LARIMER COUNTY OPEN LANDS ADVISORY BOARD

The mission of Larimer County Department of Natural Resources is to establish, protect and manage significant regional parks and open lands providing quality outdoor recreational opportunities and stewardship of natural resource values. We are committed to fostering a sense of community and appreciation for the natural and agricultural heritage of Larimer County for present and future generations.

MINUTES

Date: October 25, 2018

Time: 5:00 – 8:00 p.m.

Location: Loveland Campus Building, 200 Peridot Avenue, Loveland, CO 80537, Poudre River Room

Contact: Please contact Emmy at ellisoea@co.larimer.co.us or 970-619-4462 if you are unable to attend

<table>
<thead>
<tr>
<th>Members</th>
<th>Staff</th>
<th>Guests</th>
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<tbody>
<tr>
<td>Carl Sorrentino</td>
<td>x</td>
<td>Gary Buffington x</td>
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<td>David Marvin</td>
<td>x</td>
<td>Meegan Flenniken x</td>
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<td>Gerry Horak</td>
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<td>Ken Brink x</td>
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<td>Jason Brothers</td>
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<td>Charlie Johnson x</td>
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<td>Paul Alaback</td>
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<td>Lori Smith x</td>
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<td>K-Lynn Cameron</td>
<td>x</td>
<td>Chris Fleming x</td>
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<td>Marilyn Hilgenberg</td>
<td>x</td>
<td>Todd Blomstrom x</td>
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<tr>
<td>Nancy Wallace</td>
<td>x</td>
<td>*Thomas Donnelly</td>
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<td>Peter Kelly</td>
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<td>Emmy Ellison (minutes) x</td>
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<td>Sherri Valentine</td>
<td>x</td>
<td>Amy Gilboy x</td>
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<td>Suzan Fritchel</td>
<td>x</td>
<td>Zac Wiebe x</td>
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<td>Ken Zornes</td>
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x = present

*commissioner

1. CALL TO ORDER/INTRODUCTIONS – 5:05 p.m.

2. PUBLIC COMMENT
   a. None for items not on the agenda

3. AGENDA REVIEW
   a. Adding a vote for Chair and Vice Chair to Action Items
   b. Adding update for Director position to Info & Announcements

4. REVIEW AND APPROVAL OF LAST MEETING MINUTES
a. Suzan moves to approve minutes, K-Lynn seconds, motion passed unanimously.

5. INFORMATION & ANNOUNCEMENTS
   b. To sign up for Open Lands Advisory Board minutes, go to http://larimer.org/subscriptions.cfm, enter your email, click ‘Subscribe,’ and then check the ‘Open Lands Advisory Board’ box.
   c. The department is wrapping up its open spaces passport program this year. The deadline to submit a completed passport is Dec. 1. We’re ending the program because we’ve seen a steady decline in returned passports since the program launched in 2016 and we want to go out on a high note by encouraging people to finish their passport this year. More info is available at www.larimer.org/passport – Gary
   d. Larimer County staff and leadership participated in the 2018 NoCo Leader’s bike ride which included highlighting the recently opened Long View Trail – Zac
      i. Participated in organized ride for elected officials, officials from many communities were there, Senator was there. Marilyn also participated and she noted that it was useful for showing elected officials how complicated it is to complete a project like that.
   e. We received 12 small grant applications requesting a total of $31,609 in grant funds – projects span across the county. Subcommittee is reviewing applications & will do site visits end of October – Meegan
      i. K-Lynn noted that there are some great projects in the mix, will be sharing recommendations with board.
   f. Land Stewardship staff spent a day in May managing noxious weeds along Redstone Creek on the Wright conservation easement at the junction of County Rd. 38E and 25E. Following the treatment, staff created a weed management plan for the property and sent it to the Wright family – Meegan
   g. Land Agent interviews were conducted October 5th and a second round of interviews is scheduled for late October – Meegan
      i. Offer made to candidate in South Carolina, was accepted last night, will be starting the first week in January, expert in GIS.
   h. DNR Director position update – Meegan
      i. Process involves 3 OLAB, 2 LSAB and 2 PAB members on interview panels, Nov. 29th interviews, 3 separate panels, 3-5 finalists will rotate between panels. Afternoon will be site tours of important properties. On 30th, candidates will give presentations on select topics.
   i. The Conservation Futures Project, a year-long effort/process to re-envision CCLT's role as a statewide coalition of land trusts, posted an update that can be viewed at: www.conservationfuturesproject.org/news/2018/10/4/summary-of-fall-summit – Meegan
      i. Key outcomes are core functions identified as Public Policy, Member Communications and Public Outreach. Discontinuing annual conference,
replacing with 1-day seminars in spring and fall. They will be hiring an Executive Director and a Fund Development position in the future.

j. October 29th: 5:30-8:00 pm is the Board Comprehensive Plan Working Meeting for the Larimer County Comprehensive Plan at the Ranch Budweiser Event Center - all OLAB members are encouraged to attend and provide input to the Master Plan – Meegan
   i. Sherri encouraged board members to attend to bolster their collective voice.
   Nancy noted that the website is interactive and worth looking at.

6. UPDATES & REPORTS
   a. Open Space District Reports – Ken
      i. Have sold the 2 cabins at Hermit that were auctioned, will get $7-8k in revenue. Trailheads complete at Hermit, bike rack at DBB. Red Mountain progress with cattle trespass, 2019 may be 5% or less for cattle trespass. Several wildfire responses. Gary mentioned that Fossil Creek Natural Area will be transferred to the City of Fort Collins due to LC staff moving to HAIC, transitioning out by end of year. IGA in place since 2010.
   b. Presentation on the River Bluffs Open Space Poudre River Restoration project – Zac
      i. River Bluffs is a 160 acre property east of I-25, going to restore 1 mile of the Poudre River. Was channeled and straightened by CDOT in the 50’s when Highway 392 was built, LC acquired property in 2004. Working to close gap in Poudre Trail. Restoration of that portion of the Poudre River is the last piece remaining in the objectives of the original management plan. Timeline: 2013 flood event; DOLA Planning grant awarded; conceptual design complete in 2017; DOLA Implementation, CPW & GOCO grants awarded; final design complete and should go out to bid next week; spring 2019 project complete. Project objectives are to improve riparian & aquatic habitat, create additional wetlands, re-connect main channel to floodplain, install in-channel features, promote bank stabilization, and establish natural sediment transport cycles. Funding is 78% grant funded, 22% DNR funded, total cost estimate is $1.6M.
      ii. Carl asked about beaver activity. It was noted that there is beaver activity in the sections of river that are in better condition.

7. DISCUSSION ITEMS
   a. Fee Study – further discussion
      i. Communications plan for Fee Study discussed, handout, Open House in Fort Collins will be scheduled in November, BOCC Admin Matters discussion in November as well.
      ii. DBB expenses – Accounting working on financials, Marilyn requested better breakdown of DBB expenses, handout with that information. Sherri thanked Gary and staff for responding to requests for further information and feedback/engagement.
      iii. Survey results – Ken noted 17 members of the public came and gave input, surprised by low turnout. Common suggestions for DBB fee alternatives were:
reducing services at DBB, Friday-Monday full fee and Tues-Thurs no fee, and charge daily fee but no increase on annual pass fee. Responses to whether people would change their visitation if fee was implemented mirrored what advisory boards thought in that more annual passes would be purchased and visitation would be dispersed. 40% of surveys indicated they had purchased an annual LC pass in the last 3 years, 70% had purchased a National or State Park pass in last 3 years.

iv. Sherri asked about reduced fee possibility at DBB and whether it would accomplish management goals. It was noted that alternatives are being considered. Harvey Economics’ ‘final report’ is still a draft report that is being adjusted and is not the final report from LC. K-Lynn noted that Pete Kelly had a concern that the CIP may not be connected to the Fee Study. It was noted that the two are connected. She also asked if the Visitation Study data that is expected to be completed this year will be used in the Fee Study. It was noted that it will and particularly regarding comparisons between HT Mtn., Hermit Park and DBB. Have permanently installed vehicle counters at all primary trailheads in LC properties for the purpose of collecting data for making informed decisions. Working on fine tuning the process (battery problems, inaccurate data, etc.). Good data for June, July and Aug. at DBB trailhead was 74,592 visits. HT Mtn. for same time period at 49,820 visits and Soderberg (which leads to HT Mtn.) was 25,454 for combined total of 75,274 which is 682 more visits than DBB. Split out Hermit Park from DBB, think DBB may be over 200k visitors.

v. K-Lynn asked about timeline for board recommendations. It was noted that all dates are flexible and LC will accommodate the needs of the advisory boards.

vi. Dave noted that the PAB portion will be separate from the OLAB portion. He also stated that the decision should be well-informed and he has requested via the subcommittee a table showing maintenance income sources and expenses relative to revenues from sales tax for maintenance. Staff has been working on that and it will be available to the board once finalized. Gary added that the fees do run between boards for annual passes and camping, so those two parts will need coordination. K-Lynn asked if there will be a possibility of separating the regular fee increases and the DBB fees. It was noted that it has been discussed. Jason stated that he would like to see how much of the financial need could be met individually with each of the three recommendations vs. combinations of the recommendations. It was noted that that is being looked at.

vii. Sherri asked if the discussions have included additional ranger visibility at DBB costs. It was noted that if the board thinks the level of service needs to be upgraded, it would be discussed. Dave noted that he had learned that ranger presence is much higher during weekends when visitation was highest at DBB.

viii. Marilyn asked about November meeting schedule. It was noted that there is not a quorum for OLAB on the 14th, will consider dropping the meeting on the 14th and can have the regular meeting on the 29th. Brief discussion of the usefulness
of the Regional Open Lands meeting (historically low attendance, scheduling, etc.) moving forward.

ix. Low income options – Gary met with Laura Walker at Human Services, copied Loveland’s model for her to look at, starting discussion, should have framework in next 2-3 weeks.

x. Citizen feedback sent to board, also handed out DBB fact sheet.

xi. Public comment

1. Gale Bernhardt, Loveland citizen and OLAC member, excited about higher quality data. DBB is defined by LC as Hwy 34 to 38E which might be a surprise to some in Loveland. Requested breakdown for HT Mtn.’s Blue Sky and Soderberg incomes separately vs. load on those trailheads. Asked what Big Thompson district covers and wants to consider costs of managing other properties in Big T district in relation to DBB/Hermit Park so that people know that free areas aren’t free for LC. It was noted that Big T district is DBB parking lot and backcountry, all Big T canyon properties and Hermit Park.

xii. Gary asked the board what else they felt they needed before making a decision about this subject. Suzan said they need the report Dave discussed, some time to consider all of the information presented. Nancy requested a spreadsheet of visitor numbers. It was noted that the District Reports always present that information at the top but that if she wanted it presented in a different format, LC was open to those suggestions. Sherri asked about the questionnaire option for reduced services, what that meant and whether it was a realistic option. It was noted that reduced services included closures, reduced hours, etc. and was included as an option if there was no way to increase the fee. Meant as one of a range of ideas, LC is not discussing that currently. Marilyn added that costs to run all of our open lands should be looked at as a board so that big picture considerations can be clearer with all possible options; is not against the fees but wants a policy to exist for consistency and transparency. Also suggested that a decision not be made by end of year if not ready. K-Lynn added that open lands be looked at by visitation level where fees exist at high visitation areas and that if pre-existing fee increases need to be separated from DBB in order to not hold up one side, that would be ok. Dave said the spreadsheet he discussed earlier would help a great deal in clarifying revenues vs. expenses and should be available to board before Nov. 29th.

8. ACTION ITEMS
a. Board recommendation on oil and gas lease, Little Thompson Farm Open Space

i. 2 oil companies pursuing LC to sign oil & gas lease, negotiating for non-surface use oil & gas lease for no service, no rig, no infrastructure. Avoids surface impacts, maximize financial benefits for public. Alternative is non-consenting owner and could be force pooled and potentially lose control of the surface. Will stay working farm, conservation values protected, initial proceeds to pay off...
debt incurred from Solid Waste loan during farm purchase. Has tremendous water rights which won’t be affected. No permit to drill as of now in that area. BOCC will make final decision on which offer is accepted, tonight presenting final offer with best operator for best outcome. Offer is a non-surface use oil & gas lease with Extraction Oil & Gas, bonus payment of $2,700 per acre or $594,243. If production is realized, LC gets 20% royalty based on LC proportion/share within drilling unit. Niobrara Formation drilling unit is 1,280 acres, LC’s 200 acres would be proportionally reduced within unit. Term of lease is 3 years, if production is not established within that period, can renew for 2 more years at 150% of original payment. If they drill, it will likely be in the first 3 years. Started at $170k, priority is protecting the farm.

ii. Public comment

1. Ken Locke – lives next to the farm, believes that drilling will have a significant impact on the property value now and in the future. If allowable drilling up to 3 miles under the surface and fracking causes problems, who is liable and how much damage could there be? Lawsuits could cost more than the income. Other issues are increased noise and lights, more vehicles traveling, increased maintenance required on dirt road – who pays for that? Neighbor’s mountain views could be affected. Want to be sure LC is considering potential problems now and in future.

2. It was noted that the wells are generally 5-8k feet deep in solid rock, unlikely to affect the surface. There will be noise and it will be up to oil & gas company to determine surface location while working with individuals, CO Oil & Gas Conservation Commission (COGCC) controls that, LC does not. If LC says no, they can be forced. Weld County is 8k feet, less towards the mountains. Brief description of the fracking process, chemicals are either reinjected or trucked away, COGCC decides that. The balance of the lease (other 80%) is not determined until lease holds are in place and science is finalized. Sherri asked if company is willing to work with LC on drill pad location. It was noted that they have not disclosed where that might be to LC and LC will gather facts on that. She also asked if profits will go into the Open Lands fund or LC’s General budget and if a policy will be created for this type of scenario. It was noted that Matt Lafferty from Planning Dept. is working on a policy with BOCC and that any payments beyond paying off the original debt will be figured out later, revenue will not go into the General Fund.

3. Jodell Lewis – asked for clarification about surface well on farm. It was noted that there will be no surface well on farm and that force pooling removes any control the landowner may have over surface use.

4. Doris Locke – have been approached by oil & gas companies, if well on LC property, companies can go underground and have to pay royalties. It was noted that there will be no well on LC property but that the
companies can drill under the Locke’s property either by Locke’s leasing or being force pooled.

5. It was noted that a Pugh Clause has been included in the lease which means if they only include half of the property in a producing unit, the other half must be released at end of primary term.

6. Ken Locke asked how Proposition 112 would affect the lease. It was noted that the lease would not be impacted and irrigation ditches may qualify as setback areas.

   iii. Carl moves to make recommendation to BOCC that they approve the Little Thompson Farm Open Space oil & gas lease given the alternative is force pooling, Ken Zornes seconds, motion passed unanimously.

b. Chair and Vice Chair elections – Marilyn asked when membership requirement change happens. It was noted that it changes Jan. 1st. Gary explained that the new Sales Tax Initiative changed the makeup of the OLAB to minimum of 9 members, max 12, citizens could be appointed in geographical representation in the County. Commissioner Donnelly is considering situation and his decision will be brought to board once made. May be better to wait until after Jan. 1st to appoint Chair and Vice Chair, ballot language no longer requires reps from each community government. K-Lynn motions to extend the existing officers until January OLAB meeting, Suzan seconds, motion passed unanimously.

9. OTHER BUSINESS

10. NEXT MEETING SCHEDULED: November 29, 2018, at the Loveland Campus, 200 Peridot Avenue, Loveland, CO 80537, Poudre River Room

11. EXECUTIVE SESSION: Pursuant to C.R.S. (24-6-402(4)(a)) for discussion pertaining to the purchase, acquisition, lease, transfer or sale of any real, personal or other property interest. Sherri moves to enter Executive Session at 7:26 p.m., Marilyn seconds, motion passed unanimously.

12. ADJOURN – 7:42 p.m.