



Date: June 22, 2023
Time: 5:00 PM – 8:00 PM
Location: Larimer County Loveland Campus Building, 200 Peridot Avenue, Loveland, CO 80537, Poudre River Room & Zoom Webinar

OPEN LANDS ADVISORY BOARD MINUTES

MEMBERS		STAFF		GUESTS
Paul Hudnut	A	Daylan Figgs	I	
David Marvin	I	Meegan Flenniken	I	
Gale Bernhardt	I	Casey Cisneros	I	
K-Lynn Cameron	I	Zac Wiebe	I	
Linda Stanley	A	Justin Core	I	
Mark DeGregorio	V	Jon Plybon	I	
Gary Miller	I	*Jody Shadduck-McNally	V	
Peter Kelly	A	Andrea Weber (minutes)	I	
Ward Nelson	I			
Mike Carter	I			
Steve VanderMeer	A			
Tom Shoemaker	I			

V = virtual attendee

I = in-person attendee

A = absent

*commissioner

Call to Order – 5:00 pm

Public Comment

Zach Thode introduced himself as Chair of the LC Agricultural Advisory Board. He joined the meeting to listen. He commented on the concerns from the OLAB members and LC staff regarding a Volunteer Agricultural District document (discussion found below under Agenda Review).

Agenda Review

Changes to the Agenda:

- Volunteer Agricultural Districts – Daylan
 - Daylan introduced the summary of the Volunteer Agricultural District (VAD) legislative proposal that was drafted by the county's agricultural advisory board and shared with Natural Resources Department in the past week. He noted that while there are many benefits to the concept of voluntary zoning districts, there are also some limitations to the proposal as currently documented. Of particular note, the document implies it would be tied to the Help Preserve Open Spaces (HPOS) tax funding. It is unclear from the language in the proposal if this would mean DNR would be responsible for funding the VAD program if it were to move forward.

- He explained that the legislation was slated to go to Colorado Counties Incorporated (CCI), an organization that counties use as a means by which to get priority bills into legislation, by July 8.
 - Commissioner Shadduck-McNally clarified, Larimer County did not propose this document, it was proposed by the LC Agricultural Advisory Board. She also noted that the Farm Bureau and the Land Trust community also shared concerns about the proposed document.
- Daylan shared some of the benefits the proposed document would provide:
 - Incentive for agricultural producers to opt into short-term (10 year) voluntarily agricultural protection.
 - It can be viewed as an interim step to permanent conservation.
 - Facilitates collaborative partnerships between private landowners and government entities.
- Daylan then shared some of DNR's concerns with the proposed document:
 - The language used devalues conservation easements (CE's) and refers to them as complicated and expensive. DNR prefers the language be removed as it is not accurate and puts a negative connotation on CE's, which are a very useful tool.
 - The State's \$45 million dollar cap for conservation credits has been reached early into each year the past few years. There is legislation proposed to raise this cap, and the fear is this document would discourage and diminish the value of increasing funding for CE's.
 - Implies the HPOS tax is an option for funding the program. Ballot language states funding for conservation should be permanent. This VAD proposal is for voluntary participation that is 10-years or less if a landowner decided to opt-out. HPOS ballot language: "For the following purposes: to acquire fee title interest in real property in Larimer County and its municipalities...trail purposes". There is nothing in the ballot language that would "fit" what the VAD proposal suggests.
 - The incentive program requires nothing additional from the agriculture operation in return for payments or other incentives. If there are incentives to private individuals, there should be additional benefits to the community being provided by the landowner. A 10-year agreement should be accompanied by performance outcomes that are expected of the landowner, i.e., enhanced wildlife habitat, improved soil and water quality.
 - No evidence that it would facilitate transition into a long-term conservation outcome.
 - VAD incentives that would use HPOS dollars Would then compete for limited permanent conservation dollars, which would require trading short-term incentives for long-term conservation.
 - If the BOCC decides to move forward with this program, he believes it needs to be worked on by a wider expanse of stakeholders and led by staff to capture a broad audience.
- Meegan explained there are many programs already available in Larimer County to incentive agricultural producers. In addition to significant financial incentives and cost-share programs that exist at the Federal and State level for producers, the updated Land Use Code identified voluntary agricultural districts (AG Zones), that provide protections to AG zoned parcels and would help the county to achieve many of the desired outcomes of the proposal. She thinks there needs to be more exploration and explanation of what the county is doing to this end already versus the need to take VADs to a state-level legislation.
- She noted concerns that the program is a voluntary opt in and can be exited at any time without clear ties to expected outcomes. There is no verbiage of what the instrument holding landowners accountable would be for the 10-year term.

- K-Lynn shared her concerns about the 40+ other conservation groups in the state funded with open spaces sales taxes being caught blind-sided and added in the City of Fort Collins was mentioned in the document but not consulted either. She followed up, stating the OLOF update would be a good way to understand what citizen would like to see with agricultural lands.
 - Commissioner Shadduck-McNally said the idea of VAD legislation was brought forward in 2022 and did not get much traction. The direction given was for it to be discussed further and include all stakeholders.
 - It will be brought to Admin Direction on Tuesday (public but not on TV) to have a larger discussion of what to propose to CCI. CCI will start outreach and working with stakeholders on proposed bills. The BOCC will have to vote if it goes to CCI and must pitch the bill to all 63 counties (each of which gets 1 vote). There must be a 65% vote at the CCI meeting to have it become a priority issue.
 - Ward said he would like to know where exactly incentive payments would come from, as well as what measurables would be included, if any.
 - Gary felt there were many yellow flags in the language. The administrative cost would be of concern, and he would like to understand the added cost on full-time county staff vs the benefits of implementing the program. He shared his concern that landowners would only engage in this program, keeping them from moving forward with a full CE.
 - Gale said she does not see a county wide citizen benefit to this program, rather benefits only to a select few landowners. She also noted LC already has programs in place for conservation that agricultural lands could use.
 - Daylan asked, if payments were based on defined monitored land management or ecological improvements, would she be more inclined to be supportive of the program?
 - Gale said she would like to know if spending the public's money would benefit all citizens and not just the landowner.
 - Dave said the process itself did not consider LC citizens as it should have. It is not clear on the intended use of HPOS tax dollars and if the ballot language permits the use of the money for this purpose. The rationale relative to CE's does not make sense and needs expansion. Lastly, he thought it was inappropriate to say the BOCC is supportive of this document before getting their support specific to this proposal.
 - Board members and staff expressed disappointment and felt it was inappropriate they were not given more notice or adequate time to review the document or provide feedback on the language and contents. Many noted there needed to be proper collaboration with all stakeholders. The document was scheduled to be reviewed by the BOCC on Tuesday, June 27th.
 - Commissioner Shadduck-McNally said items such as this should be brought to the attention of OLAB with reasonable time in the future, as they are an important stakeholder.
 - Tabled the "Open Space and Park Visitation and Facility Maintenance Update" by Chris Fleming
- Review and Approval of Last Minutes**

Gary moved to approve the minutes from last meeting, Tom seconded, motion passed unanimously.

Information and Announcements

Natural Resources events for this month: <https://larimer.org/naturalresources>.

To sign up for Open Lands Advisory Board updates, go to <https://apps.larimer.org/subscriptions.cfm>, enter your email, click "Subscribe," and check the "Open Lands Advisory Board" box.

Pollinator Policy Statement

- Meegan noted Linda was the OLAB representative on the subcommittee for the policy statement. The statement was signed by the BOCC and put in place on Tuesday, June 20th.

Update and Reports

None

Discussion Items

Capital Improvement Plan 2023-2028 Update – Jon Plybon/Meegan Flenniken

- Jon said CIPs are created for 5-year cycles and adjustments/changes are made each year.
- DNR's CIP spans across all functions and funding sources of the department and includes both new capital projects (infrastructure/restoration) as well as replacement of existing capital assets. The CIP requires a significant portion of department funds and is where tradeoffs with budgeting long-term management costs are made.
- "New" Sales Tax Allocation Target
 - Capital Improvements/Renewal on Open Spaces = **12.7%**, Management of Open Spaces = **48.9%**, Land Acquisition and Habitat Restoration = **35.3%**, Capital Improvements/Renewal Horsetooth, Flatiron, Carter, and Pinewood Reservoirs = **3.1%**.
- CIP program goals are to increase pace of project completion, improve scheduling, cost estimating and budgeting, address asset maintenance & replacement, consider staff capacity to implement, denote grant contingent projects and create asset plans to help move forward with improving scheduling.
- Updates that have been made to the Potential Projects List are, a new gravel maintenance plan (working with engineering to rate and make whole department plans), modification for grant funding and prioritization of time-critical projects.
- 2023 Review - Total of \$8 million with \$2.7 million in grants secured.
 - Capital Replacement - **\$2M**. Includes: HT Mtn. OS Improvements (HPOS), Wastewater Infrastructure Projects (ARPA), DNR AO Connectivity (HPOS & BOR), and Red Mtn. OS Historic Barn Stabilization (HPOS & grant).
 - K-Lynn asked where the historic barn project was. Meegan noted the barn resides in Red Mountain OS, and that DNR is working with Historicorps to find volunteers to complete the stabilization work.
 - New Capital Infrastructure - **\$5M**. Includes: Poudre River Trail (HPOS & 3 Grants), ANS Facilities (BOR & park fees), Hermit Park OS maintenance shop expansion (HPOS) and the new LS Building (Mill Levy, Enterprise Revenues, HPOS).
 - Habitat Restoration - **\$1M**. Includes: Red Mtn. OS dam removal and creek restoration (HPOS), Eagle's Nest/Devil's Backbone RESTORE (2023 & 2024) (HPOS & grant) and River Bluffs Wetlands/Uplands Restoration (HPOS & future grant).
 - Jon noted, DNR is entering a phase where there will be more capital replacement due to aging infrastructure. In this transition, the department is building ongoing asset management dollars and projects into the CIP. In later years there will be less investment in new capital vs. replacement/renewal of existing assets.
- 5 Year Capital Plan: 2024-2028
 - Capital Replacement - \$14M. New Capital Infrastructure - \$9M. Habitat Restoration - \$1M. Total = \$24M in capital projects.
- Ongoing Capital Asset Maintenance Projects – (Proportionally split by asset location & Funding Source)
 - Asset maintenance at \$100k a year (funded by 70% park fees and 30% sales tax), ADA improvements at \$10k a year (funded by lottery and HPOS), Asphalt maintenance at \$50k a year (funded by park fees), and Gravel maintenance at \$50k a year (funded by operating budgets).
- Capital Improvement Plan - **2024**
 - Capital Replacement - Includes: Boat dock replacements – 11 in total between Carter and HT (2024 & 2025) for **\$400k** (Lottery, BOR grant), HT Res. Satanka Bay Trails/Restoration for

\$150k (park fees), Inlet Bay Restroom Upgrade for **\$150k** (ARPA grant), and the Hermit Park pavilion well upgrade for **\$160k** (ARPA grant).

- New Capital - Includes: HT Res. Bay to Bay Trail for **\$158k** (Lottery, BOR grant).
- Estimated cost and the funding sources are only the things included in the construction phase and do not include the work and activities happening before construction.
- **Capital Improvement Plan – 2025**
 - Capital Replacement - Includes: Rotary parking lot rebuild for **\$440k** (Lottery & BOR grant), and Carter/HT Res. Access which involves a large asphalt project to pave already existing lots (2025 & 2026) for **\$11M** (Lottery, Park Fees & FLAP grant).
 - New Capital - Includes: Chimney Hollow OS (2025 & 2026) for **\$4.3M** (HPOS, future grant) and Carter Lake Day Use/Swim Beach for **\$610k** (ARPA grant).
 - K-Lynn asked when Chimney is likely to open. Meegan said if all goes as planned, it is set to open in 2027.
 - Restoration - Includes: Red Mtn OS Boxelder Creek restoration for **\$500k** (HPOS, future grant) and Heaven's Door habitat restoration for **\$300k** (HPOS, future grant).
 - K-Lynn asked for clarification if the habitat restoration was for the demoed areas. Jon replied, yes and added, the restoration would cover any other possible areas that may need it.
- **Capital Improvement Plan – 2026**
 - Capital Replacement - Includes: HT Mtn. OS Soderberg parking lot rebuild for **\$156k** (HPOS).
- **Capital Improvement Plan – 2027**
 - Capital Replacement - Includes: HT Res. Satanka bay turn lane for **\$416k** (park fees, future grant). Steve asked if this was a new lot, Jon said it is fixing what is already there.
- **Capital Improvement Plan – 2028**
 - Capital Replacement - Includes: HT Res. Satanka Bay improvements for **\$150k** (park fees).
 - New Capital - Includes: Boxelder Regional Trail construction for **\$3.5M** (HPOS, future grant) and HDR construction (2028 & 2029) (HPOS, future grant). Zac said the regional trail is connecting Timnath and Wellington
 - K-Lynn asked where the Boxelder Trail would be located. Zac said along CSU's ARDEC facility.
 - Restoration - Includes: Long View Farm OS restoration for **\$250k** (HPOS, future grant).
- **Questions/Feedback:**
 - Gale asked if DNR has measurables of success for capital improvement projects. Jon said DNR uses a variety of measurables and performance measures, updated this last year, to show progress.
 - Dave inquired if DNR has a contingency fund set aside for unknown things that might pop up. Jon explained, Daylan has a director's contingency budget, separate from the projects, that can be used for unexpected things.
 - Meegan noted each project has contingency built in for the design and construction phases. Daylan continued, with inflation DNR has built in hefty contingency funds.
 - Tom asked if the numbers provided in the slides included the contingency. Jon confirmed.
 - Ward made an inquiry about the cost for Heaven's Door development. Meegan responded, DNR is looking into this and will gather estimates and look at grants. It will probably be in the \$4-5 million range. Daylan added, some of the CIP projects are grant dependent. Chimney Hollow and Heaven's Door are good candidates for grants and receiving them should help with keeping them on track to open.
 - Dave asked if it is copasetic to expect the other HPOS recipients to help DNR with funding any of the projects. Daylan explained, in the intergovernmental agreements, DNR typically leads in the management and infrastructure. However, the department typically partners with the other entities on certain projects.
 - K-Lynn noted Loveland could potentially partner with DNR on grants to help make them stronger.

- Mike referred to DNR's Open Space Master Plan, noting adding 44 miles of trails by 2043. He inquired on how many of these trails are planned for the next 5 years.
 - Zac noted key trails in the next 5 years include: the Bay to Bay trail will be 2 miles, Boxelder Regional Trail will be 2 miles, and the current trails being constructed at Horsetooth Mtn Open Space is 2.5 miles. Chimney Hollow will host about 10-12 miles of trail and the Poudre River Trail will be 1 mile. Thus, in the next 5 years, approximately half this
 - Meegan said the metric DNR is focused on level of services keeping pace with projected population growth. As of 2020 DNR had ~98 miles of trails, and to keep pace with population growth, would need to add 44 miles by 2043. Most LC trails are not heavily used, so the department wants to ensure its building trails in the right places.

Vegetation management on open space lands – Casey Cisneros

- Open Space Habitat Management Efforts
 - Larimer County Open Spaces - Primary focus is ecological enhancement.
 - Efforts on private & other public lands include:
 - Education and implementation of vegetation management best practices
 - Enforcement of Colorado Noxious Weed Act
 - Fire and Flood area recovery efforts/partnerships - Much work is being done in the Cameron Peak Burn Area in partnership with USFS.
- Open Space Habitat Management Strategy
 - Goal: Achieve ecological outcomes that enhance plant/wildlife habitat and soil health.
 - Benefits: Habitat – native plant species, pollinators, biodiversity, rebuild soil structure, stability, and resiliency; C sequestration and be aligned with LC climate strategy
 - Actions: restoration of ecological processes and native plant communities, integrated weed management, grazing management, wildlife friendly fence conversions, build and maintain green infrastructure at campgrounds and trailheads.
- Integrated Weed Management- DNR manages weeds on over 30,000 acres of open space.
 - Goal: To utilize a combination of weed management tools to yield the greatest results.
 - Prevention, biological (currently using 2 insect biological controls for field bindweed and spotted toadflax), chemical (herbicides), cultural (mowing or planting desirable vegetation - what would historically be found on the landscape) and physical (digging up, chain sawing, etc.).
 - Prioritization is key to effective weed management.
 - Climate, weed classification (state defines what a noxious is and defines 3 priority lists: A, B and C) Land Stewardship always addresses List A species on the open spaces), risk, terrain, transport vectors (people, wind and water move seeds).
 - A LC Weed Management Plan goal is to eliminate List B species that are on more than 1 acre of OS.
- Invasive annual grass control
 - Goal: enhance native shrubland and grassland plant communities by removing invasive annual grasses from the landscape.
 - Benefits: improved wildlife habitat, soil health and increased soil c-sequestration
 - Current efforts:
 - LC has been managing invasive annual grasses for over 20 years with targeted herbicide application.
 - In 2022, received a grant (RESTORE), to broaden efforts across Front Range open spaces and treat 4,385 acres.
 - Partners: Boulder & Jefferson County OS, Ft. Collins Natural Areas and CPW
 - DNR focuses on Eagles Nest and DBB OS, where over 1000 acres have been treated.

- Ex. About 75% of the canopy at Eagles Nest OS was cheatgrass. Removing the invasive canopy encourages the healthy understory to grow.
 - Treatment for cheatgrass will cover/treat many other noxious weed plants.
 - A helicopter is used for the treatment application.
 - Monitoring efforts include mapping, clippings, pollinator studies, and grassland/shrubland birds.
- Grazing as a tool
 - Goal: to sustainably apply grazing as a tool to help achieve ecological outcomes and possibly replace fire as a tool (ecosystems have adapted with fire over decades but it has become difficult to put fire on the landscape).
 - Benefits: reduces decadent vegetation, encourages plant diversity, adds habitat complexity, restores nutrient cycle and soil health.
 - New 2022 grazing lease on portion of DBB – additional 320 acres.
- Wildlife Friendly fencing
 - Goals: remove all unneeded fencing that can be a barrier for wildlife.
 - Convert or rebuild needed fencing to wildlife friendly specifications.
 - Top wire below 48" height, 12" between top two wires, bottom wire 18" above ground.
 - Status:
 - Since 2021, volunteers have removed 6,081 feet of unneeded fencing and staff have converted ~4 miles to wildlife friendly fencing.
- Green infrastructure
 - Goals: invest in safe and beneficial vegetation around campground and trailheads.
 - Current efforts:
 - Ongoing tree maintenance
 - Capital construction plan – very deliberate about what and where things are planted.
 - Regulatory compliance – CO Storm Water Management Plan
 - Provide ecological lift.
- Monitoring and adaptive management
 - Monitoring includes photo points, range monitoring, plant/wildlife surveys.
 - Adapt to unexpected outcomes and constraints.
 - Some tools used: Electric fencing, lease amendments (specific stipulations around improving soil, habitat quality, etc.), pasture rotations, seeding, weed control.
- Questions/Feedback:
 - Dave asked if DNR approaches open space adjacent landowners about management of noxious weeds on their property. Casey confirmed staff will reach out to these landowners. Sometimes the weeds are waiting in the seed bank for the right conditions, so they are not there one year, but come up the next.
 - Gary questioned if there are specifications for contractors and expectations with capital projects.
 - Casey said yes, staff ensure contractors meet DNR's standards and are following these guidelines by conducting site visits. Staff also follow strict guidelines to be sure equipment is properly cleaned between sites and projects.
 - Jon noted, Casey is always very involved in the CIP projects and requirements are heavily focused on in RFP's sent out to contractors.
 - Dave inquired about the use of fire as a tool.
 - Casey said it is not used often. It is challenging on the Front Range to get permits to use it and it tends to be logistically difficult.
 - Zac added, the state enacted legislation after a fire-gone-wrong in Jefferson County in 2012, which made it hard to conduct burns for many entities.
 - Tom asked about staffing for the LS crew.
 - Casey said the crew includes the LS manager (himself), 8 full-time staff, and 15-20 seasonal employees. LS often collaborates with other areas of the department.

- Meegan said DNR depends on outside partners, such as the Colorado Bird Conservancy and NRCS, for much of DNR's habitat monitoring work.
- Mike asked how LS thinks about carbon sequestration efforts tactically.
 - Casey explained it depends on the land management goals and differs based on the system (i.e., small agricultural space, large agricultural space, etc.). LS partners with other entities to explore and implement new techniques to try and maximize carbon sequestration.
 - Jon added the benefit of a diverse landscape is that it sequesters more carbon than a monoculture.
- Casey noted DNR's grazing, and cropland leases include best practices around soil health.

Action Items

Recommendation to BOCC to move Larimer County owned open space parcels into Natural Resources (NR) zone designation.

- Meegan explained that the NR legislative rezoning was presented at a joint work session of the Planning Commission and BOCC to move county owned open spaces into this new zoning designation identified in the adopted Land Use Code.
- The new NR-Zone (and other new zones) is intended to create more fine-tuned zoning districts that represent at a broader level the intended land uses within various regions of the county.
- DNR is looking for a recommendation from OLAB to the Planning Commission and BOCC to move forward with the proposal. A hearing will be held on August 16th, and the BOCC will make a final decision in September.
- The City of Fort Collins plans to move Soapstone into the new NR-Zone concurrently with DNR owned properties, and in a next legislative rezoning effort, include other city natural areas outside GMAs.
- Tom asked if the rezoning would include CEs in addition to the government conserved lands. Meegan said step one is to rezone LCDNR lands, step two might include other government entities DNR works with, and step three CE lands.
- Dave asked for a motion to recommend to the BOCC to move Larimer County owned open space parcels into Natural Resources (NR) zone designation.
 - K-Lynn moved to recommend to the BOCC to move LC open space parcels into the NR-Zone, Mike seconded, motion passed unanimously.
- Tom asked if there has been any negative feedback regarding the new zone. Meegan explained that notice of the legislative re-zoning has not been posted yet, so feedback will come at a later time.

Updated DNR Policy – Memorials on DNR Resources Managed Properties board adoption

- Meegan said DNR has combined two previous internal memorial policies; one for LCDNR owned lands, and one for BOR lands DNR manages.
- There is a high volume of requests for memorials which requires a policy to help facilitate these requests.
- A key point in the policy covers the spreading of ashes. The policy places parameters around where and how this can be appropriately done.
- When individuals would like to donate funds to DNR above a certain dollar threshold as a memorial, DNR refers to a separate policy, in which recognition plaques can be placed on a kiosk, etc.
- Dave asked for a motion to adopt the new DNR internal policy. Gary moved to approve the adoption of the new policy, K-Lynn seconded, motion passed unanimously.

Other Business

Board Updates

- Dave said there are 2 board expirations coming up on June 30th. Gail reapplied to sit on the board, but K-Lynn did not because she had hit her two-term maximum.
 - Dave complemented K-Lynn for all the great work and advice she has provided over the years.

- Daylan noted he has known K-Lynn for a very long time. It has been a privilege getting to interact with her and she has been a great mentor and leader in this space. She has helped build many strong partnerships and collaborations.
- Meegan said she values K-Lynn's perspective as a professional in the field and thanked her for being a great mentor and engaged board member over the years.
- K-Lynn said it has been very meaningful to be on OLAB and be a part of the conversations. She is grateful to see the many projects come to fruition. She has applied to be on the LC Extension Board and will continue to be involved with the county.
- Dave announced in July, a new board member will be joining the board.
- There will be an election of the chair and vice chair in July.

Next Meeting Scheduled

July 27th, 2023 - Larimer County Loveland Campus Building: 200 Peridot Avenue, Loveland, CO 80537 Poudre River Room & Zoom Webinar

Executive Session

Pursuant to C.R.S. (24-6-402(4)(a)) for discussion pertaining to the purchase, acquisition, lease, transfer or sale of any real, personal or other property interest.

Adjournment – 7:47 pm

Per the Americans with Disabilities Act (ADA), Larimer County will provide a reasonable accommodation to qualified individuals with a disability who need assistance. Services can be arranged with at least seven (7) business days' notice. Please email us at weberan@co.larimer.co.us, or call (970) 498-7719 or Relay Colorado 711. "Walk-in" requests for auxiliary aids and services will be honored to the extent possible but may be unavailable if advance notice is not provided.