

Stewardship Policy #1 - Management Plans

A. Fee Simple Interests. As authorized by Section 2-4 of Title 12 of the Pitkin County Code, the Open Space Board will adopt Management Plans for lands in which a fee simple interest is acquired. Smaller parcels, or those endowed with substantially similar management needs may be grouped into management categories, including, but not limited to back-country inholdings, trail heads, and passive open space. Each plan will formulate a site-specific, balanced stewardship approach to the preservation, improvement, and use of 1) ecologically sensitive land and water resources, 2) wildlife resources, 3) visual resources, 4) cultural resources, 5) recreational and educational resources, 6) access to adjacent public land, and 7) agricultural uses. Interim plans may also be adopted to provide immediate management objectives until a more thorough long term plan can be adequately developed.

B. Trail Corridors. As authorized by Section 2-4 of Title 12 of the Pitkin County Code, the Open Space Board will adopt Management Plans for trail corridors which may include a mixture of fee simple interest and trail easements. Each plan will formulate management goals to harmonize use among various constituents, define the type of trail surface(s), protect adjacent ecological and cultural resources, and promote neighborliness with adjacent private lands as further provided in Stewardship Policy 3, below. Interim plans may also be adopted to provide immediate management objectives until a more thorough long term plan can be adequately developed.

Stewardship Policy #2 - Improvements

A. Trails and Trail Heads; The Open Space and Trails Board has adopted design guidelines for trails and trailhead facilities. These guidelines balance initial cost and quality with long-term maintenance expenses and strive for compatibility with other improvements already in place. The sustainability of trail development and use are of utmost concern in the planning and construction of new trails, and in their maintenance and management.

B. Open Space Parcels; Permanent improvements to open space parcels will not be undertaken unless consistent with a duly adopted management plan.

Stewardship Policy #3 - Neighborliness

Being a good steward of the land means being a good neighbor. Every reasonable effort is made to minimize or eliminate the impacts of trespassing, litter, noise, fire hazard, livestock harassment, or other inappropriate behaviors on neighboring land owners.

Stewardship Policy #4 - Retain Agricultural Lands

It is the policy of the Open Space and Trails Board to cooperate with the county's agricultural community in strategies designed to retain and continue production on the large tracts of farm and ranch lands which provide important open space buffers between the communities

of the Roaring Fork and Crystal River valleys. As a corollary policy, the Board also supports the responsible use of public lands for agricultural and ranching purposes.

Stewardship Policy #5 - Public Use

Public use of properties purchased by the Open Space and Trails Board will vary according to the terms of the purchase and the management plan, and the County Code. Easements may be acquired on private land which prevent future development and preserve open space but do not allow the public physical access to the land. Other properties may be purchased in order to protect essential wildlife habitat or threatened ecosystems. Trail acquisitions and management plans may restrict modes and periods of public use. Public use rules for each property are determined on a case-by-case basis within the context of the management planning process. The Board has recognized that an open space ranger program is necessary to fulfill this policy.

Stewardship Policy #6 - Trail Etiquette/Outreach

Pitkin County Open Space and Trails promotes Trail Etiquette through public outreach and education. Through the Ranger program the ultimate goal is to achieve safe and harmonious trail use by promoting an ethic of sharing and mutual respect between all users. The Pitkin County Code is the enforcement tool which provides our framework for compliance.

Stewardship Policy #7 – Planning Development Adjacent Protected Lands.

The Open Space Board will seek to advise Pitkin County and other relevant land use jurisdictions regarding the impact of proposed development on adjacent Open Space Properties, and may suggest mitigation measures to address those impacts.

Stewardship Policy # 8 – Memorial Policy *(Adopted 3/20/2003)*

All memorials placed on Pitkin County Open Space and Trails (OST) property and trails are covered by this policy. Memorials include picnic tables, benches, plaques, naming properties or trails, or any other structures that recognizes the memory of a person, group, or event. OST staff will consider all requests for memorials with consultation from the OST Board. All memorials that exist on properties and trails before this policy was enacted will be maintained by OST.

The adopted management plan for a property or trail will address the need and placement of memorials and will supersede this policy. This policy will cover all properties and trails that either a management plan has not been written or the management plan does not cover memorials. Memorial requests for specific properties and/or trails will be put on hold when management plans are in the process of being written.

Those wishing to memorialize people on County Open Space are encouraged to donate funds towards interpretive displays and or other infrastructure which supports the purpose of the open space properties. Where donations toward such infrastructure is made, a memorial plaque consistent with the guidelines below will be included in a visible location on the facility.

Specific locations on OST properties and trails may be reserved for memorials that recognize people, groups or events that have made a significant contribution to the protection and conservation of wildlife, lands, and/or trails in Pitkin County or to the community of Pitkin County.

The requesting party will pay all costs for the construction and installation of memorials. An endowment of \$250 will be added to the cost for future maintenance of the memorial. The amount of the endowment may be increased if warranted by the type of memorial. Memorials will be maintained for 5 years and then if the memorial is in poor condition due to acts of nature, vandalism, etc. the requesting party will be contacted to replace the memorial. If the memorial is in fine condition it will remain and be maintained by OST until the end of its useful life. OST is responsible for basic maintenance only, such as oiling/staining benches, keeping them level and safe for use. OST is not responsible for replacing memorials that are stolen, or irreparably damaged, or vandalized and in these cases the donor can choose to replace or repair the memorial.

The OST Board or Board of County Commissioners can request, recommend and/or authorize memorials for certain properties or trails.

Size and types of memorials:

- Benches, picnic tables, or other fabricated structure can incorporate a plaque up to 5 inches by 8 inches that is approved by OST staff.
- Plaques on natural features such as rocks, will be determined by OST staff
- Statues, gravestones, or other works of art will not be allowed unless already on property or trail and contribute to the history of the property or trail.

No memorial may be placed on OST properties or trails without approval from the OST department. OST will approve the design of all memorials and encourages the use of durable materials. OST may set specific design standards in the future.

Stewardship Policy #9 – Winter Trail Maintenance

(Adopted 3/20/2003 updated 2007)

This policy covers the winter maintenance of all trails managed by Pitkin County Open Space and Trails (OST). Winter trail maintenance is the removal of snow, rocks, dirt, ice, or setting tracks for cross-country skiing. Parts of the Rio Grande and East of Aspen Trails are maintained during the winter for cross-country skiing. From April 15 – October 31, OST will maintain paved trails that are at least 85 per cent clear of snow and ice. Snow and ice on soft surface trails will be allowed to melt naturally.

Trails that are not maintained in the winter are still open to the public unless closed per management plan or BOCC ordinance.

Stewardship Policy #10 - Conservation Easement Amendments
(Adopted 8/19/2010)

Amendment Philosophy

The Pitkin County Open Space & Trails program's mission is to acquire, preserve, maintain and manage open space properties for multiple purposes including, but not limited to, recreational, wildlife, agricultural, scenic and access purposes; and to acquire, preserve, develop, maintain and manage trails for similar purposes. When considering any amendment, this mission statement should be compared with the intent of the language in the proposed amendment, in addition to adhering to applicable state and federal laws, and broadly accepted standards and practices for land conservation. Conservation easement amendments are undertaken to improve the clarity, function or conservation intent of the easement, in order to fulfill our agreement with the original Grantor and our conservation commitment to the community in perpetuity.

Amendment Principles

When considering an amendment to a conservation easement, careful deliberation should be given to the depth and breadth of legal, conservation and other considerations that may be affected by the amendment. A general framework of principles regarding amendments should include, but are not limited to:

- The amendment should be consistent with the overall purpose of the conservation easement and any specific provision within the Easement addressing Amendments
- The amendment will enhance, or not impair, the resource values conserved
- There are no feasible alternatives available to achieve the desired, and legitimate purpose
- There are no issues regarding private benefit, or any issues that exist could be adequately addressed
- It is consistent with any other written expressions of the original Grantor's intent
- All conservation easement co-holders approve of the amendment
- It is consistent with one of the legitimate circumstances for amendments
- All funder (those land trusts; non-profit organizations; municipalities; federal, state and local governmental agencies; pseudo-governmental agencies and other entities providing funding for a project) requirements are met regarding amendment

Legitimate Circumstances for Amendments

- I. Prior Agreement – In rare cases, a conservation easement has included a specific provision or an unrecorded agreement or letter allowing modification of the restrictions at a future date under specified conditions. Such agreements must be set forth in the conservation easement document or in a separate document signed by all parties at the time or prior to when the conservation

easement was executed. The amendment must be consistent with the terms and conservation intent of the original agreement.

- II. Upgrade Standard Language and Format – The standard language and format of conservation easements are periodically revised to reflect new standard clauses, statutory changes, changes in policy, or to improve enforcement and administration, or enhance the protection of the conservation values of the protected property, or consolidate the legal documents in order to simplify the protection regime. Amendments for any of these purposes will be recommended so long as the changes are consistent with the intent and objectives of the original conservation easement.
- III. Correct an Error or Ambiguity –An amendment may be recommended to correct an obvious error or oversight that was made at the time the conservation easement was entered into. This may include correction of a legal description, inclusion of language that was unintentionally omitted, or clarification of an ambiguity in the easement in order to avoid litigation over the interpretation of the document in the future.
- IV. Settle Condemnation Proceedings – Pitkin County may recommend a settlement agreement with the condemning authority where it appears that the land to be taken has little or no resource value, is not central to the purpose of the conservation easement and where condemnation power would be properly exercised for a recognized public purpose. If the condemnation proposed is significant, affects valuable resources and is central to the conservation easement, and there is no other better alternative site for the proposed facility, Pitkin County may still recommend a settlement agreement with the condemning authority if the public health, welfare and safety significantly outweighs the conservation resource values, but will do so only with great caution. In reaching such an agreement, the intent of the original conservation easement must be preserved to the greatest possible extent.
- V. Amendments to Leverage Additional Conservation –Pitkin County welcomes amendments to add additional land to a conservation easement. We also welcome the return of reserved rights by landowners.
- VI. Amendments to Reconfigure Conservation Easements – Modifications of reserved rights may be considered, provided that there is clear demonstration that the conservation values of the property are enhanced or determined to be “net-neutral” after the amendment. Similarly, the addition of reserved rights in exchange for additional land conservation may be recommended provided that the above principles and other considerations are substantially met.
- VII. Amendments Consistent with Conservation Purpose – Other amendments of a conservation easement may be recommended where the modification is consistent with the goals of the original conservation project, there is no or only incidental private benefit, the amendment is substantially equivalent to or enhances the resource values protected by the conservation easement and any

additional burden on the Stewardship staff is outweighed by the increased conservation value. Requests made under this section will be reviewed carefully.

Circumstances for Denial of a Requested Amendment

Granting of an amendment request is at the sole discretion of Pitkin County and its co-grantees, unless such an amendment is specifically enumerated in the easement agreement, or necessary to correct an error. However, the following provides some, but not an exhaustive list, of circumstances under which the County may not consider amending a conservation Easement:

- I. Private inurement to the Grantee
- II. Non-compliance with the Home Rule Charter, CO State Statutes and Federal IRS statutes
- III. Non-compliance with Conflict of Interest policy or other County policies, including the County Land Use Code
- IV. The request can be addressed by another method (letter of interpretation, Correction Deed, etc.)
- V. The request weakens the terms of the conservation easement, or result of the amendment does not enhance or impairs the conservation values.
- VI. The proposed amendment is not acceptable to funding partners or co-grantee.

Process

- Request should be submitted in writing. If OST is not lead agency, it should be forwarded to the lead agency. If OST is the lead agency, then it should inform sister agencies that a request for amendment has been received.
- Request is reviewed by staff, including the attorney's office, the Community Development Dept., if appropriate, and any other county staff as appropriate. Staff prepare a written determination on whether the request complies with the principles and specifications of this procedure, including verifying compliance with funder requirements, and conceptual acceptance for consideration by co-grantees, analysis of impacts to the conservation values, the economic benefit to the landowner, compliance with aforementioned applicable laws and policies, and a recommendation from staff.
- Request is taken to OSTB for recommendation
- Partner/funder review and recommendations
- Board of County Commissioners Review and Approval

- Recording of the amended conservation easement deed with the applicable counties' Clerk and Records office

Documentation of Implementation of Amendment

In an effort to provide transparency, and provide a written record that due diligence has been completed, documentation of the amendment should be in accordance with County policies and industry best practices.

Stewardship Policy # 11 – Educational Information Policy (Adopted 5/5/2011)

All educational or interpretive information placed on Pitkin County Open Space and Trails (OST) property and trails are covered by this policy. As a general matter, interpretive information will be designed by Open Space staff for the purpose of educating the public regarding the natural or historic characteristics of Open Space properties. OST staff will consider all requests for educational or interpretive information with consultation from the OST Board.

The adopted management plan for a property or trail will address the need and placement of educational or interpretive information and will supersede this policy. This policy will cover all properties and trails that either a management plan has not been written or the management plan does not cover educational or interpretive information. Educational or interpretive information requests for specific properties and/or trails will be put on hold when management plans are in the process of being written.

The requesting party will pay all costs for the construction, installation, maintenance and removal of interpretive information. An endowment of \$250 will be collected for future maintenance of the educational or interpretive information. The amount of the endowment may be increased if warranted by the type of educational or interpretive information. Educational or interpretive information will be maintained for 5 years and then if the educational or interpretive information is in poor condition due to acts of nature, vandalism, etc. the requesting party will be contacted to replace the educational or interpretive information. If the educational or interpretive information is in fine condition it will remain and be maintained by OST until the end of its useful life. OST is responsible for basic maintenance only. OST is not responsible for replacing educational or interpretive information that is stolen, or irreparably damaged, or vandalized and in these cases the donor can choose to replace or repair the educational or interpretive information.

No educational or interpretive information may be placed on OST properties or trails without the cooperation and approval from the OST department. OST will approve the design and location of all educational or interpretive information and encourages the use of durable materials. OST may set specific design standards in the future.

Stewardship Policy #12 – Wildlife and Trail Camera Policy

(Adopted 11/21/2013)

Pitkin County Open Space and Trails will use wildlife cameras on properties and trails to monitor wildlife, trail use, and for enforcement of County code. Photographs of people will be deleted after 15 days from download unless a violation is recorded. Photographs of violations will be kept till the violation is addressed.

Notification of camera use will be indicated on trail signage.

Stewardship Policy #13 – Protection of Natural Biodiversity and Management of Human Use

(Adopted 8/4/2016)

Whereas the Pitkin County Home Rule Charter sets out the purposes of the program in Section 13.5.1 in a manner that creates absolute goals related to the protection and preservation of wildlife habitat, riparian areas, and public lands (Subsections 2, 3, 5) and gives a *qualified* goal of “promoting” recreation “not inconsistent with the forgoing purposes...”, it is incumbent on the Open Space program to manage human uses in a manner that preserves and protects native biodiversity, and

Whereas our management actions should optimize the habitat health across a greater landscape, and,

Whereas active management of open space lands may protect and enhance native biodiversity through control of noxious weeds and insects, and to mitigate for other human induced environmental changes such as fire suppression, climate change, water diversions, and

Whereas human uses on open space lands are important in promoting the physical and emotional health of our citizens and in supplying local food, and

Whereas human activity, including the development of recreational trails, is known to impact native biodiversity thereby fragmenting undisturbed areas, and

Whereas our scientific knowledge is imperfect, caution dictates that we seek to protect and preserve as many natural habitat areas as possible, and that we continue to monitor the health of lands in our care, and

Whereas humans are more inclined to protect what they know and love, and consequently our community’s preservation ethics are maintained and enhanced by contact with the natural world, and

Whereas the public which has funded the acquisition of our open spaces deserve objectively verifiable basis for our management decisions protecting biodiversity by limiting their active uses.

Therefore the Open Space and Trails Board has determined that the following general policy is needed to guide the acquisition and management of Pitkin County Open Space and Trails properties:

The Open Space and Trails Program seeks to rely on the best available science for property-specific study of natural habitat conditions, including the role of the property in the context of larger habitat and wildlife patterns within the Roaring Fork Watershed, as the starting point for optimal allocation of use of funds or county open space lands across habitat, agricultural, recreational, scenic and other authorized open space purposes. The program will utilize such ongoing scientific data to determine the minimum, but not the maximum, acreages that should be maintained free of human disturbance.

If such study reveals specialized habitat management needs, the program will seek to restore to healthy, natural function any degraded habitat, and will employ spatial or temporal closures or other appropriate mitigation to protect sensitive habitat from recreational or agricultural use impacts. Sensitive habitat includes those habitats defined as “constrained” in section 7-20-70 of the Pitkin County Land Use Code, and may also include those habitats used by rare and endangered species, Colorado Natural Heritage Program-ranked habitat types and protected conservation areas, as well as habitat types used by more common species that have special needs such as critical winter or summer range, breeding/nesting areas and migration corridors.

Human uses, if any, will be planned and managed to minimize intrusion in breeding/nesting areas and migration corridors. Human uses, if any, will be planned and managed to minimize intrusion into the time periods and/or places of special habitat concern. Where human uses cross adjacent boundaries between Open Space lands and those managed by other public agencies within the Roaring Fork Watershed, the Open Space Program will encourage such other agencies to support our efforts to protect biodiversity.

STEWARDSHIP POLICY #14 – Backcountry Parcels Management Policy
(Adopted 3/20/2007)

This policy covers the management of all parcels owned in fee by Pitkin County Open Space and Trails (OST) that are surrounded by federal and state lands. For parcels that are considered backcountry parcels they must be fully surrounded by federal and/or state land to qualify to be included under this policy. All lands that qualify for this policy will be managed with similar regulations as the surrounding federal and/or state lands. OST Title 12 regulations that will not apply to backcountry parcels are No Hunting, Dogs on Leash, Camping Prohibited, and Fires Prohibited.

This policy allows seamless management on parcels that were purchased to prevent development that would severely impact the surrounding federal and state lands. Examples of parcels that are included in this policy are Hummingbird Lode, Little Chief,

Venner, Broker Lode, Orphant Boy, Brackett, Rikker/Walden, and Vagneur. OST can enact specific management plans for these parcels and would supersede this policy.

Stewardship Policy #15 – Historic Preservation
(Adopted 11/1/2018)

The Open Space and Trails Board has determined that the following general policy is needed to guide the protection of cultural, historic, archeological and paleontological resources located within Pitkin County Open Space and Trails properties:

- A. Inventory and Planning: The Open Space and Trails Program will inventory cultural, historic, archeological, and paleontological resources located on open space lands where applicable, using the best available information and shall include this information in proposed management plans circulated for public input and considered pursuant to section 12.04.060 of the County Code. Archeological and/or paleontological resource surveys may be employed where indicated by other context or evidence, and where significant surface disturbances are anticipated under the potential management plan. When seeking such public input, the Open Space program will specifically seek input from the County Historic Preservation Officer, local historical societies and other entities known to have expertise or interest in these resources. Adopted Management Plans may include specific action items regarding cultural, historic, archeological, and paleontological resources.

- B. Management of Historic Structures: Regarding historic structures on open space properties, there are four basic potential management determinations:
 1. Remove the structure - This category is appropriate for structures that have limited historic or cultural significance, or present an immediate hazard to public health or environmental protection.
 2. Allow nature to take its course - This category is appropriate for structures that may have historic significance but are not economically feasible to preserve.
 3. Actively stabilize the structure with exterior restoration to historic standards - This category is appropriate for structures that have historic or cultural significance and can be economically preserved as a visual resource.
 4. Preserve for continued uses - This category is appropriate for historic structures that can be preserved and maintained in active use including, but not limited to reservation to sell consistent with the County Charter and leasing consistent with County regulations. This is our preferred outcome when financially feasible and appropriate for the structure itself.

In choosing management options, the Open Space Program shall consider the appropriate Secretary of the Interior Standards for Preservation, as codified at 36 CFR 67.

- C. Fiscal Impacts: In determining the economic feasibility of the preservation of historic structures, the Open Space Board will strive to ensure that average annual outlays for this purpose do not exceed an average of 2% of the annual revenue of the Open Space Fund between 2017 and 2040. Outlays in an individual year may exceed this target, provided that the 20-year average is consistent with this fiscal policy. Grants, gifts and other outside funding sources will be sought to complement outlays from the Open Space Fund.