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INTRODUCTION

The Pitkin County Home Rule Charter has created and empowered the Open Space and Trails Board to fulfill the objectives outlined in HRC section 13.3.3. In the general election of 2006, the Open Space program was reauthorized and funded through 2020. The Board and Staff have gained significant experience since the program inception in 1990, and throughout 2007 have revisited the program policies originally adopted in 1993. The following are intended to provide general guidance for the Open Space Board's activities, including acquisition, management and enhancement of open space and trails assets. The Board presents this document to its constituents, the residents of Pitkin County, hoping both to inform and involve those who will benefit most from the Open Space and Trails program's accomplishments.

ACQUISITION OBJECTIVE

The mission of the Pitkin County Open Space and Trails program is to acquire, preserve, maintain and manage open space for multiple purposes including, but not limited to, recreational, wildlife, agricultural, access, and scenic purposes and to acquire, preserve, develop, manage and maintain trails for similar purposes.

ACQUISITION POLICIES

Acquisition Policy #1 - Geographic Balance

The Open Space and Trails Board attempts, through its purchase recommendations to the Pitkin County Commissioners, to allocate the taxpayer's funds for new open space and trails in balanced proportions throughout the County. Emphasis is placed on serving the needs of the County's residents recognizing that, in so doing, the tourism sector will also benefit. The Open Space and Trails Board recommends acquiring property outside the County only when such an acquisition clearly compliments and improves the County's open space or trails system.

Acquisition Policy #2 - Planning

The Open Space and Trails Board does not wish to duplicate previous public planning processes which have addressed open space and trails issues. Rather, the Open Space and Trails Board refers to land use and trail master plans previously adopted by the County and other governments in order to identify potential acquisitions. In areas not already examined by such plans, the Open Space and Trails Board may undertake special trail or open space planning projects. These projects will seek the full involvement of neighboring property owners and the general public and will be submitted to the appropriate County and municipal agencies for their review and comment in order to assure their compatibility with other existing plans. The Board also seeks recommendations from other land management

agencies about potential acquisitions and property management plans. Provided, however, that the Board will avoid public identification of specific private lands without the landowner's permission or prior to successful acquisition of public rights therein.

Acquisition Policy #3 - Methods

The Open Space and Trails Board employs a variety of acquisition methods, always seeking the most cost-effective method to secure the most significant conservation values of a given property. Whenever feasible and appropriate, the Board will propose to purchase, at less cost, a partial property right such as a "conservation easement". A conservation easement limits future development while enabling the seller to continue using and enjoying the property in its present state. Similarly, trail, fishing, or access easements may be acquired by the Open Space and Trails program which would leave the majority of property rights in the control of the seller, but would give the public a limited right to use a specific portion of the property. The Board will also pursue the purchase of water rights to protect instream flows for recreation and/or aquatic habitat, and acquisition of mineral rights to buttress the protection of surface rights in conjunction with all of the above techniques. The Board is prepared to employ these and other innovative purchase techniques, and to accept gifts or grants of land.

Acquisition Policy #4 - Condemnation

The Open Space and Trails Board, as the agent of the Pitkin County Commissioners, always seeks to negotiate with and recommend purchase of property from a willing seller. Thus, every reasonable effort is made to negotiate, in good faith, a mutually acceptable purchase price. Condemnation actions are the exclusive responsibility of the County Commissioners and are the acquisition method of last resort, used only when voluntary negotiations between the Open Space and Trails Board and the owner have failed and when an acquisition is deemed vitally important to the community and the Open Space and Trails Program. Any condemnation action requires four (4) voting members of the Open Space and Trails Board to vote in favor of the action, whether the condemnation action is initiated by the County Commissioners or the Open Space and Trails Board. The Open Space and Trails Board's argument for condemnation will be presented in a public hearing before the County Commissioners following a period of public notification. If the County Commissioners pursue a condemnation action, fair market value will be paid for the property rights acquired through the condemnation.

Acquisition Policy #5 – Full Disclosure and Fair Dealing with Landowners

The Open Space and Trails Board will insure that all property owners with whom negotiations are had will be adequately advised of their need to utilize competent professionals to fully understand and benefit from each transaction.

Acquisition Policy #6 – Conversion (OSTB Resolution 96-01)

While acknowledging that the Open Space and Trails Program enabling legislation allows for the conversion of use of the Open Space and Trails Program administered properties only upon an affirmative vote of the public approving such conversion and provision of a replacement property of comparable monetary and open space aesthetic value, the Open Space and Trails Board views its role as an advocate for the protection of all open space lands in Pitkin County and therefore has taken the position that it cannot support any conversion of publicly owned or protected open space for other uses, without consultation with the Pitkin County Board of County Commissioners and unless the following criteria have been addressed to the Open Space and Trails Board's satisfaction:

- A) The Conversion of use complies with the original conveyance document.
- B) Strong public support has been demonstrated for the conversion of use, and the Project requiring the conversion in use is the broad community interest.
- C) Reasonable and suitable alternatives to the conversion of open space property do not exist.
- D) The Open Space and Trails Board agrees that a comparable replacement parcel has been found with the same monetary and aesthetic open space values.
- E) The original Grantor of the land or easement does not oppose the proposed conversion of use.
- F) The overall impacts to open space are as minimal as possible and will result in on net loss of open space quality or quantity resulting from the conversion transaction.
- G) If the property proposed for conversion was originally acquired or protected by the Open Space and Trails Program, the Open Space and Trails Board finds that there will be no or minimal erosion of public trust in the Program by supporting a proposed conversion of use.
- H) The character of the open space property and the surrounding area has changed to the point where the values for which the property was originally conserved are negligible or non-existent.

STEWARDSHIP OBJECTIVE

Stewardship practices seek to preserve and enhance the ecological, scenic, recreational and cultural values of the open space and trails acquired by the Open Space and Trails program.

STEWARDSHIP POLICIES

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.

ADVOCACY OBJECTIVE

Through joint planning and acquisition efforts, and through the County's land use approval process, the Open Space and Trails Board actively performs its role as the public's advocate for trails, for the preservation of open space, and for access to public lands and protection of water resources.

ADVOCACY POLICIES

Advocacy Policy #1 - Joint Projects

The Open Space and Trails Board seeks opportunities to cooperate with other local governments, state and federal agencies, and with not-for-profit organizations in projects which meet the Open Space and Trails Program's acquisition criteria and which maximize the potential to acquire, manage, and promote open space and trails. For instance, the Open Space and Trails Program may provide acquisition, capital improvement, or management funds which complement development and management resources provided by another agency. Conveyance or conversion of open space property interests is restricted under the Pitkin County Home Rule Charter.

Advocacy Policy #2 - Activism

The Open Space and Trails Board is charged with representing the public's interest in open space and trails within the context of county government. The Board may act as a referral agency which reviews land use proposals under County jurisdiction and recommends appropriate open space or trail dedication plan elements to the Planning & Zoning Commission and to the County Commissioners. The Board may also make recommendations to the County Commissioners regarding the County's overall position on issues affecting federal land management. The Open Space and Trails Board lends its support to the efforts of other organizations whose goals and actions are consistent with the goals of the Open Space and Trails program.

Advocacy Policy #3 - Joint Planning

The Open Space and Trails Board seeks opportunities to contribute to the formulation of open space and trails plans being prepared for the Pitkin County area by other local

agencies and organizations which could contribute to the achievement of the Open Space and Trails program's goals.

Advocacy Policy #4 – Federal Congressional Land Exchange Policy
(Adopted 1/20/2011)

Whereas, Federal public lands comprise some 83% of Pitkin County and create the mosaic of extraordinary scenery, habitat, recreation and natural resources that are of immeasurable value to the health, welfare and enjoyment of Pitkin County's residents and visitors;

Whereas, any loss of these Federal public lands or of public access thereto is a serious concern for Pitkin County and should be avoided whenever possible;

Whereas, Pitkin County created an Open Space & Trails Program in 1990 and as of January 1, 2011 has invested more than \$82 million over the past twenty years to secure over 18,700 acres of additional conserved private lands for the benefit of Pitkin County's residents and visitors;

Whereas, Pitkin County prefers that new public land acquisition is secured through purchase rather than exchange; (i)

Whereas, public access to Pitkin County's Federal public lands is also of immeasurable value to our residents and visitors;

Whereas, Federal land disposal through Congressional land exchanges within Pitkin County have the potential to harm the health and welfare of Pitkin County residents and visitors and undermine the value of its ongoing investment in its Open Space and Trails Program;

Whereas, Congressional intervention into this arena by mandating the approval of land exchanges that privatize federal lands within Pitkin County can bypass the procedural and substantive safeguards that apply when federal agencies process proposed administrative land exchanges; and

Whereas, without a strict Pitkin County policy on proposed Federal land exchanges, tracts of public lands may be exchanged and privatized at the request of private landowners which exchanges are not in the public interest and diminish our public lands "commons" so important to future generations of residents and visitors;

Now, therefore, the Pitkin County Open Space Board hereby adopts the following policy to guide its response to any request that it endorse or support any proposed Congressional action that will result in the privatization of Federal public lands within Pitkin County:

1. The Open Space and Trails Board will analyze such proposed federal land exchanges within Pitkin County and advise the Board of County Commissioners on the proposal's conformity with this policy;

2. The Open Space and Trails Board will consider endorsing or supporting a proposed land exchange involving Federal public lands within Pitkin County only after all of the following conditions are satisfactorily met:

- A. To insure public awareness and input, written notice of the proposed exchange has been provided in the following manner to each affected jurisdiction, neighboring landowner, and other interested parties: publish a notice once a week for four consecutive weeks in newspapers of general circulation in the counties in which the Federal and non-Federal lands or interests proposed for exchange are located. The applicant has also notified authorized users, the jurisdictional State and local governments, and the congressional delegation and other local, regional, or national organizations with institutional interest in public land management. At a minimum, the notice shall include: (1) The identity of the parties involved in the proposed exchange; (2) A description of the Federal and non-Federal lands being considered for exchange; (3) A statement as to the effect of segregation from appropriation under the public land laws and mineral laws, if applicable, and a summary of the appraisal information as required by paragraph C, below. (ii) In addition, each affected jurisdiction will be provided 10 days advance notice of any public meeting which discusses the proposed exchange. Each affected jurisdiction will be provided written notice of any material change in the proposed exchange in the same manner as required for the initial proposal pursuant to this paragraph.
- B. The proposed exchange is consistent with and furthers the Mission of the Open Space & Trails Program, including but not limited to preserving or enhancing recreational opportunities, wildlife habitat, agricultural heritage, scenic viewplanes and public access.
- C. The Open Space and Trails Board has approved an appraisal ("County Appraisal"). The Open Space and Trails Board must accept the scope of work adopted by the appraiser prior to the appraiser's commencement of the County Appraisal. The subsequent appraisal must demonstrate that any increase in the market value of the proponent's property is less than the before-exchange market value of the Federal lands included in the exchange. The County Appraisal, to be provided by the exchange proponent, shall conclude the market value of the proponent's property both before and after the proposed exchange. The Open Space and Trails Board may, at its discretion and prior to its consideration of the County Appraisal, contract a review of this appraisal. The cost of such review shall be paid by the proponent. It is recognized that only in extraordinary circumstances will the federally-required *Yellow Book* appraisal of the federal lands included in the exchange address the County's needs. (iii)

D. When the proposed exchange involves public or private lands in other counties, there is a comment regarding the proposed exchange from that county's Open Space and Trails Board or Board of County Commissioners dated at least thirty days after the appraisals in Paragraph "C" above have been made public.

E. There is no net loss of equal quality publicly owned acreage in Pitkin County or of other acceptable publicly owned lands within the Roaring Fork watershed.

F. There is no net loss in public access to public lands in Pitkin County.

G. The federal agency conveying lands into the private sector shall reserve such rights or retain such interests as are needed to protect the public interest, including but not limited to, cross country ski, hiking, biking, or equestrian trails, road R.O.W.'s, water rights, and hunting rights, or shall otherwise restrict the use of Federal lands to be exchanged, as otherwise provided by 36 CFR 254.3(h).

H. Proponents of a land exchange must demonstrate that the lands to be acquired are adopted acquisition priorities for the agency that will administer them, and that purchase of said lands is not a viable means of acquiring them.

3. This policy is intended to guide Pitkin County, and those who would solicit its support, in evaluating potential federal legislation proposing to authorize a land exchange that privatizes federal public lands in Pitkin County. Nothing contained herein is intended to modify or override any existing federal law or regulation that is otherwise applicable to the proposed exchange. Any information provided to Pitkin County in furtherance of this policy will be provided by the County to the Congressional Delegation as part of the Congressional Record of the proposed land exchange.

(i) Note that this preference for acquisition by purchase was also adopted by the Sierra Club in 2001.

(ii) For comparison- Federal Notice Requirements for USFS Administrative Exchanges are as follows
TITLE 36 – CFR 254.8 subpart a - LAND EXCHANGES
254.8 - Notice of exchange proposal.

(a) Upon entering into an agreement to initiate an exchange, the authorized officer shall publish a notice once a week for four consecutive weeks in newspapers of general circulation in the counties in which the Federal and non-Federal lands or interests proposed for exchange are located. The authorized officer shall notify authorized users, the jurisdictional State and local governments, and the congressional delegation and shall make other distribution of the notice as appropriate. At a minimum, the notice shall include: (1) The identity of the parties involved in the proposed exchange; (2) A description of the Federal and non-Federal lands being considered for exchange; (3) A statement as to the effect of segregation from appropriation under the public land laws and mineral laws, if applicable; (4) An invitation to the public to submit in writing any comments on or concerns about the exchange proposal, including advising the agency as to any liens, encumbrances, or other claims relating to the lands being considered for exchange; and (5) The deadline by which comments must be received, and the name, title, and address of the official to whom comments must be sent and from whom additional information may be obtained.

(iii) The Montana Board of Land Commissioners (as revised in 2004) has a similar land exchange policy to address the weakness of the federal 'Yellowbook' standards where public property is largely surrounded by private lands. The Montana Policy provides as follows:

"In general, trust land must be valued in two ways. First, the highest and best use of the land with discounts applied to the land for access or other limiting factors. Second, the highest and best use of the land without any discounts. The department will then arrive at a value for trust land proposed for exchange, and make a recommendation to the board... This valuation process will apply to exchanges with federal or state governmental entities at the discretion of the department."

This policy recognizes that it is entirely appropriate to also obtain an appraisal that eliminates any "discount" based on access constraints or other limiting factors otherwise found in the 'Yellowbook'.

For another example of a "before and after" appraisal requirement, see, e.g. the appraisal of full economic benefit as provided in Section 170(h) of the Code of the Internal Revenue Service.

PERFORMANCE AND EFFICIENCY OBJECTIVE

The Open Space and Trails Board strives always to protect and husband public resources, foster public objectives, and elicit public trust and confidence through efficient and effective performance.

PERFORMANCE AND EFFICIENCY POLICIES

Performance Policy #1 - Staffing

The Open Space and Trails program will keep administrative costs low by operating the program with the minimum staff required to efficiently achieve the program's objectives. The program will employ, under Pitkin County's regular personnel policies and procedures, a highly motivated and capable professional staff and provide them with the guidance and resources needed to operate responsibly and effectively.

Performance Policy #2 - Contracted Services

When necessary and cost-effective, private sector services will be contracted through open bidding in conformance with County procurement rules and procedures.

PUBLIC SUPPORT OBJECTIVE

The Open Space and Trails Board seeks to build public support for acquisition of open space and trails by encouraging the public's involvement in, access to, and clear understanding of the program's purposes, decisions, and operation.

PUBLIC SUPPORT POLICIES

Support Policy #1 - Openness

The Open Space Program will ensure that our public outreach and review processes are designed to invite and consider public opinion regarding proposed projects funded by OST that will place permanent improvements on open space properties or change the use of open space assets. This public process will occur early enough in the planning so that these opinions can affect the ultimate design of our projects. Routine and ongoing maintenance and administration of OST assets (i.e., weed control, directional or regulation signage, etc.) do not fall under this policy.

The Open Space and Trails Board operates publicly and openly. Board meetings are open to the public and press when such visibility does not compromise a seller's request for confidentiality in the negotiating phase of a purchase or when the program's ability to negotiate a fair price on behalf of the taxpayers is not jeopardized. Executive Sessions may also occur for deliberation in accordance with applicable laws. The Board will make public the final terms of all acquisitions. A public record of the Open Space and Trails Board's meetings, budgets, and plans is available for review on request.

Support Policy #2 - Information Distribution

The Open Space and Trails Board strives to keep the public informed of its activities through the media, speakers, public meetings and workshops, and its own map and other publications. The Board also seeks opportunities to explain the program's open space and trails acquisition mandate and methods to property owners and real estate professionals.

Support Policy #3 - Accountability

The Open Space and Trails Board will report regularly to the Pitkin County Commissioners on its activities. The Board will keep the Pitkin County Commissioners well-informed regarding the status and parameters of acquisition negotiations. The Board will also convene special meetings at least once a year at locations throughout the County to discuss the program's activities and seek guidance for the program's progress.

(Adopted 9/2/1998)

The Open Space and Trails Board shall schedule quarterly meetings with the Pitkin County Commissioners. The agendas for such meetings shall be set cooperatively by the Chairs of both Boards, the scheduling of such meetings shall be set by OST and County staff as directed by their respective boards.