

BENNETT REGIONAL PARK AND OPEN SPACE CONSERVATION EASEMENT BASELINE REPORT[©]



November 2014
Arapahoe County, Colorado

Prepared by:

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Presented to:

 <p>ARAPAHOE COUNTY COLORADO'S FIRST</p>	<p>ARAPAHOE COUNTY OPEN SPACE ADMINISTRATION 6934 SOUTH LIMA ST, CENTENNIAL, CO 80112 (720) 874-6540</p>
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INTRODUCTION

Owner Acknowledgement Statement

In compliance with Section 1.170A-14(g) (5) (i) (D) of the Federal Tax Regulations, this Present Conditions Report is an accurate representation of the property at the time of the conservation easement conveyance. This report will serve as an objective baseline for future monitoring and compliance with the terms of the conservation easement.

Grantor

Town of Bennett
355 Fourth Street
Bennett, CO 80102
(303) 644-3249

Grantee

Arapahoe County c/o
Open Space Administration
6934 South Lima Street
Centennial, CO 80112
(720) 874-6540

Date of Acquisition

Signatures

Grantor	Date
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Grantee	Date
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Author Certification Statement

I, Matt Tobler, prepared this Conservation Easement Present Conditions Report in accordance with Title 26 of the Internal Revenue Service Code [§ 1.170A-14 (g)(5)]. To the best of my knowledge, this Present Conditions Report, including text, maps and photographs, provides an accurate representation of the conservation values of the Property on October 24th 2014, and at the time of the conveyance of the conservation easement.

Matthew A. Tobler, Principal / Natural Resource Specialist
Blue Mountain Environmental Consulting, LLC
937 Mallard Drive, Fort Collins, CO 80522 970-224-0851

Date

CONTACTS AND BASIC INFORMATION SUMMARY

Property Name

Bennett Regional Park and Open Space

County

Arapahoe

Present Conditions Report Preparer

Blue Mountain Environmental Consulting
937 Mallard Drive
Fort Collins, Colorado 80521

Acreage

The Property totals 193 acres, more or less.

Conservation Easement Address

Bennett Regional Park and Open Space
600 Antelope Drive West
Bennett, CO 80102

County Assessors' Parcel Numbers

1981-14-1-00-001

Legal Description

A discussion of reserved rights, restrictions and prohibitions is provided in the Deed of Conservation Easement in Appendix E. Other important documents, including the Title Report are also provided in Appendix E.

Executive Summary

Methodology and Extent of Investigation

The Property was assessed with an iterative process that included a literature review, database searches, interviews and a site visit. The site visit was conducted on October 24th, 2014 and included a review of all roads, trails, prominent features and the Property's perimeter and interior. Report methodology follows the suggested format of the Land Trust Alliance and the Trust for Public Lands (Byers and Ponte 2005). This report was compiled and formatted to satisfy the requirements of the Internal Revenue Service (IRS) with respect to charitable contributions. Qualifications of the preparer are provided in Appendix C. A list of reference material that has been incorporated is provided in Appendix D. People interviewed as part of report preparation include the following:

Table 1. Resource contacts.

NAME	ORGANIZATION	CONTACT
Bethany Collins	Arapahoe County Open Spaces	720-874-6540
Melissa Kendrick	Town of Bennett	303-644-3249
Daymon Johnson	Town of Bennett	303-644-3249

Property Summary

Bennett Regional Park and Open Space contains 193 acres which is managed by the Town of Bennett. Prior to taking ownership, the Property was a privately owned 18-hole golf course named "Antelope Hills". The property is presently part of the Arapahoe County Open Space Program. It will be further developed in 2015 for recreational purposes as illustrated on the Bennett Regional Park and Open Space Conceptual Master Plan provided in Appendix A. The Property supports Recreation, Relatively Natural Habitat and Open Space conservation values. In particular, the Property will provide public access to open space and for outdoor recreation, and trail connections from the Antelope Hills Community to the Kiowa Creek North Open Space and surrounding rural areas for the use and enjoyment of the general public.

Since taking ownership of the Property in April of 2013, approximately 80% of the concrete trail system from the golf course has been removed, and now aside from trail maintenance to reduce erosion, management activities have been limited. Early-seral plants and weeds dominate the landscape and extensive management will be needed to restore historical conditions of a healthy short-grass prairie system. Two existing ponds occur on-site. There has been discussion of repairing the dam on the upper pond as well as possibly expanding it in the future. The proposed conservation easement would protect all 193 acres of Bennett Creek Regional Park and Open Space.

Property Location

Bennett Regional Park and Open Space is located within the Antelope Hills subdivision in Arapahoe County, Colorado, southeast of the town of Bennett. Bennett is located on I-70 approximately 15 miles east of Denver's E-470. To reach the Property from E-470 head east on I-70 for approximately 15.9 miles to exit 305 towards Kiowa. Upon exiting turn right (south) onto the North Kiowa Bennett Road. Proceed for approximately two miles to Antelope Hills Blvd. Turn left (east) onto Antelope Hills Blvd and proceed through the neighborhood to the Bennett Regional Park and Open Space. A map of the Property's location in Colorado is provided in Appendix A. The Property is included on the USGS Strasburg NW 7.5 minute topographic map.

Conservation Values Summary

The conservation of the Property will serve the following conservation values as discussed below and as described in the remainder of this report. (The below discussions conform to Internal Revenue Service § 1.170A-14 format.) While Relatively Natural Habitat is supported by this easement, Recreation and Preservation of Open Space are the most significant conservation values in this project.

Recreation or Education: According to the Deed of Conservation the Property will provide public access for passive outdoor recreation and education, and trail connections to the Kiowa Creek North Open Space and the surrounding areas of Bennett. The Park presently supports a trail system but will be developed to provide a wide array of recreational opportunities in 2015.

Relatively Natural Habitat: The Property is located with the Central Short Grass Prairie Ecoregion in an area with uplands once dominated by short grass prairie. Due to previous land-uses a majority of the Property has transitioned from short-grass prairie to invasive perennial grasslands.

Protection of an Environmental System: The Property supports 151.3 acres of Invasive Perennial Grasslands and 38.2 acres of WGP Short-grass Prairie. Other land-cover types include Developed Medium-High Intensity and Open Water.

Ranging in elevation from 4,776 feet to 6,217 feet, Arapahoe County provides wildlife with an extremely diverse range of habitat. There are 278 bird, 52 mammal, seven amphibian, and 21 reptile species that can be found throughout the County (Appendix E). Although improvements to benefit public recreation have been made, a large portion of the Property remains in its transitional vegetative state.

Wildlife species that can be expected to utilize Bennett Regional Park and Open Space include mule deer, whitetail deer, pronghorn, coyote, jack rabbit, and cottontail rabbit. The region is also home to several hundred species of migratory and resident

birds including declining short-grass birds such as Long-billed Curlew, Lark Bunting, Grasshopper Sparrow, Cassin's Sparrow and McCown's Longspur. The open water habitat will support non-breeding waterfowl. According to Colorado Parks and Wildlife the Property is located within the overall range for pronghorn and mule deer. Winter range and a Winter Concentration Area for mule deer (WCA) is located approximately ½ mile to the west. Significant habitat on-site will be increased upon conversion of invasive perennial grasslands to western short-grass prairie.

Preservation of Open Space: Preservation of the Property meets the conservation purposes test as it serves numerous *clearly delineated government policies* and provides for the *scenic* enjoyment of the general public and will yield a *significant public benefit*.

Clearly Delineated Government Policies: Public policies which support conservation of the Park include the Colorado Revised Statutes, Colorado Parks and Wildlife, and Outdoor Recreation statutes, Internal Revenue Code, the North American Wetlands Conservation Act, The North American Waterfowl Management Plan, the Arapahoe County Open Space Master Plan (2010), the Arapahoe County Comprehensive Plan (2001), the Town of Bennett Comprehensive Plan (2012) and the Bennett Regional Park and Open Space Master Plan (in development).

Scenic: This Park is surrounded on three sides by the Antelope Hills subdivision and preserves views of diverse ecological communities including central short-grass prairie and two existing ponds on the Property. The entire park is visible to and accessible by the general public.

Significant Public Benefit: Bennett Regional Park and Open Space represents an important conservation opportunity. While Relatively Natural Habitat is supported by this easement, Recreation and Preservation of Open Space are the most significant conservation values in this project. As indicated in the Comprehensive Plan, "the Town of Bennett, Colorado is uniquely positioned to capture the next wave of growth within the Denver metropolitan area. Bennett's close proximity to Denver International Airport, the Front Range Airport, I-70, E-470, and the Union Pacific Railroad are all factors which will have a direct impact on the future growth of the Town." Projected growth between 2010 and 2035 is significant requiring 1,382 acres for housing, office space, retail and industrial development. Proximity to the Denver metropolitan area makes Arapahoe County the third most densely populated county in the State. This conservation project is consistent with public programs as the Property is adjacent to the 265 acre Kiowa Creek North Open Space to the northwest and the over 15,000 acre Bijou Basin Open Space to the southeast. According to the Nature Conservancy, the Property is located approximately 15 miles west of the Big Sandy Conservation Area and approximately ten miles northeast of the Cherry Creek Conservation Area which demonstrate high vulnerability for habitat conversion and degradation, housing and urban development, altered fire regimes and conversion of agricultural lands.

PHYSICAL CHARACTERISTICS OF THE PROPERTY

Topography

The Property is situated on the eastern plains of Colorado. Elevation on the Property ranges between 5,600 feet on the western edge and gradually slopes down to 5,500 feet along the eastern border. Topographic features are illustrated on the General Reference Map provided in Appendix A.

Climate

Bennett Regional Park and Open Space is situated east of Denver on the Plains of eastern Colorado. Average annual precipitation for the nearest climate station at Byers is 14.77 inches and average snowfall is 42.5 inches. Average maximum temperature is 65.2 degrees (F) and average minimum temperature is 34.0 degrees (F).

Soils

While soils perform a range of functions that support key processes in biomass production (crops and forestry), sustainably managed soils also support a range of ecological services, including water purification and habitat diversity.

Soil types on the Property were identified on the Web Soil Survey (2014). A discussion of soil types is provided below; soil reports obtained from Natural Resource Conservation Service Web Soil Survey (<http://www.websoilsurvey.nrcs.usda.gov>) are provided in Appendix E. The distribution of soil types is indicated on the Soils Map in Appendix A. A complete discussion of these soil bodies, in addition to other information such as *Ecological Site ID and Name, Paths and Trails, Hydric Rating, Wind Erodibility, K Factor, Available Water, Drainage Class, Hydrologic Soil Group* are provided in Appendix E. Some of these reports are summarized in Table 2 below.

Table 2. Summary of Soil Body Types.

NAME	ACRES	PATHS AND TRAILS	WIND ERODIBILITY	RANGE SITE	K FACTOR	DRAINAGE CLASS
Bresser Truckton Sandy Loam	17.4	Somewhat Limited	3	Sandy Foothill	.15	Well Drained
Buick Loam	9	Somewhat Limited	3	Loamy Foothill	.49	Well Drained
Nunn Bresser Ascalon Complex	167	Somewhat Limited	3	Loamy Foothill	.32	Well Drained

Paths and Trails identifies map units as not limited, somewhat limited, and very limited. The ratings are based on the soil properties that affect traffic ability and erodibility. These properties are stoniness, depth to a water table, ponding, flooding, slope, and texture of the surface layer.

Wind Erodibility is the soils assigned to group 1 are the most susceptible to wind erosion, and those assigned to group 8 are the least susceptible.

K Factor indicates the susceptibility of a soil to sheet and rill erosion by water. Values of K range from 0.02 to 0.69; higher values represent greater susceptibility to erosion.

Drainage Class refers to the frequency and duration of wet periods under conditions similar to those under which the soil formed.

(Ecological) Range Site is the product of environmental factors responsible for soil development, typified by species associations and total production.

Hydrology

The Property is located within the Kiowa Watershed. The Kiowa Watershed is one of 18 watersheds located within the South Platte River Basin of the Missouri water-resource region, which includes all of Nebraska and parts of Colorado, Iowa, Kansas, Minnesota, Missouri, Montana, North Dakota, South Dakota and Wyoming. This watershed consists of 74,657 acres in Arapahoe County and ranges in elevation from 7,700 feet in its southern expanses to 4,354 feet as you move north across the plains.

The South Platte River is the main drainage of the 23,900-square-mile South Platte River Basin. This sub-region includes portions of the states of Colorado, Nebraska and Wyoming. One of the two principal tributaries of the Platte River, the South Platte originates at high elevations on the eastern slope of the Rocky Mountains in Colorado. A majority of the water in the upper boundaries of the South Platte River Basin is stored in the annual snowpack until the spring temperatures initiate snowmelt, contributing runoff for water storage to supplement water demands through the growing season. The South Platte River flows north through the City of Denver and is then joined by the Big Thompson River and the Cache la Poudre River to the north. The South Platte River drains east towards its confluence with the North Platte River. As the South Platte River enters the Great Plains region, groundwater resources become significant contributors to stream flow. The Ogallala Aquifer is the major groundwater resource in this region covering approximately 174,000 square miles of land from South Dakota to Texas. The South Platte eventually meets the North Platte in the Town of North Platte, Nebraska, to form the main stem of the Platte River. Platte River water is utilized for urban, residential and agricultural purposes. The table below outlines the hydrologic unit system for the Property. The United States Geological Survey (USGS) established the hydrologic unit

"...that area of land, a bounded hydrologic system, within which all living things are inextricably linked by their common water course and where, as humans settled, simple logic demand that they become part of a community."

-John Wesley Powell

system in order to systematically classify the water resources of the United States into divided and sub-divided regions of successively smaller hydrologic units. The classification system is separated into four levels including: regions (largest), sub-regions, accounting units (basin), and cataloging units (smallest; sub-basin). Each hydrologic unit has a hydrologic unit code (HUC) corresponding to four levels of classification. For more information on hydrologic units and access to hydrologic units maps visit the United States Geological Survey website (USGS 2014).

Table 3. Summary of hydrologic unit code classification system.

REGION	SUB-REGION	ACCOUNTING UNIT	CATALOGING UNIT	HYDROLOGIC UNIT CODE
Missouri	South Platte	South Platte	Kiowa	10190010

Improvements

Bennett Regional Park and Open Space currently has numerous improvements which are associated with the operation and maintenance a former golf course including access roads, irrigation infrastructure and maintenance facilities. A Maintenance Shop and Yard are located on the western portion of the Property which contains a 6,320.6 square foot shop,



four concrete bays for yard material, one diesel tank, one gasoline tank, concrete wash bay, golf cart storage and charging yard. The Maintenance Shop is surrounded by an asphalt parking lot on the south and east sides. An irrigation pond is located near the southwestern portion of the Property. There is a 400.8 square foot pump house is located on the southern end of the upper pond. There are two risers which feed the pond, each with a small concrete apron and a 10 x 10

foot concrete pad. A dam, 1,363 square foot concrete apron and headgate are located on the northern end of this pond. The upper pond has rip-rap bank lining to prevent erosion. The Town of Bennett has discussed possible expansion of this pond and its infrastructure for fishing. The lower pond (located near the eastern boundary) contains three concrete inlet aprons each of which is approximately 690 square feet. Prominent drainages have concrete aprons on the inlet and outlet of culverts which are located along the access road. There are nine culverts and seven concrete aprons each of which is approximately 546 square feet. As

a former golf course, the Property contains extensive buried infrastructure for electrical service and irrigation. The location of buried infrastructure and its condition is unknown but the Town anticipates changing or repairing 80% of the system. In total nine culverts were documented on the Property and a network of bladed trails and concrete roads were mapped. These improvements are illustrated on the General Reference Map and Infrastructure Map provided in Appendix A. The Photo Point Map in Appendix A correlates the location of features with photographs provided in Appendix B. It should be noted that additional improvements and easements including buried utility lines and park infrastructure exist; additional information and descriptions are provided in Appendix E.

LAND MANAGEMENT AND RESOURCE USE

Historic Land Use

The Property was purchased from the High Plains Bank on April 29, 2013 by the Town of Bennett. Prior to the transaction the Property was managed as a privately owned 18-hole golf course named “Antelope Hills”. The land was utilized as rangeland and consisted of short-grass prairie before it was a golf course.

Current Land Use

Currently the Property is being utilized as a regional park and open space in compliance with the conservation easement signed May 9th, 2013. Land use is currently limited to access of the existing trail system.

Water Rights

Information regarding water rights will be provided by Arapahoe County or the Town of Bennett and incorporated into Appendix E.



CONSERVATION VALUES

Recreation

As a municipally-owned park, Bennett Regional Park and Open Space is well equipped to support a wide variety of recreational and educational activities. “The Open Spaces Department works to preserve natural and heritage areas, enhance neighborhood and regional parks and build and maintain trails. Since 2003, Arapahoe County's Open Space program has conserved more than 31,000 acres of open space, built more than 51 miles of new trails and created and enhanced 157 neighborhood and regional parks.” (From <http://www.co.arapahoe.co.us/index.aspx?nid=453>, accessed on December 3, 2014.) The Bennett Regional Park and Open Space is an integral component in the Arapahoe County Open Space program.

At present, the Park is open to the general public for hiking. It connects with North Kiowa Creek Open Space via a non-motorized trail system. Once developed, the entire Property will be used to provide a wide array of recreational opportunities as indicated on the Conceptual Master Plan provided in Appendix A. Facilities that will be constructed include pedestrian trails, an 18 hole disc golf course, an off leash dog park, amphitheater and event space, picnic pavilions, playgrounds, multi-purpose green spaces, archery range, perimeter equestrian trail, bike park and pump track, nature play park and shelter and sledding hills.

The town estimates ten people a day use the park at present. It is assumed that recreational use will increase as phases are completed. The first phase will address trail improvements and it is assumed that recreational use will double to 20 visitors per day upon completion. Phase 2 may include the addition of the Frisbee golf course, pond and trail expansion. Phase 3 may include more lake improvements, construction of a bike park and more trails.

Relatively Natural Habitat

Preservation of relatively natural habitat is achieved via *protection of an environmental system* or a *significant habitat or ecosystem*. The below discussion of protection of an environmental system describes vegetation, wetlands and wildlife species while the discussion of significant habitat or ecosystem more specifically addresses important ecotypes and threatened or endangered species.

Protection of an Environmental System: Located on the eastern plains of Colorado, this conservation project will conserve broad expanses of short-grass prairie ecoregion and riparian habitats as detailed below.

Vegetation: Bennett Regional Park and Open Space contains four land-cover types, according to the Southwest Regional Gap Analysis Project (SWReGAP) classification scheme, which result from topographic, edaphic or cultural influences.

A majority of the Property is classified as Invasive Perennial Grassland and Western Great Plains Shortgrass Prairie land-cover types. The following discussions of landcover types were obtained from the SWReGAP Land-cover Legend Description Database (<http://earth.gis.usu.edu/swgap/legenddataquery.php>) retrieved on November 10, 2014. A corresponding Vegetation Map is provided in Appendix A.

Developed, Med-High Intensity (1.8 acres): This type includes areas with a mixture of constructed materials and vegetation. Impervious surface accounts for 50-79 percent of the total cover. It also includes highly developed areas where people reside or work in high numbers. Impervious surfaces account for 80 to 100 percent of the total cover.

Invasive Perennial Grassland (151.3 acres): These areas are dominated by introduced perennial grass species such as crested wheatgrass (*Agropyron cristatum*), smooth brome (*Bromus inermis*), Lehmann lovegrass (*Eragrostis lehmannianna*), fountaingrass (*Pennisetum* spp.), bulbous bluegrass (*Poa bulbosa*), Kentucky bluegrass (*P. pratensis*) and intermediate wheatgrass (*Thinopyrum intermedium*).

Open Water (4.4 acres): Areas of open water, generally with less than 25% cover of vegetation or soil.

Western Great Plains Shortgrass Prairie (38.2 acres): Blue grama dominates this land-cover type. Associated grasses may include purple threeawn (*Aristida purpurea*), sideoats grama (*Bouteloua curtipendula*), hairy grama (*Bouteloua hirsuta*), buffalograss (*Buchloe dactyloides*), needle and thread, junegrass (*Koeleria macrantha*), western wheatgrass, galleta (*Pleuraphis jamesii*), alkali sakaton (*Sporobolus airoides*) and sand dropseed. Although mid-height grass species may be present, especially on more mesic land positions and soils, they are secondary in importance to the sod-forming short grasses. Sandy soils have higher cover of needle and thread and sand dropseed. Scattered shrub and dwarf-dwarf species such as fringed sagebrush (*Artemisia frigida*), broom snakeweed (*Gutierrezia sarothrae*) may also be present. Large-scale processes such as climate, fire and grazing influence this system.

Ecological communities at the Property are presently in poor condition. In addition to the species indicated above, a preponderance of noxious weeds and undesirable species were observed. Noxious species include musk thistle, Canada thistle, puncture vine, redstem filaree, Russian olive, tamarisk, mullein, diffuse knapweed and cheatgrass. Other undesirable species including exotic and early seral plants such as prickly lettuce, kochia, dandelion, yellow salsify, cocklebur, yellow sweet clover, alfalfa, knotweed, Russian thistle and common mallow were abundant. The shortgrass prairie that historically occupied this site was likely disturbed, fragmented or eradicated upon conversion of the site to agricultural lands and subsequently a golf

course. In the latter circumstance, the site was bladed and graded disturbing the soil profile, existing vegetation was eradicated to install fairways of exotic grasses while peripheral areas were disturbed through fragmentation and the installation of underground infrastructure. Once the golf course was abandoned, early seral plants colonized the site with just a few native species remaining intact.

Wetlands and Riparian Areas: In Colorado, habitats associated with rivers, streams and lakes have the highest wildlife species richness and density and are used by more than 429 of the 680 vertebrate wildlife species found in Colorado. These habitats are increasing imperiled as land is developed at alarming rates, especially along the Front Range. There were two existing ponds located on site that provide open water habitat. Riparian areas are highly prized for their recreation, fish and wildlife, water supply and cultural and historic values. (These wetlands were not identified by the National Wetland Inventory accessed on October 28, 2014.)



A mallard drake utilizes open water habitat within the Bennett Regional Park & Open Space.

Wildlife: Ranging in elevation from 4,776 feet to 6,217 feet, Arapahoe County provides wildlife with an extremely diverse range of habitat. The Natural Diversity Information Source database (NDIS, n.d.) was accessed to develop a list of species that could inhabit the Property. There are 278 bird, 52 mammal, seven amphibian, and 21 reptile species; a comprehensive list of these species, their probability of occurrence and their abundance is provided in Appendix E.

The potential natural community in this region is shortgrass prairie which is an extremely drought and grazing tolerant system. This system in combination with the associated wetland systems represents one of the richest areas for mammals and birds. Endemic bird species to the shortgrass prairie may constitute one of the fastest declining bird populations.

Because of previous land uses and the Property being utilized for passive recreation, human disturbance is relatively high. The driving conservation concerns in the area include habitat loss, alteration, and fragmentation. By placing the Bennett Regional Park and Open Space under a conservation easement critical migration corridors along Kiowa Creek to the west, and Middle Bijou Creek to the east, will be enhanced in this relatively urbanized system. The two ponds and surrounding short-grass prairie provide habitat to numerous wildlife species.

Table 4. Special Status Species with potential to occur at the Bennett Regional Park and Open Space.

SPECIES	GLOBAL STATUS	STATE STATUS	PROBABILITY
Ute ladies-tresses	G2	S2	Uncommon
Mexican Spotted Owl	G3T3	S1B	Uncommon
Preble’s Meadow Jumping Mouse	G5T2	S1	Uncommon
Geese	CPW Small Game		Possible
Great blue heron	CPW WRIS		Known
Mountain lion	CPW Big Game, CPW WRIS		Uncommon
Mule deer	CPW Big Game, CPW WRIS		Known
Pronghorn	CPW Big Game, CPW WRIS		Known
White-tailed deer	CPW Big Game, CPW WRIS		Uncommon

Table 5. A list obtained from USFWS Information Planning and Conservation System of migratory birds of concern potentially within the Park and Open Space.

SPECIES	BIRD OF CONSERVATION CONCERN*	SEASONAL OCCURRENCE IN PROJECT AREA
American bittern	Yes	Breeding
Bald eagle	Yes	Year-round
Brewer’s sparrow	Yes	Breeding
Burrowing owl	Yes	Breeding
Dickcissel	Yes	Breeding
Ferruginous hawk	Yes	Year-round
Golden eagle	Yes	Year-round
Lark Bunting	Yes	Breeding
Lewis Woodpecker	Yes	Breeding
Loggerhead Shrike	Yes	Breeding
Long-billed curlew	Yes	Breeding
Mountain plover	Yes	Breeding
Peregrine Falcon	Yes	Breeding
Prairie Falcon	Yes	Year-round
Red-headed Woodpecker	Yes	Breeding
Sage Thrasher	Yes	Breeding
Short-eared Owl	Yes	Wintering
Swainson’s hawk	Yes	Breeding

* Birds of Conservation Concern- The 1988 amendment to the Fish and Wildlife Conservation Act mandates the U.S. Fish and Wildlife Service to “identify species, subspecies, and populations of all migratory nongame birds that, without additional conservation actions, are likely to become candidates for listing under the Endangered Species Act (ESA) of 1973.”

The Playa Lakes Joint Venture (<http://www.pljv.org/partners/planning>) indicates that the Property provides habitat for many declining short-grass birds including the Long-billed Curlew, Lark Bunting, Grasshopper Sparrow, Cassin's Sparrow and McCown's Longspur. The open water habitat will support non-breeding waterfowl. Adjacent prairie dog towns will provide significant habitat for mountain plovers and burrowing owls.

According to Colorado Parks and Wildlife, it is located within the overall range for pronghorn and mule deer. Winter range and a Winter Concentration Area for mule deer (WCA) is located approximately ½ mile to the west. A WCA is defined as that part of the winter range of a species where densities are at least 200% greater than the surrounding winter range density during the same period used to define winter range in the average five winters out of ten.

It should be noted that habitat quality for all wildlife species is diminished with disturbances from recreational use. The park will be fragmented by trails and recreational infrastructure and its overall shape has a significant amount of edge which also degrades habitat quality.

Preservation of Open Space

Preservation of open space (including farmland and forest land) meets conservation purposes when preservation is pursuant to *public policy*, for the *scenic* enjoyment of the general public and will yield a *significant public benefit*.

Public Policy:

Clearly Delineated Government Policies: The conservation purposes of this Deed are recognized by, and the grant of this Deed will serve, (without limitation) the following clearly delineated governmental conservation policies and plans.

The Colorado Revised Statutes §§ 38-30.5-101, *et seq.*, providing for the establishment of conservation easements to maintain land "in a natural, scenic, or open condition, or for wildlife habitat, or for agricultural . . . or other use or condition consistent with the protection of open land, environmental quality or life-sustaining ecological diversity."

The Colorado Wildlife and Parks and Outdoor Recreation statutes, Colorado Revised Statutes §§ 33-1-101, *et seq.*, and §§ 33-10-101, *et seq.*, which provide, respectively, that "it is the policy of the state of Colorado that the wildlife and their environment are to be protected, preserved, enhanced, and managed for the use, benefit, and enjoyment of the people of this state and its visitors" and that "it is the policy of the state of Colorado that the natural, scenic, scientific, and outdoor recreation areas of this state are to be protected, preserved, enhanced, and managed for the use, benefit, and enjoyment of the people of this state and visitors of this state."

The Internal Revenue Code (IRC) § 170(h) (4) supports the protection of a relatively natural habitat of fish, wildlife, or plants, or similar ecosystem. Section 170(h)(4)(A)(ii); *see also* § 1.170A-14(d)(1)(ii) and (3). A second permitted conservation purpose is the preservation of open space (“open space easement”), including farmland and forest land, for the scenic enjoyment of the general public or pursuant to a clearly delineated governmental conservation policy. Other permitted conservation purposes include preservation of land areas for outdoor recreation by, or the education of, the general public and preservation of a historically important land area or certified historic structure.

The North American Wetlands Conservation Act (16 U.S.C. §§ 4401 et seq.), the purposes of which are “to encourage partnership among public agencies and other interests (1) to protect, enhance, restore and manage an appropriate distribution and diversity of wetland ecosystems and habitats associated with wetland ecosystems and other fish and wildlife in North America; (2) to maintain current or improved distributions of wetland associated migratory bird populations; and (3) to sustain an abundance of waterfowl and other wetland associated migratory birds...”

The North American Waterfowl Management Plan, signed in 1986 by the Canadian Minister of the Environment and the U.S. Secretary of the Interior, recognizes the need to recover waterfowl populations by restoring and managing wetland ecosystems; to conserve biological diversity in the western hemisphere; to integrate wildlife conservation with sustainable economic development; and to promote partnerships of public and private agencies, organizations and individuals for conservation. Canada, the United States, and Mexico are committed to the ongoing continental effort to restore North America’s waterfowl and wetlands resources.

The Arapahoe County Comprehensive Plan natural resource goals and policies proclaim the County’s desire to preserve and protect the natural environment.

Arapahoe County Open Space Master Plan is to “preserve urban and rural open space and natural lands; protect the land that preserves water quality in rivers, lakes and streams; provide, maintain and improve neighborhood parks, open space, sports fields, picnic facilities, and biking, walking and multiuse trails; protect wildlife habitat and corridors; protect views, vistas and ridgelines; preserve agricultural and ranch lands; and enhance and maintain designated heritage areas.”

The Town of Bennett Comprehensive Plan (2012) states that a core value or guiding principal in Town growth is to “offer access to open space, trails and parks to provide more opportunities for walking, biking, recreation, and contact with nature...”

Bennett Regional Park and Open Space Park Master Plan ... in development, to be provided by the Town of Bennett.

Other Supporting Governmental Policies and Guidelines: The conservation purposes of this Deed will also serve other public policies as detailed below.

The Colorado Department of Transportation statutes, Colorado Revised Statutes §43-1-401, et seq., provide that the "preservation and enhancement of the natural and scenic beauty of this state" is a substantial state interest.

Great Outdoors Colorado, Conservation Trust Fund, and by adopting and administrating grant applications and due diligence review processes, have established that it is the policy of the State of Colorado and its people to encourage donation and to fund the voluntary bargain sale and acquisition of conservation easements, among other things, to preserve, protect and enhance scenic and open space lands, agricultural lands, wildlife, and wildlife habitat.

Scenic: Scenic resources, as defined by Scenic America, are “*the visual attributes of landscape that include features having natural, cultural, social, historic, archaeological, and recreational significance; and views that are distinctly characteristic of a region*” (Byers & Ponte 2005). The Internal Revenue Service Code §1.170A-14 expands the definition of “scenic” to include the preservation of open space for the scenic enjoyment of the general public. The IRS Code suggests the factors to be considered when evaluating scenic and open-space qualities of a landscape include: the compatibility of the land use with other land in the vicinity, visual contrast, openness, relief from urban closeness, harmonious variety of shapes and textures, the degree to which the land use maintains the scale and character of the urban landscape (to preserve open space, visual enjoyment, and sunlight for the surrounding area) and consistency of the proposed scenic view with a methodical state scenic identification program. The following factors apply to the assessment of scenic and open space resources:

1. The Property can be viewed by the general public from Antelope Drive West, Columbine Drive, Green Gables Way, Valley Way, Pinehurst Court, and Antelope Drive East. The entire park is also accessible to the general public.
2. Development of this landscape would impair the scenic character of this urban landscape as the Property is one of the most westerly visual breaks in its vicinity.
3. Preservation of the Property will maintain a high degree of contrast, texture and variety. A variety of ecological communities including shortgrass prairies on rolling hills, and two existing ponds. From within the park, visitors can view rolling hills, agricultural lands and shortgrass prairie to the east and the Front Range, including Longs Peak to the west.

Significant Public Benefit: In brief, characteristics of a property that contribute to significant public benefit include uniqueness, the intensity of development in the vicinity, the consistency of the proposed open space with public and private conservation programs in the region, the likelihood that development of the property would result in degradation of the scenic, natural or historical character of the area. Also of importance is the opportunity for the general public to appreciate its scenic values, its role in preserving a landscape or resource that attracts tourism or commerce to the area, the likelihood of acquiring a similar property, population density and the consistency of the proposed open space with a legislatively mandated program identifying particular parcels for protection. The following factors apply to the assessment of significant public benefit of Bennett Regional Park and Open Space:

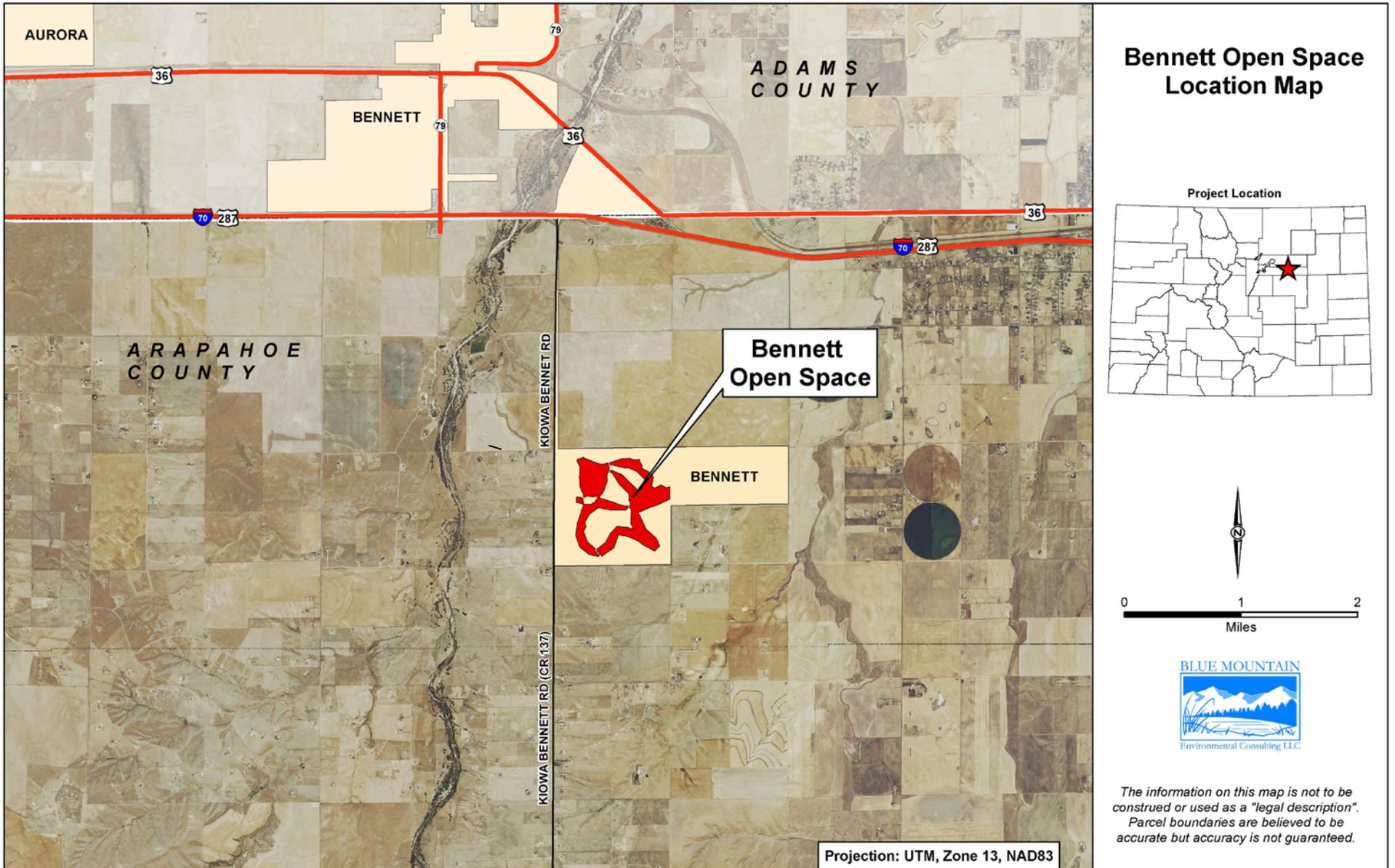
1. While Relatively Natural Habitat is supported by this easement, Recreation and Preservation of Open Space are the most significant conservation values in this project.
2. As indicated in the 2012 Town of Bennett Comprehensive Plan, “The Town of Bennett, Colorado is uniquely positioned to capture the next wave of growth within the Denver metropolitan area. Bennett’s close proximity to Denver International Airport, the Front Range Airport, I-70, E-470, and the Union Pacific Railroad are all factors which will have a direct impact on the future growth of the Town, an incorporated area that currently totals 5.4 square miles.” The Property is located two miles south of I-70, 17 miles southeast of Denver International Airport, 22 miles east of Aurora and 30 miles east of Denver. According to the Comprehensive Plan, the projections for the area show significant growth between 2010 and 2035. The Town “is estimated to grow by 6,454 housing units and 2,568 new jobs. This projected growth in housing units and employment creates the demand for 1,382 acres. 1,149 acres of land are needed to allow for the projected growth in housing. There is a projected demand for 43 acres of office, 71 acres of retail and 118 acres of industrial land.”
3. According to the State Demography Office, Arapahoe County grew 6.1% between 2010 and 2013 while the State of Colorado averaged 4.8% for the same time period. There are 716 persons per square mile in the County as compared to the State average of 49 persons per square mile; the third most densely populated county in the State.
4. This conservation project is consistent with public programs as the Property is adjacent to the 265 acre Kiowa Creek North Open Space to the northwest and the over 15,000 acre Bijou Basin Open Space to the southeast. The 9,050 acre Plains Conservation Center is a State designated natural area whose mission is preserving a remnant of the eastern Colorado High Plains, educating the public about its natural and cultural heritage and nurturing sound conservation and environmental ethics is located approximately 11 miles to the southeast.
5. The conservation project is consistent with private programs. According to the Nature Conservancy, the Property is located approximately 15 miles west of the Big Sandy Conservation Area and approximately ten miles northeast of the

Cherry Creek Conservation Area. This area demonstrates high vulnerability for habitat conversion and degradation, housing and urban development, altered fire regimes and conversion of agricultural lands. Although Bennett Regional Park is already in an urban system (former golf course), placing the Property under a conservation easement will protect remaining conservation values on the Property. Plains conservation efforts are especially prominent in the eastern portions of Arapahoe and Elbert Counties. Several large, privately conserved ranches exist between 11 and 15 miles to the southeast including the Marris Ranch, Bijou Creek Ranch (14,040 acres), Woodard Ranch (2,934 acres) and Jumping Cow Ranch and State Wildlife Area (24,000 acres). Nearby public and private landowners are shown on the Land Ownership Map provided in Appendix A.

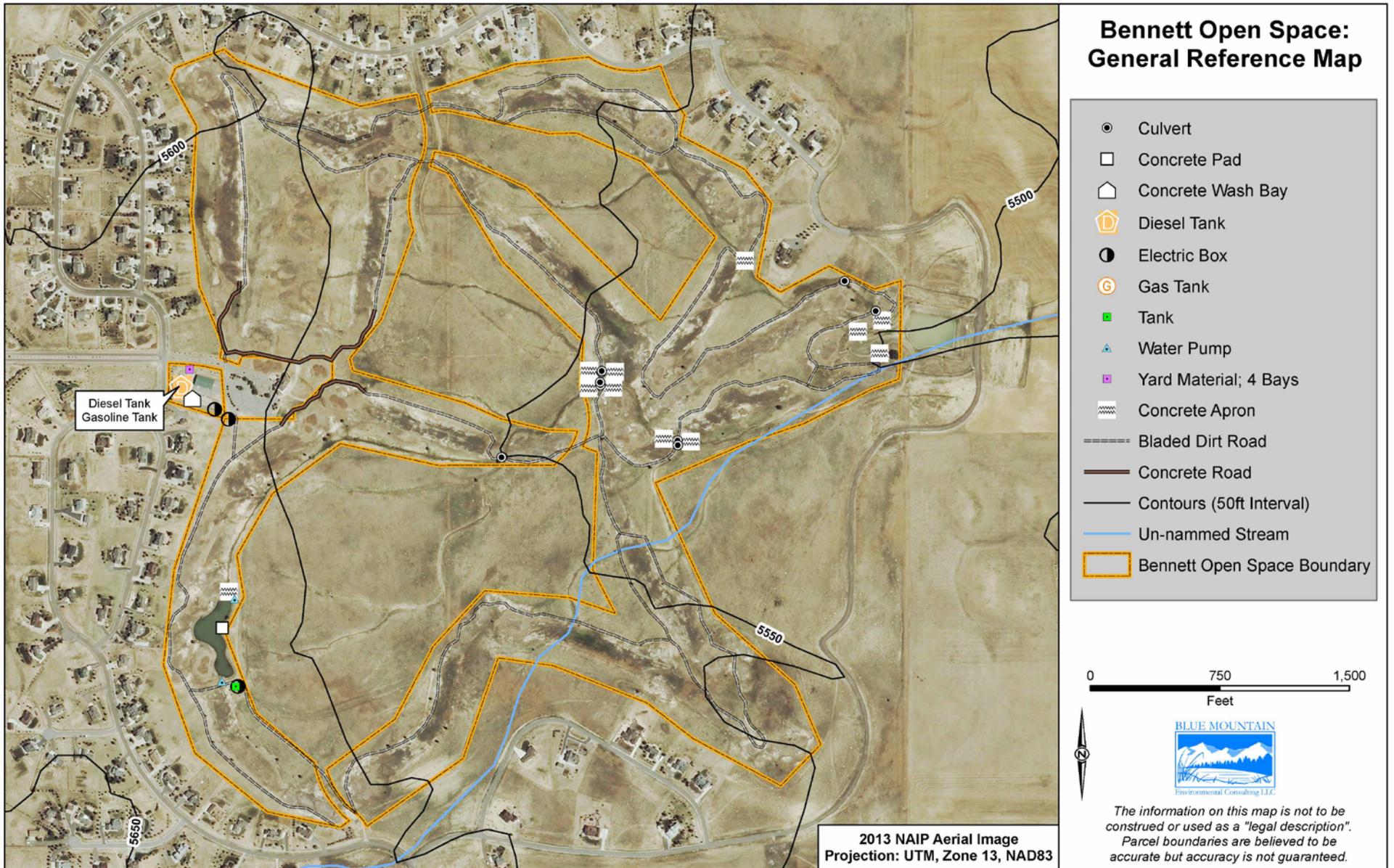
6. Development of the Property would degrade scenic values because surrounding lands to the north, west and south are already developed.

APPENDIX A:
PROJECT MAPS AND EXHIBITS

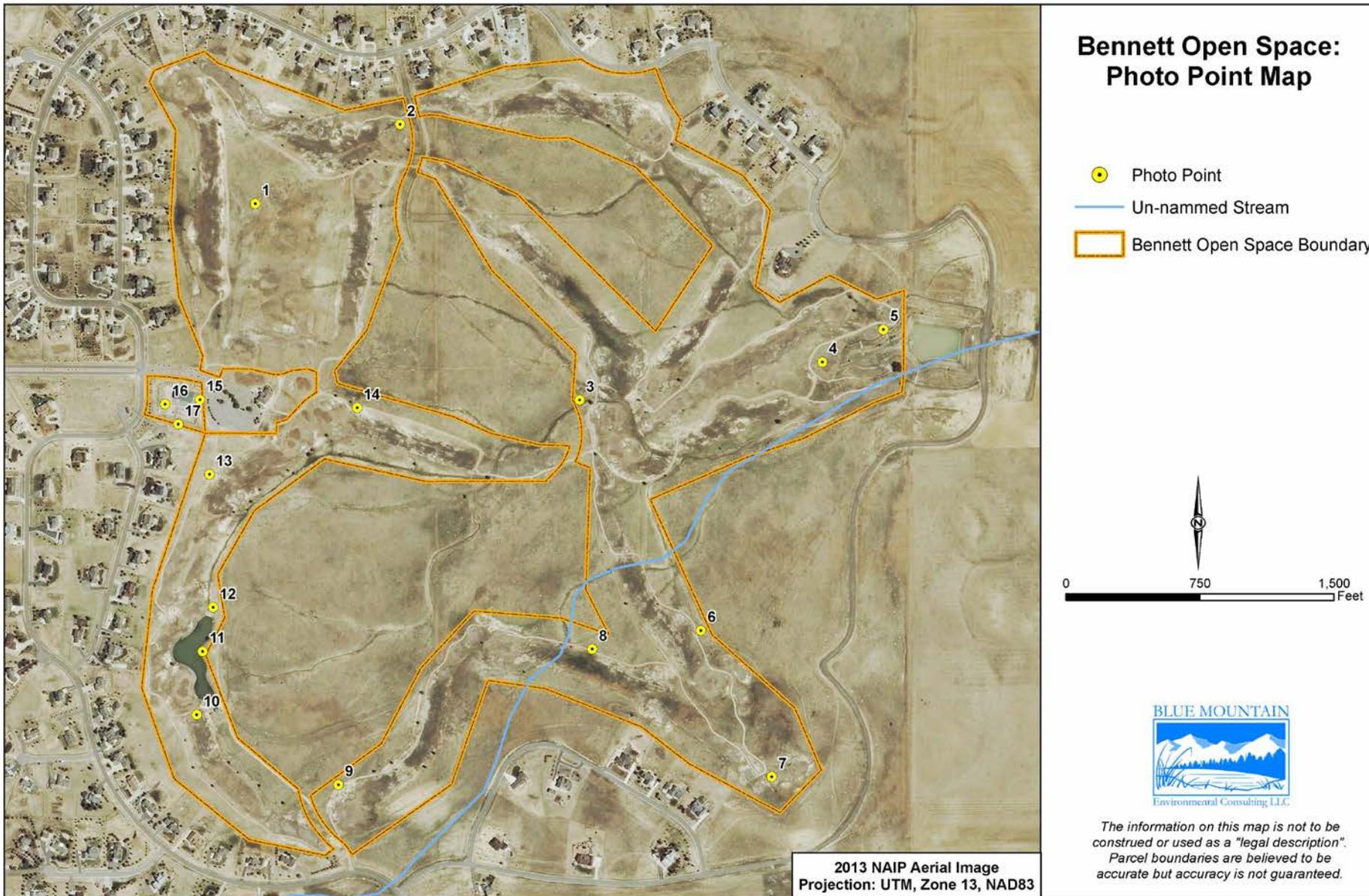
Location Map



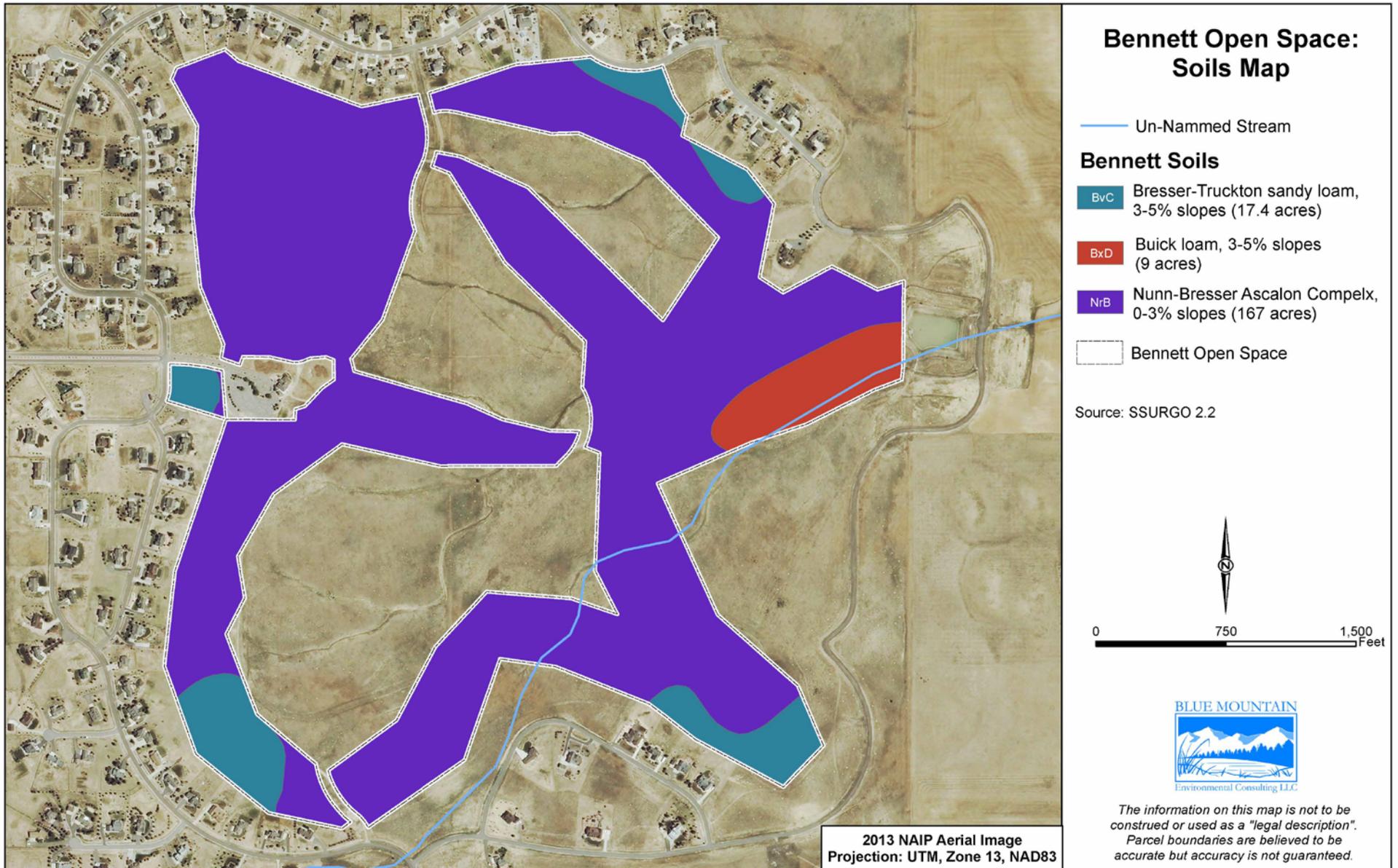
General Reference Map



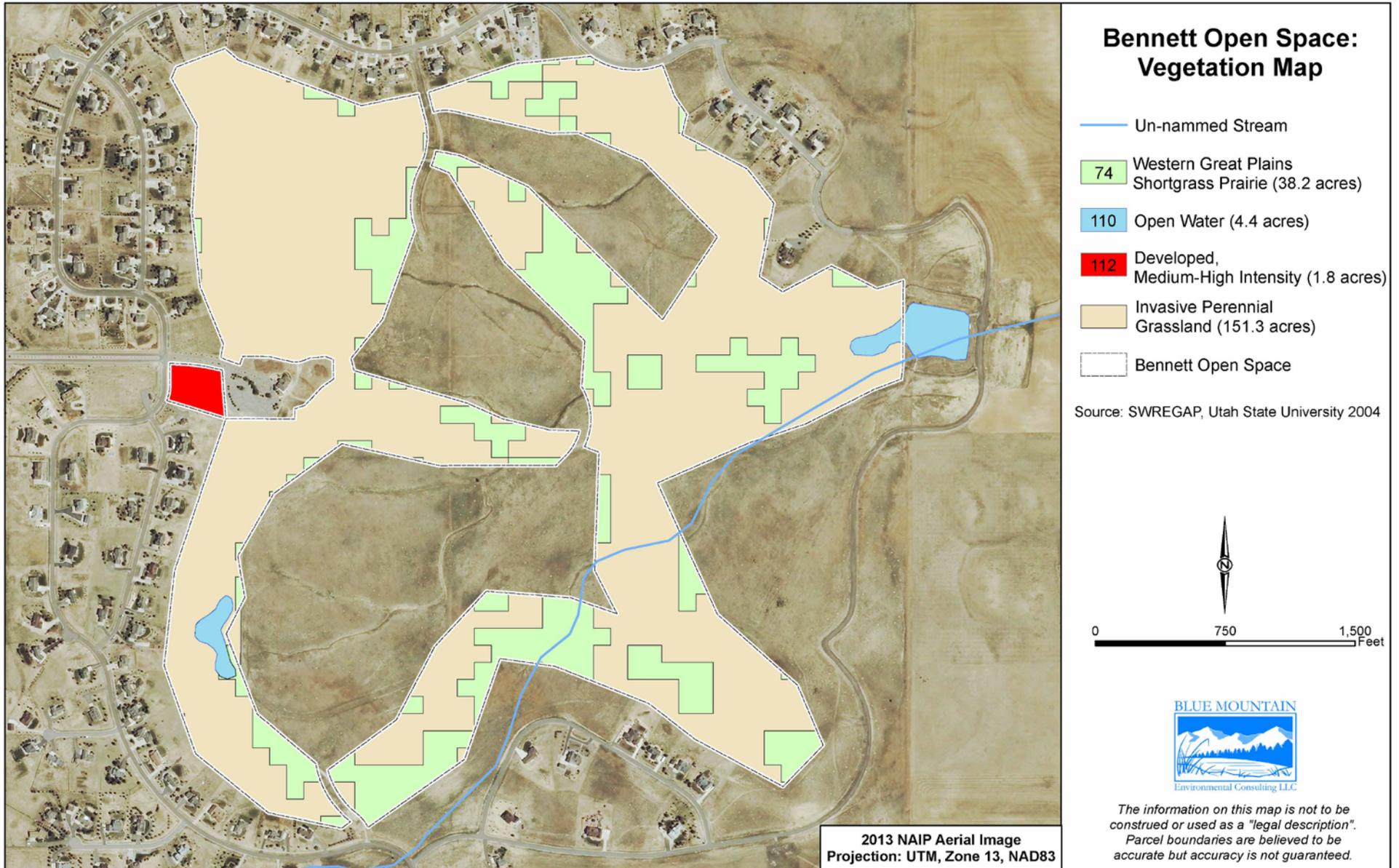
Points Map



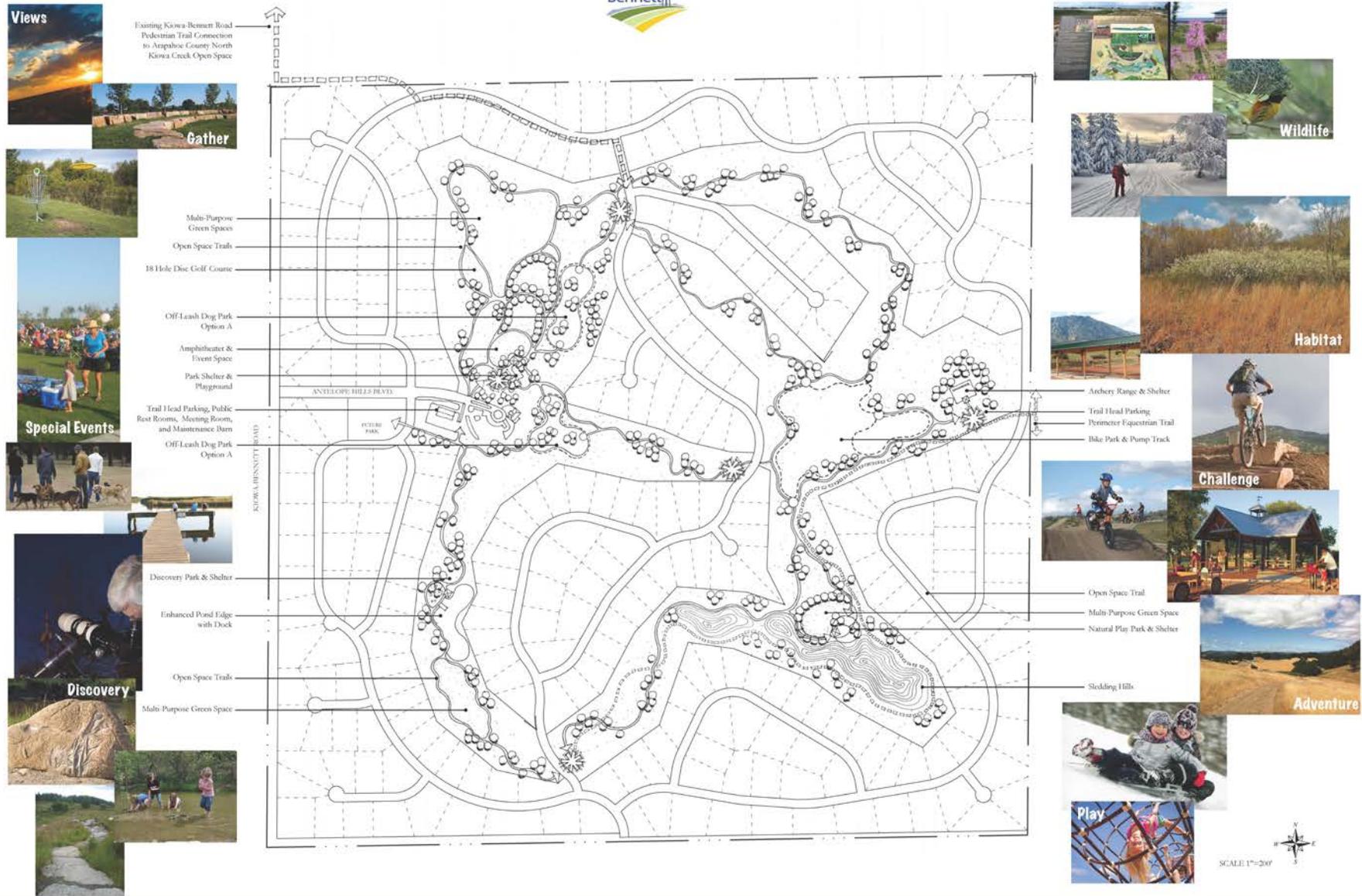
Soils Map



Vegetation Map



Bennett Regional Park and Open Space Conceptual Master Plan



BENNETT REGIONAL PARK & OPEN SPACE
Town of Bennett | Colorado |

CONCEPTUAL MASTER PLAN
Preliminary Concept | April 2014

APPENDIX B: PHOTO POINTS

Map Number:	
1	
Photo Direction:	
N	
Looking north.	

Map Number:	
1	
Photo Direction:	
E	
Looking east across the Property.	

Map Number:	
1	
Photo Direction:	
S	
Looking south towards the Antelope Hills Subdivision.	

Map Number:	
1	
Photo Direction:	
W	
Looking west towards the Antelope Hills Subdivision.	

Map Number:	
2	
Photo Direction:	
E	
<p>Looking east; vegetative zones are dominated by invasive perennial grasslands.</p>	

Map Number:	
2	
Photo Direction:	
SE	
<p>Looking southeast.</p>	

Map Number:	
2	
Photo Direction:	
S	
Looking south.	

Map Number:	
2	
Photo Direction:	
W	
Looking west.	

Map Number:	
3	
Photo Direction:	
N	
Looking north.	

Map Number:	
3	
Photo Direction:	
E	
Looking east; note culverts containing concrete aprons which are 546 square feet on the inlet and outlet.	

Map Number:	
3	
Photo Direction:	
S	
Looking south.	

Map Number:	
3	
Photo Direction:	
W	
Looking west; note common mullein (a C list noxious weed).	

Map Number:	
4	
Photo Direction:	
N	
Looking north; note trails in this region are taken over by puncture vine.	

Map Number:	
4	
Photo Direction:	
E	
Looking east; note only part of water is on the Property.	

Map Number:	
4	
Photo Direction:	
S	
Looking south.	

Map Number:	
4	
Photo Direction:	
W	
Looking west.	

Map Number:	
5	
Photo Direction:	
SE	

Looking southeast; note concrete apron which is approximately 690 square feet.

Map Number:	
6	
Photo Direction:	
N	

Looking north.

Map Number:	
6	
Photo Direction:	
E	
Looking east.	

Map Number:	
6	
Photo Direction:	
S	
Looking south.	

Map Number:	
6	
Photo Direction:	
W	
Looking west across the Property.	

Map Number:	
7	
Photo Direction:	
NW	
Looking northwest into the Property.	

Map Number:	
8	
Photo Direction:	
N	
Looking north.	

Map Number:	
8	
Photo Direction:	
E	
Looking east.	

Map Number:	
8	
Photo Direction:	
S	

Looking south.

Map Number:	
8	
Photo Direction:	
W	

Looking west; note typical trail on the Property.

Map Number:	
9	
Photo Direction:	
E	
Looking east.	

Map Number:	
9	
Photo Direction:	
SE	
Looking southeast.	

Map Number:	
10	
Photo Direction:	
N	
Looking north at the upper pond.	

Map Number:	
10	
Photo Direction:	
E	
Looking east at the pump house which is 400.8 square feet.	

Map Number:	
10	
Photo Direction:	
S	
Looking south.	

Map Number:	
10	
Photo Direction:	
W	
Looking west.	

Map Number:	
11	
Photo Direction:	
N	
<p>Looking north; note concrete pad which is 100 square feet.</p>	

Map Number:	
12	
Photo Direction:	
SW	
<p>Looking southwest at pond infrastructure including a headgate, concrete spillway (1,363 square feet) and inlet pile (at left). Note that the concrete spillway may be expanded.</p>	

Map Number:	
13	
Photo Direction:	
N	
Looking north.	

Map Number:	
13	
Photo Direction:	
NE	
Looking northeast.	

Map Number:	
13	
Photo Direction:	
E	
Looking east.	

Map Number:	
13	
Photo Direction:	
S	
Looking south.	

Map Number:	
14	
Photo Direction:	
N	
Looking north.	

Map Number:	
14	
Photo Direction:	
E	
Looking east from trail.	

Map Number:	
14	
Photo Direction:	
S	
Looking south.	

Map Number:	
14	
Photo Direction:	
W	
Looking west; note old clubhouse is outside of easement boundary.	

Map Number:	
15	
Photo Direction:	
W	
<p>Looking west at Maintenance Shop which is a 6,320.6 square foot Morton Building surrounded by asphalt on the east and south.</p>	

Map Number:	
16	
Photo Direction:	
N	
<p>Looking north at material storage area, note the Maintenance Shop at right.</p>	

Map Number:	
16	
Photo Direction:	
E	

Looking east across the Maintenance Shop and yard.

Map Number:	
16	
Photo Direction:	
S	

Looking south.

Map Number:	
16	
Photo Direction:	
W	
Looking west at a gasoline and diesel fuel tank.	

Map Number:	
17	
Photo Direction:	
N	
Looking north towards the Maintenance Shop across the former golf cart storage area.	

APPENDIX C: QUALIFICATIONS

PROFESSIONAL SUMMARY

Matt Tobler is a natural resource specialist with 21 years of experience; his work has been centered upon natural resource conservation through ecological research, regulatory compliance and the implementation of ecologically based management. At Blue Mountain Environmental Consulting, his responsibilities include business management and administration, client development and relations, proposal writing, project implementation and management, team supervision, technical documentation, quality assurance and quality control, marketing and communications, budgeting, accounting, staff development and mentoring.

Mr. Tobler has conducted diverse resource management projects with an interdisciplinary approach that places an emphasis on the integration of existing ecological conditions, historical conditions and project goals to create sustainable outcomes. Focal areas include planning, management, restoration and regulatory compliance in the fields of forestry, wildfire mitigation, rangeland and noxious weeds, wildlife, wetland and riparian areas, watershed management, terrestrial ecology, rural land use planning, geographic information systems, erosion and sedimentation control and conservation planning.

Mr. Tobler has conducted natural resource projects with diverse clientele including federal agencies (*USFS, FRES, ACOE, BLM, NRCS, NPS, USGS*), state agencies (*CSP, CDOW, CSFS*), local governments, non-profit organizations (*TNC, COL, DU, CCALT, numerous land trusts, foundations*), a variety of consulting groups (*AECOM, Mangi Environmental, Ecosphere, Dynamac, TetraTech*) and many private landowners.

Mr. Tobler has participated in numerous NEPA projects across western states addressing oil and gas infrastructure development, communication facilities, FERC licensing, water development and conveyance. In this capacity, he has conducted wetland compliance activities, threatened and endangered species surveys, environmental assessments and prepared documentation per NEPA, CERCLA and Section 404 of the Clean Water Act.

As a research associate with the U.S. Forest Service, he designed and implemented original research studies to investigate causes of landscape diversity and vegetative responses to disturbance of Colorado forests. He served as a research associate with the U.S. Geological Survey to assess rangeland capacity for domestic cattle, bison, moose and elk in the Teton Valley in Wyoming. As a research associate at the Woods Hole Research Center, he assisted in the implementation of a pioneering study that assessed the fire susceptibility of primary tropical rainforest along the arc of deforestation in the northeastern Amazon of Brazil. Matt also worked a ranger for the National Park Service and implemented wildfire mitigation and forest stewardship programs for the Colorado State Forest Service. As an environmental field technician with CleanHarbors, Matt conducted hazardous materials remediation and emergency spill response services.

Raised on a New York dairy farm, Matt has an additional 15 years of agricultural experience. He also worked with the Natural Resource Conservation Service and several farm service agencies in New York to implemented soil and water conservation practices. He also has over 1,500 hours of volunteer experience in North, Central and South America with organizations such as TNC, NRCS, NPS, Woods Hole Research Center, IPAM, PRETOMA, Wildland Restoration Volunteers and others.

APPENDIX D: REFERENCES

- Byers, E. & Ponte, K.M. 2005. The Conservation Easement Handbook. The Land Trust Alliance and The Trust for Public Land, Washington, DC and San Francisco, CA. 555pp.
- Southwest Regional Gap Analysis Project (SWReGAP). 2007. SWReGAP Landcover Legend Description Database. Retrieved from <http://earth.gis.usu.edu/swgap/legenddataquery.php> on November 26, 2014.
- Web Soil Survey. 2012. Retrieved from <http://websoilsurvey.nrcs.usda.gov/app/> on November 26, 2014.

APPENDIX E: ELECTRONIC FILES

Baseline Report
Site Photos
Project Maps
Wildlife Species Lists
Title Commitment
Geographic Information System Database
Legal Description
Deed of Conservation EasementNRCS Custom Soil Report
2012 Town of Bennett Comprehensive Plan
Arapahoe County Open Space Master Plan, Open Space System
Arapahoe County: Open Space and Trails Maps