AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

AgendaTitle:
Proposed Reclamation Permit Process

Action Requested: Discussion

Parties to the Agreement:

Term Begins: **Term Ends:** **Grant Contract #:**

Summary:
Staff discussion regarding changes to the Reclamation Permit process.

Fiscal Impact:

Submitted by: Neal Starkebaum **Submitter's Email Address:** nstarkebaum@gunnisoncounty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ◉ Required ○ Not Required

Comments:

Reviewed by: GUNCOUNTY1\dBaumgarten Discharge Date: 5/8/2014 Certificate of Insurance Required Yes ○ No ◉

County Manager Review:

Comments:

Reviewed by: GUNCOUNTY1\mbirnie Discharge Date: 5/8/2014

○ Consent Agenda ○ Regular Agenda ◉ Worksession Time Allotted: 20 Minutes

Agenda Date: 5/13/2014 Follow Up Agenda Date:

Revised April 2013

TO: Board of County Commissioners

FROM: Marlene Crosby
Russell Forrest
Jim Cochran
Neal Starkebaum

Date: May 13, 2014

SUBJECT: Proposed Reclamation Permit Process

On March 18, 2014, Public Works discussed streamlining the reclamation permit process. Attached is the memo from that discussion (Attachment A). The fundamental idea of this proposal was to simplify the reclamation process by exempting areas of site disturbance that are less than 10,000 square feet. It was also discussed how to integrate Sage-grouse protection issues into this proposal and staff has had subsequent discussions since that initial meeting with the Board of County Commissioners. It should be acknowledged that the reclamation permit process is an important strategy in conserving the Gunnison Sage-grouse and their habitats, particularly as it relates to the prevention of noxious weed introduction.

Attachment A summarizes a proposed process for reclamation permits that would simplify the reclamation permit process, provide a more streamlined customer service experience, improve compliance of reclamation permits and the goals for creating this requirement, and enhance protection of the Gunnison Sage-grouse. Staff will review this proposed process with the Board on May 13th. The major components of this proposed process include:

1) A Sage-grouse preapplication conference would be required for any proposed site disturbance (regardless of size). There is arguably a conflict in our regulations where our Sage Grouse regulations would require review of any impact to Sage Grouse habitat but our Reclamation Permit process currently does not require review of an area less than 2500 square feet. This proposed change would address this conflict.
2) If an area is not in Sage-grouse habitat and less than 10,000 square feet, no reclamation permit would be required. However, staff would propose that rough grading and site reseeding occur prior to receiving a certificate of occupancy for all projects. In all cases, staff has concluded that having any requirements related to construction which are enforced after occupancy of a premise is not effective unless there is a significant monetary deposit/bond held by the county to ensure compliance.
3) If a proposed site disturbance (regardless of size), including such items as temporary access, drilling a well or preliminary soils or geologic investigations for building or septic permits, is in mapped Sage-grouse occupied habitat, the Wildlife Conservation Coordinator would determine if it is in Tier 1 or 2 habitat. For all activities in Tier 1 habitat, a reclamation permit would be required. For activities in Tier 2 habitat, the necessity for a reclamation permit would be determined on a case by case basis, with proximity of Tier 1 habitat being the primary determining factor.

4) If a Reclamation permit is required, it is recommended (given the above mentioned comment in item number 2) to raise the amount of financial security from $250 to $500 for the initial 10,000 square feet of disturbance and from $20 to $100/1000 square feet of site disturbance.
5) Staff recommends that if the recommendations above are adopted, the Reclamation Permit Waiver be eliminated.

If this process is acceptable staff would propose two actions to occur concurrently:

1) Conduct a public open house where the building community is specifically invited to review proposed changes and to also introduce new staff (some simply in new positions) to the building community.
2) Schedule the necessary meetings with the Planning Commission and the BOCC to amend the *Land Use Resolution*.

Attachments:

A. Memo from March 18, 2014
B. Flow chart showing proposed process for Reclamation Permits.

Gunnison County Public Works Department

195 Basin Park Drive
Gunnison, CO 81230
Phone: 970-641-0044

TO: **Board of County Commissioners**
Matthew Birnie, County Manager

FROM: **Marlene Crosby**

DATE: **March 18, 2014**

SUBJECT: **Reclamation Permits**

Each year as part of the budget process we are asked to look at fees charged by our departments to make sure that we cover our costs to the extent possible. We have also been directed by the Board to work to streamline the permitting process for our customers as much as possible.

The Public Works Administrative Staff and the Community Development Department met to see what changes could be made in the permitting process and how we could facilitate communication between our departments. We will begin using Innoprise, which is the permit tracking system used by Community Development. We hope to have everything in place to scan documents and enter information within the next two weeks.

During that discussion we talked about generating access permits through the Community Development Department, but both departments acknowledged that they are complex and site specific so best handled by our department. That said, we will be doing some cross training so that Community Development can give preliminary approval to the location of the drive, unless there are problems, and then we will follow up with construction requirements. That will eliminate one trip to the site.

Over the past two years my staff and I have had a series of discussions about Reclamation Permits. My concerns include process, cost, and benefit. Currently when an applicant applies for any kind of permit they are asked to fill out a Reclamation Permit, or if the disturbance is under 2,000 square feet they fill out a request for a waiver. As part of the permit application they must provide site plans, etc. I have attached a copy of the permit and waiver for your review.

There is a $75.00 fee for a permit if the disturbance is under 10,000 square feet. If the disturbance is at or over 10,000 square feet the bond is $250.00 for the 10,000 square feet and $20.00 for each additional 1,000 square feet. Needless to say, those fees hardly pay for the cost of a good seed mix if we have to do the reclamation work. There is no charge for a waiver. After we are given the release from Community Development that everything is complete we send a copy of either the permit or the waiver to the Weed District.

A landowner is given two years to complete the reclamation work due to the short growing season. The reclamation includes reseeding and erosion control. At the end of

the two year period, or sooner if the permit holder makes a request, Jon makes a site visit to make sure that the appropriate reclamation has taken place. He then sends a letter to the permit holder either closing the permit or advising them of needed action. Since Jon took over the Weed Management position he has been making over 100 inspections a year trying to catch up after busy construction period and poor employee performance by his predecessor.

I pulled the permit numbers so that we could understand the time and budget impacts of these permits. In 2007 (the last busy season) there were 118 permits issued (20 of which required a bond) and 135 waivers. In 2013 there were 31 permits (5 of which required a bond) and 107 waivers. We estimate that between the departments there is a minimum of 10 hours staff time in each permit.

My concern is that the cost far exceeds the value. The permit does not provide us any authority that we do not have through State weed law and applicable County regulations. The amount of "bond" that we receive covers the cost of very little restoration or reclamation. Much of Jon's time that is occupied with paperwork would be better spent mapping or spraying. That is particularly true in the fall when he is trying to complete field inspections and spray for cheatgrass.

Currently property owners/contractors seldom see the Weed Coordinator at all. They often forget the permit is in existence until they receive the letter. We do not feel we are achieving the goal of increasing weed awareness for the short or long term.

I met with the Gunnison Basin Weed Commission on March 12th and have incorporated their suggestions into our proposal. **Staff would like to recommend the following changes:**

Eliminate Reclamation Permit waivers;

Eliminate Reclamation Permits if there is less than 10,000 square feet of disturbance;

For disturbance of 10,000 square feet or greater, charge a $150.00 permit fee and increase the "bond" amount to at least $500.00. Increase the additional 1,000 square foot incremental cost to at least $100.00 per unit.

In order to accommodate these changes without negative impacts the following would need to happen:

Provide Innoprise access to Jon Mugglestone which would allow him to check on permits that are being issued and any staff comments about the project. His level of awareness would be greater because he would even be aware of the smaller projects and could make note of them when he was in the area;

On a regular basis in the past the Public Works Department employees have had weed awareness trainings to help us learn to recognize noxious weeds so that our employees out in the field can help identify potential problem areas. If all of our employees and Community Development employees receive training there will be that many more sets of eyes looking at each project area without any extra trips.

Increase our attempt to educate property owners and contractors at the beginning of the project. The first permit issued (ISDS or Building Permit) will have the following items attached:

Noxious Weed Management Pocket Guide for Gunnison County
Reclaiming Land Disturbances

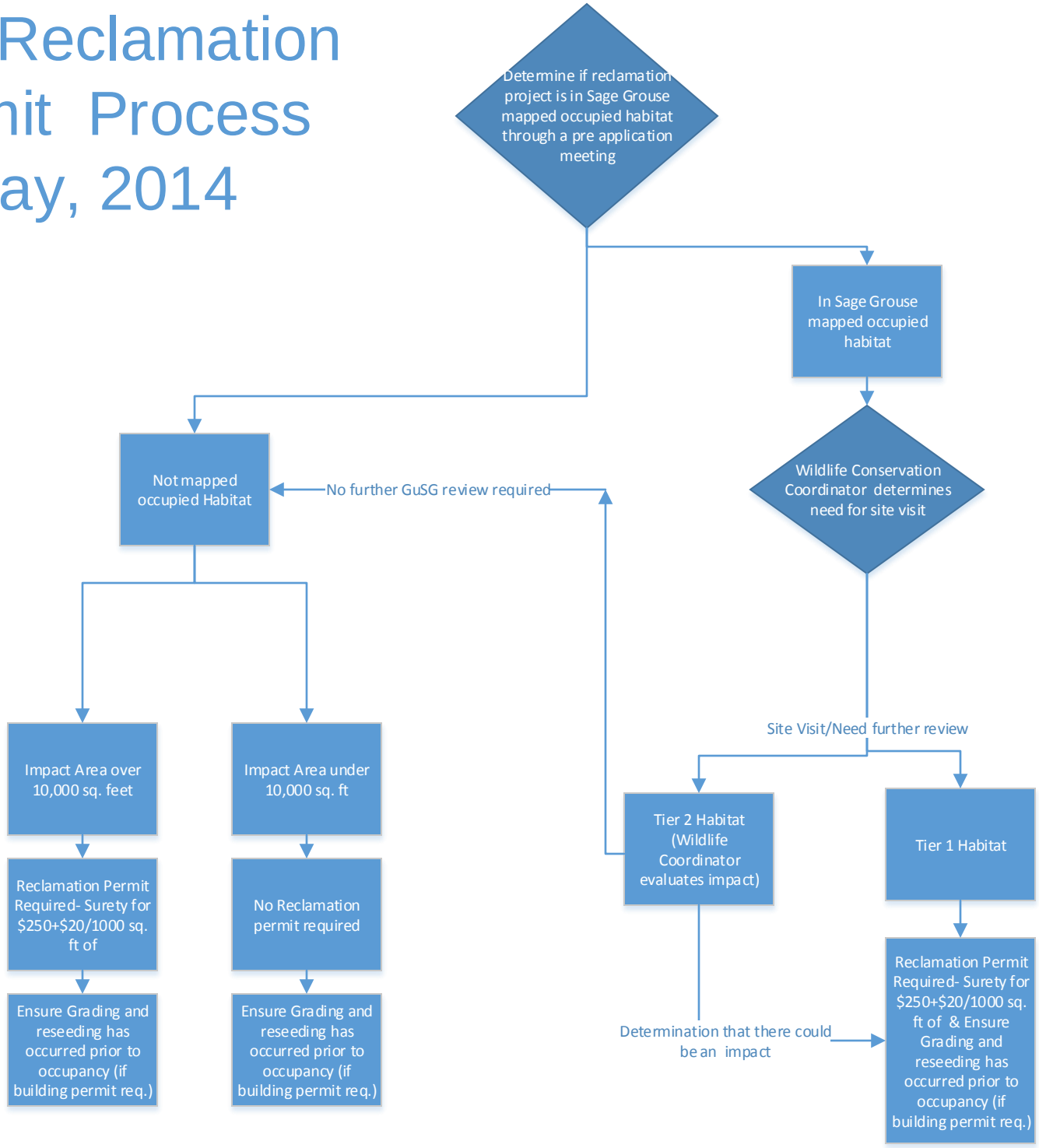
In addition to these two pamphlets which had been previously attached to the Reclamation Permit, Jon has prepared a letter that provides contact information for the Gunnison Conservation District, CSU and our Weed District. We want to encourage property owners/contractors to use the appropriate seed mix, particularly if they are adjacent to Federal or State land.

All applications for any activity that are within Sage-grouse occupied habitat will continue to be referred to the Wildlife Coordinator.

The impact to operating budgets of eliminating these permits (assuming that no permits were issued) would be $1,320.00 to the Weed District and $500.00 to the Public Works Department.

If you have any questions or would like additional information prior to Tuesday's meeting, please give me a call.

Thank you

Cc: Russ Forrest, Community Development Director
Jon Mugglestone, Weed Coordinator

Draft Reclamation Permit Process May, 2014