

EXHIBIT G



Community Planning & Permitting

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April 6, 2021

To: Denver Water

From: Summer Frederick, AICP – Planning Division Manager

Re: Docket SI-20-0003: Gross Reservoir & Dam Expansion

Per Article 8-508.C.12 of the Boulder County Land Use Code, the Community Planning & Permitting (formerly Land Use) staff is charged with reviewing application materials required in Article 8-507 for compliance with the Comprehensive Plan, purpose and intent of Article 8, criteria found in Article 8-511, sound planning, and comments from referral agencies and individuals. Community Planning & Permitting (CP&P) staff recognizes that the revised and additional materials submitted in February of 2021 provide responses to specific, individual comments made by CP&P staff. However, staff finds that the submitted response do not adequately address the referral comments, nor provide adequate information as was requested.

As a response to a number of staff's comments, Denver Water refers to information found within application materials submitted for the FERC permitting process and reviewed by various federal agencies. For example, staff commented that data used to establish the need for the proposed project in the Integrated Water Plan is out-of-date and requested recent data. Rather than providing any additional data, Denver Water states, "[b]ecause Denver Water cannot implement an alternative not selected by the Corps and FERC, there is no reason or opportunity to revisit the GRE Project's purpose and need or alternatives to the GRE Project at this stage of the process." Boulder County's Activity and Areas of State Interest (1041) application process is separate from the federal permitting processes Denver Water previously participated in. Therefore, to perform a complete and thorough analysis of the application for compliance with the 1041 criteria, information that is additional or different from the information submitted to federal agencies is required. The information submitted for Denver Water's FERC permit provides does not provide the information needed for staff to accurately analyze Denver Water's proposal in the context of the requirements, standards, and intentions found in Article 8 of the Boulder County Land Use Code.

Additionally, Denver Water's response materials indicate that several Plans and Studies required by the FERC permitting process will be provided to Boulder County for review on a timeline that is associated with the FERC permitting requirements. Response materials state that, "Denver Water expects that its preparation of plans will run concurrent with and will not delay, the 1041 process. Pausing the 1041 process until the completed plans are provided to FERC in July 2021 would jeopardize Denver Water's ability to comply with the construction deadlines in the FERC Order." The County's 1041 criteria do not contain provisions that allow an applicant to withhold information based upon the applicant's preferred timeline for providing such information.

Denver Water's representations indicate the Plans and Studies will include information that is directly relevant to the review criteria and will likely influence staff's analysis Denver Water's proposal. For example,

- The Response states thatn updated Traffic Impact Study and a Traffic Management Plan will be available in the coming months. Without these documents, staff cannot adequately assess the potential effects of associated traffic on County roads, how existing transportation patterns may be interrupted, or possible climate change impacts that may result in the form of emissions from additional traffic.
- The Response states that Recreation Management Plan will be available at a later date. Without this Plan, staff does not have a clear understanding of how existing recreation opportunities may be lost or interrupted.
- Denver Water intends to amend/update the current Visual Resource Protection Plan. Without this amendment, staff cannot know the anticipated final visual impacts of the proposed development, nor can staff determine if proposed mitigation measures adequately address issues such as potential impacts to viewsheds, changes in appearance of forest canopies, or change unique landforms.

Further, Denver Water submitted a draft Tree Removal Plan, but it did not include any specifics or commitments related to key issues in the 1041 analysis, such as the final destination of felled trees, specific road improvements, and proposed mitigation measures for noise generated by tree removal. Without this information, staff does not know the final haul routes associated with the removal of the felled trees, and, as a result, it cannot assess the potential impacts of the additional heavy truck traffic on county roads. Staff also cannot assess the impact of such a large amount of biomass to various potential final destinations, i.e., sort yards, landfills, or lumbermills.

For the reasons stated above, staff finds that the current application submittal does not adequately address the identified issues or provide enough information to constitute a complete application. Therefore, staff requests that Denver Water provide complete responses to the second referral and the previously requested additional and up-to-date information.

Thank you and let me know if you have any questions.