

FIRST-CLASS MAIL

neopost

03/10/2023

US POSTAGE \$001.26

0411112252370

ZIP 20426



FEDERAL ENERGY
REGULATORY COMMISSION
888 First Street NE
Washington, DC 20426

Docket No.: P-2035-126

Boulder County Board of County Commissioners
P.O. Box 471
Boulder, CO 80306-

RECEIVED
County Commissioners Office

MAR 15 2023

REC'D BY BOCC
TIME _____

FEDERAL ENERGY REGULATORY COMMISSION
Washington, D. C. 20426

OFFICE OF ENERGY PROJECTS

Project No. 2035-126 – Colorado
Gross Reservoir Hydroelectric Project
City and County of Denver, Colorado

March 10, 2023

VIA USPS First-Class Mail

Boulder County Board of County Commissioners
P.O. Box 471
Boulder, CO 80306

Subject: Construction at Gross Reservoir Dam

Dear Commissioners:

This letter responds to your filing on September 26, 2022, expressing concerns about construction to expand the Gross Reservoir Dam at the Gross Reservoir Hydroelectric Project No. 2035.¹ Your letter shares residents' concerns regarding noise, traffic, dust, lighting, blasting, road impacts, and general disruption resulting from construction activities. You request that we diligently monitor the licensee's operations and require the licensee to strictly adhere to the requirements of its license. You also request that we require the licensee to reduce the impacts this project is having on your residents by maximizing its mitigation efforts for sound, lighting, truck traffic, and dust.

On July 16, 2020, the Commission issued an Order Amending License and Extending License Term (2020 Amendment Order) that approved the licensee's request to expand the Gross Reservoir Dam.² The 2020 Amendment Order discusses how the Commission satisfied the National Environmental Policy Act (NEPA) including issuing a Final Supplemental Environmental Assessment (Final Supplemental EA).³ The Final

¹ *City and County of Denver, Colorado*, 94 FERC ¶ 61,313, *on reh'g*, 95 FERC ¶ 61,222 (2001).

² *City and County of Denver, Colorado*, 172 FERC ¶ 61,063 (2020).

³ Final Supplemental EA issued February 8, 2020. FERC Accession number 20190208-3012.

Supplemental EA considered revisions to construction activities including relocating the on-site quarry, replacing the auxiliary spillway with a saddle dam, tree clearing for higher lake levels, ramping rates, changes to license articles, and other statutory requirements.

Ordering paragraph (P) of the 2020 Amendment Order subjects the licensee to additional articles that were included based on Commission staff's NEPA findings. Relevant to the concerns in your letter are the following articles: Articles 205 - *Contract Plans and Specifications*, Article 422 - Commission Approval, Reports, and Filing of Amendments,⁴ Article 423 - *Tree Removal Plan*, Article 424 - *Quarry Operation and Reclamation Plans*, and Article 425 - *Traffic Management Plan*. Other environmental and mitigation measures were included in Appendix A and B of the 2020 Amendment Order, including but not limited to, road maintenance, erosion control and reclamation, and protection of visual resources.

The construction of the project, including the plans and specifications, is under the oversight of the Commission's Division of Dam Safety and Inspections – San Francisco Regional Office (D2SI-SFRO). D2SI-SFRO authorized the licensee to begin construction on March 23, 2022. Prior to granting this authorization, we reviewed and accepted the licensee's Tree Removal Plan,⁵ Quarry Operation and Reclamation Plans,⁶ Traffic Management Plan,⁷ and Visual Resources Protection Plan Addendum.⁸ The licensee prepared its plans in consultation with specific resource agencies and counties, including Boulder County. In addition, D2SI-SFRO staff has performed monthly construction inspections since May 2022.

Thank you for informing us of your residents' concerns. We will diligently monitor the licensee's operations and ensure the licensee strictly adheres to the requirements of its license so as to mitigate, to the extent possible, the effects of sound, lighting, truck traffic, and dust on the residents of your community. Based on the information in your letter, we will not take any additional compliance actions at this time.

⁴ These plans, reports, and amendments are from the U.S. Forest Service's section 4(e) conditions (Appendix A to the 2020 Amendment Order) and the Colorado Division of Public Health and Environment's water quality certification (Appendix B to the 2020 Amendment Order).

⁵ *City and County of Denver, Colorado*, 178 FERC ¶ 62,118 (2022).

⁶ *City and County of Denver, Colorado*, 177 FERC ¶ 62,089 (2021).

⁷ *City and County of Denver, Colorado*, 176 FERC ¶ 62,154 (2021).

⁸ *City and County of Denver, Colorado*, 178 FERC ¶ 62,137 (2022).

If you or your residents continue to have concerns and you believe that the licensee is not complying with any requirements of the license, as amended by the 2020 Amendment Order, please file information on the record and we will investigate your concerns.

The Commission strongly encourages electronic filing. Please file any responses via the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. The first page of any filing should include the docket number P-2035.

Thank you for your cooperation. If you have any questions regarding this letter, please contact Jeremy Jessup at (202) 502-6779 or Jeremy.Jessup@ferc.gov.

Sincerely,

**KELLY
HOUFF**

Digitally signed by
KELLY HOUFF
Date: 2023.03.10
09:54:32 -05'00'

Kelly Houff
Chief, Engineering Resources Branch
Division of Hydropower Administration
and Compliance

CC: VIA FERC Service
Jeff Martin
City and County of Denver, Colorado
1600 W. 12th Avenue
Denver, CO 80204

