



Open Space and Trails Advisory Committee

*Minutes
February 28, 2019*

Meeting Summary

OSTAC voted to approve the 2019 Letter of Understanding between the Garrett Companies and City and County of Broomfield regarding the construction of the Broomfield Business Center and the safeguard measurements to protect the nearby nesting bald eagles, including phasing construction plans around the breeding season as well as year-round monitoring and stop work capabilities. OSTAC was also presented updates on Extraction Oil and Gas developments near wildlife, Force Main Project, the site plan for the Palisade Park Filing No. 6 (Hepp) development, trail signage developments, Metzger Farm building improvements and caretaker position, the Boulder Area Trails app, the final coyote behavior research article, proposed location for the Broomfield Trail Adventure, the Problem-Based Learning project at Centennial Elementary, and upcoming Open Space and Trails events.

OSTAC (Open Space and Trails Advisory Committee)

Present:

Patrick Tennyson, Chair
Ray Churgovich, Vice-Chair
Todd Cohen
Doug Grumann
Terra Lenihan
Michael McLane
Chris Petrizzo
Chris Kassel (alternate)
Councilmember Guyleen Castriotta
Councilmember Stan Jezierski

Absent:

None

Interested Citizens:

Rebecca Watson, Outside Legal Counsel on behalf of Garrett Companies
David Foster, Outside Legal Counsel on behalf of Garrett Companies
Brandon Smith, Wildlife Biologist, Project Manager, CORE, on behalf of Garrett Companies
Judy Enderle, Broomfield resident and Front Range Bald Eagle Nesting Studies volunteer
Nicole Huntley, Broomfield resident
Ben, Broomfield resident

Other staff, presenters, and consultants in attendance:

Kristan Pritz, Open Space and Trails Director
Pete Dunlaevy, Open Space and Trails Manager
Ellie Lanaghan, Open Space and Trails Technician
Kevin Standbridge, Deputy City and County Manager
Josh Olhava, Principal Planner
Ron Beane, ERO Resources Senior Wildlife Biologist/Principal

Agenda Minutes

1. Call to Order by Patrick Tennyson, 6:00 p.m.

2. Introduction of Interested Citizens

Citizens held their comments for items on the agenda.

3. Updated Letter of Understanding with The Garrett Companies related to the Stop Work Provision for the Protection of the Bald Eagles

Kristan reviewed the location of the eagle nest east of Del Corso Park and the phasing plan for the construction of the Broomfield Business Center. She explained that the developer has provided more detail from the construction plan at OSTAC's request. The plan now shows where and when all of framing is occurring. Kristan added that the number one concern was to protect the eagles and to have the construction plan work around the sensitive egg laying period. The framing started in the western/central area of the site with the clubhouse in order to allow for utilities installations and rough grading. Next the project began framing buildings on the far west side of the project, and will gradually move towards the edge of the 660-foot eagle nest buffer later in the breeding season when the eagles are less sensitive. In addition, the developer will provide quarterly construction reports to Broomfield Open Space and Trails staff. It is important to note that the developer's incidental take permit from the U.S. Fish and Wildlife Service (USFWS) has been vacated by the court, but the developer has agreed to continue abiding by the permit conditions voluntarily. The new 2019 Letter of Understanding between the Garrett Companies and the City and County of Broomfield provides all of the provisions from 2018 letter, and now includes year-round monitoring and year-round stop work capability. The developer has already stopped work outside of the 2018 provision requirements, but this requirement is now officially stated in the 2019 letter. The developer has also already built the hay bale wall and donated funds to the Birds of Prey Foundation so these provisions were not included in the 2019 Letter.

Kristan went on to explain that the eagles began incubating on February 14, and that the daily sunset check-ins continue with support from Eagle Watch Volunteers. Ellie checks the volunteer and ERO reports regularly for concerns. On February 25, a surveyor was found out on the private conservation easement property where the nest is located. Open space staff went out to the site with a police officer and spoke with the surveyor when he came off of the property. He was aware of the eagles, but not the 660-foot buffer and was very apologetic. The landowner is preparing to sell the property and was therefore in the process of getting the land surveyed.

>Guyleen, What does that mean for our conservation easement?

>Kristan, The easement transfers over to the new landowner.

Kristan described another incident with a helicopter hovering low above the nest on Friday, February 22. Open space staff have been working with the Rocky Mountain Metropolitan Airport in order to get a notice about the eagles' location out to pilots and into the Federal Aviation Administration (FAA) guide.

>Ellie, I have been very impressed by and grateful for our volunteers, they have been a great help in monitoring the eagles and between them and ERO, they were monitored every day in February.

>Ron, They have been very helpful.

>Kristan, The eagles can be sitting low in the nest at times so the monitors have to be careful in their observations to discern whether the eagle(s) are in the nest.

>Ray, You can see them a bit better if you view them from south of the park.

>Rebecca, Kristan has been working with us to modify the construction phasing and reports to staff. A new USFWS permit has been applied for and is being processed, but the government shutdown has slowed things down some. Regarding the 660-foot buffer, are the volunteers honoring that buffer?

>Kristan, Our understanding was USFWS was not requiring us to cordon off the area of the park that is within the 660-foot buffer as it was created before the eagles began nesting in the area. Park activities have been ongoing in this area including soccer practices and trail use.

>Ellie, As part of the training, Eagle Watch volunteers were informed to observe the eagles from the east end of the park and to report any trespassing on the private conservation easement property (nest property) to open space staff immediately.

>Guyleen, Were the volunteers there for the surveyor on Monday?

>Ellie, No, but ERO was out there that day and reported it to us. We try to stagger the volunteer's schedule from ERO's in order to get full coverage.

>Ron, Yes, the ERO biologist reported it. The eagle was flushed off the nest for six minutes when the surveyor was near the nest tree. But the disturbance was short and on a relatively warm day.

>Kristan, It has been a process regarding the work on the update of the Letter of Understanding, but the developer has been working on the negotiation diligently with the City Attorney and me. We appreciate what they have done here with the 2019 Letter and are now asking for OSTAC to make a motion and vote on whether they are comfortable with the revised agreement. If approved, it will then go on to City Council.

>Brandon, I applaud you for working with the FAA, as it is not an easy task. I observed another helicopter (Schweizer 300 model) flying low near the nest at 2:30 p.m. today (February 28). It came from the northeast.

>Kristan, Brian Bishop with the airport has been really helpful in trying to track the records of these flights and we will pass this incident on to him as well.

>Doug, You all have obviously done a good job here, and I am very impressed.

>Guyleen, If the Shirk family is thinking of selling the property with the conservation easement, can we buy it?

>Kristan, We are looking into that, but my concern is that it is already under contract with somebody right now. We have a meeting with the potential owner coming up.

>Stan, I would also support buying it.

>Guyleen, How many acres are on the property?

>Kristan, About 78 acres.

>Patrick, I shall entertain a motion to vote to endorse the 2019 Letter of Understanding.
Doug motions, Michael seconds. All members were in favor of endorsing the letter.

4. Extraction Oil and Gas Work and Related Wildlife Issues

Pete explained that there are currently three major concerns associated with the work related to Extraction Oil and Gas. There is a great horned owl near pipeline segment 4, and work is about to be done to cap and remove two wells near burrowing owl and prairie dog habitat close to Huron St and 160th Ave. The well on the North Park site has an over-wintering burrowing owl. This entire site is part of the North Park development, and began with a large scale relocation of 300 prairie dogs to Great Western. With any relocation permit, the state requires fumigation at the end of the project and at that time the population of prairie dogs was quite low. However, at the time that fumigation was planned, it was also burrowing owl season with an active nest and the developer agreed to wait until the burrowing owl migration before fumigating, but one owl never left. We have reached out to Colorado Parks and Wildlife (CPW) and USFWS for guidance. In addition to the well work, some development work is required to place a waterline through the western and southeast end of site. Nothing needs to happen this year in the interior where the owl is.

We will have to re-evaluate if the owl stays for a third winter. The current population is not dense, but some bounce back has occurred this winter. The avian biologist from CPW recommended a 150-foot buffer for the owl and we are requiring double that with a 300-foot buffer using a 600x600 square-foot fence around the burrow. The developer's biologist is planning to follow this protocol and the CPW recommendations to monitor the owl during the evening/sunset time periods before construction, the morning prior to the work activities, and during the work. The developer will be paying approximately \$15,000 to the prairie dog endowment fund for this work, based on the number of prairie dogs captured and relocated.

>Chris P, This is not Broomfield land, is it?

>Pete, Correct, this is not on public land, and is privately owned. However, the site is within the City and County of Broomfield.

>Chris P, The parcel will be fully developed in 2020?

>Pete, Full development of the site will begin in 2020. This is a long-term project that will develop over many years.

>Ben, Why not just kill the owl?

>Pete, Burrowing owls are a State Threatened species in Colorado. None of us want to harm the owl, and that option is not on the table.

>Ben, I am trying to associate the killing of all these prairie dogs versus one owl.

>Pete, Trapping and relocation was conducted on the entire site last year, but the state permit does require fumigation of the colony after a relocation so that the site is clear before development. In this case, we did not want to do fumigation with owls onsite. Harming the owl has potential criminal charges based on protections in the Migratory Bird Treaty Act. Nesting season for burrowing owls starts on March 15, and there will be extensive monitoring for owls on that site this year.

>Ray, Will we have to do another live relocate on the site since we are waiting another year to begin development?

>Pete, The developer is required to follow our policy with a live relocation and they fulfilled that last year. It is a tough situation as the developer has paid money to the relocation contractor and our endowment fund, then they were stopped from completing the work due to the owl's presence. One option may be to consider allowing the developer to use the endowment money for additional relocation work.

>Michael, Have we ever had a burrowing owl overwinter before?

>Peter, No, not to our knowledge or the biologists we have been in contact with.

>Ron, They are mainly insectivores, so it can be hard for them to find food in the winter here.

>Chris P, There hasn't been a burrowing owl sighting on ebird in the winter in this area.

>Guyleen, How many prairie dogs remain?

>Pete, The developer's biologist is doing counts right now in the eastern portion of the site, but we don't know the numbers right now. The reality is we have had a surprising rebound, along with some anecdotal reports of people dropping off prairie dogs in the area.

>Terra, Is there room for these prairie dogs at Great Western?

Pete, No, but we are actively looking at options in Rocky Flats and an expansion of the Great Western relocation boundary.

>Kristan, There is a site down by the Nordstrom Open Space that may be good for relocations, but the request to designate the site requires City Council and CPW approvals as well as habitat improvements before prairie dogs could be reintroduced there.

>Nicole, Has anyone seen actual people dropping off the prairie dogs at this site?

>Pete, We have been hesitant to confirm these reports. We did get a call from someone reporting this occurring with a vehicle description, but they did not get a license plate number. The developer's biologist also had an anecdotal encounter with someone from the public and found evidence of people feeding the prairie dogs apples and grain.

- >Nicole, I'm not aware of anyone in my group doing this. You mentioned that the area will be fumigated. I am concerned about the timeline for this as we are getting close to pupping season.
- >Pete, The work will be completed quickly to allow Extraction to remove the wellsite and for the developer to put in the waterline. The developer is also trying to get in to do this work before burrowing owl nesting season starts on March 15. Extraction can remove the wells within 3-4 days and will have active owl monitoring on the site.
- >Nicole, Does the developer have their choice of poison for the fumigation?
- >Pete, We have asked for them to use PERC, but our policy does allow for aluminum phosphide and carbon monoxide cartridges to be used.

- >Pete, Extraction will also be removing the well from Webber H and needs to send the prairie dogs at the site to wildlife recovery.
- >Doug, Is there such a thing as a burrowing owl relocation?
- >Pete, It is not permitted by the State or USFWS, and would be considered a take. We are currently looking at options for next winter if the owl is still there. We could potentially trap it and take it to Birds of Prey Foundation during the winter to be released elsewhere in the spring, but no one is comfortable with that solution quite yet. We are not sure what will happen.
- >Ron, We are currently working with the Rocky Mountain Bird Conservancy to put in artificial burrows at a few different sites across the Front Range.

Kristan talked about the work with the Extraction pipeline going in near the Northwest Parkway and Sheridan Blvd. The community ditch trail passes by this area and heads towards Community Park. In the middle of February, open space staff were informed about a great horned owl pair nesting in a tree on the south end of the property. CPW does not have any required buffer for great horned owls as this species has become very adapted to people, and tolerant of disturbances. Even though there is no official buffer requirement, we want to minimize disturbance to these owls. Kristan explained that after consulting with Ron Beane at ERO, a buffer could be made using the distance of the nearest disturbance in the area, which in this case is 440 feet to the nearest road. However, the pipeline does need to cross through this area. The closest distance between the pipeline work area and the nest is 184 feet. Within the 440-foot buffer, Extraction will have a biologist onsite with stop work authority and signs will be placed around the flagged buffer area. The biologist will also try to limit equipment in this area, to try to minimize driving in and out of the area. We have informed CPW of this work and Peter Boyatt feels that we are accommodating the owl as best we can. The owls have nested here for several years and are attached to this tree. We are hopeful that they will stay.

>Ron, Great horned owls, like eagles, have individual reactions to different disturbances but are relatively tolerant of disturbance.

5. Review of the Force Main Project

Pete gave an overview of the City and County of Broomfield's Force Main Project, which is part of the critical development of infrastructure in Broomfield. The project will extend from the Northlands Lift Station near Baseline and I-25 to the Wastewater Treatment Facility near Willow Run Open Space at Zuni St and Willow Run Parkway. The pressurized pipe is planned to be installed down Zuni St. using traffic control to install in the middle of the road. The project will cross through the Willow Run, Alexx and Michael's Pond, McKay Lake, and Nordstrom open spaces. The force main pipeline will be located as much as possible in existing roads. 20-Day Letters identifying any environmental/wildlife issues will be required. The pipe does not need to be installed sequentially, so open space staff are pushing for most of the work to be done in the winter months where open space properties are involved, to minimize impacts. The Open Space Charter Provision does allow for utilities to pass through open space if they must, but a reimbursement of funds is required for disturbances to open space. The work on this project will begin in the next few months.

- >Kristan, This project will go to City Council and will require a resolution regarding the reimbursement of the open space fund for the use of the open space. We will notify you of the decision, acres involved, and money that is determined to be necessary to reimburse the Open Space Fund.
- >Ray, What is the size of the pipe?
- >Pete, I think it is 16 inches, but I am not sure.
- >Michael, When these funds are reimbursed, do the fees come from within the city?
- >Kristan, Yes, the funds would come from the Capital Improvements Program or perhaps the Water Fund to Open Space.

6. Implementation of Trail Signage Order, Signage Maps, and Directional Marking

Pete detailed the signage plans for Spring of 2019. He gave recognition to Doug for helping with ideas on trail signage. Open space staff have prepared an extensive sign order for this spring and will get them installed quickly after the soil thaws. These include directional signs, large welcome signs, and detailed signs with room for regulations and a map of the area. Some of the signs ordered will be replacing existing signs that were vandalized or have worn down. Many of the signs will be installed at Skystone and Great Western Park, as well as at Palisade Trails, McKay, Country Vista, and Lac Amora. The Tom Frost kiosk panels will also be installed soon. Finally, we have also been working on developing large area maps that can be attached to existing signs. Pete explained that staff would like to get comments from OSTAC now regarding the overall design of a map near the Plaster Reservoir and McKay Lake area.

- >Michael, It would be nice to include something to reference the online mapping.
- >Chris P, I want to express support for this effort to install more signage, and I think it's great.
- >Todd, I would like to see you add playgrounds and restrooms. I don't think the Broomfield boundary is needed.
- >Ellie, I think the boundary could be useful in this instance in order to educate the public on what is in Broomfield and what is not. Many residents call us thinking that we own and manage McKay Lake.
- >Todd, Isn't Broadlands golf course open to the public? They have no trespassing signs all over the place and no coyote warning signs.
- >Pete, We can talk to them about it.
- >Kristan, I will ask our recreation representative to offer coyote signs to them.

Pete also added that staff are working together to request a wayfinding grant from Denver Regional Council of Governments/Transportation Improvement Plan (DRCOG/TIP) for onroad facilities with trails. Ellie has also been working on the creation of an inventory of all of our signage into a GPS database. It seems like the south-facing signs wear out the fastest. We are also considering textured pavement treatments with an independent contractor to provide information on directions, distances, etc. across our trails. The vertical wayfinding signs have been difficult to install and maintain in some areas, and these on-pavement signs could be easier to help citizens navigate through urban and suburban trails. We will have to see how they hold up to snow plowing in the winter.

7. Palisade Park Filing No. 6 (Hepp) Residential Planned Unit Development Amendment

Kristan introduced Josh Olhava, Principal Planner for Broomfield's Community Development Department. She explained that the site plan for this development, near County Road 4 and County Road 7 with Harmer Open Space to the north, will be going to City Council on March 19, and that the developers have made progress with their public lands dedication and trails system. This week the developer came to talk with the planning director to address affordable housing, and is proposing to make 28 attainable townhome units for tradeoffs. They are asking to have the remaining \$27,000 cash in lieu fee for public land dedication waived and the \$32,000 signage cost. We will be emailing OSTAC to inform members how this is progressing, and we would like to hear any comments on this now.

The committee discussed the waivers and was supportive of staff working with the applicant to waive the trail sign fee. OSTAC members expressed concern with waiving the PLD cash-in-lieu payment for this

proposal. One of the concerns was there are currently no criteria in place to evaluate a partial PLD cash-in-lieu waiver request against the proposed affordable housing. The Housing Advisory Committee is working on recommendations to City Council to promote and incentivize the construction of affordable and attainable housing.

8. Update on Metzger Farm Building Improvements and the Caretaker

Kristan gave an update on the progress of the maintenance work at Metzger Farm. She explained that the improvements involved all of the historic farm structures and exteriors. At this time, workers have mostly completed installing a new roof, painted the buildings, and replaced the windows and dinner bell. The next step will be to find a caretaker for the house, which should be done this spring. We have gone through a lot of different scenarios on how to accomplish filling the unit such as an employee caretaker, volunteers, and other options. After hearing from the City Attorney and Human Resources staff from both Broomfield and Westminster, we have determined that having an employee living on the farmstead was not practical, and decided instead to rent the unit to a tenant. When we started looking at having an employee living in this unit as part of a job, we found that other open space programs have used this approach but found that it can become problematic, especially if any issues with the employee arise. It would also involve calculating vacation time, retirement, and supervision. So instead we will be proposing to hire a rental company that rents out the house and collects a fee for their services from the lease payment. All remaining funds would then go into the Broomfield-Westminster Open Space Foundation's administrative budget.

>Doug, So this person has no responsibility to maintain the open space.

>Kristan, They would have to inform police if they see an issue on the site, such as fire or trespassing.

>Todd, Would that duty be part of the lease?

>Kristan, Yes.

>Todd, Will there be restrictions on what they can do on the porch?

>Kristan, No illegal use of drugs or pets will be allowed by the tenant. The tenant will be able to use the immediate space around the unit.

>Todd, This is for income though, this will support the open space budget for this site?

>Kristan, Yes.

>Michael, Will the main compound be closed off to the public?

>Kristan, The farmstead is closed at night, unless there is a planned event. The fences and surveillance cameras are staying up.

>Chris K, Did we split the costs for repairs with Westminster?

>Kristan, Yes, a 50/50 split is required on all costs for the Metzger Farm Open Space.

>Michael, I think it is all looking very nice.

9. Review and Approval of the January 24, 2019 OSTAC Meeting Minutes

Michael motions to approve the minutes; Ray seconds; Minutes are passed unanimously.

10. OSTAC Updates

- Boulder Area Trails App

Ellie gave an overview of the development about the Boulder Area Trails App and asked for volunteers from OSTAC to be user testers for the beta model. User testing will likely begin in the next few weeks, and conclude in May. Doug, Terra, Chris P., Chris K., and Stan all volunteered to be user testers.

- Final Coyote Behavior Research Article from the Denver Study

Ellie gave an overview of the last research paper to be published from the Denver Coyote Behavior Study. This study compared the behaviors between urban and rural coyotes using Flight Initiation

Distances and Novel Test Objects. The article found that coyotes in the urban area reacted less urgently to humans than those in the rural area, and that urban coyotes demonstrated bolder and more exploratory behaviors in response to novel objects. However, this study does not address the mechanism through which urban coyotes become more bold, leaving few implications towards managing coyotes.

Pete added that there are many factors that could influence a coyote's behavior, including hunger or population densities. The study's findings are inconclusive. Staff will continue to implement coyote hazing techniques and public education about how to avoid coyote conflicts.

>Chris K, Did you experience any danger when you performed this study?

>Ellie, I never felt my personal safety was jeopardized, even when very close to the coyotes.

>Terra, Has there been any research on the effects of hazing on coyotes?

>Pete, There has been some research, and it emphasized the need for community-wide hazing, rather than hazing from a few staff individuals.

>Chris K, Has there been a study on the total population of coyotes in Broomfield?

>Pete, No, there hasn't. But if I were to take a guess I would think it is somewhere near 70 coyotes.

>Kristan, We try to emphasize that they are everywhere in Broomfield.

- Broomfield Trail Adventure Location

Pete explained that the 18th Annual Broomfield Trail Adventure will be held on Saturday, June 1. We would like to host at Flatirons Marketplace and feature the new 96th St. underpass. Staff are still pursuing permissions to use this space for hosting the event. We will also be combining the event with a BioBlitz with different stations along the walk.

>Patrick, We at the Butterfly Pavilion can help you with that.

>Ellie, Thank you. I have been in touch with Amy Yarger about it and she is excited to help.

- Centennial Elementary Problem-Based Learning with Broomfield Open Space Foundation

Pete explained that this project is now ongoing and working to enhance Alexx and Michael's Pond Open Space so that more families feel comfortable visiting. Pete added that staff and volunteers have already met with the teachers and students a few times this spring. The Broomfield Open Space Foundation is donating funds to support the project.

>Chris P, There are five classes total, three 4th grade and two third grade. The different groups are focusing on safety, cleanup, education, activity/adventure backpacks, and books.

>Pete, One group I have been working with has been interested in native plantings and an interpretive station, perhaps with stationary binoculars. They also had an idea for a sign for all leaves on the site so that the kids could collect leaves and learn to identify the tree species. We are not sure if all of these ideas will be implemented, but that's where we are at so far.

>Guyleen, There is a stigma with the site and the kids are told by their parents to not go there.

>Pete, Yes we have heard from the kids about issues with broken glass, gaps in fencing, and aggressive dogs in the area.

>Kristan, There is an area with a grove of trees (some are fallen) on the north side where people go for various undesirable activities and that has been a problem. Someone once started a fire in there, but that's an area that is hard to see from the street. However, this area is also a wildlife area.

>Guyleen, It would be nice for the kids to paint the benches and make the place feel more friendly.

>Michael, I am wondering if it might make sense to try to do a boardwalk to clear and open some of that problem area to the north.

>Kristan, It could be an interesting place to walk through. Something of that scale would need to be a trail project that we take on ourselves though, and is not within the scope of this project.

>Guyleen, We should take a field trip.

>Kristan, We can try to get that scheduled. With our limited light for a few more months, we will try to do this as part of our summer field trip.

- **Upcoming Events**

Ellie presented the upcoming Open Space events for March and April:

- Birds of Prey LIVE in cooperation with Broomfield Open Space Foundation
 - Saturday, March 2 at Broomfield Auditorium
- Open Space Speaker Series: Pikas in Peril with Brad Schrom, Citizen Science Field Technician with Denver Zoo
 - Wednesday, March 6 from 7-8 p.m. at Broomfield Library
- Broomfield Open Space Foundation Pancake Breakfast Fundraiser
 - Saturday, March 16 from 7:30-9:30 a.m. at Applebee's Restaurant (6405 W. 120th Ave)
- Rocky Mountain Greenway Soil Sampling Presentation
 - Tuesday, April 23 at 6 p.m. in the City Council Chambers

>Kristan, If the plan is approved at this meeting then testing will begin.

11. Other Topics as Desired by OSTAC

>Guyleen, Have there been any developments regarding Crestones activities?

>Kristan, We are investigating this issue.

>Doug, Are we progressing with the update to the OSPRT Master Plan?

>Kristan, We have to hire the consultant and make sure that we are on the same page as recreation and affordable housing. The Parks Advisory Committee is interested in working with you all on this though.

Ben, a citizen of Broomfield in the Wildgrass neighborhood, expressed concerns regarding the declining prairie dog populations in Broomfield.

OSTAC members explained that they are concerned about prairie dogs too and are doing everything they can to balance prairie dog conservation and management with other community priorities.

The meeting was adjourned at 8:57 p.m.

Minutes were prepared by Ellie Lanaghan.