

Devil's Backbone fee proposal reduced to \$6

Larimer County commissioners to hold public hearing on fees Dec. 18

By Pamela Johnson

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What is proposed?

- To charge a daily fee of \$6 per vehicle to use the Devil's Backbone. Larimer County's annual parks pass also covers open spaces and would apply at the Backbone.
- To increase the daily vehicle fee to \$9 at all Larimer County parks and Hermit Park, Horsetooth Mountain and Ramsay-Shockey, the only three open spaces that currently charge a fee. (All other open spaces would continue to have free entrance.)
- To increase camping fees at Larimer County sites 30 percent and to further increase those fees on weekends and holidays during the busy season of May through September. For example, a non-electric site that costs \$20 on a weekday in season would be \$30 on a weekend and \$40 on a holiday.
- To increase the cost of an annual entrance permit from \$75 to \$90 for residents and from \$95 to \$120 for nonresidents.

Larimer County still wants to charge a daily access fee for the Devil's Backbone, but it has lowered the proposed amount from \$9 to \$6.

Larimer County has proposed the new fee, plus fee increases at county parks and open spaces, to cover operating costs at those outdoor lands. Officials have received no criticism of overall fee increases, but did receive concerns from Loveland area residents who want the Backbone to remain free.

In response, a subcommittee from the Larimer County open lands and parks advisory boards compromised and proposed the lower fee. The idea was to lessen the blow by charging a lower rate, and they settled on the rate (\$6) that has been charged at three other open spaces since 1997.

The Larimer County commissioners must approve the increases and the new fee at the Backbone before it would be implemented. They will consider public input as well as recommendations from both the Larimer County parks and open lands advisory boards, which met this week.

The Parks Advisory Board unanimously recommended approval on Tuesday, but the Open Lands Advisory Board did not reach that consensus on Thursday.

Some of the members agreed that the fee was financially necessary, while others were hesitant on charging a fee and stressed that if a fee is charged, it should be the lowest possible.

Board members agreed, instead, to take more time to consider the \$6 fee, which many board members heard about for the first time on Thursday. They will meet Dec. 13 to vote on a recommendation to the commissioners, who will hold a public hearing Dec. 18.

The Department of Natural Resources is split into two divisions, parks and open spaces.

The parks department and its properties, including Carter Lake and Horsetooth Reservoir, operate primarily on revenue from user fees, though they do receive some grants, tax and lottery dollars. All of the parks properties charge an entrance fee, daily or an annual pass.

Open lands, most of which are free, are operated mostly through money from an open space sales tax, though Hermit Park and Horsetooth Mountain Open Space together generate about \$1 million in revenues from fees. Grants and other funding sources also provide some money to open lands.

Most of the open spaces are free; a fee is charged only at the ones that are used so much they need more management, increasing the operations cost. The Devil's Backbone has reached that level of use, matching visitor numbers at Horsetooth Mountain Open Space in May through August, according to a recent count at the trailheads.

The new and increased fees, which came out of a study by consultant Harvey Economics, will ensure that Larimer County can afford to operate its parks and open lands with a balanced budget, according to information from the county.

Without them, the expenses would exceed revenues across both types of land, parks and open spaces. A spreadsheet presented by Dave Marvin, who serves on the advisory board, backed that up, showing the department "in the hole" in 2019 without the increases even with a larger amount of sales tax revenue available for operations starting in 2019.

Many people, board members and community members, have said that while they understand the emotional response, the facts are that the fees are needed.

Some of the concern was that adding a fee the Devil's Backbone would affect low-income families who couldn't afford a \$9 daily pass or an annual pass that allows access to all Larimer County Parks and Open Spaces. In response, the county has proposed adding a

brand new discounted annual pass for low-income residents. The Bison Pass will grant access to all Larimer County parks and open spaces, including the Backbone, for \$45 per year.

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Larimer County Natural Resources director to retire

Gary Buffington will retire at the end of 2018

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Larimer County Department of Natural Resources Director Gary Buffington will retire at the end of the year, the county announced Thursday.

Buffington has led the department for 18 years, guiding it in conservation and recreation, working to accommodate an increased demand for outdoor amenities in Larimer County.

"It has been a privilege to work with so many excellent, dedicated professionals at Larimer County and our partner agencies over the past two decades," Buffington said in a press release. "Together, we have accomplished so much and made such a profound difference in the lives of our citizens and visitors."

Buffington grew up in Larimer County and worked with Colorado State Parks for 27 years before joining the county department in May 2001.

Since then, the department has expanded to include new open spaces, facilities and trails, along with Larimer County's weeds and forestry programs.

During his time, the department went from 12,000 acres of land conserved to more than 50,000 acres. The department now manages more than a dozen open spaces, four reservoir parks, several smaller parks and 95 miles of paved and natural surface trails.

Since 2001, the department built and improved day use areas, campgrounds and facilities on county-managed parks and open spaces, including a visitor center at Horsetooth Reservoir.

Buffington said he plans to travel, enjoy the outdoors in Larimer County and abroad, and spend more time with his family.

"I believe that one of the most honorable choices in life is to be a public servant," he said in the release. "Serving as the director of Larimer County Department of Natural Resources has been the most rewarding experience of my professional life. Thank you to all who have provided so much support over the years. I'll see you on the trail."

Larimer County is searching for a new Natural Resources director and expects to have someone hired to lead the department by the end of 2018.

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Larimer County OKs oil lease on open space farm near Berthoud

Little Thompson Farm would be the first Larimer County open space to be drilled

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Larimer County has approved a lease allowing Extraction Oil and Gas to horizontally drill beneath the Little Thompson Farm, a preserved property south of Berthoud that is currently and will remain a working farm.

This site, if drilled, will constitute the first oil production on any preserved open space owned by Larimer County — acres that have seen many firsts, from pioneers traversing and settling the land to a water-sharing agreement in 2017.

The county will receive \$594,243 for the right to drill on the property for the next three years, then 20 percent of any profits from that production. All of that money that will go toward paying off a loan for a portion of the \$8.4 million purchase price of the land, formerly known as the Malchow farm.

But the agreement is about much more than money, noted officials with the Larimer County Department of Natural Resources, which owns the property.

Charlie Johnson, the senior land agent that negotiated the deal, said the biggest priority was to negotiate a lease that will prevent any wells or drilling infrastructure on the farm.

"No roads, no rigs, no temporary infrastructure," added Meegan Flenniken, the conservation, planning and resource program manager for the natural resources department. "There's no surface impact."

Larimer County did not know where the drilling equipment will be located, and a representative of Extraction Oil and Gas could not be reached on Tuesday.

The county cannot prevent the company from drilling, but with this deal, can prevent it from happening on site and can negotiate a better price, explained Charlie Johnson.

"There is some revenue involved here," said Todd Blomstrom, the county's public works director. "There is also a risk of being force pooled if we are non-consenting land owners."

That means, if the county had not negotiated a price, Extraction could drill anyway, and the county could have been forced to take whatever amount and conditions the oil and gas company offered.

Instead, the county will receive \$594,243 up front plus 20 percent of the profits from the amount of oil that is mined off the open space's 220 acres, according to the lease.

Extraction has up to three years to drill, but once drilled, the wells can operate for as many years as they are producing, Charlie Johnson explained.

The agreement offers a two-year extension to the drilling time. If the company chooses that option, it would pay the county another \$891,364 per the negotiated lease agreement.

Larimer County Commissioners Tom Donnelly and Steve Johnson approved that agreement and lease Tuesday. The third commissioner, Sean Dougherty, was absent from the administrative matters meeting.

The Little Thompson Farm, just off U.S. 287 on the west side of the road a mile south of Berthoud, was a long-time farm rich with history of pioneers who crossed the Overland Trail and of farmers who settled the land. A pioneer grave dating to between 1850 and 1870 remains on site with a new headstone and local lore.

In 2016, Larimer County bought the property from the Malchow family for \$8.4 million. The county's Department of Natural Resources borrowed \$7.6 million from the Solid Waste Department, which it is paying back over 10 years.

The county's goal in buying the land was to preserve the property as a working farm, preventing the wildlife corridor and agricultural history from being bulldozed by development, to keep the farm in production and to save the barn and other buildings that date back to the early 1900s.

Larimer County has done that, leasing out the land to a farmer whose main crop has been corn.

But there was another piece of the property purchase — a water-sharing agreement that was hailed as groundbreaking and in line with the Colorado Water Plan. Larimer County bought the water rights with the land and agreed, through the sale, to share that water with municipalities in dry years by fallowing fields or by rotating dryland crops. In 2017, the county cemented an agreement with Broomfield, which paid \$3.7 million for the water, some which it owns outright and some it can use three out of every 10 years.

Flenniken and Charlie Johnson, when asked Tuesday, stressed that neither the farm lease nor the water sharing agreement will be affected by this oil and gas drilling lease. They confirmed that they checked with attorneys before asking the commissioners to sign on the dotted line.

The farm property is a piece of a much larger drilling project across 1,280 acres of the Niobrara-Codell formation, explained Charlie Johnson. He does not know how many wells could potentially be drilled across the entire project or within the 220-acres of the Little Thompson Farm, and a representative of Extraction Oil and Gas could not be reached on Tuesday.

No drilling permit has been submitted yet to the Colorado Oil and Gas Conservation Commission for the property.

There is no public access to the property, with its stunning view of the fields and of the mountains to the west, though there have been tours of the land and, according to county officials, the possibility of turning it into a demonstration or educational farm. With this agreement, county staff said, those views and goals will remain.

"There will be nothing on our open space in terms of oil and gas rigs, infrastructure, nothing," Charlie Johnson told the commissioners. "We're happy about that. That was our number one priority ... to make sure that we have a non-surface use lease and that we protect our open space.

"We're confident that we've done that."

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