

## OPEN SPACE BOARD OF TRUSTEES

Wednesday August 20, 2014 at 6:00 p.m.

Cherryvale Administrative Office, 66 S. Cherryvale Road

### MEETING AGENDA

*(Please note that times are approximate.)*

- 6:00 I. Approval of Minutes
- 6:05 II. Public Participation for Items Not on the Agenda
- 6:15 III. Director's Updates
- A. NIST Trail Management (no memo)
  - B. South Boulder Creek Flood Mitigation Proposed Alternative
  - C. Chautauqua Meadow Trail Repair/Rehabilitation Project
  - D. Monitoring Protocol: Undesignated Trail Closure and Restoration - Sanitas (Wittemyer) and Anemone Subareas
- 7:30 IV. Matters from the Board
- 7:40 V. Consideration of a motion to approve the purchase of approximately 80 acres of land, the mineral estate, nine shares of Left Hand Ditch Company water, 80 shares of Dry Creek-Davidson Ditch Company water, two houses and associated outbuildings located at 3285 and 3287 95<sup>th</sup> St. from the Martinson family for \$3,000,000 for Open Space and Mountain Parks purposes.\*
- 8:00 VI. Recommendation to enter into a nonexclusive license pursuant to Boulder City Charter Section 175(h) between Open Space and Mountain Parks and Public Service Company of Colorado for three power pole support beams on the East Rudd property for the purpose of facilitating the construction of the Boulder County/Colorado Department of Transportation road improvement project on State Highway 93. This is the same highway improvement project which encompasses the Open Space and Mountain Parks new Community Ditch underpass.\*
- 8:20 VII. Consideration of the Anemone Hill area on-trail requirement during trail construction and undesignated trail restoration.\*
- 8:45 VIII. Adjournment

\*Public Participation

## OPEN SPACE BOARD OF TRUSTEES

Minutes

Meeting Date July 9, 2014

### BOARD MEMBERS PRESENT

Tom Isaacson      Shelley Dunbar      Frances Hartogh      Molly Davis      Kevin Bracy Knight

### STAFF MEMBERS PRESENT

Mike Patton      Jim Reeder      Dave Kuntz      Mark Gershman      Brad Skowronski  
Andy Pelster      Kacey French      Leah Case      Lauren Kolb      Alyssa Frideres  
Todd Doherty      Annie McFarland

### CALL TO ORDER

The meeting was called to order at 6:07 p.m.

### AGENDA ITEM 1 – Approval of the Minutes

Shelley Dunbar asked to change “overtime” to “over time” on Page 2.

Shelley Dunbar moved to approve the minutes from June 11, 2014 as amended. Frances Hartogh seconded. This motion passed unanimously.

### AGENDA ITEM 2 – Public Participation for Items not on the Agenda

Guy Burgess, Boulder, said he was surprised to see staff’s plan to close off access to Anemone Hill. He is curious why the area needs so much protection. He asked if the public will be able to get a permit to access this area; if the old trail will be open for use while the new trail is being built; and if the public will be able to access this area in the winter. He suggested making the new trail alignment steeper.

Mike Patton said City Council imposed this closure during the final process of the West Trail Study Area (TSA) plan. Tom Isaacson said if an on-trail requirement is put into place prior to the new trail being opened users may still try to use the reclaimed social trail. Kevin Bracy Knight asked what the timeline is for the new trail construction, and when restoration will happen for the old trail. Mike said a lot of this work will happen simultaneously; material will be moved from the new trail down to cover the old trail. Shelley asked if there are portions of the old trail that could be left open while this work is going on. Tom said the new trail alignment has almost no overlap to the existing trail. Staff will send some more information to the Board.

Raymond Bridge, Boulder, said a while back the Board spoke about doing an inventory of all paved paths on Open Space, and moving these to another department. As there have been lots of conflicts stemming from these areas it would be wise to settle this issue.

Mike said staff has done an inventory and the Board has identified possible areas for disposal. He said there has been no resolution on this just yet.

Mike Barrow, Boulder Mountainbike Alliance (BMA), said the android version of their SmartTrail application (app) is out and being used. He said Anemone Hill has a lot of history and changing this area too much will be difficult.

Karen Hollweg, Boulder, said the amount of steps proposed for Skunk Canyon trail may be too many for some users. If possible, staff should attempt to use fewer steps and to lessen the step height.

### **AGENDA ITEM 3 – Director’s Updates**

#### **Trail Maintenance Schedule**

Jim Reeder, Land and Visitor Services Division Manager, gave an overview of the trail maintenance schedule.

Frances asked if the South Shanahan trail is included in this plan. Jim said it is not on the immediate list. Frances asked if fire crews would be able to use this trail if they needed to access that area. Jim said yes.

Kevin asked about the Chapman Drive restoration and what staff expects the trail to look like. Mike said it will still serve as a road. Kevin asked if they foresee issues with narrowing the Chautauqua Trail (and other high-use trails). Mike said if you build a good trail people will use it. Tom said this plan is reasonable and helpful to see. Kevin agreed that this will be a good resource.

Frances asked if there are plans to reseed near the Highway 93 underpass. Jim said this will most likely happen in the fall. Frances asked if this work has gone as expected. Jim said yes, but the flood extended the timeline.

#### **Sanitas Valley Trail Reconstruction Project, Skunk Canyon Trail Connection, Royal Arch Trail Reconstruction**

Jim Reeder, Land and Visitor Services Division Manager, gave an update on several trail projects.

Frances asked about Skunk Canyon and if stairs would go on the undeveloped area. Jim said yes. Shelley said she would prefer switchbacks over stairs. Jim said steps help gain elevation and to keep the trail distance shorter. Kevin said using a combination of steps and switchbacks could be an option. Mike said staff will continue to look at options and bring something back to the Board.

### **AGENDA ITEM 4 – Matters from the Board**

Kevin asked for an update on the cattle guard installation. Jim said there are four installed in the southern part of the system and a plan to install four in the north this year. Staff plans to take advantage of BMA’s offer to help establish the trail leading up to the cattle guards.

The Board changed the date of their next meeting to August 20.

### **AGENDA ITEM 5 – Consideration of a recommendation to grant a nonexclusive revocable license to Colorado Department of Transportation (CDOT) for the purposes related to the Highway 36 Project, including the design, construction, maintenance, repair and replacement of the Shearer Ditch crossing at U.S. 36 which traverses the Van Vleet South and Van Vleet East OSMP parcels\***

Todd Doherty, Water Resources Administrator, gave a presentation to the Board.

Shelley asked if the permit duration will coincide with the completion of the Highway 36 project. Todd said the permit will be indefinite. It includes the maintenance of Open Space infrastructure as well as the highway. Molly Davis asked if the contractor will be responsible for making sure sediment does not flow into the ditch. Mike said they will be responsible for cleaning up any sediment as a result of their project.

#### **Public Comment**

None.

#### **Return to the Board**

No further comment.

**Motion**

**Shelley Dunbar moved the Open Space Board of Trustees pass a motion recommending the Open Space and Mountain Parks director grant a nonexclusive permit to CDOT for the purposes related to the Highway 36 Project, including the design, construction, maintenance, repair and replacement of the Shearer Ditch crossing at U.S. 36 which traverses the Van Vleet South and Van Vleet East OSMP parcels. Molly Davis seconded. This motion passed unanimously.**

ADJOURNMENT – The meeting adjourned at 7:42 p.m.

These draft minutes were prepared by Leah Case.

DRAFT

## MEMORANDUM

TO: Open Space Board of Trustees

FROM: Michael D. Patton, Director, Open Space and Mountain Parks  
Dave Kuntz, Resource Systems Division Manager  
Don D'Amico, Ecological Systems Supervisor  
Kurt Bauer, Engineering Project Manager, Utilities

DATE: August 20, 2014

SUBJECT: South Boulder Creek Flood Mitigation Proposed Alternative

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**Background:** The purpose of this memorandum is to provide a summary of the South Boulder Creek major drainageway flood mitigation planning study and proposed alternative. This mitigation plan was initiated in 2010 after the floodplain mapping was updated in 2007. The focus of the study is on developing and evaluating alternatives designed to mitigate flood hazards affecting structures and areas along South Boulder Creek and the West Valley within the current incorporated city limits.

A Risk Assessment completed in 2009 estimates that a 100-year storm event would result in approximately \$215 million in damages in the South Boulder Creek drainage basin. The September 2013 flood resulted in overtopping of U.S. Highway 36 (U.S. 36) and corresponding flooding through the West Valley contributed to the reported damages of \$38 million for the city. The 2013 flood is estimated to have resulted in flows above a 50-year event but below the 100-year flow used in the Risk Assessment to estimate damages.

**Alternatives Analysis:** Since the major drainageway mitigation study was initiated, multiple flood mitigation alternatives have been evaluated to address flooding associated with South Boulder Creek. The alternatives were screened from fifteen concepts down to four via the planning process. Consultants for the study recommend an alternative that would eliminate the overtopping of U.S. 36 during a 100-year event and provide flood protection for 362 structures (893 dwelling units) at a cost of \$46 million. The "Regional Detention at U.S. 36 with Downstream Improvements" alternative would include a flood control berm at U.S. 36 on Open Space and Mountain Parks (OSMP) and University of Colorado (CU) property to create a 560 acre-foot flood detention facility, three smaller storm water detention features at various locations ranging from 9- to 58-acre feet, and piping a segment of Dry Creek No. 2 Ditch. The alternative could be constructed in phases ranging from \$12 million to \$23 million. Utilities staff will present more detailed information on the flood mitigation planning process and alternatives analysis at this meeting.

Construction of the project would require numerous federal, state and local permits, agreements with CU and Boulder Valley School District, and disposal of OSMP land. The regional detention facility at U.S. 36 portion of the alternative would be regulated by the state as a high-hazard dam. Construction of the berm and detention facility at U.S. 36 would result

in significant impacts to federal- and city-regulated wetlands, habitat for federally-threatened plant and animal species, agricultural resources, the South Boulder Creek State Natural Area (SBCSNA) and other environmental and aesthetic resources. For additional information on the South Boulder Creek major drainageway mitigation planning process and alternatives analysis, see [https://www-static.bouldercolorado.gov/docs/Agenda\\_4\\_-\\_SBC-1-201408141055.pdf](https://www-static.bouldercolorado.gov/docs/Agenda_4_-_SBC-1-201408141055.pdf).

**Environmental:** Construction of the berm and detention facility at U.S. 36 would impact OSMP land with some of the highest ecological values in the Boulder Valley. The project area on OSMP lies entirely within the SBCSNA which was designated by the State of Colorado in recognition of the statewide significance of this exceptional tallgrass prairie and riparian and floodplain ecosystem. Tallgrass prairie is considered one of the most endangered plant communities in the world and OSMP land in the project area contains some of the highest-quality remaining tallgrass prairie in the state and the region. Other significant resources include:

- Wetlands that are considered to be among the best preserved and most ecologically significant in the Boulder Valley.
- An important population of the federally-threatened Preble's meadow jumping mouse.
- An important occurrence of the federally-threatened Ute ladies' tresses orchid (UTLO). Boulder's ULTO population is one of the largest within the entire range for this federally-threatened plant species.
- A population of northern leopard frog, a species experiencing marked declines along the Front Range and classified as sensitive in nine Western U.S. states.
- Populations of two native fish species in decline in Colorado, plains topminnow and orange-spotted sunfish.
- A population of bobolink, a declining grassland nesting bird.

Attachment A shows the location of the proposed berm. A detailed description of these resources can be found in Attachment H of the August 18, 2014 WRAB memo.

**Staff Recommendation to Water Resources Advisory Board (WRAB):** For the August 18, 2014 WRAB meeting, staff recommended the following:

*The Water Resources Advisory Board recommends that City Council accept the South Boulder Creek Major Drainageway Plan and the "Regional Detention at U.S. 36 with Downstream Improvements" as the recommended comprehensive alternative to mitigate flood risks associated with South Boulder Creek.*

*However, the Water Resources Advisory Board recommends proceeding only with the "West Valley Improvements and Arapahoe Detention Phases" of the recommended alternative at this time.*

*The WRAB recommends proceeding with the "Regional Detention at U.S. 36" component of the alternative only if City Council determines that flood mitigation*

*benefits outweigh associated environmental impacts after considering input from the WRAB, the Open Space Board of Trustees, city staff and the public.*

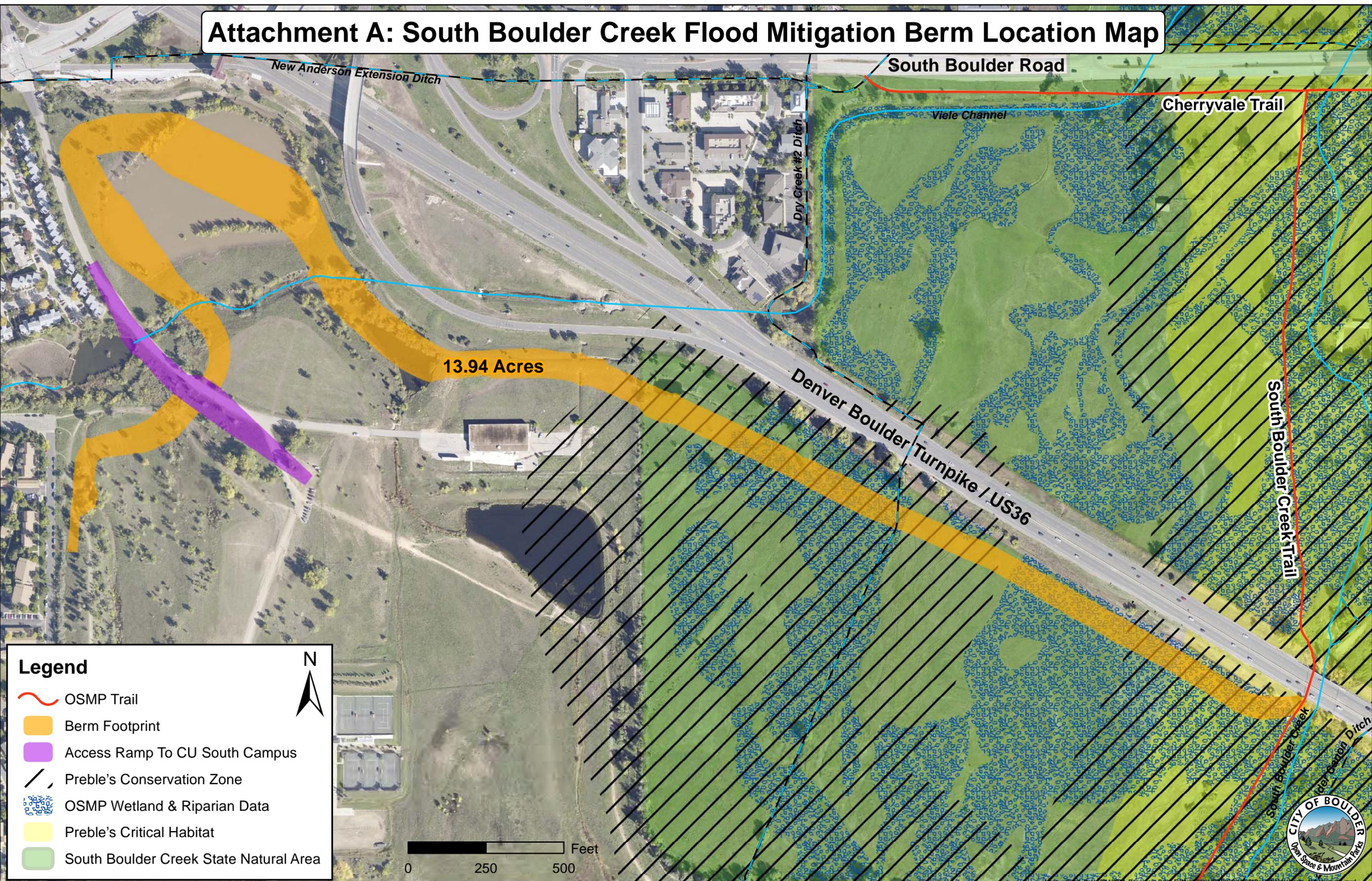
While the “West Valley Improvements” and “Arapahoe Detention” components only partially fulfill the “Regional Detention at U.S. 36 with Downstream Improvements” alternative, it is anticipated that they could be designed, permitted, funded and implemented in the relatively near future. Staff recommends seeking additional direction from City Council regarding the “Regional Detention at U.S. 36” component. If City Council determines that flood mitigation benefits outweigh associated environmental impacts after considering input from the WRAB, the Open Space Board of Trustees, city staff and the public, the “Regional Detention at U.S. 36” project could proceed on a separate time table.

**NEXT STEPS:**

Open Space Board of Trustees consideration and action will be requested for a recommendation to City Council on the “Regional Detention at U.S. 36 with Downstream Improvements” alternative at its September public meeting. A study session with City Council is tentatively scheduled for Sept. 30, 2014.

ATTACHMENT A: South Boulder Creek Flood Mitigation Berm Location Map

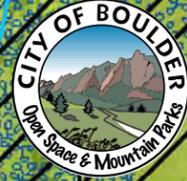
# Attachment A: South Boulder Creek Flood Mitigation Berm Location Map



**Legend**

- OSMP Trail
- Berm Footprint
- Access Ramp To CU South Campus
- Preble's Conservation Zone
- OSMP Wetland & Riparian Data
- Preble's Critical Habitat
- South Boulder Creek State Natural Area

0 250 500 Feet



## MEMORANDUM

TO: Open Space Board of Trustees

FROM: Michael D. Patton, Director, Open Space and Mountain Parks  
Jim Reeder, Land and Visitor Services Division Manager  
Greg Seabloom, Trails Supervisor

DATE: August 14, 2014

SUBJECT: Chautauqua Meadow Trail Repair/Rehabilitation Project

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The OSMP trails workgroup is prepared to begin implementation of West Trail Study Area (WTSA) plans in Chautauqua Meadow, including trail re-routes, designation of some undesignated trails, closure of other undesignated trails and improvements to trail sustainability. Trails in Chautauqua Meadow have several issues with sustainability and natural resource impacts, including frequently muddy conditions due to clay-heavy soils, trail braiding and widening, erosion and minimal infrastructure to accommodate high levels of visitor use.

The project is split into two phases: Phase I (2014) and Phase II (2015).

Phase I work includes:

- Designation and improvements on the northeast Chautauqua-to-Bluebell-Baird undesignated trail and the 6<sup>th</sup> Street-to-Bluebell Road undesignated trail.
- Ski Jump trail re-route (pending fall weather conditions, may be a 2015 project)
- Surfacing of the above trails with soft-surface stabilized crusher fines (to resolve mud and erosion issues).
- Closure of remaining undesignated trails in the meadow.
- Installation of low (24" high) fencing in select locations to support closure of undesignated trails and manage trail width.

Phase II (2015) trail work plans:

- Flagstaff Trail link/re-route to Gregory Canyon Trailhead.
- Trail linkages between Baseline Trail and Bluebell Road.
- Installation of remaining low fencing.

Community Outreach and Public involvement - OSMP has implemented several opportunities for the community to be involved in and updated on the Chautauqua Meadow project:

- WTSA Community Collaborative Group discussion and agreement regarding Chautauqua Meadow trails (Spring-Summer 2010).
- Media release and ad in Boulder *Daily Camera* (August 2014).
- Project Web page: <https://bouldercolorado.gov/osmp/chq-upgrade>
- Project info signs set up at key access points into the meadow.
- Outreach staff at trail junctions providing information for trail users in the meadow.

- Public open house.
- Postcards sent to residents in the surrounding neighborhoods.

General Description:

Phase I of construction will begin Aug. 25, 2014. Trail users can expect to see small machinery (e.g. bobcats, power wheelbarrows, pickup trucks) in the meadow. Materials (e.g. crusher fines) will be stockpiled at key locations. Temporary impacts to vegetation will occur due to construction activities. OSMP botanists have approved this and expect quick natural recovery of impacted areas. Short-term closures of short sections of trails will be necessary for visitor safety. Detours via other trails in the meadow will be available. All trails will be open evenings and weekends. Volunteers for Outdoor Colorado (VOC) is hosting a volunteer project open to the public on Oct. 4, 2014 (registration information can be found at [www.voc.org](http://www.voc.org)).

In the long-term, trail users can expect to see minimal muddy conditions, fewer visual and environmental impacts to the meadow, minimal trail erosion and quick natural recovery from construction-related impacts.

**City of Boulder  
Open Space and Mountain Parks  
Visitor Master Plan  
August 2014**



**Monitoring Protocol: Undesignated Trail Closure and Restoration  
Sanitas (Wittemyer) and Anemone Subareas**

**1.0 Background**

Open Space and Mountain Parks (OSMP) 2011 West Trail Study Area (WTSA) Plan specified 43.4 miles of the 57.7 miles (75%) of undesignated trails (UTs) documented in the WTSA planning area will be closed/restored as a part of plan implementation. Two subareas, Sanitas and Anemone, also called for two-year area closures and/or on-trail requirements to facilitate the restoration of nearly four and a half miles of UTs. These regulations will go into effect once the new trails are constructed and will be lifted after a two-year time frame if sufficient restoration has occurred such that the current UTs no longer appear to be a linear trail feature and are considered “closed.”

**2.0 Project Goal and Monitoring Goal and Objectives**

The goal of OSMP’s Ecological Restoration Program is to:

*Restore resource conditions to an acceptable level if they fall below thresholds of acceptability. (Grassland Ecosystem Management Plan)*

OSMP staff developed the Grassland Ecosystem Management Plan acceptable ranges of variation based upon best available data, general ecological concepts, professional experience and recommendations and opinions from experts. In the case of the Forest Ecosystem Management Plan, there was little or no baseline data, little published research and few experts to provide guidance. In such cases, acceptable ranges of variation were based upon OSMP staff’s best professional judgment. All these thresholds of acceptability should be considered credible first iterations subject to change with the experience gained from plan implementation.

The department has hired a four-person seasonal crew to assist with specific ecological restoration projects including the closure and restoration of UTs. Ecological Systems and Trails staffs collaborate to prioritize UT closures, using management plans like the WTSA for direction.

The overall goal of this Undesignated Trail Closure and Restoration Monitoring Project is to assess OSMP’s success in closing four and a half miles of UTs using selected indicators.

The objectives of this monitoring project are to:

1. Systematically describe and photo document on-the-ground UT conditions before and during the two years following closure and restoration treatments.

2. Systematically describe and photo document nearby (control) conditions at the same time.
3. Categorize UT condition as one of four basic description UT condition classes (described below, pg. 3) at each photo documentation site.
4. Document discernible visitor use along UTs.

### **3.0 Monitoring**

Monitoring will be conducted to determine whether OSMP has been successful at closing selected undesigned trails. The monitoring will consist of two components:

1. Photo documentation, and
2. UT classification and documentation of discernible human use.

An OSMP field technician will photo document UT conditions and conditions of areas adjacent to UTs prior to and following final construction of the designated trail and area closure/on-trail requirements. The field technician will also categorize the UT condition into one of four simplified condition classes at each photo documentation site and make note of any discernible human use.

Documentation will reoccur semiannually for at least two years following the designated trail construction to try to capture seasonal variability in vegetation structure and to better illustrate incremental change. Additional monitoring may be considered upon analysis of the photographs and UT condition classification following the proposed two-year monitoring time frame.

**3.1 Methodology:** A Trimble XT GPS will be used to navigate to the fixed sampling points located at the origin and terminus of each UT and the intersections of the newly constructed designated trails. Additional sampling points are located at most 200-foot intervals along the length of the UTs (**see 3.3 Study Sites**). If a sample point falls on a location not suitable for trail data sampling, (e.g., creek, wattle), the field technician will proceed to the next sampling point. The field technician will not walk on the actual UT trail tread and will instead travel adjacent to it to minimize use impacts related to the monitoring

Equipment:

1. Trimble XT GPS receiver
2. area maps
3. measuring stick
4. iPhone 4S camera with tripod and level
5. whiteboard and dry erase marker
6. notebook, pencil
7. copy of this protocol

OSMP will use the field procedures similar to those described by Hall (2002) for repeat photography. The field technician will photograph the UTs and the near-trail ground conditions at the aforementioned sample points along the length of the UT (e.g. facing the UT terminus). Utilizing automatic digital camera settings, four photos will be taken at each point in the order described below; the latter two are to be considered the controls:

1. An elevated aerial photo looking directly down on the UT, a.k.a. a “bird’s-eye view” with indentifying whiteboard adjacent to the UT;
2. A landscape type photo looking along the length of the UT;
3. An elevated aerial photo looking directly down on the existing groundcover taken five feet to the right of and perpendicular to the UT;
4. A landscape photo looking in the same direction as photo #1 and at the same location as photo #3.

All photos will be taken facing the UT terminus except those taken at the terminus; the latter will be taken facing the UT origin. Other photos may be taken as necessary. Field technicians will then categorize UTs at the sampling point using the Descriptive Undesignated Trail Condition Classes (Table 1).

**Table 1: Descriptive Undesignated Trail Condition Classes (adapted from Marion, 2010)**

Condition Class Rating	Description
<b>Class (N) (Not a Trail)</b>	Recovered and no/minimal disturbance of vegetation and/or organic litter.
<b>Class L (Low)</b>	Noticeably impeded vegetation growth; some vegetation cover loss; some organic litter pulverized within the tread; some bare soil exposed; tread intact.
<b>Class M (Medium)</b>	Nearly complete or total loss of vegetation cover; nearly complete or total loss of organic litter within the tread; bare soil widespread; tread mostly intact; some rills evident.
<b>Class H (High)</b>	Vegetation and organic litter are rare or nonexistent within the tread; active tread erosion evident, as indicated by exposed or undercut roots, loose or undercut rocks, gulying, rutting, widespread rills, or sloughing banks; tread incised unevenly (e.g., “V” shaped) below former landscape or tread uneven; displacement of part of trail (e.g., evidence of downhill sliding).

The following figures are meant to illustrate these descriptive undesignated trail Condition Class Ratings.



**Figure 1:** Illustrations of Condition Class Ratings (clockwise from upper right: Not a Trail; Low; Medium; High)

While UT classifications are qualitative descriptions, they do indicate whether there is some width of visible trail tread. In addition, field technicians will make note of discernible visitor use that may be evident at that sampling site or along the previous 200-foot interval. Discernible visitor use includes the following:

1. Human
  - a. Foot print
  - b. Bike track
  - c. Garbage
  - d. Vandalism
  - e. Trampled vegetation
  - f. Pulverized litter
  - g. Treatment removal



2. Horse
  - a. Horse print
  - b. Horse manure
3. Dog
  - a. Dog print
  - b. Dog excrement
  - c. Dog excrement bag



Finally, the field technician will also make notes of treatments needing urgent management attention (e.g., broken fence, sign vandalism). See **Appendix B** for terms related to UT characterizations and other related definitions. See **Appendix C** for illustrations of different examples of discernible trail tread.

Photographs will be recreated accurately using the data from previous shoots by using the procedures described above.

All images will be stored in this directory: [S:\OSMP\ECO\\_SYSTEMS\Restoration and Reclamation\Projects\UTs\WTSA\AnemoneWittemyer closure monitoring\ photos](S:\OSMP\ECO_SYSTEMS\Restoration and Reclamation\Projects\UTs\WTSA\AnemoneWittemyer closure monitoring\ photos). Each photograph will be assigned its own alphanumeric identifying code, which includes the subarea name, undesignated trail number, sample site and image number at the sample site (#1-4) and date of photograph For example: “SW770\_3\_1\_060514” means:

- Sanitas—Wittemyer subarea;
- UT #770;
- sample site #3 and photo #1 of the length of the UT;
- June 5, 2014.

**3.2 Data Collection Schedule:** The following timetable states when the data collection efforts will occur. The Anemone subarea trail is expected to open in the spring of 2015; however, some restoration treatments will be applied in the fall of 2014. The Sanitas (Wittemyer) subarea trail is expected to open partly in the early winter of 2014-2015 with the remaining segments opening later in 2015.

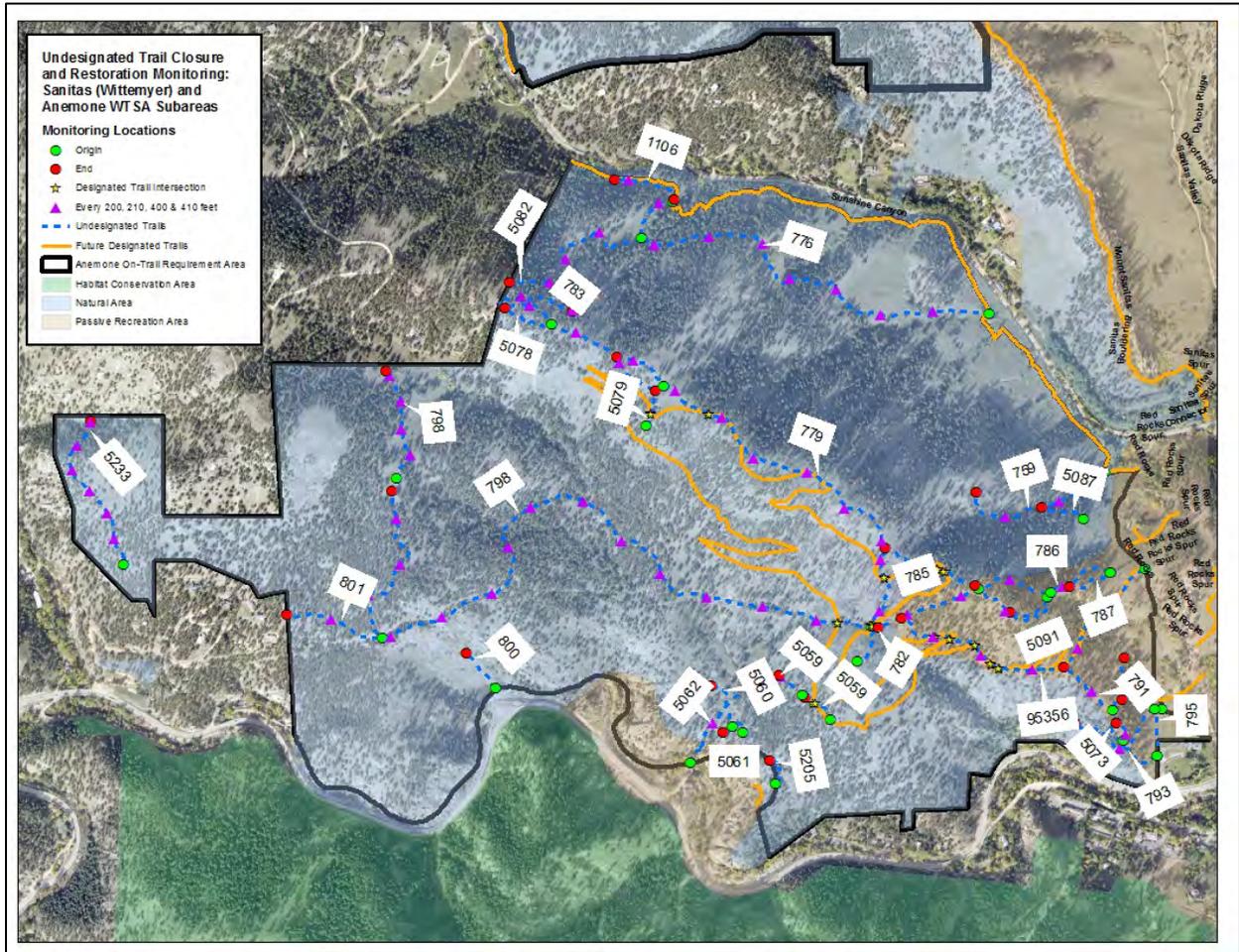
Documentation Event	Timeframe
Baseline	summer 2014
First post-restoration treatment	winter 2014
Second post restoration treatment	summer 2015
Third post-restoration treatment	winter 2015
Fourth post-restoration treatment	summer 2016

### 3.3 Study Sites:

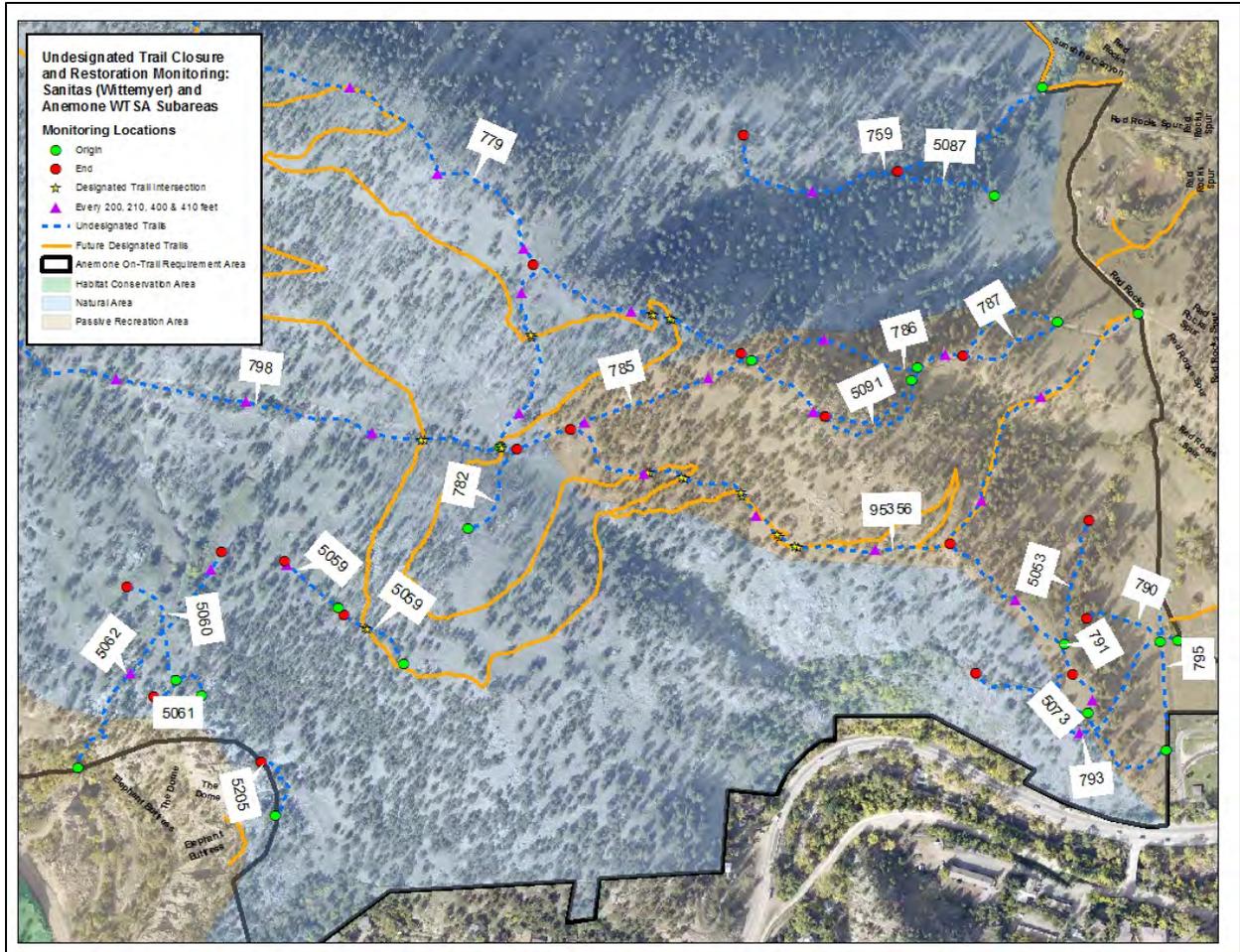
*Anemone Subarea (OSMP Green Mountain US Patent, Holmes, Macfarlan and Wittemyer properties)*

**Figure 2** is a map of undesignated trails scheduled for closure and restoration treatments on the Green Mountain US Patent, Holmes, Macfarlan and Wittemyer properties in spring of 2015; **Figure 3** is a close-up of the southeast portion of the area. Each sampling point is starred and

can be identified by the number assigned during the 2012 UT mapping project and a subsequent auto-generated number.



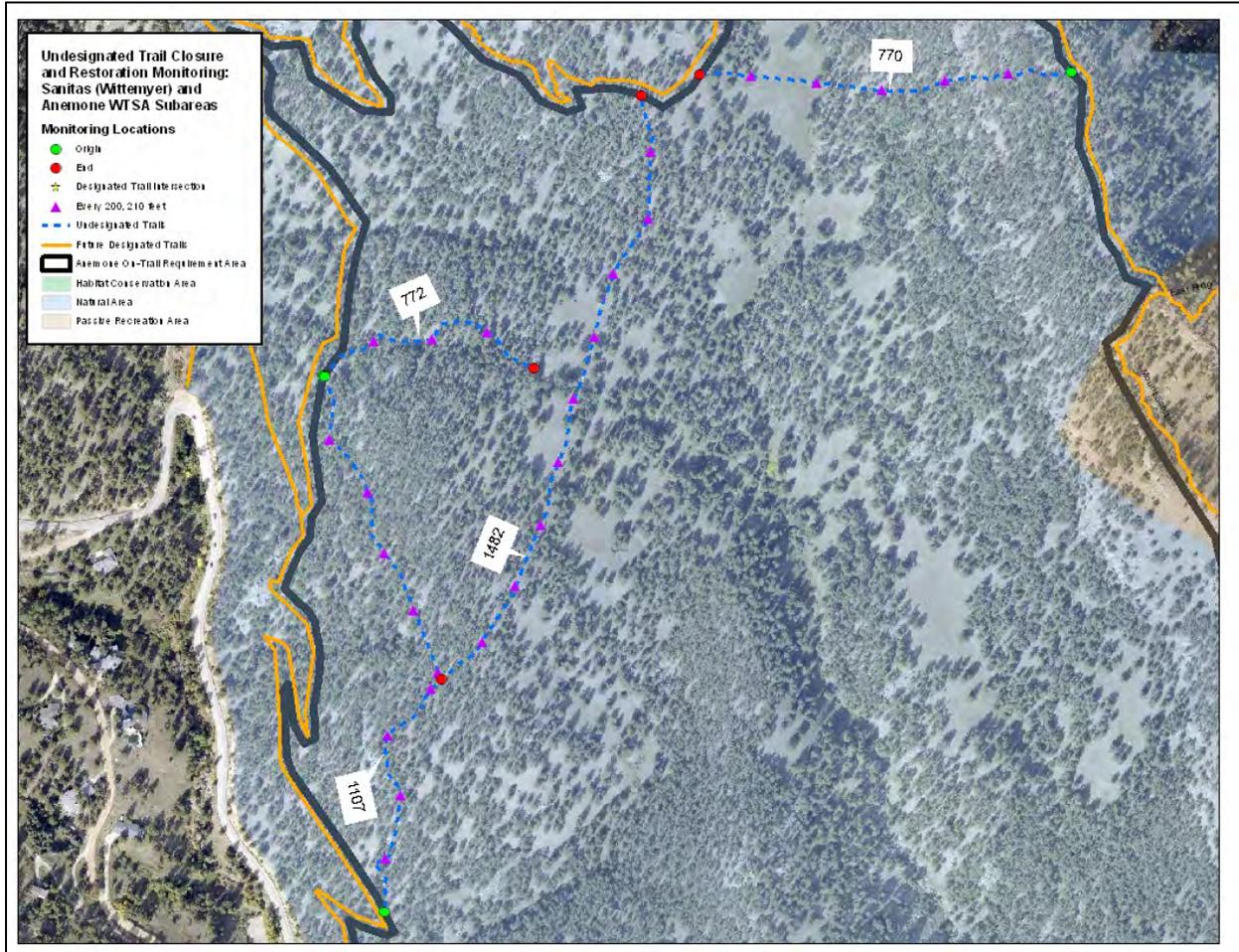
**Figure 2:** Map of monitored Undesignated Trails with Anemone Subarea photo point locations depicted



**Figure 3:** Close-up map of monitored Undesignated Trails with Anemone Subarea photo point locations depicted

*Sanitas Subarea (OSMP Wittemyer property)*

**Figure 4** is a map of undesigned trails scheduled for closure and restoration treatments on the Wittemyer property in the fall of 2014. Each sampling point is starred and can be identified by the number assigned during the 2012 UT mapping project and a subsequent auto-generated number.



**Figure 4:** Map of monitored Undesignated Trails with Sanitas (Wittemyer) Subarea photo point locations depicted

See **Appendix A** for the map displayed on page 12 of the WTSA Plan depicting the original WTSA recommendations.

#### **4.0 Data Analysis and Reporting**

Visitor activity will be calculated based upon the observed percentage of sampled segments with any discernible visitor activity. Effective UT closure and restoration success will be evaluated using photo views that can be compared to the documented condition class ratings (Table 1). OSMP will not be able to quantitatively report which treatment or combination of treatments was most effective at closing and re-vegetating undesigned trails. OSMP will be able to

qualitatively describe the monitored trails' respective closure and revegetation success or failure as related to area treatments.

#### **4.1 Thresholds of Acceptability**

Because the Visitor Master Plan (VMP) and the WTSA Plan did not provide thresholds of acceptability, the following are proposed. A trail segment will be considered successfully closed and restored when:

1. 100% of monitored points located at a designated trail intersection and at least 75% of points found elsewhere along the segment have no visible tread width;
2. There is no discernible visitor use on any monitored segment.

Similar thresholds of acceptability were first used in the evaluation of the UT closure and restoration in the Eldorado Mountain/Doudy Draw TSA.

#### **4.2 Reporting**

Photos as well as visitor activity and UT condition class rating results will be shared via a project report. This report will include discussion and recommendations regarding improving trail closure and restoration efforts in the Anemone and Sanitas (Witemyer) project subareas and inference can be made to the larger WTSA area. Potential follow-up actions may include: on-going treatments, increased treatments, new treatments and/or feasibility assessments of trail retention or designation.

#### **5.0 References Cited**

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City of Boulder Open Space and Mountain Parks. (2006a). Eldorado Mountain/Doudy Draw Trail Study Area Plan. Unpublished report.

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Hall, Frederick C. (2002). Photo point monitoring handbook: part A-field procedures. Gen. Tech. Rep. PNW-GTR-526. Portland, OR: U.S. Department of Agriculture, Forest Service, Pacific Northwest Research Station. 48 pp. 2 parts.

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Marion, Jeffrey L. and Karen Hockett. (2008). Trail and Campsite Monitoring Protocols: Zion National Park. USDI, U.S. Geological Survey, Final Research Rpt., Virginia Tech Field Station, Blacksburg, VA. 65p.

**Web Resources – accessed online October 14, 2010**

Designated Trail Monitoring Protocol.

[http://www.bouldercolorado.gov/files/final\\_protocol\\_for\\_designated\\_trail\\_monitoring.pdf](http://www.bouldercolorado.gov/files/final_protocol_for_designated_trail_monitoring.pdf)

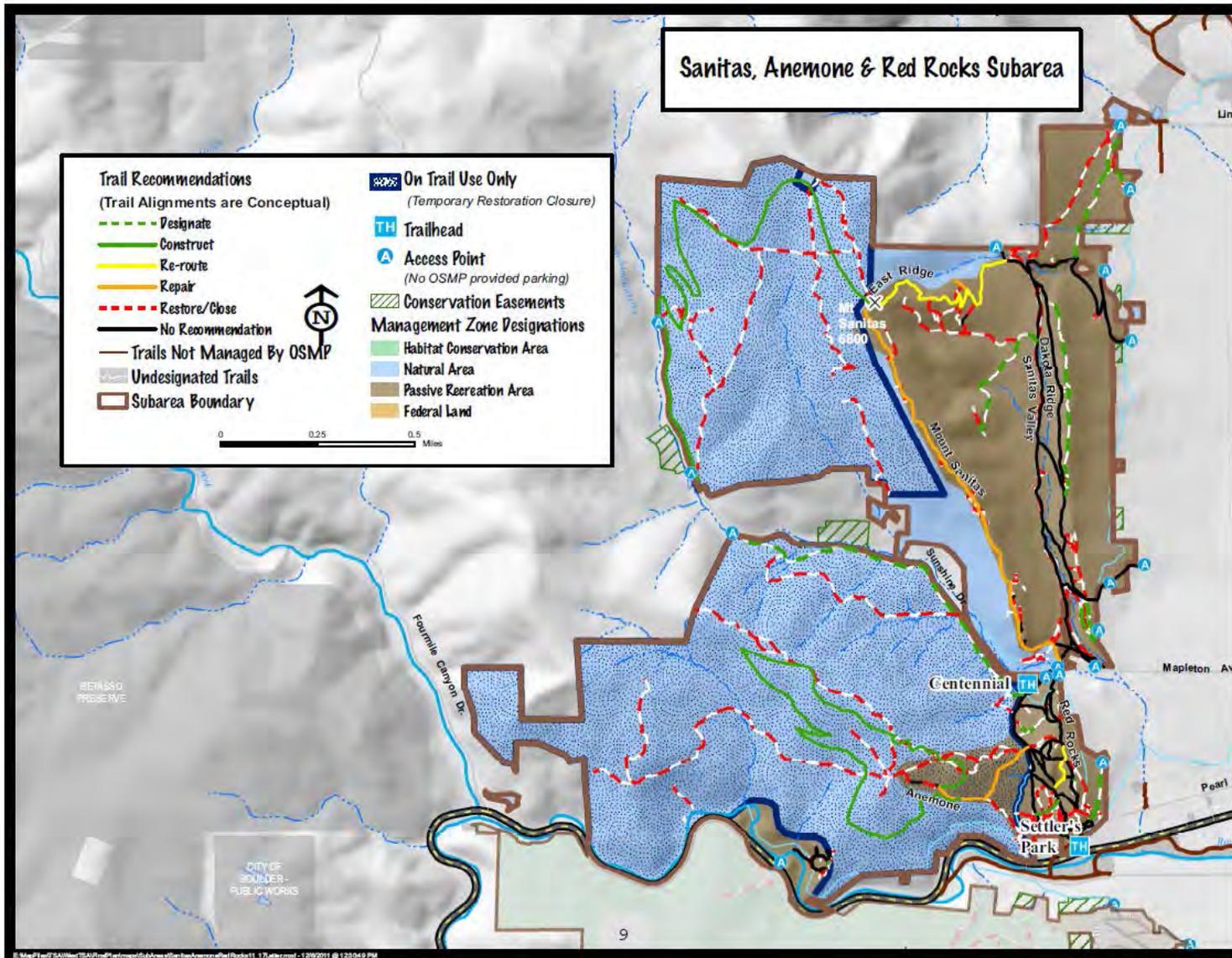
Ecosystem Restoration Guidelines.

<http://ecorestoration.montana.edu/mineland/guide/sampling/vegetation/default.htm>

Society for Ecological Restoration International.

<http://www.ser.org/default.asp>

Appendix A: Sanitas, Anemone and Red Rocks WTSA Subarea



## **Appendix B: Definitions**

Closure: Intentional OSMP effort to eliminate the use of a trail by humans and their non-human companions such as dogs or horses.

Discernible visitor use: Observable evidence of visitation by humans and/or their non-human companions such as dogs or horses (e.g., human foot print, horse manure, bike track or dog paw print).

Ecological restoration: The process of assisting the recovery of an ecosystem that has been degraded, damaged, or destroyed.

Exposed soil: Exposed soil of all types, including mud but excluding rock and organic litter; if applicable, also includes crusher fines no longer discernible as individual rock fragments (rock dust).

Gravel: Rock fragments ranging from 1/5 to 3 inches in diameter. Gravel and crusher fines differ from one another in that gravel is screened to remove the fines, which contain the natural binders/cements. Gravels remain loose because they have dead air space within the structures that allow them to drain well and resist compaction. (OSMP 2008:8).

Organic litter: Organic litter and duff sufficient to cover tread surface. Litter refers to both persistent and non-persistent litter and includes all dead organic matter in contact with the soil surface.

PDOP: Percent dilution of position. This is a measure of the geometrical strength of the GPS satellite configuration and is related to the amount of error in your position. The higher the PDOP number, the lower position accuracy.

Photo point: Quick and effective method for documenting change in vegetation, soil and landscape through repeat photography.

Pulverized litter: Organic litter within the trail tread (e.g., pine needles, pine cones) with discernible crushing.

Reclamation: The stabilization of the terrain, assurance of public safety, aesthetic improvement, and usually a return of the land to what, within the regional context, is considered to be a useful purpose.

Revegetate: To provide barren or denuded land with a new vegetative cover.

Rock: Natural occurring rock surfaces (bedrock, rocks & gravel); if applicable, also includes man-made crusher fines still discernible as individual rock fragments.

Trampled vegetation: Vegetation within the trail tread with discernable crushing.

Trail edge: The most pronounced outer boundary of visually obvious human disturbance created by trail use (not trail maintenance like vegetation clearing). These boundaries are defined as pronounced changes in ground vegetation height (trampled vs. untrampled), cover, composition, or, when vegetation cover is reduced or absent, as pronounced changes in organic litter (intact vs. pulverized). (Marion 2008:80) **See Appendix C.**

Trail treatment: Revegetation, erosion control or trail closure strategy.

Vegetative cover: Vegetative cover rooted within the tread boundaries, including exposed tree or shrub roots.

**Appendix C:** Photographs illustrating different types of boundary determinations (tape measure denotes boundaries)



Trail tread boundaries are defined as the most pronounced outer boundary of visually obvious human disturbance created by trail use (not trail maintenance like vegetation clearing). These boundaries are defined as pronounced changes in ground vegetation height (trampled vs. untrampled), cover, composition, or, when vegetation cover is reduced or absent, as pronounced changes in organic litter (intact vs. pulverized). The objective is to define the trail tread that receives the majority (>95%) of traffic, selecting the most visually obvious boundary that can be most consistently identified by you and future trail field technicians. (Marion and Hockett 2008:87)

**Appendix D: Protocol/Data Decision Rules**

1. Fixed sample points as of July 2014;
2. When the GPS indicates the monitoring location is located somewhere other than where UT is present, field technician will use knowledge of type of monitoring locations, prior photos and other forms of best professional judgment to locate plot location(s);
3. Points obscured by a designated trail widening into the previous undesignated trail will be removed from analysis (e.g., Sunshine Valley widening into UT 1106);
4. Points obscured by new treatments on adjacent trails were removed from analysis (e.g., west end of UT 31 obscured in initial baseline or subsequent monitoring due to restoration treatments on the portions of the decommissioned Anemone Loop trail);
5. Visitor evidence not indicative of the respective monitoring interval will be removed from analysis (e.g., slash removed in fall 2014 will not be reconsidered in winter 2014).



**CITY OF BOULDER  
OPEN SPACE BOARD OF TRUSTEES AGENDA ITEM**

**MEETING DATE: August 20, 2014**

**AGENDA TITLE:** Consideration of a motion to approve the purchase of approximately 80 acres of land, the mineral estate, nine shares of Left Hand Ditch Company water, 80 shares of Dry Creek-Davidson Ditch Company water, two houses and associated outbuildings located at 3285 and 3287 95<sup>th</sup> St. from the Martinson family for \$3,000,000 for Open Space and Mountain Parks purposes.

**PRESENTER/S**

Michael D. Patton, Director, Open Space and Mountain Parks  
John P. D'Amico, Property Agent

**EXECUTIVE SUMMARY**

The Martinson property is an 80-acre parcel along 95<sup>th</sup> Street in Boulder County, approximately 1/2 mile south of Valmont Road on the west side of 95<sup>th</sup> Street. Eddy, Bixler and Teller Open Space properties surround the Martinson parcel with Leyner Cottonwood Ditch bordering the north side. (See Attachments A and B.) Open Space and Mountain Parks (OSMP) has actively pursued purchasing this parcel since 1993. The purchase price is \$3,000,000 payable at the time of closing. Along with the land, the city is acquiring the mineral estate, nine shares of Left Hand water, 80 shares of Dry Creek-Davidson water, two houses and a number of outbuildings. The water rights are valued at \$320,000. The two houses and outbuildings are valued at \$356,000. After subtracting the value of the improvements and water rights from the purchase price, the cost per acre is approximately \$29,000. The parcel will be managed for agricultural purposes; excellent water rights and high-quality soils support agricultural operations. At the time of purchase, the property will be leased back to the Martinson's for a period of five years. The Martinsons will continue the historic agricultural operation. OSMP anticipates spending approximately \$40,000 for immediate property improvements such as possible home repairs, boundary fencing and irrigation improvements.

**STAFF RECOMMENDATION:** Staff recommends that the Open Space Board of Trustees approve a motion recommending that the Boulder City Council approve the purchase of approximately 80 acres of land, mineral estate, nine shares of Left Hand Ditch Company water, 80 shares of Dry Creek-Davidson Ditch Company water, two houses and associated outbuildings located at 3285 and 3287 95<sup>th</sup> Street from the Martinson family for \$3,000,000 for Open Space and Mountain Parks purposes. An additional \$40,000 for immediate property improvements such as home repairs, boundary fencing and irrigation improvement is also being requested for expenditure from the acquisition budget.

### **COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS**

- **Environmental:** Open Space and Mountain Parks is a significant community-supported program that is recognized worldwide as a leader in preservation of open space lands contributing to the environmental sustainability goal of the City Council. The department's land acquisition, land and resource management and visitor service programs help preserve and protect the Open Space values of the surrounding publicly-owned lands.
- **Economic:** Open Space and Mountain Parks contributes to the economic vitality goal of the city as it provides the context for the diverse and vibrant economic system that sustains services for residents. The land system and the quality of life it represents attract visitors and help businesses to recruit and retain quality employees.
- **Social:** Because Open Space and Mountain Parks lands, facilities and programs are equally accessible to all members of the community, they help to support the city's community sustainability goal because all residents "who live in Boulder can feel a part of and thrive in" this aspect of their community.

### **OTHER IMPACTS**

- **Fiscal –** The purchase price for the Martinson property is \$3,000,000 payable at the time of closing. An additional \$40,000 is requested for immediate property improvements. There are sufficient funds in the Open Space Fund for this acquisition; a Cash Flow Projection is included as Attachment C.
- **Staff time -** This acquisition is part of the normal 2014 work plan for the OSMP real estate property agents.

### **PUBLIC COMMENT AND PROCESS**

This item is being heard as part of this public meeting advertised in the *Daily Camera* on Aug. 17, 2014.

### **ANALYSIS**

The 80-acre Martinson property is surrounded by Open Space on three sides with the Leyner Cottonwood Ditch bordering the north side. The property is located in an area where few large parcels still exist. The original farmhouse was built in 1912 and is an

active part of Boulder County's agriculture. OSMP will manage the property and its ample water rights and quality soils to assure its agricultural heritage.

OSMP will lease the property to Lubby Martinson for five years. Ms. Martinson will continue farming the property according to a standard OSMP agricultural lease agreement. OSMP anticipates managing the property for agricultural purposes upon the expiration of the lease.

According to the Natural Resource Conservation Service soil surveys, the property is designated as Prime Farmland soils and soils of Statewide Importance. All of the soils are well drained with gradual slopes. The property is irrigated by the Dry Creek-Davidson Ditch with ample shares to fully irrigate the land. In the future, the availability of the two homes and outbuildings could make for a productive vegetable farm operation as evaluated by OSMP agricultural staff. With the quality soils and water rights, this property could be one of OSMP's more productive agricultural parcels.

This is a property which OSMP has actively pursued since 1993. The purchase price is \$3,000,000 payable at the time of closing. Along with the land, the city will purchase the mineral estate, nine shares of Left Hand water, 80 shares of Dry Creek-Davidson water, two houses and a number of outbuildings. The water rights are valued at \$320,000. The two houses and outbuildings are valued at \$356,000. After subtracting the value of the improvements and water from the total purchase price, the cost per acre is approximately \$29,000.

Submitted by:



Michael D. Patton, Director

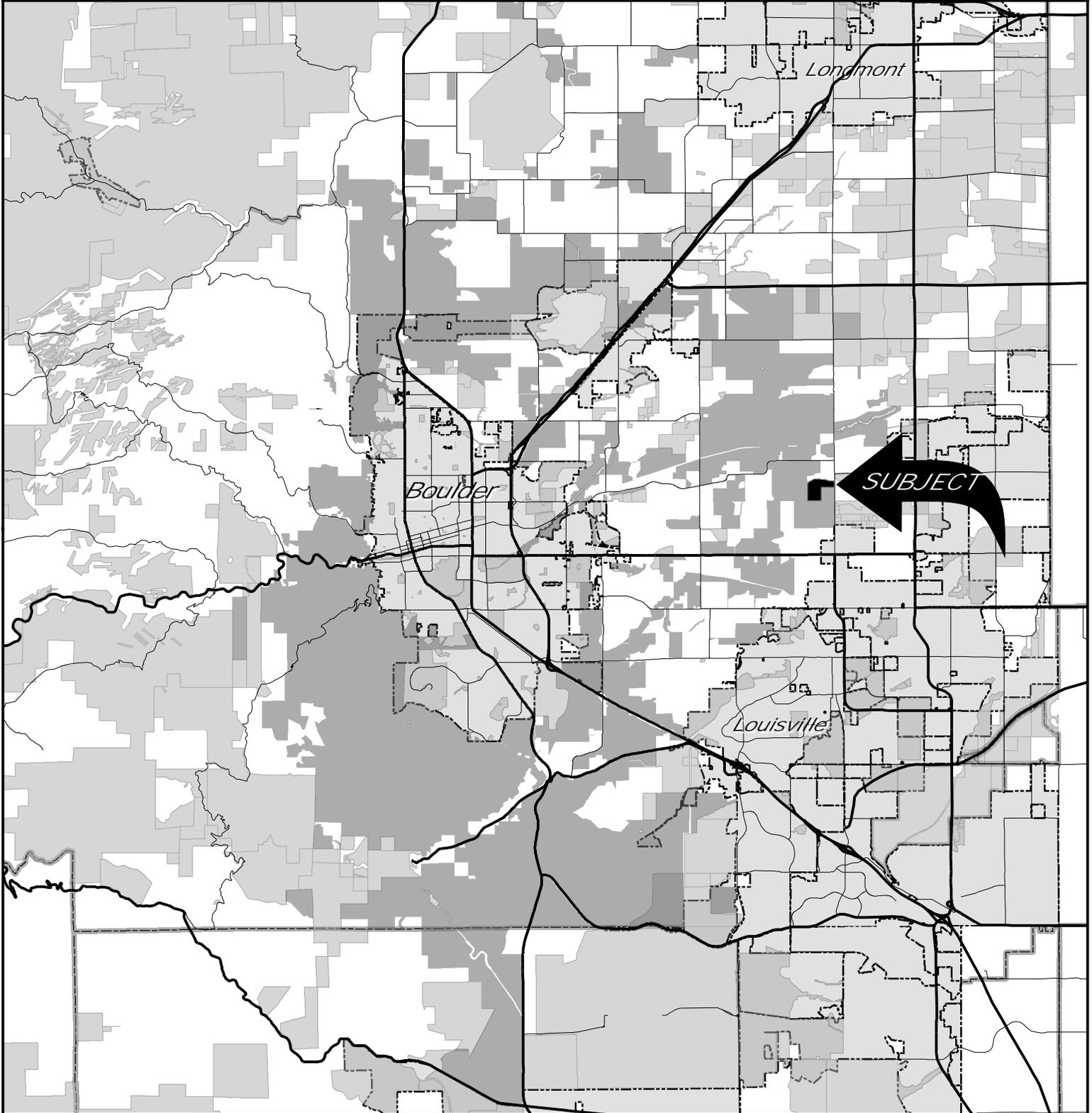


John P. D'Amico, Property Agent

**ATTACHMENTS:**

- A. Vicinity Map**
- B. Location Map**
- C. Cash Flow Projection**

# ATTACHMENT A - City of Boulder Open Space & Mountain Parks VICINITY MAP - Martinson Acquisition



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The information depicted is provided as a general representation only. While source documents were reviewed in compliance with National Map Accuracy Standards, the City of Boulder provides no guarantee, express or implied, as to the accuracy, utility, completeness or the information contained herein.

-  Martinson
-  City of Boulder OSMP
-  Other Public Lands



# Attachment B - City of Boulder Open Space & Mountain Parks

## LOCATION MAP - Martinson Acquisition



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 The information depicted is provided as a general representation only. All the course boundaries were reviewed in compliance with Colorado Real Estate Statutes. The City of Boulder provides no warranty, express or implied, as to the accuracy and/or completeness of the information contained herein.

- Martinson
- OSMP Conservation Easement
- No Public Access
- Boulder County Land
- OSMP Fee Property
- OSMP Multi-Use Trail



**ATTACHMENT C**  
 Projected Open Space Cashflow 2013-2019  
**MARTINSON**  
 8/20/2014

	2013	2014	2015	2016	2017	2018	2019
<b>PROJECTED SALES TAX GROWTH</b>							
2 2011-2018 Sales Tax forecast 05/08/2012	3.90%	3.48%	3.28%	3.29%	3.20%	3.15%	3.15%
3 2013-2019 Sales Tax forecast 04/05/2013	7.76%	3.11%	3.13%	3.02%	3.73%	3.41%	-9.52%
4 2014-2019		3.50%	3.35%	3.35%	3.25%	3.20%	3.20%
5 <b>BEGINNING CASH BALANCE</b>	\$18,917,725	\$17,285,093	\$15,853,760	\$20,366,119	\$23,630,198	\$30,323,656	\$37,804,112
<b>SOURCES OF FUNDS</b>							
5 OS Sales Tax Revenue	\$26,771,029	\$27,603,608	\$28,467,600	\$29,327,322	\$30,421,231	\$31,458,595	\$28,464,917
6 OS Fund - Investments/Leases/Misc.	\$746,056	\$810,909	\$810,909	\$810,909	\$650,000	\$650,000	\$650,000
7 Proceeds from RE sale	\$256,880						
8 Funds from CDOT for Granite acquisition	\$1,300,000						
9 General Fund Transfer for Mountain Parks:	\$1,072,174	\$1,103,384	\$1,137,095	\$1,171,553	\$1,208,122	\$1,245,832	\$1,284,720
10 General Fund Appropriation for Real Estate Services:	\$152,346	\$152,642	\$154,168	\$155,710	\$157,267	\$158,840	\$160,428
11 Lottery Fund Appropriation for CIP Purposes:	\$343,000	\$343,000	\$355,300	\$355,300	\$355,300	\$355,300	\$355,300
12 Unexpended Lottery Funds Carried Over from Previous Year	\$251,149	\$141,764					
14 Total Annual Sources of Funds:	\$30,892,634	\$30,155,307	\$30,925,072	\$31,820,794	\$32,791,920	\$33,868,567	\$30,915,365
15 Total Sources of Funds Available:	<b>\$49,810,359</b>	<b>\$47,440,400</b>	<b>\$46,778,833</b>	<b>\$52,186,913</b>	<b>\$56,422,118</b>	<b>\$64,192,223</b>	<b>\$68,719,477</b>
<b>USES OF FUNDS</b>							
16 Total Debt Service for Bonds & Notes:	\$8,695,115	\$7,313,402	\$5,499,275	\$5,377,423	\$4,780,124	\$4,566,365	\$2,685,917
18 Capital Available for Land Acquisitions & Preservation	\$9,450,799	\$5,400,000	\$5,400,000	\$5,400,000	\$5,400,000	\$5,400,000	\$5,400,000
20 Capital Available for Land Acquisitions & Preservation:	\$9,450,799	\$5,400,000	\$5,400,000	\$5,400,000	\$5,400,000	\$5,400,000	\$5,400,000
21 RE Acquisition 2013	\$9,464,695						
22 Berman Brothers		\$1,381,000					
23 <b>Martinson</b>		<b>\$3,000,000</b>					
23 Dagle property and water acquisition by 8/31/2014		\$525,000					
24 Remaining Land Acquisition Capital Available:	<b>(\$13,896)</b>	\$494,000	\$5,400,000	\$5,400,000	\$5,400,000	\$5,400,000	\$5,400,000
25 Capital for Visitor Infrastructure:	\$1,072,148	\$1,210,000	\$900,000	\$900,000	\$900,000	\$950,000	\$800,000
26 Unexpended Visitor Infrastructure Funds Carried Over from Previous Year		\$1,177,428					
Supplemental Visitor Infrastructure Appropriation		\$1,000,000					
27 Highway 93 Underpass	\$1,021,410						
28 Capital for Water Rights Acquisition:	\$52,725	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000
29 Unexpended Water Rights Funds Carried Over from Previous Year		\$335,091					
30 South Boulder Creek Flow In Stream Flow:	\$1,912	\$100,000	\$150,000	\$2,000,000			
31 Capital for Mineral Rights Acquisition:	\$0	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000
32 Unexpended Mineral Rights Funds Carried Over from Previous Year		\$361,187					
33 Lottery Capital for MP Restoration:	\$353,303	\$343,000	\$355,300	\$355,300	\$355,300	\$355,300	\$355,300
34 Unexpended Lottery Funds Carried Over from Previous Year		\$141,764					
35 Total CIP Expenditures:	\$11,952,297	\$10,368,470	\$7,105,300	\$8,955,300	\$6,955,300	\$7,005,300	\$6,855,300
36 Management Operating Expenditures - OSMP Program:	\$10,658,554	\$12,478,830	\$12,490,150	\$12,846,271	\$12,922,659	\$13,310,339	\$13,709,649
37 Operating Supplemental and Carryover		\$164,896					
38 Management Operating Expenditures - RE Services:	\$152,346	\$152,642	\$154,168	\$155,710	\$157,267	\$158,840	\$160,428
40 Cost Allocation:	\$1,066,954	\$1,108,400	\$1,163,820	\$1,222,011	\$1,283,112	\$1,347,267	\$1,414,630
41 Total Management Operating Expenditures:	\$11,877,854	\$13,904,768	\$13,808,138	\$14,223,992	\$14,363,038	\$14,816,446	\$15,284,707
42 Total Uses of Funds:	<b>\$32,525,266</b>	<b>\$31,586,640</b>	<b>\$26,412,713</b>	<b>\$28,556,715</b>	<b>\$26,098,462</b>	<b>\$26,388,111</b>	<b>\$24,825,924</b>
43 <b>ENDING CASH BALANCE:</b>	\$17,285,093	\$15,853,760	\$20,366,119	\$23,630,198	\$30,323,656	\$37,804,112	\$43,893,553
44 Less Reserves:	\$5,475,000	\$3,500,000	\$2,500,000	\$2,400,000	\$2,000,000	\$2,000,000	\$1,100,000
45 Less Reserve for 27th Pay Period	\$0	\$45,000	\$95,000	\$145,000	\$195,000	\$0	\$0
46 Sick/Vacation/Bonus Reserve	\$490,000	\$490,000	\$490,000	\$490,000	\$490,000	\$490,000	\$490,000
47 Property and Casualty Reserve	\$400,000	\$400,000	\$400,000	\$400,000	\$400,000	\$400,000	\$400,000
48 South Boulder Creek Flow Reserve	\$1,450,000	\$1,750,000	\$2,000,000	\$0	\$0	\$0	\$0
50 Vehicle Acquisition Reserve		\$150,000	\$300,000				
51 Facility Maintenance Reserve		\$100,000	\$200,000	\$300,000	\$400,000	\$500,000	\$600,000
52 <b>UNRESTRICTED CASH BALANCE AFTER RESERVES:</b>	<b>\$9,470,093</b>	<b>\$9,418,760</b>	<b>\$14,381,119</b>	<b>\$19,895,198</b>	<b>\$26,838,656</b>	<b>\$34,414,112</b>	<b>\$41,303,553</b>



**CITY OF BOULDER  
OPEN SPACE BOARD OF TRUSTEES AGENDA ITEM**

**MEETING DATE: August 20, 2014**

**AGENDA TITLE** Recommendation to enter into a nonexclusive license pursuant to Boulder City Charter Section 175(h) between Open Space and Mountain Parks and Public Service Company of Colorado for three power pole support beams on the East Rudd property for the purpose of facilitating the construction of the Boulder County/Colorado Department of Transportation road improvement project on State Highway 93. This is the same highway improvement project which encompasses the Open Space and Mountain Parks new Community Ditch underpass.

**PRESENTER/S**

Michael D. Patton, Director, Open Space and Mountain Parks  
James Reeder, Land and Visitor Services Division Manager

**EXECUTIVE SUMMARY**

As part of the Community Ditch underpass construction project, State Highway (SH) 93 is being widened and repaved in a project administered by Colorado Department of Transportation (CDOT) with assistance from Boulder County Transportation Department. Open Space and Mountain Parks (OSMP) has previously granted Public Service Company of Colorado (PSCo) an easement to move three power poles that had been in the CDOT right of way to the adjoining East Rudd Open Space land in order to facilitate the Community Ditch underpass construction. Project engineers have recently discovered that three additional PSCo power poles, north of the underpass construction zone will additionally need to be relocated to allow for the lane widening portion of the project. Currently, PSCo has an electric power line and supporting poles along the easterly side of SH 93. There are three poles that need to be relocated farther east in the CDOT right of way that will require support beams to keep the poles upright against the strong winds in this area. The support beams would be located on the Open Space and Mountain Parks (OSMP) property known as East Rudd. Public Service Company is willing to effect the relocation but will require a nonexclusive revocable license to construct the pole supports on OSMP lands. Eventually, a formal easement will be required to maintain the poles in the future.

OSMP staff is requesting the Board to recommend that OSMP grant a nonexclusive license to PSCo to allow this relocation in the near future to avoid a delay in construction activities. OSMP

and PSCo will be preparing and processing an easement request that will allow PSCo to maintain the pole in the future.

A recommendation from the Board is required before the department can grant any nonexclusive license (Charter Section 175(h), BRC 1981).

### **STAFF RECOMMENDATION**

Consideration of a motion to recommend that OSMP grants a nonexclusive license to Public Service Company of Colorado to allow it to place three support beams for utility poles on the East Rudd Open Space property for the purpose of facilitating the construction of the Boulder County/CDOT road improvements on SH 93.

### **COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS**

- Economic – This nonexclusive license will facilitate construction of the widening of SH 93. This project is likely to entice more people to visit and do business in Boulder.
- Environmental – There are no environmental impacts associated with the construction of the support beam on OSMP lands.
- Social - There are no known negative social impacts associated with this nonexclusive license.

### **OTHER IMPACTS**

- Fiscal – This license will have no fiscal impact on the city. The poles are being relocated at PSCo's expense.
- Staff time – The only staff time involved is the time needed to create the license document and pole relocation monitoring.

### **PUBLIC COMMENT AND PROCESS**

This item is being heard at this public meeting, advertised in the *Daily Camera* on Aug. 17, 2014.

### **ANALYSIS**

Currently, PSCo has an electric power line and supporting poles along the easterly side of SH 93.

PSCo requires an easement from the city to place three supporting beams for utility poles on OSMP lands. OSMP staff is currently working on the details of this easement and will come back to the Board with a request to grant such an easement. However, since granting an easement requires going through the disposal process which takes a minimum of 90-120 days, depending on when the items can get on various meeting agendas, OSMP is being asked to grant a nonexclusive license to allow the poles to be relocated as quickly as possible

CDOT and its contractor are hoping to start work on the road widening and repaving at this location in the near future but the poles need to be moved before they can start. OSMP is desirous that there not be a delay in the construction.

A nonexclusive license allows an entity to enter and conduct specified actions on OSMP lands. It is, by definition, revocable. It not only allows the named entity to enter and do work in the defined area of OSMP, but also allows the city to grant other entities the right to enter and do work in the same area.

Issuing this nonexclusive license will allow PSCo to proceed in the near future. The license will have an automatic revocation clause that revokes the license when the easement is issued.

Because of tight construction timelines involved, it is in the city's interest for OSMP to grant a nonexclusive license to PSCo which will allow it to relocate the poles.

Submitted by:

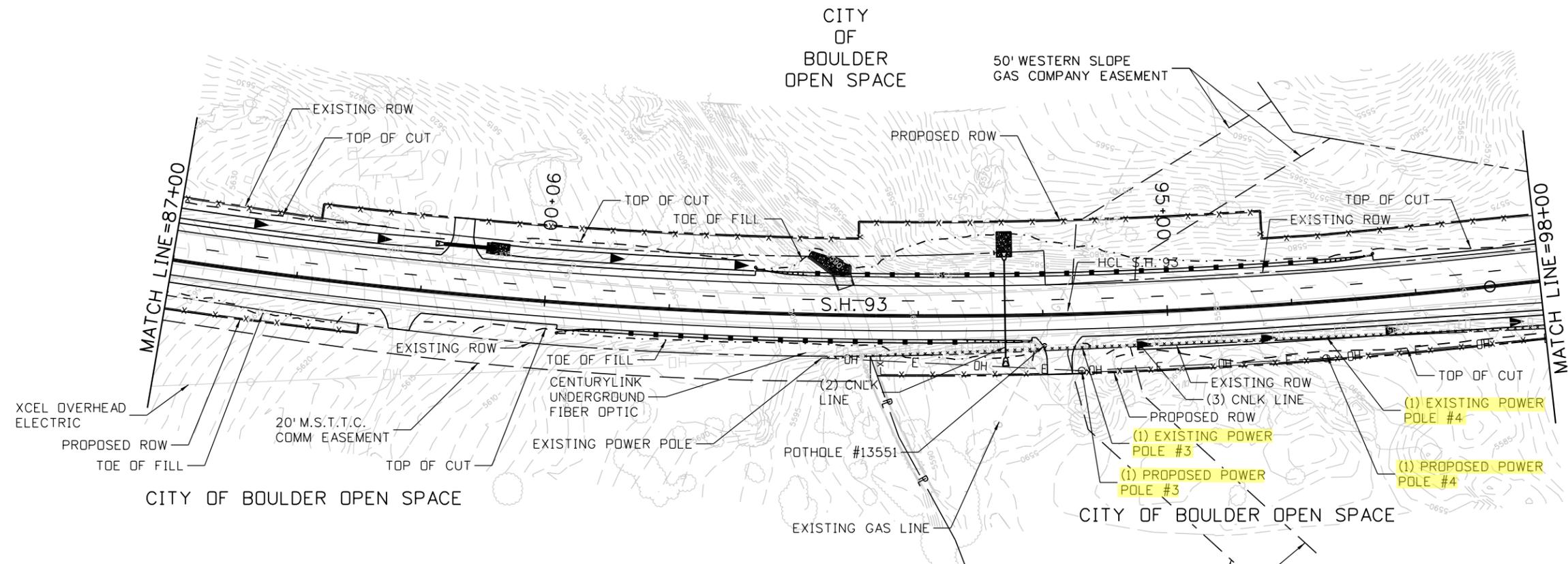
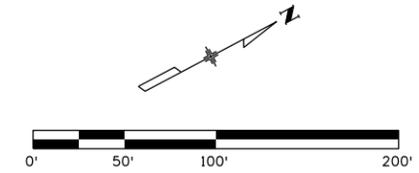
  
Michael D. Patton, Director

  
James Reeder, Land and Visitor Services Division Manager

**ATTACHMENTS:**

- A. Map showing current pole location**
- B. Nonexclusive Revocable License**

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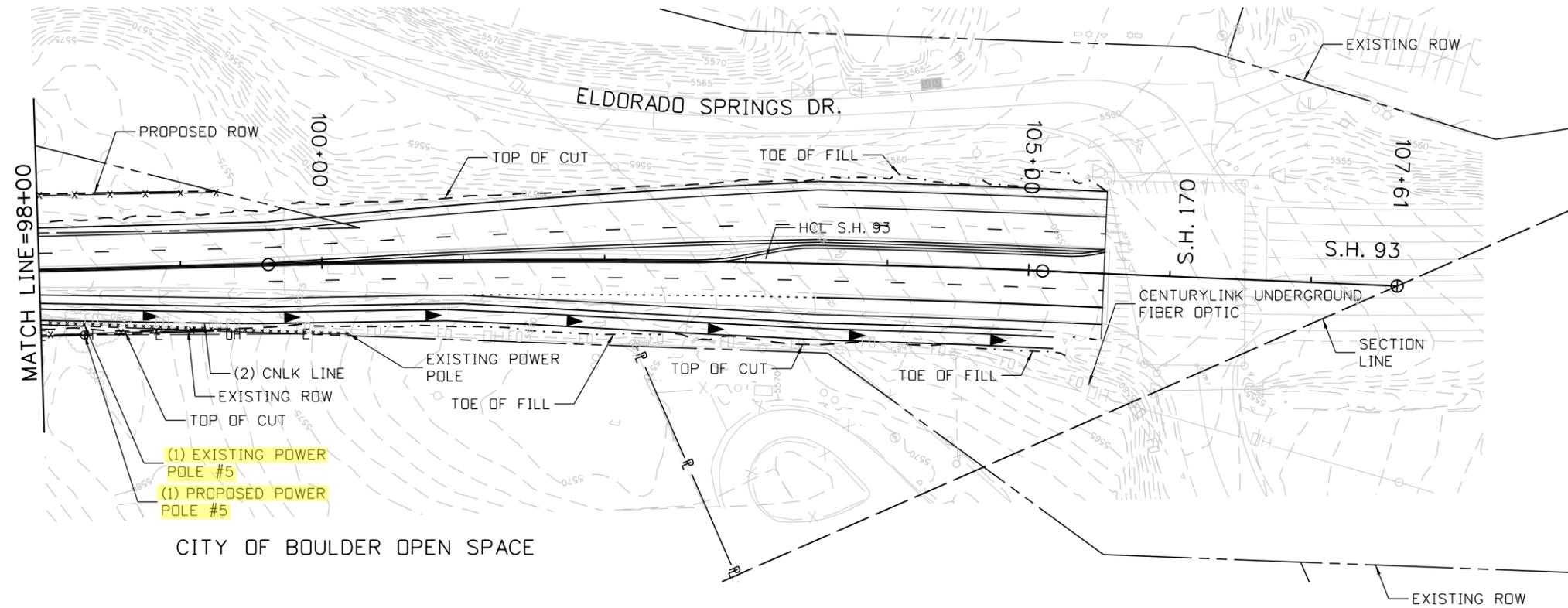
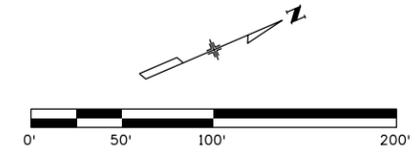


**KEY NOTES**

- (1) POWER POLE AND OVERHEAD LINE RELOCATION (BY XCEL).
- (2) CONTRACTOR TO VERIFY ELEVATION. CENTURYLINK TO LOWER IF VERTICAL CONFLICT BETWEEN THE TWO LINES IS ENCOUNTERED.
- (3) PROTECT IN PLACE EXISTING CENTURYLINK FIBER OPTIC LINES. CONTRACTOR TO FIELD VERIFY ELEVATION AND COVER OF EXISTING FIBER OPTIC LINES VS. FINISHED GRADE. CENTURYLINK TO LOWER IF ADEQUATE COVER IS NOT PROVIDED.

Print Date: 4/8/2013	<b>Sheet Revisions</b>			<p><b>Boulder County</b> Colorado 2525 13th Street Suite 204 Boulder, CO 80304</p>	<p><b>DOT</b> DEPARTMENT OF TRANSPORTATION RDM</p>	As Constructed		STATE HIGHWAY 93		Project No./Code
File Name: 127353_SH93_Utility_Plan08.dgn	Date:	Comments	Init.			No Revisions:	UTILITY PLANS		FSA 0931-031	
Horiz. Scale: 1"=100'    Vert. Scale:	(R-X)				Revised:	Designer: KLL	Structure Numbers	18465		
MICHAEL BAKER JR., INC. 165 S. UNION BLVD., STE. 200 LAKEWOOD, CO 80228 720.514.1100					Void:	Detailer: EAV	Sheet Subset: UTILITIES	Subset Sheets: 9 of 10	Sheet Number 142 of 333	

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**KEY NOTES**

- (1) POWER POLE AND OVERHEAD LINE RELOCATION (BY XCEL).
- (2) PROTECT IN PLACE EXISTING CENTURYLINK FIBER OPTIC LINES. CONTRACTOR TO FIELD VERIFY ELEVATION AND COVER OF EXISTING FIBER OPTIC LINES VS. FINISHED GRADE. CENTURYLINK TO LOWER IF ADEQUATE COVER IS NOT PROVIDED.

Print Date: 4/8/2013
File Name: 127353_SH93_Utility_Plan09.dgn
Horiz. Scale: 1"=100'      Vert. Scale:
<b>Baker</b> MICHAEL BAKER JR., INC. 165 S. UNION BLVD., STE. 200 LAKEWOOD, CO 80228 720.514.1100

Sheet Revisions		
Date:	Comments	Init.
(R-X)		



**Boulder County**  
Colorado  
2525 13th Street Suite 204  
Boulder, CO 80304



**DOT**  
DEPARTMENT OF TRANSPORTATION  
RDM

As Constructed
No Revisions:
Revised:
Void:

STATE HIGHWAY 93 UTILITY PLANS	
Designer:	KLL
Detailer:	EAV
Sheet Subset: UTILITIES	Subset Sheets: 10 of 10

Project No./Code
FSA 0931-031
18465
Sheet Number 143 of 333

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**CITY OF BOULDER AGREEMENT WITH Public Service Company of Colorado FOR  
USE OF THE CITY OF BOULDER OPEN SPACE East Rudd**

This document states the agreement between or among the City of Boulder, a Colorado home-rule city ("City"), and **Public Service Company of Colorado** (called "Licensee") for a nonexclusive license to use certain City open space property.

**RECITALS**

The parties make this agreement considering the following:

City is the sole owner, of various open space properties, including the Licensed Property described below:

OSMP Property known as East Rudd

Recitals:

CDOT and Boulder County are engaged in highway improvement project along State Highway 93 in Boulder, County, Colorado.

Presently, supporting poles for a Public Service Company power line are in CDOT ROW.

However, road widening construction requires that three of these power line poles be relocated to the easternmost boundary of the CDOT ROW and that said poles be supported by beams located on OSMP land.

Public Service Company is willing to move the poles and requires an easement on OSMP land to locate the support beams which and maintain the poles and line in this high wind area.

The city is willing to grant such an easement which will take 120 days, minimum, to perfect.

In the interim, the city is granting Public Service Company of Colorado a nonexclusive license to relocate the pole support beams on OSMP land.

The license will be in effect until the easement is granted.

The City wants to insure that Licensees' use of the Licensed Property will not adversely affect City' rights in the Licensed Property.

The City and Licensees wish to clarify their respective rights and obligations concerning such use of the Licensed Property.

The terms and conditions of this Agreement will insure that Licensees' use of the Licensed Property will preserve agricultural uses and land suitable for agricultural production, for shaping the development of the city, to limit urban sprawl and to discipline growth, under City of Boulder Home Rule Charter Section 176 and Subsection 2-3-9 (d), B.R.C. 1981.

The terms and conditions of this Agreement will insure that, to the extent it allows improvements on the Licensed Property, such improvements are necessary to protect or maintain the land, under City of Boulder Home Rule Charter Section 176 and Subsection 2-3-9 (d), B.R.C. 1981.

Under Section 171 of the City of Boulder Home Rule Charter, the Director of the Department of Open Space, subject to section 175 of the Charter shall supervise, administer, preserve and maintain all open space land and other property associated therewith and may grant nonexclusive licenses and permits.

Under Section 175 of the City of Boulder Home Rule Charter, the city of Boulder Open Space Board has recommended approval of this nonexclusive license agreement.

## **AGREEMENT**

In consideration for the fees, terms, conditions and mutual promises stated in this Agreement and for other good and valuable consideration, the Parties agree as follows:

1. City grants to Licensees a nonexclusive license to use the licensed property to install and maintain three power line pole support beams on OSMP East Rudd property on the terms and conditions stated in this document.

2. SPECIFICATIONS AND LOCATION

A. Maximum Size. A maximum of three pole support beams may be placed on the property.

B. Location. Licensee may use the following part of the licensed property: see Attachment "A", proposed power poles #3, 4 & 5. Licensee shall pay all costs associated with the construction of any required improvements. Before beginning construction, Licensees must obtain City approval of plans and specifications for any such improvements on the Licensed Property. Construction of any such improvements is subject to inspection by City staff and shall conform to approved plans and specifications. Licensees shall schedule and perform any construction to avoid any inference with City's operation of the Licensed Property for its own purposes (including, without limitation, agricultural and recreational use by others under agreement with the City).

3. OBLIGATIONS OF LICENSEES.

A. Fees. The Licensee shall NOT pay the City for this license.

4. OBLIGATIONS OF THE CITY

The City shall provide access to City property for Licensees to engage in the operation and maintenance activities under this Agreement. The location of such access is at the sole discretion of the City.

5. USE OF IMPROVEMENTS

A. Maintenance of Licensee Improvements. Any improvements licensed under this Agreement and all appurtenant structures shall be the property of Licensee. Licensee shall, at all times reasonably maintain those improvements and all appurtenant structures to avoid any hazard to persons or property of others, including the public, the City, its officials, employees, and contractors and to prevent threatened or actual damage to or interference with the facilities or operations of the City or any City tenant.

B. Property of City. The Licensed Property is the property of the City, and nothing in this Agreement shall compromise or interfere with the right of the City at all times reasonably to maintain the Licensed Property.

C. Notice of Defects. Each party agrees to notify the other of any defects or potential defects, dangerous conditions or potential dangerous conditions, claims or potential claims for damage or injury that come to its attention in connection with the use of this property.

## 6. LICENSE TERM AND RENEWAL

Unless terminated sooner, this Agreement shall terminate 8 years from its effective date. At its option, Licensees may renew this Agreement for 2 additional 8-year periods if they satisfy all terms of this Agreement. Licensees shall notify the City of its desire to renew the Agreement at least six months, but not more than one year, before each respective expiration date. This Agreement will renew, if both parties sign a memorandum of renewal. Otherwise, this Agreement shall terminate at the end of the applicable Agreement term. There shall be no renewal fee for the first and/or second renewals.

## INDEMNIFICATION.

The City shall have no increased liability because of any work or operations by Licensees, or its agents or contractors. Licensees will indemnify, defend and hold the City harmless from all claims, demands, judgments, costs, and expenses (including attorney's fees) arising out of any injury to any person or property due (directly or indirectly) to acts or omissions of Licensees' or their agents or contractors or their construction, use or maintenance of the power line.

## 7. MISCELLANEOUS.

A. Notice. Any notice required by this Agreement shall be in writing, made by hand-delivery or first class mail, to the following:

To the City:

City of Boulder Open Space Director  
P.O. Box 1777  
Boulder, CO 80306

To Licensees:

Xcel Energy

Area Manager  
2655 N. 63<sup>rd</sup> St  
Boulder, CO 80301

- B. Entire Agreement. This Agreement represents the entire agreement between the parties. Amendment of this Agreement requires a written document signed by all parties to this Agreement. Waiver of rights under this Agreement requires a written document signed by each waiving party.
- C. Assignment. Licensees may assign their rights under this Agreement only to subsequent purchasers of Licensees' assesses.
- D. No Third Party Beneficiaries. The covenants and agreements contained in this Agreement are for the sole benefit of Licensees, their approved assigns, and the City only, and create no obligations or duties to persons not parties hereto.
- E. Disputes. The parties hereto agree to attempt to resolve any conflicts regarding enforcement or interpretation of this Agreement through mediation before initiating litigation.
- F. Governing Law. Colorado law shall govern this Agreement and its application, construction and interpretation.
- G. Termination. Notwithstanding any other terms of this Agreement, the City may terminate this Agreement by delivering written notice of termination to Licensees at least thirty days before the termination date contained in the notice. In recognition of the substantial investment in facilities Licensees will make, the City agrees that termination will only occur based on reasonable cause, including, without limitation, any deficiency in the improvements.
- H. Waiver. No waiver of any breach under this Agreement shall operate as, or be construed as, a waiver of any subsequent breach of the same or any other terms of this Agreement.
- I. Cooperation. Each party agrees to perform all other acts and to execute and deliver all other documents as may be necessary or appropriate to carry out the intent and purposes of this Agreement.
- J. Annual Appropriation. Any express or implied financial obligations of the City under this Agreement in future fiscal years are subject to annual appropriation in accordance with Colorado law.
- K. Reservation of Police Powers. Licensees' rights under this Agreement are subject to the police powers of the City to adopt and enforce ordinances for the safety, health and welfare of the public and Licensees agrees to comply with all applicable laws and ordinances. The City reserves the right to exercise its police powers and nothing in this Agreement shall constitute a waiver of said police power.

- L. Insurance. Licensees and any of their agents or contractors accessing the Licensed Property under this Agreement shall procure and maintain, at no cost to City, the following minimum insurance coverage:

Coverage type	Coverage limits
A. Workers' Compensation and Employers' Liability	
i. State of Colorado:	Statutory
ii. Employer's Liability	Statutory
iii. Waiver of Subrogation	
B. Commercial General Liability	
i. Bodily Injury & Property Damage General Aggregate Limit:	\$1,000,000
ii. Personal & Advertising Injury Limit:	\$1,000,000
iii. Each Occurrence Limit	\$1,000,000
<p>The policy shall be on an Occurrence Form and shall include the following types of coverage: Premises Operations; Personal and Advertising Injury; Liability assumed under an Insured Contract; Independent Contractors; and Broad Form Property Damage. Coverage provided shall at least as broad as found in Insurance Services Office (ISO) form CG0001.</p>	
C. Commercial Automobile Liability	
i. Bodily Injury & Property Damage Combined Single Limit:	\$1,000,000
ii. Medical Payments per person:	\$ 5,000
<p>Coverage shall be on Business Auto, Garage or Truckers form. Coverage provided shall be at least as broad as found in ISO form CA0001 (BAP), CA0005 (Garage) or CA0012 (Trucker) including coverage for owned, non-owned, &amp; hired autos.</p>	
<p>In lieu of the commercial coverage outlined above, licensees, but not their agents or contractors, may substitute insurance under their respective homeowners' policies covering the types of risk and liability limits listed above. Such coverage under their homeowners' policies need not include Worker's Compensation coverage.</p>	
<p>Before the execution of this Agreement by the City, the Licensees shall forward</p>	

Certificates of Insurance to City's Open Space and Mountain Parks Water Resources Administrator. Licensees shall procure and maintain the required insurance in full force and effect for the duration of this Agreement. Certificate Holder shall be the City of Boulder at 1777 Broadway, P.O. Box 791, Boulder, CO 80306.

**All insurance policies** (except Workers Compensation) **shall include City of Boulder and its elected officials and employees as additional insureds as their interests may appear.** The additional insured endorsement shall be at least as broad as ISO form CG2010 for General Liability coverage and similar forms for Commercial Auto Liability.

The City requires issuance of all policies of insurance on a primary basis, non-contributory with any other insurance coverage or self-insurance carried by the City.

The City reserves the right to reject any insurer it deems not financially acceptable by insurance industry standards. Property and Liability Insurance Companies shall be licensed to do business in Colorado and shall have an AM Best rating of at least A- VI.

Certificates of insurance on all policies shall give the City written notice of at least thirty (30) days before cancellation or change in coverage.

THE CITY OF BOULDER, COLORADO

By: \_\_\_\_\_  
Michael D. Patton, Director  
City of Boulder, Open Space and Mountain Parks

Attest:

\_\_\_\_\_  
City Clerk on behalf of the Director of Finance and Record

Approved as to form:

\_\_\_\_\_  
City Attorney





**CITY OF BOULDER  
OPEN SPACE BOARD OF TRUSTEES AGENDA ITEM**

**MEETING DATE: August 20, 2014**

**AGENDA TITLE:** Consideration of the Anemone Hill area on-trail requirement during trail construction and undesigned trail restoration.

**PRESENTER/S**

Michael D. Patton, Director, Open Space and Mountain Parks  
Dave Kuntz, Resource Systems Division Manager  
Mark Gershman, Environmental Planning Supervisor  
Annie McFarland, Visitor Master Plan Implementation Coordinator

**EXECUTIVE SUMMARY**

Constructing a sustainable trail to provide visitor access and closing the undesigned trail network on Anemone Hill were identified in the West Trail Study Area (WTSA) Plan approved by the Open Space Board of Trustees (OSBT) and City Council. Staff examined several alternatives that target new trail construction and closing the undesigned trails on Anemone Hill. The OSBT asked staff to evaluate management alternatives that provided opportunities for visitor access while trail construction was occurring.

**STAFF RECOMMENDATION**

The Open Space Board of Trustees approves OSMP's implementation of Alternative A-Revised -- "Rolling Trail Opening" -- that implements opening the Anemone Hill Trail sequentially as sections are completed for visitor access.

**COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS**

- Economic – Open Space and Mountain Parks contributes to the economic vitality goal of the city as it provides the context for the diverse and vibrant economic system that sustains services for residents. Diverse and high-quality opportunities for visitors activities throughout the OSMP system help attract and support businesses and residents who seek such opportunities.

- Environmental – OSMP is a community-supported program that is recognized worldwide as a leader in preservation of open space lands contributing to the environmental sustainability goal of the City Council. The department's land acquisition, land and resource management and visitor service programs help preserve and protect the Open Space values of the surrounding publicly-owned lands. Providing sustainable trails to support visitor access and enjoyment of the OSMP system is important in maintaining and sustaining the community's natural environment.
- Social - The OSMP land system is accessible to all members of the community, thus it supports Council's community sustainability goal. Due to the accessibility of the land system, all residents who live in Boulder can feel part of and thrive in this aspect of their community.

### **OTHER IMPACTS**

- Fiscal – Each alternative will require the creation of maps to be posted on the web and signs in the field to help visitors understand the on-trail requirement. This cost does not vary greatly between the options. The greatest cost difference will be staff time.
- Staff time – Depending on the option selected, staff time will vary. The staff recommendation has the greatest potential demand on staff's time; however, the benefits of implementing this option outweigh the additional time requirement.

### **PUBLIC COMMENT AND PROCESS**

The current closure for the Anemone Hill area was enacted by the adoption of an 8-3-3 regulation. It was first published in the *Daily Camera* on May 17, 2014 and was adopted after public comment by the City Manager on June 11, 2014.

This item is being heard at this public meeting, advertised in the *Daily Camera* on Aug. 17, 2014.

### **ANALYSIS**

Currently, the Anemone Hill Area is closed under an 8-3-3 regulation to allow for trail construction and undesignated trail restoration to occur (see Attachment A: Anemone Hill 8-3-3 closure map). However, at its July meeting, the Open Space Board of Trustees (OSBT) directed staff to re-evaluate the area closure since no public access was provided. Staff developed two alternatives that meet project objectives while providing limited public access during trail construction. The goals of the project and closure are to:

- Minimize visitor safety concerns during trail construction,
- Close and restore the undesignated trail network,
- Start the two-year on-trail requirement, as identified in the WTSA Plan, in November 2014 to take advantage of winter and spring precipitation in re-vegetating disturbed areas,
- Host a Wildlands Restoration Volunteer (WRV) event on Oct. 4, and
- Allow for public access during trail construction.

The following alternatives meet the goals of this project in varying degrees.

### **Initial Alternative A: Anemone Hill Area Closure (previously rejected by OSBT)**

This alternative meets all project goals except for providing access during trail construction. During June 2014, the OSBT indicated its concern about the lack of visitor access. OSBT asked staff to identify and evaluate more options and to return to OSBT with a recommended action.

### **Revised Alternative A: Rolling Trail Opening**

A rolling trail opening as sections of the new trail are completed allows public access on completed trail sections starting in November 2014, while retaining the existing area closure until the completion of the Anemone Hill Trail in May 2015. When portions of the trail are determined to be substantially complete, OSMP will take management of those sections and will subsequently open them to public use. As additional trail sections are completed, the open portions of Anemone Hill Trail will be extended.

This alternative best meets the goals of the project:

- *Minimize visitor safety concerns during trail construction:* The area of greatest safety concern is the new trail construction that is occurring above the existing designated trail. It is anticipated that by the end of October this construction will be complete.
- *Close and restore the undesignated trail network:* Closure and restoration actions will be closely coordinated with trail openings to ensure that each undesignated trail is actively restored within line-of-sight of the newly opened section.
- *Start the two year on-trail requirement, identified in the WTSA Plan:* Although active restoration will occur on the entire length of all undesignated trails in the closure area, staff feels that with restoration occurring at each designated-undesignated trail intersection, the two year on-trail requirement should begin Nov. 1, 2014, rather than waiting until the entire new Anemone Hill Trail construction is complete by May 2015.
- *Host a WRV event (Oct. 4):* This major volunteer event has been cancelled twice due to the 2013 flood and trail construction timing. With the area closure remaining in place, the restoration efforts by these volunteers will greatly contribute to the goals of undesignated trail restoration in this area.
- *Allow for public access during trail construction:* By mid-November a portion of the new Anemone Hill Trail will be open for visitor use. The trail length will be extended as additional sections are determined to be substantially complete. The Sunshine Canyon Trail will remain open and accessible for visitors throughout the construction period and area closure.

### **Alternative B: Undesignated Trail Closures**

This alternative would lift the Anemone Hill area closure at the end of October 2014. At that time, an undesignated trail closure would go into effect. This closure would prohibit visitors from traveling on any undesignated trail in the Anemone Hill area, while allowing people to travel off trail in the area.

- *Minimize visitor safety concerns during trail construction:* The area of greatest safety concern is the new trail construction that is occurring above the existing

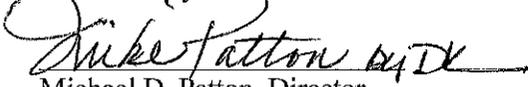
designated trail. It is anticipated that by the end of Oct, this construction will be complete.

- *Close and restore the undesignated trail network:* While the new trail construction is occurring and the undesignated trail closure is in place, staff would conduct restoration efforts on existing undesignated trails. However, we would expect the creation of additional undesignated trails that would need to be restored after the designated trail construction is complete and the two-year, on-trail requirement is implemented.
- *Start the two year on-trail requirement, called for in the WTSA Plan:* The two year on-trail requirement would begin when the Anemone Hill Trail construction is complete (May 2015).
- *Host a WRV event on Oct 4:* This event has been cancelled twice due to the 2013 flood and trail construction timing. The WRV volunteer project will restore all of the most significant undesignated trails in the Anemone Hill area. Closing existing undesignated trails will help ensure the success of undesignated trail closures.
- *Allow public access during trail construction:* This alternative would allow for the greatest level of visitor access to the area during trail construction.

#### **NEXT STEPS**

The Anemone Trail is currently under construction. The trail is scheduled for completion by May 2015. An on-trail requirement, as directed in the West Trail Study Area, will be in place for the Anemone Hill area. The Anemone Hill Trail and Sunshine Canyon Trail will provide visitor access in the Anemone Hill area. The area closure will be lifted in two years when restoration of the undesignated trails is complete.

Submitted by:

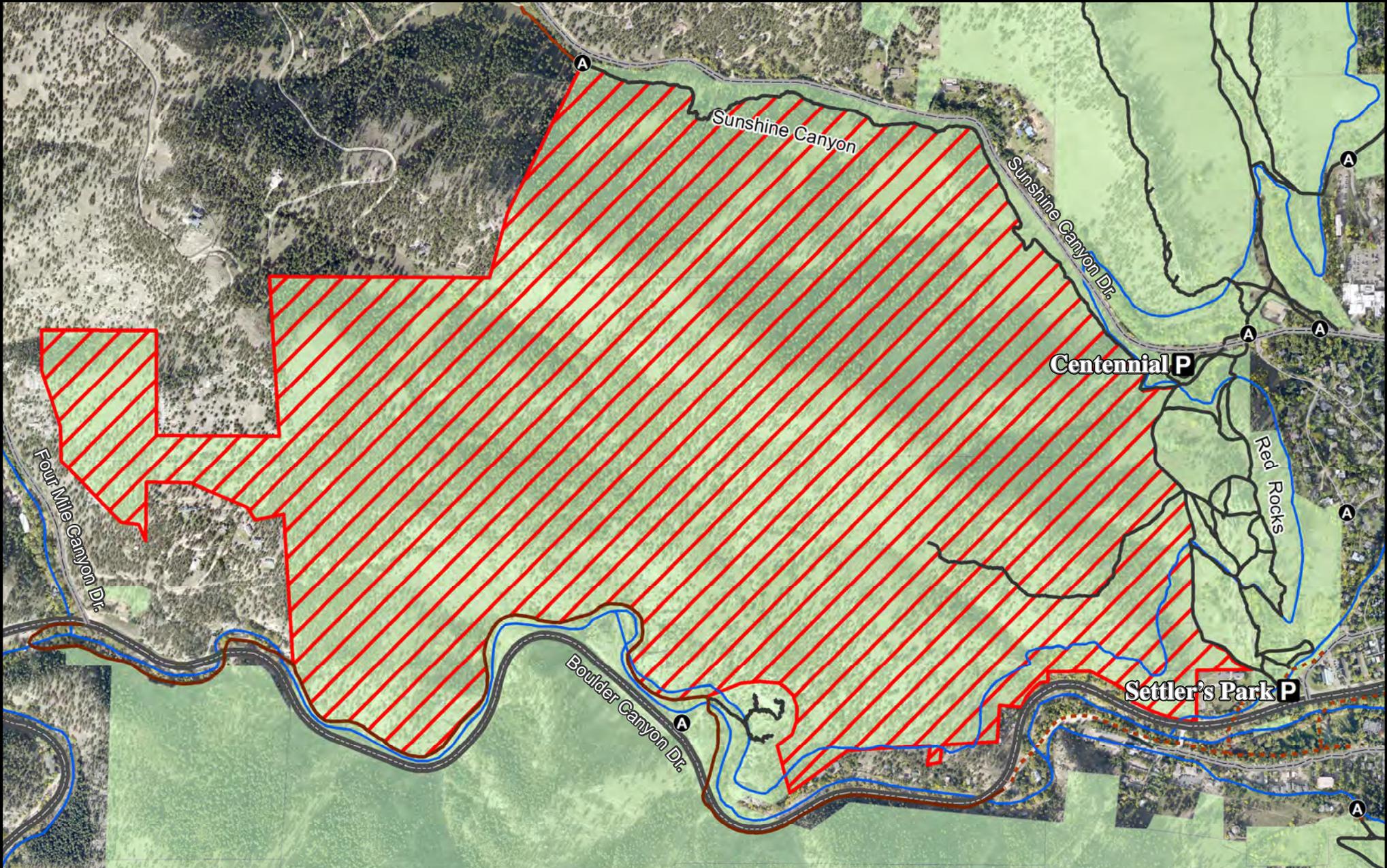
  
Michael D. Patton, Director

  
Annie McFarland, Visitor Master Plan Implementation Coordinator

#### **ATTACHMENTS:**

- A. Anemone Hill 8-3-3 Closure**
- B. OSMF Anemone Area Closure Alternatives**

# Attachment A - ANEMONE HILL 8-3-3 CLOSURE



Closure Area



OSMP Hiking Trail



BOCO Multiuse Trail



Trailhead - OSMP Designated Parking



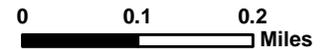
OSMP Ownership



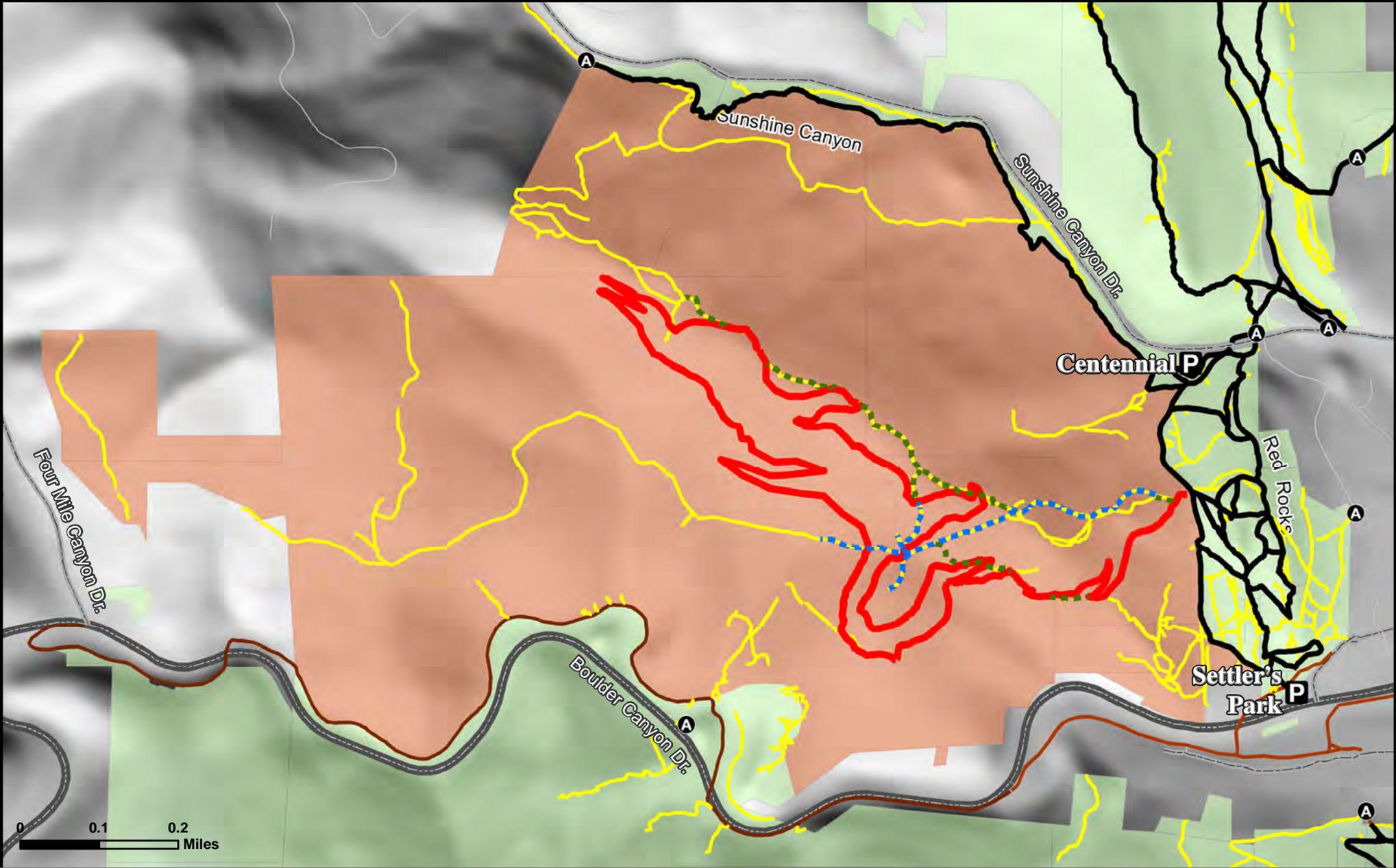
Other Trail



Access Point



# Attachment B - OSMP Anemone Area Closure Alternatives



- |   |   |  |  |
|---|---|--|--|
|  Closure Area   |  Anemone Hill Trail        |  WRV Trail Restoration  |  Undesignated Trail     |
|  OSMP Ownership |  Existing Designated Trail |  Contractor Restoration |  Trailhead/Access Point |