

LARIMER COUNTY | ENVIRONMENTAL AND SCIENCE ADVISORY BOARD

P.O. Box 1190, Fort Collins, Colorado 80522-1190, 970.498.5738, Larimer.org

The role of the Advisory Board is to advise the Board of County Commissioners and appropriate departments on environmental and science-related issues that affect Larimer County.

MINUTES

Date: December 10th, 2019

Time: 6:00 – 9:00 p.m.

Location: Larimer County Courthouse Office Building, Carter Lake Meeting Room, 200 West Oak St
Fort Collins, Colorado

Contact: Shelley Bayard de Volo, sbayard@larimer.org or 970.498.5738

MEMBERS		STAFF		GUESTS
Richard Alper	X	John Kefalas*	X	
Daniel Beveridge		Shelley Bayard de Volo [¥]	X	
Rich Conant		Shaun May [§]		
Jim Gerek - <i>Chair</i>	X			
Michael Jones	X			
Evelyn King	X			
David Lehman – <i>Vice-Chair</i>	X			
Allyson Little	X			
Kirk Longstein	X			
George Rinker	X			
Katrina Winborn-Miller	X			
Chris Wood	X			

X = present; * = Commissioner Liaison; † = Speaker; ¥ = ESAB Liaison; § = Larimer County Department of Health and Environment

Call to Order: 6:10 p.m.

- 1. Amendments or additions to the agenda** – Re-arrange agenda to accommodate the non-working AV projector. The meeting will move to the Lake Estes Meeting Room on the 3rd floor. The meeting will first cover agenda items not requiring a projector in the Carter Lake meeting room.
- 2. Introduction of members, staff and guests** – All present introduced themselves.
- 3. Public Comment** – Pepper Canterbury, Colorado Parks and Wildlife (CPW), Wellington District Wildlife Biologist, addressed the Board on behalf of the agency regarding SB-181 and the opportunity for Larimer County to include in its Oil & Gas land use regulations protections for wildlife not currently protected by Federal laws (the Endangered Species Act, the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act). Pepper





noted that while there are Federal protections for several species that occur in the County, there are State sensitive species that are not afforded the same protections. These species include important game species like deer, elk and pronghorn antelope, grouse, as well as non-game species like foxes, bats, and even prairie dogs.

Pepper indicated that Ty Petersburg, Area 4 Wildlife Manager, emailed Lesli Ellis and Matt Lafferty a letter regarding the CPW's concerns, which include impacts from oil and gas development on wildlife habitats and populations. The CPW also included with their email recommended BMPs for avoidance and minimization of impacts on wildlife and for wildlife-friendly fencing strategies.

4. Discussion Items

- a. Halligan Reservoir Expansion and City of Fort Collins Conceptual Mitigation Plan – Michael Jones presented the chapters of the draft EIS and described the Halligan project in a nutshell. He then explained the objectives of the ESAB review, which should focus on identifying questionable methodologies and unclear conclusions. The reviewers should focus only on the proposed action in chapters 1-5 and the conceptual mitigation plan.

The resources and issues important to the ESAB include the following, with ESAB members who volunteered to review each:

- Surface Water Resources – Katrina, George
- Surface Water Quality – Chris, George
- Stream Morphology and Sediment Transport – Chris, Richard
- Wetlands - Michael
- Aquatic Biological Resources – Ally, Jim
- Species of Concern = Preble's Meadow Jumping Mouse – Michael, Ally
- Climate Change – Katrina, David

Reviewers will provide their comments into a Google Sheet that Shelley will prepare and make available through the ESAB Google Drive. Comments should be input by January 3.

- b. 2019 Annual Report, 202 Workplan and Election of 2020 Officers – Shelley showed the draft annual report on the screen for the members to see. Jim went through the report's sections and explained the content, much of which is standard from year-to-year. Jim then presented the draft 2020 workplan and the board discussed changes/additions. Significant suggestions were greater collaboration with other boards, and clarification of terminology around the County's climate change work. A revised draft will be presented at the January board meeting for final approval.

Nominations for Board Officers – Richard nominated Jim for another term as Chair, and Kirk seconded. All were in favor and Jim was elected. Michael nominated David as vice-chair in 2020 and Ally seconded. All were in favor and David was elected.

5. **Approval of Minutes** – The November minutes needed correction to reflect that Kirk did not attend. As corrected, Evelyn moved to approve the November minutes and Michael seconded. The minutes were approved by acclamation.



6. Updates and Round Table

- a. Commissioner's Update – Commissioner Kefalas noted that the County's 2020 budget will be adopted December 20th at a public meeting. The budget includes \$289 M in operational costs and \$171 M for capital projects. The Land Use Code Assessment Report has been completed, and Planning is taking public comment. The BoCC will discuss the current updates in a work session December 19th. The topics of hazard mitigation (fires and floods) will be included in Phase-2 of the update. Members are encouraged to visit the Land Use Code 2020 webpages for more information.
- b. Oil and Gas Taskforce Update – This topic was discussed previously with the CPW public comment during the start of the meeting. The draft regulations were released for a public comment period, which is now closed, although the BoCC is hearing public comment at their regular meetings. Although the Task Force is now done, it may be asked to review a later draft of the regulations in 2020. The State is continuing to work on updated regulations, which may cause the County to amend theirs at a later date.

Next Monday, December 16th the State Air Quality Control Commission (AQCC) will host a public comment session for Regulations #s 3 and 7 at the County's Loveland Complex. Jim encouraged interested members to go and provide public comments if they wish to do so.

- c. NISP and 1041 – Jim provided a quick update regarding Northern Water's intent to submit a full 1041 permit application instead of using an IGA process. The County's 1041 permitting is expected to cover the delivery pipeline, ranch access after the Hwy 287 reconfiguration and recreational development. Once Northern Water submits their application, the BoCC is restricted from discussing, ex parte, the project. Section 14 of the Land Use code covers the 1041 permitting requirements.

There was discussion about the Clean Water Act (CWA) Section 404 regulations, the Army Corps of Engineers' (COE) jurisdiction, their NEPA and EIS process and permitting. As well, the CWA Section 401 regulations and the State's 401 Certification process. The State's final 401 certification has not yet been issued. The 404 permitting workflow includes the final EIS -> ROD -> 401 certification -> 404 permit issued. The board discussed how the COE jurisdiction covers Waters of the US, below the ordinary high-water line, and not reservoir components above. The County is responsible, through their 1041 permitting, for evaluating impacts from developing reservoir components above the water level.

Commissioner Kefalas asked about water quality technologies to reduce pollutants associated with stormwater runoff. His question related to how to increase the viability of using the Poudre River as a conveyance alternative and maintain water quality.

7. **Issue Index** – The updates from tonight's meeting will be incorporated.
8. **Agenda Topics for Future Meetings** – The January 14th meeting will include reviewing the final 2019 annual report, the 2020 workplan, and comments on the Halligan Reservoir



expansion draft EIS. The Board will also hear from Meegan Flenniken on the County's planning for identifying conservation outcomes for County owned agricultural lands.

9. **Adjourn** – Evelyn moved to adjourn the meeting with Kirk seconding. All were in favor and the meeting was adjourned at 9:15 PM.