engineers (the “Corps”) to authorize use of 20,600 acre feet of storage space by the Colorado Department of Natural Resources (“CDNR”) and its designees for municipal and other purposes. The Chatfield Reservoir Mitigation Company, Inc., a nonprofit corporation (“CRMC”), was formed in October 2015 to coordinate implementation of the mitigation measures. CRMC’s members include entities that have contracted with the CDNR for the right to store water in the reallocated storage space in Chatfield Reservoir.

The CMP, and Article VII of the October 9, 2014 agreement between the Corps and CDNR known as the “Water Storage Agreement” (“WSA”), provides for the creation of the PCT to oversee the design, construction and implementation of the Project. The PCT consists of representatives of the Corps, the CDNR, and the CRMC. The CMP further provides for the initial creation of the TAC by the PCT to provide review and comments to the CRMC and the PCT on technical components of Project implementation. The TAC is a voluntary, advisory body, and the CRMC has the discretion to accept or reject in whole or in part, the recommendations of the TAC.

B. Purpose and Scope.

Pursuant to the CMP, the sole purpose and the scope of the TAC is limited to providing review and comments to the CRMC and the PCT on technical components of the implementation process for the Project, including the following:

1. Suitability of private properties for lands protection and enhancement that occur outside the off-site target mitigation area;
2. Management plans for off-site properties;
3. Technical questions regarding proposed changes to the CMP resulting from the adaptive management process described in the CMP;

4. Annual monitoring reports; and
5. Other aspects of the Project, as may be requested by the CRMC.

C. **Definitions**

Technical terms used in this Charter that are also used in the CMP, shall have the meaning provided in the CMP. Other key terms used in this Charter shall have the following meanings.

CMP: The Compensatory Mitigation Plan is Appendix K to the Chatfield Reservoir Storage Reallocation Final Integrated Feasibility Report and Environmental Impact Statement, dated July 2013, approved by the Assistant Secretary of the Army (Civil Works) on May 29, 2014.

Consensus: All members of the TAC generally can agree with or accept an action or recommendation, as confirmed by voting of TAC members. To determine whether consensus exists, TAC members shall vote as to whether they agree with, accept, or reject, a proposed action or recommendation to the CRMC.

In Good Faith: The sincere intention to deal fairly and equitably with other TAC members. The willingness of all TAC members to interact openly, honestly, and respectfully with all other members.

Recommendations: Suggestions, comments, or advice to the CRMC representing the consensus of the TAC.

D. **Membership.**

1. TAC membership shall be comprised of individuals who accept the PCT's invitation, after initial recommendation by the CRMC to the PCT, to participate on the TAC, and who confirm in writing their agreement to participate on the TAC in good faith as provided for in this Charter. It is anticipated that TAC members will have technical expertise that will benefit Project implementation, rather than general policy or project interest. TAC membership may include representatives from:

Environmental organizations;

CRMC (formerly Chatfield Water Providers);

Colorado Division of Parks and Wildlife;

Chatfield State Park;

Douglas County Land Trust or other land conservation organizations;

Colorado Water Conservation Board and/or CDNR:

Denver Water;

the Corps;

U.S. Fish and Wildlife Service; and

other “in-stream” interests.

2. If a TAC member becomes unable to, or no longer wishes to, participate in the TAC, the entity represented by that member may propose a replacement TAC member to the CRMC, who shall either approve or deny the proposed TAC member replacement, in CRMC’s sole discretion. The CRMC shall maintain a list of the names and contact information of all TAC members.

3. The term of TAC appointments shall be two years. Each year, the TAC shall forward to the CRMC a list of those members whose terms will expire and those who wish to remain on the TAC. Such TAC members may continue to serve on the TAC, subject to reappointment by the CRMC. There will be no limit to the number of terms a member may be appointed to serve.

4. The CRMC, in conjunction with the PCT, may invite and add new members to the TAC, and fill vacancies, at any time, in its sole discretion.

5. If a member is not in attendance at two consecutive meetings, the TAC may recommend membership termination to the CRMC, after giving notice to the affected party and providing an opportunity to respond. The CRMC may terminate TAC membership under such circumstances, by providing written notice to the affected party.

6. At such time as the PCT determines that TAC involvement is no longer necessary or beneficial under the CMP or the WSA, the PCT may disband the TAC.

E. Committee Operations.

1. The TAC shall generally be self-governing. The TAC will meet as frequently as it determines may be reasonably necessary to review, and provide comments and recommendations to the CRMC, on matters of a technical nature referred to the TAC for review. The first meeting of the TAC shall be scheduled by the CRMC, in advance of the availability for TAC review of preliminary design documents for the Project. . It is expected that the location of TAC meetings will generally be the Chatfield State Park office, with telephone participation available to members unable to attend in person.

2. At its first meeting, the TAC membership shall select a Chair and Vice Chair. The Chair shall be responsible for conducting TAC meetings in an orderly, efficient, fair, and balanced manner. The Chair will strive to determine the views of all TAC members on matters

referred to the TAC and work to achieve consensus. The Chair shall be responsible for collaboratively developing meeting agendas/schedules, coordinating preparation of meeting minutes/summaries, which shall be posted online in final form at chatfieldreallocation.org, and reviewing meeting minutes/summaries for accuracy and completeness. The Vice Chair will assume the duties of the Chair in her/his absence.

3. The Chair shall have the responsibility of conveying the consensus recommendations of the TAC to the CRMC, which will then be shared with the PCT, as may be appropriate.

4. Substitutions or proxies for TAC members will not be allowed without prior written permission from the PCT.

5. In recognition of the preliminary nature of many of the Project matters that will be referred to the TAC, it is expected that TAC members will maintain as confidential all TAC matters, materials and discussions, except as between other TAC members or to the extent that the disclosure or sharing of this information with third parties is required by law.

6. Any questions or disputes among TAC members which may arise concerning the TAC process or this Charter which the TAC is unable to resolve, shall be submitted to and decided by the CRMC.

F. Decision Making

1. The TAC's goal is to reach consensus on comments and recommendations to the CRMC and PCT on all technical issues referred to the TAC for review. Pursuant to the CMP, the CRMC has the discretion to accept or reject in whole or in part, the recommendations of the TAC.

2. All TAC members will be expected to work with one another in good faith, be respectful in their communications with one another, and to act in a reasonable manner to support project goals and to add value to the process with their expertise.

3. In recognition of the deadlines/schedule for the Project, the TAC shall strive to complete its review and recommendation process on matters referred to it, as expeditiously and efficiently as reasonably possible.