

**MINUTES
CITY OF FORT COLLINS
LAND CONSERVATION & STEWRDSHIP BOARD**

**Regular Meeting
Wednesday, February 10, 2016
1745 Hoffman Mill Road
6:00 p.m.**

Council Liaison:
Gerry Horak 420-7398

For Reference:

Kent Leier, Chair	631-2361
Marcia Mallory-Patton, VC	222-0513
Trudy Haines, Communications	225-2760
Mark Sears, Staff Liaison	416-2096

Board Members Present: David Tweedale, Joe Piesman, Kent Leier, Kelly Ohlson,
Raymond Watts, Trudy Haines

Excused Members: Vicky McLane, Marcia Patton-Mallory

NAD Staff: Daylan Figgs, Environmental Program Manager
Kristin Powell, Lead Ranger
Rick Bachand, Environmental Program Manager

Public Attendees:

Call meeting to order: 6:07 pm

Introductions: Robin Cochran, Sr. Asst. Attorney for City of Fort Collins,
Jody Hurst, Assistant Attorney, City of Fort Collins

Public Comments: None

Approval of Minutes:

Raymond Watts made a motion to approve the December LCSB meeting minutes.

David Tweedale seconded the motion.

The motion was unanimously approved

Joe Piesman made a motion to approve the January LCSB minutes correcting the spelling of his name in the attendance line.

David Tweedale seconded the motion.

The motion was unanimously approved.

Discussion Items

NA Updates and Announcements:

Mark

Mark Sears, NA's Manager reported on the organizational change within the Natural Areas Department. In an effort to expand and increase Mark's land conservation efforts, John will now supervise land management and resource management, to include direct supervision of Rick Bachand in Resource Management and Daylan Figgs in Land Management. This will allow Mark to spend more time to expand relationships and partnerships when it comes to land conservation contacts. The only challenge is that this is a budget year so for the first two or three months Mark will be busy working on the BFO for the next two years.

NAD added 20.6 acres of land to Cathy Fromme Prairie that was deeded to the City back in 1996. With no department really taking any ownership of the property, it has basically become sort of a "no man's land"; it needed a lead department to take on the primary management responsibilities. Parks built a trail through it and Stormwater has a couple of detention ponds in it but nobody has ever really taken any ownership of it. It was dedicated as open space, but for whatever reason we never really took ownership of it. A few years ago Karen Mancini convinced John that we really need to be the lead agency. Karen put together an MOU defining our roles as well as Stormwater, Parks, Streets and the HOA. NAD will take over vegetation management and any encroachment enforcement issues necessary. Our rangers will be performing assessments for encroachment violations this spring.

After many years of working with the Public Service Company on an easement amendment, through the Kingfisher Natural Area, which was started due to the gas line replacement project, is finally complete. Through the work of Justin Scharon and Tawnya Ernst the documents have been signed and recorded.

NAD closed on the purchase of the NRC property (75 acres) in the Loveland separator.

Education and Outreach successfully hosted 607 people during 14 educational activities in the month of January.

NAD co-hosted the Poudre River Forum last week, with over approximately 300 people in attendance. The Forum was a great success.

NAD hosted its annual Volunteer Appreciation Dinner in January with over 280 people attending, which was also a great success. We are very proud of our volunteers and appreciate the hard work they do.

Action Items

Election of Chair and Vice Chair –

Kent Leier, LCSB Chair, opened the floor for nominations to the Board. No nominations were made. Kent agreed to accept the position of Chair and Mark reported that Marcia had agreed to Vice Chair the Board.

Kelly Ohlson made the motion to approve Kent Leier as Chair and Marcia Patton-Mallory as Vice Chair of the Land Conservation Stewardship Board.

David Tweedale seconded the motion.

The motion was unanimously approved.

Camping Ordinance:

Rick Bachand, NAD Environmental Program Manager, introduced Robin Cochran and Jody Hurst, both with City Attorney's office. Robin and Jody both have been working on the language for the new City Ordinance on Camping on City Property. Robin reviewed the new language with the Board, amending Chapter 17, Article 10 by adding Sections 17-180 and 17-183 to the City Code and amending Section 17-181 related to Camping on City Property.

One concern raised in December by the LCSB was whether or not Rangers or other Law Enforcement can cite individuals for camping during the day. In short, that answer is yes, Rangers are able to enforce camping restrictions during the day. Rangers typically discover campers during the 6am to 9am timeframe (Natural Areas "open"). Through questioning, the Ranger can ascertain if the individual had camped overnight. Approval of this amendment to City Code will help by changing the focus of the provision to more directly address these issues and will aid enforcement efforts in determining whether someone is in effect, living in such areas.

It is proposed that Section 17-183 be added to the City Code to provide for an "affirmative defense" for individuals who make a reasonable attempt to find shelter space but have determined that such space is not available. Typically this happens on the coldest nights of the winter but is relatively infrequent. The general policy direction based on extensive staff discussion has been to recognize the difficulties experienced on these nights and avoid penalizing those who don't have access to shelter space. City staff is working to develop a

system for tracking the status of shelter space, and to the extent enforcement staff have this information it is likely that camping tickets will not be issued when shelters are full. Further, the affirmative defense will be a basis for dismissal of tickets if they are issued on those nights.

The proposed ordinances also have been edited to simplify them and eliminate duplicative language.

Discussion:

Board members wanted to know how rangers would determine if there was indeed a campsite and if they would be taking pictures. Robin indicated it would be the same as a police officer's process; notes would be taken and in some instances photos, but for the most part rangers know when people are camping. Clues would include tents, sleeping bags, cooking items that were set up, etc. There would be a written report of the activity and maybe photographs as well. Rick reported that each summons/citation written has an area on the back for notes and description of the activity where rangers can make notations of what they are seeing.

Kent – I'm concerned about safety, the natural areas in general and any legal issues. Robin, do you feel this is the most reasonable draft, considering all three of those things?

Robin – Yes, we do. This ordinance focuses specifically on actual camping versus just sleeping or napping on city owned property.

Kent – In subsection 2.) of Section 17-183, Camping: affirmative defense, why does it say "*This subsection shall not be deemed to impose a duty on any officer to check the vacancy of temporary housing before warning or citing anyone for any offense in this Section.*"? The warning – I feel like one of our rangers should be able to warn someone before we do something. It seems to be a little erroneous on the ranger to check and see if there is a vacancy at one of the shelters.

Jody – At this point there is no duty for an officer or ranger to check. We wrote that specifically so they didn't have to check.

Robin – At this point this section states that "it shall NOT be deemed to impose a duty"

Kent – I see, I think I read it wrong. My other concern is the language "*the person cited reasonably attempted to gain access to available temporary shelter in the City*" To me that just screams with ambiguity.

Robin – The point is if there are vacancies at the shelters then we think that would defeat the statement that someone said "there was no shelter space". There could be other reasons; transportation, maybe they missed the deadline to check in, so those are the things we are talking about. This allows an exception because they were prevented, probably no fault of their own, from getting in the shelter. It's not going to be enough to just say "well I called the shelter or a friend said they were full". We actually call the shelter so we get a report of that on a daily basis. If it shows there was space we're going to want to know why someone didn't take advantage of that.

Kent – Have you thought about the term "reasonable attempts"? Maybe that's too broad. I'm sure you looked into that? It seems a little broad to me.

Robin – We didn't consider adding anything in particular that would constitute "reasonable efforts". I think because the circumstance could vary so much but it's certainly something we could look at.

Jody – That’s probably not a bad idea. I think it makes sense. This is about having a defendant that is just saying “I asked a friend and he said it was full”. That’s the reason for the inclusion of the reasonable. I think the term *reasonable*, in terms of the law, provides an opportunity for looking at the situation. I don’t think your suggestion is a bad one.

Rick – Based on the discussions I was involved in, I think the ambiguity works in our favor. So they can keep track of those shelters and where they fill up that particular evening. The defendant can say “yea my friend told me” but then if indeed that person goes to court and they were full then we can’t hold that person responsible, is that correct?

Robin – That’s correct. We will know pretty quickly if that’s the case with the shelter report. If there weren’t any vacancies that are going to be a red flag that this may be a defense.

Kent – Coming from a defense perspective I can make all kinds of arguments.

Robin – I think it’s a good suggestion and see if we can give a list of examples.

Kristin – I would just comment that it’s just so infrequent that we encounter someone who uses the defense that they tried to use a shelter. If people aren’t just traveling through we most likely know those people.

Additional discussion occurred about “failure to appear”, safety and the protection of the natural areas as being a priority. Overall most board members felt the affirmative defense was fair. Robin and Jody both informed the board that this subject has been highly controversial with the non-profit groups as well as individuals. Robin indicated there would probably be some strong push back from those groups to the new ordinance. Kelly felt representation by the Board might be a good idea when the issue goes to Council to support our approval.

Trudy Haines made a motion that the City Council approve an ordinance Amending Chapter 17 by adding section 17 – 180 of City Code to clarify definitions pertinent to camping and activities that constitute camping; Amending Section 17 – 181 to provide examples of habitation pertinent to the issue of camping and Amending Chapter 17 by adding section 17-183 providing for an affirmative defense for Camping on Public Property.

Raymond Watts seconded the motion.

The motion was unanimously approved.

Additional Discussion and Action:

Kent wished the language was more stringent in response to preserving the natural areas. Kelly agreed that the issue will strongly be opposed and suggested the Chair attend the Council meeting. Trudy agreed to write a letter supporting the Ordinance by March 1st before the issue goes to Council on March 15th.

Running Deer – Prospect – Boxelder Drainageway Underdrain –

Daylan Figgs, Environmental Planner Manager reported that the City of Fort Collins Utilities and Engineering Departments have been working in partnership since 2013 on the planning and

design of both the Boxelder Creek Outfall and the existing Boxelder Creek Bridge Replacement projects. The Land Conservation and Stewardship Board voted 6-2 at the September 2015 board meeting to recommend the City Manager grant the notice of alignment for the portions of the drainage way project that will occur on Running Deer Natural Area.

Recent discussions with I25 LLC identified a mutual need for an underdrain system due to high water table levels adjacent to Boxelder Creek. The Boxelder outfall channel will require an underdrain to prevent exposing groundwater to evaporative loss (and the need for a Water Court approved augmentation plan) and I25 LLC will need to install a passive underdrain system to prevent future residential basement flooding. I25 LLC will need an easement from Natural Areas to construct the outfall pipe for the underdrain.

With the need for two underdrain systems in the same general location, Utilities is partnering with I25 LLC to design a shared system. Utilities propose to construct, own, and maintain the sub drain system and I25 LLC will connect to the sub drain system. I25 LLC has agreed to pay 50% of the underdrain construction and future maintenance costs. Utilities will compensate Natural Areas for the value of the alignment area. Further, the site will be restored to native vegetation under the direction of Natural Areas staff.

The shared underdrain is proposed to be constructed within the alignment approved by the Land Conservation and Stewardship Board during the September 2015 meeting. An additional alignment is needed to outlet the underdrain into the existing wetland/riparian area within Running Deer Natural Area.

Discussion:

Raymond- Is the idea of the underdrain pipe to have a zero evaporation loss conveyance of that water down to a place where credit can be given for the water going into the ponds?

Daylan – It is. The underdrain will be a perforated pipe and it will transition from perforated into solid. Basically the perforated pipe will be built so that as groundwater fluctuates up and down, at the high point of the fluctuation it doesn't become exposed to the surface. And so the flow of the water that's captured in the pipe will probably be about a cubic foot per second. It will actually run into an existing live stream on Running Deer. Once it gets into our property it's not going to change the water level, maybe some velocity and minor things but nothing extreme. (Daylan demonstrated on the map where the water would travel). From an augmentation standpoint, our augmentation requirement doesn't change. Basically it's the same groundwater that flows into our stream naturally; it will just come through a pipe. We will just route it through our property as if it seeps in through natural groundwater

David- Didn't you say that the re-vegetation will be done by Stormwater?

Daylan – Yes, they will follow our guidelines for restoration of the areas they disturb.

Joe- The problem with Running Deer in the spring is the low lands really flood some of the trails. Will that change at all when you bring more water in? Will the flooding increase?

Daylan – Under a normal year no, but the whole premise of the project is to split the stormwater flow in Boxelder Creek, instead of all the water going down the stream channel, a portion of that water will come down through a drainage swale and potentially flood some of the Running Deer trails.

Joe -This borders Hageman's property. Will it change the flow through Hagerman's' property because there's issues with insecticides and residues there?

Daylan – It will not. Actually because Hageman leases a piece of the property from us, we have tested for residues and actually found them to be pretty low. That said, it will carry through the drainage swale and curve around the edge of the Hageman site. There shouldn't be any runoff impact on his site.

Trudy – How much does this whole project cost and do you know who's paying for it?

Daylan – It's part of Stormwater's project and part of it is the Boxelder drainage project.

Trudy – Why wouldn't the developer have to pay for this?

Daylan – The agreement that Stormwater has with the developer is their going to pay for half of the infrastructure cost and half the maintenance cost. Stormwater felt better if they maintained it to their standards instead as opposed to the developer.

Trudy – They are paying for half of it? Why only half?

Daylan – The developer is paying for the work on their property and their paying for half of the joint underdrain.

Trudy – Why aren't they paying for the whole thing?

Daylan – Stormwater needs this swale and they need the underdrain to avoid doing an augmentation plan. So instead of Stormwater building their own system and the developer building their own system, they are doing it together.

Trudy – Stormwater has developments all around where people are paying their own way. It's annoying.

Raymond - When the development gets done and there's all that impervious surface that gets rooted through gutters and storm drains, then that water table is probably going to drop. Where will the outlet be for all the stormwater from the streets and so on?

Daylan - Through these swales (Daylan demonstrated on map). The plan isn't complete but likely they will put it back into the natural drainage that likely includes the same swale. We asked about long term relief and the answer it may drop a little but probably not enough to avoid any issues.

Joe – How are they going to access that development?

Mark – The frontage road plays heavily into the access for that development.

Kelly – I wouldn't support this regardless of the overall bigger picture because of the lack of information that I will point out in the memo. The history of this, very briefly, I lost a 4-3 vote for the entire Boxelder. It was sold as a flood prevention project that 3 of us never believed and many people in the community never have anything to do with that. There was going to be an inch or two of water on the road, maybe every ten years, meantime we're going to spend \$20-\$30M of public money on this project. It was very public, it was very talked about and it was actually about a 3.5 to 3.5 vote but the person flipped and then it was 4. We were this close to defeating the whole project, so this isn't something that just came down from heaven - this project. It's a very controversial project overall. I'm sorry if I'm making anyone uncomfortable but actually in my political work 95% of the time anything worth doing I made people uncomfortable. Some of the reasons we were against it was a giving – a gigantic \$30M given to landowners to open up more land for development which they have the right to develop if they actually pay for all the improvements. At a time when people are concerned about too much growth and development to have a \$30M giving is something that some of us couldn't tolerate then or now. So that's the background. So the specifics of tonight, but I try to address those questions as if I was a council member and there's simply not enough information. I see no documentation that their not benefitting by million dollars or that their fair share isn't 85%. Do we have an answer for that?

Daylan- My answer is - the agreement that the developer has with Utilities doesn't involve NAD, and should not be a consideration in this discussion.

Kelly – Yes, I understand that. My other concern is in your memorandum, under “Environmental Impact”, there is a sentence – *Natural Areas will work with Stormwater to utilize construction methods to minimize surface impacts and to restore the site.* The word “minimize” could be a disaster. What does it mean? Again, there's not enough information about how much damage is going to be done.

Daylan – It depends on how much construction is going to be done. The slope that curves in this area (pointing to map) is pretty wet and it's just the groundwater that seeps into grass and gravel. So if we bore down to the outlet structure the surface will be very slight. The problem will be it's going to be very wet. The pipe will help erosion control. There's no way to get equipment down to that outlet side without tracking it up somewhat. If the material, because it's so wet, doesn't allow the bore r and we have to trench it then our restoration is going to be more expensive. It's a 10" pipe, so it's not a big hole, but it could track up enough.

Daylan –It's in Stormwater's best interest to minimize their impact because they have to pay for restoring their impact.

Kelly – Will this be better for ecosystems overall?

Daylan – Because this is underground, we're basically just speeding up the groundwater process. The groundwater splits this way and that way, so we are basically intercepting groundwater which likely already comes here, naturally, by putting in a pipe there is no exposure to contaminants, we're just speeding up the process.

Daylan - Is this a gain or a loss? The gain is if in a dry year because you're speeding up the conveyance of the groundwater we may have a little more water coming through there. My perception or best guess is it's not enough water that going to change the elevation or velocity that much.

Kelly – I can't vote for this because it would be enabling a project that I despise. Everyone else is one their own.

Ray – I join Kelly in opposing the recommendation for this notice of alignment for Boxelder overflow for a different reason. I felt that this Board should have considered the overall project at a much earlier stage. We are in a position now where bulldozers are parked north of Prospect growling, metaphorically speaking. I find myself objecting now because here we are and we're finding out that we agreed as a Board, with objections and opposing with two of us for that channel to be built and now we find out that because the channel was built, something else has to be built, and then once the development is approved, something else has to be built. It seems to me that we would serve the public a whole lot better if we had an idea of what the whole thing was going to be before we're asked to approve or disapprove. We're getting nickel and dimed on this little piece and that little piece. After you're done with all the little pieces, this might be a mess.

Daylan –I think as you continue with design criteria you run into things. Is there going to be any additional requests as you run through developmental review? I don't know. We still have to deal with Stormwater, they should be able to come down the same swale, there's no reason for that to go underground. This is an adjustment and a Notice of Alignment and there is little negative effect on the natural area, little disturbance. We are, unfortunately, with the pipe, it's already going to be excavated. I think we've been able to manage the impacts.

Trudy - I'm personally annoyed that the developer isn't paying 100%. I don't see why the developer can't pay for this. I think Stormwater should just buy the plot and give it to us.

Kent – So Daylan, you don't see this as a negative effect of the natural area at all?

Daylan – As a project as a whole? No. The positive of it all is the restoration that occurs on someone else's dollar. As far as the underdrain, I feel that's a wash. It's underground and out of site and other than the occasional maintenance we won't know that it is there.

Kelly – Let me just remind folks that we don't make the final decision, the City Manager will approve or disapprove this, and it doesn't even go to Council. We don't even know if the finances are fair. We don't even know what is going to be proposed there. It could go to five other developers before it's settled.

David Tweedale made a motion that the City Manager not approve a Notice of Alignment between Fort Collins Natural Areas Department and Utilities Department for a groundwater underdrain outfall on Running Deer Natural area.

Kelly Ohlson seconded the motion.

The motion was approved 7-0.

Proposed Instream Flow Augmentation Phase I Agreement

Daylan Figgs, Environmental Program Manager, introduced the instream flow augmentation plan and explained the purpose of the item is to seek Council approval of a proposed Agreement between various parties to implement Phase I of a three-phase project to develop an instream flow augmentation plan on the Poudre River through and near Fort Collins.

For several years, staff has been participating in the Poudre River Runs Through It (PRTI), a group of regional water leaders convened by Colorado State University's Colorado Water Institute. The purpose of the group is to promote dialog and to explore options for creating the world's best example of a healthy, working river. The group is composed of farmers, ditch companies, environmental experts and organizations, water districts, municipal water providers, water attorneys, and citizens with an interest in water matters.

The instream flow sub-committee has developed the idea of an augmentation plan for instream flow purposes. While there are no guarantees associated with the augmentation plan approach described in this Agenda Item Summary, it holds significant promise. If successful, it could present a new State-wide model for development and protection of instream flows. The project is innovative, ground-breaking, and includes many of the primary owners of water rights on the Poudre. This collaborative approach represents perhaps the best opportunity to date for developing and protecting instream flows below the canyon mouth of the Poudre; an objective that has been discussed for at least 40 years and that at times has appeared virtually unattainable.

Under Colorado water law, water can be appropriated and placed to beneficial use. Allowable beneficial uses include instream flows devoted to preserve and improve the natural environment, though only the Colorado Water Conservation Board (CWCB) can acquire such instream flow water rights. Currently, there are no such instream flow water rights on the Poudre below the canyon mouth through Fort Collins. With the exception of high spring flows, almost all of the

water that exits the mouth of the canyon ultimately is diverted for agricultural, municipal, and industrial uses.

Staff has been evaluating three mechanisms to protect water for instream flows. The first is a traditional method under which the CWCB would appropriate a new instream flow water right. However, such a water right would be extremely junior and would likely have limited affects. The second is another traditional method under which the CWCB would acquire senior water rights for instream flow uses. The senior water rights must be acquired and then changed in Water Court from the current irrigation uses to instream flow uses. The approach is extremely expensive and requires senior water rights which are difficult to acquire. It is doubtful that this approach would ever provide a meaningful amount of water.

A third and non-traditional method is to utilize an augmentation plan to provide for protected instream flows. Augmentation plans are detailed Water Court-approved programs that increase the supply of water available for a beneficial use though various means, such as by a pooling of water resources. Augmentation plans have historically been used to allow additional diversions of water from the stream for consumptive uses by delivering other water to offset the increased diversions and consumption of water. This other water is often commonly referred to as “augmentation water” and can be derived from various legal and physical sources. However, staff is now pursuing an augmentation plan by which augmentation water would be delivered to the stream to allow for protected instream flows.

The potential advantages of the instream flow augmentation plan approach are numerous. It allows multiple entities to bring their previously-adjudicated augmentation water into the plan. Unlike a traditional instream flow water right, these entities can enter the approved instream flow augmentation plan without needing the Water Court to expressly approve of instream flow uses for their water rights. It is also intended that the instream flow augmentation plan itself will provide for the flexible use of various sources of augmentation water with more limited and less expensive administrative and Water Court procedures. In addition, entities that wish to deliver their water into the instream flow augmentation plan could be compensated, thus creating a market mechanism and incentive to bring water into the instream flow augmentation plan that could, among other things, improve low flow reaches of the river.

Phase I of the instream flow augmentation plan will require the development of various legal technical, financial, and governance tools and thus requires a budget of approximately \$132,500. The primary partners in this effort currently include the City of Fort Collins, the Cache la Poudre Water Users Association, Northern Water, the City of Greeley, and the nonprofit Colorado Water Trust (CWT). The partners have developed a budget and work plan for pursuing the instream flow augmentation plan concept. The draft budget for Phase I includes contributions from the City of Fort Collins in the amount of \$20,000 (using appropriated funds for instream flow related efforts); the City of Greeley in the amount of \$20,000; Northern Water in the amount of \$20,000; and, \$70,000 from the CWT including a \$60,000 grant from the Gates Foundation and \$10,000 from New Belgium. CWT will act as the consultant to the project and continues to fundraise for the project.

The Agreement itself describes how the parties will pursue Phase I of the project. A core purpose of the Agreement is to establish an organizational structure for Phase I. The Agreement calls for the establishment of a five-person committee that is intended to be composed of staff from the participants. The purpose of the committee essentially is to manage the technical tasks that are necessary to complete Phase I. All decisions must be unanimous and no new entity is created for the project. The CWT will act as the fiscal agent for Phase I and will be the primary consultant to the project.

It is important to note that if this project is successful at creating an instream flow augmentation plan, the plan could be used as a tool by water developers to mitigate the impacts of their project. That could, for example, include the Northern Integrated Supply Project, the proposed enlargement of Milton Seaman Reservoir, the proposed enlargement of Halligan Reservoir, and perhaps other future projects. Those projects, however, are subject to Federal and State review and the potential imposition of mitigation by Federal and State agencies. This project has no direct bearing on the permitting processes, although it could make more feasible the implementation of mitigation obligations.

Discussion:

David – Daylan, overall this sounds like to me like what you’re asking for is a feasibility study: is that correct?

Daylan – Yes, this is a big feasibility study that encompasses legal, financial and technical.

David – So you’re not even looking at a particular reach?

Daylan – So part of the feasibility study is to identify a reach, the amount of water that is available and then how do we develop a mechanism to divert the reach. That’s part of that feasibility study. So there is a reach, there is a target flow and availability

Raymond - If I understand this correctly this provides a mechanism for senior water right holders to give up some of their water without giving up their water rights, is that correct?

Daylan – Right, so they can basically lease their water, and it’s not just senior water rights. It’s water rights that have already gone to the Water Board with and gotten decreed for augmentation purposes. It’s only a portion of those water rights that have the right decree. And there’s a lot of that water out there that we need to quantify.

Edward - Where is the water right now?

Daylan – The water is being held by a variety of different entities and its being run probably as irrigation water. This City of FC holds several water rights that have been decreed for augmentation purposes, but those water rights are also decreed for irrigation purposes that NISP will use for a variety of other purposes. So the water is here. This allows that water to be utilized for this purpose. Which means its’ going to be managed differently. How instream flows works is once you get into the reach that you define and you come to the end of that reach, it could be used for other purposes. There are some opportunities for it to come in and out of the program. It could be diverted partway through the reach.

Joe – This big crisis is mainly in the summer or winter. In the summer you can have 100 CFS at the canyon entrance but then there’s call for water for irrigation and the gatekeeper shuts the gate and we’ve seen the flow go from 100 CFS to 0.5 CFS even when there’s plenty of water. The question is how far would they have to send it? But if you have some augmentation rights they would have to let some of it go through.

Daylan – One of the things we’ve done, related to this, is to look at all the water in and out of the river and identify areas where it dries out to quantify it and how often it happens. Under this program if we have a legal right to deliver that water downstream they have to let the water through. The other project we are working on is developing fish and water passage points on those diversions where we can bring that water to measure it and make sure it’s getting delivered to the right reach and so we can bypass those driest points.

Joe – I think it’s a great idea, there’s only one issue and that is having Northern as a partner they will use this when they come back for mitigation to help move NISP along.

Daylan - They may. They have proposed some local volumes so they are already looking at a flow mechanism.

Joe - I think moving ahead with all your partners is great, to save the river from these catastrophes.

Daylan - We recognize the issue with NISP, but we recognize that this is a project that could work on its own.

Edward – Who would likely be our opponents?

Daylan – We haven’t really had any opponents but we’ll probably run into some opponent at some point. If someone feels their water rights might be effected. The beauty of this is if you want to put your water into the program you can. It should be if you’re just opposed to the idea then you wouldn’t participate. We just have to figure out how to set a market rate for the water.

Trudy Haines made a motion that the LCSB support the proposed Instream Flow Augmentation Plan on the Cache la Poudre River.

Edward Reifsnnyder seconded the motion.

The motion was unanimously approved.

Restoration Plan 10 year update

Rick Bachand, Environmental Program Manager, presented the completed 10-year draft update of the Mater Restoration Plan, first developed in 2005. The draft is in the final review process anticipating a mid-February completion. The Restoration Plan update covers all City of Fort Collins Natural Areas and lays out restoration goals, actions, challenges, metrics, and budgets for the next 10 years (2016-2015) Rick highlighted the purpose of the Restoration Plan to review progress over the past 10 years and describe current conditions; identify priority plant and wildlife targets; prioritize restoration needs relative to targeted native species and habitats; Identify performance metrics to evaluate restoration projects; consider the influence of climate change for future restoration and native habitat conservation; and outline priorities and costs over the next 10 year period (2016-2025). Areas of restoration priorities will be the lower Poudre River corridor, southern grasslands (southwest of Fossil Creek) and Bobcat Ridge grasslands. The last ten years restoration related expenditures totaled \$4.9M. Rick feels the new Plan is an aggressive plan with a \$5.4M proposed budget for the next ten years. Overarching priorities for the Plan will include accelerating the pace of restoration, creating high-quality “designer” projects, increasing monitoring efforts and consider future climatic conditions.

Discussion:

Some of the Board members felt the current proposed budget of \$5.4M for restoration over the next ten years was a minimal amount to marry with Rick's aggressive plan over the next ten years. Some felt the budget request should be double the \$4.9M that was spent during the prior ten years. Mark and Rick explained to the Board that although \$4.9 M was spent on restoration over the last ten years, only \$2.5 was Natural Areas funds; so the proposed \$5.4M of Natural Areas funds to be spent over the next ten years is a more aggressive budget. Mark also stated that the Board would get to look at the proposed NA's 2017-2018 Budget in May and they can provide input on the appropriate balance of expenditures between Land Conservation, Stewardship and Restoration. Mark explained that restoration required more than just dollars, it required staffing and equipment and as Manager it is his job to balance the available staffing, equipment and budget. Due to the complexity of restoration and the long process for completion of restoration; additional funding may not actually increase the amount of restoration being accomplished successfully in the long run. As we do more restoration additional metrics will have to be tracked adding additional need for staff. We are working to better evaluate our projects to ensure and demonstrate effectiveness and success.

Approved:


_____, Vice Chair 3/9/16 Date


_____, Secretary

