

Fountain Creek Watershed, Flood Control and Greenway District
Citizens Advisory Group
Meeting Minutes
March 8, 2013

The meeting was held at:
City of Fountain, City Hall
116 S. Main Street, 2nd Floor
Fountain, CO

1. Call to Order, Establish Quorum and Introductions

The March 8, 2013 meeting of the Fountain Creek Watershed Citizens Advisory Group (CAG) was called to order by Ms. Irene Kornelly, Chairperson, at approximately 9:32 a.m. A quorum was noted, with the following members of the CAG attendees eventually in attendance:

Irene Kornelly – Chairperson
Perry Cabot – Vice Chairperson
Richard Skorman – CAG Representative to the Fountain Creek Watershed, Flood Control and Greenway District (“FCWD”) Governing Board
Ferris Frost – Alternate CAG Representative to the FCWD Governing Board
Richard Mulledy, Technical Advisory Committee (TAC) Chair and Representative to the CAG
Jack Wallick – CAG Secretary
Mary Barber
Nancy Bernard
Jerry Cordova
Dieter Erdman

CAG Members not present:

Carol Baker
Dan Henrichs
Tom Ready
Ross Vincent

Also in attendance:

Larry Small, Executive Director Fountain Creek Watershed District
Terry Hart, Pueblo County Commissioner,
Christina McDonough, visitor
Unidentified Visitor
Dan Bare, Colorado Springs Utilities

2. Approve Agenda of March 8, 2013 Meeting

The Chair added an item to **New Business**: Dieter Erdman was expected to speak for Colorado Open Lands on a new land purchase investigation in the Fountain Creek Watershed.

Upon motion duly made, seconded and unanimously carried, the updated March 8, 2013 Agenda was approved.

3. Approve Minutes of Prior Meeting

Upon motion duly made, seconded and unanimously carried, the draft February 8, 2013 minutes were approved.

4. Reports

a. **Governing Board Meeting.** Terry Hart reported on the February 22nd Board meeting as follows.

- There was a presentation by the Trust for Public Land on a study of the financing options available to the District (Chairperson Kornelly will email the presentation to CAG members). Issues such as property tax vs. sales tax vs. bonds, timing of the election, logistics, and legal issues, etc. were all thoughtfully examined and expanded upon. Terry thought the CAG could be instrumental in helping the Board identify the proper approach among those presented by the TPL study. Chairperson Kornelly strongly recommended that all CAG members read the TPL report, proposing that the CAG have an in-depth discussion of the topics as an Agenda Item at the April 12 meeting.
- The next meeting of the Board will be Friday March 22nd at the Fountain City Hall

b. **TAC Meeting.** Richard Muledy reported on the March 6 meeting as follows

- Discussed the Trust for Public Land presentation already reported on in the Board report.
- A subcommittee is defining the Land Use Application review process and evaluation criteria. The CAG will see the end result of these efforts at the May meeting. Larry Small expanded on the subject, saying that the TAC is examining criteria upon which to evaluate future applications, and that the TAC and CAG will approve those criteria and the process, then forward them to the Board for eventual approval.

c. **Outreach Group.**

- The most recent meeting of the Outreach Group was February 19. No definitive actions were taken, but activities aligned with Earth Day were suggested and being pursued. Reviving the Adopt A Creek Program is also being pursued.
- Larry Small reported that he had gotten an email from a citizen (the public is accessing the website!) suggesting that we post a calendar of upcoming events related to public activities or public involvement in the Watershed.
- This brought up the topic of involvement in local events, e.g., carnivals, Earth Days, etc., acknowledging that there are usually fees and other expenses involved for these outreach efforts and that the District's practice of tagging along with more established entities (CSU, Pueblo Water Works, etc.) will have to end so that we can more effectively educate the public and promote our agenda. Larry noted the District's limited budget, but asked that outreach-related needs be sent to him so that he can work through his resource.
- Nancy Bernard added that on April 27 the County is having a Clean Up Day throughout the county. The Fountain Creek Nature Center will participate, with one of the county commissioners pitching in. Obviously this is a good opportunity for synergy, although Perry Cabot pointed out that it is a two-month process of planning for one of these events, and that we are best served by waiting to have a well-planned event.
- Terry Hart commented that the Outlook Group should be coming up with its own ideas and direction and not merely awaiting direction from the Board.
- There is no date set for the next meeting of the Outreach Group. There seems to be a miscommunication between the Board and the Outreach Group, with the Group feeling defeated in its efforts to propose courses of action and the Board being supportive of such efforts. Larry reminded the group of the adage

that it is far easier to ask forgiveness than permission – exhorting the CAG and the Outreach Group to feel empowered to move forward on their initiatives.

d. Oil and Gas Exploration Subcommittee.

- The Gazette reported that Ultra Resources would not be performing any further drilling/fracking in the county. It is expected that Hilcorp Energy will likely follow suit. The future of the Banning Lewis Ranch is once again in question.
- City Council is scheduled to hold their second vote next week on its proposed regulations. That vote is likely to be a tie, resulting in no change from the present situation.
- The state is still working on new regulations for the industry.
- The Ft. Collins city council banned fracking within city limits, joining Longmont in challenging the state's authority to control drilling within city limits.
- Richard Skorman reported that there is a group petitioning to change the Colorado Springs city charter to declare the natural rights to clean air and clean water the CELDEF (Community Environmental Legal Defense Fund). The CELDEF approach has not been overturned in courts, while outright bans have.
- Discussion moved to the future of the Banning Lewis Ranch, with members advocating for a national grasslands type area.

e. Pikes Peak Regional Stormwater Taskforce

- Richard Skorman, the District's representative to the Taskforce reported that the County brought a resolution seeking a regional solution on Watershed issues to Colorado Springs City Council. Apparently the resolution went nowhere at that time, but there appear to be arrangements to get the Mayor, the City, the County and the other entities to all sign on to the concept that a regional approach is needed. A new resolution is being drafted for all parties to approve for Phase II, which is to prioritize projects and risks.
- During the most recent meeting of the Taskforce, there were no City representatives. Therefore the group could not move forward on the next steps, which are thought to be bringing the details of the list to light, i.e., find stories to tell. Prioritization, finding areas of highest risk, determining the time scale – five years or twenty years, and even whether the projects and estimates are accurate. These issues need to be clarified before defining the funding mechanism. Richard went on to say that he saw all parties coming together with the joint understanding that that it is a regional issue that requires a regional solution.
- There appears to be a new resolution for the Phase II process in the works that will avoid many of the points of contention over funding, responsibility, etc.
- Larry Small added that although there were no Colorado Springs city staff at the Taskforce meeting, there were representatives from many other Watershed entities, the county, Manitou Springs, Fountain, Monument, Utilities, etc. It was a productive meeting in that the Taskforce received good direction on the Phase II work.
- Larry also commented on his vision for an overall structure of project implementation. He sees the District as the executive agent in these actions. He commented that the District is well known and respected among those who are doing the work and solving the problems throughout the Watershed. It seems that the District will end up being the executive function for operating and coordinating the projects. There was discussion that the District itself should sign the resolution as well as offer its executive capabilities as needed. In line with increased responsibility, the District will likewise have to examine how to structure itself to implement the work. We could be the storm water equivalent of the Southeastern Water Conservancy District.

5. Current Business

- Dan Bare of the TAC and Colorado Springs Engineering reviewed the Colorado Springs Drainage Criteria Manual. The Manual has updated storm water practices in view of current knowledge, and it is in the process of being adopted throughout the District. Acknowledging that current standards and practices are inadequate and stating that storm water management is basically a space allocation issue, the Manual has new policies relating to the land trade-offs between detention (large and small) and channels (natural and stabilized). The new criteria may require more land, but will result in lower overall costs. The PDF file of the presentation will be uploaded to the CAG portion of the Watershed website along with the minutes of this meeting. Dan also provided a summary of changes between the old and new manuals.
- A discussion of detention ponds, their associated 72-hr holding period, water rights vs. storm water rights ensued, with the legal framework being hazy and a need for the legislature to straighten out the rule on detention ponds and their place in water law.

6. New Business

- Ferris Frost and Dieter Erdman spoke on a bank stabilization assessment project. Colorado Open Lands has a conservation easement on a property along Fountain Creek, in northern Pueblo County (The Barr Farm). The property has been heavily impacted by channel change and erosion, despite previous efforts at bank stabilization. The owners would like to see what opportunities exist for partnering with the District, Colorado Open Lands, and other groups to design and eventually implement long-lasting stabilization. It is suggested to begin with a hydrological assessment of the stream, channel, flow regimes, etc. for this stretch of the creek, with an eye to strategies for lessening the energy levels through that stretch. Colorado Open Lands has the abilities to coordinate assessments and subsequent construction in cases like this, and wants the CAG and District to know that at some point assistance may be needed to seed the overall project.
- Dieter spoke on a Colorado Open Lands effort, with involvement by Terry and Larry as well. Through its conservation easement program (through a GOCO grant) the group had established a relationship with a northern Pueblo property over the years. This property consists of about 360 acres along Fountain Creek, historic structures, and valuable characteristics, to include the #7 Irrigation Water Rights on Fountain Creek and the #1 Storage Water Rights for Fountain Creek. The property is available at market value – a significant discount over past prices. It is now very attractive property for a public purchase, and Dieter has been performing due diligence on the information provided on the property and has been speaking with various community leaders to gain their insights. The location could host farming demonstrations, 4H involvement, historic recreations, etc. Dieter's directions are to further investigate the public purchase of the property. It was universally agreed that this was an exciting possibility with great potential for the Watershed and District.
- Larry Small spoke on another piece of property under consideration is the Wedgewood Duck Farm. Apparently this property is now available at more reasonable terms than previously, and Larry says El Paso County is now coordinating this effort. Price is currently in the range of \$700k, with \$100k of that being water rights. Larry was hopeful for more movement toward the District's \$6k.
- Mary Barber announced The Regional Sustainability Planning effort that resulted in plan, previously funded by a military impact planning grant through Pikes Peak Area Council of Governments, is transitioning to a new program under the Pikes Peak Community Foundation (Peak Alliance for a Sustainable Future) and will continue the regional planning effort. Mary encouraged everyone to visit the PPCF website and contribute generously while there.
- Terry Hart reported that while in Washington on a commissioners' trip, he discovered that the Albuquerque office of the Army Corps of Engineers was very interested in the District's activities and was ready to cooperate. They also alluded to having 2013 money available. Larry Small is following up on it with Terry's ACOE contact.

7. Public Comment: There were no Public Comments.

8. Executive Session: None Required

9. Announcements and Next Meeting:

The next scheduled CAG meeting will be April 12, 2013, 9:30am, Fountain City Hall.

10. Adjourn: The meeting adjourned at approximately 11:56 a.m.