

Wheatley Open Space Management Plan

December 2015



Pitkin County Open Space and Trails

Wheatley Open Space Management Plan

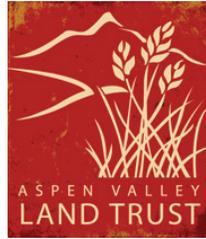
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The Wheatley Open Space Management Plan is a product of Pitkin County Open Space and Trails, working in collaboration with Aspen Valley Land Trust.



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PITKIN COUNTY OPEN SPACE AND TRAILS BOARD of TRUSTEES MISSION STATEMENT

The mission of the Pitkin County Open Space and Trails Board of Trustees 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.

The *Pitkin County Home Rule Charter* provision authorizing the Open Space and Trails Program defines open space and trails as follows:

“Open Space” shall be defined as primarily undeveloped lands and waters which meet one or more of the following criteria: Within public scenic view planes; bounding or within urbanized areas; incorporating or protecting significant wildlife habitat; preserving historic agricultural and ranching activities; protecting riparian or wetlands areas; and protecting other public lands from the impacts of development.

“Trails” shall be defined as a non-motorized access way meeting one or more of the following criteria: preserving historic access routes of ingress and egress to public lands and waterways; providing access to and from recreational or urban destinations; and providing transportation or recreational opportunities throughout the Roaring Fork River watershed.

PITKIN COUNTY HOME RULE CHARTER AND 2011 PITKIN COUNTY STRATEGIC PLAN



The 2011 Pitkin County Strategic Plan identified three core Focus Areas: “Flourishing Natural and Built Environment,” “Livable and Supportive Community” and “Prosperous Economy.” The goal is for the three Focus Areas to work together to achieve the county’s vision and mission. The *Wheatley Open Space Management Plan* fits with the Strategic Plan in various aspects:

Flourishing Natural and Built Environment

Success Factor 1: Conserved natural resources and environment

Potential actions identified with in this success factor include: ...preserve lands with significant recreational, wildlife, ... scenic values, ...and preserve lands with historic agricultural value.

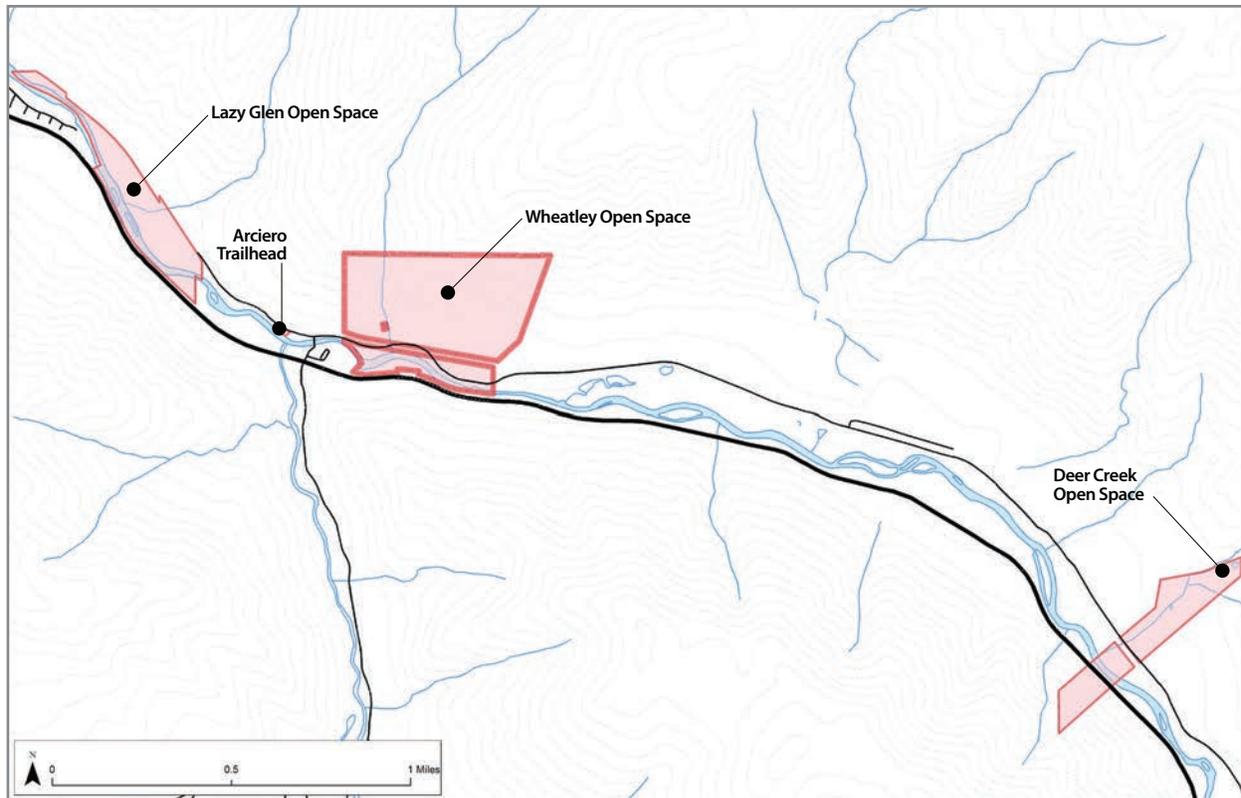
Success Factor 2: Responsibly maintained and enhanced county assets

Potential actions identified include: ...maintain county properties in an environmentally sensitive way and use education and enforcement to encourage proper use and care of public lands and assets.

Livable and Supportive Community

Success Factor 4: Access to recreation, education, arts and culture

Potential actions identified with in this success factor include protect access to rivers and federal lands.



Regional map depicting open space near Wheatley Open Space.

1.0 INTRODUCTION

1.1 FOREWORD

The 105-acre Wheatley Open Space was acquired by Pitkin County in January 2015. The property fulfills virtually every element of the county Open Space and Trails Program’s mission: preservation of wildlife habitat, recreational access, local agriculture, and scenic view plane protection. The goal of this management plan is to guide use of Wheatley Open Space, providing continued wildlife habitat protection, passive and compatible recreational uses, scenic view plane protection and the potential for future agricultural leasing.



Wheatley Open Space includes a rocky beach and roughly 2,900 feet of Roaring Fork River frontage.



John Edward Wheatley and his family homesteaded their Wheatley Ranch property in the 1880s. Courtesy of the Dart family.

1.2 HISTORY

Irishman John Edward Wheatley began ranching along the Roaring Fork River at what is now known as lower Snowmass Canyon in the 1880s.¹ The narrow valley, marked by distinctive red hillsides sloping sharply upward to the north and bisected by the Roaring Fork River, would also carry two railroad lines by the close of the decade as the Denver & Rio Grande and Colorado Midland railroads both set tracks to Aspen, one on each side of the river. Both crossed Wheatley's homestead.

Wheatley, born in Ireland in 1851; married his wife, Catherine Moore, in England in 1874 and then came alone to Pennsylvania to work the coal mines. He returned to England a short time later when the coal mine shut down. Four years later, in 1879, Wheatley decided to join his eight brothers in Leadville, Colorado, where the mines were paying attractive wages.² He saved enough to send for his wife and three daughters, but the high altitude of Leadville took its toll on Catherine. In 1882, Wheatley found work in the mines of Aspen and brought his family, now including an infant son, over Independence Pass via stagecoach. The family stayed in Aspen until Wheatley finished building a log cabin on land he began homesteading along the Roaring Fork River, northwest of Aspen.³

1 Application for Historic Designation, Pitkin County, CO, 2005, page 4, Lisa Purdy, Lisa Purdy Consulting.

2 Ibid.

3 Ibid.

John and Catherine ultimately had a family of 12 children, including three who died in infancy and one infant, William, whom they adopted from John's brother, Richard.⁴ None of the Wheatley biological sons survived beyond their teenage years. William eventually inherited the ranch.

Members of the Wheatley family found themselves in the pages of Aspen's newspapers with regularity in the late 19th and early 20th centuries. John E. Wheatley engaged in legal disputes with both railroads, at one time suing the Denver & Rio Grande after two of his cows were killed by a passenger train.⁵ A Denver & Rio



Potatoes in horse-drawn wagons are loaded into Denver & Rio Grande boxcars at the siding on the Wheatley Ranch in February 1921. Aspen Historical Society photo.

Grande siding on the Wheatley property, where goods could be loaded and unloaded from passing trains, is still marked "Bates" on an aging sign alongside the former railway. It was possibly named for Arthur Bates, who married a Wheatley daughter, Georgina, and farmed his father-in-law's ranch for four years while residing next door to the elder Wheatley on the property.⁶

Wheatleys also made the news for what were apparently long-standing feuds. When a barn fire at the Wheatley Ranch singed about 20 Angora goats and left several pigs "slightly roasted," John Wheatley suggested the blaze was the work of neighbors trying to intimidate him into vacating his valuable lands.⁷

Reports from the Wheatley School, built on the ranch with Wheatley's blessing, appeared in Aspen's newspapers, as well. The original stone structure was replaced with a brick school building in 1899. When District 2 was formed, the Wheatley School served youngsters from Watson (a Midland rail stop about midway between the Roaring Fork's confluences with Snowmass Creek and Woody Creek) to Aspen Junction (later known as Basalt). Enrollment totaled 12 students in 1892.⁸

Laurent Arbaney Sr. starting ranching the Wheatley Homestead in 1930 after working for a time shoveling coal for the Colorado Midland. He bought the ranch from William Wheatley in 1938. Soon there-

4 Ibid.

5 In the District Court, Aspen Daily Times, June 8, 1894, page 4.

6 Application for Historic Designation, Pitkin County, CO, 2005, page 4, Lisa Purdy, Lisa Purdy Consulting.

7 Fire at Wheatleys, Aspen Weekly Times, April 18, 1896, page 4.

8 The School Census, Aspen Daily Chronicle, Oct. 15, 1892, page 4.



The Arbaney Farmhouse, located on private property adjacent to what is now Wheatley Open Space, was captured in this 1958 photograph, which reportedly appeared in the Rocky Mountain News. Courtesy of Lisa Purdy, Lisa Purdy Consulting.

after, he built a farmhouse for his son, Laurent Jr. and his new wife, Irena. The elder Arbaney had done the same for his other two sons on other Arbaney ranches. The Arbaney family was among the large migration of pioneering families who came from Italy to the Roaring Fork Valley in the late 1880s.⁹ Laurent Jr. and Irena lived in the farmhouse for about a decade before moving to Basalt and renting out the ranch residence.

The Dart family purchased Wheatley Ranch in 1959, but continued to lease the land to the Arbaney family for ranching

purposes while renting out the farmhouse. The Arbaney family continued to grow hay and graze cattle there until the 1970s. This included sending their cattle up Wheatley Gulch so the herd could graze on the national forest lands above the valley.¹⁰

In 1997, the Darts sold a conservation easement over much of the ranch, while reserving a portion of the land around the farmhouse and Wheatley School for future development. The 1997 conservation easement placed about 280 acres of what was then about a 292-acre property into conservation (the size of the ranch was subsequently reduced to 263 acres by the widening of Highway 82). The easement, held by Aspen Valley Land Trust and Pitkin County, included about 60 acres of agricultural lands and 220 acres that were to remain substantially undisturbed. It allowed the division of the property into two parcels – Tract 1 and Tract 2. Pitkin County Open Space and Trails purchased the easement for \$1.4 million, with \$20,000 from the Rocky Mountain Elk Foundation. “We think it’s the last big undeveloped property of this size on the Roaring Fork River from Independence Pass to Basalt,” said the Open Space program’s CEO at the time.¹¹

In 2006, the farmhouse, log buildings and schoolhouse were granted protection as historic resources in Pitkin County.

Said the application for historic designation of the Wheatley homestead and Arbaney farmhouse:

This property is truly a time capsule that parallels the history of the Roaring Fork Valley. It started with the Wheatleys (immigrants from Ireland) who homesteaded the property, raised a large family in the log cabins, ranched and farmed the land, became prominent members of the community, and built the

9 Application for Historic Designation, Pitkin County, CO, 2005, page 4, Lisa Purdy, Lisa Purdy Consulting.

10 Ibid.

11 Janet Urquhart, “Pristine land proposed for preservation,” The Aspen Times, March 7, 1997, page 1.

first public school in the area. The next group to come to the Valley included Laurent Arbaney and his wife Mary— Italian immigrants who came without money but earned enough from the railroad to slowly buy very large acreages of land. After the railroad closed down, Laurent Arbaney Sr. was then able to transition into farming and ranching, and with his three sons, became a very successful and prominent ranching family in the Roaring Fork Valley. Over time each of the sons, in turn, became large-scale ranchers with substantial holdings in Basalt, Capital Creek, and Snowmass. It is this second generation of Arbaney’s – Laurent Arbaney Jr. — who ranched and lived on the Wheatley homestead in Snowmass.

The last family to come to the property was the Dart family. Through careful stewardship, the Darts kept the land, the schoolhouse [now used as a caretaker residence], the log cabins and the Arbaney farmhouse intact — which now serve as evidence of how the valley developed over time.

“We’ve tried to be good stewards,” said J. Dart in a June 2014 interview. “We’ve owned it longer than the Wheatley family did.”

In January 2015, the Deed of Conservation was amended to place the schoolhouse in Tract 2 with the other historic structures and create separate conservation easements for the two tracts. An undeveloped residential building envelope in Tract 1 was extinguished. Pitkin County acquired the 105-acre Tract 1 for \$1.95 million at that time, while the 158-acre Tract 2 remained in the Darts’ ownership. With the county’s purchase, part of William Wheatley’s pioneer homestead is permanently preserved with its fourth and final owner.



Wheatley Open Space, tucked up against the red cliffs of lower Snowmass Canyon, is bounded by Highway 82 on its southern edge. The Roaring Fork River, Lower River Road and the Rio Grande Trail all cross the property in an east-west direction.

1.3 MANAGEMENT PLAN PROCESS AND PUBLIC INVOLVEMENT

The Wheatley Open Space Management Plan was developed in cooperation with our partners and the public. The proposed action items are intended to achieve the goals of habitat preservation, compatible recreational use, scenic view plane protection and the potential for future agricultural leasing. An adopted management plan can always be amended with Board approval; the conservation easement on Wheatley Open Space requires that the adopted plan be reviewed every 5 years.

The draft plan was developed with input from Aspen Valley Land Trust (AVLT) and Colorado Parks and Wildlife (CPW). The Open Space and Trails Board approved its release for a 6-week comment period, September 4th through October 16th. The comment period was advertised on our website, through direct emails and in the local press. We received comments on the draft plan from AVLT, CPW and the Roaring Fork Transportation Authority. Their comments have been incorporated and can be found in Appendix A.

AVLT needs to approve the Final Plan as part of the Conservation Easement requirements. Page A1 contains the letter from AVLT approving the Final Management Plan.

Process Schedule



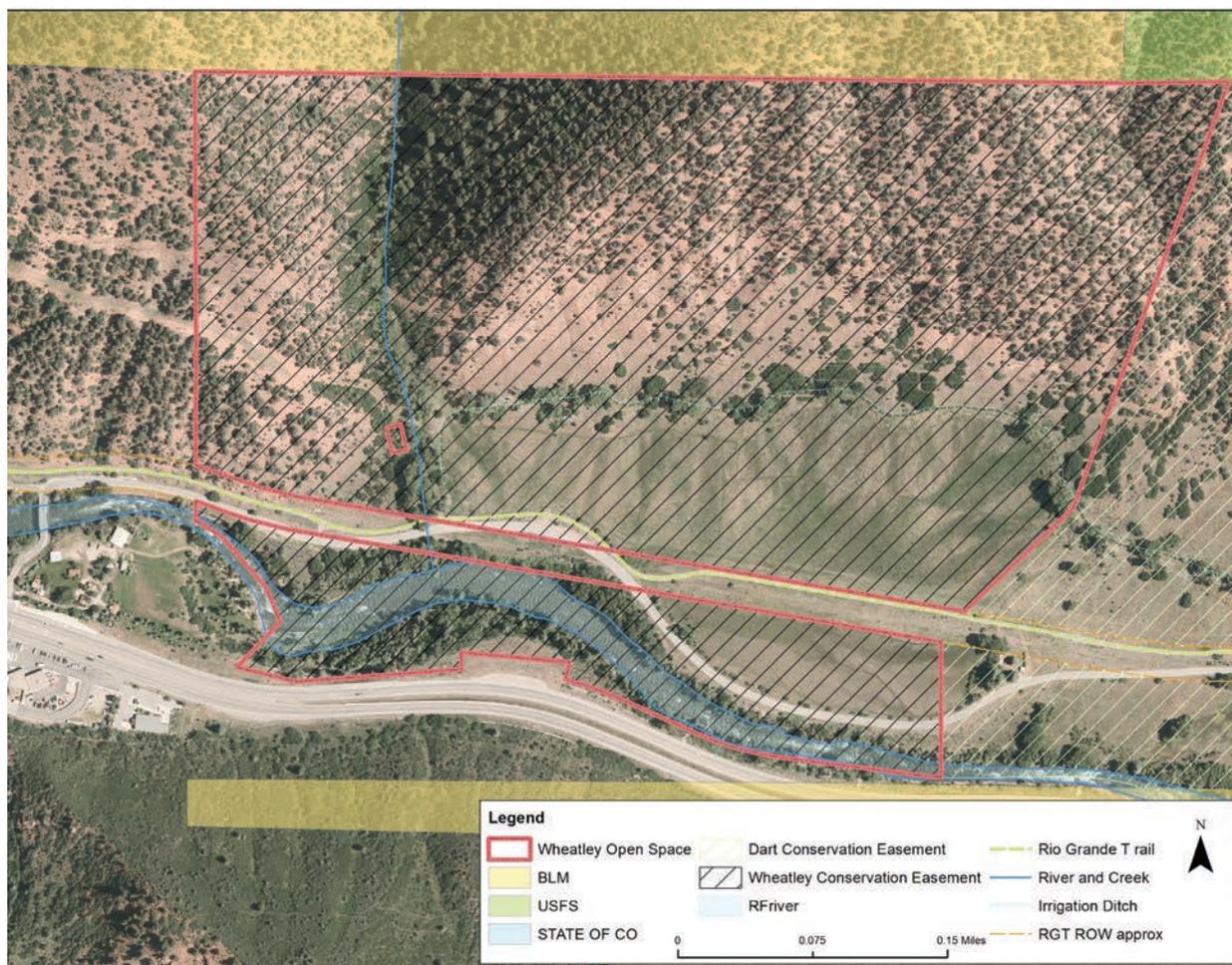
2.0 EXISTING CONDITIONS

2.1 THE PROPERTY, EASEMENTS AND WATER RIGHTS

Wheatley Open Space

Wheatley Open Space consists of 105 acres; about 24 acres are irrigated. The property encompasses roughly 2,900 feet of the Roaring Fork River. In the northwest corner of the open space sits the mouth of Wheatley Gulch, a steep ravine and small streambed that leads upward to BLM land to the north. A small inholding of private land on the west side of the property contains Wheatley Cemetery; it remains in Wheatley family ownership. There is a private, 15-foot right-of-way between the cemetery and Lower River Road. The open space is bounded by private property to the east and west. Highway 82 and its associated right-of-way (ROW) border the southern boundary of the property.

The Wheatley property is traversed by the Rio Grande Trail right-of-way. The Rio Grande ROW acreage is owned by the Roaring Fork Transportation Authority; it is not included in the 105 acres of open space and is not part of this plan. Lower River Road, managed by Pitkin County, also crosses the property in an east-west direction. The road is within a 40-foot-wide ROW that is managed jointly by Open Space and Trails and the county Public Works Department.



Wheatley Conservation Easement

The current conservation easement on Wheatley Open Space (Reception No. 616569, recorded Jan. 7, 2015) is held by Aspen Valley Land Trust. Its primary purpose is to protect critical wildlife habitat for elk and deer north of Lower River Road and to provide public access to the Roaring Fork River in a manner consistent with maintaining quality riparian habitat south of Lower River Road. Secondly, the easement is intended to protect scenic views and agricultural potential.

The conservation easement specifies that this management plan include a detailed plan for the development and management of recreational resources for the public, management of agricultural operations, and protection and management of natural resources, including but not limited to riparian areas, elk and deer winter range and critical habitat. It lists specific prohibited and permitted uses, including a prohibition on the development of additional parking except for agricultural purposes, river access or trailhead parking, with approval from AVLT. With the exception of parking for agricultural use and access, all parking must be located south of Lower River Road. The conservation easement also allows development of natural-surfaced paths on the property south of Lower River Road for non-motorized, non-commercial use, and a primitive trail for hiking and equestrian use in Wheatley Gulch. Restrooms and low-impact recreational improvements are permitted south of Lower River Road. Non-motorized recreation is recognized as a permitted use on the Rio Grande Trail. The conservation easement also allows historic farming and ranching operations on the property, with specific prohibitions on certain types of agricultural use. All other prohibited and permitted uses not listed here have been accounted for to ensure the conservation easement is not violated.



The sign that once graced the Wheatley Cemetery gate has fallen down.



The headstone for Ellen Wheatley Sweeny's gravesite looms from the underbrush. She died in 1901.

Utility Easements

Two utility ROWs cross the property. Holy Cross Electric has a 20-foot-wide ROW with the ability to construct, reconstruct, enlarge, operate, maintain and remove electrical transmission or distribution infrastructure. Rocky Mountain Natural Gas Company was granted a buried pipeline easement in 2004.

Water Rights

Water rights acquired with the property are a 50 percent share of the Dart Family Partnership's rights in the Wheatley Ditch, Priority 259, decreed for 3.3 cubic feet per second (cfs) for irrigation purposes as appropriated in 1895 and adjudicated in 1930; and a 50 percent share of the Darts' rights in Wheatley Ditch, Priority 367, decreed for 3.1 cfs for irrigation purposes, as appropriated in 1906, adjudicated in 1936 (reduced to 2.7 cfs in 1980).

Recreation Easements

In addition to the public access granted within the conservation easement, an additional recreation easement associated with the Rio Grande Trail exists over the property. The previous landowners granted Pitkin County a new road and trail easement to relocate the road slightly and allow the Rio Grande Trail to be built on the outside curve, avoiding two trail crossings over Lower River Road within 500 feet of each other. These easements are commemorated in Ordinance 51-2000 and recorded at reception number 450842.

2.2 EXISTING PLANS

2015 Rio Grande Trail Management Plan

The *Rio Grande Trail Management Plan* addresses existing conditions and provides guidance for future use of the Rio Grande Trail within Pitkin County, including signage, maintenance, trailhead and trail improvements, and historical interpretation.

2014 Pitkin County Open Space and Trails Signage Design Guidelines

The *2014 Signage Design Guidelines* is an update to the *Trail Design and Management Handbook*. The update covers materials, graphics, types, templates, installation and maintenance for signs on Pitkin County Open Space and Trails properties.

1991 Woody Creek Master Plan

The goals of the *1991 Woody Creek Master Plan*, with regard to open spaces and trails, is to preserve the rural character of Woody Creek; enhance community involvement; reduce the perception of physical change in the local environment by preserving existing open lands; and increase trail connection opportunities for safe community and recreating. Open space is oriented for more passive uses such as agricultural lands, wildlife areas, etc.

Title 12

All properties and trails managed by Pitkin County Open Space and Trails are subject to the regulations set forth in Title 12 of the Pitkin County Code. Individual properties are subject to additional terms set forth in their respective management plans. Title 12 was revised in May 2015.

2.3 VEGETATION, HABITAT AND AGRICULTURE

The Wheatley Open Space property transitions through a diversity of vegetation zones from the pinion-juniper woodland, to a Gambel oak mixed-montane shrubland and sagebrush steppe, irrigated pasture, and riparian woodland/shrubland. The sagebrush shrubland, riparian woodland and wetland associations are designated as rare and/or imperiled by the Colorado Natural Heritage Program. Montane riparian forest and narrowleaf cottonwood/common chokecherry plant communities occurring on the property are considered globally rare. The property is also habitat for the state endemic Harrington's beard-tongue (*Penstemon harringtonii*), a globally vulnerable plant species.

Twenty-four acres, or 24 percent, of Wheatley Open Space is irrigated pasture or hay field. The agricultural pasture on Wheatley Open Space is not currently hayed. It is irrigated and maintained for grazing.

Wheatley Open Space provides habitat connectivity between surrounding parcels of public land, linking the ridge between the Fryingpan and Roaring Fork valleys to Williams Hill. The diversity of vegetation zones, including the riparian woodland and wetlands, creates valuable habitat for a diversity of wildlife species, including winter range, severe winter range, winter concentration area, and summer range for both elk (*Cervus Canadensis*) and mule deer (*Odocoileus hemionus*) (Appendix B). Bobcats (*Lynx rufus*), coyotes (*Canis latrans*), long- and short-tailed weasels (*Mustela* spp.), mountain lions (*Puma concolor*) and red fox (*Vulpes vulpes*) all also occur in the area. The property lies within an important black bear (*Ursus americanus*) fall concentration area and wild turkey (*Meleagris gallopavo*) overall habitat. Both resident and Neotropical migratory songbirds are known to nest in the area. Raptors such as red-tailed hawks (*Haliaeetus leucocephalus*) utilize the property, as do waterfowl, such as the great-blue heron.¹²

2.4 RECREATION

Wheatley Open Space provides access to the Roaring Fork River and pedestrian access to Wheatley Gulch. The Roaring Fork River passing through the property has been accessed for fishing from both the north side, via Lower River Road, and the south side, via Highway 82. Historically, members of the fishing public were required to obtain a permit to fish from a local fly shop. This requirement has been eliminated with the acquisition by Open Space and Trails. There is also a small, gravel beach that was a popular spot for kayakers to eddy out and for the



Lower Wheatley Gulch.

¹² Wheatley Tracts 1 and 2 Update Report, Dart Family Partnership Conservation Easement, Nov. 14, 2014, Pine Brook Ecological and Colorado Wildlife Science LLC.



A bicyclist pedals the Rio Grande Trail through Wheatley Open Space.

occasional beach user to access from Lower River Road, via a very steep and eroded trail. In the recent past, this access was fenced by the former property owner, limiting access to only those floating by. The Wheatley Gulch pedestrian access is a dispersed recreation access linking the Rio Grande Trail to the BLM lands to the north. There is a small trail, created by repeated use, but no formal trail route is designated.

The Rio Grande Trail passes through the property, and is mainly located in the Rio Grande ROW. There is one exception, where a recreation easement historically made it possible for the trail to leave the ROW and cross onto the Wheatley Open Space parcel in order to avoid a conflict with the county road alignment. With the purchase of the property by Open Space and Trails, this easement is no longer required in order to provide a legal route for the Rio Grande Trail. The 2015 *Rio Grande Trail Management Plan* provides guidance for the trail's management.

Grooming of the Rio Grande Trail for nordic skiing during the winter months occurs as conditions allow. Dogs on the Rio Grande Trail must be leashed. The Rio Grande Trail traversing Wheatley Open Space is closed to dogs from Nov. 15th through April 30th.



Tracks, left by a skier, follow the Rio Grande Trail through Wheatley Open Space. Nordic grooming on the trail occurs as conditions allow.

2.5 PARKING

A gravel parking area, used by anglers, is located within the Highway 82 right-of-way on the south side of Wheatley Open Space. The area accommodates roughly 4 vehicles. Entrance and egress is available from only the westbound lanes of the highway. A roadside pullout on the south side of Lower River Road was historically used to access the beach area and as a snowplow turnaround in winter. It was fenced in recent years, blocking the parking. The pullout could potentially accommodate 6 vehicles. There are a few additional, user-created pullouts along north side of Lower River Road.

2.6 SIGNAGE, INTERPRETATION AND MEMORIALS

Most of the signage placed by the previous property owner has been removed. There is currently no interpretative signage on the property. There is a private inholding containing a cemetery, but no memorials are located on the Open Space property.

2.7 COMMERCIAL AND SPECIAL USE

Commercial operators are not allowed to access the river through the Wheatley property. Commercial river users can float through the property but may not use the beach. Events on the Rio Grande Trail are required to hold the appropriate permits from Pitkin County. Non-commercial special events are considered on a case-by-case basis through the Pitkin County Open Space and Trails permit process.

3.0 Partner and Public Comments

Aspen Valley Land Trust (AVLT), Colorado Parks and Wildlife (CPW), the Roaring Fork Transportation Authority (RFTA), the Roaring Fork Conservancy (RFC), and Pitkin County Public Works Department were all consulted during draft plan development. AVLT clarified that commercial operations, other than agricultural uses, are prohibited in the conservation easement and that allowing commercially guided anglers on the property would require amending the conservation easement. AVLT would also like to see any reference to the Management Plan in the conservation easement addressed in the Management Plan. CPW emphasized that Wheatley Open Space is a critical winter area for both deer and elk, and serves as a valuable migration route from the BLM lands to the north and the Williams Hill area to the south. CPW would also like to see more shrubs, for screening, between the Rio Grande Trail and the Wheatley Gulch area. Public Works would like to regain the use of the river access pullout area in order to turn snowplows around. RFTA and the RFC provided no initial input, but reviewed the draft plan during the public comment period.

After the Pitkin County Open Space and Trails Board reviewed the draft plan, it was released for a 6-week public comment period. AVLT submitted comments on trails, recreational structures, fencing, fishing/river access, and grantee's approval. CPW indicated they had no comments, but appreciated the previous discussion we had with them. RFTA emailed information regarding their Access Control Plan to make sure that we were aware that if we propose any future crossing of the Rio Grande Trail ROW, we needed to work with their process.



Elk gather at Wheatley Open Space in the spring.

4.0 MANAGEMENT ACTIONS

4.1 HABITAT AND AGRICULTURE

4.1.1 Irrigated acres

The roughly 24 acres of irrigated pasture at Wheatley Open Space will be offered for use through Open Space and Trails' Agricultural Lease Program, either individually or in conjunction with other open space properties in the vicinity that offer irrigated acreage, namely Lazy Glen Open Space and Deer Creek Ranch. The lessee will be required to oversee management of Pitkin County's water rights on the parcel(s). The leases will be reviewed by the Open Space and Trails Board and must be approved by the Board of County Commissioners. In the absence of a lessee for the Wheatley agricultural acreage, the Open Space and Trails maintenance staff will be responsible for operation of the irrigation and maintenance of the hay field. All agricultural activities will comply with the agricultural provisions of the conservation easement on Wheatley Open Space. The conservation easement on the property requires that Pitkin County control noxious weeds and invasive plant species on the property in accordance with the Colorado Noxious Weed Act. This will be done by the Open Space and Trails maintenance staff and/or an agricultural lessee.

Estimated Start Date: 2016

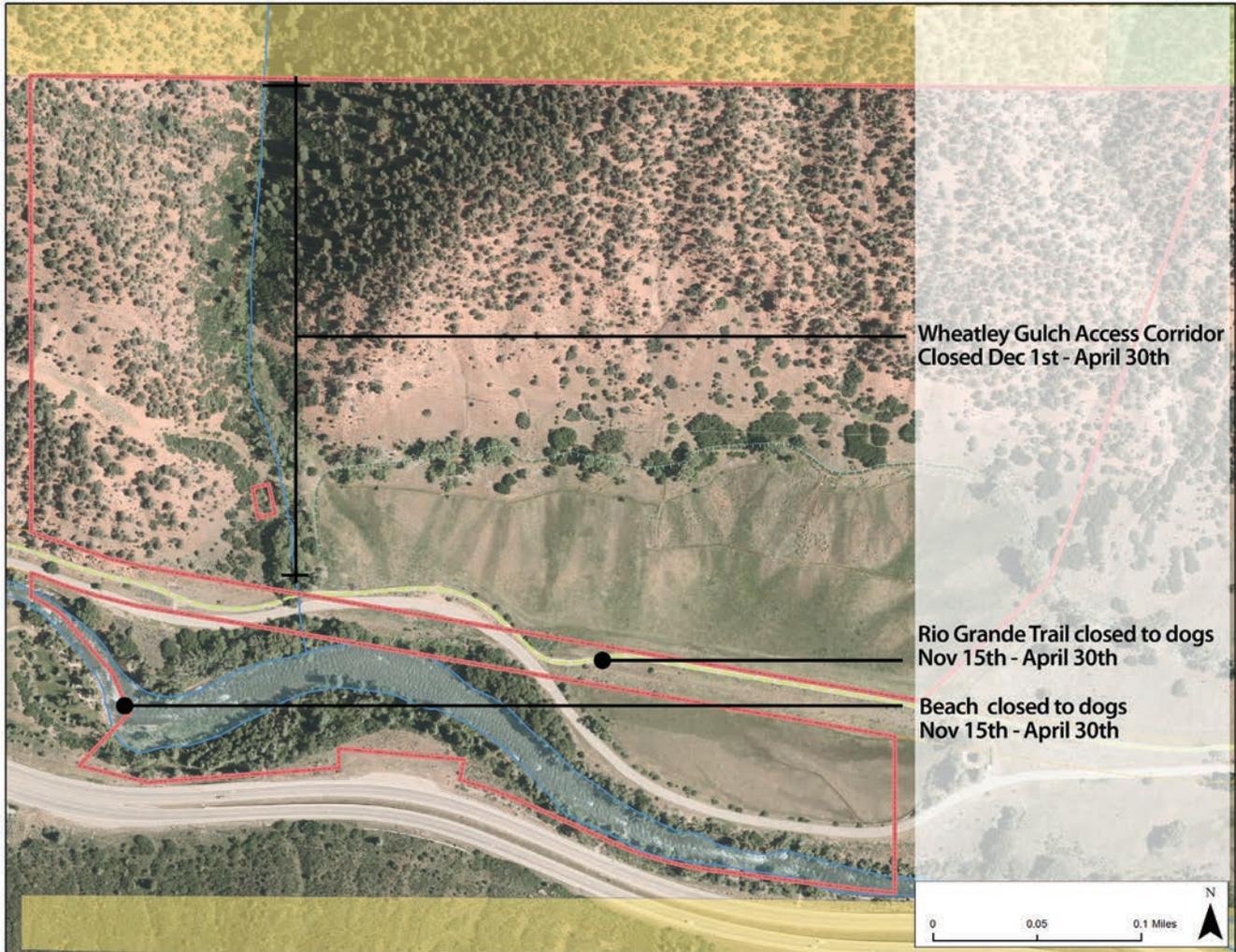
Financial Implication: Staff time

4.1.2 Water Rights Maintenance

Staff will work with the Pitkin County Attorney's office and the Healthy Rivers and Streams Board to make sure the Wheatley Open Space water rights are properly maintained and administered. The water rights will be used to maintain agricultural lands at Wheatley Open Space unless the Open Space and Trails Board approves use of the water toward some other environmental purpose.

Estimated Start Date: 2016

Financial Implication: Staff time



4.1.3 Seasonal wildlife closures

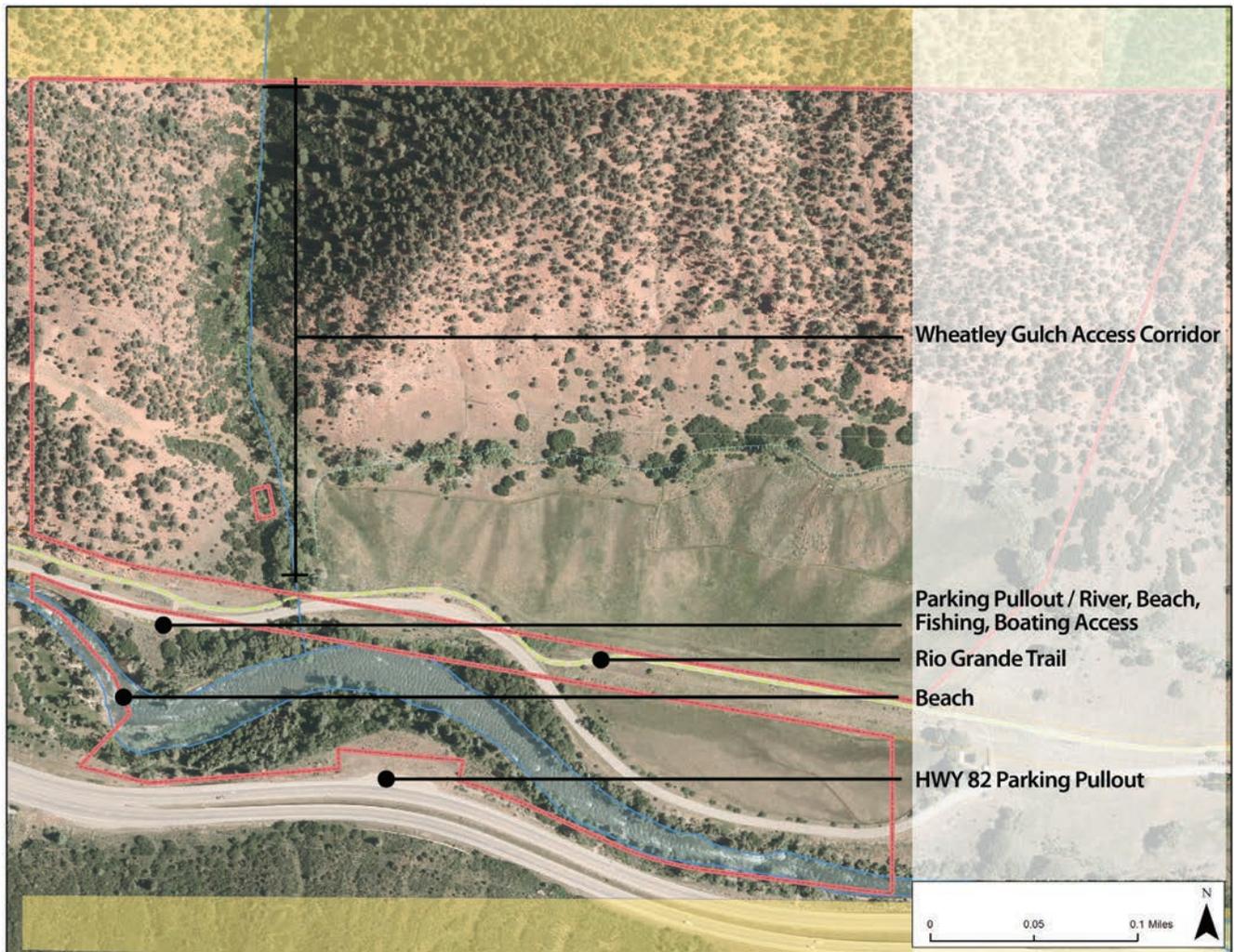
Wheatley Gulch public access will be closed Dec. 1st through April 30th. The fall closure of Wheatley Gulch follows the fourth deer/elk rifle season in Colorado. The Rio Grande Trail will be closed to dogs from Nov. 15th through April 30st, continuing the seasonal closure currently in place. In addition, river/beach access will also be closed to dogs from Nov. 15st through April 30th.

4.1.4 Explore areas for vegetative screening

Staff will look for opportunities to increase the amount of vegetation between the Rio Grande Trail and the Wheatley Gulch area to provide improved cover and a visual barrier for deer and elk. Locations will need to utilize existing terrain and tail water, and not interfere with the values of the conservation easement, agricultural operations or water rights.

Estimated Start Date: 2016

Financial Implication: Staff time



4.2 RECREATION AND PARKING

4.2.1 Allow recreation activities in designated locations

Protection of wildlife habitat was among the key goals in the purchase of Wheatley Open Space. The public is not allowed on the leased pasture and access locations are subject to seasonal closures.

Public use of the property is limited to the following locations, subject to seasonal closures and the terms of the conservation easement:

Wheatley Gulch access corridor – Pedestrians are allowed to hike from the Rio Grande Trail to the BLM land to the north through Wheatley Gulch. This is primitive, unimproved access to federal land. No bike or dog access is permitted. Access to Wheatley Gulch will be prohibited from Dec. 1st through April 30th for the protection of critical winter wildlife habitat.

Beach access – Users are allowed to access the beach from the water, as well as from Lower River Road. Dogs are allowed. Dogs must be leashed except when they are in the water. The beach is closed to dogs from Nov. 15th through April 30th. Users are encouraged to stay on the gravel and to stay off sensitive riparian vegetation. No amplified music, glass, chairs, umbrellas, tables or similar products are permitted when using the beach. The beach is closed from dusk till dawn.

Fishing access – Anglers may access the river from the beach or from the Highway 82 pullout. Anglers are encouraged to walk in the water course and avoid trampling sensitive riparian vegetation.

Boating access – Access for non-commercial boating is allowed via the beach. Boaters are required to stay on the beach or in the water with their craft and are prohibited from using any part of the vegetated riparian edge for staging.

Rio Grande Trail– The Rio Grande Trail is managed under the *Rio Grande Trail Management Plan*. It crosses through the property but is not part of the property. That said, there is an existing seasonal closure to dogs on the Rio Grande Trail as it crosses Wheatley Open Space, Nov. 15th through April 30th. There is a short segment of trail that does leave the ROW and is within a recreation easement on the Wheatley Open Space property.

4.2.2 Reroute beach access trail

The existing beach access trail, linking Lower River Road and the river, is extremely steep and highly erosive. Staff will work together to create a more sustainable access trail alignment. This soft-surface trail will be 3 feet or less in width.

Estimated Start Date: 2016

Financial Implication: Staff time



This existing, steep trail to the beach will be realigned.

4.2.3 Hunting

Hunting is not allowed on the Wheatley Open Space. Hunters may use the Wheatley Gulch access corridor to travel to and from the BLM lands to the north. Firearms must be unloaded and vehicles must be parked in designated spaces.



A pullout along Lower River Road could accommodate up to six vehicles.

4.2.4 Pullout improvements

Staff will remove the existing T-posts and install a split-rail fence to define a pullout that will accommodate up to 6 vehicles on the south side of Lower River Road. This pullout can be used for river and Wheatley Gulch access and as a snowplow turn-around point in the winter. The pullout will not include restrooms, benches or interpretive panels at this time, but those options are provided for in the conservation easement.

Estimated Start Date: 2015

Financial Implication: Staff time

+\$1,000

4.3 SIGNAGE

All signage on Wheatley Open Space must follow the *Pitkin County Open Space and Trails Signage Design Guidelines*. OST will place a sign identifying the property, the AVL partnership, the Wheatley Gulch access and beach access with all appropriate rules and regulations, including seasonal closures. The *Rio Grande Trail Management Plan* calls for “nodes” along the Rio Grande Trail that may include historical interpretive signage. Given the former Wheatley Ranch’s long history, and the existence of the former Wheatley School just outside of the open space’s boundary, placement of an interpretive sign to explain the property’s history is appropriate and will be pursued as part of the Rio Grande Trail interpretation effort.

Estimated Start Date: 2016

Financial Implication: \$2,000

4.4 COMMERCIAL USE AND SPECIAL USE

The conservation easement for Wheatley Open Space prohibits commercial activity on the property except to the degree that permitted agricultural activities are considered commercial enterprises. Commercial activities/events that are permitted through the Open Space and Trail’s permit process to use the Rio Grande Trail (commercial bike tours, for example) are allowed to pass through the property but must stay on the trail. Commercial boating operations are allowed to pass through the property on the Roaring Fork River but are not allowed to launch/take out via Wheatley Open Space.

Non-profit, special uses are allowed on a case-by-case basis through the Pitkin County Open Space and Trails process.

Bibliography

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Permanently preserving open lands for agriculture,
wildlife habitat, scenic enjoyment and recreation
in the greater Roaring Fork and Colorado River Valleys

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November 20, 2015

Pitkin County
Open Space and Trails
Attn: Lindsey Utter
530 E. Main St.
Aspen, CO 81611

Re: Wheatley Gulch Open Space Management Plan – AVLT approval

Lindsey:

AVLT has carefully reviewed the final draft of the Wheatley Open Space Management Plan – dated December 2015 – and has found it to meet the requirements defined by the Deed of Conservation Easement for Dart Ranch – Wheatley Tract 1 (Pitkin County reception #616569 recorded January 7, 2015) and therefore, as the easement grantee, **approves and endorses its adoption.**

Per section 5 of the conservation easement “the Management Plan shall be reviewed no less than every five years, and may be periodically amended or updated”. Given that requirement a review to the plan is to be expected by December 2020.

AVLT commends Pitkin County on the effort committed to the development of this plan.

Sincerely,

Connor P. Coleman
Stewardship Director

ASPEN VALLEY LAND TRUST

Trails

- Natural surface
- Not to exceed three (3) feet
- “Primitive trail” in the Wheatley Gulch area
 - o Speaking with J. Dart earlier this week he very strongly encouraged that the trail be located on the ridge west of the draw rather than in the gulch itself. The worn route already in existence where he is talking about.

Recreational structures

- Restrooms, benches, picnic tables, and signs
 - o Rec restructures allowed south of the Lower River Road only, except for signs allowed north of Road

Fencing

- It is my understanding that it has been quite a while since grazing of livestock has occurred on the property, however there is old, rusty barbed wire fence on the property, most noticeably around the Wheatley Gulch area. It was hard to tell but I think I may have even seen some old sheep fencing at the bottom of the gulch as well. Since this is a significant area for wildlife activity removal of this old fencing should be included in the plan.
- Speaking with J. Dart he said he wishes to see the split rail fence along the boundary of Tract 1 and Tract 2 be extended up to the toe of the hill to prevent the public from entering his property from the field to the west.

Fishing/river access

- After walking along Lower River Road I was unable to find any appealing routes down to the river – everything was steep, densely vegetated, and thistle was prevalent. I feel that one or multiple routes, defined, improved, and maintained by the county would concentrate public access. This would also access the beach.
- At the 82 Westbound pull-off there is a sign stating that public access is 1,100 feet to the east (presumably where BLM crosses the ROW), should probably remove that. Again, I feel that if you define a route paralleling the highway with spurs off of it down to the river that fishing access would be concentrated to those routes.

Grantee’s approval

- AVLT must approve the management plan before it can be adopted
- Amendments to the plan also require AVLT approval
- Shall be reviewed and/or updated no less than every five years
- May be periodically updated or amended as necessary
- AVLT may request a review of the plan and/or suggest amendments/modifications if they feel the conservation values are being compromised by management activities
- AVLT has enforcement authority on the plan
- Additional parameters can be found in section 5 (Management Plan) of the conservation easement

We have reviewed the Wheatley Open Space management plan and there are no concerns or additional comments from our perspective. Thank you for taking the time to discuss these mid valley plans in person and answer some of our questions. We appreciate it!

Take care,

Taylor Elm

Land Use Specialist

Northwest Region

Colorado Parks and Wildlife



COLORADO

Parks and Wildlife

Department of Natural Resources

Oct. 16, 2015

Please accept this email as RFTA's official referral comments on the Pitkin County Open Space/Trails (POST) *Wheatley Open Space Draft Management Plan*. Overall, RFTA is supportive of this acquisition and draft plan. Although there are no new Corridor crossings being proposed, RFTA is careful to provide consistent policy language when we are discussing the Corridor or properties adjacent to the Corridor. As you are likely aware, RFTA Staff has revised the Access Control Plan element of the Rio Grande Comprehensive Plan Update. The new documents are available on the RFTA website for public comment <http://www.rfta.com/traildocs.html>. Below are additional comments from Angela Henderson, RFTA Railroad Corridor Manager.

The Railroad Corridor, which contains the Rio Grande Trail is "railbanked." Please see the explanation for railbanking below:

The Railroad Corridor was acquired by the Roaring Fork Railroad Holding Authority (RFRHA) in 1997 as an operating line of railroad pursuant to authority granted by the Surface Transportation Board (STB). RFRHA subsequently "railbanked" the line (preserved it for future rail reactivation and interim trail use) pursuant to 16 U.S.C. 1247(d) and "Notice of Interim Trail Use" ("NITU") issued by STB. RFRHA transferred ownership of the property to the Roaring Fork Transportation Authority (RFTA) in 2001 pursuant to a NITU substituting RFTA for RFRHA as the railbanking entity. The right to reactivate rail service was also transferred to RFTA pursuant to an applicable STB order. This ACP is adopted in order to ensure that RFTA complies not only with STB's construction of 16 U.S.C. 1247(d), but also maintains the Corridor intact consistent with freight rail reactivation, possible future commuter rail use, interim trail use, open space uses, and other lawful public purposes. Under 16 U.S.C. 1247(d), otherwise-to-be abandoned railroad lines are preserved for future freight rail reactivation, possible consistent commuter or passenger rail uses, and interim use for trail and other compatible public purposes. In essence, Railbanking is the mechanism that preserves the contiguous 34-mile Railroad Corridor intact for a future public transportation system and its interim trail and other public uses. ***Loss of the Corridor's Railbanked status could result in the loss of approximately seven miles of Federal Land Grant areas, render the corridor unsuitable for a future public transportation system, and also negatively impact the existing recreational trail.***

In order to ensure compliance with 16 U.S.C. 1247(d), and preserve the Corridor's Railbanked status, RFTA must be careful to ensure that the Corridor is kept intact, continuous, unencumbered by the accumulation of substantial future financial burdens, and unobstructed by significant structures that would impede or impair freight rail reactivation. This responsibility creates minimum conditions to which all proposed uses (including crossings) of the Corridor should adhere. In most instances, compatibility with freight rail will also ensure compatibility with possible future rail commuter use, as well as current and future trail uses. ***However, compatibility with trail uses does not necessarily mean that a proposed use or crossing is compatible with freight rail reactivation or future commuter rail uses.*** For this reason, parties seeking to use RFTA's Corridor for crossings or other purposes are encouraged, while in the early planning stages- to consider, whether their proposed crossings or other uses are compatible with freight rail reactivation and commuter rail uses before they file an application for such uses with RFTA.

RFTA appreciates the co-management of the Corridor with Pitkin County and Pitkin County Open Space for the greater benefit of the region. Please feel free to contact anyone on this list with additional comments/concerns about the RFTA Rio Grande Railroad Corridor (herein, the Corridor).

Sincerely,

Jason White
RFTA Assistant Planner

