

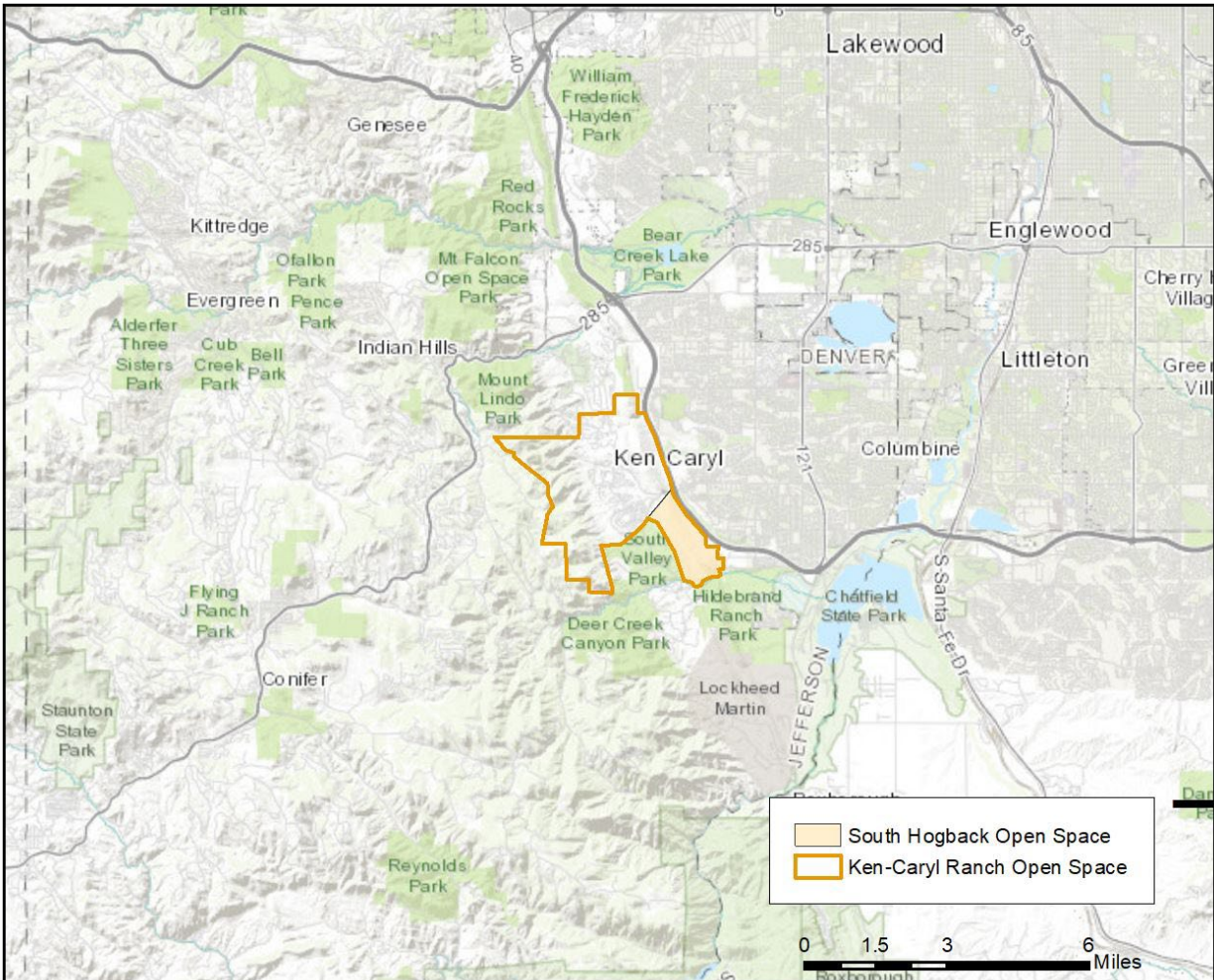
SOUTH HOGBACK OPEN SPACE TASK FORCE 2022 ANALYSIS



Ken-Caryl Ranch Metropolitan District

South Hogback Open Space Historical Information

The Ken-Caryl Ranch Metropolitan District owns 935.71 acres of open space and 3.2 miles of trail known as the South Hogback Open Space, which is located south and west of the junction of Interstate C-470 and Ken-Caryl Avenue in Jefferson County (sometimes referred to in this analysis as “the property”). The South Hogback is one contiguous land form with significant historical and sensitive resources and is the only public open space owned by Ken-Caryl Ranch Metropolitan District. *This section is a historical account of the acquisition, management, and significant occurrences on the property and will be updated as information becomes available.*



Early 1990s – A citizen-initiated resource assessment of the South Hogback Open Space was completed. The assessment was called *Where the Mountains Meet the Plains*.

July 20, 1993 – Prior to July 20, 1993, the property was owned by Johns Manville corporation. The existing trail/road was on the property prior to acquisition by Johns Manville. The Ken-Caryl Ranch Foundation, a not-for-profit entity that is independent of the District, performed grassroots fundraising efforts to acquire the South Hogback Open Space from Johns Manville using a seven-year note with no interest for \$455,000. Contributors included private donations, the Ken-Caryl Ranch Master Association, the District, Gates Family Foundation, Colorado Last Trust, and Great Outdoors Colorado. The District contributed a

portion of its Conservation Trust Fund dollars to the project between 1994 and 1999. Existing mineral rights, owned by Anadarko Land Corporation, carried forward with the acquisition.



September 1, 1993 – The Ken-Caryl Ranch Foundation and the District entered into an agreement for the District to lease and maintain the property for and on behalf of the Ken-Caryl Ranch Foundation. The initial term of the lease was one year with an annual rental fee of \$1 with the option of a renewal for successive one year terms.

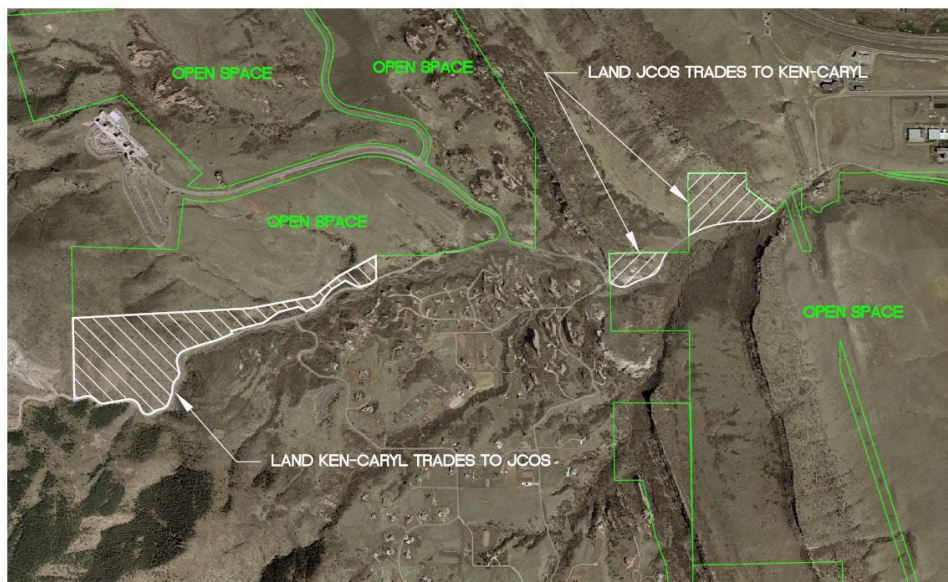
1997 – 1999 – Three years of songbird banding in Gambel oak woodland in the South Hogback was completed. The program contained a community and school educational component.

1997 – A General Management Plan was developed for Ken-Caryl Ranch open space including the South Hogback Open Space. Plan was developed by a Ken-Caryl Ranch Master Association Task Force.

June 1, 2000 - The South Hogback was designated on this date as one of only three areas in Jefferson County designated as a natural area by the Colorado Natural Areas Program based on unique geological, archaeological, and biological features. The Colorado Natural Areas Program is a statewide program focused on the recognition and protection of areas that contain at least one unique or high-quality natural feature of statewide significance. The Ken-Caryl Ranch Natural Area contains a textbook example of the geologic formation known as a "hogback." The highest ridge of the hogback is composed of Dakota sandstone (approximately 75 million years old), with a lower ridge to the west composed of Glennon limestone (about 250 million years old). The Niobrara shale on the east face of the South Hogback supports a population of a hybrid between two rare species of twinpods, Bell's and Rydberg's (*Physaria bellii* x *Physaria vitulifera*). The area is also an important topographic feature for migrating raptors. The hogback is vegetated with a mosaic of plant communities representative of the rocky scarps and shallow valleys of hogbacks along the east face of the Front Range.

February 25, 2003 – The Ken-Caryl Ranch Foundation and the District agreed that the property would be best served if it were owned by the District, due to the District's public entity status and ability to manage the property in perpetuity. The District approved the Bargain and Sale Deed for transfer of title to the South Hogback Open Space from the Ken-Caryl Ranch Foundation on January 28, 2003. The deed was recorded on February 25, 2003. The deed includes a right of reverter to ensure that the property is used as public open space with only the following uses: low impact educational and recreational uses (hiking, biking, horseback riding, wildlife and nature study); agriculture management practices limited to growing grass/trees/shrubs and grazing of livestock and resource management; maintenance of existing utility corridors, easements, access roads; construction and maintenance of structures customarily accessory to allowed uses (earthen trails, foot bridges, benches, trail signs, fences, gates and erosion and water control diversion ditches and culverts).

September 30, 2005 – A land exchange occurred of 86.007 acres of land owned by the Ken-Caryl Ranch Metropolitan District for 32.465 acres of land owned by Jefferson County. All property relative to this exchange is north of Deer Creek Canyon Road. The District parcel is contiguous to the southern property line of South Valley Park and the Jefferson County parcels are located on the northern boundary of the Hildebrand Ranch Park.



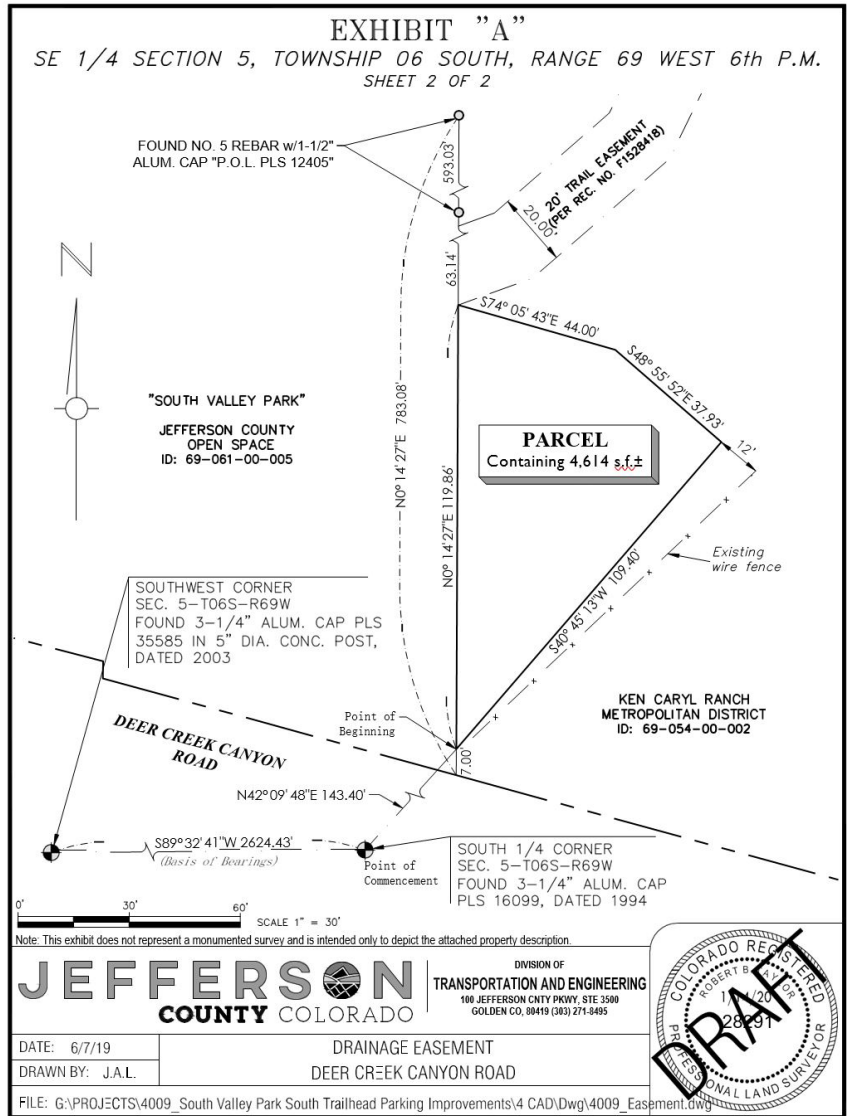
AUGUST 22, 2005

November 2, 2010 – The Colorado Natural Heritage Program completed a raptor and rare plant survey for the proposed trail re-alignment for Columbine and Shaffer Trails (Shaffer Trail is not on the South Hogback Open Space). This was the first professional biological survey completed after the Ken-Caryl Ranch Metropolitan District acquired the property. The 2010 survey noted Long-eared owl nest and remnant tall-grass prairie.

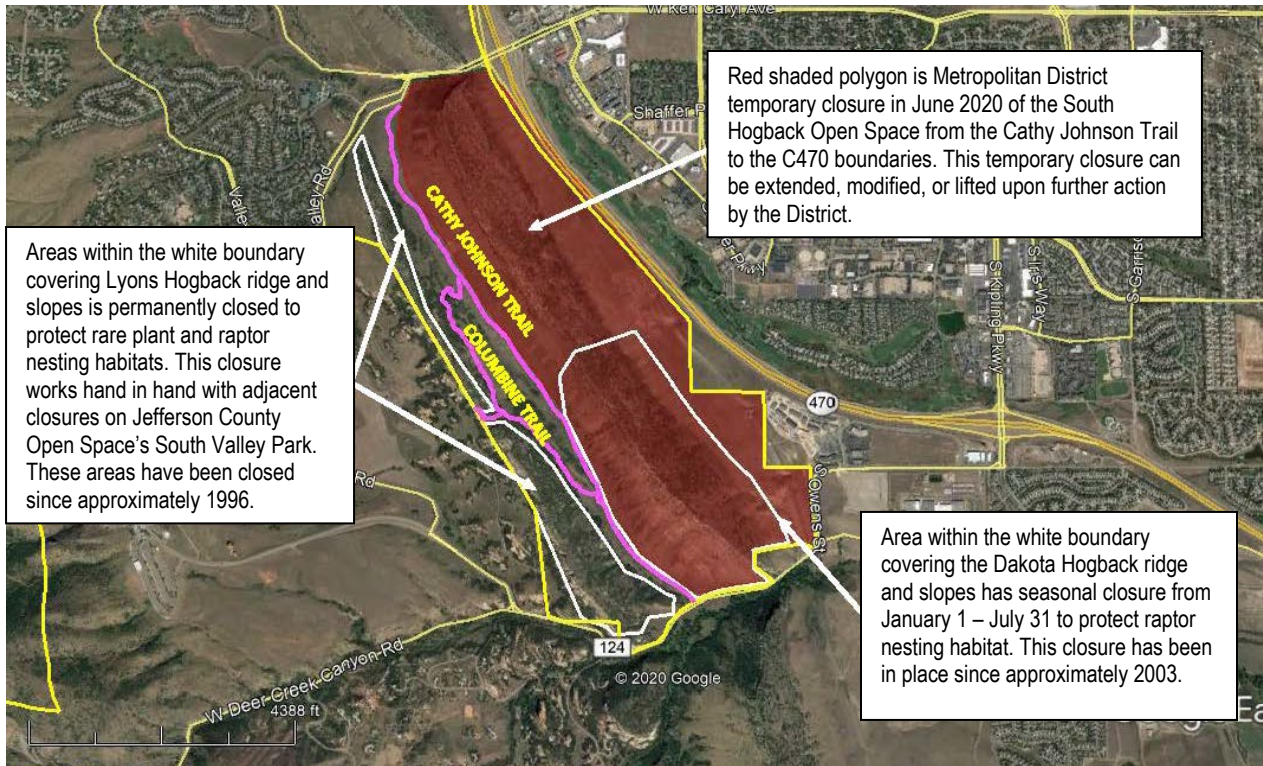
2016 and 2017 – Prairie dogs were relocated from Ken-Caryl Ranch Master Association Open Space near the Manor House to the east side of the South Hogback Open Space.

2019 –The South Hogback Open Space has been deemed ecologically important by the Colorado Natural Heritage Program (CNHP) as an area with very high biological significance. Biologic field surveys conducted by CNHP in 2019 identified eight biological elements of conservation concern at the South Hogback Open Space. These biological resources included one rare butterfly, the Regal Fritillary (*Speyeria idalia*); a rare mammal, the Black-tailed Prairie Dog (*Ludovicianus cynomys*); the Prairie Falcon (*Falco mexicanus*); the Golden Eagle (*Aquila Chrysaetos*); and four rare plant species, the globally critically imperiled Bell's Twinpod hybrid (*Physaria* x1 - species to be described), and the three state critically imperiled Redstem Spring Beauty (*Claytonia rubra*), Plains Frostweed (*Crocyanthemum bicknellii*), and Forktip Three-awn grass (*Aristida basiramea*). Archeological field surveys conducted by ERO in 2019 identified nine new cultural resources and revisited two previously documented sites. The locations of endangered, threatened, or other rare or sensitive resources discovered in the South Hogback Open Space were redacted from the final field survey reports by the District to protect the resources from trampling, looting, vandalism, or other intentional or unintentional damage.

January 2020 – The District granted a permanent drainage easement to Jefferson County for a small piece of District property at South Valley Park Parking Lot off Deer Creek Canyon Road. The drainage easement was necessary because of restroom and parking lot improvements. The site plan includes 4,614 square feet of District property to be utilized in conjunction with Jefferson County property for development of the drainage depression.

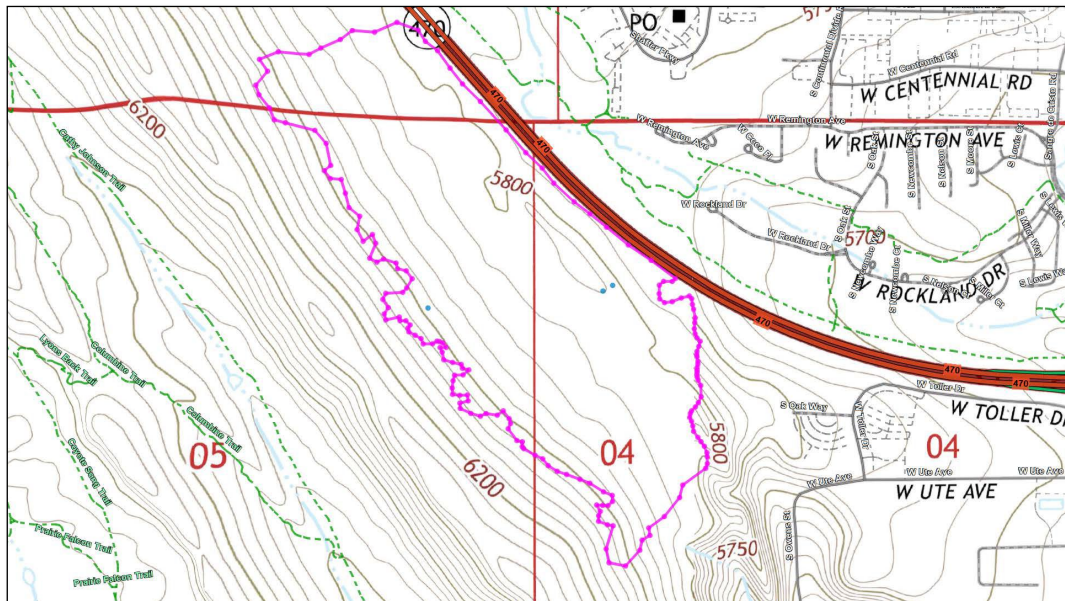


June 2020 – The District approved a temporary closure of the South Hogback Open Space from the Cathy Johnson Trail to the C470 boundaries. This temporary closure was put in place to protect sensitive open space resources until further action could be researched by the District Board of Directors. The temporary closure assisted in reducing dispersed recreation and gave the Open Space Rangers an important tool in protecting the property’s sensitive resources.



October 5, 2020 – A vegetation fire occurred in the South Hogback Open Space just west of the Westerly Apartments. West Metro Fire District was able to quickly contain the fire.

December 27, 2021 – On Monday, December 27, 2021, at 2:18 p.m., West Metro Fire Protection District responded to the report of a brush/grass fire in the area of the South Hogback Open Space, west of the Westerly Apartments in Littleton, Colorado. The fire, called the “Oak Fire”, burned approximately 150 acres.



February 22, 2022 – The District Board approved Resolution No. 22-104 - A Resolution Honoring The Intent Of The Ken-Caryl Ranch Foundation To Protect And Preserve The South Hogback Open Space By Committing To Establish A Land Management Plan For Conservation Of The South Hogback Open Space.

March 22, 2022 – The District Board approved a Relinquishment And Quitclaim Of Surface Access Rights agreement with Anadarko Land Corporation related to Anadarko’s mineral rights at the South Hogback Open Space. The establishment of this agreement is critical to the District’s ability to pursue land management possibilities for the property. The agreement was subsequently signed by Anadarko Land Corporation with an effective date of March 17, 2022, and as of the date of this analysis is in the process of being recorded in Jefferson County. The District Board also approved the creation of the South Hogback Open Space Task Force to explore possible land designation options for the South Hogback Open Space.

April 6, 2022 – The Ken-Caryl Ranch Historical Society conducted an archaeological survey of the Oak Fire burn scar. The survey team included three experienced Colorado Archaeological Society archaeologists and about 10 volunteers from the KCR Historical Society. The fire occurred on the far eastern portion of the South Hogback Open Space near the electrical transmission towers. The density of artifacts discovered was low compared to other portions of the South Hogback Open Space, likely because the area of the burn scar (1) is less likely to have been used by prehistoric people in their daily living activities than other areas of the South Hogback Open Space, and (2) has been disturbed because of activity related to the placement and maintenance of the transmission towers.

South Hogback Open Space Task Force

The District Board approved the creation of the South Hogback Open Space Task Force on March 22, 2022 to explore possible land designation options for the South Hogback Open Space. This Task Force had very specific objectives to assist in determining preliminary viability of concepts that may then be vetted by a larger community group.

Because the scope of the Task Force’s objectives would be limited and would require a high level of expertise, the Board approved a specific membership of Jim Antes or Valerie Walling with the Ken-Caryl Ranch Historical Society; Bob Toll; who has land management expertise; Bruce Heise who was deeply involved in the acquisition of the property; and Sean Warren, the Ken Caryl Ranch Open Space Manager. District staff and the District Board Chairperson, Joe Levy, also participated.

South Hogback Open Space Task Force Objectives

The Task Force was asked to research and explore:

- The viability of land designation options which could include a land trust conversation easement, a Jefferson County Open Space easement, or a Jefferson County Open Space reverter, among others.
- The feasibility of ways to highlight the unique historical, cultural, and biological features of the South Hogback Open Space, as inspired by the Sumac Hill Farm Overlook Conservation Easement on the Highline Canal Trail, or other applicable examples.
- The feasibility of pursuing county, state, federal, or private grants to finance some, or all, of the cost of any efforts to enact any improvements to the South Hogback Open Space.

If the Task Force’s conclusions are deemed possible and desirable to be explored further by the District Board, the Board may choose to engage a broader community effort to begin development of a land management plan.

Discussions and Findings

The Task Force met five times over the course of the summer in 2022 and participated in a tour of the South Hogback Open Space with Open Space Rangers and Ken-Caryl Ranch Historical Society archeologist, Jack Warner. The Task Force also consulted with Hillary Merritt with Jefferson County Open Space to discuss options for protection efforts. The following is a synopsis of the discussions and findings from those meetings and tours:

- The Task Force was strongly committed to the long-term protection of the land as District leadership positions and Board members turn over. The Task Force emphasized the well-established historical intent for protection of the property, including the existing Great Outdoors Colorado grant agreement, and discussed land designation options to assist. Each of the land designation options held advantages and disadvantages.
 - A conservation easement held by a land trust or Jefferson County would provide a layer of protection for permanent preservation but would involve a third-party having decision-making authority in the process. A land trust would also likely require an endowment for monitoring. This option provides the most stringent method for ensuring protection in perpetuity but adds complexity that may not be needed or desirable.
 - An open space reverter, in which the property is deeded to the County and then deeded back to the District for parks and open space purposes, would function as a guarantee that the property would be used for parks and open space in perpetuity and would require a process, of some sort, for certain actions to occur on the property. This option also provides rigorous protection but adds complexity and an unnecessary layer of government that may not be needed or desirable.
 - A formal District designation that would be assigned to areas that the District Board determines need protection via a Board resolution. This option would provide a balance between preservation and recreational use while maintaining local control in the most efficient, expeditious manner.
- The Task Force agrees that the property's resources are significant and should be protected. One part of a future management plan should be to develop a public education strategy to promote responsible use and stewardship of the property to include the protection of the significant resources.
- The possibility of incorporating the South Hogback Open Space into Jefferson County Open Space also was discussed, since the property is public and directly adjacent to existing Jefferson County Open Space property. The Task Force felt that this did not benefit the intent of the purpose of acquisition.
- The Task Force discussed how the purpose of the original acquisition of the property, the funding agreements, the existing uses and management, and the protection of the significant resources will inform a future land management plan for the South Hogback Open Space.
- The Task Force discussed how the 2019 biologic and archaeological surveys, the Ken-Caryl Ranch Comprehensive Open Space Master Plan, and natural resource management principles should be the guiding documents for the development of the future land management plan.

Conclusions and Recommendations

The Task Force concludes and recommends the following:

1. The sensitive resources, as identified by existing surveys and a future land management plan, need special protection.
2. To protect the sensitive resources, the Task Force suggests layers of protection as outlined below:
 - a. Continue the Metropolitan District's decision to enforce a temporary closure of the South Hogback Open Space from the Cathy Johnson Trail to the C470 boundaries until the completion of a management plan.
 - b. Confirm and document the protection afforded by existing agreements with, or state regulations of, the original funding partners who contributed to the property's acquisition.
 - c. Complete a land management plan with community input and participation.
 - i. Research the findings of the Land Use Task Force and move forward to address zoning issues for protection of the multiple parcels and consistency with the neighboring parcels and other community open space. Current parcels include a mixture of Planned Development (PD) and Agriculture (AG).
 - ii. Build upon the 2010 Colorado Natural Heritage Program raptor and rare plant survey and the 2019 biologic and archeological field surveys to complete a comprehensive study of the property.
 - iii. Designate those sensitive areas that should be permanently protected. The sensitive areas are those identified in the 2010 Colorado Natural Heritage Program raptor and rare plant survey and the 2019 biologic and archeological studies and those yet to be identified as part of any future analysis. Assign District designations to those areas using a zoned and strategic approach to balance protection and use. Utilize the February 22, 2022 Metropolitan District Board resolution and future land management plan to formalize the designations and zoning.
 - iv. Comply with the uses allowed in the deed and those uses referenced in the Ken-Caryl Ranch Supplement to the Master Declaration of Covenants, Conditions, and Restrictions of Ken-Caryl Ranch Regarding Recreation and Open Spaces (references to the allowed uses can be found in the [2019 Open Space Management Plan](#)).
 - v. Assign responsibility and necessary resources to actively manage (visitor services, resource management, etc.) the site. Assign responsibility and necessary resources to support the objectives of the future land management plan.
3. Develop an education strategy (i.e. signage, interpretation, friends group).
4. Once steps one and two are completed, research county, state, federal, or private grants and contributions to finance some, or all, of the cost of any efforts to enact the future land management plan for the South Hogback Open Space.



Committee Members (from left to right): Bruce Heise, Joe Levy, Jim Antes, Sean Warren, Valerie Walling, and Bob Toll.