

7/14/2022

Dear Lyons Board of Trustees,

The Lyons Sustainable Futures Commission (SFC) respectfully submits to the Board the following concerns and suggestion regarding town input to Boulder County pertaining to the Dowe Flats permit extension requested by Cemex.

The SFC would like to preface our comments and have formatted our response based on the assertion that mining operations at Dowe Flats is directly tied to the operation of the cement kiln to the south of the mine by both a physical connection (the conveyor system transporting materials from the mine to the kiln), as well as by purpose (the mine exists solely to feed the kiln). Because of this dependent link and because the kiln is within the Lyons Planning Area, any recommendation to Boulder County regarding an approval or denial of the Dowe Flats permit extension must give due consideration to the kiln operations.

Sincerely, The Sustainable Futures Commission

3 top concerns from the Sustainable Futures Commission:

1. Environmental concern – Continued operation of the Cemex plant is not consistent with either the Town of Lyons September 2021 Resolution Declaring a Climate Crisis, nor county greenhouse gas emission reduction goals, the latter of which as a statutory municipality of Boulder County, is also circuitously, a town goal.
2. Environmental concern – Any decision by Boulder County must take into full consideration the yet uncompiled with requirement of the Cemex Lyon's kiln plant to conduct a Greenhouse Gas and Energy Management for Manufacturing audit as required by SB21-1266 [GEMM 1](#). The findings of this audit is intended to reveal the environmental, economic and social impacts of the plant's energy and carbon emission expenditures. Since the company is required by law to complete this audit by December 31, 2022 and then report to the state Air Pollution Control Division no more than 60 days after, the county in full accountability needs to delay the permit extension decision until this substantial set of data is made available. The importance of having a more complete picture of the impact that the kiln and through direct association, the mine, has on the residents of Lyons and surrounding community cannot be emphasized enough.
3. Procedural concern – The SFC agrees with the town's position that the time and manner dictated by Boulder County for the town to provide a binary approve or deny recommendation on the Dowe Flats permit extension by July 19 is inappropriate and unrealistic. Given the approve or deny choice, the commission recommends that the town advise the county that it is not in favor of the permit extension. Should Boulder County concurs with Lyons and deny the 15-year extension being sought by Cemex, the company later submit a new request for consideration that offers other more climate favorable concessions and during that process, the county could rectify it's mistake of not including Lyons in meaningful discussions on the merits of that new application.

3 top suggestions or recommendations from the SFC to the Board (by order of rank)

1. Most favored recommendation - The SFC recommends that the Board of Trustees advise Boulder County to deny the Dowe Flats permit extension request for the reason stated in Concerns #'s 1 and 3.
2. Second most favored recommendation- The SFC asks that the Board of Trustees recommend to the county that they neither approve or deny the permit extension until it has received the Greenhouse Gas and Energy Management for Manufacturing (GEMM 1) report, and public comment regarding the findings of that report have occurred. In lieu of an immediate decision, the SFC supports a temporary extension of the permit to allow for continued operations at Dowe Flats until the GEMM 1 audit review and public hearing process has been completed.

Once again, the SFC firmly believes that the GEMM 1 report covering activities at the kiln is directly related to the Dowe Flats mining activities and therefore must be part of the decision process for the permit extension.

3. Least favored recommendation - Should the Board of Trustees recommend an approval of the Dowe Flats mining permit extension, SFC encourages the board to make that approval contingent on a binding commitment by Cemex to develop an enforceable plan for achieving Colorado GHG Pollution Reduction Roadmap without exception or special exemption [GHG reduction roadmap](#) . Lyons and all of Colorado together must meet these state goals for the sake of current and future generations of residents.

Thank you for considering these recommendation by your Sustainable Future Commission.

Approved by the members of the Sustainable Futures Commission on 7/14/22.