

RESOLUTION NO. 1488

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF GOLDEN ADOPTING A
RECOVERY AGREEMENT WITH THE
UNITED STATES FISH AND WILDLIFE
SERVICE (USFWS).**

WHEREAS; the City owns and operates water rights in Clear Creek for the benefit of the citizens of Golden , and

WHEREAS, in 1988 the Secretary of Interior, the Governors of Wyoming, Colorado and Utah, and the Administrator of the Western Area Power Administration signed a Cooperative Agreement to implement the Recovery Implementation Program for Endangered Fish Species in the Upper Colorado River Basin (Recovery Program); and

WHEREAS, the Recovery Program is intended to recover the endangered fish while providing for water development in the Upper Basin to proceed in compliance with state law, interstate compacts and the Endangered Species Act; and

WHEREAS, the Colorado Water Congress has passed a resolution supporting the Recovery Program; and

WHEREAS, on December 20, 1999, USFWS issued a programmatic biological opinion (1999 Opinion) concluding that implementation of specified elements of the Recovery Action Plan (Recovery Elements), along with existing and a specified amount of new depletions, are not likely to jeopardize the continued existence of the endangered fish or adversely modify their critical habitat in the Colorado River subbasin within Colorado, exclusive of the Gunnison River subbasin; and

WHEREAS, the 1999 Opinion in the section entitled "Reinitiation Notice" divided depletions into Category 1 or Category 2 for reinitiation purposes; and

Whereas, Golden is the owner, operator, shareholder and/or contract lessee of water diversion projects and facilities decreed for diversion from tributaries of the Colorado River (the "Water Facilities"). The Water Facilities of Golden cause or will cause depletions to the Colorado subbasin within Colorado, exclusive of the Gunnison River subbasin; and

WHEREAS, Golden desires certainty that its depletions can occur consistent with Section 7 and Section 9 of the Endangered Species Act (ESA); and

WHEREAS, USFWS desires a commitment from Golden to the Recovery Program so that the Program can actually be implemented to recover the endangered fish and to carry out the Recovery Elements.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GOLDEN, COLORADO:


To approve the Recovery Agreement between the City of Golden and the (USFWS).

Adopted this 22nd day of April 2004



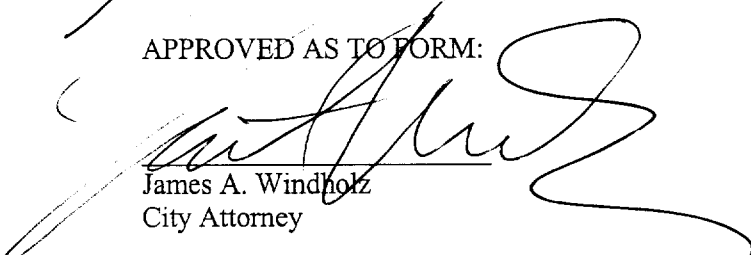
Charles J. Baroch
Mayor

ATTEST:



Susan M. Brooks, MMC
City Clerk

APPROVED AS TO FORM:

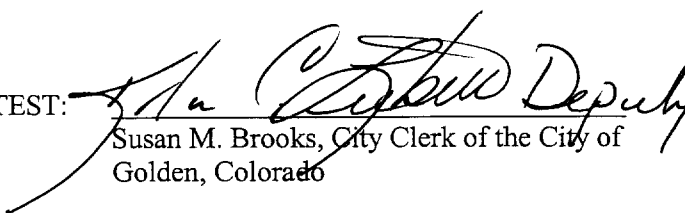


James A. Windholz
City Attorney

I, Susan M. Brooks, City Clerk of the City of Golden, Colorado, do hereby certify that the foregoing is a true copy of a certain Resolution adopted by the City Council of the City of Golden, Colorado at a regular meeting thereof held on the 22nd day of April, A.D., 2004.

(SEAL)

ATTEST:



Susan M. Brooks, City Clerk of the City of Golden, Colorado