

MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



Land Conservation & Stewardship Board

November 12, 2025

Regular Meeting – Excerpt

Members:

Ross Cunniff, Chair
Scott Mason, Vice Chair
Denise Culver, Member
Jennifer Gooden, Member
Steve Joyce, Member

Holger Kley, Member
Elena Lopez, Member
Mark Sears, Member
Tom Shoemaker, Member

1. CALL TO ORDER: Meeting was called to order at 5:30 pm.

2. ROLL CALL:

LCSB: Denise Culver, Scott Mason, Tom Shoemaker, Mark Sears, Steve Joyce, Jennifer Gooden, Holger Kley, Elena Lopez, Ross Cunniff

NAD Staff: Julia Feder, Tawnya Ernst, Matt Parker, Nick Van Lanen, Elaine Calaba, Katie Donahue, Emily Shingler, Mary Boyts

Excerpt related to this Council Meeting Agenda Item: Disposition of up to 61 Buckhorn Highline Ditch Company shares.

6. ACTION ITEMS

Disposition of up to 61 Buckhorn Highline Ditch Company shares.

Matt Parker, Ecological Stewardship Manager stated he was seeking the LCSB's recommendation that City Council approve disposition of up to 61 of the Natural Areas Department's shares of the Buckhorn Highline Ditch Company ("Ditch Company") that the City does not need and will not use.

The Natural Areas Department acquired a total of 94 shares of the Buckhorn Highline Ditch in purchases that occurred in 2002 and 2022. The Buckhorn Highline Ditch is currently inoperable due to a blowout of the diversion structure in 2013 and will require reconstruction at an estimated cost of \$600,000 - \$720,000, divided amongst all shareholders. Currently, the Natural Areas Department would be responsible for an outsized portion of the reconstruction costs, relative to actual management needs for the water shares.

Discussion

LCSB Question: Can Natural Areas vote "no" on the reconstruction effectively stopping the project?

Staff: Yes, but it might not be in our interest in long term conservation in the valley.

LCSB: Who would buy the shares?

MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



Land Conservation & Stewardship Board

Regular Meeting

Staff: Because the shares have to be used in that area, there are ten properties that could physically make use of the water.

LCSB question: Is there a risk that a large development could come in and buy those shares regardless of the cost?

Staff: In talking with the City's water attorney, likelihood of converting this very junior and low producing water right to municipal use is extremely low.

LCSB Question: Do the interested parties have land that would be valuable for conservation? Would it be possible to swap shares for a conservation easement?

Staff: There is potentially a path there. But first it is necessary to get City Council's approval to dispose of the shares.

LCSB: If the diversion structure is not rebuilt, at some point does the ability to rent Colorado-Big Thompson (CBT) water just go away?

Staff: Whole water rights will land on the state abandonment list if there is no action taken to utilize that water after ten years. Because the ditch company has taken recent action, the rights are not considered abandoned.

LCSB: How big is the next biggest shareholder?

Staff: 58 or so shares. If that party purchased 40 shares, they would become the new majority shareholder.

LCSB Question: Are there any neighboring properties that would be potential acquisitions that would not come with water, but would need restoration in the future?

Staff: There is one the property that could potentially come with the same water, but restoration in that area is not really water dependent. NAD has been focused on a higher diversity of restoration seed mix that needs no irrigation whatsoever. The water shares are very location dependent; we can't necessarily move irrigation water to a distant location.

LCSB Question: Is it fair to say that if we haven't had any use of the water since 2013, that we're fine without it?

Staff: We could ask to dispose of all the NAD shares, but that would take away any option in the future on the north side of Bobcat Ridge Natural Area (BCR) for utilizing that irrigation water. Because ditch companies have a great deal of autonomy, retaining shares gives NAD a role in the construction process and managing access through BCR.

LCSB Question: What happens if you have no buyers or no buyers at the price you're asking?

MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



Land Conservation & Stewardship Board

Regular Meeting

Staff: NAD has the option to return the shares to the ditch company treasury or retain them. If we return them to the ditch company treasury it would reduce our construction liability but not as significantly as an outright selling of the shares would.

LCSB Question: If you return the shares to the ditch company treasury are they redistributed?

Staff: The shares are not redistributed, however the construction cost would be redistributed. If there are no buyers and NAD returns the shares to the treasury, NAD would be responsible for approximately one-third of construction cost. If the shares are returned to the ditch company treasury, and other members purchase shares from the treasury, those shareholders would then be responsible for construction costs relative to their share ownership.

LCSB: Assuming we do succeed in selling them, is the money that comes into the NAD subject to the 80/20 Green-Blue division?

Staff: The money would go back into the green money fund balance.

LCSB: Have we ever, in the past, rented CBT water?

Staff: Yes. The department has root water ownership in various places so will always be able to rent CBT water.

Chair Cunniff made a motion that the Land Conservation and Stewardship Board recommend that City Council approve the disposition of up to 61 Buckhorn Highline Ditch Company shares. Member Culver seconded the motion. The motion unanimously passed, 9-0.