

**Boulder County Gross Reservoir Community Impact Mitigation Fund (The Fund)  
Community Advisory Working Group (Working Group)  
April 6, 2023, 5:30 pm to 8:30 pm  
Coal Creek Canyon Improvement Association (CCCIA) [31528 CO-72, Golden, CO 80403]  
Meeting Summary – FINAL**

**ATTENDANCE**

*In-person Working Group members:* Sunday Antley, Brian Campbell, Paul Ewald, Don Ferguson, John Gleason, Mary Hainstock, Jennifer Macoskey, Anna McDermott, Chris Passarelli, John Stevens, and Ed Wiegand

*Virtual Working Group members:* Katrina Harms

*Boulder County:* Barb Halpin (staff) and Boulder County Commissioner Claire Levy

*Pinyon Environmental, Inc. (Pinyon):* Dustin Collins and Kaitlin Meszaros

*Facilitation:* Samuel Wallace and Izzy Sofio

*Working Group meetings are open to the public for observation and written comment. Several members of the public attended the meeting in person and virtually.*

**ACTION ITEMS**

<b>Barb Halpin</b>	Provide answers about opportunities for investing the Fund and generating interest revenue with the Fund
<b>Pinyon Environmental, Inc.</b>	Categorize the results of the impact analysis by year to share with Working Group members

**OPENING REMARKS**

Boulder County Commissioner Claire Levy provided opening remarks to the Working Group members welcoming them and thanking them for participating in this complex and challenging process.

**BACKGROUND AND PROCESS OVERVIEW**

Boulder County's Gross Reservoir Community Impact Mitigation Fund Coordinator Barb Halpin provided an overview of the background of the Fund and Boulder County's role in the process. Samuel Wallace, Peak Facilitation Group, provided an overview of the Working Group process. Below are key points from the presentations and clarifying questions from Working Group members.

***Gross Reservoir Impact Mitigation Fund Background Presentation***

- In the early 2000s, Denver Water began planning the Gross Reservoir expansion project, and in July 2020, Denver Water received federal approval for the project. Despite Boulder County's efforts to stop the project, Denver Water filed a federal lawsuit against Boulder County to override Boulder County's local regulation in July 2021.
- In November 2021, Boulder County and Denver Water agreed ("Settlement Agreement") to resolve the lawsuit. According to the Settlement Agreement, Denver Water must pay Boulder County \$12.5 million, of which \$5 million must be directly distributed to residents to mitigate the impacts of the construction project.

- Since the Settlement Agreement, Boulder County’s role in this effort has been to listen to community members and their concerns, analyze the environmental impacts of the construction project, convene an advisory working group, and direct all of the \$5 million to residents. Additional details about Boulder County’s efforts include the following:
  - Since August 2022, Boulder County has solicited community feedback via a household impacts survey. To date, there are 170 survey responses. Additionally, Barb has conducted several visits to the area and had numerous phone calls, conversations, and email exchanges with residents.
  - Boulder County hired Pinyon to conduct an environmental evaluation of the construction project, specifically highlighting noise, air quality, and visual/lighting impacts. *Pinyon presented an overview of the evaluation process later in the meeting.*
  - Boulder County created and distributed a Working Group application to organize this Working Group.
  - Lastly, Boulder County continues to ensure that none of the \$5 million allocated to residents will be utilized for Boulder County staff or consultant services.
- There are two phases of funding distribution: the first round is to address current and future impacts from the dam construction, and the second round is to address tree removals later in the construction process. Working Group members will determine what amount from the \$5 million to hold for the second round of distribution.
- Working Group members are tasked with developing a recommendation for Boulder County Commissioners on how to distribute the “Fund.” It is important to note that the Boulder County Commissioners will make the final decisions about how to distribute while taking into account the Working Group’s recommendation. The expected timeline is for the commissioners to make a final decision by early summer 2023.
- Barb Halpin is available to answer questions or converse outside of the working group meetings to better understand community concerns, experiences, and perspectives.

***Clarifying the Purpose of the Fund and the Working Group’s Role***

- The intent of the Fund is to provide residents with funding to address construction impacts, such as noise, air quality, and visual/light impacts. In addition to these impacts, community members have raised concerns about other impacts. Residents may use the funding they receive in any way they like; Boulder County will not track resident purchases or request receipts.
- Boulder County recognizes that money is not an adequate substitute for peace of mind and quiet enjoyment of a home, and that the amount provided by the Settlement Agreement will not be sufficient to mitigate the impacts of Denver Water’s project.
- The Working Group will engage in this process to represent the entire community, solicit feedback on potential solutions for distribution, consider varying perspectives and a range of emotions in response to the project, and develop recommendations for the Boulder County Commissioners’ consideration.

**Clarifying Questions**

Working Group members asked clarifying questions about the presentation. Questions are below in italics, and corresponding answers are in plain text.

*Is the Fund safe in the bank, and does it earn interest?*

The Fund is safe. Boulder County’s Treasurer invests all of the County’s long-term funds. Barb will check with the Treasurer on the County’s process for investing short-term funds and provide her findings to the Working Group.

*Is it possible to use potential revenue generated through interest for distribution?*

It could be. Barb will ask the Treasurer about that possibility.

*How many residents are impacted by construction and will be eligible to receive funding?*

The estimated number of properties impacted by the first construction phase is around 400. Pinyon's evaluation will provide more detailed information about which properties have the most impact. A representative of the Lazy Z community, which will be most impacted by the tree removal during the second phase of construction, is on the Working Group to ensure that some of the funding is reserved for the second phase.

*Does the tree removal funding come from the \$5 million allocated to residents for construction impacts?*

Yes. There is only one fund to mitigate construction-related impacts on residents: the \$5 million fund. Part of the \$5 million should be reserved for the second round of funding distribution, focusing on the tree removal impacts. Denver Water will post the contract for that work in December.

*If the County Commissioners have concerns about the Working Group's recommendations, will the Working Group have the opportunity to address concerns?*

Due to the lack of a precedent for this process, there is no procedure to follow. Barb will reach out to the County Commissioners to ask them how they would like to receive the recommendations and how those recommendations will be addressed in a public forum. Barb agreed to return to the next meeting with a response from the commissioners.

*Could other amounts from the \$12.5 Settlement Agreement be distributed for tree removal compensation?*

No. The other funding from the Settlement Agreement was specifically dedicated to Boulder County's open space, recreation, and public lands and for climate-related approaches to help manage the trees that are cut and removed for the project.

*What is the benefit of distributing the first round of funding now if there is uncertainty around the future impacts?*

Pinyon's analysis models air quality, visual, and noise impact for each year of construction, including the current impacts and the impacts during the anticipated worst years of construction (i.e., 2024 - 2025). Some community members have communicated that they want the funding to be distributed as soon as possible, while others have communicated that the county should wait to distribute the funding. Even though there are not yet clear specifications on the tree removal plan, there is a need to get funding to community members for the first phase of construction.

*Powerline upgrades this past summer utilized helicopters, which were quite loud. Will Denver Water use helicopters?*

Denver Water has said its contractors will use helicopters for its tree removal efforts,

*Will there be a second phase of Pinyon's evaluation?*

We anticipate there will be a second route of analysis for Phase 2 of the distribution.

*How much of the \$12.5 million Settlement Agreement is dedicated to trails in the area?*

Of the Settlement Agreement, \$5.1 million is designated for Boulder County's trails, open space, and recreation. Boulder County has heard from the community that they would like to use those dollars for open space opportunities near Gross Reservoir.

*Will the funding for trails, recreation, and open space go towards purchasing land and expanding trails?*

It can, as well as for other purposes. There will be a separate community process for determining how to use the funds from the Settlement Agreement for trails, open space, and recreation.

*What is the number of community survey results compared to households in the area?*

To date, there have been 170 responses to the survey. It is possible that some respondents completed the survey more than once.

*When does Boulder County plan to distribute the funding?*

The Boulder County Commissioners would like to distribute the funding in July or August.

*What will the timeline for funding distribution be after the Working Group provides its recommendation(s)?*

The Boulder County Commissioners will hear the recommendation(s) this summer. Writing and distributing the checks to residents could take several months. Currently, Boulder County staff are working to identify the most efficient process.

### ***Working Group and Community Engagement Process***

- The Working Group has two purposes. The first is to weigh different scenarios, interests, collective impacts, and anomalies from a subjective and scientific standpoint. The second is to develop a recommendation(s) to Boulder County Commissioners on how to distribute the first round of funding based on what the community feels is most equitable and fair.
- Working Group members will focus on discussions and analyses about the distribution of the Fund rather than perspectives on the construction itself.
- Working Group members will represent the community at large throughout the process. They should consider the construction impacts to the community as a whole rather than focusing specifically on individual circumstances. The Working Group's task is complex and challenging; Working Group members are encouraged to lean into this.
- Working Group members must attend all Working Group meetings. (The community meeting on Saturday, April 29, is optional.)
- Working Group members are expected to adhere to the following ground rules:
  - Listen to understand, not respond
  - Allow every voice to be heard
  - Participate in the discussion
  - Treat everyone with respect
  - Discuss ideas, not people
  - Focus on the topic at hand
  - Respect everyone's time
  - Talk about what you think and know; let others do the same
- Peak Facilitation Group is a neutral, third-party facilitation team without a stake in the outcomes of this process. The role of the facilitation team is to ensure that the Working Group completes its work within the allocated time, enforce ground rules and process commitments to foster respectful and constructive dialogue, document and summarize meeting outcomes, and be neutral to the outcome of the process (i.e., the distribution of the Fund).

- Working Group members will make decisions by consensus. For this process, consensus is defined as “all members of the Working Group can live with this recommendation(s).” In the event that any Working Group members cannot live with the recommendation(s), the final report of this process will include a dissenting perspectives section to capture these perspectives. The final report with any dissenting perspectives will be shared with the Boulder County Commissioners to review in its entirety. While the Working Group will develop a recommendation(s), the Boulder County Commissioners have the final decision-making authority over this process.
- Throughout the process, Working Group members will have access to the Pinyon environmental evaluation and the community survey results to support their work.
- Members of the public are invited to observe the Working Group meetings. They may provide written comments via comment cards in the room and the chat in the Zoom meeting. The facilitation team will document these comments after each meeting. Members of the public will have the opportunity to provide verbal feedback via in-room exercises during the community meeting on Saturday, April 29.
- Working Group members cannot speak on behalf of the Working Group to the media at any time throughout this process. Working Group members may speak in their individual capacities about the process if they so wish.
- Appendix A in the summary outlines the full Working Group meeting process chart.

### **Clarifying Questions**

Working Group members had the opportunity to ask clarifying questions about the Working Group process, roles, and expectations. Questions are below in italics, and corresponding answers are in plain text.

*Can the Working Group modify the virtual meetings so that Working Group meetings are in person for face-to-face interactions?*

Working Group members agreed that in-person meetings would be optimal. The remaining Working Group meetings will be in person at CCCIA.

*Will the presentation slide decks be distributed after the meeting?*

Barb will upload the presentation slide decks to [Boulder County's Gross Reservoir Community Impact Mitigation Fund webpage](http://www.boco.org/grossreservoir) (www.boco.org/grossreservoir)

### **SMALL GROUP EXERCISE: IMPACTS TO CONSIDER**

Working Group members worked in two small groups to consider impacts relevant to the Fund's distribution and potential ways to track the identified impacts. Working Group members will work as one group during future meetings to stay in sync on their recommendations. The small group exercise is meant to familiarize Working Group members with the complexity and challenges related to developing a recommendation on how to distribute the Fund. After the small group exercise, small group representatives provided a report-out of their small group's work. Below are key points from the report-outs.

#### **Group One:**

This small group discussed taking a vertical and horizontal approach to assess impact. The horizontal impacts are the high-level activities that are affecting residents (e.g., construction activities, trucks, lighting). The vertical impacts are those that result from the high-level activities (e.g., dust from the trucks, noise from the quarry, etc.). Key points from this small group's report included:

- Traffic, cement trucks, and other large trucks impact residents by producing dust, lighting, sound, and causing commuter delays. A potential way to track these impacts are to review Denver Water’s construction and traffic plan or conduct a manual count. Additionally, some of the impacts, such as commuter delays, are broad and affect the whole community.
- Construction activities (e.g., direct dam construction, quarry/crusher operations, concrete plant operations, blasting, excavation, and road construction) impacts residents by producing dust, noise, and lighting. The impacts vary by location, which Pinyon’s analysis will provide information about.
- Lighting impacts come from several sources (i.e., the administration building, dam site, quarry, Northshore parking lot, concrete plants, and truck lights). Truck lights could be trackable by the proximity of the trucks to houses and Denver Water’s construction and traffic plan.
- Personal perspectives can help provide insight into the impacts of the dam site, quarry, and others.
- The Working Group could rate impacts as low, medium, or high across communities as an approach to determining how to distribute funding based on impact.
- The small group developed “parking lot” items based on future impacts that are not currently being realized. Those future impacts include logging trucks, logging roads, lighting from a helicopter landing pad, and noise impacts.
- Some impacts, such as impacts on health and well-being, are more difficult to quantify. The Working Group will need to consider if these types of impacts can be quantified or if funding should be distributed evenly across the community due to these impacts.

### **Group Two**

This small group identified several impacts and discussed ways to track those impacts. Key points from this small group’s report included:

- Most of the impacts outlined in the survey results are significant and representative of the issues. Other significant issues noted were impacts on sleep, health, water wells, and home values.
- Optimally, the Working Group will identify how to condense all the impacts in a quantifiable way to assess impact.
- Maps serve as tools for layering impact and identifying areas of impact. For example, identifying areas of tree removal that previously served as wind, sound, and visual barriers were lost would provide insight into which areas may experience more air quality, noise, and visual impacts, therefore, connecting to sleep, health, and other less tangible impacts.
- The group discussed eligibility for funding, including length of time in the community, residence status, and home ownership.

## **PINYON ENVIRONMENTAL EVALUATION**

Dustin Collins and Kaitlin Meszaros from Pinyon Environmental provided an overview of the environmental evaluation of the construction project. Below are key points from their presentation.

### ***Analysis Overview***

- When Pinyon began working on the analysis, Pinyon first identified the project area, or area of potential impacts, with Boulder County. Throughout the process, Pinyon and Boulder County have worked together to include ongoing considerations of the project area.
- Pinyon received construction data from Denver Water, including the location and timing of equipment and construction processes, equipment quantities, and specifications. The analysis considers the following impacts for each year (2022 – 2027): vehicle fugitive dust, tailpipe emissions, earthmoving fugitive dust, the concrete batch plant, crushing, screening, blasting, drilling, generators, and wind erosion. The following are additional details of the analysis:
  - The analysis considers impacts for different years and geographic locations to develop “worse case scenarios” for air, noise, and visual impacts from construction.
  - The air quality and quantitative noise analyses consider ongoing and upcoming impacts.
  - Pinyon developed a spreadsheet that calculates, organizes, and presents impacts for residences in the project area.
  - There is ongoing work on the visual impact analyses. At this time, the analyses consider a distance radius from light sources to provide a ranking of visual impacts based on proximity and the potential line-of-sight of each household.
- The analysis’ impact ranking for individual residences is a tool to assist Boulder County and the Working Group members in determining the fair and equal distribution of funds for noise, air quality, and visual impacts from construction.

### ***Noise Analyses and Results***

- Pinyon conducted baseline ambient monitoring noise and quantitative noise modeling for inclusion in the analyses to predict construction noise levels using the industry standard SoundPLAN model.
- The noise inputs included residences, terrain information, and noise sources, among others.
- The noise outputs included noise levels in decibels (dB) at each residence within the project area.
- The results include a dB value for each residence in the project area as well as a scale for impact, with one being least impacted and five being most impacted.

### ***Air Quality Analyses and Results***

- Pinyon conducted air quality modeling to predict the potential construction impacts on air quality by using the Environmental Protection Agency’s (EPA) AERMOD Modeling System. The pollutants modeled include nitrogen oxides (NO<sub>x</sub>), carbon monoxide (CO), and particulate matter 10 microns (PM<sub>10</sub>) and 2.5 microns (PM<sub>2.5</sub>). Particulate matter represents fugitive dust at varying particle sizes.
- The air quality inputs include residences, terrain data, meteorological data, and emission source rates.
- The air quality outputs include air quality impact per pollutant and combined in micrograms per meter cubed (µg/m<sup>3</sup>) at each residence as well as a scale for impact, with one being least impacted and five being most impacted.

### ***Visual Impacts***

Pinyon is finalizing the visual one-to-five scale used for noise and air quality. Pinyon anticipates that the impacts will be higher for residents with a direct line of sight and nearer to construction/light sources.

### ***Combined Results***

For final, combined results, Pinyon will weigh noise, air quality, and visual results to end with a single ranking number. To do this, noise impacts will be valued at 35 percent, visual impacts at 35 percent, and air quality impacts at 30 percent.

### ***Clarifying Questions***

Working Group members asked clarifying questions about Pinyon's environmental evaluation. Questions are below in italics, and corresponding answers are in plain text.

*Does the data for truck volume include traffic?*

The data includes the number of trucks Denver Water shared with Pinyon, including noise variables like "jake braking."

*How many residents received a rating for total impacts, including noise, air quality, and visual/lighting?*

The model includes over 1,000 residents. Pinyon is working to finalize the total impact values once there is more clarity for visual/lighting data.

*How does the analysis address the hours of operations for construction (i.e., day and night hours of operation)?*

Denver Water outlined 6:00 AM to 7:00/8:00 PM as hours of operations for non-passenger (large) trucks and passenger vehicles around the dam face and between the office building. According to Denver Water, most non-passenger (large) trucks on Gross Dam Road will be operating during daylight hours.

*Does the analysis include the anticipated noise from the helicopters during the tree removal component of construction? If the noise increases, does the analysis consider the increase?*

There is a separate model for the tree removal component of this work. This model can incorporate helicopter noise in the future; however, this model does not yet integrate helicopter impacts as Denver Water has not finalized the plan for that component of the work.

*Is there a map available to complement the overview of the evaluation?*

A map of the evaluation will be available to the Working Group members of the evaluation in the future.

*How does the evaluation consider the differences between each year of construction?*

Pinyon developed sheets with the operational details for each year. As a result, Pinyon can provide raw data results for each year.

*Is it possible for the Working Group to weigh the different years of construction differently in its recommendation for distributing funds?*

The raw data from each year is available, but the rankings and the narrative for the analysis focused on construction year 2024, which was determined to be the maximum impact year.



*Will the analysis results for each individual year be made available to the Working Group members in addition to the comprehensive impact analysis?*

The spreadsheets with the raw data from the individual years can be made available to the working group members.

*The equipment and operations proposed in the Environmental Impact Statement (EIS) do not appear to align with the ongoing operations on the ground. What operational information did Pinyon use to model impacts? Did they get it directly from the EIS or from Denver Water?*

Pinyon received updated operational information about the equipment from Denver Water, not the EIS. Whether Denver Water provided this information from the EIS or other sources is unknown. Denver Water also provided information through a Colorado Department of Public Health and Environment (CDPHE) permit application. Pinyon also included that information in the model.

*Where can Working Group members find the community survey results?*

The community survey results are posted on [Boulder County's Gross Reservoir Community Impact Mitigation Fund webpage](http://www.boco.org/grossreservoir) (www.boco.org/grossreservoir)

### **INITIAL IDEAS AND CONSIDERATIONS FOR DISTRIBUTING THE FUND**

Working Group members shared initial ideas and considerations for distributing the Fund. Below are key points from the ideas and considerations.

- The impacts of tree removal during the later years of construction should be a critical consideration of the Working Group's distribution methodology.
- Pinyon's analyses will provide information about where impacts occur and at what level. If levels increase more than was anticipated, those impacts will be concentrated in the areas of impact.
- Working Group members could identify how to include subjective factors that cannot be measured or evaluated in the distribution methodology. For example, the construction projects impact mental and physical health. As other entities, like Boulder County and Colorado, begin to emphasize the importance of mental health, the Working Group members should consider these impacts too.
- It will be challenging to assess the impact house-by-house for each unique impact. Developing strategic and thoughtful mechanisms and using the mapping tools and the available resources will help Working Group members focus on making the most of this funding without overcomplicating the process.

### **NEXT STEPS**

- During the meeting, Working Group members requested to meet in person for all meetings. As a result, the remaining working group meetings will all be in person at CCCIA. Peak will continue to offer a virtual option for members of the public who cannot attend in person.
- Peak Facilitation will distribute the final report of the Pinyon environmental analysis once it is finalized. The report will be shared ahead of the April 25 Working Group members.

## APPENDIX A – Working Group Process/Timeline Chart

