

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

**Regular Meeting  
May 10, 2017  
1745 Hoffman Mill Road  
5:30 p.m.**

**Council Liaison:**  
Gerry Horak 420-7398

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

**Board Members Present:** David Tweedale, Edward Reifsnnyder, Vicky McLane, Joseph Piesman, Andrea Elson, Kelly Ohlson, Marcia Patton-Mallory, Raymond Watts, Mike Weber

**NAD Staff:** Mark Sears, Johns Stokes, Rick Bachand, Daylan Figgs, Mary Boyts

**Public Attendees:** Cole Kramer, Resident of Fort Collins

**Call meeting to order:** Chairperson Edward Reifsnnyder called the meeting to order at 5:30 p.m.

**Public Comments:** None

**Agenda Review:** Daylan confirmed Code Changes as an Action Item and Wetland Mitigation as a Discussion Item. There were questions about the Wetland Mitigation Bank at the March 2017 LCSB meeting that Rick Bachand will address. Lastly John has some updates he would like to share.

**Approval of Minutes:** Amendments to the April board minutes were approved by the Board.

*Joe Piesman made a motion to approve the April LCSB Board Minutes as amended.*

*Ray Watts seconded the motion.*

*The Board Minutes were unanimously approved*

## **Communication and Board Matters**

**Joe Piesman** gave an update on the Bicycle Advisory Committee meeting. He reported the Master Transportation Plan should be completed by December of this year. Additionally, Joe reported that a law has passed by the Governor that defines what category e-bikes fall under and encourages local jurisdictions to take a stand on the issue versus the state. The Bicycle Advisory Committee will make recommendations about where e-bikes can be used and what the restrictions will be. John Stokes reminded the LCSB that ADA may be an exemption to the rule.

**David Tweedale** reported that he attended a program at Soapstone on Saturday. After the program was finished, some of the volunteers asked David to recognize education staff at the next LCSB and for their willingness to listen to recommended changes to existing programs. David thanked the education staff for their ideas and listening to ideas. David also announced that all volunteers have been requested to use the new database, Engage to record their volunteer times and that Charolette Boney, the City Volunteer Coordinator would be glad to come to a Board meeting and offer a training on how to use the new system. David has been working on a database for over a year and feels that training would be helpful. David requested NAD staff reschedule the Soapstone Prairie Tour. Daylan announced bison calves will soon be born and would reschedule at a time that avoids any interference with that process.

Members requested a field trip to the Homestead Natural Area and agreed to meet at the NIX Farm at 4:00 pm, prior to a scheduled Board meeting to view the restoration work there.

## **Action Items**

### **Municipal Code Changes**

**Rick Bachand, Environmental Program Manager**, reviewed the suggested changes to the current code and asked Board members if they had any concerns. He explained that there are no new regulations proposed, and the changes are intended to clean up the current language to address some NAD concerns.

### **Discussion:**

**Marcia** – So when you mentioned the slack lines, I thought about all the people I've seen with hammocks along the Poudre River, the Natural Areas, so are hammocks allowed but slack lines not?

**Rick** – Well you can't affix anything to any natural structure or natural feature in a natural area, so I think technically that would be prohibited.

**Marcia** – So do they need to be called out? It's the same issue when injuring the tree by tying the rope around the tree, damaging the bark.

**Rick** – I wouldn't be directing my rangers to insist people get off those that same day or same hour. Now if they left, and then they're coming back, like a transient camp, that's a different story. If someone just goes out and hangs a hammock for a while to relax in a natural area I'd probably ask the rangers to pass by that, come back and check on it again later.

**Kelly** – Why would you not want to write it in for the grievous examples or is that already covered?

**Rick** – I'm sorry?

**Kelly** – You just gave an example of how, which I agree, how somebody might not know, that might not be doing any harm with a hammock. But there's judgement in all laws, including with the police. You've already covered that if you want to get the hammocks gone for those that are living there.

**Rick** – We've already listed language that covers that.

**Ed** – Not in this document?

**Rick** – No there's other natural areas regulations.

**Ed** – Any other comments

**Mike** – Will signage, flyers, brochures be updated to show that? I was just in Moab and there were signs in every city park "no slack lines".

**Rick** – The way we do regulatory signs, outside of a parking lot, is every legal access has a mini kiosk where the most frequently offenses are listed. We also state "see other "and direct them how to locate the Natural Area regulations. All this will be update.

**Mike** - I just think drones and slack lines are easy to get in and folks might not know the new regulations.

**Joe** – Weren't there a few swing ropes over the Poudre River where people used to swing across the river near Lee Martinez? Are those gone now?

**Rick** – I don't know about the one right over the bridge. We were taking them down for a long time but one of the trees that were most frequently used for that was taken out as part of the restoration. That solved that problem. I think there's a technicality that we take it down, it goes back up, we take it down, and it goes back up. It's kind of a mouse and cat game.

**Kelly** – So the swings, swing ropes are technically not appropriate?

**Rick** – Not in a natural area

**Kelly** – Alright because I understand we don't book people and fingerprint them. The whole idea is compliance, but some of the ropes hung up for years without us taking them down. I'm assuming that now you have more rangers and stuff, we do take them down then?

**Rick** – No, we're not actively taking them down day to day.

**Kelly** - I'm not a moran; I don't mean send someone out every day if they're there. If it's illegal, why wouldn't we take them down? These are the kinds of things in bureaucracy that drive me insane. If we don't want them and we're passing by and our goal is not to send someone to jail, then why are we not taking them down? I'm missing something.

**John** – So there's hardly any left. Most of the trees that they were on are already gone. The one big tree near Hickory Street Bridge still has a rope on it. We made a conscious decision not to

take it down because people are having a lot of fun. We talked about liability issues, we talked about resource issues, and we talked about the fact that if we take them down and they put them back up, so we're kind of wasting our time. The fact that it's a really nominal problem for us that's only happening in one or two places and so you have to pick your battles. That is one we think is not worth fighting. We think there's a component of accessibility and enjoyment there for people who are generally under the age of 18 so we've adopted a "live and let live" approach on those ropes. I think there's only one left.

**Kelly** – That makes more sense to me. I guess you want to have it in case there's one or two that you want to enforce, for a variety of reasons, habitat or otherwise. So you want it in order to do it, but you made a judgement call in a net game versus a net loss.

**John** – Yea, basically.

**Kelly** – I understand the burying thing. I don't want people coming to my private land burying things, so I understand not burying cremated remains. So what is the law, federal or state, because I'll be breaking this law other than the party favor give away of my ashes? What is the harm of all the things that are of harm, I'm not referring to people in this room, what is the harm of some scattering ashes in a natural area? I'm not going to make this an issue of the month, since I'm going to just ignore it, I don't get.

**Rick** – This is not only a natural area regulation it applies to all city property. I personally don't think there's an ecological issue.

**Kelly** – That's what I want to know.

**Rick** – There's other issues that we might have. Even if we allowed it and someone buried remains and we had to close it for wildlife reasons and then that person comes back and says they want to visit their uncle or something.

**Kelly** – I get the bury thing. It doesn't make any sense to me, but it's not my fight. We ought to be regulating the use of water and land, God forbid they spread their ashes in a natural area.

**Ed** - We got these proposed changes in front of us. Are there any other questions? If not, is there a motion? What we're doing is recommending these to City Council.

***Vicky McLane made a motion that City Council approve changes to Chapter 23, Article IX of the City's Municipal Code as proposed.***

***Kelly Ohlson voted no.***

***Marcia Patton-Mallory seconded the motion.***

***The vote passed 8-1***

## Discussion Items

### **Wetland Mitigation Bank Proposal for NA's Running Deer Complex**

**Rick Bachand, Environmental Program Manager** presented the Wetland Mitigation Bank Proposal for NA's Running Deer Complex. Rick offered a brief recap of the March 8<sup>th</sup> Board meeting's questions on the Wetland Mitigation Bank proposal for Running Deer. He explained the regulatory framework for the wetland protection and mitigation banking, how it works, how the concept aligns with NAD's mission and how natural areas would operationalize a mitigation bank at Running Deer.

Rick explained how the mitigation bank typically works and provided examples of the process.

#### **Discussion:**

**Rick** - An advantage would be no net loss of wetlands in our watershed. We can be a provider if and when wetlands are impacted. The restoration money would be spent here, within our drainage basin identified by Army Corps of Engineers (ACE).

**Edward**- Would we be restricted to development activity within the Poudre River Basin?

**Rick**- I don't understand the question.

**Ed**- If someone buys a credit in Grand Junction, they could buy it from us?

**Rick**- Yes

**Joe**- The ACE has to approve the bank?

**Rick**- Yes

**Ed**- Do you know how those are valued?

**Rick**- The wetlands?

**Ed**- Your example of a utility line. They decide they can't mitigate themselves so they buy a credit. How is the credit valued?

**Rick**- It's market price, whatever that happens to be. That market price has to deal with how much it takes to construct the wetland itself no matter where it is. There are things to consider like where it's located. If it's far away, you typically pay more. If the ACE requires you to do a two to one mitigation and then it also depends if the mitigation is going to be in-kind. So if I go in and damage one acre of marsh but I go back and put a shrub wetland together, that might be o.k, but it might not. A lot of what we're seeing as an example is when someone like Streets are impacting one tenth of an acres of cattails to build a bridge. Instead of mitigating on site and creating a one-tenth acre wetland, Natural Areas can take the same funds and spend on a one-tenth acre wetland within a larger wetland complex. You're really upgrading the type of habitat.

**Ed**: Is it a negotiation between a utility company and bank?

**Rick**- There usually is but there's also a market price. By the way the ACE doesn't determine the market price. The market determines the market price. Another advantage would be NAD would always retain ownership of this land, it would never change hands, and there would be an underlying conservation easement that a third party would hold on the Natural Area to ensure the wetland remains a wetland in perpetuity. You can think of it as a second layer of protection to our land. If for some reason someone decided to develop Running Deer there would still be this

underlying easement. You would have to get past that and that would be pretty hard.

**Kelly-** Let me make it clear, we wouldn't get new land here. This is on our land.

**Ed-** We understand that.

**Rick-** Right, but here's what that land could look like. Right now this area basically has some naturalization due to water channels left over from sand and gravel mining, but it's low quality habitat. By implementing this mechanism, to help fund the restoration of this area, that's significant in terms of what we could bring to habitat. You've seen McMurry and what it looked like before. That's the same type of project we would do.

**Joe-** You might add Running Deer to the list of areas to see and have Rick show us.

**Rick -** A viability study would have to be done by the contractor, if it is viable the department and the banker would go into negotiation to determine what that would look like and how many acres of wetland credits they would need to create to be a viable project. Staff would come to Council and the board to allow for that conservation easement. Tonight we're not asking for conservation easement, only if this is viable. Once ACE gave blessing then bank would give credits.

**Ray-** How do you fund the construction?

**Rick-** That's the investment the banker makes. The banker has the upfront money to go in, do the restoration, then sell the credits and make a return.

**Daylan-** That's why a feasibility study is important because obviously they are going to invest a tremendous amount of money. If they can make a viable business investment within the price range the market has set - that's the balancing act for them.

**Joe-** Would Natural Areas staff be involved in the construction or would it be more of a supervised status?

**Rick-** More of a supervise and guide the design status. Obviously we wouldn't let something happen that we weren't comfortable with, but the applicants to this RFP have seen our concept design, so they knew when they put in a bid for the RFP basically what we were looking for. So once they do the feasibility, they will be looking at that concept of what we've developed.

**Ed-** Can you talk about page, 4 second paragraph from bottom? *'The Army Corps had identified northern Colorado as a region warranting an accredited wetland bank due to the number of anticipated projects in the next decade.'*

**Rick-** I have a colleague at CDOT, what the ACE is telling them is that Northern Colorado is probably prime for a mitigation bank. There's one in Longmont. CDOT is looking at a lot of I-25 projects so there's been a lot of discussion.

**Edward -** Are there other parties that you have knowledge of that are exploring this type of mitigation bank in northern Colorado?

**Vicky -** Other than CDOT?

**Rick** – Not that I'm aware of. CDOT seems to be the big client right now. In fact I got an email from CDOT explaining that they will always be interested in as many wetlands that can be provided.

**Vicky** – I was speaking with someone who is retired from USGS and he raised some questions about what are the effects of destroying naturally occurring wetlands and how the hydrology is being affected and how those effects are measured.

**Rick** – That's up to the ACE. We have no control what happens off our properties. It's the ACE's job to regulate.

**Vicky** – So we have to rely on the ACE to answer all those questions?

**Rick** - Whether we have a program or not ACEs is responsible for that.

**Vicky** – How is the value in natural wetlands measured as compared to a restored wetland?

**Rick** – Well, in my opinion, even in 100 years a restored wetland may not meet those functions that a natural wetland would have.

**Daylan** – But quality of the impacted wetland is factored in the mitigation ratio

**Vicky** – How?

**Daylan** – There's a quality assessment in the process. Sometimes the ratio is one to one. One acre of impacted wetland equals one acre of mitigated wetland, but sometimes those ratios are different. If it's a very high quality wetland being impacted, it may be possible that for every acre impacted there's two acres of mitigation wetland.

**Vicky** – But ACE makes that determination

**Daylan** – Yes, ACE makes that determination. It is an effort to get at replacing the functionality of the wetland.

**Vicky** -Well clearly CDOT has a vested interest in a wetland mitigation bank in northern Colorado. It's a little disconcerting that they are pushing it. I think we don't know enough about the effects of destroying a natural wetland to be comfortable with this. I'm not sure ACE does. I'm not sure anyone does.

**Daylan** – Keep in mind CDOT is going to build roads and impact wetlands, independent of this wetland mitigation bank. What they'll do is go to a bank in Greeley or Longmont or somewhere else to find mitigation. This doesn't address the impact side. That part of the equation is settled by someone else. This is really addressing the mitigation side.

**Andrea**- The last time you presented there was quite a bit of say that the City had as to who the purchasers of the credits might be. Is that something that will be visited in the feasibility report?

**Rick** – That will be examined in the contract negotiations before the contractor would even get to the feasibility report.

**Ed** – Would the contract, on the front end, be designed, if they conclude that it's feasible then you just move on or is there another negotiation?

**Rick** – The way the RFP is written is that there would be another negotiation but either party would have to have some serious problem one way or another where they wouldn't want to move forward. Both parties would have a commitment.

**Marcia** - I wasn't here the first time you presented, so we have people that have bought credits and there's a massive flood that washes it all out. Whose responsibility is it? Is it the bank's responsibility or the City?

**Rick** - It's not ours.

**John** - There's typically an Act of God clause. So if you're wiped out because of a flood, typically it's neither the banker's responsibility nor ours.

**Marcia** - How about monitoring? Who's responsible for monitoring after it's established that it's functioning.

**Rick** - That's the banker. Until it's been approved and certified by the Army Core of Engineers, the banker has to come back and do whatever stewardship needs to happen to ensure the wetland is a functional wetland. The ACE will not approve it until that happens.

**Marcia** - And then after the credits are sold then who's responsible for monitoring it?

**Rick** - That continues to be the banker until at which time all the credits are sold. Once all the credits are sold, then there's a turnover of management from the banker to the NAD. With that would come stewardship endowment, as well, to help us fund the ongoing management.

**Marcia** - I saw the term "stewardship endowment" and I didn't understand where the money for that comes from.

**Rick** - Again, the banker with the credits.

**Marcia** - Does all that money go into a stewardship endowment?

**Rick** - No. That's another thing that would be negotiated as part of the contract.

**Marcia** - So part of it's for the restoration and the wetland and part is for ongoing stewardship.

**Rick** - So if you're buying one acre from me and it's \$100,000 it took me \$80,000 to build the wetland; some is kept as profit and some to stewardship.

**Marcia** - Just a couple of other comments, because I did some research on this, wetland banking started in 1980s, I heard about it and talked to a lot of people about it and there was a lot of concern about it. There were a lot of publications around the issue in 2000, 2001, 2003; people came back with pros and cons. There was a lot about what things made it work and things that didn't make it work. I saw a lot of things that would make it work lined up in your proposal. Some of the criticism is that it tends to take wetlands out of urban areas and create them in rural areas. When I looked at the proposal this is going to be part of the urban corridor. I think that's a good thing. They also talked about issues about it being maintained in perpetuity; the need for a political infrastructure so it can be maintained for a long time. Overlaying this on top of natural areas that already has that intent with City of Fort Collins standing behind it I think it has a lot of strength. To me that aligns with all the strengths of wetland banks. There were a number of different things like equivalence. There was some discussion about this. Is there some way to ensure there is alignment with the watershed so there's not net loss in the watershed? My feeling towards this is positive. I think it would be really interesting to see the feasibility part of it. I think this area really needs restoration and needs a lot of dollars to do that. I say why not give it a shot. The City's in a really good position to do this and do it right.



**Ray** – If I understand things right NAD gain wetlands. It's land that's not in very good shape right now, so it's a gain. Then we gain stewardship money for ongoing management after the bank has sold all the credits. What if the sale of those credits garners a heck of a lot of money? Is there any cost sharing of those profits? Any additional cash flow back into the NAD.

**Rick** – Absolutely. That is part of the negotiation with the selected contractor. What if I said I think this restoration could cost \$4M? That needs to come out of our land and restoration fund and instead you can spend it on something else like land. Would that interest you? I think it would.

**Joe** – You say that restoration concept, you have about 400 acres in the complex. That's all of Running Deer and Prospect Ponds. You're not going to restore all that? What's the priority?

**Rick** – The priority are the areas I've indicated, the emerging wetlands, the riparian forest along with a variety areas along the existing water out there.

**Joe** – How many acres would be the high priority areas? How much does that represent?

**Rick** – I think I've said 75 in the past.

**Joe** – So that's just an idea of the scale. This is what's giving me troubles. That the step before the adverse impacts are accepted and then go to ACE, and that's whether the City, be it Planning and Zoning or Council will approve a project that has the potential to adversely impact wetlands. They could reject it because it doesn't keep in line with City values because we value the development more than the wetlands. This is the big worry, that our future board or future council may say "that's no big deal, we'll wipe out this wetland but we'll get it back in Running Deer. You can't really answer this question, but this may be a Council ten years from now. Will it make them more likely to say this is questionable but let's do it because we'll get it back at Running Deer? It's kind of a de jure versus de facto problem. It creates a potential defacto problem.

**Rick** – If it's considered a jurisdictional wetland, meaning the ACE has jurisdiction to regulate it, that's the first thing that has to happen. City Council can't do anything there. ACE needs to make a determination. If it's determined that the impact is going to happen in a jurisdictional wetland then the ACE kicks in and that's when things start to happen. Ultimately it is the ACE who determines how things will play out.

**Kelly** – So city ecological standards don't play a role at all?

**Rick** – Not in the federal process.

**Kelly** – But our only development requirements says they shouldn't be destroying it.

**Rick** – City Council has control of that, but Council wouldn't have control above and beyond the ACE if it was a designated jurisdictional wetland.

**Vicky** - What do you mean jurisdictional wetland?

**Rick** – Jurisdictional meaning that it is a wetland or waterway that is regulated by the ACE, federal waters of the U.S.

**Rick** – Let me give you an example.

**Kelly** – I haven't been able to speak yet, but that's alright.

**Rick** – Oh I'm sorry I'll be quiet.

**Vicky** – For example I-25 over the Poudre. Is that jurisdictional?

**Rick** – It will be

**Vicky** – So the ACE makes all the decisions, and the City of Fort Collins, ‘goodbye, we’re not interested in what you think.’

**Rick** – That’s right.

**Joe** – Well there the City wouldn’t have say if they could do that or not, but if they wanted to take out the silos and put in a development over the Poudre, the City could say that’s not in our values, but the wetlands could come in to play. I’m just saying that Council could say that.

**Vicky** – But not if the ACE is involved, if the Core gets involved, then city Council disappears. The county commissioners, nothing.

**Daylan** – I think you’re probably stretching this a little too far. If the City said yes and the Core got involved they can deal with mitigation at that level. If the City, because of this development review process, said no, the Core wouldn’t approve the development for reasons beyond the wetland issue.

**Vicky** – I think of NISP.

**Kelly** – Thanks for coming back after the Wednesday night massacre. We’re not making a decision tonight and there’s a long way to go. Therein lies some of the chillness of it. I don’t like it any better than I did before. I think the system itself, not what you’re proposing doing, the system you didn’t create has been so severely flawed in its creation and has been so poorly executed and so corrupted and there’s been so many failures in the system I just don’t want to be as just one ninth of the board with no authority at all, complicit in the whole thing. I could see a private developer saying “let us do this and we’ll buy into that bank along the river” and I’m not hearing that wouldn’t be allowed if that’s what Council said. The thing is that I have many other reasons. There’s kind of a rule in politics, although this isn’t really politics, this Board, but never make Nazi analogies. But it’s a pretty good idea and this is one tenth of a million of the seriousness of that issue, but it’s like saying ‘well we might as well take the credits, we might as well go somewhere else and sell them the vegetable oil they need because somebody else is just going to do it. I just can’t make that jump in what I view is just a very flawed, mis used system. Which is the overall wetlands thing and you mentioned to your credit, I was always trying to get council members to understand, often times one acre, or you destroy an acres, and I don’t’ mean just cattails but a functioning wetland that has been functioning for centuries and you go over here and your replace it with two or three in our system, whatever acre, it’s not equivalent.

**Rick** – It’s not apples to apples.

**Kelly** – Right it’s just not equivalent and you said even stronger than I could have ever stated and I’ll be kind so not to get you in trouble but you said more definitive than this that in 100 years it’s not even going to be the same.

**Rick** – That’s sort of rhetorical.

**Kelly** – I’m’ agreeing with you. I’m just explaining why I’m not a fan of the program.

**Rick** – With that said, I would ask you to go look at McMurry. Go look at N. Shields. Go look at the bird life that’s already using that in just year 5.

**Kelly** – I'm working hard every moment of every day in the meetings on MY stuff. I'd like to finish MY comments because you're going to get to move ahead with this. We're not making a decision; we're not a decision maker so I'd like to finish my comments and feedback into this.

**Rick** – I'm just saying this is going to help things, even if it isn't ten thousand years.

**Kelly** - I'd like to just let you know why I'm not a fan of the program even though I know you've had nothing but good intentions in doing this. I'd like to finish my couple of points. The other thing it does allow people like CDOT, and private developers, not first of all, sometimes there are things you can't avoid impacting and I would even agree with that environmentally. This just give an easy out so there's no other designs, other options, other locations and other things are desired. It's too easy of an out. I'm just giving you reasons why I'm not a fan of the program. Oh we have the bank over there; we'll just pay into that. Maybe we'll do a little more costly design or a better design and we greatly diminish the impact on the wetland. I did my research too. So that's why I'm not a fan. I'm trying to hurry. I understand people that this is probably going to be done anyway. I just can't make the personal, moral value jump for me. We might as well get the money in our county and our program or otherwise its' going to go to Longmont or Greeley. I get that, I've just never been able to, in my own world, and I'm not putting those down that do in this case, that's o.k. in their framework. It's just not o.k. in my framework that it's going to just go somewhere else so we might as well be the complicit ones. I just can't make that jump, but I understand you guys doing that. My trust level is also very low, I'm not referring to the NAD, I'm referring to the whole city organization and I'll be talking to the Council soon on it, we just seem to put together the worst agreements, legally and otherwise I've ever witnessed in the real world. We just don't negotiate tough, and tough doesn't mean unfair by the way. It should be to look out for the citizens and the tax payers of Fort Collins. I hope if you move forward you don't view your job as looking out for the other parties. They'll have their attorneys, they'll have their people. You should be looking out for this department and the citizens of Fort Collins and taxpayers because we sell low and buy high in the city.

**Rick** – Right and I want a developer, a wetland banker to pay for the \$4M project.

**Kelly** – And then I need to explain something. So when Ducks Unlimited and the other people were here, I'm assuming those two people sitting in the back, they're the bank?

**Rick** – They are applicants.

**Kelly** – I mean if one of them is selected they would be the bank.

**Rick** – Yes

**Kelly** – And so for Ducks Unlimited it's actually a money making deal because people make money off these.

**Rick** – Again, how those contracts were arranged and how the entities use the money, I can't speak to that.

**Kelly** – If, I was a Council member I would have to know that before I approve this. So pretend its \$4M, can they get \$8M in the bank and then you take out the long term monies and they could make \$3M?

**Rick** –Hypothetically, yes.

**Daylan** – One of the companies is a for profit company.

**Kelly** – Isn't the goal then to do the minimum they have to on our land to maximize their profits? That's not a stretch of a statement there.

**Rick** – They have to do exactly what the ACE requires them to do.

**Vicky** – Just what you said Kelly.

**Andrea** – Well I think it's standard in public/private partnership. They're taking a risk, they're putting a lot of money into it and they expect return.

**Kelly** – Well there's return and then there's return. What's the limit on the profit gouging?

**John** – Just to be clear they're an investor, if they're a for profit company. They're investing a lot of money up front and they're going to get some return on that. Their return is based on what the market is. We're not weighing in on their potential return. That's their business model. That's not something we're going to get in the middle of.

**Kelly** – So this will be an RFP or something that will go out?

**John** – Yes, so we put out an RFP, people bid on it, they come back with a proposal, we select somebody, you go through the vetting period, is this going to work, is it not going to work. They do their business planning, they decide if this is going to work for them or not work for them and people make decisions about what to do.

**Kelly** – There must be some vibe out there about who the good players and the bad players are.

**John** - Yes, there's definitely companies that know what they're doing. They have to have the experience and the resources to do this. They have to be pretty sophisticated.

**Rick** - It might be a CDOT self-run bank

**Kelly** – You guys could write the contracts? The worst case scenario for a significant amount of people would be that all of a sudden NISP gets to mitigate by buying into this bank and I forget what the answer was at the last meeting, because that would be just moronic for the City to do that long-term. Is that something you could exclude?

**Rick** - That's something that has been considered and being addressed.

**David** – But it's being addressed?

**Rick** – I think that's all I can say. That would have to be part of the contract negotiations.

**John** – What Rick is trying to say, not very well, is that we're aware of the problem. We would negotiate that out of the possibilities. However, what if NISP got approved? What if Northern gets their permit and 15 years from now this wetland bank is cranking? That's a different question, but no they would be excluded from participating.

**Vicky** – How do you exclude them if it's a third party running the bank?

**Kelly** – They can either sign it or not or we can sign it or not.

**Ed** – John what does excluded mean?

**John** – In other words Northern couldn't go to the bank and buy credits.

**Ed** – But you just said a minute ago if they get their permit 15 years from now.

**John** – I was just posing a question, what if in 20 years they have their permit and the bank is functional? In other words, them buying credits from the bank wouldn't facilitate the project because their done. They're moving along. In my view we would never sell them a credit.

**Kelly** – My last question, maybe this makes no sense to you, because you’re the professional, but at times it seems like we might be destroying, not we would be destroying, but the ACE would be allowing CDOT to destroy the quality of wetlands and then the turnover is that we restore already somewhat functioning, and in some cases moderate functioning wetlands, to me it just doesn’t fit. It’s not like some of it doesn’t already have habitat quality.

**Rick** – I believe we can significantly improve the quality.

**Kelly** – We’re just going to have to disagree, I’m happy that I got my say, because I know it’s moving forward. It appears, with the things you have said, it’s moving a little further along than implied in the memo. I’m guessing you’ve already worked on the contracts or something.

**Rick** – No after our last conversation we delayed on the selection.

**Vicky** – You’ve done interviews?

**Rick** – We’ve done interviews.

**Kelly** – Since we met last time?

**Rick** – Before we met last time. We did interviews in December.

**Vicky** – When CDOT puts the screws to somebody, you move.

**Kelly** – How come we didn’t get this brought to us before you had even done that? I mean we like to get in early. I know we’re not decision makers but...

**Rick** – I think on something we had to do was learn how this would operate, so our RFP says we’re looking at how to do this, come to us and tell us how that would work as part of your proposal.

**Kelly** – So I think you’ve already answered this, but you haven’t selected yet?

**Rick** – We’ve conducted interviews. That’s where we’re at.

**Kelly** – But you haven’t selected yet?

**Rick** – We have not selected yet.

**Kelly** – Have you done more than 2 interviews?

**Rick to John** – Is this something we can discuss in a public setting?

**John** – We’re in the purchasing process right now, so we’ve interviewed some companies and that’s it. We haven’t selected anybody.

**Rick** – Yea, a lot of these questions, I’m not trying to be cagey, I’m just wondering what I can say in a public setting.

**Kelly** – No I get it. I don’t run to the New York Times. I haven’t run to The Coloradoan yet. Thanks

**Ray** – Because all of these restrictions can be written into the contract, isn’t it possible that there could be a lot of control over the kinds of projects for which this bank would offer mitigation?

**Rick** – Absolutely

**Ray** – It’s hard to imagine the right language for everything but some of the kinds of concerns that Kelly expressed about this being an easy out for somebody, who is going to pave a wetland and say forget it, I’m just going to buy credits, in fact, seems to me that we could write language in there that says we’re not going to sell credits to someone who’s doing business that way.

**Rick** – I can say that’s being considered

**Daylan** – I think the thing to keep in mind when excluding potential buyers, for whatever reason, it limits the market and probably the feasibility of the project.

**Ray** – Absolutely and the money that both the contractor and the City will get back.

**Daylan** – and length of time before it's built to when it's sold out.

**Joe** – Remember last time I brought up the issue of whether they could exclude development projects that impinge the Poudre River in light of Gary Walker's suggestions. I think there was a little push back on that.

**Kelly** – This is one of those things, that I go on to the next thing, I get to have my say, which I'm appreciative of, do I put my energy into feeding at the Council level? Maybe, maybe not – as a citizen, blah, blah, blah, however, they are going to hear from me because you just made me remarkably uncomfortable with what you said. I'm going back to my Nazi analogy now.

**Rick** - I'm offended by the Nazi thing, I'm very offended by that.

**Kelly** – I'm not comparing that at all. There's no tone in this at all. Why don't we be the ones to do this right? If you're going to do this why don't we be the ones to do it right about excluding some people.

**Daylan** – Kelly that's not the point.

**Kelly** - So maybe we finish in 22 years instead of 16 so we're not enabling the dark side to do their work.

**Daylan** - Kelly that's not even close to my comment so let's keep on topic here. What I said was the more we restrict the more it changes the market. That's the simple fact. Whether I think that's an o.k. thing or not was not discussed.

**Kelly** – I interpret as it's an o.k. thing.

**Daylan** - It's not my market place to define, it just changes the market that's available to these guys, and whoever does it. It's just that and that's what they're going to look at. If it takes them 15 years or 20 years, I don't care.

**Kelly** – So what I would do if I was you guys, because I think you believe in this, and that's o.k, I would try and write it, if you're going to participate in this kind of system, we're doing it at the "A" level rather than the "D –" level, down in the gutter with anybody that wants to come along and the other companies can accept it or not and then maybe, and it's not my goal here, maybe it falls apart. I'm guessing it doesn't fall apart.

**Rick** - What gives you pause to think we might do this at the D minus level?

**Kelly** – I didn't say that, I said "based on the comment I heard" that yes, it goes back to how we don't write good agreements in the City, my opinion, city-wide, that we could put all kinds of restrictions on it not to get it to fail and not to get it not to be accepted, but to eliminate the bottom feeders. The bottom feeders, to have it written that we don't play with them. That's all. I don't know how that's not one of the most rational sane things I've ever said in one of these meetings, why we wouldn't write that to eliminate the bottom feeders?

**John** - I guess Kelly the problem with that is, how do you define a bottom feeder? What's a bottom feeder? The way this works is somebody, CDOT, is building something and they can't avoid it, they can't minimize it, they have to mitigate it by law. They are required to buy a credit

in what's called a certified bank well the quality of the bank is certified by the Army Core of Engineers. Is CDOT a bottom feeder? Is a developer who goes through the exact same process a bottom feeder? I think where the outcome matters most is in the creation of the product. You want to have a really good product. You want a highly functioning, bio diverse wetland bank and that's where we have lots of influence. That's where we can work closely with the developer of the bank to meet our conservation goals, which we have. We've already created a conservation vision for this site and that's where we have the most direct and the most beneficial influence. I'm just posing this because I really don't understand the nature of your question. I don't know how to analyze that or respond to that, but where we can be responsive and where we can make a difference is those things within our control, the land that we own and the product that is created there. We want, if this thing were to ever go forward, we would want it to be a really good product that we could be proud of in the future and that would be a benchmark for wetland mitigation banking.

**Kelly** – Might an example of a bottom feeder be a particular development project, private, that destroys that somebody, and I don't know the terminology of degrading of wetlands, but one of the top tier wetlands that geez City just let me completely destroy that wetland, already established that may have taken hundreds of years to get to that point, and then just let me buy into your program on your land because it sounds so good, so we destroy a more highly functioning wetland than it will take us more than a hundred years to recreate.

**John** – That goes back to Joe's point, which is the enabling question which seems to me to be a very key question that keeps coming up. Are we enabling, you've used the word complicity or enable might be another word. That's kind of a different question and I think it's a valid question. I need to think about that more carefully.

**Kelly** – Well that would be a good one to work on because I understand they're not going to move the interstate widening over to Limon or something. So it's probably going to be wider which is different than a developer just making it easier and to maximize their profits because there is a pesky wetland in the area. That is different than the widening of an interstate.

**John** – So one thing I wanted to share and I brought it up briefly at our last discussion in northern Colorado, in Larimer County, you look at a map, and I'm just picking a number, but it's probably about 90% of wetlands on this side of the foothills, once you get into the foothills it's a different ecosystem, but once you're down in the plains about 90% of the wetlands are created by ditches and ponds. There are very, very, very few natural wetlands down here on the plains. So we've actually created probably far more wetlands in today's modern world than we would have had 150 years ago. There are difference in quality and kind for sure. For example the Poudre River used to be a highly rated river that moved around and so there would have been more wet meadows, more cottonwood gallery forests, all sorts of things. Those functions have by far and large been lost. If you look around town you have what you see on the river and some of the ponds, so what we've seen in my 15 years here in the city, over and over again are small man made wetlands that are typically dominated by cattails, their orphaned and in poor condition. What happens it they will mitigate those on site and they do a poor job and you get more of the

same, or worse, or they'll try and do a project that's not even in our basin. We've had a few instances where people were not regulated federally but regulated locally and asked if we would bank for them, informally and we've said yes on a couple of acres because we knew we could do a far better job on our property and get way more ecological benefit than would ever get on-site or somewhere else. We're imagining that there are all pristine, native wetlands that are going to be ravaged but I think that is extremely far from reality. The reality is that we have a really, vastly, altered hydrologic cycle and wetland cycle in and around Fort Collins and one of the opportunities that I see is to take some of that junk and turn it in to something that's really pretty great and to mitigate against developers or whoever, CDOT, who have you doing crummy on-site wetlands, orphaned wetlands, or wetlands that don't work and that don't function. We've seen the city do wetland mitigation and wished they wouldn't have done them on-site, we wished they would have come to us and done them on one of our properties where we think we can manage it better and create better function. I just wanted to offer that perspective. I think it's important to have this discussion and round it out with what's on the ground. The actual ecological reality. So from the perspective of Rick, Daylan and myself, we're all about the mission, about increasing diversity, about making better habitat, about, in some cases, dealing with the harm that we as a society are inflicting on natural resources. This is an opportunity, in our view, to do that. It's not a purely financial decision, it's in part motivated by financial decisions, but much more than that it's motivated by about the benefits that we think it would accrue to our local ecosystem.

**Kelly** – And all I'm asking is if there are two or three more bullets that you guys find acceptable on the enabling behavior, or something similar to the NISP, and others share these concerns. We're not asking for 37 exclusions. If there are two or three other things that you guys might think that would make sense along the NISP line.

**Rick** – Well we'll work on that.

**John** - I think that's a good question. I wasn't trying to respond to that necessarily, I just wanted to give you my perspective.

**Ray** - I wasn't able to be here for the first discussion on this topic but when I saw it on the agenda and saw the materials for the meeting, I sent Rick a note and basically what I said in that note is that the weakness of a lot of mitigation banking, in my opinion, is the lack of adequate metrics. A lot of our discussion gets to that point, how you create a system where people are paying enough for mitigation that's happening off-site, and there are so many factors that go into that. Removal of a wetland in one place, if they do some on-site mitigation it might be crummy but the absence of that wetland may impoverish that neighborhood. So you get something somewhere else, how do you score that? This is the difficulty, that we don't really have adequate scoring system for how you impair one place, one area and around that place and then substitute something else in a different place.

**Rick** – Well there are dozens of techniques that evaluate exactly that in the scientific literature.

**Ray** - Well then that's what we need to make sure and explain to the extent that their credible and so on. I'm glad to hear that because it's not a literature that I keep up with.



**Kelly** – But your answer would be we have no control over that?

**Vicky** – That's up to the ACE

**Kelly** - I'm not being argumentative. The way we've been saying that is we leave that up to the ACE. I trust you more than the ACE is what I'm saying.

**Daylan** – I think our way of responding to that is if we build, through this partnership, higher quality wetlands on the mitigation side than is normally found, it would actually be a functional replacement of one to one plus on our end.

**Edward** – Let's wrap this up then.

**Joe** – Maybe 6 months from now, maybe 12 months from now you'll come to us for approval, on the conservation easement, we can either say yes we approve it or no we don't. Or we could also provide some language that suggests we don't want to see questionable projects proceed because Council will think that it will be in enialated because of the existence of the wetland bank. We will have a chance to make some of our reservations clear.

**Kelly** – No, this is it. This is it tonight, other than an easement vote, which is do you not do the underlying easement or not. I don't think this comes back for any kind of recommendation from us to Council.

**John** – Here's what I say about that though. We're going to go through feasibility studies so why don't we do this. Why don't we come back and report out to the Board about that? We're going to be learning so why don't we come back and share that with you, whenever that's done. We'll give you a report on what we've learned and whether or not we think this is worth going through with and whether or not we can find a partner to work with us on this and report out and have another conversation. I think the tricky thing is if we engage somebody to take a hard look at this they are going to spend a lot of money to investigate the feasibility, it's not cheap. I think we need to have a conversation internally, if we are going to be prepared, If we're going to , at the end of 6 months, they say they think his is a really good project we think it ought to go, then we should consider that very seriously and not reject it out of hand. They will have made quite a substantial investment at that point. I just don't want to jerk anybody around is what I'm trying to say.

**Rick** – The only way to do this is contractual language that says, 'unless there's a fatal flaw'

**John** – 'unless there's a fatal flaw, or let's say in the midst of our discussion with them we brought to them some of these concerns that you've been sharing with us, and we say look we want to build in some protective mechanisms and they say no we can't do that, then o.k. fine, but if they're willing to work with us and we get to the finish line and this looks pretty good, we're probably going to be inclined to support this and bring it back to you and report out and describe to you the direction we would like to proceed.

**Rick** – We could be contractual obligated to move forward at that point.

**John** – Well no, I wouldn't say that. I would say, I think there's a decision point in there and we need to describe that to the Board. I don't think we're done with this conversation. I want it to

be better informed and then we'll have that discussion. What I'm saying is that we're going to be pretty inclined to move forward, if all the boxes are checked.

**Andrea** – I think it's going to be very important to identify the restrictions you're thinking of in the sale, or the ultimate buyer of the credits. I think it has to be part of the feasibility study and incorporated there. I've written a lot of feasibility studies and it's given me a lot of grey hair.

**John** – I think that's very hard to do.

**Andrea** – No, I agree, it's very hard to do, but it sounds like that's something that everyone is taking serious.

**Ed** – I think, even though it may be trouble for you guys, a good idea, what you are suggesting for John to bring it back for further discussion.

**Kelly** – You guys all need to get on the same page because of what you're bringing back to us, because what details you bring, because John you and I have had disagreements through the years about us seeing contracts for fear that we would be going through a line item of a 40 page contract, you know, and changing things. That was never my intention because I don't really like reading the 40 page contracts more than anyone else. It's just that the words really matter what's in the stuff, so if you bring you bring something back, I don't think it's too much to ask, without seeing the contract, what are the major points that we'd be interested in. I mean bullet points; it doesn't even have to be in the legal format. What got put in or didn't get put in of our concerns. My goal is to not go through a contract line by line of a 40 page contract, but it matters, as it related to the Running Deer thing and some other things, what's said in there really matters. You just can't trust that everything was caught or the people that are telling you are telling you completely accurate.

**John** – That's SOP

**Kelly** – So can we get some bullets of what's in there?

**John** – Yes

**Ed**- I'll just offer that I'm generally supportive of this. I don't think the existence or non-existence of our land bank would change development decisions. They always have other options. The first slide that showed the three forks, says they have other options. I'm guessing, I could be wrong, but that a majority of these transactions would come from outside Fort Collins. Obviously there would be some within the city, but looking in northern Colorado, it's much bigger than Fort Collins. I'm generally pretty supportive of this and I do like the idea of another round of discussion, for the feasibility study, which is about a year out?

**Rick** – 6 to 12 months

**Kelly** – Well it's not the feasibility study, it's the contract before the feasibility study. I swear to God that's what I thought I heard you say that. So we're interested in what's in the contract.

**Rick** – So no one's going to come and do a random feasibility study.

**Kelly** – That's what I'm saying. The feasibility study.....the ship has sailed. We want to know what bullets are in the contract.

**Rick** – I don't' feel in a public setting, I can....

**John** – Are you talking about the RFP?

**Kelly** – No whatever you said, pretend 4 or 5 things resonated with you guys about what the Board said, that we'd like you to do at the A minus level or the A level, where some other people might do it at the C level and what point don't those....we can alter the RFP.

**John** – I think we're getting confused, I think we're talking about two different things. In the RFP we're going to have someone do a feasibility study for us, whoever that is, who can work through these issues, a bunch of issues, including issues that were raised tonight. That's 6-12 months. If, at the end of that, if this looks like a go, then we would come back and describe all the major elements of that contract. If it's a no go we're not going to come back, but if it's a go we'll come back and say 'well it looks like it's a go and here are the major elements'.

**Kelly** – Is it good for the person you select to kind of know what some of the things you guys were thinking in advance?

**John** – Oh absolutely, that's in fact why we're having this conversation. To inform the next phase.

**Kelly** – Cuz you could use us as bad cop too.

**John** – It's true

**Ed** – It's a natural role.

**Kelly** – Hay – they've used it well in the past.

**Rick** – Do you feel we should be discussing these issues in an Executive Session?

**John** – I think we're fine. I think we're on the same page

**Ed** – Good discussion, healthy discussion, and a lot came out on the table. John you were going to give us an update.

**John** – I don't really have any simulating news. Ed asked me to report out on two things; one was the status of Running Deer, the potential land sale and my answer to that is I don't know. I'm waiting on Council to tell me what to do. When Council decides, what its preference is, in terms of what they want us to do or if they want us to bring it forward, or not, I'll let you know. Right now I'm kind of waiting for direction from Council and from the City Manager's Office.

**Joe** – What's happening directly east of Hageman? They're putting in culverts.

**John** – That's the boxelder stormwater project. It's a big Stormwater project. Part of it occurred on our property and some of it's not on our property. The land right next to the road is privately owned.

**Vicky** – Did Council, have they looked at your land disposition?

**John** – Yes, I'm getting that next. The last disposition guidelines and sent those up the chain. I got two Councilmembers that provided feedback, one was Gerry Horak and the other was Ross Cunniff. Gerry's comments were easy to incorporate. Ross had some questions about one of the bullet's number 4, which was you can *sell land to monetize it for something of greater conservation values*. He was concerned about that so he brainstormed some ideas with me and sent me some thoughts. Ross and I actually spoke on the phone and he has good ideas and he's going to get back to me in writing and I'll bring back one more revision, we're getting pretty close. That's the update on the land disposition guidelines. I think that's actually going pretty well. We just need to iron out a few things with #4.

**Kelly** – As a background on #4, do you at least, you don't have to agree, but you understand our concerns, in terms, that's just a never ending loop. You could always be selling land, some of which is developable, in the city, and find land further and further out, which kind of contradicts the obsession with perhaps the board, but the organization and the Board of having land inside the city. You could always justify selling anything because you could find better habitat in 98% of the cases for the same amount or more further out. It's a huge loophole.

**John** – I could see that. I think we just write some criteria associated with that.

**John** – Ed asked me to report on current status on potential land sale on Running Deer – Council has not decided. When they have decided if they want us to bring forth a potential sale or not. As of today, I haven't heard from them what they want. Two council members provided feedback. Ross had questions about goal #4. Ross brainstormed some thoughts about what he thought might be some good ideas. I'm waiting to hear from him, he has some good ideas about the land sale/lease disposition guidelines. It's going well but just needs to be ironed out.

**Kelly** – I just want you to understand what the concern was. Infinite loophole.

**Ed** – Are we done?

**John** – No, we're not done. The third thing you asked me to talk about Ed was Northern Integrated Supply Project. As you know we were authorized to have more meetings with Northern. We had our first meeting like a month ago. The notes are posted online if you to the City's website and type search engine NISP – you can see the notes. Our next meeting with them is scheduled for May 22<sup>nd</sup>, that meeting is going to be more substantive. That's where we are with that part of it. This summer CDPW will be reviewing the state Wildlife Mitigation Plan. That's something we're going to be paying a lot of attention to. We're going to have a really short timeline to deal with that and respond to that. Jennifer Shanahan and I both are going to be really busy with that.

**Kelly** – Has it released to NISP, or is a macro or micro thing? It's the NISP?

**John** – The CDPW stuff?

**Kelly** – The mitigation thing. Is that a statewide thing?

**John** – That's just for this project.

**John** – We just had a meeting here with about 16 scientists, sitting in the room, advising us about NISP and our approach to key issues. It was a really good meeting. People from CSU, private industry, Fish and Wildlife, National Park Service, USGS, very sophisticated people, who gave us some really great advice today.

**Joe** – Are there any minutes on that?

**John** – No. I also want to announce that the State of the River report that Jennifer has been working on will be done by the end of this month. We're having an Open House on the 25<sup>th</sup> of May, at the Museum, from 4pm-7pm. Please come by if you would like. It's really a cool, very interesting report. Jen has outdone herself on this report, it's pretty amazing. The other thing I should announce, the Open House for the Fossil Creek Management Plan is June 8<sup>th</sup>. Those are for properties on the south side of town. Karen Mancini is taking the lead on that plan.

**Kelly** – Is that an update? The Master Plan. Does it have a Master Plan?

**John** – There's a sign management plan. It's an update

**Kelly** – That's what I thought.

**Daylan** – Karen will come back to the Board in June.

**Kelly** – What we did worked pretty well?

**John** – It's pretty straight forward. There are no major changes to the plan.

**Ed** – Thinking about Colorado Parks and Wildlife taking up NISP. Is there a mechanism for public input?

**John** – Yes, there's 90 days, June 8<sup>th</sup> they'll release it and you have until September 8<sup>th</sup> to comment. We want to comment before that, probably mid-August. There's no official deadline for our comments to be submitted.

**Ed** – So they're coming out early June with what?

**John** – It's their draft State Wildlife Mitigation Plan for NISP.

**Joe** – And that's needed before the ACE comes out with a final recommendation?

**John** – No, it's actually a state law; it's a state statute that required any proponent of a federal, any project that requires a federal permit to develop a state Wildlife Mitigation Plan. The proponent has to develop the plan.

**Joe** – That's Northern

**John** – Northern prepares the plan, it's reviewed by the state. They develop it in collaboration with the state and then June 8<sup>th</sup> is when they're going to release that.

**Ed** – What would you predict?

**John** – I think there's going to be some good stuff in there and then there will be some stuff that we're going to have a little heartburn over. We're just going to have to comment on that and try to influence that to the best of our abilities. It goes to the Wildlife Commission and then it goes to the Governor's Office. Well it's a little more complicated than that.

**Joe** – Is the final recommendation from the ACE still expected in this calendar year?

**John** – Not a recommendation. So the final Environmental Impact Statement should be out in like December, January. Then they take public comments again. They don't have to, they're not legally required to but I expect them to. Then they go away and then there's a record of decision.

**David** – Speaking of Open Houses, NIC is having one fairly soon?

**John** – I'm not aware of any Open Houses for NIC, where they're showing off their decisions.

**Daylan** – If I can find something I'll send it out, but I think it's the Inspire Open House. I'm not sure of the date. I'll get that out.

### **Land Conservation Updates**

**Mark Sears, NAD Manager**, gave an update on land acquisitions

**Mark** - We closed on the Cole property, which is on CR 30, a 40 acre parcel on the Loveland community separator area and on Friday the County closed on the Sanem property, 300 and some acres, just west of Horsetooth Rock. There's Phase II to the Sanem property, which is a conservation easement purchase on 200 and some acres. That's in the works.

**Kelly** – Have we gotten any GOCO money lately? Are we going to go for any GOCO money?

**Mark** – There were two grants that we were awarded. That was \$5 million dollars and then the County received \$600,000.

**Kelly** – Do we have any other GOCO things planned, small, medium or large?

**Daylan** – Zoe will be applying for an Inspire grant this year.

Meeting adjourned: 7:37 p.m.

**Approved:**

David Tweed, <sup>Vice</sup>Chair, 10 July 17 Date

~~Edward Reifsnnyder~~

Michelle Vattano, Secretary

**Michelle Vattano**