



## Open Space and Trails Advisory Committee

*Minutes  
October 24, 2019*

### **Meeting Summary**

OSTAC members motioned and voted to support the proposal for Academy Charter School to restore the victory garden at Metzger Farm Open Space, and received an update on the prairie dog relocation efforts near the Bald Eagle nest. Next, OSTAC was presented with a new development plan at the old ConocoPhillips property, and an update on the open lands goal with new acquisition opportunities. Finally, OSTAC received updates on the drone ordinance, the fire near Ellie's Pond on The Field Open Space, the Open Space, Parks, and Recreation Master Plan committee advisors, an Xcel Energy line on Markel Open Space, and upcoming events.

### **OSTAC (Open Space and Trails Advisory Committee)**

#### Present:

Patrick Tennyson, Chair  
Ray Churgovich, Vice-Chair  
Todd Cohen  
Doug Grumann  
Terra Lenihan (arrived at 6:16)  
Michael McLane  
Chris Petrizzo  
Chris Kassel (alternate)  
Councilmember Guyleen Castriotta

#### Absent:

Councilmember Stan Jezierski

#### Interested Citizens:

Nicole Huntley, Prairie Dog Action member, Broomfield resident  
Deborah Jones, President of Prairie Dog Action, Westminster resident  
Dana Bove, Founder of Front Range Nesting Bald Eagle Studies, Boulder 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 Specialist  
Kevin Standbridge, Deputy City and County Manager  
Joe Reale, Open Space Superintendent for the City of Westminster  
LeAnn Sanders, Academic Coaching, Programs and Evaluation at Academy Charter School  
Lee Florita, Principal at Academy Charter School  
Heidi Gerstung, Ecologist for ERO

## Agenda Minutes

### 1. Call to Order by Patrick Tennyson, 6:05 p.m.

### 2. Introduction of Interested Citizens

>Nicole, I just wanted to thank you all for your support of the prairie dog relocation to Rocky Flats. I'd also like to thank Patrick for standing up to speak for the relocation and he had a very eloquent speech to Council. I'd also like to thank Guyleen, as well.

>Dana, I come here to represent Front Range Nesting Bald Eagle Studies (FRNBES). We have volunteers in our group that are part of the Broomfield community. We monitor the Stearns Lake nest and other nests, and we are in our third year of studies. I recently asked for a Colorado Open Records Act (CORA) request regarding an email written by the chair of this committee, Patrick Tennyson. The email states "To think we've spent years framing and micromanaging a development for a pair of eagles that live in an old decrepit cottonwood tree. Bald Eagles, mind you, that as a species their numbers are growing and flourishing to the point in Canada and Alaska, they live in garbage dumps with Gulls and Crows and are considered pests." This is a troubling idea that people may have about nesting bald eagles in Colorado. The science we are doing is real and needs to be weighed in carefully. There are only 200 nesting bald eagles in Colorado. It is dry here and the resources are not there. There have been no new successful nests since 2014. The eagles are valuable here, and they are not just flooding the area. This is important to consider when decisions are being made about them.

>Doug, Is there any evidence as to why there are no new nests?

>Dana, In a healthy community, bald eagles establish their own destiny based on resources. There is good habitat around here, and the eagles have decided this is the best, so they saturate that habitat first.

>Doug, There is a lot of land in the north and in Florida is prime habitat, but the land is less favorable here.

>Dana, Eagles are hanging tight here where the habitat is good. When eagles re-nest their median distance from the original nest is less than two kilometers. They want to be in the area.

>Kristan, I believe this email was written in the context of the sadness/disheartenment regarding the U.S. Fish & Wildlife Service's decision in September to not allow Broomfield to proceed with the planned relocation of prairie dogs to Rocky Flats National Wildlife Refuge. Thank you for your comments Mr. Bove.

All other citizens held comments for items on the agenda.

### 3. Restoration of the Victory Garden at Metzger Open Space with Academy Charter

Kristan showed a photo of Nancy Ferraro presenting a Nature Program for preschool children and read a quote from Thomas Berry, "Teaching children about the natural world should be treated as one of the most important events in their lives." She then explained that this premise ties in with the next topic regarding the restoration of the original victory garden that was once on Metzger Farm. Kristan explained that Leann Sanders from the Academy Charter School and Joe Reale with the City of Westminster are proposing to restore the rectangular vegetable garden that was historically on this site. Kristan pointed out the potential garden project location within the farmstead.

Leann introduced herself and explained that she worked for Academy Charter School, which is a Pre-K through 12 Charter School just across 120th Boulevard from Metzger Farm. The school is incorporating a new program called AgCademy which will embed agriculture and nature-based education into all classes. She added that she has met with Joe Reale about sharing some of Westminster's open space, which evolved to include Kristan with Broomfield as well. Leann explained that there was a garden at Metzger Farm and that restoring this could be a great educational opportunity for students and the greater community. Leann added that this is a college prep school with this purpose: "AgCademy will use interdisciplinary lessons built on an agricultural foundation that take students out of a textbook and into the natural world in order to teach real-life skills in a hands-on context, teach academic skills in a hands-on context, provide

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academic and social skill development for all kids, especially those who struggle in traditional classroom environments, and to support our community.” Leann explained that these hands-on opportunities will help the children build their problem solving and communication skills. Leann showed photos of some of the existing AgCademy projects, including K-2 garden beds that were built by high schoolers and painted by the K-2 kids, aquaponics with 6th grade, and worm compost bins with 5th grade. Restoring the Metzger victory garden would add to the curriculum, and involve the students in doing everything, including laying drip lines, digging out the site, and weeding the area. This method may take longer but they love it. Leann added that she would keep close contact with Broomfield and Westminster on its development, and engage the community in larger education events. Leann finished by saying that she will start small by working with the kids and then slowly incorporate larger community opportunities in order to ensure that the project remains sustainable.

>Kristan, Potable water would be required for this garden, but they should be able to utilize the well water for this size of garden. Westminster staff is looking into this option for the water. We would like to get OSTAC’s comments on this project, and then bring it forward to the Broomfield-Westminster Open Space Foundation that manages Metzger Open Space.

>Joe, We love the Metzger Farm site, and think this is a fantastic opportunity. This is one of those projects that is just so fun and the possibilities are so exciting. The tenant does not use much of the well water supply.

>Guyleen, How much area is available for the garden?

>Joe, The maximum space would be 40x100 feet. It has been a pleasure and we are so excited. Thank you.

>Dana, Do you have a map of where it is on the site?

Leann showed the map and explained that it is between the tenant’s house and the garage.

>Ray, Do we know what was historically grown there?

>Kristan, We can find this out from the family. There is also a circle of concrete between the tenant house and the main house, which used to be a rose and iris garden, which would also be great to restore in the future if this garden project is successful.

>Terra, I just love this idea. I have been helping with the garden at Emerald Elementary. All of the grades have been involved with the planting and eating. They also are giving away the food to people in need.

>Todd, What will happen with the garden in the summer?

>Leann, We have plans for taking on high schoolers to help. They can receive elective credit in the summer blocks to do the work. I work over the summer and am also hoping to sign up parent and community volunteers to help.

>Todd, Will this integrate history as well?

>Leann, Absolutely, this project will incorporate all content areas. We already cover victory gardens in the curriculum, and we could work with the Metzger family on the site’s specific history.

>Michael, Will the children cross 120th at the crosswalk or the underpass?

>Leann, We will run these options by our lawyer, but our preference would be to cross 120th at the crosswalk to save precious class time. We do this with teachers vests and stops signs to increase safety.

>Guyleen, I am excited, and I support this. At the opening celebration, I was asked several times if there were plans to reinvigorate the garden. This is definitely fulfilling a need.

>Doug, It is very hard to not be excited and impressed with this idea. Great job. I am supportive. What if the idea catches on, and other schools want to do something similar on open space properties?

>Kristan, This does come up sometimes, and we would work with them to find an appropriate space.

>Terra, They have a garden to table program in Boulder that helps find sites for this, and they have the families and kids build everything.

>Leann, I am happy to serve as a resource to help other schools replicate this idea and get started. Good to share.

Doug motions to support the project, Michael seconds; all OSTAC members are in favor.

4. Prairie Dog Management at Carbon Road and Hoyt/Midway Bridge

Kristan explained that the purpose of this discussion would be to provide OSTAC with an update on the proposed prairie dog management on private property near the eagle nest. The owner has wanted to remove all of the prairie dogs on his property since about May or June of this year. Our Policy for Prairie Dog Conservation and Management (Policy) allows for certain exceptions, that allow private property owners that have agricultural/ranching properties to remove prairie dogs through extermination. The Policy’s exceptions listed in Section 5.5.4 state: “Regardless of the size of the private property or the number of prairie dogs to be controlled by lethal means, the following situations create an exception to the permit process for large parcels: prairie dogs that move onto private land from another parcel of public or private land, prairie dogs that burrow in inappropriate areas (lawns, driveways, gardens, parking lots), prairie dogs that create a health or safety risk such as by burrowing in roads, trails, dikes, or dams, or adjacent to buildings or other structures, or buried utilities, prairie dogs that interfere with ongoing farming operations by burrowing in a cultivated cropland or an area used for the production of hay or sod (this is intended for the protection of agriculture and does not apply to former agricultural land that has been abandoned or is lying fallow in anticipation of development), prairie dogs that interfere with ongoing ranching operations by damaging the range or creating a risk of injury to livestock (this exception is intended for the protection of ranching and does not apply to lands for which development is anticipated or proposed), or prairie dogs that create an unreasonable and immediate risk to horses or other livestock by burrowing in a corral, pen, feedlot, pasture, or equestrian facility or along an equestrian path. Any of these situations shall allow the applicant to use the pro forma permit process”.

Kristan went on to explain that the property was farmed throughout past years, with the prairie dog colony only recently growing onto the property. Kristan showed a map of the area and pointed out the equestrian center, agricultural fields, pastures, the 660-foot buffer around the nest that was noted in the permit from the U.S. Fish and Wildlife Service (USFWS) that Garrett Companies obtained to allow for its apartment project, and the ¼ and ½ mile guideline buffers from Colorado Parks and Wildlife (CPW). CPW recommends no surface occupancy, beyond historic use, within a ¼ mile of the nest, and no human use within a ½ mile radius of active nests from October 15 to July 31. Kristan displayed another map that showed existing prairie dog colonies near the nest on Boulder County Open Space and east of Stearns Lake. Kristan then showed an aerial demonstrating the parcel boundaries, including the 40 acres of conservation easement with the nest tree and the 38 acres below where most of the prairie dog control will occur. Finally, Kristan showed aerial photos of the property from 2018, 2016, 2015, 2012, 2004, and 2002 to demonstrate that the land has been used for agricultural purposes throughout this time.

Kristan then read a description regarding the legal opinion from the City and County Attorney’s office:
HAY YUgYa YbhU`ck gZcf U[f]W`hi fU`i gY` HAY fYa cj U`cZdfUJf]Y Xc[g]VmYI hYfa ]bU]cb ]gU`ck YX`i bXYfAE
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dfUJf]Y Xc[g]Vi`h`h`]g`V]bbch`VY`a`UbXU]hX`" HAY V]bgYfj Uh]cb YUgYa Ybh`Ug]h`YgY`\_Ym]dfcj`]g]cbg`%k`DUFU`AE
%`%`6fccca`Z]Y`X`g`U``U`Y`Y`h`Y`f][`h`hc`dYfYgYfj`Y`h`Y`UbX`UbX`dfchYV]i`h`Y`j`]Yk`cZ`UbX`cj`Yf`h`Y`DfcdYf]m]b]bAE
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Please note that four additional homes are allowed to be built on the Property as long as the units are clustered per the Intergovernmental Agreement called, "Gci h\YUgh'6ci `XYf'7ci blmz' - \*h\ 'GfYYh'8j' `cbAE FcUXz'UbX'I G& + '5fYU'7ca dfY\Ybgj' Y'8Yj Y'cda Ybh'D'Ub. Two dwelling units currently exist on the Property." Kristan explained that the easement was written to limit the development rights on the property.

>Guyleen, What size of a footprint is allowed for development on this property?

>Kristan, The agreement does not define the footprint in the easement. Kristan went on to explain that staff also asked USFWS and CPW about their thoughts on the prairie dog management. The question that staff asked both agencies was:

7cbWfbg\Uj Y'VYyb'j c]WX'h\Uh'h\Y'Yi hYfa ]bUh]cb'cZ dfU]f]Y'Xc[g'k ]h\ ]b'h\Y' 'a ]Y'Vi ZZYf'Ufci bX'YU[ 'YgAE bYgh]g'bch'Uddfcdf]UHy'Ug'h\Y'YU[ 'Yg'bYyX'h\ ]g'ZccX'gci fVW'UbX'Yi hYfa ]bUh]cb'cZ dfU]f]Y'Xc[g]b'h\ ]g'VbcgYAE dfcl ]a ]hmhc'h\Y'bYgh]j c'UhYg'h\Y'6U'X'UbX'; c'XYb'9U[ 'Y'DfchYV]cb'5Vh'f6; 9D5E' h\Y'bYgh]b'ei Ygh]cbz' ]bAE h\ ]g'dUfh]W'Uf'VWgZ' ]g'h\Y'YU[ 'Yg'fYgh]b'6fcca Z]Y'X" 5[ f]W'hi fU' dfcdYfh]Yg'UfY UX'UWbh'hc'h\ ]g'bYgh]cbAE h\Y'bcfh\z'YUghz'UbX'gci h\ ]g'XYg'Ci f'U[ f]W'hi fU' ck bYfg'k Ubh'hc'i g'Y'h\Y]f' dfcdYfh]Yg'Zcf'U[ 'di fdcgYg'g' VVAE Ug'VU'h'Y[ fU]b[ z'Vhcd[ fck ]b[ 'UbX'U[ 'dfcVWgg]b[ 'fVfUbX]b[ 'UfYUg'g'cg'Zcf[ fU]b'ghcfU[ Yz' cUZ]b[ 'g\YXgZAE YhVh' =Ua ]bhYfYghYX' ]b\YUf]b[ 'h\Y'7DK 'UbX'I G K G'dcg]h]cbg'cb'h\Yg'Y'hk c' ]ggj Yg'7ci 'X'nci 'd'YUg'g\UfYAE nci f'j ]Yk dc]bhg'AE

Kristan added that staff let them know that their comments would be shared.

Kristan first read Kristin Cannon's response from CPW:

K Y'k ]`XYZYf'hc'I G K G'cb'k \Yh\Yf'h\ ]g'UM]j ]hmj ]c'UhYg'h\Y'6; 9D5'Ug]h]g'U'ZYXYfU' `Uk " h\YfY'UfY'ghUHYAE `Uk g'fY[ UfX]b[ 'h\Y'i g'cZ'fcXYbh]V]XYg'cb' dfU]f]Y'Xc[g'fYei ]f]b[ 'Udd' ]Vhcf'g'hc'VY' ]VWbgYX'UbX' dfYgV]V]b[ AE \ck ]h]gi g'X" h\ ]g]g'a YUbh'hc' ]a ]h'Ubm]g'Vh'XUfmiYI d'cg' fY'hc'YU[ 'Yg'cf'ch\Yf'V]fXg'cZ' dfYmcf' dfYXUhc'f'g'AE h\YfY'Vh'i 'X'dchYbh]U' miVY'U'j ]c'Uh]cb:]Z'Ub'YU[ 'Y'k YfY'g]V]YbYX'cf' ]`YX'Ug'U'fYg' `h'cZ'fcXYbh]V]XY'i g'AE : cf'h\Uh'fYUgcb' =k ci `X'fYVh'a YbX'h\Uh'h\Ymi g'7C&cf'ch\Yf'a Yh'cXg'cZ'Vh'bfhc' `Vi h' =Wbbch'fYei ]fY ]h'AE Ch\Yfk ]g'z'h\YfY'UfYb]h'i'Ubm'ch\Yf'ghUHY' `Uk g'h\Uh' =h\ ]b\_ 'k ci `X'Udd' n'f'6UgYX'cb'ci f'di V' ]g\YXAE fYVh'a YbXU]cbg'f'a YUbh'hc' dfYj Ybh'U'j ]c'Uh]cb'cZ'h\Y'6; 9D5E' =k ci `X'gUhm'h\Ym]g'ci `X' ]a ]h'cf'Uj c]XAE UM]j ]h]Yg'k ]h\ ]b' %&'a ]Y'cZ'h\Y'bYgh'Xi f]b[ 'h\Y'bYgh]b[ 'g]Ugcb' fV\$#%&!+# '%AE

-Kristin Cannon, CPW Area Wildlife Manager - Area 2"

Kristan then read Kevin Kritz's response from USFWS:

=VtZcfX]bUHYX'k ]h\ '6f]Ub'Ga ]h\ fY[UFX]b[ 'ci f' I G K G'fYgdcbgY'hc'h\Y'ei Ygh]cbg'dcgyX' ]b'nci f'Ya U]`Æ  
fY[UFX]b[ 'dfU]f]Y'Xc[ 'VtZbhf'c`'dfc'YVt]g]UbX'h\Y'6; 9D5''7cbhf'c`']b[ 'cf'YI hYfa ]bU]h]b[ 'dfU]f]Y'Xc[ 'g]'g'bch'UÆ  
j ]c`Uh]cb`cZ'h\Y'6; 9D5ž'i b'Ygg]l G K Gk Ug]gca Y'ck 'UV'Y'hc'VtZbYVt]Ub ]b'i fmic'f'a cfhU ]Im]hc' Ub'YU[ 'Yž'hcÆ  
]h\`Uj ]b[ 'VtZbg' a YX'dfU]f]Y'Xc[ 'g'dc]gcbYX'Ug'U'fYg' 'h'cZ'U'dfU]f]Y'Xc[ 'VtZbhf'c`'cf'YI hYfa ]bU]h]cb'dfc'YVt]`'bÆ  
fYU ]Im]h'k ci 'X'VY'dfYHm]X]ZZ]W'h'Zcf'I G K G'hc'XYa cbghfUHY'h\ ]g'fY[UFX'Ygg]cZ'h\Y'X]ghUbW'VYhk'YYb'UbÆ  
YU[ 'Y'bYgh]UbX'U'dfU]f]Y'Xc[ 'VtZbhf'c`'dfc'YVt]`'K'Y'UM]bck' YX[ 'Y'h'Uh'i bXYf'7c`cfUXc'ghUHY'`Uk'g]h]g`Y[U'hcÆ  
VtZbhf'c`'dfU]f]Y'Xc[ 'g'dfcj ]XYX'h\Uh'ghUHY'`Uk'g'UfY'Zc`'ck'YX''FY[UFX]b[ 'a'Yh'cXg'cZ'dfU]f]Y'Xc[ 'VtZbhf'c`'k'YÆ  
g' ddcfh'h\Y'fYVt]a a YbXU]h]cb'h\Uh'?f]gh]b'7Ubbcb'cZ'7c`cfUXc'DUf\_g]UbX'K']X' ]ZY'dfcj ]XYX'hc'nci' YUf' ]Yf'Æ  
Z'gca YcbY ]g[ 'c]b[ 'hc'VtZbhf'c`'cf'YI hYfa ]bU]h]dfU]f]Y'Xc[ 'g'k'Y'fYVt]a a YbX'h\Uh'h\Ym]Zc`'ck' U'`fY'Yj'UbhÆ  
7c`cfUXc`'Uk'g'5'gc'h\Uh'h\Ym]Zc`'ck' U'`I "G"9D5''UVY'fYgh]Vt]cbgcf'[i ]XUbW'Zcf'dfcXi Vt]gi gYX'hcÆ  
VtZbhf'c`'dfU]f]Y'Xc[ 'g'Æ

-Kevin Kritz, Wildlife Biologist, USFWS, Region 6, Migratory Bird Management Office”

Kristan explained that we wanted to let OSTAC know where we are with this proposal. We were able to get an agreement from the owner to do a relocation on the site, largely thanks to help from the City and County Managers Office. Kristan added that the site will be dusted for fleas by Smith Environmental before the relocation to prevent the transmission of any potential disease to Great Western. She noted this is required for any relocation project. Deb and Nicole from Prairie Dog Action will be helping us with the relocation, and they are only charging for the cost of materials and labor. The prairie dog endowment fund will be used to pay for this work. The remaining prairie dogs will be removed by the owner with a combination of carbon monoxide and aluminum phosphide. The owner will be using a pro forma prairie dog permit.

Kristan then introduced Heidi with ERO who has been on the site and will give an overview of what they have been seeing in respect to the eagles. Heidi explained that the nest tree currently has no nest in it, but that the eagles are still visiting the nest at times. They have been observed eating prairie dogs and other prey in the nest tree. Heidi showed a map of the nest tree and other eagle perches, and explained that the pair began building a nest at Perch C, but nothing has really resulted from that yet. Although the eagles are in the area, it is too early to know where they will nest for the season.

>Kristan, We appreciate the owner allowing us the opportunity to relocate prairie dogs from his property. Our legal staff made it clear that the landowner could exterminate all of the prairie dogs through pro-forma permit. We also thank Prairie Dog Action for working in such a tight timeline. This is a tough situation with it being on private property, but we have found a path that is as positive as it can get within our policies and the owner's property rights. She also noted that staff had tried to negotiate a purchase of the Property or a prairie dog easement. We were not successful in getting the owner's permission for either option.

- >Ray, When the property owner purchased the land, did he understand the conservation easement?
- >Kristan, Our planning staff and I sat down with him and talked about the conservation easement, eagle nest, the Broomfield Business Center development, monitoring from ERO and FRNBES, as well as the strong support for protection of these eagles and raptors in general in this community. The owner is also aware of what the easement requires and what his rights are within the prairie dog policy.
- >Ray, So he will be allowed to do the agricultural work near the eagles.
- >Kristan, This has already been going on within the buffers. The area below the nest tree typically has an alfalfa field that is cut once it is grown. There is also an equestrian center and pasture land to the south, which he has a right to use. This field could be used for crops, too.
- >Ray, Once the prairie dogs are removed, will we have space for them at Great Western?
- >Kristan, They will be brought to Great Western and there is room. We looked at the colony with Smith and Deb Jones. We have not yet used the additional expansion area that Council approved.
- >Ray, When do eagles normally build new nest? When would they start rebuilding for the next season?
- >Heidi, It depends.

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>Dana, They are usually up in September and done by mid-October.

>Guyleen, Council approved a budget for a Raptor Policy, so we don't currently have a Raptor Policy.

>Kristan, We are just starting the Policy. Ellie, Pete, and I are going to a raptor conference in Fort Collins. Jefferson County has a strong raptor program and we have also talked with them. Most people defer to the federal and state guidelines.

>Doug, Do we have a count of the prairie dogs on the property?

Deb showed a map of how the prairie dogs are distributed on the property. She explained that they have an estimate of 350 prairie dogs approximately on the property, as many of them were up above ground when they did their survey. She added that they will need to saturate the area with traps to relocate as many as possible.

>Dana, How far from the nest will you be doing this work?

>Deb, Most of the work will be away from the nest, on the lower parcel.

>Heidi, The closest burrow appears to be roughly 830 feet away according to aerial images.

>Dana, So it will be further away from the nest than the sidewalk at Del Corso Park.

>Kristan, Yes--the trail is within the 660-foot buffer. Boulder County Open Space will be undergoing an update of their management plan for the area to the south of this site. We have talked about wanting OSTAC's representation in this planning process. Some kind of fencing would be helpful to prevent the prairie dogs from coming from the Carolyn Holmberg Open Space at Rock Creek onto these agricultural lands to the north.

>Dana, There are no protections for eagles, bald or golden, in Colorado. There are only recommendations from the state. The feds do not allow activities to disturb the eagles. No one is allowed to significantly interfere with their food source. Bald eagle's primary food source is prairie dogs. We found that 30% of the Stearns Lake pair's prey is prairie dogs. About 50% was not determined. This is an important food source. If you could prove that taking a lot of prairie dogs away impacted them, then you would have a take and that's illegal-- but no one is doing that. The CPW and USFWS regulations are being depended on, but they are not doing anything. Broomfield should have a Raptor Policy since there are no real protections for them. There are prairie dogs being removed within the ½ mile buffer. We do know that those birds are often back within two minutes with prey. We are taking this food source away, and it will have significant interference for their feeding. No one is going to bat for them. Why not Broomfield? These are the only nesting pair of eagles in the county. We asked Broomfield to support a letter to Boulder County asking them to change their management to allow prairie dogs on their land, but we have been told that Broomfield is uncomfortable with writing this letter. These are important birds, and I wish there was more to be done.

Judy Enderle, a member of FRNBES and Broomfield resident, provided her comments regarding this issue via email on Thursday, October 24. Kristan Pritz sent her comments to OSTAC on Friday, October 25 along with an apology for not bringing this email to the meeting. Judy's comments were as follows:

"It's interesting that the new landowner wants the prairie dogs gone. The prairie dogs have lived there for many years without causing undue problems. In addition, they provide a major food source for Broomfield's only nesting pair of Bald Eagles. Removing this food source could be catastrophic for the birds.

Has the landowner experienced problems with the prairie dogs? He must certainly have known that the prairie dogs and Bald Eagles lived there when he purchased the land. If he does not have documented reasons for wanting to remove the prairie dogs, then I question the logic behind the City agreeing to remove them. I recommend denying the request.

Thanks. Judy"

For the full email conversation, please see the emails attached to the end of this Minutes document.

#### **Overpass at Midway and Industrial Lane Project**

Pete gave an update on the prairie dog location at the Midway Pedestrian Bridge project. The site is now cleared, and staff is working through the last 20-day letter. A total of 215 prairie dogs were taken out to Great Western. Cranes will be required on the site to place the bridge. The project is expected to start in November.

>Ray, I saw prairie dogs out to the west there.

>Pete, We only have a swath of the property, and now that we are done with the management, any upkeep goes back to Hunter Douglas. We do think we will have to deal with some encroachment from nearby towns.

>Michael, Will lethal control happen soon?

>Pete, It has already happened.

>Michael, Will the burrows be closed?

>Pete, Yes, they were closed across the whole area of management. We did the filling across the property, but now it is Hunter Douglas' responsibility.

>Kevin, When will the project begin?

>Pete, The expected start date according to the project manager is November 1. We are still trying to figure out the best way to place bridge.

#### **5. ConocoPhillips PUD Plan at 36th and 96th Street Intersection in Louisville**

Kristan explained that the old ConocoPhillips property near US-36 and Northwest Parkway is now known as the Nawatany Ridge project. Kristan showed maps of the development plans with open space areas in green. Kristan explained that although the project is in Louisville, Broomfield is being consulted for comments. This project will add 2.5 million square feet of residential, 3.4 million square feet of commercial property, and 500,000 square feet of corporate headquarters. There are wetlands and prairie dogs within these areas. The trail system is still evolving, but staff is concerned about making sure the 96th Street underpass will still be able to connect to the US-36 bikeway, as well as provide a connection north to Louisville. Ideally, this would be with a 10-foot trail with crusher fines along the side that is separate from the road. Broomfield staff is going to suggest that the sidewalk be 8-feet in width at a minimum. Bike lanes are still under discussion. For the Intergovernmental Agreement (IGA), staff will be asking for a conservation easement to preserve undeveloped open space at US 36 and 96th Street. The minimum Public Land Dedication for this project is 40 acres or cash, plus negotiation for anticipated height waivers for open space. Based on the natural resources report, the southeast corner of the project near US 36 may also lend itself to become a prairie dog preservation or relocation area.

#### **6. Land Acquisition Updates**

Kristan explained that a representative from an adjacent community is asking Broomfield to participate in a potential acquisition. OSTAC was very interested in pursuing this joint acquisition.

Kristan also discussed a second acquisition that could help to preserve an active prairie dog colony. OSTAC also expressed an interest in this project.

#### **7. Review and Approval of the October 9, 2019 OSTAC Meeting Minutes**

Michael motioned to approve the minutes; Chris P seconds; Minutes were passed unanimously.

#### **8. OSTAC Updates**

- Drones

## Open Space and Trails Advisory Committee

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Kristan explained that the ordinance on drones will be coming forward to Council soon. The proposed ordinance is using the term unmanned aircraft in order to include all different flying apparatuses, including drones. The City Manager's Office will have to approve any site to allow drones to be used. Broomfield already has restrictions on air space due to nearby airplanes.

>Michael, I have seen drones out at the Commons and Metzger Farm. People are using them in open space, and it is an issue.

>Terra, What are we supposed to do when we see drones being used?

>Kevin, The Police will address it if they have time. Call using the non-emergency line.

>Chris P, I know that drones can be useful for research.

>Kevin, Staff who have licenses and training to operate drones can use them.

- Fire at Ellie's Pond in The Field Open Space

Kristan explained that a fire occurred across about 15 acres of The Field Open Space to the east of Ellie's Pond on October 14 by some young children playing with matches. Chances are that the area will grow back and look nice. This coming snow will be helpful too.

>Chris, Is this fire an opportunity in disguise for us to restore the area and be proactive in native plantings?

>Kristan, We anticipate that the site will grow back and be just fine. Our maintenance staff is confident that the vegetation will pull through.

>Pete, Our city forester checked on the trees in the area too, and they seem to be ok.

>Ray, Did the coyotes den in there?

>Ellie, Coyotes definitely used this area, but there is plenty of cover still to the west of pond. The coyotes are likely still around.

- Open Space, Parks, Recreation and Trails (OSPR) Advisory Committee Advisors/RFP Review

Kristan gave a timeline for the RFP selection and interview process. She added that only one person from OSTAC will have a vote as scheduling the interviews with a large group would be challenging. The OSTAC rep needs to be at all of the interviews and the discussion of scoring on December 9 (phone participation is allowed for this meeting). We have three volunteers from OSTAC to review the proposals so we will need the three of you to select who the voting member will be. We will have one one voting representative from OSTAC and one voting rep from the Parks and Recreation Advisory Committee.

>Doug, What will happen at the meeting on December 9?

>Kristan, We will take our score sheets for each proposal and look at our rankings together as a group.

- Markel Open Space Xcel Line

Kristan explained that an Xcel gas line is planned to be trenched through Markel Open Space to allow for more power to reach the neighborhood during cold spells. The line is routed through the open space to avoid the closure of Aspen Street. Kristan showed a map of the gas line on the property and explained that Xcel will coming to OSTAC with this proposal on December 5.

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>Doug, I don't think it is necessary to have them come talk to us, this property is not open to the public.

>Kristan, We did want to make sure you knew it was happening.

>Michael, Could we take this opportunity to make a trail over the line?

>Kristan, We have planned for a trail to come along the ditch. When we start to make official plans regarding the trails we will want to have a bigger discussion with the neighborhoods in this area.

>Pete, It would be nice to put a trail along the ditch because it is the most scenic area on the property. The Master Plan we create for this site will look at a connection to the pond as well, consider when the oil and gas wells will go away, as well as a connection to the school.

>Ray, Are they boring the pipe under ground?

>Pete, No, this is such a big pipe that it will not have the ability to bore in this particular location.

>Chris, The reality is that this is what needs to happen.

>Kristan, We wanted to keep the line away from the school, residents, pond, cottonwoods, and Community Ditch. Xcel wants to make sure that the residents in this area have enough gas to warm their homes during extremely cold periods. The new pipe will be 15 inches in comparison to the existing 6-inch pipe to this area.

>Chris, I don't know that this needs to come to OSTAC next month.

>Michael, I agree that this is sufficient.

The other OSTAC members agreed as well.

### ● Upcoming Events

Ellie presented the upcoming Open Space events:

- Wednesday, November 6 - Open Space Speaker Series "Mountain Lions in the Front Range" at Broomfield Library from 7-8 p.m.
- Wednesday, December 11 - Open Space Speaker Series "Geo-Sapiens: The Earth-Wise Human" at Broomfield Library from 7-8 p.m.

>Nicole, I would like to propose having Jack Murphy present for the Speaker Series.

>Kristan, He is very entertaining, and we have had him come to talk to our Wildlife Masters. The Spring series is already booked, but we could invite him to speak during the Fall series.

## 9. Other Topics as Desired by OSTAC

>Doug, Could we get an update on the overwintering burrowing owl at the Butterfly Pavilion site?

>Pete, The area is down to just two burrowing owls from a total of eight that were on site this season, so many do appear to be migrating. One of the owls appears to be the same one from last year, and they might be migrating soon. We have biologists checking for them on a weekly basis. We are hoping that with the upcoming cold snap that they will both move south. If they do not, we will just leave them alone for another season. The development that is proposed for next year is about 300-500 feet away from this burrow, so we are now thinking we can leave the owl there for another year.

>Guyleen, We can't relocate them?

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>Pete, There is not even a permit for relocating burrowing owls. The state and federal agencies are unsure what to do. Currently their recommendation is to make life unpleasant for them so that they move on.

Pete also pointed out the plaque displaying photos from Rick Nierman who hosts events about once per month at the County Commons to take seniors with disabilities out into the open space in golf carts. Pete explained that Rick thanked us for allowing this event to happen.

>Terra, Will he continue these events in the spring?

>Pete, Yes.

>Patrick, Would everyone like a behind the scenes tour before our meeting at the Butterfly Pavilion in December? Everyone agreed.

>Kristan, We will plan to start the tour at 5:15 p.m.

No other topics were desired by OSTAC.

The meeting was adjourned at 8:12 p.m.

Minutes were prepared by Ellie Lanaghan.

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The City and County of Broomfield Mail - Fwd: BOSF Meeting 09/16/2019 - <https://mail.google.com/mail/u/0?ik=60700fa85f&view=pt&s...>



Eleanor Lanaghan <[elanaghan@broomfield.org](mailto:elanaghan@broomfield.org)>

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## Fwd: BOSF Meeting 09/16/2019

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Kristan Pritz <[kpritz@broomfield.org](mailto:kpritz@broomfield.org)>

Fri, Oct 25, 2019 at 7:54 AM

To: [sjezierski@broomfieldcitycouncil.org](mailto:sjezierski@broomfieldcitycouncil.org), [chris.kassel@metro brokers <cekassel@yahoo.com>](mailto:chris.kassel@metrobrokers.com), [Chris Petrizzo <cpetrizzo@yahoo.com>](mailto:Chris.Petrizzo@yahoo.com), [Doug Grumann <dgrumann@gmail.com>](mailto:dgrumann@gmail.com), [Eleanor Lanaghan <elanaghan@broomfield.org>](mailto:elanaghan@broomfield.org), [Guyleen Castriotta <gcastriotta@broomfieldcitycouncil.org>](mailto:gcastriotta@broomfieldcitycouncil.org), [Kevin Standbridge <kstandbridge@ci.broomfield.co.us>](mailto:kstandbridge@ci.broomfield.co.us), [Michael McCrane <michael@themclanes.com>](mailto:michael@themclanes.com), [Pat Chatterton <pchatterton@broomfield.org>](mailto:pchatterton@broomfield.org), [Patrick Tennyson <ptennyson@butterflies.org>](mailto:Patrick.Tennyson@butterflies.org), [Peter Dunlaevy <pdunlaevy@ci.broomfield.co.us>](mailto:pdunlaevy@ci.broomfield.co.us), [Ray Churgovich <rchurgo@yahoo.com>](mailto:rchurgo@yahoo.com), [Terra Lenihan <terralenihan@yahoo.com>](mailto:terralenihan@yahoo.com), [Todd Cohen <tcohen8@me.com>](mailto:tcohen8@me.com)

Good morning OSTAC members,

This morning I realized that I accidentally did not forward Judy Enderle's email below to you. She had comments regarding the prairie dog/bald eagle discussion on last night's agenda. In a moment, I will also forward to you my apology to Judy. As I value greatly public input, I am very sorry about this oversight.

Kind regards,

Kristan Pritz

Director of Open Space and Trails  
One DesCombes Drive, Broomfield  
tel 303-438-6335

----- Forwarded message -----

From: **Judy Enderle** <[judyenderle@earthlink.net](mailto:judyenderle@earthlink.net)>

Date: Thu, Oct 24, 2019 at 11:12 AM

Subject: RE: BOSF Meeting 09/16/2019

To: [Kristan Pritz <kpritz@broomfield.org>](mailto:kpritz@broomfield.org), [Patrick Quinn <pquinn@quinncpa.com>](mailto:pquinn@quinncpa.com)

Cc: [hsum54@gmail.com](mailto:hsum54@gmail.com), [Sandy Roy <sandyroydem@gmail.com>](mailto:sandyroydem@gmail.com), [k.steele920@comcast.net](mailto:k.steele920@comcast.net), [Denise Price <denise\\_price@comcast.net>](mailto:denise_price@comcast.net), [Chris Simmons <christopher.simmons@gmail.com>](mailto:christopher.simmons@gmail.com), [jottingsbyjanet@hotmail.com](mailto:jottingsbyjanet@hotmail.com), [Randy Ahrens <Ahrensward4@aol.com>](mailto:Ahrensward4@aol.com), [Kristan Pritz <kpritz@ci.broomfield.co.us>](mailto:kpritz@ci.broomfield.co.us), [Heather Sabo <heather.sabo@gmail.com>](mailto:heather.sabo@gmail.com), [Tennyson, Patrick <ptennyson@butterflies.org>](mailto:ptennyson@butterflies.org), [Janis Lievens <janirocks@msn.com>](mailto:janirocks@msn.com), [Dan Wilkie <wilkiedan@hotmail.com>](mailto:wilkiedan@hotmail.com), [wrmfarm@q.com](mailto:wrmfarm@q.com), [Rick Erickson <rwemse2@comcast.net>](mailto:rwemse2@comcast.net), [Thornton Paxton <tpaxton@att.net>](mailto:Thornton.Paxton@att.net), [McKinley, Ellie <elliem1143@comcast.net>](mailto:elliem1143@comcast.net), [Patterson, Jean <jlkpat@q.com>](mailto:jlkpat@q.com), [dana bove <danajbove@gmail.com>](mailto:dana.bove@gmail.com), [Andrea Warren-Quackenbush <a5quackenbush@gmail.com>](mailto:a5quackenbush@gmail.com)

Thank you for the invitation Kristan. I will not be able to attend the meeting but wish to send my comments. If you would share them with OSTAC I'd be grateful.

It's interesting that the new landowner wants the prairie dogs gone. The prairie dogs have lived there for many years without causing undue problems. In addition, they provide a major food source for Broomfield's only nesting pair of Bald Eagles. Removing this food source could be catastrophic for the birds.

Has the landowner experienced problems with the prairie dogs? He must certainly have known that the prairie dogs and Bald Eagles lived there when he purchased the land. If he does not have documented reasons for wanting to remove the prairie dogs, then I question the logic behind the City agreeing to remove them. I recommend denying the request.

Thanks. Judy

## Open Space and Trails Advisory Committee

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10/30/2019 The City and County of Broomfield Mail - Fwd: BOSF Meeting 09/16/2019 - <https://mail.google.com/mail/u/0?ik=60700fa85f&view=pt&s...>

**From:** Kristan Pritz [mailto:[kpritz@broomfield.org](mailto:kpritz@broomfield.org)]

**Sent:** Thursday, October 24, 2019 9:31 AM

**To:** Patrick Quinn

**Cc:** [hsum54@gmail.com](mailto:hsum54@gmail.com); Sandy Roy; [k.steele920@comcast.net](mailto:k.steele920@comcast.net); Denise Price ([denise\\_price@comcast.net](mailto:denise_price@comcast.net)); Chris Simmons; [jottingsbyjanet@hotmail.com](mailto:jottingsbyjanet@hotmail.com); Randy Ahrens; Kristan Pritz; Heather Sabo; Tennyson, Patrick ([Ptennyson@butterflies.org](mailto:Ptennyson@butterflies.org)); Janis Lievens; Dan Wilkie; [wrmfarm@q.com](mailto:wrmfarm@q.com); Rick Erickson ([rwemse2@comcast.net](mailto:rwemse2@comcast.net)); Thornton Paxton; 'McKinley, Ellie' ([elliem1143@comcast.net](mailto:elliem1143@comcast.net)); Patterson, Jean; Judy Enderle ([judyenderle@earthlink.net](mailto:judyenderle@earthlink.net)); Andrea Warren-Quackenbush

**Subject:** Re: BOSF Meeting 09/16/2019

Hi BOSF members,

I am writing to let you know that tonight at OSTAC, we will be presenting our plan to relocate prairie dogs off of the eagle nest tree property. The landowner wishes to maintain his private property in agricultural uses. At this time, an equestrian center, grazing and crops are agricultural uses on the property.

We are grateful to Prairie Dog Action for taking on the relocation work along with assistance from Smith Environmental. I have attached the agenda for your review.

You are welcome to attend the meeting and if you cannot attend, please do not hesitate to contact me.

I have attached the agenda for you below. Please note we are meeting in the ***Broomfield Library*** (Eisenhower Room)-- not the basement meeting room in the City and County Building. The meeting begins at 6:00 p.m. and I anticipate that we will get to this item soon after the meeting starts as it is early on the agenda!

Thank you--

Kind regards,

Kristan Pritz

Director of Open Space and Trails

One DesCombes Drive, Broomfield

tel 303-438-6335

# Open Space and Trails Advisory Committee

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10/29/2019

The City and County of Broomfield Mail - Fwd: BOSF Meeting 09/16/2019 - <https://mail.google.com/mail/u/0?ik=60700fa85f&view=pt&s...>



Eleanor Lanaghan <[elanaghan@broomfield.org](mailto:elanaghan@broomfield.org)>

## Fwd: BOSF Meeting 09/16/2019

Kristan Pritz <[kpritz@broomfield.org](mailto:kpritz@broomfield.org)>

Fri, Oct 25, 2019 at 7:56 AM

To: [sjezierski@broomfieldcitycouncil.org](mailto:sjezierski@broomfieldcitycouncil.org), [chris.kassel@metro brokers <cekassel@yahoo.com>](mailto:chris.kassel@metro-brokers.com), [Chris Petrizzo <cpetrizzo@yahoo.com>](mailto:Chris.Petrizzo@yahoo.com), [Doug Grumann <dgrumann@gmail.com>](mailto:dgrumann@gmail.com), [Eleanor Lanaghan <elanaghan@broomfield.org>](mailto:elanaghan@broomfield.org), [Guyleen Castriotta <gcastriotta@broomfieldcitycouncil.org>](mailto:gcastriotta@broomfieldcitycouncil.org), [Kevin Standbridge <kstandbridge@ci.broomfield.co.us>](mailto:kstandbridge@ci.broomfield.co.us), [Michael McCane <michael@themclanes.com>](mailto:michael@themclanes.com), [Pat Chatterton <pchatterton@broomfield.org>](mailto:pchatterton@broomfield.org), [Patrick Tennyson <ptennyson@butterflies.org>](mailto:Patrick.Tennyson@butterflies.org), [Peter Dunlaevy <pdunlaevy@ci.broomfield.co.us>](mailto:pdunlaevy@ci.broomfield.co.us), [Ray Churgovich <rchurgo@yahoo.com>](mailto:rchurgo@yahoo.com), [Terra Lenihan <terralenihan@yahoo.com>](mailto:terralenihan@yahoo.com), [Todd Cohen <tcohen8@me.com>](mailto:tcohen8@me.com)

Below is my apology to Judy as an FYI for you all.

Thanks-

Kind regards,

Kristan Pritz

Director of Open Space and Trails

One DesCombes Drive, Broomfield

tel 303-438-6335

----- Forwarded message -----

From: **Kristan Pritz** <[kpritz@broomfield.org](mailto:kpritz@broomfield.org)>

Date: Fri, Oct 25, 2019 at 7:55 AM

Subject: Re: BOSF Meeting 09/16/2019

To: Judy Enderle <[judyenderle@earthlink.net](mailto:judyenderle@earthlink.net)>

Cc: [Patrick Quinn <patrick.quinn@quinncpa.com>](mailto:Patrick.Quinn@quinncpa.com), [Herb and Liz Sumerfield <hlsun54@gmail.com>](mailto:hlsun54@gmail.com), [Sandy Roy <sandyroydem@gmail.com>](mailto:sandyroydem@gmail.com), [k.steele920@comcast.net](mailto:k.steele920@comcast.net), [Denise Price <denise\\_price@comcast.net>](mailto:denise_price@comcast.net), [Chris Simmons <christopher.simmons@gmail.com>](mailto:christopher.simmons@gmail.com), [Janet Kern <jottingsbyjanet@hotmail.com>](mailto:jottingsbyjanet@hotmail.com), [Randy Ahrens <Ahrensward4@aol.com>](mailto:Randy.Ahrens@aol.com), [Kristan Pritz <kpritz@ci.broomfield.co.us>](mailto:kpritz@ci.broomfield.co.us), [Heather Sabo <heather.sabo@gmail.com>](mailto:heather.sabo@gmail.com), [Patrick Tennyson <Patrick.Tennyson@butterflies.org>](mailto:Patrick.Tennyson@butterflies.org), [Janis Lievens <janirocks@msn.com>](mailto:janirocks@msn.com), [Dan Wilkie <wilkiedan@hotmail.com>](mailto:wilkiedan@hotmail.com), [Dr. Bill Jean Markel <wrmfarm@q.com>](mailto:wrmfarm@q.com), [Rick Erickson <rick.ericson@comcast.net>](mailto:rick.ericson@comcast.net), [Thornton Paxton <Thornton.Paxton@att.net>](mailto:Thornton.Paxton@att.net), [McKinley, Ellie <McKinley.Ellie@comcast.net>](mailto:McKinley.Ellie@comcast.net), [Patterson, Jean <jean.pat@q.com>](mailto:jean.pat@q.com), [dana bove <dana.bove@gmail.com>](mailto:dana.bove@gmail.com), [Andrea Warren-Quackenbush <a5quackenbush@gmail.com>](mailto:a5quackenbush@gmail.com)

Hi Judy,

I just realized this morning that I did not forward your email to OSTAC. This was not intended and I apologize for my great oversight on this. Your viewpoint is always important. I apologize for my mistake.

Your email has been forwarded to OSTAC albeit after the fact. I know this is not what you wanted but I thought I should make sure members see your comments.

My heartfelt apology----

Kind regards,

Kristan Pritz

Director of Open Space and Trails

One DesCombes Drive, Broomfield

tel 303-438-6335

On Thu, Oct 24, 2019 at 3:10 PM Kristan Pritz <[kpritz@broomfield.org](mailto:kpritz@broomfield.org)> wrote:

Hi Judy,

Thanks Judy--we will share your comments.

The concern about the eagles is certainly very important. We have found from our monitoring that the original eagle nest tree no longer has either nest. The two nests appear to have blown out of the tree over the weekend. The eagles appear to be trying to build a nest just south of Carbon Road on Boulder County Open Space adjacent to a

