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: August 10, 2021

Time: 6:00 – 9:00 p.m.

Location: Arrowhead Lake Meeting Room, 200 W. Oak Street and 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	X	Shelley Bayard de Volo¥	X	
John Bleem	X			
Jim Gerek - Chair	X			
Ted Hendrickx	X			
David Lehman – Vice-Chair				
Allyson Little	X			
Kirk Longstein	X			
Kaitlin Rainsberger	X			
George Rinker				
Travis Rounsaville	X			
Shelby Sommer	X			
Catriona Smith	X			
Katrina Winborn-Miller	X			
Chris Wood	X			

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

Call to Order: 6:17 p.m.

1. **Amendments or additions to the agenda** – None.
2. **Introduction of members, staff, and guests** – Jim encouraged an extended introduction period to allow new and old members an opportunity to get to know each other.
3. **Public Comment** – Jim read into the record a comment from Evelyn King, who was concerned about several aspects of the proposed bylaw changes presented in a draft at the June meeting. E. King noted that she had issue with the following: (1) removing the use of the term “non-technical” when identifying membership and skills; (2) removing the use of the term “citizen”; (3) using personal pronouns other than “he” and “she”.

4. **Discussion Items**

- ESAB Bylaw Changes – Jim presented an outline describing the recent bylaw change, which focused only on increasing the number of board members from "up to 12" to "up to 15" members. The task now is to look at the bylaws in their entirety and update them. The last major update was in 2003. The process to update involves revision by the ESAB membership, and approval by the BoCC.

  Potential modifications include:
  - Clarify what "type" of advisory board the ESAB is
    - Expert vs. Representative
  - Clarify board experience and diversity expectations
  - Change membership requirement from "citizens" to "residents"
  - Allow extensions beyond two terms, with BoCC approval
  - Address "in person" attendance requirement
  - Clarify "public" notice requirement
  - Update gender neutral pronouns

  Jim asked if the Board wanted a sub-committee to work up a draft? The members liked that idea. Members volunteering to participate included Jim, Ally, Shelby and Kirk. They agreed they would draft a red-line version, provide that to Commissioner Kefalas and bring that back to the Board at a future meeting for comment. It will be useful to consider the County's update to the "Policies and Procedures for Boards, Commissions, Councils and Committees (100.1I)". If the overarching policy for commissions does not also include updates to terms like "citizen" or the use of gender neutral pronouns, then it does not make sense to update the same in the ESAB bylaws. Travis noted that one reason for updating the terms is to be more flexible for membership by graduate students, who may not be a "citizen" of Colorado. As well there was discussion of providing positions on the board for 1-year terms that would allow students to participate. The directive by the commissioner to increase diversity was also discussed. Diversity in terms of age, race, and geography are all important to consider.

  The Board hopes to finalize the bylaw changes at the October meeting.

- Larimer County 1041 Regulations – Jim provided some background information on the County's 1041 regulations (based on HB-74-1041), which allow local governments to identify, designate and regulate areas and activities of state interest. The Larimer County BoCC adopted the use of 1041 regulations in 2008, with several subsequent updates. The regulations are currently outlined in Article 10 of the Land Use Code. Current (simplified) applicability includes:

  - Electrical power plant or expansion
  - Conversion of electric power plant
  - Nuclear power plant
  - Wind power plant, or expansion
  - HV Electric power transmission lines
  - HV Transmission line upgrades
  - Solar energy power plant
  - HV Electrical substation
  - Pipelines for petroleum/natural gas
  - Storage facilities for petroleum/natural gas/derivatives
  - Domestic water/sewer lines
  - Water storage reservoir for drinking water

The process for permit applicants is extensive with coordinated reviews among the Federal, State, and local agencies. Initially an application is submitted and then it is reviewed for completeness, after which the 90-day formal review period begins. There is an appeal process where the applicant can appeal to the BoCC a decision that they do not agree with.

Of the many criteria that an applicant needs to meet as part of their permit application five were relevant in terms of the ESAB's review:

- No significant adverse impact on land/natural resources – or will mitigate
- Costs to mitigate are proportional to the benefits
- Project benefits outweigh the loss of natural resources
- Not subject to additional risk from natural hazards
- No negative impact to public health and safety

Currently, the status of the regulation update includes the current project moratorium until 12/15/2021. The Planning department is drafting the updated regulations with the most recent August 6th discussion draft now available. The Planning Commission and BoCC will discuss the draft August 11 and a virtual open house will take place August 25. Final approval is anticipated sometime in late October, with an effective date for new regulations mid-November.

The board discussed a plan moving forward. Commissioner Kefalas has requested that the ESAB provide comments and input on the draft regulations. The board agreed that a subcommittee should be formed to review and provide comments that the whole board can discuss at the September 14th meeting. Jim then opened the meeting up for discussion among members. John asked about whether Commissioner Kefalas provided more specific direction in terms of the review he was looking for? The consensus was that he did not and that he was looking for a general review. Rodger asked about what kinds of feedback the current red-lined version was based on. Jim noted that it has been marked up and changed based on commissioner, staff and public comments. Chris asked about conflict of interest and whether that would be an issue for him since he is employed in the utility industry, who uses the 1041 permit process. Ally noted that she considered it as well because of her employment in the utility industry, but she thought that because she and Chris have first-hand knowledge of the permit application process, they are able to bring that experience/perspective to their review process. As well, they are providing comments and it is not assumed that those comments or suggestions will be adopted. Jim clarified for the group that the 1041 regulation update is part of the over-all Land-Use Code revision.

Jim asked for consensus on forming a sub-committee and asked for volunteers, for which Chris, Travis, Ted, Kaitlin, and John agreed. Their goal will be to have comments for the rest of the Board to consider at the September 14th meeting. The hope is that those comments could be incorporated into the Oct 1st staff draft.

5. **Approval of Minutes** – Jim asked for a motion to approve the minutes from the May meeting. John moved to approve, and Travis seconded, and the motion was passed by acclamation. Jim asked for a motion to approve the June 8th minutes. Cat moved to

approve, and John seconded, and the motion was passed by acclamation. Jim asked for a motion to approve the June 28th Special Meeting minutes. John asked about the yellow highlighted section, which involved a comment made by Katrina that was not clearly captured. Shelley edited the minutes with the group to better reflect Katrina's intent in her statement. As amended, Ally moved to approve, and Katrina seconded, and the motion was passed by acclamation.

6. **Updates and Round Table**
   - Oil and Gas Regulations – Ally provided an update on the County's work toward updated oil and gas regulations. At this point the County does not have the final regulations up on the website. Cat looked at the final red-line version and saw that several of the ESAB's comments were incorporated, including better defining the accumulative air quality impacts and the requirements for monitoring.

   - Terry Ranch Aquifer Water Storage Project – Travis followed up with Adam Jokerst, City of Greeley, on some of the questions that the Board had at their last discussion of this project. First, Adam noted that if the Board were interested, he would present and explain the project and address questions. Second Travis explained that although the Project investor's website noted improved in-stream flows on the Poudre River as a benefit of the project, there would not be any increased flows in the portions of the river within Larimer County. He then asked how Greeley is not having to obtain a 1041 permit from Larimer County, and that is because the diversion location is at the existing Bellevue Water Treatment Plant, so there is no need to develop new infrastructure. The next question concerned the costs of treating water. Currently the costs per 1000 gals, of providing water from the Bellevue Treatment plant is \$0.87, from Boyd Reservoir is \$1.58 and the costs from the Terry Ranch project would be \$1.68 for the raw water. But for treated water it would be \$2.50. To cover those costs, they would have to increase the costs to their customers. Right now, they charge \$5.00/1000 gal, so with reduced overhead they can make the numbers work. But right now, they have no intention of using the Terry Ranch water, at least not for 50 years, so it's really a reservoir of water for use in times of extreme drought and for future needs. In terms of recharge to the aquifer, the City would use their senior water rights as needed and would not rely on in-stream peak flows which means the project is not anticipating having those kinds of impacts.

     The Board discussed several additional items and then agreed that they would like to have Adam come and discuss the project. Jim agreed to schedule when time allows.

   - Wolf Reintroduction Open House at CSU – Jim informed the Board of the Open House at CSU August 11 from 5-8PM, where public questions on this project will be addressed.

   - State Air Quality Enterprise Board – Rodger reported that he sat in on the State Air Quality Enterprise Board meeting last week. The board was developed from SB-2204, the "Clean Up Colorado Air Act", which establishes a mechanism to collect fees from air polluters and provide a fund from which grants and financial support can be provided to projects focused on improving air quality like increasing air quality monitoring programs. Rodger noted that other local governments were on the call including Weld County, Boulder County and Denver County. They discussed their air quality monitoring programs and provided public comment to the AQEB. Rodger noted that he sees a potential role for the ESAB in helping

Larimer County provide comments that could be used to enhance its air quality monitoring program. The AQEB is moving quickly with providing funds to those who apply. The Board had the question of whether any Larimer County staff was involved or was aware of the AQEB? Were there plans to participate or provide comments to the Board? Shelley will follow up to see if there was any staff participation at this point.

7. **Issue Index** – Was updated with tonight's discussion.

8. **Agenda Topics for Future Meetings** – Next regular meeting will be September 14th, 2021. Topics to include Comments on 1041 Regulations.

9. **Adjourn** –Ally moved to adjourn the meeting and Chris seconded. All approved and the meeting was adjourned at 8:49 PM.