



Date: May 26, 2022
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
Bob Hewson	I	Daylan Figgs	I	
David Marvin	V	Meegan Flenniken	I	
Gale Bernhardt	I	Zac Wiebe	I	
K-Lynn Cameron	I	Justin Core	I	
Linda Stanley	I	Alex Swartz	V	
Mark DeGregorio	V	*Jody Shaddock-McNally	I	
Nancy Wallace	I	Jordan Williams (minutes)	I	
Peter Kelly	I	Jon Plybon	I	
Rick Brent	I	Chris Fleming	I	
Sherri Valentine	I			
Steve VanderMeer				
Tom Shoemaker	V			

V = virtual attendee

I = in-person attendee

*commissioner

Call to Order – 5:04pm

Public Comment

Agenda Review

Review and Approval of Last Minutes

Linda moved to approve the minutes from last meeting, Nancy 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

March 2022 Sales Tax Distribution

2022 Quarter 1 Board Report

- Linda commented that the quarterly reports are a great resource, and she would like to get more members of the public to read them. Daylan noted that the reports are shared on social media and linked on the [DNR website](#), so board members are free to share them as well.

Update and Reports

Board of County Commissioner update

- Commissioner Shadduck McNally said the legislative session is over and two bills from Larimer County, (tiny homes and protections for health care workers) were passed. The wildfire code update bill did not make it through, but she will continue that work next session as part of the Forest Health subcommittee. With the American Rescue Plan Act funding (ARPA), \$10.2 million is going towards broadband in partnership with the City of Fort Collins and Loveland. The Diversity, Equity, Inclusion Advisory Board met the previous night, and DNR topics such as the Discover Pack Program, future upgrades to the Carter Lake Swim Beach, and NoCo PLACES 2050 were discussed. The County Manager search process continues, and they hope to finish by the end of June.
- Sherri asked about monitoring equipment to enforce oil/gas regulations. Commissioner Shadduck-McNally said there is a discussion with the City of Fort Collins to share monitoring expenses such as cameras, training staff, and fencing systems while working with the County Health and Planning departments. There are a couple oil/gas sites that the County has filed complaints on so that the orphaned and low-producing wells can be plugged.

Legislative Update: Compensation for Condemnation of Properties with Conservation Easements

- Justin shared his screen: SB22-208 specifies “that if property encumbered by a conservation easement (CE) in gross is condemned through an eminent domain proceeding, just compensation must be determined based on the value of the property as if unencumbered by the CE in gross and must be allocated between the fee owner and the holder of the conservation easement based upon the value of their respective interest in the property.”
 - This bill essentially codifies the value for conserved land when it is condemned so that easement holders and landowners are compensated fairly.
 - Example: Unencumbered property with an appraised value at \$1M—the Landowner’s Encumbered Property value = \$600K, and the CE Holder’s Interest (CE Value) = \$400K
- Alex thinks the bill will help clarify issues when a utility or condemning authority offers less than the market value of a conserved property. There was another CE bill introduced this legislation session pertaining to aggrieved land holders and previous tax valuations, but the bill did not make it out of committee.
- Nancy asked what happens when a conserved property is sold, and Alex noted there could be some issues depending on the language in the conservation easement, so landowners need to make sure that the agreements contain clear stipulations.

Discussion Items

Capital Projects Update – Jon Plybon, Capital Project Manager

- Daylan highlighted the Help Preserve Open Space (HPOS) sales tax allocation targets: 12.7% Capital Improvements on Open Spaces; 48.9% Management of Open Spaces; 35% Land Acquisition/Habitat restoration; 3.1% capital improvements at Reservoir Parks. Daylan noted that it is possible to buy more land than DNR can manage given both the costs of long-term management and new/replacement of capital infrastructure.
- Jon reviewed the Capital Project goals such as increasing the pace of project completion, improving scheduling, improving cost estimating/budgeting, addressing asset maintenance/replacement, considering staff capacity, and denoting grant contingent projects

- The Capital Projects Program is department wide and across numerous funding sources, including parks, open spaces, and land stewardship. Trade-offs can be made in budgeting between capital projects and operating expenses.
 - Jon wants to improve cost estimating and efficiencies by understanding market forces, utilizing real-time cost estimating, dialing in budgets early in the project life cycle, and limiting emergency scenarios and costs.
- Updates to the Capital Projects Program for the next 6-year cycle include an emphasis on capital replacement over new capital given aging infrastructure, prioritizing time-critical projects, updated cost estimates, the addition of an asset management plan & asphalt maintenance plan, and new ARPA-funded projects.
 - The 6-year plan (2022-2027) includes \$52 million total: The Acquisitions Fund = \$21.7M, capital replacement = \$5M, new capital infrastructure = \$21.5M (which is focused on relatively few, but high cost projects including the Poudre River Trail, Chimney Hollow Open Space, the new Land Stewardship building and the paving of reservoir park roads and parking lots per the Federal Lands Access Program—FLAP), and Habitat Restoration = \$1.2M
 - Only \$50,000 or greater projects show up in the Capital Projects budget.
 - Inclusion of multi-year asset maintenance projects: ADA improvements \$100k (over ten years), Asphalt Maintenance \$351k (over 5 years), Asset Maintenance \$500k (over 5 years - 70% Park Fees, 30% HPOS sales tax), Horsetooth Boat Dock Replacement \$147k (over 5 years), Hermit Park OS Cabin \$130k (over 5 years)
- 2022 CIP projects:
 - Horsetooth Mountain Open Space Mgmt. Plan Implementation: \$450k (HPOS)
 - Poudre River Trail: \$2.4M (HPOS, GOCO/CPW/CDOT grants)
 - Red Mountain OS Fencing, Demo & Restoration: \$135k (HPOS)
 - HT Reservoir ANS Decon Station: \$94k (Park fees)
 - Red Mountain OS Stream Restoration \$104k (HPOS)
 - Historic Structures Project: \$50k (HPOS, Partnership)
 - Hermit Park OS Maintenance Shop: \$540k (HPOS)
- 2023 CIP Projects:
 - Land Stewardship Building: \$2M (Park Fees, HPOS, Mill Levy, Weed Enterprise)
 - Eagle's Nest & Devil's Backbone OS Habitat Restoration: \$213k (HPOS, RESTORE Grant)
 - River Bluffs Open Space Wetland Restoration: \$223k (HPOS)
 - Administration Office Connectivity: \$426k (Parks fees, HPOS, Partnership)
 - Daylan explained how the County is improving connectivity at the Admin Office by working with Northern Water as they connect fiber up to Chimney Hollow.
 - Our Lands, Our Future Study: \$50k (HPOS, Partnership)
 - This statistically valid survey will help inform DNR management decisions based on public feedback. (The previous study is from 2013.)
 - Hermit Park OS Wastewater and Well Upgrades: \$560k (ARPA Grant)
 - HT Reservoir Inlet Bay Marina Restroom Upgrade: \$150k (ARPA Grant)
 - Carter Lake East Side Day Use Improvements: \$610k (ARPA Grant)
 - Carter Lake Wastewater Treatment at Eagle Campground: \$660k (ARPA Grant)
 - Commissioner Shadduck-McNally explained how ARPA funds must be dedicated to specific projects by 2024 and spent in total by 2026, but they will not require any additional DNR funding.
- 2024 CIP projects:
 - HT Reservoir Rotary Parking Lot Rebuild: \$367k (Lottery)
 - HT Reservoir Inlet Bay to South Bay Trail: \$87k (Lottery)
 - Carter Lake Parking/Road Improvements: \$5.9M (Lottery, Park fees, FLAP)
 - HT Reservoir Parking/Road Improvements: \$5.1M (Lottery, Park fees, FLAP)
 - \$8 million from FLAP in total will be utilized over several years.
- 2025 CIP projects:
 - HTMOS Soderberg Parking Lot: \$174k (HPOS)

- Red Mountain Boxelder Creek Restoration: \$500k (HPOS)
- 2026 CIP projects:
 - Chimney Hollow OS Construction: \$4.2M (HPOS)
 - Reservoir Parks Environmental Impact Statement: \$120k (Park Fees)
 - DNR Master Plan: \$120k (HPOS)
- 2027 CIP projects:
 - Historic Structures Project: \$60k (HPOS)
 - Devil's Backbone OS Grazing Infrastructure: \$75k (HPOS)
 - Jon noted there are also future projects identified for future years that can be brought forward if additional funding sources are identified prior.
- Capital Expenses and Funding
 - \$27.7M in expenses, with \$16M from DNR and \$11.7M from grants in hand.
 - Based on current secured grants/partnerships, for every dollar DNR will spend per the CIP, the Count is receiving 75 cents in grants/partnerships. Daylan said that the match percentage will go up as additional funding sources are identified for projects such as Chimney Hollow, habitat restoration, etc.
- Questions/Comments
 - Gale asked for clarification about the different funding sources, such as the sales tax, and what happens to the differences in revenue versus expenses. Daylan explained that the \$5M difference in 2021 is rolled into the capital projects budget, but with management costs going up, the capital budget may go down as more money is needed for operations alongside potential changes to DNR's levels of service. The different funding sources were shared in last month's financial presentation, and the annual DNR budget is built on 7-8% growth but that becomes a large number over many years of increases.
 - Linda asked about Staff's confidence in budget forecasting for projects several years in the future. Jon said that DNR budgets for inflation increases annually with its projects, but the capital projects budget is adjusted every year and money is repurposed as needed when projects are delayed are adjusted.

Additional Discussion Item: Emergency Grazing – Daylan

- Daylan said that DNR has been approached about allowing emergency grazing on open spaces if drought conditions get worse. He noted that most open spaces already have grazing leases in place based on Natural Resources Conservation Service (NRCS) recommendations for range capacity. In times of drought, reductions in grazing capacity are enacted to avoid overgrazing beyond the ecological benefit on open spaces as well. The two open spaces currently not grazed do not have fencing and water infrastructure in place at this time to allow grazing. Parts of Devil's Backbone Open Space are being intentionally rested because it was previously heavily grazed before the county acquired the property. There are not a lot of other options at other DNR properties, but the topic has been raised so Staff would like OLAB's input.
- Rick noted the cost to develop this infrastructure for a small grazing return that only supports a small number of cattle does not make sense unless there is an ecological reason to allow grazing. Daylan said all the grazing on DNR properties is for ecological gains, not for a direct return on investment.
- Sherri is concerned with additional staffing requirements needed to run a larger grazing program. Daylan said that the implementation plan would be done by staff and there would be an RFP process for the actual grazing leases which can take substantial staff time and resources. Sherri added that she does not think allowing additional grazing on County Open Lands is a good idea.
- K-Lynn asked about wildfire concerns as part of this discussion to allow grazing. Daylan said that the initial concern with the drought is that there is not enough food for existing cattle in the area. In terms of grazing to help prevent wildfires, the only way to make a difference in terms of wildfire mitigation is to overgraze past the point of ecological benefit. Additionally, there would only be a couple months of grazing for a small number of cattle at places like Devil's Backbone Open Space.

- Tom said he does not have enough information at this time but he is concerned that offering emergency grazing would be controversial and use up a lot of staff time.
- Nancy commented on the cyclical nature of drought, so keeping this grazing program as a future option would be preferred rather than doing something now.
- Bob doesn't think that DNR's impact on grazing availability would be significant enough to warrant investing staff time.
- Commissioner Shadduck-McNally asked about the vetting process for ranchers/farmers that utilize DNR properties for grazing, and Daylan explained the county purchasing process for advertising and contracting with outside groups.
- Mark asked about grazing in the Redstone Canyon area of Horsetooth Mountain Open Space. Meegan noted DNR manages grazing in partnership/lease with the Redstone HOA.

Action Items

Other Business

Next Meeting Scheduled

June 23, 2022 – Larimer County Loveland Campus Building: 200 Peridot Avenue, Loveland, CO 80537, Poudre River Room & Zoom Webinar

July 28, 2022 – Larimer County Natural Resources Administrative Offices: 1800 South County Road 31, Loveland, CO 80537, Bison Room & Zoom Webinar at 5-6pm

July 28, 2022 – Chimney Hollow Reservoir and Open Space Tour at 6-7:30pm

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 – 7:37pm

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 williajo@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.