

**TO:** Lyons Board of Trustees (BOT)  
**FROM:** Economic Vitality Commission (EVC)  
**DATE:** July 15, 2022  
**RE:** Cemex permit renewal/extension request of Dowe Flats

*Thank you for reaching out to all of the Town's Boards and Commissions. We are grateful to provide our opinions and feedback. We realize that the turnaround time for this feedback was quicker than anticipated (or desired). As such, some of the thoughts here might lack full detail. Please let us know if you want us to clarify any of our thoughts or if you have any questions.*

**Top Three Concerns from Board and Commission Perspective:**

- We are concerned about an abrupt loss of financial support for various local non-profit organizations, events and art initiatives. This is a short-term issue/worry, and we know that it is one that can be solved. However, it is a concern. We do not know how big of a concern it is, because we do not know the specific level of support that is coming from Cemex now. Our educated guess is that it is \$15-20K. We recognize that whatever the financial support is currently, it likely does not seem like a huge amount of funding, but for the local organizations and initiatives, it is significant financial support.
- We are concerned that an absolute denial of Cemex's permit request would result in the realization of their threat to operate the plant "indefinitely." We believe that that is too large a risk to take - because of the possible financial and economic vitality opportunities that could exist in a post-Cemex Lyons reality. We believe that there is a middle path (see below).
- In the briefings that we received from Town staff, we heard about the indirect (and possibly avoidant) communications from Cemex. We heard that "Cemex requested that Lyons not be notified" about the permit extension request. This sort of back channel communication is a concern and a worry.

**Suggestions or Conditions that Board and Commission would like to offer:**

- Most importantly, we suggest a "middle path" - neither a 15-year renewal nor "indefinite" operation. We believe that in order to truly assess possible future economic vitality for this area and to best align this area and its usage with our upcoming new Lyons Comprehensive Plan, Boulder County should extend the Dowe Flats permit, but only for an initial period of 3-5 years.
- Further, we suggest that over those 3-5 years, there should be additional action and assessment which should include:
  - An immediate process to update the IGA.
  - An assessment and financial analysis of possible future alternative uses for the Cemex plant site. Specifically, we would be interested to see at least 3 different

possible future realistic scenarios for the land that included estimated duration to realize the new land use and the estimated tax revenue generation (for Boulder County and for Lyons).

- Further, we suggest that a condition for the permit extension ( to be written into the iGA) is that part or all of the Cemex property be annexed into the Town of Lyons so that the Town realizes a portion of the tax revenue created by Cemex operations.
  
- Although we are suggesting a shorter permit extension period, we do recognize that it is important for Cemex to plan for longer term stability. We would be open to supporting a longer (yet still temporary) operational period if Cemex were to agree to:
  - A commitment to fully ceasing all operations and closure of the site after the next permitted period of Dowe Flats.
  - A commitment to reduce their carbon footprint and improve the sustainability of their plant's energy source. (Specific goals to be outlined and decided on - not in our EVC purview).
  - A commitment to working closely with Boulder County, the Town of Lyons, and likely external consultants to model and assess the costs and future uses of the site once the plant has closed - to include analysis of the reclamation process of the site.