LARIMER COUNTY | ENGINEERING

P.O. Box 1190, Fort Collins, Colorado 80522-1190, 970.498.5738, larimer.org/engineering

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: May 11, 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		John Kefalas*	X	
Daniel Beveridge	X	Shelley Bayard de Volo¥	X	
John Bleem	X	Steven Decatur§	X	
Jim Gerek - *Chair*	X			
David Lehman – *Vice-Chair*	X			
Allyson Little	X			
Kirk Longstein				
George Rinker				
Travis Rounsaville	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: 6:00 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** – none
4. **Discussion Items**

   - Larimer County Oil and Gas regulations – Jim provided some background of the County's efforts with updating the oil and gas regulations. He then handed the presentation over to the sub-committee to provide their update. Cat noted the comparison document that County staff developed, which outlines how the county's current regulations compare to the State's in terms of stringency. There was some discussion of the fact that the sub-committee did not have the opportunity to meet outside of tonight's regular meeting to discuss the changes to the regulations. They agreed that it would be more constructive to still meet and develop their comments into a spreadsheet and a memo that they could then present to the full ESAB for review.

Jim then explained the extended timeline for public comment. He noted the need to get any comments in early in the process so that they can be incorporated. He counted ~20 significant changes. He is impressed by the work that the contract attorney accomplished, citing that the changes are improvements. He then read a list of the changes that were made. Cat noted that it appears that the County is not interested in just meeting the State's regulations, and Jim concurred.

Jim then went through the red-line version of the regulations and pointed out some of the more notable changes. Cat noted in 11.2.7.A, the term "substantial" was used and asked if that term was defined anywhere. Jim noted that he thought that statement was added in part to replace the use of the term "Greenfields", which was removed. Travis noted that the term "substantial" should be defined somewhere. The term "setbacks" was removed and replaced with "Location Restrictions", which involved a number of situations and distance ranges. The requirements for air quality monitoring were expanded, and Cat noted that this change would result in considerable effort for the permittee. She expects industry will push back. Katrina noted that the State currently has air monitoring requirements, but the County's proposed requirements go further. Jim went through the odor mitigation plan requirements and water quality testing requirements for nearby water wells. Cat noted that for water quality testing, standards need to be identified. Travis noted that baseline pre-drilling testing should also be done. Fire response requirements include a will-serve letter from local fire response facilities that state they will respond. And a fire response cache that holds required supplies for the response.

Other significant changes include: A new section on wildlife protections; preference for the use of pipelines to carry production wastes instead of trucking those materials; and setbacks of new development from existing oil and gas facilities would depend on the number of existing wells.

Members then discussed how to move forward with the process to develop comments and a memo, as well as the upcoming meetings. Jim showed the timeline from the Planning Department's webpage. The goal is for final ESAB comments in June.

- Rail Tie Wind Project – Ally presented some slides summarizing the primary comments on the Wyoming wind project's draft Environmental Impact Statement. She explained the project elements, the environmental studies that were completed, project timeline that includes commissioning in 2023. Ally then presented the potential impacts to Larimer County residents, who other than the ability to comment of the dEIS, lack standing to oppose the project because they reside in Larimer County, and not in Albany County, Wyoming.

  Some impacts to Larimer County residents include a changed viewshed. To mitigate these impacts, residents would like to see the turbines planned to sit on the Colorado-Wyoming border removed from the plan. Ally then presented the draft memo she prepared that included positive as well as negative impacts of the project. Positive impacts to Larimer County include encouraging the use of renewable energy on the regional grid. This project will provide enough energy to offset 900,000 metric tons of CO_2 emissions annually. The dEIS process included extensive environmental review and studies, which the project proponent, ConnectGen completed. ConnectGen is also considering use of Vestas wind turbines, which could benefit the company's Windsor facility, as well as the Town of Windsor and Larimer County, for tax revenue. Negative impacts include the fact that residents in the northern part of the County will likely see the turbines, as well as any lights installed to meet FAA regulations. The memo recommended that ConnectGen work with the FAA to implement lighting that only illuminates when aircraft are present. The memo also recommends that ConnectGen consider renovating the facility after the 30-35 year operation period as opposed to decommissioning.

Additional comments include trying to identify the main customer of the generated power, which John noted is not Platte River Power Authority, Poudre Valley REA, or Xcel Energy. Traffic impacts will be minimal according to the traffic study, and large project components will be shipped via rail to Laramie. Job creation will be primarily in Albany County, and the project did not specifically look to create jobs in Larimer County. Regarding the viewshed impacts, while some county residents consider seeing wind turbines from their home as a negative, others might see it as a positive. John then commented on the potential buyers of the energy, which would be those that have access through the transmission lines – perhaps Black Hills Energy or Pacific Corp, both of which have transmission access. He also noted that certain turbine components could come from the Windsor facility but Vestas also supplies components from their facilities in Pueblo and Louisville, so several Front Range towns may benefit. John spoke with City of Fort Collins, who are also commenting on the dEIS, but they couldn't discuss their comments with him at this time. Shelley clarified that the residents were not asking for larger/taller turbines, but rather that they were seeking that Albany County update their Industrial Siting Regulations to account for the taller wind turbines being considered for this project. John noted wildlife concerns and there was discussion of whether CPW was involved in reviewing or acting as a cooperating agency, which it appears they are not participating that way. Shelley noted that the dEIS includes a programmatic agreement between the Colorado and Wyoming State Historic Preservation Offices (SHPO) and the Western Area Power Authority (WAPA). One of the criteria in that agreement states that ConnectGen will work with the FAA to implement sensor-based aircraft detection lighting, which will reduce light pollution impacts from the project.

Ally finished her update by considering how to move forward. She will send her draft memo to Shelley and John, who will provide feedback. The comments will be finalized by May 17th. Shelley and Jim will present the ESAB comments to the BoCC at a worksession May 17th and they would need to approve any comment submittal at a later meeting. Shelley noted that she contacted the WAPA to notify them the Larimer County would not be able to meet the public comment period closing deadline, and she requested that the WAPA accept Larimer County's comments after that date, if/when the BCC was able to approve them by vote. That request was approved in writing via email.

The final discussion points concerned wildfire and the project's reliance on local volunteer fire departments. Shelley noted that while volunteer fire departments in Albany County were identified in the dEIS, the Livermore Fire Protection District was not mentioned. Since wildfires that start in Albany County have the potential to move south into Larimer

County, the Livermore Fire Protection District should be included in the dEIS and they should be included in any conversations involving the construction and operation of the facility.
Jim summarized the process of moving the memo forward. The Board will have to vote tonight to authorize this memo in concept. Jim, Shelley, Ally and John will do final edits and then provide the memo to Commissioner Kefalas to review prior to the scheduled worksession next week, since he will be out of town and not able to attend. Following the worksession, the memo will be approved via consent agenda at Administrative Matters May 25th.

David provided the motion to pass the ESAB memo, as updated, onto the BoCC. Travis seconded the motion. Katrina requested that the final memo be provided to the entire ESAB at the next meeting, and Jim assured the Board that it will be available for anyone to view. John asked Shelley whether she felt she had a good idea of what the resident's concerns were for the project. She noted that she had read the emails sent to Commissioner Kefalas, and had listened to one of the public meetings, so she had learned of many of the concerns from those sources. Jim requested the vote from the members, and all were in the affirmative. Jim thanked Ally and the subcommittee for their work as well as the members for participating in tonight's meeting, especially the several members joining in from the road.

5. **Approval of Minutes** – Jim asked for a motion to approve the April draft minutes. Cat moved and David seconded, the draft minutes were approved by acclamation.

6. **Updates and Round Table**
   - Commissioner Update – Commissioner Kefalas noted that the RFP to hire a consultant to lead the community engagement process for Climate Smart Larimer County went out last week. As well, they are moving forward with hiring a program manager for the Climate Smart and sustainability programs. They are hoping to get the community engagement started in July and anticipate a 6-month engagement period. They also hope to bring on the program manager in that time. The Planning Department has submitted a grant request to the state Dept. of Local Affairs (DOLA), specifically to fund development of a water master plan. There are indications that the funding will be approved. They also applied to the Sonoran Institute for a technical assistance grant. The goal is to get better integration with the land use code update currently underway.

     The BoCC's next upcoming joint worksession with the Planning Commission will include a discussion of 1041 regulations, urban agriculture (keeping and processing livestock), development standards, housing diversity, small homes and affordability. The Commissioner took the ESAB's suggestion to recognize those that worked on the Cameron Peak Fire to the other commissioners and staff within Office of Emergency Management, and they agreed the best option would be to draft some kind of proclamation rather than an event. The BoCC also funds a grant program that provides funds to volunteer fire departments who apply, and the BoCC intends this year to increase the funds available through that grant.

Daniel offered to provide to the Commissioner the State's recently announced proclamation making May "Fire Awareness Month". The BCC might look to use that as a model or framework for theirs.

The BoCC is kicking off interviews for the boards and commissions. The ESAB has six openings, and the six current board members whose terms are up this period have re-applied. There were several other applications, and three of those were selected by the Commissioner to interview. The Commissioner would like to discuss increasing the number of sitting board members to at least 13 and maybe the ESAB can discuss that more.

The commissioner ended his update discussing the County's Covid situation and the hope that there will be changes in the positive direction, perhaps moving to level blue. Travis asked how that might affect the ability for Boards and Commissions to start meeting in person? Commissioner Kefalas noted that some meetings are currently in person, and as more people get vaccinated, he envisions that could happen later in the summer or fall.

- North Front Range Metropolitan Planning Organization (NFRMPO) and the Regional Air Quality Council (RAQC) – Jim briefly presented Kirk's idea of getting more active in tracking transportation issues, and monitoring the activities of the NFRMPO, which has an air quality and ozone reduction committee and program. Jim inquired if there was interest and noted that the issue index does include a "transportation" issue, but there are currently no issue coordinators. Commissioner Kefalas noted the Commissioner Stephens is the commissioner representative to the NFRMPO and the RAQC.

  Katrina and Chris noted that they regularly listen into the RAQC meetings, and they would be interested in listening into the NFRMPO meetings as well. They agree that it would be important for the ESAB to track transportation issues, especially as they relate to air quality, vehicle electrification and other emission reduction strategies.

- Environmental Stewardship Awards – Shelley noted she had forwarded on the ESAB's recommendations to the BoCC, and all three commissioners agreed with those recommendations. Shelley notified the awardees, by letter, and one has responded that they will attend in person. She will follow up with the other two. The ceremony is scheduled for June 14th, during the Land Use hearing. Commissioner Kefalas asked what members thought about doing the Wildfire Awareness proclamation at that ceremony, and Jim and David supported that idea. Shelley and the commissioner's office will coordinate to plan that event. Jim encouraged members to participate by watching the live event or the recording.

- Coordination with Agricultural Advisory Board (AAB) on Presentation for Use of Forest Agricultural Products – The chair of the AAB would like to include the promotion of agricultural forestry products in their work. He has proposed a joint meeting among the AAB, ESAB and the Affordable Housing Board to host the Colorado State Forest Service to come and talk about their program for biofuel and other forest products. More details will be provided when this meeting is scheduled.

- Larimer County Recovery Collaborative – The Collaborative is focused on the Cameron Peak Fire as well as Covid recovery. They recently came out with two reports – a Recovery Plan and an Implementation Plan. They propose to enhance resiliency, by prioritizing the use of federal grants. The reports focus on business recovery, social services, education recovery, etc. In term of environmental aspects, the reports note the use of the Larimer County Conservation Corp for fire recovery work. The reports are available through the County's website, and the Collaborative is looking for comments on the reports. Jim encouraged members to look and comment independently if they were interested.

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

8. **Agenda Topics for Future Meetings** – Next meeting is June 8th, 2021. Topics include a presentation by CSU researchers on human health effects of wildfire smoke.

9. **Adjourn** –Travis moved to adjourn the meeting and John seconded. All agreed and the meeting was adjourned at 8:20 PM.