

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: January 14th, 2020

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	X	Shaun May [§]		
Jim Gerek - <i>Chair</i>	X	Meegan Flenniken [‡]	X	
Michael Jones	X			
Evelyn King	X			
David Lehman – <i>Vice-Chair</i>				
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** – The meeting agenda items were rearranged to accommodate moving the meeting to the hearing room where the projector worked.
2. **Introduction of members, staff and guests** – All present introduced themselves.
3. **Public Comment** – Michael Pruznick commented on his work on solar energy and with Solar United Neighbors. He commented that he received an award in December for having the largest solar array in his neighborhood. He discussed the challenges of adding solar and its impact on assessed property values.

Jim read a public comment from the Nowakowski family that had been submitted to him electronically. This comment raised health concerns with the proposed Unicorn O&G Development Pad between the Towns of Timnath and Windsor. Jim indicated he had





clarified the ESAB's role in specific O&G development and encouraged to commenter to submit their concerns to the COGCC, and potentially the BoCC.

4. Discussion Items

- a. Conservation Outcomes for Larimer County Owned Agricultural Lands – Meegan Flenniken of the County's Dept of Natural Resources reported that the Department has been evaluating their Agricultural Lands Strategy. The DNR's current portfolio includes 65% of conserved lands being managed in agriculture (31,000 acres). Forty percent of these lands are in conservation easements and 60% fee-simple (County owned real estate). Most of the lands are managed as rangelands (29,000 acres) with 2,000 acres in cropland. The preference is to maintain the rangeland strategy and focus on new acquisitions that can meet key conservation outcomes.

Key conservation outcomes for rangelands include soil and water conservation: Using stubble grazing, which in turn provides manure fertilizer on the land. Employing no till methods, which reduces soil erosion, conserves carbon in the soil and reduces water loss. Planting water efficient crops. Creating and maintaining wildlife habitats is another conservation outcome that can be achieved on DNR agricultural properties. Creating areas just beyond the cropland areas like riparian forest buffers and other forested areas and windbreaks, grassy waterways and grassy buffers – all can serve as wildlife habitats including native vegetation. Shelley asked about manure management as it relates to water quality impacts. Meegan noted that they incorporate best practices into grazing leases. Chris asked if trails and alternative transportation activities (biking, walking) might be considered conservation outcomes. The group discussed considering the value of ecosystem services with pricing of agricultural leases. When the cost of removing those services (carbon sequestration, clean air, clean water, soil conservation, water conservation) is considered, then lease pricing should reflect those losses. The group questioned organic production and opportunities to showcase best practices for the public. Evelyn asked about the availability of tax credits. It was noted that the State currently provide a 50% credit, but a new policy might provide up to 90% credit. There are also Federal credits.

Currently DNR staff are sharing their concepts with Departments and County Boards. Spring 2020 they will develop their draft plan and take that to County Boards and the Board of County Commissioners.

- b. Final comments - Halligan Reservoir Expansion Draft EIS and City of Fort Collins Conceptual Mitigation Plan – On behalf of his subcommittee, Michael presented the collected comments of the Draft EIS and discussed the primary points. Analysis for climate impacts relies on a data set ending in 2005. The ESAB had concern with this and recommended that additional years of data, through 2018, be included in the analysis as those data are readily available. George presented a graph figure to show climate data since 2005 shows a significant increase in temperature. George noted, however, that he was not sure that adding the additional data to analyses is relevant because the Halligan project is expected to improve conditions in the North Fork of the Poudre River.



Chris asked about the mitigation plan, and whether the mitigation actions are enforceable? Commissioner Kefalas asked whether the DEIS and mitigation plan adequately addressed the cumulative effects (NISP, Halligan and Seaman)? It was noted that no quantitative modeling was performed, and climate impacts were treated as a special case instead of a reasonably foreseeable future action. There is probably a need to over-compensate in the mitigation plan for “compensatory measures”, because future conditions will be different than what they are today—especially for impacts to wetlands and riparian habitats. What is missing is tying the cumulative effects of climate change to the mitigation plan.

Jim asked for a motion to move the comments forward based on two main issues: the age of the data set used in the analysis, and the need to better integrate the impacts of climate change into the overall analysis. The intent is that Jim and Michael will synthesize the two primary points, and present these to the BCC at a work session on January 15th, after which they would draft up the formal comment memo to hopefully be adopted by the BCC at their January 21st Administrative Matters meeting, and then forwarded on to the Corps.

Richard moved to advance the two significant issues, and Katrina seconded the motion. Nine voted in the affirmative and one abstained.

- c. Finalize 2019 Annual Report, 2020 Workplan – There was a little discussion and Shelley showed the members the changes since the last meeting. Michael moved to approve the 2019 Annual Report and 2020 Workplan, and George seconded. All were in favor and the motion passed. Shelley will provide the report and workplan to the BoCC.

5. **Approval of Minutes** – Michael noted that the December minutes needed two minor corrections. As corrected, Evelyn moved to approve the December minutes and Chris seconded. The minutes were approved by acclamation.

6. **Updates and Round Table**

- a. Oil and Gas Taskforce Update and Unicorn Oil Gas Development Site –
- b. The second draft of Oil Gas Regulations is open for public comment until January 19th and Commissioner Kefalas indicated he asked for a week extension, but Commissioner Johnson was not in favor. The Oil Gas Task Force will be reconvened January 23rd, and Richard will attend. The intent of the 2nd draft was to do the following:
 - i. Rid ambiguous language
 - ii. Balanced approach
 - iii. Special review process versus a tiered approach
 - iv. Setbacks – 500 ft from water resources; 1000 ft from residential; 2000 ft from high occupancy schools, hospitals, etc.
 - v. Air quality monitoring



It was reported that the Colorado Air Quality Control Commission unanimously approved the State's Regulations 3 and 7 updates regarding O&G. The changes have been sent to the State's Office of Attorney General for review.

Richard indicated that he was hoping for the ESAB's O&G subcommittee to review the second draft of the County O&G land use regulations before the upcoming Task Force meeting. A suggestion came up during discussion that the subcommittee might want to also use the Unicorn permit application as a case study to see how it would fare with the County's new Section 17 regulations, as written. Commissioner Kefalas noted that Matt Lafferty and Staff provided comments to the COGCC on the Unicorn project.

- c. Environmental Stewardship Awards – Shelley reported that the County will be accepting nominations for the 2020 Environmental Stewardship Awards as of January 15. A press release will go out and it will be posted to social media. Jim urged ESAB members to consider potential nominees they network with, and encourage appropriate nominations.
 - d. Land Use 2020 – Jim indicated that these proposed updates are being worked on by County staff and contractors and encouraged interested ESAB members to provide individual input as appropriate.
 - e. Rail Tie Wind Project – Shelley informed the Board that she attended the Agency EIS scoping meeting for this wind development project in southern Wyoming. No part of the project is being developed in Larimer County, but the wind farm would be seen from places like Virginia Dale. Thus far, there is not much concern from the County.
7. **Issue Index** – The updates from tonight's meeting will be incorporated.
 8. **Agenda Topics for Future Meetings** – TBD
 9. **Adjourn** – Richard moved to adjourn the meeting with Michael seconding. All were in favor and the meeting was adjourned at 9:15 PM.