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**STATE OF COLORADO  
DEPARTMENT OF LAW**

**AGENDA**

**Colorado Natural Resources Trustees Meeting  
February 11, 2025, 10:00 am to 12:00 pm**

**Location:  
Wells Fargo Building, 1700 Lincoln Street, Denver, CO**

**Note: Use 17<sup>th</sup> and Sherman Street entrance and report to security desk by 9:45 am to gain access to 37<sup>th</sup> floor.**

**Note: A hyperlink to a Microsoft Teams meeting will be posted  
on the Trustee website:**

**[Colorado Natural Resources Trustees Upcoming Meetings](#)**

**Open Session**

1. Approve Agenda - 1 minute
2. Approval of Minutes from November 11, 2024 Meeting - 1 minute

Action Item:

(1) Review and approve minutes from November 11, 2024 meeting

Document:

(1) Draft minutes from November 11, 2024 meeting

3. Budgets Update - (Jennifer Talbert) - 1 minute

Action Items: None

Document:

(1) Budget Spreadsheet

4. Recent Investigations - (Mindi May) - 5 minutes

Action Items: None

Documents: None

5. Rocky Mountain Arsenal - Project Proposals - (David Banas, Jennifer Talbert, Pete Conovitz) - 45 minutes

Action Item: Approve/Deny funding for projects

Documents:

- (1) Memo from David Banas and Allocation Spreadsheet
- (2) Bluff Lake Project Proposal
- (3) Montbello Project Proposal
- (4) Weir Gulch Project Proposal
- (5) Ducks Unlimited Project Proposal
- (6) Draft Resolution Approving Bluff Lake Project Proposal
- (7) Draft Resolution Approving Montbello Project Proposal
- (8) Draft Resolution Approving Weir Gulch Project Proposal
- (9) Draft Resolution Approving Ducks Unlimited Project Proposal
- (10) Draft Resolution Concerning Interest from RMA Accounts

6. Rocky Mountain Arsenal - Northside Park Project Presentation - (Michael Schumann, City and County of Denver) - 15 minutes

Action Items: None

Documents: None

7. California Gulch - Mount Shavano Project Presentation - (Joe Decrescentis, Colorado Parks and Wildlife) - 15 minutes

Action Items: None

Documents: None

8. Small Spills Ticketing System - (David Banas) - 5 minutes

Action Items: None

Documents: None

9. PFAS Updates - (Jason King) - 5 minutes

Action Items: None

Documents: None

### **Executive Session**

10. Home Lake State Wildlife Area - (Shelley Hickerson, Mindi May) - 10 minutes

Action Items: None

Documents: None

11. Annual Trustee Training and Bylaws Discussion - (Lukas Staks) - 15 minutes

Action Items: None

Documents: None

### **Open Session**

12. Report from Executive Session - (Lukas Staks) - 1 minute

Action Items: None

Documents: None

13. Amendment to Trustee Bylaws - (Lukas Staks) - 1 minute

Action Item: Vote whether to amend Trustee Bylaws

Document: Draft Amended Bylaws

ITEM #2

**Colorado Natural Resource Damages Trustees**  
**Meeting Minutes**  
**November 14, 2024**  
**(Approved \_\_\_\_\_)**

**In Attendance:**

**TRUSTEES**

Phil Weiser, Attorney General

Tim Mauck, Deputy Executive Director, Colorado Department of Natural Resources (DNR)

Tracie White, Director, Hazardous Materials and Waste Management Division, Colorado Department of Public Health and Environment (CDPHE)

**TRUSTEE STAFF**

Lukas Staks, Senior Assistant Attorney General, Office of the Attorney General, Natural Resources and Environment Section (NRE)

David Kreutzer, First Assistant Attorney General, NRE

David Banas, Senior Assistant Attorney General, NRE

Jason King, Senior Assistant Attorney General, NRE

Shelley Hickerson, Assistant Attorney General, NRE

Jonathon Lubrano, Assistant Attorney General, NRE

Jennifer Talbert, CDPHE

Melody Mascarenaz, CDPHE

Mark Rudolph, CDPHE

Rob Harris, DNR

Mindi May, DNR

Pete Conovitz, DNR

**OTHER STATE STAFF**

Chris Breidenbach, Senior Assistant Attorney General, NRE

Laura Kelly, Senior Paralegal, NRE

April Polinauskas, Administrative Assistant, NRE

Halli Berrebbi, NRE Intern

Riley Varner, NRE Attorney General Fellow

Eric Mink, CDPHE

Kendall Bakich, Colorado Parks & Wildlife (CPW)

Travis Long, CPW

**PUBLIC**

Yana Sorkin, The Watershed Center

Deborah Hummel, The Watershed Center

John Smeins, U.S. Bureau of Land Management

Nancy Johnston-Bramlett, Colorado Trout Unlimited

Rick Messemer, Eagle Valley Trout Unlimited

Patrick Willits, Trust for Land Restoration

Jessica Olson, U.S. Department of Interior

Clare Cragan, U.S. Department of Interior

Christine Downs, U.S. Department of Interior

## **Open Session**

Trustee Weiser called the hybrid meeting (held in the Wells Fargo Building and via Teams) to order at approximately 9:30 a.m. on November 14, 2024. The meeting's purpose was to brief the Trustees on the current status of issues relating to Natural Resource Damages (NRD) projects, and to request direction and/or approval for various actions.

### **Agenda**

Trustee Mauck moved to approve the Agenda. Trustee White seconded the motion and the motion was unanimously approved.

### **Minutes**

Trustee Weiser presented the minutes from the August 15, 2024 Trustee Meeting. Trustee Mauck moved to approve the August 15, 2024 minutes. Trustee White seconded the motion, and the motion was unanimously approved.

### **Budgets Update**

Jennifer Talbert presented the Budgets Update. There were no questions.

### **Recent Investigations**

Mindi May reported on three recent investigations:

- 1) On September 13, 2024, CPW and City of Longmont staff responded to a fish kill in Left Hand Creek. CPW collected 900 dead fish. Chlorine concentrations were higher than acute standards in the vicinity of the fish kill. Longmont staff traced the flow to an area of residential development covering several blocks. Staff suspects someone drained a pool or hot tub into the street gutter but were unable to determine the responsible party.
- 2) On September 19, 2024, QB Energy tore the liner at a pond holding energy production wastewater. The pond was located near Piceance Creek, and CPW staff responded to the scene. They found that QB Energy had torn the liner while removing floating balls from the ponds with an excavator, and the water level in the pond was noticeably lower. However, there were no signs of fish kill in Piceance Creek or other wildlife impacts.
- 3) From October 8, 2024, and ongoing, City of Pueblo wastewater has been reporting cyanide levels in its discharge that are in excess of its permit limits. To date, flows in the Arkansas River have been higher than normal, and there is enough dilution in the river to prevent a fish kill from occurring, but CPW is in contact with Pueblo and is monitoring the situation.

### **Schedule 2025 Trustee Meetings**

The Trustees agreed on dates for the 2025 Trustee meetings, 10:00 - 12:00: February 11, May 20, August 26, and November 18.

### **North St. Vrain - Watershed Center's River Restoration Project Proposal**

Jason King provided background on the 2022 spill into the North St. Vrain River by MTY Trucking, LLC. In December 2022, the NRDs claims against MTY Trucking, LLC, and their insurer, were settled for \$245,305. He reported that, in May 2024, the Lefthand Watershed Oversight Group, d/b/a The Watershed Center ("Watershed Center") submitted the sole project proposal titled the "Aquatic Habitat Restoration and Climate Resistance in Apple Valley Project Proposal" ("the Project").

Mr. King introduced Deborah Hummel of the Watershed Center who gave a detailed presentation including the organizational structure and mission of the Watershed Center, and the Project which will improve floodplain features in a 1,400 linear foot stretch of the river impacted by the spill. Features of the Project will include side channels, backwater, and wetlands, and will also help buffer from future climate-related impacts. Trustee Mauck inquired about the timeline for CDPHE's Nonpoint Source Program Grant approval and how that might affect implementation. Ms. Hummel responded that they would apply for the grant in December and would be notified of the approval in the spring.

Trustee White moved to approve the resolution awarding the Watershed Center \$250,000 plus any remaining interest for the Aquatic Habitat Restoration and Climate Resistance in Apple Valley Project. Trustee Mauck seconded the motion, and the motion was unanimously approved.

### **Vail/Mill Creek - Trout Unlimited's River Restoration Project Proposal**

Mr. King provided background on the September 2021 inadvertent release of chlorinated water into Gore Creek by the Vail Corporation. In August 2023, the NRDs claims and those of CPW and CDPHE's Water Quality Division were settled. Per the agreement, \$248,660 (or 80%) of the settlement proceeds are held in the Vail Mill Creek NRD Fund and must be spent on a river restoration project in the Gore Creek watershed. Mr. King reported that, in October 2024, Eagle Valley Trout Unlimited Chapter #102 ("Trout Unlimited") submitted the sole project proposal titled the "Gore Creek Habitat Restoration Project" ("the TU Project").

Mr. King introduced Nancy Johnston-Bramlett of Colorado Trout Unlimited who gave a detailed presentation of the TU Project which will restore a segment of Gore Creek directly upstream and adjacent to an area impacted by Vail Mountain's accidental release of snowmaking water. The TU Project will improve aquatic habitat for trout and invertebrates by enhancing in-channel features and integrating passive stormwater management techniques. Trustee Mauck asked for confirmation that the Town of Vail is the property owner and the property included public access and Ms. Johnston-Bramlett responded affirmatively to both questions. Trustee Mauck then asked about the "conditional" approval for the Fishing is Fun grant. Travis Long of CPW responded that the grant has been approved at every level, but they use the term "conditional" until the procurement process is complete.

Trustee White moved to approve the resolution awarding Trout Unlimited \$248,000 plus any remaining interest for the Gore Creek Habitat Enhancement Project. Trustee Mauck seconded the motion, and the motion was unanimously approved.

### **Idarado - Revised Silver Mountain Mine Property Acquisition Project**

Jason King provided background on Colorado's settlement of NRDs claims against the Idarado Mining Company in the mid-1990's in the amount of \$1 million ("the Fund"), and the long effort of awarding those funds. He reported that 1) in 2018, the Trustees awarded \$92,000 to the Trust for Land Restoration (TLR) for its Silver Mountain Mine Acquisition Project which was the purchase of 14 mining claims, both fee-title and mineral interest, totaling 104 acres on Silver Mountain; and 2) in 2019, the Trustees awarded \$76,000 to the Uncompahgre Watershed Partnership's (UWP) Governor's Basin Restoration Project. The Idarado NRDs Fund currently contains approximately \$215,000 subject to the above encumbrances.

Mr. King explained that TLR's negotiations with the landowner broke down after 2018, but have recently resumed and TLR has a verbal commitment from the landowner to sell the property. Therefore, in October 2024, TLR submitted a Revised Silver Mountain Mine Acquisition Project Proposal ("the Revised Project"). At the same time, UWP's project was stalled and is now part of a Superfund time critical removal action. UWP informed staff that it terminated its project and requested to unencumber the \$76,000 award.

Trustee staff recommended that the Trustees unencumber the original UWP award of \$76,000 and the original TLR award of \$92,000, and award the full amount remaining in the Fund to the Revised Project. Jennifer Talbert added that \$1.5 million has already been spent from the Fund and due to accrued interest, the remaining amount of \$215,000 is interest-only funds.

Trustee Mauck moved to approve the resolution unencumbering the original UWP and TLR awards, and awarding \$212,000 plus any remaining interest to TLR for the Revised Silver Mountain Mine Property Acquisition Project. Trustee White seconded the motion, and the motion was unanimously approved.

### **California Gulch**

David Banas reminded the Trustees that the State and the U.S. Fish and Wildlife Service (USFWS) have managed the Cal Gulch funds together through a Memorandum of Understanding that was updated in 2020. He added that, in 2023, the Trustees approved a BLM request to utilize \$69,500 of the federal funds to process a donation of 18 mining claims in the Upper Arkansas River watershed along Fourmile Creek in Teller County. However, the proposed donation was canceled in 2024 and BLM is now requesting that the original funds be reallocated so that the funds can be used to support other land acquisitions and restoration projects in the Upper Arkansas River watershed.

Trustee Mauck moved to approve the reallocation of the original \$69,500 to BLM. Trustee White seconded the motion, and the motion was unanimously approved. David Kreutzer commended Laura Archuleta for her exceptional work on NRDs restoration projects during her time at USFWS.



### **Home Lake State Wildlife Area**

Shelley Hickerson updated the Trustees on the May 2023 release of an aerial application of pesticides over Home Lake State Wildlife Area which was intended for adjacent agricultural land. On November 5, 2024, Trustee staff sent a demand letter to Rocky Mountain Ag for the full amount of \$448,165 which includes injury to aquatic life and lost recreational use. She added that the demand offered to resolve the claim informally with a 30% discount and by waiving the assessment costs. Ms. Hickerson noted that there has been no response to date, and the deadline to respond to the letter is December 5, 2024.

### **NRD Contracting - Abt Update and BPMD Contract Update**

David Kreutzer reported that Trustee staff has historically worked with a few specific individuals, formerly of Stratus Consulting which was purchased by Abt approximately ten years ago. Those individuals have now left Abt and have joined the Biological Research Institute (BRI), a non-profit ecological consulting firm. He noted that the AGO contracting staff was helpful in completing a master task order for BRI. Ms. Talbert added that CDPHE had entered into a contract with Abt to assist with the required restoration plan for the Bonita Peak Mining District which CDPHE has since terminated. CDPHE is now working with BRI to enter into a new contract and depending on the remaining cost, CDPHE will determine whether it needs to bid out the restoration plan again, or stay with BRI. Discussion ensued about DOJ's requirement for a restoration plan and how it originated.

### **Home Lake State Wildlife Area - Memorandum of Understanding with the Colorado Department of Agriculture**

This item was tabled for a future Trustee meeting.

### **Blue Tee**

Jennifer Talbert announced that the State had received the final payment under the settlement agreement with Blue Tee, so all funds have been received and transferred to the BPMD NRDs account.

At approximately 10:30 a.m., Trustee Mauck moved to adjourn the meeting. Trustee White seconded the motion, and the motion was unanimously approved.

ITEM #3

<b>NRD Matter</b>	<b>Bonita Peak</b>	<b>California Gulch</b>	<b>Fountain Creek</b>	<b>Idarado</b>	<b>Lowry</b>	<b>N. St. Vrain</b>	<b>Gore / Mill Creek (Vail)</b>
<b>Total Settlement</b>	\$6,600,000.00	\$10,000,000.00	\$345,000.00	\$1,000,000.00	\$1,606,930.00	\$245,305.00	\$248,660.00
<b>Total NRD dollars spent</b>	\$52.50	\$14,584,329.10	\$0.00	\$1,561,412.98	\$1,417,785.94	\$0.00	\$0.00
<b>Account Balance 10/11/2024</b>	<b>\$6,998,393.63</b>	<b>\$4,438,540.24</b>	<b>\$389,638.01</b>	<b>\$216,862.70</b>	<b>\$563,161.45</b>	<b>\$263,798.86</b>	<b>\$260,604.26</b>
<b>Most recent TT Resolution Date</b>	NONE	11/14/2023	4/23/2019	6/24/2019	8/14/2023	NONE	NONE
<b>Current Trustee awarded amount</b>	\$0.00	\$3,953,875.00	\$389,638.01	\$287,000.00	\$675,000.00	\$0.00	\$0.00
<b>Contract Encumbrances</b>	\$66,576.50	\$4,121,877.86	\$382,487.93	\$168,200.00	\$508,801.29	\$0.00	\$0.00
<b>Remaining funds</b>	<b>\$6,931,817.13</b>	<b>\$316,662.38</b>	<b>\$7,150.08</b>	<b>\$48,662.70</b>	<b>\$54,360.16</b>	<b>\$263,798.86</b>	<b>\$260,604.26</b>
<b>Type of Restriction</b>	Restoration Plan required	Follow State and USFWS Restoration Plans	None	None	Groundwater nexus to the South Platte	None	None
<b>Remaining funds available</b>	\$239K from Blue Tee will be added from the HSRF in Phase 2.	Interest and remaining funds available	Interest to CPW, <b>no remaining funds available</b>	Interest to TLR, <b>no remaining funds available.</b>	Interest to USFWS, <b>no remaining funds available.</b>	Settlement from December 2022, all funds available	All funds available on line P9
<b>Update</b>	CDPHE working on a new contract for the restoration plan.	All SPP projects are under contract and underway.	Project is underway	Working on contract termination for Gov. Basin and new contract for TLR (Silver Mountain Mine)	Restoration by USFWS underway.	Working with proponent to develop SOW for contract	CDPHE contract process underway

NRD Matter	RMA Recovery Fund	RMA Foundation Fund	Shattuck	Standard Metals	Summitville	Suncor	Uravan
<b>Total Settlement amount</b>	\$17,400,000.00	\$10,000,000.00	\$1,250,000.00	\$415,368.00	\$5,000,000.00	\$1,230,000.00	\$1,000,000.00
<b>Total NRD dollars spent</b>	\$13,099,589.90	\$9,185,555.00	\$1,289,231.05	\$0.00	\$5,149,229.10	\$1,072,893.64	\$1,189,242.42
<b>Account Balance 10/11/2024</b>	<b>\$7,932,568.72</b>	<b>\$1,035,456.93</b>	<b>\$8,565.30</b>	<b>\$504,344.22</b>	<b>\$257,623.89</b>	<b>\$212,972.59</b>	<b>\$195,031.37</b>
<b>Most recent TT Resolution Date</b>	3/24/2021	3/28/2018	3/17/2022	12/9/2022	1/21/2021	6/9/2022	3/24/2021
<b>Current award</b>	\$5,707,087.93	\$1,388,523.00	\$30,000.00	\$0.00	\$1,171,620.00	\$1,267,454.00	\$270,000.00
<b>Contract Encumbrances</b>	\$241,366.62	\$0.00	\$13,672.95	\$0.00	\$221,063.82	\$183,104.76	\$172,493.87
<b>Remaining funds</b>	<b>\$7,691,202.10</b>	<b>\$1,035,456.93</b>	<b>-\$5,107.65</b>	<b>\$504,344.22</b>	<b>\$36,560.07</b>	<b>\$29,867.83</b>	<b>\$22,537.50</b>
<b>Type of Restriction</b>	None	None	None	None	Money (plus interest) must be spent in Alamosa River	None	None
<b>Remaining funds available</b>	All funds available on line J9	All funds available on line K9	<b>Only available funds will be paid out</b>	\$230K awarded; <b>remaining funds for Silverton</b>	Interest to TU, <b>no remaining funds available</b>	Interest to TU, <b>no remaining funds available</b>	Interest to WEEDC, <b>no remaining available funds</b>
<b>Update</b>	Restoration proposals under review by Trustees		Project is underway.	Gossan Creek Project delayed due to Lowline Gunnison Fire - remaining funds for BPMD	In Stream Flow Project is underway	Restoration is completed - waiting for final invoicing	WEEDC Restoration projects are almost completed. DRMS identifying new locations

ITEM #4  
NO  
DOCUMENTS

ITEM #5

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Natural Resources and Environment  
Section

February 11, 2025

## **M E M O R A N D U M**

**TO:** Colorado Natural Resources Trustees  
**FROM:** David Banas  
**RE:** Rocky Mountain Arsenal Project Proposals

### **BACKGROUND**

In 2009, the Trustees settled Colorado's NRD claims against the United States and the Shell Oil Company for injuries to natural resources at the Rocky Mountain Arsenal, recovering approximately \$27.4 million. Since that time, the Trustees have approved funding for over a dozen projects in the Denver metro area. Approximately \$8.7 million remains, with approximately \$7.7 million held by CDPHE in the Rocky Mountain Arsenal Recovery Fund and approximately \$1 million held by DNR in the Rocky Mountain Arsenal Foundation Fund.

### **UPDATE**

In 2023, the Trustees issued a Solicitation for Project Proposals, seeking projects to fund with the remaining money. We received four proposals, summarized here. The full project proposals are included in the Trustee materials.

- 1) Bluff Lake Stormwater Management Systems Improvement, Bluff Lake Nature Center

This project will help the Bluff Lake Nature Center install three rain gardens and an underground pump system, and perform extensive landscaping, earth work, and erosion control, to help them manage stormwater at their 123-acre site near the Stapleton neighborhood. The proponent requests \$500,000 in NRD funding.

## 2) Montbello Landscape Transformation, City and County of Denver

This project will help Denver restore approximately 17 acres of non-native turfgrass in the Montbello neighborhood to provide a native landscape typology cover. The proponent requests \$1,000,000 in NRD funding.

## 3) Weir Gulch Restoration, Mile High Flood District

This project, which includes partnerships with the City and County of Denver and other organizations, will address flood risks associated with Weir Gulch near the Sun Valley neighborhood. The specific request from the Trustees will fund a portion of the larger project and fund channel grading and stabilization, and landscaping. The proponent requests approximately \$3,800,000 in NRD funding.

## 4) Ducks Unlimited's Rocky Mountain Arsenal Wildlife Restoration Program, Ducks Unlimited

This project is part of a larger project to acquire and restore waterfowl habitat across North America. The proponent requests \$6,500,000 in NRD funding.

Staff evaluated each of these projects. Each project meets the NRD project screening criteria and each project ranked above 90 points out of 100 based on the NRD project ranking criteria. Staff therefore recommends the Trustees approve all four of the projects, with revised funding allocations discussed below.

### **FUNDING SCENARIOS**

Because the total amount of money requested by the project proponents, approximately \$11.8 million, exceeds the total available funds, staff considered four alternative funding scenarios. Attached to this memo as Scenarios 1 through 4, staff considered awarding funds at lesser amounts than requested by:

- 1) Reducing all award amounts by 26.23% from what was requested;
- 2) Removing Ducks Unlimited's out-of-state projects and reducing all award amounts by 13.72%;
- 3) Reducing the two larger projects' awards by 28.5% and the two smaller projects' awards by 9.8% and 11%, respectively; and
- 4) Removing Ducks Unlimited's out-of-state projects and reducing the two larger projects' awards by 15% and 15.5% respectively and the two smaller projects' awards by 4.7% and 4.75% respectively.



## **RECOMMENDED ACTION**

Staff recommends the Trustees approve funding of all four projects pursuant to funding Scenario 4, which removes the Ducks Unlimited projects in Mexico and Canada (approximately \$1.7 million), further reduces the Ducks Unlimited award by \$741,543, and reduces the Weir Gulch award by \$574,415, the Montbello award by \$47,500, and the Bluff Lake award by \$23,500. This results in a remainder of \$33.03, which staff recommends awarding to Bluff Lake. Staff believes this represents a fair approach to allocating funds because the two larger projects benefit from broader sources of funding and will be better able to absorb reductions in NRD allocations. Also, while nothing prohibits allocating Colorado NRD funds to projects outside the State, the Trustees have in the past expressed a preference for in-State projects.

Additionally, staff requests the Trustees authorize staff to determine how to allocate the funds from among the two NRD accounts.

Finally, staff requests the Trustees grant staff discretion to allocate remaining funds, including interest from the funds that accrues after the date of the projects' approval, to one or more of these four projects, closer to the completion of the projects.

## Rocky Mountain Arsenal February 2025 Project Allocation Scenarios

Total funds available

\$8,726,659.03

Total funds requested

\$11,829,434.00

### Scenario 1: Reduce Each Proposal by 26.23%

Proposal Proponent	Proposal request	Reduction amount	New Amount
Bluff Lake	\$500,000.00	-\$131,150.00	\$368,850.00
Montbello	\$1,000,000.00	-\$262,300.00	\$737,700.00
Weir Gulch	\$3,829,434.00	-\$1,004,460.00	\$2,824,974.00
Ducks Unlimited	\$6,500,000.00	-\$1,704,950.00	\$4,795,050.00
Total	\$11,829,434.00		\$8,726,574.00

### Scenario 2: Omit Out-of-State Projects and Reduce Each Proposal by 13.72%

Proposal Proponent	Proposal request	Reduction amount	New Amount
Bluff Lake	\$500,000.00	-\$68,600.00	\$431,400.00
Montbello	\$1,000,000.00	-\$137,200.00	\$862,800.00
Weir Gulch	\$3,829,434.00	-\$525,398.00	\$3,304,036.00
Ducks Unlimited without Mexico and Canada Projects	\$4,784,150.00	-\$656,385.00	\$4,127,765.00
Total	\$10,113,584.00		\$8,726,001.00

### Scenario 3: Reduce Projects by Different Percentages

Proposal Proponent	Proposal request	Reduction amount	New Amount
Bluff Lake reduced by 9.8%	\$500,000.00	-\$49,000.00	\$451,000.00
Montbello reduced by 11%	\$1,000,000.00	-\$110,000.00	\$890,000.00
Weir Gulch reduced by 28.5%	\$3,829,434.00	-\$1,091,388.00	\$2,738,046.00
Ducks Unlimited reduced by 28.5%	\$6,500,000.00	-\$1,852,500.00	\$4,647,500.00
Total	\$11,829,434.00		\$8,726,546.00

### Scenario 4: Omit Out-of-State Projects and Reduce Projects by Different Percentages

Proposal Proponent	Proposal request	Reduction amount	New Amount
Bluff Lake reduced by 4.7%	\$500,000.00	-\$23,500.00	\$476,500.00
Montbello reduced by 4.75%	\$1,000,000.00	-\$47,500.00	\$952,500.00
Weir Gulch reduced by 15%	\$3,829,434.00	-\$574,415.00	\$3,255,019.00
Ducks Unlimited without Mexico and Canada Projects, reduced by 15.5%	\$4,784,150.00	-\$741,543.00	\$4,042,607.00
Total	\$10,113,584.00		\$8,726,626.00

-\$33.03

**Colorado Natural Resources Trustees Resolution of  
February 11, 2025 Concerning the Bluff Lake Stormwater Management Systems  
Improvement Project**

**Whereas**, the Colorado Natural Resources Trustees (Trustees) are responsible for the management and direction of Colorado's natural resource damages program;

**Whereas**, the Trustees are responsible for administering State funds to restore, replace or acquire the equivalent of injured natural resources;

**Whereas**, approximately \$8.7 million remains from the approximately \$27.4 million settlement of Colorado's natural resource damages claim stemming from injuries to natural resources at the Rocky Mountain Arsenal, with approximately \$7.7 million held by CDPHE in the Rocky Mountain Arsenal Recovery Fund and approximately \$1 million held by DNR in the Rocky Mountain Arsenal Foundation Fund;

**Whereas**, the Bluff Lake Nature Center has requested \$500,000 to help fund its Bluff Lake Stormwater Management Systems Improvement Project (the Project), which will help fund installation of three rain gardens and an underground pump system, and perform extensive landscaping, earth work, and erosion control, to help them manage stormwater at their 123 acre site near the Stapleton neighborhood;

**Whereas**, this project is one of four projects for which the Trustees received funding requests totally approximately \$11.8 million

**Now Therefore**, the Colorado Natural Resource Trustees resolve as follows:

The Trustees do hereby approve the release of \$451,033.03 from the Rocky Mountain Arsenal Recovery Fund and the Rocky Mountain Arsenal Foundation Fund, with specific allocations from between these two funds up to the total award amount to be determined by staff, to be applied towards the Project as described in the Project proposal and subject to the following conditions:

- 1) Release of the Funds is contingent upon the Bluff Lake Nature Center:
  - a. obtaining matching funds as described in the Project Proposal, which may be obtained through other state or local grant programs, or otherwise; and
  - b. complying with all laws and regulations, including but not limited to: State and Federal laws; local regulations and ordinances; permitting and zoning requirements; water rights requirements; and any necessary water quality discharge permits.

Colorado Natural Resources Trustees Resolution #2025-02-11-01

- 2) In order to use the Funds, the Bluff Lake Nature Center must enter into a contract with the Colorado Department of Public Health and Environment (CDPHE), consistent with this resolution, no later than February 28, 2026. Funds will remain available from CDPHE through the term of the CDPHE contract.

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Phil Weiser  
Attorney General

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Date

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Jill Hunsaker Ryan  
Executive Director, CDPHE

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Date

---

Dan Gibbs  
Executive Director, DNR

---

Date

**Colorado Natural Resources Trustees Resolution of  
February 11, 2025 Concerning the Montbello Landscape Transformation Project**

**Whereas**, the Colorado Natural Resources Trustees (Trustees) are responsible for the management and direction of Colorado's natural resource damages program;

**Whereas**, the Trustees are responsible for administering State funds to restore, replace or acquire the equivalent of injured natural resources;

**Whereas**, approximately \$8.7 million remains from the approximately \$27.4 million settlement of Colorado's natural resource damages claim stemming from injuries to natural resources at the Rocky Mountain Arsenal, with approximately \$7.7 million held by CDPHE in the Rocky Mountain Arsenal Recovery Fund and approximately \$1 million held by DNR in the Rocky Mountain Arsenal Foundation Fund;

**Whereas**, the City and County of Denver has requested \$1,000,000 to help fund its Montbello Landscape Transformation Project (the Project), which will help fund restoration of approximately 17 acres of non-native turfgrass in the Montbello neighborhood to provide a native landscape typology cover;

**Whereas**, this project is one of four projects for which the Trustees received funding requests totally approximately \$11.8 million

**Now Therefore**, the Colorado Natural Resource Trustees resolve as follows:

The Trustees do hereby approve the release of \$952,500 from the Rocky Mountain Arsenal Recovery Fund and the Rocky Mountain Arsenal Foundation Fund, with specific allocations from between these two funds up to the total award amount to be determined by staff, to be applied towards the Project as described in the Project proposal and subject to the following conditions:

- 1) Release of the Funds is contingent upon the City and County of Denver:
  - a. obtaining matching funds as described in the Project Proposal, which may be obtained through other state or local grant programs, or otherwise; and
  - b. complying with all laws and regulations, including but not limited to: State and Federal laws; local regulations and ordinances; permitting and zoning requirements; water rights requirements; and any necessary water quality discharge permits.

- 2) In order to use the Funds, the City and County of Denver must enter into a contract with the Colorado Department of Public Health and Environment (CDPHE), consistent with this resolution, no later than February 28, 2026. Funds will remain available from CDPHE through the term of the CDPHE contract.

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Phil Weiser  
Attorney General

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Date

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Jill Hunsaker Ryan  
Executive Director, CDPHE

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Date

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Dan Gibbs  
Executive Director, DNR

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Date

**Colorado Natural Resources Trustees Resolution of  
February 11, 2025 Concerning the Weir Gulch Restoration Project**

**Whereas**, the Colorado Natural Resources Trustees (Trustees) are responsible for the management and direction of Colorado's natural resource damages program;

**Whereas**, the Trustees are responsible for administering State funds to restore, replace or acquire the equivalent of injured natural resources;

**Whereas**, approximately \$8.7 million remains from the approximately \$27.4 million settlement of Colorado's natural resource damages claim stemming from injuries to natural resources at the Rocky Mountain Arsenal, with approximately \$7.7 million held by CDPHE in the Rocky Mountain Arsenal Recovery Fund and approximately \$1 million held by DNR in the Rocky Mountain Arsenal Foundation Fund;

**Whereas**, the Mile High Flood District has requested \$3,829,434 to help fund channel grading and stabilization, and landscaping, as part of its Weir Gulch Restoration Project (the Project) which will address flood risks associated with Weir Gulch near the Sun Valley neighborhood.

**Whereas**, this project is one of four projects for which the Trustees received funding requests totally approximately \$11.8 million

**Now Therefore**, the Colorado Natural Resource Trustees resolve as follows:

The Trustees do hereby approve the release of \$3,255,019 from the Rocky Mountain Arsenal Recovery Fund and the Rocky Mountain Arsenal Foundation Fund, with specific allocations from between these two funds up to the total award amount to be determined by staff, to be applied towards the Project as described in the Project proposal and subject to the following conditions:

- 1) Release of the Funds is contingent upon the Mile High Flood District:
  - a. obtaining matching funds as described in the Project Proposal, which may be obtained through other state or local grant programs, or otherwise; and
  - b. complying with all laws and regulations, including but not limited to: State and Federal laws; local regulations and ordinances; permitting and zoning requirements; water rights requirements; and any necessary water quality discharge permits.

- 2) In order to use the Funds, the Mile High Flood District must enter into a contract with the Colorado Department of Public Health and Environment (CDPHE), consistent with this resolution, no later than February 28, 2026. Funds will remain available from CDPHE through the term of the CDPHE contract.

\_\_\_\_\_  
Phil Weiser, Attorney General  
Associate Chief Deputy Attorney General

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Date

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Jill Hunsaker Ryan  
Executive Director, CDPHE

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Date

\_\_\_\_\_  
Dan Gibbs  
Executive Director, DNR

\_\_\_\_\_  
Date



**Colorado Natural Resources Trustees Resolution of  
February 11, 2025 Concerning the Ducks Unlimited Rocky Mountain Arsenal  
Wildlife Restoration Program**

**Whereas**, the Colorado Natural Resources Trustees (Trustees) are responsible for the management and direction of Colorado's natural resource damages program;

**Whereas**, the Trustees are responsible for administering State funds to restore, replace or acquire the equivalent of injured natural resources;

**Whereas**, approximately \$8.7 million remains from the approximately \$27.4 million settlement of Colorado's natural resource damages claim stemming from injuries to natural resources at the Rocky Mountain Arsenal, with approximately \$7.7 million held by CDPHE in the Rocky Mountain Arsenal Recovery Fund and approximately \$1 million held by DNR in the Rocky Mountain Arsenal Foundation Fund;

**Whereas**, Ducks Unlimited has requested \$6,500,00 to help fund its Rocky Mountain Arsenal Wildlife Restoration Program (the Project) which is part of a larger project to acquire and restore waterfowl habitat across North America.

**Whereas**, this project is one of four projects for which the Trustees received funding requests totaling approximately \$11.8 million

**Now Therefore**, the Colorado Natural Resource Trustees resolve as follows:

The Trustees do hereby approve the release of \$4,042,607 from the Rocky Mountain Arsenal Recovery Fund and the Rocky Mountain Arsenal Foundation Fund, with specific allocations from between these two funds up to the total award amount to be determined by staff, to be applied towards the Project as described in the Project proposal, but not including the elements of the Project that exist in Mexico or Canada, and subject to the following conditions

- 1) Release of the Funds is contingent upon Ducks Unlimited:
  - a. obtaining matching funds as described in the Project Proposal, which may be obtained through other state or local grant programs, or otherwise; and
  - b. complying with all laws and regulations, including but not limited to: State and Federal laws; local regulations and ordinances; permitting and zoning requirements; water rights requirements; and any necessary water quality discharge permits.

- 2) In order to use the Funds, Ducks Unlimited must enter into a contract with the Colorado Department of Public Health and Environment (CDPHE), consistent with this resolution, no later than February 28, 2026. Funds will remain available from CDPHE through the term of the CDPHE contract.

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Phil Weiser  
Attorney General

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Date

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Jill Hunsaker Ryan  
Executive Director, CDPHE

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Date

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Dan Gibbs  
Executive Director, DNR

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Date

**Colorado Natural Resources Trustees Resolution of  
February 11, 2025 Concerning Interest from the Rocky Mountain Arsenal Recovery  
Fund and Rocky Mountain Arsenal Foundation Fund**

**Whereas**, the Colorado Natural Resources Trustees (Trustees) are responsible for the management and direction of Colorado's natural resource damages program;

**Whereas**, the Trustees are responsible for administering State funds to restore, replace or acquire the equivalent of injured natural resources;

**Whereas**, approximately \$8.7 million remains from the approximately \$27.4 million settlement of Colorado's natural resource damages claim stemming from injuries to natural resources at the Rocky Mountain Arsenal, with approximately \$7.7 million held by CDPHE in the Rocky Mountain Arsenal Recovery Fund and approximately \$1 million held by DNR in the Rocky Mountain Arsenal Foundation Fund;

**Whereas**, on February 11, 2025, the Trustees approved funding of four projects for the remaining approximately \$8.7 million:

- 1) Bluff Lake Stormwater Management Systems Improvement, Bluff Lake Nature Center
- 2) Montbello Landscape Transformation, City and County of Denver
- 3) Weir Gulch Restoration, Mile High Flood District
- 4) Ducks Unlimited's Rocky Mountain Arsenal Wildlife Restoration Program, Ducks Unlimited;

**Whereas**, interest will continue to accrue on the Rocky Mountain Arsenal Recovery Fund and the Rocky Mountain Arsenal Foundation Fund;

**Now Therefore**, the Colorado Natural Resource Trustees resolve as follows:

The Trustees do hereby grant staff discretion to allocate the interest remaining on the Rocky Mountain Arsenal Recovery Fund and Rocky Mountain Arsenal Foundation Fund among the four approved projects closer to the completion date of the four projects.

\_\_\_\_\_  
Phil Weiser  
Associate Chief Deputy Attorney General

\_\_\_\_\_  
Date

\_\_\_\_\_  
Jill Hunsaker Ryan  
Executive Director, CDPHE

\_\_\_\_\_  
Date

\_\_\_\_\_  
Dan Gibbs  
Executive Director, DNR

\_\_\_\_\_  
Date

ITEMS #6-12  
NO  
DOCUMENTS

ITEM #13

# Colorado Natural Resources Trustees

## BY-LAWS OF THE COLORADO NATURAL RESOURCES TRUSTEES

By-Laws adopted ~~March 24~~[February 11](#), 2025~~4~~.

These By-Laws replace any existing by-laws adopted by the Trustees and are designed to be prospective.

## **BY-LAWS OF THE COLORADO NATURAL RESOURCES TRUSTEES**

### **PREAMBLE**

For the purpose of providing for the orderly conduct and carrying on of the business, objects and affairs of the Colorado Natural Resources Trustees (“Trustees”), the Trustees hereby make, publish and declare these By-Laws.

### **ARTICLE I - THE COLORADO NATURAL RESOURCES TRUSTEES**

Governor Roy Romer and Governor Bill Owens, in 1990 and 2006 respectively, designated the following individuals as Colorado’s Natural Resources Trustees:

- The Executive Director of the Colorado Department of Health<sup>1</sup>
- The Executive Director of the Colorado Department of Natural Resources
- The Colorado Attorney General

These individuals, or their delegates, serve as Colorado’s Natural Resources Trustees.

The Natural Resources Trustees act on behalf of the public as Trustees for the natural resources within the State of Colorado or for resources belonging to, controlled by, or appertaining to the State of Colorado. This includes:

- Providing direction to Trustee staff related to the pursuit of Natural Resource Damages (“NRD”) claims;
- Providing direction to Trustee staff related to restoration of injured natural resources;
- Approving the initiation, litigation, and settlement of NRD claims; and
- Approving funding for restoration projects.

### **ARTICLE II - DEFINITIONS**

When used herein, the following words, terms and phrases shall have the following meaning:

- A. The term “Trustees” shall mean the Colorado Natural Resources Trustees, as described in Article I of these By-Laws.
- B. The term “Open Meetings Law” shall mean section 24-6-401 *et seq.*, C.R.S., as it may be amended from time to time.

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<sup>1</sup> In 1994, the Colorado Department of Health became the Colorado Department of Public Health and Environment.



- C. The term “Open Records Act” shall mean section 24-72-201 *et seq.*, C.R.S., as it may be amended from time to time.
- D. Other terms shall have the same meanings as provided for in the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9601 *et seq.* (CERCLA) and the Oil Pollution Act of 1990, 33 U.S.C. § 2701 *et seq.* (OPA). 42 U.S.C. § 9607(f)(2)(B).

### **ARTICLE III - MEETINGS OF THE COLORADO NATURAL RESOURCES TRUSTEES**

#### A. Frequency of Trustee meetings.

To the extent practicable, the Trustees shall meet quarterly. Additional meetings may be scheduled as required; meetings may also be canceled at the discretion of the Trustees.

#### B. Rules Governing Trustee Meetings.

##### 1. Open Meetings.

The Trustees are a “state public body,” subject to the requirements of the Colorado Open Meetings Law.

##### 2. Notice of Meetings.

The Trustees shall provide the public notice of upcoming Trustee meetings via the Natural Resources Trustees’ website as maintained by the Colorado Attorney General’s Office.

##### 3. Quorum.

Two Trustees or their delegates constitute a quorum.

##### 4. Meeting Chair.

The Attorney General or his or her delegate shall chair Trustee meetings, unless the Trustees agree that another Trustee will serve as Chair.

##### 5. Trustee Decisions.

The Trustees shall make decisions by motion, second and vote. A majority is required to carry a motion.

## 6. Rules of Order.

Meetings shall be as informal as circumstances permit. The Trustees may, at their discretion, agree to invoke Robert's Rules of Order. If Board action is clear, such action is not invalid if the action failed to strictly adhere to processes spelled out in Robert's Rules of Order.

## 7. Trustee Resolutions.

The Trustees shall make decisions concerning expenditure of funds by formal Trustee Resolutions. The Chair shall sign Trustee Resolutions after the Trustees have agreed to a motion for approval. No other signatures shall be necessary for a Trustee Resolution to become effective unless the Trustees agree to require all Trustee signatures.

## 8. Executive Session.

The Trustees shall meet in executive session only pursuant to the Colorado Open Meetings Law.

## C. Trustee Authority.

The Trustees shall operate within the limits of all applicable statutory directives, legislative intent, and any specific directions or laws related to their designation and their powers and duties.

## D. Annual Training.

The Trustees shall receive training the first quarter of each calendar year. This training shall cover:

1. The statutory and regulatory framework under which the Trustees operate, with specific focus on CERCLA and the OPA and any related guidance or directives which relate to their powers and duties as public representatives.
2. The Trustees' role in the oversight of projects or entities approved to receive public funding.
3. The goals of the Natural Resource Damages Program.

4. How to identify and manage conflicts of interest.
5. The requirements of the Colorado Open Records Act.
6. The roles and duties of Trustee staff and how those roles and duties relate to the Trustees' mission and goals, including how staff identify and secure sufficient data to ensure informed decision-making.
7. The manner in which Trustee staff will ensure appropriate involvement of the Trustees in key communications and policy-making activities.
8. The process for coordinating with other boards, commissions, industry, educational institutions, and state agencies where appropriate and where responsibilities and interests overlap.
9. A review of these By-Laws and other management practices to ensure best practices are utilized.

#### **ARTICLE IV - STAFF OF THE COLORADO NATURAL RESOURCES TRUSTEES**

A. Trustee staff.

Staff of the Colorado Department of Law, Colorado Department of Natural Resources and Colorado Department of Public Health and Environment serve as staff to the Trustees.

B. Trustee Representatives.

Each Trustee agency shall assign a staff member to serve as Trustee Representative to act as the lead liaison between Trustee staff and the Trustees. To the extent practicable, the Trustee Representatives shall meet no less than monthly. Additional meetings may be scheduled as required; meetings may also be canceled at the discretion of the Trustee Representatives. Meetings with Trustee Representatives may include Trustee staff.

C. Legal Counsel.

The Deputy Attorney General of the Natural Resources and Environment Section of the Colorado Department of Law [or their designee](#) serves as legal counsel to the Trustees.

## **ARTICLE V - COLORADO OPEN RECORDS ACT**

The Trustees are committed to transparency and open government. The Open Records Act applies to all public records kept by the Trustees. The Attorney General shall serve as the custodian of these records. Requests for records must be made in writing through the Colorado Department of Law. The Department of Law's office procedure for handling records requests will apply to all requests for Trustee records.

## **ARTICLE VI - CONFLICTS OF INTEREST**

Trustees shall not perform an official act which may have a direct economic benefit on a business or other undertaking in which they have a direct or substantial financial interest. See § 24-18-108.5(2), C.R.S. The Trustees may seek advice from legal counsel in order to ensure compliance with this Article.

## **ARTICLE VII - COMPLIANCE WITH SECTION 24-3.7-102, C.R.S.**

HB 18-1198, codified in section 24-3.7-102, C.R.S., requires "each statutorily created board or commission in state government" to "implement written policies or bylaws and obtain annual training" concerning, generally, best practices for operating and complying with laws concerning public boards and commissions.

The Governor of each State has the authority to designate State officials who may act as trustees for natural resources under CERCLA and OPA. The Trustees were designated by letter and are not a "statutorily created board or commission in state government." Therefore, they are not bound by HB 18-1198. However, because HB 18-1198 contains best practices for organizations like the Trustees sitting as a board, the Trustees are adopting these By-Laws.

## **ARTICLE VIII - EFFECTIVE DATE**

- A. These By-Laws shall take effect immediately upon a vote of the Trustees.
- B. The By-Laws may be amended in whole or in part at a Trustee meeting by vote pursuant to Article III.B.5. Adopted amendments shall take effect immediately.

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It being the desire of the Trustees to meet their responsibilities to the people of Colorado, and, in the most efficient and conscientious way possible, to discharge their duties under the law, the Trustees do hereby adopt these By-Laws.

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Phil Weiser  
Attorney General

February 11, 2025

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Jill Hunsaker Ryan, Executive Director  
Colorado Department of Public Health and Environment

February 11, 2025

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Dan Gibbs, Executive Director  
Colorado Department of Natural Resources

February 11, 2025