



**MINUTES**  
**AGNC BOARD OF DIRECTORS & MEMBER MEETING**  
**October 25, 2023**  
**9:00 am to 1:30 pm**  
*Garfield County Admin Bldg, 2<sup>nd</sup> Floor Meeting Room,*  
*195 W. 14<sup>th</sup> Street, Rifle, CO 81650*

**ZOOM:** <https://us02web.zoom.us/j/2510562431> **Password:** 2462

**PHONE:** +1 (669) 900-6833 **Meeting ID:** 251 056 2431 **Password:** 2462

Pledge of allegiance

**Call to order** – Chairman Cody Davis called the meeting to order at 9:04am. Introductions were made.

**Approval of minutes** – Bill Carlson made a motion to approve the September 20, 2023, meeting minutes; Doug Overton seconded the motion; the motion passed unanimously.

**Financial report** – Tiffany Dickenson presented the September 2023 financials. She presented the Profit and Loss reports and noted that we are still ahead in income, and starting to spend down some grant navigator money now. Even though we had a loss last month, we are still ahead on the yearly budget. She noted that there is a large charge for marketing which includes work for Moffat County and our brand refresh. The Balance Sheet was presented, and she noted that income slows down at the end of the year. Accounts Receivable was discussed including the receipt of \$7K from Routt County EDP, however, we have been told that Routt County will not pay for last year. Routt County EDP will pay their 2<sup>nd</sup> half and is budgeting for next year. Tiffany explained the reasons behind the billing to Routt County, since they are no longer a member of AGNC, but still are in the EDD. Tiffany recommended that we forgive the old \$7000 from Routt County but continue to work with them. A motion was made to forgive the debt by Mike Samson, seconded by Doug Overton, and the motion passed unanimously. Tiffany reported on the check register and reported that all payments are normal. A motion to approve the financial report was made by Bill Carlson, seconded by Grady Hazelton, and the motion passed unanimously.

**Project and Committee Reports:**

**Area Agency on Aging – Heather Jones**, NW CO AAoA Director provided an overview of AAA efforts. Heather She reported that the state completed their virtual monitoring visit. They are awaiting the final letter with the results. She reported on long-term care funding and the bids that went out. Rocky Mountain Healthcare won that bid on the catchment area. She reported that AAA will start annual monitoring visits with contracted providers and should be wrapped up by end of December. She reported that she attended the Mesa County BOCC and they wrote a letter of support for increased state funding for senior services that was sent to Gov. Polis. She said they have had a sharp decrease in funding. She attended the Mesa County Behavioral Health Annual Meeting, which is a new division of the county. She assisted the state unit on aging with their new director training. She reported that she was selected to be the vice chair for the aging policy advisory council for next year. Cody Davis asked if they had received a response from the Governor, and she said they have not. Heather said they have received their carryover funds, and they are working on distributing those funds and will present them at the next meeting. Heather's report is attached as Appendix A.

**NCEI Report – Matt Soloman** reported on the Northwest Colorado Energy Initiative. He reported on the funding for the initiative and their efforts to secure funding. Their efforts are before the feasibility study, which will come next. They have shown the film Nuclear Now for free in five locations across the western part of Colorado. He said they chose Nuclear Now because it would trigger people in different ways, and they are trying to bring people together. He said there was a survey after the film shows and that showed the common theme was that the public wants more education. He said they will be doing more public outreach. He said they had elected officials' representatives at the GJ showing, as well. He said that the next steps would be for him to attend the GAIN conference in West Virginia in two weeks, finding speakers for the JOLT conference, and finding funding for the initiative. He said that funding is the biggest challenge right now. He said there are grants available, but they don't typically address surveys and public education. He spoke to the GAIN (Gateway for Accelerating Innovation in Nuclear) representative Chase Blazer last week and presented a request for them to help fund the initiative. Chase said he would work on finding grants for education. Matt is going to ask the Department of Energy to fund us directly, and in turn he would make all the results of surveys and public education available to them. He hopes they can secure funding by January. Mike Samson asked if Sen. Rankin is still involved. Matt said he is retired, but his biggest concern is to keep the colleges engaged. He said the other source of funding they are pursuing is the Office of Just Transition. He reported that they submitted a request in February through OEDIT; were then told to submit through OJT; were then told it would go through their summer meetings; were then told they needed to show 60% of county support; they then went through NWCDC to obtain support, but Routt county and Steamboat withdrew their support; so they then went to each individual county and town to obtain support; they then turned in 80% support to meet the threshold; then the OJT meeting was held with Sen. Roberts in support, but they wanted to see more information; they then submitted an updated summary and letter from JOLT explaining their support; and there has been no response yet. Tiffany said the name of the grant is Capacity Building for Repurposing Energy Assets. She said she has had difficulty communicating with Tri-State on the Craig plant and finding a new purpose for it. Matt commented that small modular nuclear reactors are turnkey for the coal facilities that are closing. He commented that it highlights a best of all the above approach. Tinker Duclou asked if job skills would transfer over, and Matt said it would depend on the job, but some jobs like forklift operator for example would easily transfer. Chris Nichols asked if they had submitted a request to the National Energy Lab for a feasibility study. Matt said the City of Craig had submitted a request and they may be able to piggyback off that funding. Tiffany said that it is important to find the funding for the boots on the ground because AGNC does not have the capacity to do the work. Chris said they have tried to keep the pressure on Tri State about what happens to Craig Station. Tiffany said she is hopeful that GAIN can provide some guidance on working with the private energy providers to help repurpose the closing plants. Tiffany reported that the timelines for shutting down the 3 plants are 2025, 2028, and 2030, but those dates may move up according to current EDP. Matt said the question was presented that can the state slow down their regulations that are shutting down these plants. He said the response was that the plants aren't shutting down from the laws, but on their own accord. Matt said that we can't stop them from shutting down due to the current regulations, which are a direct result of the laws. Tiffany spoke about the AQCC and their new reporting requirements, which will eventually come with fees and fines, forcing them to close down earlier. Dianna Orf spoke about the new regulations, reporting greenhouse gas emissions, and fees based on how much emissions compare to the total cost of running the state's climate program, with the biggest share paid by utilities. Once the utility plants shut down, the fees will be passed down to other smaller companies. Richard Orf commented that the State Legislators definitely had a hand in shutting down the power plants through legislation and any comment that they didn't is purely cowardice. Ray Beck commented that Matt is doing a really good job for NCEI and as a member of the JOLT committee. He also appreciates AGNC's support. He said we should continue to lean on Sen. Roberts and others to put pressure on them to get OEDIT or OJT to fund this initiative. He said the JOLT Energy Summit will be next June 27 and 28 in Montrose will include a nuclear panel. Cody Davis thanked Matt for his work, as well. Matt's report can be found here: <https://agnc.org/wp-content/uploads/NCEI-Project-Summary.pdf>

**CDLE Workforce Update – Carolyn Tucker** reported and shared a PowerPoint which can be found here: [https://agnc.org/wp-content/uploads/Workforce-Presentation-AGNC\\_10.25.23.pdf](https://agnc.org/wp-content/uploads/Workforce-Presentation-AGNC_10.25.23.pdf). Carolyn reported on unemployment rates for the region, which are all around 3%. She spoke about stresses on the workforce including housing, childcare, transportation, job choices, skills deficit, inflation, and the "great reckoning". She reported on the long-term demographic trends affecting the work force that are still with us: increased retirements, decreased birth

rates, aging population, population growth, future growth concentrated in metro areas, skills deficit, and that Colorado is no longer as competitive as in the past. She said the bottom line is that not as many workers are available to work and they have more choice. She said these trends will likely continue for some time. She reported on workforce development activities including counseling employers on recruitment and retention strategies, and upskilling current employees. She spoke about the economic development activities including Just Transitions, Routt County EDP, NWCDC, CRVEDC, Prosper Glenwood, and GJEP. She reported on program updates including IDEA Grant, WBL grants available, Employer Hiring Toolkit at [nwcworkforce.cdle.co](http://nwcworkforce.cdle.co), and that Colorado was named U.S. Tech Hub for quantum computing. Tiffany Dickenson asked if Carolyn knew who is heading up the quantum computing group so she can have them present to us. Carolyn said that she has a contact and will send it to Tiffany. Tiffany said she is thankful for Carolyn and the work she does.

**Legislative Update – Richard and Dianna Orf.** Dianna Orf reported on greenhouse gas fees. She reported on who will be required to report to AQCC for emissions. She said this will affect landfills, as well. The fee will be established at the meeting in February. She said that the question is what will happen once the large producers shut down, and who will pay the fees to keep the program running. She spoke about the Ozone/Air Quality Interim committee and that they will be presenting legislation. She reported on the Tax policy Oversight committee including legislation for short term rentals being classified as lodging property. She said they are also looking at Treasurer’s Deed legislation which would affect tax deed sales. She reported on the Water Permit Fees and the increase in cost to maintain ongoing operations for the Water Quality Control commission. She reported on the Colorado River Drought Task Force including ideas for legislation to mitigate drought impacts, with a report due to the legislature by December 15<sup>th</sup>. She reported on the Clean Car Rules and State Construction on Floodplains, including that the State Architect is seeking legislation for authority to issue permits for construction on floodplains. Richard Orf reported on the Ozone Committee, Clean Car Rules, and housing issues including a number of small bills this year dealing with in-fill, ADU, and trying to solve the housing crisis. He believes the housing issues will need to be solved locally with state support. Dianna reported that on the agenda for the AQCC for November includes a briefing on nuclear energy. She will keep us updated on this presentation. She also said the clean car rules are not supposed to affect construction vehicles or used car sales, but this is part of their effort to continue working on climate. Mike Samson asked for Dianna’s feel for Prop HH. She said she has not seen any surveys, but she said that she has seen a large effort for No on HH. Richard said polling has been about 50/50, and the more individual constituents learn about it the more they don’t seem to like it. He said the most background information is in the blue book for interpretation. Bill Carlson commented about the short-term housing rentals and circumventing the taxes by renting for 31 days, and if new legislation passes he wonders who will administer it. Cody Davis commented about HH requiring classifying short-term rentals, and the capacity to administer HH by assessors. Dianna said the main issue is property tax and the higher rates for lodging operations. Tiffany Dickenson commented that Silt reached out to AGNC regarding a position on HH. Mike Samson moved that AGNC oppose Proposition HH, Bill Carlson seconded, and the motion passed unanimously. The Orfs’ Legislative Update is attached as Appendix B.

**Chelsie Miera, WSCOGA – BLM Supplemental EIS.** Chelsie spoke about the resource management plan for the CRVFO and GJFO. She said the BLM was sued and the judge ruled that a SEIS must be completed. She commented that the BLM released work done with cooperating agencies, releasing the draft SEIS, with comments due by November 1<sup>st</sup>. She asked that AGNC write a letter providing comments and endorsing the work done by the cooperating agencies. She provided an example from Mesa County. She said that the BLM has come up with 2 different alternatives, one from each field office. Alternative F map was provided by GJFO (sourced from the BLM website). Alternative E map was also provided by GJFO. The CRVFO Alternative F and E maps were also presented. She said that Alternative F is the better of the two options. She commented that technology has become very advanced in being able to recover minerals, however, the reports use information from a 2002 report with old and outdated data. She said that one ask is that all analysis be updated to the 2016 USGS report. She shared the public BLM website with the documents that are available to anyone. She shared Scoping Maps for CRVFO and GJFO, per the 2002 report, not the 2016 report. She spoke about helium reserves and that it is a byproduct of oil and gas. She spoke about the importance of helium in medical devices, as well as other uses that are very necessary. She spoke about the regulatory process and the multi-use mandate of BLM land. She spoke about the strict rules in

Colorado, due in most part to SB181. She said that having acreage open to leasing is important in preserving future development. She said the average permitting process through the state now is 300 days. She said lands available for leasing also include agricultural, recreational, and full public access. She spoke about emissions being down across the board. She spoke about the economics of multiple use. She there is a misnomer that oil and gas close out all other uses, with is not true. She said that elimination of any industry jobs will hurt the economic growth we have already seen from multi-use. She spoke about federal mineral lease dollars being lost through this process, as well. She said that Mesa and Garfield counties award grants from these dollars, with Garfield giving out \$34M over the course of these years, including grants going to fire protection districts, local municipalities, sanitation districts, and school districts and education. She said there is nothing to backfill these lost dollars. She said they are also using these proposed maps as a template for other areas across the country. She said that current leases would still be viable in these closed areas until they are expired or relinquished. Bill Carlson asked if there are other areas in the nation that have helium. Chelsie said there is a national shortage, and it is being imported from countries that are not friendly to our country. Chelsie said they are expecting an Alternative G, with more rational information. Tiffany Dickenson said we would need a vote to provide a letter from AGNC. Doug Overton moved that Tiffany draft a letter from AGNC, Mike Samson seconded the motion, and the motion passed unanimously. Mike encouraged Chelsie to contact the City of Rifle to present to their board. Tiffany said she can also provide her with the contact for CRVEDP. Mike said thank you to Chelsie for the work she is doing. Chelsie said she appreciates the support of AGNC, as well. Mike commented on the need for our country to become energy independent in times of war, especially considering the state of the world right now. Bill Carlson commented on the financial implications of wartime, as well.

#### **Member Roundtable -**

Ray Beck, JOLT committee, presented a letter to AGNC and requested AGNC to help fund the energy summit in 2024 with a \$1000 donation. The letter can be found here: <https://agnc.org/wp-content/uploads/NW-CO-Energy-Summit.pdf>. Tiffany commented that the energy summit was amazing, and she feels it is very important for our region. She said she will provide a copy of the letter to everyone. The letter is attached here as: Mike Samson commented that he agrees with Tiffany and the speakers were great. Ray said next year's summit will be June 27 & 28 at the Montrose Event Center. Bill Carlson made a motion to donate \$1000 to JOLT for the 2024 Energy Summit, Chris Nichols seconded, motion passed unanimously.

Bill Carlson, Town of Palisade, reported that they have completed most of their projects and they are putting in broadband. He reported that CDOT has designed a roundabout on Alberta and Hwy 6, and they also have a grant to build a sidewalk to the high school to get the kids off the highway. He reported that they have 200 bike rentals in town, but that is down by 15%; lodging and short-term rentals are down; and they are also losing marijuana taxes.

Mike Samson, Garfield County, said they are engaged in 7 EIS's with the State and Federal governments. He said that they are moving forward and working hard on their budget. He said it is getting harder to provide services with decreased revenues. He said the current administration at the state and federal levels are getting harder to work with. He said there is some controversies with their libraries and materials that are accessible to children. Tom Rugaard asked where the county gets their funds, and Mike said it is mostly property tax, with oil and gas property tax being the 10 top payers.

Cody Davis, Mesa County, reported that the water quality control commission is giving them a TDML regarding minerals regulations. He said they are using bad data samples. He said they are expected to clean up water ways based on their bad data. He said they won't revise their data, so Mesa County has appealed, but they won't settle with Mesa County, and he feels it is to make them an example.

Doug Overton, Rio Blanco County, reported they are working on expanding broadband, and they are looking at having Ride the Rockies come through Meeker and asked for input. Mistalynn Meyeraan said she has some experience and will speak with him. He said that the RBC Health Department is no longer giving COVID vaccines

through the county, so the state is threatening to pull their funding. They voted to hire an administrator for the county, which will hopefully free up more time for the commissioners.

Grady Hazelton, Town of New Castle, reported that employee retention is a problem, so they gave a 10% pay increase across the board to all staff, as well as incentives for police staff. He said they have 6 months in reserves; FMLD grants were received for a water irrigation project, and they have installed 7000 feet of irrigation pipe for a historic ditch, and they are working towards getting 80% piped. He reported they have one new development near the golf course approved, with 185 new residential units, houses and condos, 26 deed restricted units. He said the population is right at 5K.

William Dearing, Battlement Mesa, reported that they have a new housing development with 2 subdivisions going in. He thanked the county for help in striping the roads. He asked about the decommission of the power plant in Craig, and what it will be used for. Tiffany Dickenson said that is the reason they want to use the plant for conversion to nuclear. Willie said he has an education in nuclear sciences. He asked questions about the Craig plant decommission and next steps for moving forward. Chris Nichols commented that they are working hard to replace/reuse/repurpose these facilities. Dianna Orf commented on the water rights of the closing facilities. She said there was a suggestion that the water rights should be able to be used flexibly to not lose them for the next purpose.

Tom Rugaard, Town of Parachute, reported that sales tax collections are up, the budget increased, they have had Love's Truck Stop open for a month now and look forward to seeing the impact. He reported they have some grants they are working on, as well. Tiffany Dickenson asked about the Parachute Inn, and Tom said they are still waiting for answers regarding financing. He said they are also looking at working with EcoDwelling for more housing Parachute.

Johnny McFarland, City of Grand Junction, reported that housing is a big issue and they are looking at opportunities and have applied for prop 123 for land banking 21 acres over a period of 10 years for affordable housing, and have applied for a HUD program to fund an existing land acquisition program, which was previously funded with ARPA dollars.

Chris Nichols, City of Craig, reported on a feasibility study to repurpose the rail system for tourism all the way through Craig. He reported that they have been participating in an RTA study. He reported they broke ground on a 20-unit townhome project, income restricted, 50% grant funded to make them affordable; they are working on a 96-unit rental complex and are trying to get infrastructure money to pay for water and sewer. He said that they are working with OJT to purchase an industrial project. He also reported that the Yampa River water park should break ground this fall.

### **Federal Delegate Update –**

Janeth Stancle with Sen. Hickenlooper reported that House approved a speaker, Mike Johnson, so they can now work on passing a budget. She spoke about the work Sen. Hickenlooper is doing with the Colorado River, having conversations with appropriate parties to work on possible solutions to the drought. She said they are working on new legislation that updates and streamlines the country's energy transmission system. Tiffany Dickenson asked if the CDS takes funding directly out of budgets such as the state revolving fund, and Janeth said she will look into it.

McKenna Farley with Rep. Boebert reported they have 42 amendments that have passed the house successfully. She said they sent a letter to the BLM director regarding the withdrawal of land in Colorado for future leasing, asking to rescind that plan. She said they introduced HR6009 and sent out a press release regarding this; they submitted a public comment letter to IRS regarding labor tax refunds, to ensure they are not taxed. She said they are ready to get back to work now that there is a new house speaker.



**CD Investment Presentation – Bill Carlson** presented a proposal for AGNC investment of fund in CD's. Bill proposed \$100K increment investments into CDs over the next three months for a total of \$300K. Bill said these are 3-month terms. Tiffany Dickenson said there is a procurement policy that needs to be modified, however, this does fall within those parameters. She said there is no investment policy. Doug Overton asked that we review this yearly. Grady Hazelton made a motion to approve the investment proposal, Doug Overton seconded the motion, and the motion passed unanimously.

**Budget Proposal – Tiffany Dickenson** presented the projections for the remainder of 2023 and the proposed budget for 2024. She said the proposed budget for 2024 is still conservative. She explained the income and expense items. Mistalynn Meyeraan presented on the marketing portion of the budget, increasing the budget for marketing next year to \$31,600. She spoke about the grants being applied for in the amount of \$\$49,000 that bring this number down to \$31,600 from a total marketing amount of \$80,600. Tiffany explained how the grant money is accounted for in income and expenses. Doug asked for a footnote or line item for unknown grant income that may or may not be available. The board will vote on the budget next month with modifications requested.

**Administrative Update – Tiffany Dickenson** reported on the Recompete Pilot Program grant that we applied for, and we were told it should be pretty competitive. She will be going to Craig on Nov. 2<sup>nd</sup> to do a presentation with the University of Wyoming regarding the CORE-CM project. She attended the EDCC conference last week and Bonnie Petersen was given the Chairman's Choice Award, which was very well deserved for Bonnie and for AGNC. Bill Carlson commented that 95% of the awards went to the front range, so it was nice to see someone from the western slope receive an award. Bill reported that the EDCC tours at the conference were informative, and he attended the Palisade tour and brought up the issues of peach waste in the orchards. Tiffany reported that she participated in a podcast for Fire to Fusion and it was posted last Friday. Tiffany presented the letter from Natural Soda thanking AGNC for support in the air quality efforts.

#### **New Business –**

*Next meeting November 15, 2023, Garfield County Administration Building, 2<sup>nd</sup> Floor Meeting Room, 195 W. 14<sup>th</sup> Street, Rifle, CO 81650*

**Adjournment – meeting was adjourned at 1:30 pm.**

**Attendance:**

<b>IN PERSON</b>	<b>VIA ZOOM</b>
William Dearing	Johnny McFarland, City of Grand Junction
Heather Jones	McKenna Farley, Rep. Lauren Boebert CO-03
Mike Samson	Carolyn Tucker - CDLE
Grady Hazelton	Richard Orf
Lori Malsbury	Ray Beck -CLUB 20
Bill Carlson	Commissioner Tony Bohrer
Chelsie Miera	Chris Nichols
Tinker Duclo	Jeff Engell - CSU Extension
Tom Rugaard	Dianna Orf (Ted Orf)
Gloria Leshar	Melonie Matarozzo
Doug Overton	Bobbie Daniel
Tiffany Dickenson	Kirby Wynn
Toni Barrett	
Mistalynn Meyeraan	
Matt Solomon	
Cody Davis	
Janeth Stancle	

## APPENDIX A



### Updates from AAA 10/25/2023:

- The State Unit on Aging did complete their virtual monitoring visit the week of September 25th with the AAA and six contracted providers: Hilltop ADRC, Garfield County Nutrition, NW ADRC, Transdev, Mesa County MOW and Hilltop Senior Daybreak. Overall, I think it went pretty well, but we will probably have a couple compliance issues.
- Garfield County Options for Long-Term Care Single Entry Point did not bid on keeping Rio Blanco and Moffat County in their catchment area. Rocky Mountain Health Plans/United Healthcare bid on this catchment area. This change goes into effect 07/01/2024. This means that if Garfield County does not want to continue doing the ADRC for Garfield, Moffat and Rio Blanco counties it will need to go out for bid for the next fiscal year. It is important that we continue to have ADRC and vouchers for individuals residing in those counties. I don't think there would be enough money to have a separate ADRC for Garfield and a separate one for Moffat/Rio Blanco. Also, it would be challenging to have ADRCs that are just part-time.
- The AAA will start annual monitoring visits with contracted providers in November. I should have them wrapped up by the end of the December. This is a little later than usual as the AAA launched a new Provider Evaluation tool on our reimbursement system.
- On October 3<sup>rd</sup>, I attended a Public Hearing with the Mesa County Board of County Commissioners. The Commissioners wanted to write their own letter of support for increased State Funding for Senior Services. This letter was sent to Governor Polis the same day.
- On October 10<sup>th</sup>, the AAA attended the Mesa County Behavioral Health Annual Meeting. Mesa County Behavioral Health is a new division of the county. It has been operating for a little over a year. The meeting discussed how mental health providers go out with law enforcement. I asked how many older adults are they encountering and they said quite a few, mostly women 55+. They also discussed how the opioid settlement funds are being used in Mesa County.
- On October 18<sup>th</sup>, the AAA assisted the State Unit on Aging with their "New Director Training."
- Last week I was selected as the Aging Policy Advisory Council (APAC) Vice Chair for next year.



## APPENDIX B



Associated Governments of Northwest Colorado (AGNC)  
Government Affairs Report  
October 25, 2023

Legislative Interim committees are wrapping up their work (except for the Colorado River Drought Task Force). On October 31, the Water and Ag Resources Committee as well as the Tax Oversight Committee will vote on draft bills to move forward in January. Bills not making the cut as a committee-sponsored bill may be carried by an individual committee member as one of their five allotted bills for the session (although we know they usually are approved for more than five). The Water and Ag Resources Committee will consider sixteen bills, five dealing with water, and two addressing veterinary practices. The Tax Committee will consider two bills of interest to AGNC members: 1) a bill repealing detailed reporting requirements for entities claiming enterprise zone tax credits, 2) a Treasurers' bill to address the deed process to remove concerns arising from a U.S. Supreme Court case that recently held that a Minnesota county that withheld and retained excess value from a property sold at tax sale was an unlawful taking under the Fifth Amendment. The Treasurers are now discussing expanding this to include severed mineral interests, to insure that the State does not obtain ownership to the minerals through the abandonment process and the Unclaimed Property Act.

Greenhouse Gas Fees. The establishment of Greenhouse Gas fees was made part of Air Quality Regulation #3 pursuant to HB 21-1266. The fees are based on the proportion of a source's emission of greenhouse gases relative to the overall cost of running the CDPHE Climate program, estimated at \$8.3 million annually. The emissions, in CO2 equivalents, will be based on each source's Air Pollution Emissions Notice (APEN). Sources emitting 25,000 tons per year of more are required to file those notices annually. The following sources must file an APEN regardless of their actual emissions:

- Electric service providers or utilities
- Natural gas local distribution companies
- Industrial waste landfills
- Industrial wastewater treatment operations
- Underground coal mines

A rulemaking to set the fees has been approved for **February 15-16**; however, a procedural order establishing dates for obtaining party status and submission of documents has not been published.

Ozone/Air Quality Interim. This committee was not given authority to draft legislation, but we anticipate that individual members will introduce bills based on presentation made to the committee and comments from community members. Extensive questions and discussion have focused on oil and gas permitting processes, particularly in the Front Range and their cumulative impact on residents.

Tax Policy Oversight Committee. In addition to the two bills previously mentioned, the committee has drafted and will consider the following measure on Short-term rentals. The draft bill states that a short-term rental unit, which is an improvement that is designated and used as a place of residency by a person, family, or families, but that is also leased for overnight lodging for less than 30 consecutive days in exchange for a monetary payment (short-term stay) and is not a primary residence, and the land upon

which the improvement is located, may be classified as either residential real property or lodging property. If, during the previous property tax year, a short-term rental unit was leased for short-term stays for more than 90 days then it is classified as lodging property, otherwise it is classified as residential real property. Other provisions of the bill will be described in more detail if it moves forward and is of interest to AGNC.

Water Permit Fees. Whether you are a provider of drinking water, or an industrial operation, your fees for permits to discharge water will increase in 2024 and again in 2025 and thereafter. Multiple stakeholder groups are in discussions with the Water Quality Control Division concerning their need to increase revenue to maintain ongoing operations. Their best estimate is that fees that go into the Drinking Water Fund to sustain that operation will increase by 44% and Clean Water Act Fund (industrial operations) will go up by 48%. This reflects (we are told) the inflationary impacts since 2017 when fees were last increased by the legislature. There will be a rulemaking to set fees for those two funds in May 2024, with a second rulemaking in May 2025 to establish fees that are intended to provide a sustainable base for the division's operations. Neither rulemaking, yet anticipates catching up with the backlog of administratively extended permits and those pending review for new applications.

Colorado River Drought Task Force. The Task Force has met around the state since July 31 and is beginning to formulate potential recommendations to mitigate the impacts of drought on the Colorado River Basin and its many users. The seventeen-member task force has representatives from agriculture, municipal use, industry, tribal groups, and the state. The group must report to the General Assembly by December 15, 2023 with recommendations for legislation. Among the suggestions to date: increase flexibility for transfer and use of water rights, extend the Water Banking concept to surface water, enhance and use available tools through the State Engineer's Office, consider allowing electric utilities and associated coal mines affected by HB 19-1261 and SB 19-236 to 1) temporarily enact appropriate water rights planning horizons, similar to those available to municipalities, in order to maintain their portfolio of water rights at least through the energy transition planning period (2050), so that those water rights may be available to support development of clean energy generation; and (2) the portfolio of water rights can be used during the transition in a manner that supports the State of Colorado's drought response initiatives. **These suggestions have not been voted to be included in the report.**

Clean Car Rules. The Air Commission extended its Clean Car rules until 2032 (not to 2035 as proposed by some advocates). The rule requires vehicle manufacturers to ensure 82% of new light duty vehicles sold in Colorado are electric by model year 2032. Regulators assured the public that they may still purchase used internal combustion vehicles, and purchase vehicles out of state. The standard does **not** prohibit the sale or use of non-electric, internal combustion engine vehicles. The standard's targets also do **not** apply to used car sales or off-road vehicles or equipment, for construction and farm equipment.

State Construction on Floodplains. The State Architect is seeking legislation for authority to issue permits for construction on floodplains. It does not prohibit local entities from issuing these permits, but the permit program must meet standards set by the National Flood Insurance Program (NFIP) FEMA requires that state construction on flood plains be insured; to be insurable that construction must hold a state or local permit approved by the NFIP. The State Architect does not currently have authority to issue such permits and the purpose of the legislation (not yet drafted) is to provide that authority for a permit program and process. Unanswered are details of maintaining exemptions for certain agencies from other requirements of the State Architects' Office while covering the review and approval for insurance purposes. Agencies that would be involved include CWCB, CDOT, and CPW.

## APPENDIX C