



MEMORANDUM

TO: Boards of Directors
FROM: Brian Thompson, Government Affairs Administrator
DATE: August 16, 2024
RE: August 22, 2024, Board Meeting

This memorandum shall serve as notice of a Special Joint Meeting of the Boards of Directors of the Eagle River Water & Sanitation District and the Upper Eagle Regional Water Authority:

**Thursday, August 22, 2024
10:30 a.m.**

This meeting will be held at:

Walter Kirch Room
Eagle River Water & Sanitation District Vail office
846 Forest Road
Vail, Colorado

The meeting can also be accessed on Microsoft Teams. Login information can be requested by sending an email at least 24 hours in advance to info@erwsd.org.

Input from members of the public is welcomed during the meeting's designated Public Comment period consistent with § 18-9-108, C.R.S. Speakers may address the Board on a first-recognized basis by the Chair. Public Comments are limited to three minutes per speaker on relevant matters not listed on the agenda.



BOARDS OF DIRECTORS SPECIAL JOINT MEETING
August 22, 2024
10:30 a.m.
Walter Kirch Conference Room

AGENDA

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| 1. Introductions | <u>Attachment Link</u> |
| 2. Public Comment | |
| 3. Bolts Lake Update – Black & Veatch, Program Manager | Informational |
| 4. Adjournment | |



MEMORANDUM

TO: District and Authority Boards of Directors
FROM: Jason Cowles, P.E. and Justin Hildreth, P.E.
DATE: August 13, 2024
RE: Bolts Lake Redevelopment – Project Update and Program Manager Presentation

Ben Johnson and Adrian Pearson of Black and Veatch, Inc. are the accomplished Program Managers for the Bolts Lake Redevelopment Project, playing a pivotal role in its success. With a proven track record of managing complex projects, they bring extensive experience in strategic planning, project management, cost management, federal and state permitting, and team coordination. Ben and Adrian will be joined by Kevin Shelton, an environmental permitting specialist with Black and Veatch, to present on the project schedule, NEPA and other permitting tasks, and project risks. A memo summarizing their presentation is attached.

Project Status

Our team meets twice a month to ensure alignment and progress toward our goals. Below is a summary of our key immediate objectives and actions:

1. Request for Proposals (RFP) for Final Design Team
 - a. The selected team will advance the preliminary design to approximately 30%, a crucial milestone before applying for the NEPA permit. If the design team completes the design satisfactorily, we intend to offer the firm subsequent tasks to complete the design.
 - b. Three firms—AECOM, Roaring Fork Engineering, and Engineering Analytics—submitted proposals for the design project. We aim to select a firm and have them under contract by the end of September.
2. United States Bureau of Reclamation (USBR) Feasibility Study
 - a. The USBR requires applicants to the Small Storage Projects funding program to prepare a feasibility study that the USBR approves before the applicant can apply for funding. We submitted a feasibility study in January and the USBR requested we include an economic and financial analysis. SLP Economics, LLC completed the analysis in June.
 - b. We re-submitted the updated study to the USBR for review and approval. On August 6, the USBR confirmed that our resubmittal meets the study requirements and is currently undertaking a thorough review of the study. We are on track to apply for funding in the next application cycle starting November 15, pending study approval.
3. Congressional Funding Requests
 - a. In April, we submitted Congressional Directed Spending requests to the offices of Senator Hickenlooper, Senator Bennet, and Representative Nequese for consideration of earmarks in the 2025 budget. We requested \$4,974,000 representing 65% of the design and permitting costs.

- b. Senator Hickenlooper’s staff reviewed our request and submitted it for consideration to the Senate Interior Committee. Unfortunately, the Interior Committee did not recommend the project for inclusion in the 2025 budget.
 - c. We will continue to work with The Ferguson Group, a lobbying group based in Washington D.C., to identify and pursue additional funding opportunities to mitigate the financial impact of this project.
4. Field Studies
- a. Black and Veatch subcontracted Pinyon Environmental to complete the cultural, biological, and aquatic resource field studies required to initiate the NEPA process this fall. The studies will include the Bolts Lake reservoir, Bolts ditch and Eagle River diversions, and the Wolcott clay borrow sites.
 - b. The cultural resource study will assess the prehistoric and historic records including but not limited to historic sites, structures, linear sites such as transmission lines, ditches and canals, well pads, and isolated discoveries.
 - c. The biological resources assessment will evaluate the vegetation, general wildlife habitat, federal threatened and endangered species, birds protected by the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act, and other species of concern and their potential habitats.
 - d. The aquatic resources field study will include a wetlands inventory and a delineation following US Army Corp of Engineers Protocols.

Attachments:

Black and Veatch memo dated August 13, 2024



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|----------------------|--|---------------------|----------|
| Subject: | Program Management: Schedule and Permitting | Date: | 08/13/24 |
| Client: | Eagle River Water and Sanitation District/Upper Eagle Regional Water Authority | Project No.: | 419055 |
| Project Name: | Bolts Lake Redevelopment Program | File No.: | 14.1000 |

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|--------------|--------------|
| To: | Jason Cowles |
| From: | Ben Johnson |

In advance of Black & Veatch’s presentation to the Board titled: Bolts Lake Redevelopment Program Management Update, we have prepared this memorandum to preview the presentation. The items we would like to discuss with the Board include:

- The Role of the Program Manager
- The Bolts Lake Redevelopment Program Schedule
- Environmental Permitting

The Role of The Program Manager

There are a number of important processes to manage when implementing a reservoir construction project of any size. These processes include engineering, permitting, construction, cost estimation, risk management, public relations, etc. Coordinating these processes cohesively takes effort from your staff, on top of their other responsibilities. A program manager supplements your staff resources, provides management and direction for project related activities, and brings a broad team of specialists to bear to complete the project. The program manager becomes responsible for managing risks, performing on schedule, and maintaining the program budget.

Black & Veatch has assembled a team with a wide range of competencies that can be called upon through the life cycle of the program to provide expertise and support. We will also engage specialty subconsultants from local firms when needed to advance the program. We have worked in this capacity on two dozen reservoir storage projects in Colorado, including the Gross Dam raise for Denver Water, the design and permitting of Glade Reservoir as part of Northern Colorado Water Conservancy District’s Northern Integrated Supply Project (NISP), and at a number of Colorado Springs Utilities dams.

The Bolts Lake Redevelopment Program Schedule

A detailed program schedule is included as an attachment to this memorandum, identifying all of the known activities required to complete the program. The critical path to completing the program runs through the design and permitting of the project. Gaining permission to construct the project will drive the overall schedule. We will discuss the program schedule in more detail at the joint board meeting in August.

Environmental Permitting

Federal, state, and local agencies will review the project, provide input, and ultimately grant permission to construct the project. A permitting matrix outlining all of the agencies who may be impacted by the

project has been assembled. It includes the US Army Corps of Engineers, US Forest Service, the Bureau of Land Management, the Environmental Protection Agency, the Colorado Department of Public Health and Environment, Colorado's State Engineers Office, Eagle County, and the Town of Minturn. We will engage with each entity through formal (permit applications) and informal (meetings to discuss the project) means to complete their permitting requirements.

For Federal actions, projects that are funded by federal agencies of impacted federal lands, water, or other components of the human environment, the National Environmental Policy Act (NEPA) sets forth the standards for federal review and approval. NEPA requires federal agencies to evaluate environmental, social and economic impacts of proposed actions on the human environment. NEPA includes an evaluation of alternatives and provides a means to gather public input and communicate the purpose and need of the project to the public.

There are three paths through the NEPA process. The required path is determined by the expected level of impact of the action. The three paths are:

- Categorical Exclusions, which are generally limited to repeatable actions of low impact, like trail maintenance on federal land.
- Environmental Assessments (EA), where an action has the potential to impact the environment. An EA includes an assessment of alternatives and a full analysis of the preferred alternatives to determine the types of impacts expected. There are formal public processes required in an EA to gather input. The end result of a successful EA is a Finding of No Significant Impact (FONSI), which generally includes mitigation measures for the identified impacts.
- For actions that have known impacts to the environment that may be significant, an Environmental Impact Statement (EIS) is required. An EIS requires more public input and goes into greater detail for each viable alternative to determine which alternative has the least significant impact. A Record of Decision (ROD) is published that includes the selected alternative and all of the impacts of the action.

The Bolts Lake Redevelopment Program will follow the EA path. Black & Veatch will draft an EA and work to get public input into the project. We are working to determine which Federal agency will be the lead agency, and that will dictate the formal requirements of the EA, which vary slightly from agency to agency. Field surveys of wetlands (completed previously), cultural resources, wildlife, and biology will take place this summer and fall to provide baseline data for the process, and the design of the project will be developed to 30% to define the ultimate scope of the construction. As impacts to the environment are identified through the development of the EA, we will work with the lead agency to develop mitigation strategies that will be incorporated into the design.

The schedule for the NEPA process includes the development of the EA, public notification and engagement periods, and review times for the lead agencies and other impacted agencies. Black & Veatch as program manager can control the schedule for the development of the EA and will maintain healthy lines of communication with reviewers to mitigate risk of schedule delays. Regular updating of the schedule will occur to inform the project team and the Board of progress.

The overall schedule for actions that require an EA typically takes 24 months to complete but does vary. The examples below show some recent local and national projects and the duration for completing the NEPA process

- Redstone to McClure Pass Trail, a natural surface, non-motorized, multi-use trail in Pitkin County reviewed by the US Forest service took four years from commencement of scoping to FONSI. The Draft EA was published in March 2022, approximately 15 months from the commencement of the project. FONSI was issued 27 months after the completion of the Draft EA.
- The water tank project at the Cordillera Valley club took 27 months to complete, another project with the US Forest Service as lead NEPA agency.
- The Eagle Park Reservoir Enlargement took four years to gain approval. An EA was not written for this project, but wetlands mitigation was required.
- In Owensboro, KY, the Big Rivers Operations/Transmission Center took 13 months from commencement of the project to FONSI. The project included mitigation of wetlands and bat habitat.
- The Yadkin River Water Intake and Pump House Replacement project in Salisbury, North Carolina required an EA in order to utilize FEMA funding for the project. Impacts included wetlands, work in a floodplain, and multiple property owners and easement holders. The EA process for this project took 27 months to complete from its inception.

| Bolts Lake Reservoir | | Classic Schedule Layout - No Labels | | | | | | | | | | | | 30-Jul-24 14:08 | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|-------------------------------------|------------|-----------|--|----|------|----|----|----|------|----|----|-----------------|------|----|----|----|------|----|----|----|------|----|----|----|------|----|----|----|------|----|----|----|------|----|----|--|------|--|
| Activity ID | Activity Name | Remaining Duration | Start | Finish | 2024 | | 2025 | | | | 2026 | | | | 2027 | | | | 2028 | | | | 2029 | | | | 2030 | | | | 2031 | | | | 2032 | | | | 2033 | |
| | | | | | Q2 | Q3 | Q4 | Q1 | Q2 | Q3 | Q4 | Q1 | Q2 | Q3 | Q4 | Q1 | Q2 | Q3 | Q4 | Q1 | Q2 | Q3 | Q4 | Q1 | Q2 | Q3 | Q4 | Q1 | Q2 | Q3 | Q4 | Q1 | Q2 | Q3 | Q4 | Q1 | Q2 | | | |
| Bolts Lake Reservoir | | 2220 | 01-Jul-24 | 31-Dec-32 | Bolts L | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Milestones | | 2120 | 18-Nov-24 | 31-Dec-32 | Milesto | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| A1000 | Design/Permitting NTP | 0 | 18-Nov-24 | | ◆ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| A1030 | Construction NTP | 0 | 02-Apr-29 | | ◆ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| A1010 | Construction Completion | 0 | | 23-Apr-32 | ◆ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| A1020 | Turnover Completion | 0 | | 16-Jul-32 | ◆ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| A1040 | Final Completion | 0 | | 31-Dec-32 | ◆ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Permitting | | 1120 | 18-Nov-24 | 02-Mar-29 | Permitting | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Federal | | 1120 | 18-Nov-24 | 02-Mar-29 | Federal | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| BLM - Mining Permit | | 310 | 26-Jul-27 | 29-Sep-28 | BLM - Mining Permit | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| USFS - Wilderness Approval Permit | | 620 | 01-Jun-26 | 13-Oct-28 | USFS - Wilderness Approval Permit | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| FAA - Notice of Proposed Construction or Alteration | | 115 | 31-Jul-28 | 05-Jan-29 | FAA - Notice of Proposed Construction or Alteration | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| EPA - Spill Prevention Control Coutermeasures Plan (SPCC) | | 40 | 13-Nov-28 | 05-Jan-29 | EPA - Spill, Prevention Control Coutermeasures Plan (SPCC) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| USACE - Section 404 Permit | | 220 | 01-May-28 | 02-Mar-29 | USACE - Section 404 Permit | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| USFWS - Endangered Species Act Compliance Consultation | | 320 | 13-Dec-27 | 02-Mar-29 | USFWS - Endangered Species Act Compliance Consultation | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Federal Lead Agency - NEPA - Environmental Assessment | | 1120 | 18-Nov-24 | 02-Mar-29 | Federal Lead Agency - NEPA - Environmental Assessment | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| A1550 | Generate Data Request - NEPA | 100 | 18-Nov-24 | 04-Apr-25 | ■ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| A1560 | District to Provide Data - NEPA | 120 | 07-Apr-25 | 19-Sep-25 | ■ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| A1570 | Agency/District Coordination & Refinement - NEPA | 100 | 22-Sep-25 | 06-Feb-26 | ■ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| A2330 | Initiate Consultations, Draft Letters, & Receive Agency Response - NEPA | 120 | 09-Feb-26 | 24-Jul-26 | ■ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| A2340 | Conduct Studies, Draft Baseline EA, & District Review - NEPA | 120 | 27-Jul-26 | 08-Jan-27 | ■ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| A2350 | Incorporate Comments & Submit Draft EA - NEPA | 100 | 11-Jan-27 | 28-May-27 | ■ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| A2360 | Action Agency Review - NEPA | 120 | 31-May-27 | 12-Nov-27 | ■ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| A2370 | Receive Agency Responses - NEPA | 0 | | 12-Nov-27 | ◆ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| A2380 | Respond to Agency, Revise EA, & Prepare FONSI - NEPA | 100 | 15-Nov-27 | 31-Mar-28 | ■ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| A2390 | District Review FONSI - NEPA | 80 | 03-Apr-28 | 21-Jul-28 | ■ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| A2400 | Notice of Availability of FONSI & Final EA - NEPA | 100 | 24-Jul-28 | 08-Dec-28 | ■ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| A2410 | Final Public Review Period - NEPA | 40 | 11-Dec-28 | 02-Feb-29 | ■ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| A2420 | FONSI Signed - NEPA | 0 | | 02-Feb-29 | ◆ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| A2430 | Action Agency Publishes in Federal Registry - NEPA | 20 | 05-Feb-29 | 02-Mar-29 | ■ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| A2440 | NEPA EA Process Complete & Approval Obtained | 0 | | 02-Mar-29 | ◆ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| State | | 380 | 26-Jul-27 | 05-Jan-29 | State | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Local | | 340 | 28-Jun-27 | 13-Oct-28 | Local | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Engineering | | 1150 | 01-Jul-24 | 24-Nov-28 | Engineering | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| A1510 | Prepare RFP for Design Contract | 20 | 01-Jul-24* | 26-Jul-24 | ■ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| A1520 | Advertise Design Contract | 20 | 29-Jul-24 | 23-Aug-24 | ■ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| A1530 | Prepare Proposals for Design Contract | 20 | 26-Aug-24 | 20-Sep-24 | ■ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| A1540 | Review Proposals and Conduct Interviews for Design Contract | 40 | 23-Sep-24 | 15-Nov-24 | ■ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| A1150 | 30% Final Design Development | 400 | 18-Nov-24 | 29-May-26 | ■ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| A1160 | 60% Final Design Development | 300 | 01-Jun-26 | 23-Jul-27 | ■ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| A1350 | SEO Review - 60% Final Design | 40 | 26-Jul-27 | 17-Sep-27 | ■ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| A1170 | 90/100% Final Design Development | 240 | 20-Sep-27 | 18-Aug-28 | ■ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| A1180 | OPCC & Bid Phase | 70 | 21-Aug-28 | 24-Nov-28 | ■ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Procurement | | 280 | 21-Aug-28 | 14-Sep-29 | Procurement | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Construction | | 860 | 02-Apr-29 | 16-Jul-32 | Construction | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Startup/Commissioning | | 120 | 16-Jul-32 | 31-Dec-32 | Startup | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

■ Actual Work
 ■ Critical Remaining Work
 Summary
■ Remaining Work
 ◆ Milestone