



Board of County Commissioners

August 30, 2022

Chairman Richard Glick
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

Dear Chairman Glick:

Denver Water Gross Reservoir Dam Expansion (Project No. 2035-099)

In Colorado, a Board of County Commissioners generally has authority to review construction projects within its jurisdiction. With the Gross Reservoir Dam Expansion project, Denver Water has asserted that the county has no local authority to regulate or oversee construction. Denver Water even sued Boulder County to make sure our local 1041 land use authority was preempted (denied) by federal regulation.

In July 2020, the Federal Energy Regulatory Commission (FERC) issued an Order amending Denver Water's hydropower license that permitted Denver Water to proceed with the Gross Reservoir Expansion Project (project). In reliance on this Order, Denver Water claims that FERC has "complete authority" over the project and has been able to avoid the county's review of the largest construction project in Boulder County history.

Since construction on the project began in April, the county has received daily complaints from area residents about the noise, industrial lighting, truck traffic, road impacts, public safety, wildfire concerns, and impacts to wildlife from Denver Water's operations 24 hours a day, 7 days a week.

We have grave concerns about the impact the project is having on the daily lives of our residents.

The constant beeping and backup warning signals from active construction equipment combined with noise and dust from truck traffic and continuous jack hammering and rock crushing is causing health issues and unreasonable disruptions to our residents' work and daily lives.

On a very large scale, residents of the Gross Reservoir community report being unable to sleep due to the constant construction noise and industrial lighting infiltrating their homes. Many Gross Reservoir residents work full-time as teachers, professors, firefighters, medical professionals, retail employees, and a myriad of other trades and professions. Without the ability to sleep and refresh, they are struggling to maintain their mental and physical health.

It is hard enough for our residents to endure this kind of constant noise and disruption during the day, but to have to hear it all night long is beyond a reasonable ask of this community which does not stand to benefit—in any way—from the expanded water storage construction project designed for downstream Denver Water customers.

Matt Jones *County Commissioner* **Claire Levy** *County Commissioner* **Marta Loachamin** *County Commissioner*

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Sound carries throughout the Gross Reservoir canyon and across the water to nearly 1000 homes in the immediate vicinity of the reservoir. Additional community members are subjected to daily delays and disruptions from continuous construction truck traffic and jack hammer noise on State Highway 72 (which transverses Boulder, Gilpin, and Jefferson Counties). At least one explosion (or, "blast") is detonated per day, with a window of time given to the community as "morning to evening," giving no precise time for people who are sensitive to unannounced explosions.

As the agency responsible for the oversight of the Gross Reservoir project, we request that you diligently monitor Denver Water's operations and require Denver Water to strictly adhere to the requirements of their FERC permit. While we questioned many of the project's components throughout the planning process (e.g., Corps of Engineers' NEPA review) and intervened in FERC's re-licensing process to seek mitigation of the impacts of the project on residents in the vicinity, many of our warnings were not heeded.

We further request that FERC require Denver Water to reduce the unreasonable impacts this project is having on our residents by maximizing its mitigation efforts for sound, lighting, truck traffic, and dust. Although Boulder County was able to secure concessions intended to address some of the Expansion Project's impacts through a settlement agreement, that agreement was not intended to replace reasonable government oversight that should take place for a project of this size.

We strongly urge you to personally visit Denver Water's construction site and see the devastation it is having on the community and the environment.

The Board of County Commissioners appreciates your consideration of this matter and looks forward to receiving your response.

Sincerely,

Boulder County Board of County Commissioners



Marta Loachamin, Chair



Claire Levy, Vice-Chair



Matt Jones, Commissioner

cc: Sen. Michael Bennet
Sen. John Hickenlooper
Rep. Joe Neguse
Gov. Jared Polis