

LARIMER COUNTY



ENVIRONMENTAL AND SCIENCE ADVISORY BOARD



2021 Annual Report



January 2022

Board of County Commissioners:

This annual report outlines the Environmental and Science Advisory Board's activities in 2021 and sets our general goals and direction for 2022.

Despite the ongoing pandemic and associated challenges, the ESAB continued to work on important topics of discussion that included the County's update to its Land Use Code, Ozone non-attainment and Air Quality Monitoring, the Climate Smart Larimer County Community Outreach, and addressing reducing green-house gas emissions through use of electric vehicles (EVs) and EV charging infrastructure.

Additional information about the Advisory Board, including full minutes for its meetings, is available on the County's website at: <https://www.larimer.org/boards/environmental-and-science-advisory-board>.

We would like to acknowledge County staff for their continued help and commitment to sound environmental management. In 2021, representatives from the Departments of Health and Environment, and the Climate Smart and Sustainability Program attended meetings to assist and inform Advisory Board members. Most meetings were held virtually with a few hybrid meetings taking place late summer.

We hope that the feedback we provided was useful for the County. Please feel free to contact me or any of our members if you would like to discuss specific issues in greater detail.



Jim Gere, Chair for 2021



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2021 ANNUAL REPORT OF THE LARIMER COUNTY ENVIRONMENTAL AND SCIENCE ADVISORY BOARD

January 2022

I. INTRODUCTION

The Larimer County Commissioners established the Environmental Advisory Board in 1993. In July of 2021 the Board was expanded from 12 at-large members to up to 15 at-large members, appointed by the County Commissioners. The name of the board was changed to the Environmental and Science Advisory Board (ESAB) in 2013.

The primary role of the Board is to advise the Board of County Commissioners and appropriate County departments on environmental and science-related issues that affect Larimer County. Items considered by the ESAB come from the Commissioners, staff, the community and our own members.

The Advisory Board typically meets on the second Tuesday of each month and on an as-needed basis for special work sessions. The first agenda item of each meeting is devoted to hearing public comments about environmental issues. The list of invited guest speakers that attended the ESAB meetings in 2021 is presented in Section VI of this report.

Important topics and actions considered by the Advisory Board are noted in Section II. Section III outlines the status of issues related to its recommendations. The actual written correspondence provided by the Board is included in the Appendix.

The ESAB uses an issue index to keep track of the various issues that the board monitors and addresses. This index is updated monthly.

John Kefalas served as the County Commissioner Liaison to the Environmental and Science Advisory Board for 2021 and Shelley Bayard de Volo, from the Engineering Department, remained as the staff facilitator throughout 2021.

II. DISCUSSION TOPICS IN 2021

MONTH	TOPICS
January	<ul style="list-style-type: none">• Climate Equity Work at the State of Colorado<ul style="list-style-type: none">◦ Lauren McDonnell, CDPHE• Finalize 2020 Annual Report, 2021 Workplan<ul style="list-style-type: none">◦ Jim Gerek <p><i>UPDATES</i></p> <ul style="list-style-type: none">• Recruitment and strategy for diversity• Environmental Stewardship Awards-preparations• Commissioner's Update
February	<ul style="list-style-type: none">• Larimer County Recovery Collaborative<ul style="list-style-type: none">◦ Lori Hodges, Director, Larimer County Office of Emergency Management• Cameron Peak Fire: Watershed impacts and post fire restoration<ul style="list-style-type: none">◦ Jennifer Kovecses, Coalition for the Poudre River Watershed <p><i>UPDATES</i></p> <ul style="list-style-type: none">• Chimney Hollow Reservoir• Land Use Code 2020 - Phase 2• Proposed PFAS Regulations – Class B Firefighting Foams• Environmental Stewardship Awards• Commissioner's Update
March	<ul style="list-style-type: none">• Colorado Greenhouse Gas Pollution Reduction Roadmap<ul style="list-style-type: none">◦ John Bleem• County Oil & Gas Regulations Amendments<ul style="list-style-type: none">◦ Oil and Gas sub-committee <p><i>UPDATES</i></p> <ul style="list-style-type: none">• Commissioners Update• CSLC - Community Outreach• State Climate Equity Framework• Stewardship Awards - select subcommittee• Periodic Review• Members with Expiring Terms

MONTH	TOPICS
April	<ul style="list-style-type: none"> • Environmental Stewardship Awards – Sub-committee Recommendations • City of Greeley Water Supply Plan (Terry Ranch Project): Implications for Larimer County <ul style="list-style-type: none"> ◦ Sub-committee Update • Larimer County Oil & Gas Regulations <ul style="list-style-type: none"> ◦ Sub-committee Update <p><i>UPDATES</i></p> <ul style="list-style-type: none"> • Commissioner's Update • Climate Smart Larimer County • BoCC Boards and Commissions Review • Memberships and Renewals • New Agenda and Minutes platform
May	<ul style="list-style-type: none"> • Larimer County Oil & Gas Regulations <ul style="list-style-type: none"> ◦ Sub-committee Update • Rail Tie Wind Project dEIS <ul style="list-style-type: none"> ◦ Ally Little and John Bleem <p><i>UPDATES</i></p> <ul style="list-style-type: none"> • Commissioner's Update • Regional Air Quality and NFRMPO Planning • Environmental Stewardship Awards • Joint meeting with Agriculture Advisory Board and Affordable Housing Committee on Forest Products
June	<ul style="list-style-type: none"> • Wildfire Smoke and Public Health <ul style="list-style-type: none"> ◦ Jeffrey Pierce, Atmospheric Sciences, Colorado State University • Larimer County Oil and Gas Regulations <ul style="list-style-type: none"> ◦ Sub-committee Update <p><i>UPDATES</i></p> <ul style="list-style-type: none"> • Commissioner's Update • ESAB Bylaws update • Environmental Stewardship Awards • Rail Tie Wind Project and DEIS • RAQC and NFRMPO

MONTH	TOPICS
June Special Meeting	<ul style="list-style-type: none"> • ESAB Oil and Gas Regulations, the public draft redline version 6-4-21
July	<ul style="list-style-type: none"> • CANCELLED
August	<ul style="list-style-type: none"> • Bylaw changes - planning for moving forward <ul style="list-style-type: none"> ◦ Jim Gerek • 1041 Regulations - current update planning <ul style="list-style-type: none"> ◦ Jim Gerek <p><i>UPDATES</i></p> <ul style="list-style-type: none"> • Oil and Gas - implemented comments • Terry Ranch Water Supply project update
September	<ul style="list-style-type: none"> • Colorado Air Quality Enterprise Board, Larimer County's Role – <ul style="list-style-type: none"> ◦ Lea Schneider, Health and Environment • Environmental Program Manager and Climate Smart Larimer County – <ul style="list-style-type: none"> ◦ Heidi Pruess, Environmental Program Manager • Larimer County 1041 Regulations, Review and Comments – <ul style="list-style-type: none"> ◦ ESAB Sub-committee <p><i>UPDATES</i></p> <ul style="list-style-type: none"> • Commissioner's Update • ESAB Bylaws - status and update
October	<ul style="list-style-type: none"> • Boulder County Air Monitoring Program <ul style="list-style-type: none"> ◦ Bill Hayes, Boulder Air Quality Program Coordinator • Regional Air Quality Monitoring <ul style="list-style-type: none"> ◦ Rodger Ames • Memo on Regional Transportation Planning <ul style="list-style-type: none"> ◦ Kirk Longstein • Invitation for ESAB seat on the Climate Smart Larimer County Task Force <ul style="list-style-type: none"> ◦ Jim Gerek <p><i>UPDATES</i></p> <ul style="list-style-type: none"> • <i>None</i>

MONTH	TOPICS
November	<ul style="list-style-type: none"> • EV charging Infrastructure initiatives <ul style="list-style-type: none"> ◦ Diego Lopez, Northern Colorado Clean Cities • EV Charging Draft Memo – <ul style="list-style-type: none"> ◦ ESAB Subcommittee <p><i>UPDATES</i></p> <ul style="list-style-type: none"> • Commissioner's Update • CSLC Task Force Update • December Meeting Planning - ESAB Elections, Issue Index
December	<ul style="list-style-type: none"> • Air Quality Monitoring Program Update <ul style="list-style-type: none"> ◦ Lea Schneider, LC Health and Environment • Issue Index – update and review • 2021 Annual Report, 2022 workplan - draft • 2022 ESAB officer elections <p><i>UPDATES</i></p> <ul style="list-style-type: none"> • CSLC Community Task Force Update • EV Charging Memo - Finalize

III. STATUS OF ESAB RECOMMENDATIONS IN 2021

The table below outlines the formal recommendations made by the Advisory Board and provides a brief statement about the status of those recommendations. As an advisory board, the ESAB's written recommendations are submitted to the Board of County Commissioners or a requesting County department. The actual correspondence is shown in the Appendix.

Issue	Principal ESAB Actions and Recommendations	Status
Land Use Code Article 11, County Oil and Gas Regulations	The ESAB Oil and Gas sub-committee reviewed the latest update to County Oil and Gas regulations (Issue 10.07) and provided comments on both the positive changes and the remaining issues for further consideration. The sub-committee prepared a draft memo, with detailed comments attached, that were presented to the entire ESAB for consideration. The memo and comments were approved and then transmitted to the BoCC, with copies to Planning Staff.	ESAB comments were considered by the BoCC and Planning Department staff and were partially incorporated in the final regulations (Appendix A).
Rail Tie Wind Project dEIS	At Commissioner Kefalas' request several ESAB members reviewed the dEIS for the Rail Tie Wind Project in adjacent Albany County, Wyoming. The primary focus was on elements of the project that could affect Larimer County residents. Several issues were identified and presented to the BoCC in memo form and at a work session.	ESAB comments were considered by the BoCC and forwarded on in their entirety to the Western Area Power Authority (WAPA), the sponsor of the dEIS (Appendix B)

Issue	Principal ESAB Actions and Recommendations	Status
Land Use Code Article 10, 1041 Regulations	<p>The ESAB sub-committee for 1041 Regulations (Issue 1.10) reviewed the Planning Department's draft update to Article 10 of the Land Use Code. The ESAB agreed that the proposed updates were an improvement, but members felt there were still several areas that required additional consideration. The review resulted in a set of comments that were presented to the entire ESAB. The approved comments were summarized into a memo, with an attached table of detailed comments, and submitted to the BoCC.</p>	<p>The memo and table of detailed comments were submitted to the BoCC, with Planning Staff copied on the transmission (Appendix C). Several of the recommendations were adopted as part of the final regulations.</p>
Climate Smart Larimer County Framework	<p>The ESAB received an invitation from the CSLC and Sustainability Program Manager for one member to participate on the CSLC External Community Task Force. The ESAB responded by letter (Appendix D) that they designated Shelby Sommer.</p>	<p>Shelby Sommer, has attended task force meetings and will continue to do so in 2022.</p>
Electric Vehicles and Ground Transportation Emissions	<p>The EV Charging Infrastructure (Issue 3.11) sub-committee summarized into a memo their review of state and federal policies to reduce greenhouse gas emissions, as well as funding opportunities to support fleet conversion and EV charging infrastructure. The memo was transmitted to Linda Hoffmann, County Manager, with copies to Commissioner Kefalas and Heidi Pruess.</p>	<p>The memo (Appendix E) was distributed to key staff in the departments of Facilities and Fleet and is under consideration.</p>

IV. ONGOING COMMITTEE WORK

Issue	Principal ESAB Activities	Active ESAB members
Ozone and Air Quality Monitoring	ESAB is working with the Larimer County Health and Environment and the City of Fort Collins on their development of an air quality monitoring Program.	Rodger Ames Katrina Winborn-Miller
Climate Smart Larimer County Outreach Phase	The ESAB is supporting community engagement by sitting on the CSLC Task Force. An invitation for one member to participate was made and accepted (Appendix D).	Shelby Sommer

V. ENVIRONMENTAL STEWARDSHIP AWARDS

Each year, the Environmental & Science Advisory Board and the Board of County Commissioners recognize significant environmental efforts of county residents, businesses, organizations and/or agencies by awarding the Larimer County Environmental Stewardship Awards. These Environmental Stewardship Awards were first issued by Larimer County in 1995.

The board looks for individual or group activities that are innovative and proactive, and that demonstrate exceptional effort and concern for the stewardship of the environment. Projects can be either one-time efforts, or ongoing activities. Both types are judged on their degree of difficulty and the results they achieve. Each year the Environmental and Science Advisory Board solicits nominations, reviews them and makes recommendations for the awards to the Board of County Commissioners.

In 2021, the ESAB reviewed three nominations, all of which provided good examples of the important activities local citizens are engaged in to protect and improve our environment. The recommended projects produced positive environmental results locally and provided good examples of what others can do. These three were recommended to the BoCC for consideration of the award and were ultimately presented with their Stewardship Award at a public ceremony by the BoCC. The 2021 awardees were:

1. Rocky Mountain Raptor Program

The mission of the Rocky Mountain Raptor Program is to inspire the protection and appreciation of raptors and the spaces where they live through excellence in rehabilitation, education, and research. The program treats injured hawks, eagles, falcons, and owls and then evaluates them for survival skills prior to releasing them back into the wild. In some cases, when they are not releasable, they become educational ambassadors as they participate in educational programs. Each year, the Rocky Mountain Raptor Program works with more than 15,000 school children through their educational programs. In response to the 2020 pandemic, the RMRP continued to serve the community by live streaming their educational programs as well as doing virtual open houses.

2. Horse and Dragon Brewing Company

When restaurants and pubs were shut down in March of 2020, Horse & Dragon Brewery decided to use their expired beer for good rather than disposing it into the City of Fort Collins wastewater treatment system. Their project involved donating their beer to gardens and farms around Larimer County who then used the beer to inoculate their compost piles. The beer worked to jump start the decomposition process and improve the beneficial properties of the compost. The project provides a great example of waste diversion by keeping it out of the water treatment system, and their work promotes land and water stewardship.

3. One Times Everyone

This local non-profit recognized the power that small steps can make toward a greater good. Their work focuses on addressing our climate crisis through implementing a giving circle model. This is where each person gives \$2.00 monthly, but their donation is compounded with others and then distributed to a different organization each month. They ask for small donations so they can ensure that their work compliments, rather than interferes with, a person's regular donating habits. This gives people the opportunity to work together on equal ground and to show anyone involved, especially children, what can be accomplished when everyone does just a little. In 2020, they gave \$250 pooled from 57 people to each of the four Larimer County organizations they donated to. This year they are on track to beat that monthly giving and also increase the number of Larimer County Organizations that they contribute to.

VI. INVITED SPEAKERS AND GUESTS FOR MONTHLY MEETINGS

Month	Person	Speaker's Topic
January	Lauren McDonnell, CDPHE	Climate Equity Work at the State of Colorado
February	Lori Hodges, Director, Larimer County Office of Emergency Management	Larimer County Recovery Collaborative Cameron Peak Fire
	Jennifer Kovecses, Coalition for the Poudre River Watershed	Watershed impacts and post fire restoration
March	No Guests	
April	No Guests	
May	No Guests	
June	Jeffrey Pierce, Atmospheric Sciences, Colorado State University	Wildfire Smoke and Public Health
July	Cancelled	
August	No Guests	
September	Lea Schneider, Larimer County Health and Environment; Cassie Archuletta, City of Fort Collins Air Quality Program Manager	Colorado Air Quality Enterprise Board, Larimer County's Role
	Heidi Pruess, Climate Smart and Sustainability Program Manager	Introduction of CSLC and Sustainability Program
October	Bill Hayes, Boulder County Air Quality Program Manager	Boulder County Air Quality Monitoring Program
November	Diego Lopez, Northern Colorado Clean Cities	EV Charging Infrastructure Initiatives
December	Lea Schneider, Larimer County Health and Environment	Air Quality Monitoring Program

VII. ENVIRONMENTAL AND SCIENCE ADVISORY BOARD MEMBERS

Board Member	Status
Rodger Ames	Active
Daniel Beveridge	Active
John Bleem	Active
Jim Gerek, Chair	Re-Appointed July 2021
Ted Hendrickx	Appointed July 2021
David Lehman, Vice-Chair	Re-Appointed July 2021
Allyson Little	Re-Appointed July 2021
Kirk Longstein	Re-Appointed July 2021
Kaitlin Rainsberger	Appointed July 2021
George Rinker	Re-Appointed July 2021
Travis Rounsaville	Active
Catriona Smith	Active
Shelby Sommer	Appointed July 2021
Katrina Winborn-Miller	Re-Appointed July 2021
Christopher Wood	Active

Note: This list includes all Advisory Board members who served during the year. At any given time, the Board consists of a maximum of fifteen members.

VIII. YEAR 2022 WORKPLAN

This workplan provides information about the general direction the Environmental and Science Advisory Board (ESAB) considers taking in 2022. Because conditions or priorities in the County can change, a considerable degree of flexibility needs to be maintained.

Overall: The ESAB strives to inform, and be informed about, County government-related policies, decisions, issues and actions that have environmental, community and economic implications. To that end the ESAB will:

1. Serve as an informational resource that provides science-based recommendations to the Board of County Commissioners (BoCC) and County departments, points out areas of uncertainty and suggests appropriate ways to address them;
2. Identify environmental and science-based issues and opportunities for the consideration of the County Commissioners so that the BoCC can be proactive in their responsibilities to the environment and the community. To that end, the ESAB will solicit from its membership ideas with respect to current environmental issues, and develop a consensus of the most relevant topics to be forwarded to the BoCC;
3. Develop and maintain an attitude of trust and respect among the ESAB, the Commissioners, County departments and other boards and commissions;
4. Foster a cooperative working relationship with local and state organizations who are connected to topics the ESAB considers as part of their Issue Index; and
5. Provide updates on current environmental topics in order to enhance the common knowledge base of its members.

Response to Referrals or Requests:

1. Respond in a timely manner to issues raised by the BoCC, County departments and ESAB members; and
2. Facilitate the response to community comments received by the Advisory Board in cooperation with the BoCC and appropriate County departments.

Current Environmental Topics:

1. Consider the regional implications of important environmental issues and consider ways to address those issues across local jurisdictional boundaries. Examples of current issues include planning for ozone air quality compliance, enhancement of forest and watershed health, and mitigating impacts of hydraulic fracturing in oil/gas development;
2. Monitor important water issues including long-term watershed planning, water

quality and significant proposed water projects. The Northern Integrated Supply Project (NISP) and the Halligan Reservoir expansion projects are examples of current water issues;

3. Monitor solid waste management issues such as landfill operations, recycling and hazardous waste disposal. Follow the Solid Waste Policy Council as it develops facilities and policies for the next 10-50 years;
4. Monitor the status of conventional, renewable and alternative energy development and as requested, consult with County departments and the BoCC regarding potential environmental implications. Wind energy, solar energy, and oil and gas development are current topics of interest;
5. Consider important natural or ecological impacts associated with large-scale events such as wildfire, floods, droughts, climate change and biological events (i.e., emerald ash borer, pine bark beetle). Promote the incorporation of wildfire preparedness (e.g., Firewise development), resiliency, mitigation, and recovery into planning and emergency management of such large-scale events;
6. Participate in creating and revising major County policies and plans, including 2021 revisions to the County's Land Use Code and a new Climate Smart Larimer County: Recommendations for Future Action;
7. Consider policies and mechanisms to support the County's long-term Air Quality. Examples include projects to improve the region's ozone nonattainment status, and to develop a representative air quality monitoring program for the County; and
8. Inform County leadership of the integration of diversity, equity, and inclusion with all above topics.

Stewardship Awards:

1. Coordinate the County's annual Environmental Stewardship Awards in partnership with the BoCC.

Communications and Process:

1. Maintain open communications with the County Commissioner liaison assigned to the ESAB in order to facilitate dialogue about environmental concerns or issues identified by either the BoCC or the Advisory Board;
2. Use the Commissioners' Work Sessions and Administrative Matters meetings, as appropriate, for communication on important environmental and science issues as they arise;
3. Provide knowledgeable ESAB members, as requested, to participate with ad hoc County Task Forces and Stakeholder Groups addressing topics with

environmental and/or science implications; and

4. Continue the practice of assigning interested ESAB members monitoring tasks for select environmental issues, and then providing periodic updates to the full Advisory Board.

APPENDIX: WRITTEN CORRESPONDENCE

These documents were prepared by the Environmental and Science Advisory Board as part of their activities in 2021.

- June 28th, 2021. Comments on the County's Revised Land Use Code Article 11.0: Oil and Gas Regulations. Memo with selected comments and spreadsheet with detailed comments. Provided through email to Matt Lafferty, Community Development and Planning.
- May 17th, 2021. Memo with comments submitted to the BoCC, with a worksession presentation to present the comments to the BoCC on the Western Area Power Authority's draft Environmental Impact Statement for the ConnectGen Rail Tie Wind Project.
- September 16th, 2021. Comments on the Draft Larimer County Land Use Code Article 10: Areas and Activities of State Interest (1041 Regulations). Memo, with table of detailed comments attached provided via email to BoCC.
- October 18th, 2021. Designation of one ESAB member to sit on the CSLC External Community Task Force. Email notification and letter to Heidi, Pruess, CLSC and Sustainability Program.
- November 15th, 2021. Comments on the opportunities to reduce ground transportation emissions. Memo submitted via email to County Manager, Linda Hoffmann.

APPENDIX A

INSERT

June 28th, 2021
Comments on the County's Revised
Land Use Code Article 11.0: Oil and Gas Regulations



2021-06-28_Memo_
ESAB O&G Regs Rev



Shelley Bayard de Volo <bayardsh@co.larimer.co.us>

Comments on O&G Regulation Revisions

Jim Gerek <jmgerek@frontiernet.net>

Tue, Jun 29, 2021 at 10:33 AM

Reply-To: Jim Gerek <jmgerek@frontiernet.net>

To: John Kefalas <jkefalas@larimer.org>, Kristen Stephens <kstephens@larimer.org>, Jody Shaddock-McNally <jshaddockmcnally@larimer.org>

Cc: Matt Lafferty <mlafferty@larimer.org>, Lesli Ellis <ellisik@larimer.org>, Shelley Bayard de Volo <sbayard@larimer.org>

Commissioners:

The ESAB has been following the process to revise County land use regulations around Oil & Gas Facilities, and approved comments at a Special Meeting of the advisory board on June 28. Note that our board includes environmental consultants that are experienced in compliance with similar regulations in various jurisdictions around the country, and we offer our comments as practical solutions to make the regulations work more efficiently for all parties.

Please find attached a memo and detailed spreadsheet of comments for your consideration.

If you have any questions, please feel free to contact me.

Jim Gerek

Chair - Larimer County ESAB

3 attachments

2021-06-28_Memo_ESAB O&G Regs Review.pdf
730K **11.0 O_G regs - ESAB comment sheet 062821.pdf**
644K **11.0 O_G regs - ESAB comment sheet 062821.xlsx**
18K

LARIMER COUNTY | ENVIRONMENTAL AND SCIENCE ADVISORY BOARD

P.O. Box 1190, Fort Collins, Colorado 80522-1190, 970.498.5738, Larimer.org

MEMORANDUM

TO: Commissioner John Kefalas, Chair
Commissioner Kristin Stephens, Chair Pro Tem
Commissioner Jody Shadduck-McNally

FROM: Jim Gerek, ESAB Chair,
Ally Little, ESAB Member,
Catriona Smith, ESAB Member,
Katrina Winborn-Miller, ESAB Member,
Chris Wood, ESAB Member, and
Shelley Bayard De Volo, Engineering and ESAB Liaison

DATE: June 28, 2021

RE: Comments on the Draft Larimer County Oil & Gas Regulations, Article 11.0 dated June 4, 2021.

The Environmental and Science Advisory Board (ESAB) has reviewed the proposed revisions to the Larimer County Oil & Gas (O&G) Regulations: Article 11.0 of the Larimer County Land Use Code (LUC), dated June 4, 2021 and May 5, 2021, in addition to Article 2.9.4 regarding Setbacks.

Overall, the ESAB appreciates the extensive revisions to the regulations that occurred between the May 5th and June 4th versions. The latest draft is well thought out and more clearly describes the path forward for Oil & Gas Facilities (OGF) Operators seeking permits or other BoCC actions within Larimer County.

Important Positive Changes

- The proposed regulations provide a robust framework for the County to manage existing and new OGF in a manner which is protective of Human Health and the Environment (HH&E).
- In keeping with other Colorado counties and the State, and in line with Larimer County's Climate Smart program, the regulations will support cleaner operation of OGFs and mitigation of potential undesired impacts.

Issues for Further Consideration and Analysis

- There is the potential for additional cost to the County related to implementation and management of the new regulations. While the majority of these costs will be borne by the



June 28th, 2021

Comments on Draft Larimer County Oil & Gas Regulations

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OGF Operators, there will necessarily be additional costs for reviewing plans etc. that will be borne by the County.

- Some of the requirements in the proposed regulations appear to set up OGF Operators to potentially have to prepare fundamentally separate documents for submission (e.g., air monitoring plans) to fulfill State and County requirements. This may be viewed by the regulated community as overly burdensome and costly.
- The cost-benefit to the County of adopting regulations that are, in some places, more stringent than the State should be carefully considered.

Additional Detailed Comments

- The ESAB is providing a spreadsheet (attached), that provides our detailed comments on specific sections of Article 11.0, in addition to some suggested wording changes or other recommendations for your review. We would be happy to provide additional explanation to any of these detailed comments or to discuss them with the BoCC or county staff, if requested.

The ESAB hopes the BoCC will consider these comments prior to the final revisions and adoption of the County-specific O&G regulations. As always, we appreciate the opportunity to support the BoCC. If additional assistance or information is needed, please feel free to reach out.

Enc.

CC: L. Ellis
M. Lafferty



Larimer County ESAB Review of 06-04-2021 version

Section	Title	Comment	Proposed Revision - suggestions	Other
Article 11.0 Oil and Gas Facilities				
General	General	Wherever "Director" is used, specify "Director" of which organization.		
11.2.2	Admin Special Review	County specified which applications go through Admin special review	none	
11.2.2.B.9	Seismic - Financial Assurance Requirement	Requires FA for Seismic Permits	Specify what specifically the FA is to cover and what form it should take. Should FA also cover P&A and pipeline permits? And reference 11.3.26	
11.2.3	Special Review	Clearly specifies what new OGF will require	none	
11.2.4	O&G Application Review Criteria	references 6.3.3 as "General Review Criteria"	6.3.3 currently named "Staff Review" - may be confusing - consider renaming that section?	
11.2.4.H	Surface Use in Public Conservation Lands	Might be worth ESAB reviewing this document	"The report titled "Mountains to Plains Energy by Design, Report to the Colorado State Land Board" (January 2013) will be used to provide guidance for best management and compensatory mitigation requirements."	
11.2.5	Notification	none		

Larimer County ESAB Review of 06-04-2021 version

Section	Title	Comment	Proposed Revision - suggestions	Other
11.2.6	County Permits	none		
11.2.7	Non-County Permits	none		
11.2.8	Technical Expert Review	none		
11.2.9.A	Application to Existing Facilities	What is considered a "substantial" modification? Consider adding a definition or clarification	Any modification of oil and gas operations or facilities that the Director determines to be substantial requires a separate Special Review Application under this Article. "Substantial" under this article includes, but is not limited to....?	increase in emissions/not like for like equipment replacement/ new well on same pad/ refracking new well. Reduced emissions would not be considered substantial
11.2.9.B	Registration	is there a reference to "Registration and Submittal Requirements for Oil and Gas Facilities" that can be included?		
11.3.1	General	none		
11.3.2	Location Restrictions	First sentence is a little confusing as written - suggest rewording	Oil and gas locations (well sites and production facilities) shall only be located within the following zoning districts without obtaining a variance under Section 6.7.3:..... A variance is required under Section 6.7.3. if an oil and gas location (well sites and production facilities) is proposed for another zoning district.	

Larimer County ESAB Review of 06-04-2021 version

Section	Title	Comment	Proposed Revision - suggestions	Other
11.3.2.C 4	Location wrt water features	Does not mention proximity to DW or PWS wells	<p>4. All working pad surfaces oil and gas locations proposed within the County shall be at least five hundred (500) feet from the following unless a variance is obtained:</p> <p>a. Rivers and streams;</p> <p>b. Existing Water Storage Facilities and approved future Water Storage Facilities as defined in the Land Use Code; and</p> <p>c. Ditches that are located downgradient and transport water used by, or to augment, a public water supply system; and d. Existing drinking water or public water supply wells.</p>	
11.3.3	Air Quality	06-04-21 version is much clearer		
11.3.3.B	Air Quality	Agee with change in the 6/4/21 version to state "high frequency" instead of "continuous" monitoring	<p>This is a more inclusive term that does not preclude continuous monitoring, but also provides some flexibility that may be necessary on a case-by-case basis, provided that the County will conduct a thorough, knowledgeable review of an applicant's Air Quality Mitigation Plan to ensure the proposed air quality monitoring is meaningful.</p>	
11.3.3.B.2	Air Quality	The statement in this paragraph that "Monitors should also include meteorological monitoring capabilities" sounds too vague and unclear. Does the County want meteorological data to be collected with the air quality monitoring, or not?	<p>"Meteorological monitoring is also required during the time period that air quality monitoring is conducted."</p>	

Larimer County ESAB Review of 06-04-2021 version

Section	Title	Comment	Proposed Revision - suggestions	Other
11.3.3.C	Air Quality	Use of the term "cumulative Impacts" in this requirement implies that air quality modeling analysis will be required, as the term "cumulative analysis" has a very specific meaning in the field of air quality. Such analysis requires an extended time period to conduct, highly specialized technical specialists to correctly review, and extended time to review. Is this what the County was envisioning with this paragraph? At a minimum, please review this and consider clarifying the requirement, as this paragraph has potential to cause confusion in the regulated community as to what exactly is required.	No suggested revision at this time, pending consideration of this question by the County.	
11.3.4.B	LDAR Plan	This paragraph references the "Operator's annual registration". What is this annual registration, and where is it defined and detailed in the regulation?	No suggested revision, other than to say that if this is the only place where annual registration is mentioned, then the regulatory language should be developed to explain what the annual registration requirements will be.	
11.3.4.D	Leak Detection and Repair, Repair of verified leaks	What constitutes a "verified leak"? If "verified leak" relates to annual LDAR inspection, what about leaks at other times during operation? Will the Plan define what a "verified leak" is?	"Repair of verified leaks, as described in the Leak Detection and Repair Plan , shall occur within 72 hours of detection."	

Larimer County ESAB Review of 06-04-2021 version

Section	Title	Comment	Proposed Revision - suggestions	Other
11.3.5.B.1	Odor complaints re	Should the regulation more clearly specify the timeframe for operator notification and resolution of odor concerns?	"Operator shall report its conclusions, including the factual basis for the conclusions, to the County and the complainant within 72 hours . If the odor is caused by Operator's operations, Operator shall resolve the odor concern to the maximum extent practicable within 24 hours of reporting to the County ."	
11.3.5.B.2	Odors - notification	Specify timing of notification to residents within 2000'. Maybe specify what notification should include in the rule?	"For both existing and new O&GF, the Operator shall communicate the schedule/timing of well completion activities to all residents within 2,000 feet by mail. As part of a new application, Operator will provide information as to how notifications will be communicated to the public. Notifications will be completed within 7 days of initiating site completion. "	

Larimer County ESAB Review of 06-04-2021 version

Section	Title	Comment	Proposed Revision - suggestions	Other
11.3.5.B.2	Odors - speciated air samples	<p>This comment regards the statement that the County may require an Operator to collect and analyse a speciated air sample in response to odor complaint or issue. It could be the case that an odor only lasts for a short time period, and in that case if a sample is required, then the Operator should be prepared and able to quickly mobilize to obtain a sample.</p> <p>Obtaining an air sample after the odor has ceased would likely be meaningless. Therefore, ensuring this aspect of odor mitigation is included in the Odor Mitigation Plan is important, perhaps important enough to specifically call out in the regulation. The applicant should have procedures, agreements, contracts, etc. in place to quickly obtain an air sample for the purposes of odor investigation, when</p>	Suggest this be an element of the Odor Mitigation Plan that is somehow called out and clearly defined.	
11.3.6	Water Quality and Water Bodies, Table 1	Includes PFCs which are typically associated with consumer products and fire fighting foam. They are expensive to analyze for and have v low groundwater standards (70 parts per trillion).	Consider a revision to Table 1 which could allow operators to "certify" whether they have or will have PFCs in AFFF, hydraulic fluids and surfactants (for enhanced oils recovery) on site, and what types they are. Sampling plans can then be tailored as appropriate.	
11.3.7.D	Risk Management, Audits	No frequency for conducting audits is provided.	"Operator will implement a compliance and audit program. Audits will be conducted annually or when a significant change occurs in the E&P sequence. The Operator will provide adequate supporting rationale when proposing an alternative audit frequency."	

Larimer County ESAB Review of 06-04-2021 version

Section	Title	Comment	Proposed Revision - suggestions	Other
11.3.8.A.3.c	Emergency Response Plan	Consider adding requirement to describe most likely and worst case releases, including response scenarios.	"Detailed information addressing.... and natural disasters. Examples of the most likely and worst case releases should be provided, including information on the potential response scenarios; "	
11.3.8.A.5	Emergency Response, SDS'	Consider specifying that SDS should be immediately available on-site	"The Operator shall have current Safety Data Sheets (SDS) immediately available on-site , for all chemicals used or stored on a Well Site."	
11.3.9.A	Incident and Accident Reporting	Missing "hours"	"Within twenty-four (24) hours of any reportable safety event,.."	
11.3.10.E	Spills and Releases	What standards is proposed for "similarly impervious"? EPA has not provided a standard for "sufficiently impervious" in SPCC regulations (40 CFR 112.7(c))	"Containment systems constructed of steel rimmed berms, or similar impervious surfaces that are equal to or better, shall be used for all secondary containment areas. Operator will be required to provide a demonstration and/or data to support the use of "similar impervious surfaces". "	Most OG sites have earthen berms - upgrading to this standard will be v costly
11.3.11	Noise	Might be worth ESAB reviewing this section if we have the expertise		Are the levels are from existng L Co Noise Ordinance?
11.3.12.C	Dust	Prohibition on use of produced water and process fluids for dust control was removed - why was this removed? Recycle of produced water would support water conservation goals.	none	

Larimer County ESAB Review of 06-04-2021 version

Section	Title	Comment	Proposed Revision - suggestions	Other
11.3.12.F.1	Dust, nuisance or hazard	Should the regulation more clearly specify the timeframe for operator notification and resolution of dust complaints?	"Operator shall report its conclusions, including the factual basis for the conclusions, to the County and the complainant within 72 hours . If the dust is caused by Operator's operations, Operator shall resolve the dust concern to the maximum extent practicable within 24 hours of notification to the County. "	
11.3.13.A.2	Access, Traffic Impact Analysis and Routing Plan	Should/will a standard for "too many trucks" be defined?		
11.3.14	Wildlife	none		
11.3.15	Chemical Handling	none		
11.3.16	Recycle, Reuse and Disposal of Fluids	none		
11.3.17	Lighting and Visual Impacts	none		
11.3.18	Well Plugging and Abandonment	none		
11.3.19	Well Liquids Unloading	none		
11.3.20	Flammable Materials	none		

Larimer County ESAB Review of 06-04-2021 version

Section	Title	Comment	Proposed Revision - suggestions	Other
11.3.21	Waste Disposal	none		
11.3.22	Interim Reclamation and Removal of Equipment	none		
11.3.23	Maintenance of Machinery	none		
11.3.24	Flow Lines, Transfer Lines and Gathering Lines	none		
11.3.25	Temporary Water Lines	none		
11.3.26.A.2	Financial Assurance, minimum requirements	\$90,000 is provided as the minimum amount of FA per well - what is the basis for this and is it adequate - costs increase as depth of well increases. Ave cost to P&A a well in Colorado is \$82K (COGCC data - not clear whether this includes surface structures and site restoration)		
11.4	Appeals	none		
11.5	Enforcement and Inspections	none		

Larimer County ESAB Review of 06-04-2021 version

Section	Title	Comment	Proposed Revision - suggestions	Other
11.6.B	Fees, Inspections	Should the County provide an estimated hourly rate for inspections?	"Upon completion of an inspection, the Operator shall receive an invoice for the cost of such inspection. The invoice will include the number of hours expended, cost per hour and other appropriate incidental costs including, but not limited to, mileage etc. "	
11.7	Termination or Mondification of Use	none		
11.8	Definitions	none		
Article 2.9.4 Setbacks				
2.9.4.G	Setbacks from Oil & Gas Facilities	none		

APPENDIX B

INSERT

May 17th, 2021.

Memo with comments, Presentation and WAPA DEIS comment and response record



Rail Tie Wind
Project docs combin

Date: Monday, May 17, 2021
Time: 1:30 PM
Location: Hearing Room, 1st Floor, 200 West Oak Street, Fort Collins

WORK SESSION

1. Discussion Item: Work Session with Community Planning, Infrastructure & Resources

Item Description:

Item 1: Rail Tie Wind Project - Environmental and Science Advisory Board dEIS comments.

Direction: To pass the comments onto the Western Area Power Authority

Item 2: Community Director Update

Item 3: CPIR Update

Laurie Kadrach, Director, Community Planning, Infrastructure & Resources

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 bcc-admin@larimer.org, or call (970) 498-7010 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.

LARIMER COUNTY | ENVIRONMENTAL AND SCIENCE ADVISORY BOARD

P.O. Box 1190, Fort Collins, Colorado 80522-1190, 970.498.5738, Larimer.org

MEMORANDUM

TO: Commissioner John Kefalas, Chair
Commissioner Kristin Stephens, Chair Pro Tem
Commissioner Jody Shadduck-McNally

FROM: Jim Gerek, ESAB Chair and
Ally Little, ESAB Board Member
John Bleem, ESAB Board Member
Shelley Bayard de Volo, Engineering and ESAB Liaison

DATE: May 13, 2021

RE: Comments on the Draft Environmental Impact Statement (dEIS) for the Rail Tie Wind Project

The Environmental and Science Advisory Board (ESAB) has reviewed portions of the Rail Tie Wind Project Draft EIS, focusing on topics that are relevant to Larimer County. From that review, the ESAB presents the following comments for your consideration. This wind project is located entirely in Albany County, Wyoming; however, Larimer County Board of County Commissioners should consider both the positive and negative impacts to its own residents and environment. The closing of the public comment period was scheduled for May 17th, 2021. However, Western Area Power Authority (WAPA) has agreed to accept comments from Larimer County Board of County Commissioners, and its Advisory Boards, sometime soon after the closing period.

Potentially positive impacts to Larimer County:

- ESAB hopes to encourage use of renewable energy on the grid and eliminate unnecessary layers of regulation to construct new renewable power sources. This project intends to generate up to 504 MW of wind energy, which can offset approximately 900,000 metric tons of carbon dioxide emissions annually, according to the dEIS. Actual emission reductions would depend on what other generation is displaced over time. Regardless of where the power goes on the regional electric grid, it has the potential to reduce energy produced from conventional electric generation (typically fossil-fueled sources in this region).
- This project would not typically require an EIS based on its location on private lands and State lands; however, because of the federal nexus through the connection with WAPA transmission facilities, the project proponent (ConnectGen) is required to go through the NEPA process. This





process requires much more extensive environmental review and we found that the environmental analysis provided by the project proponent was thorough for the draft EIS. Additional analysis may be appropriate as the EIS approval process proceeds.

- ConnectGen is considering use of Vestas wind turbines. The dEIS indicates that exact turbine selection will be finalized later in project planning, but additional use of Vestas products could have positive impacts for the Windsor blade facility and add to Larimer County's economy. Vestas also operates manufacturing facilities elsewhere in Colorado (producing towers, nacelles, etc.).

Potentially negative impacts to Larimer County:

- Residents living in the northern-most portion of Larimer County will likely see the turbines, both during the day and in the evening. According to the Visual Impact Analysis, each turbine structure would have two FAA lights attached that would flash throughout the day and night. At night during clear conditions, the dEIS indicates these lights can be visible at a distance of 36.2 miles. Larimer County residents may see these lights, which could impact the night sky experience and contribute to light pollution. The ESAB recommends that a different source of lighting be considered that would only illuminate when aviation resources were present within the FAA allowed radius to minimize light pollution. Lighting design may also be modified to minimize downlighting and ground level impacts. We concur with the condition noted on page 4 of 30 in the Draft Programmatic Agreement between the WAPA and both the Colorado and Wyoming State Historic Preservation offices that notes within item 21:
 - "Whereas, Applicant is committed to implementing environmental protection measures to reduce direct and indirect impacts to cultural resources, such as, reducing visual impacts when designing the layout of structures, building, infrastructure, using setbacks to avoid direct disturbance and seeking approval from the Federal Aviation Administration to use a sensor-based Aircraft Detection Lighting System to reduce nighttime lighting."
- The operating life of the wind project appears to be 30-35 years, according to this dEIS. The ESAB recommends encouraging renovation at that point, rather than proceeding with a full decommissioning. This would lessen impacts associated with having to develop another (separate) site in the future to provide this source of renewable energy.
- Section 3.10.4.1 of the dEIS describes the local Emergency Service Providers. The section notes that the closest wildfire responders would be the Tie Siding and the Vedauwoo Volunteer Fire Departments. While these wildfire responders are likely capable of responding to wildfires within the project area, volunteer fire departments in general are under-resourced. We recommend that the Rail Tie Wind Project make regular contributions, over the life of the project, to these VFD's to help support the maintenance and upgrades of their equipment and resources. Additionally, the Livermore Fire Protection District, in Larimer County, is not mentioned, and although they are more distant, they might be engaged if a fire crossed into Colorado. Mutual aid agreements should also be considered with other emergency responders in the region. We feel that this fire risk should be addressed in the dEIS and the potential impact to Larimer County resources should be addressed in a similar manner.

Additional comments:

- At this time, it's unclear who the retail electricity customer(s) will be for the power produced from this project, but once interconnected with WAPA's transmission facilities it will undoubtedly go onto the regional grid. We confirmed that Platte River Power Authority



- (serving Estes Park, Fort Collins, Loveland, and Longmont), Tri-State Generation and Transmission Association (serving Poudre Valley REA and other REA's in Colorado), and Xcel are not planning to purchase from this project. Inquiry was also made to Xcel Energy (though no response was received as of this writing). Platte River Power, Tri-State and Xcel are the three wholesale utilities providing electricity to Larimer County. Other utilities provide power to the broader regional grid.
- It is unlikely that Larimer County residents will notice significant traffic impacts based on the traffic study included in the dEIS. Wind turbines will be shipped by rail to Laramie, which is equipped to offload large scale project components, and has done so for other wind power projects. Project components will then be trucked south on Highway 287 to the project site. Use of Highway 287 will be limited to construction equipment and construction personnel when mobilizing to the construction site. Depending upon when the wind generation system would be constructed, current plans to improve Larimer County Road 72 (Owl Canyon Road) from CR 21 to HWY 287 over the next three years may limit the desirability of this route. Those improvements involve road and bridge construction.
 - One of the project goals, according to the dEIS, is to "Create temporary and permanent jobs in Albany County and contribute to Albany County's tax base", indicating that Larimer County economics is not expected to be impacted neither positively nor negatively.
 - Environmental justice factors were considered in the dEIS. Some Larimer County residents may feel that they are being negatively impacted. In the Viewshed Analysis in the dEIS it was noted "beauty is in the eye of the beholder". Some will find wind farms to be a detriment to the natural landscape and others will look to it as a beacon of hope in the energy sector.

The ESAB hopes the BoCC will consider passing these comments on to ConnectGen as part of their open comment period and will consider them in their own decision to comment (or not) on the draft EIS. If additional assistance or information is needed, please feel free to reach out.

ESAB: Rail Tie Wind Project

Draft Environmental Impact Statement (dEIS)-
comments

Sub-committee members: Ally Little, John Bleem,
Jim Gerek

1

Positive Impacts for Larimer County

- Development of Renewable Energy for Regional Grid
 - ❖ Project will generate up to 504 MW of wind energy, offsetting approximately 900,000 metric tons of carbon dioxide emissions annually
- Environmental Analysis was thorough, many technical studies to support analysis
- Economic boost – if project uses Vestas components

2



Negative Impact for Larimer County

- Visual Impacts
 - ❖ Residents will see the wind-turbines, especially aviation lights at night up to 36 miles away
 - ❖ Recommend use of Sensor-based Aircraft Detection Lighting System
- Decommissioning
 - Recommend to renovate the wind power facility instead of decommissioning

3



Negative Impacts for Larimer County Cont.

- Wildfires and Volunteer Fire Departments
 - ❖ Closest and most likely to respond first
 - ❖ Recommend continued funding through annual contributions/donations to support equipment maintenance and upgrades
 - ❖ Include Livermore Fire Protection District in analysis as fires have the potential to cross state boundary

4

Additional Comments

- Retail Electricity Customer(s)
 - ❖ Xcel, Platte River Power Authority and Tri-State Generation and Transmission (Poudre Valley REA) confirmed to not be potential customers.
- Traffic Impacts
 - ❖ Unlikely for Larimer County residents
 - ❖ Large project components likely shipped by rail from Vestas to Laramie.
 - ❖ CR 72 (Owl Canyon) – road improvement construction over next three years makes this an undesirable route

5

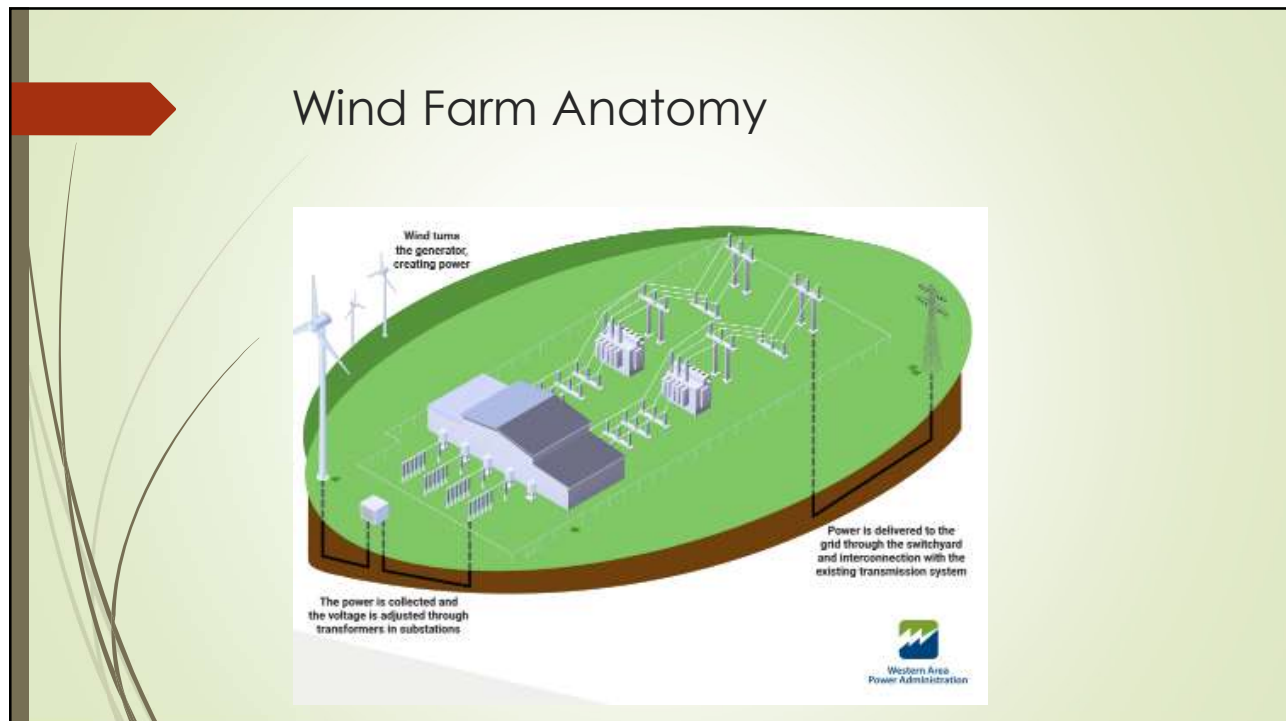
Additional Comments

- Economic Boost and Jobs
 - ❖ Jobs and taxes benefit Albany, County
 - ❖ Vestas Wind Turbine Company – if project components are selected, then sales tax revenue and jobs might be created
- Environmental Justice
 - ❖ Viewshed impacts are personal. Some see the wind turbines as a nuisance and others consider them the beacon of clean energy.

6



7

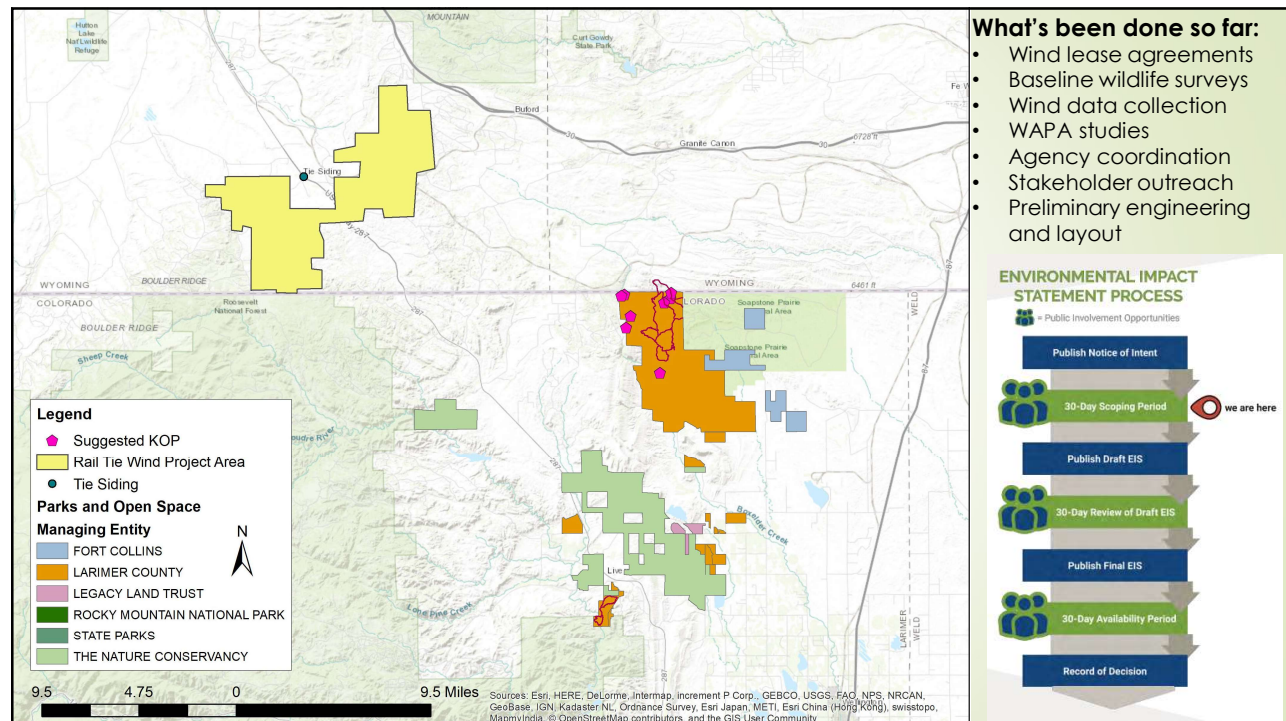


8

Project Proponent

- CONNECTGEN ALBANY COUNTY LLC • Independent renewable energy company focused on the development of greenfield wind, solar, and energy storage projects across the United States • Headquartered in Houston, Texas, and backed by Quantum Energy Partners RAIL TIE WIND
- PROJECT GOALS AND OBJECTIVES • To respond to increasing market demand for sources of renewable energy • Demand is primarily driven by the rapidly falling costs of wind- and solar-generated electricity and state clean energy mandates
- SWCA= Environmental Consultant for NEPA
- TetraTech= Environmental Consultant for construction
- WAPA= Federal nexus

9



10

Technical reports available

- Shadow Flicker Assessment Technical Report, 04/02/2021
- Visual Impact Assessment, 04/02/2021
- Acoustical Assessment Technical Report, 04/02/2021
- Air Quality Analysis Technical Report, 04/02/2021
- Biological Resources Evaluation, 04/02/2021
- Endangered Species Act - Listed Species and Critical Habitat Review, 04/08/2021
- Swift Fox Presence/Absence Remote Camera Surveys, 04/02/2021
- Golden Eagle and Raptor Nest Survey Report, 04/02/2021
- Avian Use Study, 04/02/2021
- Burrowing Owl Presence/Absence Surveys, 04/02/2021
- Bat Activity Surveys, 04/02/2021
- Cultural Resources Evaluation Technical Report, 04/02/2021
- Historic Properties Visual Impact Assessment: Addendum to Cultural Resources Evaluation, 04/02/2021
- Geology and Soils Technical Report, 04/02/2021
- Land Use, Agriculture, and Recreation Technical Report, 04/02/2021
- Paleontological Resources Assessment Technical Report, 04/02/2021
- Hazardous Materials Technical Report, 04/02/2021
- Health and Safety Technical Report, 04/02/2021
- Social and Economic Analysis Technical Report, 04/02/2021
- Transportation Analysis Technical Report, 04/02/2021
- Surface Water and Groundwater Technical Report, 04/02/2021

11

Project Construction

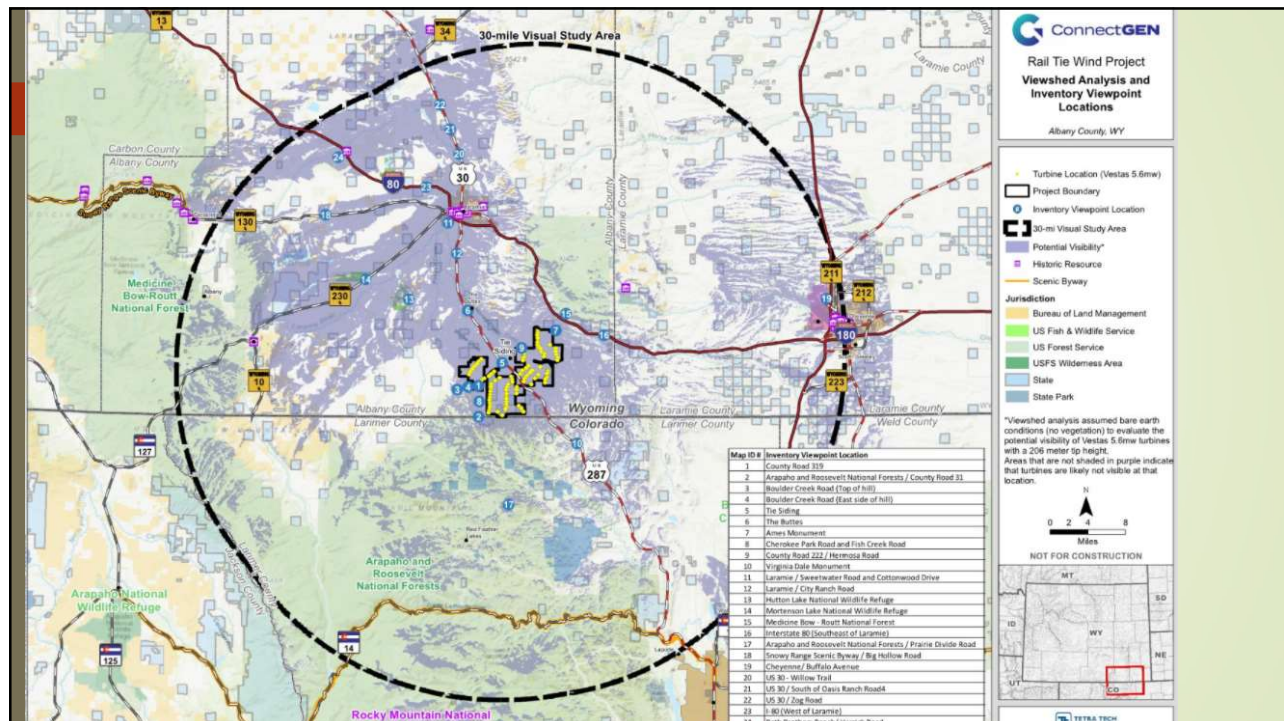
- Should occur over ~18 months between 2022-2023
- Expected sequence:
 - 1. Mobilization
 - 2. Access roads and laydown areas
 - 3. Substation construction
 - 4. O & M building construction
 - 5. Transmission line construction
 - 6. Foundations
 - 7. Turbine installation
 - 8. Commissioning and acceptance testing

12


Impacts to Larimer County

- Some Larimer County residents actively opposing project
 - Adversely affected, but lack "jurisdiction" aside from public comment
 - These residents want turbines to be taller and more spread out
- Viewsheds from Red Mountain Open Space and Private Properties
- Night Sky impacts

13



14



Ally's comments (vote to send to BoCC)

- Overall- we appreciate adding renewable energy to the grid, adding jobs, possibly using Vestas
- Recognize that this is a give and take- some positive, some negative (see memo)

COMMENT(S)

0125: John Kefalas, Board of Commissioners of Larimer County, Colorado

LARIMER COUNTY | BOARD OF COUNTY COMMISSIONERS

P.O. Box 1190, Fort Collins, Colorado 80522-1190, 970.498.7010, larimer.org

May 25, 2021

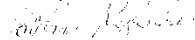
Mark Wieringa
Western Area Power Administration
Headquarters Office A9402
PO Box 281213
Lakewood, CO 80228

RE: Comments on EIS for Rail Tie Wind Project

Dear Mr. Wieringa:

Attached please find comments from the Larimer County Environmental and Science Advisory Board relating to the Rail Tie Wind Project. Albany County, Wyoming, and Larimer County, Colorado share an extensive border, including the area of this Project. As a result, the Project will impact Larimer County residents. Therefore, we ask that you please carefully consider the attached comments, as well as any other comments submitted from residents of Larimer County.

Sincerely,



John Kefalas
Chair of the Board of Commissioners of Larimer County, Colorado



RESPONSE(S)

Western Area Power Administration

COMMENT(S)

0125: John Kefalas, Board of Commissioners of Larimer County, Colorado, continued



MEMORANDUM

TO: Commissioner John Kefalas, Chair
Commissioner Kristin Stephens, Chair Pro Tem
Commissioner Jody Shadduck-McNally

FROM: Jim Gerek, ESAB Chair and
Ally Little, ESAB Board Member
John Bleem, ESAB Board Member
Shelley Bayard de Volo, Engineering and ESAB Liaison

DATE: May 13, 2021

RE: Comments on the Draft Environmental Impact Statement (dEIS) for the Rail Tie Wind Project

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0125-01

0125-02

RESPONSE(S)

Western Area Power Administration

0125-01 Comment noted.

COMMENT(S)

0125: John Kefalas, Board of Commissioners of Larimer County, Colorado, continued

May 11th, 2021
Comments on DEIS for the Rail Tie Wind Project
Page 2



0125-02,
continued

environmental analysis provided by the project proponent was thorough for the draft EIS. Additional analysis may be appropriate as the EIS approval process proceeds.

0125-03

- ConnectGen is considering use of Vestas wind turbines. The dEIS indicates that exact turbine selection will be finalized later in project planning, but additional use of Vestas products could have positive impacts for the Windsor blade facility and add to Larimer County's economy. Vestas also operates manufacturing facilities elsewhere in Colorado (producing towers, nacelles, etc.).

0125-04

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0125-06

0125-07

0125-08

Additional comments:

- At this time, it's unclear who the retail electricity customer(s) will be for the power produced from this project, but once interconnected with WAPA's transmission facilities it will undoubtedly go onto the regional grid. We confirmed that Platte River Power Authority (serving Estes Park, Fort Collins, Loveland, and Longmont), Tri-State Generation and

RESPONSE(S)

Western Area Power Administration

0125-02 Comment noted.

0125-03 Comment noted.

0125-04 ConnectGen will develop a lighting plan in coordination with the FAA prior to construction to ensure that the Project is in compliance with applicable FAA lighting requirements. See section 3.2.5.3, "Proposed Action," Issue Statement #2 for a complete discussion of effects on night skies.

0125-05 See response to comment 0125-04.

0125-06 Comment and preference noted.

0125-07 As described in section 3.16.4, "Baseline Description," WTG fires are a rare event. Modern turbines have a SCADA system that detects and shuts down the system in the event of an emergency, such as fire. ConnectGen has completed an Emergency Response Plan in coordination with the Albany County Fire Warden, Emergency Management Coordinator, and County Sheriff to meet all applicable fire codes, regulations, and best practices. Wildfire mitigation measures would be developed in coordination with the Laramie Fire Department and Tie Siding Volunteer Fire Department and incorporated in the Project's Emergency Response Plan (PHS-14). In compliance with the Commercial Wind Energy Conversion System Permit from Albany County, a fire suppression system would be installed inside the nacelle to limit the spread and severity of a potential nacelle ignition, containing the damage within the turbine and limiting ignition of adjacent wildland fuels.

0125-08 Comment noted.

COMMENT(S)

0125: John Kefalas, Board of Commissioners of Larimer County, Colorado, continued

May 11th, 2021
Comments on DEIS for the Rail Tie Wind Project
Page 3



Transmission Association (serving Poudre Valley REA and other REA's in Colorado), and Xcel are not planning to purchase from this project. Inquiry was also made to Xcel Energy (though no response was received as of this writing). Platte River Power, Tri-State and Xcel are the three wholesale utilities providing electricity to Larimer County. Other utilities provide power to the broader regional grid.

- 0125-09 It is unlikely that Larimer County residents will notice significant traffic impacts based on the traffic study included in the dEIS. Wind turbines will be shipped by rail to Laramie, which is equipped to offload large scale project components, and has done so for other wind power projects. Project components will then be trucked south on Highway 287 to the project site. Use of Highway 287 will be limited to construction equipment and construction personnel when mobilizing to the construction site. Depending upon when the wind generation system would be constructed, current plans to improve Larimer County Road 72 (Owl Canyon Road) from CR 21 to HWY 287 over the next three years may limit the desirability of this route. Those improvements involve road and bridge construction.
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RESPONSE(S)

Western Area Power Administration

Haul routes for the Project would originate from a number of locations, which are described in table 3-37 (see section 3.13.5.3, "Proposed Action"). Because Project-related vehicles would come from multiple locations, and because the material source locations are not yet identified, it can reasonably be assumed that Project vehicle routes would be spread out until the routes near the Project Area, where all traffic funnel onto a few roads and intersections. The intersections closest to the Project Area provide the most representative locations for impacts to traffic LOS, as these are the areas more likely to experience congestion or LOS impacts. Therefore, a specific LOS analysis was performed only for the intersections near the Project Area where road use would be concentrated; these intersections are summarized in table 3-36. Intersections farther from the Project Area, such as ones in Laramie or Fort Collins, are discussed as locations of possible impacts but are not analyzed quantitatively because the impacts would be less severe and more speculative than those analyzed. Larimer County Road 72 (Owl Canyon Road) was not included in the analysis area for transportation effects (see figure 3-16) because it is not a major travel route.

0125-09

0125-10

0125-11

Comment noted.

Comment noted.

APPENDIX C

INSERT

September 16th, 2021
Comments on the County's Revised
Land Use Code Article 10: Areas and Activities of State Interest (1041
Regulations)



Email with Memo
and table attached



Shelley Bayard de Volo <bayardsh@co.larimer.co.us>

ESAB Comments on 8/5 draft 1041 Regulations

Shelley Bayard de Volo <sbayard@larimer.org>

Thu, Sep 16, 2021 at 3:16 PM

To: John Kefalas <kefalajm@co.larimer.co.us>, Jody Shaddock-McNally <shaddujl@co.larimer.co.us>, Kristin Stephens <stephekm@co.larimer.co.us>

Cc: Matthew Lafferty <laffermn@co.larimer.co.us>, Lesli Ellis <ellisk@co.larimer.co.us>, Jim Gerek <jmgerek@frontiernet.net>

Commissioners,

At the request of the Commissioner Liaison, the Environmental and Science Advisory Board reviewed the August 5th draft of the 1041 regulations. The attached memo presents their summary of comments as well a table with detailed comments.

As well I attached the original spreadsheet of detailed comments for staff, as that may be easier for them to work from.

Please let me know if you have any questions and on behalf of the Board, they appreciate your consideration.

Shelley

--



Shelley Bayard de Volo
Environmental Coordination Specialist
Environmental and Science Advisory Board Liaison

Engineering Department
200 W Oak St, Fort Collins, 80521 | 3rd Floor
W: (970) 498-5738 | M: (970) 481-5941
sbayard@larimer.org | www.larimer.org/engineering

In response to COVID-19 Safer at Home Orders, I am teleworking from home most days. If you need to call me please try my mobile number at 970.481.5941

2 attachments



ESAB Final 1041 Permitting Comments 20210916 with Table.pdf
906K



ESAB Comments - Detailed feedback on August 5th Draft.xlsx
83K

MEMORANDUM

TO: Commissioner John Kefalas, Chair
Commissioner Kristin Stephens, Chair Pro Tem
Commissioner Jody Shadduck-McNally

FROM: Jim Gerek, Chair - Larimer County Environmental and Science Advisory Board

DATE: September 16, 2021

RE: Comments on the Draft Larimer County Land Use Code, Article 10 Areas and Activities of State Interest (1041 Regulations) dated August 5, 2021.

The Environmental and Science Advisory Board (ESAB) has reviewed the proposed revisions to Article 10.0 of the Larimer County Land Use Code.

Overall, the ESAB appreciates the extensive review and revisions to the regulations that have occurred to date. The latest draft is well thought out, providing useful clarifications and updates to prior versions of the regulations. Timing is good for updating these regulations, given recent updates to major County planning documents.

Here are some key points we would like to bring to your attention:

Important Positive Changes

- The proposed regulations provide a robust framework for the County to influence activities that are likely to have significant impacts on residents. This is especially important considering the rapid pace of development in the County.
- Updates appear generally in line with Larimer County's recently approved Comprehensive Plan and with 1041 regulations for other Counties in the region.

Issues for Further Consideration and Analysis

- The current draft regulations include no mention of climate change (e.g., greenhouse gas emissions mitigation, climate adaptation, nor climate resilience). Consideration of climate-related planning issues should be included during this round of review. The Climate Smart Larimer County Framework (Nov 2020) and other recent information should be considered and integrated where appropriate as these regulations are updated.



- We appreciate the expanded language regarding areas of state interest, however in the current draft it is unclear exactly which activities trigger permitting requirements within these specified areas. The attached spreadsheet includes more specific suggestions for the current draft (located at 10.3.2.A “Applicability”).
- Article 12 of the Land Use Code contains floodplain regulations and Larimer County requires a Floodplain Development Permit (FDP) for all development in floodplains. What additional benefits are gained by adding specific flood hazard area regulations to Article 10 that are not already covered by Article 12?
- There appear to be inconsistencies regarding exclusions for various types of electric power generation facilities in terms of generating capacity (megawatts), number of units, and land area. We encourage review of potential inconsistencies among various technologies, considering today's environment (vs. that which existed when the original language was developed), technology improvements, environmental benefits and metrics used by neighboring counties. For example, it may be appropriate to increase the minimum exemption area for solar generation (currently only 5 acres or about 1 megawatt of generation, while coal and gas minimums are 50 megawatts each).
- Internal County processes should be changed such that relevant County advisory boards may submit comments during the public comment period for any 1041 permit application. Advisory boards may have valuable expertise to add to the dialogue that may not reside with County staff or elected officials.

Additional Detailed Comments

The attached spreadsheet provides our detailed comments on many specific sections of Article 10.0, in addition to some suggested wording changes or other recommendations for your review. We would be happy to provide additional explanation to any of these detailed comments or to discuss them with the BoCC or County staff, if requested.

The ESAB hopes the BoCC will consider these comments prior to the final revisions and adoption of the updated 1041 regulations. As always, we appreciate the opportunity to support the BoCC. If additional assistance or information is needed, please feel free to reach out to me or our staff liaison.

Cc: Jim Gerek, ESAB Chair
Lesli Ellis, Community Development Department
Matt Lafferty, Community Development Department

Article 10.0 Areas and Activities of State Interest - 1041 Regulations

Section	Title	Comment	Proposed Revision - suggestions
General	General	Wherever "Director" is used, specify "Director" of which organization.	(edit throughout)
General	General	Run grammar / spell checker to catch typos.	(edit throughout)
10.1.2	Specific Purposes and Intent	<p>The current draft has no mention of climate change. Consideration of climate-related planning should be included (including emissions mitigation/reduction and climate adaptation/resilience).</p> <p>For example, the Climate Smart Larimer County Framework (Nov 2020) was published after the most recent Comprehensive Plan (July 2019). This should be considered / integrated as the 1041 regs are updated.</p>	<p>For example, subsection D could be modified as follows:</p> <p>D. To protect the beauty of the landscape and natural scenic characteristics, to conserve natural and cultural resources ... air and water quality, to reduce emissions and enhance adaptation to climate change, and to conserve natural resources;</p> <p>Other sections could also include such changes.</p> <p>Or climate considerations could be addressed in a separate subsection.</p>
10.2.1	Specific Purposes and Intent	Point C – uses "citizen" and on page 6 the 10.2 introductory paragraph says "residents", is the difference important? Should they be consistent?	Use one or the other unless the distinction matters in each location.

Article 10.0 Areas and Activities of State Interest - 1041 Regulations

Section	Title	Comment	Proposed Revision - suggestions
10.3.1	Activities of State Interest (definitions / determinations)	<p>There appear to be inconsistencies regarding treatment of various types of power plants:</p> <p>Section A includes "... any electrical power plant with a generating capacity of 50 megawatts or more ..." --- while section K (solar) limits this technology to 5 acres. Solar generation uses about 3-5 acres per megawatt. The small size limit for solar only allows a generation capacity of about 1 megawatt (vs. 50 MW for other technologies) before triggering 1041 permit requirements.</p> <p>There appear to be no limits for gas, coal, or oil generaiton facilities below 50 MW --- while there are specific (more restrictive) limits for wind and solar.</p> <p>Section B --- This requires inclusion for a "Conversion of an existing electrical power plant to a new type of fuel or energy, but not including a change from coal to natural gas ..." Why is a conversion to natural gas treated differently?</p>	<p>Review potential inconsistencies among the various technologies, considering today's environment (vs. that which existed when the original language was developed). The recently completed Climate Smart Larimer County Framework should also be considered as part of this review.</p> <p>Also review these from the perspective of consistency with neighboring county requirements (by technology).</p> <p>Consider expanding solar minimum size to a larger area (40 acres or about 10 MW for solar, for example). Also consider increasing the minimum limits for wind generation.</p>
10.3.1	Activities of State Interest	Should solid waste disposal facilities included in scope? This is allowed by C.R.S. §24-65.1-203. Some Colorado counties include this activity (Arapahoe and Summit are two examples in LC's 1041 Comparison document 05.05.21)	Formally inquire about exclusion of this in LC (unless answer is known)

Article 10.0 Areas and Activities of State Interest - 1041 Regulations

Section	Title	Comment	Proposed Revision - suggestions
10.3.1	Activities of State Interest	If solid waste disposal facilities could or would be added to 1041 scope in LC, consider adding other waste handling operations beyond landfills and disposal facilities.	Specifically add other waste handling and processing facilities like large-scale residential, industrial, and/or commercial waste composting operations that don't necessarily constitute disposal sites. Materials come onsite for a period of time and then are transferred off site or sold in a final form. This could include things like the handling, transformation, and composting of materials like food wastes, diverted solid waste streams, animal mortalities, grease and food processing residuals, biosolids, etc. Specific minimum volume (annual, monthly, other) or acreage thresholds could be established for regulation. This would not include the handling and processing of primarily "brown" or woody, carbon-contributing material like yard waste that is transformed into mulch or garden compost for sale or for agricultural wastes handled on an agricultural site.
10.3.1	Activities of State Interest	New item I. 2., use of "primarily serve" is subjective.	Define what level of withdrawal or volume constitutes primarily serves. Consider adding "physically" before located in "users not located in Larimer County". This could address a scenario where a Larimer County-based entity could acquire water or build a project to sell or distribute water to users located outside of LC.
10.3.1	Areas of State Interest	Section H --- should there be a length criteria? Is "transmission" adequately defined? There could be short (length) modifications at facilities that are not part of "transmission" lines.	
10.3.1	Areas of State Interest	(old) Section I --- why was reference to natural gas and oil storage facility development removed?	

Article 10.0 Areas and Activities of State Interest - 1041 Regulations

Section	Title	Comment	Proposed Revision - suggestions
10.3.1	Areas of State Interest	(new) Section I --- "... two or more parallel lines that are within 120 sq. in. of each other when viewed in cross-section;" Is it clear how to apply this?	Provide a more clear indication of distance between lines.
10.3.2	Areas of State Interest	Part A, "Applicability". Clarify which activities are regulated.	
10.3.2	Areas of State Interest	Section A.3 "Located on an overall site of five acres or more or on a site that encompasses more than one acre of any Area of State Interest"	Clarification/definition of "overall site" to something more specific like "overall project site."
10.3.2	Areas of State Interest	Section B The Flood Hazard Areas in Article 10 are defined as the Floodplain Overlay District in Article 12, then the next sentence appears to exempt the exact same areas?	This whole section is hard to follow. Clarification for which hazard zones are exempt is needed.
10.4.2	Specific Exemptions	Section E --- Only water and sewer items are mentioned. Do O&M exemptions for other utilities make sense?	Exempt (defined) O&M activities for electric and gas utilities as well.
10.4.2	Specific Exemptions - Specific Ongoing Operations and Maintenance	New item E. 1., makes no mention of increased structure height or significant changes to design that might create new flood hazards or navigation hazards.	Add wording to the effect: Replacement of an existing water diversion structure without change in the point of diversion, point of use of the water, height of structure within stream channel, or yield from the diversion. 10.10.8 might offer some suggested wording of things to consider related to preserving integrity of flood hazard areas if water diversions are in such areas.
10.4.2	Specific Exemptions - Specific Ongoing Operations and Maintenance	New item E. 2., makes no mention of effluent discharge points.	Should outfalls or discharge points be added to read as follows,"and do not materially alter the location of the existing facility, including any outfalls or effluent discharge points"?
10.6.2	Federal or State Agency Review	Is language here consistent with section 10.4.2 B?	Refer to earlier reference to FERC jurisdiction for Interstate Natural Gas Utilities and make clear if they are included / not in this section.

Article 10.0 Areas and Activities of State Interest - 1041 Regulations

Section	Title	Comment	Proposed Revision - suggestions
10.8.2	Referral	Under item C, referral to affected agencies was removed. The review criteria in 10.9.1 reference conformity with all applicable IGAs and comprehensive and master plans, but its not clear where this review happens (and if it's through referral).	Clarify procedures around referral process for reviewing against IGAs and comprehensive and master plans.
10.9.1	Review Criteria for Approval of all 1041 Permits	New item A., makes no mention of wasteload allocation for projects requiring a wastewater discharge. Water rights are mentioned.	If it is of equal importance to water supply rights, add wording to the effect: "including surface, mineral, and water rights for the proposed project, and any necessary wasteload allocations".
10.9.1	Review Criteria for Approval of all 1041 Permits	New item E., doesn't specify longevity of financial capability that should be demonstrated.	Add wording to the effect: "operate the proposed project for its intended and designed functional lifespan consistent with all requirements and conditions".
10.9.1	Review Criteria for Approval of all 1041 Permits	Agreement with the Note: The County may want to further expand on health criteria.	
10.9.1	Review Criteria for Approval of all 1041 Permits	New item I., Nuisance is vague.	Is nuisance defined elsewhere in LC codes or regulations? What is the intent in this context? Odors, visual, noise? 10.10.7 E. addresses things that could be considered nuisances to natural resources and areas.
10.9.1	Review Criteria for Approval of all 1041 Permits	Section L "The proposed project will not be subject to significant risk from natural hazards including floods, wildfire, or geologic hazards. This is inconsistent with development requirements in Article 12, Table 12-1, which shows many allowed uses within Zone AE, and Zone A floodplains, which would be considered "high risk" flood zones, as defined by FEMA.	Consider changing "Significant Risk" to something more specific that doesn't conflict with "High Risk" FEMA flood zone definitions where the county would allow projects per guidance in Article 12
10.9.1	Review Criteria for Approval of all 1041 Permits	Item M., makes no mention of wastewater treatment.	Add wording to the effect: "Adequate public facilities and services, including sufficiency of water supplies and wastewater treatment capacity,"

Article 10.0 Areas and Activities of State Interest - 1041 Regulations

Section	Title	Comment	Proposed Revision - suggestions
10.9.1	Review Criteria for Approval of all 1041 Permits	New item P., what is the threshold or criteria for "unduly degrades"? And added specificity.	Add wording to the effect: "The proposed project will not unduly degrade the quality or quantity of recreational opportunities and experiences available to the public". 10.16.1 F. defines quite a few recreational activities with qualitative benchmarks.
10.9.1	Review Criteria for Approval of all 1041 Permits	Add F.9 Consider including an item related to climate.	
10.10.5	Additional Review Criteria for Major Water and Sewer Projects	New item A. 1., makes no mention of energy use for lift stations or pumping required to connect to and use adjacent WWTPs.	Add wording to 1. or 2. to encompass also evaluating the need for additional facilities like lift stations or pumping, and primary and emergency backup power sources for those facilities, in order to connect to adjacent WWTPs.
10.16	General Considerations - Other Terms Defined	Add definitions	Recommend adding definitions for any unclear or vague terms noted in comments above
10.16.2	Environmental Considerations	Item C. 2. doesn't specify what narrative or numeric water quality standards.	Specify State of Colorado WQ standards (narrative or numeric), if those are the relevant standards.
10.16.2	Environmental Considerations	Item F. 1., wording.	Recommend rewording to the effect: "Changes that result in acute or chronic decrease or depletion of dissolved oxygen levels necessary for aquatic life".
10.16.3	General Considerations. Section C.1.b and 2.	Are the requirements here consistent with Section 10.3.1 E? One has 115 kW and the other has 69 kV for voltage being referred to.	Define electric transmission. Consider raising all reference to "electric transmission" to a voltage of 115 kV.

APPENDIX D

INSERT

October 18th 2021

Climate Smart Larimer County External Task Force participation
Email, invitation, and response letter



Climate Smart Task
Force Invitation - ES



Shelley Bayard de Volo <bayardsh@co.larimer.co.us>

Climate Smart Task Force Invitation - ESAB

Shelley Bayard de Volo <sbayard@larimer.org>

Mon, Oct 18, 2021 at 1:10 PM

To: Heidi Pruess <pruesshb@co.larimer.co.us>

Cc: Jim Gerek <jmgerek@frontiernet.net>, "Lehman, David W" <DAVID.LEHMAN@cuanschutz.edu>, Shelby Sommer <shelbyasommer@gmail.com>

Hi Heidi,

attached is the official letter from the ESAB chair confirming Shelby Sommer's participation with the CSLC Task Force.

Please let me know if you have any other needs - Shelley

[Quoted text hidden]



ESAB CSLC Taskforce Asignemnt designation - signed.pdf

383K

LARIMER COUNTY | BOARD OF COUNTY COMMISSIONERS

P.O. Box 1190, Fort Collins, Colorado 80522-1190, 970.498.7010, Larimer.org

October 1, 2021

Jim Gerek
Chair
Environmental and Science Advisory Board

Dear Mr Gerek:

Larimer County is excited to seek participation from one Environmental and Science Advisory Board member on a special Task Force to guide community outreach and engagement for our Climate Smart Larimer County initiative. The goal of this initiative is to lessen impacts on our residents from changing climate with mitigation and adaptation strategies. We have a [Climate Smart Framework](#) to begin our discussions, but we need guidance on this Task Force to assure we are headed down the right path. Ultimately, this effort will result in development of an implementation or action plan, but before we get too far, we need the community to provide input on our Framework.

What would the role be? We'd like for your Advisory Board's designee to participate in 5 meetings over the next 9-months. This is not a voting body but a sounding board, ensuring that every step of the project fits within the context of the community. We ask the designee to be a leader of and active participant throughout the project; weigh in on decisions; collaborate with other groups; assist in getting the word out; and have fun with and be motivated by the CSLC Framework.

This is an exciting opportunity to participate proactively and be sure your voices are heard as we work to mitigate for and adapt to our ever-changing future. Our Kick-Off Meeting is scheduled for late October 2021, and you will receive meeting details as you respond to this request.

Please respond to Heidi Pruess, Climate Smart and Sustainability Program Manager, at hpruess@larimer.org or 970-498-7138 with the designee's acceptance to the Task Force no later than October 13, 2021.

We look forward to the recommendations this Task Force will bring forward to the Larimer County Board of Commissioners and thank you for your time and effort.

Sincerely,



John Kefalas
Commissioner, District 1



Kristin Stephens
Commissioner, District 2



Jody Shadduck-McNally
Commissioner, District 3

Cc: Shelley Bayard de Volo



Climate Smart Larimer County Task Force

Purpose

The Climate Smart Larimer County Task Force (CSLC) will assist with Phase II of the Climate Smart Initiative. CSLC members will guide Larimer County staff and the County's consultant in assuring robust and effective community outreach with the goal of gathering community feedback on the Climate Smart Framework.

Expectations and Desired Outcomes

The Climate Smart Task Force is expected to meet 5 times during the Climate Smart Phase II Community Outreach period, occurring October 2021 through May 2022. The CSLC Task Force will provide connections to the community for outreach activities, review and comment on strategic priorities and outcomes resulting from the consultants work and make recommendations to the Larimer County Board of Commissioners regarding next steps.

The CSLC Task Force is not a voting body but a sounding board, ensuring that every step of the project fits within the context of the community. The role of the CSLC Task Force is to be leaders of and active participants throughout the project; weigh in on decisions; collaborate with other groups; assist in getting the word out; and have fun with and be motivated by the CSLC Framework. Meetings will be facilitated by the County consultant.

Members of the Task Force Shall Include:

Representatives for the Climate Smart Framework Planning Areas

- | | |
|---|---|
| 1. Buildings, Land Use and Energy | 4. Watershed, Agriculture, Open Spaces and Forestry |
| 2. Economic Health | 5. Public and Environmental Health |
| 3. Emergency Management and Public Safety | 6. Public Works and Engineering |

Community Representatives

1. Equity, Diversity and Inclusion Organizations
2. CSU Extension
3. Environmental Organizations
4. University and Youth Student

Larimer County Advisory Board Representatives

1. Agricultural Advisory Board
2. Environmental and Science Advisory Board
3. Open Lands Advisory Board

Municipal Representatives

- | | |
|-----------------|---------------|
| 1. Berthoud | 5. Loveland |
| 2. Estes Park | 6. Timnath |
| 3. Fort Collins | 7. Wellington |
| 4. Johnstown | 8. Windsor |

LARIMER COUNTY | ENGINEERING DEPARTMENT

P.O. Box 1190, Fort Collins, Colorado 80522-1190, 970.498.5700, Larimer.org

Heidi Pruess, Climate Smart and Sustainability Program Manager
Larimer County

Dear Heidi,

The Environmental and Science Advisory Board (ESAB) appreciates the leadership of the Board of County Commissioners in forming a Climate Smart Larimer County Task Force. The ESAB has been a proponent of this project from its conceptual beginning. And we appreciate the opportunity to provide an ESAB representative for this task force.

At its regular meeting on October 12, the ESAB officially designated Shelby Sommer to represent the advisory board on this important body. Ms. Sommer is an active member of our advisory board and has worked professionally in the sustainability and climate action planning fields for years. I trust that she will be a valuable asset to the task force. For meeting planning purposes, you can reach her at: shelbyasommer@gmail.com

Should there be scheduling conflicts that prevent Ms. Sommer from attending any CSLC Task Force meeting I would request that we be allowed to designate an alternate representative for that meeting only to maintain continuity.

Thanks again for this opportunity to participate in the task force. Should there be any other things that the ESAB can do to support the CSLC process, please feel free to reach out to me directly or through our Staff Liaison: Shelley Bayard de Volo.



Jim Gerek
Chair - Environmental and Science Advisory Board

cc: Shelby Sommer, by email: shelbyasommer@gmail.com



APPENDIX E

INSERT

November 15th, 2021.

Comments on the opportunities to reduce ground transportation emissions



ESAB Memo on EV
Opportunities - ema



Shelley Bayard de Volo <bayardsh@co.larimer.co.us>

ESAB Memo on EV Opportunities

Shelley Bayard de Volo <sbayard@larimer.org>

Mon, Nov 15, 2021 at 11:21 AM

To: Linda Hoffmann <hoffmalc@co.larimer.co.us>

Cc: John Kefalas <kefalajm@co.larimer.co.us>, Heidi Pruess <pruesshb@co.larimer.co.us>

Bcc: Jim Gerek <jmgerek@frontiernet.net>, Kirk Longstein <klongstein@gmail.com>, Rodger Ames <rodger.b.ames@gmail.com>

Good Morning,

Please find the attached memo from the Environmental and Science Advisory Board on opportunities to reduce ground transportation emissions. The ESAB deliberated over the past few months on the many opportunities available to the County and decided to summarize what they learned into this memo.

Please let me know if you have any questions.

Shelley

--

**Shelley Bayard de Volo**

Environmental Coordination Specialist

Environmental and Science Advisory Board Liaison

Engineering Department

200 W Oak St, Fort Collins, 80521 | 3rd Floor

W: (970) 498-5738 | M: (970) 481-5941

sbayard@larimer.org | www.larimer.org/engineering

In response to COVID-19 Safer at Home Orders, I am teleworking from home most days. If you need to call me please try my mobile number at 970.481.5941

**ESAB EV Opportunities Memo.pdf**

771K

MEMORANDUM

TO: Linda Hoffman, County Manager

FROM: Jim Gerek, Chair - Larimer County Environmental and Science Advisory Board (ESAB)

DATE: November 15, 2021

RE: Larimer County Opportunities to Reduce Ground Transportation Emissions.

Bottom Line:

The ESAB recommends that County staff convene a committee to identify opportunities for Electric Vehicle (EV) infrastructure projects that improve regional air quality and reduce greenhouse emissions as outlined by the Climate Smart Larimer County Framework. A Larimer County EV committee composed of community partners and County staff should also consider efforts underway by the North Front Range Metropolitan Planning Organization (MPO) Planning Council related to Colorado Senate Bill 21-260 to address social and racial inequities identified by the MPO's [Environmental Justice plan](#).

To support the ESAB recommendation to organize an EV committee, the ESAB has provided a list of funding opportunities as well as State and Federal policies that promote regional EV infrastructure (included herein).

Funding opportunities:

Over the next ten years, Colorado Senate Bill 21-260 anticipates raising \$5.4 billion for transportation projects in Colorado. The Bill allocates \$734 million to support the initial implementation of Colorado's EV plan, which calls for 100% light-duty EVs and 100% zero-emission medium- and heavy-duty vehicles by 2050 and 940,000 light-duty EVs by 2030 (Colorado Energy Office (CEO) estimates, 2020). To help meet these goals, municipalities will need to expand EV charging infrastructure within their jurisdictions. A 2021 study estimates Larimer County will need 1447 Level 2 chargers and 309 DC fast chargers by 2030 to align with the state's EV targets (International Council on Clean Transportation (ICCT) 2021).

To support the County's EV planning, the ESAB has compiled a list of EV grant opportunities and policies. The list may not include all EV funding opportunities available to the County.





Furthermore, some initiatives, such as grants to assist municipalities reduce vehicle miles traveled (VMT), were considered beyond the scope of this document and intentionally omitted. The ESAB provides this information in the spirit of cooperation and recognizes that some, if not all, of the programs listed below may already be on the County's radar.

cc:

John Kefalas, County Commissioner, Chair

Heidi Preuss, Climate Smart and Sustainability Program Manager



State Grant Opportunities:

Charge Ahead Colorado is jointly administered by the Regional Air Quality Council (RAQC) and the CEO. Grants outside the Denver Metro Area are managed by the CEO. Public and private entities can apply for funding for new Level 2 or Level 3 EV charging stations. Past awards within Larimer County include multiple Level 2 chargers at Colorado State University. The CEO has three application rounds each year, generally in January, May, and October. The most recent application round closed on Oct. 18, 2021. <https://cleanairfleets.org/programs/charge-ahead-colorado>

EV Fast-Charging Corridors is administered by the CEO in collaboration with ChargePoint. The program includes 34 high-speed charging stations across the state. Larimer County is home to three Fast-Charging Corridors grant recipients, located in Estes Park, Fort Collins, and Wellington. <https://energyoffice.colorado.gov/zero-emission-vehicles/electric-vehicle-fast-charging-corridors>

EV Fast-Charging Plazas. The CEO's Direct Current Fast Charging (DCFC) Plazas Program is designed to increase access to high-speed chargers in the Denver Metro area, although the program anticipates expanding to Front Range communities. The most recent application round closed on Oct. 29, 2021. <https://energyoffice.colorado.gov/zero-emissions-vehicles/ev-fast-charging-plazas>

Alt Fuels Colorado is administered by the Regional Air Quality Council (RAQC) under its Clean Air Fleets initiative (which also includes the RAQC's Charge Ahead Colorado and Diesel Retrofit grant programs). Alt Fuels provides funding for the replacement of pre-2009 vehicles with Renewable Natural Gas (RNG) fleet vehicles or fully electric vehicles and related charging equipment. Funds are available for fleet vehicles, school busses, shuttles, and airport ground support equipment. Poudre School District and the City of Fort Collins received awards under previous (2018 and 2020) funding rounds. The most recent application round closed on Oct. 29, 2021. <https://cleanairfleets.org/programs/alt-fuels-colorado>

The Renewable and Clean Energy Initiative is administered through the Colorado Department of Local Affairs (DOLA). \$5M is available to local governments through HB21-1253 to support renewable and clean energy infrastructure in all areas of the state, especially where clean energy infrastructure is sparse and with consideration to geographical diversity in these awards. Grant applications opened June 15, 2021 and remain open while funding is available. <https://cdola.colorado.gov/funding-programs/energy/mineral-impact-assistance-fund-grant/renewable-and-clean-energy-initiative>

CDOT Notice of Funding Availability (NOFA). In June of 2021, CDOT announced a "Super Call" for transportation grants, including grants for zero-emissions vehicle (ZEV) transition planning, grants for replacing diesel busses with zero-emission busses, and Consolidated Call for Capital Projects. Applications for 2022 funding opened in April 2021 with due dates scattered through



to September 2021. <https://www.codot.gov/programs/transitandrail/assets/nofa-announcements>

Local Opportunities:

Group Buy Programs. Northern Colorado Clean Cities (NCCC) partners with municipalities to help Colorado residents qualify for discounted rates on select electric vehicles. A recent Group buy with Fort Collins and Loveland resulted in the discounted sale of 87 electric vehicles across four dealerships. More information is available at: <https://www.fcgov.com/fcmoves/ev-readiness-roadmap>

Municipal policies:

Building Code. HB 19-1261 directs counties to meet or exceed standards in the International Energy Conservation Code (IECC). However, proposed EV-compliant building codes were omitted from the 2021 IECC (Walton 2021). This shifts the responsibility of adopting EV-compliant codes to local jurisdictions. To date, twelve Colorado municipalities, including Boulder County, and the Cities of Denver, Boulder, and Fort Collins, have adopted EV-compliant building codes. Including EV requirements for new construction removes a significant barrier to EV adoption, particularly in multi-family and commercial properties where retrofits can be costly. The Southwest Energy Efficiency Project (SWEET) provides an EV Infrastructure Building Code Adoption Toolkit for local governments. <https://www.swenergy.org/transportation/electric-vehicles/building-codes>

Land Use Code. Proposed revisions to the Larimer County Land Use Code (Sec. 4.6.7.H) require parking areas in the Urban districts and growth management areas (GMAs) with more than 30 parking spaces to include at least one EV-capable parking spot. The ESAB commends the County for its efforts to promote EVs through this progressive update to the Land Use Code.

Electric utilities. Xcel has several EV charging incentive programs for fleets, multi-family, and commercial users. <https://co.my.xcelenergy.com/s/business/ev/>. Poudre Valley Rural Electric Association (PVREA) offers rebates for private and public Level 2 and qualifying Level 3 chargers. <https://pvrea.coop/ev-charger-rebates>. Municipalities can also encourage local electricity providers to implement additional incentives, such as time-of-use rate structures that allow EV owners to take advantage of low-cost or low-carbon electricity while charging their EVs.

Federal Programs:

ZEV/LEV Tax Credits. Federal tax credits are available for certain EVs, plug in hybrid electric vehicles (PHEVs) and low emission vehicles (LEVs). The federal EV credit is \$7500. Tax credits begin to phase out when manufacturers sell 200K vehicles (e.g., credits for Tesla phased out in 12/2019 and GM in 3/2020).



Low or No Emission Vehicle Grant program. The U.S. Department of Transportation provides funding for states and local governments' zero-emission and low-emission public transportation and infrastructure.

Federal electric vehicle charging tax credit. Home and workplace chargers can qualify for a 30% federal tax credit. <https://envirocenter.org/ev-charging-tax-credits-explained/>

Resources:

CEO 2020. "Colorado Electric Vehicle Plan 2020". Colorado Energy Office.
<https://energyoffice.colorado.gov/zero-emission-vehicles/colorado-ev-plan-2020>

ICCT 2021. "Working Paper 2021-08. Colorado charging infrastructure needs to reach electric vehicle goals". International Council on Clean Transportation.
<https://theicct.org/sites/default/files/publications/colorado-charging-infra-feb2021.pdf>

Walton, Robert. 2021. "DOE says new building codes to cut energy costs by \$138B, but EV backers see failure to advance charging". Utility Dive, July 28, 2021.
<https://www.utilitydive.com/news/doe-says-new-building-codes-to-cut-energy-costs-138b-but-ev-backers-see-f/603853/>

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