

LARIMER COUNTY | ENGINEERING

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The role of the Advisory Board is to advise the Board of County Commissioners and appropriate departments on environmental and science-related issues that affect Larimer County.

MINUTES

Date: April 13, 2021

Time: 6:00 – 9:00 p.m.

Location: Virtual by Zoom

Contact: Shelley Bayard de Volo, sbayard@larimer.org or 970.498.5738

MEMBERS		STAFF		GUESTS
Rodger Ames	X	John Kefalas*		
Daniel Beveridge		Shelley Bayard de Volo [¥]	X	
John Bleem	X	Steven Decatur [§]	X	
Jim Gerek - <i>Chair</i>	X			
David Lehman – <i>Vice-Chair</i>	X			
Allyson Little	X			
Kirk Longstein				
George Rinker				
Travis Rounsaville	X			
Catriona Smith				
Katrina Winborn-Miller	X			
Chris Wood	X			

X = present; * = Commissioner Liaison; ‡ = Speaker; ¥ = ESAB Liaison; § = Larimer County Office of Emergency Management (OEM)

Call to Order: 6:00 p.m.

1. **Amendments or additions to the agenda** – None.
2. **Introduction of members, staff, and guests** – Jim noted that there were several attendees that were not observable, but present and listening into the Zoom webinar.
3. **Public Comment** – Evelyn King presented public comment (Jim read for the Board) and several attachments that addressed society's current reliance on fossil fuels, the US share of the causation of worldwide climate change, reliability of the local electric grid, and the potential impact of enhanced O&G regulations on holders of mineral rights.
4. **Discussion Items**
 - **2021 Environmental Stewardship Awards** – Rodger, Ally, and Katrina provided a summary of this year's Stewardship Awards. There were three nominations submitted this year: Rocky Mountain Raptor Program, Horse and Dragon Brewing Company and One times Eve-





ryone. The sub-committee described each of the projects and how each met the criteria used to evaluate the projects.

- Educational value of project
- Actual environmental benefit
- Degree of commitment
- Impact to Larimer County

Some unique aspects of the projects this year were how each of the nominees pivoted how they do outreach considering Covid-19 restrictions. The sub-committee agreed that all three of the nominations were worthy of forwarding onto the BOCC. There was discussion of getting more information from some of the nominees so it could be included for the commissioners at the presentation ceremony and for the media releases. Shelley then showed a 9news.com “Next with Kyle Clark” news clip on the Horse and Dragon project. There was also some discussion on the One Times Everyone nominee and how much of their work took place in and benefited Larimer County. They operated for a year, and of the 12 projects they contributed to, 4 are Larimer County based non-profits. There was also discussion on whether to give the award to the individual or the organization.

Jim asked for a motion to accept the sub-committee’s recommendations and forward to the BOCC. The Board proceeded with motions and approvals in the following manner:

1. *Rocky Mountain Raptor Program* – John moved to approve the recommendation and Rodger seconded. All were in favor, and the motion passed.
2. *Horse and Dragon Brewing Company* – Chris moved to approve the recommendation and Travis seconded. All were in favor, and the motion passed.
3. *One X Everyone* – Ally moved to approve the recommendation and Katrina seconded. All were in favor with one abstention, and the motion passed.

Shelley will now pass the recommendations onto the BOCC and proceed with the remaining logistics.

- City of Greeley Water Supply Plan (Terry Ranch Project): Implications for Larimer County – Travis, Rodger and George researched the Terry Ranch Water Storage Project, which was presented as an alternative to the Seaman Reservoir expansion project. Since the reservoir expansion alternative was likely to not receive approval, the City has moved forward with the Terry Ranch Project alternative, which is an aquifer storage and recovery (ASR) project. This option would provide an estimated 1.2 million acre-ft additional water storage for Greeley, who has entered into a purchase agreement with Wingfoot Water Resources (WWR). Non-tributary water and storage rights were secured by WWR, and they will eventually receive their investment back from Greeley through the sale of water credits issued for developments in the City limits.

Travis showed the project location and discussed the aquifer itself, including some of the geology and hydrology. Some pros and cons of ASR vs surface water reservoirs include:



- ASR is more expensive to operate.
- Advantage of ASR is there is little to no evaporative loss (very expensive in Colorado).
- Both surface reservoirs (offline) and ASR can provide a backup water supply if the headwaters are mucked up after a fire.
- Both storage systems divert extra water during “Free River” periods, which takes high peak, sediment flushing flows.
- Both options offer water users drought resiliency. However, larger capacity of ASR provides a greater “buffer” against prolonged droughts.
- A disadvantage of surface reservoir storage comes with water drawdowns during drought periods and the associated environmental impacts (e.g., exposed lakebed, windblown dust) among other impacts.

Travis then discussed water rights and explained the difference between different types of water rights: groundwater rights are assumed to be tributary, because of re-charge, but if one verifies that the groundwater (i.e, an aquifer) is non-tributary (no connection to the surface water) then it is considered non-tributary. Wingfoot went through the legal process to establish that the Terry Ranch Aquifer was non-tributary and therefore they were able to secure rights to the water. Travis ended by discussing other ASR projects in other states.

Rodger then discussed instream flows on the North Fork of the Poudre River and concerns of periods of dry up. He explained the recent state legislation focused on improving Colorado’s Instream Flow Program, which is a program that supports maintaining instream flows in vulnerable high elevation reaches. The program facilitates seasonal transfers from senior water rights allocations to junior water right holders of stream reaches that seasonally dry up. When considering the Terry Ranch project, Greeley will exercise their water rights and pull water from the North Fork above Seaman Reservoir. Augmentation in those reaches might be necessary to mitigate against dry up.

The sub-committee recommended that the ESAB reach-out to the City of Greeley to discuss their minimum/peak flow plans, with the potential to initiate an instream augmentation plan or infrastructure solution related to Terry Ranch project. The Wingfoot Water Resources website lists “providing instream flows along the Cache La Poudre River” as an environmental benefit. It would be good to learn more details about this plan, e.g., where, when and how.

Ally asked the question of whether the project requires a 1041 permit from the County? Travis noted that because there is no federal nexus a 404 permit from the Corp of Engineers, and other federal permits, are not triggered. But it is not clear whether permitting from the County is required.

- Larimer County Oil and Gas Regulations – Ally summarized what she learned from the latest open public meeting. She noted that most of the public comments focused on pros and cons of oil and gas extraction, but very few provided feedback on the regulations themselves. So, in that respect, the sessions were not that productive, and Katrina agreed. Ally noted that the oil and gas sub-committee is still intact, but



they have not been active as there has not been anything new to review. Parts of the updated regulations are now out for review to the public, and Ally suggested the sub-committee review them as a group and present their findings to the ESAB at a future meeting. Shelley asked if the sub-committee had reviewed the comparison document that the Planning department made available on their website. Ally noted that she had reviewed it. They shared the document on the screen and looked at the comparison table, which compares oil and gas regulations for Boulder County, Commerce City and Larimer County against the State's regulations. In some cases, Larimer County is stricter, and in others less strict. Ally noted that there should not be any that are less strict, and the County should not waste its time on regulations that are equivalent, because those are already regulated by the State. This is an opportunity for the County to tailor regulations for its environment and community. So, building upon the State's regulations is a way to do that.

The group discussed air quality monitoring and whether the County has staff capacity to accomplish that. Rodger mentioned that the operators could be required to do that, but it is tricky because of sampling in a controlled setting. Katrina discussed the State's Reg. 7 that requires monitoring pre-drill, and during the drilling process, but then there is no requirement to continue the monitoring during production.

5. **Approval of Minutes** – Jim asked for a motion to approve the February draft minutes. John moved and Ally seconded, the draft minutes were approved by acclamation. Jim asked for a motion to approve the March draft minutes. Rodger moved and Chris seconded, the draft minutes were approved by acclamation.

6. **Updates and Round Table**

- Commissioner Update – The commissioner was not in attendance this evening.
- CSLC - Community Outreach – Steven Decatur provided an update on the public engagement process. He and the team are finalizing an RFP to hire a consultant to lead the public engagement effort. The commissioners want the process to be very robust and equitable. It will likely take a year, and the cost to Larimer County for a consultant will likely be expensive. County leadership is also discussing creating an in-house position to lead the Climate program, and this is likely to take 4 months to hire someone. Jim asked if the County website has the current versions of the summary document. Steven noted that it was updated last week, and there is now a Spanish version available as well.
- Boards and Commissions review – Jim explained the summary of the member's responses to the questionnaire and reporting to the BOCC in work session. A few takeaways were that the ESAB might consider adding a few short-term positions that could be filled by graduate and/or undergraduate students. As well, Shelley noted that the commissioners expressed interest in being able to make work requests to the ESAB. Shelley and Jim noted that the ESAB would welcome that and the best way to do that is by formal letter, or more often, by working through the commissioner liaison.
- Memberships and Renewals – Jim summarized the member positions and the staggered terms for members. At this point five of the six renewing members have expressed a desire to continue for another term. Jim noted he was going to follow-up with the one



member who had not yet applied. Renewing members should not expect to have to interview again. There have been a few outside applications submitted for the positions.

- New Agenda and Minutes Platform – Shelley showed the new platform that members can use to retrieve the agenda package for meetings. It is now provided through the ESAB webpage, and eventually the minutes for each meeting will be in the same place. Shelley asked the members if they still wanted to receive the agenda email that she typically sends to members with attachments. David noted that continuing to do that for a few months might be a good idea so members can get used to the new system.
 - Rail Tie Wind Project – Due to Commissioner Kefalas' absence, Shelley raised the topic of some recent activity regarding the wind project being developed in Wyoming, just across the border from Larimer County. There has been some outreach to Commissioner Kefalas from residents in the area who are concerned about impacts that the project might have. Specifically, viewshed impacts, road and transportation impacts, and impacts to Red Mountain Open Space. The residents have asked the BOCC to step in on their behalf. One way that Larimer County might want to participate is by providing comments on the Draft Environmental Impact Statement being completed by the Western Area Power Authority (WAPA). Shelley asked if the Board was interested and had the capacity to do some review? Ally and John noted that they would be interested to look at the dEIS and can report back at the May meeting.
 - She's in Power – John works with a group that focuses on involving women in the STEM disciplines. The group currently has a few projects in development that they would like to staff with women college students as lead investigators. John is getting the word out and asked members to pass the information on to those that might be interested.
7. **Issue Index** – Was updated with tonight's discussion.
 8. **Agenda Topics for Future Meetings** – Next meeting is May 11th, 2021. Topics are TBD.
 9. **Adjourn** –The meeting was adjourned at 8:45 PM.