

**Boulder County Gross Reservoir Community Impact Mitigation Fund (The Fund)
Community Advisory Working Group (Working Group)
April 25, 2023, 5:30 pm to 8:30 pm
Zoom Meeting
Meeting Summary – FINAL**

ATTENDANCE

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

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

Boulder County Staff: Barb Halpin

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.

ACTION ITEMS

Don Ferguson, Anna McDermott, John Stevens, and Ed Wiegand	Send Fund disbursement spreadsheets/tools to Samuel and Izzy for Working Group member review.
Anna McDermott	Send the categorized list of effects from the community survey summary to Samuel and Izzy.
Barb Halpin	<ul style="list-style-type: none"> • Gather information about Phase II for Working Group members' consideration at the May 16 Working Group meeting. • Gather information about whether the Pinyon report considers the duration of impacts (e.g., 24/7, day-only, etc.).
Pinyon Environmental, Inc.	Review the methodology for noise levels and provide information about the selection of the 80 dB(c) threshold.
Peak Facilitation Group (Peak)	Distribute a Doodle poll for a tentative fourth Working Group meeting in late May/early June.

BOULDER COUNTY UPDATES

Boulder County's Gross Reservoir Community Impact Mitigation Fund Coordinator Barb Halpin provided updates on questions asked during the first Working Group meeting on April 6. Below are key points from her updates.

Delivering Recommendations to the County Commissioners

During the first Working Group meeting, Working Group members inquired about the process for delivering recommendations to the Commissioners. Barb described the process as follows:

- The Working Group will send a formal letter of recommendation(s) to the County Commissioners (with the help of Peak Facilitation Group) by June 15.
- The County Attorney's Office will perform a legal review of the recommendation(s) and advise the the Board of County Commissioners of their review.

- On Thursday, June 29, at 3 p.m., the Working Group will have the opportunity to present its recommendation(s) to the County Commissioners at a public meeting in the commissioner's Hearing Room (Boulder). At that meeting, which can be attended virtually or in person, the Commissioners will discuss the recommendation(s) at the dais and provide direction to Boulder County staff on how to proceed.
- The commissioners will take formal action to approve a set of recommendation(s) at a public business meeting, tentatively scheduled for the second week of July (week of July 10).
- Similar to other advisory working group procedures, there will not be a formal "back-and-forth" process between the County Commissioners and the Working Group in terms of any final decisions made by the County Commissioners.
- The final decision on the recommendation(s) will be publicly announced and notification will be made to community residents.
- Checks will be cut once all county accounting and data retrieval requirements are met.

Boulder County Legal Department's Input on Settlement Agreement Language

The Boulder County Attorney's Office requested that the Working Group receive the following clarifying input about language in the settlement agreement:

- The Settlement Agreement states that Denver Water will distribute the Fund to mitigate noise, light, and air impacts "to households near the project." Furthermore, the settlement agreement states that the funding will be made available via County distribution "to eligible households," which the County Attorney interprets to mean that the money cannot be distributed to businesses, non-profits, and vacant (undeveloped) properties.

Working Group Membership

It was determined during the first Working Group meeting that one of the Working Group members is a resident of Jefferson County (just on the other side of the border with Boulder County).

- Selecting an individual from Jefferson County to serve on the Working Group was unintentional. However, now that the individual is familiar with the process, Boulder County and Peak propose to keep the individual on the Working Group.
- The individual is aware that it is not possible for Jefferson County residents to receive any money through the Fund and is interested in participating despite that. The individual is willing to serve as a representative for their community, considering that the impacts from the construction go beyond Boulder County's borders.
- Working Group members did not raise any objections to the continued participation of the individual in the Working Group.

Information on the Fund Accruing Interest

During the first meeting, Working Group members inquired about whether the Fund could generate interest and, if so, whether it could be added to the Fund for distribution.

- Boulder County's revenue is invested (in aggregate) in interest-bearing cash accounts. Revenue is invested in bulk rather than fund-by-fund. The County Commissioners direct a purpose of the bulk interest annually.
- The Treasurer's Office invests and manages all revenues in receipt by Boulder County.
- Money that is saved in the bank for Boulder County is both large and fluid (monies are constantly coming in and going out).
- In addition, the Treasurer collects for ALL taxing authorities, not just Boulder County's portion (for example, only ~25% of property taxes are directed to Boulder County, the remainder are directed to the school districts (~50%) and special districts).

- While the Commissioners have the authority to determine whether the interest should be directly applied to the Fund, asking the Treasurer’s Office and the Office of Financial Management to isolate earnings from the \$5 million Fund (out of a County budget alone of \$593.5 million) would require extensive work by County staff.
- If the Commissioners decide to apply the interest directly, there will be significantly more work for the County.

Clarifying Questions

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

Is the Fund paying for Pinyon Environmental, Inc.’s report?

No. Boulder County is funding that through other funds. The \$5 million available through the Fund is solely for residents impacted by the construction. (Similarly, Peak Facilitation’s work is not being funded by the Fund.)

Which neighborhood does the Jefferson County Working Group member represent?

The Working Group member represents the south side of State Highway 72 (SH 72), near the Coal Creek Canyon Fire District station (Crescent Branch).

PINYON ENVIRONMENTAL REPORT

Dustin Collins and Kaitlin Meszaros from Pinyon provided an overview of the environmental evaluation of noise, air quality, and visual impacts associated with the Gross Reservoir expansion project. Working Group members had the opportunity to share their reactions to the report and ask clarifying questions. Below are key points from the overview, discussion, and clarifying questions.

Clarification About the Two Reports

- The Working Group received two versions of the Pinyon report. The first report distributed to the Working group required adjustments to the visual modeling and findings. Pinyon used elevation and topographical information, along with the lighting data, to inform the model; however, in the first version of the report, there were some areas that had line-of-sight visual impacts or where lighting impacts occur in the day and night, which were not accounted for.
- There are still inconsistencies with visuals because Google Earth does not provide information about the structure of a home (e.g., home stories, window locations, and angles), which makes it challenging to accurately assess line-of-sight and lighting impacts.
- The second report distributed to the Working Group includes findings from a revised model. The second version of the report is the version that was shared with the community and is currently on the Gross Reservoir Community Impact Mitigation Fund website.
- Boulder County will assist in correcting ratings for households that were assigned a “0” for visual line-of-sight, in fact, those households do have line-of-sight impacts.

Report Overview

- Pinyon worked with Boulder County to identify the “project area” and gathered construction data from Denver Water, including the location and timing of equipment processes, equipment quantities, and specifications. After defining the project area and gathering the data, Pinyon completed the air quality and noise modeling.
- Pinyon worked with Boulder County to conduct a visual impact analysis after residents shared concerns about lighting impacts. The analysis considers elevation differences and distances between residences and light sources.

- Pinyon developed a spreadsheet that calculates, organizes, and presents impacts for residences in the project area and identified the highest impact year (for noise and air quality impacts).
- The report utilizes the term “receptors,” which represents a residence in the air quality and noise models.
- The air quality and noise models are predictive models that consider source timing and location. An example of this is that the model includes overlapping sources by timing and geography using the data from Denver Water, accounting for the equipment operations that could happen at any given time. Additionally, the model includes impacts from the trucks, including fugitive dust, exhaust, and backup alarms.
- For the noise model, Pinyon utilized the SoundPLAN model, an industry-standard model, to calculate the decibel (dB) impact at residences determined by the model to be within the area of impact.
- For the air quality model, Pinyon utilized the Environmental Protection Agency’s (EPA) AERMOD Modeling System. The pollutants modeled include nitrogen oxides (NO_x), carbon monoxide (CO), and particulate matter 10 microns (PM₁₀) and 2.5 microns (PM_{2.5}). Particulate matter represents fugitive dust at varying particle sizes. Pinyon’s model combined the criteria pollutants to generate one impact value, with a higher weight on particulate matter, which is fugitive dust.
- For the visual model, Pinyon utilized elevation and distances from residences to light sources. When community members raised concerns about the impacts of lighting, Boulder County developed a survey to gather information about the impacts and lighting sources. Pinyon utilized the data gathered through the survey and incorporated the data into the visual model.
- To generate a total ranking value, Pinyon weighed noise at 35%, visual at 35%, and air quality at 30%.

Clarifying Discussion

- The lighting survey that Boulder County distributed is still open to community members who would like to provide additional information about their lived experience pertaining to lighting. Community members are also encouraged to send this information to the grossreservoir@bouldercounty.org email account. The email is a resource for Working Group members to direct their neighbors with additional comments or questions.
- The report provides the Working Group with a starting point, including where there may be anomalies for the Working Group to account for and consider (e.g., air quality and resident observations).
- The models do not include real-time air quality and noise data, which is another component for the Working Group to consider as they develop their recommendation(s). One noted perceived benefit of predictive modeling is that it can provide equal measurements across an entire area.
- Currently, Boulder County does not have information from Denver Water about Phase II (tree cutting and removal) specifics. Once Denver Water provides the information, Boulder County will initiate a separate predictive modeling effort to assess the impacts of Phase II on the residents in the affected area, largely the west side of Gross Reservoir (Lazy Z and Magnolia Road). The Working Group will consider how to account for Phase II as part of their recommendation. Barb will gather as much information about Phase II as possible for the Working Group’s consideration at the Working Group meeting on May 16.
- It is possible that residences could be eligible for the first and second rounds of funding, depending on the impacts of Phase II.
- Working Group members who have additional questions, comments, or suggestions (e.g., anomalies) for review regarding the Pinyon report are encouraged to direct those to Barb

Halpin at the grossreservoir@bouldercounty.org email account. Working Group members should not contact Pinyon directly.

- After the Working Group makes a recommendation and Boulder County prepares to distribute the funding to eligible households, Boulder County will ensure that there are no eligible households missing from the distribution via the County's records.

Clarifying Questions

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

Is the modeling for lighting updated, and are the pins (household markers) in the correct locations?

Yes. However, the modeling for lighting and line-of-sight is not perfect, as it cannot account for the exact elevation of the houses themselves because that information is not accessible via Google Maps.

Do the receptor/residences consider the topography and elevation of residence locations from the address' location on the road?

Each model is different, but the air quality and noise models have several layers. For air quality, the model indicates where air quality emissions originate from and where they will move, indicating the impacted receptors/residences once the layers are combined. This process takes the topography and elevation into account. Pinyon gathered data from the Colorado Department of Public Health and Environment (CDPHE) and the US Geological Survey (USGS) to inform the models. The models use the address point from Google Maps, which may not place the residence pin at the exact location of the residence.

At the west end of the Lakeshore area, several residences received a zero for air quality impact, while there are several houses with higher scores across the street. The other day, there was a prescribed burn nearby, and the smoke traveled to and sat at the west end of the Lakeshore area. Is the model accurately depicting how emissions disperse if smoke was observed to stay in the area where homes received a zero air quality impact rating?

The model considers how emission plumes interact with elevation and where the emissions travel from the construction locations. Some emissions will impact one area and not another area, which is determined by how the emissions interact with the various layer features in the models.

A University of Colorado professor is collecting real-time air quality and noise data at several locations. Is the real-time data gathered at these locations incorporated into the modeling?

The models are predictive models, so they do not include real-time data. The models utilize the best available information to input and predict results.

How can the Working Group adjust the Pinyon report rankings for micro areas and anomalies?

The Working Group will discuss adjusting rankings, micro areas, and anomalies during a discussion about impact rankings. During this discussion, Working Group members can assess the balance between lived experiences and modeling information.

Does the noise modeling account for the blasting and crushing at the quarry?

Yes.

What will the modeling for Phase II include?

The modeling effort for Phase II will include the impacts from tree cutting and removal, logging trucks, helicopter usage, and other associated impacts. The specifics will be solidified once Denver

Water selects a contractor in early 2024 (estimated) and the contractor provides Boulder County with details on their plans for tree cutting and tree removal. At this time, Boulder County does not have this information and anticipates that it will not be available until sometime mid-2024.

Why does the noise modeling utilize an 80 dB(c) scale when there is construction equipment in use that emits higher dB levels?

Pinyon will review the modeling criteria and provide an answer to that upon further review and consideration.

Which report is the final report?

The version of the report that was distributed the Working Group and the community on Friday, April 21, is the final report. The final report can be found on Boulder County's website.

PROPOSAL DEVELOPMENT TO DISTRIBUTE FUNDING

Working Group members considered several topics relevant to the distribution methodology that the Working Group will develop in a future meeting. Below are key points from the discussion.

Proposal Characteristics

The Working Group discussed and generated the following list of characteristics of a "good" proposal. If the Working Group needs to decide between different proposals, the following list of criteria will support their decision-making process.

- It follows the settlement agreement by focusing on construction impacts (e.g., light, air quality, and noise).
- It is easy to communicate, uses an understandable methodology, and is defensible.
- It considers the weight of the impacts proportionally against each other, and it accounts for the lived experiences of residents (e.g., accounts for stressors like mental health, well-being, etc.)
- It is based on quantitative information.
- It includes a methodology that is detail-agnostic, meaning the methodology will hold true even if numbers change.
- It preserves funding for Phase II and additional future observed experiences of residents.

Homeowner Eligibility

The settlement agreement, which Boulder County's Legal Department will recommend that the Commissioners stay within, provides direction about eligibility. The settlement agreement specifies that the distribution will be for households. Working Group members discussed and generated the following list of characteristics for homeowner eligibility, considering the settlement agreement. The item in italics indicates criteria that will require additional discussion.

- Requires households/properties to have Boulder County residency based on County deed recording for an address.
- Excludes vacant and undeveloped lots.
- Excludes short-term rentals, Airbnbs, etc.
- Follows the settlement agreement language's eligibility language and advice from Boulder County's Legal Department.

Pinyon's Report – How to Use the Rankings?

Working Group members discussed how to use the rankings provided by the Pinyon report and developed the following list of criteria to consider. The items in italics indicate criteria that will require additional discussion. The methodology used for using the rankings should:

- Focus on air quality, noise, and light.

- Weigh the impacts against each other.
- Revisit Pinyon's weighting.
- *Determine whether/how to account for impacts on well-being (for future discussion).*
- *Determine whether/how to consider long-term impacts (for future discussion).*

Assigning Funding Values

Working Group members discussed how to assign funding values. The first step to doing this is gathering more information about Phase II so that Working Group members can make an informed decision about the reserve percentage.

Other Unique Ideas

Include the list of "effects" in the final recommendation to acknowledge the feedback gathered from the community and utilize the three categories (air quality, noise, and visual) to sort them. The Working Group may use Anna McDermott's summary list of effects from the community survey as a starting point for this list.

Clarifying Discussion: Future Considerations

- Some of the criteria developed by the Working Group are in tension with other criteria. As the Working Group members develop and refine a distribution methodology, they will consider how to balance criteria that appear to be in tension.
- The lived experience components of the criteria are critical. A person's home is their sanctuary. Residents who live with constant noise, light, and poor air quality are living under constant stress despite the fact that they are in their sanctuary.
- There are construction efforts that will lead to permanent impacts (e.g., the HWY 72 off-ramp or shorter distances from private property lines to public trails). However, the Fund is to be used for construction impacts rather than permanent impacts.
- It is critical for the Working Group to be objective while they develop the distribution methodology, as it is possible to overanalyze the situation and remove the objective lens.
- Working Group members would like to know if the Pinyon report includes the duration of impacts (e.g., 24/7, day-only, etc.), as this information could inform impact weighting. The Pinyon report incorporated how often equipment is used and for how long. Barb will clarify what information the Pinyon report includes and provide an update at the next Working Group meeting.
- The Working Group should consider what assumptions they have about developing a recommendation and document them so that the Working Group has a shared understanding of assumptions.
- To a certain extent, the Working Group is tasked with using the information they have to make decisions.

Clarifying Discussion: Considering Construction Impacts

- While there is support and understanding of the value of staying within the confines of the Settlement Agreement language, the Working Group has the opportunity to provide a narrative about the construction impacts on well-being, mental health, privacy encroachment, concerns for the future, etc. in the report to convey the severity of the impacts. (Anna sorted categories of impacts associated with the community's change in environment identified in the community survey. The Working Group can utilize this list/categorization as a starting place for the narrative in the recommendation.)
- While there are several effects of the construction project, the Settlement Agreement identifies the causes of the effects as air quality, noise, and lighting. These three challenges create the

other effects residences face daily, which may not be quantifiable and vary from individual to individual. Focusing on the three causes in the recommendation is important to the success of the Working Group's recommendation.

- Several Working Group members developed draft distribution methodology models. Peak will distribute the draft models to the Working Group members for consideration before the Working Group meeting on May 16, during which Working Group members will likely combine various elements of the models and utilize the developed proposal criteria to refine the distribution methodology recommendation.
- Several Working Group members expressed support for re-evaluating the weights of the impacts; however, there was not consensus on which weight to assign to each impact. For example, some Working Group members were interested in increasing the weight of noise to 60% to account for the strain and lesser-known impacts of noise (e.g., health concerns), while others were not due to concerns about reducing the weight of air quality which can impact those with asthma and other pre-existing health conditions. At the Working Group meeting on May 16, Working Group members can continue the discussion around weighting.
- During the community meeting on Saturday, April 29, the attendees will have the option to participate in a weighting activity. The Working Group can utilize this information and the previously compiled community survey results to inform their discussion around weighting.

Clarifying Questions

Working Group members asked clarifying questions to further their understanding of which criteria are most valuable to the proposal development. Questions are below in italics, and corresponding answers are in plain text.

Does the funding go to the landowner or the person living in the residence?

Initially, it was determined that the funding would go to the deeded property owner. The Working Group members will continue to discuss this in the future.

If the Working Group re-evaluates the impact weights, will Pinyon update the models?

Yes.

FOURTH WORKING GROUP MEETING

Originally, the Working Group process included three meetings; however, the Working Group may benefit from a fourth meeting to effectively accomplish its task of developing a distribution method for the Fund. Peak surveyed the Working Group members about their interest in a fourth meeting and Working Group members expressed interest in meeting for a fourth time after the meeting on May 16 in late May/early June.

NEXT STEPS

- Peak will distribute a Doodle poll to schedule a fourth Working Group meeting for late May/early June.
- The community meeting is on Saturday, April 29, from 1:00 pm to 3:30 pm. Working Group members have the option to attend this meeting but are not required to attend.