

To: City of Durango - Parks and Recreation Advisory Board
- Natural Lands Preservation Advisory Board

From: John Norton
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Durango, Colorado

Date: October 27, 2014

Regarding: Natural Surface Trails Committee Recommendations

Introduction

The Natural Surface Trails Committee Recommendations encompass the entire natural surface trail system in the immediate vicinity of the City of Durango. However, my comments relate specifically to three open space parks: Horse Gulch, Dalla Mountain Park, & Overend Mountain Park. In addition to the City of Durango, the citizens of the State of Colorado, through grants from the Great Outdoors Colorado Trust Fund, have made a significant investment in these three properties. In exchange for the funds provided by Great Outdoors Colorado, the City of Durango has agreed via the grant of Conservation Easements that it will preserve and maintain the natural, wildlife, scenic, open space, and recreational values of these properties; collectively referred to as the conservation values. My primary concern with the "Recommendations" as currently written is that recreation has been highlighted as the primary conservation value without adequate recognition that too much emphasis on this one value has the potential to negatively impact the other conservation values.

Background

My professional career has been as a commercial real estate appraiser. Since moving to Southwest Colorado in 1994, I have developed a specialty in appraising the value of Conservation Easements; completing 71 appraisals to date with a combined total Conservation Easement value of \$47,000,000. The State of Colorado has recognized me as being qualified to render credible opinions as to the value of Conservation Easements. I have performed appraisal reviews for Colorado Parks and Wildlife and Great Outdoors Colorado. The reason I have shared my background is that in order to credibly value a Conservation Easement one has to be able to accurately interpret the provisions of the Conservation Easement. Without accurate interpretation, the intent of the Conservation Easement can be misunderstood.

Conservation Easements

In real estate, a Conservation Easement functions similarly to a restrictive covenant. Essentially, an owner agrees to restrict certain uses of a particular property in order to protect special or unique characteristics of that property. In exchange, the owner is eligible for certain tax benefits and potentially public grant funding. The Conservation Easement is generally granted in perpetuity to a land trust that agrees to enforce the agreement.

Every Conservation Easement sets forth the conservation values that are intended to be protected. In the common situation where multiple conservation values are set forth, unless the easement expressly prioritizes one conservation value over another they are assigned equal importance. In the case of Horse Gulch, Dalla Mountain Park, and Overend Mountain Park, the Conservation Easements that encumber these properties state that the properties possess natural, wildlife, scenic, open space, and recreational values that are collectively referred to as the conservation values. Since they are not specifically prioritized, they must be assigned equal importance. None the conservation values can be managed or favored in a manner that has a negative impact on the other conservation values.

Great Outdoors Colorado Trust Fund

According to the Conservation Easements encumbering Horse Gulch, Dalla Mountain Park, and Overend Mountain Park:

... the Great Outdoors Colorado Trust Fund, by adopting and administering competitive grants application and rigorous due diligence review process, have established that it is the policy of the State of Colorado and its people to preserve, protect, enhance and manage the state's wildlife, park, river, trail, and open space heritage, to protect critical wildlife habitats through the acquisition of lands, leases, or easements, and to acquire and manage unique open space and natural areas of statewide significance.

The previous statement displays the commitment that Great Outdoors Colorado has to preserving multiple conservation values. In fact, it has been publicly stated that grant applications for single use purposes, such as recreation only, are far less competitive and not as likely to be funded.

Beginning in 1994, the Horse Gulch, Dalla Mountain Park, and Overend Mountain Park properties were acquired by the City of Durango via multiple purchases and dedications. The purchases either used funds only from the City of Durango or a combination of City of Durango funds and grants awarded by Great Outdoors Colorado. The following tabulation sets forth the respective financial contributions for the Horse Gulch, Dalla Mountain Park, and Overend Mountain Park purchases from 1994 to date:

City of Durango	\$5,239,000	(52%)
Great Outdoors Colorado	<u>4,893,000</u>	(48%)
Total Purchase Price	\$10,132,000	

As the figures indicate, the citizens of Colorado through Great Outdoors Colorado have made a substantial financial investment in Horse Gulch, Dalla Mountain Park, and Overend Mountain Park.

City of Durango's Open Space Parks

The City of Durango has a number of open space parks. In addition to Horse Gulch, Dalla Mountain Park, and Overend Mountain Park, the City also owns Twin Buttes Open Space and Oxbow Park and Preserve. Since it has a significantly different character, Oxbow Park and Preserve has been excluded from the following discussion; however, Twin Buttes Open Space is included for comparative purposes. In terms of actual City owned land, Twin Buttes Open Space, Horse Gulch, Dalla Mountain Park, and Overend Mountain Park comprise approximately 3.89 square miles with total natural surface trail miles of about 36.9 miles (includes only natural surface trails on City owned land).

In my opinion, the best measurement of the recreational use of an open space park is the amount of trail miles per square mile which is to say its "trail density". The overall "trail density" of Durango's open space parks is 9.5 trail miles per square mile (36.9 divided by 3.89). In order to judge the intensity of the recreational use of Durango's open space parks, I have researched other prominent open space programs/areas for comparison. The results are set forth on the Comparative Open Space Lands Trail Density chart on Page 6. The comparative open space programs/areas range in trail density from 1.4 to 2.9 trail miles per square mile. Based on this comparison, at 9.5 trail miles per square mile, Durango's open space parks provide a rather significant opportunity for recreational activity relative to the other similar open space programs/areas.

The relative sizes, trail miles, and trail densities for each Durango open space park are set forth on the following tabulation and are depicted on the Comparative Open Space Lands Trail Density chart on Page 7.

<u>Open Space Park</u>	<u>Square Miles</u>	<u>Trail Miles</u>	<u>Trail Miles Per Square Mile</u>
Twin Buttes Open Space	0.90	6.7	7.4
Horse Gulch	2.16	16.0	7.4
Dalla Mountain Park	0.28	4.1	14.6
Overend Mountain Park	0.55	10.1	18.4

As the chart indicates, both Dalla Mountain Park and Overend Mountain Park have very high trail densities compared not only to the other open space programs/areas but also Twin Buttes Open Space and Horse Gulch. Clearly the public is receiving significant recreational benefits from Durango's open space parks in general and in particular Dalla Mountain and Overend Mountain Parks.

Overend Mountain Park

Over the years, Overend Mountain Park has received considerable debate over its most appropriate use: recreation or wildlife and natural habitat preservation. Obviously, it is both of these, but coming to an agreement on what is the proper balance has been challenging. Most of the debate can be attributed to the property's strategic location on the west side of the City of Durango adjacent to the Perins Peak Wildlife Habitat Area, the outstanding character of its natural resources, and an enjoyable trail system. One of the misconceptions about the park by many people is that contains a large land area. I think this can be attributed to the fact that it lies adjacent to large blocks of publicly owned land and that most maps depicting the park make it look expansive. At 352 acres (including the recently acquired 50 acre Hidden Valley parcel) the park contains 0.55 square miles which is not particularly large. I have plotted the boundaries of the park and adjacent land ownerships on Overend Mountain Park Regional Map on Page 8.

I have hiked extensively in Overend Mountain Park for the past 20 years and have become quite familiar with its geography. I think of the park in terms of three districts: Hidden Valley, Perins Gulch, & Ella Vita. These districts are depicted on the Overend Mountain Park Districts map on Page 9.

The Overend Mountain Park trail system is a complex web that has evolved over decades. Some trails are old roads while others are simply social trails that have become established. Very few trails were actually planned; a fact that is made obvious by the trail network depicted on the Overend Mountain Park Existing Trails map on Page 10. The relative sizes, trail miles, and trail densities of the three districts are set forth on the following tabulation and are depicted on the Comparative Open Space Lands Trail Density chart on Page 11.

<u>District</u>	<u>Square Miles</u>	<u>Trail Miles</u>	<u>Trail Miles Per Square Mile</u>
Hidden Valley	0.08	0.6	7.5
Perins Gulch	0.37	6.7	18.1
Ella Vita	0.10	2.8	28.0

The Hidden Valley District is the most recent acquisition by the City of Durango. It was reportedly purchased to resolve an encroachment of a portion of the Hidden Valley Trail on the neighboring private land. The district comprises the headwaters of the Hidden Valley drainage and a ridge that accesses the Perins Peak Wildlife Habitat Area. Other than the portion of the Hidden Valley Trail that traverses the lower reaches, this district experiences a fraction of the overall use that the remainder of the park receives.

The Perins Gulch District is the heart of the park. It is the district that most people envision when they think of Overend Mountain Park and includes its most popular trails. It is also in this portion of the park that the greatest diversity of natural habitat is found within Perins Gulch.

The Ella Vita District is by far the most impacted by human activity. It is crossed by an incredibly dense network of trails while being sandwiched between the old county landfill, Greenmount Cemetery, and the Falcon Heights subdivision. Additionally, it experiences the highest degree of illegal camping activity. The cumulative impact is substantial natural habitat fragmentation.

I have provided this extensive discussion of Overend Mountain Park as it best reflects the conflict between the conservation values protected by the Conservation Easement; namely recreational values versus natural and wildlife values. At a trail density of 18.4 trail miles per square mile, it is difficult to believe that the recreational needs of the public are not being served; particularly when comparing Overend Mountain Park to other open space programs/areas or even the other parks within Durango's open space system. This fact becomes more concerning with the Natural Surface Trails Committee Recommendation that a new trail be constructed in the Hidden Valley District that from a wildlife and natural habitat perspective is the only relatively undisturbed portion of the park. As it is now, the Hidden Valley District counterbalances the completely fragmented Ella Vita District. If the Conservation Easement requires a balance between recreational values and natural and wildlife values, then it is difficult to make the case that any new trails should be constructed in Overend Mountain Park.

Recommendations

The City of Durango has an obligation to balance the conservation values of Horse Gulch, Dalla Mountain Park, and Overend Mountain Park. From a practical perspective, these are recreational values versus natural and wildlife values. The Durango open space park system has a trail density of 9.5 trail miles per square mile which is far more intensive than other comparable open space programs/areas. The recreation needs of the public are without question being adequately met and therefore the recreational values are being preserved. The real question is whether natural and wildlife values are being preserved. This is especially true when considering the issue of proposed new trails.

In my opinion, the Natural Surface Trails Committee Recommendations as currently written emphasizes recreation as a primary conservation value in contradiction to the Conservation Easements and does not address natural and wildlife values other than to say "Appropriate environmental and cultural resources are evaluated and considered in advance of trail development to mitigate potential impact to these resources. An analysis of the characteristics of the trail, terrain, geology, anticipated maintenance, and connections to existing trails is performed." This implies that new trail construction is a foregone conclusion and does not provide for a "no trail construction" alternative.

In order to insure that natural and wildlife values are being adequately considered during the course of evaluating proposed new trail construction in Horse Gulch, Dalla Mountain Park, & Overend Mountain Park, I make the following recommendations:

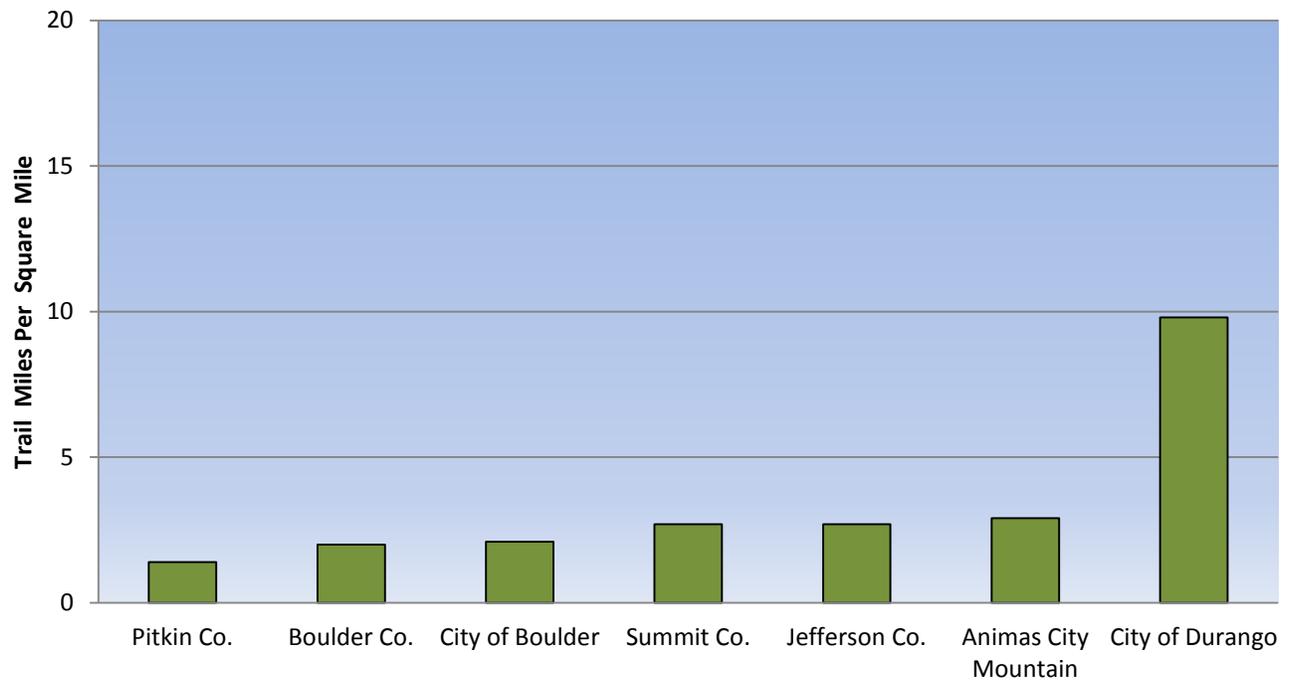
Conservation Easements held by La Plata Open Space Conservancy (Page 2)

- Removal of the phrase "which include recreation as a value" which seems to imply the priority of recreation as a conservation value over others; namely natural and wildlife values.

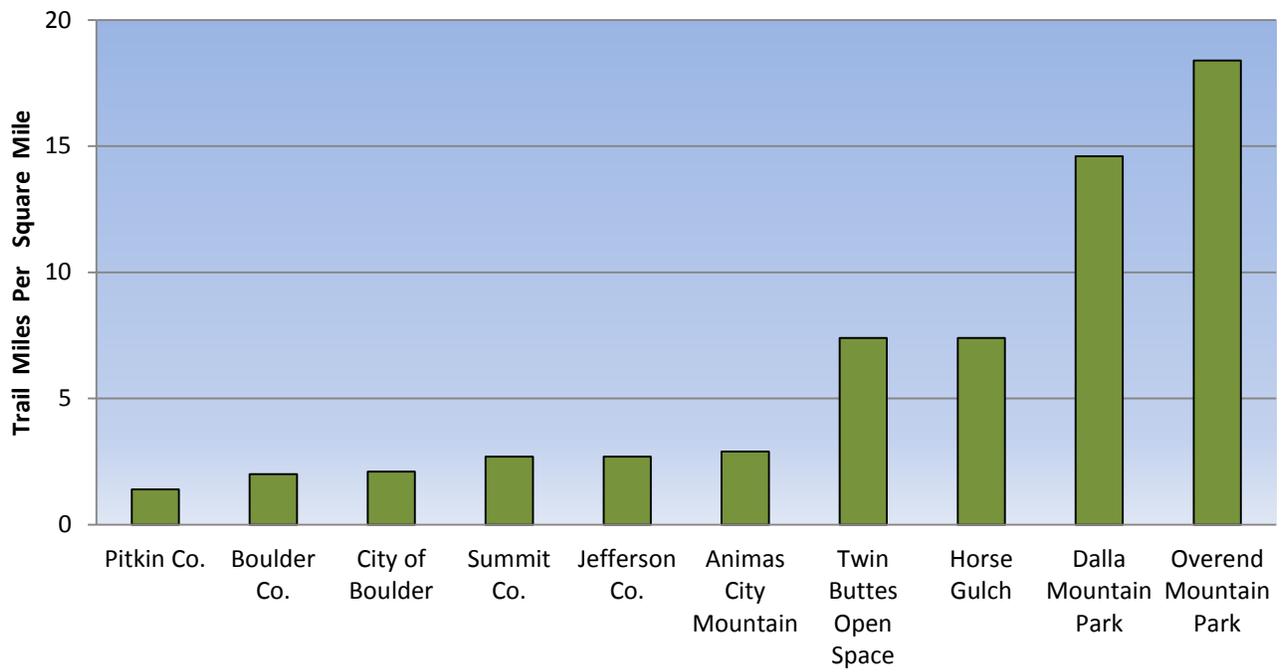
New Trail Development (Page 3)

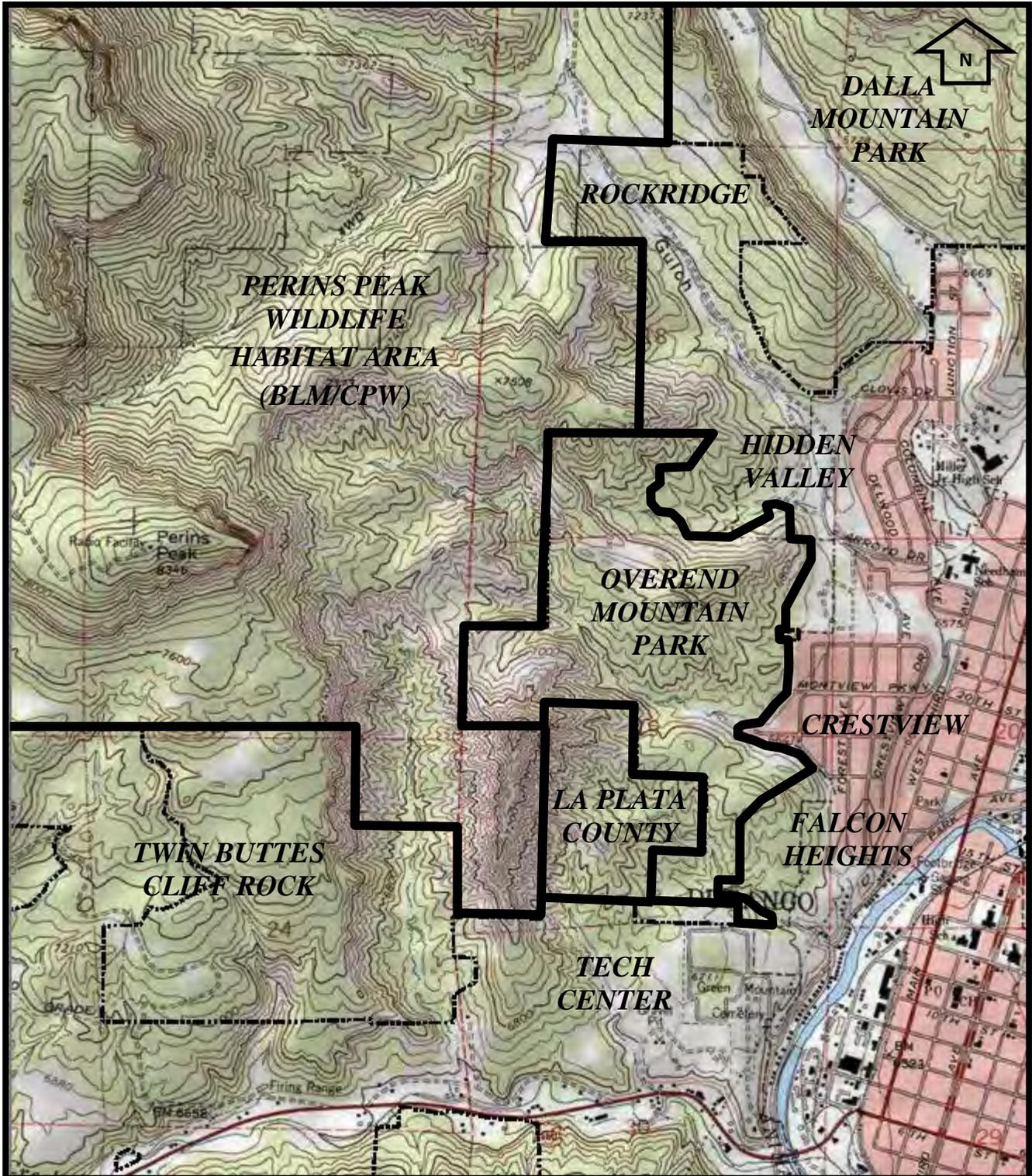
- In addition to IMBA and Forest Service guidelines for new trail construction, “Planning Trails With Wildlife In Mind: A Handbook For Trail Planners” should be included as a guideline for evaluating the construction of new trails. This document has been developed by the Colorado Department of Natural Resources with input from several entities including Great Outdoors Colorado, Colorado State Trails Commission, Colorado Parks & Wildlife, USDA Forest Service, Bureau of Land Management, The Nature Conservancy, and Trails 2000.
- Evaluation of any proposed new trail construction should include the active participation of an individual who is competent to render an opinion as to the impact of the proposed trail on the open space park’s natural and wildlife values. It is my understanding that the City of Durango currently does not have a qualified person on staff to perform such services.
- The evaluation of a proposed new trail should be in the context of the entire open space park not just a micro analysis of the immediate area affected. In the smaller open space parks such as Dalla Mountain and Overend Mountain Parks that have significant trail densities, even a relatively short trail in an undisturbed area could potentially have significant implications for natural and wildlife values.
- Finally, the City of Durango needs to take full responsibility to ensure that all of the conservation values of Horse Gulch, Dalla Mountain Park, and Overend Mountain Park are protected; not just recreational values. Unlike Twin Buttes Open Space which was acquired entirely with City funds and dedications, the Horse Gulch, Dalla Mountain Park, and Overend Mountain Park acquisitions were made possible by the people of the State of Colorado through the Great Outdoors Colorado Trust Fund. As such, the City of Durango has a fiduciary obligation to the citizens of Colorado to protect all of the conservation values of these properties. Ultimately, the final responsibility on this issue rests with the City of Durango.

Comparative Open Space Lands Trail Density

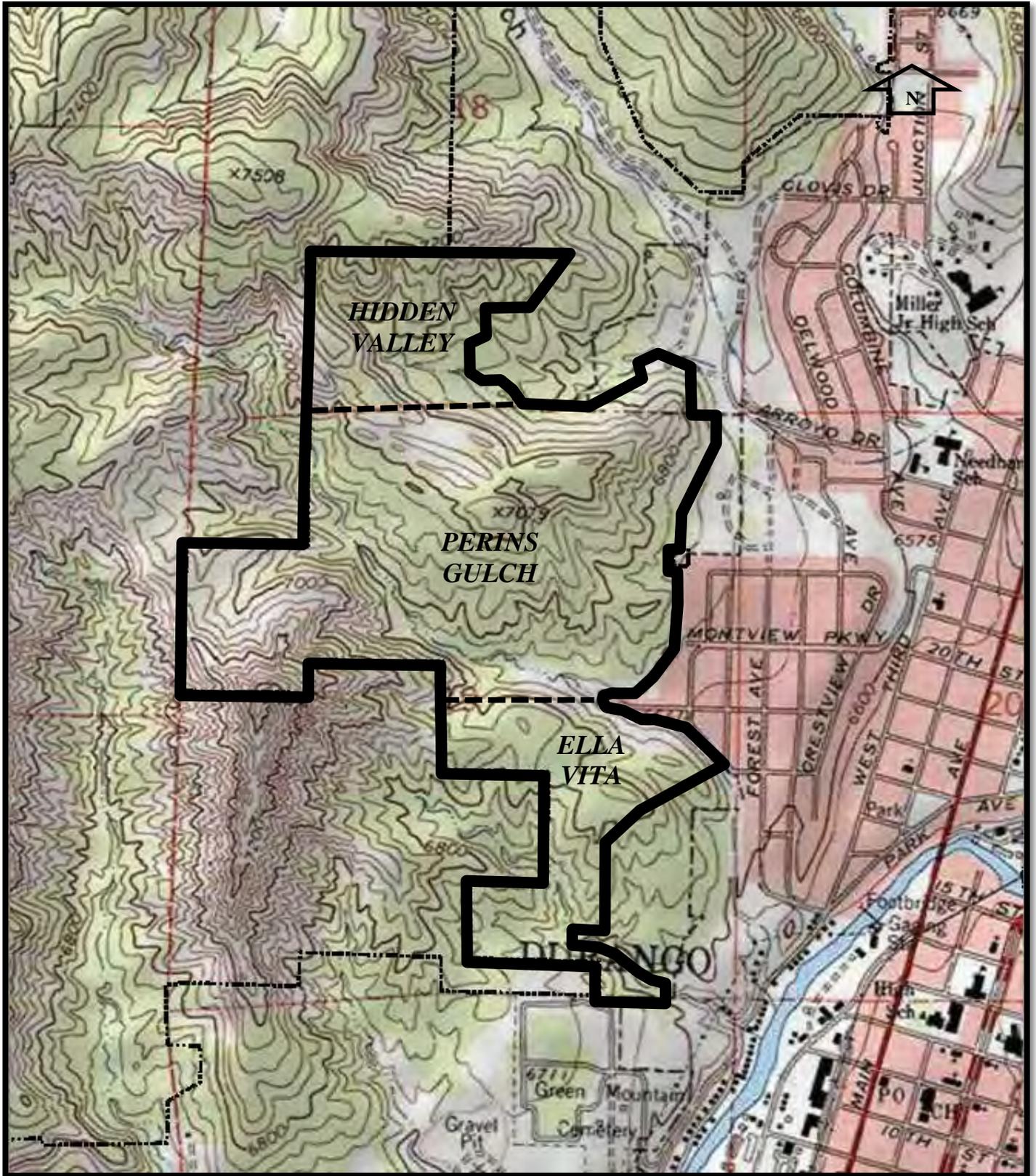


Comparative Open Space Lands Trail Density

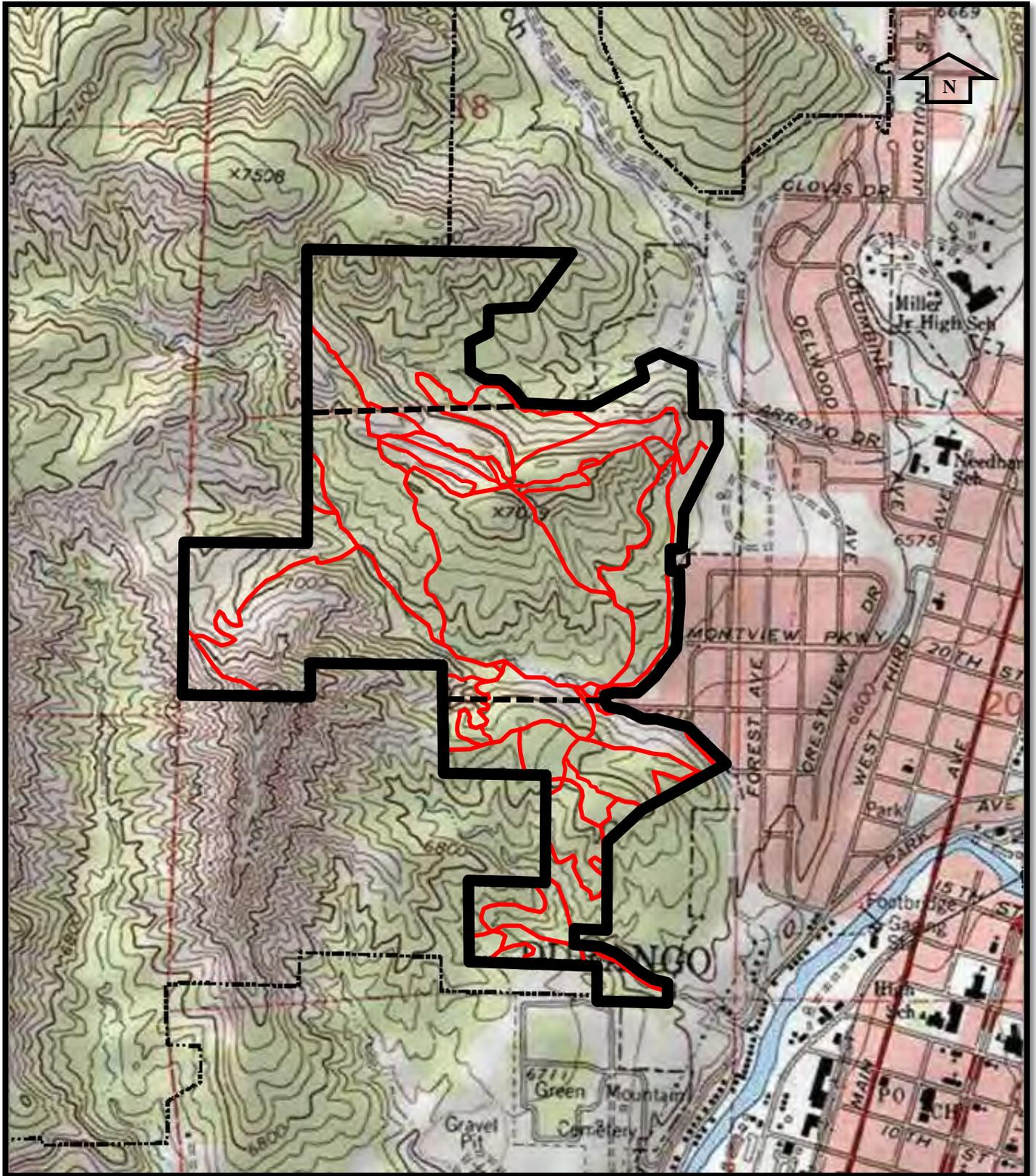




**OVEREND MOUNTAIN PARK
REGIONAL MAP**



**OVEREND MOUNTAIN PARK
DISTRICTS**



**OVEREND MOUNTAIN PARK
EXISTING TRAILS**

