

Thank you for letting me speak tonight. I'm calling in to express my concerns and recommendations regarding the annexation of the Rivertown property, which is directly adjacent to St. Vrain Creek and to Roger's Grove natural area. First, I'd like to point out that, because the Resilient St. Vrain flood mitigation project along this stretch of the St. Vrain is not projected to be completely funded for another 3 years, and that mitigation work itself will not be completed for even longer, it is premature to talk about developing this parcel. In addition, this area is within both the 100 and 500 year flood plains per current FEMA flood plain maps and will not be removed from the flood plain for some time. Because most property comes up for annexation only when development is desired, it is interesting that the owners of this property are applying for annexation now when development cannot occur for years.

As is seemingly common for habitat and species assessments, I noted that the assessment for this property was conducted in winter and not during the breeding season. Therefore, little wildlife was seen during the survey. On page 6 of the assessment, this was directly addressed by mentioning that surveys would be conducted in spring or early summer of 2021 to confirm the absence or presence of Northern leopard frogs as they would not be visible in November. Were these surveys ever conducted? If so, what were the results? If not, why not?

I conduct bird surveys for the city at Roger's Grove all year long and, while I can confirm that I have never seen any species of State concern on the Rivertown property during these surveys, I have seen species such as Snowy Egret and Killdeer utilizing the admittedly heavily-degraded Rivertown wetlands. Before any development occurs on this property, breeding season surveys must be conducted.

Page 8 of the habitat and species assessment says that "Development of the Rivertown Longmont project site presents an opportunity to improve conditions of the buffer area by establishing native landscaping and improving vegetation cover and habitat value for urban-adapted species." This should be a requirement for any future development on this parcel and any parcel that abuts a sensitive habitat such as St. Vrain Creek. In improving the buffer area along St. Vrain Creek, why can this area not also be improved to provide better connectivity along the riparian corridor to facilitate wildlife movement?

The habitat and species assessment also state on page 10 that "Given the highly disturbed nature of the project site, its proposed development is not likely to have an adverse impact on wildlife." How does this follow? No property exists in isolation from the area around it, especially property abutting a body of water. Even though there are sensitive fish species in St. Vrain Creek not far from the Rivertown property, the habitat assessment states that there's no occurrence of fish species because the assessment only looked within the boundaries of the property. Impacts on the surrounding environment depend on the development. For example, if there are many impervious surfaces, this will increase runoff. Tall buildings with large windows may cause bird strikes. Light pollution disturbs both resident and migratory species.

Speaking of the surrounding area: there is a Red-tailed Hawk nest not far from the property on the north side of the railroad tracks. It has been active for at the least the last 2 years. I don't know if this is the same nest site mentioned in the assessment where it was stated that it was no longer active, but any future development of this area must take this nest (if active at that time) as well as the Osprey nest at the nearby Fairgrounds into account to mitigate any potential for disturbance.

In my final comments with regard to the habitat and species assessment, I reiterate the comments submitted in response to the annexation request back in January. There is a colony of nesting Bank

Swallows on the Roger's Grove property just down from the Rivertown property. This is one of the only known Bank Swallow colonies in Boulder County. As a condition of annexation, the property owner must agree to the creation of an easement for flood mitigation on the Rivertown property so that this colony is not destroyed, as it surely will be under the current circumstances.

I also ask that, given the history of unlabeled and improperly labeled hazardous chemicals stored on the property, as well as the number of violations of the facility's own spill prevention, control and countermeasures plan, a phase II ESA be conducted and groundwater on and near the property be tested for contaminants and treated if found. Likewise, the area of stockpiled soil and concrete should be exhumed, and it determined whether there are any potential hazardous materials in the pile. These should be removed and treated if so at owner's expense and not the expense of taxpayers. Were any of the historical hazardous waste releases prosecuted and/or fines imposed?

Thanks for your time and attention.