

# Brush Creek Valley Ranch and Open Space Management Plan

November 2018



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- 2010 Eagle Area Community Plan
- 2001 Eagle Valley Regional Trails Plan
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- Record of Decision and Approved Resource Management Plan (RMP)

# **Brush Creek Valley Ranch and Open Space Management Plan**

**November 2018**

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## Adopted and Approved

This Brush Creek Valley Ranch and Open Space Management Plan is hereby approved on  
11/13/2018, by the Eagle County Board of County Commissioners  
and Eagle Valley Land Trust.

BOARD OF COUNTY COMMISSIONERS OF THE  
COUNTY OF EAGLE, STATE OF COLORADO

DocuSigned by:  
By: Kathy Chandler-Henry  
Kathy Chandler-Henry, Chair

Attest:

DocuSigned by:  
By: Regina O'Brien  
Regina O'Brien, Eagle County Clerk and Recorder

EAGLE VALLEY LAND TRUST,  
a Colorado nonprofit corporation

By: [Signature]  
Jim Daus, Executive Director



## Brush Creek Valley Ranch and Open Space Vision

Brush Creek Valley Ranch and Open Space is a community asset that preserves our region's ranching heritage, visual character, and landscapes of the Brush Creek valley. The property protects wildlife habitat and provides opportunities for public access, recreation, and education for future generations. With restoration, diligent stewardship, and conservation-oriented management, the property provides resilient open space that is adaptable to changing conditions. Opportunities are plentiful for the property to serve as a model for successful agricultural practices, recreational access and habitat conservation on public open space.



*Brush Creek Valley Ranch and Open Space, looking north from the southern boundary*

# **THE BRUSH CREEK VALLEY RANCH AND OPEN SPACE MANAGEMENT PLAN**

## **Introduction**

### **Eagle County Open Space**

The Brush Creek Valley Ranch and Open Space Management Plan is a product of Eagle County Open Space.

The mission of the Eagle County Open Space program is to acquire or preserve properties that meet one or more of the following goals:

- Protect wildlife habitat or wildlife movement corridors
- Maintain scenic quality and viewsheds that contribute to Eagle County's sense of natural beauty
- Protect riparian areas, floodplains, and other sensitive, unique, or endangered ecosystems and environments
- Provide access to rivers, streams, and public lands and improve opportunities for high-quality dispersed recreation
- Preserve working farms and ranches that provide a sense of heritage and history
- Provide physical and visual buffers to promote community separation and distinction

### **Open Space Advisory Committee**

Before a property like Brush Creek Valley Ranch and Open Space is acquired by Eagle County, the Open Space Advisory Committee (OSAC) considers its mission and, using specific criteria, provides recommendations to the Board of County Commissioners about whether to fund a project.

### **Conservation Easement**

The Brush Creek Valley Ranch and Open Space project was funded by Eagle County due to its unique attributes or values. The land and its values are protected by a Conservation Easement. A Conservation Easement is a voluntary legal agreement between a property owner and a third party. Eagle County is the owner of Brush Creek Valley Ranch and Open Space, and Eagle Valley Land Trust holds the Conservation Easement. The Conservation Easement conserves land by identifying conservation values and imposing certain restrictions to conserve these values. As the landowner, Eagle County must balance the conservation values and consider the restrictions identified in the conservation easement when making decisions concerning the management and operation of the property. All activities on Brush Creek Valley Ranch and Open Space must comply with the Conservation Easement. In the event of a conflict

between this Management Plan and the Conservation Easement, the Conservation Easement shall govern.

The conservation values identified in the Conservation Easement (Appendix C) for the property are:

- Open Space
  - Scenic Enjoyment pursuant to clearly delineated public policies
  - Agriculture
  - Significant public benefit
- Public Recreation or Education
- Relatively Natural Habitat

### **Purpose of the Management Plan**

The acquisition of the property in 2017 was the most significant step towards the long-term protection of the conservation values that it provides. This is an achievement that the community can be proud of, and the benefits of the property's conservation will be felt for generations to come. The purpose of this Management Plan is to provide a framework for the long-term improvement, stewardship, and public use of the property so that it will continue to be an asset to the community.

This Management Plan is intended to assist Eagle County, the landowner, with the day-to-day operation of the property, while also establishing the vision for long-term stewardship of the land. This Plan will be reviewed at least every 5 years and may be amended if determined necessary, in accordance with the terms of the Conservation Easement. This Plan is intended to be flexible and it is acknowledged that conditions on the property will change.

This Plan is intended to achieve the following objectives:

- State the management goals for the property
- Further document existing conditions and management issues on the property
- Provide a framework for balancing the various uses that may occur on the property and conservation values identified in the Conservation Easement
- Identify goals, actions, and priorities for the property and communicate them to user groups, visitors, stakeholders, and the community
- Facilitate communication between Eagle County and Eagle Valley Land Trust about management issues affecting conservation values

This Plan is *not* intended to:

- Act as an Annual Operating Plan
- Act as a Capital Improvement Plan
- Provide a detailed budget for operations and improvements on the property
- Outline detailed monitoring methods or approaches



- Serve as a Request for Proposal for future lease agreements or terms on the property

The Conservation Easement and the grant from Great Outdoors Colorado require that a management plan be put in place.

## **Role of Eagle Valley Land Trust**

Eagle Valley Land Trust, as holder of the Conservation Easement, is entitled to notice and the right to approve certain activities as more fully set forth in the Conservation Easement. Sections 19 and 20 of the Conservation Easement specify the notice and approval process. Eagle County is identified as “Grantor” and Eagle Valley Land Trust is “Grantee” in the Conservation Easement:

**Section 19 of the Conservation Easement, Grantor’s Notice:** Where Grantor’s notice is required in this Deed, Grantor shall notify Grantee in writing not less than sixty (60) calendar days prior to the date Grantor intends to undertake the activity in question. The written notice shall describe the proposed activity in sufficient detail (i.e. location, size, scope, design, nature) to allow Grantee to evaluate the consistency of the proposed activity with the pertinent terms of this Easement.

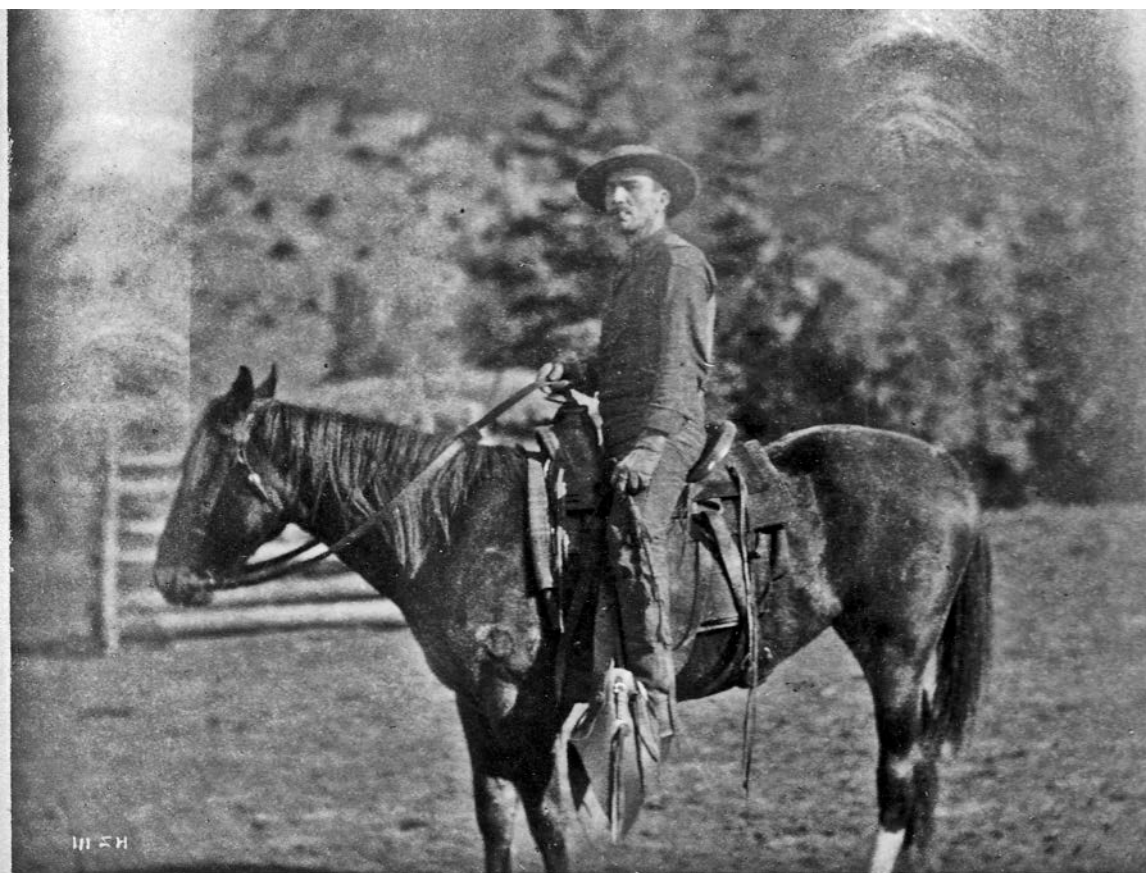
**Section 20 of the Conservation Easement, Grantee’s Approval:** Where Grantee’s approval is required in this Deed, Grantee shall grant or withhold its approval in writing within thirty (30) calendar days of receipt of Grantor’s written notice thereof. Grantee’s decision may be withheld if Grantee is unable to immediately evaluate the proposed action and so notifies Grantor within such thirty (30) day period. Grantor shall not engage in the proposed act or use until Grantor receives Grantee’s approval in writing. As part of its determination, Grantee shall consider the proposed manner in which the proposed activity will be conducted, whether it complies with the terms of this Easement, and the likely impact on the Conservation Values. Grantee’s approval may be withheld if Grantee reasonably determines that the activity as proposed is inconsistent with the Purpose. Grantee may condition its approval on Grantor’s acceptance of modifications, which Grantee reasonably determines make the proposed activity consistent with the Purpose. Grantor shall pay reasonable costs associated with technical evaluations of the proposed use or activity, including legal fees and resource specialist fees, provided that such amount has been agreed upon by Grantor and Grantee in advance.

This Management Plan may be amended from time to time in accordance with Section 4 of the Conservation Easement.

## **Public Process and Involvement**

The size and location of the property, wide variety of potential users, and public support and engagement in acquiring the property emphasized the need for a public process. As a result, Eagle County was committed to involving the public in the management planning process. Planning for the management of Brush Creek Valley Ranch and Open Space brought stakeholder groups together, assuring consideration of all relevant positions and perspectives.

The management planning team held meetings with stakeholders, experts, funding partners, neighbors, potential user groups, and the general public. Input was solicited through one-on-one meetings, through open houses, and via an online comment form.



*Photo courtesy of Eagle County Historical Society and Eagle Valley Library District*

The meetings were held during an initial scoping period that was followed by field testing and concept review. The Plan was then presented to the public and made available for further public comment before its adoption. These comments were considered in the drafting of the Plan. See Appendix B.

## **History**

### **Ranch History**

*As told by Eagle County Historical Society*

According to Eagle County Historical Society archives, agriculture came to Eagle County in November 1880 when Park County rancher John Love hired two cowboys, Webb Frost and George Wilkinson, to drive 400 head of cattle to the Brush Creek valley. Love wrongly assumed that the wind would blow the snow off the ground (as it does in Park County), so the cattle would be able to graze throughout the winter. That is certainly not true of Eagle County. The cowboys quickly became snowbound in their cabin. There are two very different endings to this story in Historical Society records. One version suggests that the cowboys turned the cattle loose, the animals scattered from Brush Creek to Dotsero for the remainder of the winter, and by spring, the herd had been reduced to a mere 30 animals. Another, more optimistic version of the story suggests that only one cow was lost when it drowned in the Eagle River. Regardless, after the

introduction of those first cattle, agriculture became a driving factor in Eagle County's economy for the next 80 years.

The earliest record of a homestead on the property dates to 1890 and belongs to Albert D. McKenzie, a prominent rancher who went on to become a county commissioner. McKenzie Gulch, a popular hunting/hiking area on Upper West Brush Creek, is named for him.

Before the formal homestead claim was filed, records indicate that cowboy Webb Frost and another early settler, Henry Hernage, informally claimed most of the land in the Brush Creek valley by stringing a wire between two widely separated cottonwood trees and posting signs on either side claiming ownership of all property either above or below the sign. That was not a valid land claim, even back in the days of homesteading. Webb Frost had a particular love for Brush Creek, and he claimed several different homesteads in the valley over a period of years.

By 1899, stockman John Love (the money man who first brought cattle to Eagle County) had established a 640-acre ranch on the property. A brief biography of Love published in 1899 reported that the property "has an abundance of mountain water for irrigation, is improved with a neat residence, good barns, etc." The report also notes, "When he came here the land was raw, but under his supervision it has been brought under excellent cultivation, and is now very valuable." Love served on the school board and was elected county commissioner in 1887. That same year, he paid the largest amount of property taxes on Brush Creek. The flat parcel of land above the ranch headquarters was long known as "Love Mesa."

There is a small, private cemetery on the property that is of particular interest to the Historical Society. Among the people buried there are John Love's first wife, Ellen, and that early-day cowboy, Webb Frost. The Historical Society considers this small graveyard to be significant.



*Gravesite of Ellen S. Love, located on the property*





*Photo courtesy of Eagle County Historical Society and Eagle Valley Library District*

John Love's second wife was Angelina Newcomer, the widow of an early settler from the Burns area in northwest Eagle County. When John Love retired to town (Eagle) in the early 1900s, his stepson, Frank Newcomer, took over the ranching operation. The Hardscrabble Ranch property eventually became known as the Newcomer Ranch (a consolidation of numerous smaller ranches).

### **Agricultural History**

In her book, *A Cup of Clear Cold Water Life on Brush Creek*, Helen Dice describes life on Brush Creek from 1931 through 1945. "Cattle ranching has been a way of life since Brush Creek was settled. Hay, grain, and fabulous crops of russet potatoes were grown in later years. A few hardy souls tried to raise lettuce, but it was an unsuccessful venture. Little ranches up and down Main, East and West Brush Creeks contributed to the economy of the area."

In addition to cattle ranching, she refers to raising chickens and turkeys, primarily for personal use, although turkeys did well and she "always had quite a few to sell." Dice also writes about her personal garden that "flourished," which included root vegetables, cabbage, cauliflower, peas, beans, and lettuce, as well as a number of fruit trees. The book includes a chapter on wild berries and other wild plants that grew along Brush Creek and in the valley.

Conversations with local ranchers, who have extensive and firsthand knowledge of the agricultural history of the property, corroborate Dice's statement about cattle ranching

as the main use of the property. In the 1920s and 1930s, potatoes were grown in the area and were a successful cash crop, while recent agricultural history indicates that the property has been used primarily for cattle and hay production since the early 1970s.

### **Recent History**

Fred Kummer and HBE Corporation purchased and began developing the property that includes Brush Creek Valley Ranch and Open Space around 1973. Kummer originally envisioned a ski resort at the site, but after decades of opposition from Eagle County residents, he changed the focus to golf and home sites.

Kummer sold the property to Brue Capital Partners, now Brue Baukol Capital Partners (BBCP), in 2015. BBCP subsequently sold the 1540-acre portion of the property that is now Brush Creek Valley Ranch and Open Space to The Conservation Fund, who helped coordinate the transaction and transfer of land to Eagle County in 2017.

### **History of the Project**

The purchase of Brush Creek Valley Ranch and Open Space is the culmination of many years of effort to preserve the Brush Creek valley. The land was once included in the plan to develop the Adam's Rib ski area. Today, the ranch is the last undeveloped piece of the original Adam's Rib development plan and the last property of its kind in the Brush Creek valley. The ranch is visible from both sides of Brush Creek Road for just over 3 miles and includes approximately 2.5 miles of Brush and Salt Creeks.

Meaningful discussions about the possible purchase of the ranch began in 2016, and Eagle County was able to purchase the land with significant support from the following partners:

- Eagle Ranch Wildlife Committee
- Eagle Valley Land Trust
- Great Outdoors Colorado (GOCO)
- The Conservation Fund
- Town of Eagle
- Private donations

On December 11, 2017, Eagle County acquired the 1540-acre property for \$15.5 million, subject to a protective Conservation Easement held by Eagle Valley Land Trust.

### **Name of the Property**

In the years prior to acquisition and during this management planning process, the property was referred to as the "Hardscrabble Ranch." During the acquisition and planning process, it became clear that the use of "Hardscrabble" was a source of confusion as "Hardscrabble" is used extensively to refer to different properties and land areas. Further, according to the Eagle County Historical Society, the Hardscrabble Ranch name for the property is not historically significant.

The effort to identify a new name for the property occurred on the same timeline as the development of this Management Plan for the property.

- Staff initially worked with the Eagle County Historical Society and Open Space Advisory Committee to identify potential names
- Names were sought from the public at each public outreach session during the management planning process
- Proposed names were provided to the Eagle County Attorney's Office to ensure the names were available for use, and several names were eliminated
- A condensed list of names was presented to the public. The community was able to vote for their preference at the Draft Management Plan presentation and online during the Draft Management Plan public comment period.

The final name – **Brush Creek Valley Ranch and Open Space** – has been approved by the Board of County Commissioners and is used throughout this Plan.

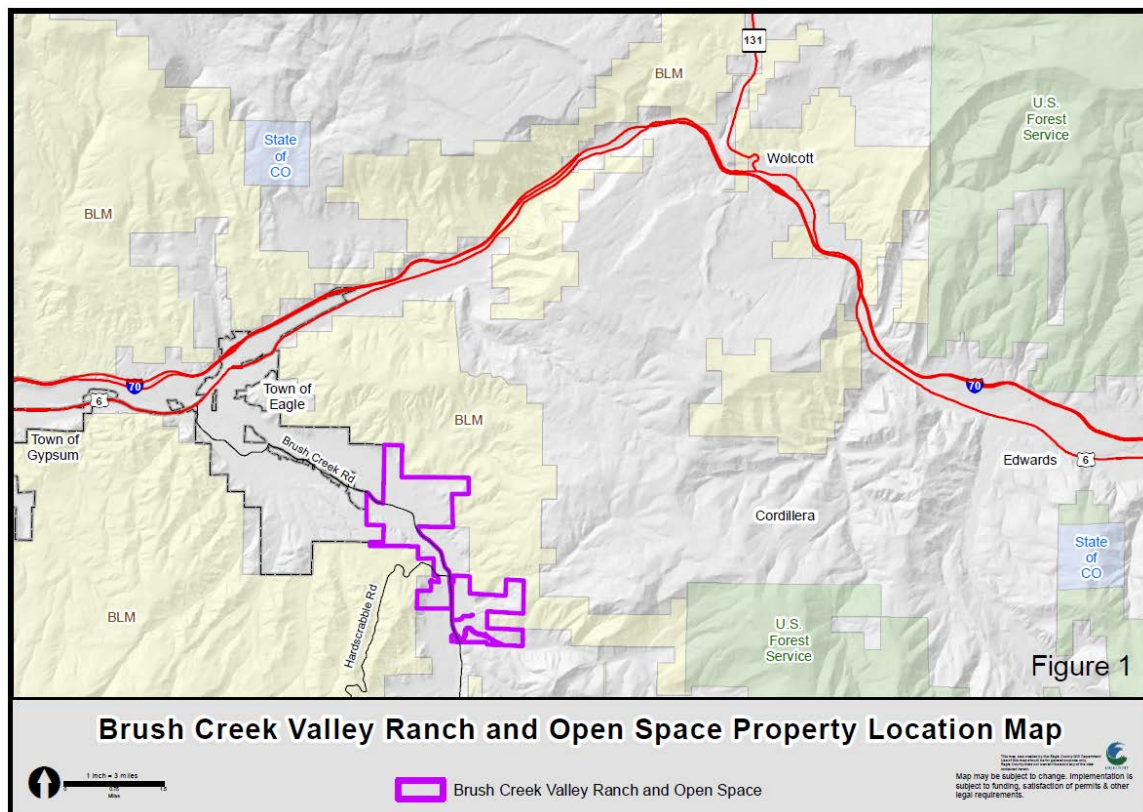
## Existing Conditions

### Property and Easements

#### Location and Description

The Brush Creek Valley Ranch and Open Space property encompasses about 1,540 acres of land within the Brush Creek valley, about 1 mile southeast of Eagle, Colorado. The property includes the valley floor, which is dominated by irrigated hay meadows, and upper foothills and benches that are dominated by sagebrush shrublands and woodlands. The property includes about 2.5 miles of Brush Creek, whose riparian corridor is a defining visual and environmental feature on the property.

Maps showing property parcels, boundaries, and existing infrastructure are found in the baseline documentation report (see Appendix D).



#### Building Envelopes

The Conservation Easement allows for two primary building areas on the property, and four access areas. Surveyed legal descriptions for these areas can be found in Exhibits A-1 through A-6 of the Conservation Easement. This section addresses those building and access areas that are currently in use or anticipated for use in the near term on the property. Other possible future access areas are addressed under *Management Recommendations and Implementation*.

- Ranch Headquarters Building Area – about 20 acres including multiple structures, roads, and yard areas
- Recreation and Education Building Area – about 8 acres that currently includes two structures and a disturbed area
- Trail Gulch Trailhead Access Parking Area – about 0.4 acre at the base of Trail Gulch along Old Salt Creek Road

A more detailed explanation and legal description for these areas can be found in the Conservation Easement (Appendix C).

## Natural Resources

The property supports habitat types typical of Colorado's Western Slope mountain valleys. The following description of vegetation, habitat, and wildlife conditions on the property is based on existing plans and studies and on field observations during this planning process.

### Vegetation Communities

The property encompasses the Brush Creek valley floor and adjacent hillsides and foothills. The valley floor is dominated by riparian communities and irrigated hay meadows and pastures. The upper hillsides and foothills are dominated by dryland pasture and shrubland communities.

As documented in the 2017 baseline documentation report (Rare Earth Science 2017), the primary vegetation communities are summarized as follows:

- **Riparian habitat** – Riparian and wetland vegetation is found along Brush Creek, Salt Creek, and Trail Gulch, and is dominated by stands of shrub willow, narrowleaf cottonwood, and occasional hawthorn and silver buffaloberry. Understory vegetation includes wetland species along stream channels and native and introduced grasses in drier sites.
- **Irrigated lands** – Irrigated pastures consist of hay meadows dominated by smooth brome and other pasture forbs and grasses. Several irrigated areas have infestations of herbaceous weeds, including knapweed, whitetop, and thistle.
- **Dryland pasture** – Dryland pasture (non-irrigated or formerly irrigated) includes a mix of pasture grasses, shrubland species, and noxious weeds.
- **Sagebrush shrublands** – Terrace areas on the fringes of agricultural lands are dominated by big sagebrush, rabbitbrush, Utah serviceberry, and fringed sage. Understory grasses include western wheatgrass, needle-and-thread grass, muttongrass, Indian ricegrass, and others.

- **Pinyon-juniper woodland/shrublands** – Upper slopes of the property are dominated by pinyon pine and Utah juniper, with an understory that is similar to the adjacent sagebrush shrubland community.

Vegetation communities generally correspond to dominant soil types, which include gravelly loams on the valley floor transitioning to steep gypsum hillsides and stony loams in the upper ridges above Salt Creek. Soils are described in detail in the baseline documentation report (see Appendix D).

### **Significant Plant Communities**

The most significant plant communities for long-term conservation and management include riparian habitat and sagebrush shrublands.

#### ***Riparian Habitat***

Riparian areas along Brush Creek, Salt Creek, and Trail Gulch contain a high diversity of woody riparian and wetland vegetation, which supports a broad range of wildlife species including migratory songbirds, nesting raptors (including bald eagle, which have not been observed on the property during field testing), amphibians, small mammals, and aquatic organisms including fish. Larger mammals, including mule deer, elk, and broad-ranging carnivores, use these areas for food, water, cover, and movement corridors. Beaver-supported wetlands along Salt Creek provide a unique habitat resource for fish, songbirds, and waterfowl.

Riparian habitat along Brush Creek is in moderate to good condition. The westernmost reach (west of the ranch headquarters) is in a degraded condition due to livestock browsing, while the southernmost reach near Salt Creek is dense and is generally overcrowded with little structural diversity or succession.



*Riparian habitat along Brush Creek*



Several of the irrigation ditches also contribute to limited riparian habitat, either from large cottonwood and willow trees growing along their banks, or from the wetland and riparian vegetation that is supported by irrigation tailwaters at the bottom of fields.

#### ***Harrington's Penstemon Habitat***

Sagebrush shrublands provide habitat for Harrington's penstemon, a rare plant that is tracked by the Colorado Natural Heritage Program as "globally/state vulnerable." The upper terraces on the southeast edge of the property contain potential habitat for this species and are adjacent to BLM lands that are managed for the conservation of this species within the Hardscrabble–East Eagle Area of Critical Environmental Concern (ACEC).

#### **Noxious Weeds**

The property has significant issues associated with noxious weed infestations. The 2017 baseline documentation report identified 138 acres of significant noxious weed infestations, and a much larger area contains spot or partial patches of weeds.

The Colorado Noxious Weed Act classifies noxious weeds into three lists: List A species are designated for eradication, List B species are targeted for weed management efforts to stop their continued spread, and List C species should be managed by effective weed management approaches based on local government priorities. Noxious weeds identified on the property include the following:

- List A species – none have been identified on the property
- List B species – Canada thistle, musk thistle, spotted knapweed, plumeless thistle, hoary cress (aka whitetop), houndstongue
- List C species – downy brome (aka cheatgrass)

Noxious weed infestations on the property are generally concentrated in the upper pastures in the northern portion of the property (Mesa Pasture and the Flats) and are also prevalent in the Salt Creek Pastures (see Table 1 under *Agricultural Resources* and Appendix A, Figure 10, for pasture descriptions). The location and extent of these infestations is a significant management issue, as these weeds threaten the quality and integrity of several pasture areas, degrade habitat for wildlife, and could continue to spread throughout the property and onto adjacent properties.

In 2018, Eagle County has been working to aggressively control noxious weeds on the property, with financial assistance from the Colorado Department of Agriculture. To date, about 170 acres have been treated, with a focus on the Mesa Pasture, the Flats, the Hardscrabble Pasture, and the Salt Creek Pastures (Appendix A, Figure 4B).

#### **Wildlife Habitat**

The property supports habitat for a broad range of wildlife species that are typical of mountain valleys. Wildlife habitats of primary conservation and management interest include riparian areas and seasonal ranges for elk.

As described in the baseline documentation report (Rare Earth Science 2017; see Appendix D), the property provides habitat for a variety of birds, large mammals, small mammals, and other species. These are briefly summarized below.

- **Birds** – The property contains habitat for many migratory songbirds, great blue heron, and wild turkey. Waterbirds including mallard and American dipper have been found on ponds. Raptors on the property include red-tailed hawk, great-horned owl, and American kestrel. Bald eagle have been documented in the past roosting on the property and foraging along Brush Creek (CPW 2017).
- **Small mammals** – A variety of small mammals including mice, voles, raccoon, and rabbits are found on the property, as well as small carnivores such as coyote, red fox, badger, and bobcat.
- **Large mammals** – The property provides habitat for wide-ranging mammals and game species including mule deer, elk, black bear, and mountain lion. Seasonal ranges for elk and mule deer are of particular management interest, described below.
- **Reptiles and amphibians** – Several common species occur on the property, including Woodhouse’s toad, garter snake, and bull snake. The property contains potential habitat for Northern leopard frog, a state sensitive species, but none have been confirmed on the property.
- **Fish** – Both Brush Creek and Salt Creek support populations of rainbow and brown trout. Based on surveys conducted by CPW in 2018, the reaches through the ranch have relatively few fish, with about 10 percent of the number found elsewhere on Brush Creek (Wescoatt, pers. comm. 2018).

### ***CPW-Tracked Species***

CPW tracks wildlife species that are regionally important for hunting and overall conservation, including sensitive or seasonal activity areas. The analysis area contains activity areas mapped by CPW for bald eagle, great blue heron, wild turkey, elk, and mule deer (CPW 2017). Definitions of habitat areas can be found at <https://cpw.state.co.us/learn/Maps/CPW-Public-GIS-Species-Activities-Definitions.pdf>.

### ***Bird Species***

The property contains a previously documented roost site and foraging habitat for bald eagle. No eagle activity has been observed in recent years. Riparian habitat along Brush Creek at the western edge of the property was historically a great blue heron nesting area, and the entire riparian corridor provided foraging habitat. The southern and southwestern edges of the property are mapped as winter range for wild turkey.

### ***Elk***

The entire property is summer range for elk, and most of the area is considered winter range. The upper reaches of the property (sagebrush and shrubland habitats) are



*Elk congregating in the “canyon pasture”; northeast corner of the property*

considered Severe Winter Range and a Winter Concentration Area. Documented migration corridors occur across the property in a northeast-southwest direction to access broader ranges on BLM land.

Although it is not documented in CPW mapping, the upper canyon in the northeast corner of the property is known to be routinely used by elk for calving, and in 2018 elk calving was documented along the Brush Creek riparian corridor in the western extent of the property.

Existing trails on BLM lands surrounding the property are closed to mountain bike use seasonally from December 1 to April 15 to protect winter ranges for elk and mule deer.

#### *Mule Deer*

The entire property is summer and winter range for mule deer, and the upper reaches are considered Severe Winter Range and a Winter Concentration Area. A north-south migration corridor is mapped along the eastern boundary of the property.

#### ***Aquatic Habitat and Fisheries***

Based on preliminary assessments, aquatic habitat in Brush Creek through the property is in poor to moderate condition. The creek has limited in-stream habitat diversity (such as meanders, boulders, riffles, and pools), and the riparian habitat is degraded in some areas. The reach of Salt Creek on the property contains beaver-supported wetlands and ponds, which provide some in-stream habitat and diversity for fish.

In 2018, CPW conducted a fish survey along several reaches of Brush Creek, including those on the property. The survey found that the fishery on Brush Creek is poor and nonproductive, with about 40 fish found on the property. By comparison, other reaches of Brush Creek had over 400 fish (Wescoatt, CPW, pers. comm. 2018.).

### **Summary of Key Issues and Priorities – Habitat Management**

- The property provides opportunities to improve upon and maintain wildlife and riparian habitat
- Noxious weed infestations are significant and pose an immediate threat to the quality and integrity of hay fields and wildlife habitat
- Riparian habitat along Brush Creek and Salt Creek provides important habitat for a variety of wildlife species
- Riparian habitat is in moderate to good condition; some areas are degraded from livestock use or a lack of vegetative diversity and succession
- The property provides winter habitat and movement corridors for elk, mule deer, and other species and provides a calving area for elk
- Areas dominated by sagebrush shrublands provide potentially suitable habitat for Harrington’s penstemon, a rare and sensitive plant species

### **Agricultural Resources**

Agriculture is one of the conservation values identified in the Conservation Easement. Most of the property is currently managed as a working ranch and is used for hay production, livestock grazing, and pasturing of horses. About 420 acres of land is used for irrigated pasture or hay meadow, and about 150 acres is dryland pasture. Existing agricultural management conditions are described in the following sections.

#### **Ditches and Irrigation**

Irrigation on the ranch is accomplished by flood irrigation, with lateral ditches maintained along the upper edges and on contour across the fields to spread the water. Tarp dams and wood check structures are used to check the water at temporary turnouts in the ditches. The condition of the ditches and irrigated fields ranges from good to fair for the hay meadows served by the larger ditches to poor for the pastures and smaller ditches in the southern part of the ranch. The County has identified the need to improve the vegetation conditions on pastures by developing adaptable grazing and vegetation management strategies.

The ditches and irrigated meadows are grouped by location of the irrigated area on the Brush Creek Valley Ranch and Open Space parcels (Salt Creek, Ridgway, and Upper Ranch parcels), listed below and shown on Figure 10.

#### Salt Creek ditches:

- East Frost Ditch
- Borah Ditch
- Salt Creek Ditch

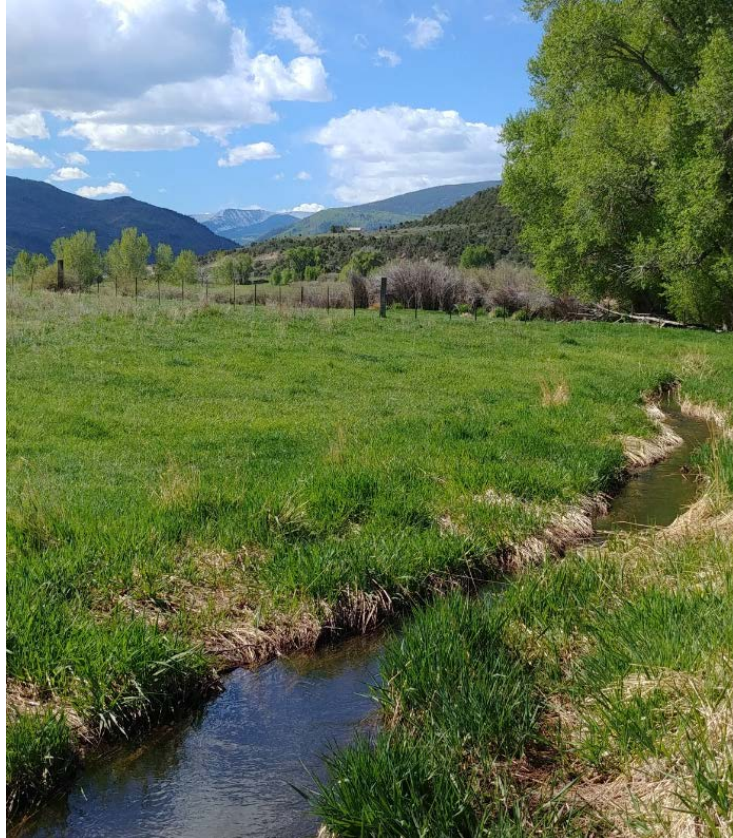
#### Ridgway ditches:

- McKenzie Ditch
- Love Frost Ditch
- Upper Frost Ditch

#### Upper Parcel ditches:

- Love & White Ditch
- Wilkinson Ditch
- Hollingsworth Potter Ditch

The County's objective for irrigation management on the property is to continue to use and maintain the irrigation facilities and meadows on the property for agriculture. This will require a combination of rehabilitation and routine maintenance on the ditches and irrigated fields. Other improvements may also be identified from time to time to make the irrigation more productive or efficient, from the standpoint of both labor required and water supply, but before such improvements are implemented, efficiencies would need to be weighed against the impacts on wetland and riparian areas. In addition, such improvements would be better evaluated after the County acquires some experience with the system in its current condition.



*Looking south along the Love & White Ditch*

The water rights for irrigation on the property are subject to the Brush Creek Watershed Management Plan (Brush Creek Plan), which was adopted in 2011 by various owners on Brush Creek and the Town of Eagle (see Appendix ). The stated goals of the Brush Creek Plan are maintaining sufficient streamflow to support the stream aquatic environment, protecting and improving the water quality of Brush Creek and its tributaries, and establishing and promoting land and water management practices that serve and protect the natural resources in the watershed.

The Brush Creek Plan specifies limitations on diversion rates by the ditches located throughout the reach of Brush Creek from upstream of the property to the confluence with the Eagle River. Diversion limits are scaled depending on the streamflow at Eagle and the month of the season. When the Brush Creek Plan is being administered, the flow rates are generally reduced. A Restrictive Covenant (dated July 31, 2017; recorded at reception number 201714629 with the Eagle County Clerk and Recorder) put in place by a former owner of the property and affecting the use of the County's water rights restricts the operation of the ditches to comply with the terms of the Brush Creek Plan.

### **Irrigation Condition and Management Considerations**

In 2018, the County's water engineer, Spronk Water Engineers, Inc., conducted an assessment of the ditches and irrigation infrastructure during the irrigation season, and a representative of the USDA-NRCS performed a cursory review of the irrigation infrastructure (Jaouen 2018). In addition, the Eagle County Conservation District conducted inventories of the Wilkinson and Love & White Ditches in 2016 (ECCD 2016a and b). Key findings from these reviews are summarized as follows:

- The Love & White Ditch requires the replacement of about 1,000 feet of pipe and repairs to several culverts, incline headgates, and turnouts, as well as repairs to the diversion structure.
- The Hollingsworth Potter Ditch does not consistently or dependably reach or irrigate the Mesa Pasture area that was historically served.
- The Salt Creek Pastures under the Borah and Salt Creek ditches appear to be over irrigated, which may be due to a high water table or infrastructure problems.
- All ditches require routine maintenance including clearing and grading, maintaining dams and headgates, and upkeep of management flumes.

### **Irrigated and Non-irrigated Pasture**

The property contains about 420 acres of irrigated pasture and hay meadows, and about 150 acres of non-irrigated dryland areas. These areas are described in detail in Table 1 and on Figure 10 of Appendix A. Key elements of the existing pastures include the following:

- The large, reliably irrigated hay meadows – including Hardscrabble Meadow, Mesa Hay Meadow, and Big Meadow (map ID 10, 16, and 17) – are in generally good to fair condition and are pivotal to the agricultural and scenic value of the property.
- The Horse Pasture area (map ID 19) is in fair condition but also contains riparian habitat values and recreational value associated with fishing access.
- The Salt Creek Pastures (map ID 1–7) are in poor to fair condition due to noxious weeds and overgrazing, and also contain riparian habitat values and scenic values.
- Mesa Pasture and Lower Canyon Pastures (map ID 13–15) are not reliably irrigated and are in poor condition, with infestations of noxious weeds.
- The Flats and upper Canyon Pasture areas (map ID 20–21) are not irrigated and are in poor condition due to overgrazing.





*Early-summer pasture grasses in the Salt Creek area*

**Table 1. Brush Creek Valley Ranch and Open Space – Irrigated and Non-irrigated Pastures**

Pasture	Map ID	Size (acres)	Irrigated?	Water Source	Condition (2018)*	Notes
<b><i>Salt Creek Area</i></b>						
Borah A	1	10.1	Yes	Borah Ditch	<b>Fair</b>	Noxious weeds
Salt Creek A	2	2.2	Yes	Salt Creek Ditch	<b>Poor to Fair</b>	Potential trailhead location; some noxious weeds
Salt Creek B	3	4.2	Yes	Salt Creek Ditch	<b>Fair</b>	“Salt Creek Pastures”; noxious weeds prevalent
Salt Creek C	4	10.1	Yes	Salt Creek Ditch	<b>Fair</b>	“Salt Creek Pastures”; noxious weeds prevalent
East Frost A	5	32.3	Yes	Hollingsworth Potter No. 2	<b>Poor</b>	“Salt Creek Pastures”; noxious weeds and willow encroachment
Love-Frost A	6	1.8	Yes	Love Frost Ditch	<b>Poor</b>	Heavy weed infestation due to overgrazing, willow encroachment, and limited irrigation

Pasture	Map ID	Size (acres)	Irrigated?	Water Source	Condition (2018)*	Notes
Love-Frost B	7	5.6	Yes	Love Frost Ditch	Poor	Heavy weed infestation due to overgrazing, willow encroachment, and limited irrigation
Subtotal Acres		66.3				
Ridgway Area						
Upper Frost A	8	42.6	No	Upper Frost Ditch	Good to Fair	“Dryland Pasture”; native dryland condition; overgrazed
Hardscrabble Pasture; Love-Frost C	9	36.5	Yes	Love Frost Ditch	Poor	Heavily overgrazed with weed infestation
Hardscrabble Meadow; Love-Frost D	10	63.4	Yes	McKenzie Ditch	Good to Fair	Heavy seasonal overgrazing and irrigation issues
Subtotal Acres		142.6				
Upper Ranch Area						
Love-Frost E	11	11.1	Yes	Love Frost Ditch	Fair	Heavy seasonal overgrazing, noxious weeds, and irrigation issues
Love-Frost F	12	6	Occasional	Love Frost Ditch	Poor	Heavily used for livestock
Mesa Pasture; H-P A	13	48.2	Occasional	Hollingsworth Potter Ditch	Poor	Significant noxious weed infestation
Lower Canyon Pasture; H-B B	14	3.6	Occasional	Hollingsworth Potter Ditch	Poor	Noxious weeds prevalent
Lower Canyon Pasture; H-B C	15	6.4	Occasional	Hollingsworth Potter Ditch	Poor	Noxious weeds prevalent
Mesa Hay Meadow; L&W A	16	97.1	Yes	Love & White Ditch	Good to Fair	
Big Meadow: Wilkinson A	17	35.6	Yes	Wilkinson Ditch	Good to Fair	
Wilkinson B	18	16.4	Yes	Wilkinson Ditch	Good to Fair	
Horse Pasture; Wilkinson C	19	33.1	Yes	Wilkinson Ditch	Fair	Supported by tailwater

Pasture	Map ID	Size (acres)	Irrigated?	Water Source	Condition (2018)*	Notes
The Flats	20	54.0 (approx.)	No	n/a	Poor	Severely degraded and significant noxious weed infestation
Upper Canyon Pasture	21	54.0 (approx.)	No	n/a	Fair	Noxious weeds prevalent; heavy elk use
<i>Subtotal Acres</i>		365.4				
<b>Total Pasture Acres</b>		<b>574.3</b>				

\* Condition assessment based on the baseline documentation report (Rare Earth Science 2017) and staff observations compared to normal conditions for similar agricultural acreages in the region.

### Ranch Infrastructure

Agricultural infrastructure on the property includes a ranch headquarters area, equipment, irrigation infrastructure, roads, and fences. These infrastructure items are summarized below and are described in greater detail in the baseline documentation report (Rare Earth Science 2017; see Appendix D).

- **Ranch headquarters structures** – These are located within the Ranch Headquarters Building Area (Exhibit A-1 of the Conservation Easement). Structures include a residence, a shop, a horse barn, equipment sheds, corrals, and a loadout area.
- **Additional structures** – Two vacant houses to the east of Brush Creek (within the Recreation and Education Building Area) are in severe disrepair and will likely need to be removed. The surveyed description of the Recreation and Education Building Area can be found at Exhibit A-2 of the Conservation Easement (Appendix C). The Brush Creek School house is located along Brush Creek Road on the Salt Creek portion of the property.
- **Irrigation ditches** – Nine ditches, with associated infrastructure, serve the property.
- **Roads** – A network of ranch roads provides access to most of the property and may be maintained, repaired, improved, and replaced as needed in accordance with the requirements of the Conservation Easement.
- **Fences** – There are several miles of multi-strand barbed wire fencing along property boundaries and between pasture areas. Many of the fences are high (over 5 feet), which may inhibit wildlife passage; many fences that are away from grazing areas are in disrepair.



*Existing structures within the Ranch Headquarters Building Area*

### ***Residence***

The residence structure is located within the Ranch Headquarters Building Area (the surveyed legal description of this building area can be found at Exhibit A-1 of the Conservation Easement). Work was done after acquisition of the property (2017/2018) to maintain and improve the residence. This included replacing smoke and carbon monoxide detectors, stabilizing the propane tank, replacing heating equipment, improving the foundation to prevent leaks, replacing the deck, improving outdoor lighting, and replacing hazardous electric poles. Future work needed on the residence includes repairing or replacing gutters, soffit/trim areas, basement sink plumbing, and several windows, as well as radon testing.

### ***Vacant Houses***

The two vacant houses on the east side of Brush Creek were also evaluated in 2017. One house was identified to have structural framing issues, resulting in leaning external walls





*Livestock grazing on “The Flats”*

and a sagging roof. The second house has significant issues with the foundation, roof framing, structural framing, windows, floors, plumbing, heating, and other areas.

### **Ranch Management**

The property is in generally poor condition, as a result of years of neglect by prior landowners, a lack of necessary infrastructure improvements, overgrazing, and drought conditions. As described in other sections, noxious weed infestations are prevalent, affecting over 200 acres of pasture land and degrading the quality of hay in some areas (such as the Salt Creek Pastures) (see Appendix A, Figures Figure A and 4B). Several dryland or sparsely irrigated pastures (including the Flats, upper Canyon Pasture, and Love-Frost) are in extremely poor condition due to noxious weeds and overgrazing.

Agricultural operations are currently managed by an on-site ranch manager, under a lease agreement with the County. The property is used for hay production, cattle grazing, and pasturing of horses. In recent years, the ranch has had up to 230 cows and 70 horses on the property, although those numbers have been reduced in 2018. Livestock is rotated between pastures on a seasonal and opportunistic basis considering irrigation, hay production, vegetation condition, and other factors.

The current lease agreement runs through December 31, 2019. The County expects to develop a lease agreement that reflects the objectives, priorities, and actions identified in this Plan. The terms and timing of the new lease agreement will be determined after this Plan is completed. The lease agreement will incorporate language that the lease agreement is subject to the Conservation Easement.

### Summary of Key Issues and Priorities – Agricultural Management

- The property provides opportunities to create a model for successful agricultural practices on public open space
- Irrigated pastures are in generally good to fair condition, whereas dryland pastures and formerly irrigated areas are in generally poor condition
- Noxious weed infestations are significant, affecting about a third of the agricultural land on the property
- Several ditches require infrastructure repairs or replacement; all ditches require routine maintenance
- The large, irrigated hay meadows are in generally good to fair condition and are pivotal to the agricultural and scenic value of the property
- The Horse Pasture and Salt Creek Pastures are in good to fair condition, but also need to be managed to consider riparian habitat and scenic values
- The pastures under the Hollingsworth Potter Ditch are not reliably irrigated, are in poor condition and are infested with noxious weeds
- Several dryland areas, including the Flats and upper Canyon Pasture areas, are in extremely poor condition due to overgrazing and noxious weeds



*View of from the southern rim of the property, looking northeast*



## **Recreation and Access**

Existing public recreation and access pertaining to the property are considered in terms of the property itself and in the context of surrounding trails, roads, and public lands. These elements are described below.

### **Regional Recreation Context**

The property is located about 1 mile southeast of Eagle and less than 1 mile to some individual neighborhoods and residences. Brush Creek Road, a major regional thoroughfare for both transportation and recreation, bisects the property. Public lands owned and managed by the BLM border most of the property to the northeast and southwest (Appendix A, Figure 5).

In general, outdoor recreation and public land access are central themes to the Eagle County community and economy, and the public lands surrounding Eagle have become a regional destination for trail-based outdoor recreation, including mountain biking, trail running, hiking, and equestrian use. The population of Eagle County is increasing, and recreation and access to the outdoors are fundamental to the quality of life and the key factors in why people choose to live and visit here.

### **Existing Recreational Access on the Property**

As formerly private land, access on the property has traditionally been associated with public rights-of-way and informal/trespass trails on the periphery. Existing recreational access on the property is described below:

- **Salt Creek Paved Path** – An existing paved path runs along the east side of Brush Creek through the Salt Creek area. This path is used by walkers and cyclists and is occasionally used for fishing access.
- **Salt Creek Area Trails** – The southern portion of the property is an access point to several trails that cross the property to adjacent BLM land. A small, informal trailhead has been designated at the base of Trail Gulch.
- **Salt Creek Area Roads** – Several existing roads in the Salt Creek area, including the Old Salt Creek Road, Salt Creek Road, and the Ranch Access Drive, are currently used year-round for dog walking, hiking, running, and occasional equestrian use. The Old Salt Creek Road has limited use north of Trail Gulch since the bridge over Salt Creek has been removed.
- **Dirt Surfer Trail** – The existing Dirt Surfer Trail, primarily a downhill mountain bike route, crosses the northern end of the property before heading west to connect with the Haymaker Trails and Eagle.

### **Existing Recreational Access Adjacent to the Property**

The property is adjacent to or is abutted by several regional trail or recreation corridors, described as follows:

- **Existing East Eagle Trails** – The east Eagle trails system, including Boneyard Trail, Pool and Ice Trail, Haymaker Trail, and Dirt Surfer Trail, is located immediately north of the property on BLM and Town of Eagle land. Portions of the Dirt Surfer Trail cross the northern edge of the property.
- **Eagle Ranch/Hardscrabble Trails** – Several trails extending from the Eagle Ranch subdivision to Hardscrabble Road are adjacent to the property to the west. Most notably, the Riddle Trail is located immediately adjacent to the property boundary.
- **Salt Creek Area** – Several two-track roads in the Salt Creek area cross between the property and BLM land and are occasionally used for informal hiking and equestrian access in association with Trail Gulch, which is also referred to as Sharp Creek. Trail Gulch crosses from the property onto BLM land and is closed to motor vehicles except for emergency access. Eagle County is working with the Cordillera Metropolitan District to memorialize an emergency access easement agreement.
- **Hardscrabble Road** – This road crosses the property to reach BLM and Forest Service lands to the west and is a key access point for motorized and nonmotorized recreation.
- **Road Gulch** – This BLM route (8410) is a motorized route that extends from Bellyache Road to the property boundary.



*Existing road/trail in the Salt Creek area*

- **Brush Creek Road** – This paved road is a regional thoroughfare that is also used as a popular route for road bikers. The road width and relatively high traffic have led to conflict between bikes and drivers.

Public lands to the northeast of the property are managed by the BLM as the East Eagle Special Recreation Management Area (SRMA), primarily to enhance specific recreation activities, experiences, and benefits. The BLM has approved and is in the planning process to develop an additional 12 to 15 miles of multiuse, nonmotorized trails on BLM lands to the east of the property. At this time, no specific trail alignments or corridors have been proposed. This plan anticipates and directs how and where new trails on BLM land should enter the property.

## **Hunting and Fishing Access**

### ***Hunting***

Under prior ownership, private hunting and private pass-through access were allowed on the property. Currently, hunting on the property is prohibited, but pass-through access from Trail Gulch to BLM lands is allowed. Also, under prior ownership, existing public routes and trails (described above) were traditionally used to access adjacent BLM lands for big game, small game, and game bird hunting.

### ***Fishing***

Under prior ownership, Brush Creek was traditionally used for fishing access on the property. This access and fishing opportunity is described in two reaches, north and south of the ranch headquarters. The fishing along Brush Creek through the property is reported to be marginal due to poor aquatic habitat and low fish numbers.

- **North Reach** – The north reach of Brush Creek on the property (west of the ranch headquarters area) was traditionally used by private walk-in anglers authorized by previous landowners. Currently there is no public access in this area; however, future fishing access is contemplated and is addressed in this Management Plan.
- **South Reach** – The south reach of Brush Creek on the property is adjacent to the paved path in the Salt Creek area and is currently open to the public, subject to rules and regulations that may be amended from time to time. This fishing in this reach is of poor quality due to dense vegetation and low fish numbers.

## **Summary of Key Issues and Priorities – Recreation and Access**

- The property provides opportunities to access adjacent public lands, as well as regional pass-through connections
- The property is located near Eagle and several new and proposed trail systems
- Existing roads and trails in the Salt Creek area currently support limited public access and use
- Portions of Brush Creek on the property have been traditionally used for fishing access, although the fishery in these reaches is marginal

- The property provides opportunities to improve the marginal fishery

### **Existing Plans and Policies**

Overviews of and links to the following plans and policies appear in Appendix D.

- 2017 Baseline Documentation Report
- 2011 Brush Creek Watershed Management Plan
- 2005 Eagle County Comprehensive Plan
- 2010 Eagle Area Community Plan
- 2001 Eagle Valley Regional Trails Plan
- 2014 Eagle Area Trails Plan



*Early summer tailwaters in the Hardscrabble Pasture*

## **Partner, Stakeholder, and Public Comment**

Eagle County Open Space staff and the management planning team emphasized the need for a public process in the development of the Management Plan for the Brush Creek Valley Ranch and Open Space property. The size and location of the property and the wide variety of potential users interested in accessing the property are two reasons why a community outreach program was warranted. Additionally, the amount of public support, both financially and in community interest and engagement, dictated the need for the public's involvement in the process.

### **Public Comment – Scoping Period**

The public comment process for the scoping phase of the Management Plan incorporated a multipronged approach:

Step 1: Meetings with experts and stakeholders

Step 2: Meetings with user groups and interested parties

Step 3: Community outreach

#### **Step 1: Meetings with Experts and Stakeholders**

The management planning team solicited input from numerous experts and stakeholders through one-on-one, in-person meetings with the following:

- Eagle County Open Space Advisory Committee
- Colorado Parks & Wildlife
- Brush Creek Valley Ranch and Open Space current lessee
- Bureau of Land Management
- Eagle Ranch Wildlife Committee
- Town of Eagle Open Space Department
- Natural Resources Conservation Service
- Colorado State University Extension Office
- Eagle Valley Land Trust
- Eagle County Historical Society

Recurring comments from meetings with experts and stakeholders are summarized as follows:

- Balancing the many uses will be critical and challenging
- Protect wildlife habitat, especially winter range and elk calving
- Allow flexibility in the Plan to adapt to conditions and changes
- Allow managed access to adjacent public lands for recreation (hiking, equestrian, cycling, hunting, etc.)
- Education will be an important component of the Management Plan and public access
- Allow fishing access on Brush Creek and Salt Creek

- Phasing and prioritizing will be necessary due to budgetary and management constraints
- Keep the public from encroaching on agriculture operations
- Managed pasture and rangeland rehabilitation/restoration must take priority

### **Step 2: Meetings with User Groups and Interested Parties**

The management planning team invited user groups and interested parties to individual drop-in meetings. These meetings were open to the public, and the dates, times, and locations were posted on the Eagle County website. The planning team presented information about the property and solicited feedback from these groups:

- Hunters
- Anglers, including recreational anglers, commercial outfitters, and Trout Unlimited
- Adjacent property owners and proximate neighbors
- Agriculture community, including area ranchers and the Young Farmers Association
- Trail enthusiasts, including hikers, cyclists, and equestrians
- Events and programming providers

Key comments from meetings with user groups and interested parties are summarized as follows:

- Protection of wildlife on the property is important
- Access to adjacent BLM land is important
- Allow nonmotorized pass-through hunting access to BLM land
- Brush Creek as it passes through the property is not a destination fishery; fishing is marginal
- The ranch is in need of restoration
- The property is important for regional connections to adjacent Town of Eagle Open Space and BLM lands
- Provide an area for equestrians and hikers where they will not encounter motorized or bicycle use
- Reduce the number of bicycles on Brush Creek Road
- Plan for the long-term sustainability of the ranch operations and the property in general

### **Step 3: Community Outreach**

The management planning team hosted two open house events to present information about the property and the planning process, and to solicit feedback from the community. In addition, the public was invited to comment online via a comment form on the “Hardscrabble Ranch” section of the Eagle County Open Space website.



### ***Open House Events***

The open house events were widely publicized via the following:

- A press release and subsequent articles in the *Vail Daily* newspaper
- Quarter-page ads in the *Vail Daily*
- Flyers distributed to area bike shops, commercial fishing operators, hunting license providers, and nonprofit advocacy groups
- Social media
- An email to a database including:
  - Interested parties
  - Experts and stakeholders
  - User groups

The first open house, on May 17, 2018, saw 29 registered attendees. The second open house, on May 23, 2018, saw 24 registered attendees. Open house attendees were provided comment cards to complete, as well as maps to illustrate comments.

### ***Online and Email Comments***

The online comment form was available at [eaglecounty.us/openspace](http://eaglecounty.us/openspace) from May 15 through June 30, 2018. Emails were also sent directly to the Eagle County Open Space manager. (Comments from the open house events and correspondence can be found in Appendix B.)

### **Field Testing and Concept Review**

At the conclusion of the scoping period, the management planning team began field-testing management concepts and actions. This effort included additional meetings with experts, stakeholders, and user groups; the Eagle County Open Space Advisory Committee; and the Eagle County Board of County Commissioners to obtain input on the general direction as well as specific proposed management actions. These groups included representatives from the following:

- Colorado Parks & Wildlife
- Bureau of Land Management
- NRCS and CSU Extension
- Brush Creek Valley Ranch and Open Space current lessee
- Town of Eagle Open Space staff
- Eagle Ranch Wildlife Committee
- Hunting community
- Hardscrabble Trails Coalition
- Eagle Valley Land Trust
- Backcountry Horsemen of America – Eagle County Chapter
- Agriculture community
- Open Space Advisory Committee
- Board of County Commissioners

Recurring comments from field testing and concept review are summarized as follows:

- Restoration of ranch property is a priority
- Community agriculture or expansion of production is not appropriate in the property's current condition but may be a consideration in the future
- Enact a plan to track management actions
- Certain pastures must be taken out of rotation and designated as off-limits to allow restoration to occur
- Protect elk calving areas and winter range
- Provide an area of no disturbance to elk
- Provide a north-south trail connection from Hardscrabble Mountain to East Eagle Special Recreation Management Area
- Make trailhead parking suitable for horse trailers
- Fishing in this reach of Brush Creek and Salt Creek is not good; water is nonproductive
- Riparian habit is in need of restoration

### **Public Comment – Draft Management Plan**

The management planning team hosted a follow-up community presentation and public comment meeting on the evening of September 19, 2018. The meeting was publicized through paid advertising, press releases, flyers, an email to the project database, and social media.

The Draft Management Plan was made available on the Eagle County Open Space website. A comment form was made available for those wishing to submit online comments on the Plan.

Public comment on the Draft Management Plan opened September 19, 2018 and ended at close of business on October 10, 2018. (Comments on the Draft Management Plan, including written comments from the community presentation, correspondence and online comments can be found in Appendix B.)

### **Name of Property**

The community was able to vote on a list of proposed names for the property at the community presentation and online. The period for voting on the name was concurrent with the Draft Management Plan public comment period. The name selected by the majority of those who voted, Brush Creek Valley Ranch and Open Space, has been approved by the Eagle County Board of County Commissioners and is reflected throughout the Management Plan.

## Management Recommendations

This section establishes and documents Eagle County's proposed approach for managing land, resources, and public access on the property. Management recommendations are based on existing conditions on the property; identified management issues and opportunities; provisions of the Conservation Easement; public, stakeholder and partner input; and direction provided by the Eagle County Open Space Advisory Committee and Eagle County Board of County Commissioners.

A foundational management action has already occurred – the acquisition of the property in 2017 protected the property and its conservation values (public recreation, natural habitat, scenic quality, and agricultural heritage) from irreparable harm. Now, it is incumbent on Eagle County to proactively manage these resources to ensure their long-term stewardship. Management recommendations described below are intended to improve and maintain the property's identified values.

Management recommendations include both broad management philosophies and specific actions that are necessary to meet the vision and goals for the property and to ensure proper long-term stewardship of its conservation values. Implementation of these actions may take place over time as funding and resources allow and at the discretion of Eagle County. Implementation priorities, and possible funding and partnership opportunities are described in the *Implementation* section.

This Management Plan is intended to be a guiding document for decision making and may be amended as management of the property evolves. For example, wildlife closures may be extended or shortened from the dates set forth in this Plan due to conditions then existing on the property. Similarly, and by way of example, in the event surveys, permits or other third-party approvals require a change to a proposed trail location changes may be implemented in accordance with this Plan and the Conservation Easement.

## Goals and Implementation

The vision for the property is found in the *Introduction* section. More specific goals for the management of the property include the following:

- Manage the property to balance the conservation values of agriculture, relatively natural habitat, public education and recreation, and scenic enjoyment
- Actively monitor, restore and improve the condition, integrity, and long-term stability of natural and managed vegetation communities
- Manage agricultural use to emphasize restoration goals and conservation values over production and revenue
- Implement trail connections to support a variety of public uses and connectivity

- Manage recreational access to minimize disturbance to agricultural operations and wildlife habitat
- Improve the quality and extent of riparian and shrubland habitats for wildlife
- Coordinate ongoing management with partners, including the Town of Eagle, CPW, BLM, and neighboring landowners
- Maintain flexibility to respond to unforeseen issues and adapt to changing conditions

#### What is Restoration?

Ecological restoration is the practice of actively renewing and repairing damaged or degraded ecological or agricultural conditions. In this context the goal for restoration is to achieve healthy and stable vegetation communities that support wildlife habitat and agricultural values for the long term. The goal is *not* to restore the property to a pre-development ecosystem.

Eagle County will work to document management actions on the property each year and will share such information with Eagle Valley Land Trust and others as available and upon request.

### Management Emphasis Zones

Portions of the property are designated for different uses and management. These management emphasis zones are shown in Appendix A on Figure 6 and are based on historical management, agricultural operations, vegetation communities, and public access opportunities. These zones do not exclusively reserve areas for any particular use but instead define the predominant use and management emphasis for that area.

Management emphasis zones are defined as follows:

1. **Irrigated Agriculture** – Productive irrigated agricultural lands, where agricultural management is the priority. Public access is restricted, except for designated fishing access points. All public access is subject to posted signage, rules, and regulations, which may be amended from time to time.
2. **Dryland Agriculture** – Formerly irrigated lands, where agricultural management and restoration is the priority. Public access is restricted, unless for designated access points or trails. All public access is subject to posted signage, rules, and regulations, which may be amended from time to time.
3. **Ranch Headquarters** – Buildings, equipment, yard, and infrastructure that is dedicated to agricultural management. Public access is restricted. Any public access is subject to posted signage, rules, and regulations, which may be amended from time to time.
4. **Natural Area** – Shrubland and woodland habitat areas where native habitat restoration, wildlife habitat, and public access are balanced. Designated public access and use along trail corridors may be allowed, and limited agricultural use may occur on a prescriptive basis. Any public access is subject to posted signage, rules, and regulations, which may be amended from time to time.

5. **Riparian Habitat Restoration** – Riparian areas where habitat protection and restoration is the priority. Agricultural use does occur in this area, along with possible low-intensity recreational use (e.g., fishing access). All public access is subject to posted signage, rules, and regulations, which may be amended from time to time.
6. **Recreation and Education** – Buildings and access areas where trailheads and other facilities may be located and where public recreation and education opportunities or other programming or special uses are the priority. All public access is subject to posted signage, rules, and regulations, which may be amended from time to time.



*Spring grazing in the Hardscrabble Meadow, looking east*

## Management Actions

The following sections describe management actions and programs identified during the management planning process. Many are specific actions, but some are more programmatic and general. Timing for actions are defined as follows:

Term	Description
Ongoing	Routine activity anticipated to occur every year
Short-term	Recommended within the first 5 years of implementation
Long-term	Recommended within the first 5 to 10 years of implementation

Notwithstanding the timeframes identified in this plan, many of these actions may be implemented in the first few years, while others may take many years to accomplish or may not be accomplished as objectives evolve and the Plan is amended. This Plan is intended to provide guidance and is not intended to require action by Eagle County because the implementation of this plan may occur over time, as funding and resources, including grants, are available, and on balance with other Eagle County government priorities.

### Habitat Management

#### ***Overall Approach***

As described in the *Existing Conditions* section, management issues and opportunities identified for habitat management include the following:

- Noxious weed infestations are significant
- Riparian habitat is a key ecological resource
- Riparian areas are degraded in some locations
- The property contains sensitive winter range and calving areas for elk
- Potential habitat exists for Harrington's penstemon

With conservation priorities identified, the County as the landowner needs to take proactive and deliberate steps to improve and restore the ecological and habitat values on the property. This is the top priority for short-term management.

First and foremost, this includes aggressive noxious weed management, which is a critical step toward a broader goal of restoring the condition and long-term stability of vegetation communities. Additional measures to protect and restore the Brush Creek riparian corridor are necessary to protect its value for plant diversity, wildlife habitat, and scenic enjoyment, and actions to protect rare plant populations, if any, are integral to proper management and stewardship. Finally, the protection of seasonal habitat and movement corridors for elk, particularly calving areas, is important within the regional context of elk populations that are stressed from increased human use and development.



The following sections outline broad guidance and specific actions to address these issues and opportunities, consistent with the management goals stated above and the conservation values described in the Conservation Easement (Appendix C).

### ***Weed Management***

Infestations of noxious weeds on the property are a significant issue. They threaten the quality and integrity of several pasture areas, degrade habitat for wildlife, and could continue to spread through the property. In 2018, Eagle County began aggressive efforts to manage noxious weeds, but any successful effort to control and reduce infestations will need to be a diligent, multiyear effort.

Weed management is a key element of the overall management objective of restoring and improving the condition of the ranch in the first several years of implementation. Weed management actions include but are not limited to:

<b>Weed Management Actions</b>	
<b><i>Ongoing</i></b>	
<ul style="list-style-type: none"> <li>• Monitor and map weed infestations annually</li> <li>• Work with the ranch lessee to ensure sufficient weed management within lease areas</li> </ul>	
<b><i>Short-Term</i></b>	
<ul style="list-style-type: none"> <li>• Aggressively control weed infestations on the property</li> <li>• Document and map existing infestations, including treatment areas (Areas treated in 2018 are shown in Appendix A, Figure 4B)</li> <li>• Identify and document noxious weed management strategies, considering a 2-3 year time frame (consistent with agricultural operations)</li> <li>• Identify specific weed management priorities that are the responsibility of the ranch lessee, and document those items in their annual operating plan</li> <li>• Utilize County personnel and resources to the extent available and seek additional funding and assistance from the state or other funders to support weed management efforts</li> <li>• Integrate weed management into vegetation and pasture restoration efforts</li> <li>• Monitor and control weeds in areas disturbed by infrastructure improvements, including trailheads and trail corridors</li> </ul>	
<b><i>Long-Term</i></b>	
<ul style="list-style-type: none"> <li>• Once existing infestations are under control, focus weed management resources on new or significant infestations</li> </ul>	

### ***Riparian Habitat Restoration***

Riparian habitat along Brush Creek and Salt Creek is the most important ecological community on the property, providing habitat for numerous wildlife species and scenic value. Several sections of riparian habitat on the property are degraded as a result of livestock browsing and lack of succession. Riparian habitat restoration is an important part of the overall efforts to improve habitat conditions on the property. Riparian habitat restoration actions are as follows:

<b>Riparian Habitat Restoration Actions</b>	
<b><i>Ongoing</i></b>	
<ul style="list-style-type: none"> <li>Establish methods and equipment to monitor riparian habitat and environmental conditions annually</li> </ul>	
<b><i>Short-Term</i></b>	
<ul style="list-style-type: none"> <li>Engage outside partners to identify and plan for small- and large-scale restoration efforts</li> <li>Install wildlife-friendly fencing to the extent practicable to exclude livestock from certain riparian areas along Brush Creek (livestock may still require some access to Brush Creek)</li> <li>Implement small projects to improve riparian habitat, including: <ul style="list-style-type: none"> <li>Plant willow and cottonwood saplings to restore degraded areas and promote succession</li> <li>Monitor riparian and wetland vegetation recovery, species composition, and condition in select locations both inside and outside of the fence exclosures</li> </ul> </li> <li>Develop plans and identify funding for larger-scale stream restoration projects</li> </ul>	
<b><i>Long-Term</i></b>	
<ul style="list-style-type: none"> <li>Work with outside partners (e.g., CPW, NRCS, GOCO, and Trout Unlimited) to plan and implement large-scale stream restoration projects to improve stream morphology, aquatic habitat, and vegetative diversity</li> </ul>	

### ***Rare Plant Conservation***

The upper sagebrush shrublands on the property provide potential habitat for Harrington's penstemon, a rare plant species. Implementation of trails and other improvements should avoid or minimize impacts on this species. Rare plant conservation actions are as follows:

<b>Rare Plant Conservation Actions</b>	
<b><i>Short-Term</i></b>	
<ul style="list-style-type: none"> <li>Before trail development in penstemon habitat, conduct surveys of proposed trail corridors to avoid or minimize impacts on populations</li> <li>Coordinate with the BLM on surveys, including portions of trails that would be on adjacent BLM land</li> <li>If populations are found, adjust or reconfigure trail connections to minimize impacts</li> </ul>	

### ***Wildlife Habitat Protection***

Ranging from the hay meadows to the riparian corridors and upper shrublands, the property supports habitat for a variety of wildlife species. Wildlife habitat protection actions include:

<b>Wildlife Habitat Protection Actions</b>
<b><i>Ongoing</i></b>
<ul style="list-style-type: none"><li>• Minimize new or unnecessary fragmentation of wildlife habitat beyond what is identified in this plan, including riparian areas and natural shrubland habitats</li><li>• Monitor and track new or unusual wildlife activity and wildlife conflicts on the property</li><li>• Allow beaver activity in Salt Creek to persist, as it contributes to wildlife habitat diversity; also allow the ranch lessee and ditch managers to control beavers as needed to maintain water infrastructure</li><li>• Maintain close coordination and communication with CPW to proactively address wildlife issues and needs on the property</li><li>• Modify or adapt closures or other tools as needed to protect critical wildlife habitat</li></ul>

### ***Elk and Mule Deer Management***

The upper elevations of the property contain critical winter ranges for both elk and mule deer, along with adjacent BLM lands to the northeast and southwest. Portions of the property are also known to be used as calving grounds for elk. Trails on adjacent BLM lands are seasonally closed from December 1 through April 15. Elk and mule deer management actions are as follows:

<b>Elk and Mule Deer Management Actions</b>
<b><i>Ongoing</i></b>
<ul style="list-style-type: none"><li>• Implement a wildlife closure on specified trails from December 1 through April 15 to protect winter ranges for elk and mule deer</li><li>• Implement an extended wildlife closure on Trail B and on a portion of Trail D through June 30 to protect elk calving habitat (see Appendix A, Figure 7)<ul style="list-style-type: none"><li>○ Monitor elk use and activity annually, with remote cameras and staff observation</li><li>○ Allow for early opening of the trails if it is confirmed that elk calving activity has ceased (or is not occurring) in the area</li><li>○ Trail could be closed for a longer period if calving is continuing in the area</li></ul></li><li>• Closures apply to all recreational users, and may be modified or expanded by Eagle County Open Space staff; with advance coordination with CPW</li><li>• Regulate and manage dog access to trails and facilities in the northern half of the property in accordance with rules and regulations and posted signs</li><li>• Subject to rules, regulations, and posted signs, dogs will be specifically allowed in the following locations:<ul style="list-style-type: none"><li>○ Community Trail along Brush Creek Road</li><li>○ Public trails and roads in the southern Salt Creek area</li></ul></li><li>• Subject to rules, regulations, and posted signs, allow for year-round public use of the Community Trail and most of the existing, low-elevation roads and trails in the Salt Creek area</li></ul>

### **Short-Term**

- Evaluate fencing on the ranch for wildlife hazard and safe passage, and identify sections that can be removed, built, or rebuilt as wildlife-friendly (consistent with agricultural needs)
- Restore vegetation in upper terraces (e.g., Mesa Pasture) with native vegetation to be used primarily to support wildlife habitat
- Monitor elk use over time to better understand use patterns and potential conflict with agricultural management goals or other issues
- Work with CPW to implement management tools, including special hunts, to respond to issues

## **Agricultural Management**

### **Overall Approach**

The property consists of about 420 acres of irrigated or formerly irrigated hay meadows and pasture, and about 150 acres of dryland pasture. The property contains important water rights and a visible agricultural operation. Thoughtful management provides an opportunity to transform the property through restoration of degraded areas, repairs to infrastructure and improved agricultural practices. As described in the *Existing Conditions* section, management issues and opportunities identified for agricultural management include the following:

- Irrigated areas are in generally good to fair condition
- Formerly irrigated and dryland areas are in generally poor condition
- Noxious weed infestations are significant, affecting about a third of the agricultural land
- Several ditches require substantial repairs, and most ditches require routine maintenance
- Hay meadows and riparian areas also provide important scenic values

Due to a combination of historic neglect, drought, and overgrazing, much of the agricultural land and infrastructure on the property is in poor or deteriorating condition. Considering that, the immediate and short-term priority for the property is to restore and improve the condition of the vegetation and soils to reach a more healthy and stable state. In the meantime, the priority for ditches and other infrastructure is to “fix what’s broken” to support long-term stewardship. This approach will likely require reduced grazing on the property; financial investment through grant funding, partners, and the County; and compatible terms and expectations from the lessee. Once the restoration phase is successful, it may be appropriate to consider more dramatic changes to ditches, infrastructure, and agricultural production goals.

The following sections outline broad guidance and specific actions to address these issues and opportunities, consistent with the management goals stated above and the conservation values described in the Conservation Easement (Appendix C).

### ***Alternative Crop Production***

During the planning process, some members of the public expressed the desire to utilize the property for alternative crops such as lettuce, potatoes, or apples. As described in the *Ranch History* section, crop production has historically occurred in the region, but hay and cattle production have been the dominant agricultural uses for over 50 years.

This plan does not preclude the production of alternative crops, but instead allows such use at the discretion of Eagle County and the agricultural lessee, who would be responsible for its implementation and marketability. Use or experimentation with alternative crop production would need to be compatible with overall restoration and stewardship goals, existing water rights, and annual operating plans for the ranch.

### ***Ditches and Irrigation***

The property is flood irrigated with County-owned water rights off of nine ditches. Most of the ditches require routine maintenance, while several require more substantial repairs. Management actions for ditches and irrigation are as follows:

<b>Ditches and Irrigation Actions</b>	
<b><i>Ongoing</i></b>	
<ul style="list-style-type: none"><li>• Exercise water rights on the property to support sustainable agricultural use and restoration</li><li>• Report annually to Eagle Valley Land Trust per the Conservation Easement</li></ul>	
<b><i>Short-Term</i></b>	
<ul style="list-style-type: none"><li>• Repair ditches and ditch infrastructure, including:<ul style="list-style-type: none"><li>○ Love &amp; White Ditch – replace piped section, repair main headgate and inline headgates and turnouts, and install flume near property boundary</li><li>○ Wilkinson Ditch – install flume near property boundary</li><li>○ Love Frost Ditch – clear and clean out upper ditch and improve gated inlet</li><li>○ Salt Creek Ditch – clear and grade</li><li>○ Hollingsworth Potter Ditch – clear and grade, and repair flume</li><li>○ McKenzie Ditch – clear and clean out ditch near diversion</li><li>○ All ditches – routine maintenance, including clearing and grading ditches and laterals, maintaining dams and headgates, and maintaining flumes</li></ul></li><li>• Coordinate with NRCS to identify infrastructure improvements that would improve distribution of water over hay meadows and Salt Creek pastures</li></ul>	
<b><i>Long-Term</i></b>	
<ul style="list-style-type: none"><li>• Consider and evaluate improvements to efficiency of irrigation infrastructure, balanced against costs, maintaining wetlands and habitat, and other factors</li><li>• Reconfigure irrigation of Mesa Pasture under Hollingsworth Potter Ditch<ul style="list-style-type: none"><li>○ Concentrate available water to a reduced area- about 20 acres- that can be reliably irrigated</li><li>○ Rehabilitate irrigated pasture and restore irrigation to smaller area</li><li>○ Restore remaining area (about 38 acres) to stable dryland pasture</li></ul></li></ul>	

### ***Vegetation and Grazing Management***

Irrigated pastures are in generally good to fair condition, while non-irrigated pastures are in generally poor condition, and about a third of the agricultural land is infested with noxious weeds. More robust baseline monitoring of vegetation condition, reduction of grazing, and other measures may be necessary to begin to restore the agricultural areas to a more stable and productive condition. (Note: vegetation condition assessments are based on the baseline documentation report and staff assessments compared to normal conditions for similar agricultural acreages in the region). Management actions for vegetation and grazing are as follows:

<b>Vegetation and Grazing Management Actions</b>
<b><i>Short-Term</i></b>
<ul style="list-style-type: none"><li>• Establish plots and methods/equipment to monitor vegetation and environmental conditions, production, and utilization<ul style="list-style-type: none"><li>○ Work with CSU-Extension and NRCS to define locations and methodology</li><li>○ Conduct preliminary baseline monitoring</li></ul></li><li>• Aggressively control and reduce noxious weed infestations as identified under <i>Weed Management</i> in this Plan</li><li>• Manage degraded areas to promote vegetative restoration, stability, and balanced management priorities (including wildlife habitat and scenic value)<ul style="list-style-type: none"><li>○ Encourage establishment of native vegetation in the Flats and Canyon Pasture</li><li>○ Limit all livestock grazing in the Flats and the upper Canyon Pasture at least until the land is restored</li><li>○ Install fencing to limit livestock grazing in the Flats and the upper Canyon Pasture</li></ul></li><li>• Continue to manage degraded areas to promote vegetative restoration<ul style="list-style-type: none"><li>○ Evaluate short-term need to reseed degraded pasture areas</li><li>○ Identify long-term need to reseed irrigated hay meadows</li></ul></li><li>• Manage livestock grazing and use at a sustainable carrying capacity<ul style="list-style-type: none"><li>○ Define the carrying capacity, in animal unit month (AUM), for the property based on available pasture, vegetation condition, and objectives defined in the annual operating plan</li><li>○ Reduce overall livestock numbers and/or intensity during the restoration period, based on the defined carrying capacity and vegetation objectives</li><li>○ Limit livestock use on dryland pastures, using grazing as a vegetation management and restoration tool</li><li>○ Reduce the pasturing of horses on the property to prevent resource damage and maintain grazing within a sustainable carrying capacity</li></ul></li><li>• Develop an adaptive grazing system for livestock, based on vegetation conditions and objectives</li><li>• Continue vegetation condition monitoring on an annual basis, and use data to inform annual operating plans</li></ul>
<b><i>Long-Term</i></b>
<ul style="list-style-type: none"><li>• Continue noxious weed management as identified under <i>Weed Management</i> in this Plan</li><li>• Continue ongoing monitoring of vegetation condition</li><li>• Refine adaptive grazing system, based on vegetation conditions and objectives, and operational needs</li><li>• Consider and evaluate opportunities to grow alternative crops, based on vegetation condition, water availability, market demand, and lessee preferences</li></ul>



### ***Ranch Infrastructure***

Infrastructure related to agricultural operations and management includes a residence, multiple structures, ditches, fences, roads, and equipment. (Ditches are addressed above under *Ditches and Irrigation*.) In general, most of these items are in working order but require ongoing maintenance or long-term improvements. The configuration and condition of fencing requires attention, as do several of the structures and equipment. Old structures or items not used for agricultural operations need to be addressed. Management actions related to ranch infrastructure are as follows:

<b>Ranch Infrastructure Actions</b>	
<b><i>Ongoing</i></b>	
<ul style="list-style-type: none"><li>• Work with the ranch lessee to ensure that ranch equipment is properly stored and maintained</li><li>• Immediately address any health and safety issues that arise on the property</li></ul>	
<b><i>Short-Term</i></b>	
<ul style="list-style-type: none"><li>• Identify and complete necessary maintenance on the residence</li><li>• Demolish the vacant house (brown) that is known to be beyond repair; stabilize or demolish other structure based on further assessment<ul style="list-style-type: none"><li>◦ Secure structures before any public access to the area</li></ul></li><li>• Close Old Salt Creek Road north of Trail Gulch to motor vehicles</li><li>• Install permanent cross-fencing to facilitate livestock exclusion and rotation<ul style="list-style-type: none"><li>◦ Emphasize areas where livestock should be excluded or separated from public use</li><li>◦ Preliminary locations include the bottom of the Mesa Pasture above the Love &amp; White Ditch, the bottom of Mesa Hay Meadow above the Wilkinson Ditch, above the Recreation and Education area and trail connection, and below the Upper Frost Ditch</li></ul></li><li>• Permanent fencing locations should be determined in consultation with CSU-Extension and the agricultural lessee<ul style="list-style-type: none"><li>◦ New fencing should be constructed using, to the extent practicable, wildlife-friendly materials and specifications</li></ul></li><li>• Install fencing to reduce livestock impacts on the Brush Creek riparian area<ul style="list-style-type: none"><li>◦ Use both permanent and temporary fences to retain efficiency and adaptability</li><li>◦ Retain areas where animals can access water and cover, and cross over</li><li>◦ Monitor riparian vegetation both inside and outside of the fence enclosures</li></ul></li><li>• Remove unnecessary equipment and junk from the ranch headquarters area</li></ul>	

### ***Ranch Management***

Agricultural operations on the property are currently managed under a lease agreement. The current lease agreement expires on December 31, 2019. The County expects to promptly develop a new lease agreement and related request for proposals, based on the objectives and priorities identified in this plan. These new objectives, including an emphasis on vegetation restoration and the introduction of public use to the property, will require changes to the terms and expectations associated with leasing and management of the property. Actions related to ranch management include the following:

<b>Ranch Management Actions</b>
<b><i>Ongoing</i></b>
<ul style="list-style-type: none"> <li>• Develop an annual operating plan with the lessee that incorporates specific restoration priorities, vegetation and climate conditions, and monitoring protocol</li> <li>• The annual operating plan and lease agreement are subject to the Conservation Easement</li> <li>• Provide a copy of the annual operating plan to Eagle Valley Land Trust, for their records</li> <li>• Work with the lessee to identify and address ongoing management issues</li> <li>• Monitor and evaluate vegetation condition, climate conditions, public interface, and ranch productivity</li> <li>• Modify annual operation plans to incorporate new information and respond to changing conditions</li> </ul>
<b><i>Short-Term</i></b>
<ul style="list-style-type: none"> <li>• Develop a request for proposals (RFP) that may include a new form of lease agreement that emphasizes restoration, stability, and a balance with other values and priorities identified in this plan</li> <li>• The RFP should consider the following: <ul style="list-style-type: none"> <li>○ A longer-term lease (3–10 years), which may allow the lessee to pursue grants and facilitate longer-term investment in stewardship</li> <li>○ Stipulations related to vegetation condition, grazing carrying capacity, and land available for grazing</li> <li>○ Responsibilities related to infrastructure improvements, including capital costs, maintenance, and ownership at the termination of a lease</li> <li>○ Provisions for access and use for County needs, including livestock pasturing during emergencies or during the Eagle County Fair and Rodeo</li> <li>○ Expectations related to public access use and interface with agricultural operations</li> <li>○ Sufficient control for the County to enforce provisions and ensure good stewardship practices along with positive and appropriate interaction with the public</li> </ul> </li> <li>• Work with the current lessee (2019) to integrate immediate restoration and management priorities identified in this plan</li> </ul>
<b><i>Long-Term</i></b>
<ul style="list-style-type: none"> <li>• Update the lease, as needed, to correspond with changing conditions, priorities, or unforeseen issues</li> </ul>

## **Management of Recreation, Public Access, and Use**

### ***Overall Approach***

The County recognizes the high level of public interest in accessing the property for hiking, running, biking, horseback riding, fishing, hunting, dog walking, and scenic enjoyment. The property is surrounded by extensive soft-surface trail networks on the adjacent BLM Special Recreation Management Area and Town of Eagle Open Space. This plan identifies trailhead locations, anticipated future trail alignments on the property, and future connections from the property to adjacent BLM and Town of Eagle Open Space to provide access to these areas (Appendix A, Figures 7 and 8).

As described in the *Existing Conditions* section, management issues and opportunities identified for recreation management include the following:

- The property is located near Eagle and new and proposed trail systems on the adjacent BLM Special Recreation Management Area and Town of Eagle Open Space (Figures 7 and 8)
- Existing roads and trails in the Salt Creek area support recreational access
- An existing paved path runs along the east side of Brush Creek through the Salt Creek area; this path is used by walkers and cyclists and is occasionally used for fishing access
- The property provides opportunities to access adjacent public lands, as well as regional pass-through connections
- Existing public-accessible routes have traditionally been used to access BLM land for big game, small game, and game bird hunting
- Portions of Brush Creek on the property have been traditionally used for fishing access, although the fishery in these reaches is marginal

#### ***Public Access Areas/Trailheads***

A parking area and trailhead is contemplated for the Recreation and Education Building Area to provide a location for programming and a nexus for trail connections through the property, to adjacent BLM land, and to a future Community Trail. In addition, this Plan contemplates the relocation of the existing, primitive trailhead at the base of Trail Gulch in the Salt Creek area of the property.

<b>Public Access Area/Trailhead Management Actions</b>	
<b><i>Ongoing</i></b>	
<ul style="list-style-type: none"> <li>• Implement and enforce winter wildlife closures</li> <li>• Maintenance, repairs, and improvements to trailheads</li> </ul>	
<b><i>Short-Term</i></b>	
<ul style="list-style-type: none"> <li>• Install informational and regulatory signage at all public access points</li> <li>• Identify necessary facilities to be located at the Recreation and Education Building Area, which might include parking to accommodate vehicles and trailers, restrooms, wildlife-proof trash receptacles, picnic tables, kiosks and other trail signage, and shade structures</li> <li>• Coordinate and plan for donor signage with Eagle Valley Land Trust</li> <li>• Identify grants and partners to assist with design, construction, and purchase of facilities</li> <li>• Design and construct a trailhead at the Recreation and Education Building Area</li> <li>• Design and construct a trailhead at the Trail Gulch Trailhead Access Parking Area</li> <li>• Remove and restore the existing, informal trailhead at Trail Gulch</li> </ul>	
<b><i>Long-Term</i></b>	
<ul style="list-style-type: none"> <li>• Consider improvements on Hardscrabble Road for winter recreation parking</li> </ul>	

## **Trails**

The planning team identified several recommended trail alignments that accomplish the goals and objectives set forth in this Plan while providing desired access to and across the property. These are shown on Figures 7 and 8. Several other trail concepts were considered and rejected during the planning process. Certain recommended trail alignments may require easements or approvals from third parties. Adjustments may be made if the current alignment cannot be reasonably achieved.

**Soft-Surface Trails:** Four primary trail corridors are recommended to provide public access to the property and access across the property to existing trail networks on adjacent Town of Eagle Open Space and the adjacent BLM land. The four soft-surface trail corridors included in this plan are (see Figures 7 and 8):

- **Trail A** – Connection from the Recreation and Education Area/Trailhead to a BLM access point to the east. (Approx. 0.6 miles of new trail).
- **Trail B** – Contour trail along the foot of the bluffs extending to the northwest to Road Gulch and the Haymaker Trail. (Approx. 1.7 miles of new trail).
- **Trail D** – Trail along the rim of the bluffs, dropping down to meet the valley floor and Recreation and Education Area. (Approx. 2.4 miles of new trail).
- **Trail E** – Development of existing two-track roads to create two loops. (Approx. 1.3 miles of new trail).

Soft surface trails are envisioned to be 2 to 4 feet in width, as is typical in the region. Eagle County will, over time and with support from third-party funders, consultants, and volunteers; design, construct, and maintain trails and paths throughout the property using industry best practices that minimize impacts and ensure sustainability, to the extent possible based on site conditions. Per the Conservation Easement, the trail tread of soft surface trails shall not exceed 8 feet in width, unless dictated by existing conditions or as necessary to accommodate site or safety conditions. For example, some trails in the Salt Creek Area using existing roads would be subject to width requirements for roads, rather than trails. Trail corridors were developed to provide quality visitor experiences while minimizing impacts on environmental resources and interference with agricultural management.

The BLM SRMA allows for an additional 12 to 15 miles of multiuse, nonmotorized trails. This Plan informs local trail groups and others so they may plan trails on BLM lands in accordance with defined access points on the property.

**Community Trail:** The Plan includes a recommended route for a Community Trail along Brush Creek Road, connecting Eagle to the Salt Creek portion of the property (Trail E on Figures 7 and 8; referred to as the “Connector Trail” in the Conservation Easement). Per the Conservation Easement, the trail tread shall not exceed 12 feet in width, unless necessary to accommodate special circumstances. The Town of Eagle has an easement

along portions of this alignment. This trail may be a natural or crusher fine surface trail that could be paved in the future. The recommended route for this trail may need to be refined to accommodate engineering and other requirements.

**Allowed Trail Uses:** Trails on the property are intended for non-motorized uses: hiking, biking, running, and equestrian use. Trails in the Salt Creek area (Trail E) are limited to pedestrian and equestrian use only.

E-bikes are permitted in the Conservation Easement. Use of e-bikes on the property will be determined and posted by Eagle County based on County regulations and consistency with policies for adjacent lands and trails.

Non-motorized winter use of trails, including snowshoeing, fat biking, and cross-country skiing, is allowed on trails that are otherwise open (and not subject to wildlife closures). The Community Trail and most of the valley-bottom trails and roads in the Salt Creek Area are planned to remain open all year.

Trail Management Actions	
<b>Ongoing</b>	
<ul style="list-style-type: none"> <li>• Implement and enforce wildlife closures</li> <li>• Maintenance, improvements, enforcement, and management</li> <li>• Maintenance and repairs to trails, gates, and other recreation facilities</li> </ul>	
<b>Short-Term</b>	
<ul style="list-style-type: none"> <li>• Prioritize and design trail alignments for foot, horse, and bicycle travel and recreation</li> <li>• Implement a phased approach to trail design and construction that is aligned with funding and required surveys, permits, and any legal requirements</li> <li>• Design and construct Trail A from the Recreation and Education Trailhead to connect to BLM lands (Figure 7)</li> <li>• Design and construct Trail B from the Recreation and Education Area across the property to Haymaker Trail (Figure 7)</li> <li>• Construct or formalize natural surface trail connections in the Trail Gulch area (Trail E) (Figure 8) for foot and equestrian use <ul style="list-style-type: none"> <li>○ Perform spot repairs to existing trails to improve drainage</li> <li>○ Install signage to communicate designated uses and wildlife closure</li> </ul> </li> <li>• Design and construct a rim trail (Trail D), including the north/south connection from Hardscrabble Mountain to the Recreation and Education Trailhead (Figure 7) <ul style="list-style-type: none"> <li>○ Initiate the BLM compliance process and conduct necessary surveys for segments that extend onto BLM land</li> <li>○ Extend closure on the southern segment of this trail to June 30 when elk calving is present</li> <li>○ Develop specific designs and measures to separate the trail from agricultural operations</li> </ul> </li> <li>• Seek funding and partnerships for trail construction</li> </ul>	

<b>Long-Term</b>
<ul style="list-style-type: none"> <li>Construct the Community Trail with the Town of Eagle to provide a connection from the town to the existing paved trail on the Salt Creek portion of the property <ul style="list-style-type: none"> <li>Wetland studies, permitting, engineering, easements, and partnerships will be required</li> </ul> </li> </ul>

### ***Fishing***

Brush Creek and Salt Creek provide opportunities for fishing on the property, along with the existing pond in the Recreation and Education Area.

<b>Fishing Management Actions</b>
<b>Ongoing</b>
<ul style="list-style-type: none"> <li>Ongoing enforcement and management</li> <li>Ongoing maintenance and repairs</li> </ul>
<b>Short-Term</b>
<ul style="list-style-type: none"> <li>Continue to allow fishing access from the existing paved trail in the Salt Creek area</li> <li>Install signage to identify fishing access and adjacent private property to prevent trespass</li> <li>Construct the Brush Creek Fishing Access parking area</li> <li>Install signage to identify and separate fishing activity from agriculture operations, riparian restoration, and habitat management areas</li> <li>Seek funding and partnerships for fishing access improvements</li> <li>Seek funding and partnerships for aquatic habitat and fishery improvements, in conjunction with riparian restoration efforts</li> <li>Consider opportunities to develop youth fishing at the pond in the Recreation and Education area</li> <li>Prohibit commercial fishing on the property</li> </ul>
<b>Long-Term</b>
<ul style="list-style-type: none"> <li>Determine whether to construct a secondary Fishing and Trail Access Area off Salt Creek Road or the paved path</li> <li>Evaluate the potential and viability of commercial fishing access and adjust management as needed</li> </ul>

### ***Hunting***

Existing access through Trail Gulch, also known as Sharp Creek, has been and continues to be used for access to adjacent BLM lands for big game, small game, and game bird hunting. Hunting will not be allowed on the property, except under special circumstances as identified by Eagle County Open Space in coordination with CPW. Special circumstances include herd management and children's or veterans' hunts. No special hunts will occur on the property (regardless of size), unless approved by Eagle County and the Eagle Valley Land Trust. The special hunts, if any, will not be counted as an Event as set forth in the *Program Management* section of this plan.



<b>Hunting Management Actions</b>	
<b><i>Ongoing</i></b>	
<ul style="list-style-type: none"> <li>• Work with CPW to identify special hunting opportunities on the property, such as educational, children's, or veterans', or as needed to manage herds</li> <li>• Allow nonmotorized, pass-through hunting access to adjacent BLM lands</li> <li>• All access is subject to rules and regulations and posted signage</li> </ul>	
<b><i>Short-Term</i></b>	
<ul style="list-style-type: none"> <li>• Post signage instructing hunters to contact Eagle County Open Space or CPW for instructions related to retrieving animals that may have made their way onto the property from adjacent BLM land</li> </ul>	

## **Programming Management**

### ***Overall Approach***

The County recognizes the unique opportunity for educational and special programming the property provides. It also recognizes the desire for limited, primitive camping in association with authorized events occurring on the property. The Management Plan envisions events and educational programming that celebrate the area's history, ranching heritage, habitat, and connection to the outdoors. These events will be limited in size, location on the property, duration and frequency. Brush Creek Valley Ranch and Open Space is not intended to be a venue for large-scale events such as concerts or festivals.

Management issues and opportunities identified for special use management include the following:

- The property provides opportunity for educational programming and interest with regard to history, ranching and agricultural heritage, geology, biology, botany and wildlife, and outdoor recreation education
- Numerous educational resources and partners exist in Eagle County and are available to plan and implement such programming
- The Conservation Easement allows for special events and programming to occur on the property, so long as they have been approved in advance by Eagle County and the Eagle Valley Land Trust, as set forth in the Conservation Easement and this Plan

### ***Management Guidelines for Special Events and Programming***

The Brush Creek Valley Ranch and Open Space property was acquired to preserve important natural resources and to support the identified Conservation Values. Events and Programming must be hosted by a nonprofit organization or local government, including special districts. Nonprofit organizations and local governments desiring to organize an event or programming on the property must seek advance written approval

from Eagle County Open Space and the Eagle Valley Land Trust. Examples of events and programming include but are not limited to historical presentations and tours, classes, volunteer events, races, and farm to table events.

Events and programs on the property are generally defined as follows:

- **Events** = Larger-scale events (greater than 30 people) including organized recreational, educational, or sporting activities occurring primarily on the property which may temporarily impact regular access and use by the general public. Events will require a written request and additional consideration, and will be allowed no more than four (4) times per year unless otherwise authorized by Eagle County and the Eagle Valley Land Trust.
- **Programs** = Small, routine access for recreational or educational programs (fewer than 30 people). Must be approved by Eagle County.

Prior to hosting an event or program, the applicant must first contact Eagle County Open Space. Programming and event requirements as set forth herein and on the following page may be amended from time to time. Eagle County Open Space expects to develop a program wide special event/programming policy, which may impose additional or different requirements. Programming that consists of a single, non-recurring request, that is determined by Eagle County after conferring with Eagle Valley Land Trust to have a minimal impact on the property, may not require advance written approval. In addition, programming that is determined to cause minimal impact as determined by Eagle County after conferring with Eagle Valley Land Trust may not require additional advance written approval after the first year of implementation of that program.

Programming and events for the property will be considered by Eagle County on a case by case basis and on a first come, first served basis. Eagle County reserves the right to deny any request or application in its sole discretion. Eagle County reserves the right to approve or approve with conditions any request or application in coordination with the Eagle Valley Land Trust. Eagle County will proceed with and approve events and programming on a limited, trial basis over the first several years of implementation. During this interim period, Eagle County does not intend to approve events before facilities are in place to support them.

Programming and event management actions are as follows:

Special Use Management Actions	
<b><i>Ongoing</i></b>	
<ul style="list-style-type: none"> <li>• Ongoing maintenance, upkeep, and repairs to facilities</li> <li>• Evaluate programming and event application and review processes, and make adjustments as needed</li> </ul>	
<b><i>Short-Term</i></b>	
<ul style="list-style-type: none"> <li>• Require written approval for events and programming occurring on the property</li> </ul>	

## Programming and Event Requirements

Special events and programming on the property must comply with the following proposed requirements:

- Events and programs must be hosted and managed by a nonprofit or local government entity.
- Requests with more than 30 participants must be submitted in writing for consideration a minimum of 120 days before the event date to allow for review and approval by both Eagle County and Eagle Valley Land Trust.
- Applications must demonstrate how the event is compatible with the Conservation Values for the property, and must include measures to minimize impacts on trails, facilities, parking areas, and natural resources. Producers will be required to provide the following detail as part of their application:
  - Anticipated maximum group size
  - Activity details
  - Entry fees, if applicable
  - Date and day of week
  - Time of the event
  - Projected impact on resources
  - Proof of event approval, if event also occurs on adjacent BLM or other public lands
  - Event plans, including location and site plan, parking management plan, spectator plan, emergency management plan, sanitation plan, and cleaning and restoration plan
- Events and programs must not interfere with or adversely affect agricultural operations and must be scheduled to minimize impacts to wildlife.
- Approvals will not be issued to areas closed to the public, including agricultural lands, restoration areas, or sensitive wildlife habitat.
- Weddings and similar social events will not be allowed.
- No amplified music or sound unless authorized by Eagle County and Eagle Valley Land Trust.
- Commercial outfitters passing through the property to operate on BLM lands must be permitted to operate on BLM lands.
- All events and programming will be required to comply with any conditions imposed, including but not limited to bonds, security deposits, insurance, and liability waivers.
- All costs associated with the event or program will be borne by the producing nonprofit or local government, which will be expected to manage and host the event or program and will be responsible for their participants' compliance with regulations.
- Eagle County will not contribute financial, staff, or in-kind resources.
- Events and programs produced by Eagle County will be given preference.

*During the first several years of implementation, Eagle County will begin permitting events on a limited, trial basis. During this interim period, Eagle County does not intend to approve events before facilities are in place to support them.*

*These regulations are subject to additional revision.*

## Camping Requirements

Overnight camping must comply with the following proposed requirements and all other camping is prohibited:

- Primitive camping will only be considered in conjunction with an approved permitted event or program occurring on the property.
- Camping permits will only be issued to local governments and nonprofit entities in conjunction with an approved permitted event or program occurring on the Property and must comply with the requirements identified for events and programming above.
- Camping permit requests must be submitted in writing at least 120 days prior to the date of the event or program.
- Camping requests will be evaluated by Eagle County staff and will be limited by the following criteria:
  - Tents and single-vehicle setups (pop-ups, rooftops, vans, etc. not exceeding 20 feet in total length); no camping trailers, busses, or large recreational vehicles
  - No more than three (3) consecutive nights per permit
  - No more than the allowable number of people and tents/vehicles, as determined by Eagle County
- Up to six (6) camping permits will be issued between May 1 and October 30 each year, unless otherwise authorized by Eagle County Open Space and Eagle Valley Land Trust.
- Permits will be issued on a first come, first served basis.
- Preference will be given to nonprofit or local government organizations focusing on educational, youth or community outreach activities consistent with the Conservation Values.
- Capacity may change based on site conditions and operations then occurring on the property including irrigation and site conditions then existing.
- In the event an organizer fails to comply with rules, regulations and conditions of any permit, Eagle County reserves the right to refuse future permits.

*During the first several years of implementation, Eagle County will begin permitting camping on a limited, trial basis. During this interim period, Eagle County does not intend to approve events before facilities are in place to support them.*

*These regulations are subject to additional revision.*

## Implementation

The adopted Brush Creek Valley Ranch and Open Space Management Plan will be implemented at the sole discretion of Eagle County, as timing and resources allow.

### Implementation Priorities

Based on a current understanding of management issues and opportunities, the following actions have been identified as near-term priorities for implementation within the first 2 to 3 years as resources allow. This list will be further evaluated and revised by technical advisors, Eagle County staff, and Eagle County Open Space Advisory Committee on an ongoing basis and will include a consideration of funding partnerships and grant opportunities for actions that require capital or other expenditures.

Priority Implementation Actions	
<p><b>Blue</b> = Staff actions  <b>Purple</b> = Staff actions with associated costs  <b>Red</b> = Capital expense</p>	
Resource Management	
<ol style="list-style-type: none"> <li>1. Monitor and map weed infestations annually</li> <li>2. Document weed management strategies</li> <li>3. Aggressively control weed infestations</li> <li>4. Engage partners to plan for and implement riparian restoration efforts</li> <li>5. Install fencing to exclude livestock from Brush Creek riparian areas</li> <li>6. Establish vegetation monitoring program</li> <li>7. Manage degraded area to restore vegetative condition</li> <li>8. Implement wildlife closures on applicable trails</li> </ol>	
Agricultural Management	
<ol style="list-style-type: none"> <li>1. Develop a Request for Proposals for agricultural management that emphasizes restoration, stability, and balance with other values</li> <li>2. Develop annual operating plan with ranch lessee</li> <li>3. Conduct routine maintenance to all ditches</li> <li>4. Implement high-priority repairs to ditch infrastructure</li> </ol>	
Public Access and Recreation	
<ol style="list-style-type: none"> <li>1. Install regulatory and informational signage at public access points</li> <li>2. Regulate and manage dog access to trails and facilities</li> <li>3. Identify necessary facilities for Recreation and Education Area; design and construct trailhead; demolish or stabilize vacant houses prior to public access</li> <li>4. Construct/formalize trail connections in Trail Gulch area (Trail E)</li> <li>5. Design and construct Trails A and B</li> <li>6. Design and seek BLM approvals to implement Rim Trail (Trail D)</li> <li>7. Seek funding and partnerships for Brush Creek Fishing Access and parking area</li> <li>8. Finalize procedures related to events and programming on the property</li> </ol>	
Ranch Infrastructure	
<ol style="list-style-type: none"> <li>1. Complete necessary maintenance on the residence</li> </ol>	



In light of the identified projects and work to be completed, it is recognized that partners and external funding sources will be necessary to fully implement this Plan. The Plan is intended to be a guiding document, and priorities may shift based on the following:

- Available funding and opportunities, which may include:
  - Grants
  - Partnerships
  - Other funding sources
- Permit requirements (e.g., environmental permitting, land use requirements)
- Legal implications (e.g., third-party easements and agreements)
- Staff resources

It should be noted that some actions will take a number of years to implement or may never occur as a result of modifications to the Plan, changing conditions, or other factors.

## References

Colorado Parks and Wildlife (CPW). 2017. Species Area Mapping. GIS Data.

Eagle County Conservation District (ECCD)a. 2016. Irrigation Asset Inventory. Ditch Owner's Summary Report: Love and White Ditch. Prepared by SGM. September 2016.

Eagle County Conservation District (ECCD)a. 2016. Irrigation Asset Inventory. Ditch Owner's Summary Report: Wilkinson Ditch. Prepared by SGM. November 2016.

Jaouen, Stephen. 2018. Initial Site Evaluation and Recommendations: Eagle Open Space – Hardscrabble Ranch. Memo from S. Jaouen, District Conservationist, Natural Resources Conservation Service. March 20, 2018.

Rare Earth Science, LLC. 2017. Baseline Documentation Report. Hardscrabble Ranch Conservation Easement, Eagle County, Colorado. Prepared for The Conservation Fund. August 31, 2017.

Wescoatt, Craig. District Wildlife Manager, Colorado Parks and Wildlife. Personal communication with planning team, July 18, 2018.

## **Appendix A: Maps**

Figure 1. Property Location Map

Figure 2. Irrigated Area Map

Figure 3. Ranch Area Map

Figure 4A. 2017 Baseline Noxious Weed Map

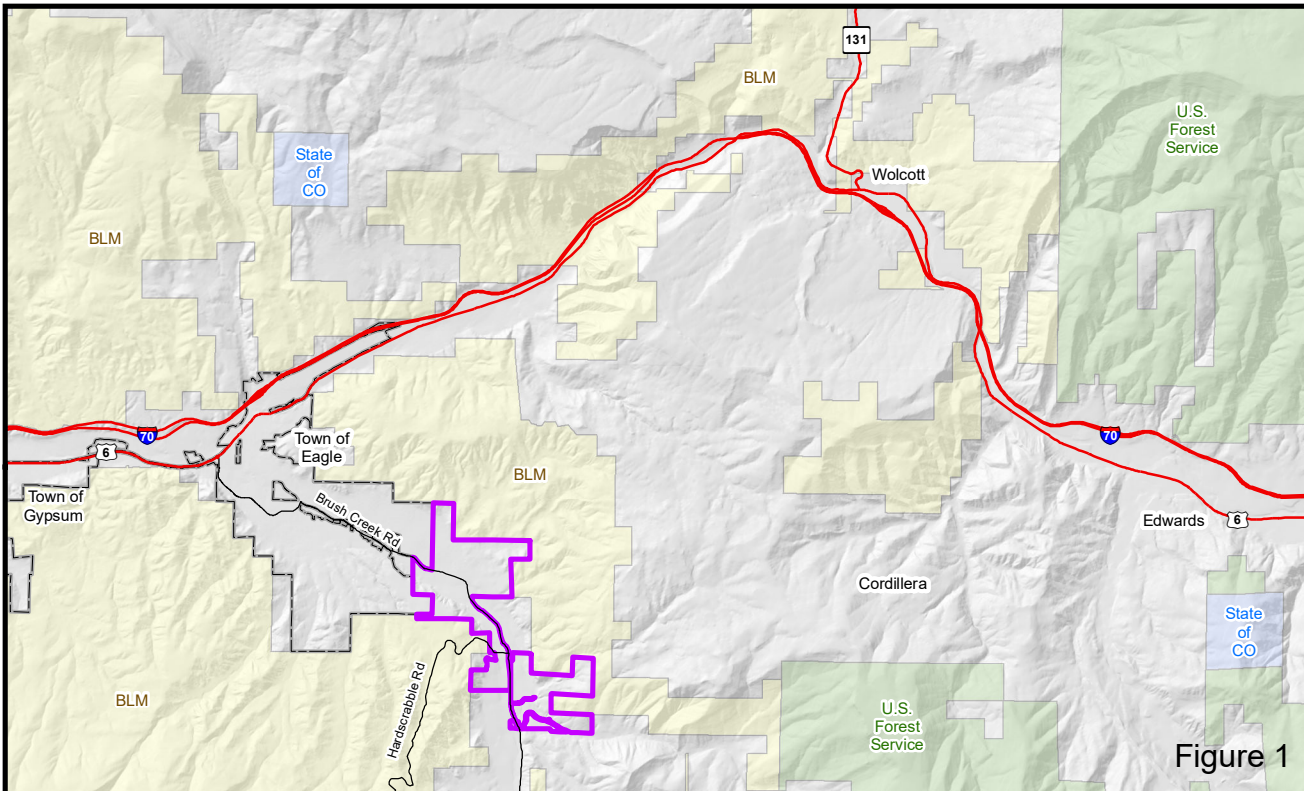
Figure 4b. Noxious Weed Mitigation Map 2018

Figure 5. Regional Map with Existing Trails

Figure 6. Management Emphasis Map

Figure 7. Implementation Map – North

Figure 8. Implementation Map – South




## Brush Creek Valley Ranch and Open Space Property Location Map

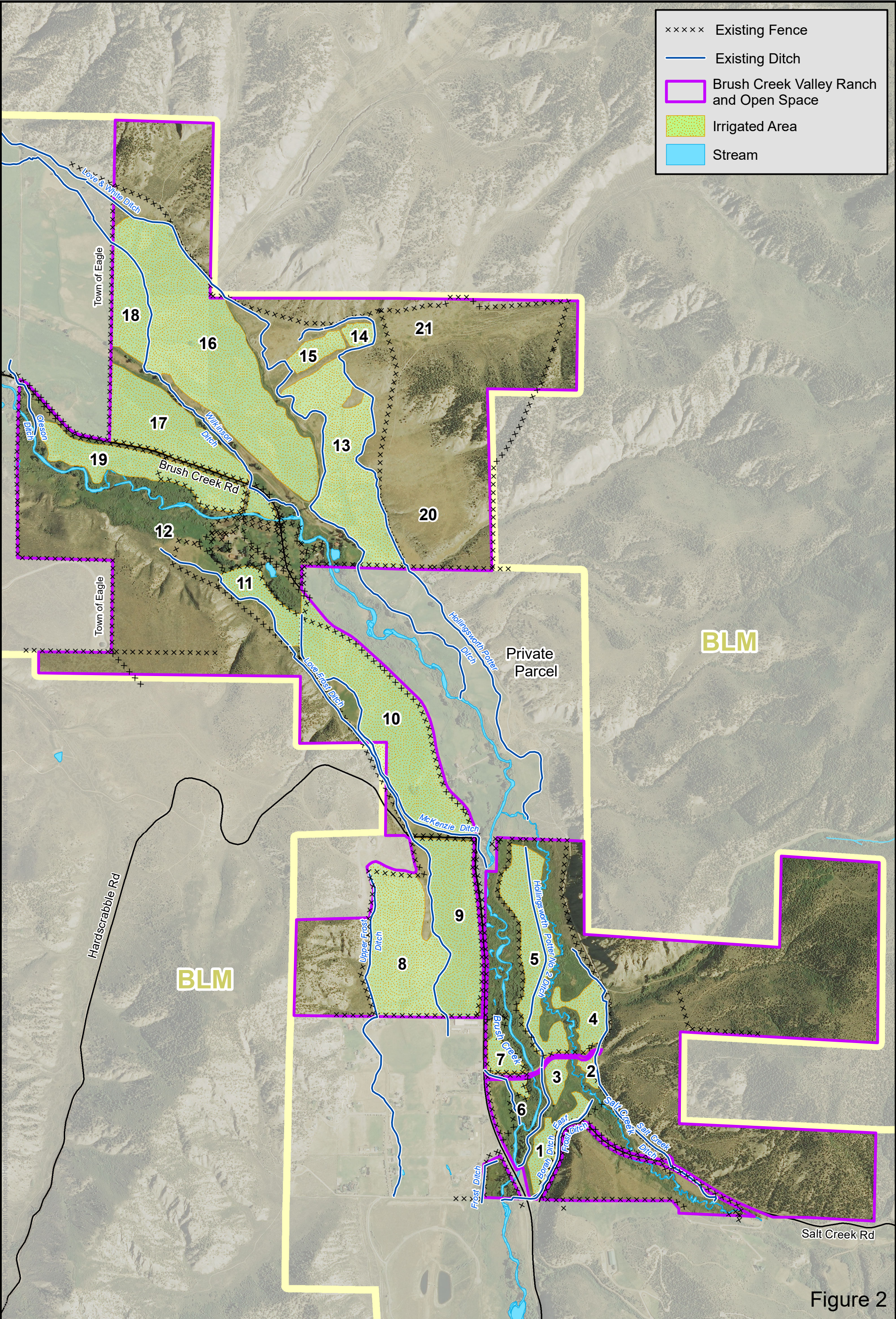


Brush Creek Valley Ranch and Open Space

This map was developed by Eagle County GIS Department. All drawings should be for general information only. Eagle County does not warrant the accuracy of the data or the map. Map may be subject to change. Implementation is subject to funding, satisfaction of permits and other legal requirements.







# Brush Creek Valley Ranch and Open Space Irrigated Area Map

This map was created by the Eagle County GIS Department. Use of this map should be for general purpose only. Eagle County does not warrant the accuracy of the data contained herein.

Map may be subject to change. Implementation is subject to funding, satisfaction of permits & other legal requirements





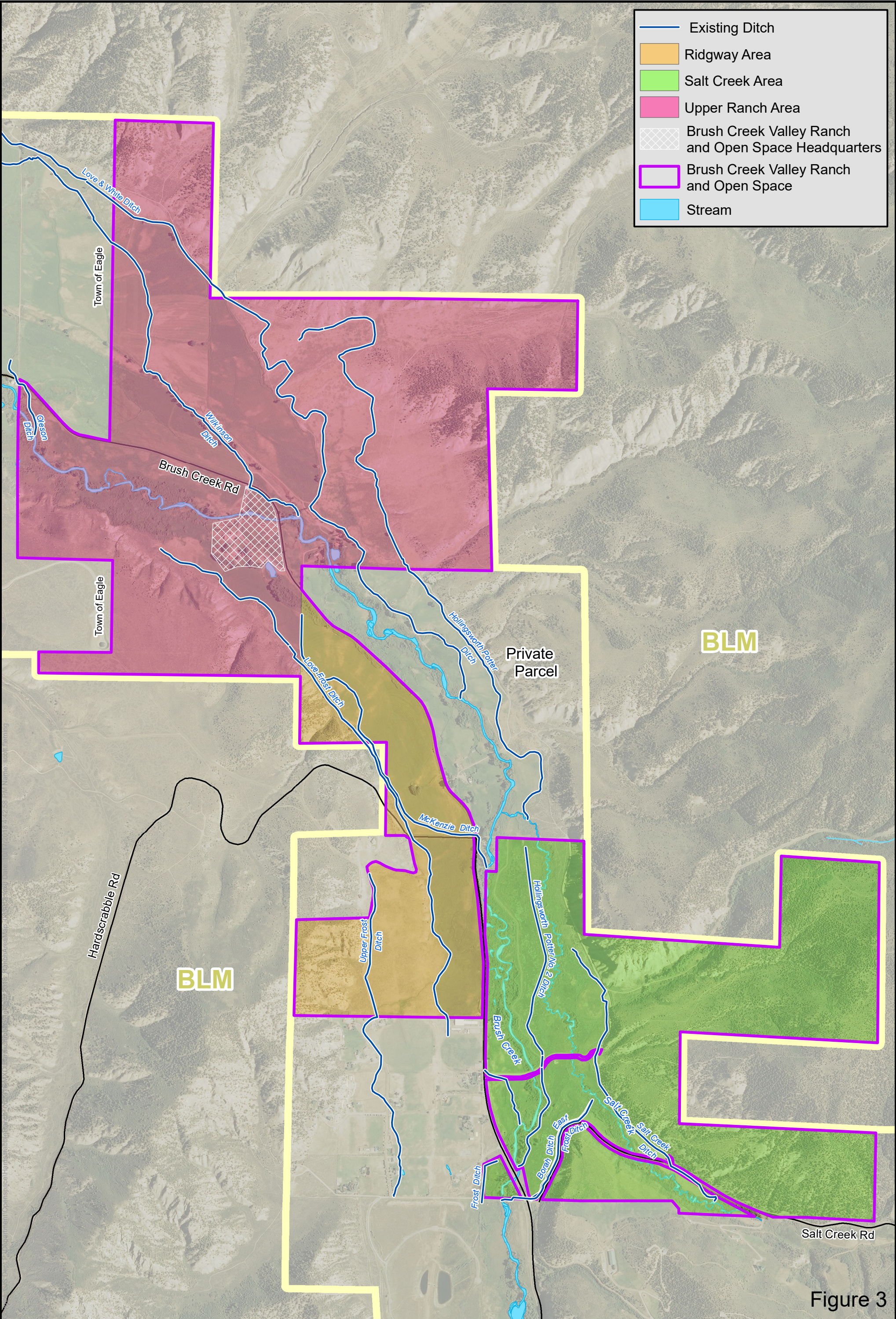


Figure 3

# Brush Creek Valley Ranch and Open Space Ranch Area Map

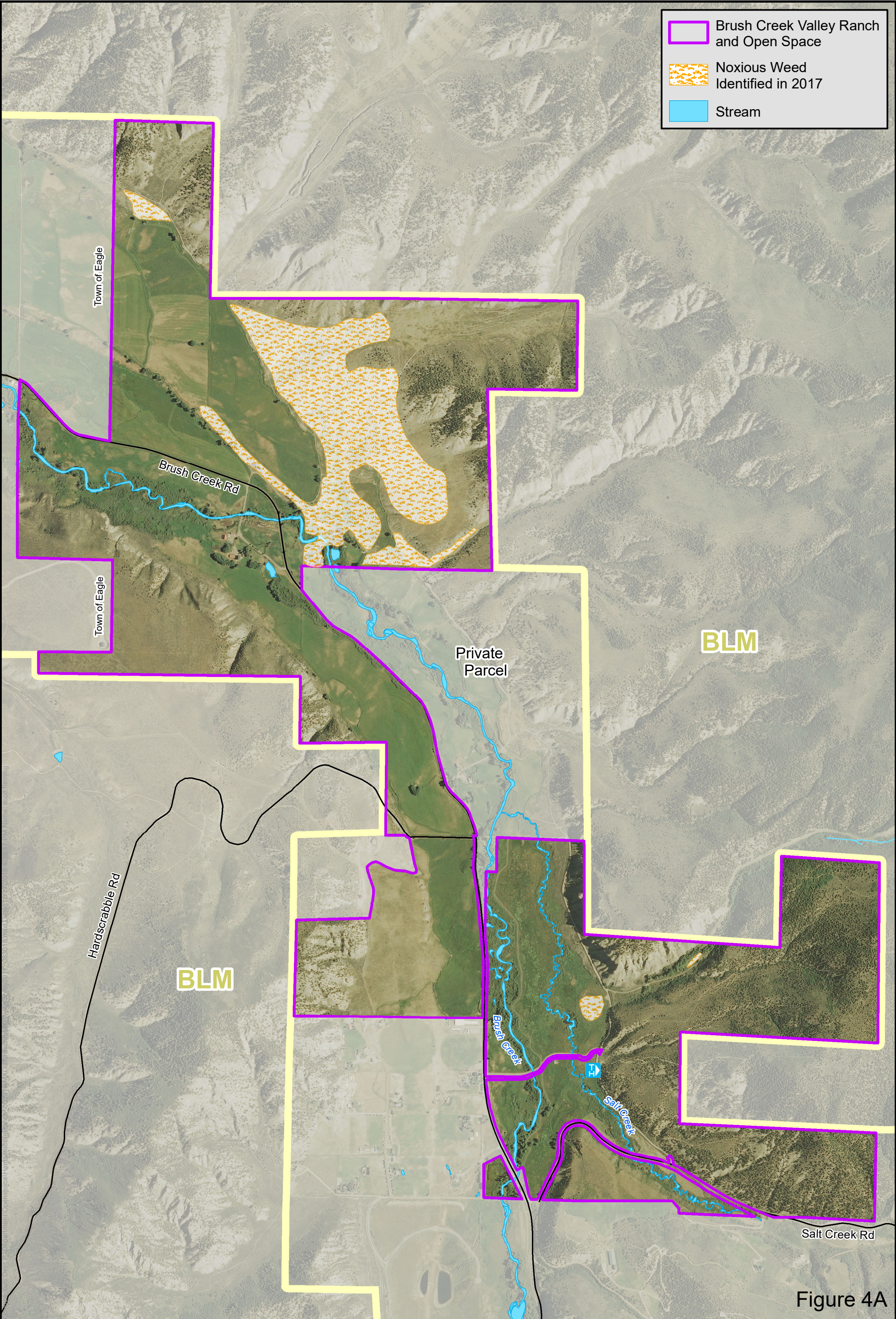
1 inch = 1,250 feet  
0 0.125 0.25  
Miles

This map was created by the Eagle County GIS Department. Use of this map should be for general purpose only. Eagle County does not warrant the accuracy of the data contained herein.

Map may be subject to change. Implementation is subject to funding, satisfaction of permits & other legal requirements







# Brush Creek Valley Ranch and Open Space 2017 Baseline Noxious Weed Map

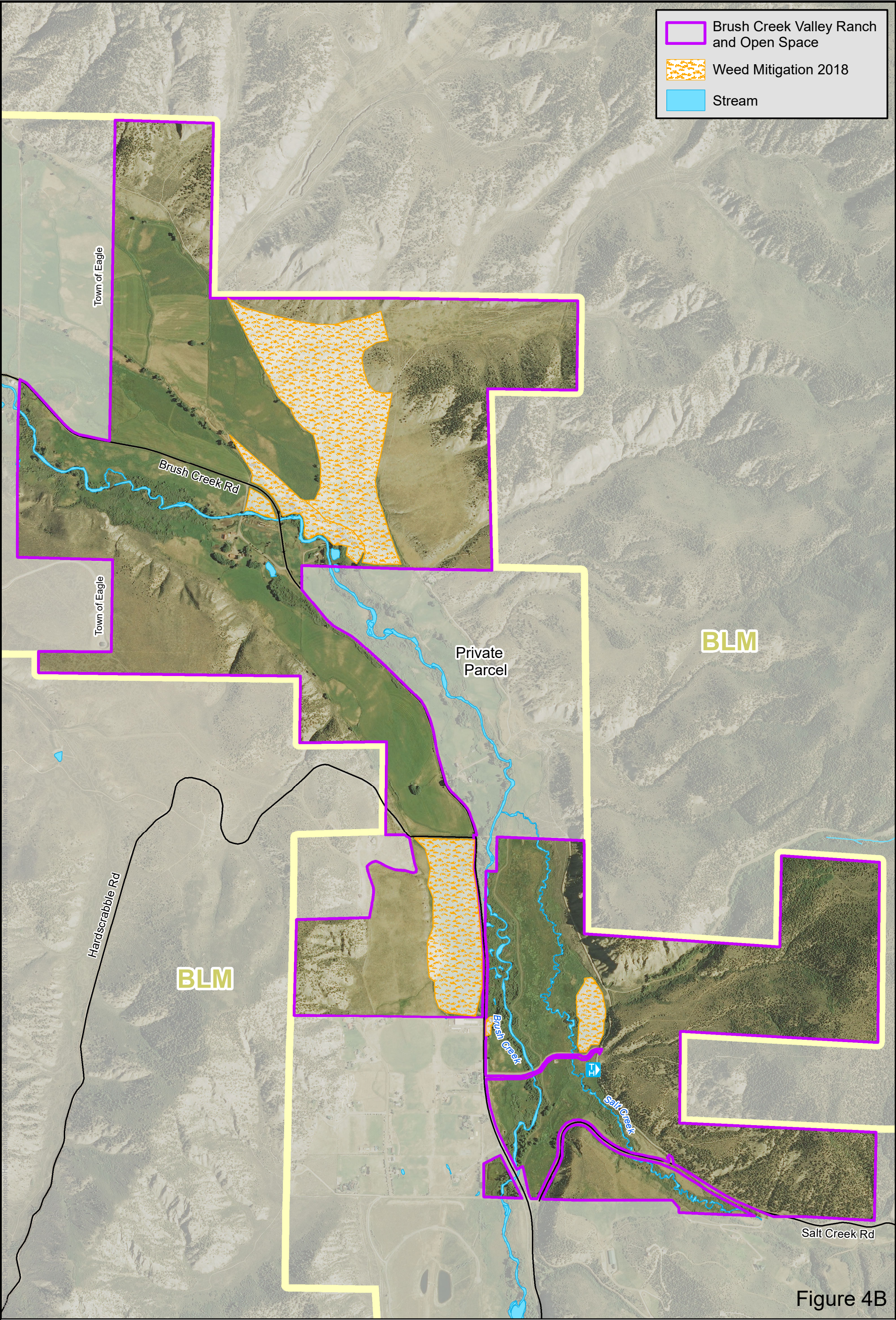
1 inch = 1,250 feet  
0 0.125 0.25  
Miles

This map was created by the Eagle County GIS Department.  
Use of this map should be for general purpose only.  
Eagle County does not warrant the accuracy of the data  
contained herein.

Map may be subject to change. Implementation is  
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legal requirements







Brush Creek Valley Ranch and Open Space

Weed Mitigation 2018

Stream

Figure 4B

# Brush Creek Valley Ranch and Open Space Noxious Weed Mitigation Map 2018

1 inch = 1,250 feet

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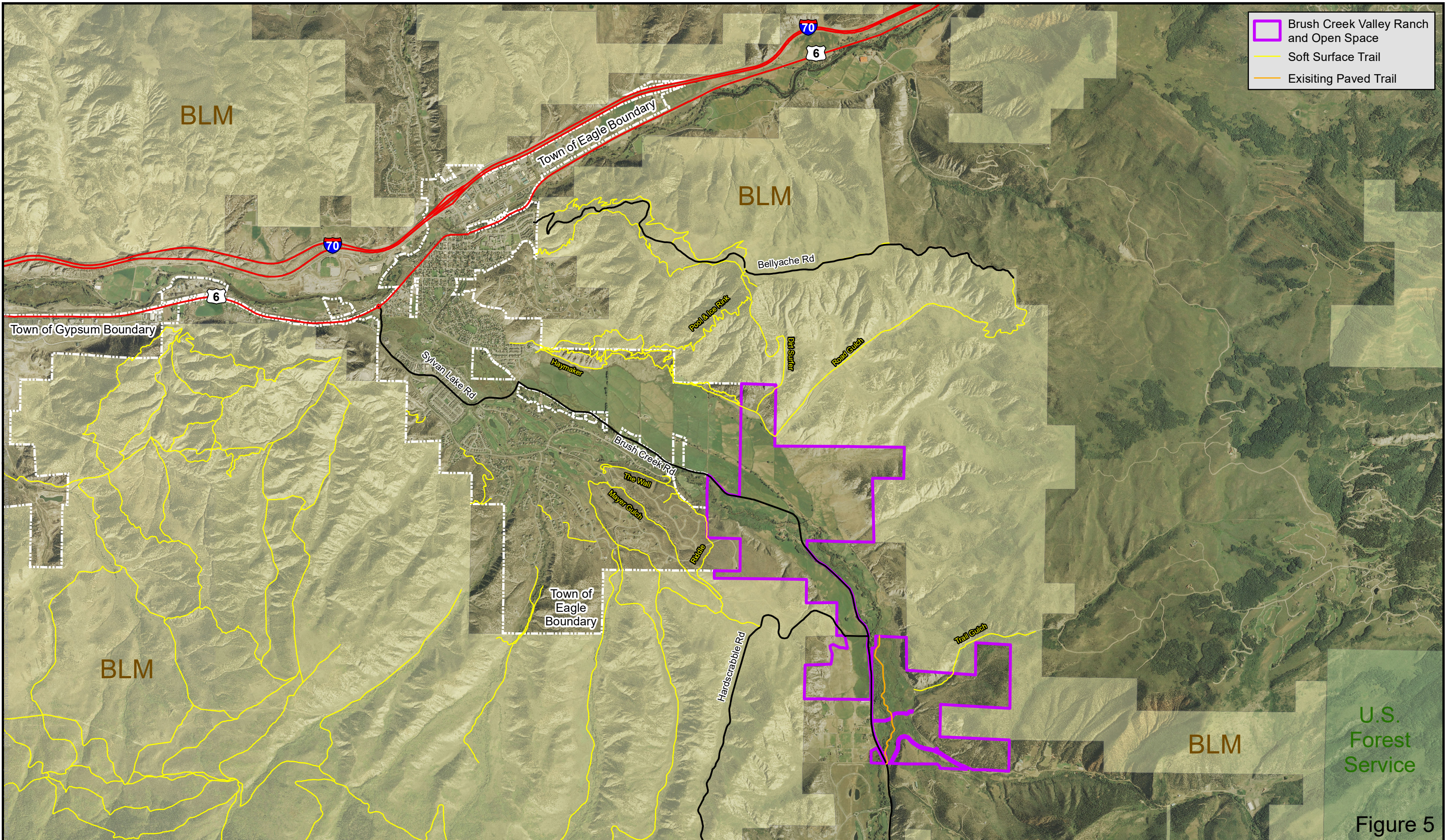
Miles

This map was created by the Eagle County GIS Department. Use of this map should be for general purpose only. Eagle County does not warrant the accuracy of the data contained herein.

EAGLE COUNTY

Map may be subject to change. Implementation is subject to funding, satisfaction of permits & other legal requirements





Brush Creek Valley Ranch and Open Space

Soft Surface Trail

Existing Paved Trail



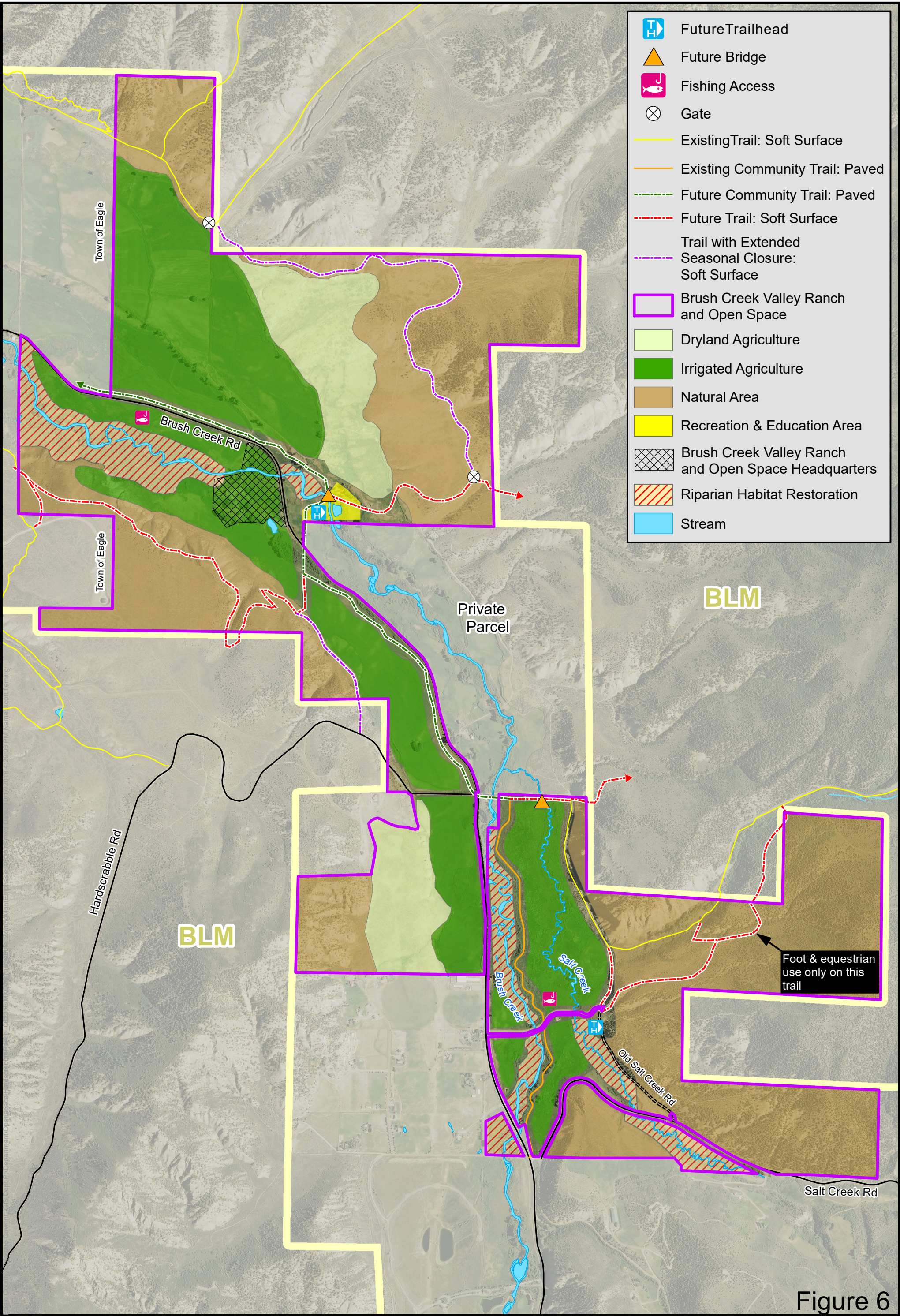


Figure 6

# Brush Creek Valley Ranch and Open Space Management Emphasis Map

1 inch = 1,250 feet  
0 0.125 0.25 Miles

This map was created by the Eagle County GIS Department. Use of this map should be for general purpose only. Eagle County does not warrant the accuracy of the data contained herein.

Map may be subject to change. Implementation is subject to funding, satisfaction of permits & other legal requirements.



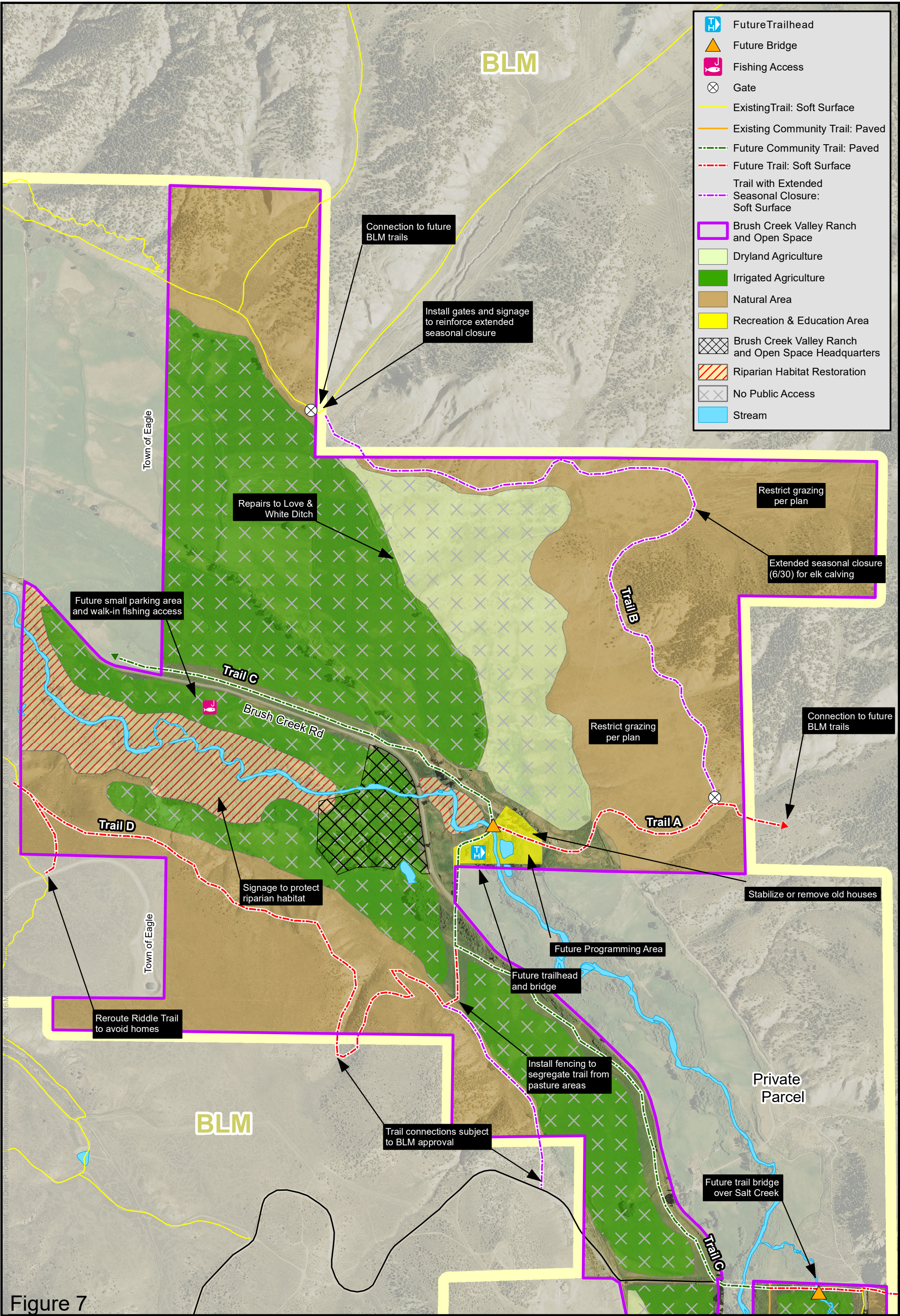
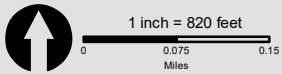


Figure 7

# Brush Creek Valley Ranch and Open Space Implementation Map North



This map was created by the Eagle County GIS Department. Use of this map should be for general purpose only. Eagle County does not warrant the accuracy of the data contained herein.

Map may be subject to change. Implementation is subject to funding, satisfaction of permits & other legal requirements.



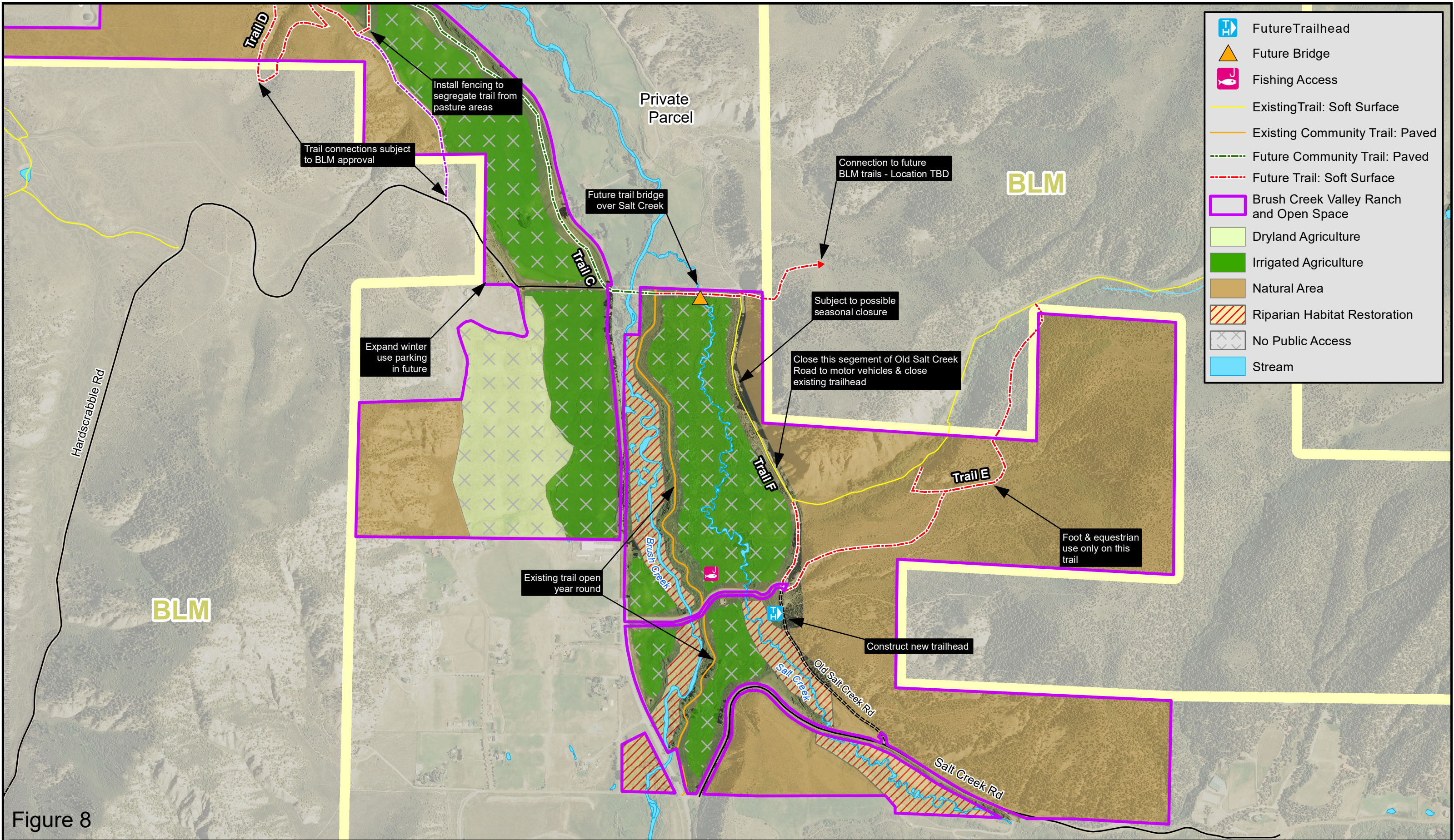


Figure 8



## **Appendix B: Public Comment**

## **Appendix B: Public Comment**

### **Public Comment – Scoping**

**Comment Period: May 17 through June 30, 2018**

#### **Written Comments**

##### **Community Open House events**

*Attendees of the Community Open House events were given the opportunity to provide written comments on a printed comment form. The following is a transcript of written comments received at the two Open House events:*

##### **May 17, 2018 Open House**

1. Keep land rural, agrarian - managed by experienced farmer  
Preserve water rights – honor Brush Creek Management Plan  
Extend several bike/hike trails from Bellyache Ridge  
Public fishing, not commercial, assure not over-fished  
Provide easement for paved bike trail adjacent or near Brush Creek Road
2. The Hardscrabble Open Space purchase by Eagle Land Trust is an amazing feat. I am happy to live in a community that values open spaces. I would like to see the paved trail expanded along Brush Creek Road. And the expansion of some mountain biking trails. I also think it's a smart idea to separate hiking and biking trails. Preserving the land with careful stewardship is a priority for me and my family.
3. A few special occasions for people who donated \$1,000+ to fish the property before it's open to the public  
Turn the location currently used by the ranch manager into a beautiful park area. This is the heart of the property and should not be kept from the public. The caretaker/manager can live elsewhere just like the rancher who irrigates and hays the Haymeadow property.  
Install a bike path away from the road asap before someone gets hit by a car/truck on Brush Creek Road.  
Thank you
4. Trail connectivity up Brush Creek  
Future easement through private property  
Campground  
Historic farm preservation with events
5. I love the idea of another climbing trail, boneyard-esk.  
Also the possibility to farm small parcels of this land as a young farmer sounds amazing.

I coach for The Cycle Effect and having a soft surface connector trail from the Haymaker area to Riddle will also greatly reduce potential to be hit by cars!  
Thanks for all you do!

6. It looks like on the Hardscrabble Ranch project all mountain bikers are looking for is a way to cross the northern end of the property to create a connection between the Haymaker/Ice Rink trails and the Eagle Ranch trails off Arroyo Drive.

### **May 23, 2018 Open House**

1. I am a resident of Eagle Ranch and am strongly interested in ensuring hunting and hunting access to adjacent BLM land is NOT permitted.  
Elk & deer populations are down and it doesn't seem prudent to add opportunities for hunting. I don't want my tax dollars to be used to support this activity.

2. Multi-use trails, especially easy mountain bike trails

3. Traffic impact on the environment and migratory animals. Hunting and fishing limits on the trust land.

4. Please, please leave major habitat areas closed to motor, mtn bike and seasonally closed to hiking.

5. Control hunter access by taking a small access fee.

6. I would like to see hiking only no mtn bike trails through the open space with access to BLM

7. It would be nice to connect Boneyard (Bellyache) Road to Hardscrabble Road.  
Bike path should be extended through property. Bikes & cars don't mix well on this road.

8. Elk hunting outfitters camp

Elk hunt horse and mule pack service

Rental space for hunting groups to set up tents

Parking and staging area for outfitters with horses & trailers

Bring in turkey, pheasants and other "seed" game birds for protected hatching areas in the wild

Need areas for support of horse & foot recreators NOT more bike and motor sports users

9. Consider leaving Trail Gulch as a hiking/equestrian only area.

Protect wildlife habitat

Share the history of the property with interpretive signs, special programs

10. Love to see the old Brush Creek Road turned into a bike path and new road built to the west.

Also riparian areas protected

Bird habitat protected as well

11. I would like to see mountain bike trails that are doable by beginners, youngsters and seniors

12. Great things to have:

Access from one BLM parcel to other across the road

Fishing access that's hard surface to prevent erosion

Some provision for riding horses

History & ecosystem kiosks?

Keep educational opportunities in mind

### **Online Comments**

*The County accepted online comments during the Public Comment – Scoping period, from May 17 through June 30, 2018, via the Open Space section of the Eagle County website. Following are the comments received during that timeframe.*

# Hardscrabble Ranch Comment Form

We are seeking your comments on the Hardscrabble Ranch Management Planning Process. We look forward to receiving your feedback.

Email address \*



What activities or uses would you prefer to see available at Hardscrabble?

Mountain biking

What areas of concern do you have regarding the management of Hardscrabble?

Please feel free to share any additional feedback.

# Hardscrabble Ranch Comment Form

We are seeking your comments on the Hardscrabble Ranch Management Planning Process. We look forward to receiving your feedback.

Email address \*

[REDACTED]

What activities or uses would you prefer to see available at Hardscrabble?

hiking, peace and quiet

What areas of concern do you have regarding the management of Hardscrabble?

Too much access to the public. Looking at Hanging Lake and Maroon Bells, there are too many people accessing these areas. I think a access management plan should be developed early to preserve the "open space" and natural environment before it is destroyed by too many users.

Please feel free to share any additional feedback.

Please do not acquiesce to Cordillera property owners who want access to the airport and Costco through the Hardscrabble open space. They knew what they were purchasing, and the time it took to get to Eagle via hwy 6, when they bought their property. Please do not use my tax dollars to enrich these people who want convenience at the expense of elk, deer, birds of prey, Penstemon, columbine, trout, fresh air, peace and quiet and the natural environment. Keep the dirt roads a.k.a. Old Trail Road off limits to motorized vehicles.



# Hardscrabble Ranch Comment Form

We are seeking your comments on the Hardscrabble Ranch Management Planning Process. We look forward to receiving your feedback.

Email address \*



What activities or uses would you prefer to see available at Hardscrabble?

Mountain biking and road biking

What areas of concern do you have regarding the management of Hardscrabble?

Ability to expand Eagle's single track network.

## Please feel free to share any additional feedback.

The hardscrabble ranch parcel purchase provides a unique opportunity to advance and expand Eagle's trail network. Several years ago we were told as the new Fruita, in order to keep this reputation we must continue to grow. While haymaker is a great trail in itself the distance required to access an uphill route into the boneyard area is too great. The 8410 road already accessed the top of bellyache road and would be a combination on eagle county open space and BLM land. This would require minimal investment to open as the road is existing. In addition to this there is opportunity to expand the haymaker area to include additional loops to total roughly ten miles of trail in the area. The ridge line of bellyache also offers opportunity for future expansion of downhill and other uphill routes to offer variety to trail users.

We all love our brush creek road, it is a true five star road bike route, however without a real shoulder it can at times be a bit dangerous for cyclist and other road users. With the ranch purchase there is the potential to provide adequate bike paths to link with the frost creek rev path. This would improve both the cycling and motorist experience and safety on the road. Although there has been some discussion about rogue trails being built in the area in question, it is important to remember that most trails across the nation started this way at some point in time. As a responsible trail user I understand pursuing the proper approval process for trails and it is also important that trails be built in a way that makes them sustainable. It is for these reasons that we as a cycling community need to continue to be vocal about not riding or building in areas for future development until it can be done the right way.

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# Hardscrabble Ranch Comment Form

We are seeking your comments on the Hardscrabble Ranch Management Planning Process. We look forward to receiving your feedback.

Email address \*



What activities or uses would you prefer to see available at Hardscrabble?

Horseback riding

What areas of concern do you have regarding the management of Hardscrabble?

Trails and trespassing through upper Kaibab

Please feel free to share any additional feedback.

# Hardscrabble Ranch Comment Form

We are seeking your comments on the Hardscrabble Ranch Management Planning Process. We look forward to receiving your feedback.

Email address \*



What activities or uses would you prefer to see available at Hardscrabble?

Let's see equine trails/usage for a change, keeping it primitive

What areas of concern do you have regarding the management of Hardscrabble?

that it is going to become a mountain bike meca, like the rest of Eagle, overrunning the natural vegetation and landscape of the area and infringing on the wildlife we have left

Please feel free to share any additional feedback.

Maintaining the open space in a natural environment

# Hardscrabble Ranch Comment Form

We are seeking your comments on the Hardscrabble Ranch Management Planning Process. We look forward to receiving your feedback.

Email address \*



What activities or uses would you prefer to see available at Hardscrabble?

Horseback riding on natural trails, hiking

What areas of concern do you have regarding the management of Hardscrabble?

that it will get out of hand with catering to mountain bikers, just look at Eagle now with no horse access trails, we have to go around and accommodate the bikers.....

Please feel free to share any additional feedback.

we need to be good stewards of the land

# Hardscrabble Ranch Comment Form

We are seeking your comments on the Hardscrabble Ranch Management Planning Process. We look forward to receiving your feedback.

Email address \*



What activities or uses would you prefer to see available at Hardscrabble?

Natural trails for hiking, horses

What areas of concern do you have regarding the management of Hardscrabble?

we need to coexist with hunters, and anglers all being able to enjoy the land

Please feel free to share any additional feedback.

Not abusing it and making our existing wildlife leave the area because of over usage. Make it a hiking mecca not a biking mecca because the bikers already have most of the Vail Valley .

## Hardscrabble Ranch Comment Form

We are seeking your comments on the Hardscrabble Ranch Management Planning Process. We look forward to receiving your feedback.

Email address \*



What activities or uses would you prefer to see available at Hardscrabble?

Hiking

What areas of concern do you have regarding the management of Hardscrabble?

Keeping it as primitive as possible, preserving the natural landscape

Please feel free to share any additional feedback.

This county already has so many trails for bikes, it is time to keep it in check and allow hikers to enjoy the vast beauty and not have to encounter the racing mountain bikers who come up upon you and whiz by.....



# Hardscrabble Ranch Comment Form

We are seeking your comments on the Hardscrabble Ranch Management Planning Process. We look forward to receiving your feedback.

Email address \*



What activities or uses would you prefer to see available at Hardscrabble?

preserve and enhance wildlife habitat (we are running out of limited winter range and areas of well connected seclusion like the ranch offers), consider limited locals passes or lottery access to hunting and fishing (seasonal closures, year round closures), maintain irrigation/agriculture uses consider partnering with Town to voluntarily benefit stream flows if water rights available, no new mountain biking trails warranted - limit to ranch roads and existing / please no commercial/guided fishing or hunting

What areas of concern do you have regarding the management of Hardscrabble?

wildlife (good winter habitat that should be under consideration for limited access/ closures, summer forage (hay) and potential fish/stream/riparian habitat improvements to Brush Creek vs. human interaction and, generally, the mountain biking community offering/suggesting new single track areas aren't a conflict with wildlife or wilderness values that exist on the ranch precisely because it has been kept out of public use for so many years

Please feel free to share any additional feedback.

Please don't turn the upper ranch habitat areas/ secluded wildlife zones(including riparian areas) into a heavily trafficked trail network and I'm saying this as an avid hiker, biker fisherman

# Hardscrabble Ranch Comment Form

We are seeking your comments on the Hardscrabble Ranch Management Planning Process. We look forward to receiving your feedback.

Email address \*

A solid black rectangular box used to redact the email address.

## What activities or uses would you prefer to see available at Hardscrabble?

Would, at a minimum, like to see an Emergency Access Road on the road from CR-8A up to the Cordillera community. This road should be egress and ingress. The road, Trail Gulch Road, commonly referred in over 20 maps of the area and identified as far back as 1926, should be open to public access through Hardscrabble Ranch and BLM lands.

Eagle County Fire Protection District needs to define the "road improvement profile" needed to allow a Wildland Attack Truck (basically a pick-up truck on steroids...with a 3-person crew, 500 gallons of water and a pint/stream extraction and re-fill system, a pick-up platform Mobile Command Center with air support capability and National Forest Service/Colorado Forest Service/BLM Hot Shot Crew all-terrain vehicles. We don't need a pumper truck build out. Remember, ECFPD and other agencies will want to attack a fire "from the black" (the already burned out area) which means from the West to the East.

A small additional request is that the private vehicles would be allowed to use the road from June 1 to October 1 each year.

This DOES NOT interfere with any elk and wildlife calving or migration as evidence that the CDOW currently does close other roads and trails with in and around Cordillera. But, CDOW did not mandate Trail Gulch Road drainage closed from May 1 to June 15.

The upgrading of Trail Gulch Road onto CR-8A would allow more people to access the scenery, flora and fauna at Hardscrabble, especially the handicapped and senior citizens. It would all Brush Creek valley residents a quicker access to BLM land and the USFS Big Park Trail Head in Cordillera. There would be a positive economic benefit to Eagle businesses from Cordillera owners easier access. And with that easier access would force property values up as more people would build homes at the Cordillera Summit, which would drive revenue up for the County. In fact, this incremental revenue from Cordillera could be ear-marked to ECOP and programming at Hardscrabble Ranch Open Space.

Lastly, the Cordillera easement and utility road is across the last 10 acres of the 1,540-acres of Hardscrabble. This road could be used. Or, if no traffic can be across this area, then traffic to/from Trail Gulch Road could be directed along CR-8A to Salt Creek Road.

Right Safety. Access. Economics.

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# Hardscrabble Ranch Comment Form

We are seeking your comments on the Hardscrabble Ranch Management Planning Process. We look forward to receiving your feedback.

Email address \*



What activities or uses would you prefer to see available at Hardscrabble?

All types embraced by the community, so long as users are respectful of the natural resources and traditional ranch practice & restrictions.

What areas of concern do you have regarding the management of Hardscrabble?

The protection of wildlife, especially our steeply declining numbers of elk & deer, and uncommon birds as Long-eared Owl, seen several times with Jack Merchant in the area.

Please feel free to share any additional feedback.

What a marvelous community resource, planning process for Eagle County!

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Email address \*

[REDACTED]

What activities or uses would you prefer to see available at Hardscrabble?

fishing, hunting, hiking and biking

What areas of concern do you have regarding the management of Hardscrabble?

Overuse, one the one hand. Over-regulation/control on th other.

Please feel free to share any additional feedback.

yes

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Email address \*



What activities or uses would you prefer to see available at Hardscrabble?

Very little! Leave it as much true "open space" as possible. Leave it as natural as possible.  
LOVE seeing the horses, cattle, elk and deer, etc The beauty is the natural landscape.

What areas of concern do you have regarding the management of Hardscrabble?

Too much traffic and hard to manage if various uses are open to the general public with no monitoring

Please feel free to share any additional feedback.

Let's preserve it with as little human encroachment as possible! Not disturbing wildlife, too much "use" creates more traffic, etc... please don't create any manmade trails through this pristine property as it's beautiful the way it is and there are plenty of trails already in Eagle County. We are adjacent land owners in Bruce Creek and don't want to see people parked there at the confluence of Bruce Creek, Salt Creek and Brush Creek Road. Also, we donated to the preservation.

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Email address \*



What activities or uses would you prefer to see available at Hardscrabble?

Motorized travel. Dirt bike/ate. Jeep trails. Please don't forget about this very large part of the community.

What areas of concern do you have regarding the management of Hardscrabble?

I am concerned no consideration is being given to motorized travel.

Please feel free to share any additional feedback.



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Email address \*



What activities or uses would you prefer to see available at Hardscrabble?

Recreational/ biking

What areas of concern do you have regarding the management of Hardscrabble?

Please feel free to share any additional feedback.

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Email address \*



What activities or uses would you prefer to see available at Hardscrabble?

Biking / running

What areas of concern do you have regarding the management of Hardscrabble?

Please feel free to share any additional feedback.

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Email address \*



What activities or uses would you prefer to see available at Hardscrabble?

I would like to see this open space remain exactly as it is.

What areas of concern do you have regarding the management of Hardscrabble?

I believe that too much public access to this property and any added amenities would Cause too much traffic and too much impact on our wildlife

Please feel free to share any additional feedback.

I think this open space acquisition is fantastic, however I would like to see it preserved as it is, not exploited. Eagle and the surrounding area already has plenty of hiking and biking trails I would hate to see any man-made trails running through any portion of the hardscrabble open space. I have lived on Bruce creek since 1989 and have seen tremendous growth and now since the public has had access to this open space multiple cars parked at the bottom of Bruce Creek Road and on salt Creek Road is now a daily occurrence. There is already a lot of dog feces along the existing path that runs next to brush Creek Road and there is increase human activity on salt Creek and Bruce Creek Road and I feel that it is adversely affect in our wildlife which has already lost a tremendous amount of habitat. I think the best thing that could be done with this open space is to continue having a working ranch on the property so that the fields are maintained and irrigated keep public access very limited and give our wildlife some much-needed space.

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We are seeking your comments on the Hardscrabble Ranch Management Planning Process. We look forward to receiving your feedback.

Email address \*

[REDACTED]

What activities or uses would you prefer to see available at Hardscrabble?

Hunting

What areas of concern do you have regarding the management of Hardscrabble?

Open access for all types of outdoor recreation

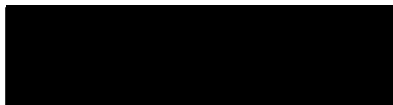
Please feel free to share any additional feedback.

With wildlife conservation touted as one of the primary reasons for purchasing Hardscrabble Ranch, I find it hard to believe that hunting is not one of the primary uses being discussed. Wildlife can only be conserved with the monetary and active participation of hunters through scientific management administered by Colorado Parks & Wildlife. This property should be open to hunting, just as it was prior to the purchase (with permission granted via the owners/managers of the property.) There are ways to mitigate overlap between user groups, like what is done on all other public lands in Eagle County. Please feel free to contact me for any help or ideas to come up with a solution that will allow the continued hunting of this property.

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Email address \*



What activities or uses would you prefer to see available at Hardscrabble?

Recreation, trails for hiking and biking, fishing, river access

What areas of concern do you have regarding the management of Hardscrabble?

Making sure this public land is land the public can use.

Please feel free to share any additional feedback.

Dirt/Singletrack trail that connects Eagle Ranch (Riddle) to the East end of Haymaker or Dirt Surfer would be a critical connection for the master plan of having an entire loop of trails around Eagle. For little additional milage, the access and looping ability for bikers and hikers would be ideal. Additional connections for descents from Bellyache Road in the East Eagle SRMA would also be ideal. Paved Rec path to connect to existing would also be nice.

## Email Comments

*The following email comments were received by staff prior to, or during, the Public Comment – Scoping period.*

### 1. Jeff Piper

Diane,

Thank you for the tour. I had not seen the upper bench, or range land on previous trips, so it was nice to be able to get a better understanding of the entire property. I will be happy to contact Retta and ask her for some advice on range land management. Maybe when we get her out here we can reschedule with Bowdrie to discuss his management plans or concerns.

In the mean time, here are some of our notes from the meeting, please let me know if you have any further questions.

- Cattle movement and management. Currently there is only perimeter fencing and no fencing structures exist to manage movement of the cattle/control their grazing preferences. A management plan that establishes hay pasture vs. range grazing should be adopted and the cattle should be managed according to the management plan to ensure optimal growth of hay, range plants, and cattle. Armored structures are recommended for areas where cattle are entering the stream bank, the use of natural features as well as fencing to dictate access to those areas should be established. Other areas should include ex-closures, areas where animals are not able to access. Keeping the cattle off the highly erodible areas, such as the hillside should be a high priority. Small ex-closures within the grazing/hay areas could be used to establish carrying capacity/harvest rates at the ranch.

CSU Extension employees a range land specialist, Retta Bruegger who would happily come to visit with Eagle County on how to best manage the range land on the upper bench of the property. With her help and expertise, we could establish carrying capacity for the parcel and more informed grazing practices. We will schedule a site visit with Retta for the near future.

- Moving forward there are several budget considerations for improvements and or maintenance. There is a large scale weed problem on the upper bench that will need a minimum of 5yrs to control effectively. In order for any operation to remain viable, this weed problem needs to be controlled effectively. Eagle County Conservation District recently conducted a ditch inventory, the inventory detailed repairs needed to structures and overall ditch conditions. The inventory can help to prioritize the water conservation projects on the property.

- There should be a long term, multi staged, development plan that includes the desires

of a wide range of users, both agriculture and recreational. The management plan should be established by an advisory committee made of individuals who represent the multiple users the ranch hopes to serve. CSU Extension is willing to assist at work sessions with the advisory board, BOCC and or Open Space Board.

- Other agencies or associations should be seen as resources for funding projects/improvements on the ranch. These parties could include, but are not limited to Trout Unlimited, BLM, Colorado Elk Foundation, Hardscrabble Trails Assoc. etc.

Thanks again for the tour! We will be in touch!

Jeff Piper, Formerly CSU Extension Office

## 2. Lee Rimel

Email 1. Diane, does Eagle County Open Space offer a similar program? Much continues to evolve re Farm to Table and supporting local farming. The book, "Letters to a Young Farmer" is a good read on this subject. Lee

<https://www.aspentimes.com/news/local/big-boost-for-smaller-farmers-planned-in-roaring-fork-valley-in-2018/>

Email 2: Diane, how do I stay in the loop, ideally emails, re Hardscrabble planning. My interests are recreational trails and creating lands for farming.....farm to table opportunities especially for young farmers, respecting the heritage of Eagle County, once a significant Potato and Lettuce producer. It is important to create opportunity in our community to create for economically viable farming as is happening in many municipalities around the country.

Lee

Lee Rimel

Email 3. Diane,

This is what I'd like a portion of the ranch to provide. These opportunities are being provided across the nation, governments realizing the need for local food production and to provide entrepreneur opportunity for aspiring young farmers. I encourage all to read "Letters to a Young Farmer" and "A Cup of Clear Cold Water; Life on Brush Creek" by Helen Dice. Ranchers in Eagle County depended heavily on cash crops of potatoes and cabbage, loaded on RR Cars at the Eagle Depot for shipment to cities, to support themselves. Not only cash but the Ranchers survived winter eating vegetables & fruit from their gardens that were canned or stored in Root Cellars. It is important to provide acreage at Hardscrabble Ranch that Young Farmers can profitably produce food on. This brings back an important part of Eagle County's heritage and enables all citizens to enjoy farm to table fresh food.

Here are web sites to go to for more info:

WWOOF-USA: <https://www.delval.edu/continuing-and-professional-studies/credit-certificate-programs/organic-farming-program>

<https://www.stonebarnscenter.org>

<http://cyfea.org>

<https://www.coloradofarmbureau.com/2018/04/18/colorado-young-farmers-ranchers-launches-choppin/>

Big boost for smaller farmers planned in Roaring Fork Valley in 2018

Lee

3. Jacci McKenna

Hi there,

It's Jacci :) I hope you are enjoying the weekend!

I wanted to reach out after reading the Vail Daily article - "Where has the wildlife gone?" You know me and critters...I got to thinking about this in a couple ways. The Hardscrabble Ranch open space acquisition is in it's infancy in terms of determining what access and recreational opportunities exist. I attended one of the forums and shared a comment card requesting hunting and hunter access not be permitted as a result of the declining elk population, I appreciated the opportunity to share input. I know Vail is grappling with a similar issue regarding their bighorn sheep herd.

Today's article is even more dire than I had originally thought. I understand the interests being balanced and that's what led me to the second nexus - Sustainable Communities. I see sustainability as a larger proposition than energy and recycling although those are critical components. Perhaps this could be considered from both of your departments perspectives?

One of our communities' economic engines is our environment - how would tourism be impacted if the wildlife were gone? Hunting licenses have already been reduced from 2,000 to 200 because of the 50% reduction in elk over the last 10 years. If the herds continue to decline, licenses may not be available at all.

As the article said, if elk are going to survive in Eagle County, there needs to be land set aside for wildlife that is off limits to humans. There is a carrying capacity for various environments. There is only so much land in Eagle County, and at some point, people will have to determine if they value wildlife enough to make sure there is room for elk and deer herds in this valley. "How many miles of trails and development is enough? Sooner or later, you are going to have to say no more," said Bill Andree (CPW Wildlife Manager.)

Might this be an opportunity for us to live our values and do what we can to protect the



environment we cherish?

Eagle County government strategic plan includes prioritizing the environment and sustainable growth, protecting our forests, climate and way of life. That suggests to me an opportunity to demonstrate environmental stewardship by maintaining the ranch the way it is in perpetuity through a conservation easement precluding any activity that isn't already there. I also question leasing the property for cattle because that also conflicts with wildlife.

I recognize this may be a tall order given the various interests. I am optimistic that with education and engagement, those constituent groups would support this step as a win for everyone as it protects our way of life.

Thank you for your consideration. Let me know what you think -

Have a good one!

Jacci

#### 4. Adam Palmer / Hardscrabble Trails Coalition

Diane, John, and Miles,

Last week some HTC volunteers met to discuss trails planning in general and in particular developing a recommendation for Hardscrabble Ranch open space as it pertains to non-motorized trail use. We also did a field visit and took a look at some potential options for connection through Town and County open space.

Currently our recommendations / strategy includes the following:

- Negotiate with Haymeadow property owners to gain temporary access to the public utilizing the existing gravel driveway which connects to the Haymaker trails. In the future a slightly different alignment connecting Brush Creek Road to Haymaker and the East Eagle trail system may make more sense, but the group's goals in this connection were essentially to keep it simple, utilize the existing gravel drive if possible even for the longer term as allowable to avoid potential interference with ranching operations, drainage and flood irrigation coordination / trail design management challenges, etc. Again the goal for this area was to provide a simple direct connection between trail areas to get across the valley floor, rather than design a weaving undulating new trail impacting the field / meadow area(s).
- Identify and potentially construct a trail which connects from the Town of Eagle 'shed property' on the west side of Brush Creek Road immediately across the street from the Haymeadow access road identified above which crosses Brush Creek at

a convenient location and climbs up the hill utilizing sustainable grades to connect to either Riddle trail or other location. There is an existing horse trail utilizing this grade which is already well cut in, utilizing sustainable grades which could be improved relatively simply with volunteers to connect to Riddle or other point to integrate with the Eagle Ranch trail system. This approximate alignment is shown as in attached Riddle to Brush Creek maps. The character recommendation of this trail would be to utilize the 'rim trail' experience of views of the Brush Creek valley while staying slightly below the crest of the ridge and out of view from nearby homes in Eagle Ranch highlands.

- As suggested by Yuri previously, a trail connector following the rim to the south and connecting to Hardscrabble Road could provide a nice additional loop experience and connection to other trails. We looked at the feasibility of routes to do this and were pleasantly surprised at the relative simplicity in grades, existing livestock / equestrian / game trail alignments, and extended high quality rim trail experience and views this would provide. Depending on alignments, this trail may cross BLM property. Other than that it primarily would utilize Eagle County open space property as shown in the 'Riddle rim to Hardscrabble options' map as attached.
- There may be some other trailheads / amenities / connectors from southern portions of Hardscrabble Ranch to support future trails planning on BLM and portions of open space along the foothills to the south and east of historically irrigated lands on Hardscrabble Ranch. We look forward to partnering on discussions for these areas as trails planning may evolve in future phases to best support common land management goals. However, we aren't identifying specific trail alignments at this time in lieu of the priorities listed above to provide a viable strategic connection of trail systems across the Brush Creek valley.

Let me know your availability to meet and discuss further as it pertains to Hardscrabble Ranch open space planning, Town of Eagle Travel Management Plan, and BLM trails planning.

Thank you,

**Written Correspondence**



United States Department of Agriculture

**Natural Resources Conservation Service**  
Glenwood Springs Service Center  
258 Center Drive  
Glenwood Springs, CO 81601

Stephen R. Jaouen  
District Conservationist  
Direct Line: (970) 404-3443  
Office: (970) 945-5494  
stephen.jaouen@co.usda.gov

March 20, 2018

To: Whom It May Concern

RE: Initial Site Evaluation and Recommendations: Eagle Open Space – Hardscrabble Ranch

On March 13<sup>th</sup>, 2018 I met with representatives of Eagle County Open Space, Phillip Kirkman and Diane Mauriello, as well as Bill Mangel from ERO and Amy L Cassidy from Take Aim Marketing to tour the ranch that was recently purchased by Eagle County.

I was asked to give my recommendations on resource concerns and where to focus the limited budget and labor that Eagle County has for improvements.

Initial examination of the property indicates that the previous ownership provided limited investment into the property as well as little direction on the care of the property. As such the property is in need of substantial investment in vegetation management, irrigation water management and infrastructure. It is my opinion that the current leasee is doing the best they can in a tough situation (no specific goals, guidance, and short-term lease agreements).

As goals and objectives for the property seem to be in flux and have not been well established it is my recommendation that the initial focus should be on vegetation management. Once more defined goals and objectives are established focus can turn to irrigation water management, grazing management and infrastructure improvements.

### **Vegetation Management – Noxious Weed Control**

1. Proper noxious weed control using Integrated Pest Management.
  - a. The property is infested with noxious weeds. As a good steward and a good neighbor, I believe a proper Integrated Pest Management Plan should be initiated and followed.
  - b. One of the first tasks of this plan should be the accurate location and identification of noxious weeds throughout the ranch with a mapping initiative. This will help the county understand where, how much and which noxious weeds are on the ranch.
  - c. A monitoring protocol should be set up to see how well efforts are going and catch new infestations.
2. Areas will need to be rested from livestock (cattle and horses) during initial control efforts.
  - a. Proper rest-rotation of livestock is needed throughout the ranch. Leaving areas time to recover after grazing. Especially areas that are seeded after initial control efforts.
  - b. Infrastructure (fencing & water developments) will need to be installed in order to execute a proper grazing rotation system. Fencing could be as easy as temporary electric fence if livestock are trained to it. Water developments are more costly and proper placement of these will need to be discussed with the operator.
3. Seeding of sites will be necessary and goals for these sites need to be established for proper species selection (i.e. irrigated vs non-irrigated, grazed or not grazed, pasture vs hay).
  - a. Use livestock if available to prepare the site by removing unwanted forage.

NRCS  
Helping People Help the Land

USDA is an equal opportunity provider and employer

- b. All sites that are seeded will need to be rested from livestock for at least 1 full growing season if irrigated and 2 full seasons in non-irrigated areas.

Noxious weed control is a long-term objective that takes sustained effort and understanding by all parties. Certain sites will need to be closed to human traffic and livestock use to minimize spread and maintain safety.

### **Hay and Pasture – Irrigation Water Management**

The Pasture and Hay grounds are mostly in good shape. Soils that underlie these fields are very productive for this area. Almost all these irrigated fields have the potential to grow over 3 tons of grass hay per acre (see Grass Hay Map – North & South). However, there are some things that are limiting their productivity. They have little bare ground, but the species composition is limiting production. Kentucky bluegrass (*Poa pratensis*) dominates most of the hay and pasture systems. This species tends to limit productivity of hay and pasture systems due to its short stature and shallow root system. It crowds out other hay and pasture species that would improve the quality and quantity of these fields. Refurbishing these fields should be a task if improved quality and quantity of the hay and pastures is a goal for the ranch. Once refurbished Forage Harvest Management should be implemented to keep Kentucky bluegrass from dominating the fields.

Water management is always a resource that can limit production. As I have limited experience on the way this ranch is irrigated it would take more visits during irrigation season to better understand how this could be improved but it's safe to say with flood irrigation there could be improvements that would increase production. This may just be more labor to rotate water properly throughout the ranch to limit over and under irrigation.

The last resource that is limiting production would be nutrients. Nutrient management could increase productivity as our hay and pasture grounds tend to require some nitrogen input to maximize production.

The fields under the Love and White Ditch, the Wilkinson Ditch, the McKenzie Ditch and the Love Frost Ditch seem to be properly irrigated from what I can tell from historical aerial photography. The "Salt Creek Pastures" seem somewhat over irrigated but that may be an indication of infrastructure problems or high ground water table. However, the fields under the Hollingsworth and Potter Ditch seem to be poorly irrigated. This could indicate an infrastructure problem but as this visit was during late winter no water was currently being diverted. A proper review of all irrigation infrastructure will be needed to understand limitations and opportunities. Infrastructure investments are expensive, so great care should be taken to understand the ranches needs before projects are scheduled.

### **Riparian Areas – Brush Creek & Salt Creek**

Both Brush Creek and Salt Creek look to be in fair shape vegetatively as well as hydraulically except for some limited areas where intrusions into the stream systems by humans (headgates, bridges, etc.) and livestock have created some resource concerns. Headgate and check structures in the creeks need to be designed to improve water delivery as well as fish passage and stream health. These types of structures are expensive and so a proper investigation on needs should be done on each structure. As for livestock intrusions into the creeks, alternative water supplies should be developed with some slight changes in management to reduce livestock impacts. These don't need to be expensive fixes but need proper thought of both the creek and livestock needs.

### **NRCS Funding and Technical Assistance**

NRCS has funding available for most of the projects that are needed on the ranch. EQIP (Environmental Quality Incentive Program) is a competitive granting mechanism that can help reduce the cost of many of the projects to the owner or operator of the property. However, since this land is publicly owned only the operator of the ranch would be eligible for EQIP. The operator would need to have a long-term lease to meet the programs guidelines (usually over 5 years).

This is only an initial review of the property conducted over a 2-hour period. A more detailed review of the property would take many hours or days over multiple seasons to get all the concerns and opportunities identified. Discussion with the operator will be vital to understanding the operational needs of the ranch. As other interests begin to add concerns and demands it will be vital to have set goals and objectives for the ranch.

NRCS is here to provide whatever technical assistance we can with our current limited staff. Our engineering services are extremely limited due to resignations and retirements. However, we still have other services that we can provide. Please feel free to contact us at any time if you have questions, concerns or would like to schedule a field visit.

Sincerely,

Stephen Jaouen  
USDA, NRCS  
Glenwood Springs Service Center

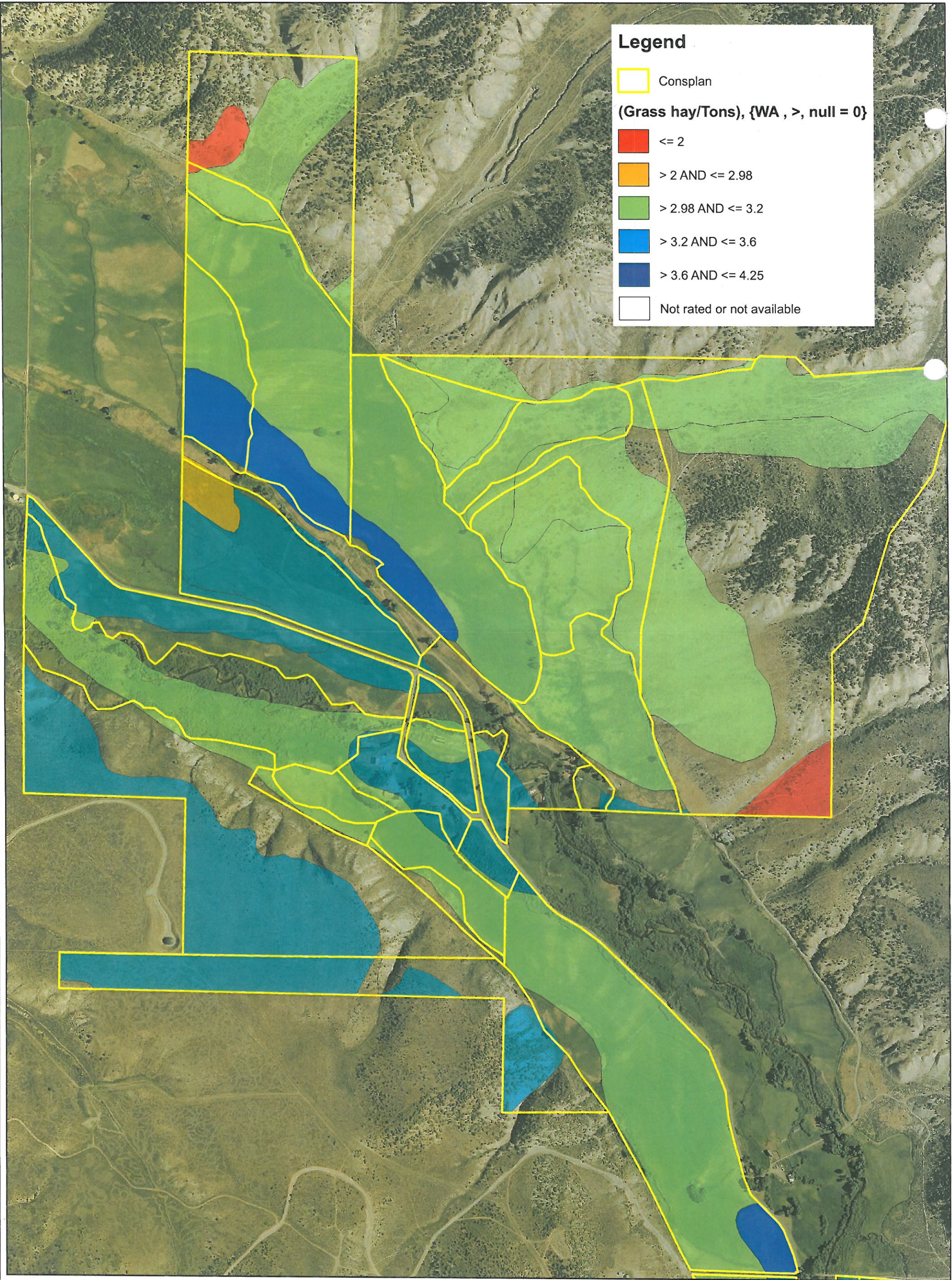
Enclosures – see Grass Hay Map – North & South



Customer(s): ADAMS RIB RCH  
District: EAGLE COUNTY CONSERVATION DISTRICT  
Approximate Acres: 1522.8  
Legal Description: T.  
Date: 3/8/2018

Grass Hay Map  
North

Field Office: GLENWOOD SPGS SERVICE CENTER  
Agency: USDA, NRCS  
Assisted By: STEPHEN JAOUEN  
State and County: CO, Garfield County, Colorado



**Legend**

Consplan

**(Grass hay/Tons), {WA , >, null = 0}**

<= 2

> 2 AND <= 2.98

> 2.98 AND <= 3.2

> 3.2 AND <= 3.6

> 3.6 AND <= 4.25

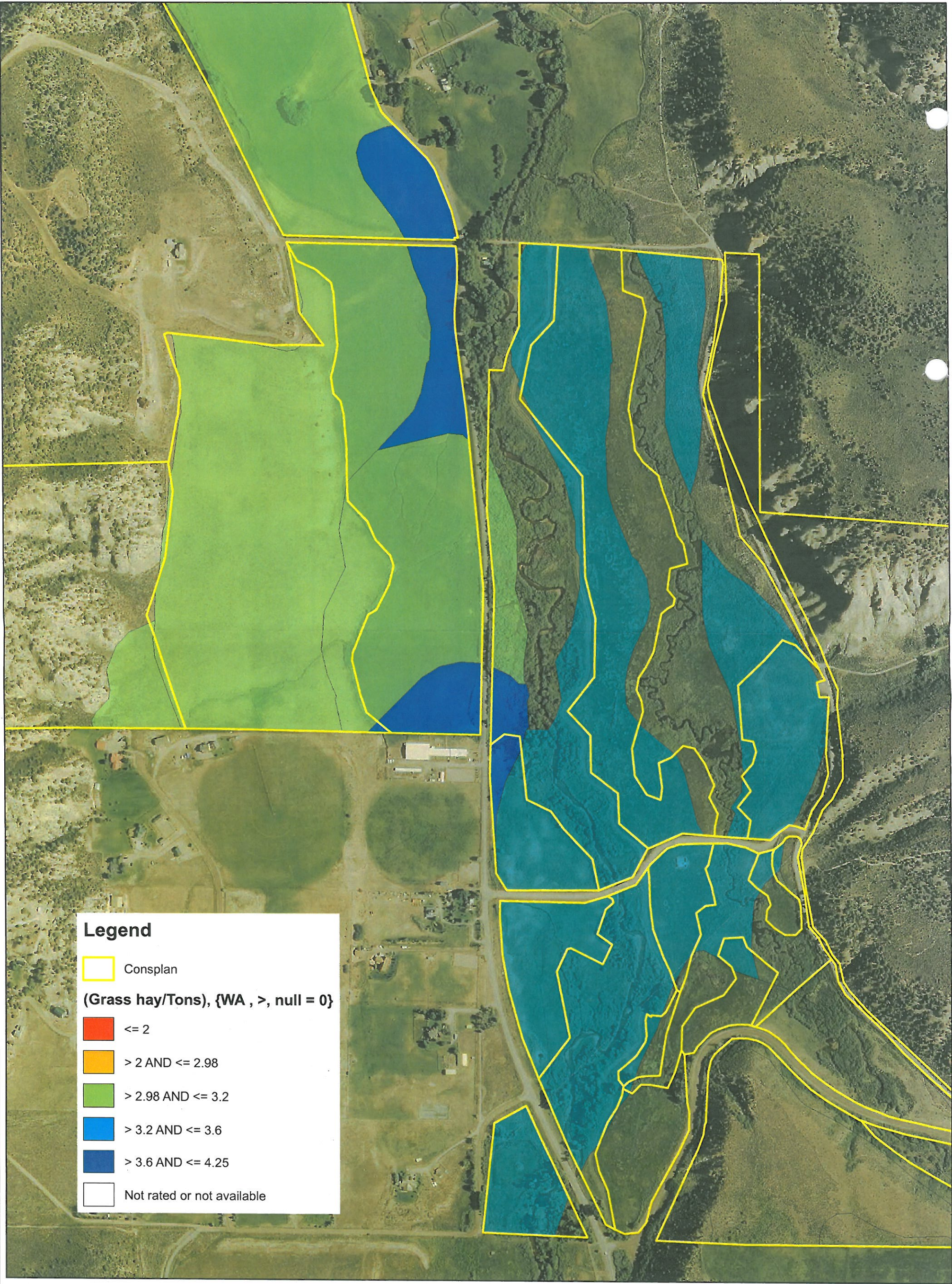
Not rated or not available



Customer(s): ADAMS RIB RCH  
District: EAGLE COUNTY CONSERVATION DISTRICT  
Approximate Acres: 1522.8  
Legal Description: T.  
Date: 3/8/2018

Grass Hay Map  
South

Field Office: GLENWOOD SPGS SERVICE CENTER  
Agency: USDA, NRCS  
Assisted By: STEPHEN JAOUEN  
State and County: CO, Garfield County, Colorado

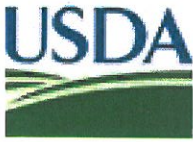


**Legend**

Consplan

(Grass hay/Tons), {WA , >, null = 0}

Red	<= 2
Orange	> 2 AND <= 2.98
Light Green	> 2.98 AND <= 3.2
Blue	> 3.2 AND <= 3.6
Dark Blue	> 3.6 AND <= 4.25
White	Not rated or not available



1:5,874  
1 inch = 489 feet





CONTINENTAL DIVIDE CABINS

C. Lee Rimel



4/27/18

DIANE,

I SURE HOPE YOUR PLANNING FOR HARDCRABBLE RANCH INCLUDES PROVISION FOR ACREAGE & WATER RIGHTS DESIGNATED FOR FARMING AS DETAILED IN THIS BOOK, "LETTERS TO A YOUNG FARMER". MANY LETTER WRITERS REPRESENT AN ORGANIZATION OR FARM THAT HAVE A WEBSITE — THE SITE ADDRESS AT THE END OF EACH LETTER.

HARDCRABBLE RANCH PROVIDES EAGLE COUNTY WITH A HUGE OPPORTUNITY TO "INVEST IN THE FUTURE OF FARMING". IT WOULD BE IMMENSELY BENEFICIAL FOR YOU TO VISIT ONE OF THE FARMS IN YOUR PROCESS OF WRITING A PLAN FOR HARDCRABBLE. GO TO [stonebarnscenter.org](http://stonebarnscenter.org) TO GET A START.

THIS BOOK IS A GREAT, QUICK READ.

A handwritten signature in cursive script, appearing to read 'C. Lee Rimel'.



# Investing in the Future of Farming

BY LACEY WILLIAMS

The trends are clear—fewer people are going into farming. In 2012, there were 20 percent fewer beginning farmers in Colorado than there were five years earlier. But it's not just the declining number that's concerning, it's also the age of those tilling the soil, as farmers older than 55 outnumber those younger than 35 by 12 to 1, according to the U.S. Department of Agriculture's 2012 Census of Agriculture. As if these demographic challenges weren't enough, cost and availability of water and land also hinder new farmers. Getting started in farming is an expensive endeavor.

At the same time, irrigated agriculture in Colorado faces the challenge of standing up to buy and dry, the practice where municipalities purchase and permanently transfer water rights from willing agricultural sellers, drying up farmland in the process. Instead, irrigators and others across the state are seeking ways to keep water on farms. Some are looking to conservation easements, others are grouping easements with alternative transfer methods (ATMs) or creative lease options where water can be kept in agriculture but shared with municipalities during times of need.

Entities in the Arkansas Valley are pairing these challenges and facing them head-on by financially helping young and new farmers get their start—though in some cases that assistance comes with the caveat that the farmers participate in an ATM.

The Lower Arkansas Valley Water Conservancy District (LAVWCD) has been encouraging farmers into the practice while maintaining water in the valley. "The goal is to help young farmers while tying water to the land in perpetuity," says Jay Winner, general manager of the LAVWCD.

Through conservation easements, the LAVWCD keeps water on the land. The LAVWCD started using easements in 2005 and after 12 years now holds 58 easements conserving 16,500 acres of ag land. That land is tied to surface and well water rights and nearly 2,780 shares of ditch water.

"We have a multitude of different types [of easements]," says Mike Weber, engi-

neer in training for the LAVWCD. While the variety of easements don't all make farming more affordable for farmers, the LAVWCD's purchased easements often do—and many of these deals go to young farmers. One such arrangement, agreed to in 2012 and implemented beginning in 2014, provided a young farmer with a 50 percent discount on the purchase of his farm, placed the farm and water into one of LAVWCD's conservation easements, and put a portion of the water into an ATM. The water is now tied to the land but the farmer follows up to 30 percent of his land each year so that water can be leased to the municipalities

**"The goal is to help young farmers while tying water to the land in perpetuity."**

—Jay Winner,

LOWER ARKANSAS VALLEY WATER  
CONSERVANCY DISTRICT

of Fountain, Security and Fowler. This deal on the Catlin Canal is enabled through HB 13-1248 which allowed the creation of pilot projects to test following-leasing. Young people want to farm but when they have to pay full cost for the property and water, generating sufficient cash flow is too high a barrier, Winner says.

Now Aurora Water is developing a similar Cooperative Farm Purchase Program. Aurora's goal is to bolster its supply during dry years and contribute to the city's water future in a sustainable way while ushering new farmers into the industry. The city intends to launch its young farmer program in late 2017 or 2018. Since the 2002 drought, Aurora has been developing a water portfolio to augment supplies in the event of another severe shortage. This plan aims to be one component of that portfolio.

Although it hasn't been put into action yet, its initial proposal focuses on the Lower Arkansas Valley, where Aurora Water intends to contribute half of the upfront cost for a beginning farmer to purchase land and

accompanying water rights. In exchange for this financial contribution, the farm and water rights are put into a conservation easement held by Aurora. While the farmer retains ownership, the municipality obtains the right to lease the water in three of every 10 years through an interruptible water supply agreement. This mechanism, established by the state legislature in 2003, enables the temporary change of a water right in order to maximize the beneficial use of water. In the Cooperative Farm Purchase Program, the option is for 30 years, or three 10-year periods, with additional 30-year renewal options. Pre-determined price escalators are established for each subsequent period. This program provides flexibility to both the farmer and the municipality, as the city retains a first right of refusal to purchase the farm at market rate should the farmer decide to sell the farm.

Beginning farmers like Mark Marsh are intrigued by the arrangement and eager to work with Aurora. Marsh grew up on the dry lands north of Pueblo and has experienced what happens with buy and dry. He has been looking to purchase a farm to grow hay and corn but needs help financing it—he's hoping that this program is the vehicle he needs to get into farming.

As Aurora and Marsh negotiate, the city has been working out the complicated legal details of such a deal and is looking forward to its first new farmer. Challenges do exist as continuation of the deal after the first 30 years will require a new statute and the municipality will need to convince farmers the program is a win-win. Aurora Water employees also know they have work to do to get the word out, but that may not be such a large feat. If the deal is as good as it sounds, Marsh says, he already knows others who would be interested in partnering with Aurora. ■

## TAKE THE NEXT STEP

Learn more about the challenges of getting started in farming, as well as opportunities, trainings and more success stories by connecting with the National Young Farmers Coalition: [www.youngfarmers.org](http://www.youngfarmers.org).

## **Field Testing and Concept Review**

At the conclusion of the scoping period, the management planning team began field-testing management concepts and actions. This effort included additional meetings with experts, stakeholders and user groups, the Eagle County Open Space Advisory Committee and the Eagle County Board of County Commissioners to obtain input on the general direction as well as specific proposed management actions. These groups included representatives from:

- Colorado Parks & Wildlife
- Bureau of Land Management
- NRCS and CSU Extension
- Current ranch manager
- Town of Eagle Open Space staff
- Eagle Ranch Wildlife Committee
- Hunting community
- Trout Unlimited
- Young Farmers
- Pitkin County Open Space
- Boulder County Open Space
- Hardscrabble Trails Coalition
- Eagle Valley Land Trust
- Backcountry Horsemen of America – Mountain Trekkers
- Agriculture community
- Eagle County Open Space Advisory Committee
- Eagle County Board of County Commissioners

## **Public Comment on Draft Management Plan**

### **Written comments from September 19, 2018 Community Presentation of Draft Management Plan**

*Attendees at the Community Presentation of the Draft Management Plan were given the opportunity to provide comment on the plan on printed comment forms. The following is a transcript of comments received at the presentation:*

1. Generally one would fish upstream. Should the fishing parking be at the lower end of the fishing areas?

Would the creek flow be increased making for healthier riparian habitat if there were not irrigated parcels? Who does this irrigation serve? Who needs the hay?

Vote: Brush Creek Valley Ranch and Open Space

I'd like to better understand why the big planned investment in irrigation systems. If those same resources were invested in the riparian habitat would the natural features be more quickly enhanced? Why livestock? For example could stream restoration like that done in Eagle better serve the public?

2. It is a complete contradiction to conserve the ranch then open it to create more trails, parking areas and hunter access across the ranch. The elk nor deer will tolerate the continual traffic on these trails.

Possible closure of trails in December for winter range is worthless as the deer come down in October, normally around the 15<sup>th</sup>.

I thought the parcel was purchased to create a total barrier at the edge of town.

- 45-year resident

3. More trails – hiking, mountain biking, link to existing town trails

### **Online comments on Draft Management Plan**

*The Draft Management Plan was posted on the Open Space section of the Eagle County website from September 17 through October 10, 2018. An online comment form was created for citizens to provide comment on the Plan. A transcript of the online comments follows:*

Online Comments Draft Management Plan

1. This open space is a valuable addition to Eagle County. Thank you for your hard work on the plan. I strongly support the concept of a path along Brush Creek Road, hopefully one that could be used by bicycles.

2. It is unclear how the alignment and proposed "Trail B" (Figure 7) is justified after reading the 2016 baseline report prepared for the conservation fund by Rare Earth Science, and reading the draft management plan summary of existing habitat and CPW tracked species. I do not believe construction of this trail adds is justified when

considering the significant impact it will create and respectfully request that no seasonal trail access is allowed above the Hollingsworth Potter ditch in this corner of the property. While I understand the proposed gate closure, existing 'voluntary' seasonal closures on Haymaker have proven fairly ineffective in my experience due to many factors. Please consider removing this proposed Trail B and either routing bikers back down to Brush Creek Road on an existing ranch service road, or routing bikers down the ranch road below the ditch to existing trail network on the southern part of the property accessing the salt creek area. I believe concentrating public access and impact in that location is preferable to developing new impacts and encroachment into winter range, concentration areas for both elk and deer. Thank you

### 3. Draft Hardscrabble Ranch Mgt Plan Feedback 10-5-18

The feedback provided below aligns with multiple elements of the mission of the Eagle County Open Space program by:

- Protecting wildlife habitat or wildlife movement corridors
- Maintaining scenic quality and viewsheds that contribute to Eagle County's sense of natural beauty
- Protecting riparian areas, floodplains, and other sensitive, unique, or endangered ecosystems and environments
- Preserving working farms and ranches that provide a sense of heritage and history
- Providing physical and visual buffers to promote community separation and distinction.

#### Habitat Management

Document noxious weed management strategies for the property, consistent with the goals of this plan and agricultural operations: Minimize the use of pesticides/herbicides, spot treat weeds rather than blanket spraying to minimize health impacts to people and wildlife, consider natural alternatives where possible. (For example, see current litigation re: health impacts of RoundUp and similar weed killers)

#### Riparian Habitat Restoration

Install fencing to exclude livestock from riparian areas along Brush Creek, it is acknowledged that livestock will require some access to Brush Creek: Use wildlife friendly fencing to ensure they continue to have access

#### Wildlife Habitat Protection

Allow beaver activity in Salt Creek to persist, as it contributes to wildlife habitat diversity; also allow the ranch lessee and ditch managers to control beavers as needed to maintain water infrastructure: Use non-lethal methods to "control" beaver activity, beavers are a critical part of the eco-system and should be protected. Beavers are being brought into areas where there are drought conditions to enhance water sheds and water retention, we are fortunate they are here naturally.

#### Elk and Mule Deer Management

Implement an extended seasonal closure on the northeast contour trail (Trail B) and on a portion of Trail D – through June 30 – to protect elk calving habitat: Elk have been observed with their calves in these areas this past summer through July 10th (a picture

taken on July 2nd can be shared if helpful) Preferred option is not to build the northeast contour trail B or trail D because of the plummeting elk and deer population. If we're serious about protecting wildlife habitat as the mission states, we should walk our talk and not have trails in those areas. Seasonal closures do not work, once the area is disturbed, wildlife is less likely to return. Second option is to delay these two trails (funding streams are limited, so do these last) and monitor wildlife population – if declines continue, don't build. Least preferred option is seasonal closures through July 15.

Monitor elk use and activity annually, with remote cameras and staff observation: The intent is appreciated, wildlife movement cannot always be monitored or predicted. Although this data is helpful, it shouldn't be the sole source of validating wildlife presence.

Regulate and manage dog access to trails and facilities in the northern half of the property in accordance with rules and regulations and posted signs: Preferred option is no trails or dogs on the northern half of the property. Second option - is it possible to use volunteers to assist with ensuring compliance? In my experience, posted signs aren't enough, more dogs are off leash than on and even when they are on a leash, the mere presence of dogs can create a fight or flight response from deer/elk. Dogs are seen as predators, when the deer/elk run away – that's burning calories they don't have to burn.

## Agricultural Management

### Ditches and Irrigation

Coordinate with NRCS to identify infrastructure improvements that would improve distribution of water over hay meadows and Salt Creek pastures: Is it possible to use this as an opportunity to establish best practices in irrigation? Flooding fields as a means of irrigating is wasteful and detrimental to the environment. More water is used than is necessary and the runoff (including livestock waste) goes straight into the creek and downstream impacting water quality. If best practices were used and shared as a model for our community, might that serve to raise awareness and be a win for our community?

### Vegetation and Grazing Management

Install fencing to limit livestock grazing in the Flats and the upper Canyon Pasture: Wildlife friendly fencing please

Manage livestock grazing and use at a sustainable carrying capacity: When determining those numbers, consider including wildlife that share those pastures to graze. That better reflects the volume of grazing that is occurring.

## Management of Recreation, Public Access, and Use

### Building and Access Areas/Trailhead Management Actions

Enforce winter wildlife closures: As mentioned above – solicit volunteers to assist given limited county resources. Educate the public about why those closures are critical in addition to enforcement.

#### Trail Management Actions

Design and construct a rim trail, including the north/south connection from Hardscrabble Mountain to the Recreation and Education Trailhead (Figure 7, Trail D): Preferred option is not to build trail B or D because of the plummeting elk and deer population. If we're serious about protecting wildlife habitat as the mission states, we should walk our talk and not have trails in those areas.

Design and construct a trail from the Recreation and Education Trailhead across the property to Haymaker Trail (Figure 7, Trail B): Preferred option is not to build trail B or D because of the plummeting elk and deer population. If we're serious about protecting wildlife habitat as the mission states, we should walk our talk and not have trails in those areas.

#### Hunting

Work with CPW to identify special hunting opportunities on the property, such as educational, children's, or veterans', or as needed to manage herds: Prohibit hunting on the property period. It is not currently allowed and that practice should remain in place. Given the current numbers, there is no justification for hunting to "manage herds" as the livestock outnumber the wildlife.

#### Programming Management

Require written approval for events and programming occurring on the property: Consider limiting access for this purpose as larger numbers of people on the property result in additional disturbance (noise, traffic, trash etc.) for everyone – neighbors and wildlife alike.

Thank you for the opportunity to provide input. We have pictures of elk & calves as well as a golden eagle from this past summer if that's helpful, just let me know.

4. Priority should be preservation and improvement of wildlife habitat. Weed control and re-vegetation should be first big efforts.

Restoration of old irrigation systems would greatly help in that regard.

I'd prefer to not see cattle graze on the southern section as deer and elk rely on it for winter grazing. The haying on Haymeadow has greatly reduced their winter feed. Cattle should be kept to the ranch parcel.

Fencing should be wildlife friendly, but I'd like to see consideration given to keeping them off Brush Creek Road if possible. Signage along that road should warn drivers "Wildlife on Road".



Other signage should include "Not a through road" on both Bruce Creek and Salt Creek roads to help protect the privacy of residents there who fully supported the open space effort in spite of those fears.

Enhance the quality of fishing by stocking and stream improvement. Management must include means of protecting against over-use of the entire easement.

I strongly agree with no hunting and no motorized vehicles.

5. As an equestrian trail user, as well as Mt Biking and hiking, I appreciate all the work and education that is going into the Eagle County Open Space acquisition and planning. The Hardscrabble equestrian trail off of Salt Creek Road will be a fine addition to the trail systems.

I propose, due to the short distance that trail encompasses to make it a show case trail for Eagle County, with excellent footing of wood shavings.

This will create more of a draw to the trail, since it's only 2 or 3 miles long total.

The Back Country Horseman Association, Mt Trekkers, would do the work, if the Open Space budget would allow for material support.

Thank you again

6. Please when evaluating and forming use plans keep into consideration that there are a large number of equestrians that would like to use the trails. Many of the equestrians in Eagle County and beyond are finding that their voices are not being taken into consideration for planning. We are a great asset to trail clearing and maintenance. Please keep our group under consideration in your plans.

7. Thank you so much for considering the equestrian community needs and wishes in developing the trails within the open space!

Some of my biggest concerns are to create trails where mountain bikers/dirt bikers don't have to mix with horseback riders/hikers. While most of our local horses are accustomed to meeting mountain bikers on trails in the county, there are very few trails that equestrians don't have to worry about meeting bicyclists and there are many many developed trails in the valley for mountain bikers specifically.

Also, when developing parking for these/this trailhead please provide adequate parking for trucks/trailers with appropriate space for turning around as well as signage to hikers not to block the parking or to only park in specific areas so equestrians don't get blocked in or out. Thank you for your consideration!

8. I am grateful to see that the folks planning the Hardscrabble Ranch Open Space are working with the Mountain Trekkers Back Country Horsemen in consideration to equestrian users. Appropriate trailer parking is an important, and often overlooked, aspect for horseback riders. Having access to areas that are closed to motorized vehicles and mountain bikes will ensure that equestrians have a safe area in which to ride.

Horseback riding has been an integral part of Eagle's heritage. Developing a plan with trail systems that are set aside for horses (and hikers) will help to preserve that heritage.

9. The consideration given to equestrians in this draft is commendable. I hope to see these plans remain in the final version. It is very important to horseback riders to have access to a trail without motorized or wheeled vehicles. The proposed equestrian use of the Trail Gulch/Salt Creek area is in keeping with historical use. Plan for adequate trailer parking at this trail head will ensure that the trail sees use by equestrians. I hope our Open Space planners will continue to work with Mountain Trekkers Back Country Horsemen on trail development, education, and trailer parking design.

10. Thank you, Eagle Open Space, for the consideration and forethought you have given to equestrians in your planning process. As a lifetime horseback rider I really appreciate your recognition of providing a predictable and safe recreational experience for horseback riders from beginners to experts without the threats posed by both motorized and mechanized recreational vehicles. And, considering access to such areas that include parking for trucks and trailers.

Please continue to recognize equestrians as an important user group who are also willing to share knowledge in the ongoing planning process through our Back Country Horsemen chapter.

#### **Email comments on Draft Management Plan**

*Staff received comments on the Draft Management Plan via email. Those comments follow:*

##### **1. Suzie Shepard**

A few belated comments on this wonderful Open Space:

I prefer the name Brush Creek Valley Ranch and Open Space, reminding people of its history and rural atmosphere.

I think the management plan is very well thought out and hope the funds will be available for maintenance forever. Too much public land has been ignored and abused: State Land Board, BLM, Forest Service and Open Space throughout the state.

Keep motorized vehicles out! Except for farming equipment.) County BLM is slowly being torn apart by off road enthusiasts on motorized machines.

Put water wherever you can to promote growth and use all water rights judiciously.

Improve water distribution to get the water to important areas.

Thank you for the aggressive attack on noxious weeds! It is key to maintenance, beauty, usability, and sustainability for the ranching operation. Four years of hard work could change the appearance of the entire property to a place of wonder

##### **2. Eric Boley**

Attached are a few photos that may be useful if a discussion comes up concerning Winter uses related to Hardscrabble. Bathrooms and a parking area at the base of Hardscrabble Road would be pretty sweet, if we get decent snow years again. I started doing this for personal use years ago, have shared with others over time. I did the same in Garfield County when I lived there. It was found/adopted by others and morphed into the West Elk Multi Use Area. You can ski "Eric's Loop" above New Castle. A little more strategic non-tracked motorized vehicle closures on the road by the BLM would make trail grooming worth the effort. The "Ricky Bobby" factor seeing how far they can run trucks up in the Winter tends to create big honkin' ruts. Let me know if you sense more interest or would like to discuss further.

3. Markian Feduschak, President, Walking Mountains Science Center

I'm not sure if the public comment period has closed yet or not. If not, I did want to briefly comment.

Having attended the recent plan presentation meeting on 9/19, I was overall pleased and impressed with the plan. It seems to strike the right balance between historical ranching use, preserving wildlife habitat, recreation, and education.

I am particularly concerned about the ranch being a model of sustainable ranching and preserving and enhancing wildlife habitat. I believe all other uses should be secondary to the preservation of wildlife habitat. The ranching heritage is important and should focus on being viable while restoring the range, which from a lay person's perspective seems to have been over grazed. Improvement in the range will be positive both for ranching and wildlife.

Any recreational uses should abide by seasonal wildlife closure on adjacent lands, or should be extended as appropriate for the local wildlife population. I'm certainly excited about new trails for hiking, biking, and educational purposes, but these should be planned with agriculture and wildlife in mind.

Thank you for including me and our organization in this planning process. We are happy to be involved or serve as a resource at any time.

Best regards,  
Markian

4. Lee Rimel

Diane, I want to formalize my recommendations for the Hardscrabble Ranch. My previous comments and emails never made it officially into the planning process documentation. I've attached a letter to accomplish this. As I've said and written, Hardscrabble Ranch, represents an incredible opportunity for Eagle County. I have previously expressed it doesn't seem to me the immensity of the opportunity or

challenges before us are completely understood. My letter will express my concerns. Hardscrabble Ranch is much more than previous Open Space and Conservation Easements on the context of the opportunity for citizens and tourists to experience the land.

I've suggested you need to hire a Ranch Manager, not the lessee, to daily be on the ground, full time working and managing this asset. Think, were Eagle County to acquire a \$15,000,000 employee Housing Project, multiple units for rent, would Kim Bell Williams be expected to manage all the aspects of this or would a Professional Property Manager be employed. I believe Hardscrabble Ranch presents such a challenge. It needs a full time manager. Hopefully Open Space Tax, \$4,500,000 a year, has the ability to pay for this.

I look forward to more discussion and inclusion in meetings regarding the Development Plan for Hardscrabble Ranch.

Lee Rimel (letter from Mr. Rimel appears in Written Correspondence section)

## 5. Robert McKenzie

Dear Diane,

Please excuse us being a bit late on the comment period. We had a small challenge getting all together logistically to make a request related to signage on the access to our Bruce Creek Road. We have an informal consensus among many of us who live along the Bruce Creek Road to ask that Eagle County put one or several signs near the entry of the road to say: "No Exit" and "No Public Land Access." This would cut down on the traffic that comes up the road only to discover it is a dead end, and then need to turn around on private property to return down the road. Increasing exploration at the south end of Hardscrabble will add to this kind of traffic. All will benefit by having better information about what does or doesn't lie up the Bruce Creek Road.

You may have heard from Tim Barca and Ed Oyler separately asking for this. If so, this simply adds in a few more of us to the list: John Chiodo, Peg Rosenquist, Kimberly Adams, Dale and Adrea Mel, and Jo Ruder-my wife, and me, Bob McKenzie.

This entire planning process for Hardscrabble has been exceptional due to your, and the County's, stewardship. We commend you on keep an open ear in formulating what is an extraordinary benefit to us all. Thank you so much.

Our warm regards,  
Bob

## Written Correspondence on Draft Management Plan

*Staff received the following written correspondence from citizens as well as Hardscrabble Ranch technical and funding partners.*



## COLORADO

### Parks and Wildlife

Department of Natural Resources

Glenwood Springs  
0088 Wildlife Way  
Glenwood Springs, CO 81601  
P 970 947 2920 | F 970 947 2936

October 8, 2018

Diane Mauriello

Eagle County Open Space Director

Perry Will

Area Manager, Colorado Parks and Wildlife

RE: Hardscrabble Ranch Open Space

Ms. Mauriello,

Colorado Parks and Wildlife would like to commend you for your efforts in obtaining this intrinsically valuable property and your continued diligence to ensure wildlife will be an important element in the management of the property for perpetuity. The county, through your efforts, has been very progressive in their approach with this property, requesting input on the importance of this parcel for the continued health and well-being of local wildlife populations, restoration and preservation of important habitat, and revitalization and improvements for Brush Creek and its associated riparian. Your foresight to include Colorado Parks and Wildlife, CPW, from the very early conceptual stages of this project has allowed the incorporation of recommendations into the planning process. This concept allowed CPW to be an active partner and participant. CPW hopes this partnership and early inclusion continues on future projects.

Lastly, as the county survey illustrated, wildlife is an important factor in the perceived quality of life in Eagle County. You along with the BoCC recognize the importance and have incorporated the management with wildlife playing an important role. CPW appreciates and thanks you for this effort.

Sincerely,



Perry Will



October 5, 2018

Diane Mauriello  
Eagle County Open Space Manager  
500 Broadway  
Eagle, CO 81631

Diane,

I'm writing you to on behalf of Hardscrabble Trails Coalition regarding the proposed Hardscrabble Ranch Management Plan. Hardscrabble Trails Coalition (HTC) is a non-profit 501-c-3 non-motorized trail advocacy and volunteer work group focused on improving and maintaining high quality trail experiences on public lands surrounding Eagle and Gypsum, Colorado.

From the draft plan we have the following comments:

1. In general, HTC is supportive of the thoughtful planning and layout of proposed trails, both soft and hard surface, as part of the plan. In previous trails planning efforts we have articulated a desire to create a circumference trail experience around the Town of Eagle. With the LOV Connection being constructed last year, connecting Eagle Ranch trails to BLM Hardscrabble area trails, providing a connection from Eagle Ranch to East Eagle as contemplated by the Hardscrabble Ranch Plan accommodates this goal well. In particular, the proposed trail alignment which extends along the rim from Riddle Trail or nearby will provide a unique rim trail user experience overlooking the Brush Creek Valley and New York Mountain range. The current design to connect this to both Hardscrabble Road and across Brush Creek Road to the trailhead to the east provides multiple user and trail system co-benefits and is also supported by the 2014 TOE Trails Plan.
2. HTC is in support of the equestrian and hiking access designation for the trailheads accessing BLM property from the southern portion of the property. We have identified a need for equestrian and hiking- only trails to provide a wider spectrum of trails, improved user experiences, and to minimize user conflicts.
3. We are in support of the proposed BLM access points shown to the north and south of the private parcel provided for future BLM SRMA trails planning.

## HARDSCRABBLE TRAILS COALITION

EAGLE, COLORADO | [HARDSCRABBLETRAILSCOALITION.ORG](http://HARDSCRABBLETRAILSCOALITION.ORG) | FACEBOOK: HARDSCRABBLE TRAILS COALITION



4. HTC is in support of the proposed seasonal closures as identified on the plan to protect wildlife habitat critical winter range and for calving and production purposes. We recommend that such closures provide reasonable flexibility to allow for shorter or longer closures based on actual and changing wildlife needs, weather conditions, etc.

Thank you and we look forward to working with you on this project and to continue to improve and maintain open space values in our area.

Sincerely,



Adam Palmer  
President

Hardscrabble Trails Coalition

[www.hardscrabbletrailscoalition.org](http://www.hardscrabbletrailscoalition.org)



Eagle

**HARDSCRABBLE TRAILS COALITION**

EAGLE, COLORADO | [HARDSCRABBLETRAILSCOALITION.ORG](http://HARDSCRABBLETRAILSCOALITION.ORG) | FACEBOOK: HARDSCRABBLE TRAILS COALITION

## **Eagle Ranch Wildlife Committee**

c/o Eagle Ranch Association  
PO Box 1630  
Eagle CO 81631

October 11, 2018

Diane Mauriello  
Eagle County Open Space Director

Re: Hardscrabble Ranch Management Plan

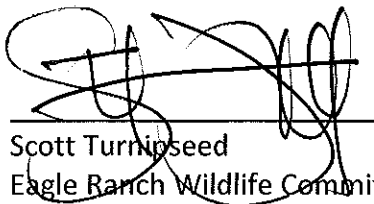
Dear Diane:

Thank you for your efforts in creating the Hardscrabble Ranch Draft Management Plan dated September 2018.

The Eagle Ranch Wildlife Committee administers funds raised via a transfer fee on property sales within Eagle Ranch – a subdivision in the Town of Eagle. The funds must be used for wildlife enhancement projects in and around Eagle Ranch. As you know, the Committee contributed almost all of its available assets to assist in the purchase of the Hardscrabble Ranch.

The Committee believes that that the actions proposed in the draft plan will have a beneficial impact on wildlife in and around Eagle Ranch. For that reason, the members of the Committee hereby express their full support for that draft plan.

Sincerely,



Scott Turnipseed  
Eagle Ranch Wildlife Committee



Mountain Trekkers Back Country Horsemen  
PO Box 493  
Eagle, CO  
81631

mountaintrekkersbch@gmail.com

October 10, 2018

To the Eagle County Open Space:

This letter is in support of the Hardscrabble Ranch draft management plan. As an equestrian advocacy and trail maintenance group, we were excited to see accommodations for equestrians in the draft. The consideration our land-use managers have given to the needs of equestrians, hikers, and wildlife is commendable.

To have trails in the Salt Creek/Trail Gulch area open only to pedestrian and equine access, free of wheeled or motorized vehicles, will provide our members with a safe space to recreate in while providing quieter habitat for our wildlife. The inclusion of adequate horse trailer parking at the proposed trailheads will help ensure that the equine trails are utilized by the extensive horse community that lives and visits our beautiful valley. This is in keeping with historical equestrian use of the Salt Creek/Trail Gulch area.

Mountain Trekkers Back Country Horsemen looks forward to a continued partnership with the Eagle County Open Space land use planners and will remain available to help advise on & implement equestrian use plans.

Sincerely,

Kendra Pardee  
President  
Mountain Trekkers Chapter  
Back Country Horsemen of America

Danielle Neumann  
Vice President  
Mountain Trekkers Chapter  
Back Country Horsemen of America

Hi Diane,

I'm not sure if the public comment period has closed yet or not. If not, I did want to briefly comment.

Having attended the recent plan presentation meeting on 9/19, I was overall pleased and impressed with the plan. It seems to strike the right balance between historical ranching use, preserving wildlife habitat, recreation, and education.

I am particularly concerned about the ranch being a model of sustainable ranching and preserving and enhancing wildlife habitat. I believe all other uses should be secondary to the preservation of wildlife habitat. The ranching heritage is important and should focus on being viable while restoring the range, which from a lay person's perspective seems to have been over grazed. Improvement in the range will be positive both for ranching and wildlife.

Any recreational uses should abide by seasonal wildlife closure on adjacent lands, or should be extended as appropriate for the local wildlife population. I'm certainly excited about new trails for hiking, biking, and educational purposes, but these should be planned with agriculture and wildlife in mind.

Thank you for including me and our organization in this planning process. We are happy to be involved or serve as a resource at any time.

Best regards,  
Markian

Markian Feduschak | President  
Walking Mountains Science Center  
[318 Walking Mountains Lane](https://www.walkingmountains.org) | PO Box 9469 | Avon, CO 81620  
970.306.0560 | [markianf@walkingmountains.org](mailto:markianf@walkingmountains.org)  
[www.walkingmountains.org](https://www.walkingmountains.org)



Lee Rimel  
Edwards, CO 81632

October 1, 2018

Re: Hardscrabble Ranch Open Space

Diane Mauriello, Open Space Manager  
PO Box 179  
500 Broadway  
Eagle, CO 81631

Dear Diane:

I write to encourage that the Hardscrabble Ranch Open Space Management Plan incorporates in the agricultural portion provisions that provide for activities on the land that reflect practices present in the 1920's, 30's, 40's, & 50's in Eagle County. There are agricultural activities, today, being encouraged across the nation supporting local growing and marketing of food, what is called the farm/food to table movement. Articles and information are included herein. Re these opportunities.

Hardscrabble Ranch Eagle can incorporate these practices and create an agricultural opportunity that accurately not only reflects the history of Ranching/Farming in Eagle County, but incorporates practices being encouraged across the nation. County Ranchers/Farmers were significantly dependent on cash crops, particularly potatoes and lettuce, which were loaded by the ton on Rail Road cars in Avon and Eagle, vegetables iced down with ice collected from the ice pond at the Pando Rail Road Station, in what is now Camp Hale. Plus, Eagle County Rancher/Farmers were dependent on vegetables, produce, root crops canned and stored in Root Cellars to feed their families during the winter.

From my observation, listening and reading the Draft Management Plan, I see no mention or provision for incorporating this type of agriculture on the 1540 acres. The Plan appears ignorant of Eagle County Ranching/Farming history, of what made the land & soil economically viable for the people living here in the 20's, 30's 40's & 50's. Also, the plan neglects to encourage smaller farmers opportunity to produce food as is discussed in the Roaring Fork Valley news article shown below. Please note agricultural opportunities like this are being provided by communities all across the nation. Why not also Eagle County?

The Draft Plan regarding agriculture is focused on cattle & hay meadows, which are the current ranch operations, without a look back at how the land and soils were originally

used and with no mention or insight into the wave of new thinking regarding agriculture taking place across the nation.

The below information supports what I'd like a portion of the ranch to provide. Possibly designate 25 acres in 1 to 5-acre plots, 5-year leases renewable up to 30, for vegetable, and poultry production, these products produced for sale. Expanding numbers of these opportunities are being provided across the nation, governments realizing the need for local food production and to provide entrepreneur opportunity for aspiring farmers. I encourage you all to read "Letters to a Young Farmer" and for history of Eagle County, "A Cup of Clear Cold Water; Life on Brush Creek" by Helen Dice. Note, there are numerous locally written books that discuss family history of Ranching/Farming in Eagle County. I will provide anyone who wishes a copy of these books to read. "Letters to A Young Farmer" speaks to an agricultural revolution that is sweeping the land. Appreciation for high-quality food, often locally grown, an awareness of the fragility of our farmlands, and a new generation of young people interested in farming, animals, and respect for the earth have come together to create a new agrarian community. To this group of farmers, chefs, activists, and visionaries, Letters to a Young Farmer is addressed.

Again, I repeat Ranchers/Farmers in Eagle County depended heavily on cash crops to support themselves, tons of potatoes and cabbage, loaded on RR Cars for shipment to cities. Ranchers families survived the winter eating vegetables & root crops that were canned or stored in Root Cellars.

Respecting history and including what's going on with farming across the nation, it is important that Hardscrabble Ranch provide acreage and water that enables aspiring farmers to profitably produce and sell food, be it produce or poultry products, in addition to a sustainable cattle operation which should be, ideally a calf to table beef production operation. Hardscrabble Ranch Open Space utilized in this way brings back an important part of Eagle County's heritage and enables all Eagle County citizens to enjoy farm to table fresh food, produced right here in our own Valley.

I trust also, the plan will include provisions for "Regenerative Agriculture" which will be necessary to recover the productivity of the exhausted and weed infested soil on the 1540 acres. This, verses just spraying weed killers is essential to enhance the quality of the 1540 acres of soil that is sorrowfully depleted.

It will also be important to see the proposal Eagle County is planning to publish regarding soliciting a lessee for operating the ranch in future years. I'm not talking a Request for Proposals but a definitive description of the product, the land and buildings the County is proposing to lease. That is the portion of the Ranch not dedicated to other agricultural uses.



It should include a detailed description of the property to be leased including its improvements, water available, fencing, hay production potential and the buildings to be leased and the responsibilities of the County and the Lessee. It is naïve, I believe, for the County to expect that a lessee will have the knowledge, experience and financial capability to restore the land to its maximum productivity. Eagle County and the Land Trust must bear this responsibility. Can the \$4,500,000 collected in Open Space Taxes be used to “fix the land”? Make improvements?

Additionally, I encourage you, the Planners and Open Space Committee, go to these web sites for more info on programs involving existing and support for farm properties such as Hardscrabble.

<https://www.stonebarnscenter.org>

<http://cyfea.org>

<https://www.coloradofarmbureau.com/2018/04/18/colorado-young-farmers-ranchers-launches-choppin/>

And, please read these articles.

High Altitude Gardening: Growing potatoes

March 22, 2014



Potato field landscape

As spring approaches, my garage is now well above freezing temps. I am just finishing this past year's potato harvest, plus the last of my carrots and beets, which are stored in my garage. The remaining potatoes, still healthy and alive, are just sending up their new spring shoots out of their winter storage boxes, anxious to be planted again.

Those potatoes that I don't eat by April will probably end up back in the garden to start next year's crop, with their shoots already growing.

Most root vegetables do well in Colorado's high-altitude climate, (except for sweet potatoes and rutabagas — they like warmer, southern climates). I like to plant lots of beets, carrots and potatoes because they are fun and easy to grow and offer exceptional nutrition, but also because they store so well. They will stay fresh and alive in your garage (or root cellar) for the entire winter, ensuring your kitchen has a regular supply of healthy, organic, home-grown veggies.

## **DEEP IN THE DIRT**

Root vegetables like deep, rich soil — at least 12-inches deep. But it is amazing how much can be grown in just a deep planter box, 2 feet by 2 feet. You can also buy growing bags from supply houses such as <http://www.gardeners.com> that are cheaper and easier than boxes. Be sure your growing area, whether a garden plot, a raised planter box or bag, has at least 10 inches of topsoil. If you have heavy clay soil common in Colorado, it's a good idea to add a few inches of sand (purchased in bags at Home Depot). The sand helps break up the soil so the root tubers can expand. Also a few inches of peat moss is excellent to help make the soil more acidic (potatoes love acid soil). Then add about 4 to 6 inches of compost (also available in bags) and mix well.

GOOD GROWING SOIL IS THE KEY TO ANY GARDEN. THERE ARE MANY GREAT SOIL ADDITIVES AT THE GARDEN CENTER TO ENHANCE YOUR PRODUCE. ADDING WORM CASTINGS, OR MYCORRHIZAL FUNGI FOUND IN SOME COMPOSTS, OR COMPOST STARTER CAN JUMP START THE BACTERIAL ACTION NECESSARY FOR HEALTHY GARDENS. THE BACTERIA ARE REALLY RESPONSIBLE FOR FEEDING YOUR GARDEN PLANTS, SO WE LIKE TO CREATE A GOOD ENVIRONMENT FOR THEM. BACTERIA LIKE WARM AND MOIST SOIL, AND THEY LIKE COMPOST (THEIR MAIN MENU). THEY ALSO LIKE REGULAR FEEDING FROM NATURAL FERTILIZER. THERE ARE DOZENS OF WAYS TO FEED YOUR PLANTS (MORE ON THIS IN MY GARDEN CLASS). POTATOES REALLY LIKE A MOLASSES TEA — JUST A CUP OF MOLASSES IN A FEW GALLONS OF WATER EACH WEEK.

BEETS AND CARROTS ARE GROWN FROM SEED, BUT POTATOES GROW FROM OTHER POTATOES. WE CALL THESE "SEED POTATOES." ANY POTATOES WILL DO, I'VE EVEN PLANTED STORE-BOUGHT POTATOES IF THEY GET OLD AND START SENDING UP SHOOTS. BUT I LIKE TO ORDER MY SEED POTATOES FROM [HTTP://WWW.POTATOGARDEN.COM](http://www.potatogarden.com) IN AUSTIN, COLORADO, WHICH ARE ORGANICALLY GROWN AND ARE MORE SUITED FOR OUR CLIMATE. THEY ALSO HAVE A HUGE SELECTION OF WHITE, RED, PINK, YELLOW AND BLUE POTATOES

— OVER 40 VARIETIES. BUT PICK THE "EARLY POTATOES" FOR OUR SHORTER SEASON. THEIR CATALOG ALSO GIVES EXCELLENT IDEAS AND INSTRUCTIONS ON GROWING POTATOES.

## PLANT ROOTS SOON

All root vegetables can be planted about two to three weeks before the last frost. Depending on your elevation, this means about mid-May in Eagle, earlier in Gypsum, later in Avon and Vail. It is always a good idea to pre-warm the soil. By early May, mix in the compost and cover the garden with clear plastic to create a mini-greenhouse, and cook the soil for a couple weeks, getting it above 50 degrees. Then follow the directions for planting on the package, keeping the seedlings moist throughout the growing season. You can also get a jump on the growing season by ordering your seed potatoes now, and spread them out on trays in a light area in your house, above 70 degrees. In a couple weeks, they will start to grow, sending up green shoots. Be careful when planting not to break these shoots off. If a late spring frost kills the first green leaves that sprout, no worries. The potatoes in the soil are cozy and will send up new shoots.

*Root vegetables can take a full season to grow and will just be ready to harvest as the frost arrives and the leaf canopy dies off. But you can leave them in the ground a few more weeks until the first snow. Then dig them all up carefully, sifting with a fork. An unheated garage makes a perfect root cellar to store veggies, as long as it is just above freezing. Simply layer the freshly dug, unwashed veggies in cardboard boxes, covering each layer with light compost, or sand or sawdust. A little sprinkle of water once a month will keep them fresh and alive through the winter.*

*Lori Russell teaches a class on high altitude gardening at Colorado Mountain. College. She is also a professional landscaper and can be reached at [LoriRussell8@gmail.com](mailto:LoriRussell8@gmail.com).*

## From Lettuce Town to Resort Town

In the 1920's head lettuce was the crop of choice in Avon and neighboring Beaver Creek and Bachelor Gulch. Box cars stood at the Avon Depot, loaded with ice from the Minturn ice house (the ice had been cut the preceding winter at Pando up near Tennessee Pass) and readied for freshly cut lettuce heads delivered in crates by farmers and their ranch hands including wives. These refrigerated rail cars shipped Avon crops as far as the east coast providing fresh lettuce weeks after the nation's standard lettuce harvest was gone. Through the years Avon land produced cattle, hay, potatoes, peas, oats and, starting in the 1940's, sheep. By this time most of Avon's homesteading families were long gone but descendants of William Nottingham had stayed on and owned and operated nearly all of the land called Avon.

This article portrays vision I hold for Hardscrabble Ranch!

Big boost for smaller farmers planned in Roaring Fork Valley in 2018

[Scott Condon](#)

January 8, 2018

Anna Stonehouse/The Aspen Times

Small farms and ranches got a big boost from the Pitkin County Open Space and Trails program in 2017, and even bigger things are planned this year.

The agency is leasing some of its property at favorable rates for long periods of time to incubate start-up farmers. Open space also has approved spending \$50,000 this year to start a tool-rental business specifically aimed at farmers and ranchers.

The additions are part of the agency's expanding focus to provide land not only for wildlife habitat and recreation, but to help revive the valley's once rich agricultural heritage.

Last summer, the agency [leased 10 of 40 acres](#) at the Lazy Glen Open Space for agricultural operations. This year, the Emma Open Space will be a focus of the expanding agricultural effort.

"The one thing we can offer that the private sector can't is a long-term lease," said Paul Holsinger, agriculture and conservation easement administrator for the open space program.

The open space program is starting to grant 10-year leases with possible extensions on its agricultural lands so that the leaseholders can rest assured they have a chance to recoup funds they sink into capital improvements.

"I think that's immensely critical," Holsinger said of the long leases.

Cooper Means was awarded a 10-year lease at Lazy Glen last year. He raised livestock and grew mushrooms, which proved wildly popular with restaurants. He subleased land for gardens to Erin Cuseo, owner and managing partner of Erin's Acres.

Cuseo produced nearly 6 tons of veggies and greens in her gardens and greenhouses, according to a year-end report by Holsinger. Cuseo's produce included 5,280 pounds for Erin's Acres Community Supported Agriculture program, 3,000 pounds she sold at farmers' markets, 2,000 pounds sold to restaurants and 1,500 pounds in donations, the report said.

Means raised and sold 630 pounds of lamb, 1,400 pounds of poultry and 120 pounds of mushrooms. The mushroom production is expected to grow tenfold by June.

"The only thing limiting them there is the size of the property," Holsinger said.

A second apartment is being made habitable in a barn that exists on the property. Providing a second place for a permanent resident is likely a key to increasing livestock production at the Lazy Glen property. Someone needs to be onsite regularly to oversee the animals.

"The challenge of the young farmers is the same as for everyone else: housing," Holsinger said.

The other major open space parcel that figured into ag production in 2017 was the Wheatley property on the north side of Snowmass Canyon, opposite Highway 82. A company related to Woody Creek Distillery produced 385,000 pounds of potatoes. Two varieties of spuds were used to make vodka.

At Emma, young farmers Harper Kaufman and Christian LaBar, operating as Two Roots Farm, have bid to start the first phase of what's designed to be an expanding operation over the next several years. They were selected in December for what's known as the South Lease, and the open space board will consider granting that lease and a separate lease for the nearby Emma schoolhouse property. The two parcels are 20 acres combined, Holsinger said.

"It's no news to anybody that land is expensive around here," LaBar said. "We've been leasing from Spradley Farms, so we see this as a good opportunity to get access to land that we could not afford. We really want to stay here, and we really appreciate the support we get from the community."

Two Roots intends to grow produce on 4 acres near the schoolhouse. They plan to rotate where they plant, so the remainder of the schoolhouse property will be planted in grasses to help restore the soil, Holsinger said, and the South Lease will be an irrigated hayfield and possibly be rented periodically for grazing.

The open space board will consider the leases Thursday as well as Two Roots' proposal to add a barn and hoop houses for irrigation improvements.

We're feeling confident," LaBar said. "It's a tricky space our application is in because it's kind of a new thing for this program, and us asking to put in new infrastructure and a barn and stuff for our vegetable options has never been done to the degree we're asking. I do know the public's opinion was overwhelmingly in support of diverse organic farm."

Another portion of the Emma property, the North Lease, was rented to the Grange Family Ranches for a hayfield and grazing. The Grange family, one of the last family ranches in the mid-valley, has worked that land for several years.

The open space program will assist young farmers and ranchers beyond its borders this year. From its budget, \$50,000 will be used to buy a stand-behind tractor with multiple attachments as well as several pieces of equipment that can be used by a standard tractor.

The machinery is often too expensive for young farmers to invest in, yet it could help them expand their operations, Holsinger said.

Oversight of the rental equipment will be handled by Aspen T.R.E.E., which has an agricultural lease from the city of Aspen at Cozy Point Ranch. A formal organization with an annual fee will be started for young farmers and ranchers. Only members of that organization will be able to rent the equipment, for an additional fee, Holsinger said.

Thank you for your consideration of my suggestions. There are many extremely qualified people to discuss these ideas with, local, state and national. You should be meeting with them. I would appreciate being invited to opportunities to discuss the incredible opportunity the Hardscrabble Ranch provides for Eagle County, it's residents and visitors.

Sincerely  
Lee Rimel

CC: Jeff Shroll, Jill Ryan, Kathy Chandler Henry, Jeanne McQueeney, Jessica Foulis

### **Eagle County Open Space Advisory Committee (OSAC) comments on Draft Management Plan**

The management planning team met with members of the Eagle County Open Space Advisory Committee (OSAC) to discuss the Draft Management Plan and solicit comments. The following were key themes and comments from the OSAC members present:

Key comments included:

- Question about the tone, report does not emphasize that purchasing and conserving the ranch was an extremely positive action
- Start slowly with implementation actions, including access, programming, events and camping associated with events on the property
- Concern about allowing any events, or at minimum, limit number, type and scale of events
- Place manageable parameters around events, programming and camping



- Events, camping and programming cannot adversely affect agricultural operations, riparian restoration or wildlife habitat
- Camping limitations not outlined in Draft Management Plan
- Why are events such as weddings excluded?
- Ensure that Eagle County is being a good steward of the land, and that budget dollars are allocated for maintenance and improvements
- Concerns with adoption of Plan without clear understanding of costs and impacts on staff associated with implementation
- 2019 is a critical year; be sure monitoring efforts are in place
- Make sure rules concerning dogs are implemented
- A longer-term lease for ranch management is desirable for planning, sustainability and the ability for a future tenant to apply for additional funding and support from sources such as NRCS
- Following adoption of the Management Plan by the Eagle County Board of County Commissioners and approval by the Eagle Valley Land Trust, immediate next steps include:
  - Implementation plan with priorities
  - Budget for maintenance, improvements and other associated costs
  - Request for Proposal for agriculture lease beginning 2020

Written comment from OSAC member Bill Heicher, who was unable to attend the meeting:

Diane --

I am concerned with the Event and Programming Guidelines, page 23 of the attached handout and page 41 of the draft management plan. I think we need further work here. From what I've seen on other open space parcels (Avon and Town of Eagle) there are events and uses (competitions, camping, etc.) that don't fit with the values of the open space and the conservation easements, yet are still allowed to take place.

The bullet statement, *"Must minimize impacts to ag operations and conservation values"* can be interpreted to allow most anything to occur. It is easy to find some "expert" to say that the event or program will only have minimal impact. The same with the bullet statement, *"Camping will be limited..."* On page 41 of the draft management plan the plan allows for 18 days of unspecified numbers of campers between May 1 and Oct 30. I do not think OSAC or the county ever envisioned camping on this parcel. Any "allowed" event or program may have a significant impact on county open space personnel. Somebody has to ensure compliance and adherence to the rules. What happens when things go bad? I realize the Town of Eagle has always been in the market for a nearby campground, but this ranch is not the appropriate place. If we are really going to limit camping to just a few spots in the Recreation & Education area, are we really serving a need or just throwing a bone to the camping advocates. I believe a better position for

the management plan would be to state *“Events and programs MUST NOT IMPACT ag operations and conservation values. Camping is specifically prohibited.”*

If limited camping were to be allowed then I would recommend that only governmental entities (towns, special districts, school districts, etc.) and official non-profits be allowed to camp under permit. This might go a long way in maintaining compliance to rules, & regs and staff time. Any violations would nullify future ability to obtain a camping permit.

I can foresee that an advertised event or program that must be cancelled at the last minute because of a conflict with weather or conservation impacts will leave the proponent pleading hardship and economic loss. If the County and EVLT have the final word they will either have to buckle under at the expense of the conservation values or become the bad guy by saying “no.” Eagle County and EVLT shouldn’t have to be in that position. This policy also makes it possible for politics to enter the decision making process to influence outcomes that should be based on facts. For example, the draft management plan specifically mentions mtn bike races (pg 40). This past weekend saw huge numbers (newspaper estimated over 1,000) mountain bike racers in the Eagle area taking part in the high school championships. The town’s own website says mountain biking should not occur in rainy conditions if bike tracks can be observed in the trail. I’m sure after the last week of rainy weather there were plenty of soft trail sections, if not all, where mountain bike riding should not have happened—but it did!

I also believe competitions, i.e. bike and foot races or events or programs that are tied to commercial ventures should not be allowed. The Events and Programs I’ve always envisioned were educational in nature. I don’t have a problem if a non-profit organization holds an event/program on the property as long as the main goal is to further open space values, education and conservation goals.

I would also recommend that all trails have a night curfew in place in addition to seasonal closures. There are increasing numbers of folks riding trails at night, especially full moons, and this is when wildlife is usually most active. Trails should possibly be closed sunset to sunrise or ½ hour after sunset until sunrise. This curfew may have to allow for hunters to enter & exit the property a bit earlier and later (example-hunters can enter property ½ hour before sunrise and exit no later than ½ hr after sunset).

There is some significant evidence coming out showing recreation and wildlife, especially in the Eagle Valley, are at major crossroads. Recreation is having a huge negative impact on deer and elk populations. The County and EVLT need to keep this in mind when trying to address both. This issue could easily come into play when planning & permitting events & programs on the ranch property.

### **Name of Property**

Brush Creek Valley Ranch and Open Space was selected as the new name for the property with over 50% of the total vote.

## **Appendix C: Conservation Easement**

## DEED OF CONSERVATION EASEMENT Hardscrabble Ranch, Eagle County, Colorado

**NOTICE: THIS PROPERTY INTEREST HAS BEEN ACQUIRED IN PART WITH GRANT #17664 ("GRANT") FROM THE STATE BOARD OF THE GREAT OUTDOORS COLORADO TRUST FUND ("BOARD"). THIS DEED OF CONSERVATION EASEMENT CONTAINS RESTRICTIONS ON THE USE AND DEVELOPMENT OF THE PROPERTY, WHICH ARE INTENDED TO PROTECT ITS OPEN SPACE AND OTHER CONSERVATION VALUES. THE BOARD HAS FOUND THAT THIS DEED OF CONSERVATION EASEMENT PROVIDES BENEFITS THAT ARE IN THE PUBLIC INTEREST.**

**FUNDING FOR ACQUISITION OF THE HARDSCRABBLE RANCH WAS PROVIDED BY EAGLE COUNTY, COLORADO ("COUNTY"); THE CONSERVATION FUND, A MARYLAND NON-PROFIT CORPORATION ("FUND"); THE BOARD; THE TOWN OF EAGLE, COLORADO ("TOWN"); AND THE EAGLE RANCH ASSOCIATION, A COLORADO NON-PROFIT CORPORATION ("EAGLE RANCH").**

Any time the Property is transferred by Grantor to any third party (except for the initial transfer from The Conservation Fund to the County), Grantor shall pay a transfer fee of \$500 to Grantee and notify Grantee pursuant to the requirements of **Section 10**.

THIS DEED OF CONSERVATION EASEMENT ("Deed") is granted on this 11<sup>th</sup> day of December, 2017, by **THE CONSERVATION FUND**, a Maryland non-profit corporation (the "Fund"), as "Grantor", the address of which is 1655 N. Fort Myer Drive, Suite 1300, Arlington, VA 22209, Attention: General Counsel, to the **EAGLE VALLEY LAND TRUST**, a Colorado non-profit corporation ("Grantee"), the address of which is P.O. Box 3016, Edwards, Colorado 81632. Immediately after granting this Deed, The Conservation Fund will convey the Property described herein to **EAGLE COUNTY, COLORADO**, a body corporate and politic, the address of which is P.O. Box 850, 500 Broadway, Eagle, Colorado 81631 (the "County"), and upon such conveyance the County will be the "Grantor" hereunder. Grantor and Grantee are individually referred to herein as a "Party", and are collectively referred to herein as the "Parties". The following exhibits are attached hereto and are incorporated by reference:

- |              |  |
|--------------|--|
| Exhibit A:   | Description of Property  |
| Exhibit A-1: | Description and drawing of Ranch Headquarters Building Area          |
| Exhibit A-2: | Description and drawing of Recreation and Education Building Area    |
| Exhibit A-3: | Description and drawing of Brush Creek Fishing Access Parking Area   |
| Exhibit A-4: | Description and drawing of Trail Gulch Trailhead Access Parking Area |
| Exhibit A-5: | Description and drawing of Secondary Fishing and Trail Access Area   |
| Exhibit A-6: | Description and drawing of Skier Parking Access Area                 |
| Exhibit B:   | Drawing of Permitted New Road  |

Exhibit C: Map of Property  
Exhibit D: Description of Water Rights  
Exhibit E: Sample Notice of Transfer of Property

**RECITALS:**

A. **Description of Property.** Grantor is the sole owner in fee simple of approximately 1,540 acres of real property located in Eagle County, Colorado, more particularly described in **Exhibit A** and depicted in **Exhibit C**, both attached hereto and made a part hereof, including all improvements located thereon (the "**Property**"). The Property includes the Water Rights (as defined below) described in the attached **Exhibit D**.

B. **Qualified Organization.** Grantee is a "qualified organization," as defined in I.R.C. §170(h) and a charitable organization as required under C.R.S. § 38-30.5-104(2). Grantee is certified by the State of Colorado's Division of Real Estate to hold conservation easements for which a state tax credit is claimed. Grantee is also accredited by the Land Trust Accreditation Commission, a national accreditation program sponsored by the Land Trust Alliance. Grantee's primary purpose is to preserve and protect the natural, scenic, agricultural, historical, and open space resources by assisting landowners who wish to protect their land in perpetuity to preserve and conserve natural areas, environmentally significant land, and working landscapes for ecological, scenic, aesthetic, scientific, charitable and educational purposes.

C. **Conservation Purposes.** According to I.R.C. § 170(h)(4)(A) and Treas. Regs. § 1.170A-14(d), the conservation purposes of a qualified conservation contribution must include one or more of the following: (1) to preserve land for outdoor recreation by or education of the general public; (2) to protect relatively natural habitat of fish, wildlife or plants; (3) to preserve open space; and (4) to preserve historically important land or structures.

The conservation purposes of the conservation easement conveyed by this Deed are set forth below in this Recital C and are collectively referred to hereafter in this Deed as the "**Conservation Values**."

1. **Public Recreation or Education** [Treas. Reg. § 1.170A-14(d)(2)]. The Property is intended to be used for public recreation and education including, but not limited to, public trails. A paved public trail crosses the Property along the south. It is the intention of the Grantor to convey the fee interest in the Property to Eagle County for inclusion in the Eagle County Open Space Program. It is anticipated that once the Property is part of this program, trails and trailheads will be officially acknowledged and established and connectivity with an extensive trail system on the adjoining public lands will be improved. The public may also have access to portions of the Property for wildlife viewing, fishing and hunting subject to the Grantor's terms and conditions.

2. **Relatively Natural Habitat** [Treas. Reg. § 1.170A-14(d)(3)]. The Property supports native Southern Rocky Mountain pinyon-juniper woodlands, intermountain basin sagebrush shrublands, irrigated hay meadows and pastures, and 2.5 miles of cold-water montane

streams and riparian corridors that provide forage, cover, breeding habitat, and migration areas for a variety of wildlife species, including migratory songbirds, raptors, reptiles, amphibians, small mammals, big game, and fish. The Property lies within Colorado Parks and Wildlife (CPW)-mapped summer range and winter concentration areas for both elk and mule deer, and within overall ranges of black bear and mountain lion. These big game species contribute significantly to the biodiversity of the region and to the State and local economies through hunting revenues. The Property's relatively natural habitat also qualifies as "significant" as defined by U.S. Treasury Regulations, because it could provide habitat for species considered rare, threatened, endangered or of special concern - namely bald eagle (a state of Colorado Species of Concern), and potential habitat for the native cutthroat trout (the Colorado River cutthroat trout is a Colorado Species of Concern, the Greenback cutthroat trout is federally registered as a threatened species), the northern leopard frog (a state of Colorado Species of Concern), and Harrington's penstemon (a rare endemic plant recognized by the Colorado Natural Heritage Program as vulnerable and by the U.S. Forest Service as sensitive).

3. **Open Space** [Treas. Reg. §1.170A-14(d)(4)]. The Property possesses the characteristics of open space in that its preservation will provide scenic enjoyment to the general public, is pursuant to clearly delineated public policies, and will yield a significant public benefit.

a. **Scenic enjoyment.** The Property spans a significant portion of the lower Brush Creek Valley southeast of the Town of Eagle, encompassing picturesque open meadows and meandering streams in the valley floor as well as rugged wooded terraces and foothills flanking the valley. The Property lies between extensive blocks of public lands administered by BLM on either side of the valley, maintaining visual congruity of the valley's scenic open space, as well as habitat connectivity across the valley floor for big game. The Property is visually accessible to the public from the adjoining public lands, as well as from many public roads in the area, including county roads that traverse the Property.

b. **Agriculture.** The Property is the last large working ranch stronghold in the lower Brush Creek Valley. As such, the Property is integral to the scenic open space beauty and rural ranching character of the area. The Property possesses grazing rangeland and currently produces irrigated hay crops, using substantial water rights. The Property's Water Rights will be permanently tied to the Property by this Easement (as defined below), ensuring that agricultural production can continue on the land in perpetuity.

c. **Clearly Delineated Government Conservation Policy.** Protection of the Property furthers the specific objectives of those clearly delineated government conservation policies set forth in Recitals D and E below.

d. **Significant public benefit.** There is a foreseeable trend of urbanization and rural subdivision development in the vicinity of the Property and the surrounding areas within Eagle County. There is a strong likelihood that development of the Property would lead to or contribute to degradation of the scenic and natural character of the area. Preservation of the Property will continue to provide an opportunity for the general



public to appreciate its scenic values. The Property lies between extensive areas of public lands administered by BLM on either side of the valley, maintaining visual congruity of the valley's scenic open space, as well as habitat connectivity across the valley floor for big game.

It should also be noted that the terms of the Easement (defined below) do not permit a degree of intrusion or future development that would interfere with the essential scenic quality of the Property.

These Conservation Values are of great importance to Grantor, Grantee, the residents of Eagle County, and the State of Colorado.

**D. State Policy Concerning Conservation Easements.**

1. C.R.S. § 33-1-101 provides in relevant part that "it is the policy of the state of Colorado that the wildlife and their environment are to be protected, preserved, enhanced, and managed for the use, benefit, and enjoyment of the people of this state and its visitors."
2. C.R.S. § 33-10-101 provides "It is the policy of the state of Colorado that the natural, scenic, scientific, and outdoor recreation areas of this state are to be protected, preserved, enhanced, and managed for the use, benefit, and enjoyment of the people of this state and visitors of this state."
3. C.R.S. § 38-30.5-102 provides for the creation of conservation easements to maintain land "in a natural, scenic, or open condition, or for wildlife habitat, or for agricultural, horticultural, wetlands, recreational, forest or other use or condition consistent with the protection of open land, environmental quality or life sustaining ecological diversity . . ."
4. The Colorado Department of Transportation statutes (C.R.S. § 43-1-402, et seq.) provide that the "preservation and enhancement of the natural and scenic beauty of this state" are of substantial state interest.

**E. Other Supporting Government Policy.**

1. Eagle County Resolution No. 02-123 provides for the creation of an open space mill levy for the purpose of acquiring, maintaining, or permanently preserving open space to preserve wildlife habitat, protect working farms and ranches, conserve scenic landscapes and vistas, protect wetlands and floodplains, or provide public access points to rivers and streams.
2. Eagle County Resolution No. 16-064 establishes that certain characteristics and/or traits make a property worthy of protection through the Open Space Program, such as and not by way of limitation, fish and wildlife habitat or migration routes; working farms and ranches; scenic landscapes and vistas; wetlands, floodplains or other riparian habitat; public access to rivers and streams or lands open to the public; dispersed recreation; geographic or topographic formations; rare or significant flora or fauna; cultural historic values; or other natural, open space or conservation values.

3. The establishment of a conservation easement encumbering the Property is consistent with the 2005 Eagle County Comprehensive Plan, including the following:
  - a. Agricultural land uses should be retained to preserve Eagle County's historical heritage and scenic quality for the benefit of future generations (3.3.5.j).
  - b. Water-related recreation should be encouraged where appropriate at a level that will not damage related resources, ecosystems, and environments (3.6.5.i).
  - c. The integrity, quality and interconnected nature of critical wildlife habitat in Eagle County should be preserved (3.7.2.a).
  - d. The well-being of wildlife species of economic importance should be actively monitored and protected (3.7.2.b).
  - e. The well-being of wildlife species of less economic importance and those on the rare and endangered species list should be actively monitored and protected (3.7.2.c).
  - f. Development in areas critical to the continued well-being of Eagle County's wildlife populations should not be allowed (3.7.3.d).
  - g. Development and development patterns should preserve landscapes that include visual, historic, and archeological value (3.8.3.c).
  - h. A variety of approaches should be utilized to preserve land as open space (3.8.4.e).
  - i. Open space should be able to serve different needs in different applications (3.8.4.f).
4. The establishment of a conservation easement encumbering the Property is consistent with the Eagle Area Community Plan (2010) – a sub-plan of the 2005 Eagle County Comprehensive Plan, including the following:
  - a. "Eagle will continue to be a high quality livable community through the implementation of strategies that will enhance the Town's unique identity, its economic vitality, its sense of community and the quality and character of the surrounding rural lands." (Chapter 2: Vision – Vision Statement).
  - b. "The unincorporated rural lands that surround the Town of Eagle contribute significantly to the Town's identity and the lifestyles enjoyed by local residents and the experience of visitors to the area. As such, the quality and character of the Eagle River Corridor, the Brush Creek Valley, the agricultural lands east and west of Town, and the Eby Creek and Castle Peak areas north of Town should be preserved." (Chapter 2: Vision – 4th Factor of Livability).
  - c. "Maintaining the livability of the Eagle Planning Area involves the protection of wildlife habitat and corridors. Activities such as hunting, fishing and wildlife viewing enhance recreational opportunities, and bring visitors to the area who contribute to the local economy. The Town and County should continue to work with the Colorado Division of Wildlife, the Bureau of Land Management and the United States Forest Service to protect and preserve wildlife habitat and movement corridors by implementing necessary strategies and mitigations over time to ensure sustainable and healthy wildlife populations throughout the Planning Area." (Chapter 2: Vision – 5th Factor of Livability).
  - d. "The Town of Eagle and Eagle County should follow the recommendations of their respective open space plans. The Town and County should continue to be proactive in their approach to maintaining open lands, using a variety of techniques to preserve

viable agricultural lands, river and stream corridors, critical wildlife habitat, steep slopes, ridgelines, areas of geologic hazard and quality viewsheds as open space.” (Chapter 2: Vision – 6th Factor of Livability).

- e. “Preserve and/or appropriately manage the quality of natural resources, including wildlife habitat, vegetation, viewsheds and sensitive lands. The protection of critical wildlife habitat should supersede development goals on these lands.” (Chapter 4: Future Land Use Map – Agricultural/Rural (County) Intent Paragraph F).
- 5. Funding for this project has been provided in part by the Board. The voters of the State of Colorado by adoption of Article XXVII to the Constitution of the State of Colorado, the legislature of the State of Colorado by adoption of enabling legislation, and the Board, by adopting and administering competitive grant programs and rigorous due diligence review processes, have established that it is the policy of the State of Colorado and its people to preserve, protect, enhance and manage the state’s wildlife, park, river, trail and open space heritage, to protect critical wildlife habitats through the acquisition of lands, leases or easements, and to acquire and manage unique open space and natural areas of statewide significance.

F. **Baseline Documentation Report.** Pursuant to Treas. Reg. § 1.170A-14(g)(5) and in order to document the condition of the Property as of the Effective Date, a report has been prepared by Rare Earth Science, LLC, dated August 31, 2017 (the “**Baseline Report**”). The Baseline Report contains a natural resources inventory and also documents the Conservation Values and the characteristics, current use, and status of existing improvements on and development of the Property. The Baseline Report is acknowledged by Grantor and Grantee as an accurate representation of the Property at the time of the transfer. The Baseline Report has been provided to both Parties and will be used by Grantee to assure that any future changes in the use of the Property will be consistent with the terms of this Easement. However, the Baseline Report is not intended to preclude the use of other evidence to establish the condition of the Property as of the Effective Date.

NOW, THEREFORE, in consideration of the recitals set forth above, incorporated herein by this reference, and the mutual covenants, terms, conditions, and restrictions contained herein, and pursuant to the laws of the State of Colorado, Grantor voluntarily grants and conveys to Grantee and Grantee voluntarily accepts, a perpetual conservation easement in gross (“**Easement**”), an immediately vested interest in real property defined by C.R.S. §§ 38-30.5-101, *et seq.*, and of the nature and character described in this Deed, for the purpose of preserving and protecting the Conservation Values in perpetuity.

- 1. **Purpose.** The purpose of this Easement is to ensure that Grantor preserves and protects in perpetuity the Conservation Values as they exist upon the Effective Date (defined below) and as they may evolve in the future, in accordance with I.R.C. § 170(h), Treas. Reg. § 1.170A-14, and C.R.S. § 38-30.5-101, *et seq.* (“**Purpose**”). To effectuate the Purpose of this Easement, the Parties agree: (i) to permit those uses of the Property that are expressly permitted by this Easement, subject to any limitations or restrictions stated herein, and those uses of the Property that do not materially adversely affect the Conservation Values; and (ii) to prevent any use of the Property that is expressly prohibited by this Easement or will materially adversely affect the



Conservation Values. Nothing in this Easement is intended to compel a specific use of the Property, such as agriculture, other than the preservation and protection of the Conservation Values.

2. **Rights of Grantee.** To accomplish the Purpose of this Easement, this Deed conveys the following rights to Grantee:
  - 2.1. To preserve and protect the Conservation Values in perpetuity;
  - 2.2. To enter upon the Property at reasonable times to monitor Grantor's compliance with and otherwise enforce the terms of this Easement; provided that, prior to such entry, Grantee shall first provide reasonable notice to Grantor, and Grantee shall not unreasonably interfere with Grantor's use and quiet enjoyment of the Property;
  - 2.3. To prevent any activity on or use of the Property that is inconsistent with the Purpose or the express terms of this Easement and, except as limited by **Section 8**, Grantee may require the restoration of such areas or features of the Property that are damaged by an inconsistent activity or use;
  - 2.4. To enforce the terms and provisions of this Easement; and
  - 2.5. To place signs on the Property that identify the land as being protected by this Easement, the size, number, and location of which signs are subject to Grantor's reasonable approval; and
  - 2.6. All Development Rights as defined in **Section 26.9** (Development Rights), except as specifically reserved by Grantor herein.
  - 2.7. Nothing in this Section 2 shall preclude the right of Grantee to enforce the preservation and protection of the Conservation Values or any other provisions of this Easement.
3. **Rights Retained by Grantor.** Subject to the terms and provisions of this Easement, Grantor reserves to Grantor, and to Grantor's personal representatives, heirs, successors and assigns, all rights accruing from Grantor's ownership of the Property, including: (i) the right to engage in or permit or invite others to engage in all uses of the Property that are expressly permitted by this Easement (including, without limitation, leasing, licensing, or granting other permission to third parties to use all or portions of the Property), subject to any limitations or restrictions stated herein, and those uses of the Property that do not materially adversely affect the Conservation Values; and (ii) to retain the economic viability of the Property and to retain income derived from the Property from all sources. Grantor may not, however, exercise these retained rights in a manner that is expressly prohibited by this Easement.
4. **Management Plan.** To facilitate periodic communication between Grantor and Grantee about management issues that may impact the Conservation Values, the Property shall be operated and managed in accordance with a land management plan to be finalized within one year following the effective date of the Easement (the "**Management Plan**" or the "**Plan**"), prepared by Grantor and approved by Grantee, which approval shall not be withheld unless the Grantee reasonably determines the Plan is materially inconsistent with the Purpose. A copy of the Management Plan will be kept on file in the offices of Grantor and Grantee and a copy shall be provided to the Board. The Property shall be operated and managed in accordance with the Management Plan or as otherwise set forth in this Easement. Grantor and Grantee shall review the Management Plan at least every five (5) years, and the Plan shall be amended if determined necessary by the Grantor, subject to the approval of Grantee, which approval shall not be withheld unless the Grantee reasonably determines that the amendment to the Plan is materially inconsistent with the Purpose.

5. **Property Improvements.** Improvements existing as of the Effective Date may be removed, or maintained, repaired and replaced in their current location. The installation, placement or construction of any other improvement is prohibited unless expressly permitted by this **Section 5**.
- 5.1. **Building Areas.** The following building and access areas described in Sections 5.1.1 through 5.1.6 (collectively referred to as the "**Building Areas**"), have been, or may be, designated, on the Property:
- 5.1.1. **Ranch Headquarters Building Area.** The 20.2-acre, more or less, "**Ranch Headquarters Building Area**" is described and depicted on the attached **Exhibit A-1**. Within the Ranch Headquarters Building Area the following improvements exist as of the Effective Date: Residence (2200 sq. ft.); Shop (3800 sq. ft.); Tack Shed (532 sq. ft.); Loafing Shed (128 sq. ft.); Fencing Shed (130 sq. ft.); two Granaries (180 sq. ft. and 112 sq. ft.); Horse Barn (2800 sq. ft.); Calving Shed (1400 sq. ft.); Equipment Shed (1800 sq. ft.); Chute Shed (60 sq. ft.) corrals, bridge, and monitoring wells.
  - 5.1.2. **Recreation and Education Building Area.** The 7.55-acre, more or less, "**Recreation and Education Building Area**" is described and depicted on the attached **Exhibit A-2**. Within the Recreation and Education Building Area the following improvements exist as of the Effective Date: Caretaker House (2190 sq. ft.); Old House (vacant 1500 sq. ft.); two animal sheds (80 sq. ft. each); Stables (7500 sq. ft.), a gate, two in-ground fire pits, fencing and pond.
  - 5.1.3. **Brush Creek Fishing Access Parking Area.** The 0.23-acre, more or less, "**Brush Creek Fishing Access Parking Area**" is described and depicted on the attached **Exhibit A-3**. Within the Brush Creek Fishing Access Parking Area there is fencing, but no other existing improvements as of the Effective Date.
  - 5.1.4. **Trail Gulch Trailhead Access Parking Area.** The 0.43-acre, more or less, "**Trail Gulch Trailhead Access Parking Area**" is described on the attached **Exhibit A-4**. Within the Trail Gulch Trailhead Access Parking Area the following improvements exist as of the Effective Date: gravel parking area (approximately 3787 sq., ft.), and fencing.
  - 5.1.5. **Secondary Fishing and Trail Access Area.** The 1.12-acre, more or less, "**Secondary Fishing and Trail Access Area**" is described and depicted on the attached **Exhibit A-5**. Within the Secondary Fishing and Trail Access Area the following improvements exist as of the Effective Date: a gate, fencing, a portion of an existing paved trail and regulatory signage.
  - 5.1.6. **Skier Parking Access Area.** The 0.922-acre, more or less, "**Skier Parking Access Area**" is described and depicted on the attached **Exhibit A-6**. Within the Skier Parking Access Area there is fencing, but no other existing improvements as of the Effective Date.
  - 5.1.7. **Building and Access Areas; Acreage Limitation.** Grantor may (a) reconfigure and expand the Building Areas described in Sections 5.1.1 and 5.1.2; (b) reconfigure, relocate and expand the Building Areas described in Sections 5.1.3 through 5.1.6 near existing Roads or the New Permitted Road (or elsewhere upon Notice to Grantee pursuant to **Section 19** and Grantee's Approval pursuant to **Section 20**); and (c) designate additional trail heads, access, and parking areas, including, but not limited to, fishing access, cross country ski access, hunting access and parking areas ("**Access Areas**") near existing Roads or the New

Permitted Road (or elsewhere upon Notice to Grantee pursuant to **Section 19** and Grantee's Approval pursuant to **Section 20**) ; each upon notice to Grantee pursuant to **Section 19** (Grantor's Notice), provided that the total acreage in the Building Areas (Sections 5.1.1 through 5.1.6), together with the acreage in the Access Areas, shall not exceed forty-one (41) acres in total. Any such Access Areas or increase in size of Access Areas or Building Areas shall be included in the Management Plan or an amendment to the Management Plan.

- 5.2. **Existing Improvements.** Improvements existing as of the Effective Date are permitted, and Grantor may lease, sublease, remove or maintain, repair, replace and enlarge as provided herein such improvements in their current locations without Grantee's approval. Existing improvements include, without limitation, all structures within the Ranch Headquarters Building Area and the Recreation and Education Building Area, agricultural, irrigation, monitoring wells, the "Old School House" (which is approximately 520 square feet in size and which may be expanded to not more than 900 square feet in size in Grantor's discretion), the Newcomer Cemetery located south of the Ranch Headquarters Building Area as shown in the Baseline Report and any other structures or improvements identified in the Baseline Report.
- 5.3. **New Improvements.** The following shall be referred to herein as "New Improvements":
- 5.3.1. **Ranch Headquarters Building Area.** Grantor may lease, sublease, remove, place, install, construct, maintain, enlarge, repair and replace new and existing structures and improvements in the Ranch Headquarters Building Area. The existing structures and improvements in the Ranch Headquarters Building Area total approximately 13,142 square feet. In addition to the existing structures and improvements within the Ranch Headquarters Building Area, new residential structures and improvements within the Ranch Headquarters Building Area shall not exceed a total of 7,000 square feet and new agricultural structures and improvements shall not exceed a total of 25,000 square feet, provided that the total square footage of all existing structures and improvements (including expansions), and new structures and improvements within the Ranch Headquarters Building Area shall not exceed 45,000 square feet (excluding graded and paved areas). Structures and improvements within the Ranch Headquarters Building Area exceeding the square footage limitation set forth in this Section 5.3.1 require Grantor's Notice (**Section 19**) and Grantee's Approval (**Section 20**).
- 5.3.2. **Recreation and Education Building Area.** Grantor may lease, sublease, remove, place, install, construct, maintain, enlarge, repair and replace new and existing structures and improvements in the Recreation and Education Building Area. The existing structures and improvements in the Recreation and Education Building area total approximately 3,850 square feet. In addition to the existing structures and improvements within the Recreation and Education Building Area, new structures and improvements within the Recreation and Education Building Area shall not exceed 10,000 square feet, provided that the total square footage of all existing structures and improvements (including expansions), and new structures and improvements within the Recreation and Education Building Area shall not exceed 13,850 square feet (excluding graded and paved areas). Structures and improvements within the Recreation and Education Building Area exceeding the square footage limitation set forth in this Section 5.3.2 require Grantor's Notice (**Section 19**) and Grantee's Approval (**Section 20**).



- 5.3.3. **Brush Creek Fishing Access Parking Area.** Grantor may place, install, construct, maintain, repair and replace the following new improvements in the Brush Creek Fishing Access Parking Area: (a) interpretive, regulatory, and directional signage; (b) wildlife resistant trash collection containers; (c) post and rail or other wildlife friendly fencing except where other fencing is needed to prevent damage to agricultural property and products; (d) steps over fencing to access the Property; (e) picnic tables and shelters; (f) benches; (g) port-a-pottys and/or restroom facilities; (h) accessibility facilities, (i) impervious pavement to resurface the area used to park vehicles; (j) gates; (k) a trail or trails from the Brush Creek Fishing Access Parking Area that connects with other trails or areas which may include planks or other similar improvements to avoid damage to the Property; and (l) such other improvements, erosion control, drainage, security measures, landscaping and berms, and facilities and improvements as Grantor deems necessary for public access to and enjoyment of the Property.
- 5.3.4. **Trail Gulch Trailhead Access Parking Area.** Grantor may place, install, construct, maintain, repair and replace the following new improvements in the Trail Gulch Trailhead Access Parking Area: (a) interpretive, regulatory, and directional signage; (b) wildlife resistant trash collection containers; (c) post and rail or other wildlife friendly fencing except where other fencing is needed to prevent damage to agricultural property and products; (d) picnic tables and shelters; (e) benches; (f) port-a-pottys and/or restroom facilities; (g) accessibility facilities, and (h) enlargement of existing parking area and impervious pavement to resurface area to be used to park vehicles; (i) gates; (j) such other improvements, erosion control, drainage, security measures, landscaping and berms, and facilities and improvements as Grantor deems necessary for public access to and enjoyment of the Property.
- 5.3.5. **Secondary Fishing and Trail Access Area.** Grantor may place, install, construct, maintain, repair and replace the following new improvements in the Secondary Fishing and Trail Access Area: (a) interpretive, regulatory, and directional signage; (b) wildlife resistant trash collection containers; (c) post and rail or other wildlife friendly fencing except where other fencing is needed to prevent damage to agricultural property and products; (d) picnic tables and shelters; (e) benches; (f) port-a-pottys and/or restroom facilities; (g) accessibility facilities, and (h) parking area and impervious pavement to resurface area to be used to park vehicles; (i) gates; (j) such other improvements, erosion control, drainage, security measures, landscaping and berms, and facilities and improvements as Grantor deems necessary for public access to and enjoyment of the Property.
- 5.3.6. **Skier Parking Access Area.** Grantor may place, install, construct, maintain, repair and replace the following new improvements in the Skier Parking Access Area: (a) interpretive, regulatory, and directional signage; (b) wildlife resistant trash collection containers; (c) post and rail or other wildlife friendly fencing except where other fencing is needed to prevent damage to agricultural property and products; (d) picnic tables and shelters; (e) benches; (f) port-a-pottys and/or restroom facilities; (g) accessibility facilities, and (h) parking area and impervious pavement to resurface area to be used to park vehicles; (i) gates; (j) such other improvements, erosion control, drainage, security measures,

landscaping and berms, and facilities and improvements as Grantor deems necessary for public access to and enjoyment of the Property.

5.3.7. **Access Areas.** Grantor may place, install, construct, maintain, repair and replace the following new improvements in the Access Areas: (a) interpretive, regulatory, and directional signage; (b) wildlife resistant trash collection containers; (c) post and rail or other wildlife friendly fencing except where needed to prevent damage to agricultural property and products; (d) picnic tables and shelters; (e) benches; (f) port-a-pottys and/or restroom facilities; (g) accessibility facilities, and (h) such other improvements, erosion control, security measures, parking, landscaping and berms, trails, and facilities and improvements as Grantor deems necessary for public access to and enjoyment of the Property. The maximum cumulative square footage of structures with a roof (e.g. covered picnic shelters, port-a-pottys and/or restroom facilities) within the areas described in Sections 5.3.3 to 5.3.7 shall not exceed 6,000 square feet without Grantor's Notice (**Section 19**) and Grantee's Approval (**Section 20**).

5.3.8. **Paving, Impervious Surfaces.** No portion of the Property shall be paved or covered with material that does not allow water to percolate into the soil (for purposes of this Easement collectively defined as "pave") except Roads, and areas in the Building Areas, Access Areas, the Trail to connect the existing paved trail located on Parcel 1 to the Haymeadow development (the "**Connector Trail**"), any such Trails as designated in the Management Plan, and to comply with 42 U.S.C. §§12101 *et seq.*, as amended from time to time. Notwithstanding any terms to the contrary in this Deed, paved surfaces shall not exceed two percent (2%) of the Property (the "**Impervious Surface Limitation**"). The Impervious Surface Limitation does not include Brush Creek Road, Salt Creek Road, Old County Road 307 (now the Ranch Headquarters driveway), the Connector Trail, the Permitted New Road described in Section 5.4.1.2, and any future widening of those roads, or other roads or improvements owned and controlled by parties with superior rights to those rights conveyed to the Grantee by this Deed, and any new or existing structures or improvements permitted herein.

5.4. **Other Improvements.**

5.4.1. **Roads and Trails.** For purposes of this Section, "**Roads**" shall mean any permanent road that is graded, improved or maintained, including any seasonal unimproved roads and two-track roads. "**Trails**" shall mean any unimproved or improved path, or paved or unpaved trail constructed or established by human use, but shall not include trails established by wildlife or livestock. Grantor may only construct Roads or Trails in the manner permitted below and only after providing notice to Grantor in accordance with **Section 19** (Grantor's Notice).

5.4.1.1. **Roads; Emergency or Temporary Access.** Grantor may construct, maintain, repair, replace, enlarge and pave any Roads, including bridges (subject to the limitation in Section 5.3.8) for safety, access to and administration of the Property. Brush Creek Road, Salt Creek Road, Hardscrabble Road, and Old Salt Creek Road may be expanded as determined necessary by the Board of County Commissioners of Eagle County, in its discretion, up to no more than 120 feet in width, and, together with the Permitted New Road may be used by the public as determined appropriate by the Board of County Commissioners of Eagle

County in its discretion, including for access through the Property. Temporary use of other portions of the Property is permitted during Road construction, subject to **Section 19** (Grantor's Notice) and **Section 20** (Grantee's Approval), provided that areas subject to such temporary use will be separately fenced, and the areas will be restored to a condition that is consistent with the Purpose within one year after said activity is completed. Any other expansion of Roads shall be consistent with the Purpose, as determined by Grantor in its reasonable discretion. In addition, Grantor may maintain, repair, replace and pave any existing Roads described or depicted in the Baseline Report or such other Roads as are designated in the Management Plan as being consistent with the Purpose. Grantor may permit emergency egress from the Cordillera community across the unpaved Trail Gulch Road to existing Roads on the Property and may enter into an agreement with Cordillera for such emergency egress.

5.4.1.2. **New Roads.** Grantor may with notice to Grantee in accordance with **Section 19** (Grantor's Notice) install, construct, maintain, repair, replace and pave a new road in the location identified on **Exhibit B** the "Permitted New Road". The Permitted New Road shall not exceed 50 feet in width without Grantor's Notice (**Section 19**) and Grantee's Approval (**Section 20**). Additional new roads shall require Grantor's Notice (**Section 19**) and Grantee's Approval (**Section 20**).

5.4.1.3. **Trails.** Grantor may maintain, construct, repair, replace and establish Trails on the Property as Grantor determines in its discretion are consistent with the Purpose. The paved Connector Trail may be located on the Property and is anticipated to tie into the existing paved Trail located on Parcel 1 and to the Haymeadow development; such Trail tread shall not exceed twelve (12) feet in width, except as otherwise provided in the Management Plan. The surface of other Trails shall be dirt, gravel, rock, crusher fines or other natural and impervious surface, the width of any Trail tread shall not exceed eight (8) feet except as otherwise provided in the Management Plan. The Trails may include bridges, railings, steps, fences, signage, drainage, berming and other associated Trail improvements within or adjacent to the Trail tread. Grantor reserves the right to pave and make improvements to the Trails, and to make improvements and allow use of the Trails as may be required under the law to comply with 42 U.S.C. §§12101 *et seq.*, as amended from time to time. The Management Plan shall set forth general guidelines for the width, use and maintenance of the Trails.

5.4.1.4. **Cemetery.** A Trail may be constructed to provide access to the Newcomer Cemetery.

5.4.2. **Fences.** Grantor may maintain, repair and replace existing fences and construct new fences anywhere on the Property, including along Trails and to prevent conflict between public access and agricultural uses, provided that the design of fences shall facilitate the movement of wildlife across the Property except where needed to prevent damage to agricultural property and products.



- 5.4.3. **Utility Improvements.** Energy generation or transmission infrastructure and other utility improvements including but not limited to: (i) natural gas distribution pipelines; (ii) electric power poles, transformers, and lines; (iii) telephone and communications towers, poles, and lines; (iv) septic systems and leach fields; (v) domestic water storage and delivery systems; and (vi) renewable energy generation systems including, but not limited to, wind, solar, geothermal, or hydroelectric ("**Utility Improvements**"), that currently exist on the Property, may be maintained, repaired or replaced with an improvement of similar size and type at their current locations on the Property, or as otherwise provided in any right which exists as of the date of this Deed, without further permission from Grantee. Grantor shall not enlarge or construct any new Utility Improvements without Grantee's approval pursuant to **Sections 19** (Grantor's Notice) and **20** (Grantee's Approval), provided, however, that Grantor reserves the right to construct Utility Improvements solely to provide utility services to the improvements permitted by this Easement and within the Building Areas and Access Areas, provided that no Utility Improvements exceed thirty-five feet in height and are located underground to the extent practicable. Prior to the construction of any permitted Utility Improvements on the Property, Grantor shall provide notice of such construction to Grantee. Following the repair, replacement, or construction of any Utility Improvements by Grantor, any areas disturbed by Grantor shall be restored to a condition that is consistent with the Purpose within one year after said activity is completed. Any easement, right of way or other interest granted to a third party or otherwise reserved, to be used for Utility Improvements (a "**Third-Party Right**") is subject to **Section 7.8** (Easements, Rights of Way or Other Interests). Existing Third-Party Rights may allow the right to access, construct, maintain, repair and replace Utility Improvements in accordance with the existing Third-Party Right and any disturbance of the Property shall be governed by such existing Third-Party Right or statutory or common law right and obligation. Limited renewable energy generation systems are permitted for use on the Property primarily for the purpose of allowing Grantor to offset its energy consumption on the Property and shall be located in the Ranch Headquarters Building Area or the Recreation and Education Building Area, except that self-contained solar or renewable energy devices connected to individual agricultural pumps, permitted signs or other permitted improvements, are permitted wherever such improvement are permitted on the Property. Any limited renewable energy generated on the Property in accordance with this paragraph within the Ranch Headquarters Building Area or the Recreation and Education Building Area that incidentally is in excess of Grantor's consumption may be sold, conveyed, or credited to a provider of retail electric service to the extent permitted by Colorado law.
- 5.4.4. **Signs.** Grantor may place and maintain no-trespassing, instructional, donor recognition signs, interpretive, regulatory, and directional signs, provided that such signs do not exceed twenty (20) square feet. Grantor may place larger signs on the Property with Grantee's approval pursuant to **Sections 19** (Grantor's Notice) and **20** (Grantee's Approval). Grantor shall erect one or more signs visible from the nearest public roadway, or from an alternative location approved by the Board, identifying the Board's Grant and investment in the Property to the public.

6. **Resource Management.** Grantor recognizes the importance of good resource management and stewardship to preserve and protect the Conservation Values. To accomplish the preservation and protection of the Conservation Values in perpetuity, Grantor shall operate, manage and maintain the Property in a manner that promotes the continued viability of the natural resources on the Property while maintaining any permissible productive uses of the Property, subject to the provisions of **Section 7** and in accordance with the Management Plan. Specifically, Grantor shall conduct the uses listed below in a manner consistent with the Purpose. If Grantee believes any resource management practice(s) are not consistent with the Purpose, Grantee, in addition to all of its rights under this Deed, may request that the Parties consult with a mutually agreed upon resource management professional with a mutually agreed upon fee for services. This professional will provide written recommendations for said resource management practice(s) and Grantor shall follow the resource management professional's reasonable recommendations only after Grantor and Grantee have jointly determined that said recommendations are consistent with the Purpose. Grantor shall pay the costs for such consultation, including any fees for the resource management professional.
- 6.1. **Vegetation Management.** Grantor may prune or cut trees, shrubs and other vegetation, and may manage trees, shrubs and other vegetation through prescribed burns, to control insects and disease, to control invasive, non-native species, to prevent personal injury and property damage, for access to and restoration of stream corridors, and for fire mitigation purposes including limited and localized tree and vegetation thinning and the creation of defensible space for permitted improvements. Grantor may also cut dead trees for domestic uses on the Property such as firewood and construction of permitted improvements and fences. Any large scale fire mitigation activities or commercial timber harvesting activities shall be conducted on a sustainable yield basis and in substantial accordance with a forest management plan prepared by a professional forester at Grantor's expense, which plan shall be reviewed by Grantee, and shall not be effective unless and until approved by Grantee pursuant to **Sections 19** (Grantor's Notice) and **20** (Grantee's Approval).
- 6.2. **Wildfire.** In the event of a wildfire, any and all methods of extinguishing the fire are permissible, subject to **Section 6.3** below. In the event of a wildfire the Property may be used for staging for fire activities, for camping of fire fighters, and for other temporary uses for wildfire control and mitigation.
- 6.3. **Force Majeure.** Grantor shall not be obligated to send any prior notice to Grantee, and Grantee shall not be entitled to bring any action against Grantor, with respect to any prudent, good faith activity undertaken by Grantor to prevent, abate, or mitigate injury to the Property immediately before, during, or immediately following fire, flood, storm, earth movement, acts of war, and similar causes beyond the control of Grantor. Grantor will promptly inform Grantee of injury to the Property caused by such events or actions.
- 6.4. **Weed Control.** The Parties recognize the potential negative impact of noxious weeds and invasive plant species on the Conservation Values. Grantor shall manage noxious weeds and invasive plant species in a manner consistent with the Purpose and Management Plan. Grantee has no responsibility for the management of noxious weeds and invasive plant species. Mowing, use of chemicals in accordance with applicable law, prescribed burns and other property management and weed control methods are permitted.
- 6.5. **Relatively Natural Habitat.** Grantor may conduct any activities to create, maintain, restore, or enhance wildlife habitat and native biological communities on the Property,

including improvements to streams and streambank stabilization, provided that such activities do not have a material adverse effect on the Conservation Values. If such activities could have a material adverse effect on the Conservation Values, Grantor must first notify Grantee and obtain Grantee's consent pursuant to **Sections 19** (Grantor's Notice) and **20** (Grantee's Approval).

- 6.6. **Minerals and Other Deposits.** As of the Effective Date, Grantor owns all of the coal, oil, gas, hydrocarbons, and other minerals (the "**Minerals**") located on, under, or in the Property or otherwise associated with the Property. This Easement expressly prohibits the mining or extraction of Minerals using any surface mining method, however Grantor may extract soil, sand, gravel or rock without further permission from Grantee so long as such extraction: (i) is solely for use on the Property for non-commercial purposes; (ii) is in conjunction with activities permitted herein, such as graveling roads and creating stock ponds, filling sink holes, and stabilizing ditches; (iii) is accomplished in a manner that is consistent with the Purpose; (iv) is taken from either (a) the borrow site located on the Mesa Hay Meadow or the borrow site located on the Big Meadows (both of which borrow sites are described in the Baseline Report and which shall not exceed one and one-half (1 1/2) acres in size each) or (b) a borrow site approved by Grantee in accordance with Section 20 (Grantee's Approval) after Grantor provides notice to Grantee pursuant to Section 19 (Grantor's Notice); and (v) is mined using methods that have a limited and localized impact on the Property but are not irretrievably destructive of the Conservation Values. In the event Grantor determines that a borrow site is no longer needed and will be abandoned, such borrow site shall be reclaimed and revegetated within one year of the abandonment. This provision shall be interpreted in a manner consistent with I.R.C. § 170(h), as amended, and the Treasury Regulations adopted pursuant thereto.
- 6.7. **Recreation.** Grantor may undertake, or permit members of the public to undertake non-motorized recreation on the Property, including, but not limited to, educational activities, wildlife watching, hiking, biking (including electric biking as set forth in the Management Plan), equestrian, ice skating, floating, hunting and fishing (in accordance with Eagle County requirements and regulations of the Colorado Division of Parks and Wildlife) and snowshoeing and cross-country skiing, provided they are undertaken in accordance with the Management Plan and in a manner that minimizes damage to the Conservation Values. Motorized access to the Property is prohibited except in accordance with the provisions of **Section 7.7**.
- 6.8. **Special Events.** Grantor also reserves the right to conduct, or to permit others to conduct, special events on the Property, provided such special events are specifically approved by Grantee as part of the Management Plan or are otherwise approved by Grantee pursuant to **Sections 19** (Grantor's Notice) and **20** (Grantee's Approval), and provided Grantor conducts such special events in a manner that minimizes damage to the Conservation Values; any areas that are disturbed by such activities shall be restored to a condition that is consistent with the Purpose within one year after said activity is completed.
- 6.9. **Public Access.** Nothing contained herein shall be construed as affording the public access to any portion of the Property. The Parties acknowledge that Grantor reserves the right to permit public access to the Property, in accordance with the Management Plan, for use by the public for purposes permitted by this Deed, and that such public access may be regulated by Grantor as necessary and appropriate to protect public health and safety, to protect wildlife (including seasonal closures as provided in the Management



Plan), wildlife habitat, wildlife migration, and agricultural operations, and any other matters deemed necessary by Grantor, in its discretion.

- 6.10. **Water Features.** The maintenance, improvement, and repair or replacement of existing domestic and non-domestic water improvements such as ponds (which may be lined, dredged or excavated), reservoirs, irrigation ditches (which may be piped, relocated or consolidated on the Property), pipes, headgates, flumes, pumps, wells, and monitoring wells, if any, including by any third party having a right to do so, is permitted. Installation of center pivot system or similar irrigation system is permitted. The construction of new water improvements or enlargement of existing water improvements is permitted provided that such activity is consistent with the Purpose, pursuant to **Section 19** (Grantor's Notice) and **Section 20** (Grantee's Approval). Any portion of the Property that is disturbed by Grantor's maintenance, repair, construction or enlargement of water improvements shall be restored to a condition that is consistent with the Purpose within one year after said activity is completed.
- 6.11. **Water Rights.** The Parties agree that it is appropriate to encumber certain water rights associated with, historically used on, or attached, allocable or appurtenant to the Property with this Easement pursuant to C.R.S. § 38-30.5-102, including all of Grantor's right, title, and interest in and to the water and water rights described in **Exhibit D** attached hereto and made a part hereof, together with all associated canals, ditches, laterals, headgates, springs, wells, ponds, reservoirs, permits, and easements and rights of way (collectively, the "**Water Rights**"). Notwithstanding inclusion of the Water Rights in this Deed, the Water Rights are subject to any applicable restrictions identified in documents recorded in the Eagle County Clerk and Recorder's Office and affecting the Property as of the date of this Deed. Nothing herein shall prevent the Grantor from moving points of diversion, consolidating head gates and ditches or similar changes or improvements to the Water Rights so long as the Water Rights continue to be used on the Property consistent with the Purpose, and notice is provided (Grantor's Notice) pursuant to **Section 19**. Grantor may enter into ditch easements, relocation or maintenance agreements with third parties or allow such activities by third parties as are required or allowed by court order so long as the Water Rights continue to be used on the Property and notice is provided (Grantor's Notice) pursuant to **Section 19**.
- 6.11.1. **Permitted Water Uses.** The Parties agree that the Water Rights will be used according to their decreed terms subject to any applicable restrictions identified in documents recorded in the Eagle County Clerk and Recorder's Office and affecting the Property as of the date of this Deed, and subject to Grantor's right to move points of diversion, consolidate ditches and headgates or similar changes or improvements to the Water Rights so long as the Water Rights continue to be used on the Property and notice is provided (Grantor's Notice) pursuant to **Section 19**. The Parties further agree that the Water Rights are hereby dedicated and restricted exclusively for conservation purposes, including, but not limited to, the Conservation Values of the Property, agricultural, wildlife habitat, horticultural, wetlands, recreational, forest, or other uses consistent with the protection and restoration of open land, environmental quality, or life-sustaining ecological diversity (the "**Permitted Water Uses**"). The Permitted Water Uses specifically include:
- 6.11.1.1. **Historical Use.** The Parties agree that Grantor shall have the paramount right to use and enjoy the Water Rights on the Property

consistent with recent historical practices, including continued irrigation or other historical use of the Water Rights.

6.11.1.2. ***Instream Flow Use.*** The Parties agree that Grantor may enter into temporary legally enforceable water leases, contracts, emergency water loans, or similar agreements for conservation purposes, not to exceed three (3) consecutive years or five (5) out of every ten (10) years, to increase instream flows and/or water levels in streams, rivers, lakes, and reservoirs to preserve or improve the natural environment of such water body(s), provided that: (1) Grantee has given its prior written consent to such arrangements, not to be unreasonably withheld; (2) that such use, in the opinion of Grantee, would not jeopardize the long-term Conservation Values of the Property; (3) that such arrangements do not permanently separate the Water Rights from the Property; (4) that such arrangements comply with current law; and (5) that Grantee has provided written notice to the Board.

6.11.1.3. ***Restoration/Enhancement Use.*** Grantor may propose projects on the Property, including the riverbed of the Property, that prevent the degradation of, restore, and/or enhance and improve the quality of the watershed, wildlife habitat, and ecological health of the Property. These may include a change of Water Rights pursuant to C.R.S. § 37-92-302 or any successor statute (a “Change”) or water infrastructure construction. Such Change or construction shall be undertaken only after creation of a site specific plan for restoration/enhancement, which has been submitted to and approved by Grantee pursuant to **Sections 19** (Grantor’s Notice) and **20** (Grantee’s Approval).

6.11.1.4. Grantor shall have the paramount right to use and enjoy the Water Rights on the Property consistent with recent historical practices pursuant to **Section 6.11.1.1**, to use the Water Rights to benefit instream flows pursuant to **Section 6.11.1.2**, and to use the Water Rights for restoration or enhancement according to the terms and conditions of an approved restoration or enhancement plan pursuant to **Section 6.11.1.3**. In the event that Grantor can no longer use the Water Rights in accordance with recent historical practices, the Water Rights shall be used for other Permitted Water Uses, or other uses subject to Grantor’s Notice (**Section 19**) and Grantee’s Approval (**Section 20**). Grantor shall have the right to install, construct, maintain, repair, and if destroyed, reconstruct any facilities related to the Water Rights (such as gages, ditches, wells, reservoirs, recharge ponds, etc.), unless the Conservation Values of the Property would be unreasonably damaged thereby, as determined by Grantee in its reasonable discretion.

6.11.2. ***Restrictions on Water Rights.*** Except as permitted by **Section 6.11.1**, the Parties agree that Grantor may not: (i) Change the Water Rights to or use the Water Rights for municipal, industrial, commercial, or any other new uses; (ii) Change the Water Rights for use other than on the Property; (iii) sell or lease the Water Rights, or encumber them separately from the Property or otherwise legally separate them from the Property. Grantor may have the points of diversion, or the type or the place of use, whether within or without the Property, changed so long as the Water Rights continue to be used on the Property consistent with the

Purpose and notice is provided (Grantor's Notice) pursuant to **Section 19**. Grantor shall not, without the prior written approval from Grantee, which approval shall not be unreasonably withheld, develop any conditional water rights for use on the Property; or otherwise undertake any new development of water resources for use on the Property except as permitted herein or as allowed or required by court order.

- 6.11.3. ***Change of Conditions.*** Grantor expressly waives any claim to use, Change or transfer all or any part of the Water Rights other than as provided in this Easement, regardless of any future change in circumstances, change in values, or other reasons, based on any theory of reasonable accommodation or other theory that would release any or all of the Water Rights from the provisions of this Easement without Grantee's express written consent, which can be granted, withheld, or conditioned in its sole discretion.
- 6.11.4. ***Protection of Water Rights.*** In order to preserve and protect the Conservation Values of the Property, Grantor shall not abandon or allow the abandonment of any of the Water Rights, by action or inaction (except that Grantor may abandon or allow the abandonment of any conditional water rights associated with the Property, and may abandon the "augmentation use" of the Salt Creek Ditch granted in Case No. 99CW243, July 25, 2013). Grantor shall annually report to Grantee the nature and extent of use of the Water Rights during the prior year, which report need not be in writing, but shall include copies of any reports submitted to the State or Division Engineer or Water Commissioner by Grantor. Grantor shall provide Grantee a copy of any written notice received by Grantor from any state water official concerning the use, or possible abandonment, of the Water Rights.

If the Water Rights appear on the decennial abandonment list as provided by C.R.S. § 37-92-401 or any successor statute or either Party determines that the Water Rights are otherwise subject to a threat of abandonment, such Party shall give written notice to the other Party of such threat of abandonment and shall meet with the other Party to discuss the matter. If, and only if, Grantor fails to cure the threat of abandonment within 90 days of receiving such notice from Grantee, Grantee shall, in addition to any other remedies available to Grantee under this Easement or law, have the right to (1) enter the Property and undertake any and all actions reasonably necessary to continue the historical use of the Water Rights, if desired by Grantee; and (2) seek removal of the Water Rights from the decennial abandonment list. If the Water Rights remain subject to abandonment, Grantee may, after consultation with Grantor, seek to Change the Water Rights to another Permitted Water Use. Grantor agrees to cooperate in any manner necessary to accomplish such changes, and authorizes and appoints Grantee as its agent and attorney-in-fact to file for and obtain any administrative or judicial approvals required to effectuate such changes.

- 6.12. ***Agriculture.*** Agricultural Improvements including ranching, gardening and agricultural activities are permitted on the Property. Grantor may construct, maintain, repair, enlarge and replace Minor Agricultural Improvements anywhere on the Property without Grantee's approval. "**Minor Agricultural Improvements**" include corrals, pens, fenced or unfenced haystack yards, feeding troughs, livestock feeding stations, no more than three (3) sheds which shall be limited to 1500 square feet in size each, irrigation ditches and structures and stock watering ponds. Major agricultural structures such as barns and

green houses, shall be located only in the Ranch Headquarters Building Area or the Recreation and Education Building Area and in accordance with the limitations set forth in Section 5.3.1 and 5.3.2. All agricultural uses shall be conducted using stewardship and management methods that preserve the natural resources upon which agriculture is based as part of the Management Plan. Long term stewardship and management goals include preserving soil productivity, maintaining natural stream channels and water quality, preventing soil erosion, minimizing invasive species, avoiding unsustainable livestock grazing practices, and minimizing loss of vegetative cover. If agricultural acts or uses are no longer practiced on the Property, either Party may request that the Parties develop a mutually acceptable plan to ensure appropriate land cover that is consistent with the Purpose. The expense of developing and implementing said plan shall be borne by Grantor. Grantor may store or accumulate agricultural products and by-products on the Property in accordance with all applicable government laws and regulations as is consistent with the Purpose.

**7. *Restricted Practices.***

- 7.1. ***Subdivision.*** Grantor and Grantee agree that the division, subdivision or de facto subdivision of the Property, whether by legal or physical process, into two or more parcels of land or partial or separate interests (including, but not limited to, condominium interests or the partition of undivided interests) is prohibited. At all times Grantor shall own and convey the Property as a single parcel which shall be subject to the terms and conditions of this Easement, regardless of whether the Property now consists of separate parcels, was acquired as separate parcels, or is treated as separate parcels for property tax or other purposes. Grantor may own the single parcel by joint tenancy or tenancy in common, consistent with **Section 26.12** (Joint and Several Liability) and **26.13** (Ownership by Single Entity Consisting of Multiple Parties); provided, however, that Grantor shall not undertake any legal proceeding to partition in kind, subdivide or divide in any manner such undivided interests in the single parcel.
- 7.1.1. ***Land Use Approvals.*** Grantor and Grantee acknowledge that as of the recording of this Deed, the County (without being required to do so) is seeking to (a) amend the Frost Creek and Salt Creek PUD such that the PUD Guide recorded at reception numbers 201712618 and 201712838, Eagle County, Colorado is amended to remove references to, and the same will not apply to, Parcel 1 as defined in **Exhibit A** ("Parcel 1"); (b) amend the Plat of the Frost Creek and Salt Creek PUD, Filing, No. 2, Salt Creek Recorded July 8, 2008 under reception number 200814345, Eagle County, Colorado, to create a single parcel and to remove plat notes that will no longer apply as a result of the removal of Parcel 1 from the Frost Creek and Salt Creek PUD; and (c) rezone Parcel 1 to the Resource zone district to be consistent with zoning on the remainder of the Property. County shall be solely responsible for obtaining such approvals and nothing herein shall be considered to be pre-approval by Eagle County of such applications, or a requirement that such approvals be obtained.
- 7.2. ***Surface Disturbance.*** Any alteration of the surface of the land, including without limitation, the movement, excavation, extraction or removal of soil, sand, gravel, rock, peat or sod, is prohibited, unless such alteration is associated with permitted acts on and uses of the Property and is consistent with the Purpose. The acts set forth in **Section 6.6** are permitted.



- 7.3. **Commercial or Industrial Activity.** Grantor shall not conduct industrial uses on the Property. Grantor shall not conduct commercial uses of the Property that are inconsistent with the Purpose. Grantor may allow professional guides or outfitters to access and use the Property as set forth in an approved Management Plan.
- 7.4. **Feed Lot.** Grantor shall not establish or maintain a feed lot. For purposes of this Easement, "feed lot" means a permanently constructed confined area or facility which is used and maintained continuously and exclusively for purposes of warm-up or fattening large numbers of livestock for market. Nothing in this Section shall prevent Grantor from seasonally confining livestock into an area, corral or other facility for warm-up or feeding, or from leasing or subleasing pasture for the grazing of livestock owned by others.
- 7.5. **Trash.** Grantor may not dump or accumulate any kind of trash, sludge, or refuse on the Property, except for agricultural-related trash and refuse produced on the Property that is disposed of in a manner that is consistent with the Purpose and trash contained within wildlife resistant trash containers.
- 7.6. **Hazardous Materials.** Grantor may use agri-chemicals on the Property in accordance with all applicable federal, state or local laws. For purposes of this Easement, "Hazardous Materials" shall mean any "hazardous substance" as defined in §9601(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), "pollutant or contaminant" as defined in § 9601(33) of CERCLA, or any hazardous waste as defined in C.R.S. §25-15-101(6). 40 C.F.R. § 302.4 provides a non-exhaustive list of over 600 substances that qualify as hazardous substances under CERCLA. The use, treatment, storage, disposal, or release of Hazardous Materials shall only be permitted in accordance with applicable, federal, state and local law and regulations. Without limiting the foregoing, nothing in this Easement shall be construed as giving rise to any right or ability in Grantee or the Board, nor shall Grantee or the Board have any right or ability, to exercise physical or managerial control over the day-to-day operations of the Property, or otherwise to become an operator with respect to the Property within the meaning of CERCLA, as amended.
- 7.7. **Motor Vehicle Operation.** Grantor, and any other entity or person Grantor authorizes, may use motorized vehicles, including without limitation all-terrain vehicles and agricultural and construction vehicles (i) on any Roads, including, without limitation, to access the Building Areas, Access Areas and adjacent public lands; (ii) on any portion of the Property that is not a Road provided that such use of vehicles off of the Roads shall be only for (a) construction, replacement or maintenance of the improvements permitted by this Easement or for property management purposes pertaining to permitted agricultural and other uses including but not limited to, maintenance of the Trails, weed control, and habitat restoration, or (b) hunting access as provided in the Management Plan; and (iii) on any portion of the Property as permitted in the Management Plan. Notwithstanding the foregoing, Grantor shall have the right to permit motorized access on the Trails in order to comply with 42 U.S.C. §§ 12101 *et seq.* Any portion of the Property disturbed due to the use of motor vehicles shall be restored to a condition that is consistent with the Purpose within one year after said activity is completed.
- 7.8. **Easements, Rights of Way or Other Interests.** The Property is subject to certain existing agreements, third-party easements, rights of way or other interests including access and maintenance rights for various ditches that traverse the Property; this Easement does not affect such existing agreements, easements, rights of way or other interests and the rights

of Grantor and third parties thereunder. Grantor may permit emergency egress from the Cordillera community across the unpaved Trail Gulch Road to existing Roads on the Property and may enter into an agreement with Cordillera for such emergency egress. Grantor may enter into ditch easements or relocation and maintenance agreements with third parties consistent with the Purpose or as required or allowed by law, including court order. The conveyance or modification of any other easement, right of way, Mineral Document or other similar interest is prohibited unless Grantee determines that the proposed conveyance or modification is consistent with the Purpose, pursuant to Sections 19 (Grantor's Notice) and 20 (Grantee's Approval).

- 7.9. **Other Restricted Uses.** Grantor shall not construct or establish golf courses, sod farms, helicopter pads, and airstrips.
8. **Responsibilities of Grantor and Grantee Not Affected.** Other than as specified herein, this Easement is not intended to impose any legal or other responsibility on Grantee, or in any way to affect any existing obligations of Grantor as owner of the Property. Additionally, unless otherwise specified below, nothing in this Easement shall require Grantor to take any action to restore the condition of the Property after any Act of God or other event over which Grantor had no control. Grantor shall continue to be solely responsible and Grantee shall have no obligation for the upkeep and maintenance of the Property and Grantor understands that nothing in this Easement relieves Grantor of any obligation or restriction on the use of the Property imposed by law. Among other things, this shall apply to:
- 8.1. **Taxes.** In the event the Grantor or Property ever become subject to real or personal property taxes or assessments levied against the Property, Grantor shall be solely responsible for payment of all taxes and assessments levied against the Property. If Grantee is ever required to pay any taxes or assessments on its interest in the Property, Grantor will reimburse Grantee for the same. If for any reason Grantor fails to pay any taxes, assessments or similar requisite charges, Grantee may pay such taxes, assessments or similar requisite charges, and may bring an action against Grantor to recover all such taxes, assessments and similar charges plus interest thereon at the rate charged delinquent property taxes by the county assessor's office in which the Property is located.
- 8.2. **No Liability.** Grantee and its members, officers, directors, employees, agents, and contractors ("Grantee Parties") shall not be liable for injuries or damages occurring on, or arising from, the Property, except to the extent due to the negligence or intentional acts of Grantee Parties. The Board, and its members, officers, directors, employees, agents, and contractors and the heirs, representatives, successors, and assigns of each of them ("Board Parties") shall not be liable for injuries or damages occurring on, or arising from, the Property. Grantee shall indemnify, defend and hold the Board Parties and Grantor and its assigns, successors and heirs harmless from and against any and all loss, cost or expense, including reasonable attorney's fees, arising from or in any way related to injury to or death of any person occurring on or about or related to the Property arising out of the Grantee Parties' actions on the Property. Liability of Grantor, if any, shall not exceed an amount equal to any limits set forth in the Colorado Governmental Immunity Act now existing or as may hereafter be amended to the extent applicable to Grantor, nor confer any rights or benefits on any person or activity not a party to this Agreement. Grantor does not waive or intend to waive the limitations on liability which are provided to it under the Colorado Governmental Immunity Act, C.R.S. § 24-10-101 et seq. Grantor agrees to obtain and maintain at all times, commercial general liability insurance consistent with the limits set forth in the Governmental Immunity Act, naming Grantee as

an additional insured. Grantor shall provide proof of such insurance upon request by Grantee.

9. ***Enforcement.***

- 9.1. ***General Provisions.*** Grantee shall have the right to prevent and correct or require correction of violations of the terms of this Deed. If Grantee determines that immediate entry is required to inspect for, prevent, terminate, or mitigate a violation of the terms of this Deed, Grantee may enter the Property without advance notice. If such entry occurs, Grantee shall notify Grantor within a reasonable time thereafter. If Grantee determines that a violation has occurred, Grantee shall notify Grantor as well as the Board of the nature of the alleged violation in writing. Upon receipt of said notice, Grantor shall immediately cease the alleged violation and within thirty (30) days either (i) if necessary, provide a written plan for restoration and remediation of the Property and, once approved by Grantee, restore or remediate the Property in accordance with the plan; or (ii) provide written documentation demonstrating that the activity is permitted and is not a violation. Grantee's acceptance of Grantor's actions under (i) or (ii) above shall be in Grantee's sole discretion, and shall be confirmed by Grantee in writing. If Grantor is unable or unwilling to immediately cease the alleged violation, and comply with (i) or (ii) above, the Parties agree to resolve the dispute through mediation as set in forth in Section 27 or judicial process. The Board shall in no event be required to participate in any mediation. At any point in time, Grantee may take appropriate legal action, including seeking an injunction, to stop the alleged violation.
- 9.2. ***Costs of Enforcement.*** Any costs incurred by Grantee in enforcing the terms of this Easement against Grantor, including, costs and expenses of suit, and reasonable staff time and reasonable attorneys' fees necessitated by Grantor's violation of the terms of this Easement, shall be borne by Grantor. If the deciding body determines that Grantor is the prevailing party on all claims in any court action to enforce the terms of this Easement, the Parties shall each be responsible for their own costs and attorney fees. The foregoing two sentences are subject to the following:
- 9.2.1. Any costs of restoration necessitated by Grantor's violation of the terms of this Easement, shall be borne by Grantor.
- 9.2.2. If an action is brought to enforce the final decision of the mediator that was agreed to by the Parties, then the prevailing party shall be entitled to payment from the non-prevailing party of its costs incurred in enforcing the terms of the final decision, including, without limitation, its costs and expenses of suit, and reasonable attorneys' fees.
- 9.3. ***Grantee's Discretion.*** Grantee's remedies described in this Section 9 shall be cumulative and shall be in addition to all remedies now or hereafter existing at law or in equity, including the right to recover any damages for loss of Conservation Values as described in C.R.S. § 38-30.5-108. Enforcement of the terms of this Easement shall be at the discretion of Grantee, and the failure of Grantee to discover a violation or to take action shall not waive any of Grantee's rights, claims or interests in pursuing any such action at a later date.
10. ***Transfer of Property.*** Any time the Property or a portion thereof is transferred by Grantor to any third party, Grantor shall pay a transfer fee of \$500 to Grantee to be used for purposes consistent with Grantee's mission, except that such transfer fee shall not apply to the transfer from the original Grantor (The Conservation Fund) to its successor, the County. Grantor agrees to

incorporate the terms of this Easement by reference in any deed or other legal instrument by which it divests itself of any interest in all or a portion of the Property, including, without limitation, a leasehold interest. Grantor shall notify Grantee in writing within (5) business days after closing using the form in **Exhibit E** attached hereto and made a part hereof, and shall attach to the form a copy of the recorded new ownership deed. Grantee reserves the right to record a notice of transfer fee in the official real property records of Eagle County, Colorado. This provision is intended to run with the land for perpetuity, and to touch and concern the Property burdened by this Easement by providing Grantee a contribution toward its stewardship, enforcement and defense of this Easement. If a fee is attributable to a transfer of property classified as "residential real property," as defined in C.R.S. § 38-35-127(2)(e), then the Grantee covenants and agrees that the fee shall be used for the purposes specified in C.R.S. § 38-35-127(2)(b)(V) in a manner consistent with the Grantee's mission.

11. **Condemnation.** Grantor shall notify Grantee immediately of any communication or notice received concerning any proposed taking or condemnation affecting the Property, and Grantee shall have the right to participate in any proceedings as a real property interest holder. Grantee may pursue any remedies in law or in equity, including opposition to the condemnation of the Property. If the Property or any part thereof or interest therein is sold or conveyed to a condemning authority under threat of condemnation or taken through condemnation or other involuntary conversion, Grantee shall be entitled to compensation determined as provided in **Section 13**.
12. **Termination or Extinguishment of Easement.** Except as provided in **Section 11** (Condemnation), this Easement or any part hereof may only be terminated or extinguished by judicial proceedings in a court of competent jurisdiction. The only ground upon which this Easement can be terminated or extinguished is the total loss of all Conservation Values. If termination or extinguishment occurs, Grantee, and other entities shall be entitled to compensation determined as provided in **Section 13**.
13. **Compensation upon Condemnation, Termination, or Extinguishment.**
  - 13.1. This Deed constitutes a real property interest immediately vested in Grantee, the value of which the Parties agree is fifty-five percent (55%) of the value of the Property unencumbered by this Easement (the "**Easement Value Percentage**"). The Easement Value Percentage shall be used to determine Grantee's compensation according to the following **Section 13.2**.
  - 13.2. Condemnation or Other Extinguishment. If this Deed is taken, in whole or in part, by exercise of the power of eminent domain ("**Condemnation**"), or if circumstances arise in the future that render the Purpose impossible to accomplish, this Deed can only be terminated, whether in whole or in part, by judicial proceedings in a court of competent jurisdiction. Each Party shall promptly notify the other Party and the Board in writing when it first learns of such circumstances. Grantee shall be entitled to full compensation for its interest in any portion of this Deed that is terminated as a result of Condemnation or other proceedings. Grantee's proceeds shall be an amount at least equal to the Easement Value Percentage multiplied by the value of the unencumbered fee simple interest (excluding the value of any improvements) in the portion of the Property that will no longer be encumbered by this Deed as a result of Condemnation or termination. Grantor shall not voluntarily accept proceeds equal to less than the full fair market value of the affected Property unrestricted by this Deed without the approval of Grantee and the Board. The County shall be entitled to receive sixty-six and 8/10s percent (66.8%) of Grantee's share of the proceeds. The Board shall be entitled to receive nineteen and



4/10s percent (19.4%) of Grantee's share of the proceeds. Eagle Ranch shall be entitled to receive four and 4/10s percent (4.4%) of Grantee's proceeds. The Town shall be entitled to receive three and 7/10s percent (3.7%) of Grantee's proceeds. Upon Grantee's receipt of its share of the proceeds, Grantee shall promptly remit to the County, the Board, Eagle Ranch and the Town their respective share of these proceeds. The Grantee shall be entitled to receive and retain the balance of Grantee's proceeds, which is five and 7/10s percent (5.7%). Grantee shall use its proceeds in a manner consistent with the conservation purposes of this Deed.

- 13.3. Grantee's use of its share of such proceeds shall comply with Treas. Reg. § 1.170A-14(g)(6).
- 13.4. Grantee's remedies described in this Section shall be cumulative and shall be in addition to any and all remedies now or hereafter existing at law or in equity, including the right to recover any damages for loss of Conservation Values as described in C.R.S. § 38-30.5-108.

14. Assignment; Transfer of Easement.

- 14.1. This Deed is transferable, but Grantee may assign its rights and obligations under this Deed only to an organization that:
  - 14.1.1. is a qualified organization at the time of transfer under I.R.C. § Section 170(h) as amended (or any successor provision then applicable) and the applicable regulations promulgated thereunder;
  - 14.1.2. is authorized to acquire and hold conservation easements under Colorado law;
  - 14.1.3. agrees in writing to assume the responsibilities imposed on Grantee by this Deed; and
  - 14.1.4. is approved in writing as a transferee by the Board and the County in the sole and absolute discretion of each entity. Grantee shall provide the Board and the County with a written request to assign the Deed at least 45 days prior to the date proposed for the assignment transaction.
- 14.2. The Board and the County, with approval of the Board, shall each have the right to require Grantee to assign its rights and obligations under this Deed to a different organization if Grantee ceases to exist; is unwilling, unable, or unqualified to enforce the terms and provisions of this Deed; or is unwilling or unable to effectively monitor the Property for compliance with this Deed at least once every calendar year. Prior to any assignment under this Section 14.2, the Board and the County, with approval of the Board, shall consult with Grantee and provide Grantee an opportunity to address the Board's and/or the County's concerns. If the Board's or the County's concerns are not addressed to the satisfaction of each, the Board or the County, with approval of the Board, may require that Grantee assign this Deed to an organization designated by the Board and the County that complies with Section 14.1.1, 14.1.2 and 14.1.3, above.
- 14.3. If Grantee desires to transfer this Deed to a qualified organization having similar purposes as Grantee, but Grantor or the Board has refused to approve the transfer, Grantee may seek an order by a court with jurisdiction to transfer this Deed to another qualified organization having similar purposes that agrees to assume the responsibility imposed on Grantee by this Deed, provided that Grantor, and the Board shall have

adequate notice of and an opportunity to participate in the court proceeding leading to the court's decision on the matter.

- 14.4. Upon compliance with the applicable portions of this **Section 14**, the Parties shall record an instrument completing the assignment in the property records of the county or counties in which the Property is located and provide a copy of the recorded assignment to the Board. Assignment of the Deed shall not be construed as affecting the Deed's perpetual duration and shall not affect the Deed's priority against any intervening liens, mortgages, easements, or other encumbrances.
15. **Subsequent Transfers after Transfer from the Fund to the County.** Grantor shall incorporate by reference the terms and conditions of this Deed in any deed or other legal instrument by which it divests itself of any interest in all or a portion of the Property. Grantor further agrees to give written notice to Grantee and the Board of the transfer of any interest at least 45 days prior to the date of such transfer and may be required to pay the Board an Additional Board Refund under **Section 16**. The failure of Grantor to perform any act required by this **Section 15** shall not impair the validity of this Deed or limit its enforceability in any way. Grantee and the Board have been given proper notice of and consent to the transfer of the Property from the Fund to the County.
16. **Additional Board Refund.** The Board's Grant has provided partial consideration for Grantor's acquisition of fee title to the Property, the associated Water Rights, and/or partial real estate interest in the Property above and beyond this Deed; therefore, any voluntary sale, conveyance, transfer, or other disposal of all or any portion of Grantor's interest in the Property or the associated Water Rights ("**Sale**"), excluding the transfer of the Property from the Fund to the County, and any lease or sublease of the Property or the Water Rights to a third party in the ordinary course of using the Property for permitted purposes, shall constitute a material change to the Grant that shall require prior written Board approval and may require a separate refund to the Board of an amount to compensate the Board for use of the Board's Grant, plus administrative costs (the "**Additional Board Refund**"), in addition to any payment that the Board may be entitled to receive under **Section 13** above. In the event of any condemnation of the fee title, the requirements of this section shall continue to apply with the exception of the need for prior written Board approval.
  - 16.1. **Amount.** The amount of the Additional Board Refund shall be based upon a percentage of Grantor's net proceeds from the Sale or condemnation of the fee title (which shall be defined as the fair market value of the property being sold in the Sale or condemnation of the fee title, minus direct transaction costs) ("**Net Proceeds**"). The Additional Board Refund shall be determined by: a) first dividing the Board's Grant amount by the original purchase price for fee title to the Property; b) then by multiplying the resulting ratio by the Net Proceeds; and c) adding interest figured from the Grant payment date at the Prime Rate listed by the Federal Reserve Bank of Kansas City, Missouri that is most current on the effective date of the Sale or condemnation of the fee title. The Board may, in its sole discretion, waive the requirement for payment of interest or reduce the amount of interest due at the time of the Sale or condemnation of the fee title. The Additional Board Refund shall be paid to the Board in cash or certified funds on or before the effective date of the Sale or condemnation of the fee title.
  - 16.2. **Possible Exception to Refund Requirement.** If a Sale or condemnation of the fee title occurs to a third party that is eligible to receive open space funding from the Board, and the Board has provided written confirmation of the third party's eligibility, Grantor shall not be required to pay the Board an Additional Board Refund, unless the Board determines in its sole discretion that one or more aspects of the Grant have changed that

reduce the Grant project's scope from that of the original Grant as approved by the Board.

17. ***Perpetual Duration.*** This Easement shall be a servitude running with the land in perpetuity. The provisions of this Easement that apply to Grantor or Grantee shall also apply to their respective agents, heirs, executors, administrators, assigns, and all other successors as their interests may appear; provided, however, that each Party's rights and obligations under this Easement shall terminate (as to such Party, but not as to such Party's successor, who shall be bound as provided herein) upon a transfer of the Party's entire interest in this Easement or the Property, except that liability of such transferring Party for acts or omissions occurring prior to such transfer shall survive the transfer.
18. ***Change of Conditions or Circumstances.*** A change in the potential economic value of any use that is prohibited by or inconsistent with this Deed, or a change in any current or future uses of neighboring properties, shall not constitute a change in conditions or circumstances that make it impossible for continued use of the Property, or any portion thereof, for conservation purposes and shall not constitute grounds for terminating the Deed in whole or in part. In conveying this Deed, the Parties have considered the possibility that uses prohibited or restricted by the terms of this Deed may become more economically valuable than permitted uses, and that neighboring or nearby properties may in the future be put entirely to such prohibited or restricted uses. It is the intent of Grantor, Grantee and the Board that any such changes shall not be deemed to be circumstances justifying the termination or extinguishment of this Deed, in whole or in part. In addition, the inability of Grantor, or Grantor's heirs, successors, or assigns, to conduct or implement any or all of the uses permitted under the terms of this Deed, or the unprofitability of doing so, shall not impair the validity of this Deed or be considered grounds for its termination or extinguishment, in whole or in part. In the event Grantor believes that agriculture is no longer a Conservation Value, Grantor may request that Grantor and Grantee develop an acceptable plan to ensure appropriate land cover consistent with Purpose; the expense of developing and implementing said plan shall be paid for by Grantor.
19. ***Grantor's Notice.*** Where Grantor's notice is required in this Deed, Grantor shall notify Grantee in writing not less than sixty (60) calendar days prior to the date Grantor intends to undertake the activity in question. The written notice shall describe the proposed activity in sufficient detail (i.e. location, size, scope, design, nature) to allow Grantee to evaluate the consistency of the proposed activity with the pertinent terms of this Easement.
20. ***Grantee's Approval.*** Where Grantee's approval is required in this Deed, Grantee shall grant or withhold its approval in writing within thirty (30) calendar days of receipt of Grantor's written notice thereof. Grantee's decision may be withheld if Grantee is unable to immediately evaluate the proposed action and so notifies Grantor within such thirty (30) day period. Grantor shall not engage in the proposed act or use until Grantor receives Grantee's approval in writing. As part of its determination, Grantee shall consider the proposed manner in which the proposed activity will be conducted, whether it complies with the terms of this Easement, and the likely impact on the Conservation Values. Grantee's approval may be withheld if Grantee reasonably determines that the activity as proposed is inconsistent with the Purpose. Grantee may condition its approval on Grantor's acceptance of modifications, which Grantee reasonably determines make the proposed activity consistent with the Purpose. Grantor shall pay reasonable costs associated with technical evaluations of the proposed use or activity, including legal fees and resource specialist fees, provided that such amount has been agreed upon by Grantor and Grantee in advance.
21. ***Notices.*** Any notice that either Party is required to give to the other in writing shall be transmitted via fax, U.S. mail, overnight delivery service or served personally to the following

addresses which addresses may change from time to time by a Party giving written notice in the manner set forth above:

21.1. To the Grantor:

The Conservation Fund  
1655 N. Fort Myer Drive  
Suite 1300  
Arlington, VA 22209-1399  
Attention: General Counsel

And upon transfer of the Property to the County as successor Grantor:

Board of County Commissioners of Eagle County, Colorado  
P.O. Box 850  
500 Broadway  
Eagle, CO 81631

With a copy to:

Eagle County Open Space  
P.O. Box 850  
500 Broadway  
Eagle, CO 81631

Eagle County Attorney  
P.O. Box 850  
500 Broadway  
Eagle, CO 81631

21.2. To the Grantee:

Eagle Valley Land Trust  
PO Box 3016  
Edwards, CO 81632

20.1.3 To the Board:

Executive Director  
State Board of the Great Outdoors Colorado Trust Fund  
1900 Grant St., Ste 725  
Denver, CO 80203

20.1.4 For the purposes of Section 13.2, notice to the Town shall be given as follows:

Town of Eagle  
c/o Town Manager  
200 Broadway  
P.O. Box 609  
Eagle, CO 81361 .



20.1.5 For the purposes of Section 13.2 notice to the Eagle Ranch Association shall be given as follows:

Eagle Ranch Association  
PO Box 1630  
Eagle, CO 81361

22. ***Liens on the Property.*** There are no current mortgages or monetary liens affecting this Property. No provisions of this Easement should be construed as impairing the ability of Grantor to use this Property as collateral for subsequent borrowing. Any mortgage or lien arising from such a borrowing is subordinate to this Deed.
23. ***No Merger, Abandonment, Release, or Adverse Possession.*** A merger of this Deed and the fee title to the Property cannot occur by operation of law because, in addition to Grantee's rights and interest under this Deed, the Board has rights under this Deed. Under Colorado law, the existence of these rights precludes unity of title. If the Grantee wishes to acquire fee title to the Property or any additional interest in the Property (such as a leasehold), Grantee must first obtain the written approval of the Board. As a condition of such approval, the Board may require that Grantee first transfer the Deed to another qualified organization consistent with Section 14 above. In the event Grantee acquires fee title interest or any other interest in the Property without Grantee's prior knowledge (e.g., receiving real property by will), Grantee must immediately provide notice of its acquisition to the Board, and the Board may require that Grantee transfer this Deed to another qualified organization consistent with Section 14 above. This Easement cannot be abandoned, released, or affected by adverse possession.
24. ***Grantor's Representations and Warranties.***
- 24.1. Grantor warrants that Grantor: (i) has good and sufficient title to the Property, free from all liens and encumbrances securing monetary obligations except ad valorem property taxes for the current year and matters of record; (ii) has the right to grant access to the Property to Grantee for the purposes described in this Easement and has in fact granted said access to Grantee; and (iii) hereby promises to defend title to the Property against all claims that may be made against it by any person claiming by, through, or under Grantor, subject to matters of record at the time of recording of this Deed.
- 24.2. Grantor represents and warrants that, after reasonable investigation and to the best of its knowledge at the time of executing this Deed:
- 24.2.1. No hazardous substance or toxic waste exists nor has been generated, treated, stored, used, disposed of, deposited, or transported, in, on, or across the Property, and that there are no underground storage tanks located on the Property;
- 24.2.2. Grantor and the Property are in compliance with all federal state, and local laws, regulations, and requirements applicable to the Property and its use;
- 24.2.3. There is no pending or threatened litigation in any way affecting, involving, or relating to the Property; and
- 24.2.4. No civil or criminal proceedings or investigations have been instigated at any time or are now pending, and no notices, claims, demands, or orders have been received, arising out of any violation or alleged violation of, or failure to comply with, any federal, state, or local law, regulation, or requirement applicable to the Property or its use.

25. **Acceptance.** Grantee hereby accepts without reservation the rights and responsibilities conveyed by this Deed for which no goods or services were exchanged or provided.
26. **General Provisions:**
- 26.1. **Severability.** If any provision of this Easement, or the application thereof to any person or circumstance, is found to be invalid, the remainder of the provisions of this Easement, or the application of such provision to persons or circumstances other than those as to which it is found to be invalid, as the case may be, shall not be affected thereby.
- 26.2. **Captions.** The captions in this instrument have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon construction or interpretation.
- 26.3. **Waiver of Defenses.** Grantor hereby waives any defense of laches, estoppel or prescription and acknowledges and agrees that the one-year statute of limitation provided under C.R.S. § 38-41-119 does not apply to this Easement, and Grantor waives any rights of Grantor pursuant to such statute.
- 26.4. **Controlling Law and Liberal Construction.** The provisions of this Easement are subject to the laws of the United States and the State of Colorado as amended (or any successor provision then applicable), and the applicable regulations promulgated thereunder. The provisions of this Easement are to be liberally construed in favor of the Purpose, and any ambiguities or questions regarding the validity of specific provisions shall be interpreted in favor of maintaining the Purpose. Any decisions resolving such ambiguities or questions shall be documented in writing. Nothing permitted by this Easement or approved by Grantee in accordance with this Easement constitutes approval by any government or regulatory agency for construction, development or land use; nor does any permit or approval granted by a government or regulatory agency override the terms of this Easement. Grantor retains responsibility for obtaining and complying with all necessary permits and applicable laws before engaging in uses or activities permitted under this Easement.
- 26.5. **Deed Correction.** The Parties shall cooperate to correct mutually acknowledged errors in this Deed (and exhibits), including typographical, spelling, or clerical errors. The Parties shall make such corrections by written agreement, which the Board must first approve in writing as described in Section 26.6. Any corrections shall be recorded in the records of the Clerk and Recorder of the county or counties in which the Property is located.
- 26.6. **Amendment.** If circumstances arise under which an amendment to or modification of this Deed or any of its exhibits would be appropriate, Grantor and Grantee may jointly amend this Deed so long as the amendment: (i) is consistent with the Conservation Values and Purpose of this Deed; (ii) does not affect the perpetual duration of the restrictions contained in this Deed; (iii) does not confer a private benefit to Grantor or any other individual greater than the benefit to the general public (see Treas. Reg. § 1.170A-14(h)(3)); (iv) does not result in private inurement for a board member, staff or contract employee of Grantee; (v) does not affect the qualifications of this Deed under any applicable laws; (vi) complies with Grantee's and the Board's procedures and standards for amendments (as such procedures and standards may be amended from time to time); and (vii) receives the Board's prior written approval. Any amendment must be in writing, signed by the Parties, and recorded in the records of the Clerk and Recorder of the county or counties in which the Property is located. A copy of the recorded amendment shall be provided to the Board. Amendment of the Deed shall not affect the

Deed's priority against any intervening liens, mortgages, easements, or other encumbrances. In order to preserve the Deed's priority, the Board may require that Grantee obtain subordinations of any liens, mortgages, easements, or other encumbrances, and the Board may require a new title policy. For the purposes of the Board's approval under item (vii) above, the term "amendment" means any instrument that purports to alter in any way any provision of or exhibit to this Deed. Nothing in this Section 26.6 shall be construed as requiring Grantee or the Board to agree to any particular proposed amendment.

- 26.7. **Termination of the Board.** In the event that Article XXVII of the Colorado Constitution, which established the Board, is amended or repealed to terminate the Board or merge the Board into another entity, the rights and obligations of the Board under this Deed shall be assigned to and assumed by such other entity as provided by law, but in the absence of such direction, by the Colorado Department of Natural Resources or its successor.
- 26.8. **Entire Agreement.** The Recitals above are a material part of this Deed and are incorporated into this Deed. This Deed sets forth the entire agreement of the Parties with respect to the grant of a conservation easement over the Property and supersedes all prior discussions, negotiations, understandings, or agreements relating to the grant, all of which are merged in this Deed.
- 26.9. **Development Rights.** For purposes of this Easement, "Development Rights" are defined as all present or future rights to (i) construct, place, replace, enlarge, maintain or repair any improvements on the Property; or (ii) receive credit for density for development on or off the Property. By this Deed, Grantor conveys to Grantee all Development Rights associated with the Property except those Development Rights reserved by Grantor, which includes without limitation, any rights in the Management Plan, the right to make new Improvements pursuant to Section 5, the Environmental Attributes described below, and any other rights reserved by Grantor, including the rights retained by Grantor described in Section 3. Therefore, Grantor does not have the right to use or transfer any Development Rights conveyed to Grantee by this Deed.
- 26.10. **Recording.** Grantor shall record this Deed in a timely fashion in the official real property records of Eagle County, Colorado, and Grantee may re-record it at any time as may be required to preserve its rights in this Easement.
- 26.11. **No Third Party Beneficiaries.** This Deed is entered into by and between Grantor and Grantee, and is solely for the benefit of Grantor, Grantee, and the Board (and for the benefit of the Town and Eagle Ranch as to Section 13.2, above.) and their respective successors and assigns for the purposes set forth in this Deed. This Deed does not create rights or responsibilities in any third parties, including enforcement of the terms of this Deed, beyond Grantor, Grantee, and the Board.
- 26.12. **Joint and Several Liability.** If Grantor at any time owns the Property in joint tenancy or tenancy in common, Grantor shall be jointly and severally liable for all obligations set forth in this Easement.
- 26.13. **Ownership by Single Entity Consisting of Multiple Parties.** If Grantor at any time is an entity which consists of shareholders, partners or members, such Grantor entity is required to include in its operating agreement, bylaws or other documents setting forth the rights and responsibilities of the entity, the right to assess or to otherwise collect payment from such shareholders, partners or members for any monetary or other

obligations set forth in this Easement. Grantor shall provide a copy of such documentation at any time upon Grantee's request.

- 26.14. **Environmental Attributes.** Grantor hereby reserves all Environmental Attributes associated with the Property. "Environmental Attributes" shall mean any and all tax or other credits, benefits, renewable energy certificates, emissions reductions, offsets, and allowances (including but not limited to water, riparian, greenhouse gas, beneficial use, and renewable energy), generated from or attributable to the conservation, preservation and management of the Property in accordance with this Easement. Nothing in this Section 26.14 shall modify the restrictions imposed by this Easement or otherwise impair the preservation and protection of the Conservation Values.
- 26.15. **Authority to Execute.** Each Party represents to the other that such Party has full power and authority to execute and deliver this Deed, and perform its obligations under this Easement, that the individual executing this Deed on behalf of said Party is fully empowered and authorized to do so, and that this Deed constitutes a valid and legally binding obligation of said Party enforceable against said Party in accordance with its terms.
- 26.16. **Construction in Accordance with Laws and Regulations.** The structures and improvements permitted herein shall be constructed in accordance with then-applicable laws, regulations and permitting requirements, including any pertaining to wetlands.
27. **Mediation of Disputes.** If Grantee or Grantor has an enforcement dispute as set forth in Section 9, or if Grantee denies a request by Grantor for approval pursuant to Section 20, Grantor may appeal Grantee's decision by requesting mediation with Grantee in a written notice to Grantee; provided that in no event shall the Board be required to participate in any mediation. Within ten (10) working days of the receipt of such request, the Parties shall select a single, trained, and impartial mediator with experience in conservation easements and other land preservation tools. Mediation shall then proceed in accordance with the following guidelines:
- 27.1. **Purpose.** The purpose of the mediation is to: (i) promote discussion between the Parties; (ii) assist the Parties to develop and exchange pertinent information concerning the issues in dispute; and (iii) assist the Parties to develop proposals which will enable them to arrive at a mutually acceptable resolution of the controversy. The mediation is not intended to result in any express or de facto modification or amendment of the terms, conditions, or restrictions of this Easement.
- 27.2. **Participation.** The Parties agree that they will participate in the mediation process in good faith and expeditiously, attending all sessions scheduled by the mediator. Representatives of the Parties with settlement authority will attend mediation sessions as required by the mediator.
- 27.3. **Confidentiality.** All information presented to the mediator shall be deemed confidential and shall be disclosed by the mediator only with the consent of the Parties or their respective counsel. The mediator shall not be subject to subpoena by any Party. No statements made or documents prepared for mediation sessions shall be disclosed in any subsequent proceedings or construed as an admission of a Party in accordance with Colorado Rules of Evidence, Rule 408.
- 27.4. **Time Period.** Neither Party shall be obligated to continue the mediation process beyond a period of sixty (60) days from the date of receipt of the initial request or if the mediator concludes that there is no reasonable likelihood that continuing mediation will result in a mutually agreeable resolution of the dispute.



- 27.5. **Costs of Mediation.** Grantor shall pay all of Grantee's expenses associated with the mediation, including attorneys' fees and consultant fees, except that Grantor and Grantee shall share the cost of the mediator.
28. **Annual Appropriation.** To the extent that any financial obligation set forth in this Easement is subject to the multiple fiscal year obligations as set forth in Article 10 of the Colorado Constitution or C.R.S. § 29-1-110, such obligation may be subject to annual appropriation by Grantor. The foregoing is not an agreement or an acknowledgement by either Grantor or Grantee that any financial obligation which could arise pursuant to this Deed would be subject to the requirement that funds for such financial obligation must be appropriated by Grantor. Nothing in this Deed shall be deemed to be a waiver of any rights that Grantee may have pursuant to C.R.S. § 30-25-104. Nothing in this Section 28 shall prevent Grantee from enforcing this Deed in accordance with its terms, despite a failure by Grantor to appropriate funds.
29. **Effective Date.** The "Effective Date" of this Deed shall be the date of its recording in the Eagle County, Colorado, Clerk and Recorder's Office.

TO HAVE AND TO HOLD, this Deed of Conservation Easement unto Grantee, its successors and assigns, forever.

SIGNATURE PAGES TO FOLLOW.

IN WITNESS WHEREOF, Grantor and Grantee, intending to legally bind themselves, have set their hands on the date first written above.

GRANTOR: The Conservation Fund, a Maryland nonprofit corporation

By: AMT

Its: Asst. Sec.

### ACKNOWLEDGMENT

COMMONWEALTH OF VIRGINIA)

COUNTY OF ARLINGTON )

On this 11<sup>th</sup> day of December, 2017, before me Carolyn A McCoy, the undersigned Notary Public in and for the jurisdiction aforesaid, personally appeared Scott M. Tison as Assistant Secretary on behalf of The Conservation Fund, a Maryland non-profit corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that the same was his/her act and deed for the purposes therein express.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year first above written.

  
Notary Public

Name: 3/31/20

Notary Registration Number 289629

My commission expires 3/31/20

CAROLYN A MCCOY  
NOTARY PUBLIC  
REGISTRATION # 289629  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES  
MARCH 31, 2020

**GRANTEE:**

**EAGLE VALLEY LAND TRUST,**  
a Colorado nonprofit corporation

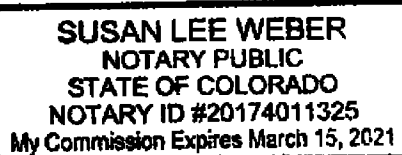
By:   
Jim Daus, Executive Director

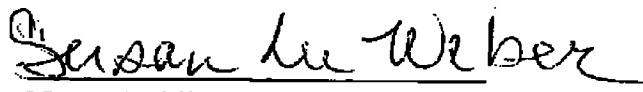
STATE OF COLORADO            )  
  ) ss.  
COUNTY OF EAGLE            )

The foregoing instrument was acknowledged before me this 4<sup>th</sup> day of December 2017, by Jim Daus as Executive Director of Eagle Valley Land Trust, a Colorado non-profit corporation.

Witness my hand and official seal.

My commission expires: \_\_\_\_\_



  
Notary Public

**EXHIBIT A**  
**Legal Description of the Property**  
**(4 pages)**

**Parcel 1**

LOT 1, AND TRACTS A, B, C AND D, AND ADAM'S RIB RANCH ROAD PRIVATE ROW, FROST CREEK AND SALT CREEK PUD, FILING NO. 2, SALT CREEK, ACCORDING TO THE PLAT RECORDED JULY 8, 2008 AT RECEPTION NO. 200814345, COUNTY OF EAGLE, STATE OF COLORADO.

**Parcel 2**

A PARCEL OF LAND LOCATED IN TRACTS 61, 62, 63, 64, 65, 67 AND 69 AND LOTS 2, 3 AND 4 OF SECTION 14, IN SECTIONS 2, 10, 11, 12, 13, 14 AND 15, TOWNSHIP 5 SOUTH, RANGE 84 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF EAGLE, STATE OF COLORADO, WITH THE BEARINGS SHOWN HEREON, BASED ON A BEARING OF N01°01'34"W FOR THE 2-3 LINE OF SAID TRACT 69 BETWEEN CORNERS NO. 2 & 3, BOTH BEING 2 1/2" GLO BRASS CAP MONUMENTS ON 1" IRON PIPE, FOUND IN PLACE, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOW:

BEGINNING AT SAID CORNER NO. 2 OF TRACT 69 ALSO BEING CORNER NO. 5 OF SAID TRACT 63, CORNER NO. 4 OF TRACT 60 IN SAID TOWNSHIP AND RANGE AND CORNER NO. 7 OF TRACT 88 IN SAID TOWNSHIP AND RANGE; THENCE ALONG THE 4-5 LINE OF SAID TRACT 63 N 00° 25'57"E, 1376.14 FEET TO A POINT ON THE BOUNDARY OF A PARCEL OF LAND DESCRIBED IN DEED RECORDED AUGUST 24, 2005 AT RECEPTION NO. 927202 AT THE EAGLE COUNTY CLERK AND RECORDER'S OFFICE, EAGLE, COLORADO, FROM WHICH CORNER NO. 5, BEING A 3 1/2" ALUMINUM CAP

MONUMENT ON #5 REBAR IN CONCRETE, FOUND IN PLACE, OF SAID TRACT 63 BEARS N00° 25'57"E, 32.94 FEET; THENCE ALONG SAID PARCEL BOUNDARY THE FOLLOWING THIRTEEN (13) COURSES:

- 1) S 63° 53'22"E, 98.91 FEET;
- 2) S 57° 28'07"E, 17.09 FEET;
- 3) S 43° 41'12"E, 311.25 FEET;
- 4) S 43° 18'30"E, 471.12 FEET;
- 5) S 44° 46'44"E, 97.90 FEET;
- 6) S 47° 15'27"E, 52.82 FEET;
- 7) S 55° 20'50"E, 61.81 FEET;
- 8) S 65° 35'39"E, 53.04 FEET;
- 9) S 69° 00'09"E, 48.79 FEET;
- 10) S 79° 41'31"E, 89.23 FEET;
- 11) S 79° 11'51"E, 197.18 FEET;
- 12) S 79° 30'59"E, 166.80 FEET;
- 13) N 00° 02'37"E, 4743.42 FEET

TO A POINT ON THE 1-2 LINE OF SAID TRACT 62; THENCE ALONG SAID 1-2 LINE S89 DEGREES 57'23"E, 1461.13 FEET TO CORNER NO. 1 OF SAID TRACT 62, BEING A GLO 2 1/2" BRASS CAP MONUMENT ON 1" IRON PIPE, FOUND IN PLACE; THENCE ALONG THE 1-6 LINE OF SAID TRACT 62 S00 DEGREES 12' 12"E, 2586.67 FEET TO CORNER NO. 6 OF SAID TRACT 62, CORNER NO. 1 OF SAID TRACT 63 AND CORNER NO. 2 OF SAID TRACT 64, BEING A 2 1/2" ALUMINUM CAP MONUMENT ON #6 REBAR, PE/PLS #23089, SET IN PLACE; THENCE ALONG THE 1-2 LINE OF SAID TRACT 64 N89 DEGREES 06'20"E, 2795.86 FEET TO CORNER NO. 1 OF SAID TRACT 64 AND CORNER NO. 2 OF SAID TRACT 65, BEING A GLO 2 1/2" BRASS CAP MONUMENT ON 1" IRON PIPE, FOUND IN PLACE; THENCE ALONG THE 1-2 LINE OF SAID TRACT 65 N89 DEGREES 46'35"E, 2641.57 FEET TO CORNER NO. 1 OF SAID TRACT 65, BEING A 2 1/2" GLO BRASS CAP MONUMENT ON 1" IRON PIPE, FOUND IN PLACE; THENCE ALONG THE 1-6 LINE OF SAID TRACT 65 S00



DEGREES 04'57"E, 1322.37 FEET TO CORNER NO. 6 OF SAID TRACT 65, BEING A 2 1/2" GLO BRASS CAP MONUMENT ON 1" IRON PIPE, FOUND IN PLACE; THENCE ALONG THE 5-6 LINE OF SAID TRACT 65 S89 DEGREES 44' 17"W, 1318.79 FEET TO CORNER NO. 5 OF SAID 65, BEING A 2 1/2" GLO BRASS CAP MONUMENT ON 1" IRON PIPE; THENCE ALONG THE 4-5 LINE OF SAID TRACT 65 S02 DEGREES 13'30"E, 2691.91 FEET TO CORNER NO. 4 OF SAID TRACT 65, BEING A 2 1/2" GLO BRASS CAP MONUMENT ON 1" REBAR, FOUND IN PLACE; THENCE ALONG THE 3-4 LINE OF SAID TRACT 65 ALSO BEING THE 1-2 LINE OF TRACT 66 IN SAID TOWNSHIP AND RANGE N89 DEGREES 29'57"W, 1395.64 FEET TO CORNER NO. 3 OF SAID TRACT 65, CORNER NO. 2 OF SAID TRACT 66, CORNER NO. 6 OF SAID TRACT 64 AND CORNER NO. 1 OF SAID TRACT 67, BEING A 2 1/2" GLO BRASS CAP MONUMENT ON 1" IRON PIPE, FOUND IN PLACE; THENCE ALONG THE 5-6 LINE OF SAID TRACT 64 ALSO BEING THE 1-2 LINE OF SAID TRACT 67 N89 DEGREES 29' 10"W, 1396.79 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY FOR BRUSH CREEK ROAD (EAGLE COUNTY ROAD P-307); THENCE DEPARTING SAID 1-2 LINE AND ALONG SAID RIGHT- OF-WAY S00 DEGREES 04'25"E, 388.84 FEET; THENCE N40 DEGREES 22'23"W, 29.89 FEET TO A POINT ON THE 2-3 LINE OF SAID TRACT 67 ALSO BEING THE 1-6 LINE OF SAID TRACT 69; THENCE DEPARTING SAID RIGHT-OF-WAY AND ALONG SAID 1-6 LINE S00 DEGREES 04'25"E, 978.80 FEET TO CORNER NO. 6 OF SAID TRACT 69, BEING A 2 1/2" GLO BRASS CAP MONUMENT ON 1" IRON PIPE, FOUND IN PLACE; THENCE ALONG THE EAST LINE OF SAID LOT 4 S00 DEGREES 09' 13"E, 311.53 FEET TO THE SOUTHEAST CORNER OF SAID LOT 4; THENCE ALONG THE SOUTH LINE OF SAID LOTS 2, 3 AND 4 N89 DEGREES 58'23"W, 3862.84 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 14, BEING A 2 1/2" GLO BRASS CAP MONUMENT ON 1" IRON PIPE, FOUND IN PLACE; THENCE ALONG THE WEST LINE OF SAID SECTION 14 N00 DEGREES 08'47"W, 302.92 FEET TO A POINT ON THE 3-4 LINE OF SAID TRACT 88, BEING A 2 1/2" GLO BRASS CAP MONUMENT ON 1" IRON PIPE, STAMPED CC88/15/14, FOUND IN PLACE; THENCE ALONG SAID 3-4 LINE N89 DEGREES 32' 12"E, 1056.88 FEET TO CORNER NO. 4 OF SAID TRACT 88, BEING A 2 1/2" GLO BRASS CAP MONUMENT ON 1" IRON PIPE, FOUND IN PLACE; THENCE ALONG THE 4-5 LINE OF SAID TRACT 88 N00 DEGREES 03'05"W, 1360.53 FEET TO CORNER NO. 5 OF SAID TRACT 88 ALSO BEING A POINT ON THE 3-4 LINE OF SAID TRACT 69, BEING A 2 1/2" GLO BRASS CAP MONUMENT ON 1" REBAR, FOUND IN PLACE; THENCE ALONG SAID 3-4 LINE N89 DEGREES 27'38"W, 1408.71 FEET TO CORNER NO. 3 OF SAID TRACT 69 ALSO BEING CORNER NO. 6 OF SAID TRACT 88, BEING A 2 1/2" GLO BRASS CAP MONUMENT ON 1" IRON PIPE, FOUND IN PLACE; THENCE N01 DEGREES 01'34"W, 1261.15 FEET TO THE POINT OF BEGINNING.

### **Parcel 3**

A PARCEL OF LAND LOCATED IN TRACTS 67, 72 AND 73, IN SECTIONS 13, 14, 23 AND 24, TOWNSHIP 5 SOUTH, RANGE 84 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF EAGLE, STATE OF COLORADO, WITH THE BEARINGS SHOWN HEREON, BASED ON A BEARING OF S00 DEGREES 02'41"E FOR THE 2-3 LINE OF TRACT 68, TOWNSHIP 5 SOUTH, RANGE 84 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BETWEEN CORNER NO. 3 OF SAID TRACT 67 ALSO BEING CORNER NO. 2 OF SAID TRACT 68 AND CORNER NO. 3 OF SAID TRACT 68 ALSO BEING CORNER NO. 2 OF SAID TRACT 72, BOTH BEING A 2 1/2" GLO BRASS CAP MONUMENTS ON 1" IRON PIPE, FOUND IN PLACE, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT SAID CORNER NO. 3 OF TRACT 67 FROM WHICH SAID CORNER NO. 3 OF TRACT 68 BEARS S00 DEGREES 02'41"E, 1388.85 FEET; THENCE ALONG THE 2-3 LINE OF SAID TRACT 67 N00 DEGREES 09'13"W, 1316.78 FEET TO CORNER NO. 6 OF TRACT 69, TOWNSHIP 5 SOUTH, RANGE 84 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BEING A 2 1/2" GLO BRASS CAP MONUMENT ON 1" IRON PIPE, FOUND IN PLACE; THENCE CONTINUING ALONG THE 2-3 LINE OF SAID TRACT 67 ALSO BEING THE 1-6 LINE OF SAID TRACT 69 N00 DEGREES 04'25"W, 948.45 FEET TO A POINT ON THE CENTERLINE OF BRUSH CREEK ROAD (EAGLE COUNTY ROAD P-307); THENCE DEPARTING SAID 2-3 LINE AND ALONG SAID CENTERLINE THE FOLLOWING TWENTY (20) COURSES:

- 1) S40 DEGREES 19'47"E, 545.75 FEET;

2) ALONG A CURVE TO THE LEFT HAVING A LENGTH OF 224.37 FEET, A RADIUS OF 607.37 FEET, A TANGENT OF 113.48 FEET, A DELTA OF 21 DEGREES 09'56" AND A CHORD OF 223.09 FEET THAT BEARS S50 DEGREES 54'45"E;  
3) S61 DEGREES 29'43"E, 167.42 FEET;  
4) ALONG A CURVE TO THE RIGHT HAVING A LENGTH OF 229.50 FEET, A RADIUS OF 997.15 FEET, A TANGENT OF 115.26 FEET, A DELTA OF 13 DEGREES 11'13" AND A CHORD OF 228.99 FEET THAT BEARS S54 DEGREES 54'07"E;  
5) S48 DEGREES 18'30"E, 553.16 FEET;  
6) ALONG A CURVE TO THE RIGHT HAVING A LENGTH OF 80.96 FEET, A RADIUS OF 2299.07 FEET, A TANGENT OF 40.48 FEET, A DELTA OF 2 DEGREES 01'03" AND A CHORD OF 80.96 FEET THAT BEARS S47 DEGREES 17'59"E,  
7) S46 DEGREES 17'27"E, 555.64 FEET;  
8) ALONG A CURVE TO THE RIGHT HAVING A LENGTH OF 172.19 FEET, A RADIUS OF 484.96 FEET, A TANGENT OF 87.01 FEET, A DELTA OF 20 DEGREES 20'36" AND A CHORD OF 171.28 FEET THAT BEARS S36 DEGREES 07'09"E;  
9) S25 DEGREES 56'51"E, 60.28 FEET;  
10) ALONG A CURVE TO THE RIGHT HAVING A LENGTH OF 174.52 FEET, A RADIUS OF 1090.26 FEET, A TANGENT OF 87.45 FEET, A DELTA OF 9 DEGREES 10' 17" AND A CHORD OF 174.34 FEET THAT BEARS S21 DEGREES 21' 43"E;  
11) S 16 DEGREES 46'34"E, 94.78 FEET;  
12) ALONG A CURVE TO THE RIGHT HAVING A LENGTH OF 182.18 FEET, A RADIUS OF 1297.57 FEET, A TANGENT OF 91.24 FEET, A DELTA OF 8 DEGREES 02'40" AND A CHORD OF 182.03 FEET THAT BEARS S12 DEGREES 45' 14"E;  
13) S08 DEGREES 43'54"E, 93.72 FEET;  
14) ALONG A CURVE TO THE LEFT HAVING A LENGTH OF 103.42 FEET, A RADIUS OF 780.12 FEET, A TANGENT OF 51.78 FEET, A DELTA OF 7 DEGREES 35'44" AND A CHORD OF 103.34 FEET THAT BEARS S12 DEGREES 31'46"E;  
15) S16 DEGREES 19'38"E, 419.17 FEET;  
16) ALONG A CURVE TO THE LEFT HAVING A LENGTH OF 219.83 FEET, A RADIUS OF 418.98 FEET, A TANGENT OF 112. 51 FEET, A DELTA OF 30 DEGREES 03' 41" AND A CHORD OF 217.31 FEET THAT BEARS S31 DEGREES 21'28"E;  
17) S46 DEGREES 23'19"E, 201.67 FEET;  
18) ALONG A CURVE TO THE RIGHT HAVING A LENGTH OF 218.81 FEET, A RADIUS OF 495.09 FEET, A TANGENT OF 111.22 FEET, A DELTA OF 25 DEGREES 19'23" AND A CHORD OF 217.04 FEET THAT BEARS S33 DEGREES 43'37"E;  
19) S21 DEGREES 03'56"E, 149.13 FEET;  
20) ALONG A CURVE TO THE RIGHT HAVING A LENGTH OF 177.96 FEET, A RADIUS OF 806.14 FEET, A TANGENT OF 89.34 FEET, A DELTA OF 12 DEGREES 38'53" AND A CHORD OF 177.60 FEET THAT BEARS S14 DEGREES 44'29"E  
TO A POINT ON THE 5-6 LINE OF SAID TRACT 67 ALSO BEING THE 1-2 LINE OF SAID TRACT 73; THENCE ALONG SAID  
5-6 LINE AND DEPARTING SAID CENTERLINE S89 DEGREES 49'34"E, 37.02 FEET TO A POINT ON THE EASTERLY  
RIGHT-OF- WAY LINE OF SAID BRUSH CREEK ROAD (EAGLE COUNTY ROAD  
P-307); THENCE DEPARTING SAID 5-6 LINE AND ALONG SAID EASTERLY RIGHT-OF-WAY LINE THE FOLLOWING SIX  
(6) COURSES:  
1) ALONG A NON-TANGENT CURVE TO THE RIGHT HAVING A LENGTH OF 102.95 FEET, A RADIUS OF 506.69 FEET, A  
TANGENT OF 51.65 FEET, A DELTA OF 11 DEGREES 38'27" AND A CHORD OF 102.77 FEET THAT BEARS S02 DEGREES  
56' 23"E;  
2) S02 DEGREES 52'50"W, 262.58 FEET;  
3) ALONG A CURVE TO THE LEFT HAVING A LENGTH OF 107.34 FEET, A RADIUS OF 491.67 FEET, A TANGENT OF  
53.88 FEET, A DELTA OF 12 DEGREES 30'30" AND A CHORD OF 107.12 FEET THAT BEARS S03 DEGREES 22'25"E;  
4) S09 DEGREES 37'40"E, 217.68 FEET;  
5) ALONG A CURVE TO THE RIGHT HAVING A LENGTH OF 347.37 FEET, A RADIUS OF 5759.58 FEET, A TANGENT OF  
173.74 FEET, A DELTA OF 3 DEGREES 27'20" AND A CHORD OF 347.31 FEET THAT BEARS S07 DEGREES 54'00"E;  
6) S06 DEGREES 10'20"E, 449.21 FEET TO A POINT ON THE 1-4 LINE OF SAID TRACT 73; THENCE DEPARTING SAID  
RIGHT-OF-WAY LINE AND ALONG SAID 1- 4 LINE S00 DEGREES 04' 03"E, 1185.38 FEET TO THE POINT OF  
INTERSECTION WITH THE NORTHERLY LINE OF LADYBELLE VIEW SUBDIVISION (AMENDMENT NO. 1) AS DESCRIBED  
ON THE PLAT RECORDED JUNE 27, 1988 IN BOOK 486 AT PAGE  
312 AT THE EAGLE COUNTY CLERK AND RECORDER'S OFFICE, EAGLE, COLORADO; THENCE DEPARTING SAID 1-4  
LINE N89 DEGREES 57'53"W, 2813.65 FEET ALONG SAID NORTHERLY LINE TO A POINT ON THE 2-3 LINE OF SAID  
TRACT 72 ALSO BEING THE NORTHWEST CORNER OF SAID SUBDIVISION AND BEING A 1 1/4" RED PLASTIC CAP

MONUMENT ON #5 REBAR, PLS #19598, FOUND IN PLACE; THENCE ALONG SAID 2-3 LINE N00 DEGREES 31'26"E, 1409.12 FEET TO A POINT FROM WHICH SAID CORNER NO. 2 OF TRACT 72 ALSO BEING SAID CORNER NO. 3 OF TRACT 68 AND THE SOUTHWEST CORNER OF A PARCEL OF LAND DESCRIBED IN DEED RECORDED OCTOBER 2, 1990 IN BOOK 539 AT PAGE 285 AT SAID CLERK AND RECORDER'S OFFICE BEARS N00 DEGREES 31'26"E, 1207.85 FEET; THENCE DEPARTING SAID 2-3 LINE AND ALONG THE SOUTHERLY LINE OF SAID PARCEL N87 DEGREES 52'44"E, 1079.94 FEET; THENCE ALONG THE EASTERLY LINE OF SAID PARCEL THE FOLLOWING TWENTY-THREE (23) COURSES:

- 1) N10 DEGREES 43'06"E, 181.90 FEET;
- 2) N08 DEGREES 26'04"E, 123.59 FEET;
- 3) N06 DEGREES 11'16"E, 83.07 FEET;
- 4) N04 DEGREES 47'55"W, 65.56 FEET;
- 5) N21 DEGREES 40'43"W, 57.25 FEET;
- 6) N19 DEGREES 29'21"W, 84.99 FEET;
- 7) N17 DEGREES 40'16"W, 106.50 FEET;
- 8) N11 DEGREES 39'56"W, 71.67 FEET;
- 9) N46 DEGREES 59'33"E, 58.02 FEET;
- 10) N58 DEGREES 34'52"E, 53.93 FEET;
- 11) N81 DEGREES 35'30"E, 51.34 FEET;
- 12) S72 DEGREES 27'32"E, 46.45 FEET;
- 13) S61 DEGREES 27'34"E, 122.02 FEET;
- 14) S68 DEGREES 36'16"E, 111.63 FEET;
- 15) S77 DEGREES 41'55"E, 52.03 FEET;
- 16) S86 DEGREES 37'40"E, 124.60 FEET;
- 17) S71 DEGREES 24'00"E, 72.14 FEET;
- 18) S76 DEGREES 37'01"E, 51.27 FEET;
- 19) N69 DEGREES 04'44"E, 42.22 FEET;
- 20) N11 DEGREES 48'38"E, 39.85 FEET;
- 21) N18 DEGREES 13'35"W, 95.23 FEET;
- 22) N12 DEGREES 04' 19"W, 377.96 FEET;
- 23) ALONG A NON-TANGENT CURVE TO THE RIGHT HAVING A LENGTH OF 74.73 FEET, A RADIUS OF 144.63 FEET, A TANGENT OF 38.22 FEET, A DELTA OF 29 DEGREES 36'21" AND A CHORD OF 73.90 FEET THAT BEARS N59 DEGREES 03 '45"W TO A POINT ON THE 1-2 LINE OF SAID TRACT 73 ALSO BEING THE 5-6 LINE OF SAID TRACT 67 AND THE NORTHEAST CORNER OF SAID PARCEL; THENCE ALONG SAID 5-6 LINE AND THE NORTHERLY LINE OF SAID PARCEL N89 DEGREES 49'34"W, 301.08 FEET TO CORNER NO. 5 OF SAID TRACT 67, BEING A 2 1/2" GLO BRASS CAP MONUMENT ON 1" IRON PIPE, FOUND IN PLACE; THENCE ALONG THE 4-5 LINE OF SAID TRACT 67 N00 DEGREES 02' 10"W, 1382.72 FEET TO CORNER NO. 4 OF SAID TRACT 67, BEING A 2 1/2" ALUMINUM CAP ON #6 REBAR, PE/PLS #23089, SET IN PLACE; THENCE ALONG THE 3-4 LINE OF SAID TRACT 67 S88 DEGREES 08'29"W, 1290.58 FEET TO THE POINT OF BEGINNING, COUNTY OF EAGLE, STATE OF COLORADO.

**EXHIBIT A-1 (3 pages)**  
**Description and Drawing of Ranch Headquarters Building Area**

A description of a parcel of land located in part of the Tract 69, T5S, R84W of the 6th P.M., Eagle County, State of Colorado. For: Eagle County Open Space.

**LEGAL DESCRIPTION**

A parcel of land located in part of Tract 69, T5S, R84W of the 6<sup>th</sup> P.M., Eagle County, Colorado described as follows:

COMMENCING AP6, Tract 64, T5S, R84W, from which the South Line of said Tract 64 bears, North 89 degrees 29 minutes 03 seconds West, (Basis of Bearing), thence South 86 degrees 56 minutes 26 seconds West, 1670.71 feet to the TRUE POINT OF BEGINNING;

Thence North 20 degrees 00 minutes 19 seconds West, 51.12 feet;

Thence North 09 degrees 51 minutes 33 seconds West, 737.56 feet;

Thence North 14 degrees 41 minutes 31 seconds West, 82.83 feet;

Thence North 22 degrees 01 minutes 18 seconds West, 80.88 feet;

Thence North 31 degrees 47 minutes 48 seconds West, 107.77 feet;

Thence North 43 degrees 47 minutes 14 seconds West, 119.96 feet;

Thence North 55 degrees 09 minutes 03 seconds West, 107.96 feet;

Thence North 64 degrees 23 minutes 29 seconds West, 71.03 feet;

Thence North 70 degrees 47 minutes 57 seconds West, 68.33 feet;

Thence North 74 degrees 52 minutes 46 seconds West, 59.00 feet;

Thence South 10 degrees 49 minutes 03 seconds West, 471.55 feet;

Thence South 76 degrees 08 minutes 28 seconds West, 399.32 feet;

Thence South 01 degrees 20 minutes 38 seconds West, 449.69 feet;

Thence South 38 degrees 52 minutes 23 seconds East, 332.01 feet;



Thence North 67 degrees 28 minutes 44 seconds East, 188.72 feet;

Thence North 86 degrees 01 minutes 23 seconds East, 214.29 feet;

Thence South 80 degrees 52 minutes 54 seconds East, 155.40 feet;

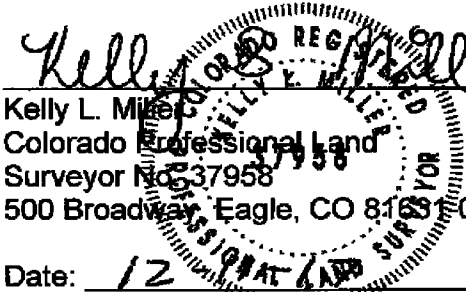
Thence North 38 degrees 54 minutes 39 seconds East, 143.09 feet;

Thence South 51 degrees 05 minutes 21 seconds East, 236.31 feet;

Thence North 87 degrees 28 minutes 04 seconds East, 72.18 feet and the TRUE POINT OF BEGINNING;

Area = 20.200 acres, more or less.

**NOTICE:** According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discovered such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

  
Kelly L. Miller  
Colorado Professional Land  
Surveyor No. 37958  
500 Broadway, Eagle, CO 81631-0850  
Date: 12

File:Hardscrabble Ranch .DOC

Project: 2017



**EXHIBIT A-2 (3 pages)**  
**Description and Drawing of Recreation and Education Building Area**

A description of a parcel of land located in part of the Tract 64, Tract 67 and Tract 69, T5S, R84W of the 6th P.M., Eagle County, State of Colorado. For: Eagle County Open Space.

**LEGAL DESCRIPTION**

A parcel of land located in parts of Tracts 64, Tract 67 and Tract 69, T5S, R84W if of the 6<sup>th</sup> P.M., Eagle County, Colorado described as follows:

COMMENCING AP6, of Tract 64, T5S, R84W, from which the South Line of said Tract 64 bears, North 89 degrees 29 minutes 03 seconds West, (Basis of Bearing), thence North 89 degrees 29 minutes 03 seconds West, 579.40 feet along said South Line to the TRUE POINT OF BEGINNING;

Thence continuing North 89 degrees 29 minutes 03 seconds West, 817.39 feet along the South Line of said Tract 64 to a found #5 rebar with a 1" aluminum cap RLS 23089;

Thence leaving the South Line of said Tract 64 South 0 degrees 04 minutes 25 seconds East, 388.84 feet to a found #5 rebar with a 1" aluminum cap RLS 23089;

Thence North 40 degrees 22 minutes 23 seconds West, 77.31 feet;

Thence North 0 degrees 04 minutes 25 seconds West, 485.57 feet;

Thence North 64 degrees 10 minutes 55 seconds East, 375.19 feet;

Thence North 35 degrees 43 minutes 08 seconds East, 305.17 feet;


Thence South 53 degrees 38 minutes 24 seconds East, 197.29 feet;

Thence South 45 degrees 12 minutes 46 seconds East, 271.63 feet;

Thence South 00 degrees 00 minutes 00 seconds East, 265.82 feet to the South Line of said Tract 64 and the TRUE POINT OF BEGINNING;

Area = 7.554 acres, more or less.

**NOTICE:** According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discovered such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

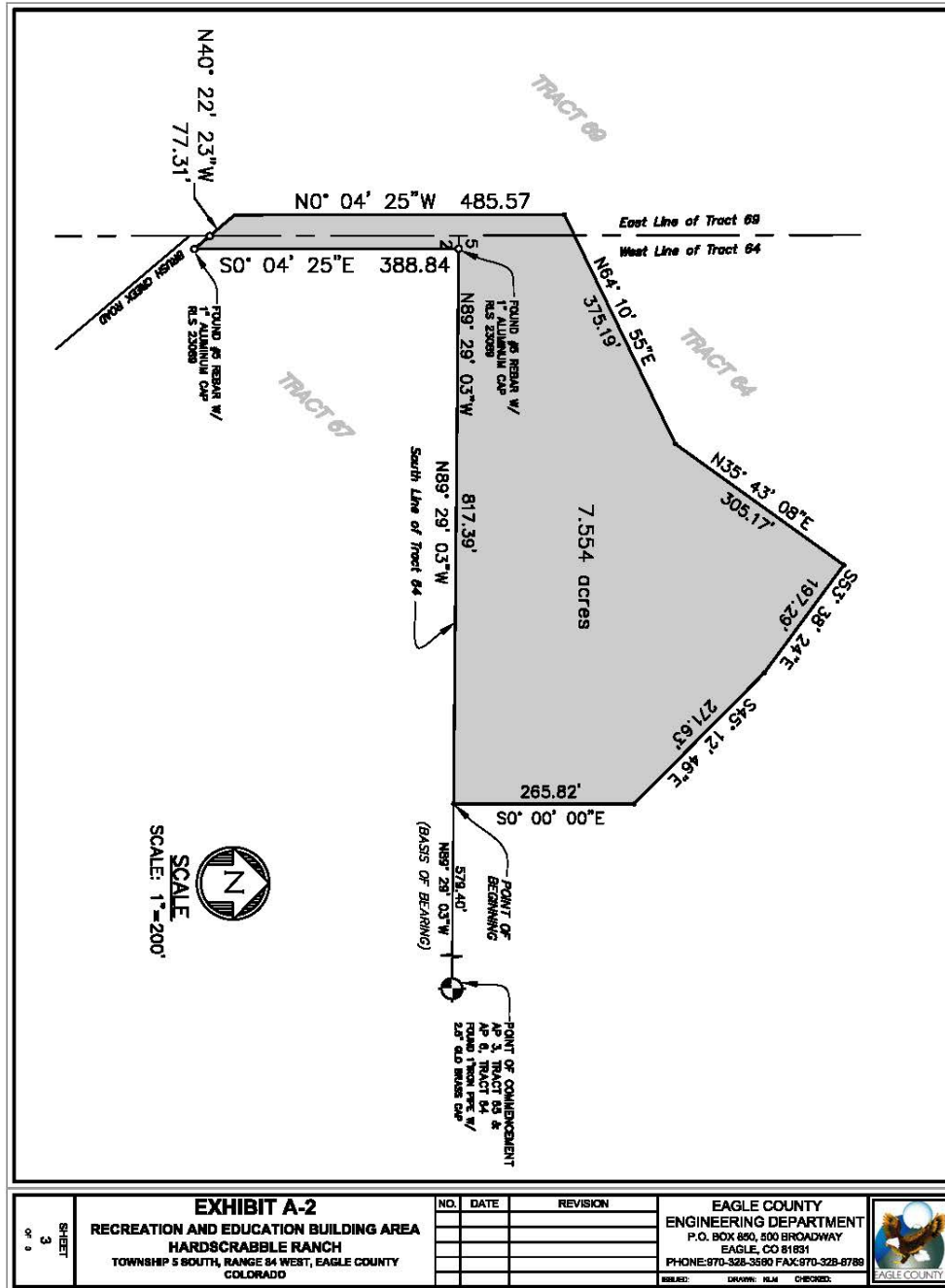
  
Kelly L. Miller  
Colorado Professional Land  
Surveyor No. 37958  
500 Broadway, Eagle, CO 81631 0850

Date: 12

File:Hardscrabble Ranch .DOC

Project: 2017





**EXHIBIT A-3 (2 pages)**

**Description and Drawing of Brush Creek Fishing Access Parking Area**

A description of a parcel of land located in part of Tract 63, T5S, R84W of the 6th P.M., Eagle County, State of Colorado. For: Eagle County Open Space.

**LEGAL DESCRIPTION**

A parcel of land located in part of Tract 63, T5S, R84W of the 6<sup>th</sup> P.M., County of Eagle, State of Colorado, described as follows:

COMMENCING at a #5 rebar with an aluminum cap marked LS 23089 located on a fence line in said Tract 63, from which AP 4, of Tract 63 bears, North 55 degrees 36 minutes 17 seconds West, 1622.84 feet (Basis of Bearing), thence South 19 degrees 03 minutes 00 seconds West, 47.34 feet to the POINT OF BEGINNING;

Thence South 9 degrees 43 minutes 43 seconds West, 100.00 feet;

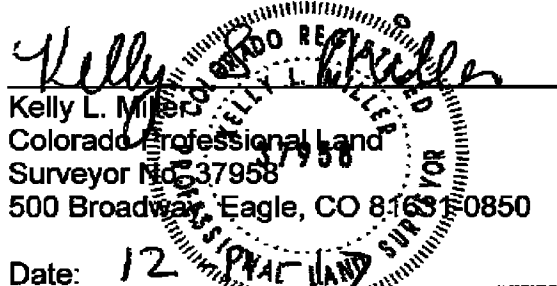
Thence North 80 degrees 16 minutes 17 seconds West, 100.00 feet;

Thence North 9 degrees 43 minutes 43 seconds East, 100.00 feet;

Thence South 80 degrees 16 minutes 17 seconds East, 100.00 feet to the POINT OF BEGINNING;

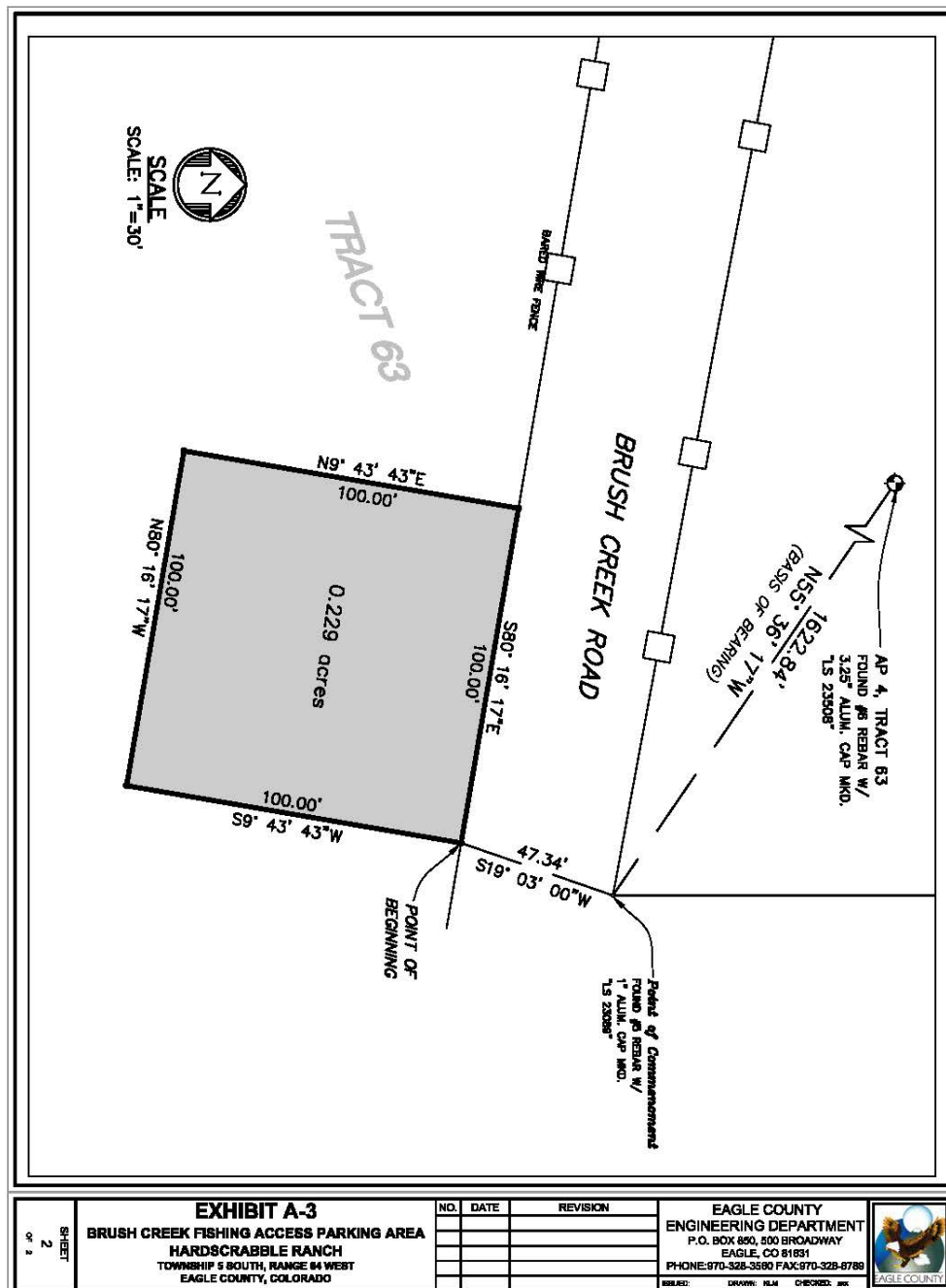
Area = 0.229 acres, more or less.

**NOTICE:** According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discovered such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

  
Kelly L. Miller  
Colorado Professional Land  
Surveyor No. 537958  
500 Broadway, Eagle, CO 81631-0850  
Date: 12/12/17

File:Hardscrabble Ranch .DOC

Project: 2017



SHEET  
2  
of 2

**EXHIBIT A-3**  
**BRUSH CREEK FISHING ACCESS PARKING AREA**  
**HARDSCRABBLE RANCH**  
TOWNSHIP 5 SOUTH, RANGE 84 WEST  
EAGLE COUNTY, COLORADO

NO.	DATE	REVISION

**EAGLE COUNTY**  
**ENGINEERING DEPARTMENT**  
P.O. BOX 850, 500 BROADWAY  
EAGLE, CO 81631  
PHONE: 970-328-3590 FAX: 970-328-6780  
DESIGNED: JLM CHECKED: JLM



**EXHIBIT A-4 (2 pages)**

**Description and Drawing of Trail Gulch Trailhead Access Parking Area**

A description of a parcel of land located in part of the Tract 75, T5S, R84W of the 6th P.M., Eagle County, State of Colorado. For: Eagle County Open Space.

**LEGAL DESCRIPTION**

A parcel of land located in parts of Tracts 75, T5S, R84W if of the 6<sup>th</sup> P.M., Eagle County, Colorado described as follows:

COMMENCING AP4, of Tract 75, T5S, R84W, from which AP1, of TRACT 74 bears, North 00 degrees 12 minutes 01 seconds West, (Basis of Bearing), thence South 16 degrees 07 minutes 00 seconds East, 946.95 feet to the TRUE POINT OF BEGINNING;

Thence North 76 degrees 42 minutes 43 seconds East, 125.00 feet;

Thence South 13 degrees 17 minutes 17 seconds East, 150.00 feet;

Thence South 76 degrees 42 minutes 43 seconds West, 125.00 feet;

Thence North 13 degrees 17 minutes 17 seconds West, 150.00 feet and the TRUE POINT OF BEGINNING;

Area = 0.4304 acres, more or less.

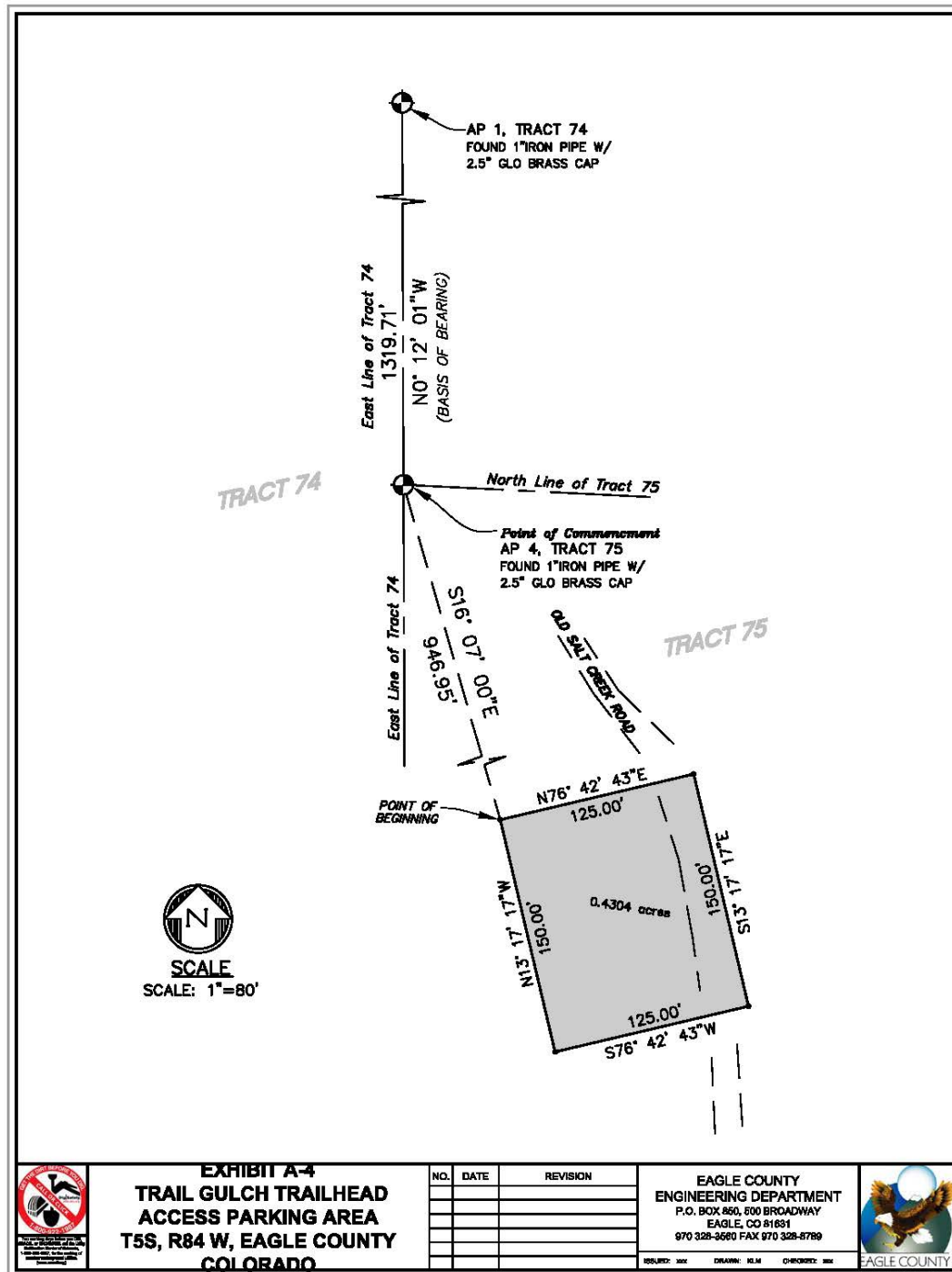
**NOTICE:** According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discovered such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

  
\_\_\_\_\_  
Kelly L. Miller  
Colorado Professional Land  
Surveyor No. 37958  
500 Broadway, Eagle, CO 81631-0850  
Date: 12

File:Hardscrabble Ranch .DOC

Project: 2017





**EXHIBIT A-5 ( 2 pages)**

**Description and Drawing of Secondary Fishing and Trail Access Area**

A description of a parcel of land located in part of the Tract 74, T5S, R84W of the 6th P.M., Eagle County, State of Colorado. For: Eagle County Open Space.

**LEGAL DESCRIPTION**

A parcel of land located in parts of Tracts 74, T5S, R84W if of the 6<sup>th</sup> P.M., Eagle County, Colorado described as follows:

COMMENCING AP4, of Tract 74, T5S, R84W, from which the South Line of said Tract 74 bears, North 88 degrees 00 minutes 57 seconds West, (Basis of Bearing), thence North 88 degrees 00 minutes 57 seconds West, 642.30 feet to the TRUE POINT OF BEGINNING;

Thence continued North 88 degrees 00 minutes 57 seconds West, 81.16 feet along said South Line;

Thence leaving said South Line Northwesterly, 88.29 feet along the arc of a curve concave to the east, said arc having a radius of 1460.00 feet, a central angle of 03 degrees 27 minutes 54 seconds, and being subtended by a chord that bears North 21 degrees 39 minutes 20 seconds West, 88.28 feet;

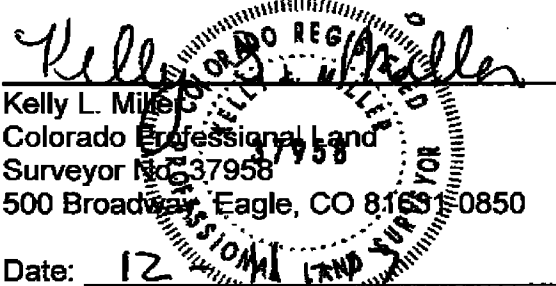
Thence North 12 degrees 20 minutes 06 seconds West, 188.36 feet;

Thence South 88 degrees 49 minutes 03 seconds East, 278.48 feet;

Thence South 25 degrees 19 minutes 00 seconds West, 291.08 feet and the TRUE POINT OF BEGINNING;

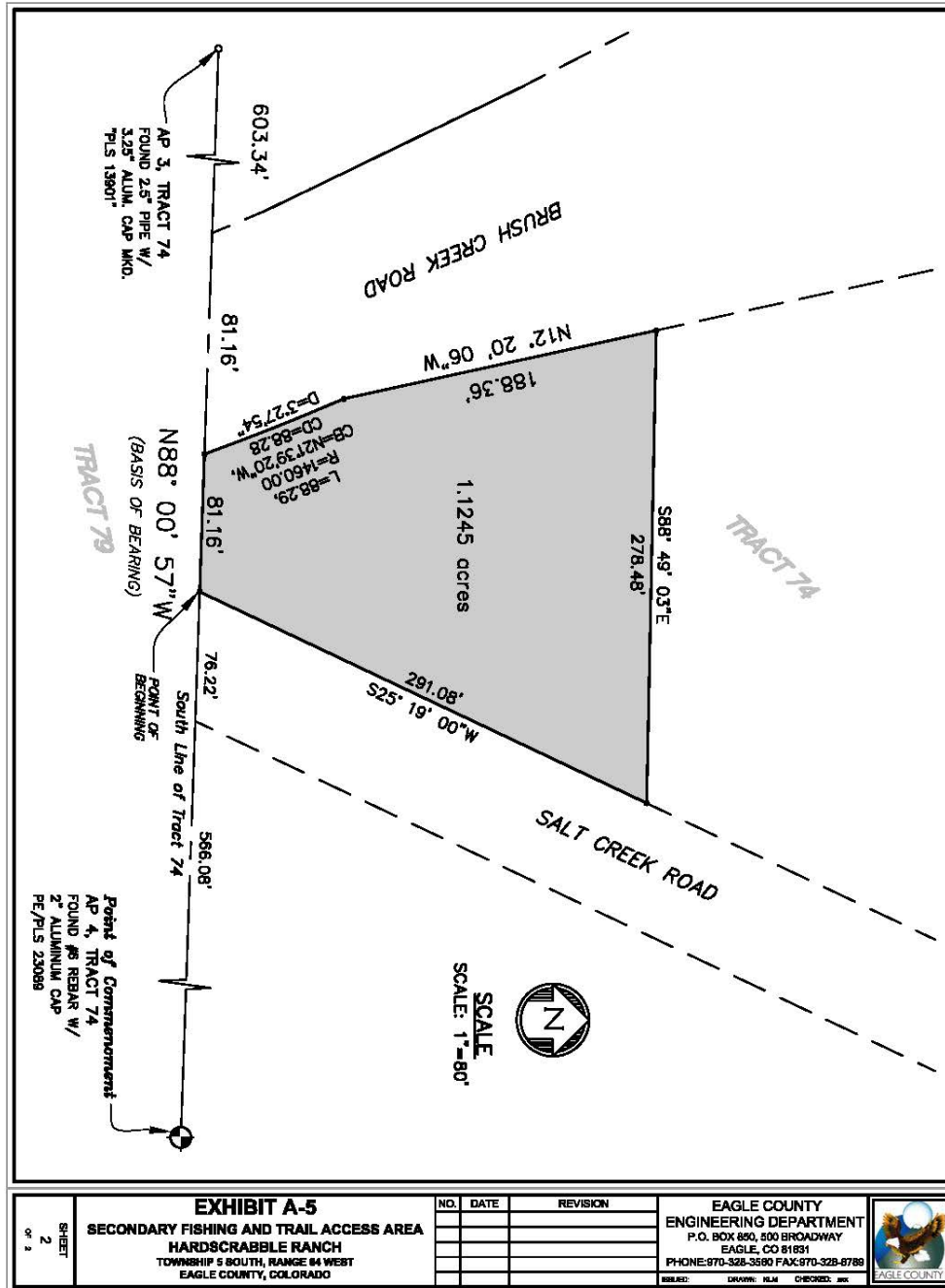
Area = 1.1245 acres, more or less.

**NOTICE:** According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discovered such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

  
Kelly L. Miller  
Colorado Professional Land  
Surveyor No. 37958  
500 Broadway Eagle, CO 81631-0850  
Date: 12

File:Hardscrabble Ranch .DOC

Project: 2017



**EXHIBIT A-6 (3 pages)**  
**Description and Drawing of Skier Parking Access Area**

A description of a parcel of land located in part of the Tract 67, T5S, R84W of the 6th P.M., Eagle County, State of Colorado. For: Eagle County Open Space.

**LEGAL DESCRIPTION**

A parcel of land located in parts of Tracts 67, T5S, R84W if of the 6<sup>th</sup> P.M., Eagle County, Colorado described as follows:

COMMENCING AP5, Tract 67, T5S, R84W, from which the South Line of said Tract 67 bears, South 89 degrees 49 minutes 35 seconds East, (Basis of Bearing), thence North 75 degrees 49 minutes 49 seconds East, 265.01 feet to the TRUE POINT OF BEGINNING;

Thence North 61 degrees 48 minutes 44 seconds East, 71.33 feet;

Thence South 26 degrees 01 minutes 45 seconds East, 90.96 feet;

Thence North 89 degrees 47 minutes 33 seconds East, 510.79 feet;

Thence South 01 degrees 13 minutes 44 seconds West, 65.73 feet;

Thence North 89 degrees 46 minutes 16 seconds West, 504.72 feet to the East Line of that parcel of land described in said Book 539, Page 285;

Thence continued along said East Line North 12 degrees 04 minutes 19 seconds West, 6.35 feet;

Thence Northwesterly, 73.98 feet along the arc of a curve concave to the Northeast to the South Line of Tract 67, said arc having a radius of 144.63 feet, a central angle of 29 degrees 18 minutes 24 seconds, and being subtended by a chord that bears North 58 degrees 47 minutes 50 seconds West, 73.17 feet;

Thence North 89 degrees 49 minutes 35 seconds West, 9.44 feet along said South Line of Tract 67;

Thence North 28 degrees 11 minutes 16 seconds West, 74.61 feet and the TRUE POINT OF BEGINNING;

Area = 0.922 acres, more or less.

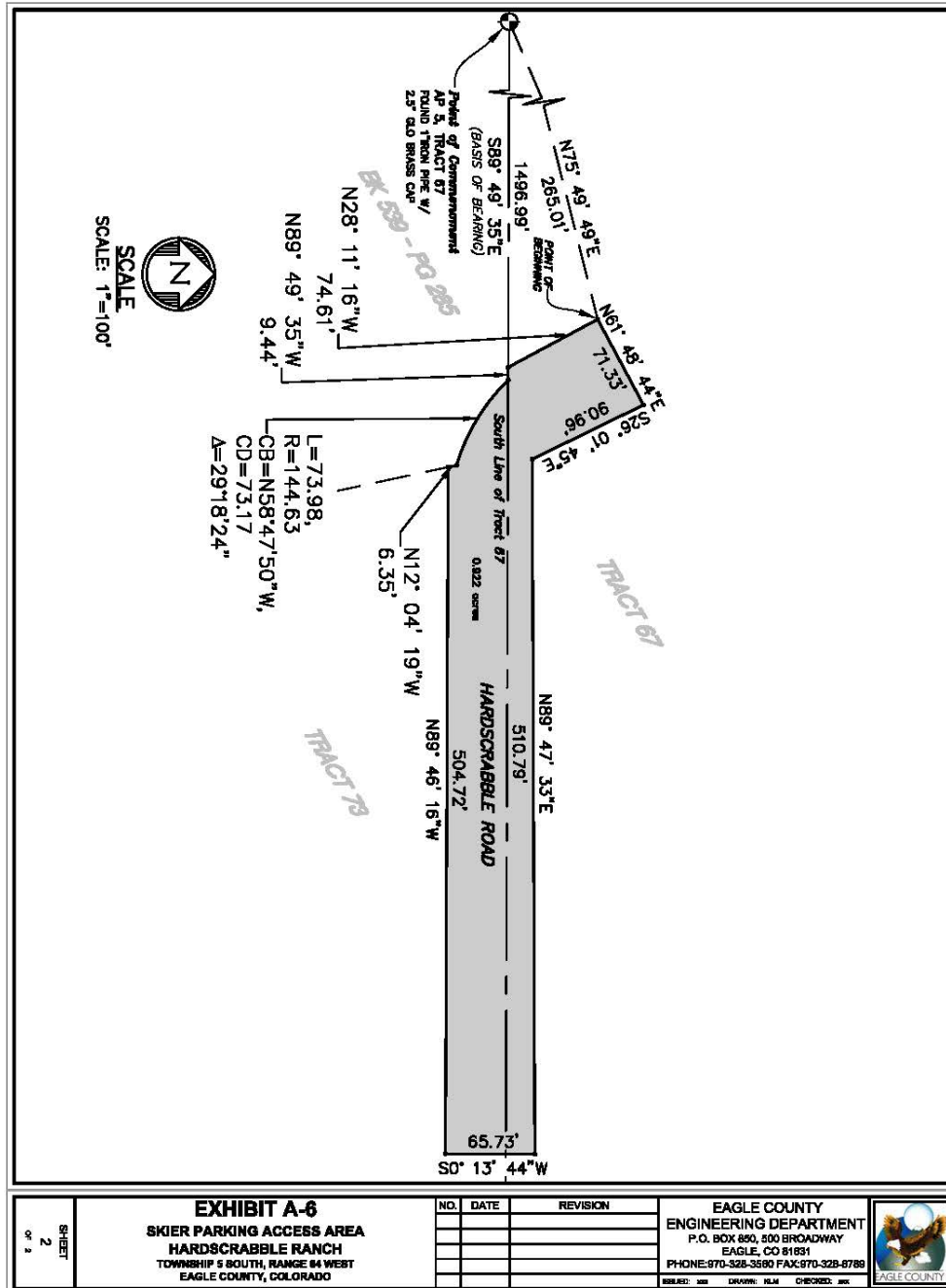


**NOTICE:** According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discovered such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

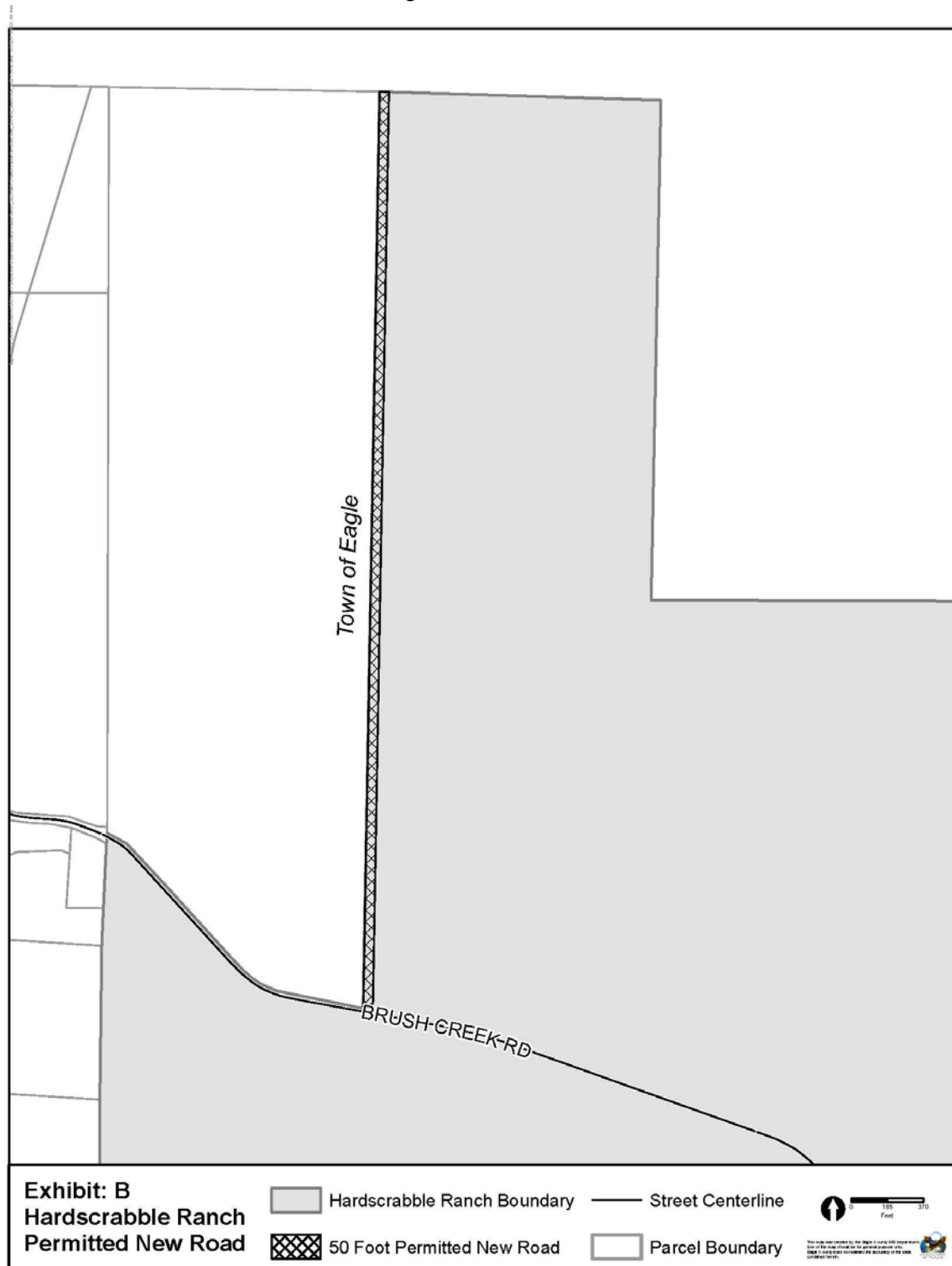
  
Kelly L. Miller  
Colorado Professional Land  
Surveyor No. 37958  
500 Broadway, Eagle, CO 81631-0850  
Date: 12

File:Hardscrabble Ranch .DOC

Project: 2017

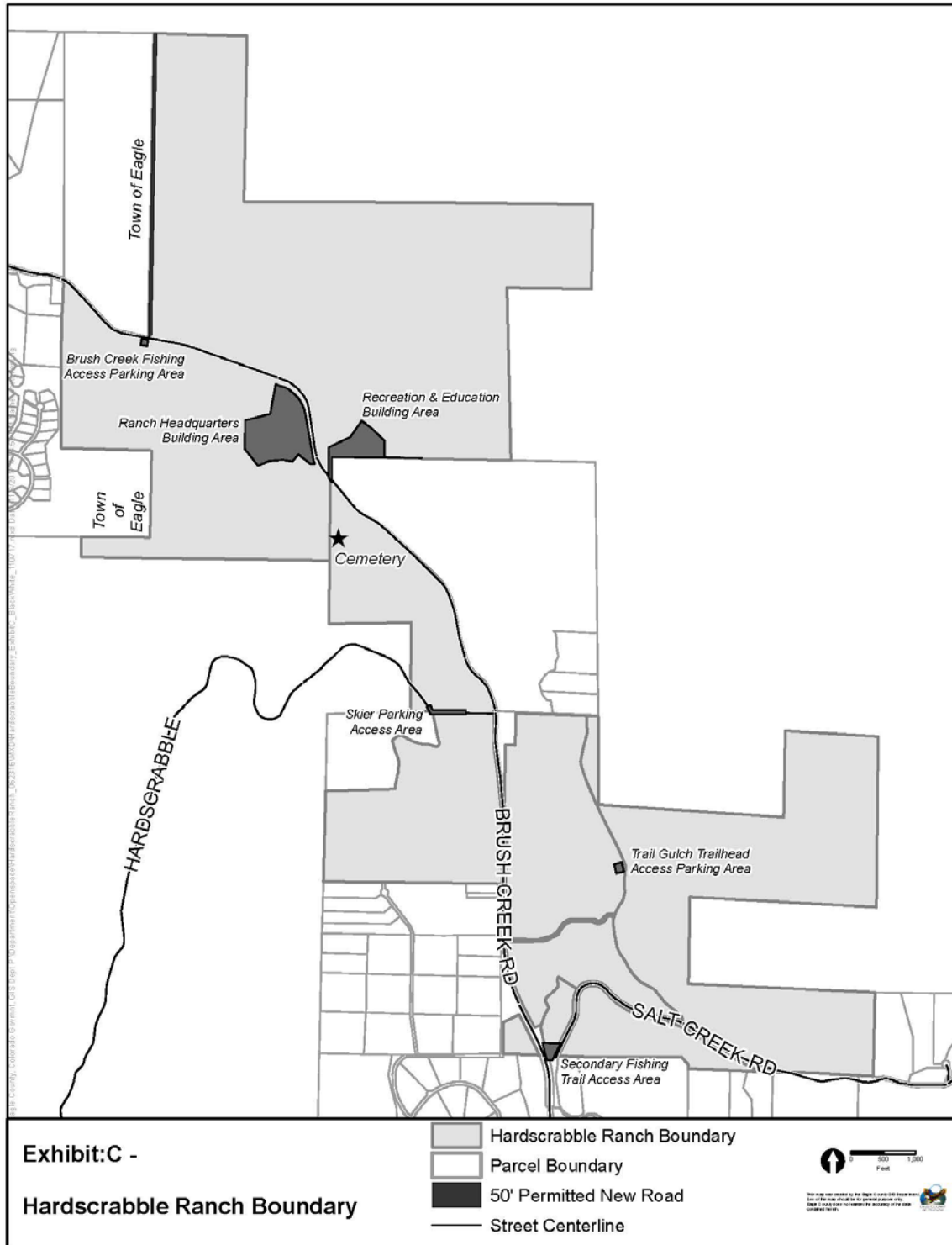


# **EXHIBIT B** Drawing of Permitted New Road



# EXHIBIT C

## Map of Property





**EXHIBIT "D" Page 1 Description of Water Rights**  
**The following Water Rights were transferred as set forth in Special**  
**Warranty Deed recorded at Reception No. 201714634**

STRUCTURE / WATER RIGHT		Total Diversion	Conveyance to TCF			Appropriation Date	Adjudication Date	Administration Number	Water Court
			Total	Absolute	Conditional				
Borah Ditch	Priority No. 94	3.200 cfs	1.056 cfs	1.056 cfs	--	1889-10-03 <sup>1</sup>	1889-12-17	14526.00000	CA294
Upper Frost Ditch	Priority No. 196	2.000 cfs	1.000 cfs <sup>2</sup>	1.000 cfs	--	1900-12-31	1901-03-05	18627.00000	CA385
Salt Creek Ditch	Priority No. 163	0.840 cfs	0.840 cfs	0.840 cfs	--	1892-06-20	1901-03-05	16251.15512	CA385
East Frost Ditch	Priority No. 160	1.200 cfs	1.200 cfs	1.200 cfs	--	1891-05-31	1901-03-05	16251.15126	CA385
Love Frost Ditch	Priority No. 131	0.900 cfs	0.900 cfs <sup>3</sup>	0.900 cfs	--	1881-03-01	1901-03-05	16251.11383	CA385
	Priority No. 135	2.000 cfs	2.000 cfs <sup>4</sup>	2.000 cfs	--	1883-04-30	1901-03-05	16251.12173	CA385
Hollingsworth Potter Ditch	Priority No. 184	2.000 cfs	1.600 cfs	1.600 cfs	--	1898-12-31	1901-03-05	17897.00000	CA385
Hollingsworth Potter No. 2 Ditch	Priority No. 267 (Desert No. 2 Ditch)	4.000 cfs	4.000 cfs <sup>5</sup>	4.000 cfs	--	1906-09-01	1907-06-04	20972.20697	CA446
	Priority No. 352	1.600 cfs	1.600 cfs <sup>6</sup>	1.600 cfs	--	1899-03-30	1921-06-29	25708.17986	CA761
Love & White Ditch	Priority No. 83	2.200 cfs	1.334 cfs <sup>7</sup>	1.334 cfs	--	1889-07-31	1889-12-17	14457.00000	CA294
	Priority No. 134	2.600 cfs	1.577 cfs <sup>8</sup>	1.577 cfs	--	1883-02-01	1901-03-05	16251.12085	CA385
	Priority No. 176	5.700 cfs	2.851 cfs <sup>9</sup>	2.851 cfs	--	1897-06-10	1901-03-05	17328.00000	CA385
	Priority No. 298	0.200 cfs	0.121 cfs <sup>10</sup>	0.121 cfs	--	1911-07-29	1911-11-13	22489.00000	CA566 <sup>11</sup>
Wilkinson Ditch	Priority No. 132	4.800 cfs	1.982 cfs <sup>12</sup>	1.982 cfs	--	1882-04-30	1901-03-05	16251.11808	CA385
	Priority No. 187	1.000 cfs	0.413 cfs <sup>13</sup>	0.413 cfs	--	1899-04-30	1901-03-05	18017.00000	CA385
<b>Total</b>		<b>34.240 cfs</b>	<b>22.474 cfs</b>	<b>22.474 cfs</b>	<b>--</b>				

<sup>1</sup> The Colorado Division of Water Resources tabulation identifies the appropriation date for this water right as October 8, 1889 but the decree states that the appropriation date is October 3, 1889.

<sup>2</sup> Water right also known as the Upper Frost Ditch First Enlargement.

<sup>3</sup> All of Grantor's right, title, and interest in 0.9 cfs absolute.

<sup>4</sup> All of Grantor's right, title, and interest in 2.0 cfs absolute. Water right also known as the Love Frost First Enlargement.

<sup>5</sup> This water right was transferred from Desert No. 2 Ditch to Hollingsworth Potter No. 2 Ditch in Case No. W-1827.

<sup>6</sup> The information for this water right is based upon the Division of Water Resource tabulation, but a copy of the decree in Civil Action No. 761 is not available and has not been reviewed.

<sup>7</sup> Undivided 60.65% of 2.2 cfs absolute.

<sup>8</sup> Undivided 60.65% of 2.6 cfs absolute.

<sup>9</sup> 2.851 cfs of Grantor's undivided 60.65% of 5.7 cfs absolute.

<sup>10</sup> Undivided 60.65% of 0.2 cfs absolute.

<sup>11</sup> In the Special Warranty Deed recorded at Reception No. 201504790 in Eagle County, CO on March 23, 2015, this water right was described as being decreed in Case No. 565; that reference appears to be a typographical error and the water right was actually decreed in Case No. 566 as noted in the above table.

<sup>12</sup> Undivided 41.3% of 4.8 cfs absolute.

<sup>13</sup> Undivided 41.3% of 1.0 cfs absolute.

**EXHIBIT "D" Page 2 - Description of Water Rights**  
**The following Water Rights were transferred as set forth in Quitclaim**  
**Deed recorded at Reception No. 201714635.**

STRUCTURE / WATER RIGHT		Total Diversion	Conveyance to TCF			Appropriation Date	Adjudication Date	Administration Number	Water Court
			Total	Absolute	Conditional				
McKenzie Ditch	Priority No. 55	3.000 cfs	1.800 cfs	1.800 cfs	--	1887-05-15	1889-12-17	13649.00000	CA294
Hollingsworth Potter No. 2 Ditch	Priority No. 185	2.000 cfs	1.600 cfs	1.600 cfs	--	1899-03-30	1901-03-05	17986.00000	CA385
<b>Total</b>		5.000 cfs	3.400 cfs	3.400 cfs	--				

## EXHIBIT E

## Sample Notice of Transfer of Property

To: Eagle Valley Land Trust ("Grantee")  
From: [Insert name of fee owner] ("Grantor")

Pursuant to **Section 10** of the Deed of Conservation Easement recorded     (date)     under reception number                     , Grantee is hereby notified by Grantor of the transfer of the fee simple interest in the subject Property legally described in **Exhibit A** attached hereto effective **[insert date of closing]** to **[insert name of new Grantor]**, who can be reached at **[insert name, legal address, phone and fax number]**. Also pursuant to **Section 10** of the aforementioned Deed of Conservation Easement, a copy of the new ownership deed is attached.

**GRANTOR:**

By: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF COLORADO )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_ as \_\_\_\_\_ of \_\_\_\_\_.

**Witness my hand and official seal.**

My commission expires: \_\_\_\_\_

**Notary Public**

Date: \_\_\_\_\_

## **Appendix D: Existing Plans and Policies**

### **2017 Baseline Documentation Report**

This report identifies baseline conditions for the property at the time of the Conservation Easement conveyance.

[www.eaglecounty.us/](http://www.eaglecounty.us/)

### **2011 Brush Creek Watershed Management Plan**

Town of Eagle

The overall mission of the Brush Creek Management Plan is to provide guidance for the implementation of actions that will protect and enhance the water resource values associated with the Brush Creek watershed. The Town's watershed goals are:

- Maintain sufficient streamflow in Brush Creek to support and protect the stream's aquatic environment.
- Protect and improve the quality of Brush Creek and its tributaries.
- Establish and promote land and water management practices that conserve and protect the natural resources of the watershed.

<https://www.townofeagle.org/DocumentCenter/View/5651/Brush-Creek-Watershed-Plan?bidId=>

### **2005 Eagle County Comprehensive Plan**

Adopted: December 7, 2005

Effective January 18, 2006

The Eagle County Comprehensive Plan establishes a vision and framework for the future of Eagle County. The Comprehensive Plan guides and influences the following types of decisions:

- It provides a general framework for evaluating individual land development and referral applications submitted to Eagle County Government on an ongoing basis.
- It provides an action plan for revisions to Eagle County's Land Use Regulations and official Zoning Map, which are the regulatory tools by which Eagle County Government can implement this Comprehensive Plan. It also provides a context within which Eagle County Government can make capital improvement investment decisions to implement the Comprehensive Plan.
- It establishes the priorities for more detailed plans, which Eagle County Government will likely formulate for specific areas of Eagle County (the subarea plans) and for specific topics (such as open space, trails, affordable housing, and roads).



[http://www.eaglecounty.us/Planning/Documents/Master\\_Plans/Comp\\_Plan\\_with\\_Note/](http://www.eaglecounty.us/Planning/Documents/Master_Plans/Comp_Plan_with_Note/)

## **2010 Eagle Area Community Plan**

The Eagle Area Community Plan, originally introduced in 1996, is jointly adopted by both the Town of Eagle and Eagle County. It covers an extensive area, which includes the incorporated lands within Eagle, as well as unincorporated lands surrounding the town boundaries.

The plan is intended to work as an extension of the Eagle County Comprehensive Plan, providing planners, officials, landowners, and developers with policies and strategies to help formulate land use plans and guide decision making over the next 5 to 10 years.

<https://www.townofeagle.org/339/Eagle-Area-Community-Plan>

## **2001 Eagle Valley Regional Trails Plan**

The regional trails plan was created to specifically describe the vision for an Eagle Valley Regional Trails System that will connect the communities of the Eagle River and Gore Creek valleys.

<http://www.eaglecounty.us/>

## **2014 Eagle Area Trails Plan**

Town of Eagle Open Space

The purpose of the 2014 Eagle Area Trails Plan is to provide decision makers and the public with three key pieces of information:

- Existing trails that are in need of maintenance or rerouting
- A vision for new trails that could be built in the future (with regulatory agency approval)
- A cost estimate for building and maintaining specific trails

<https://www.townofeagle.org/DocumentCenter/View/5882/Eagle-Trails-Plan-June-2014?bidid=>

## **Record of Decision and Approved Resource Management Plan (RMP)**

U.S. Department of the Interior

Bureau of Land Management, Colorado River Valley Field Office (CRVFO)

Adopted June 2015

The CRVFO RMP provides broad-scale direction for the management of public lands and resources. The approved RMP will provide guidance for the management of approximately 505,200 acres of BLM land and 701,200 acres of federal mineral estate

administered by the BLM, primarily extending across Eagle, Garfield, Mesa, Pitkin, and Routt Counties.

[https://eplanning.blm.gov/epl-front-office/eplanning/docset\\_view.do?projectId=68506&currentPageId=99968&documentId=90704](https://eplanning.blm.gov/epl-front-office/eplanning/docset_view.do?projectId=68506&currentPageId=99968&documentId=90704)