



AGENDA

Thursday, July 6, 2023

MEETING ZOOM ONLY NWCCOG 10 a.m. – 12 p.m.

EDD 1 p.m. – 2:30 p.m.

VIDEO & PHONE CONFERENCE INFORMATION

Join Zoom Meeting

<https://us06web.zoom.us/j/88166216134?pwd=MFB0Z2VRVEpHSXhYZHRubVRXc3poZz09>

Meeting ID: 881 6621 6134

Passcode: 119033

NWCCOG COUNCIL BOARD MEETING

10:00 a.m.	1.	Call to Order – NWCCOG Council Chair, Alyssa Shenk (Patti for Alyssa)	
	2.	Roll Call and Determination of Quorum	
	*3.	ACTION: May 2023 Council Meeting Minutes	Pgs. 3-6
	4.	UPDATE: NLF Reports <ul style="list-style-type: none"> - Documents are for review, not approval - Northwest Loan Fund – Risk Ratings - Northwest Loan Fund – Portfolio Summary - Loan Policy Excerpt as reference for Risk Ratings 	Pgs. 7-12
	5.	UPDATE: Annual Planning Meeting Agenda <ul style="list-style-type: none"> - August is “Annual Planning Meeting” - Share Member Ideas for NWCCOG activities or projects for 2024 - Today, Review 2024 Member Services Program Goals – suggest edits - All program Goals will be attached to August agenda for approval 	Pgs. 13-14
	*6.	ACTION: Proposed 2024 Member Dues <ul style="list-style-type: none"> - Proposed 2024 NWCCOG Dues require approval from Council - Approved 2024 QQ Dues spreadsheet - I move to accept the Proposed Member Dues calculations for 2024 as presented... 	Pg. 15-16
	*7.	ACTION: Call to Order Joint Meeting with the Northwest Loan Fund	
10:30 a.m.	*8.	ACTION: 2022 Audit Presentation (TBD) <ul style="list-style-type: none"> - Sam Hellwege from Clifton Larson Allen to present the Audit - Becky Walter, NWCCOG Fiscal Manager to answer questions - Motion to approve audit as presented... 	Post to Website 24hours in advance
	*9.	ACTION: Close Joint Meeting with the Northwest Loan Fund	
	10.	PRESENTATION and ACTION: Community Metrics Survey Project <ul style="list-style-type: none"> - Insights Collective, led by RRC in Joint Project with CAST - Review results of initial survey, feedback, and announce launch of larger survey - Support for Grant Submittal approved in May, other Funding--TBD 	Pgs. 19-29
	11.	UPDATE: NWCCOG 2023 Regional Housing Report – Rachel <ul style="list-style-type: none"> - Rachel updating 2019 project - Special focus on SB23-213 metrics and narratives with CAST - Design and Publication Costs - Uses 	
11:15 a.m.	12.	UPDATE: Legislative update	
1130 a.m.	13.	MEMBER UPDATES: 3 minutes each jurisdiction if time allows	
	14.	UPDATE: New Business <ul style="list-style-type: none"> - Uinta Rail Letter sent, copy in packet 	Pgs. 30-42

		<ul style="list-style-type: none"> - QQ staff summary of Sackett Ruling - Bennet, Daines, Neguse Introduce Bill to Address Housing Shortage in Rural and Mountain Communities 	
11:59 a.m.	*15.	ACTION: Adjourn NWCCOG Meeting	
12:00 p.m. – 1:00 p.m.		Listening session for America 250 - Colorado 150 Commission Katie Roach, Program Director, America 250 - Colorado 150 Commission	
NEXT NWCCOG MEETING: Thursday, August 24, 2023 Conference Call from 10am – 12pm			
NWCCOG Officers: NWCCOG Council Chair – Alyssa Shenk, NWCCOG Council Vice-Chair – Patti Clapper NWCCOG Council Secretary-Treasurer – Carolyn Skowyra			
NWCCOG Executive Committee: Region XII County members –Josh Blanchard, Patti Clapper, Tim Redmond, Jeanne McQueeney and Randal George. Municipal members – Alyssa Shenk, Geoff Grimmer, Glen Drummond, Kristen Brownson and Carolyn Skowyra.			

* requires a vote

NWCCOG ECONOMIC DEVELOPMENT DISTRICT (EDD) BOARD MEETING

1:00 p.m.	1.	Call to Order – EDD Board Chair, DiAnn Butler	
	2.	Roll Call and Determination of Quorum	
	*3.	ACTION: May 2023 EDD Meeting Minutes	Pgs. 43-44
	4.	UPDATE: Workforce Update – CDLE Team	
	5.	DISCUSSION: Grant through OEDIT for CEDS projects	
	6.	New Business	
2:00 p.m.	*7.	Adjourn NWCCOG Meeting	
NEXT EDD BOARD MEETING: Thursday, August 24, 2023 Conference Call from 12:30pm – 2:30pm			
EDD Officers: EDD Chair – DiAnn Butler, EDD Vice-Chair – Patti Clapper, EDD Secretary-Treasurer – Ashley Macdonald			

* requires a vote

Please notify office@nwccog.org 5 days in advance if you require any accommodation to attend this meeting.



Northwest Colorado Council of Governments

NWCCOG Council Meeting

May 25, 2023

Council & EDD Board Members Present:

Alyssa Shenk, Town of Snowmass Village
Chico Thuon, Town of Avon
Carolyn Skowrya, Town of Dillon
Jeanne McQueeney, Eagle County
Tim Redmond, Routt County
Josh Blanchard, Summit County
Kristen Brownson, Town of Breckenridge
Mathew Langhorst, City of Glenwood Springs
Ashely MacDonald, Town of Kremmling
Mellissa Mathews, Town of Redcliff
Patti Clapper, Pitkin County
Randy George, Grand County
Geoff Grimmer, Town of Eagle
Kathleen Halloran, Town of Vail
Ben Kliemer, Red Cliff
Sara Nadolny Town of Basalt

Others Present:

Carolyn Tucker, Northwest Colorado Work
Christina Oxley, CDLE
Matt Kireker, Sen. Bennet's Office

NWCCOG Staff:

Jon Stavney
Jonathan Godes
Becky Walter
Doug Jones
Greg Ociepa
Talai Shirey

Call to Order

Alyssa Shenk, NWCCOG Council Chair, called the Northwest Colorado Council of Governments (NWCCOG) meeting to order at 10:01am. Roundtable introductions were completed, and a quorum was present for the group.

Approval of March 2023 Council Meeting Minutes

M/S: Josh Blanchard/Tim Redmond approve the March 2023 Council Meeting Minutes as presented.

Passed: Yes

Approval of 2023 Q1 Financials

Checking account is very robust, funds have been moved to Trust account. No questions were asked.

M/S: Patti Clapper/Geoff Grimmer to approve the Q1 financials and Bill Schedules for NWCCOG as in packet.

Passed: Yes

NLF Reports for Review

NLF accounts are also robust; Anita has moved funds over \$250k FDIC insured to a new Alpine Bank ICS account.

2022 Audit Update

Becky provided an update on the 2022 audit which included two single audits: one of the NLF Program and one of the Vintage Program. The principal auditor is in the process of drafting the final audit which will be ready to present at the July Council meeting.

Letter of Support

An update from the conversation at the March meeting, Jonathan Godes and Jon Stavney discussed having a generic LOS that would be provided to requesting jurisdictions; otherwise, we do not send LOS to any. There was a discussion regarding the current LOS policy; Jon explained that some requests are program specific, and the current policy allows for program directors to make decide on LOS however larger scaled request such as legislative concerns are brought to the Council for discussion. Now that we have a RGN, it was recommended to allow Jonathan as a program director to provide general LOS per the current policy.

M/S: Josh Blanchard/Ashley Macdonald to approve Jonathan Godes to provide general LOS per the current policy.

Passed: Yes

Request DOLA Grant Submittal

DOLA indicated through Regional Rep to Jon that funding for Broadband position will continue under current terms for only one more year, expiring 12/31/24 (50% local match/50% DOLA). ED of the CBO, Brandi Reitter confirmed to Jon that DOLA is moving out of the Broadband business but CBO will request funding from legislature for similar positions to be funded through the CBO in future years. Jon requested support from the Board for DOLA grant application for RBBD Position. It is possible that by 2025, Project THOR will fully fund the Broadband Director position.

M/S: Kristen Brownson/Patti Clapper to approve Executive Director to apply for one more year of Broadband funding.

Passed: Yes

Second DOLA grant support request: Nate and Jon have been in talks with Yampa Valley Electric regarding a DOLA grant partnership which would bring fiber network to Craig and Hayden. There may be possible other funding through NCB however at this time Jon is requesting approval from Council to offer his expertise in drafting and submitting the DOLA grant for which NWCCOG may be a pass through entity. There would be no cost to NWCCOG other than Jon's time. Tim Redmond is also meeting with DOLA and Yampa Valley Electric to continue negotiations. Nate to follow up with Tim when he returns from Europe.

M/S: Patti Clapper/Tim Redmond to approve Executive Director time in applying for the Dark Network DOLA grant.

Passed: Yes

At the March meeting, Council authorized moving forward with Insights Collective for survey regarding town marketing; this report is expected to be presented at an upcoming Council Meeting. Jon is now requesting approval to apply for a DOLA grant to proceed with a more in-depth report including the perception of visitors vs. residents vs. 2nd homeowners.

M/S: Tim Redmond/Josh Blanchard to approve Executive Director to request a DOLA grant for this report.

Passed: Yes

Uinta Basin Railway Project

With many member jurisdictions submitting letters in opposition, Jon asked Council if NWCCOG should take an official position in opposition of this Project. The Uinta Basin Railway Project is proposed to move oil from Utah to the Gulf via the Pacific Railway through the Moffat Tunnel or perhaps the Tennessee Pass. Jonathan Godes explained at this point we should be asking Congress to oppose the \$2B public bond financing which is typically used for traditional infrastructure. Randy, and other Grand County Commissioners took a road trip with Pacific Railway who assured them that Tennessee Pass would not be used; with the drop in coal trains there is plenty of room through the Moffat Tunnel for the oil train. Grand County is prepared to take a position of opposition from a safety standpoint. Further discussion concluded that members all agreed this train should not be moving through Colorado, nor should public bonds be used to finance this project; no one on the call voiced an opinion of approval to the Project. Huge concerns were expressed about having an oil train move through the Glenwood Canyon and it was suggested to have a "derailment bond" and other regulations be put into place should this project be approved. Another recommendation was adding the Ute Mountain Ute tribe to the letter as well as Secretary Vilsack, cc: Colorado Delegation and Colorado Attorney General Philip Weiser. Bennet, Hickenlooper and Neguse letter in opposition may be viewed at:

<https://www.bennet.senate.gov/public/index.cfm/2023/3/bennet-hickenlooper-neguse-urge-dot-secretary-buttigieg-to-consider-risks-of-approving-tax-exempt-bonds-for-uinta-basin-railway-project>

Note: a collection of jurisdictions letters in opposition may be found on the NWCCOG Council Clipboard

<https://www.nwccog.org/about/people/our-council/council-resources/council-clipboard/>

M/S: Tim Redmond/Patti Clapper to authorize Alyssa Shenk, Jon Stavney and Jonathan Godes to write a NWCCOG letter in opposition to the Uinta Basin Railway letter and send to all federal partners without circulating back to Council.

Passed: Yes

NWCCOG Discussion on follow up to SB23-213

This bill will likely come back to legislators next session; the thought was that resort towns had too much weight on shutting the bill down last time. DOLA may be directed to send funds for housing reports in mountain communities. Regional housing studies have been limited in the mountain communities. Josh Blanchard commented that one is in

works for Summit County. Kathleen Halloran mentioned that the state is unaware of many of the community projects that are already in progress and recommended that a collection of all projects be presented to the state to show mountain communities are working toward the same goal. There was a discussion about the updated Mountain Migration and if NWCCOG partnering with CAST should create a report including projections of future projects and collaboration between jurisdictions. CAST has a standing housing committee; it was recommended that NWCCOG discuss collaboration. This study could also prove positive for local businesses who potentially could grow business if assured that housing is available. It was also discussed to add private business housing projects to the report (i.e. Vail housing). It was encouraged to have this completed this summer so legislatures may have it in hand by the end of 2013. Jon will work with Rachel and CAST to move forward with this project and provide an update at the July NWCCOG Council meeting.

Crystal River Wild and Scenic

It was requested that NWCCOG serve as a fiscal sponsor for the W&S Feasibility Collaborative at an indirect rate of 4%. **M/S: Alyssa Sherk/Ashely Macdonald** approved Council Chair to sign MOU between NWCCOG and Crystal River Wild and Scenic for NWCCOG to act as fiscal sponsor.

Passed: Yes

2023 NWCCOG Member Survey

Jon presented the 2023 NWCCOG Member Survey which can be found at <https://www.nwccog.org/wp-content/uploads/2023/05/2023-NWCCOG-Member-Survey.pdf>

Executive Director Activities

Matt Kireker, Sen. Bennet – The debt ceiling is a hot topic; the House and Senate are not currently in session. It is likely that a deal will be reached by early June. Some local funding may be pulled back as well as tax credits might be on the chopping block. Also, Sen. Bennet is looking at the Farm Bill for eligible Federal land to use for housing development including local workforce housing. There may be an update of the appraisal language to ensure that the land is affordable for local governments' use. There was a request to have NWCCOG provide a LOS to the National Forest Service to Sen. Bennet regarding modifying the Farm Bill which is set to expire this year. Last, Sen. Bennet is encouraging congress to establish a regulator committee to overlook social media, AI and big tech due to concerns of lack of oversight especially for our youth.

M/S: Carolyn Skowrya/Randy George approve NWCCOG Chair to submit a letter of support to Sen. Bennet regarding Farm Bill, working with National Forest and appraisal.

Passed: Yes

Executive Director Activities

- Called Attention to some Program Updates -
 - Rachel Tuyn provided an overview of the 2023 Economic Summit. Sponsorships covered the cost of the 2023 Economic Summit. Feedback was positive; the only comments were to start later and request updated IT (currently projector and screen) and to record the event or keynote panel.
 - Energy Program has received funding from the CEO for a Workforce Development Manager who was hired to start May 30th.
 - Broadband – Nate Walowitz is in France meeting with CEO and engineers for Ekinops the company whose equipment will be replacing Ciena network equipment for Project THOR as funded by DOLA grant in 2022. Testing to occur during visit. Deployment in U.S. begins Late June, early July.
 - RGN - Region 12 Funding Meeting at CMC Breckenridge in July 18th; all members are encouraged to attend. Jonathan will send out additional information.

Some Report-ins from Jon on his activities since last Council Meeting include:

- Prep and Emcee for Regional Economic Summit May 4th (30 hrs.)
- CCCMA Conference and State Broadband Summit Attendance
- Completed Town Manager Review for Avon (16 hrs.)
- Facilitated Staff Leadership Retreat for Avon (5 hrs.)
- Facilitated Council Retreat for City of Glenwood Springs (12 hrs.)
- Acting Mobility Manager (4-6 hrs. per week)

- Request to apply for CHFA Board of Directors—There was a conversation regarding Jon Stavney using his time on the CHFA Board of Directors. There was concern that this might stretch Jon’s time too thin, however he is encouraged to apply at his discretion.
- Drafted and Published 5 Manager Insights Newsletters weekly.
- Preparing Mobility Manager NOFO through CDOT as there are opportunities for support personnel.

Member Updates

Klint Kinney in Snowmass Village won manager of the year award.
MT2030 has been scheduled for October.

Adjournment

M/S: Kristen Brownson/Josh Blanchard adjourned the NWCCOG Council meeting at 12:02 p.m.

Passed: Yes

Alyssa Shenk, NWCCOG Council Chair

Date

Risk Ratings Report through 06/02/2023
By Master Loan
Grouped by Risk Rating > Loan ID

LoanID	Borrower	Loan Amount	Principal Balance	30d	30d +	60d +	90d +	120d +	150d +	180d +	Risk Rating	Rating Date	Reserve Percentage	Reserve Amount
Risk Rating: A. Satisfactory														
2020-0910P		90,000.00	44,315.33	1,717.00							A. Satisfactory	10/15/2020	1.00%	443.15
2021-0311		40,000.00	10,501.61								A. Satisfactory	04/21/2021	1.00%	105.02
2021-0408-2		200,000.00	170,940.93								A. Satisfactory	07/19/2021	1.00%	1,709.41
2021-0610-1		93,000.00	79,314.73	975.08							A. Satisfactory	06/24/2021	1.00%	793.15
2021-1014-1		243,000.00	217,940.71	586.40							A. Satisfactory	11/09/2021	1.00%	2,179.41
2021-1116		40,000.00	29,644.52								A. Satisfactory	01/10/2022	1.00%	296.45
A. Satisfactory : 6 loans		706,000.00	552,657.83											5,526.59
Risk Rating: B. Watch														
2014-0313		20,000.00	4,101.34								B. Watch	03/31/2020	10.00%	410.13
2017-0914		250,000.00	158,606.24								B. Watch	03/31/2020	10.00%	15,860.62
2018-0305		280,000.00	164,711.66								B. Watch	03/31/2020	10.00%	16,471.17
2018-0510		25,000.00	11,169.04	23.00							B. Watch	03/31/2020	10.00%	1,116.90
2018-0913		98,000.00	13,460.22								B. Watch	03/31/2020	10.00%	1,346.02
2019-0516-1		95,000.00	68,994.87								B. Watch	03/31/2020	10.00%	6,899.49
2019-0516-1R		295,000.00	230,532.85								B. Watch	03/31/2020	10.00%	23,053.29

Risk Ratings Report through 06/02/2023
By Master Loan
Grouped by Risk Rating > Loan ID

LoanID	Borrower	Loan Amount	Principal Balance	30d	30d +	60d +	90d +	120d +	150d +	180d +	Risk Rating	Rating Date	Reserve Percentage	Reserve Amount
2019-0516-2	[REDACTED]	50,000.00	15,628.06								B. Watch	03/31/2020	10.00%	1,562.81
2019-0925	[REDACTED]	13,580.00	671.06								B. Watch	03/31/2020	10.00%	67.11
2019-1010	[REDACTED]	100,000.00	95,554.66	615.00							B. Watch	08/04/2022	10.00%	9,555.47
2019-1216	[REDACTED]	50,000.00	36,680.29								B. Watch	03/31/2020	10.00%	3,668.03
2020-0213	[REDACTED]	100,000.00	52,960.14								B. Watch	03/31/2020	10.00%	5,296.01
2020-0326	[REDACTED]	51,000.00	21,664.52								B. Watch	03/31/2020	10.00%	2,166.45
2020-0330	[REDACTED]	100,000.00	36,887.94								B. Watch	03/31/2020	10.00%	3,688.79
2020-0514	[REDACTED]	170,000.00	143,642.84	1,500.00	1,500.00						B. Watch	07/28/2021	10.00%	14,364.29
2021-0311-E	[REDACTED]	20,000.00	7,095.84								B. Watch	06/02/2021	10.00%	709.58
2021-0311-E2	[REDACTED]	20,000.00	7,698.12								B. Watch	06/02/2021	10.00%	769.81
2021-0408E	[REDACTED]	20,000.00	6,890.03	617.94							B. Watch	05/10/2021	10.00%	689.00
2021-0610-2	[REDACTED]	54,000.00	27,252.02	1,025.24	1,025.24	102.54					B. Watch	01/10/2022	10.00%	2,725.20
2021-0610-3	[REDACTED]	75,000.00	37,561.42	2,256.25	2,256.25	226.30					B. Watch	07/28/2021	10.00%	3,756.14

Risk Ratings Report through 06/02/2023
By Master Loan
Grouped by Risk Rating > Loan ID

LoanID	Borrower	Loan Amount	Principal Balance	30d	30d +	60d +	90d +	120d +	150d +	180d +	Risk Rating	Rating Date	Reserve Percentage	Reserve Amount
2021-0708-1		210,000.00	179,455.25								B. Watch	01/31/2022	10.00%	17,945.53
2021-0708-2		80,000.00	69,686.68								B. Watch	08/10/2021	10.00%	6,968.67
2021-1014-2		56,000.00	50,095.95	90.45							B. Watch	11/08/2021	10.00%	5,009.60
2022-0113		80,000.00	64,908.64	1,520.00							B. Watch	03/01/2022	10.00%	6,490.86
2022-0113-2		250,000.00	225,793.61								B. Watch	02/16/2022	10.00%	22,579.36
2022-0113-R9		50,000.00	43,814.38								B. Watch	02/28/2023	10.00%	4,381.44
2022-0714		232,650.00	209,397.65								B. Watch	08/04/2022	10.00%	20,939.77
2023-0206		18,700.00	17,863.35								B. Watch	02/23/2023	10.00%	1,786.34
2023-0209		100,000.00	100,000.00								B. Watch	02/16/2023	10.00%	10,000.00
B. Watch: 29 loans		2,963,930.00	2,102,778.67											210,277.88
Risk Rating: F. Foreclosure														
2019-0910		79,500.00	71,098.27	855.00	855.00	855.00	855.00	855.00	855.00		F. Foreclosure	01/10/2022	80.00%	56,878.62
F. Foreclosure: 1 loans		79,500.00	71,098.27											56,878.62
Risk Rating: L. Probable Loss														
2020-0331		60,000.00	54,000.00	606.00	606.00	606.00	606.00	606.00	606.00	5,514.00	L. Probable Loss	01/10/2022	100.00%	54,000.00
L. Probable Loss: 1 loans		60,000.00	54,000.00											54,000.00
Report total: 37 loans		3,809,430.00	2,780,534.77											326,683.09

Portfolio Summary Report -- ACTIVE ACCOUNTS
By Master Loan
(All transactions)

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LoanID	Borrower	Close Date	Loan Amount	Principal Balance	Cumulative Pmts		Latest Pmts		Periods Past Due							Days Past
					Principal	Interest	Amount	Date	30d	30d +	60d +	90d +	120d +	150d +	180d +	
2019-0910	██████████	10/09/2019	79,500 00	71,098 27	8,401.73	10,159 27	241 50	03/22/2023	855 00	855 00	855 00	855 00	855 00	855 00		
2020-0331	██████████	04/04/2020	60,000 00	54,000 00	6,000 00		6,000 00	02/15/2023	606 00	606 00	606 00	606 00	606 00	606 00	5,514 00	
2022-0113	██████████	01/20/2022	80,000 00	64,908 64	15,091 36	3,690 59	1,520 00	03/28/2023	1,520 00							
2014-0313	██████████	05/05/2014	20,000 00	4,101 34	15,898 66	5,635 38	215 34	05/15/2023								
2018-0510	██████████	03/20/2020	25,000 00	11,169 04	13,830 96	1,809 04	460 00	05/08/2023	23 00							
2022-0113-2	██████████	02/16/2022	250,000 00	225,793 61	24,206 39	15,945 61	2,868 00	05/23/2023								
2021-1116	██████████	11/18/2021	40,000 00	29,644 52	10,355.48	2,564 52	760 00	04/06/2023								
2018-0305	██████████	06/18/2018	280,000 00	164,711 66	115,288 34	52,611 66	4,400 00	05/18/2023								
2019-0516-1	██████████	05/20/2019	95,000 00	68,994 87	26,005.13	16,159 27	1,130 00	04/20/2023								
2019-0516-1R	██████████	05/20/2019	295,000 00	230,532 85	64,467.15	51,308 85	3,618 00	05/18/2023								
2017-0914	██████████	08/04/2018	250,000 00	158,606 24	91,393 54	46,547 56	2,818 00	05/03/2023								
2019-1216	██████████	12/19/2019	50,000 00	36,680 29	13,319.71	6,031.79	570 00	05/03/2023								
2020-0330	██████████	04/02/2020	100,000 00	36,887 94	13,112 06	3,924 84	502 00	05/03/2023								
2021-1014-2	██████████	11/08/2021	56,000 00	50,095 95	5,904 05	4,256 50	603 00	05/18/2023	90.45							
2023-0206	██████████	02/23/2023	18,700 00	17,863 35	836 65	363 35	600 00	05/11/2023								
2021-1014-1	██████████	11/09/2021	243,000 00	217,940.71	25,059 29	18,690 31	2,800 00	05/25/2023	586.40							
2021-0708-1	██████████	01/31/2022	210,000 00	179,455 25	30,544.75	11,055 25	2,600 00	03/02/2023								
2018-0913	██████████	09/24/2018	98,000 00	13,460 22	84,539.78	13,760 22	1,966 00	03/31/2023								
2022-0714	██████████	07/28/2022	232,650 00	209,397 65	23,252 35	12,297 65	3,950 00	05/26/2023								
2021-0708-2	██████████	08/10/2021	80,000 00	69,686 68	10,313 32	6,853 28	944.17	05/03/2023								
2019-0516-2	██████████	05/29/2019	50,000 00	15,628 06	34,371 94	6,628 06	1,000 00	05/18/2023								
2020-0326	██████████	03/30/2020	51,000 00	21,664 52	29,335.48	3,664 52	1,000 00	05/18/2023								
2022-0113-R9	██████████	01/25/2022	50,000 00	43,814 38	6,185 62	2,483 61	2,890.47	02/27/2023								
2020-0514	██████████	05/18/2020	170,000 00	143,642 84	26,357.16	24,006 97	1,650 00	04/21/2023	1,500 00	1,500 00						

Portfolio Summary Report -- ACTIVE ACCOUNTS
By Master Loan
(All transactions)

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LoanID	Borrower	Close Date	Loan Amount	Principal Balance	Cumulative Pmts		Latest Pmts		Periods Past Due							Days Past
					Principal	Interest	Amount	Date	30d	30d +	60d +	90d +	120d +	150d +	180d +	
2021-0610-2		06/21/2021	54,000 00	27,252 02	13,461.78	2,839 52	1,025 24	04/21/2023	1,025 24	1,025 24	102 54					
2021-0610-3		07/28/2021	75,000 00	37,561.42	37,438 58	5,203 87	2,256 25	04/21/2023	2,256 25	2,256 25	226 30					
2021-0408-2		07/19/2021	200,000 00	170,940 93	29,059 07	13,964 68	2,048.75	04/29/2023								
2021-0311-E2		06/02/2021	20,000 00	7,698.12	12,301 88	398 62	704 00	04/29/2023								
2023-0209		02/16/2023	100,000 00	100,000 00			2,000 00	02/21/2023								
2019-1010		11/07/2019	100,000 00	95,554 66	4,445 34	11,050 66	500 00	05/26/2023	615 00							
2020-0910P		10/15/2020	90,000 00	44,315 33	45,684 67	7,875.48	1,800 00	02/28/2023	1,717 00							
2021-0610-1		06/24/2021	93,000 00	79,314.73	13,685 27	6,966.77	1,000 00	02/28/2023	975 08							
2021-0408E		05/10/2021	20,000 00	6,890 03	13,109 97	421 97	1,884.72	05/09/2023	617 94							
2021-0311		04/21/2021	40,000 00	10,501 61	29,498 39	2,991 87	1,600 00	04/29/2023								
2021-0311-E		06/02/2021	20,000 00	7,095 84	12,904.16	396.79	700 00	04/29/2023								
2020-0213		02/20/2020	100,000 00	52,960.14	47,039 86	10,423 99	3,003 00	05/26/2023								
2019-0925		10/15/2019	13,580 00	671 06	12,908 94	909.41	333 00	04/29/2023								
Report total: 37 loans			3,809,430 00	2,780,534.77	965,608 81	383,891.73	63,961.44		12,387 36	6,242.49	1,789 84	1,461 00	1,461 00	1,461 00	5,514 00	



NLF LOAN POLICY EXCERPT – Risk Ratings

Loan Grades and percentage of loan balance in Allowance for Loan Loss

LOAN GRADE	GUIDING DESCRIPTION	% OF LOAN BALANCE IN ALLOWANCE FOR LOAN LOSS
Satisfactory	Performing As Agreed and well secured	1%
Watch	New Loans - Non Real Estate secured	10%
Substandard	Issue with performance	30%
Doubtful	Concern for full collection	60%
Foreclosure	Foreclosure	80%
Probable Loss	Probable Loss-keep on reports until Charge-Off	100%

ALLOWANCE FOR LOAN LOSS RESERVE

The NLF will maintain an Allowance for Loan Loss (ALL) as an estimate of potential loan losses as a footnote to NLF Loans Receivable. A Colorado Housing and Finance Authority (CHFA) Credit Reserve (CCR) Account may be used as ALL and reported as a footnote to NLF Loans Receivable.

Each loan will be graded and a percentage allowance set aside for each risk class. Loan grading will be updated semi-annually with loan grades reported to the Board via Risk Rating Report.

DEPARTMENT GOALS & OBJECTIVES 2024

PO Box 2308 • 249 Warren Ave • Silverthorne, CO 80498 • 970-468-0295
Fax 970-468-1208 • www.nwccog.org

DEPARTMENT: NWCCOG Member Services/Regional Business		SUBMITTAL DATE: August 2023
STATED MISSION STATEMENT *overall purpose of department*	The purpose of the NWCCOG is to be responsive to our local government member needs and interests when acting as a region. To do that, NWCCOG manages programs that deliver direct services to clients across the region, and distributes grant funding to agencies and clients. NWCCOG also provides leadership, guidance and assistance in problem solving, information sharing and partnership building, advocating members interests and needs with local, state and federal entities.	

GOAL 1: Increase the visibility and presence of the organization within the region		
OBJECTIVES	1. Observe, track and report on relevant and evolving policy/issues across the region. Keep website fresh with current content aligned with other media.	
	2. Continue increasing presence by looking at additional marketing strategies & opportunities. Grow awareness of programs across the region	
	3. Increase in-person outreach when relevant & efficient	
MEASUREABLE OUTCOMES *how will you know when you meet these goals?*	<ul style="list-style-type: none"> *Research and publish reports on relevant topics *Track YOY hits on website (increase), assess most used page content *Perform Member Survey – bi-annually (2023), look for % increases for value programs *Increase requests for NWCCOG trainings, facilitation, participation *Develop "canned" presentations, on-boarding elected officials' workbook *Branding across departments becomes more consistent, COG identifiable *Visit member jurisdictions when opportunities arise *Write and Publish NWCCOG Newsletters, have more published in local newspapers 	
WHY THESE GOALS? *audit review, team aspiration, client input, survey results, etc.*	Recent Member Surveys confirmed many of our top values being "providing relevant regional information, cross jurisdictional idea sharing, bringing regional perspective to local issues." By focusing on telling their stories, we also tell ours: communicating our usefulness and reinforcing the value of our work so members become champions of our programs	

GOAL 2: Strengthen the Organization through Excellence and Resilience from identifiable risks		
OBJECTIVES	1. Continue mitigating expertise in small departments with cross training, communication, and cross organizational teams. Seek peer recognition for program excellence in Colorado, continue being a model for excellence and best practices across the organization	
	2. Continue focus on best practices and information technology, HR and other risk areas	
	3. Continue to diversify and strengthen program fee-for-service funding streams to combine with dues to add value to the region	
	4. Create Continuity of Operations Plan	
MEASUREABLE OUTCOMES *how will you know when you meet these goals?*	<ul style="list-style-type: none"> *Draft COOP plan for Council Approval in 2024 *Manage and update cross training matrix *Confirm that all employees have "instruction manuals" for transitions (ED also) *Continue review and update of all Policies & Procedures, draft a schedule for this *Achieve Excellence in compliance with State & Federal program guidelines and audits 	

WHY THESE GOALS? *audit review, team aspiration, client input, survey results, etc.*	With so many diverse and complex content areas, grants, federal & state programs and agencies each managed with expertise by a small department, the organization is at risk from this isolation of expertise. Similar situation exists with funding for services dependent on federal allocations.
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GOAL 3: Increase Direct "Member Services" to Jurisdictions (beyond program services)	
OBJECTIVES	1. Develop professional development resources and trainings
	2. Promote use of council/ board facilitation services
MEASUREABLE OUTCOMES *how will you know when you meet these goals?	*Produce reports * Conduct trainings and materials for trainings *The resources themselves, checklists, trainings, projects will be the outcomes. Work with Council to develop priorities.
WHY THESE GOALS? *audit review, team aspiration, client input, survey results, etc.*	Based on Member Surveys, membership value development of standardized, resources for elected officials in content areas not currently emphasized by CML, CIRSA or other basic elected official training. This kind of resource is lacking currently, and seems to be an area of opportunity to be a resource to our membership.

GOAL 4: Continue to advocate on issues of regional interests on behalf of membership	
OBJECTIVES	1. Continue to connect members with state and federal officials related to current and emerging issues of regional importance
	2. Seek regional study/analysis/projects on topics pertinent to region
	3. Continue to weigh in and inform of regional issues
	4. Continue to collaborate with partner organizations so as not to duplicate efforts
	5. Strategize on how best to manage federal Land Management policy and keep members informed
MEASUREABLE OUTCOMES *how will you know when you meet these goals?	Feedback from Member Survey
WHY THESE GOALS? *audit review, team aspiration, client input, survey results, etc.*	Members need a good stream of information on regional and national issues and have a larger presence when pulling resources together.



MEMORANDUM

To: NWCCOG Council
From: Jon Stavney, Executive Director and Becky Walter, Finance Manager
Date: June 29, 2023
Re: Proposed 2024 Member Dues

2023 YTD cost analysis for Regional Business and Indirect budgets:

Staff recommends utilizing the population and valuation formula alone for 2024 Dues without adjusting the multiplier because of the fact that Indirect revenues continue to rise with the projection of 25% through 2023. This is a result of Energy and EIP hiring. While the overall employee base grows, Indirect will continue to increase in 2024. This should cover other increased expenses listed below taking pressure off of Member Dues to cover the entire increase. Continuing to keep Dues increasing nominally with costs is a best practice to make the need for a sudden increase in the future less likely.

- Taxes and benefits, health insurance, and overall payroll costs are increasing.
 - General taxes and benefits are expected to increase by \$39,253 in 2023
 - Indirect payroll costs have increased recently due to In-House Fiscal with a full-time Fiscal Assistant and Manager
 - County Health Pool significantly raised rates in 2023, with a projected 25.5% (\$34,380) increase
- Other increased cost factors:
 - Audit expenses are increasing by an anticipated 24% (\$8,000)
 - IT security costs have increased by 30% YTD (\$8,100)
 - Plans for ongoing building improvements such a security system
 - General cost increases due to inflation
- Proposed dues increase is 7.9% (compared to 8.0% in 2023)
 - Assessed valuation formula is unchanged for a 6.72% increase based on valuation
 - Population formula was increased by 0.067 to account for general decrease in county and municipal populations for a 10.31% increase based on population
 - Dues will account for roughly 20% of projected cost increases, assumed to trend similarly in 2024.

NWCCOG 2024 REGIONAL BUSINESS DUES ANALYSIS

FORMULA :

POPULATION0.6320002022 draft population estimates, Colorado Department of Local Affairs, Demography Section

ASSESSED VALUATION0.00001440Certification of Levies & Revenues as of 1/1/2023, Year 2022, 52nd Annual Report, Division of Property Taxation, State of Colorado

Completed by Becky Walter 6/26/2023

Denver-Aurora-Lakewood CPI March 2023 - 5.1%

		POPULATION		ASSESSED VALUATION				2024 DUES		2023 DUES PAID	Difference	2023-2024	2023-2024	% CHANGE
COUNTY														
	EAGLE COUNTY	55,291	38.53%	\$ 34,943.91	\$ 3,632,834,440.00	30.01%	\$ 52,312.82	\$ 87,257.00	\$ 82,484.00	\$ 4,773.00		5.5%		
	GRAND COUNTY	15,748	10.97%	\$ 9,952.74	\$ 944,243,890.00	7.80%	\$ 13,597.11	\$ 23,550.00	\$ 20,599.00	\$ 2,951.00		12.5%		
	PITKIN COUNTY	16,856	11.75%	\$ 10,652.99	\$ 3,690,059,560.00	30.48%	\$ 53,136.86	\$ 63,790.00	\$ 59,052.00	\$ 4,738.00		7.4%		
	SUMMIT COUNTY	30,583	21.31%	\$ 19,328.46	\$ 2,458,966,100.00	20.31%	\$ 35,409.11	\$ 54,738.00	\$ 50,209.00	\$ 4,529.00		8.3%		
	ROUTT COUNTY	25,027	17.44%	\$ 15,817.06	\$ 1,380,710,990.00	11.40%	\$ 19,882.24	\$ 35,699.00	\$ 32,235.00	\$ 3,464.00				
	TOTAL COUNTY	143,505	100.00%	\$ 90,695.16	\$ 12,106,814,980.00	100.00%	\$ 174,338.14	\$ 265,033.00	\$ 244,579.00	\$ 20,454.00		7.7%		
MUNICIPAL														
EAGLE	BASALT (EAGLE & PITKIN)	4,101	5.13%	\$ 2,591.83	\$ 220,980,130.00	2.97%	\$ 3,182.11	\$ 5,774.00	\$ 5,041.00	\$ 733.00		12.7%		
	AVON/AVON METRO	5,889	7.37%	\$ 3,721.85	\$ 261,835,040.00	3.52%	\$ 3,770.42	\$ 7,492.00	\$ 7,049.00	\$ 443.00		5.9%		
	EAGLE	7,362	9.22%	\$ 4,652.78	\$ 166,038,170.00	2.23%	\$ 2,390.95	\$ 7,044.00	\$ 6,458.00	\$ 586.00		8.3%		
	GYPSUM	9,251	11.58%	\$ 5,846.63	\$ 187,858,890.00	2.53%	\$ 2,705.17	\$ 8,552.00	\$ 7,243.00	\$ 1,309.00		15.3%		
	MINTURN	985	1.23%	\$ 622.52	\$ 31,712,010.00	0.43%	\$ 456.65	\$ 1,079.00	\$ 1,007.00	\$ 72.00		6.7%		
	RED CLIFF	247	0.31%	\$ 156.10	\$ 5,913,320.00	0.08%	\$ 85.15	\$ 241.00	\$ 216.00	\$ 25.00		10.4%		
GRAND	VAIL	4,592	5.75%	\$ 2,902.14	\$ 1,294,683,020.00	17.41%	\$ 18,643.44	\$ 21,546.00	\$ 21,780.00	\$ (234.00)		-1.1%		
	FRASER	1,506	1.89%	\$ 951.79	\$ 76,343,030.00	1.03%	\$ 1,099.34	\$ 2,051.00	\$ 1,692.00	\$ 359.00		17.5%		
	GRANBY	2,310	2.89%	\$ 1,459.92	\$ 81,397,330.00	1.09%	\$ 1,172.12	\$ 2,632.00	\$ 2,214.00	\$ 418.00		15.9%		
	GRAND LAKE	400	0.50%	\$ 252.80	\$ 58,218,160.00	0.78%	\$ 838.34	\$ 1,091.00	\$ 940.00	\$ 151.00		13.8%		
	HOT SULPHUR SPRINGS	684	0.86%	\$ 432.29	\$ 10,426,240.00	0.14%	\$ 150.14	\$ 582.00	\$ 532.00	\$ 50.00		8.6%		
	KREMMLING	1,478	1.85%	\$ 934.10	\$ 20,152,410.00	0.27%	\$ 290.19	\$ 1,224.00	\$ 1,115.00	\$ 109.00		8.9%		
JACKSON	WINTER PARK	1,099	1.38%	\$ 694.57	\$ 175,979,260.00	2.37%	\$ 2,534.10	\$ 3,229.00	\$ 2,622.00	\$ 607.00		18.8%		
	WALDEN	593	0.74%	\$ 374.78	\$ 7,997,292.00	0.11%	\$ 115.16	\$ 490.00	\$ 416.00	\$ 74.00		15.1%		
	ASPEN	6,718	8.41%	\$ 4,245.78	\$ 2,008,903,130.00	27.02%	\$ 28,928.21	\$ 33,174.00	\$ 30,414.00	\$ 2,760.00		8.3%		
	SNOWMASS VILLAGE	2,986	3.74%	\$ 1,887.15	\$ 503,766,090.00	6.78%	\$ 7,254.23	\$ 9,141.00	\$ 8,701.00	\$ 440.00		4.8%		
	ROUTT	1,954	2.45%	\$ 1,234.93	\$ 30,647,040.00	0.41%	\$ 441.32	\$ 1,676.00	\$ 1,488.00	\$ 188.00		11.2%		
	STEAMBOAT SPRINGS	13,284	16.63%	\$ 8,395.49	\$ 854,621,940.00	11.50%	\$ 12,306.56	\$ 20,702.00	\$ 18,790.00	\$ 1,912.00		9.2%		
SUMMIT	DILLON	1,031	1.29%	\$ 651.59	\$ 111,888,030.00	1.51%	\$ 1,611.19	\$ 2,263.00	\$ 1,844.00	\$ 419.00		18.5%		
	BRECKENRIDGE	4,930	6.17%	\$ 3,115.76	\$ 728,572,750.00	9.80%	\$ 10,491.45	\$ 13,607.00	\$ 12,765.00	\$ 842.00		6.2%		
	FRISCO	2,796	3.50%	\$ 1,767.07	\$ 257,564,650.00	3.46%	\$ 3,708.93	\$ 5,476.00	\$ 5,111.00	\$ 365.00		6.7%		
	MONTEZUMA	70	0.09%	\$ 44.24	\$ 2,603,010.00	0.04%	\$ 37.48	\$ 82.00	\$ 76.00	\$ 6.00		7.3%		
	SILVERTHORNE	4,773	5.97%	\$ 3,016.54	\$ 281,094,650.00	3.78%	\$ 4,047.76	\$ 7,064.00	\$ 6,001.00	\$ 1,063.00		15.0%		
	BLUE RIVER	848	1.06%	\$ 535.94	\$ 55,136,360.00	0.74%	\$ 793.96	\$ 1,330.00	\$ 1,243.00	\$ 87.00		6.5%		
TOTAL MUNICIPAL	79,887	100.00%	\$ 50,489.00	\$ 7,434,331,952.00	100.00%	\$ 107,054.38	\$ 157,542.00	\$ 144,758.00	\$ 12,784.00		8.1%			
REGION XII SUBTOTAL	223,392		\$ 141,184.16	\$ 19,541,146,932.00		\$ 281,392.52	\$ 422,575.00	\$ 389,337.00	\$ 33,238.00		7.9%			
GLENWOOD SPRINGS	10,092		\$ 6,378.14	\$ 267,864,140.00		\$ 3,857.24	\$ 10,235.00	\$ 9,302.00	\$ 933.00		9.1%			
OUTSIDE Region XII SUBTOTAL	10,092		\$ 6,378.14	\$ 267,864,140.00		\$ 3,857.24	\$ 10,235.00	\$ 9,302.00	\$ 933.00		9.1%			
TOTAL DUES							\$ 432,810.00	\$ 398,639.00	\$ 34,171.00		7.9%			
Non-Current Members for Reference														
JACKSON COUNTY	1,357		\$ 857.62	\$ 88,632,077.00		\$ 1,276.30	\$ 2,134.00							
CARBONDALE	6,774		\$ 4,281.17	\$ 177,474,950.00		\$ 2,555.64	\$ 6,836.81							
LEADVILLE	2,621		\$ 1,656.47	\$ 41,063,637.00		\$ 591.32	\$ 2,247.79							
OAK CREEK	871		\$ 550.47	\$ 10,444,810.00		\$ 150.41	\$ 701.00							
YAMPA	398		\$ 251.54	\$ 4,607,930.00		\$ 66.35	\$ 318.00							
SUBTOTAL	10,664		\$ 6,739.65	\$ 233,591,327.00		\$ 3,363.72	\$ 10,103.60							

QQ Draft 2024 Dues

with proposed 5% estimate increase based on CPI
To be considered at Fall QQ Meeting (date TBD)

County	2024				
	2018, 2019, 2020 annual dues amount	2021 Dues (no increase since 2018)	2022 Dues (3% increase)	2023 Dues (3% increase)	5% estimate increase based on CPI)
Eagle County	\$22,809	\$22,809	\$23,493	\$24,198	\$25,408
Grand County	\$22,809	\$22,809	\$23,493	\$24,198	\$25,408
Gunnison County	\$5,305	\$5,305	\$5,464	\$5,628	\$5,909
Jackson County	n/a	n/a	\$0	\$0	\$0
Park County	n/a	n/a	\$0	\$0	\$0
Pitkin County	\$22,809	\$22,809	\$23,493	\$24,198	\$25,408
Summit County	\$22,809	\$22,809	\$23,493	\$24,198	\$25,408
Municipality					
Aspen	\$7,214	\$7,214	\$7,430	\$7,653	\$8,036
Avon	n/a	n/a	\$2,185	\$2,251	\$2,363
Basalt (Eagle & Pitkin)	\$1,326	\$1,326	\$1,366	\$1,407	\$1,477
Blue River	n/a	n/a	\$0	\$0	\$0
Breckenridge	\$5,570	\$5,570	\$5,737	\$5,909	\$6,205
Carbondale	\$3,448	\$3,448	\$3,551	\$3,658	\$3,841
Crested Butte	\$1,591	\$1,591	\$1,639	\$1,688	\$1,772
Dillon	\$796	\$796	\$820	\$844	\$887
Eagle	\$1,857	\$1,857	\$1,913	\$1,970	\$2,069
Fraser	\$743	\$743	\$765	\$788	\$828
Frisco	\$1,857	\$1,857	\$1,913	\$1,970	\$2,069
Glenwood Springs	n/a	n/a	\$0	\$0	\$0
Granby	\$743	\$743	\$765	\$788	\$828
Grand Lake	\$743	\$743	\$765	\$788	\$828
Gypsum	\$2,122	\$2,122	\$2,186	\$2,251	\$2,364
Hot Sulphur Springs	\$212	\$212	\$218	\$225	\$236
Kremmling	\$1,061	\$1,061	\$1,093	\$1,126	\$1,182
Minturn	\$690	\$690	\$711	\$732	\$769
Montezuma	n/a	n/a	\$0	\$0	\$0
Red Cliff	n/a	n/a	\$0	\$0	\$0
Silverthorne	\$1,804	\$1,804	\$1,858	\$1,914	\$2,010
Snowmass Village	n/a	n/a	\$0	\$0	\$0
Steamboat Springs	\$2,652	\$2,652	\$2,732	\$2,814	\$2,954
Vail	\$6,631	\$6,631	\$6,830	\$7,035	\$7,387
Walden	n/a	n/a	\$0	\$0	\$0
Winter Park	\$1,326	\$1,326	\$1,366	\$1,407	\$1,477
Yampa	\$212	\$212	\$218	\$225	\$236
Associations					
Colorado River Water Conservation District	\$3,713	\$3,713	\$3,824	\$3,939	\$4,136
Upper Gunnison River Water Conservation District	\$530	\$530	\$546	\$562	\$590
Water & San Districts					
Basalt Sanitation District	\$106	\$106	\$109	\$112	\$118
Bellyache Ridge Metro District	\$106	\$106	\$109	\$112	\$118
Copper Mountain Consolidated Metro District	\$955	\$955	\$984	\$1,013	\$1,064
Dillon Valley District	\$530	\$530	\$546	\$562	\$590
Eagle River Water & Sanitation District	\$2,122	\$2,122	\$2,186	\$2,251	\$2,364
East Dillon Water District	\$530	\$530	\$546	\$562	\$590
Granby Sanitation Dist	\$530	\$530	\$546	\$562	\$590
Grand County Water & San Dist	\$530	\$530	\$546	\$562	\$590

Hamilton Creek Metro District	\$106	\$106	\$109	\$112	\$118
Kremmling Sanitation District	\$106	\$106	\$109	\$112	\$118
Mid Valley Metro District	\$106	\$106	\$109	\$112	\$118
Silver Creek Water & San	\$106	\$106	\$109	\$112	\$118
Snake River Water District	\$530	\$530	\$546	\$562	\$590
Snowmass Water & Sanitation	\$2,122	\$2,122	\$2,186	\$2,251	\$2,364
Three Lakes Water & San	n/a	n/a	\$0	\$0	\$0
Town of Silverthorne -	\$2,122	\$2,122	\$2,186	\$2,251	\$2,364
White Horse Springs Water District	\$106	\$106	\$109	\$112	\$118
Winter Park Ranch Water & San	\$530	\$530	\$546	\$562	\$590
Winter Park Water&San	\$530	\$530	\$546	\$562	\$590
Total Dues	\$155,155	\$155,155	\$175,197	\$166,848	\$175,197

Water Quality & Quantity - Dues for QQ for each municipality are based on the percentage of the region's total treated water that is served by a particular municipality. Counties and associate members based on a contribution.



INSIGHTS COLLECTIVE
The Travel Economy Think Tank

NWCCOG Community Metrics Survey 2023

Preliminary Data

The following discussion provides an overview of preliminary results obtained through the Community Metrics Survey that was sent out through NWCCOG and CAST. The survey will continue to gather responses, but this short report provides an opportunity to see how results are trending and to consider how the surveying effort can be refined and expanded as a part of the DOLA Grant request.

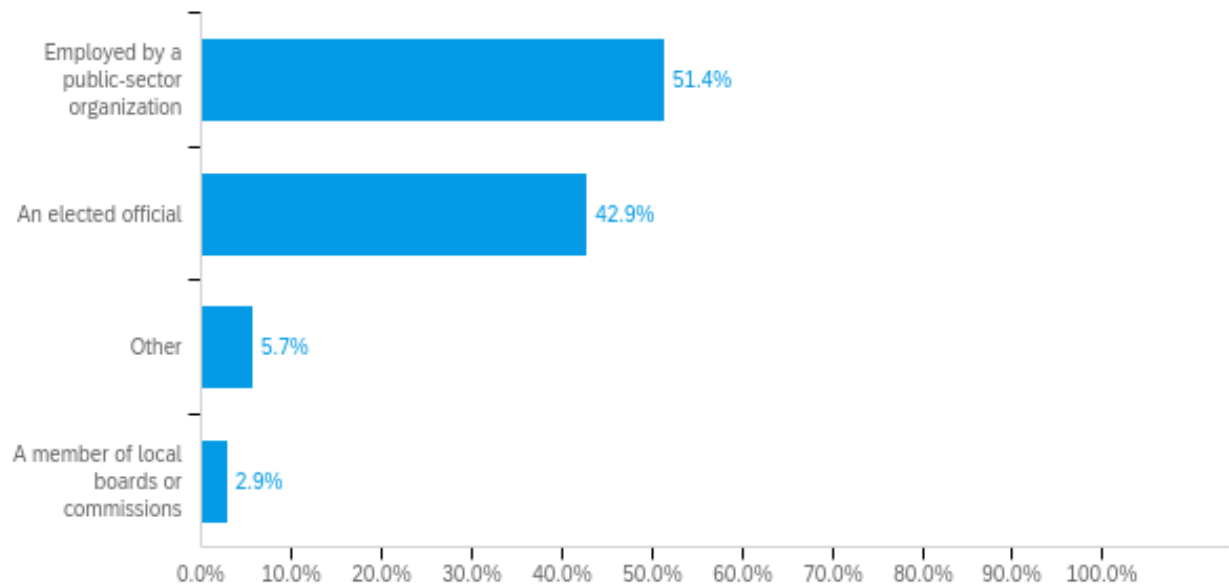
As shown, the responses to date include a variety of communities. The questionnaire asked where the respondent lives, and a separate question asks where they work. Responses have been received from many of the large Colorado resort communities as well as Moab, Park City, Sun Valley, and Jackson Hole. The chart below illustrates place of employment for respondents from Colorado and Utah. In many of the survey questions respondents are reporting on their opinions based on where they work.

NWCCOG Community Metrics Survey 2023		
PLACE OF EMPLOYMENT: City		Overall
PLACE OF EMPLOYMENT: CITY	Frisco	13.8%
	Breckenridge	10.3%
	Dillon	6.9%
	Park City	6.9%
	Aspen	3.4%
	Avon	3.4%
	Carbondale	3.4%
	Crested Butte	3.4%
	Durango	3.4%
	Eagle	3.4%
	Estes Park	3.4%
	Glenwood Springs	3.4%
	Granby	3.4%
	Gypsum	3.4%
	Hot Sulphur Springs	3.4%
	Ketchum	3.4%
	Red Cliff	3.4%
	Salida	3.4%
	Snowmass Village	3.4%
	Steamboat Springs	3.4%
	Telluride	3.4%
	Walden	3.4%
	TOTAL	100.0%
	n =	29

21 Jun 23
Source: RRC Associates

Survey responses include a mix of municipal employees, elected officials and others. A large percentage of the public-sector employees are city/town managers; their input provides unique and powerful input to help shape our understanding of current conditions the variety of communities represented in responses to date.

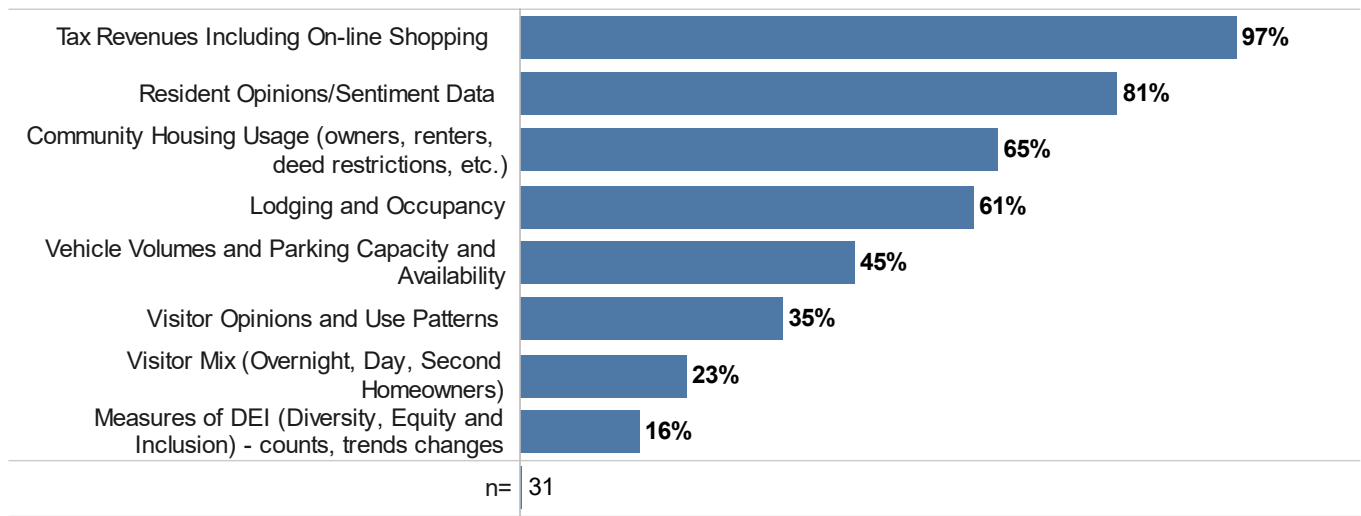
Which of the following best describes your role in the community from a governance perspective?
(Check all that apply)



The Use of Data and Metrics by Communities

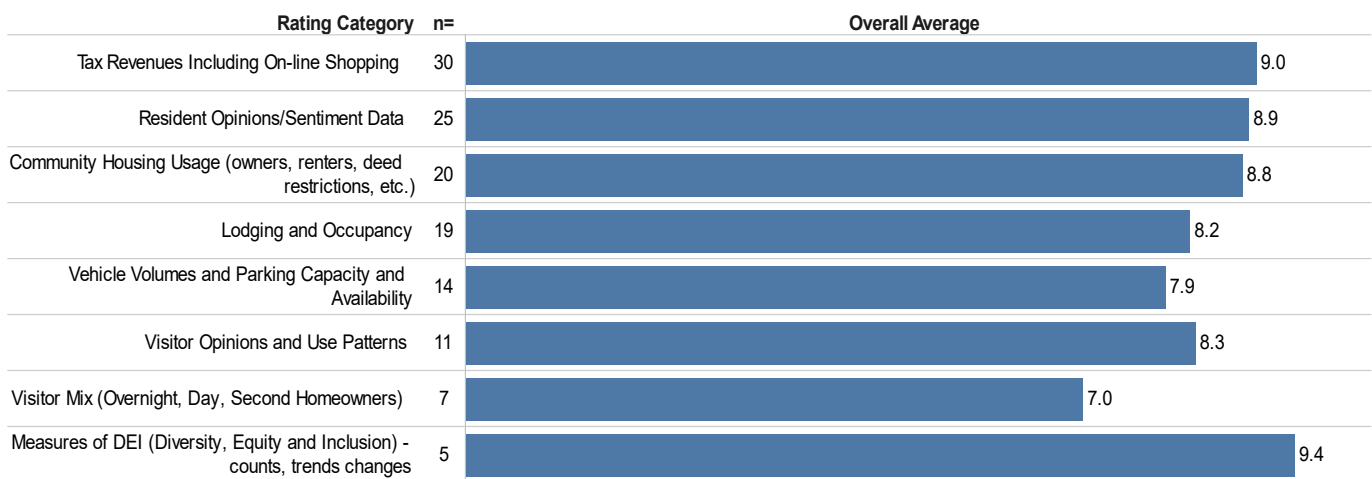
The survey included questions designed to better understand the data and metrics that are currently collected by communities. As shown, tax revenues and resident sentiment data are most available to community decision makers. However, less than half of responding communities report they are receiving some of the types of data that were investigated through the survey. The following graph illustrates this finding.

Please select whether you receive the following data metrics on:

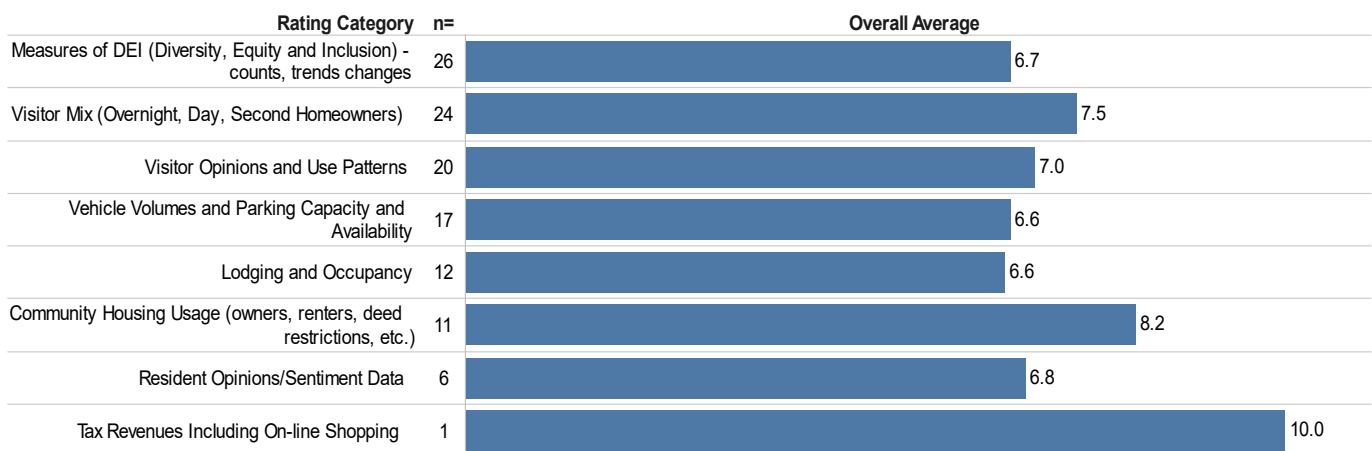


Generally, communities receiving data are finding the information valuable (see graph below) with average ratings of 7 or greater on a 10 point scale. Communities that are not getting data indicate that it would likely be valuable (average ratings over 6 on the 10 pt. scale).

How valuable are the data and metrics you now receive? (1= Not valuable; 10 = Extremely valuable)

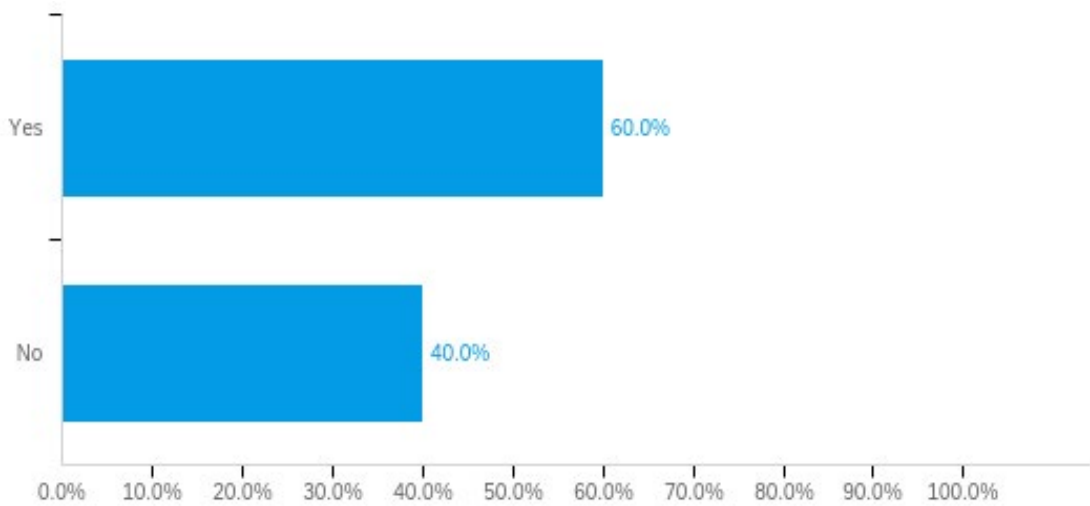


You indicated that you are not receiving the following data, would it be of value for your decision making? (1= Not valuable; 10 = Extremely valuable)



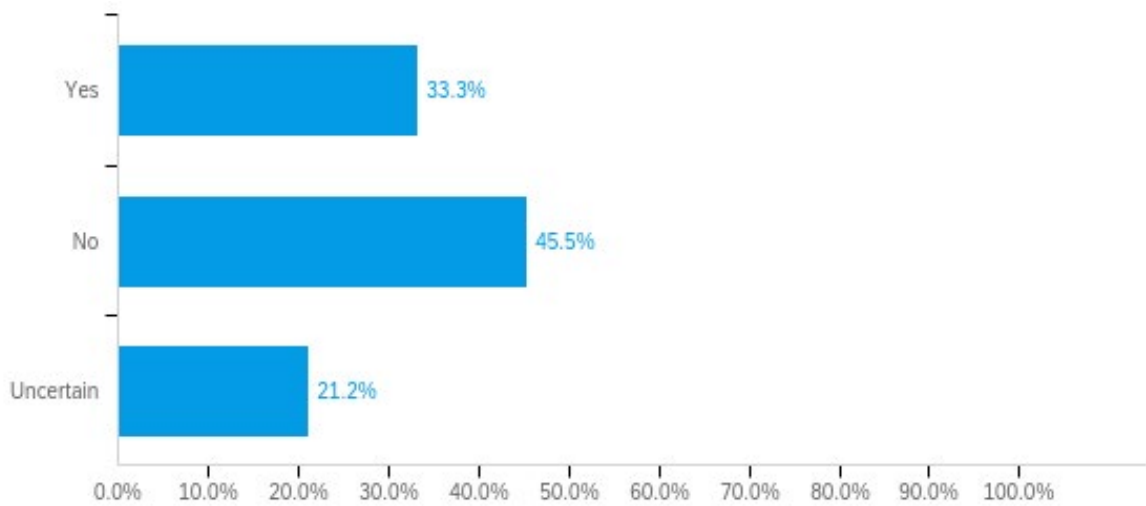
The survey results indicate that many towns and counties (60%) are working cooperatively with local DMOs, chambers and other organizations to collect and distribute tourism-oriented data.

Does your local destination marketing organization (DMO)/Chamber/Economic Development Agency publish or otherwise provide ongoing data and metrics community-wide to inform residents and policy makers?



Survey responses suggest that some communities are using quality of life metrics at present (about 33%), while others are not. The interest in capacity-related measures such as traffic and trail-head counts is a theme that seems to be emerging from the preliminary data. This finding is evident in the examples of “other” types of quality of life data that communities are now tracking as listed below.

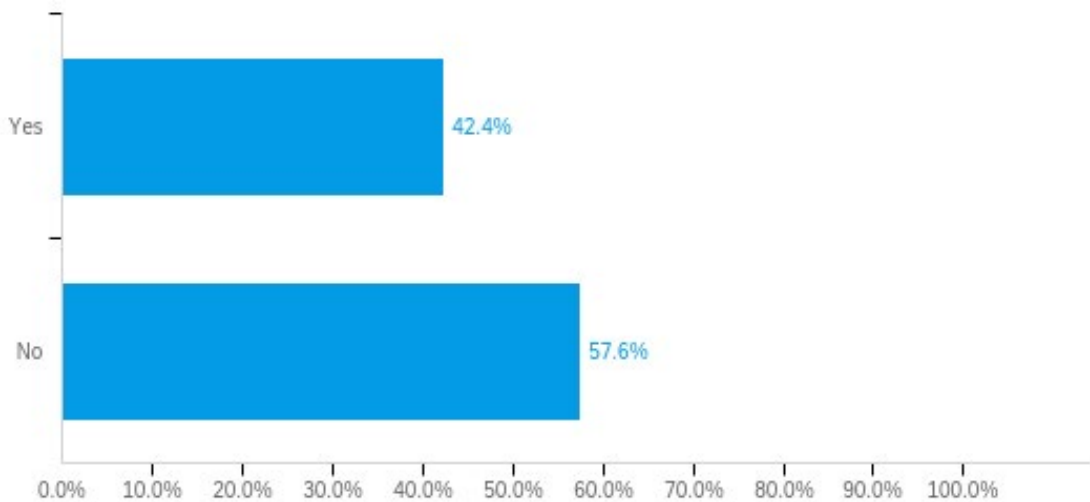
Is your community using quality of life metrics (such as resident sentiment tracking, traffic counts, trailhead parking) that are not economic measures of success?



If yes, what are some examples of quality of life metrics you are collecting?

- Resident sentiment surveys, visitor surveys
- Through community partner surveys (Building Hope, FIRC, School District, etc) as well as County initiated surveys on housing, childcare needs, open space programs, transportation (Summit Stage) service
- traffic counts, inbound/outbound residents, resident sentiment (rarely)
- traffic counts, winter trailhead counts,
- Community Surveys done every year.
- Residents share their opinions on events, amenities, housing, etc.
- Open Space use
- Taxation, trail use, park use
- Trailhead parking and trail use in general

Are there questions you would like answered, or is there information you do not have regarding tracking and evaluating your local economy including tourism?



What are some examples of those questions or missing information that you would find valuable?

- What are some examples of those questions or missing information that you would find valuable?
- Most of the above data items would be very useful.
 - Pedestrian counts, more reliable parking and transit data
 - lodging specifics
 - Best practices for certain outcomes eg. More childcare, less short term rentals and what the compromises are.
 - Employee data indicating number of positions per different salary ranges.
 - Tourism & tax dollar information

sustainability and tourism - what is driving travel patterns and the quality of visitor

community sentiment, overnight stays during mud season, revenue percentage comparisons with other communities

How much does ATV noise in town influence their likelihood to return to Moab? direct and indirect importance of air service to Moab, and return on advertising spending for air travel focused ads.

What is the county's productivity (GDP equivalent)? What is its GDPe per capita? What is the wealth distribution among population deciles? How has income changed for each of those deciles in the past 3-5 decades? What are the systemic (energy, services, etc.) and economic (productivity, tax revenues, jobs, real property value, etc.) impacts of vacant housing units of various uses (empty, STR, part-time, etc.) on our local economy?

Day visitors vs Overnight

Where do the tourists come from seasonally?

Ratings of Quality of Life and Opinions on Tourism

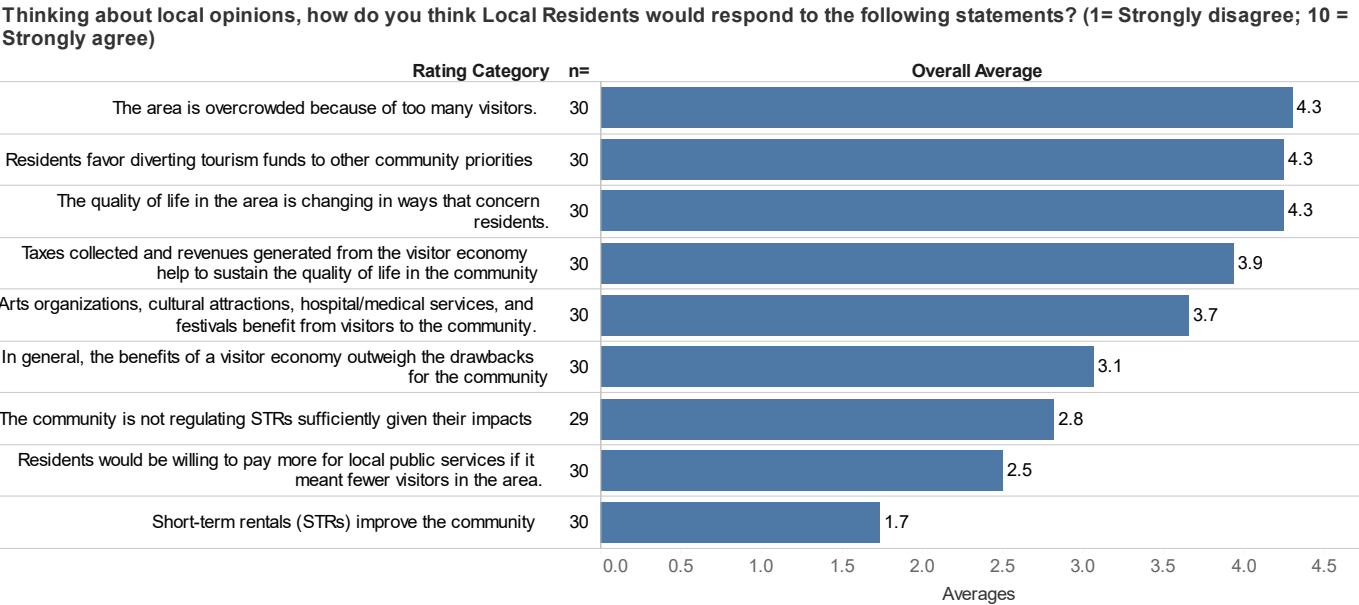
The survey evaluated the importance of a wide variety of factors in determining quality of life for Residents. There is a clear rank ordering based on the opinions of respondents.

Please rate how important the following factors are in shaping Local Residents' perceptions of the quality of life in the community where you work. (1= Not at all important; 10 = Very important)

Rating Category	n=	Overall Average
Access to outdoor activities and experiences	31	9.5
Housing and cost of living	31	9.1
Sense of community	31	8.9
Sense of safety and security	31	8.7
Small town atmosphere	31	8.7
Easy access to trails	31	8.7
Availability of childcare	31	8.4
Emergency Services / response time	31	8.3
Healthcare accessibility	30	7.9
Family friendly opportunities	31	7.8
Traffic congestion	31	7.7
Number of short-term rental units in the community	30	7.7
Quality of recreation facilities and programs	31	7.6
Availability of parking	30	7.3
Vibrant/high energy community	31	7.3
Grocery / supply reliability	30	7.2
Quality (sound) infrastructure	31	7.2
Relatively low/attractive tax rates	31	7.2
Arts/culture/entertainment for all	31	7.2
A community that places value on history	31	7.1
Planning/preparation for natural disasters	31	7.0
Local events/festivals	31	6.7
Solid capital planning for public assets	31	6.7
Variety of restaurants	30	6.5
Quality and frequency of events and festivals	31	6.5
Last mile mobility solutions	30	6.3
Diversity of the community	31	5.7
Airport/availability of flights	30	5.1
Other	3	3.0

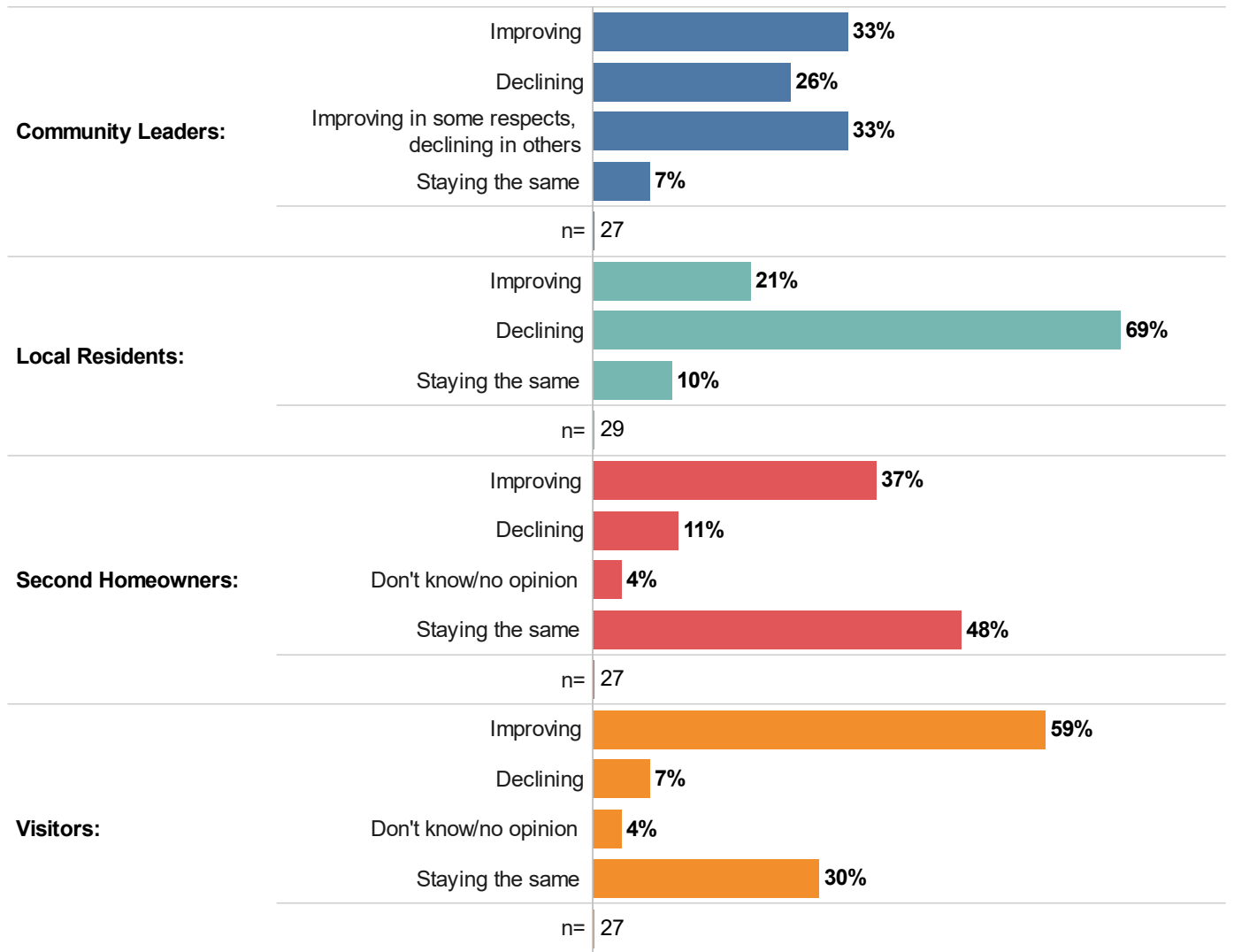
The survey asked for opinions on a series of statements related to tourism and community matters. As shown below, the responses from town officials provide some preliminary results on how town officials think their community members would likely respond to the questions. The proposed surveying program will ask these questions of a large sample of subgroups of the community including residents, second homeowners and potentially visitors.

The data suggest that overcrowding and diverting funds from tourism to other community priorities are strongly held opinions in many towns. Concern for changes in quality of life was also met with strong agreement. These topics are clearly resonating with the survey respondents, the strong agreement with the statements suggests that there may be opportunities to benchmark opinions among subgroups in a community, and also to compare one community to another using quantitative metrics.



The survey asked about opinions on quality of life and the results show distinct patterns that are of interest. The opinions of the respondent (typically a city manager or elected official are measured), followed by their opinions on what residents, second homeowners and visitors would say. The survey results to date strongly suggest that residents are likely feeling that their quality of life is declining – 69% of responses are in this category.

Over the past few years, according to different groups, the overall quality of life in the community where you work has been:



Open ended comments provide additional insight on perceived changes in quality of life. The following are comments from respondents explaining their responses on their personal opinions on changes in quality of life:

In a few words, why do you say that?

New amenities and more workforce housing and childcare options

our long time friends and neighbors are leaving because of affordability issues, childcare has become so expensive I am contemplating leaving the work force, and then we would have to contemplate leaving. People who moved here during covid don't with millions and millions, don't seem to recognize how hard it is to get by in town.

All communities focus on housing, childcare and the improving core services.

Population growth

Inability for locals to afford to live in town and find childcare

Affordability is a significant issue and the population is becoming wealthier and less diverse. Becoming a less attractive place to raise a family. But the quality of many services is improving

Amenities are improving

affordability is so difficult and there aren't good policy solutions to address it. also, tourism is the driving factor to revenues, so to address local sentiment you have to diversify the economy.

due to workload i don't see us really adding to the town experience

I think _____ just keeps getting better in terms of our events, sense of community, and amenities, despite the major challenges we're facing in housing and growth.

Livability for our workforce, growing tension between pro-development (industry, market-rate real estate, tourism) and local community culture (maintaining traditional workforce neighborhoods, affordable housing and childcare, inflation in general)

The way of life that locals have lived for a long time has become impossible. There are more services, but not those needed to thrive here year-round as a typical working-class person

We have done a decent job of balancing the increasing pressures of being a tourism destination with maintaining quality of life for residents

Housing, Childcare deficits

Record business revenues, infrastructure improvements focused on quality of life, record visitation.

The town is investing in the community but the number of visitors/STRs versus full-time is impacting neighborhoods.

Visitors are better managed

Too many visitors all the time.

Residents are beginning to understand that an economy comprises the people within it, not just the revenues it generates. This has resulted in greater support of government services, equitable policies, and support of community members.

Cost of housing is driving out workers

not enough funds to meet perceived expectations

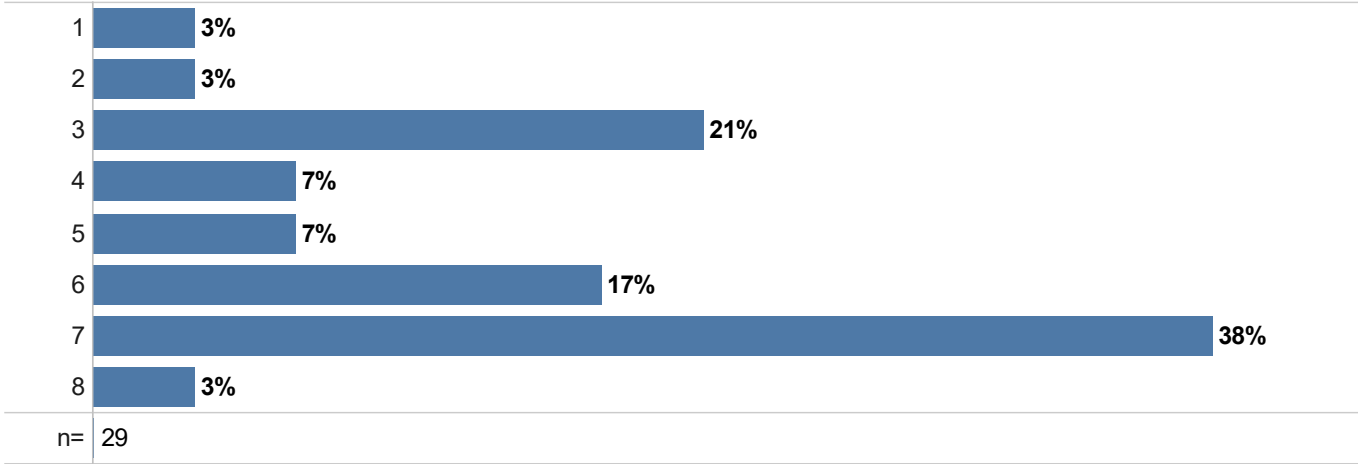
There is more money coming into the community, so more improvements are being made. However, housing prices have gone up too much for locals/workforce to be able to afford to live there.

more diversity, cleaner

The positives are related to land, water, and air...the negatives are related to costs, congestion and construction

One of the important and informative questions in the survey has respondents indicate how they think local residents would place themselves on a scale that is anchored on one end by “Resident-focused” and on the other by “Tourism-Focused.” Only 3% of the respondents to date indicated that they are 100% Resident Focused, and none of the respondents said their community was 100% Tourism-focused. This question will be an important source of input as further surveying is conducted.

Using the scale below, how would Local Residents characterize their community? Note that a "5" rating would indicate an equal balance between Resident-Focused and Tourism-Focused.



The survey results suggest that there may be opportunities for enhanced sharing of information among communities, and also for some new types of partnerships. As shown below, many of the participants in the current survey identified one or more towns or counties that they look to for ideas and inspiration. These findings merit discussion as NWCCOG and CAST look forward to using information that is being collected.

Please identify one or two communities that you think are most similar to where you work and that your residents look to for ideas or inspiration (Colorado, the US or International)

Community	
Mammoth Lakes, CA	Aspen, Jackson
Silverthorne, CO	Frisco and Steamboat
Park City, UT	Aspen, Breckenridge
Frisco, CO	Park City, Glenwood Springs
Durango, CO	Mancos, CO.
Telluride, CO	Aspen, Zermatt Switzerland
Park City, UT	Breckenridge, Aspen

Avon, CO	Steamboat Springs
Granby, CO	Fraser. Deadwood, SD
Carbondale, CO	Eagle and Salida CO
Summit County, CO	Pitkin and Eagle Counties, Summit County, UT
Ketchum, ID	Telluride, Jackson
Crested Butte, CO	Telluride, Aspen
Steamboat Springs, CO	Crested Butte, Durango
Salida, CO	No one. Salida is 100% unique.
Blue River, CO	Mt. Crested Butte, CO ; Lead, SD
Moab, UT	Sedona, Park City
Frisco, CO	Park City, Carbondale
Eagle County, CO	Park City/Summit County, UT. Summit County, CO.
80435	other rural resort communities
Frisco, CO	Salida, Buena Vista
Steamboat Springs, CO	Durango and Glenwood Springs
Pitkin County, CO	While there are many communities that have things similar to where I work...I am not sure there are any communities that are "most similar"? As for communities where my residents look for ideas or inspiration...knowing my residents as I do...they look far and wide and then some!

June 26, 2023

**MEMBER
JURISDICTIONS**
City of Glenwood
Springs

ROUTT COUNTY
City of Steamboat
Springs
Town of Hayden

EAGLE COUNTY
Avon
Basalt
Eagle
Gypsum
Minturn
Red Cliff
Vail

GRAND COUNTY
Fraser
Granby
Grand Lake
Hot Sulphur Springs
Kremmling
Winter Park

JACKSON COUNTY
Walden

PITKIN COUNTY
Aspen
Snowmass Village

SUMMIT COUNTY
Breckenridge
Blue River
Dillon
Frisco
Montezuma
Silverthorne

The Honorable Tom Vilsack
United State Department of Agriculture
1600 Pennsylvania Avenue NW
Washington, DC 20500

The Honorable Michael Bennet
United States Senator for Colorado
261 Russell Senate Building
Washington, DC 20510
The Honorable Joe Neguse
United States Representative for Colorado
1419 Longworth House Office Building
Washington, DC 20515

The Honorable Jared Polis
Colorado State Governor
136 State Capitol
Denver, CO 80203

The Honorable John Hickenlooper
United States Senator for Colorado
374 Russell Senate Building
Washington, DC 20510
The Honorable KC Becker
Regional Administrator U.S. Environmental
Protection Agency, Region 8
1595 Wynkoop Street Denver, CO 80202

RE: Opposition to the Uinta Basin Railway Project

Dear Secretary Vilsack, Governor Polis, Senator Bennet, Senator Hickenlooper, Representative Neguse, and Regional Administrator Becker:

Northwest Colorado Council of Governments is writing in opposition to the Uinta Basin Railway Project on behalf of our 30-member jurisdiction. The project creates a risk of catastrophic environmental damage through our region and down the Colorado River, as far as California, thus outweighing the potential benefits of this project, especially in this age of much cleaner energy supply options. The project would transport up to 4.6 billion gallons of waxy crude oil per year on the Union Pacific mainline, which follows the Colorado River through many of our region's drought-stricken areas. That includes the Glenwood Canyon, which is still recovering from the 2020 Grizzly Creek Fire, a fire that was a top priority in the United States during the two weeks it burned over 32,000 acres and later caused the 2021 debris mudslides destroying portions of I70 and Union Pacific tracks.

In 2021, the U.S. Surface Transportation Board (STB) approved the 88-mile rail network connecting Utah to the Gulf Coast. The main concerns are that STB did not accurately consider the full impact of increasing train volume on an already high-traffic rail, nor did they consider the risk of a potential catastrophic toxic spill so near the Colorado River. Letters in opposition to the Uinta Basin Railway Project have been presented to our elected officials and representatives from many of our jurisdictions including Eagle County, who sued to challenge the STB approval, which did not consider climate impacts required by the Biden administration. The Eagle County Board of County Commissioners identified several major risks, "recognizing that a dramatic increase in rail traffic represents a commensurate increase in risk (of spark-induced wildfire, vehicle conflicts, derailments, water contamination, toxic spills, etc.)."

Rockslides are common in the region, causing deadly vehicle incidents. A recent slide buried the Union Pacific tracks outside the Glenwood Canyon, partially burying a freight train. Noting four recent train disasters that involved hazardous materials potentially resulting in both serious health and environmental impacts, NWCCOG QQ Committee requested continued support

from Colorado Delegation which cited that “heavy crude oils are highly toxic and very difficult to remove from a water source; contamination is severe and long-term. In addition, oil train derailments could cause devastating forest fires in Colorado’s mountains”. An oil spill near the Colorado River headwaters could prove devastating for the environment and as many as 40 million people and major cities across the West that heavily depend on it for drinking and critical needs water.

We appreciate your attention to this incredibly important matter and urge you to object to the Uinta Basin Railway Project.

Sincerely,

Alyssa Shenk
Northwest Colorado Council of Governments Chair

CC:

John Whitney, Senator Bennet Regional Representative, john_whitney@bennet.senate.gov

Sarah McCarthy, Senator Hickenlooper Regional Representative,

sarah_mccarthy@hickenlooper.senate.gov

Julie Sutor, Representative Neguse Regional Representative, julie.sutor@mail.house.gov

David Oppenheim, Governor Polis Legislative Director, david.oppenheim@state.co.us

SULLIVAN GREEN SEAVY LLC

To: Jon Stavney, NWCCOG Executive Director

From: Barbara Green and Torie Jarvis, Sullivan Green Seavy LLC

Date: June 16, 2023

Re: Sackett vs. EPA and importance to municipalities and counties in Colorado

The question presented to the Supreme Court in *Sackett vs. EPA* ("*Sackett*")¹ is whether the 9th Circuit Court of Appeals set forth the proper test for determining whether certain wetlands are "waters of the United States" under the Clean Water Act ("CWA" or "the Act").² The meaning of that term has been the topic of court cases and federal rulemaking proceedings for decades because it establishes the extent of EPA and Army Corps of Engineer jurisdiction over private property to protect water bodies from degradation.

In *Sackett*, the United States Supreme Court significantly narrowed which wetlands constitute "waters of the United States," thereby narrowing the jurisdiction of federal agencies to implement the CWA, by rejecting the significant nexus test that federal agencies have used for decades in favor of a two-part test. An adjacent wetland may be considered "waters of the United States" and subject to federal jurisdiction under the CWA only if: (1) "the adjacent body of water constitutes waters of the United States, i.e., relatively permanent body of water connected to traditional interstate navigable waters," and (2) the wetland "has a continuous surface connection with that water, making it difficult to determine where the 'water' ends and the 'wetland' begins."³

This memorandum summarizes the *Sackett* opinion, identifies implications to municipalities and counties in light of the decision, and highlights outstanding questions following the opinion. Importantly, the Supreme Court reconfirms that state and local governments are not preempted from establishing their own regulatory system to protect local waters from the impact of land use and development.

I. IMPORTANCE OF THE TERM "WATERS OF THE UNITED STATES"

A. The CWA expressly covers "the waters of the United States."

The *Sackett* decision hinges on an interpretation of the term "waters of the United States" to determine whether EPA was correct that the wetlands on the Sackett's property were subject to federal jurisdiction. The CWA prohibits the "discharge of any pollutant by any person" unless in compliance with its provisions.⁴ The term "discharge of a pollutant" is defined as "any addition of

¹ *Sackett v. EPA*, 598 U.S. ___, (2023) (*Sackett*).

² 33 U.S.C. § 1362(7).

³ *Sackett*, 598 U.S. (slip.op.) at 22.

⁴ 33 U.S.C. § 1301(a).

any pollutant to *navigable waters* from any point source.”⁵ “Navigable waters” is defined as “*the waters of the United States . . .*”⁶ The term “waters of the United States” is not defined in statute.

Thus, the meaning of the term “waters of the United States” (“WOTUS”) determines which waterbodies, including wetlands, are subject to the jurisdiction of federal agencies under the CWA. Because WOTUS is not defined in the Act, the US Environmental Protection Agency (“EPA”) and US Army Corps of Engineers (“Corps”) (collectively “the Agencies,”) have engaged in rulemakings and policy processes over the years to define what constitutes WOTUS for purposes of federal jurisdiction. At its outer boundaries, the federal government’s authority to regulate under the CWA comes from and is limited by the Commerce Clause of the United States Constitution.⁷

B. Section 404 permits and WOTUS

Most disputes regarding the meaning of WOTUS arise within the context of so-called 404 Permits, which are at issue in the *Sackett* case. The goal of the CWA is to “restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.”⁸ In furtherance of this goal, Section 404 of the CWA prohibits the discharge of dredge and fill material into navigable waters, defined further as “waters of the United States,” without a 404 permit.⁹

The Agencies, over the years, have developed regulations and policies to implement Section 404. Agency regulations include the Corps’ own regulations for issuing permits¹⁰ and “guidelines” pursuant to Section 404(b)(1) which are established by EPA.¹¹ EPA and the Corps must adhere to the 404(b)(1) Guidelines.¹² Before issuing a permit, Section 404 also “requires the Corps to seek state water quality certification [under Section 401 of the Act] for dredged materials disposal into waters of the U.S.,” certifying compliance with state water quality standards.¹³

Examples of activities that may require a 404 dredge-and-fill permit from the Corps include any grading, earthmoving, or other development in WOTUS; the construction of dams or other impoundments; constructing or maintaining roads, dams, or dikes; constructing a ditch (even temporary) and side-casting material; and any other related activities that result in a discharge to WOTUS.¹⁴

In Colorado, the term WOTUS applies to activities requiring federal dredge and fill permits under Section 404 of the CWA, while the Colorado Water Quality Control Division is responsible for implementing other sections of the CWA, including classifying and regulating other discharges into “state waters,” which are defined as “any and all surface and subsurface waters which are contained

⁵ 33 U.S.C. §1362(12) (emphasis added).

⁶ 33 U.S.C. §1362(7) (emphasis added).

⁷ *Sackett*, 598 U.S. ____ (2023) (Thomas, J., concurring) at 2.

⁸ 33 U.S.C. § 1251(a).

⁹ 33 U.S.C. § 1344(a); 33 U. S. C. § 1362(7).

¹⁰ 33 C.F.R. § 323.1 *et seq.*

¹¹ 40 C.F.R. Part 230.

¹² 33 C.F.R. § 323.6.

¹³ 33 C.R.S. § 336.1(b)(8).

¹⁴ EPA, *Permit Program under CWA Section 404 website* (accessed on June 13, 2023), <https://www.epa.gov/cwa-404/permit-program-under-cwa-section-404>.

in or flow in or through this state, but does not include waters in sewage systems, waters in treatment works of disposal systems, waters in potable water distribution systems, and all water withdrawn for use until use and treatment have been completed.”¹⁵

II. THE SACKETT DECISION

A. Background

The Sacketts have been in legal battles over the scope of EPA's jurisdiction over the wetlands on their property for almost two decades. The Sacketts purchased land in Idaho, near Priest Lake, in 2004 and began backfilling their lot to prepare for construction. EPA determined that the Sacketts were backfilling wetlands on their property without a permit. EPA classified the wetlands as “waters of the United States” and therefore subject to 404 permit requirements because they were adjacent to what it described as an unnamed tributary that feeds into a non-navigable creek, which, in turn, feeds into Priest Lake, an intrastate body of water that the EPA designated as traditionally navigable. In making its decision, EPA was following what has been referred to as the “significant nexus test” to find that the wetlands were subject to its jurisdiction.

The Sacketts sued EPA, alleging that the wetlands on their property are not “waters of the United States.” The District Court entered summary judgment for EPA; the Ninth Circuit upheld EPA's assertion of jurisdiction over the wetlands.

On May 25, 2023, the U.S. Supreme Court overturned the Ninth Circuit, finding that the Sackett's wetlands were not “waters of the United States,” and thus were not covered by the 404 permit requirements of the Act.¹⁶

B. Key elements of *Sackett*

1. The significant nexus test is no longer valid.

In *Sackett*, EPA argued that “adjacent wetlands are covered by the [CWA] if they ‘possess a significant nexus to’ traditional navigable waters” and that wetlands are “adjacent” when they are “neighboring” covered waters.¹⁷ The significant nexus phrase was first coined in *Rapanos v. United States* (“*Rapanos*”), where Justice Kennedy allowed that an adjacent wetland may be considered WOTUS if a “significant nexus” exists between the wetlands in question and a water already covered by the Act (“covered water”).¹⁸ There would be a significant nexus “if the wetlands, either alone or in combination with similarly situated lands in the region, significantly affect the chemical, physical and biological integrity of other covered waters more readily understood as ‘navigable.’”¹⁹

The *Sackett* court makes clear, however, that the significant nexus test, crafted by Justice Kennedy in his concurring opinion in *Rapanos* and relied upon by the Agencies for many years, is not the valid test for determining which wetlands are WOTUS, replacing it with its own test.

¹⁵ C.R.S. § 25-8-103(19).

¹⁶ *Sackett* at 27.

¹⁷ *Sackett* at 22.

¹⁸ *Rapanos v. United States*, 547 U.S. 715, 780 (2006) (*Rapanos*).

¹⁹ *Id.*

2. “Adjacent” wetlands are WOTUS only if they meet a two-part test.

The Supreme Court rejected EPA's position that the adjacent wetlands were covered by the CWA “because the adjacent wetlands in § 1344(g)(1) are included within the waters of the United States, these wetlands must qualify as waters of the United States in their own right. In other words, they must be indistinguishably part of a body of water that itself constitutes waters under the CWA.”²⁰

Based on this logic, the *Sackett* court instead adopted a two-part test offered originally by the Supreme Court plurality in *Rapanos* for determining when adjacent wetlands might be covered as WOTUS:

1. Relatively permanent water: “[F]irst that the adjacent body of water constitutes waters of the United States, i.e., relatively permanent body of water connected to traditional interstate navigable waters.”²¹

The majority explains that “‘waters’ encompasses only those relatively permanent, standing, or continuously flowing bodies of water forming geographic features that are described in ordinary parlance as streams, oceans, rivers, and lakes.”²²

2. Continuous surface connection: “[S]econd, that the wetland has a continuous surface connection with that water, making it difficult to determine where the ‘water’ ends and the ‘wetland’ begins.”²³

Said another way, “‘waters’ may be read to include only those wetlands that are, as a practical matter, indistinguishable from waters of the United States such that it is difficult to determine where water ends and the wetland begins,” or where “there is no clear demarcation between ‘waters’ and wetlands.”²⁴

Justices Kagan and Kavanaugh argue in their concurring opinions that the majority's interpretation of the term “adjacent” is wrong.²⁵ Justice Kavanaugh finds that the majority’s “test narrows the Clean Water Act’s coverage of ‘adjacent’ wetlands to mean only ‘adjoining’ wetland,” contrary to plain meaning of the term “adjacent.”²⁶ Adjacent means “lying near or close to, neighboring, or not widely separated,” along with adjoining, and so may include “wetlands separated from a covered water only by a manmade dyke or barrier, natural river berm, beach dune, or the like.”²⁷ Justice Kagan agrees that “a wetland is covered *both* when it touches a covered water *and* when it is separated by only a dike, berm, dune, or similar barrier.”²⁸ Nevertheless, the majority opinion's new interpretation of adjacent wetlands is now controlling law.

²⁰ *Sackett* at 19.

²¹ *Sackett* at 22, citing *Rapanos*.

²² *Sackett* at 14.

²³ *Sackett* at 22.

²⁴ *Sackett* at 21.

²⁵ *Sackett*, (Kavanaugh, J. concurring) at 4-5; (Kagan, J., concurring) at 1.

²⁶ *Sackett*, (Kavanaugh, J. concurring) at 2.

²⁷ *Sackett*, (Kavanaugh, J. concurring) at 4.

²⁸ *Sackett*, (Kagan, J. concurring) at 5.

3. State and local authority over water resources is not disturbed.

Sackett does not interfere with state or local authority over land use and water. The majority emphasizes the importance of state "primary authority" for implementation of the Act.²⁹ The Court found that a more expansive view of CWA jurisdiction, such as the significant nexus test, untenable because "[i]t is hard to see how the States' role in regulating water resources would remain 'primary' if the EPA had jurisdiction over anything defined by the presence of water."³⁰ Instead, "[s]tates can and will continue to exercise their primary authority to combat water pollution by regulating land and water use."³¹ Thus, states and municipal and county governments are not limited in their jurisdiction by the *Sackett* interpretation of the term WOTUS and can define the waters that they wish to protect through their land use and water use regulations.

4. Elevated status of private property?

There are statements in *Sackett* that can be interpreted as tipping the scales in favor of private property. "[T]his Court require[s] Congress to enact exceedingly clear language if it wishes to significantly alter the balance between federal and state power and the power of the Government over private property. . . . An overly broad interpretation of the CWA's reach would impinge on this authority."³² In his concurring opinion, Justice Thomas calls for the Court to act to protect property owners: "Surely something has to be done; and who else to do it but this Court? It must rescue property owners from Congress's too-ambitious program of pollution control."³³

In contrast, Justice Kavanaugh is skeptical when "[t]he Court suggests that ambiguities or vagueness in federal statutes regulating private property should be construed in favor of the property owner, particularly given that States have traditionally regulated private property rights," because, as he points out, "the Federal Government has long regulated the waters of the United States, including adjacent wetlands."³⁴ Justice Kagan criticizes the majority for pressing "a thumb on the scale for property owners—no matter that the Act (*i.e.*, the one Congress enacted) is all about stopping property owners from polluting."³⁵

III. IMPLICATIONS FOR LOCAL GOVERNMENTS

A. *Sackett* results in the loss of federal jurisdiction over many wetlands.

²⁹ *Sackett* at 23, citing 33 U.S.C. §1251(b) ("It is the policy of Congress to recognize, preserve, and protect the primary responsibilities and rights of States to prevent, reduce and eliminate pollution, to plan the development and use (including restoration, preservation, and enhancement) of land and water resources, [etc.]).

³⁰ *Sackett*, at 18.

³¹ *Sackett*, at 27.

³² *Sackett*, at 23, citing *United States Forest Service v. Cowpasture River Preservation Assn.*, 590 U. S. ___, ___–___ (2020) (slip op., at 15–16)(quotations omitted).

³³ *Sackett*, (Thomas, J. concurring) at 3.

³⁴ *Sackett*, (Kavanaugh, J. concurring) at 11.

³⁵ *Sackett*, (Kagan, J. concurring) at 4.

The *Sackett* decision narrows the scope of wetlands protected from the discharge of dredged and fill material without a federal permit. Some rough estimates are that half of the wetlands in the contiguous United States may no longer qualify as WOTUS.³⁶

For example, as Justice Kavanaugh points out, because the Mississippi River “features an extensive levee system, the presence of those levees (the equivalent of a dike) would seemingly preclude [CWA] coverage of adjacent wetlands on the other side of the levees, even though adjacent wetlands are often an important part of the flood-control project.”³⁷ Many questions remain about the scope of the decision; see Section IV.

As the public becomes more aware that federal authority over wetlands is narrowed, more pressure will be placed on tribal nations, states, municipalities, and counties by wetlands advocates.

Colorado has expressed an intent to maintain protections for waters considered WOTUS under the post-*Rapanos* Agency guidance that may no longer be protected under *Sackett*, a set of waters the State refers to as “gap waters.”³⁸

In early May of 2023, the Colorado Water Quality Control Division (“Division”) developed a draft enforcement policy that explains how the Division may enforce the dredging and fill of waters of the State without a permit.³⁹ The Division took comment on the policy until the end of May and is expected to shortly issue a final enforcement policy to protect “gap waters.”

The long-term solution the State is exploring is a permitting system for dredge and fill material into “gap waters” to maintain status quo protections of state waters, including wetlands.⁴⁰

B. Local regulatory authority is not affected by *Sackett*.

Municipal and county authority to apply land use regulations to protect water bodies from negative impacts has not been disturbed by the *Sackett* decision.

Local regulation for the protection of wetlands and other water bodies is not contrary to the CWA, given the point source focus of the CWA and federal policies that reserve to state and local governments the authority to regulate nonpoint sources.⁴¹ As the CWA Congressional declaration states, “Federal agencies shall co-operate with State and local agencies to develop comprehensive solutions to prevent, reduce and eliminate pollution in concert with programs for managing water

³⁶ Puko, Timothy and Robert Barnes, *How Supreme Court's EPA ruling will affect U.S. wetlands, clean water*, WASHINGTON POST, May 25, 2023, [washingtonpost.com/climate-environment/2023/05/25/supreme-court-epa-wetlands/](https://www.washingtonpost.com/climate-environment/2023/05/25/supreme-court-epa-wetlands/).

³⁷ *Sackett*, (Kavanaugh, J. concurring) at 12.

³⁸ Colorado Water Quality Control Division, *Dredge and Fill White Paper No. 2: Summary of “Gap Waters” from Stakeholder Discussions* (January 29, 2021) at 3-4, available at drive.google.com/file/d/1PIJR--9hlpDciXXo-y-IlcUx9qlzn,bh/view?usp=sharing.

³⁹ Water Quality Control Division, *Draft Implementation Policy: Enforcement of Unpermitted Dredged and Fill Material Into State Waters*, Implementation Policy No. CW-17 (May 16, 2023), drive.google.com/file/d/1mFT6M8QasPODMnTwWI_fXC0N6n3Gl4Ow/view?usp=sharing.

⁴⁰ The State also explored a State permit process in a series of [white papers in 2020-21](#).

⁴¹ 33 U.S.C. § 1251(g); 33 U.S.C. § 1329(b), (h), (i).

resources."⁴² And Colorado courts have upheld environmental protection as a legitimate use of the municipal and county land use authority.⁴³

Municipalities and counties are now essential players in deciding to what extent they wish to protect water bodies and wetlands under their own regulatory authority. There is no reason to rely on federal definitions of wetlands, especially given the time that it will take for the Agencies to respond to *Sackett*.

VI. QUESTIONS LEFT UNANSWERED BY SACKETT

The full scope of the *Sackett* ruling is still unknown. Unanswered questions in the wake of the ruling include, but are not limited to:

- To what extent are intermittent or ephemeral streams covered under the Act? *See* the Figure on the following page from Trout Unlimited illustrating the potential number of intermittent or ephemeral streams in Colorado.
- How long must a water be flowing or standing to be “relatively permanent?” Months? Years?
- How should Agencies handle instances where flows dry up due to extreme drought or aridification? What about streams that do not flow because they are buried under snow a significant portion of the year?
- How should Agencies determine whether a wetland has a “continuous surface connection” with a covered water? When does the connected wetland stop being “indistinguishable” from a covered water?

IV. CONCLUSION

The *Sackett* Supreme Court opinion will result in the loss of federal jurisdiction for certain wetlands and possibly other waterbodies, and has created a significant number of unanswered questions about federal implementation of the *Sackett* decision, including questions regarding the State’s ability to fill in the gap.

It is more important than ever for municipalities and counties to decide the degree to which each jurisdiction wishes to protect wetlands and other waterbodies.

⁴² 33 U.S.C. § 1251(g).

⁴³ *See, e.g., Bd. of County Com'rs of Gunnison County v. BDS Intern., LLC.*, 159 P.3d 773 (Colo. App. 2006); *Town of Carbondale v. GSS Properties Inc.*, 140 P.3d 53, 59 (Colo. App. 2005) (rev'd on other grounds); *City of Colorado Springs v. Board of County Com'rs of County of Eagle*, 895 P.2d 1105, 1110 (Colo. App. 1994).

 Perennial Streams

 Intermittent and Ephemeral Streams

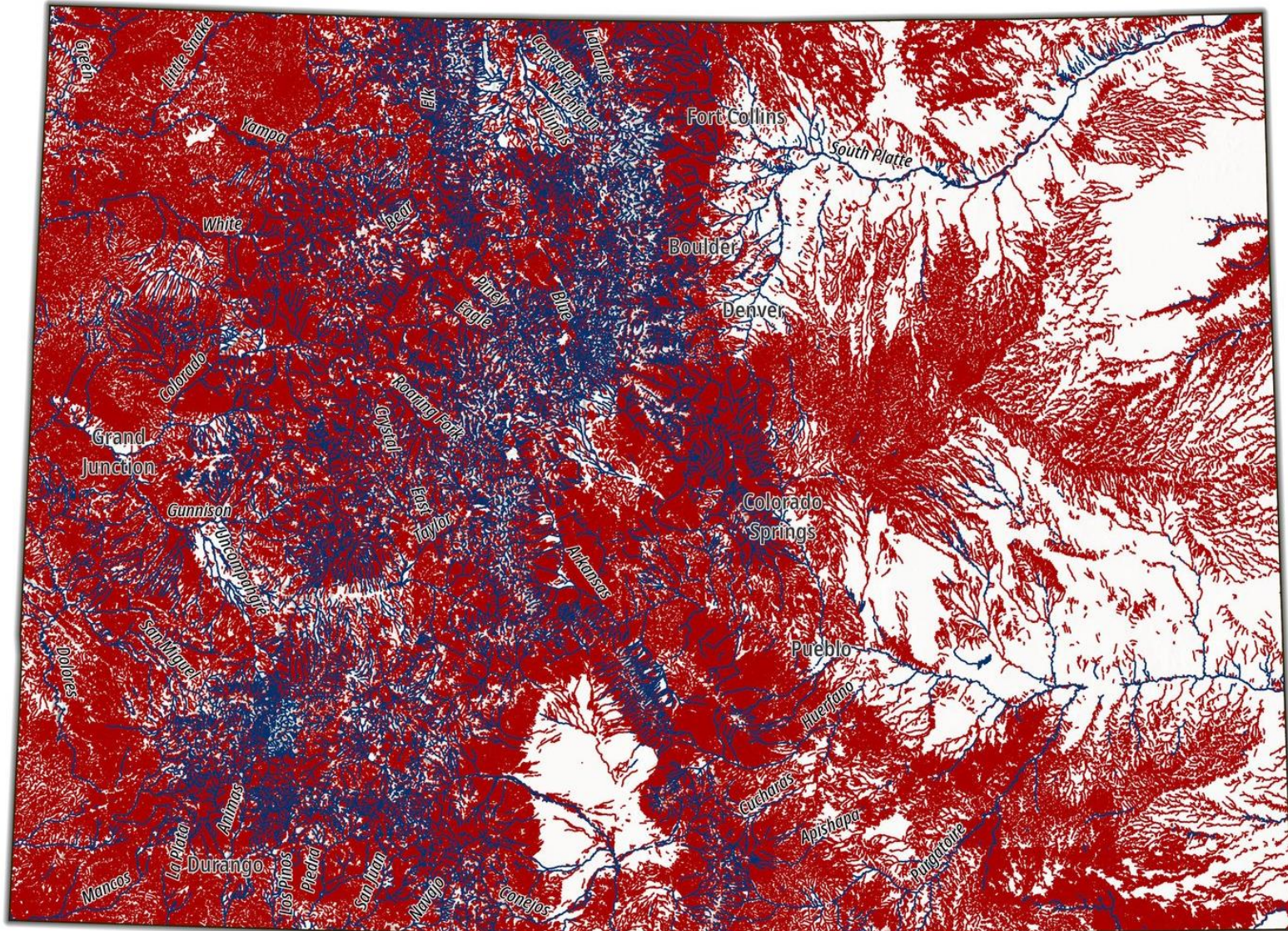


Figure: Perennial, Intermittent, and Ephemeral Streams in Colorado,

Source: Trout Unlimited, <https://coloradotu.org/blog/2023/6/supreme-court-rolls-back-clean-water-act-protections?eType=EmailBlastContent&eld=b086a32b-80a0-47ec-bf07-464f4b52b778>

From: "Whitney, John (Bennet)" <John_Whitney@bennet.senate.gov>

Date: May 25, 2023 at 4:01:43 PM MDT

To: "Whitney, John (Bennet)" <John_Whitney@bennet.senate.gov>

Subject: Bennet, Daines, Neguse Introduce Bill to Address Housing Shortage in Rural and Mountain Communities



FOR IMMEDIATE RELEASE

Thursday, May 25, 2023

CONTACT: [Rachel Skaar](#) — 202-594-6252

Bennet, Daines, Neguse Introduce Bill to Address Housing Shortage in Rural and Mountain Communities

Bipartisan Bill Strengthens the Authority of the United States Forest Service to Lease Underutilized Sites to Address Local Needs

Washington, D.C. — Colorado U.S. Senator Michael Bennet, U.S. Senator Steve Daines (R-Mont.), and U.S. Representative Joe Neguse (D-Colo.) introduced the Forest Service Flexible Housing Partnerships Act to help address the housing shortage in rural and mountain communities. The bipartisan legislation would strengthen the authority of the United States Forest Service (USFS) to lease underutilized administrative sites to address local needs, including for building affordable housing.

"The American West faces a housing crisis, and our mountain and rural communities are at the center of it. When Colorado's teachers, firefighters, police, and nurses can no longer afford to live where they work, we need to use every tool we can to fix this problem," **said Bennet**. "This bill will build on our efforts in the 2018 Farm Bill to help communities and the Forest Service work together to build more affordable housing."

"As our state continues to grow, housing is becoming more expensive and harder to find, especially in our rural and gateway communities. This bipartisan bill will help Montana

communities partner with the Forest Service to create affordable housing and help ensure hardworking Montanans are able to live where they work,” **said Daines.**

“I’m proud to join Senators Bennet and Daines in introducing the bipartisan Forest Service Flexible Housing Partnerships Act, a bill that fosters a strong and mutually beneficial partnership between USFS and America’s rural and mountain communities,” **said Neguse.** “For countless folks in Colorado, and across the country, equipping the Forest Service with the ability to lease administrative sites will help to meet the needs of towns surrounded by federal lands, building on the existing program and increasing much-needed access to affordable housing.”

In the 2018 Farm Bill, Bennet helped [secure](#) the authority for the Forest Service to lease administrative sites, such as underused administrative parcels located mostly outside of forest boundaries, to localities in exchange for in-kind contributions, including housing construction and improvement or maintenance of federal facilities. To provide towns and counties with greater certainty, the Forest Service Flexible Housing Partnerships Act lengthens the site’s lease authority to up to 100 years and allows it to be renewed at the end of its term.

As a result of the housing crisis in the West, the Forest Service currently experiences a severe staffing shortage. This legislation will also help the agency provide housing for its firefighters and other critical positions to better serve the communities they work for.

The bill is supported by Summit County, Grand County, Eagle County, Aspen, Colorado Association of Ski Towns (CAST), and Northwest Colorado Council of Governments (NWCCOG).

“The reauthorization of the Forest Service Flexible Housing Partnership Act would allow for continued partnerships among local governments, private industry, and the Forest Service as we work together on very complicated but much-needed workforce and affordable housing projects. CAST thanks Senator Bennet and Congressman Neguse for their leadership on this important issue,” **said Margaret Bowes, Executive Director, Colorado Association of Ski Towns.**

“Coming out of the pandemic, Summit County has found itself at the forefront of the housing crisis. We’re leveraging every creative strategy we can to create relief for our residents. Public private partnerships like those identified in the Forest Service Flexible Housing Partnerships Act are critical in that they create additional opportunities for the development of new housing for both our workforce and our federal employees,” **said Summit County Commissioner Tamara Pogue.**

“Federal lands comprise 84% of Eagle County. With very little private lands for affordable workforce housing development, this is a problem Eagle County will struggle to fix on its own. We appreciate the creative solutions in the Forest Service Flexible Housing Partnerships Act to relieve this pressure. Authorizing the Forest Service to lease appropriate parcels for housing will greatly benefit our workforce and our mountain resort economy. We are excited

about the proposed improvements to the legislation and we thank Senator Bennet for his efforts on our behalf,” **said Eagle County Commissioner Kathy Chandler-Henry.**

“I applaud Sen. Bennet’s leadership in sponsoring this legislation, which creates opportunities to attain local community and Forest Service needs in Aspen and other communities in the West through long-term lease partnerships,” **said Aspen Mayor Torre.** “Affordable housing is critical to Aspen and the Roaring Fork Valley, and this approach would allow for critical workforce housing units, along with a bunkhouse and required facilities for the White River National Forest operations on land near downtown Aspen. Specifically, this bill includes a provision for longer-term leases that make projects like this one more feasible. We urge Congress to support this effort, and we look forward to the continued partnership opportunity with the USFS, our city, Colorado Mountain College and other major institutions.”

“The Gardiner Chamber of Commerce fully endorses reauthorizing the Forest Service Flexible Housing Program. Housing is a critical issue affecting every sector of Gardiner. If passed we see this bill as a step toward alleviating the ongoing pressures felt by our community by strengthening our ability to hire and retain workforce,” **said Terese Petcoff, Executive Director of Gardiner Chamber of Commerce.**

The text of the bill is available [HERE](#). A summary of the bill is available [HERE](#).

###



Northwest Colorado Council of Governments

Economic Development District (EDD) Board Meeting

March 23, 2023

Council & EDD Board Members Present:

Josh Blanchard, Summit County
Jonathan Godes, Glenwood Springs
Tim Redmond, Routt County
Geoff Grimmer, Town of Eagle
Ashley Macdonald, Town of Kremmling
Kris Mattera, Basalt Chamber
Chris Romer, Vail Valley Partnership
Christina Oxley, CO Dept. of Labor & Emp.
DiAnne Butler, Grand County

Other Present:

Carolyn Tucker, CDLE

NWCCOG Staff:

Talai Shirey
Rachel Tuyn
Jon Stavney
Becky Walter

Call to Order:

DiAnne Butler called the Economic Development District (EDD) Board meeting to order at 12:30 pm. Roundtable introductions were completed, and quorum was confirmed.

Approval of January 2023 EDD Board Meeting Minutes

M/S: Josh Blanchard/Kris Mattera to approve March 2023 Board Meeting Minutes with the correction of Patti Clapper as signer.

Passed: Yes

Workforce Development Update

Christina Oxley presented Workforce Development Update

- Note: No longer allowed to list job posting as “open until filled”; there must be ending date. Also, no longer allowed to ask dates (of employment or education) on applications but can ask for duration; some exemptions apply
- PHEL Leave expires June 8th
- Employer forgiveness period for FAMI enrollment ending
- WBL grants up to \$50k available
- Employer Hiring Toolkit: nwcworkforce.cdle.co (includes new hire checklist)

Existing Comprehensive Economic Development Strategies Implementation Grant thru OEDIT

New \$40k grant available for established EDD's for any project that has already been identified in their SEDS. Project deadline would be spring of 2024. It does not appear that a match is required, NWCCOG will be the fiscal agent. Ideas for this grant included partnering with CAST on an updated workforce housing report. Rachel will email out information on the grant and place on the agenda for the July meeting.

Regional 2023 Economic Summit Recap

Feedback from the survey was positive for overall experience and content. Recommendations included inviting private sector and utility companies; include smaller breakout sessions, start later. The sponsorships covered the cost of the Summit and the Town of Silverthorne offered the venue at half cost.

250/150 Initiative

Chris Romer discussed a statewide initiative for the celebration of United States 250 year/Colorado 150 year anniversary in 2026. NWCCOG and EDD Board would be a great forum to present the initiative. Rachel and Jon will follow up to schedule for July meeting. <https://www.historycolorado.org/america-250-colorado-150>

Board Member Updates

Dianne Butler – Grand Vision Economic Summit on 6/7 at River Run Resort in Grand County with a focus on sustainable tourism. All members welcome. Keynote speaker – Futurist speaker Chet Sisk.

Adjournment:

M/S: Geoff Grimmer/Josh Blanchard adjourned the EDD meeting at 1:47 p.m.

Passed: Yes

DiAnn Butler, EDD Chair _____

Date _____