

From: Jane Gerstenberger [mailto:jane.gerstenberger@gmail.com]

Sent: Sunday, February 24, 2013 9:15 AM

To: Hall, Kevin; Metz, Cathy; Rinderle, Christina; White, Dick; Lyon, Doug; LeBlanc, Ron; Broderick, Paul; Marbury, Sweetie; PlanSrvcs; Smith, David

Subject: Input Recommendations for Cameron Sterk Mgmt Plan

Referenced Attachments to Follow, as individual emails.

North Animas Valley Stakeholder Meeting Request for Riverfront Property Owners

Re: Input/Recommendation for Cameron-Sterk River Management Plan

Kevin Hall, Director of Natural Lands, City of Durango

Scott Perez, Director of La Plata Open Space Conservancy

Dear Kevin and Scott,

Congratulations again on the preservation of the 43 acre Cameron-Sterk riverfront parcel through a GOCO Open Space Grant and Partnership between the City of Durango and La Plata Open Space Conservancy. I understand that GOCO requires the development of a Cameron-Sterk Management Plan to ensure that the stated values of passive recreation, preservation, environmental education and upstream/downstream public river access are successfully managed.

As a riverfront property owner living in the North Animas Valley River Corridor, I want to confirm that riverfront property owners impacted by the proposed City of Durango put-in, take-out, expect to participate in the early negotiations, creation and subsequent annual review of a Cameron-Sterk Management Plan. Please consider the following:

1. The Governor's River Access Mediation Commission was created in 2010 in recognition of landowner/boater river recreation conflicts. In addition to offering mediation, the Commission supports the use of stakeholder created Resource Management Plans (RMP) for even small stretches of river recreation. Governor John Hickenlooper recently appointed Mike King, a GOCO state board member and Executive Director of the Department of Natural Resources, to serve on the River Access Mediation Task Force. (See Attached, Governor's 2010 River Access Dispute Report)
2. Both the river bottom and river banks are included in Colorado private property ownership and create unique challenges in Cameron-Sterk river recreation management. There are also differing legal perspectives on the right to float in Colorado. (See Attached, Colorado State University 2009 Right to Float)
3. All flat water river departures from Cameron-Sterk, both upstream and downstream, require passage through miles of private properties and ranch lands. The North Animas Valley Riverfront property owners represent a high impact stakeholder group and should be included in the development of the Cameron-Sterk Management Plan. The privately owned river bottom

and banks of the Animas River will obviously be impacted by the City of Durango's proposed commercial and public "Flat Water Recreational River Venue." It makes sense that these property owners would provide input into the type, volume and intensity of river use, including flow guides for boating and the level of on river enforcement required. (See Attached, Animas Ranchers' 2011 GOCO Letter, Animas Ranchers' 2011 Follow-up)

4. During the GOCO grant selection process in 2011, the City of Durango committed to involvement of "affected neighbors" in the creation of the Cameron-Sterk Management Plan. The City submitted a letter to GOCO, with detailed responses to a citizen's river access concerns. Excerpts include, "We believe that by working closely with affected neighbors, we can implement the plan in a sensitive manner that will ensure a positive experience for everyone, and a lasting legacy for the community. . . Upon acquisition, the City will donate a conservation easement and develop a community-based management plan for the property to outline existing conditions, future uses and stewardship commitments consistent with the conservation easement. Additionally, the City will initiate the preparation of a new Animas River Management Plan. All of these items will occur in advance of any final consideration or design of site specific improvements, including a boat put-in. . . With the increased use has come the challenge of providing adequate facilities and strategies to manage and patrol the users. . .(this) is a critical early step in ensuring that these activities north of the 33rd Street put-in will be properly managed, with a resultant lessening on impacts on property owners adjacent to the river in this area. . . In the near future, the City will institute an on river patrol with rangers patrolling the river by boat." (See Attached GOCO\_Hall 2011 Grant Response)

As a river paddler and proponent of both river recreation and improved river access in Colorado, I hope that both you and the members of the Natural Lands Advisory Board and LaPlata Open Space Conservancy agree that the successful development of a Cameron-Sterk Management Plan includes input from riverfront property owners in the North Animas River Valley.

Thank you for your time and consideration of this request.

I look forward to hearing from you soon.

Jane Gerstenberger

Durango, Colorado

970.247.2268

CC:

La Plata Open Space Conservancy Board

Durango Natural Lands Advisory Board

Durango Parks and Recreation Advisory Board

Durango City Council

La Plata County Commissioners

City Manager, City of Durango  
County Manager, La Plata County  
Colorado Division of Wildlife  
North Animas Valley Riverfront Landowners  
Jane Gerstenberger  
970.759.3146

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From: Jane Gerstenberger [mailto:jane.gerstenberger@gmail.com]

Sent: Thursday, February 28, 2013 7:11 AM

To: Hall, Kevin

Cc: Metz, Cathy; Rinderle, Christina; White, Dick; Lyon, Doug; LeBlanc, Ron; Broderick, Paul; Marbury, Sweetie; Paul Wilbert; Scott Perez

Subject: Re: Input Recommendations for Cameron Sterk Mgmt Plan

Dear Kevin and Scott,

Thank you again for contacting me this week and offering to provide an update on our request that North Animas River Valley property owners, impacted by the new Cameron Sterk put-in, take-out, have a seat at the table, and participate in the early negotiations, creation and subsequent annual review of a GOCO required Cameron Sterk Management Plan.

Riverfront property owners in the North Animas Valley would provide input into the type, volume and intensity of river use launching from Cameron Sterk for upstream/downstream travel, including flow guides for boating and the level of on river enforcement required.

1. Update on Request: Are your boards supportive of this request? Do they require additional information? Will we be notified in writing?
2. Update on GOCO timeline: GOCO requires the submission of a CS Management Plan within one year of close. What is the current GOCO deadline? What is the deadline for riverfront property stakeholder input? I understand GOCO allows for submitting updates for these plans.
3. Update on the GOCO Management Plan: We would like to review a DRAFT copy of the plan.

Thank you again for taking the time to provide a response to our requests.

Jane Gerstenberger

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From: Jane Gerstenberger <jane.gerstenberger@gmail.com>

Date: Mon, Mar 11, 2013 at 2:24 PM

Subject: Public Comments: Oxbow Preserve Management Planning Process Meeting Tonight

To: Connie Imig Vice Chair <cjmimig@bresnan.net>, conniejmatthews <conniejmatthews18@gmail.com>, Ed Zink <edzink@waterfallranch.com>, Kevin Hall POST Manager <hallks@ci.durango.co.us>, Kim Fluty <kim@wildhavenland.com>, Mark Smith <smithmv247@me.com>, Paul Wilbert Chair <pwilbert@bresnan.net>, steve mcclung <steve.mcclung@state.co.us>, Steve Whiteman <swhiteman@bresnan.net>

Cc: christina rinderle <christinarinderle@ci.durango.co.us>, dick white <dickwhite@ci.durango.co.us>, Doug Lyon <DougLyon@ci.durango.co.us>, "LeBlanc, Ron" <LeBlancRP@ci.durango.co.us>, Paul Broderick <PaulBroderick@ci.durango.co.us>, sweetie marbury <SweetieMarbury@ci.durango.co.us>, Bill Zimsky <wez@oilgaslaw.net>, Cathy Metz Parks & Rec Director <metzcl@ci.durango.co.us>, Duane Smith Chair <smith\_d@fortlewis.edu>, Frank Viehmann <Frankv@bresnan.net>, Karen Carver <rivergal@frontier.net>, Kerrie Neet <kerrie.neet@dot.state.co.us>, Peter Schertz <peter@mariasbookshop.com>, Richard Speegle <richardspeegle@yahoo.com>, Sandy Burke <cyberbob\_49@yahoo.com>

Dear Chairman and Members of the Natural Lands Advisory Board,

I plan on attending the Natural Lands Preservation Advisory Board meeting today, March 11, 6PM at the Durango Public Library, where you will deliberate the process for developing an inclusive Management Plan for Oxbow Preserve and Park Open Space. (Attached, Oxbow Preserve Viewed From Animas Mountain)

Unlike other Durango riverfront properties with public river access, Durango Oxbow Park and Preserve is unique because it was purchased with GOCO Open Space Funds, and a GOCO-required conservation easement placed across the entire 43 acre parcel. As a result, the management plan must be developed in a distinct and nontraditional manner, specific to its acquisition.

As part of the planning process, staff has reported to the Board that the "Oxbow Park and Preserve Open Space Management Plan" will be a reflection of the following documents:

- 1) Oxbow Open Space Conservation Easement (negotiated with La Plata Open Space Conservancy)
- 2) Oxbow Baseline Environmental Assessment

In review of the Conservation Easement, I understand the City of Durango has reserved development rights (Attached, Reserved Development Area) in 6 acres of the federally regulated floodway of the Animas River. This includes development of a proposed commercial and public vehicle-based, river-put-in and take-out. Improvements in the riparian buffer include construction of a paved road, commercial bus/trailer turnarounds, restrooms and a parking lot.

In review of the Baseline Environmental Assessment, I understand a Wildlife Habitat Score Card (Attached, Wildlife Scorecard) included a 15 percent wildlife value demerit, based in part, on the planned “intensive recreational use” of Oxbow Preserve and Park Open Space.

Based on the Board’s ongoing commitment to the difficult task of balancing public access with open space preservation, and to incorporate the stated values of both GOCO and the Durango Open Space program, I request the following three documents (listed and highlighted below) be included in the public management planning process.

I believe these documents will help define the extent of developed facilities and appropriate passive uses (including public access to the river) of the Oxbow Park and Preserve Open Space.

### 3. GOCO Open Space Grant Guidelines

While Great Outdoors Colorado offers Colorado municipalities funding for many types of outdoor and recreational projects, the City of Durango was awarded a GOCO “Open Space Grant” for the Oxbow Park and Preserve. As condition of the Open Space Grant, GOCO required that the parcel’s entire 43 acres be placed under a conservation easement (La Plata Open Space Conservancy).

As part of the application process, GOCO provided a guide of allowed and prohibited open space uses. (Attached, GOCO Guide) For example, low-impact, passive recreational uses are allowed on open space. Construction of new paved parking lots and roads are prohibited, in addition to commercial activities that have adverse impacts on the conservation values of the property.

GOCO also offers guidelines for the development of river access on open space through their River Initiative Program. “Per Board policy, these acquisitions are to remain in a relatively natural state (with limited, if any recreational development . . . intended to provide passive recreational opportunities . . .or publicly-accessible open space on a river. In contrast to “Open Space Grants”, GOCO allows “Local Government Grants” recipients to install “river access facilities (such as put-ins and take-outs and kayak courses) on non-Open Space Lands.”

### 4. 2011 City of Durango GOCO Open Space Grant Application for the Preservation of Cameron Sterk (Application Excerpts Below)

“A final determination of the types of open space appropriate uses and amenities to be established on the parcel will be made as part of a public process to establish a management/stewardship plan for the parcel in 2011/2012.”

“One of the primary objectives of the acquisition will be to establish legal public access to the property and the river, with City oversight, that ensures permanent and legal community access for, and management of, passive recreation and environmental education.”

“...preservation of the 43 acre Camerson-Sterk Parcel will protect the Animas River watershed, wetlands and floodplain by ensuring that no potentially harmful land uses or activities will ever occur on this property. Additionally, nearly three-quarters of a mile of river frontage and riparian vegetation will be permanently protected.”

GOCO: What additional uses are proposed for the property? Include planned or proposed agricultural, commercial. . . .CITY OF DURANGO: Proposed future uses will be limited to basic public access-amenities, and interpretive signage for way-finding and environmental education purposes.”

GOCO: If a component of your project includes limited development or reserved development provide detailed information on the purpose, location and portion of the property subject to development. CITY OF DURANGO: Other than minimal public access improvements as described above, the City will not reserve any other development rights.

The conservation values to be protected through acquisition of the Cameron-Sterk Parcel include:

1. Floodplain
2. Wetlands and Riparian Vegetation
3. Wildlife habitat including a back water slough
4. Viewshed
5. Passive recreation and environmental education opportunities
6. Legal public river access and open space for the Animas View Drive Neighborhood

#### 5. City of Durango 2010 POST Open Space Plan

(Excerpts Highlighted as Follows)

4.1.1 Introduction “. . .the preservation of additional lands for open space needs to be qualified based on the uniqueness of the land to be preserved rather than on the basic pursuit of setting aside lands for public purposes. . .The highest quality of open space landscapes in the Durango planning area include the Animas River corridor. . .The preservation of viewsheds, habitat, Animas River watershed, and passive recreational lands are core tenants of the City’s Comprehensive Plan”

4.2 Functions of Open Space Open Space “is not just scenic land to view and enjoy as recreational space. Open space is natural and green infrastructure that provides a number of important functions and benefits for Durango.”

4.3.2 Rivers, Streams and Lakes “Objectives of greenways include preservation of wildlife habitat and routes for wildlife circulation, protection of water, air and scenic qualities; control of flooding, protection of historic and cultural values, and creation of trail corridors and greenspace within the built environment.”

4.3.5 Urban Interface Wildlands These are close-in parcels readily accessible from neighborhoods. . .These areas may serve as buffers that separate the highly developed edge of town. . .These areas are easily accessible for residents and offer close-to home opportunities for unstructured, passive recreation in a natural setting.

4.3.6 Heritage and Working Lands (See photo of Oxbow Preserve and Park as viewed from Animas Mountain.)

4.4.2.1 What is Open Space? Open Space Lands possess values important to the community including: unique scenery, views and landscapes; sites for low impact passive recreation; ecological function; habitat for wildlife and flora. . .

4.4.2.3 What is Passive Recreation? Passive recreation is any activity typically undertaken on an individual or small group basis that is non-motorized, trail oriented activity requiring only limited modification to the natural landscape in order to occur.

4.8 Priority Preservation Areas Animas River Greenway North: This area includes a variety of preservation values including the Animas River, riparian river frontage, floodplain and view shed from Highway 550.

4.12.1.3 Improvements of Open Space Lands Improvements on acquired open space land should be limited to actions required to manage/protect habitat and native vegetation, continuation of agriculture, and to provide passive recreational amenities.

Thank you again for taking the time to review my request detailed above. As a paddler and a neighbor of the high impact, high volume and active 33rd Street Boat Launch, (Attached, High Impact Recreation), I believe that we can work together to create a plan which allows for low impact recreational access on sensitive riparian lands, resulting in a sustainable balance between passive recreation and open space preservation in the North Animas River Valley.

Jane Gerstenberger, Durango

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From: Rahul Kumar [mailto:rahulks02@yahoo.com]

Sent: Friday, May 10, 2013 10:06 PM

To: Metz, Cathy; Hall, Kevin

Subject: Concerns re Oxbow Preserve development

Dear City of Durango administrators,

We residents of Animas View Dr have many concerns regarding proposed commercial development of Oxbow Preserve.

Animas view Dr is largely a quiet and beautiful residential area with only a small commercial presence. Further commercial development along the Drive poses many concerns, including safety issues. Many of us believe that these issues are not well studied and addressed. The quality of the road will likely not support and will deteriorate very fast under the load of heavier traffic (due to both larger vehicles and busier traffic). The neighborhood has a number of residential properties which makes us hugely nervous in terms of safety of pedestrians and bikers on the narrow Animas View Dr. We feel that these issues must be studied and addressed before a final decision.

We do agree that Durango should attract business opportunities related to outdoor recreation but it would be great if this occurred somewhat away from a busy residential area.

Kind regards.

Rahul Kumar

457 Animas View Dr

Durango

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From: Lynch, Casey [mailto:casey@caseylynchcpa.com]

Sent: Monday, May 13, 2013 4:27 PM

To: Rec

Subject: Oxbow property

To protect the residence in the Oxbow neighborhood I suggest the following.

1. Ask the police Dept. to have a neighborhood meeting to address neighborhood concerns (like the one at 32nd street a few years ago).
2. Have police patrols keep an extra eye on the property to prevent unauthorized use.
3. Have signage at the property educating everyone on the property status and acceptable usage.
4. Make an extra effort to inform neighbors of public input meetings.
5. Provide public parking at Oxbow as soon as the master plan is done and funding is available.
6. Keep commercial bus usage at a minimum until road improvements are made.

I would suggest the city proceed with the north bound river trail and Oxbow development as soon as funds are available.

Thanks

Casey

Casey Lynch

Casey@CaseyLynchCPA.com

970-749-1388

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From: Angel, Luke [mailto:langel@quantifiedperformance.com]

Sent: Tuesday, May 14, 2013 10:54 AM

To: Rec

Subject: Oxbow Management Draft

I would like the Boards to consider removing the commercial access from the management draft due to safety concerns about Animas View Dr. This road is a narrow double yellow winding road that is not slated for any improvements in the near future by the City of Durango and can not manage increased bus and trailer traffic. I am an owner across the street from the Oxbow and see a significant number of driver and pedestrian/ bicycle close calls on a weekly basis which will only worsen with the addition of the put in. Since it is such a valuable resource it would be great to give the private boaters, paddle boarders and tubers another access point to the river, but that does not automatically imply that commercial access must be allowed.

Sincerely,

Dr. Luke Angel, PT, CMPT, ATC, CSCS

Director of Rehabilitation

Quantified Performance

[www.quantifiedperformance.com](http://www.quantifiedperformance.com)

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From: Corra, Andy - 1 [mailto:corras@riversports.com]

Sent: Monday, May 13, 2013 5:59 PM

To: Rec

Subject: Oxbow

Thanks to the City of Durango, Parks and Rec, and the Open Space Board for their work on this important acquisition for our community. As the City begins to turn attention to the Animas River, the benefits to accrue will be felt for generations to come. City and country residents, as well as the many visitors we host every year, cherish this special waterway that defines our community. Investment in river greenways, open space, parks and access points enhance the economic and lifestyle factors that draw so many to live, work, play and recreate in this corner of the world.

Currently, there is no public access to our river from the 33rd street put-in to Silverton; no public access to float the incredible 11.5 miles from Trimble Lane to Durango; no public access to the fast moving section from Baker's Bridge to Trimble Lane. These are incredible sections of public water that citizens deserve the right to legally access, and the Oxbow Park and Preserve represents a historic milestone in introducing those who appreciate moving water to the slower moving sections of the Animas.

Because of this, it is important that the City is sensitive not only to the larger community that desires access to the river, but also to the individuals who live along it's banks. Understandably, some who own land or live along the flatwater sections of our River feel a special connection to the Animas. The change that may come from giving folks a legal means to float past their home or property can be unsettling. Thoughtful design, a light environmental footprint, and attention to educating the public can help alleviate these individuals' concerns and ensure that Oxbow Park and Preserve becomes a standard for future access points.

Our River is popular, as can be seen by the congestion at 33rd St in the Peak months of June and July. This points to an issue of access crowding, not river crowding. Once floating, there is always plenty of room on the water. Because of this, I believe the City's priority should be in directing tax and grant money to Oxbow first. Money spent on the 29th St put-in will do nothing to alleviate the crowding at 33rd St. Twenty-Ninth St is currently our most developed access point, in need of the least improvement, and is not, and will never be the most used access as it shortens ones river-run as compared to 33rd or Oxbow. A good design at 33rd St should be the second priority as this is, and always will be, the most popular (it's the start of the whitewater). With these more important congestion relieving access points completed, 29th St should be addressed. This prioritization gives the most relief, in the most timely manner, to the congestion problems that were identified in the River Management Plan.

Andy Corra

corras@riversports.com

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From: Angel, Ashlie [mailto:ashliedurango@gmail.com]

Sent: Friday, May 17, 2013 5:03 PM

To: Rec

Subject: comments for Oxbow Park and Preserve Management Plan

My biggest concern is the road. There have been studies on the flora and fauna in the area and even the minerals. What about traffic studies? Animas View Drive is already a very dangerous road. It is narrow, people drive too fast, and there are no sidewalks. There is no way it can accommodate the traffic that a commercial put-in would bring. It would take a dangerous road and make it treacherous. As soon as the land was purchased, Animas View Drive immediately got filled with cars along the side of the road. The 12 slated parking spaces wouldn't even come

close to being sufficient for the private river users. The road simply cannot accommodate the traffic the proposed put-in would bring. The only way this would be feasible and successful, would be to do road improvements prior. We can't put the cart before the horse without big implications.

I do have other concerns that I will briefly mention. I am concerned with the manner in which GOCO funds are being used. I am also concerned with the trash that accumulated last year after the purchase of the land. There was everything from piles of beer cans to discarded arm chairs and tables. Drunk river users frequently landed to discard their beer cans and then float on. Who will be patrolling the area and preventing this?

In closing, I maintain my stance that my biggest concern is that Animas View Dr simply cannot accommodate the increased traffic that a commercial put-in would bring. I firmly believe that any traffic study would support this. It would be too dangerous for all of the local residents.

Ashlie Angel, MSPT, CMPT

Quantified Performance

[www.quantifiedperformance.com](http://www.quantifiedperformance.com)

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From: Simmons, Dennis [mailto:[dsimmons9@q.com](mailto:dsimmons9@q.com)]

Sent: Saturday, May 25, 2013 4:13 PM

To: Rec

Cc: Simmons, Dennis

Subject: Oxbow Park and Preserve Input

Importance: High

Cathy, Kevin and other interested parties,

Note: The attachment within this email is a letter previously sent by a group of us, which outlines some of our input. This email contains additional details and recommendations from us.

I have been attending your meetings relevant to the development of the Oxbow Park and Preserve. However, Maria and I travel often, and we want to make sure our voice is heard should we miss a meeting or two. We live at the Oxbow Town Homes which are directly in front and east of the Oxbow Park and Preserve. Thus our interest to provide you with our input.

We acknowledge that the Oxbow Park and Preserve Management plan is still in draft stages and has not yet been formalized and approved by the appropriate entities. We also realize that in 2014 the site development plans are targeted to be approved for 29th, 33rd St. and the Oxbow Park and Preserve, and that there will be opportunities for public input. With that being said, we

have some thoughts we would like to share with you. We have grouped these into four categories:

#### 1) Safety:

- Railroad Crossing - As you know, five to six trains go to and return from Silverton daily in the summer. Additionally there more trains for special events, maintenance trains, lead and follow carts. We consider ourselves fortunate to live where we can enjoy the train as it makes its many journeys. However, the development of the Oxbow Park and Preserve may present safety issues. Introducing signals and a crossing guard to the continuous flow of trains is a concern to us as we imagine vehicles lined up to access the river across the tracks at a slow pace. We feel that restricting vehicles from crossing the tracks will reduce safety issues, both for the train company and the public. It will also reduce impact to our remaining categories, listed below.
- Our recommendation: We ask that you consider restricting vehicles and possibly bicycles from crossing the rail road tracks to access the Oxbow Park and Preserve.

#### 2) Protection of Habitat and Wildlife

- The Oxbow Park and Preserve is home to a variety of wildlife species. Protection of wildlife is very important to all of us Durangoans.
- Our recommendation: To protect the habitat and wildlife, we respectfully recommend that a boundary be established on the NE end of the Sherman parcel and extend through the property boundaries due east to the river. Thus protecting everything north and north east of that boundary line. This would still allow room for an improved trail and allow hand carried rafts, paddle boards, tubes and so on for put in and take out, as well as, access to the beach. This we feel will protect the habitat and wildlife that currently occupies the Oxbow Park and Preserve and at the same time serve as a river access to the public.
- As we mention under our Safety category, the restriction of vehicles will also protect habitat and wild life.

#### 3) Maintaining Natural Topography and Beauty

- Currently the city is maintaining a natural surface trails in the Oxbow Park and Preserve area. This is very inviting and provides a nature walk that respects the environment, as defined in categories two and four.
- Our recommendation: We propose that this trail is maintained as is.
- As we mention under our Safety category, the restriction of vehicles will also maintain natural topography and beauty of the area.

#### 4) Flood Plain / Wetlands and Riparian Vegetation Areas

- We feel that the construction of facilities in the flood plain, wetlands and riparian vegetation areas will have a direct impact to safety, protection of habitat and wildlife, and the natural topography and beauty of the area. For example we have seen the river flood the entire area and fear that the river is at risk of being contaminated by the content of toilets.

- Our recommendation: We propose that no buildings east of the rail road tracks be permitted. Future construction of parking, recreational area and facilities be restricted to the Sherman parcel west of the tracks. Of course we understand that this is still in the planning and will be defined in the 2014 site development plan.
- As we mention under our Safety category, the restriction of vehicles will also protect habitat and wild life.

Please feel free to reach out to us if you have questions or need clarification. We can be reached at 970-799-1991.

We ask that you please acknowledge receipt of this email.

Thank you for considering our input,

Dennis and Maria Simmons

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From: Keen, George [mailto:geomar@bresnan.net]

Sent: Sunday, June 09, 2013 11:50 AM

To: Rec

Subject: Oxbow Park and Preserve Management Plan

Cathy, Kevin and other interested parties:

Along with Dennis Simmons and Terry Word, I am a member of the Board of The Oxbow Homeowners Association. I greatly appreciate the opportunity to provide comments of concern and suggestions for your consideration. My remarks here are confined to the plan section: Envisioned Improvements Include: 2) a river put-in/take-out for nonmotorized crafts (including commercial) in the Southwestern corner of the parcel in the vicinity of the beach.

I submit that this item is part of the "Big Picture" and not merely a "Detail". Considering the scenario created by that recent arrant declaration "You have to pass the bill to know what's in it", the public should be fully informed of:

1. all planned rules to govern the activities and conduct of commercial operators and their personnel, the permits to be required, the numbers and types of rafts to be used, the projected numbers of customers and projected numbers of trips per day, and some insight into just what raft operators need in order to have a profitable business at this location.
2. Precisely how close to the actual put-in(where people can get wet feet) vehicles will be allowed and on what kind of road surface, the planned rules for parking various types of vehicles, both commercial and private, and their movement limitations i.e. banned from crossing the rail road tracks.

3. the engineering studies showing the actual dimensions and locations of planned concrete pads or other hard surfaces in the southwestern corner, any plans for building a sea wall to stop erosion of this narrow piece, and precisely how far up the beach toward the point is planned for development.

4. engineering studies showing what the planned put-in will look like, what it will be made of and its size.

Again, thank you for this opportunity to communicate with you. I am available for clarification or any questions you may have at 970-403-3166.

George Keen

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From: darwinwilliamson@hotmail.com

To: rec@cidurango.co.us

CC: christinarinderle@ci.durango.co.us; deanbrookie@durangogov.org;  
dickwhite@ci.durango.co.us; keithbrant@durangogov.org; sweetiemarbury@ci.durango.co.us;  
leblancrp@ci.durango.co.us

Subject: Oxbow Park and Preserve Management Plan

Date: Tue, 11 Jun 2013 04:09:43 -0500

To all concerned,

I would like to express my concern with the potential installation and construction of a High Volume, High Impact, COMMERCIAL River Launch / Take Out at the Oxbow Park and Reserve.

First of all, I would like to commend the City of Durango for having the foresight to acquire this parcel of land with the aim and purpose to protect this fragile riparian environment and at the same time have the land available for the enjoyment of the local community and our tourists. The parcel of land is unique within the City of Durango and should be protected in its natural state as much as possible so that the negative impact to riparian vegetation and wildlife is minimized.

I would like to respectfully make a few comments and suggestions for your consideration towards the development of the management plan for Oxbow Park and Preserve.

1. Seasonal closing is certainly necessary to provide wildlife a protected sanctuary from human impacts during the Late Fall through Early Spring months.
2. To stay within the spirit of the name "Preserve" and the purpose of the site and to minimize adverse impacts to the fragile riparian environment, High Volume, High Impact COMMERCIAL river access should not be allowed at this site. This is absolutely critical, not only to minimize the environmental impact, but also for safety reasons. Animas View Drive receives heavy use by

cyclists throughout the entire community. School buses, large trucks pulling large trailers with limited fields of vision running up and down the narrow road all day and having to make wide turns to get in and out of the location will eventually result in somebody getting seriously injured, or even killed. Safety should always be the highest priority. The potential value of this site as an additional commercial put in / take out is not worth the additional risk.

3. Limited Private and Individual Public access should be allowed river access at this point for those wanting to view wildlife and enjoy a more quiet and relaxing river experience and to help relieve some of the conflicts between individuals and commercial outfitters at some of the other river access locations.

4. Vehicular traffic should not be permitted all the way to the river bank. A buffer zone should be maintained between the river bank and all vehicles. Preferably, no private vehicles would be allowed to cross the railroad tracks. Limited parking would be available between the railroad tracks and Animas View Drive which would naturally limit the negative impact to wildlife in Oxbow Park and Preserve. Individuals wishing to launch at this location can carry their kayaks, canoes, etc the short distance down to the river to launch. An unpaved road could be maintained for the sole use of emergency response personnel and other authorized city vehicles and to allow individuals easier walking with their river craft down to the river bank to launch. At the very least, if it is decided to allow vehicles to cross the railroad tracks at this location, limited, unpaved parking between the river and the railroad tracks should be as far from the river as practical to maintain an appropriate buffer zone.

Thank you all for your kind consideration of these points.

Best Regards,

Darwin Williamson

610 Animas View Drive

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From: Markward, Anne [mailto:amarkward@gmail.com]

Sent: Monday, June 10, 2013 3:56 PM

To: Rec

Subject: Oxbow

I am writing to urge Parks and Rec to take the time to study state and national best practices regarding establishing river access sites such as Oxbow. Decisions made about Oxbow not only affect the immediate neighborhood (ie, Animas View Drive residents), but both human and natural communities up and down the river corridor.

Without working together with the County to create a long term, sustainable management plan to address concerns of boaters, floaters and property owners alike, we are setting the stage for disaster. Retrofitting decisions about numbers of users or permits will not be possible.

This can be done differently. Great, well thought out studies are available. Please, take the time to consult professionals on how to proceed.

Anne

Anne Markward

970 779 8796

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From: Ulery, Susan [mailto:susan.ulery@gmail.com]

Sent: Thursday, June 13, 2013 5:15 PM

To: Rec

Cc: Markward, Anne; Linda Whaley; Angel, Luke; Gerstenberger, Jane; Firestone, Kathy; Simmons, Dennis; Gary Arnett; Wolf, Tim; Williamson, Darwin; Dean R. Brookie

Subject: Oxbow Preserve management, planning and stewardship

Thanks for this opportunity to comment on what the City is planning to do with the Oxbow Preserve and Sherman properties.

While the Sherman piece was not in City ownership when the plan attached to the final GOCO grant, my fervent hope, and that is shared by most all of my neighboring property owners, is that the City will now focus on "improvements" being restrained to the Sherman land, allowing the Oxbow Preserve to be, in fact, a preserve.

I have to be brief here, as I am working on a long list of consulting projects and deadlines are looming.

1. We want the City to really plan, and plan imaginatively what will be best for our neighborhood and this piece of property.
2. Necessarily, the process will take longer than the Sept. deadline you are operating under for the GOCO grant, so we want you to ask for an extension to allow for thorough, thoughtful and creative planning.
3. In that plan, we want to see a shift away from the idea of motorized access and use / put in on the Oxbow property.

4. Limit parking to a few (15 or less) spaces on the Sherman parcel, and plant the Sherman parcel with trees and shrubs to make it a park, as well as a place for limited parking from which those who drive would be able to WALK down to the Oxbow property and the river.
5. Prohibit crossing of the RR tracks by any vehicles except authorized City Park and law enforcement personnel.
6. Enforcement will be a big issue with this property, and we are not encouraged by the lack thereof observed over the years at the 32nd st. put in. We don't want to see that horror visited upon yet another neighborhood, and have absolutely no confidence in the City's ability to control tubers, alcohol and all the unfortunate behaviors cataloged for years at the 32nd st ramp. In my opinion, much of the problem can be sidestepped by shaping the Oxbow park and Sherman access to it to appeal less to the party crowd and more to the people who want a different experience along the river. Paddle boarders, kayakers and trail walkers can all walk to their destinations, and are limited in the amount of accouterments they can carry along. Walk-in access will by definition select a more respectful demographic, making the City's job of stewardship and enforcement much easier - and less expensive.
7. Visual impacts. We currently have a beautiful riparian area (and yes, thank you to the City for cleaning up the old debris left on the property by previous owners or users). It's peaceful, restful and full of birds, coyotes, bear, deer and occasional elk in winter. Leave as is to be enjoyed as is. There is nowhere else in Durango on public land that one can go to have such an intimate and quiet experience of the river environment.
8. Coordinate with the County on how the valley access to the River will impact City owned river properties. The CUP application recently filed at Sleeping Beauty Ranch for river put in would have massive impacts on all property owners, including the City, downstream.
9. Oxbow is flood land, and it would be expensive for the City to install any kind of infrastructure, including roads, pavement, ramps and restrooms (all mentioned in the GOCO grant ap) would wash out, cost us a lot of taxpayer money to maintain and can be completely avoided by utilizing the Sherman piece of land appropriately. Not to mention, building anything on the riparian land in Oxbow will irrevocably change its character, the experience and the visual appeal.
10. Right to float issue - this needs to be kept in our perspective; there isn't a "right to float" under Co. law as I understand it, and I do feel there is undue pressure to let everyone and every type of conveyance access the river. This is old school thinking and not in our long term best interests, and certainly not in the best interests of making the most and most appropriate use of the Oxbow Preserve as a unique property.
11. Animas River Trail and Bike Path. Whatever has happened to the Trail project, and how does it affect the Oxbow Preserve? We haven't heard a peep about when or how this is coming to our neighborhood of late, and we think that installation of the Trail will be a great adjunct to the Oxbow Preserve, providing access to walkers and cyclists, keeping that traffic off of Animas View Drive and generally improving the neighborhood in a big way.

Thanks for your time, I'm out of mine, will say more at next public hearing.

Susan H. Ulery, CEO

Ph: 970-589-2707

www.assureconsulting.us

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From: Susan Ulery <susan.ulery@gmail.com>

Date: Fri, Jun 14, 2013 at 2:57 PM

Subject: Fwd: Oxbow Preserve management, planning and stewardship

To: rec@ci.durango.co.us

Cc: Anne Markward <amarkward@gmail.com>, Linda Whaley <lewhaley4@gmail.com>, Luke Angel <langel@quantifiedperformance.com>, Jane Gerstenberger <jane.gerstenberger@gmail.com>, Kathy Firestone <bearfire2@q.com>, Dennis Simmons <dsimmons9@q.com>, Gary Arnett <gary.arnett@bp.com>, Tim Wolf <timwolf@frontier.net>, Darwin Williamson <darwinwilliamson@hotmail.com>, "Dean R. Brookie" <brookiearchitect@gmail.com>

Addendum: It's important that Oxbow Preserve not be destroyed during the planning process. Until a plan is publicly vetted, adopted, executed and the stewardship component fully operational, it's my opinion that the City should protect the property and the neighbors by firmly closing the property. We locals have always just walked the RR tracks, and while we love the paths the City put in this past fall at Oxbow, I'll bet most of us would be willing to hold off on using them while we await a good result.

As you will see from the photos I took a few minutes ago, the problem has several layers. The issue of trespassing, illegal parking, boat off-loading in the middle of Animas View Drive is taking place right now. People think that Oxbow is open for use, and it would be a good, proactive move if the City publishes that it's not, and signs it as CLOSED TO ANY AND ALL USERS

TO PROTECT WILDLIFE, HABITAT AND TO MITIGATE "WEAR AND TEAR" UNTIL PLANNING PROCESS IS COMPLETED.

PLEASE RESPECT THIS CLOSURE: NO DOGS, BOATS, VEHICLES, PARKING, OR PARTIES

NOT OPEN

VIOLATORS ARE TRESPASSING AND WILL BE ARRESTED AND PROSECUTED

...or something equally firm and straightforward. Making nice isn't conveying the message that this land is not .

See attached photos taken this afternoon, all within about a 3 minute time period. I watched the two tubers park in the guest parking at the condos across the street and walk barefooted through Oxbow Condo's parking lot into the Sherman parcel and off to the river. Oh and per Ms. Metz's suggestion, I called the non-emergency police #, but all the parking crew are otherwise engaged so they will not be able to respond in a timely way.

Thanks,

Susan Ulery

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From: Susan Ulery [mailto:susan.ulery@gmail.com]

Sent: Thursday, June 20, 2013 9:06 PM

To: Metz, Cathy

Subject: RE: Oxbow Preserve management, planning and stewardship

Another addendum, we really need more "no parking" signs.

Thanks, if u can influence the particular powers that dispense those signs, that would help.

Susan Ulery

970.589.2707

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July 23, 2013

City of Durango Officials:

We live at 5 Riverbend Court. Your purchase of the Oxbow Property and allowing floaters to access the river from there has negatively affected my property value and enjoyment over the past 2 years:

1. Noise- 24/7, Drunken, drugged floaters, barking dogs
2. Disruption of Wildlife- dogs and floaters chasing and disrupting deer , birds and various other wildlife
3. Trespass- picnics, urination, sex, fishing
4. Vandalism
5. Trash in and along the river

The Chief of Police stated that they are not enforcing any illegal behavior on the river. The City needs to back up and address all aspects of the Oxbow Property:

1. What was the original intent for the use of the property when GOCO awarded the purchase grant?
2. Perform an Environmental Assessment to determine what level of recreation is possible along this fragile corridor without negatively impacting wildlife and the environment.
3. Put a management plan in place to protect the environment, wildlife, enforce the rights of landowners, and enforce City and County laws.
4. Determine who is going to be responsible for administering, enforcing, and paying for the plan.

The City needs to take a look at the use of the Oxbow Property, as well as, the use of the entire river through the City of Durango and stop a bad situation from just getting worse!

Jack Irby

Mary Irby

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From: Linda [mailto:lewhaley4@gmail.com]

Sent: Wednesday, July 24, 2013 12:25 AM

To: Rec

Subject: Oxbow preserve

To whom it may concern,

Thanks for this opportunity to comment on what the City is planning to do with the Oxbow Preserve.

I will not be attendance for the public meeting Thursday, July 25 and wanted to voice my concern about the proposed plan for the Oxbow Preserve. I own a home at 650 Animas View Drive.

My concerns are the same as many of my neighbors.

1. We want the City to really plan, and plan imaginatively what will be best for our neighborhood and this piece of property.
2. Necessarily, the process will take longer than the Sept. deadline you are operating under for the GOCO grant, so we want you to ask for an extension to allow for thorough, thoughtful and creative planning.
3. In that plan, we want to see a shift away from the idea of motorized access and use / put in on the Oxbow property.

4. Limit parking to a few (15 or less) spaces on the Sherman parcel, and plant the Sherman parcel with trees and shrubs to make it a park, as well as a place for limited parking from which those who drive would be able to WALK down to the Oxbow property and the river.
5. Prohibit crossing of the RR tracks by any vehicles except authorized City Park and law enforcement personnel.
6. Enforcement will be a big issue with this property, and we are not encouraged by the lack thereof observed over the years at the 32nd st. put in. We don't want to see that horror visited upon yet another neighborhood, and have absolutely no confidence in the City's ability to control tubers, alcohol and all the unfortunate behaviors cataloged for years at the 32nd st ramp. In my opinion, much of the problem can be sidestepped by shaping the Oxbow park and Sherman access to it to appeal less to the party crowd and more to the people who want a different experience along the river. Paddle boarders, kayakers and trail walkers can all walk to their destinations, and are limited in the amount of accouterments they can carry along. Walk-in access will by definition select a more respectful demographic, making the City's job of stewardship and enforcement much easier - and less expensive.
7. Visual impacts. We currently have a beautiful riparian area (and yes, thank you to the City for cleaning up the old debris left on the property by previous owners or users). It's peaceful, restful and full of birds, coyotes, bear, deer and occasional elk in winter. Leave as is to be enjoyed as is. There is nowhere else in Durango on public land that one can go to have such an intimate and quiet experience of the river environment.
8. Coordinate with the County on how the valley access to the River will impact City owned river properties. The CUP application recently filed at Sleeping Beauty Ranch for river put in would have massive impacts on all property owners, including the City, downstream.
9. Oxbow is flood land, and it would be expensive for the City to install any kind of infrastructure, including roads, pavement, ramps and restrooms (all mentioned in the GOCO grant ap) would wash out, cost us a lot of taxpayer money to maintain and can be completely avoided by utilizing the Sherman piece of land appropriately. Not to mention, building anything on the riparian land in Oxbow will irrevocably change its character, the experience and the visual appeal.
10. Right to float issue - this needs to be kept in our perspective; there isn't a "right to float" under Co. law as I understand it, and I do feel there is undue pressure to let everyone and every type of conveyance access the river. This is old school thinking and not in our long term best interests, and certainly not in the best interests of making the most and most appropriate use of the Oxbow Preserve as a unique property.
11. Animas River Trail and Bike Path. Whatever has happened to the Trail project, and how does it affect the Oxbow Preserve? We haven't heard a peep about when or how this is coming to our neighborhood of late, and we think that installation of the Trail will be a great adjunct to the Oxbow Preserve, providing access to walkers and cyclists, keeping that traffic off of Animas View Drive and generally improving the neighborhood in a big way.

Kind regards,

Linda Whaley  
650 Animas View Drive

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From: Gray, Scott [mailto:sgray@dwuwater.com]

Sent: Tuesday, July 23, 2013 7:32 PM

To: Rec

Subject: Oxbow Park Proposal

From Scott and Alison Gray, owners of 630 Animas View Drive, Durango, Colorado. This is to be made a part of the community comments at the Oxbow Park and Preserve Public Meeting at 5:30 pm on July 25, 2013.

We are very happy to be the new owners of 630 Animas View Drive in Durango. It is next to Oxbow Park. We looked many years to find this spot and sought it because of its peacefulness and serenity.

We are concerned about parts of the proposed Oxbow Park plan. We welcome sharing this special location with others in Durango but are concerned that the peacefulness and serenity are about to be lost. From our years of coming to Durango, we know that public places like this without crowds and congestion are rare in Durango. It is important to offer Durango residents and visitors an opportunity to experience the quiet natural beauty of the Animas valley and river without commercialism and crowds. Durango can now provide a unique protected public space different from other locations by simply restricting the use of Oxbow Park to non-commercial uses and to put any parking before the train tracks entering the park.

If commercial use is allowed and parking provided within the body of Oxbow Park across the tracks, Durango will just have another packed river location and accomplish nothing more than stretching the congestion further north loading up a new part of the Animas River. Please do not lose this rare opportunity that may not come again. The chance to participate in the peaceful beauty of Durango is a gift to the community that will be a legacy to all for years to come.

Thank you for allowing us to share our concerns.

Scott and Alison Gray  
4700 East Thomas Road, Suite 203  
Phoenix, Arizona 85018-7703  
Telephone (602) 840-9400  
Fax (602) 840-6030  
sgray@dwuwater.com

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From: darwinwilliamson@hotmail.com

To: rec@durangogov.org

Subject: Oxbow Park and Preserve

Date: Wed, 24 Jul 2013 06:20:21 -0500

Due to work conflicts that require me to be out of town, I will be unable to attend the public meeting on July 25 to discuss the City's plan for Oxbow Park & Reserve and provide my input in person. I have outlined a few points below that I believe should be taken into consideration when developing the plan for Oxbow Park & Reserve.

- This parcel of land is unique within the city of Durango and should be treated differently than the other river access points within the city limits. The Animas River is a valuable asset to our community and should be protected. Limited public access to the river for private individuals should be allowed at this point for those wanting a different river experience than what is found further downstream at the other locations in town. This would better serve the entire community and our guests as there would then be something for most everybody within the city limits. It is a beautiful location to view and photograph wildlife which requires some peace and quiet. And for those wanting flat water for kayaking, canoeing, paddle boarding, etc. away from the crowds there should be access for people to carry their individual water craft to the water's edge. If it is allowed to become a crowded, noisy, congested location, the wildlife will leave for the most part and the site will not live up to its full potential for the community.

- To stay within the spirit of the name "Preserve" and the primary purpose of the site, and to minimize adverse impacts to the fragile riparian environment, High Volume, High Impact COMMERCIAL river access should NOT be allowed at this site. This is absolutely critical, not only to minimize the environmental impact and the negative impact on wildlife, but also for safety reasons.

- o Animas View Drive receives heavy use by cyclists throughout the entire community. Increased vehicular traffic volume with school buses and large trucks pulling large trailers loaded with rafts with limited fields of view running up and down the narrow road all day and having to make wide turns to get in and out of the location will eventually result in somebody needlessly getting seriously injured, or even killed.

- o The impact to the future Animas River Trail should also be considered. If buses and trucks pulling large trailers throughout the day in addition to high volumes of private vehicles are allowed, this would adversely affect users of the River Trail and could potentially result in serious accidents. Currently river trail users do not have to deal with vehicular traffic crossing the trail from 32nd street all the way to end behind Home Depot. Why should this part of the trail be any different? We should not add unnecessary risk to the users of the river trail. For safety reasons, it should be a goal to prevent River Trail users from having to interact with vehicular traffic all along the route.

o Safety should always be the highest priority. The potential value and convenience of this site as an additional commercial put in / take out is NOT worth the additional risk.

- Vehicular traffic should NOT be allowed all the way to the river bank. Preferably, no private vehicles would be allowed to cross the railroad tracks and the future River Trail. Limited parking could be made available between the railroad tracks and Animas View Drive which would help to naturally limit the negative impact to wildlife in Oxbow Park and Preserve and provide an means of crowd control. Individuals wishing to launch their river craft at this location can carry their kayaks, canoes, etc the short distance down to the river to launch. An unpaved road could be maintained for the sole use of emergency response personnel and other authorized city vehicles. This would allow individuals easier walking with their river craft down to the river bank to launch. At the very least, if it is decided to allow vehicles to cross the railroad tracks at this location, limited, unpaved parking between the river and the railroad tracks should be as far from the river as practical to maintain an appropriate buffer zone.

- Seasonal closing is certainly necessary to provide wildlife a protected sanctuary from human impacts during the Late Fall through Early Spring months.

Thank you for your consideration of these points and I hope the city planners carefully consider the numerous negative impacts of development of commercial river access at this location.

Respectfully yours,

Darwin Williamson

610 Animas View Drive

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From: Hope Tyler [mailto:hope.tyler@rocketmail.com]

Sent: Thursday, July 25, 2013 11:39 AM

To: Metz, Cathy

Subject: Oxbow Planning Meeting

Hi Cathy,

I wanted to let you know that I am in full support of there being a put-in at the Oxbow Recreational area. I won't be able to attend the planning meeting this evening so thought I would send you this brief email showing support.

As I am sure you know, there are so many good reasons for a new river access point. My opinion is that the new put-in will help us do a better job of conserving our waterway and also our way of life that so many of us enjoy here in Durango. I know that some are in opposition of a new access point but please know that there are many of us who fully support it.

Thank you,  
Hope Tyler  
970-903-5505

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From: JM Jones [mailto:jm.jones2806@gmail.com]  
Sent: Friday, July 26, 2013 7:33 AM  
To: Metz, Cathy  
Subject: Oxbow

Cathy, when we read the Herald this AM we were pretty amazed at the quote attributed to Susan Ulery. As you know we live directly across the street from the 29th St put in and we have never experienced what she is stating happens here. Yes we hear happy noise a few months of the year, but rarely at the scale she is purporting and almost never at night. This kind of exaggerated noise is unfortunate for the entire community. Is there any way we can help.

JMJones  
Jim Mohle  
2806 e 2nd ave

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From: Firestone, Kathy [mailto:bearfire2@q.com]  
Sent: Tuesday, July 30, 2013 12:44 PM  
To: Rec  
Subject: Oxbow Preserve Management Plan

Hello:

Please except my comments by mail as was unable to attend the meeting due to illness:

I live at 640 Animas View Drive and my concerns are as follows:

1. Safety not only to residents but those who might be in the immediate Oxbow area. On several occasions I have heard and reported gunshots to the Sheriffs Department. Do not know if this information is passed on to your group.

2. The wildlife area/habitat is a joy to anyone living along the river or anyone who may be walking the path. It changes with the seasons.

Not only are there birds of many species (permanent geese who nest) throughout the changing seasons, but deer, bear (who know when the trains are coming and wait in the bush until they pass then proceed along the tracks), fox, elk, rabbits to name just a few.

3. Appreciate the no parking signs that have been put up along Animas View Drive, but they are quite frequently ignored, and the two vacant lots next to me are often used for parking. The T-Bus has had to stop and wait for cars parked to the side and filling their tubes half way into the road while oncoming traffic was coming at him. This is a dangerous situation. Yes I recognize that if/and when a parking lot is established this will alleviate some of the parking problem.

4. As noted by others there is no leash law and no law enforcement.

The law enforcement issue is interesting in the fact that we on Animas View Drive are in the City of Durango and the proposed Preserve is in the County and as the Sheriff as noted in the paper as of late he is quite busy and understaffed; how will this situation be resolved in the future?

5. The Animas River needs to be enjoyed by all and at the same time treated with the utmost respect. If you destroy even a small part that affects the life of a river somewhere down the line.

Thank You

Kathy Firestone

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From: Kim Fluty Baxter. [mailto:kim@wildhavenland.com]

Sent: Tuesday, July 30, 2013 8:20 AM

To: Angel, Luke

Cc: Metz, Cathy; Hall, Kevin

Subject: Re: Oxbow

Luke,

If members of the community had remained to listen to the board discussion you would have heard that we all listened to and took seriously the comments made during the public comment session. So seriously, in fact, that we agreed to create lists of concerns that need to be discussed in depth and feeling that we all wanted more time to consider what had been said and talk about it more deeply than that evening allowed, we determined that our meeting next month would be dedicated to those items rather than to what our original agenda items had been.

Visit the city website-Go to Departments, choose Parks and Rec, in the search area type in Animas River Corridor and you will get the plan (which includes the notifications that were made to community members), survey results, as well as the plan itself. The discussions about the Animas River Corridor Management plan were announced in the paper numerous times over the entire course of the process as well as posted on the city's website. (The city also has a great function on their website where you can request email notice about any and all types of meetings and announcements. I get about 4 a day because I want to know what is going on even if I don't attend meetings.) The River Management plan itself was posted on the website in draft form and comments were solicited from the community, and changes made before the plan was finalized.

I think that if you talk with Cathy and Kevin, you will find that the attendees at the River Management plan meetings were comprised of a very broad spectrum of the community. Not just the boating interests, but fishermen, property owners, water management people, environmental advocates, and many others. John attended the first meeting as a fisherman in the community and did the online survey.

Having Oxbow be city property and having the preserve area being protected in perpetuity is a better way to care for wildlife than to leave it in private hands and be treated as a trash dump, etc or developed into homes.

I encourage you to really look at the information on the website, to speak with Kevin and Cathy, and to bring yourself up to date on what has actually happened over the last two years and not to take one person's biased view of the situation as fact.

Sincerely,

Kim

On Jul 29, 2013, at 10:11 AM, Luke Angel <langel@quantifiedperformance.com> wrote:

Kim,

Thanks for the response. I have a few comments to share about the public process that went on to decide that a boat ramp would be installed and the continued process over the last few months.

First of all, I did not talk the other night because Ed wanted new comments and these have been said at previous meetings, but deserve some consideration. I cannot emphasize enough that the neighbors on Animas View Dr were not included in the initial Animas River Corridor discussions. None of my neighbors in Skydancer (28 units) nor the board of the HOA had heard anything about this plan as of our last meeting in March 2013. That is first time we heard of it because Jane Gerstenberger came to our meeting to talk to us about it. It is obvious from that last 3 board meetings that many of the other neighbors on Animas View Dr. feel the same way.

It was also brought out at the meeting that other members of the community want to see the wildlife and habitat preserved. In talking to these people, they were not aware of the past meetings of the Animas River Corridor discussions as well. So when you say the community decided this, it was actually the Boating community that decided this and we are just now getting the larger community involved.

In all three of the Board meetings, the Animas View Drive neighbors all voiced opinions against a drive-in boat ramp and what I am hearing is that decision has been all ready made. Now all we can do is attempt to shape what that will look like. To me it does not matter whether you take 3 or 6 acres to make this happen either way will have a negative impact on our neighborhood.

I am very disappointed that the desires of the Boating Community override the desires of the actual neighborhood where this is to take place. When this goes through it will create a precedent that says in Durango; recreation is more important than conserving natural lands and wildlife habitat, that recreation is more important than the rights of private land owners, and that recreation is more important than preserving the neighborhoods in Durango.

In the meetings there are a lot of discussion on management techniques for this new area. Why can't we attempt to improve management with the other put ins, prior to just adding another one and then figuring it out? Why can't we have a real discussion about road improvements prior to adding a put-in that is going to exacerbate conditions on an all ready substandard road?

We can not go back to the meetings that happened in 2011 and 2012, but what I would ask, is that the Boards consider what the whole community is saying now. In the three meetings I have attended a lot more community members have spoken against this project than are for it. Please take our voices into consideration as well as what has happened in the past.

Thank you for your time.

Sincerely

Luke

On Fri, Jul 26, 2013 at 2:29 PM, Kim Fluty Baxter <kim@wildhavenland.com> wrote:

Luke,

It was good to see you at the meeting and I also felt that the comments were thoughtful and useful.

The Animas River Corridor Management plan process revealed the need for and desire from the community for less congested inputs to the river. Additionally, the community wanted to see the Animas River Trail extended north. The Oxbow area was identified during that process as an area that could help alleviate the input concern and would add a wonderful natural preservation area to the city's river corridor as well as creating a great northern River Trail terminus. The parcel is ideally shaped to create two separate areas for two different purposes - one as a park with the river trail terminus and one as a preserve.

That being said, there is a great deal of input needed to determine design, management strategy, enforcement protocols, and any and everything else one could think of. It will take a lot of cats! Your input is greatly desired. As examples of things that the Boards discussed last night and will continue to discuss next month and in the future are: entrance gate to allow for park closure after hours, "leash" requirements for dogs (and that herd of cats), fees to pay for "park ranger" to manage the park during hours and to carry the cost of police enforcement, what seasonal closures

for the preserve might look like and what wildlife might be affected, management of the numbers and timing of commercial access, park user education about river policies and etiquette, what kinds of access to the preserve would be acceptable, lowering the speed limit on Animas View Drive (eventually, the River Trail will also help with the vehicle, cyclist, walker conflict), etc. So you can see that your ideas and input can have a significant impact on what the final design and usage practices of the Park are.

Please continue to commit your time and effort into this plan. I am sure that any and all of the Board members (including myself) would be happy to talk with you personally if you desire. Thank you for participating! - Kim

From: Luke Angel [mailto:langel@quantifiedperformance.com]

Sent: Thursday, July 25, 2013 9:19 PM

To: kim@wildhavenland.com

Subject: Oxbow

Kim,

I thought it was a very good meeting tonight with a lot of eloquent speakers. I hope it is not inappropriate to get your email from Ashlie.

I have one comment to consider which you can share with the board, but I did not find anyway to address the board from the Durango website. Cathy Metz in the powerpoint listed Oxbow as one of 3 premier river access points and the Oxbow Park and Preserve Timeline on the durangogov website all ready lists 2015 as the year for river access construction at Oxbow.

My question is this: Is this thing all ready decided? If it is, then I will stop putting so much time and effort into it and go mountain biking instead.

If not please consider herding cats. I am against the commercial access but if it is going to go through we need some regulation on the forefront to limit the damage. Tough to get the cats back once you let them loose.

Thanks for donating your time.

Luke

Dr. Luke Angel, PT, CMPT, ATC, CSCS

Director of Rehabilitation

Quantified Performance

www.quantifiedperformance.com

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From: Rebecca Koeppen [rkoeppen@gobrainstorm.net]

Sent: Friday, July 26, 2013 1:44 PM

To: Rinderle, Christina

Subject: Oxbow

Dear Christina,

I've just read the article in today's Herald about the ongoing issue about Oxbow and I feel compelled to write.

Not all those who might use a public facility at Oxbow are drug-crazed rabble-rousers. Some of us are very peaceful, nature-loving citizens who would love to have another site from which to enjoy the Animas River. I am 63, an artist and I can't hike long distances to get up close to the natural beauty that brought me here. Another place to which I could drive, park and walk a short distance to the river on flat ground is something I have longed for. I might even be able to put my kayak in the water there.

The local residents who are sowing seeds of fear seem to forget that they don't own the river. While they might like to maintain the privacy they've enjoyed they must come to terms with the fact that the City owns land at Oxbow and the right to recreation on such land belongs to all citizens. Please include the needs and wishes of river-loving senior citizens when you make your decision.

Don't get me started on the sore topic of Lake Nighthorse.....

Sincerely, Rebecca Koeppen

...but it all seems so real...

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From: Christina Wilson [mailto:cmwson@yahoo.com]

Sent: Friday, July 26, 2013 10:33 PM

To: Rec

Subject: Oxbow "Plan"

To whom it may concern:

This email is in regards to the above referenced Subject. The Oxbow Preserve deserves to be treated differently than any other City river property. This property is unique, and it is a GOCO designated wildlife and nature preserve governed under a Conservation Easement.

Additionally, I believe this "Plan" disregards the effects of commercial development on the Oxbow Preserve, the wildlife, the Animas View neighborhood, and the agricultural lands across the river, as well as all of the downstream residents whom will experience INCREASED take-out traffic at 33rd and 29th; a commercial rafting and tuber put-in at Oxbow will open up the flat water section to massive traffic downstream. The City staff persists in targeting Oxbow for development as a major "primary" commercial and tuber put-in and take-out. I would like to place emphasis on the fact that this is going to be placing excessive transgressors' on private property along with the excessive interference of the agricultural land.

Christina M. Wilson, NMT

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From: louise teal [mailto:lopteal@yahoo.com]

Sent: Sunday, July 28, 2013 8:27 PM

To: Rec; Rec

Subject: Oxbow Park Plan

Dear City of Durango:

Much was well said at the Thursday meeting, but I do feel that Ann Bond's concern about the wildlife most directly reflects my concerns regarding the proposed development of this property. That, and Wally White's pointing out that the property is not being developed as originally agreed when funds were requested for land to be used more as a greenway for the city near the end of the River Trail. The third point that is extremely important to me is that commercial access on the Oxbow property will destroy what is now a relatively quiet river experience up and downstream of that area.

There is no doubt that something needs to be done enforce order in the already existing put-ins and take-outs. And that this enforcement should be funded by user fees, primarily fees charging commercial outfitters, who are making money from the river. I'm not saying commercial recreational industry is wrong, but this industry should be paying for a large portion of regulation, not the tax payers. And further, the number of companies and allowable passengers should be limited. As was pointed out, recreation is destroying landscape habitat right along with gas wells and buildings. What is the difference?

Remember that old song with the line "Pave paradise, put up a parking lot?" Let's not do that. As was said: Our river is not a water slide, it's an eco-system worthy to be preserved for the County's own residents, for our children, for the wildlife. Close the Oxbow area down, until you figure out how to manage it properly.

Thank you,

Louise Teal

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Casey D Lynch  
48 Grandview Circle  
Durango, Co. 81303

Volunteer board members and city staff,

My name is Casey Lynch; I was born in Durango in 1955, went to college here, raised my children here and still want to live here. I have been on the Durango River Task force since its inception. I worked with the city to help start the river trail system over 20 years ago. I was a river outfitter in Durango for over 30 years. I am now a private boater.

First, thank you for serving and working for us. I appreciate your work and your willingness to listen to a lot of us citizens discuss how we should move forward.

The real issue is that we as a group love Durango too much. We all moved here or stay here to value the outdoors and the opportunities it gives us to recreate and see and observe wildlife. We as a group have filled in the wildlife habitat with our homes and go into habitat with our recreation. There are just getting to be too many of us.

The Oxbow area is a special area and many of us who do not live there would enjoy an opportunity to share it. We have a good argument for asking to have an opportunity to recreate and view wildlife. This includes;

- PUBLIC vote for a sales tax for trails and open space
- Public money from the GOCO grant written to include access
- PUBLIC property owned by the City
- PUBLIC right to float rivers in Colorado
- PUBLIC access via PUBLIC road system

Residences that live between Oxbow and 32nd street have legitimate concerns about what should be done with the area and how they will be affected. Some of the issues include;

- Traffic
- Loose dogs
- Unruly law-breaking behavior
- Disruption of wildlife
- Overcrowding on the river.

The property itself has some special issues including;

- Wild life habitat
- Conservation easement

Many of us would like things to stay the way they were when we were kids or first moved here. It is called closing the gate behind me and do not let anyone else in.

I believe we need to compromise and come up with a reasonable solution. Here is what I think we should consider;

1. Complete the trail to Oxbow.
2. Have legal public parking at Oxbow
3. Have clean functioning restrooms and changing rooms at Oxbow
4. Have a seasonal closure of the conservation easement section at Oxbow
5. Have a river put in and turn around for private boaters (make sure a dory can back into river)
6. Allow commercial put in in vans only until July first each year.

Good luck and thank you again for your work.

Casey D. Lynch

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From: Betsy [mailto:betsyspencer@bresnan.net]

Sent: Friday, July 26, 2013 2:03 PM

To: Metz, Cathy

Subject: Oxbow Park and Preserve

Dear Cathy -

I am a resident of Animas View Drive and live directly across the street from the City's newly acquired property. I have attended quite a number of the public meetings about the future uses of this property, including last night's meeting.

As I was walking my dog (on a leash of course!) on the Sherman parcel this morning I had a thought I want to pass along.

How about turning the Sherman parcel, which is not under the conservation easement, into a pretty, small park, with a gravel parking area (drainage), small bathroom building, trash receptacles, signage, and minimal landscaping? Then the preserve portion could remain as it is with no paved areas. (I was impressed by Brian Magee's presentation about the riparian habitat.)

That would eliminate the parking problems we now have and allow local kayakers, etc., to continue to walk in their crafts.

As I have said at a meeting in the past, commercial use of that property is a nightmare when you consider traffic, noise, habitat destruction, etc. Also when the bike path is completed you would have a ready made access to and parking for that. Once the City has annexed the preserve the police would be able to help control the "rowdies".

In other words, physically differentiate the park from the preserve. Simple? You will only have to contend with the commercial river users!

Thanks for your consideration. This process must try your patience sometimes!

Betsy Spencer

457 Animas View Drive Unit 1

Durango, CO 81301

betsyspencer@bresnan.net

(970) 903-4419 (cell)

P.S. I have also written to the City Council supporting the idea of lowering the speed limit on Animas View Drive to 25 mph.

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From: Kevin Heiner [mailto:kevinnheiner@gmail.com]

Sent: Thursday, July 25, 2013 12:39 PM

To: Metz, Cathy

Subject: Letter of Support for Oxbow Park and Preserve

Hi Cathy,

I am unable to attend tonight's meeting to discuss the Draft Management Plan for the Oxbow Park and Preserve but wanted to include brief thoughts in a letter that I hope you can forward to the members on each board. I support the Park; opening it to the public and using the Park as a limited access point for the Animas River. More details are in the attached letter.

If another contact is more appropriate, please let me know.

Thanks,

Kevin Heiner

(970) 759-3935

July 25, 2013

Kevin N Heiner  
2206 CR 207  
Durango, CO 81301  
970.759.3935

To: Parks & Recreation and Natural Lands Preservation Joint Advisory Boards

RE: Oxbow Park and Preserve Management Plan

Esteemed board members and community members,

Though I was unable to attend the meeting tonight to discuss the Draft Oxbow Park and Preserve Management Plan, I have been involved with the process as long as the City has been considering the purchase and inclusion of this property as part of the City's Park system. I have attended most Animas River Task Force and Animas River Management Plan meetings in the last 2 years and am also a board member on the Animas River Days board.

Durango's most precious and cherished resource may well be the Animas River, running right through the heart of town. It supports a vibrant local economy, enjoys many days of recreational use each year from locals and visitors alike and is the thin ribbon that separates Durango from an otherwise dry and desert like environment.

Oxbow Park and Preserve abuts a very special and scenic stretch along the River, replete with wildlife, habitat and calm waters. As a member of the community who is about to start a family, Oxbow would be one of the few places where the river would be calm enough and therefore appropriate to get young children out on the river. While I agree that quiet and restricted use should be considered, this Park should absolutely be open to the public during daylight hours and in times of the year when wildlife migration would be less affected. The elk do rest there in the winter. I would favor educational and interpretive areas along the riparian corridor, limited parking and access for private boaters, a drop off point for commercial trips and facilities that would allow private boaters to change and use a bathroom. Trash collection would help mitigate litter and including the Park on a law enforcement patrol route would help alleviate unruly behavior.

The City Parks and Recreation Department has done a fabulous job managing their other properties and improving the amenities on nearly all sites. I support any and all efforts by the City to create and open to the public the Oxbow Park and Preserve.

Sincerely,

Kevin Heiner

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From: Luke Angel [mailto:langel@quantifiedperformance.com]

Sent: Wednesday, July 31, 2013 8:50 AM

To: Metz, Cathy

Cc: Fluty, Kim

Subject: Animas River Corridor Plan / Oxbow

Cathy,

Please pass this on to the Boards as well.

I did as suggested and read the Animas River Corridor Plan and the Survey Results.

2 quick things that stood out.

1. 72% of Respondents to the survey were rafters. To say that this plan was mostly influenced by Boaters is an understatement. The responses that we want another put-in, but do not want any regulations of the river were also very clear.

2. The flyer presented for the four meetings does not mention anything about a put-in on Animas View Dr. If it was delivered to my house I would have discarded it, not being a boater. Perhaps in the future you should directly notify Neighborhoods about possible significant impacts, so they can decide if they want to be apart of the public process.

Thank you for your time,

--

Dr. Luke Angel, PT, CMPT, ATC, CSCS

Director of Rehabilitation

Quantified Performance

[www.quantifiedperformance.com](http://www.quantifiedperformance.com)

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From: lauren slaff [mailto:cheflauren@kitchenkoach.com]

Sent: Monday, August 05, 2013 8:33 AM

To: Metz, Cathy; Hall, Kevin

Cc: Angel, Luke

Subject: oxbow park and boat launch

I am a resident of Durango and was unable to attend last thursday's meeting.

I spent much of the past weekend enjoying time by the river watching families with small kids safely enjoying swimming and wading in the calm water by oxbow, without fear of being swept off in the fast current. it was loud...with laughter and playful shouting and lots of running around.

happy and safe SUPers and kayakers paddled both up and down stream with comfort and ease.

I LOVE that this land has become open to all of the Durango public and visitors from out of town as well. it is a wonderful and peaceful haven where folks can spend time, enjoy our natural resources and see a different part of the animas from the fast moving sections and rapids filled with even faster moving rafts loaded with peeps.

although I live right above the property, I believe this is not a neighborhood issue but a community one.

I totally support a minimally invasive put-in but don't understand why it is the public (taxpayer) responsibility to fund a COMMERCIAL put in that accommodates huge school busses dragging huge trailers of rafts through what is currently wildlife property. is there a mandate somewhere that says if personal vessels are put in that commercial vessels with their own unique set of needs MUST be accommodated?

there is a huge difference in the quality of both the land and the water at this section of the river. why can't this area be accessible to the PUBLIC without being made accessible to support a private industry that is already one of the most successful in Durango without this contribution.

if a commercial launch meeting the specs for the rafting company's bus's needs, does that mean that other businesses may use the property to conduct operations? wouldn't that be fair?

I just can't understand why the acre right on the street that was purchased in addition to the Cameron-Sterk property can not be used for parking (which it is perfectly graded for) and busses since the closest spot on the property to put-in and to build a boat ramp is right there?

I live next door and though I know this would cause more disturbance to me, I believe that it is better than watching our beautiful land be ripped apart so huge busses can plow through. and what of the public enjoying swimming and basking in the calm waters of this public park. with raft-loads of guests and guides launching right above, it will become too crowded and dangerous for individuals to safely enjoy the river.

in addition, why have established builders been turned down, over and over, by the city to build multi-dwelling residences on animas view (ei: Tracy Reynolds and the property formerly housing the piano museum.

[http://docs.durangogov.org/sirepub/meeting.aspx?cabinet=published\\_meetings&docid=3927678](http://docs.durangogov.org/sirepub/meeting.aspx?cabinet=published_meetings&docid=3927678)  
and

[http://docs.durangogov.org/sirepub/meeting.aspx?cabinet=published\\_meetings&docid=3962888](http://docs.durangogov.org/sirepub/meeting.aspx?cabinet=published_meetings&docid=3962888))  
because the road itself couldn't handle more vehicular traffic, but that is not relevant here for huge (smog belching) school busses to not only crowd the road but the park itself? don't these committees work together?

what about the concern of combining both the coal smoke from the train that passes through and the exhaust from these busses impact on the natural environment?

why is it a given that the river be further commercially exploited? was that the intention of purchasing this beautiful sanctuary or was it to give the PUBLIC a park on the river they can ALL enjoy?

also, will the commercial companies this big boat ramp be serving contribute to the maintenance and clean up costs beyond their annual \$500 usage permit?

why do all other businesses in Durango seem to have to rent or buy the property they do business; from but we are donating this to that particular business?

I would be interested to know if a taxpayer vote was taken how many residents, in the neighborhood or not, would support this level of development.

I just don't get it unless there is some serious money changing hands behind the scenes. and I would so rather not think that.

I am not sure if there are other meetings coming up, but I would like these thoughts put into consideration.

is there any value in a formal petition...if so, what number of durango taxpayer signatures would be required to make a difference?

thank you for your kind consideration.

Lauren

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From: louise teal [mailto:lopteal@yahoo.com]

Sent: Monday, August 05, 2013 9:02 AM

To: Metz, Cathy

Subject: Re: Oxbow Park Plan

Cathy,

Please also include the comment that I think it would serve the wildlife, human neighbors, and quieter upper stretch of river to not have large numbers of commercial boats, if any, launching at Oxbow.

Louise

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From: louise teal [mailto:lopteal@yahoo.com]

Sent: Wednesday, August 07, 2013 12:17 PM

To: Rinderle, Christina; Brookie, Dean; White, Dick; Brant, Keith; LeBlanc, Ron; Marbury, Sweetie; Zimsky, Bill; Metz, Cathy; "Duane Smith"; Viehmann, Frank; Carver, Karen; Neet, Kerrie; Schertz, Peter; Speegle, Richard; Burke, Sandy; Imig, Connie; "conniejmatthews"; Zink, Ed; Hall, Kevin; Fluty, Kim; Smith, Mark; Wilbert, Paul; "steve mcclung"; Whiteman, Steve; "bobby lieb"; "damian peduto"; "gwen lachelt"; "joe kerby"; "julie westendorff"; "Alan Schwartz"; "Chana Reed"; "Christian Meyer"; "david palenchar"; "gaspar perricone"; "heather carroll"; "jacy rock"; "james pribyl"; "james smith"; "james spaanstra"; "lise aangeenbrug"; "matt sugar"; "mike king"; "Peggy Montano"; "Philip James"; "Thomas Burke"; "Thomas Swanson"; "timothy daly"

Subject: Oxbow Put-in Development

Dear decision makers,

I don't see being opposed to developing the Oxbow riparian area for a commercial river put-in as a NIMBY (not in my backyard) issue. Yet in a very real sense, people who have made the choice to live in Durango do consider the river (and the mountains) to be their backyard. Of course, for the homeowners right next to the proposed development, making the Oxbow riparian area into a put-in must be a heartbreaking issue. Just like the noise, pollution, crowds and often disrespect shown to families living near the existing put-ins has been terrible. For me, being against developing and paving a significant portion of the Oxbow area – is more about protecting wildlife and preserving a precious “greenway” area. And it's more about leaving the area for residents to enjoy on a bike ride (once the bike trail is complete) or to enjoy a peaceful upstream paddle on their local river. To paraphrase what someone pointed out at a recent city meeting: the river is not just a waterslide for commercial use, but a beautiful riparian resource for the residents, including wildlife.

I see more and more families paddling upstream on their Stand Up Paddle boards or canoes with their young children. Outside of it being peaceful, almost anyone can paddle SUPs or canoes on flat water, which is not the case for navigating craft downstream from 32nd through rocky rapids. As well behaved as most commercial trips are, this peaceful float would change if large parties of commercial rafters were floating through the area above 32nd.

Would impacting and perhaps severely damaging the Oxbow riparian wildlife area actually alleviate the now highly used commercial put-ins downstream? Have studies shown this? Or does the city need to, somewhat belatedly, regulate the two existing put-ins we have and limit the number of allowable commercial user days? And perhaps charge a reasonable fee to commercial river passengers for enforcement and maintenance?

Louise Teal

Durango, Co

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From: Stephen Saltsman [mailto:flyers@frontier.net]

Sent: Tuesday, August 20, 2013 4:32 PM

To: Metz, Cathy

Subject: Oxbow preserve

Hi Cathy ,

I originally thought to stay out of this discussion because of my association with the rafting industry in Durango. However, today we rowed our wooden skiff upstream from 32nd street to the Oxbow Beach and it reminded me of the very reason I got into rafting in the first place. On our trip upstream we encountered other boaters on paddle boards, canoes, and inflatable kayaks. All of us had paddled up to this beautiful, peaceful, sandy beach, which we quietly shared with a heron. It took a little effort to get there but we were well rewarded. In all the years we have rafted, both commercially and privately, we have seen the river world veer dramatically away from this kind of experience. All of your other river access points have become so overrun with large busses carrying large commercial groups, and private rigs that are so heavy that they feel the need to back their trailers all the way into the river to launch or take out. They have actually forgotten what was sacrificed to accommodate them. You have a golden opportunity to keep the Oxbow Preserve a preserve! I would strongly encourage you to place the bike path, some bike racks, a smallish parking lot and potty, well away from the beach and riparian area. Provide an unpaved mulch type path to the river, keep it non motorized. People should have to expend a little energy to get there, they will appreciate it more. Durango is trying hard to be earth friendly with the bag fee and recycling efforts. Please do something even more far sighted and bold and protect what is quite possibly the last exquisitely sweet place that may be under your control. Set a great example for other cities and they may also do the right things, but at least you will have done what is right for Durango's own river.

Very Sincerely,

Robin Fritch

Formerly of Flexible Flyers Rafting

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From: Ulery, Susan [mailto:susan.ulery@gmail.com]

Sent: Wednesday, August 21, 2013 2:43 PM

To: Rec; Rinderle, Christina; Brookie, Dean; White, Dick; Brant, Keith; Marbury, Sweetie; Zimsky, Bill; smith\_d@fortlewis.edu; Viehmann, Frank; Carver, Karen; Neet, Kerrie; Schertz, Peter; Speegle, Richard; Burke, Sandy; Imig, Connie; conniejmatthews18@gmail.com; Fluty, Kim; Smith, Mark; Wilbert, Paul; steve.mcclung@state.co.us; Whiteman, Steve; bobby.lieb@co.laplata.co.us; damian.peduto@co.laplata.co.us; gwen.lachelt@co.laplata.co.us; joe.kerby@co.laplata.co.us; julie.westendorff@co.laplata.co.us; aschwartz@goco.org; creed@goco.org; cmeyer@goco.org; dpalencar@goco.org; gperricone@goco.org; hcarroll@goco.org; jrock@goco.org; jpribyl@goco.org; jsmith@goco.org; jsaanstra@goco.org; liseaa@goco.org; msugar@goco.org; mking@goco.org; pmontano@goco.org; pjames@goco.org; tburke@goco.org; tswanson@goco.org; tdaly@goco.org; Magee, Brian - 2; David.Wegner@mail.house.gov; jonathanthompson70@gmail.com; meg@durangoherald.com;

Missy Votel; jimbo buickerood@frontier.net; North Animas River Workgroup;  
jason.beason@rmbo.org; wgr@durangoherald.com

Subject: Oxbow Redux

Ann Bond's letter of August 19, 2013 speaks for me as well, and I request that you consider my voice added to hers. While I've addressed many of the same issues and offered similar solutions in previous correspondence to the City, as well as in letters to the editors of the Herald and Telegraph, in this submission, Ann details the layered history and issues. She outlines thoughtful, practical and logical solutions to the issues presented by the City's purchase of the Cameron-Sterk property, now Oxbow Preserve and Park, which awaits an appropriate management plan. I wholeheartedly support every word of Ann's presentation.

I sincerely hope that you all see that Ann has accurately described the challenge, and the promise, of what the Oxbow property can become. I implore you to treat it as a unique and valuable environmental niche. To replicate Dallabetta by jamming a commercial and unlimited public river access onto the tail end of the Oxbow property would be shortsighted in the extreme (and seems to violate the stated purposes of the Conservation Easement). Instead, the City can create an environment that serves as a quiet and limited access point for kayakers, canoeists and SUPs, without sacrificing the riparian habitat or adversely affecting the Animas View neighborhood or the agricultural and other riverfront properties. It will not be easy, but you can do it.

Susan H. Ulery, CEO

Ph: 970-589-2707

[www.assureconsulting.us](http://www.assureconsulting.us)

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From: Sunnsno [mailto:sunnsno@gmail.com]

Sent: Thursday, August 15, 2013 12:21 PM

To: Metz, Cathy

Subject: NIMBY

Hi Kathy, I thought after all the hours many of us put in to draft a solution for Oxbow and the Animas river corridor, and bringing both sides together to form some common ground that this process would be able to move forward as drafted. Please don't let nimbism of a few people limit a great public resource for the vast majority of people and business's in our community. I do look forward to all the environmental and recreational opportunities this space has to offer.

Thank you,

Jeff Hammond

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From: emiwegner@aol.com [mailto:emiwegner@aol.com]

Sent: Wednesday, August 21, 2013 7:49 PM

To: Rec; Rinderle, Christina; Brookie, Dean; White, Dick; Brant, Keith; Marbury, Sweetie; Zimsky, Bill; smith\_d@fortlewis.edu; Viehmann, Frank; Carver, Karen; Neet, Kerrie; Schertz, Peter; Speegle, Richard; Burke, Sandy; Imig, Connie; conniejmatthews18@gmail.com; Fluty, Kim; Smith, Mark; Wilbert, Paul; steve.mcclung@state.co.us; Whiteman, Steve; bobby.lieb@co.laplata.co.us; damian.peduto@co.laplata.co.us; gwen.lachelt@co.laplata.co.us; joe.kerby@co.laplata.co.us; julie.westendorff@co.laplata.co.us

Subject: Oxbow Development Comments

I understand that there is a meeting tomorrow to discuss the issues associated with the Oxbow property on the Animas River. Please accept my comments for inclusion in the public record associated with this issue. Thank you. David Wegner, Alexandria, VA

TO: Durango City Council, Parks and Recreation Advisory Board, Natural Lands Preservation Advisory Board, La Plata County Board of Commissioners, Colorado Parks and Wildlife, La Plata Open Space Conservancy, Great Outdoors Colorado, North Animas River Work Group

FROM: David L. Wegner  
Alexandria, VA

SUBJECT: Comments-Oxbow Park Proposed Development

I offer these comments as a former full time resident of Durango (temporarily displaced in Washington, DC), a former member of the Animas River Task Force, former Chairman of the La Plata County Living with Wildlife Advisory Board, and a former member of the board for the Friends of the Animas River.

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The Animas River is an incredibly important asset to Southwest Colorado, La Plate County and Durango. Most people drive by it or over it every day and take it for granted and just assume that it will take care of itself and continue to flow downstream. As we have learned over and over again, unless you ask the questions and get involved the result will likely be detrimental to the system. Challenges in the Southwest are increasing daily and the Animas River is not immune. Changing hydrology (drought and extreme events) due to a variety of weather and climate reasons, upstream uses/abuses of the watershed, and of course the extractive pumping of the Animas LaPlata Project have disrupted and changed the natural patterns and quality of the Animas River.

We are facing yet another impact on the river, one that will change the uses of the river with implications to both the species that depend on the river and the quality of the river itself. The city of Durango has expressed a desire to expand the commercial and developed use of the Animas to the Oxbow property. Being a long-time resident of Durango I have seen the Animas go through various indignities and a resurrection of sorts as people realized that the river had value for other than a dumping ground or backdoor for commercial development (i.e. the Mall, Albertsons). Today the Animas has staged an ecological comeback because a small group of local people cared enough to engage in discussions with the City and County to improve river side zoning, clean up the trash, engage in a dialogue over future uses of the river corridor and work with local developers to ensure the river is embraced not abused.

In a way we are a victim of our success. As Durango became a destination for tourists and for those seeking a change in life style, the value of the Animas River increased. In particular commercial river running operations have expanded both in number of boats on the water and the number of people who are carried downstream. This has led to development of the whitewater park, people wanting to live along the river and an increase in those wanting to recreate on the water.

The proposed development of the Oxbow reach we result in significant changes in the use of the Animas River and its ecological integrity. For that reason alone a decision on its use should be predicated on a thorough, open and integrative dialogue on future development. It cannot be treated as just another extension of the Animas River Trail and called good – it has to be looked at in how it will be a game changer in how the river is used and managed. Comments below reflect some of those concerns and some suggestions.

Decision Process: Open and Fair or a “Bait and Switch”?

Bottom line – it appears from the evidence provided that the City sold the public, the County and the State of Colorado on one proposed use of the GOCO funds (for conservation purposes) and is now shifting their intentions to develop it instead as a commercial and public boating recreation area. Here in Washington DC they have a lot of fancy terms for this sort of political maneuver but at the end of the day it is still the same old “Bait and Switch” tactic.

First point. If the discussion between the County Commission and the City is to be taken at face value, then clearly there was a lack of full disclosure to what the City had in mind when they made the GOCO grant application. At a minimum if the City decides to go ahead with the Oxbow development they should return the State funds as they will not be used for the intended and awarded purposes.

Secondly, it does not appear that the City has been fully forthcoming in their public meetings on the potential options and ideas for the Oxbow and the potential impacts. The City legally can check the box that they had the public meetings but if full disclosure was not part of those meetings then you have a credibility problem.

Lastly, if the City changed its mind about the use of the Oxbow, they should have fully engaged with all the landowners who would be impacted by such a change of use and let them have a say in the dialogue. Colorado State law has some specific restrictions on trespass on private property and expanding the recreation use of the Animas River upstream to the Oxbow area. This has

already happened and will only escalate conflicts between an uneducated public (on state trespass law) and the property owners.

I get that the City wants to distribute use from 32nd Street put in upstream. It is a problem that the City has been unwilling to control either administratively (use levels) or regulatory (policing). Managing for continued and uncontrolled growth in river recreation will continue to result in congestion and conflicts. That is not mention the issues downstream with the fishermen or the public who like to enjoy quiet time along the river.

Ecological Integrity of the Animas River: Species and Habitat will be Disrupted.

The portion of the Animas River corridor above 32nd Street put in has been privately or state owned until the city's acquisition of the Oxbow parcel. Many of the surrounding parcels are currently held in conservation easements put in place by private landowners with the intent to protect the ecological integrity of the Animas River watershed as it enters Durango. Many of these folks considered the conservation easements a way to give back to Durango and preserve at least a small part of the heritage that makes this such a special place. These conservation easements have ecological value and support a rich abundance of wildlife, including birds of prey (including federally protected bald eagles), wading and song birds, elk and deer, large and small mammals, reptiles, and migrating waterfowl.

According to the Colorado Parks and Wildlife, the Oxbow Section of the Animas River is an important element of the existing upstream Animas River riparian and aquatic corridor. Unlike the downstream portion through town, which is constrained due to development and geology, the upstream section is at the lower end of the Animas Valley and represents millions of years of the river meandering back and forth across the valley, creating a river and riparian environment that attracts and supports a significant number of local and migratory species. These species make the Animas River Valley and Durango unique and continue to draw tourists and people who want to enjoy the area. As we take yet another component of the natural environment away a disruption of the existing system will occur. What will cause this?

- Disturbances from traffic in the area – both direct and indirect (traffic and noise)
- Disturbances from increased river use – both going downstream and coming from upstream
- Increased trash both on the ground and in the river
- Decreased water quality as people cause erosion and likely pollute the water with other fluids
- Loss of quiet for nesting and resting species leading to nest failure and species death
- Trampled vegetation and loss of river geomorphic integrity

Keep in mind that this area of the Animas River naturally floods – both during large spring runoffs and occasionally during summer and fall rain events. This area of the Animas River has historically migrated back and forth across the valley - largely because the downstream hydrologic control (above 32nd Street there is a rock ledge) serves as the nick point that controls

the upstream migrating pattern of the Animas River. Ask any landowner in the Valley – the Animas River does naturally shift back and forth. One can bet that if the City invests in a boat ramp, parking, and other infrastructure they will want to protect it. While the City may say they want a “non-intrusive” development you can bet that once they start to lose the parking lot or other infrastructure the next step will be to haul in concrete or harden the river banks in one way or another. The river is different upstream from 32nd Street and the City has not taken that into consideration.

#### Planning and Management Actions for a Better Decision – Take the Time to Get it Right

The City should take a step back and reevaluate their desire to develop the Oxbow Section. It is clear that the Parks and Recreation Department have dived into this with their usual desire to develop first and ask questions as they come up. This discussion of the potential uses of the Oxbow section has exposed and highlighted several important issues that the City needs to consider before heading down a decision path that will have no room to return on:

- Boating use levels on the Animas River
- Growing conflict between Open Space and recreation communities – to what purpose are open space dollars being used?
- Animas River planning and management- lack of a comprehensive plan
- Overall uses for the Animas River – can we find a balance?

I have several suggestions for planning and management actions that should be taken before a decision is made by the City:

1. **CLOSE UNMANAGED USE.** The Oxbow area should be closed to the public as of Labor Day and remain closed until a management plan is in place to assure public safety and hygiene, quality of life for adjacent neighbors, and protection of the wildlife habitat. The gate should be closed and the parcel signed as closed. This is similar to the action that has been taken at Lake Nighthorse. Simply stated -- No plan = no use.
2. **CONDUCT A BASELINE STUDY.** A baseline study of wildlife habitat and use patterns should be undertaken from fall through winter to late spring (of course, “baseline” conditions can’t be studied until the unmanaged park is closed). Baseline monitoring should be conducted by an independent third party, although paid for by the City, under supervision of Colorado Parks and Wildlife. Perhaps partner with Ft. Lewis College and the County Living with Wildlife Board to develop a cooperative approach. At a minimum determine season of use for water birds, birds of prey, shorebirds, big game (deer, elk, bear, coyotes, etc.), small mammals and reptiles. Results from the studies should be used to develop mitigations to conserve existing seasonal wildlife habitat. Rocky Mountain Bird Observatory monitoring data of bird use in the general area should be used to help document past wildlife use in potentially affected areas downstream.

3. **ESTABLISH SEASONAL WILDLIFE CLOSURES BASED ON THE BASELINE STUDY.** The baseline study should be used to establish annual dates for seasonal closures to protect seasons for bird breeding, nesting, feeding and fledging habitat, as well as deer and elk critical winter habitat. A conditional winter closure attached to other big-game closures for deer and elk will not suffice. This is not an upland parcel; as flood plain and riparian habitat, its sensitive seasons are not solely tied to the migration of elk and deer.
4. **ADDRESS CUMULATIVE EFFECTS.** The management plan should not focus primarily on the Oxbow parcel but prioritize study and recommendations for mitigation of cumulative impacts from increased public use up and down this section of the river. Tie it to a broader Animas River Corridor Plan.
5. **ENFORCE WILDLIFE CLOSURE RESTRICTIONS.** Annual seasonal wildlife closures should be enacted with a locked gate and fencing, and actively monitored by park rangers and/or law enforcement. Public notices of closures and openings should be provided in local media and other venues by the City. All fencing of the property should be constructed in a wildlife-friendly manner approved by Colorado Parks and Wildlife. Similar to what is done on Animas Mountain and Perin's Peak.
6. **ACTIVELY ENFORCE A LEASH LAW OR DO NOT ALLOW DOGS.** During the open season and hours of use, a strict leash law should be in effect and enforced in both the developed and undeveloped portions of Oxbow. Removal of dog waste should be mandatory, and waste bags should be provided onsite. If active daily enforcement of the leash law is not a possibility, dogs should be banned altogether.
7. **DO NOT BUILD INFRASTRUCTURE IN THE FLOOD PLAIN.** No facilities should be constructed within the flood plain to safeguard both the public investment of infrastructure from high-water damages and the surrounding environment from potential pollution. Design with the knowledge that this portion of the upstream river corridor does flood.
8. **DEFINE AND SET AN ANIMAS RIVER CARRYING CAPACITY TO GUIDE MANAGEMENT.** Establish a carrying capacity study for the recreational seasonal use of the river and for the upstream use of the Oxbow area and then enforce it.
9. **ESTABLISH DAILY HOURS OF OPERATION.** During the open season of use, daily hours of operation should be enforced by opening and closing an entrance gate offering access. The park should be closed from early evening to late morning, both to safeguard neighbors' privacy and quality of life, and to allow wildlife to use the area during the critical feeding hours at dawn and dusk. Specific hours of operation could be arrived at by interviewing neighbors and through data revealed in the baseline study of wildlife use.
10. **DO NOT ALLOW COMMERCIAL RIVER USE IN THE AREA.** Commercial use is incompatible with the ecological integrity of this section of the Animas River. The City should focus on improving the already established in-town river access points to make commercial use more compatible with those neighborhoods. The vision that Durango Parks and Recreation and the commercial rafting industry have for Oxbow is not the same as that of the general public. Do not simply transfer the experience of 32nd Street zoo north.

11. **PROVIDE A NATURAL EDUCATION PARK.** Oxbow can be a preserve if this portion of the river corridor is managed to offer users a difference experience than what can be found through town. Develop it with minimal infrastructure around the concept of education for local schools and the general public. Manage the non-native invasive plant species.

12. **USE THE BASELINE STUDY TO PLAN DEVELOPMENT.** In its letter to City Parks and Recreation regarding plans for Oxbow dated June 11, 2013, Colorado Parks and Wildlife stated; “The construction of trails and trail use restrictions within these habitats should be carefully planned... demonstrated a shift in avian species composition associated with trails. Other studies ... have shown non-motorized recreation (e.g. hiking and biking) can alter species composition and behavior, lead to avoidance of otherwise suitable habitat and decrease species composition and activity levels.” Actively engage Colorado Parks and Wildlife and the County Living with Wildlife Board in the layout and design of the developed and undeveloped portions of the park and preserve, and in the interpretive signage messages. Interpretive signs should include hours of operation and season of use, map of facilities, explanation of how the park is designed and managed to accommodate human use while protecting wildlife habitat, safety messages and regulations.

13. **ENFORCE BEAR SMART PRINCIPLES.** All trash receptacles onsite must be bear proof, trash containers must be emptied on at least a weekly basis, and litter must not be allowed to accumulate. Signage should be posted to notify the public of bear-safety regulations. Engage Colorado Parks and Wildlife in design of these components.

14. **PROTECT THE PRESERVE.** The shoreline of the undeveloped portion of the park must be off limits to human access from land or water to reserve shoreline integrity and limit erosion. Trails should be carefully laid on the ground to avoid sensitive areas. The wildlife closure should be strictly enforced.

15. **PROTECT THE PARK.** Areas of the developed portion of the park which have sensitive shoreline, erosive slopes, wetlands or easily damaged vegetation should be blocked by natural barriers, such as boulders or logs. This will passively guide users to take advantage of areas where river access is more appropriate or has been improved for their safety. The added benefit is that when the river floods replacement costs will be minimized.

16. **DO NOT OPEN OXBOW UNTIL IT CAN BE ACTIVELY MANAGED.** It is imperative that creation of Oxbow not mean creation of unsafe and illegal behavior up and down this section of river. Park rangers and law enforcement should have a daily and noticeable presence during high-use seasons in the developed and undeveloped portions of the park, as well as along the adjacent properties. The plan should include an agreement between the City of Durango and La Plata County as to adequate enforcement of responsible behavior in the river corridor from Oxbow put-to the city limits. Practical means must be established to control trespassing and guard against erosion of private property banks.

## Summary

These comments are provided with the best of intentions to help the City avoid a major ecological and public relations blunder. This is not just another extension of the Animas River Trail. This parcel of land due to its location and because of its integration with surrounding

parcels already being preserved for their conservation value, provide habitat that is important to the ecological integrity of the region.

The City has options and access to a wide cadre of educated people to draw on to make this a valuable addition to the tapestry of the area. Think wisely, step carefully and provide leadership.

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From: Kent Ford [mailto:wkentford@gmail.com]

Sent: Thursday, August 22, 2013 2:00 PM

To: Metz, Cathy; Hall, Kevin; Gantt, Joanne

Subject: Rafters letter for this afternoon meeting attached

Hi Cathy

Rafters letter for this afternoon meeting attached.

Thanks,

Kent

Kent Ford

August 21, 2103

River Users Love the Oxbow

The river users of Durango are looking forward to access at the new Oxbow Park and Preserve. Through the diligent public process undertaken by the City of Durango it was clear that the Oxbow property is the best solution to solve many issues involving river access, particularly congestion at the 29th St. and 33rd. St. access points.

We have heard the reasonable concerns of the neighbors both on Animas View Drive and those down stream. We understand these concerns and offer the following suggested mitigation of these potential issues:

Issue: Size of developed footprint affecting riparian zone and wildlife. Specifically, how many improvements extend across the tracks for parking and the boat ramp.

We support the idea of a minimized boatramp and parking area on the river side of the railroad tracks. This minimized boatramp could be accomplished by only allowing 10 minute loading and unloading on the river side of the tracks. Only 15 passenger (and smaller) vehicles pulling trailers would have access across the tracks; larger bus transport would utilize a dropoff zone on the west side of the tracks. We anticipate that well less than 5% of the property across the tracks will be affected, and most of that is already disturbed dirt rather than riparian habitat.

Issue: Overcrowding of the Oxbow property.

All of the various users have highly seasonal variations, which presents a challenge for the planning process. But to start, we support establishment of "peak day" criteria. These peak days (perhaps triggered by temperature and river flows, or more simply by parking capacity) could have special commercial restrictions on parking and shorter access time windows. This forecast could also trigger the allocation of city ranger presence at the oxbow for peak times. Separate permit requirements for commercial launches at Oxbow could be considered, such as limited trip sizes and other initial steps and initiatives to monitor use and congestion.

Issue: Noise and party impacts by river users.

We support the Nature Trail concept for the Oxbow to 33rd section of river. This could encourage quiet zones, especially within 100 feet of private homes. Nature trail concepts (such as riparian health) could be added to commercial trip orientation.

Issue: "Mindless crazed drunken parties"

Capitalize on the power of context. A nice park that is regularly patrolled by city police and park rangers gets better respect. Quality care and maintenance has worked to calm and disburse problems at other city parks. Park and preserve patrol (and police) will be able to easily monitor the site with the addition of the Animas River Trail access to the park and boat launch area.

Issue: Trespass and wildlife disturbance by dogs.

Dogs offleash is a major complaint of landowners wishing to shut down river use. Dogs should be onleash in the Oxbow Preserve and downstream. If the neighborhoods feel that no dogs should be allowed we are understanding of this viewpoint.

Issue: Trespass by the unaware tuber.

A City of Durango educational rack card should be handed out at all tube rental and sales locations, and publicized online. This rack card would address private property boundaries, estimated float times, container law, etc. (Similar approach as used on Steamboat's Yampa River). This and other approaches are part of the Animas River Management plan, so will gradually be implemented. We hope the City funding for this signage and educational campaign is in place for next river season.

Some trespass issues happen when flip-flops prove to be inadequate propulsion during afternoon winds. Tubers are then stranded. We propose some form of propulsion (such as flippers, paddles or handpaddles) be required from Oxbow to 33rd. Other trespass issues happen when people get out of their inner tube to pee. Some river users just don't understand the effect that one pee break has on a landowner. Stricter enforcement of the City open container laws will be possible once the Oxbow is annexed to the city.

In Closing:

We support a careful design process for the Oxbow preserve. The next year will involve more meetings to share ideas with the professional designers and find the optimum design. We look forward to a reasonable discussion to meet the best needs for the community and wildlife. This is

why we support development focused in the already disturbed areas, so the maximum area can remain a preserve.

Commercial companies and private boaters strive to minimize their impact on the residential neighborhoods. We believe the trespass problems are caused by a tiny minority of people. We hear the frustration expressed by riverbank landowners, and want to contribute to a great solution for the entire community.

As raft companies, private boaters, and river advocates we appreciate the concern for proper development of the Oxbow property. It is indeed a very special, fantastic, property for the City, and we support a careful planning process. If you haven't yet visited Oxbow Park and Preserve we encourage you to do so. Arrive by bike or trolley since there is no parking yet. This is an amazing resource for our community.

Kent Ford (Private kayaker & rafter)

Alex Mickel (Mild to Wild Rafting)

Matt Wilson (4 Corners Whitewater)

Dan Bechtel (Mountain Water Rafting)

Anna Fischer (Surf the San Juans)

Andy Braner (Camp Kiva)

Andy Corra (4Corners Riversports)

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From: wallace white [mailto:wallyllama@frontier.net]

Sent: Thursday, August 29, 2013 10:43 PM

To: Josh Tenneson

Cc: Trish Pegram; Hall, Kevin; Metz, Cathy; Joe Kerby

Subject: Re: City of Durango - Oxbow Conservation area.

Josh & All,

I must apologize for my failure to review my original letter to GOCO. Buck Skillen pointed out to me that I DID say that he was withdrawing his support. This idea came to me third hand and I did not verify it with Buck prior to writing my letter. Shortly thereafter, I had a lengthy discussion with Buck and he was very clear he was not withdrawing support for the Oxbow project. I am sorry I made such a misstatement and, in the future, will certainly review any previous comments.

My apologies to Buck and to all for my mistake.

Wally White

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From: Josh Tenneson [mailto:jtenneson@goco.org]

Sent: Thursday, August 29, 2013 10:13 AM

To: White, Wally; Trish Pegram

Cc: Hall, Kevin; Metz, Cathy; Joe Kerby

Subject: RE: City of Durango - Oxbow Conservation area.

Dear Buck and Wally,

GOCO appreciates both of your opinions on this matter. I know that the City of Durango does too. Ultimately, we are all interested in making Durango and La Plata County one of the best places possible to live, work, and recreate. At the end of the day, I'm certain that the Oxbow project will be a community asset for generations to come. Much work still has to be done to finalize plans for the property. I hope we can work together to find the right balance.

Sincerely,

Josh Tenneson, Open Space Program Manager

Great Outdoors Colorado

Phone: 303.226.4522

From: wallace white [mailto:wallyllama@frontier.net]

Sent: Thursday, August 29, 2013 9:57 AM

To: Trish Pegram

Cc: Josh Tenneson; 'Kevin Hall'; 'Metz, Cathy'; Joe Kerby

Subject: Re: City of Durango - Oxbow Conservation area.

Buck,

Please be advised that was not my quote in the letter you refer to below. I was told via a third party (as I mentioned in our conversation) that you were considering withdrawing your support of the Oxbow project.....which, incidentally, was why I called you to ask you directly about your position.

While I fully understand your position, I disagree with you on several issues related to the Oxbow project. The biggest disagreement is not with you particularly but with the entire process up to now. The City certainly misled the County when they asked for a support letter for a "conservation and preservation" project rather than the commercial put in they have been pushing since then. I also have significant concerns that the process has not been as inclusive as the City claims it has been.

So, let's be clear.....I did not make any claims as to your support of the Oxbow, I simply wanted to know from you directly what your position was/is and you have made that abundantly clear in your letter below.

Wally White

On 8/29/2013 9:33 AM, Trish Pegram wrote:

Josh, you recently received a letter from Wallace (Wally) White, former La Plata County Commissioner and La Plata County resident, regarding the Oxbow property that GOCO funds were partially used in the acquisition thereof. In that letter my name, "Buck Skillen, a prominent member of Trout Unlimited", was invoked as now withdrawing support for this project. **NOTHING COULD BE FURTHER FROM THE TRUTH!** Further, I object to the insinuation that our local TU Chapter is withdrawing support.

As background, I am a charter member of the Animas River Task Force, an ad hoc group organized by Durango Parks and Recreation Staff to guide on stream development of the Animas River Corridor through the City of Durango. The addition of up stream access to the Animas River has long been discussed. During the many meetings (professionally facilitated) on the Animas River Corridor Management Plan, access to the Animas River upstream of the current 33rd Street put-in was thoroughly discussed and what eventually became known as the Oxbow Conservation Area (OCA) was specifically targeted for this access. Also, I live directly across the railroad tracks from the bulk of the OCA and continue to support the City's plan for this area. Of the 40+ acres in the OCA a small (3-6 acres) area at the very southern, narrow end will be developed as an access point. The vast majority of the acreage will be maintained in a well managed conservation area.

I believe this project to be a win-win for the majority of our community. I can appreciate the concern of neighbors immediately adjacent to the area to be developed but don't believe this outweighs the overall benefit to the community. Yes, we have issues with rude and offensive behavior and trespass downstream of this project, but believe this can be mitigated with proper education and law enforcement.

Thank you for allowing me to correct an incorrect statement of attribution.

Respectfully submitted,

Frank (Buck) Skillen, 776 Animas View Dr., Durango, CO 81301

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From: wallace white [mailto:wallyllama@frontier.net]

Sent: Thursday, July 25, 2013 4:12 PM

To: Lise Aangeenbrug Cc: Josh Tenneson

Subject: Oxbow parcel in Durango

Dear Ms. Aangeenbrug,

I'm writing in opposition to the City of Durango's attempt to make a commercial rafting access at their Oxbow property. My name is Wallace White (Wally) and I am a former County Commissioner (two four year terms, left office in January 2013 as a result of term limits). You will see my signature on the letter of support to you from La Plata County dated Feb. 8, 2011. This year I signed on to a letter from local residents in opposition to this project. I am writing today to explain the reasons for my change of mind. Please find attached the original request from the City of Durango to the County for a letter of support, the Agenda item that the County Commissioners approved, and the letter we wrote in support of the project. My concern centers around the fact that the City made NO mention in their initial request of the scope of the project that is currently under consideration. Their August 2, 2013 wording mentions "preservation" twice, highlights the fact that this is open space and is a "meaningful step towards permanent preservation and stewardship of the Animas River Greenway. No mention of a commercial river access. At the time, discussions centered around the idea that this would be an extension of the "river trail". From my standpoint as a Commissioner, I agreed with that concept. Again, there was no discussion of a commercial use of this area.....I would NOT have supported this project had that been part of the original proposal both to you, GOCO, and La Plata County. Please note the wording in the Agenda item and the response from La Plata County. I have come to view this project by the City of Durango as a very classic "bait & switch". Each step of the way has expanded their original concept and has now become a project that will destroy the quality of life, not only for residents of Animas View Drive (who are opposed to the project) but for all the residents on both sides of the river from Oxbow to 33rd street access. Not to mention the destruction of a pristine area of river front property. It has gone from a "walk in" access to an over 6 acre commercial access complete with paved access road, full turn space for large buses and trailers, parking area, etc etc. While one could argue that 6 acres out of a total of 43 acres is a good use, it is important to consider the destruction that will occur in an area that was originally proposed to preserve the environment, habitat, and riparian areas along the river. My former constituents are virtually 100% opposed to the Oxbow project as currently designed and I know you have heard from many of them.....the few who supported the project in the beginning are now withdrawing their support, Buck Skillen, a prominent member of Trout Unlimited, is one of those. In contrast to City assertions, development of a commercial river access at Oxbow will not alleviate congestion problems farther downstream at the current

access points, it will compound them. The stretch of river from Oxbow to 33rd Street is flat water and, with the increase in tubing and paddle boarding, any commercial access point above 33rd (Oxbow) will cause more congestion at 33rd as it is the logical takeout point for this type of recreation. The City is only shifting the problem from one place to another at the expense of the river front property owners. One of the larger underlying problems is the lack of a formal river management plan between City and County. There has been no progress made on dealing with the law enforcement issues that will undoubtedly arise with the type of project under consideration. Colorado water law as relates to river usage prevents people from stepping out of their craft on the river banks or bottom. Trash, public urination/defecation, noise, alcohol consumption and trespassing are already a problem in this section of river and will be severely increased if the Oxbow project is allowed to go forward as planned. I do not believe that you would have funded this project had the truth been known in the beginning and with the original application. August 2, 2013. I believe the letter from City in answer to your questions in your letter of June 14, 2013 are somewhat misleading in that the public process has not been as open and transparent as they would like you to believe. During six of the City meeting Oxbow was NOT discussed and was never noticed formally to the public that it would be discussed at any time. In January of 2012, Cathy Metz told a resident that since the City did not own the Cameron/Sterk property at that time, it would not be discussed. In Feb., a commercial operator asked, during the meeting, that the project needed to be discussed and there was then discussion.....but no public notice. Please note on the ARMP Meeting Schedule there is no mention of Cameron/Sterk or Oxbow. Also it is not mentioned on their poster of access points along the river.....all of which are within the City limits. Lastly, I would encourage you to read pages 6, 22, 31, and 32 of the Durango Animas River Corridor Management Plan for references to environmental integrity, develop access according to community values and river user needs, possible law enforcement issues, and environmentally sensitive manner of development. Please reconsider your support of the City of Durango in developing this property. The project, as designed, is sadly lacking in the things that GOCO considers in its approval process.

Sincerely,

Wallace "Wally" White

541 High Llama Lane Durango, CO 81301

Former La Plata County Commissioner

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From: ellie scharfenberg [mailto:elliekjhs@hotmail.com]

Sent: Thursday, September 05, 2013 12:57 PM

To: Gantt, Joanne; Metz, Cathy

Subject: For Public Access to Oxbow Park

To whom it may concern,

During my time in Durango I have become much more active in the paddling and river community. What I have seen has been truly that, a community coming together for the love of the river and river sports. We are very lucky to have such a beautiful section of river running through our town and I think that all community members should have access to the to the new Oxbow Park access point. This will give all users a calmer section for floating, perfect for paddle boarding, family float trips, and offering tourists the chance to experience more of our local river and the scenery surrounding it.

I understand the hesitancy of neighbors to the Oxbow Park, however, this third access point to the river will help alleviate congestion at the 32nd and 29th Street put-ins. The city has done a great job regulating these two put-in locations, so there should be no real worry that the same cannot be done for Oxbow. Proper signage displaying where city property ends and private property begins and where parking is available would benefit the neighbors of Oxbow and allow the city to continue to enforce rules and regulations for a positive addition to the Animas River community.

There will always be a select few whose disrespect to their neighbors will leave a bad impression, however, what I have seen in the Durango community is a great group of river enthusiasts just looking to enjoy the outdoors and get on the river as soon as possible. With a developed boat ramp and open space park available for all community members and commercial outfitters to access, we will be adding to the river community we already have and spreading any foreseen burden between three river access points rather than just the two currently open to all.

Sincerely,

Ellie Scharfenberg

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From: Alex Mickel [mailto:[alex@mild2wildrafting.com](mailto:alex@mild2wildrafting.com)]

Sent: Thursday, September 05, 2013 6:59 AM

To: Metz, Cathy

Cc: Gantt, Joanne

Subject: Fwd: Letter

Hello Cathy,

Good Morning,

Here is a letter that I sent today to the Herald please post with on the city website as well.

Thanks and have a wonderful day.

Sincerely,

Alex Mickel

Mild to Wild Rafting and Jeep Trail Tours, Inc.

P: 970-247-4789

F: 970-382-0545

[www.Mild2WildRafting.com](http://www.Mild2WildRafting.com)

September 4, 2013

Oxbow park process well done.

City of Durango as been diligent, inclusive and thoughtful throughout a well vetted public process concerning the new management plan for Oxbow Park and Preserve. Synthesizing the input of the hundreds of people who showed for this process is no easy task and it has been handled professionally and executed well. As the final draft nears completion, the continued inclusion of the all interested stake holders, in the process towards a community-wide plan that provides fair and equitable access, a solution to minimize the problems of overcrowding at 33rd and 29th street and the need to protect wildlife and surrounding land owners is a challenging situation. The volunteer boards and the city staff have been very diligent in addressing their concerns.

I greatly look forward to access at this new tax payer funded city access location for all citizens ranging from handicap users, to paddlers, to commercial guests to families on paddle boards as they enjoy the chance to experience this beautiful part of their community.

Thank you to the city for taking such an inclusive approach to the development of this new, important and far-reaching community asset. In particular I would like to thank the members of the River Task Force and Open Space Committee for dedicating many thankless hours to bringing this solution and for overcrowding and much desired flat-water access towards fruition, while protecting a vital wildlife corridor and the many diverse interests of the community.

Sincerely,

Alex Mickel

Mild to Wild Rafting & Jeep Trail Tours, Inc.

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From: Trish Pegram [mailto:trishpegram@bresnan.net]

Sent: Sunday, September 08, 2013 6:08 PM

To: Gantt, Joanne; Metz, Cathy

Subject: Oxbow comments.

I have been a member of the Animas River Task Force (an ad hoc committee organized to advise Parks and Recreation on Animas River management) representing the fishing interests since its inception 8 or more years ago. In addition I participated in the Animas River Corridor Management Plan meetings of which there were many, attended by 100s of our community members and professionally facilitated. In the ARTF and in the Management Plan meetings an access to the Animas River upstream of the 33rd street put in was discussed at length. The acquisition of the Cammeron-Sterck property, now known as the Oxbow Conservation AREA, was seen, in part, as an opportunity to develop such an upstream access and relieve some of the overcrowding at 33rd st.

Now that the City has acquired the Oxbow property, which is shaped like a sauce pan on side with the handle at the downstream end, the location of the access area at the downstream end of the handle is being liberally used by the community on a regular basis. Folks are sunbathing, swimming; launching hand carried floating conveyances and playing in this easily accessed area, all without sanction or formal access designation. Make no mistake; nothing short of a police state will curtail this informal usage. It goes without saying that strong efforts must be made to manage and control this area.

As has been specified in the past, the bulk of the Oxbow property will be managed as conservation open space. I have heard mention of up to 6 acres being used for the developed access out of 43.71 total acres (approximately 14%). I question the need to scrape clean 6 acres for the access and suggest that some of the access area be left in native vegetation and/or re-vegged. Further, with the gentle slopes involved, I see no reason to do any paving. Semi-permeable paving blocks can be used which facilitate rain absorption rather than runoff into the River. After all there is no paving at 33rd st., Santa Rita, Cundiff Park or the High Bridge accesses. Dallabetta required paving due to the slopes involved.

In summary I support the following: Immediate annexation by the City of Durango of the Oxbow property. After annexation, the Durango Police Department should make their presence known to users of the area as a step toward thorough management of the area. Implementation of an access to the Animas River at the very southern, downstream end of the Oxbow property. NO paving in the access area with the possible exception of the RR tracks crossing. Implementation of a thoroughly vetted and aggressive management plan for the access with specific attention to the complaints of adjacent landowners of trespass, rude behavior and general public nuisance. For the remaining Conservation Open Space, institute winter closure, no dogs off leash and appropriate conservation area rules.

In closing, this access area will be used and the City owes it to the area residents to properly and aggressively manage that access.

Respectfully submitted, Frank (Buck) Skillen, 776 Animas View Drive (overlooking the Oxbow Conservation Area).

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From: Joshua Mack [mailto:mackjw@gmail.com]

Sent: Saturday, September 07, 2013 5:05 PM

To: Gantt, Joanne; Metz, Cathy

Subject: Public comment for Oxbow Park and Preserve Management Plan

Please accept the attached document as my public comment regarding the Oxbow Park and Preserve Management Plan. Thank you.

Please accept this letter as my public comment regarding the Oxbow Park and Preserve Management Plan that is currently being developed and considered. I am a resident of the city of Durango and an avid river user. I kayak and raft on several sections of the Animas River throughout the year, and would consider myself familiar with the issues surrounding the Animas River Management Plan and the Oxbow Park and Preserve. This past spring, I had the pleasure of participating in the public meetings that were held to develop the Animas River Management Plan. I would first like to commend the City on making the effort to facilitate this process. The meetings were well-structured, well-attended and exceeded my expectations in terms of the level of discourse and progress that was made. I was very impressed with the manner in which different user groups were provided an opportunity to express their views, and pleasantly surprised by the consensus that was reached on several issues.

My understanding is that there is now a push by some stakeholders, primarily property owners near the northern end of town, to limit the river access that will be provided at the Oxbow Park. I respectfully submit that this would be unwise for several reasons. First and foremost, I believe that limiting river access at the Oxbow Park; for instance, deciding to forego installation of a boat ramp would run contrary to the consensus that was reached through the Animas River Management Plan Process. During this process, most stakeholders agreed that the river was a valuable resource that the citizens of and visitors to Durango want to utilize. Most also agreed that many of the issues cited by private landowners, such as overuse at access points, trespassing, and poor river etiquette, could be ameliorated through increased access and better facilities. In particular, the issues of overcrowding at the 29<sup>th</sup> Street and 33<sup>rd</sup> Street put-ins could be improved through the addition of another river access. It would also seem that trespassing would decrease if better legal access were available. Issues like public urination could be addressed through installation of restrooms, and littering through access to trash facilities. In other words, we sought to encourage considerate river use, and respect for private property by providing the public with a convenient way to access and use the river.

The acquisition of Oxbow Park and its use as a public river access was a critical piece in addressing the goals above. The addition of another well-designed river access point north of 33<sup>rd</sup> Street can simultaneously improve safety, overcrowding, private property issues, and even ecological riparian concerns. To do this, the river access point should provide full convenient access to the river, including a boat ramp. A boat ramp is primarily necessary because many of the users at the Oxbow Park will want to launch rafts and dories, which can be accommodated much more

conveniently and safely with a boat ramp. It should be noted that the area proposed for the boat ramp is already heavily impacted (littered with old cars, barrels, and concrete), and could be cleaned up in connection with the installation of a boat ramp. Installation of a boat ramp will also obviate the need for unnecessarily dangerous ad hoc crossings of the railroad tracks to reach the river. Finally, a boat ramp would stabilize the riverbank, which will otherwise erode badly if used for access in the absence of a ramp (See 33<sup>rd</sup> Street). A full service river access park with a boat ramp would be a great amenity for the residents of the City of Durango, allowing much improved access to one of our greatest resources. I urge you to proceed with such access as was originally envisioned when Oxbow Park and Preserve was acquired. I believe that all involved will be glad that you did. Thank you for your consideration in this matter.

Josh Mack

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From: Marci Cary [mailto:telemarc@hotmail.com]

Sent: Monday, September 09, 2013 6:15 PM

To: Gantt, Joanne

Subject: Support of Oxbow Park put in

Hello

I am writing to voice my support of the Oxbow Park Put-in.

I have lived in Durango for over 15 years and think this would server the greater good of the community. It would help alleviate congestion on the river and in the parking lots near the river.

Thank you,

Marci Cary

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From: Nancy Jacques [nan.c.jacques@gmail.com]

Sent: Thursday, September 12, 2013 10:41 AM

To: White, Dick

Subject: Oxbow Park and Reserve Draft Management Plan

September 11, 2013

To: La Plata County Commissioners; Durango City Councilors; Great Outdoors Colorado; Advisory Boards

From: Nancy C Jacques

RE: Oxbow Park and Reserve Draft Management Plan

Letter opposed to the current rendition of this plan

As a city and county property owner, I want to voice my concerns about The Oxbow Park and Preserve Draft Management Plan now being considered by the City of Durango. I urge you to withdraw your support for it as written.

At the time the Oxbow property was being considered for open space acquisition, I held a seat on the Open Space Committee. And while this was at least five years ago, I recall that the intention of this acquisition was to complement conservation easements achieved via the generosity of surrounding private property owners. The parcel was meant to further ensure the sustainability of values in this segment of the river. There are unique blends of wildlife habitat and quieter waters located close to town yet far enough away from the cacophony of city uses to be extremely valuable. I recall, in the grant to GoCo, this parcel was never to be developed beyond being a passive park and wildlife preserve; monies were sought to permanently protect the parcel from development. That is the essence of “open space,” is it not?

Now I have learned that the City wishes to use this parcel for commercial and recreational boating, as a put-in and take-out. This is not “passive!” All I have to do is think of the 32nd St put-in to know what this means. And I am appalled. And when I think how 32nd St and other sites downstream are managed by the City, I know sustaining wildlife and ecological values at the Oxbow will be impossible. So, in my opinion, there results ethical questions regarding how funds were originally procured.

I never would have voted for this open space, nor do I believe GoCo would have granted funds, if this parcel had been meant for development, the sort that will (based on obvious sites within the City) be managed in ways that will destroy the qualities the funds were intended to preserve.

This area should be protected to retain both the current integrity of the riverine and adjacent systems and the quality of life/ privacy of property owners in the area. I am a birder and have often enjoyed many an hour quietly viewing herons, song birds, ducks, eagles, and numerous mammals that use this stretch of the corridor specifically because of its unique configuration and its relative lack of human impact compared to other riverine stretches. I know from experience what will be impacted.

In considering the proposed Oxbow Park and Preserve Draft Management Plan, and establishing some degree of human use of the area, I urge the following:

1. The the spirit and intent of open space for preservation of values for which monies were secured be paramount in consideration.
2. The intent of conservation easements in the area be honored.
3. The quality of life and privacy of private property owners remain greater priorities than recreation.

In valuing the above I urge:

1. If this parcel is currently in use, close it immediately.
2. Do you have an inventory of the ecological values of this area? If not, a baseline study should be done before any decisions or changes to the area are made. Know what you are working with throughout a calendar year because wildlife patterns and habitats change with the seasons.
3. Never establish commercial use in this area! We all know opening this area to recreational and commercial boating will forever change its character. However, if the City must “use” this parcel, actively manage it for boating that can only be done along this stretch: quiet, class I floating. Only the Valley offers this kind of boating experience.
4. Establish funds to actively manage this stretch, providing strict hours of operation, noise level restrictions, pet limitations, parking limitations to crowd control.
5. Manage the site based on the baseline study so that closures to preserve wildlife and riparian values occur based on ecological values, not recreational or economic desires or goals.

This area of the river is currently unique in its accessibility and yet its naturalness. We have depleted and used enough of this waterway for our own use. Can we not share just a little with the rest of life, which is actually dependent on this river?

Thank you for your consideration in not approving the current plan as written.

Sincerely,

Nancy C Jacques

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From: Corey Nielsen [mailto:coreynielsen@gmail.com]

Sent: Thursday, September 12, 2013 10:03 AM

To: Metz, Cathy

Subject: Life on the river!

Cathy,

First of all, congratulations on the National Gold Medal Award the Parks and Recreation Department recently received - I know you have most likely been up to your eyeballs lately in opinionated people regarding the river project but hopefully there is some acknowledgement of the Award and the good the Durango P&R is doing as well! You are a big part of that effort.

This is an odd letter because I am truly on the fence regarding the Oxbow project. Although there may not be a "right" decision ultimately, I know you and your team have the opportunity to shape the future of the Animas as one of our best resources.

As a 22-year resident of Durango with a 25-year history of paddling this river (I used to come down from Salida to train) as an Olympic hopeful, National Champion Medallist, and now a has-been recreational paddler and SUPper I have spent a LOT of time on this amazing resource of ours.

As a function of living on the 30th block of East Third Avenue I stand up paddle nearly every day from my home up to Oxbow and I feel like I, as much as anyone in this town, understand the "character" of the river from 33rd street up to Oxbow and beyond into the valley. I have paddled there for nearly 25 years and sometimes in the dead of winter when I was training but don't hold my lack of judgement against me!

As I said earlier, I am split on the decision about whether Oxbow should be formally developed as a commercial access point. On the one hand, it will do the following:

- It will help alleviate some of this crowding at 33rd and the new 29th street access points - I live exactly half way between the two put-ins and understand the traffic considerations as much as anyone
- River users usually are looking for good launch points - good design keeps these users moving through the put-ins - poor design creates more congestion/ crowding and I know you guys would do a good job with the Oxbow put-in

On the other hand, based on my 20 years of paddling this section when NO one was ever up there for months at a time it has now become a bit more popular and I know that trend will continue. Keeping it walk-in access only could maintain a bit more of the wildlife/natural preserve feel that it has currently as well as reduce some of the pending traffic and pressure on the natural setting (not to mention keep Jane G. and Tim W. happy).

I am not sure of the answers and I know there is a lot of input but regardless of which way you decide to move forward I believe that you and the Parks and Rec Department have an opportunity to create a longitudinal and far-reaching strategy that will ultimately be your legacy in Durango.

The reality is that the tubers, raft companies, and "non-traditional" river users are highly seasonal up at Oxbow (since variables include river level, air temperature, water temperature, weekend or weekday, time of day, cost of cheap beer) and the problem days are really quite few.

In that light, I think regardless of your decision part of your legacy could be some sort of "Peak Day" controls such as commercial restrictions, parking restrictions, increased policing and/or ranger presence along the river corridor. This may keep the knuckleheads on the north end (and I include myself in that group!) at bay and have everyone be respectful of the river as it is truly one of the most amazing things that make Durango such a desirable place to live.

My best to you as you move forward and feel free to reach out to me if appropriate.

Respectfully Yours,

Corey Nielsen

Affordable Mini-Storage

Summit Investment Properties

Durango, CO 81301

Voice 970.946.1920

coreynielsen@gmail.com

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From: william karls [mailto:wkarls@gmail.com]

Sent: Wednesday, September 18, 2013 11:05 AM

To: Metz, Cathy

Subject: oxbowl

I am writing to offer input on the city's Oxbowl Park development north of Durango. This property offers new ways to enjoy our beautiful river as well as partial solutions to some existing issues surrounding our enjoyment of the Animas. Late this summer my wife and I took our three grand-children on a float from Oxbowl to the 33rd street put-in. The experience was awesome, and we reveled in the excitement and joy expressed by our grand-kids. What a beautiful and unique section of river. Families picnicked on the beach or launched various river-crafts. This experience should be available to everyone and encouraged by making access easy and safe. A mix of preserved areas, beach/picnic areas, and a vehicle accessed boat ramp will offer a variety of experiences. Commercial raft companies should have access to the ramp so that visitors or locals who do not have a boat can also enjoy this section of river. Having another put-in will ease pressure the 33rd put-in experiences by allowing floaters to put-in at Oxbowl.

We live just above the 33rd Street put-in on 4th Avenue. Over the years the sound drifting up to us from busy days on the river has been noticeable, even more so for those living directly across 2nd Ave. But hearing people enjoy themselves is more tolerable than most noise-woe to us as a culture when the sound of laughter is unpleasant and disturbing. The infrequent "bad apple" late at night-intoxicated and oblivious-can be found at any venue. River put-ins have not introduced them them. I tolerate these individuals "blowing off steam" knowing that I did not escape youth without demonstrating similar behaviors myself at times. Educating people on acceptable behaviors and the rules governing these public areas decreases unreasonable behavior while making their use more enjoyable for everyone. There will be people throwing trash on the banks etc-but how do these individuals gain insight into more conscientious attitudes? Experiencing nature helps us value our resources, solitude, and natural quiet more with each experience. Oxbowl will encourage everyone to value a great local resource-the Animas.

Bill Karls-Durango

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From: LaPlataCD Durango [mailto:laplatacd@hotmail.com]

Sent: Friday, September 20, 2013 4:28 PM

To: Jan Mayer-Gawlik (; Metz, Cathy

Cc: Cecilia Whitaker; Clyde Johnson; Dave Miller; Thrash, Gary; Paul Gray; tom hartnett

Subject: Request for Review and Comment

To:

La Plata County Commissioners

Director, Parks & Recreation, City of Durango

Attached is our request for review and comment on the Oxbow Park and Preserve.

Thank you.

On behalf of the Board of Supervisors

Tom Hartnett

La Plata Conservation District

Sep 20, 2013

To:

La Plata County Commissioners:

Bobby" Lieb, Jr. , Chair

Julie Westendorff, Vice Chair

Gwen Lachelt, Commissioner

1060 E. 2nd Ave, Durango, CO 81301

Cathy Metz

Director, Parks & Recreation, City of Durango

949 E. 2nd Ave, Durango, CO 81301

Re: Oxbow Park and Preserve

The La Plata Conservation District [LPCD] requests to be included in the review and comment phases of this project. Our initial possible concerns include: landowner rights, water quality maintenance, potential riparian buffer maintenance and restoration, as well as stream erosion and incision.

As background, conservation districts operate under the State of Colorado Statute Title 35, Article 70 as local 'on the ground' special districts to assist landowners in their efforts to protect against erosion control, flood control, and water conservation practices within the district. We have served the community since 1947.

Please expect contact from and direct review process requests and questions to our board member who is most knowledgeable on this topic:

Cecilia Whitaker, Supervisor

(970) 426-9096

cwhitakerpls@gmail.com

La Plata Conservation District

31 Suttle St, Durango 81301

Thank you, Tom Hartnett

LPCD President

Copy: LPCD Supervisors

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From: Jolie Ensign [mailto:ensignboys@gmail.com]

Sent: Sunday, September 22, 2013 5:43 PM

To: Gantt, Joanne; Metz, Cathy

Subject: In Favor of Oxbow

To Whom it May Concern,

My family is in support of the Oxbow Park and Preserve. We enjoy SUP and canoeing on that part of the river. We are in favor of more and better parking in that area. We believe the nicer the park and facilities, the more respect and less problems there will be. It will also alleviate congestion at 33rd and 29th St put ins.

Thank you for your consideration.

Best Regards,

Jolie Ensign, M.S., C.P.T

Wellness Specialist/Coach, Cardiopulmonary Rehab & Wellness Ctr

Mercy Regional Medical Ctr, Durango, CO

970-764-2718

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From: Rebecca Koeppen [mailto:rkoeppen@gobrainstorm.net]

Sent: Monday, September 23, 2013 9:40 PM

To: Metz, Cathy

Subject: comment

Hello Cathy,

After reading the draft management plan for the Oxbow area I think it looks great.

Sincerely, Rebecca Koeppen

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From: Kevin Heiner [mailto:kevinnheiner@gmail.com]

Sent: Sunday, September 29, 2013 5:18 PM

To: Gantt, Joanne; Metz, Cathy; Hall, Kevin; McClain, Scott

Subject: Comments regrading Oxbow Park and Preserve

Hello Parks and Rec Staff:

Regrettably, I will be traveling with work for the next Oxbow meeting on Monday, September 30. As I've been and plan to continue to engage in the dialogue, I wanted to share the letter below for the record. Good luck with the process, I truly appreciate your efforts thus far!

To the Durango community:

I support the tasteful development of Oxbow Park and Preserve, including a boat ramp and river access. As a member of this community, a whitewater enthusiast and a new father I think that the stretch from Oxbow down is unique and the most ideal place to introduce youngsters to the

river and to take in the relatively natural state of a riparian environment, right in town. The water is flat, relatively calm and the stretch is both quiet and picturesque-full of wildlife and other attributes that should certainly be protected. Denying public access should not, however, be used as a tool to protect those values while so many other creative options exist.

The Animas River Management Plan process introduced and vetted the limited and targeted development concept of this Park, with a large turnout from many segments of the community including both those affected and adjacent homeowners as well as those favoring access. As a committed member of that process, though I will be out of town for this meeting, it is my hope that a compromise can be reached favoring this agenda. I plan to be involved in future meetings as available.

Please consider the points below as the dialogue continues.

1) Management Plan Process: The city implemented the Animas River Management Plan process that identified what stakeholders wanted and didn't want along the river corridor:

- Multi meeting process that was open to all
- Meetings mediated by a professional, outside mediation specialist
- 100's of citizens participated
- Many stakeholders were represented: private river users; commercial companies; fisherman; Trout Unlimited; landowners; 33rd and 29th St and Oxbow neighbors; Open Space and Parks and Rec advisory board members; city councilors
- Access and boat ramp at Oxbow identified as important
- Many good recommendations to alleviate congestion and problems at put-ins were identified:
  - o Better signage at put-ins that identify private property; access points; float times; rules of behavior
  - o More and better parking options and parking/ no parking signs
  - o Good park designs at put-ins with directed launch sites; landscaping; bank stabilization; restrooms & trash cans
  - o Nice parks get respect- less problem users- partiers. Witness the many nice parks where we have no problems- Respect begets Respect!
  - o Limited put-in options create problems: 1 flatwater access (33rd), and one moving water (29th). We don't have take-out problem (5+ options)
  - o Rack cards and educational hand-outs at all tube/ boat/ SUP rental or sales outlets. These help educate public on private property, expected behavior, temperatures, float times, safety

2) Vehicle Boat Ramp Access is important because:

- Private rafters will use Oxbow
- Dories for whitewater and fishing can only access via boat ramp
- Handicap access
- Alleviates congestion at 33rd and 29th St put-ins
- Vehicle access safer than multiple, hand-carried trips with gear across RR tracks
- Policing of beach area made possible with vehicle access to ramp area
- Commercial boat and passenger drop-offs will be much faster
- Oxbow will be less congested and “flow” better with vehicle access to a ramp

### 3) Boat Ramp Design:

- River users support a minimal footprint for vehicle access and ramp in the already disturbed area of property
- Minimal footprint for developed area across the tracks
- Already disturbed and eroding area, currently stabilized with old car(s), barrels and concrete, can be stabilized with rock work and ramp
- Vehicle access will not impede on beach area of Park or have any impact on the Preserve portion
- River users want well-designed, beautiful parks that offer good access and areas to hang-out by the river while protecting riparian areas and wildlife

### 4) Crowding at Oxbow and other put-ins:

- Put-in crowding is identified as a problem at 29th and 33rd. Oxbow helps alleviate some of this crowding
- Crowd issues are highly seasonal- variables include river level, air temperature, water temperature, weekend or weekday, time of day
- Truly crowded times at the 29th and 33rd St put-ins are few (15? 20 days?). Access at Oxbow will lessen the congested times.
- We support “Peak Day” controls such as commercial restrictions, parking restrictions, increased policing and/or ranger presence
- River users usually are looking for a good launch points- they won’t necessarily be hanging-out in the park. Good design keeps these users moving through the put-ins. Poor design creates more congestion/ crowding

Sincerely,

Kevin Heiner

kevinnheiner@gmail.com

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Sent: Monday, September 30, 2013 1:16 PM

To: Gantt, Joanne; Metz, Cathy

Subject: Oxbow Public Comment Meeting “Revised” Oxbow DRAFT Management Plan

I’m opposed to development at the Oxbow Park/Preserve.

I’m not opposed to people enjoying the beach and the preserve

But I’m opposed to the building of roads, shade structures, restrooms or allowing vehicle traffic east of the Railroad tracks.

I’m opposed to any commercial use of the park, this includes such things as moonlight float trips.

Traffic into the preserve, east of the tracks, will negatively affect the quality of life for those who live along the parks perimeter, as well as those who are in the park/preserve to enjoy it

– noise – engine noise, car stereo noise, as well exhaust, as well

It feels surreal that I’m trying to describe the effects of roads and traffic into a peaceful, quiet, serene setting but basically it will longer be peaceful and serene. IT ENDS IT.

Let alone what affects it will have on the wildlife.

And it’s NOT necessary to build roads into the park. I see many people enjoying the preserve as it is.

They are CURRENTLY able to get their water craft, and beach chairs, etc without needing to drive their car or truck across the tracks

From what I can gather from articles and opinions in the local newspapers and the draft plan there is a strong push from the commercial rafting and tourism to open up the park to commercial traffic.

One of the commercial rafting arguments is that it’s flat water and they aren’t likely to use it “much” - so if they aren’t going to use it much then why invest tax payers money to build infrastructure for commercial rafting companies.

Another argument that doesn’t make sense – is that it will relieve congestions at the down river put ins - but if you put in up rivers don’t you have to get out down river ? So instead of just people putting in at the down river put in – you’ll have commercial rafting companies putting in and putting out down river.

I don't see the benefits to city residents to developed roads and allow commercial traffic into the preserve.

It may benefit the rafting companies and add to their profits and improve the value of their business but it will be done at the expense to the quality of life of residents.

David Schuppner

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September 30, 2013

To: Durango City Council and Appropriate Advisory Boards

From: David Wegner, Washington D.C. and property owner at 2517 Delwood, Durango, CO

Subject: Comments on the Draft September 2013, Oxbow Park and Preserve Management Plan

The City has released for comment a Draft Oxbow Park and Preserve Management Plan. Please consider the comments below in your deliberations on the draft plan. These comments reflect the pertinent headings of the draft document.

Baseline Documentation. In general the draft Oxbow plan does nothing to identify the existing ecological and river use conditions. A significant amount of work has gone on in the Animas River corridor, riparian zone, hydraulic conditions, flow conditions, and the relationship of the river corridor to the surrounding Animas River valley and adjacent terrestrial communities. This lack of recognition of the existing knowledge unfortunately reduces the value of the remainder of the document. Clearly the lack of information is indicative of a lack of an understanding of the ecological value of the Conservation Easement and surrounding lands.

Specific Concerns include:

- Lack of clear understanding of the context of the Oxbow Park parcel to the landscape integration of the south end of the Animas Valley.
- Lack of identification of the county, state, federal, academic, and non-governmental entities that should be part of this discussion.
- No definition of who will be responsible for developing the baseline documentation and assessment. The City likely does not have the technical expertise to accomplish this important work - will an outside consultant be responsible?
- When will the baseline assessment be accomplished? The value of the Oxbow parcel changes seasonally (spring – nesting and riparian birds, summer- herons, fledging birds, young mammals, fall – migrating birds, winter – elk and deer use and waterfowl). At a minimum a complete years' worth of data needs to be assembled and evaluated and reported to the public before a decision is made. Good science and government demands good public process.

- Hydrology – no mention is made in the draft report about the hydrology of the Animas River. Anyone with any knowledge of the Animas River knows that the Oxbow parcel floods. Any development or use plan must take into consideration that high spring flows and seasonal monsoonal events will lead to flooding.

- River geomorphology – Any plan must take into consideration how the Animas River channel migrates back and forth across the valley floor. The hydraulic control of the Animas River through Durango exists near the 32nd Street Bridge and put – in. Any development must take into consideration the fact that the position of the river will change and therefore any structures placed at the Oxbow Park must be put into the context of having it impacted by seasonal floods.

Conservation Easement. It would be very helpful to include in the draft document not only the purposes (3) of the conservation easement but also the framework under which this conservation easement is to be maintained. It is not until the end of the Draft plan before the La Plata Open Space Conservancy is discussed.

In most conservation easements there are periodic if not annual reporting requirements to maintain the legal integrity of the conservation easement. It is also important to identify who is responsible for maintaining the integrity of the conservation easement. Who is it now? Will the City take over the responsibility once the parcel is annexed? Who is going to be overseeing the intent and the requirements of the conservation easement? Will the City pay the La Plata Open Space Conservancy to conduct the annual monitoring?

Management Objectives and Priorities – The document indicates that the City of Durango will take over the management and development of the Oxbow Park and Preserve. Does the City have the staff expertise and staff capability to not only develop the Park/Preserve but then manage it? It is unclear from the document what resources the City of Durango has to accomplish this task.

- Unclear how the Durango will manage the Oxbow Park and Preserve -this is not like Santa Rita Park or ball fields. Certainly the experience of watching the 17 acres below 4-Corners sports turned into a BMX park has left a note a caution when trusting what the City says it will do and what it does.

- Who will be guiding the management of vegetation? Adequate control of noxious and invasive species requires specific knowledge. La Plata County has expertise as does the Forest Service and BLM. Does the City plan to use existing knowledge or develop this expertise on their own? This is more than just mowing down grass or blazing a path with a vegetation cutter.

- Mowing protocols. Managing vegetation is more than just firing up the brush hog and cutting a path through the willows. Managing vegetation for habitat is different than just cutting trees. It requires a soft touch rather than a sledge hammer approach. This recent picture (week of September 23rd) from the Oxbow parcel indicate a lack of understanding of managing vegetation in concert with ecosystem needs. The City will have to up their game if they want credibility in the management of the Oxbow Preserve.

- Provide ongoing care, stewardship – requires specific ecological expertise. Is the City hiring staff with the appropriate expertise or will this simply be added on to the park crew who does a good job on grass parks but may not have the expertise to identify noxious plants, understand vegetation dynamics, manage habitats?
- What levels of “improvements” are planned for the Reserved Development Area? Will these developments be conducive to the rest of the easement or will it be hardened to withstand use by the public?
- Minimize disturbance and impacts – the seasonal value of the conservation easement parcel varies throughout the year. Seasonal closures should be implemented for the Oxbow Park and Preserve:
  - o Winter – elk forage to the river
  - o Spring – nesting for riparian and migrating birds
  - o Early summer – roosting and fledging of herons
- Responsibility – will the City be responsible for meeting the intent and requirements of the Conservation Easement? If the value of the Conservation Easement is diminished due to the development of the parcel and increased public use, will the City take the financial responsibility of the lost conservation value?

Interim Management Policies – It is unclear from the paragraph associated with the Interim Management Policies heading how “interim” is defined. The first sentence references “until the property is annexed and permanent site improvements have been completed. This is a misleading statement – you cannot expect that any “improvements” made will be permanent. Flooding and river channel migration will require flexible management options, not permanent.

- Commercial Use. Should be contingent on a recreational and commercial Carrying Capacity survey of the Animas River. The commercial outfitters have wanted to expand put-ins, take-outs, and river features throughout the Animas River through Durango. Each time the City has expanded uses on the river it has come at the expense of the aquatic and riparian communities and the river conditions. Before expanding the river opportunities in the Animas River to now include the Oxbow Preserve area a study should be accomplished to determine how much commercial use can be accommodated on the Animas River through Durango. The local property owners in Durango, the upper Animas River Valley and downstream to the State line should be part of the discussion.
- Because of the proximity of the Oxbow Preserve to the Animas River there should be no motor vehicle parking within the Preserve area. If the City has to provide the commercial river companies with parking, development has to include swales to collect surface runoff from the parking areas, soft parking areas that allow drainage, and restricted operating requirements to reduce air pollution from buses and transport vehicles.
- Law enforcement has to be developed and put into place and done. Creating a place for tubers will result in increased potential for alcohol consumption and partying. These uses are not conducive to the area or to the local landowners.

Long-Term Management Policies – The City needs to provide a clear understanding of how the management activities will be conducted. Because of the ecological value of the Oxbow Preserve special knowledge and understanding of bird nesting requirements, habitat management, water quality management, vegetation management – including noxious and non-native plants, and terrestrial animal migration and uses.

- There is no reference to the Animas River Task Force, an entity set up by the City to assist in providing input to these types of decisions. Why is not the Animas River Task Force engaged in this effort? The reason given before for reducing meetings was the lack of staff to take notes at meetings. If there is not enough money to support a staff to take notes at meetings one has to believe that hiring competent people to manage the Oxbow Preserve might also be a challenge.
- Please identify what role the La Plata Open Space Conservancy will have in making decisions. In the case of a disagreement between the City and La Plata Open Space Conservancy – which entity retains the right for final decision?
- The “Nature Paddling Trail” – it is not clear what this is or what is entailed? From personal experience on this stretch of the river there has been limited time when I have seen anyone looking at the “nature” of the area unless you are including in this floating along and consumption of beverages or the occasional observations of folks involved in other activities. A nature paddling trail gives an impression of studying nature. Not sure how you intend to accomplish this.
  - o Will users of the “Nature Paddling Trail” respect private property rights of the landowners along the river from the Oxbow Preserve to the 32nd Street takeout?
  - o Who will be responsible for the likely trespass litigation?
- Uses and Activities at the Preserve:
  - o Special events should not be allowed at the Oxbow Preserve. In this situation it should be prohibited due to proximity to the Animas River, the sensitivity of the Preserve area, and the limited parking.
  - o Why are fireworks not restricted at the Oxbow?
  - o No restriction on the types of watercraft that will be allowed?
- Restricted hours – it should be sunrise to sunset. Animals are moving at sunset and activities until 10pm will impact their diurnal behavior patterns.
- Moonlight float trips (page 4)? Who is going to assume the liability of allowing moonlight float trips on the Animas River? Will a police presence be downstream at 32nd street to ensure people exit the river? Moonlight float trips – nothing can go wrong with this idea.
- Seasonal closures will be necessary to protect the integrity of the Conservation Easement. Who will enforce?

- How will the La Plata Open Space Conservancy be funded to accomplish the annual monitoring identified on page 5?

Future Improvements – concern has been raised as to how the Oxbow Preserve and Park is to be integrated into the overall City management of the Animas River and the focal point that this development may have on other river development options on the Animas River. Until the City puts together an integrated management and development plan, including carrying capacity studies of the commercial use, no actions should be taken.

- Concern has been raised over a possible larger river corridor development plan which would focus on inclusion of the Upper Animas River valley, the city [from Oxbow to the southern terminus of the city] to a future location on lower Animas River, perhaps at the State line. If that is the case it should be at least referenced in this document.

- A complete plan, required environmental documents, required legal documents, and completion of supporting documents should be completed before development occurs.

- All parking should be developed with porous materials and include swales to collect runoff.

Plan Process – several items immediately come to mind.

- Work with the local landowners who will be impacted by the increased public use of the area. If we have learned anything from the 32nd Street put in concerns is that the local landowners have a right to be heard. Easier to deal with the impacts of development before rather than after you open the barn door and let the river concessionaires take control.
- Reconstitute the Animas River Task Force to ensure adequate review and involvement
- Involve the La Plata County Living with Wildlife Board in the discussion.
- Develop a community outreach program to discuss the overall Animas River plan that includes the Oxbow Preserve and Park.
- Ensure the Durango Police Department has the personnel to adequately patrol the area.
- Ensure the City Attorney takes a look at the liability of supporting “moonlight floats” on the Animas River.
- Work with the BLM and Forest Service to understand how their seasonal closures of Animas Mountain and other areas in the National Forests work and are managed.

Thank you for consideration of these comments.

David L. Wegner

1116 Colonial Avenue

Alexandria, VA 22314

970-759-0083

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From: WINSTON PUIG [mailto:awpuig@sbcglobal.net]

Sent: Monday, September 30, 2013 4:22 PM

To: Metz, Cathy; Gantt, Joanne

Cc: N.A.R Work Group

Subject: Oxbow Public Comment Meeting Monday 5:30 PM

To City of Durango Parks and Open Space Advisory Boards:

As homeowners on the Animas River Corridor, we are so blessed to live in such a wonderful and serene sanctuary. Colorado is a heavenly dream and has been for the decades we have lived here. Now, it seems when the La Plata Open Space Conservancy set aside quiet land for future preservation, it holds no strength when greed enters the picture. We will lose so much if these "recreational enterprises" are allowed to open the door; the feeding frenzy will begin, and there will be no limits to it, because the line will have already been crossed. Yes, some change is good, but not if it changes our pristine beauty. Why does Durango have to go that route? We are already so loved for who we are!

I support the Animas Valley Neighbors and Animas River Corridor Landowners. I hope the Durango City Council or La Plata County officials will have the long-term vision to step up and save our beautiful community before it is too late to turn back.

Sincerely,

Sherry and Winston Puig

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From: KIMBERLY PRICE [mailto:kap1234@sbcglobal.net]

Sent: Monday, September 30, 2013 4:17 PM

To: Gantt, Joanne; Metz, Cathy

Cc: N.A.R Work Group

Subject: Oxbow Public Comment Meeting Monday 5:30 PM

To City of Durango Parks and Open Space Advisory Boards:

As homeowners on the Animas River Corridor, we are so blessed to live in such a wonderful and serene sanctuary. Colorado is a heavenly dream and has been for the decades we have lived here. Now, it seems when the La Plata Open Space Conservancy set aside quiet land for future preservation, it holds no strength when greed enters the picture. We will lose so much if these “recreational enterprises” are allowed to open the door; the feeding frenzy will begin, and there will be no limits to it, because the line will have already been crossed. Yes, some change is good, but not if it changes our pristine beauty. Why does Durango have to go that route? We are already so loved for who we are!

I support the Animas Valley Neighbors and Animas River Corridor Landowners. I hope the Durango City Council or La Plata County officials will have the long-term vision to step up and save our beautiful community before it is too late to turn back.

Sincerely,

Sherry and Winston Puig

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From: Tim and Sandra LaFrance [mailto:lafrance7@gmail.com]

Sent: Monday, September 30, 2013 3:16 PM

To: Rinderle, Christina; Brookie, Dean; White, Dick; Brant, Keith; LeBlanc, Ron; Marbury, Sweetie; bobby lieb; damian peduto; gwen lachelt; joe kerby; julie westendorff; Zimsky, Bill; Metz, Cathy; Duane Smith Chair; Viehmann, Frank; Carver, Karen; Neet, Kerrie; Schertz, Peter; Speegle, Richard; Burke, Sandy; Imig, Connie; conniejmatthews; Zink, Ed; Hall, Kevin; Fluty, Kim; Smith, Mark; Wilbert, Paul; steve mcclung; Whiteman, Steve; Gantt, Joanne

Subject: Comments on revised Oxbow Management Plan

September 30, 2013

To concerned public officials,

Please carefully consider the following comments on the revised OXBOW MANAGEMENT PLAN:

On River Enforcement

Laws and rules without enforcement are simply empty promises (e.g. trespassing, disorderly conduct, no alcohol in parks, and enforcing a desirable paddle only zone between Oxbow and 33rd). Law enforcement officers perform patrol of Durango Mountain Resort on skis, patrol sidewalks and parks on foot and bicycle, and patrol other recreational rivers by boat. Given the level of lawless behavior on the Animas, there can be no valid reason why the Animas cannot be patrolled via an inflatable raft for 3 to 4 months per year after 11 a.m. utilizing cross-deputization of city and county officers. In the past, commercial rafting companies have reportedly offered free equipment and training for such officers. The mere periodic presence of law enforcement on

our highways deters speeding, etc, and such periodic presence will have a similar deterrent effect on lawless behavior on our river.

#### No Alcohol Inspections

It is irresponsible to allow alcohol laden coolers to be launched from Alcohol Free Oxbow only to be consumed on the river. Like drinking and driving on the highway, drinking on the river can be dangerous, and promotes littering, trespassing to relieve one's bladder, and other boisterous and lawless behavior. Alcohol possession on the river from Oxbow through the south city limits should be banned by the City, and the County should be requested to revise their open container law accordingly for this location. Officers can utilize discretion for minor infractions.

At Coors Field, Invesco Stadium, airports , our Courtrooms, and numerous other public facilities, bags are checked prior to entry. At a minimum at the Oxbow put-in, Officers (not powerless Rangers who are often ignored) need to regularly inspect coolers and backpacks prior to launch for alcohol, and to inspect for paddles and swim-fins (not flip-flop shoes claimed to be "flippers") for navigation.

#### Police Access

To encourage law enforcement (and to prevent excuses for non-enforcement), many private land owners along the river should willingly allow law enforcement officers to cross their lands to enforce laws relating to river usage. This could be accomplished via a form access agreement, kept on file with law enforcement agencies.

#### River Pass

Numbered and water resistant ankle or wrist river passes could be issued at the Recreation Center utilizing Rec Center rate structures, upon showing of a valid ID by those 18 or older . River violations would affect future river usage by violators.

#### Hours

Hours should be from 15 minutes before sunrise to 15 minutes after sunset. Sunrise / sunset times are published daily in the Herald. (Hunters have successfully used legal shooting times based upon sunrise / sunset for decades). River use in the dark will undoubtedly insure accidents (with possible legal liability) as well as light and noise disturbance to neighbors. Merely stepping in and out of a raft in the dark on wet rocks, even if sober, can easily lead to injury, and rescue operations hindered by darkness could lead to death. River use in the dark should be banned.

Thank you for your thoughtful consideration of the above.

Tim LaFrance and Sandra Berman-LaFrance

3310 E 5th Ave

Durango, CO 81301

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Tim & Sandra

lafrance7@gmail.com

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From: Jack Irby [mailto:jackirby01@gmail.com]

Sent: Sunday, October 20, 2013 3:49 PM

To: LaFrance, Tim & Sandra

Cc: White, Dick; Marbury, Sweetie; Rinderle, Christina; Brookie, Dean; Brant, Keith; LeBlanc, Ron; bobby lieb; damian peduto; gwen lachelt; joe kerby; julie westendorff; Zimsky, Bill; Metz, Cathy; Duane Smith Chair; Viehmann, Frank; Carver, Karen; Neet, Kerrie; Schertz, Peter; Speegle, Richard; Burke, Sandy; Imig, Connie; conniejmatthews; Zink, Ed; Hall, Kevin; Fluty, Kim; Smith, Mark; Wilbert, Paul; steve mcclung; Whiteman, Steve; Gantt, Joanne

Subject: Re: Comments on revised Oxbow Management Plan

10/21/2013

Mayor White:

My wife and I own a house at 5 Riverbend Court. We purchased the home 3 years ago and each year we have seen dramatically increased river traffic, trespass, and dogs belonging to river runners chasing wildlife. I have written letters to the Oxbow Board Study group and attended meetings when in town. I am shocked regarding the proposed plans lack of protection both for the Oxbow property and the private river corridor from Oxbow to the 33rd St. river put in! At a minimum the following steps should be undertaken and addressed in the management plan:

- 1 .Perform an Environmental Impact Study on the Oxbow Property and the downstream river corridor to determine what type of activities and traffic levels this sensitive riparian corridor will sustain without negative impact to the environment, bird life and wildlife. DOW has publically expressed concerns regarding negative impacts of this project. How can any meaningful plan be developed without first knowing this?
2. Undertake an expanded planning process. The original planning process was flawed due to the many reasons that various individuals have very clearly pointed out to you. A balanced management process needs to be undertaken after receiving the results of the environmental studies. The process should fairly represent all impacted citizens.
3. Ban the use of inner tubes and other craft that are not designed to be paddled from the quiet water Oxbow to 33rd St river corridor. The revised plan calls for requiring craft to be propelled. The very design of an inner tube does not easily allow this to be done.

4. Develop formal regulations for the use of the river and a mechanism for enforcement paid for from user fees. During the summer of 2012 I called Police Dispatch to report a group of approximately 10 trespassers who refused to leave our property. They were on an island owned by Willowbend HOA, 10 feet from the bank of the river across about 8 inches of water depth. The trespassers were loud, drunk, had multiple open containers of various types of alcohol, and were urinating around the island. The officers arrived, observed the violations and explained that they were not enforcing violations in the river corridor, but could talk with them. Through various meetings with Durango PD, I was told by Chief Spratlen that he was not enforcing violations on the river, that he didn't have the manpower, training, or equipment. There is currently no enforcement entity for the river either in the City or County segment from Oxbow to 33rd St. put in.

My family and friends have been avid river runners for the past 30 years on rivers all over the country. These rivers have limits on the numbers of boaters that they will sustain without significant harm to the river and animal life, as well as the safety of boaters. There are rules and regulations for the use of the river and the regulations are strictly enforced. There are fees to use these rivers that support the enforcement function and to help maintain the river environment.

Oxbow seems to be the opposite approach as Lake Nighthorse. The City has essentially opened up a highway with no rules or enforcement. The two pictures attached show a normal Saturday afternoon in August across from my home. There were "No Trespassing" signs on the Thurmond beach, as well as on the Willowbend Island. City Police were called in both instances and did not respond. The gentleman on the left side of one of the pictures is in fact defecating on the beach next to a No Trespassing sign.

We welcome the opportunity to constructively discuss solutions to the various problems created by the City's current management of the Oxbow Property with you.

Sincerely,

Jack and Mary Irby

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From: David Schuppner [mailto:david.schuppner@nptllc.net]

Sent: Wednesday, October 30, 2013 3:08 PM

To: Gantt, Joanne; Metz, Cathy

Subject: Oxbow Park Meeting

City of Durango Parks and Open Space Advisory Boards,

I like to provide some feedback from the last meeting; hopefully this will be helpful for tonight's meeting and / or future meetings. I appreciate the time and the community meetings being organized by the City of Durango Parks and Open Space Advisory Boards.

Last meeting:

Regarding expectations – Durango is a small town in a rural area. Although growth and change is inevitable – I believe Durango residents can and should expect certain quality of life in keeping with a small town.

Boaters, Commercial Rafting companies are being severed well by the City and Parks – I would not consider them an underserved group especially compared to city residents on Animas View Drive with regards to parks and recreation – no sidewalks, no bike paths, no parks until now – (I know through this process the City is working hard to provide this area with these amenities). It seemed to me that boaters currently haven't lacked for access to the river. They are inconvenienced on a few peak days. Most describe being on the water alone and it being peaceful.

I would like to offer some suggestions.

Develop and plan the site in phases. For example complete the river trail initially, ad signage, low impact to the park area east of the tracks. Design and develop this first phase with the neighborhood in mind – the residents who live on Animas View Drive. Delay building a road and boat ramp. It would seem to me this would be a large expense for limited use. Later as the park departments receives feedback consider if what if any additional changes are warranted.

I would like to suggest the designers/architects of the park consider the view points from the resident who directly live adjacent to it – I'm hoping they don't cut down trees and build structures but if they do careful consideration could make big differences.

I would like to offer the park designers/architects to view the property from my home (Oxbow Townhomes) whenever or how ever often is necessary. I have several elevations in my home that look directly into the proposed development area. This perspective may help design a better park.

I think the ability to enforce rules, laws, etc on the river needs to be resolved prior to making any such rules and supporting the growth of further activity on the river. It seems coming up with regulations while on the river isn't productive until there is way for enforcement. This affects the entire city river corridor. In the future when enforcement issues can be resolved then create rules and regulations, permitting Evaluate the situation after some time period, adjust, etc.

Finally if there still seems to be a great need for more commercial rafting then considers further options for the commercial rafting companies.

Please contact me if you would like to see the park from “above” or any other way I can help.

Sincerely

David Schuppner

582 Animas View Drive #3

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From: Tim and Sandra LaFrance [lafrance7@gmail.com]

Sent: Tuesday, October 22, 2013 8:10 PM

To: Rinderle, Christina; Brookie, Dean; White, Dick; Brant, Keith; LeBlanc, Ron; Marbury, Sweetie; bobby lieb; damian peduto; gwen lachelt; joe kerby; julie westendorff; Zimsky, Bill; Metz, Cathy; Duane Smith Chair; Viehmann, Frank; Carver, Karen; Neet, Kerrie; Schertz, Peter; Speegle, Richard; Burke, Sandy; Imig, Connie; conniejmatthews; Zink, Ed; Hall, Kevin; Fluty, Kim; Smith, Mark; Wilbert, Paul; steve mcclung; Whiteman, Steve; Gantt, Joanne

Subject: Oxbow Enforcement Approaches

Mayor Dick White

Dick,

Thank you for your response and continued recognition of the need for management and enforcement at Oxbow.

Perhaps because they were buried at the end of a long email chain, I re-attach the boating industry literature rallying their troops and put on tables and handed out at the ARMP meeting early last year, as observed by other participants (I did not attend--Oxbow was then privately owned). This effort raises legitimate questions as to whether the conclusions reached were truly representative of the larger community, particularly those of us who are more directly affected by Oxbow, which has seen progressively and substantially increased river traffic and problems in the two boating seasons since those meetings.

Moving forward, inspection of coolers and prohibiting alcohol is standard operating procedure at publicly owned water parks in Golden ( Splash Aquatic Center) and Englewood (Pirates Cove) (as per their respective websites). We all also go through inspection and security to enter the LaPlata County Courthouse. Similar seasonal inspections at Oxbow will alleviate most alcohol related problems downstream.

As noted by Jack Irby, on-river law enforcement patrols are common in many popular river running areas. Such periodic patrols during the summer season here would do much to thwart the trespassing and / or disorderly conduct which is now a daily summer activity along the Animas. Bi-partisan enabling legislation for cross-deputization would facilitate effective enforcement.

Like the 2% Lodgers tax, a similar percentage or per head tax on commercial boating customers could pay for all such seasonal enforcement expenses.

Thanks again for your service.

Tim LaFrance

lafrance7@gmail.com

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From: WINSTON PUIG [mailto:awpuig@sbcglobal.net]

Sent: Friday, November 01, 2013 2:29 PM

To: 'GanttJL@ci.durango.co.us'; Metz, Cathy

Cc: Ulery, Susan; Gerstenberger, Jane

Subject: Oxbow requests

TO THE CITY OF DURANGO:

As residents on the Animas waterfront, we are very concerned that our city/county planning is moving in the wrong direction. We love this land, full of grace and serenity, and although we are landowners, we are but caretakers of this time. We have tried our best to preserve and enhance this beautiful sanctuary, so the next 'caretakers of the land' will have the same delightful experiences – with nature, with wildlife, with the seasons. So, City Planners and County Planners, with that same sense of sacred duty that has been bestowed upon you by the taxpayers - please reconsider your decisions on the following items.

1) Please close the Oxbow Park and Preserve to human use from mid-November through the end of June on an annual basis. It should be allowed to flourish undisturbed. We are here as trusted keepers of the land – preserving what we can, as best we can, for those that follow.

2) Mowing of the Oxbow Conservancy was so wrong, and a blatant violation of the Conservation Easement. The choice of flattening an 8-foot-wide swath of dense willow, disturbing wildlife and nesting birds that have been coming to this same area for years, was such an imbalanced, out-of-control response to the question of mosquito control, and as a consequence, it will have a much greater, negative impact on our land. What a disaster! **THIS SHOULD NOT BECOME A BIKE PATH or HIKING TRAIL!!!** We can still make this right. Fence this area immediately!

PLEASE vote to adopt a LONG-TERM ECO-FRIENDLY VISION on these types of actions in the future!! And begin now, by protecting our pristine areas with stronger, louder, clearer GUIDELINES. Thank you for your efforts in preserving one of the more beautiful places in the world.

Sincerely,

Sherry and Winston Puig

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November 8, 2013

Cathy Metz

Durango Parks and Recreation

Dear Ms. Metz:

I have now attended two public meetings on the proposed Oxbow plan and would like to point out several issues that I think need further investigation.

Let me first qualify myself as an observer. I live in the northerly end unit of Sky Dancer townhomes. From my second floor deck and living space I have a panoramic view of the entire area and walk it several days a week. I have binoculars and a spotting scope. ( I even saw you get your parking ticket.)

Sensitivity of wildlife in the proposed "Preserve" to Activity at the proposed Put In.

Examples:

(1) Even before the mosquito trails were cut by brush hog, just one person walking the original small paths would cause birds to fly from trees or scold or make alarm calls.

(2) When the "beach" was no longer occupied as a result of being submerged by the Animas rising to a higher level, it took three or four days before Great Blue Heron would venture back to feed. (There is limited habitat where the water is slow and shallow enough for the heron to feed.)

(3) When the "beach" is occupied, ducks and geese flee.

The upstream impact of the proposed put in:

A put in is also a take out and will dramatically increase the human activity from upstream, including next to the proposed wildlife area. It already happened this summer.

It is part of the City; people don't want much wildlife:

Just because land is owned by the City or is annexed into the legal limits of the City, doesn't make it environmentally compromised to the same extent as the denser parts of Durango. The 33rd and 29th street put ins are not comparable. I and many others chose to live here precisely because there is more wildlife and lower density.

Use has declined since the sign went up:

It declined because the "beach" was submerged after rains raised the river and then it got too cold for partying.

Mosquito control:

a. Given the density of bats, birds and amphibians there is ample predation of mosquitos and larvae. Very few mosquitos reach my deck. What will the birds, bats and amphibians eat if the mosquitos are decimated?

b. Standing water doesn't automatically require control efforts. How persistent is the standing water and how much is there? Cathy Metz's observation of standing water was after a period of heavy rain. My own observation is that it varies greatly from week to week.

c. There is supposed to be some standing water; Oxbow's environmental value is in part because it contains fresh water wetlands.

d. Will the brush hogged roads grow over? It seems unlikely, given the present level of bike and foot traffic over them.

e. Control efforts this summer substantially reduced the population of the bees who were trying to pollinate the plants. What else is it doing?

The limits of growth:

Durango is growing both in permanent population and tourist visits. If the fundamental question of continuing to accommodate growth at the expense of the environment is not addressed in the context of Oxbow development, when and where will it be addressed?

Respectfully submitted: Daniel E. Farmer, 457 Animas View Dr. #1

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From: Jack Irby [mailto:jackirby01@gmail.com]

Sent: Tuesday, November 19, 2013 8:20 AM

To: White, Dick

Cc: LaFrance, Tim & Sandra; Marbury, Sweetie; Rinderle, Christina; Brookie, Dean; Brant, Keith; LeBlanc, Ron; bobby lieb; damian peduto; gwen lachelt; joe kerby; julie westendorff; Zimsky, Bill; Metz, Cathy; Duane Smith Chair; Viehmann, Frank; Carver, Karen; Neet, Kerrie; Schertz, Peter; Speegle, Richard; Burke, Sandy; Imig, Connie; conniejmatthews; Zink, Ed; Hall, Kevin; Fluty, Kim; Smith, Mark; Wilbert, Paul; steve mcclung; Whiteman, Steve; Gantt, Joanne

Subject: Re: Comments on revised Oxbow Management Plan

Mayor White:

Thank You for your response to our email. I applaud the planning committee's decision to ban tubes between Oxbow Park and 33rd St and require boaters to wear approved PFD's.

The Interim Management Plan for Oxbow calls for possibly closing Oxbow while a wildlife study is performed. A Wildlife Study also needs to be performed on the corridor from Oxbow to 33rd St to determine the proper management for this very sensitive riparian habitat. Oxbow has introduced thousands of new boaters into this corridor with obvious detrimental effects to the habitat and wildlife. There are limits to the number of boaters this corridor will sustain without negatively impacting wildlife. What are they?

The new management plan for Oxbow calls for city patrols during hours the park is open. This is inadequate to enforce the activities on the property during peak use times. There needs to be a central access point manned by a full time individual during park hours for at least the top 3 months of use and on- river law enforcement by an individual with legal enforcement authority in a river craft. Legal violations on the river are not limited to tubers! This will allow the control of craft, alcohol, pets, and other prohibited items being brought into the park and help to diminish the Bourbon Street atmosphere that is often prevalent on the river. Signs mean nothing to many of the river users. As pointed out in the attached pictures, a gentleman is defecating next to a no trespassing sign on private property within the City limits. Additionally, other members of his group are trespassing and using alcohol. The group has several dogs with them that have run along the bank through private property from Oxbow to the location of the photo just above

33rd St. They also passed by the City's sign at the entrance of Oxbow. River users regularly ignore and destroy our neighbors' and subdivision's posted no trespassing signs.

It is my understanding that Cathy Metz recently stated to the Committee that the Oxbow Park will not be "staffed", meaning no controlled access at Oxbow or on-river enforcement. By making such a statement, she has removed important enforcement policy alternatives for the Committee to consider, and appears to be setting policy that is the responsibility of the City Council.

I have sat through many meetings and listened to countless citizens expressing their frustration with the City's lack of planning, control, and enforcement surrounding the Oxbow Project. There are volumes of letters from citizens expressing these concerns. Is anybody listening? It is embarrassing to be a member of a community where the elected and appointed officials place so little value on enforcing city ordinances and responsible behavior, protecting property owners' rights, and protecting wildlife habitat. The river corridor north of 33rd Street has acquired a reputation in the past couple years of being a place where people can party and act irresponsibly without consequences. It is drawing many people from New Mexico as well as underage drinkers and college students for that reason. Is this the image we want for our city?

Contrary to the paragraph 7 recommendations in the just released revised Oxbow Plan, at a recent meeting with the County Manager and County Attorneys, Cathy Metz stated that the use of paddles and/or fins (presumably for tubers) would be a recommendation at Oxbow. A recommendation will not create compliance. An ordinance should be written and enforced that prohibits tubes as well as requires the use of paddles for propulsion.

I would like to think city officials would want to make Oxbow into a property that is an asset for local landowners and a responsibly managed nature and wildlife preserve for City and County residents – something the City can be truly proud of. In its current and proposed form it is a failure.

Jack and Mary Irby

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Subject: Oxbow Park leash laws

From: Jeanne Bignall

To: "bignalljl@live.com"

CC:

Cathy Metz – I apologize for my lateness in communicating with you. Please accept the following in response to the dog leash law for Oxbow Park. metzcl@ci.durango.co.us

The most destructive element this last summer were dogs off leash that were allowed to run up and down the banks of the river. In particular was a pair of dogs chase each other as they chase their toys. (There are many owners who have more than one dog.) They are not strictly under the control of their owners. Nor do they strictly exercise their dogs by actively fetching in the river, they also fetch on land. Whereas there were only a few dogs two years ago, this last summer it

became an all-out-assault. Dogs do not know the difference between public property and private property. They run onto the beach across the river that is privately owned and into the cow pasture. Owners cannot control their dogs when they are fetching. Some are well behaved, others are not. Another point is that this should not be a park for only big dogs, but all dogs. When the is developed I too, would to like to take my little Chihuahua for walks. Many of us in the neighborhood have small dogs. We should not have to fear that our little dogs will be attacked by big dogs that are on the loose chasing a toy or other dogs. There is a City park already designated for dogs to run free. I don't go to that park with my little dog because it is not safe for him. Please do not be biased in your rule making. This should be a park for all dogs and their owners. "Historic trespassers" should not be given preference over law abiding citizens. Stick to the rules. All City parks should enforce lease laws for the well-being of all citizens.

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From: Arnett, Gary [mailto:Gary.Arnett@bp.com]

Sent: Thursday, November 21, 2013 10:23 AM

To: Metz, Cathy

Subject: North Animas River Workgroup

Cathy

I wanted to send you a note defining my position on the Oxbow Park and Preserve, my wife (Tracy Arnett) shares my sentiments as well. I know the North Animas River Workgroup has submitted many documents to the City of Durango and our names are more than likely listed as being supportive, however we are not. Initially we were supportive of the group but feel they are asking for too much. I appreciate the group's efforts but no longer support how far they want to go.

I just read thru the 3rd revision of the management plan and think the city has done an excellent job of drafting this plan.

I like meeting people on the trail, with their dogs, if fact my wife, my son and my dog frequent the nature trail on a weekly basis. I have also noticed that the amount of wildlife in the area has neither increased or decreased, don't think the city needs to spend thousands of dollars to come to the same conclusion. The fact of the matter is the area is adjacent to a very busy and loud highway, 550.

The damage done by the Mosquito District was unacceptable but the City has already taken steps to not allow this to happen again. Hopefully the trails mowed down by them will recover quickly.

Once again I commend the city and county for coming up with a good plan and hope you can move forward without wasting more time and money.

Thank you!

Feel free to forward this to any city council members or others involved in this process.

Gary Arnett  
670 Animas View Dr.  
Office: 970-375-5768  
Cell: 970-779-8022  
[Gary.Arnett@bp.com](mailto:Gary.Arnett@bp.com)

\*\*\*\*\*

From: Andy Corra [mailto:andy@riversports.com]  
Sent: Wednesday, November 20, 2013 6:12 PM  
To: Metz, Cathy  
Subject: Oxbow and tubes

Cathy,

Not making the meeting tonight. A couple of points:

1) No tubes addition to Oxbow plan added late in game with no public notice or input. This had not been mentioned as a possibility before. I think the public should be informed of this change and given ample time to comment before it is codified

2) Discriminates: I understand city's role in restricting commercial use in any way deemed necessary (I may or may not agree), but to single out tubes only for the general public discriminates against this group. The city is essentially saying that unless one can spend \$1000 or more on a SUP, raft or kayak, they can't enjoy the flatwater. That's wrong.

3) Treating select landowners as special "protected" class. Because a tuber "might" trespass, we ban all? What is the city doing to protect my property from potential trespassers? Landowners have options (they may not like them, but they exist); Put up a sign; put up a fence; bring charges against trespassers; move. It is not the city's role to give them this special protection. And notice that not all landowners who live along this stretch see tubers as such a problem- many think it is fine. Others just steam when they see people recreating in front of their homes. The city sets a poor precedent by cowing to these individuals.

4) Safety: Now families and, my 10 year old, are forced to float the much more dangerous rapid section of the river- foot entrapment danger, head injury, drowning

5) This completely undermines the education and river community's expressed interest in changing the culture and working to lay down rules and good behavior. We are back to tubers having to trespass or break the law in order to float. We know that is legal to float a tube on the water in the valley regardless of the Oxbow rule. I'm sure tubers will find ways and encourage others in finding their way around the illegal put-in. We are back to lawlessness. I'm not sure the river using public is going to have a warm feeling about helping to alleviate the noise and trespass issues the landowners have faced. This is a shame.

6) Colorado right to float law: If the city is listening to a landowner rights lawyer on the topic of floating the valley, then they are getting one side. Google "Colorado Right to Float, Laurie Potter" to get another perspective. The grey area of this law is not a reason to ban tubers.

Andy Corra

4Corners Riversports

800.426.7637

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From: Tim and Sandra LaFrance [mailto:lafrance7@gmail.com]

Sent: Thursday, November 21, 2013 6:50 PM

To: Rinderle, Christina; Brookie, Dean; White, Dick; Brant, Keith; LeBlanc, Ron; Marbury, Sweetie; bobby lieb; damian peduto; gwen lachelt; joe kerby; julie westendorff; Zimsky, Bill; Metz, Cathy; Duane Smith Chair; Viehmann, Frank; Carver, Karen; Neet, Kerrie; Schertz, Peter; Speegle, Richard; Burke, Sandy; Imig, Connie; conniejmatthews; Zink, Ed; Hall, Kevin; Fluty, Kim; Smith, Mark; Wilbert, Paul; steve mcclung; Whiteman, Steve; Gantt, Joanne

Subject: Oxbow supplemental information

To the Oxbow Advisory Board:

Thanks for your long hours and thoughtful deliberations last night.

1. As promised, attached is the 4 Corners River Sports brochure for renting tubes for unguided tours with drop off options for tubers.
2. On a related note, this summer we have witnessed a commercial paddle board instructor leading about 4 paddle board clients on the river with an amplified battery pack headset giving instructions, which were disturbingly loud. All such commercial amplification should be banned, as well as loud music from watercraft e.g. lower the decibel limit for river traffic.
3. As you have already heard from previous meetings, because of the acoustics here, we can hear normal conversations taking place on the river from surprising distances, and as a result, nighttime river excursions should be disallowed as being disruptive to residents, as well as being unsafe.
4. It is legally permissible, in my opinion, to have watercraft launch hours terminate earlier than park closing hours. Again, sunrise and sunset times are posted every day at the very top of the weather column on the back page of the Durango Herald. Sunrise and sunset times have been successfully used for decades by hunters for legal shooting times, and should be used for park hours at Oxbow, with no watercraft (paddled of course) launch in the last one hour before sunset.

5. My reading of your joint Board consensus last night was that you wanted real effective enforcement. However, because the Committee suffered partial paralysis on the specifics of this issue last night stemming from differing legal opinions regarding enforcement alternatives, research should be conducted to see how all of the discussed enforcement approaches (including cooler searches as a condition of controlled entry, and on-river enforcement) can be made to work.

The joint Board may want to recommend that the City instruct staff to research the options implemented by other Colorado communities with similar recreational, residential and agricultural mixes along rivers. Research should include what experts those communities utilized in drafting and implementing their plans. THEN the City can hire some people who are actually experienced in managing water access in protected conservation easement properties to make suggestions for improving the management plan.

6. Enforcement funding alternatives include:(a) a \$ per head fee on commercial river passengers; (b) paying at the Rec Center for a wristband day pass (with educational opportunities re no tubes, required paddles, no alcohol and no trespassing), or using your Rec Center 3 month or annual pass; or (c) the City budget.

Thank you again for your time and consideration of the above supplemental comments.

Tim LaFrance

3310 E. 5th Ave

Dgo

--

Tim & Sandra

[lafrance7@gmail.com](mailto:lafrance7@gmail.com)

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From: Ashleigh Diaz [mailto:sales@riversports.com] On Behalf Of Ashleigh Diaz | 4Corners Riversports

Sent: Wednesday, November 20, 2013 3:49 PM

To: Metz, Cathy

Subject: Oxbow

Hi Cathy,

I just realized while looking for your email address I may have sent an unfinished email back in October, so sorry about that. I will not be able to attend tonight's meeting, but wanted to express my thoughts about Oxbow.

I am a private boater/tuber/paddle boarder/and environmentalist and I appreciate all of the time and effort the city has put into making sure everyone is happy. I am all for the put in and the river trail to the beautiful area of Oxbow. One of the biggest things that I want to see is more education and knowledge about how to respect the river and surrounding area. I think more signs, recycle/trash, and restrooms for people who may not know what the level of respect is needed will help alleviate some of the issues currently seen on the river.

I also do not think that tubers should be excluded from the area, but that there should be more education on how to respect the river as a tuber and the land owners along the river side. Not allowing tubers will only lead to more issues with some trying to find other illegal spots to put on. Working at 4CRS, where we sell tubes and PFD's, but most tubers do not think they need a PFD. I worry about the safety of tubers due to some sections of the river, such as, from the 9th street put in to 4CRS. They are not required to wear PFD's and it is dangerous. I have had to rescue many tubers who get stuck in the middle of the river and are not sure of what to do. If we have this upper put in, it will be a safe spot for the tubers to go.

I am working on a class here at 4 Corners that would help teach, both kids and adults, the appropriate river etiquette, issues surrounding water conservation, combined with paddling skills and safety for the spring of 2014. Currently we have a map of the river we hand out that shows the private property sections of the river and the appropriate put in's. We are also going to be putting out a monthly newsletter that will also include river etiquette and safety on and off the river. If you need any assistance with putting anything together for signage or anything else please let us know! Again thank you for all your time and effort and I look forward to moving to the next step.

Ashleigh

4Corners Riversports

360 S. Camino Del Rio

Durango, CO 81301

1-800-4CORNER

[www.riversports.com](http://www.riversports.com)

[www.facebook.com/4CornersRiversports](http://www.facebook.com/4CornersRiversports)

[orders@riversports.com](mailto:orders@riversports.com)

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From: Barbara [mailto:barbgarlick@hotmail.com]

Sent: Monday, November 25, 2013 1:52 PM

To: Rec

Subject: Tubing on the Animas

Dear Kathy:

Please do not prohibit inner-tubers from using the Oxbow put-in. Don't let a few "bad apples" spoil this for everyone. The vast majority of people who float down the Animas during the summer months are just enjoying one of Durango's best amenities - the river. Banning all people on inner tubes from this stretch of the river seems like a total over-reaction to address a handful of property owners' concerns. The river should be there for all to enjoy - not for the private use and benefit of the few who are lucky or wealthy enough to own property along the river banks.

Bruce & Barbara Garlick

247-9664

\*\*\*\*\*

From: Karyn Gabaldon [mailto:kgabaldon@rmi.net]

Sent: Tuesday, November 26, 2013 9:25 AM

To: Rec

Subject: oxbow

Hi...Thanks for allowing us to make comments!

I am a 60 yr. old river lover! This summer my older sister and I enjoyed a day at oxbow...tubing and laughing and playing! It was the highlight of our visit together! I hope you don't close it down to tubers!!!!!! There has to be another way!

One of the things that may deter the problem tubers is to not allow dogs. That would eliminate a hefty chunk of revelers.

Or...charge a little to get into the area, using the funds to pay someone to oversee it. I would gladly pay a couple bucks to use the park.

Hope there is a good solution.

Thanks! What a beautiful area to not allow people into!

Karyn Gabaldon

Karyn Gabaldon

Karyn Gabaldon Fine Arts

kgabaldon@rmi.net

970-247-9018 Gallery

970-946-8292 Cell

970-247-0648 Home

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From: Elyse [mailto:[eklingener@hotmail.com](mailto:eklingener@hotmail.com)]

Sent: Wednesday, November 27, 2013 9:27 AM

To: Rec

Subject: Oxbow access for tubers

I strongly support access for tubers at the new Oxbow Park. I am a senior citizen who loves to tube that stretch of river and often go with several other women of middle age. I love the calm deeper waters there and it is preferable to colliding with rocks and rapids at different water levels. We follow all the laws and respect private property! The river should not be off limits to people who respect bordering landowners valid issues. In my opinion from my time on the river, most tubers and other river users are just enjoying a unique resource and should not be refused access to this section of the river because of the few who do litter, trespass or imbibe. Those who cause trouble should be reported and fined. Please permit access for tubers at Oxbow!  
Sincerely, Elyse Klingener [eklingener@hotmail.com](mailto:eklingener@hotmail.com)

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From: Tony Miely [mailto:[buyer@riversports.com](mailto:buyer@riversports.com)]

Sent: Wednesday, November 27, 2013 4:33 PM

To: Rec; Metz, Cathy

Cc: Rinderle, Christina

Subject: Move Forward with Oxbow

I would like to put forward my full support of developing a legal public access at Oxbow. Utilizing 5-7 acres of the 44 acre parcel for parking, loading and unloading, a boat ramp, picnic tables and restrooms seems like a great use of the space. I like the idea of keeping the remaining property in a more natural state with some soft trails. I paddle this section of river frequently and it is a beautiful stretch of water. Yes, in the heat of the summer, generally the month of July, it can be busy on the river, but I have never seen the wanton disregard for public property that

some claim happens all the time. I'm sure there are some examples of poor behavior but in general the fishermen, paddlers and tubers I encounter north of 32nd. st. are peacefully floating or paddling their way along the river. Having paddled this stretch of river many times I do not believe that a PFD should be required, it is a flat, calm stretch of water that poses little hazard.

I do not run a commercial rafting business but I can tell you from experience that the commercial rafting companies are the best stewards of the river we have in Durango. Raft companies are highly regulated by the state, there is no trespassing, there is no alcohol and there are no drugs on any commercial trips in Durango. I think commercial use of Oxbow should be allowed and regulated by the City. The commercial rafting companies will help keep the put-in at Oxbow clean because customers don't like to see a trashed river. Guides will help educate and regulate unruly behavior by private users, again, their clients want a rewarding river experience and renegade behavior by private users of the park would detract from that.

The Animas River is the soul of Durango. We are a river community. I ask that the City of Durango look at utilizing the Oxbow Preserve for the betterment of the community. I believe that everyone in the community should have access to this great resource. It is painful to see a few private landowners trying to restrict access to this public waterway because they want to keep it to themselves.

Tony Miely

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From: Dennis Pierce [mailto:x4x4@frontier.net]

Sent: Monday, December 02, 2013 11:34 AM

To: Metz, Cathy

Cc: Missy Votel; meg@durangoherald.com Graham; Shan Wells; Bill Roberts; johnp@durangoherald.com

Subject: Promote Responsible River Recreation

December 2, 2013

Durango Parks & Recreation

Cathy Metz

Dear Cathy,

As a county resident with Animas River frontage, I'm disappointed that the local media has chosen to turn the subject of tubers at the Oxbow Park as a class warfare issue instead of using the power of the press to address the problem.

To that end, I'm proposing that the media, 9R school district and the City of Durango work together, along with middle and high school students, in an effort to promote responsible river recreation.

Promoting a responsible river recreation usage through posters created by the students is the first step. To that end, I will provide \$600 for gift cards from local merchants as prizes for the winning posters created by middle and high school students. The posters' themes have to promote responsible river use that includes respecting private land and the use of a personal flotation device (PFD).

The use of a PFD by tubers under 18 is a common sense rule. Parents don't think twice about sending their children out to ski, board or bike with a helmet, so why not extend that to tubers with a PFD. There's no doubt in my mind that one or more of the local service clubs will step up to the plate to provide low or no cost PFD's.

The media needs to promote responsible river recreation by creating rack cards for distribution throughout the area as well as promoting the poster contest. In as much as I've survived 70+ years without a Facebook account, I still recognize the need to use social media to promote responsible river recreation.

Hopefully, the city, media and schools can take these ideas and create a positive campaign to promote responsible river recreation by tubers.

Dennis Pierce

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From: Kent Ford [mailto:wkentford@gmail.com]

Sent: Thursday, December 05, 2013 10:02 AM

To: Gantt, Joanne; Metz, Cathy

Cc: LaFrance, Tim & Sandra

Subject: Oxbow Management Plan comment

December 5, 2013

City of Durango

Oxbow Management Plan

I would like to suggest that we re-visit the idea of enforcement on the river in the zone above 33rd Street. A couple of targeted peak time periods of writing citations on the river, with periodic follow up, could do wonders to change behaviors.

I would help arrange some equipment (Sit on top kayaks?) for loan. I personally would be happy to provide several evenings of skills training. Perhaps this could be adjunct to the Ambassador program which we have already offered supporting with gear, discounts, and training.

I recognize that the ban on tubing at Oxbow originate from a request from a meeting of North Animas Valley landowners, but it is understandably unpalatable to many others in the community. So on the river enforcement might be an option towards a solution, in addition to the many other excellent plans.

Thanks for the opportunity to comment.

Kent Ford

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From: Anne Markward [mailto:amarkward@gmail.com]

Sent: Thursday, December 05, 2013 9:06 AM

To: bobby lieb; damian peduto; gwen lachelt; joe kerby; julie westendorff; Zimsky, Bill; Metz, Cathy; Duane Smith Chair; Viehmann, Frank; Carver, Karen; Neet, Kerrie; Schertz, Peter; Speegle, Richard; Burke, Sandy; Imig, Connie; conniejmatthews; Zink, Ed; Hall, Kevin; Fluty, Kim; Smith, Mark; Wilbert, Paul; steve mcclung; Whiteman, Steve

Subject: Fwd: Oxbow Studies

While I wanted the City Councilors to get this first, I do also want to include all of you on my thoughts, below.

One correction, however: I believe I misspoke or over-spoke about the enthusiasm the County Atty has voiced for cross deputization. As I now understand it, she would be willing to consider IF so requested by others.

Thanks!

Anne

Anne Markward

970 779 8796

----- Forwarded message -----

From: Anne Markward <amarkward@gmail.com>

Date: Tue, Dec 3, 2013 at 5:46 PM

Subject: Oxbow Studies

To: "White, Dick" <dickwhite@ci.durango.co.us>, Sweetie Marbury <sweetiemarbury@ci.durango.co.us>, Christina Rinderle

<ChristinaRinderle@ci.durango.co.us>, deanbrookie <DeanBrookie@durangogov.org>, keithbrandt@durangogov.org

Greetings, Councilors -

And happy holidays to you all!

I am torn between sending you an email, which you can read at your leisure and in which I can be relatively well-spoken and thoughtful, and requesting yet more of your personal time to hear my concerns about Oxbow. Please do not think that as I have not reached out to you recently to meet in person that I am not interested in doing so; rather, I value your time as underpaid public servants.

To me, the whole Oxbow Draft Management process is flawed. We have now spent nine months on three (soon to be four) 8-page drafts. As Ed Zink implied at the most recent Advisory Board meeting, he's sure he's heard or read all possible citizen concerns at this point, and he wishes we'd just back off and make it easier for them to proceed.

Several of you, Councilors, have advanced degrees. Ms. Rinderle specifically has a degree in environmental science.

It strikes me that a Management Plan for a really valuable property that, in turn, affects lots of other properties and lives, not to mention non-human communities, is worthy of at least "Masters Level" scientific study and consideration. And yet, nine months on, we have no independent, serious, professional studies done by qualified biologists, riparian specialists, or carrying capacity experts. In academic-speak, the City has never done a Literature Review to see what the experts would say about Oxbow, and what other communities (Austin TX, Steamboat Springs, Gunnison) have already done when faced with the same questions and concerns.

Honorable, well-regarded experts like David Wegner (whose "day job", by the by, is Senior Staff for the US Congress' Subcommittee on Water Resources and Environment), have asked for these studies. I asked for them, in my OpEd back in June. Others have as well, at the numerous public meetings and in online comments.

There are simply no scientific data that inform the Draft Management Plan conversation, and so that conversation becomes nothing but hot air - air heated by frustrations on both sides of the river debate.

I suspect that in part it's a financial issue: there's both grant money and tax money to buy land, but not to do this sort of study. But that's not encouraging to those of us who vote for the taxes to support open space: we want proper stewardship once the properties have been acquired, not just additional acreage open to humans at the expense of the non-human communities.

But I also believe that the staff at Parks and Rec is in over their heads. They are excellent at managing the City's fields and sport teams and the Rec Center. But they do not appear to be water management specialists, not from these 8-page drafts they've produced that raise more concerns than are settled.

Properly done, completely unbiased scientific studies would allow us, perhaps, to reach consensus. "Unbiased" would indicate professionals from outside both La Plata County and the NPS, which has shown interest in developing its own Blueways system.

Questions to be addressed:

- What are the original Conservation values that the La Plata Open Space Conservancy, and GOCO, and even the initial 2010 POST Plan, assumed would be honored by this acquisition?
- What are the impacts to wildlife by human use and development of the area? What are appropriate seasons of closure - till the elk are gone in March? Till the herons' chicks are fledged in late June?
- What are the related impacts of increased human traffic on up- and down-stream conservation easement areas?
  - o How do these impact LPOSC's ability to encourage other landowners' to give land into their stewardship program?
- What is a manageable, sustainable carrying capacity?
- What are all river-access options -
  - o Is it possible for people to access the river without vehicles crossing the train tracks?
  - o Could we use balloon-tire boat dollies to do so?
- What are the rules and fees other communities have assessed to deal with basic enforcement requirements? What are the ordinances?

Additionally, how can we get our State legislators, Mike McLachlan and Ellen Roberts, to craft legislation to allow for cross-deputization for enforcement activities from the river on riverbank properties? The County Attorney has implied she's willing and able to support this, if the City Council agrees.

Please, do the Lit Review. Let the experts study this and weigh in. Otherwise, this hot air battle will go on for years into the future, and very possibly affect future grants and tax levies for the beautiful open spaces that Durango and La Plata want to preserve.

If you do wish to meet with me about this, I welcome that opportunity.

Thank you.

Anne

Anne Markward

970 779 8796

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December 5, 2013

Hi Joanne,

Hoping all is well with you.

I am having trouble logging on to the draft for Oxbow. I would just like to say that we support the position of Jerry Brown, who recently wrote a letter to the editor. It is a sticky situation with neighbors but in truth, we feel the tubers have the same rights as anyone else on the Animas. I think the patrolling has helped very much at 33rd and would hope the same would occur at Oxbow. Just an FYI and perhaps this could be passed on to Cathy.

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From: Dee Dee deHaro-Brown [mailto:ddeharo@bresnan.net]

Sent: Thursday, December 05, 2013 1:11 PM

To: Rec

Subject: tubers

To Whom It May Concern: I'm writing this email to express my concerns about a recent article I read in the Durango Herald. In this article they indicated that inner-tubers may be banned from using the river from the new Oxbow put-in. I feel that this ban would be highly discriminatory against many families and individuals who cannot afford a kayak, an expensive paddle board, or a trip down the river with a commercial rafting company. I think the lower economic classes in Durango have as much right to use the river starting at the new Oxbow put-in as the upper economic classes. As you know the stretch of river from "the beach" to the 33rd St. put-in is very slow moving. It may be ideal for young families to leisurely tube down the river. The "rowdier" tubers (and they are a very small minority) would probably find this piece of the river boring. I live on the river and enjoy the tubers and their enjoyment of the river. Many tubers walk past our house on their way to the 33rd St. put-in and rarely do I see them carrying beer. We complain that young people spend too much time inside playing video games or online. We complain that there's too much obesity in children. Let's encourage them to be outside, and with a \$10 inner tube they can enjoy the river starting at Oxbow all summer long!

Thanks,

Deedee deHaro-Brown

3065 E. 2nd Ave

Durango, CO 81301

970-403-3527

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From: Bruce Buehling [mailto:beb2@live.com]

Sent: Sunday, December 08, 2013 9:01 AM

To: Metz, Cathy

Subject: OXBOW

As a property owner, past president and past board member of a HOA along Animas View Drive, I am seeing a lot of planning and time going into this Oxbow project. Some good and some not. I think before this thing really gets going, the one factor not being considered is Animas View Drive itself. This road is in itself substandard at best in its current condition. It is a high volume, narrow road that will NOT support the traffic that this project will create! I can't imagine a city trolley heading south, meeting a school bus size vehicle heading north pulling a trailer filled with rafts and thirty or more visitors going rafting and there NOT being some sort of accident! Before anything gets decided this road needs significant improvement!

Anything other than a low impact, minimal development would be inappropriate.

Bruce Buehling

Animas View Drive resident

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From: Matt Gerhardt | Rivers Media LLC [mailto:matt@rivers-media.com]

Sent: Tuesday, December 17, 2013 4:15 PM

To: Metz, Cathy; Rinderle, Christina; Corra, Andy - 2; Ford, Kent - 2

Subject: Oxbow

Hi Cathy & anyone else who cares,

I wanted to write to thank you and everyone else in the City Gov. that has been involved in the planning meetings and public input for Oxbow Park & Preserve. It has been great being able to have a say in the process of what will hopefully be a wonderful addition to Durango's already wonderful parks and open space.

I'd also like to take this opportunity to voice my support for public and limited commercial river access at Oxbow. Durango is very unique in the amount and ease of access that we have to such an amazing river, right here in our own backyard. I truly hope that Oxbow will be an extension of that access. It is key to providing access to something that we don't really currently have access to; flatwater paddling on the Animas.

As has been talked about over and over, education is a huge component of this whole process. What better of a place for inexperienced people to come and learn and experience the river first hand on their own in a non-threatening environment? It also makes it possible for on-river kids school programs to learn and study about the river, which isn't a possibly downstream due to the liability of whitewater rafting. This is the way that we get people to learn about, appreciate and

respect the river for what a true gift it really is, not by excluding them just because they're in a commercial raft or a tube.

I've lived in Durango my entire life and have been paddling on the Animas for over a decade. I've seen paddle sports grow significantly in the past few years, especially flatwater paddling such as Stand Up Paddle Boarding, kayak touring / fishing and even canoeing. And obviously we've all witness the explosion in tubing and float trips as well, which is certainly a huge contentious factor in regards to the North Valley and Oxbow. Many view this as a bad thing, but the question is why?

Obviously things like trespassing, drunken and lewd behavior are problematic issues, but they are easily solvable with proper education and enforcement (both of which are attainable). Impacts on wildlife are also a concern, but again are solvable with closures during critical times of years and a thoughtful low-impact design of the park. Many of these solvable issues are the platform that many are using to further a negative stance against Oxbow. While their "concerns" are valid, I truly believe that they are simply being used as a smoke screen for a real agenda. To me, its fairly obvious that these issues are simply an agenda being pushed to valley residents by a few wealthy river-front home owners close to 33rd street that simply don't want to "lose their own private paradise" as they see it.

As we all know, the river IS public property and should be able to be enjoyed by EVERYONE in a respectful and conscientious manner. Those that aren't respectful should be reprimanded, but not at the sake of the MANY others that are respectful.

I urge you to please see the rhetoric for what it truly is, an attempt at good ole' NIMBYism by a few privileged individuals who really care very little for the issues being touted. If they REALLY were concerned with wildlife and riparian habitat, then perhaps they wouldn't have clear-cut the majority of the riparian habitat on their own properties in favor of a river view from their back porches.

I'd like to encourage the City to keep on trekking on the original plan for Oxbow, with proper river access including AMPLE parking, facilities like bathrooms, changing rooms, picnic tables, shelters, and a boat ramp large enough to accommodate rafts and dorys. Without, we're just creating another non-functioning put-in that will have the same congestion issues that plague the current put-ins at 33rd and 29th.

Also, limiting access or plainly denying access to a certain type of non-motorized craft is simply punishing many for the bad deeds of a very few. This does nothing but create unnecessary tension. Lets allow the river to be enjoyed and cherished, in a respectful manner, by everyone that wants to, because after all, it is ALL of our river.

Matt Gerhardt

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From: Andy Braner [mailto:andy@campkivu.com]

Sent: Tuesday, December 17, 2013 2:07 PM

To: Metz, Cathy; Gantt, Joanne

Subject: Agreed Oxbow Enforcement Approaches

As a long time River User (15 Years) I am in full support of the following enforcement proposals in order to open Oxbow. Many times we feel as though we are being singled out as the rowdy crowd, and I can assure you, if we get ANY complaints from the public concerning behavior in and around the river, our clients will be banned from rafting for the time they stay at KIVU.

Therefore, I agree with the following proposals for enforcement on the river.

1. On- river enforcement during peak times of use ,with initial heavy enforcement to set the tone, followed by periodic enforcement as needed, including random enforcement in off peak times. (This contemplates an on-river alcohol ban within City limits initially, and hopefully later by the County as well).
2. Periodic peak time cooler inspections for everyone entering Oxbow accomplished by fencing , a gate, and controlled access immediately on the west side of the railroad tracks. Again, this need not be staffed every day, and could be set up during peak times of the day and peak days of the week and warm days / weeks of the season when problem behavior may be expected, with strong initial enforcement. Random enforcement at off peak times is also recommended.

Thank you for your attention to this matter as we all want to make sure the river is a family friendly place to enjoy the beauty of Durango.

On the Journey

Andy Braner

President/ Kivu

970-884-1100

<http://www.andybraner.com>

<http://www.campkivu.com>

<https://plus.google.com/+AndyBranerKIVU/about>

<http://www.kivugapyear.com>

T: @braner

F: <http://www.facebook.com/andybraner>

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From: Surf San Juans [mailto:[surfthesanjuans@gmail.com](mailto:surfthesanjuans@gmail.com)]

Sent: Tuesday, December 17, 2013 12:14 PM

To: Metz, Cathy; Gantt, Joanne

Cc: LaFrance, Tim & Sandra

Subject: Agreed Oxbow Enforcement Approaches

The following individuals and organizations of diverse interests agree that the following enforcement approaches need to be adopted and implemented by the City of Durango as an integral part of opening Oxbow :

1. On- river enforcement during peak times of use ,with initial heavy enforcement to set the tone, followed by periodic enforcement as needed, including random enforcement in off peak times. (This contemplates an on-river alcohol ban within City limits initially, and hopefully later by the County as well).

2. Periodic peak time cooler inspections for everyone entering Oxbow accomplished by fencing , a gate, and controlled access immediately on the west side of the railroad tracks. Again, this need not be staffed every day, and could be set up during peak times of the day and peak days of the week and warm days / weeks of the season when problem behavior may be expected, with strong initial enforcement. Random enforcement at off peak times is also recommended.

SSJ LLC

Anna & Drew Fischer

970-295-7873

[surfthesanjuans@gmail.com](mailto:surfthesanjuans@gmail.com)

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From: Susan Ulery [mailto:susan.ulery@gmail.com]

Sent: Tuesday, December 17, 2013 8:19 PM

To: Gantt, Joanne; Metz, Cathy

Cc: Whaley, Linda; Williamson, Darwin; Angel, Luke; Jim DiSanto; Wolf, Tim; LaFrance, Tim & Sandra; Tim and Sherry Holt; Whitaker, Cecilia; Mike and Sandy Bruce; Simmons, Dennis; Simmons, Maria & Dennis; Keen, George; Irby, Jack; Pegram, Trish; Reeves, Adam; Klingman, Terry; gwen.lachelt@co.laplata.co.us; Brookie, Dean; Rinderle, Christina; Marbury, Sweetie; White, Dick; julie.westendorff@co.laplata.co.us; bobby.lieb@co.laplata.co.us; winston puig

Subject: Fwd:

It is a false comfort to hear that Mayor White encourages continued public comments regarding

the City's Oxbow process. Many residents and river property owners have provided pretty consistent input, at numerous meetings, and via the City website. Our comments began to flow at a measurable level this March of 2013, which is when we heard that the City staff proposed to develop a major commercial access and put in at Oxbow. Up until that point, most of us understood that Oxbow was designated as a conservation easement. We didn't get the call out

about the commercial boating access and development before it was written into the City's purchase of the property as a "reserved" use.

Nine months later, if only our comments had been taken into account, and had we been able to influence the "plan" for Oxbow, things at this juncture would be quite different.

Sadly, at this point in time, we're feeling discouraged, disheartened and dissed. That may be part of the unspoken plan for how to deal with residents, taxpayers and environmentalists and those pesky ranchers in the county, all of whom agree that the City is not taking a reasonable or professional approach to the Oxbow property and all the issues it presents. This is your Pandora's Box. We will stay the course.

As it stands, our comments, requests and recommendations have been ignored. We receive placating messages encouraging us to continue attending meetings, give comments and input, and above all, to trust that our City will take our input into account. Based upon what has transpired to date, the City does not deserve to call or consider this business a public process. It has not earned our trust. We have been wasting our time, writing heartfelt and practical letters, while participating in a charade.

The "management plan" posted right now on the City's website looks very much like the one it began with 9 months ago. Nothing's shifted. It's full on, unlimited user access and commercial boat ramp development, as Staff said at the first Advisory Board meeting, they want to turn riparian rich Oxbow into Dalla Betta.

The latest "management plan" revision posted by Parks and Rec for Oxbow, shows that City staff continues to ignore everything that we have asked for and represented as meaningful to the people who live on AV Drive and along the river, and most importantly, meaningful for the birds and wildlife inhabiting the riparian land at Oxbow in what was supposed to be a conservation easement.

For example, the "plan" at last month's meeting gave a nod to what sounds like a requirement that "paddles" would be required for any craft launching at Oxbow.

No float only craft would be allowed, which meant that tubers would not be using the section from Oxbow to 33rd.

Suddenly the "plan" changed again, and apparently it's back to being unlimited access at Oxbow, from 5 a.m. to midnight, no paddles required. Tubers have not been given a more appropriate put in (like the Fairgrounds) to enjoy. If the latest "plan" revision stands, tubes, rafts, SUPs, kayaks, canoes and pool toys will be launching – and on craft floating without propulsion, a significant number of people will be partying and drinking after they put on at Oxbow, along the flat water section of the river until they take out at 33rd. Ms. Metz insists that there is no money for enforcement of anything anyway, so it is just wishful thinking to ask for regulations, enforcement and differentiated user sections of the river to allow accommodation for those of us who would like a quiet wildlife watching paddling experience on the flat water

The current plan makes it clear that Staff ignored both the residents' requests for impact mitigation, and also stiffed the recommendations made by the Advisory Boards:

- Dogs. The Advisory Boards were quite clear that NO dogs were to be allowed at Oxbow or on the river. Dogs were only to be on the ARV and on leash. I recall being pleasantly surprised that this was such a slam dunk. Now, somehow, the "plan" has put dogs back in the park, on the river; and never mind any concept of a "preserve". Dogs will be at large. I was just bitten by one last month while walking in the "preserve". Luckily it only got my jacket and not my flesh.

- The baseline study. It's not happening, though Council member Brookie was very clear and the Advisory Boards appeared to agree, that a baseline study was necessary. They recommended that the Preserve - and possibly the Park too, be closed ASAP to ascertain what wildlife and migratory bird populations exist at Oxbow. Meanwhile, Oxbow is turning into Dog Park North, which is not a conservation easement, and the "plan" does not include a baseline study or closure. Well, no worries, a baseline study is becoming meaningless, given the impacts and increased use of the entire property. (No, impacts did not occur at a significant level prior to the City's purchase of Oxbow - and lest some people still be confused about it, Oxbow is not the same property as what is known as "The Beach". (Though Oxbow seems now to have replaced "The Beach" as a summer party zone.)

- Hours of Operation. The Advisory Committees' recommended that the open hours be limited to lessen impacts on residents here on Animas View Drive, and on the river landowners. The newly released "plan" calls for 5 a.m. opening and a closing at 10 p.m.

Or maybe it's back to being 5 a.m. to midnight. It keeps changing.

We residents asked for something reasonable, like 7 or 8 a.m. opening and closing no later than 7 p.m. The Advisory Boards agreed. What happened to our input and that recommendation? What is reasonable about a 5 a.m. opening, or boating until 10 or 12 p.m. in a residential and agricultural zone? I don't see one defensible point in support of this, yet it's in print.

- Commercial access coupled with road development. Public comments not attributable to commercial boating interests have overwhelmingly been in favor of not opening Oxbow to commercial boating access, and been just as clear that it's preferable not to allow vehicular traffic across the RR tracks. Yet, commercial access, a road, a turnaround and a put-in remain a bedrock part of the "plan" and City staff refers to this level of development as a given.

Also included: picnic areas, restrooms, swim beach? How will this level of activity be compatible with a conservation easement that is a stone's throw (or dog toy lob) away?

We are left asking, "Given by whom, given for what, and...just given?"

- This "reserved for development" section of the Oxbow purchase was tacked onto the purchase and conservation easement at the last minute, without specific public notice. Staff explains that away as having occurred in the rush of coming to an agreement to purchase Oxbow, and it seemed a good idea at the time to preserve some development options, but the reserved development was not intended to be a foregone conclusion. It represented a maximum possible level of development. Yet, the maximum is what we keep seeing in the "plan" and all things discussed in association with Oxbow. To what end does the City spend money for this level of

development in a riparian wetland and conservation easement? How is this justified - ethically, environmentally, and economically? Where is LPOSC and GOCO?

◦Even the commercial boaters (at least at some meetings some of the time) say they don't want Oxbow access to launch rafts, they want to put in kayaks and paddle boards. These types of craft can be carried from Sherman to the river. There is no demonstrated need to build a road to drive across the RR tracks to the river through floodplain and flood-way. It's a short distance, and it's easy to hand carry or roll a kayak or paddle board from the Sherman parcel down to the river. It will be especially easy if the City makes a nice path for the purpose of hand carrying or rolling one's craft to the water. We don't, apparently, have any money for enforcement, but we have no problem building roads and ramps and installing shade structures and picnic tables that will be in the flood zone? I cannot find any way to characterize this scheme as other than an unrealistic, unreasonable and downright damaging development scheme.

•Enforcement. How is it that the City purchases property and embarks (sic) upon an ambitious and high impact program of unprecedented development

#### IN A CONSERVATION EASEMENT

, opening the flat water section of the river to commercial and unlimited public use, without having any provision for enforcement of reasonable use and behavior. This is particularly irresponsible and downright outrageous in light of years of past experience and the increasing growth in volume for Animas river use. How does this failure to address enforcement issues that are concomitant with increased use and development serve the residents who pay property taxes to the City and County?

•Where is the supervision and oversight by elected officials who ultimately get the buck served up by City staff? The behavior, "plans" and outcomes of public and advisory boards processes to date support the perception that City staff is presently enabled to do whatever it wants to.

And last, but certainly not least, who's going to foot the bill when all this development causes the already rather busy and narrow Animas View Drive to become a cluster #@!&^!! ? Hal of Durango cycles on this road, rather than tough it out on 550 for this stretch. Some of us actually prefer that AV Drive remain the extension of CR 203 that it used to be before the City annexed here. We like that country road feel, and the illusion that we're living in a more rural environment. We certainly hope it's not going to mean that all landowners along AV drive get to pay for road improvements and sidewalks via an assessment for an improvement district. This is not the kind of improvement that most of us want. We really want the ART so we can walk or cycle safely into town along the river, walk our dogs on leashes on the ART, and get a chance to see some wildlife and birds en route in the conservation easement. We'd really like to be able to slide a kayak or SUP into the water at the southernmost tip of Oxbow and paddle silently along, enjoying all the adjoining downstream property owners' conservation easements with attendant wildlife and not be in a crowd of mixed use river enthusiasts. There's no place for the quiet paddling segment of the river community, but Oxbow could offer us, and the birds, a refuge. We might get to see some herons again. They disappeared from Oxbow this summer due to all the parties on the City-owned section of the river.

I urge the City council and La Plata County to step up and provide leadership so that access to and use of the Animas River corridor is handled with respect all around, and with reason, not blind supposition.

It is not acceptable to hear that either governing entity (or its attorney) thinks it lacks the power to limit behavior on its properties or the river. Please consult with other municipalities and counties that have successfully implemented action plans to protect their property owners and residents, while allowing for reasonable and non-invasive access - and enjoyment of the river. Those other municipalities and counties did not receive "we can't do anything" advice from their staff or attorneys. The Animas deserves to be managed as an asset to the community. The Animas should not be used as a throw away resource and turned into a blight. Enacting regulations and funding enforcement means work. That is the job, right?

To date, the process and the results are indefensible. If it weren't so sad, the situation would be laughable. Please, Council and Commission, intercede and govern. I really don't want to be at Oxbow, along with my 80 year old neighbor and others, prone in front of a bulldozer.

Most sincerely,

Susan Ulery

Ph: 970-589-2707

[www.assureconsulting.us](http://www.assureconsulting.us)

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From: Andy Corra [mailto:andy@riversports.com]

Sent: Tuesday, December 17, 2013 6:21 PM

To: Metz, Cathy; Gantt, Joanne

Cc: LaFrance, Tim & Sandra

Subject: Re: Oxbow Enforcement Approaches

Hi Cathy,

I'm on board with these enforcement recommendations.

Andy Corra

4Corners Riversports

800.426.7637

On Dec 16, 2013, at 11:04 PM, Tim and Sandra LaFrance wrote:

to : Cathy Metz Parks & Rec Director <metzcl@ci.durango.co.us>

to: GanttJL@ci.durango.co.us

Subject: Agreed Oxbow Enforcement Approaches

The following individuals and organizations of diverse interests agree that the following enforcement approaches need to be adopted and implemented by the City of Durango as an integral part of opening Oxbow :

1. On- river enforcement during peak times of use ,with initial heavy enforcement to set the tone, followed by periodic enforcement as needed, including random enforcement in off peak times. (This contemplates an on-river alcohol ban within City limits initially, and hopefully later by the County as well).
2. Periodic peak time cooler inspections for everyone entering Oxbow accomplished by fencing , a gate, and controlled access immediately on the west side of the railroad tracks. Again, this need not be staffed every day, and could be set up during peak times of the day and peak days of the week and warm days / weeks of the season when problem behavior may be expected, with strong initial enforcement. Random enforcement at off peak times is also recommended.

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From: Kent Ford [mailto:wkentford@gmail.com]

Sent: Wednesday, December 18, 2013 9:12 AM

To: Gantt, Joanne; Metz, Cathy

Subject: oxbow comment part two

I support the following enforcement approaches :

1. On- river enforcement during peak times of use ,with initial heavy enforcement to set the tone, followed by periodic enforcement as needed, including random enforcement in off peak times. (This contemplates an on-river alcohol ban within City limits initially, and hopefully later by the County as well).
2. Periodic peak time cooler inspections for everyone entering Oxbow accomplished by fencing , a gate, and controlled access immediately on the west side of the railroad tracks. Again, this need not be staffed every day, and could be set up during peak times of the day and peak days of the week and warm days / weeks of the season when problem behavior may be expected, with strong initial enforcement. Random enforcement at off peak times is also recommended.

Kent Ford

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Kent Ford

[http://www.performancevideo.com/The\\_Call\\_of\\_the\\_River](http://www.performancevideo.com/The_Call_of_the_River) Historical Documentary on Paddlesport and Canoe, Kayak, Mountain Bike Instruction.

970-259-1361 home office and cell

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From: Jack Irby [mailto:jackirby01@gmail.com]

Sent: Wednesday, December 18, 2013 12:45 PM

To: White, Dick

Cc: LaFrance, Tim & Sandra; Marbury, Sweetie; Rinderle, Christina; Brookie, Dean; Brant, Keith; LeBlanc, Ron; bobby lieb; damian peduto; gwen lachelt; joe kerby; julie westendorff; Zimsky, Bill; Metz, Cathy; Duane Smith Chair; Viehmann, Frank; Carver, Karen; Neet, Kerrie; Schertz, Peter; Speegle, Richard; Burke, Sandy; Imig, Connie; conniejmatthews; Zink, Ed; Hall, Kevin; Fluty, Kim; Smith, Mark; Wilbert, Paul; steve mcclung; Whiteman, Steve; Gantt, Joanne

Subject: Re: Comments on revised Oxbow Management Plan

Mayor White,

The City created countless problems when it purchased the Oxbow Property and opened it up to unlimited and totally uncontrolled launching and uncontrolled floating on the Animas River. Revision 5 of the Management Plan does not solve any of the problems.

A professional Wildlife Study needs to be preformed of the corridor from Oxbow to 33rd Street. Oxbow has introduced thousands of boaters into this sensitive riparian habitat disrupting habitat and wildlife. Carrying capacity numbers need to be developed to prevent disruption in this corridor. These numbers need to be sensitive to time of year and time of day and part of any meaningful plan.

Signs and suggestions have little effect on many of the river users. Our property was signed last summer. During peak times there was prevalent trespassing, alcohol and drug use, loud noise, public nudity, urination and defecation, and littering, as well as pets chasing wildlife. At a minimum we need on- river enforcement during peak times of use with initial heavy enforcement to set the tone, followed by periodic enforcement as needed, including random enforcement in off peak times. (This assumes an on-river alcohol ban within City limits initially, and hopefully later by the County as well). Periodic peak time cooler inspections should occur for everyone entering Oxbow accomplished by fencing , a gate, and controlled access immediately on the west side of the railroad tracks. Again, this need not be staffed every day, and could be set up during peak times of the day and peak days of the week and warm days / weeks of the season when problem behavior may be expected, with strong initial enforcement. Random enforcement at off peak times is also recommended.

The City needs to adopt ordinances that allow Law Enforcement to enforce conduct in Oxbow and in the river. No tubes( they are not designed to be paddled), no pets( they run along the river,

trespass, and chase wildlife), no alcohol or drugs in the park or city portion of the river, PFD's required, quiet use of the river required.

The City took on a huge responsibility when it purchased Oxbow and turned the public loose on it. In all the hours of meetings, plan versions and public comment, there has been little change in substance which will effectively manage the park or the river corridor. It has become obvious that there isn't the expertise to develop a meaningful comprehensive plan. Planning officials have been provided with plans from rivers across the country. I suggest that the City contract or employ the expertise to design a management plan for Oxbow and the river corridor or close the property until it can be managed properly.

Jack and Mary Irby

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From: Anne Markward

Sent: Wednesday, February 19, 2014 4:15:59 PM (UTC-07:00) Mountain Time (US & Canada)

To: City Council; amy.schwarzbach@lposc.org; laangeenbrug@goco.org; jtenneson@goco.org

Cc: Gwen Lachelt; julie.westendorff@co.laplata.co.us; bobby.lieb@co.laplata.co.us

Subject: Get Professionals to Design Oxbow

Dear Councilors and Oxbow partners:

I have worked in resource planning and management for The Nature Conservancy, The New Zealand Tourism Research Institute, and Winrock International all over the world.

I am speaking from both experience and from my heart when I implore you to get professionals involved with the planning for Oxbow Park and Preserve and the North Animas Valley river usage. Nine months and four drafts into this process, the draft management plan passed to you by the Advisory Boards is still deeply divisive.

I would like to recommend that the City begin working directly with their Oxbow Open Space partners LPOSC and GOCO staff to develop a sustainable and combined professional management and site development plan for Oxbow Park and Preserve. I feel strongly that neither the management nor site development plan can be created in a vacuum without the other because of the property's location, its impact on adjacent CE and private property holders, neighborhood streets, and its conservation values.

While well intentioned and filled by sincere members of our community, the Advisory Boards' 9-month joint oversight of Oxbow Park and Preserve management planning process failed. In part, this may be because their core missions are so different:

Natural Lands Preservation: to oversee the acquisition, protection, stewardship, and use of the city's open spaces and natural lands . . . .

Parks & Recreation: to oversee the maintenance, expansion, use, and protection of the city's parks and recreational facilities . . . .

As one person on Parks & Rec said at the Dec 18 meeting, "We're more used to soccer parks and herbicides on city parks . . . these decisions are beyond our scope".

Members of the two Boards were split on almost every decision, and the resulting four drafts of the management plan reflected a lack of scientific basis for planning. Public comment was in the form of brief comments that were not recorded into the minutes; there was no opportunity, as the drafts evolved, for collaboration, just for complaints.

Three simple discussions and decisions reflect the public's concerns with the Advisory Board process.

### Hours

In different drafts of the management plan, hours for Park and launch ramp varied from "dawn to dusk" to "6 am to 10 pm, with special launch permits allowed for later launches", to "5 am to midnight" because that is "what other city parks offer and consistency is preferred."

Oxbow is very different than "in town" parks.

- Oxbow was acquired under a Conservation Easement, not a Recreational Application (Easement?) from GOCO. Very different guidelines must therefore be applied.
- Oxbow Park and Preserve is only 43 acres.
  - o 3 ac were originally requested in the GOCO application / initial CE.
  - o 6 ac were then approved in the CE.
  - o 8 ac appear to be under review when measured on a GIS map.
  - o Any / all Park acreage is directly adjacent to CEs meant to protect and preserve riparian habitat: both the Oxbow Preserve and the Stewart/Thormalen property abutt the Park. All private riparian ranchlands under conservation easement both upstream, downstream and across from Oxbow Park and Preserve will be negatively affected by public use of the beach.
  - o The recent mowing of Oxbow uncovered un-recorded wetlands. Their presence will directly affect the extent of infrastructure and hard surfaces that can be placed on the Park (ie, Permit 404).
- Birds and wildlife feed at dawn and dusk, and bed down in dark. Humans partying and launching crafts from the Park after dusk will disrupt these animals and will definitely impact the success of the existing heron rookeries, etc.
- Like the skateboarding park [whose hours are limited], Oxbow as a potential high volume, high impact public and commercial boat launch was imposed on a local neighborhood whose residents instead had expectations that GOCO funded open space would meet the traditional and expected uses described in GOCO policy, including "limited commercial use."

- Oxbow is NOT in town. It may be annexed, but even then patrolling of the park and flat waters of the Animas River Valley after dark will be a costly extension for the already busy Parks and Rec / Durango PD / County Sheriff.
- Extended hours encourage homeless populations to set up camps after dark, and open the potential for fires, litter, and even personal safety that would not otherwise exist.
- Launching watercraft of any size causes much more noise than walking or cycling along the ART. It is typically a group activity that requires levels of organization and banter, and at night would also need lights. ... And that's assuming that this becomes a non-motorized launch site. Cars and trucks backing up to launch crafts are even more intrusive.
- If launches are allowed until midnight because Durango's Parks are open until midnight, then where on public property will people be allowed to legally exit the river 1-2 hours later (ie, between 1-3 am)? The usual put in/take out locations are officially closed downstream at those hours.

#### Dogs

Because of the limited size of Oxbow's Park, and immediate adjacency to the Preserve, and to the obvious water access by crafts, humans and their pets from the water to the river banks, dogs should be on-leash only in the Park and on the ART and not allowed at all at the beach front launch site or in /on the river, where dogs harassing livestock and wildlife occur frequently.

- To those who say that they have always walked / exercised their dogs at Oxbow, off-leash, let us gently remind them that they were trespassing.
- Dogs chase birds. If the conservation values of Oxbow are to be honored, dogs have no place in Oxbow, particularly along the waterfront but also in the willows, cottonwoods, etc.

#### River Uses, River Users

- There are best practice ways beyond mere signage and brochures to encourage appropriate uses of an area agreed by all to be a "nature paddling trail."
- A well-planned and designed park can minimize the need for on property and on river enforcement – the right design of the Park can actually influence the behaviors expected on the river.
- Don't encourage large groups of users to launch at one time. Both the City of Durango 2010 POST Plan and GOCO require open space use to be "passive," and limit group size to small numbers.
- Require safety equipment, including pfd's and actual paddles – this is a long, slow stretch of river at low water. Without paddles, of course people will be trespassing to urinate and stretch their legs.
- Ban drugs and alcohol on the river and enforce Colorado State Laws for boating under the influence.

- Don't encourage late night partying on the river by allowing after dusk launches.
- Minimize the hard surface infrastructure, thereby encouraging launches by smaller, non-motorized crafts.
- Build 10' wide paths or raised boardwalks to convey boat carts owned by the city and locked up for protection between 8 pm and 7 am, thereby minimizing the expense of paving access for vehicles and trailers.

Steamboat Springs's Yampa River Management Plan distinctly breaks different sections of their river into both different users and different carrying allowed capacities. It is well done, and far more comprehensive than Durango's parallel draft management plan. Let's learn from both the content of Steamboat's original document, as well as absorb the lessons Steamboat has learned since that Plan was adopted.

LPOSC has an excellent ED who can help lead a professional team to create a sustainable and combined management and site development plan for Oxbow Park and Preserve. These professionals should, in turn, reach out to a truly diverse group of stakeholders for a collaborative review of Oxbow. Stakeholders to be represented include, in equal shares, riparian experts, biologists, wildlife experts, birders, neighborhood representatives, private property owners, commercial and private boaters and floaters.

Please, start again. There are ways ensure that both public enjoyment and conservation values are respected. Professionals will help you find them.

Regards,

Anne

Anne Markward

970 779 8796

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From: Susan Ulery

Sent: Thursday, February 20, 2014 11:45:06 AM (UTC-07:00) Mountain Time (US & Canada)

To: Rinderle, Christina; Brookie, Dean; White, Dick; Brant, Keith; LeBlanc, Ron; Marbury, Sweetie

Cc: bobby lieb; damian peduto; gwen lachelt; joe kerby; julie westendorff; North Animas River Workgroup

Subject: Oxbow Park: To plan - or not to plan - plan for what?

Dear City Council Members and other concerned officials,

I received a copy of Anne Markward's email letter - dated 2-19-2014 - which was also sent to all of you. Please consider her comments as 100% reflecting my own. "What she said!", double that. I live in front of the southern portion of the Oxbow property.

There are two additional concerns that I raised during the Public Hearings before the Advisory Boards. These issues have not been publicly addressed.

#### Traffic

The City's staff-proposed "management plan" will introduce massive Park user traffic to Animas View Drive. We got a taste during summer 2013, and the Park isn't even open yet.

The "management plan" proposed by Staff will create dangerous street conditions.

Adding commercial buses, boat trailers, a RR crossing (delays and back ups), private parties unloading and blowing up craft (I have repeatedly seen car and truckloads of tubers pull half off the street next to a "no parking" sign and blow up their craft in the traffic lanes)...

Residents, pedestrians, cyclists and even the people coming to Oxbow to offload their friends, crafts and tubes will be adversely affected by unlimited traffic.

At the very least, this calls for a Planning Commission process to study traffic impacts and costs.

How anybody can suggest that it's a good idea, let alone an example of responsible government, for the City to replicate the 29th/Third Ave. street scene along AV Drive, I cannot understand. (Conditions are much worse on AV Drive; it's narrow and fronted by residences on both sides.)

As Anne, myself and others have suggested, there is a better way to plan and manage this property: The management plan could encourage and accommodate passive recreational use by birders/naturalists watching birds, kayaks, paddle boards and canoes.

A radical increase in unlimited traffic can be avoided, and the Park can be accessed in ways that are consistent with the Preserve's purposes, rather than being at odds with it.

#### Costs

##### AV Drive "Improvements"

Will the City bring in commercial boating and unlimited private use, and then declare AV Drive totally unsafe, requiring road widening, sidewalks, curbs and bike lanes? Will the property owners of AV Drive pay for this upgrade that is driven by the commercial scale of development?

If so, the City will have brought a high-impact, commercial development into a neighborhood that has, to date, managed to retain a country road feel. The City will add insult to injury if AV Drive property owners are made to pay for the development. We will already pay for unlimited play and commercial use by losing the peaceful enjoyment of our homes, and watching the Oxbow property turned, through lack a clear vision and lack of enforcement into Dog Park and Party Beach North. I suspect that properties nearest Oxbow Park will lose value. In this, and

most other qualities, Oxbow is not like other City parks - Anne's letter summarizes the differences.

#### Less IS More

The ART would help relieve cycling and pedestrian safety issues, provided access to it is safe, without saddling AV Drive property owners with the cost of redesigning AV Drive, if the Park use is limited to passive recreation.

Defining the type and volume of use at Oxbow to meet the definition of passive recreation will cost less in the short and long term. Building, maintenance, enforcement, road reconstruction, flood damage repairs, all of these costs can be limited, instead of expanded into what will predictably become a drain on the general budget.

A professionally planned, passive-use design of the Park portion that does not adversely impact the Preserve will be an asset to the City, because Oxbow as a natural, riparian area offers an experience unlike any other public property within Durango.

Staff would have the City "pave paradise to put up a parking lot", as Joni Mitchell famously sang in the 70's (I find it completely disheartening that Durango would take this approach. In the year 2014.)

1. The "plan" is calculated to destroy approximately 25% of the riparian buffer and wildlife habitat on the Oxbow property.
  - The math: According to La Plata GIS calculations, the Oxbow Park plus ART would consume >8 acres, not the 6 acres that staff described as the maximum reserved for possible development in the Conservation Easement. (This is quite an increase from the 3 acres identified in the original grant.)
  - According to the GIS, Oxbow Preserve is only 24 acres, as the remainder is riverbed or small outlots on the cattle ranch located across the river.
  - Every bit of the portion marked for development of Oxbow Park is prime willow and cottonwood riparian habitat. Birds abound - now. Parks and Wildlife went on record to state that less than 1% of the land in La Plata County offers such quality riparian habitat. The birds will move on, to some other of the remains of the diminishing <1% habitat, if the Park is developed in accordance with Staff's recommendation. That fact, together with the GOCO and LPOSC partnerships, begs consideration of a plan that is environmentally sound. Please consider adoption of a plan similar to the one implemented by Steamboat on the Yampa River.

Thanks for your time, and if I can be of any assistance, I'm more than willing to have a conversation with any of you about this project.

Susan H. Ulery, CEO

Ph: 970-589-2707

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**From:** Ann Bond

**Sent:** Thursday, February 20, 2014 6:34:57 AM (UTC-07:00) Mountain Time (US & Canada)

**To:** [jtenneson@goco.org](mailto:jtenneson@goco.org); Alan Schwartz; Chana Reed; Christian Meyer; david palenchar; gaspar perricone; heather carroll; jacy rock; james pribyl; james smith; james spaanstra; lise aangeenbrug; matt sugar; mike king; Peggy Montano; Philip James; Thomas Burke; Thomas Swanson; timothy daly; bobby lieb; damian peduto; gwen lachelt; joe kerby; julie westendorff; Rinderle, Christina; Brookie, Dean; White, Dick; Brant, Keith; LeBlanc, Ron; Marbury, Sweetie

**Subject:** please proceed professionally with oxbow considerations

Dear City Council members and other partners in this project:

As a citizen I have tried to exercise my right to comment on this project and have found the process to be very unsatisfactory. The advisory boards that have been tasked with considering the proposal were unprepared to understand the issues, appeared to disregard input by La Plata Open Space Conservancy (which holds the easement to the property), displayed repeated confusion over issues, and were often dismissive towards public input. I was dismayed to witness the heads of the advisory boards make publicly demeaning comments towards citizens during several meetings. At no time during any meeting did I observe any member of the public behave in a manner that would have reflected the unprofessionalism displayed by these board leaders.

I appreciate that we were given notice of meetings by email; however, we were given no advance notice of rules that would later arbitrarily at the last moment be put on the content and length of public comments to be allowed. It takes time and effort too prepare thoughtful comments. It was really disheartening to step up to the podium and be summarily dismissed and publicly humiliated after being invited to exercise our rights as citizens to participate in the process.

Once again, may I point out that, at no time have I have witnessed anything but thoughtful, respectful public comments at these meetings.

One must surmise that the dysfunction of the process lies with the fact that public comments should be considered by and recommendations to council made instead from the partners in the project, LaPlata Open Space (easement holder) and GOCO (funding source).

May I please request that you consider taking this process out of the volunteer citizen advisory arena to offer a more appropriate, efficient and professional arena for this community discussion? We are all very interested in coming up with a quality outcome on this project that results in responsible management of this city acquisition. I hope I have the right as a citizen to ask this, but frankly, at this point, I'm not sure. Thank you.

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From: Tim and Sandra LaFrance [[lafrance7@gmail.com](mailto:lafrance7@gmail.com)]

Sent: Wednesday, February 19, 2014 6:34 PM

To: Marbury, Sweetie; Brookie, Dean; White, Dick; Rinderle, Christina; Brant, Keith

Subject: Oxbow

To the Durango City Council,

Please carefully consider the following comments on the OXBOW MANAGEMENT PLAN at your upcoming study session.

#### The Problem(s)

Opening Oxbow has created a major on-ramp to the Animas River that now annually attracts and introduces thousands of river users to this flat and slow section of the Animas. The word has spread and mushroomed to the younger set that this is an area of the river where violations of laws relating to alcohol, drugs, noise and loud music, loose dogs, and trespassing are not enforced, and hence disruptions to and confrontations with private landowners have jumped dramatically over each of the last 3 summer seasons. All of the riverbanks, beaches, and river bottoms between Oxbow and 33rd Street are privately owned. Because the Animas is flat and slow from Oxbow to 33rd Street, and because the design of tubes prevents effective navigation (even with a paddle, a tube will spin in circles for most users), most users of this stretch of river do in fact trespass on the entirely private property to relieve themselves as they have difficulty holding their beverages until the 33rd Street bathrooms. In the past, private tubers have accounted for the lion's share of the increasingly disruptive Bourbon Street style conduct largely fueled by alcohol, such as frequent party barges with loud music, littering, trespassing, yelling at and confrontations with homeowners, and dogs running loose on the shore following the watercraft downriver. Rafting companies rental of tubes for unguided fun (unsupervised floating) and paddle boarders have also contributed to the problem.

#### Solutions

Alcohol /Cooler Inspection checkpoint at Oxbow RR crossing bottleneck during peak times

There is a growing consensus that controlling alcohol on the river will control 80% of the downriver problems. Alcohol can be legally controlled, and coolers inspected, through a controlled access checkpoint where everyone is checked, much like access to a professional baseball or football game. Without a controlled access checkpoint, officers cannot make random searches of coolers. The occasional appearance of a police officer on the land at Oxbow will not result in any cooler inspections, and partiers will not open their coolers until they are on the river. It is irresponsible to allow alcohol laden coolers to be launched from Alcohol Free Oxbow only to be consumed on the river. A partial solution is to utilize the narrow neck of the Oxbow property at the railroad tracks to create a controlled access checkpoint via fencing to to the lower/eastern beach and launch site.

At the publicly owned and controlled water parks of Splash in Golden and Pirates Cove in Englewood, their websites (and presumably signage) state that they have a controlled entry and ALL coolers are inspected and alcohol is banned as a condition of entry. There is no legal impediment to implementing a similar system at the bottleneck to the river access at Oxbow (e.g. cooler inspections at a controlled entry checkpoint during peak periods), as long as the inspections apply to everyone while the checkpoint is manned. Since cool weather and fast water limits river parties, staffing the checkpoint with 1 or 2 rangers from 11 am to 4 or 5 pm on warm summer days for no more than 3 months should cost considerably less than \$20,000. Such rangers could also educate the public regarding river etiquette, trespassing, etc. An Oxbow checkpoint would be similar to every member of the public going through security at the County Courthouse as a condition of entry.

This is only a partial solution because creative partiers will find other access points on the river (displacement of the problem) or will find other ways to smuggle their booze, as once they are on the water, they are "home free to live it up" without consequence.

## On River Enforcement

The best solution is on-river enforcement. Laws and rules without enforcement are simply empty promises (e.g. trespassing, disorderly conduct, no alcohol in parks, and enforcing a desirable paddle only zone between Oxbow and 33rd). Law enforcement officers perform patrol of Durango Mountain Resort on skis, patrol sidewalks and parks on foot and bicycle, and patrol other recreational rivers by boat or kayak.. Given the level of lawless behavior on the Animas, there can be no valid reason why the Animas cannot be patrolled via a heavy duty inflatable raft for 3 months per year on random warm summer days and hours primarily between 11 a.m. and 5 p.m. In the past, commercial rafting companies have offered free equipment and training for such officers. The mere periodic presence of law enforcement on our highways deters speeding, etc, and such periodic presence of officers who can actually issue citations on the river will have a major deterrent effect on lawless behavior on our river as the word will quickly spread (after strong initial enforcement) that you can get busted for illegal river behavior. Again, the limited nature of such proposed on-river enforcement involves limited expense.

Importantly, significant players in the Durango commercial river rafting industry have recently endorsed such on-river enforcement. Mild to Wild Rafting, Mountain Waters Rafting, Surf the San Juans, Camp Kivu, Durango Riversports and Kent Ford have all supported the following enforcement approaches as an integral part of opening Oxbow :

1. On- river enforcement during peak times of use ,with initial heavy enforcement to set the tone, followed by periodic enforcement as needed, including random enforcement in off peak times. (This contemplates an on-river alcohol ban within City limits initially, and hopefully later by the County as well).
2. Periodic peak time cooler inspections for everyone entering Oxbow accomplished by fencing , a gate, and controlled access immediately on the west side of the railroad tracks. Again, this need not be staffed every day, and could be set up during peak times of the day and peak days of the week and warm days / weeks of the season when problem behavior may be expected, with strong initial enforcement. Random enforcement at off peak times is also recommended.

As stated in a recent Mountain Waters email:

"Mountain Waters Rafting strongly support the idea of enforcement as you are correct that the "Bourbon Street Party Style" on the river is not something our guests care to see or experience".

## Steamboat Springs/ Yampa River Plan

The Yampa River plan is very instructive on how different sections of river are appropriate for some uses and not for others (e.g. tubers, commercial use, quiet zones, limited launch times for various users). Similarly, because of the circumstances discussed above, single chamber circular tubes should not be permitted between Oxbow and 33rd Street, where a Paddle Only Zone should be established.

Also, like Steamboat, dogs should be banned in all watercraft on the Animas launching from Oxbow or on watercraft within City limits.(See Appendix B-River Use Guidelines -Yampa Plan). Unfortunately, it is extremely common for dogs below Oxbow to be unsupervised on shore (on private property), chasing wildlife, trespassing, and defecating while following their owners downriver. The river and its banks need not be another dog park.

Link to Yampa plan <http://www.steamboattoday.com/documents/2012/jul/13/yampa-river-management-plan/>

Hours

Hours should be from sunrise to sunset. No launches from Oxbow should be permitted one hour or less before sunset for paddle craft or two hours for tubes, even if paddle equipped (which should be required). Sunrise/sunset times are published daily in the Herald. (Colorado Parks and Wildlife has successfully used water use times and legal shooting times based upon sunrise/sunset for decades). River use in the dark will undoubtedly insure accidents (with possible legal liability) as well as light and noise disturbance to neighbors. (In our neighborhood, the sound of simple conversations on the river travels inordinately far). Merely stepping in and out of a raft in the dark on wet rocks, even if sober, can easily lead to injury, and rescue operations hindered by darkness could lead to death. River use in the dark should be banned.

There are other important Oxbow issues that also deserve your careful attention that I hope others will address, e.g. the process of proceeding without adequate professional studies to determine carrying capacity of the Animas, wildlife concerns, GOCO passive use issues, etc. Our emphasis on enforcement solutions is to engender an enjoyable climate on the river so that everyone may enjoy our precious river resource. The two enforcement solutions discussed above were essentially precluded by staff from being seriously considered by the Joint Advisory Boards which developed the Oxbow Management Plan. Hopefully, the City Council can rectify same and implement these most effective solutions.

Thank you for your thoughtful consideration of the above.

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