

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

**Regular Meeting
January 11, 2017
1745 Hoffman Mill Road
5:30 p.m.**

Council Liaison:
Gerry Horak 420-7398

For Reference:
Edward Reifsnyder, Chair 817-821-4644
David Tweedale, Vice Chair 970-219-2422
Raymond Watts, Communications 970-690-4250
Daylan Figgs, Staff Liaison 970-416-2814

• **Please see "Elections" below.**

Board Members Present: David Tweedale, Edward Reifsnyder, Andrea Elson, Kelly Ohlson, Marcia Patton-Mallory, Raymond Watts, Mike Weber

Excused: Joe Piesman and Vicky McLane

NAD Staff: Jennifer Shanahan, Justin Scharton, Mark Sears, John Stokes, Daylan Figgs

City Council Liaison:

Public Attendees: Gary Wockner, Executive Director, Save the Poudre River
Doug Swartz, Board Member, Save the Poudre River

Wendy Williams, City Manager's Office
Adam Jokerst, City Utilities Department
Carol Webb, City Utilities Department

Call meeting to order: 5:30 p.m.

New Board Members:

Edward Reifsnyder, Chair introduced two new board members and invited them to say a few words about themselves and their interest in the board. Current board members introduced themselves.

Agenda Review:

Elections

John reported that the City Attorney's office advised him that election of new officers should in fact take place in February or March. John recommended the LCSB proceed with Ed as Chair

and David as Vice Chair and that a new election take place again in February or March to align with the City Council policy and the Boards and Commissions Manual. Marcia, as previous Vice Chair, asked if a vote could be made to appoint Ed to lead the meeting tonight.

Marcia Patton-Mallory made a motion that Edward Reifsnyder Chair the January 11, 2017 LCSB meeting.

Raymond Watts seconded the motion.

The motion was unanimously approved.

Introductions:

Edward introduced the public attendees, with Save the Poudre, and allowed them both five minutes to discuss their concerns and comments.

Public Comments:

Gary Walkner, Director of Save the Poudre introduced himself and explained the focus of Save the Poudre and how it is opposed to NISP. He graciously thanked the board members and NAD staff for all the work they have done on NISP. Mr. Walkner felt the recommendations as outlined in the memorandum distributed to the board was disappointing. Specifically he felt the recommendations by staff to City Council, were too lenient and the memo demonstrated that NAD was willing to negotiate the project with Northern. Gary spoke of how the Poudre River is such an icon in the community and plays a huge role in the heart and soul of the city. He felt that not enough community engagement had taken place. *“Unfortunately we’re in a pivotal issue because of this memo that has been generated. In our opinion this is a really bad process that has developed into a really bad product (the memo). We believe that NISP will irrevocably damage the Poudre River. The city has been a leader in scientifically documenting how damaging NISP would be to the river. We think NISP will harm the river. Both Gary and Doug feel the memo would overturn several years of policy and millions of dollars in research. We think it’s a bad process and we are engaging our resources, political resources and community resources to slow this down and to engage the public in this process.”* Gary feels that the issue warrants more than a memo. He would like to see more public input and community involvement in the decision.

Doug Swartz, board member of Save the Poudre, addressed the same concerns. Mr. Swartz gave a summary of his opposition to the negative impacts should NISP be developed. *“In contrast I’m concerned about the way the recent discussion the City has around NISP. We*

learned about the negotiations through a City Council meeting. There was some dialogue that insisted there were discussions with the City and NISP. Apparently the issue is going before City Council on February 7th, without any public announcement or public participation. There hasn't been any public information or input with regards to a negotiation. I suggest we debate the options before we move ahead. My reason to be here is to shine more light on the issue and slow the discussion down. It's in the city's best interest to involve the public. I encourage you to say "no" this doesn't go to City Council on Feb 7th. Give the community more time set up a public process to give people an opportunity to debate the options."

Approval of Minutes:

Marcia and David had minor corrections and recommendations to the December minutes.

David Tweedale made a motion to approve the December 14, 2016 meeting minutes, as amended.

Marcia Patton-Mallory seconded the motion.

The motion was unanimously approved.

Action Items

Annual Report

Daylan reported on the completion of the 2016 Annual LSCB Report and asked if any board members had comments. David and Marcia offered grammatical corrections and minor suggestions and comments to the report. Board members agreed to the suggested changes.

David Tweedale made a motion to approve the Annual LCSB Report as amended.

Edward Reifsnyder seconded the motion.

The motion was unanimously approved.

Discussion Items

Nature in the City (NIC)

Justin Scharton, Environmental Planner gave an overview of NIC 2016 accomplishments and 2017 priorities to the board. For new board members, he provided a program recap on the history, goals and objectives of NIC. Pilot projects including the citizen science biodiversity

data collection, the ten minute walk to nature model identifying areas of the City where residents can't currently access nature within a ten minute walk, and a prioritized vacant land analysis to identify areas within the City that have value for wildlife habitat and resident's access to nature. Justin explained 2017 priorities and a few select capital projects and planning processes for 2017

Discussion:

Marcia was looking at the Land Use Development Policy section, of the NIC Executive Summary, page 14, LU5, she wanted to know if the Ditch Management companies were engaged in this process, as a lot of those areas identified in the assessment are ditches.

Justin agreed that ditches are a major opportunity for human connectivity and wildlife and identified ditch corridors as areas of opportunity to partner with ongoing efforts. Carol Webb explained how Utilities is working to develop a 2017 Master Plan for ditches that run through the City and that NIC is one component they will look at when developing that plan.

Raymond applauded the work that has been done on biodiversity monitoring and how it gives at least one metric as to how the City is doing in terms of natural resources. Raymond asked if there were any plans to collect metrics to develop a scorecard. Justin mentioned the yearly biodiversity monitoring will allow them to track metrics over time and pointed out the biodiversity goals in the NIC Plan. This will also allow them to identify habitat trends as well. Kelly would like in the future, that the LCSB to be more involved in NIC projects and decisions that allow those projects. Justin explained the Community Capital Improvement Program, which is the funding source for NIC and that he worked with the City Attorney's office to determine the requirements around using the CCIP funds. The ballot language does not have a legal requirement to get approval for implementation of these CCIP funds. NIC has worked closely with ELT and the City Manager's Office to understand the process especially since it's not laid out in the ballot language as to how to engage Council and LCSB. We're trying to identify the proper process that involves the board but doesn't hinder NIC for every thousand dollar capital project. Many of these projects will be really small in terms of dollar and in size. What we've proposed to the ELT and our working operation is that for anything above \$100,000 (capital projects) we would provide a memorandum and a presentation to the board and City Council and would give a detailed description of the project, cost and who is involved in the project. Quarterly updates would be developed for anything under \$100,000. Kelly feels this isn't sufficient. Looking back on the last proposed water feature project; he feels that project could have been eliminated before it got as far along as it did. Kelly feels there should be representation from the LCSB on the NIC committee and the board has been disrespected and deliberately cut out of any decisions regarding NIC projects. John suggested anyone from the LCSB could volunteer to be on the committee and David volunteered. Marcia felt the board should have the opportunity to look at the criteria and metrics for future projects.

Northern Integrated Supply Project (NISP)

John Stokes, NAD Director, introduced both Carol Webb and Adam Jokerst, with the Utilities Department and Jennifer Shanahan, with NAD. John provided general background information on NISP - NISP, a proposed water supply and storage project serving 15 communities and water districts in northern Colorado (including the Fort Collins – Loveland Water District that serves portions of southeast Fort Collins) has been in the federal permitting process for 12 years. The City has participated in the federal permitting process as a stakeholder, in particular making comments on the Army Corps of Engineers (Army Corps) Draft Environmental Impact Statement in 2008, and again in 2015 with respect to a Supplemental Draft Environmental Impact Statement. Currently, the Army Core of Engineers is drafting a Final Environmental Impact Statement expected for release in late 2017. At the same time, Northern Water is developing mitigation plans for NISP. It will seek approval of a Fish and Wildlife Mitigation Plan through the Colorado Parks and Wildlife Department in 2017. Northern Water ultimately will be subject to mitigation requirements imposed by the State as well as the Army Corps. In June 2016, staff approached City Council about NISP and suggested that it would be beneficial to enhance the City's direct communications with Northern Water regarding NISP. Council advised staff to engage in direct communication with Northern Water – but did not express support for discussions that would lead to negotiated agreements. Council noted that if there were to be negotiations, they would have to be authorized by Council. Since that time, staff has met with Northern Water on several occasions to discuss, but not negotiate NISP.

Discussion:

John offered conclusions after his presentation. The City could do nothing, and just say it's going to happen either way, whatever happens, happens. We would forgo any opportunities to influence the outcome of this. Secondly; we could continue to participate in the permit process, basically how we've participated to date as a stakeholder. We could provide comments and suggestions and try to influence the project through that approach. We believe that the con is that we will have limited abilities to influence outcomes. If we don't negotiate with Northern then we are basically relying on the other agencies involved to do that work for us. We're concerned: What we've heard from Colorado Parks and Wildlife and Army Corps of Engineers is not encouraging in terms of what they may require in the way of mitigation from these projects. We don't think our BATNA (Best Alternative to a Negotiated Agreement) is great. Lastly, we could explore and pursue our own negotiated outcomes. The pro is that maybe we can do something better than our BATNA. The con is that we may not be able to develop better outcomes. That means if you don't want to see NISP happen and if we developed some agreements to reach some agreement with Northern that gets the City to a neutral position that would be a big negative. We would have to reach an agreement obviously. John explained that this was a consensus recommendation by staff. We've had a lot of internal discussions and are

not recommending this on the spur of the moment. Staff was looking forward to discussion with City Council and with board members. The permit process is a long one but a substantial amount of that permit process is done.

Board members engaged in conversation over several things including, the fear of the City looking weak to Northern, change in policy, leading to a catastrophic project and questioning the motivation of Northern to negotiate in good faith. John explained his thoughts on Northern stating that Fort Collins works very closely with Northern and has a good, intimate working relationship with them. They supply half of the City's water supply. Ray felt it seemed that the city has expressed its concerns through the SEIS. Why not just put the ball in the court and ask them to bring their enhancements to us. It could change our attitude toward NISP and not go into private discussions or closed room discussions where the public can't see. Make it very public, send the report to us, we will publicize it. Marcia was weighing pros and cons, while considering potential outcomes ranging from negotiating to not negotiating at all. Negotiating might be considered or looked at like the project is going to go through and the non-negotiating we can't perceive that anything good will come out of it.

Ray stated there is a very strong connection between providing 1,400 acre feet of water and the number of houses that can be built and the addition to development pressures coupling back to the primary concern of this board, which is conserving open space. NISP plays an important role in our goal of preserving open space.

David made a motion that the LCSB send a memorandum to City Council opposing the staff recommendations to engage the Northern Colorado Water Conservancy District to discuss and potential negotiate mutual interests related to the Northern Integrated Supply Project.

Raymond Watts seconded the motion.

The motion was unanimously was approved.

Council NAD Budget Overview

John Stokes, NAD Director, provided an overview of long-range budget projections and information on various spending categories. Topics included long-term budget projection, including a description of how the Department manages the spending requirements of the ballot initiatives, fund allocations to programs, including land conservation, ecological restoration, operations and maintenance, internal administrative charges and certain capital expenses. An estimation of acreage NAD could potentially conserve each year was calculated considering land around the edges of the GMA, the Wellington separator, along the Poudre River and the foothills. John explained how funds are tracked as "green" or "blue". Green funds are allocated

to land conservation and restoration activities. Blue funds may be spent on any work of the Department but serve as the foundation for operation and capital activities. To meet the spending requirements of OSY, staff manages towards the 2030 end date of the OSY ballot. To date, green spending has exceeded the 80% OSY requirement by approximately \$10.5 million. The exceedance has been achieved by using blue dollars for land acquisition. Staff's approach is a soft landing in 2030 whereby the 80% requirement will be exceeded by a comfortable margin. John reviewed both 2016 budgeted revenue and projected spending information from 2017 to 2030. The long-term budget projections are based on strategic objectives, Council priorities as set through BFO and the Master Plan, expected future obligations associated with management, operations, and capital expenses; and, meeting the spending requirements of OSY. Please note that "Land Conservation Ops" includes all expenses related to the acquisition of real property such as appraisals, staffing, legal assistance, and surveys.

Land Conservation

Mark Sears, NAD Manager provided a summary of properties that NAD have made offers and potential closing dates.

Meeting adjourned: 9:00 pm

Approved:

Edward Reifsnyder Chair 2/17/17 Date
Edward Reifsnyder

Michelle Vattano, Secretary
Michelle Vattano

