

**Eagle River Water & Sanitation District  
Upper Eagle Regional Water Authority  
Special Joint Meeting  
August 22, 2024  
MINUTES**

A special joint meeting of the Boards of Directors of the Upper Eagle Regional Water Authority (Authority) and the Eagle River Water & Sanitation District (District) was held August 22, 2024, at 10:30 a.m., in the Walter Kirch Room of the District, 846 Forest Road, Vail, Eagle County, Colorado, in accordance with the applicable statutes of the state of Colorado.

**ATTENDANCE**

**The following Authority Directors were present and acting:**

Geoff Dreyer, Arrowhead Metropolitan District,  
George Gregory, Berry Creek Metropolitan District  
Kevin Hillgren, Beaver Creek Metropolitan District  
Joanna Kerwin, Edwards Metropolitan District  
Kim Bell Williams, EagleVail Metropolitan District

**The following Authority Director was present and acting for a portion of the meeting:**

Tamra Underwood, Town of Avon (served until 11:25 a.m.)

**The following alternate Authority Director was present and acting for a portion of the meeting:**

Eric Heil, Town of Avon (began serving at 11:25 a.m.)

**The following District Directors were present and acting:**

Kate Burchenal  
Dick Cleveland  
Steve Coyer  
Sarah Smith Hymes  
Timm Paxson  
Rick Pylman  
Robert Warner, Jr.

**Also in attendance were:**

District Staff

Jason Cowles  
Tim Friday  
Justin Hildreth  
Diane Johnson  
David Norris  
Chuck Owen  
Siri Roman  
Jeffrey Schneider  
Brian Thompson  
Brad Zachman

Consultants

Ben Johnson, Black & Veatch  
Kristin Moseley, Somach Simmons & Dunn  
Adrian Pearson, Black & Veatch  
Kevin Shelton, Black & Veatch  
Doug Stallworthy, Collins Cole Flynn Winn & Ulmer PLLC  
Kathryn Winn, Collins Cole Flynn Winn & Ulmer PLLC  
Public  
Zoe Goldstein, Vail Daily  
Mike Towler, Beaver Creek Metropolitan District Alternate

**DISCLOSURES OF POTENTIAL CONFLICTS OF INTEREST**

Each of the respective Boards noted it had received more than 72 hours prior to the meeting certain disclosures of Potential Conflicts of Interest Statements for the following Directors indicating the following conflicts:

**For the Authority:** Director Gregory disclosed that he occasionally undertakes minor development and construction activities within the Authority's service area. Director Bell Williams disclosed that she is the Housing Director for Eagle County and works with the Eagle County Housing and Development Authority Advisory Committee. Director Kerwin disclosed that she is a board member of Mountain Recreation Metropolitan District, Mountain Recreation Foundation, Homestead Court Club Homeowners Association, Homestead Owners Association, and Homestead Valley Association. Director Underwood disclosed that she was elected on Nov. 8, 2022, to a four-year term on the Town Council of the Town of Avon, a member entity of the Authority.

**For the District:** Director Pylman disclosed that he owns a land planning consulting company doing business in the District's service area that has represented entities that have and may do business with the District. Director Warner disclosed that he is a Board Member of Arrowhead Metropolitan District, a former builder/developer in the District, a Member of the Eagle County Planning Commission and Board of Adjustment, and President of McCoy Springs at Arrowhead Homeowners Association. Director Burchenal disclosed that she is an employee of Airborne Snow Observatories, Inc., which does not currently do business with the District but there may be a time in the future when they do business with the District or other partners in the District's service area.

**CALL TO ORDER**

Having determined there was a quorum, Authority Chair Gregory called the meeting to order at 10:30 a.m.

District Chair Cleveland concurred.

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1 **PUBLIC COMMENT**

2 Authority Chair Gregory called for public comment and there was none.

3 **BOLTS LAKE UPDATE**

4 Mr. Cowles presented a memorandum with attachments and a PowerPoint, copies of which are attached  
5 hereto as **Exhibits A** and **B**, respectively, and incorporated herein by this reference. He reminded the  
6 boards of the importance of the Bolts Lake redevelopment project to securing long-term water supplies and  
7 mitigating against climate uncertainty. He said Black & Veatch was contracted as the program manager in  
8 February 2024 to provide direction and specialized resources, as an extension of the District's staff, to  
9 navigate the complex permitting, engineering, pre-construction, and construction processes necessary to  
10 complete this critical project on time and on budget. He then introduced the following Black & Veatch  
11 consultants who will be leading the Bolts Lake project: Ben Johnson, Program Manager; Adrian Pearson,  
12 Assistant Program Manager; and Kevin Shelton, Environmental Specialist. Mr. Hildreth provided an  
13 overview of the project location and design. Mr. Johnson discussed the project schedule and critical path  
14 activities, highlighting National Environmental Policy Act (NEPA) permitting which is required due to the  
15 project's federal nexus. Upon summarizing the three NEPA permit categories– Categorical Exclusion  
16 (CatEx), Environmental Assessment (EA), and Environmental Impact Statement (EIS)– he said Black &  
17 Veatch will pursue an EA, which is significantly more cost-effective than an EIS, but requires there be no  
18 significant environmental impacts. He clarified that Bolts Lake is well-suited for an EA due to its relatively  
19 small size, private land location, historical use, limited scope of environmental impact, and community  
20 support. He also said maintaining stakeholder support and proactively negating potential environmental  
21 impacts are critical as controversies may cause delays in the project schedule. He further noted the  
22 importance of developing an EA that will be accepted during the review process by the lead federal  
23 agency, which has yet to be determined. Finally, he said the next steps to developing the EA are continued  
24 field work to evaluate potential impacts, preliminary NEPA meetings, and selecting the design engineer,  
25 who will advance the preliminary design to 30%, which is a crucial milestone before applying for the NEPA  
26 permit. In response to a question, he said Black & Veatch will interview design engineers and provide a  
27 recommendation to the boards prior to contracting. In response to another question, Ms. Roman said the  
28 master contract with Black & Veatch is task order-based, which provides flexibility with timing, executing  
29 parallel tasks, and optimizing scopes of work.

30 Following the presentation, Authority Director Hillgren expressed concerns that the timeline is too  
31 conservative and emphasized the need to accelerate and frontload processes as a means of avoiding  
32 escalating costs. District Director Burchenal said certain permitting processes, particularly agency reviews,  
33 cannot be expedited and thorough evaluations and public engagement are crucial to avoiding delays. Mr.  
34 Johnson said the project timeline is a standard schedule for an EA and reiterated the time allotted to  
35 permitting is necessary to prevent controversies that could result in setbacks in the NEPA process. Finally,  
36 Mr. Cowles provided a brief update on project funding. He said the Senate Interior Committee reviewed the  
37 District's Congressionally Directed Spending request, but did not recommend the project for inclusion in

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1 the 2025 budget. Black & Veatch and staff will continue to work with the Ferguson Group to pursue federal  
2 funding to mitigate the financial impacts of the project.

3 **ADJOURNMENT**

4 There being no further business to come before the boards at this meeting and upon motion duly moved and  
5 seconded by each board, it was unanimously

6 **RESOLVED**, that the signing of the minutes of this meeting shall be deemed to constitute  
7 full and complete adoption, ratification, and approval of the business conducted and the  
8 resolutions passed; and be it

9 **FURTHER RESOLVED**, that the meeting be adjourned at 11:50 a.m.

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Secretary to the Meeting