

Smuggler Mountain Open Space Management Plan

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1. INTRODUCTION

Many Aspen residents may be unaware of the fact that significant urban development could have enveloped not only Smuggler Mountain, but Hunter Creek as well. Imagine the fact that in the late nineteen sixties, much of Smuggler and Hunter Creek were owned by McCullough Oil Company and a handful of other private owners. The Hunter Creek lands were largely acquired by the USFS, with some critical assistance from Pitkin County, the City of Aspen, and the Aspen Valley Land Trust, who jointly secured the Hummingbird and the Little Chief inholdings. These three local partners would also lead the way in protecting Smuggler Mountain.

Although the negotiations with Wilk Wilkinson may have dominated the public's imagination, the effort to secure the mountain began much earlier in 1974 when Herbert Bayer donated ten acres to Pitkin County. This land encompasses the flat area on the top where the old "circle track" used to be. Over the next thirty three years, the County, AVLTL, and the City would continue to piece together the mountain. Indeed, our efforts in that regard are continuing as some private land remains threatened by development on the face.

In 1979, in settlement of a lawsuit, the County accepted the 6.9 acre Silver Brick mining claim on the lower face. Two years later, Frederic (Fritz) and Fabienne Benedict donated two mining claims to AVLTL: the 8.21-acre Grand Turk Mining Claim and the 9.9-acre Pontiac Mining Claim, both on the uppermost slopes on the eastern edge. The claims have never been mined and remain undisturbed. The claims are surrounded on three sides by the White River National Forest and may be exchanged to the Forest Service to consolidate administration of public lands.

In the late eighties, McCullough Oil Company sold its Smuggler lands to Wilk Wilkinson, precipitating a twenty year negotiation over potential development. The winds shifted in 1991, again through the generosity of the Benedicts, who donated Verena Mallory Park to AVLTL. This small park on the northwest flank of the mountain includes the upper bridge of the Hunter Creek Trail. One of the reasons the Benedicts donated the park was to compensate the Aspen community for the loss of the Marolt Open Space due to development of a subdivision on a 72-acre tract owned by the Benedicts. In 1998 the park was renamed in honor of the daughter of Howie Mallory, who died unexpectedly at age five. Mallory is a former board member of AVLTL.

On a more ominous note, in 1998 Wilk Wilkinson sought to close Smuggler Road, an action which precipitated a lawsuit with Pitkin County over public access. This suit was eventually settled with an agreement that protected public access on the main road through to Warren Lakes.

In 1993, Fritz and Fabienne Benedict again generously donated a 10.06-acre strip of land on the north flank of the mountain to Aspen Valley Land Trust. This property was later named Emilee Benedict Park, after the death of the donors' daughter. On an adjacent 53 acres, the Benedicts then donated a conservation easement that reserved a single homesite. The Benedicts had purchased this "Estamar" property from a Basque sheep rancher in the fifties. To this day, the house there is the only one that has been placed on the upper mountain, and is surrounded by lands protected by the AVLTL conservation

easement. In this year, the Alleys traded the 20 acre Rainstorm and Snowstorm mining claims to Pitkin County in exchange for a part interest in property in town.

Five years later, in 1998, the City of Aspen made the first of its Smuggler acquisitions, paying \$370, 209 for the 9 acre Mascot 99, which lies at the base of Smuggler Mountain Road. The Pitkin County Open Space and Trails program had been approved by the voters in 1990, with some thought to accelerating the work of preserving Smuggler Mountain. The first opportunity for the County's program to act came in 2000, when Harley Baldwin agreed to donate his interest in the 10 acre Little Maud Claim which includes the ever popular observation deck. To secure this donation, \$550,000 thousand was paid to Guard Moses to purchase his interest in the same property.

In 2002, another private gift of land occurred when Ramond and Camilla Auger donated the one acre Cora Lee claim which lies at the base of the mountain on the edge of the Little Maud. The following year, the City and County programs teamed up to purchase 20 acres (the Axtel and Protection Loads) which the Benedicts had conveyed to the Music Associates of Aspen as a form of an endowment. This \$650,000 purchase was offset by the sale of a TDR for \$175,000.

In 2005, the City and County were finally able to secure an agreement with Wilk Wilkinson, and jointly paid \$15 million, \$7.5 million each, from their respective open space funds to secure the 170 acre core of the Smuggler Mountain Open Space. A conservation easement was placed on this land and is held by the AVL T. This purchase remains the largest sum paid by local government in the Roaring Fork Valley for an open space to date. The same year, pursuant to an earlier arrangement involving the Little Maud, the estate of Harley Baldwin donated the 10 acre B&M mining claim.

The number of private parcels that could threaten development on the mountain was finally dwindling down to a last few. In 2006, the City of Aspen agreed to purchase 24 acres that had belonged to Wilk Wilkinson's wife, Tulasi, for \$3,400,000. This purchase was comprised of the Contraband, Result, and Della S mining claims, and a conservation easement was granted to AVL T to assist the seller with tax benefits at the time of the sale. This transaction was completed in 2007, a year which ended with the City and County paying an additional \$500,000 to the Wilkinson estate for all remaining mineral rights and a part interest in a surface right that the estate had reacquired after the completion of the 2005 transaction.

The goal of this management plan is now to provide a framework for managing Smuggler Mountain Open Space to ensure the legacy of all those who donated their lands, or otherwise contributed to this stunning community success story. To that end, we dedicate this plan to Fritz and Fabienne Benedict, Harley Baldwin II, Herbert Bayer, Ramond and Camilla Auger, and the citizens of the City of Aspen and Pitkin County. All City and County owned lands on Smuggler Mountain are combined in this plan and called Smuggler Mountain Open Space (Smuggler).

1.1 Purpose and Goals

Purpose

- Provide an accurate and complete description of the property and existing conditions.
- Determine the management objectives for Smuggler.
- Outline the program and policy guidelines that will direct the management and use of Smuggler.

Goals

- Protect, manage, and enhance the natural, geologic, cultural, and visual resources including maintaining and promoting healthy ecosystems and their essential components and processes.
- Provide and promote safe and enjoyable outdoor recreation opportunities.
- Provide educational opportunities regarding the values of the surrounding natural, geologic, cultural, and visual resources and the importance of responsible use and stewardship of the land.
- Define implementation policies, programs, and responsibilities for the above goals as well as provide specific implementation steps where appropriate.

1.2 Scope and Organization

The Management Plan for Smuggler contains three major sections:

1. A review of existing conditions, including natural, cultural, and historical resources
2. A discussion of opportunities, constraints, and planning issues related to the management of the land.
3. A management plan addressing existing conditions, opportunities, constraints, and planning issues.

The use and management of all the City and County owned properties on Smuggler Mountain will be combined into one plan, which provides seamless management for the entire mountain, referred to as Smuggler.

1.3 Planning, Public, and Agency Involvement

The City of Aspen (City) and Pitkin County Open Space and Trails (County) embarked on the collection of data for the aspects located within this management plan. Consultants were hired to research, study and synthesize into a report the baseline information. Baseline data collection took place between August 1, 2007, and December 15, 2007.

Public and agency involvement was utilized to ensure full representation of those parties interested in Smuggler. Two public work sessions and a web-based survey were conducted to provide for public input. The first work session on July 31, 2007, introduced the management plan process, reviewed existing conditions of the area, and identified the public's desires and concerns surrounding the future use of the area.

Following this initial public meeting, the City and County launched a web-based survey to allow input from members of the public who could not attend the public sessions (Appendix 5.4). The second work session on August 28, 2007, again introduced the management plan process and provided an opportunity for the public to share their vision for the uses and goals of the property.

In addition to public workshops, technical expertise and user interests were solicited from the following individuals, agencies, and staff:

Name, Affiliation, Expertise

- Brent Allred, United States Forest Service, Recreation Technician (Special Uses/Trails)

- John Armstrong, Pitkin County, Open Space and Trails Ranger
- Rebecca Cooper, Smith Environmental and Engineering, Cultural Resource Technician
- Stephen Ellsperman, City of Aspen, Parks and Open Space Director
- Brian Flynn, City of Aspen, Open Space and Special Projects Manager
- Brian Kelly, Smith Environmental and Engineering, Landscape Architect/Restoration Ecologist
- Paul Krabacher, Colorado Division of Reclamation Mining and Safety, Associate
- Tim Lamb, United States Forest Service, Forestry Technician (Dispersed Recreation/Wilderness)
- Brian Long, City of Aspen, Open Space and Parks Ranger
- Jonathon Lowsky, Colorado Wildlife Science, LLC, Wildlife Biologist
- Members of the Public, Public Meetings and Web Survey
- Martha Moran, United States Forest Service, Recreation Staff
- Jay Parker, Smuggler Mountain Mine Corp., Miner/Historian
- Gary Tennenbaum, Pitkin County, Open Space Land Steward
- Mindy Wheeler, WP Natural Resource Consulting, Inc., Ecologist
- Dale Will, Pitkin County, Director of Open Space and Trails
- John K. Williams, Smith Environmental and Engineering, Archeologist
- Jeff Woods, City of Aspen, Parks and Recreation Manager
- Austin Weiss, City of Aspen, Trails Coordinator
- Roaring Fork Mountain Bike Association, RFMBA, At Large User Group

1.4 Continuing Public Input

Both City and County Open Space and Trails programs regard all management plans as living documents, and will consider comments or proposed changes at any time. Any such comments will be brought to the attention of both the City and County Open Space and Trails Board for discussion of an appropriate response, including potential changes to the plan.

2. EXISTING CONDITIONS

2.1 Overview

Smuggler is situated on the northwestern-most flank of Smuggler Mountain in unincorporated Pitkin County. It is embedded within a landscape that transitions from an urban to a rural national forest landscape. The northern and eastern portions of the property are bound by the White River National Forest, which is under the administration of the USDA Forest Service and by the lands on the west that are under private ownership. Smuggler Mountain provides a home for a large portion of Aspen's historical mining past, provides year-round recreational opportunities, and protects native Gambel Oak/Pinon Pine/Juniper habitat. The acquisition of the properties, which make up Smuggler, accomplished the goal of acquiring private parcels in order to protect wildlife habitat, view sheds, and to allow for continued outdoor recreational opportunities.

2.2 Climate

Smuggler is located to the north of the City of Aspen and generally has a west to southwest exposure. It has a highly variable climate that is prone to sudden change. In general, the climate can be characterized

as semiarid with a strong seasonal variation in temperatures, abundant sunshine, and relatively low precipitation. The average maximum daily temperature is in the mid 60s to low 70s (F) from April to September, with the daily average maximum reaching approximately 79 degrees in July and August. High temperatures occasionally exceed 90 degrees, but nights are generally cool, with an average low during the summer months in the mid 40s. Winters are generally cold but are characterized by substantial swings in temperature. January is the coldest month with an average daily maximum of 33 degrees (F). However, high temperatures in the 40s are not uncommon even in the winter months, supporting year-round recreation on Smuggler Mountain Road. Average annual precipitation is 19 inches, with the highest amount occurring mostly between May and September. Average annual snowfall is approximately 150 - 200 inches.

2.3 Topography

Elevations of Smuggler range from approximately 8,129 feet to 9,698 feet above mean sea level. The topography of Smuggler varies from relatively flat to very steep with a perennial, unnamed draw meandering southeast to north across the eastern side of the property. Aspects are primarily northerly to westerly with some areas facing southerly as well. The upper and north facing portions of Smuggler are forested while shrub lands dominate the lower and southerly facing aspects. The natural topography and dense vegetation located on a majority of the front of the mountain does not lend itself to recreational uses.

2.4 Geology and Soils

Smuggler Mountain is composed of rock of the Precambrian era, whereas the lower slopes of Smuggler Mountain are composed of glacial deposits from the Pleistocene era. The geologic history of the area includes periods of encroaching and retreating seas, above and below ground volcanic activity, and glaciation – all with a consistent force of erosion throughout time. The vegetation on Smuggler Mountain is generally rooted in these erosional materials – alluvium, residuum and/or colluvium-derived from metamorphic or sedimentary rock of mixed mineralogy. In a typical profile the top four inches is a very dark grayish brown loam, whereas the following substratum is much coarser material made up of gravelly sandy loam over cobbly loamy sand, which then becomes very cobbly loamy sand with the lower part as much as 60 inches of gravelly sandy loam. Permeability is rapid or very rapid with low available water capacity creating an effective rooting depth of 60 inches.

Characteristics of soil are important to understand for development of a vegetation management plan, re-vegetation success, and trail construction and maintenance. Further detail of the geology and soils and descriptions are available in the Biological Resources Report (Appendix 5.5).

2.5 Hydrology

The property contains one unnamed perennial spring that flows from the northeast and is fed by natural springs. The water source and its associated plant communities are important habitat for wildlife on Smuggler. In the past, the previous property owner used the water for irrigation and drinking. The entire property sits adjacent to Hunter Creek but does not have any direct benefits resulting from this proximity.

2.6 Vegetation

The research and surveys conducted by WP Natural Resource Consulting (WP NRC) demonstrate that Smuggler has a large diversity of vegetation communities, which are a result of a combination of historic land uses, slope, aspect, and elevation. Vegetation types are in various stages of development and succession throughout the site. Much of the property is in good condition consisting of intact, native vegetation communities typical of the surrounding area, soils types, slopes, and elevation. There are a few smaller areas that reflect impacts from past land use activities such as mining and residential use. Impacted areas are now being dominated by invasive species.

Dominant vegetation types include aspen forest, lodgepole pine forest, mountain shrubland, riparian shrublands, aspen/conifer forest, and Douglas-fir forest (Appendix 5.1.2). Each of these vegetation types is further detailed with quantitative information about the vegetation cover of dominants of each vegetation type in the Biological Resources Report (Appendix 5.5).

In order to accurately characterize the vegetation on Smuggler, WP NRC walked the entire property before placement of seven quantitative transects. This was to assure proper placement in locations that were representative of the most common vegetation community types that would yield the most useful vegetation data for management purposes. Fieldwork took place on August 1-4 and August 13, 2007.

The current recreational effects are indirect as the habitat has already been altered and the affected species have adjusted. New recreation development that is not appropriately placed based on the vegetation characteristics of Smuggler will have a large impact and be detrimental to the intact native stands.

Vegetation Communities:

- **Mountain Shrubland Communities** - All mountain shrubland communities are located on the steep lower elevation slopes of the Smuggler parcel and dominated by Gambel Oak communities at the lower elevations; vegetation communities are dominated by oak brush with strong components of both Utah and Saskatoon serviceberry, sagebrush and bitterbrush. These communities are in good to excellent condition. The species diversity, age class structure, and health of the vegetation in these shrublands are all appropriate for the climate, slope, and aspect of this location, and the diversity in these areas is exceptional and serves an important role for wildlife habitat. Additionally, invasive species are absent from these communities thus far.
- **Aspen Communities** - Aspen (*Populus tremuloides*) stands are found at higher elevations. In some of these aspen communities, subalpine fir (*Abies lasiocarpa*) and Engelmann spruce (*Picea engelmannii*) are encroaching, whereas other aspen stands appear to be persisting and regenerating without a conifer component. Aspen is a common dominant vegetation community type at Smuggler. Aspen can grow on most soil types, but are most vigorous in areas with somewhat fertile soils and sufficient moisture. Smuggler appears to have both successional aspen stands such as those in the gently sloping area around the old Wilkinson residence, and

persistent aspen stands such as those found in the upper elevations and some of the steep slopes of the parcel. The condition of these aspen stands is good to excellent as species diversity, age class diversity, and plant health is likely above average. The past land use disturbances of mining and logging, however, likely stimulated abundant aspen sprouting and re-growth, putting the abundance and density of aspen in this area on the high range of its natural variability. Areas which contain conifer in the aspen stands signify natural succession and will likely continue until the next substantial disturbance at which time the aspen will again aggressively resprout.

- **Lodgepole Pine Communities** are found on the north-facing upper elevation slopes, and lodgepole pine (*Pinus contorta*) forests are dominant. Some of these lodgepole pine stands, however, have strong components of Douglas fir (*Pseudotsuga menziesii*), subalpine fir, and some Engelmann spruce, likely due to a combination of previous logging, fire suppression, and slight differences in habitat characteristics. Additionally, the understory of the lodgepole often has strong components of Scouler's willow (*Salix scouleri*) and buffaloberry (*Shepherdia canadensis*).
- **Douglas Fir Communities** (*Pseudotsuga menziesii*) are found on the lower part of some north-facing steep slopes in the upper elevations of the parcel. Although small and somewhat isolated, these stands are in good to excellent condition. Conifer species diversity is particularly high, creating a highly resistant stand to a number of forest pests. The age class structure of these species is also good, as there is a fair amount of regeneration within and around this stand of Douglas fir.

2.7 Wildlife

Smuggler provides habitat for over 138 wildlife species, some of which are permanent residents while others pass through the area on an occasional or seasonal basis. The wildlife habitat on the property is in fair to excellent condition providing the resources to support an abundance of species of wildlife. The Colorado Wildlife Science biologist conducted field surveys of Smuggler in August 2007. Further detail of the wildlife and its habitat is available in the Biological Resources Report (Appendix 5.5).

Based on the brief wildlife surveys conducted for this effort, it appears that Smuggler provides habitat for a diverse array of mammals and birds as well as a few herptiles:

Mammals: Forty-five mammal species are known or suspected to occur on Smuggler. These mammals fall into two general categories – those that use the property to satisfy all of their life history requirements spending most of their lives on the property (e.g., small mammals) and others that incorporate the property into a greater home range (e.g., ungulates, carnivores). Small mammals are an important component of the ecological communities at Smuggler. In addition to their direct contribution to species richness, they play a major role in predator/prey dynamics, consuming plant material and invertebrates, and in turn serving as prey for a number of species of snakes, raptors, and small to mid-sized mammalian carnivores. Nine species of carnivores are known to occur and one, Canada lynx, may occur at Smuggler. They are the American marten, long- and short-tailed weasel, striped skunk, Canada lynx, bobcat, mountain lion, coyote, red fox, and black bear.

Birds: Eighty-eight bird species are known or suspected to occur on Smuggler. The bird population at Smuggler is home to a relatively high proportion of birds that rely on specific habitats for survival. This is an indication that Smuggler, in its current state and current level of human activity, does indeed provide effective habitat and range for a wide variety of important indicator species and general bird populations.

Species of Special Designation: Smuggler also includes species that are considered rare and/or imperiled, species of concern, and sensitive species and may include one species, Canada Lynx, federally listed as “threatened.” Residential development in the Aspen area is creating a migratory bottleneck and causing the direct and indirect loss of important habitat. The potential to disrupt wildlife habitat and behavior is significantly increased by the increased human activity in areas that formerly provided respite.

2.8 Visual Resources

The Smuggler property is highly visible from many points within the City of Aspen. The land can be seen from Highway 82 as far back as Brush Creek Road, from homes, from Aspen Mountain, Aspen Highlands, Buttermilk Mountain, and from the USDA Forest Service public lands surrounding the City. The majority of the view is the face of the open space, which is bisected by the county road. Within the view are a variety of trees, grasses, and shrubs, which create a mosaic of color and texture that change with the light and the seasons. The south facing and upper portions of the open space are dominated by stands of Aspen which contrast with the coniferous forest creating a distinct visual interest of the landscape during the changing of the seasons. From the site, users can enjoy views of the entire City of Aspen, longer-range vistas of the four ski areas, and Mount Sopris.

2.9 Historical Resources

The rich mining history of Smuggler started in 1880 with the partnership of B. Clark Wheeler and Charles Hallam who purchased the rights to the mine claim, The Smuggler. Exploration of the claim showed that The Smuggler had some promise for production of a significant amount of low-grade ore. This discovery drove much of the development at the base of Smuggler Mountain with the addition of a train stop and smelting plant. With the increase in activity on and around Smuggler Mountain, the Standard Mining Company formalized Smuggler Mountain Road. Aspen’s silver mines began in 1887 and in a short six-year period, eight mines would dominate the Aspen mining scene, of which three resided on Smuggler Mountain. After the Sherman Act of 1893 (the demonetization of silver), all activity on Smuggler Mountain ceased except for some work in the Smuggler Mine. Not until the late 1940s did activity in and around Aspen begin to increase. Except for recreational users, Smuggler Mountain remained quiet and held in private hands.

Smith Environmental and Engineering (SEE) was contracted by the City and County to perform an historical assessment of the entire Smuggler property and several adjacent properties. The goal was to identify any historical features or resources, which might be valuable to protect and manage in the management of the entire property. The existing evidence of mine shafts, adits, and collapsed stopes as well as trail segments and ditches, could potentially be considered historical; but SEE determined that the lack of evidence for historical context of these sites removes them from the need to register or protect them as historical resources.

Since Smuggler Mountain was historically used for intense mining, large amounts of waste and debris were left behind from operations. These abandoned materials and structures caused significant impacts to a large portion of the newly-acquired property. In order to mitigate the impacts, the City and County started an intensive reclamation project to restore Smuggler to a natural condition that is safe for recreational uses and provides additional wildlife habitat. Currently, the City and County have closed off these areas due to the multiple open mines, mining hazards, and as-yet unidentified resources. Part of this management plan will explore the opportunities to open the closed area based on the ability to increase recreational uses and the successful restoration of the impacts.

The City and County worked with the Aspen Historical Society to collect and catalogue all of the historical materials prior to a scrap and trash clean up. These materials are available for viewing by appointment only through the City or County at the Aspen Historical Society. During the summer of 2006, a private contractor, hired by the open space programs, removed all of the scrap and trash left behind by previous landowners. These materials were recycled or land-filled when appropriate. In 2008 and 2009 the final stages of the reclamation projects will involve a large-scale native vegetation restoration of the impacted areas.

Through out the historical use of the property there were many different structures located within the Smuggler property. Many of the structures are degraded due to lack of maintenance and some were torn down due to building code violations. Several older structures are visible in the Aspen forests and one structure, built by a squatter, still stands today.

2.9.1 Mining Resources

Smuggler is encumbered with at least six known mineshafts. These are the: Iowa Shaft, Boulder Shaft, Bushwacker, Park Regent, Drill Rig Shaft, and an unnamed shaft. These shafts, in their current condition, present an immediate health and safety concern for public access. Three of the mineshafts are located within the closed area; they are the Park Regent, Bushwacker, and the Drill Rig shaft. The Iowa Shaft, the Boulder Shaft, and the unnamed shaft are all located outside of the closed area. The Iowa Shaft is located next to the Hunter Creek Cutoff Trail. None of these mines or open pits is in the State Historical Register, and the State Office for Mine Safety and Reclamation has identified all for closure. Other activities such as logging and trade corridors were essential to the mining heritage and town growth, but no records have provided geographical locations of these endeavors on Smuggler Mountain. Further details about the scope and extent of the mining history and its importance are available in Historical Assessment Report (Appendix 5.3).

2.9.2 Mining Ecology

There are several areas located within the Wilkinson purchase, which have seen many years of a variety of land uses including mining in the 19th Century and private development. In many of these disturbed areas, old mine waste areas and/or old roads are still devoid of vegetation and have been invaded by noxious weeds. A total of approximately six acres is in this poor condition. Comprehensive restoration of these mine waste or old roads will likely need to involve geotechnical studies, soil tests, and soil amendments, in addition to a full weed control plan. A majority of the forested areas are second-growth trees having been logged for the historical mining activities.

2.10 Adjacent Land Use

Southwest of Smuggler is the City of Aspen and multiple, planned unit developments. The largest of these developments is Centennial Affordable Housing and the Silverlode Mixed Use Development. At the base of the property sits both Molly Gibson Park, a county owned public park managed by the City of Aspen, and the Smuggler Mine Corporation (SMC). SMC is a private operation, which runs historical mine tours into the mines and actively mines some of the property. The northwestern border of Smuggler is directly adjacent to the Hunter Creek Valley, which is owned mostly by the USDA Forest Service, but contains multiple private parcels, City and County publically owned parcels, and privately protected parcels by the Aspen Valley Land Trust. Public lands administered by the USDA Forest Service bind the northeastern, eastern, and southern portions of the property and BLM owned and managed lands. Since the majority of the border with Smuggler is USDA Forest Service lands the management of both will be similar. This management plan has been created with input from the USDA Forest Service.

2.11 Access

Smuggler is accessible via Smuggler Mountain Road, an unimproved dirt road that requires four-wheel drive and higher clearance for vehicles. Access by vehicle, foot traffic, and recreational vehicles can be gained by ascending Smuggler Mountain Road, a 1.6-mile long road managed by Pitkin County Road and Bridge and Open Space and Trails. At the top of the open space, multiple non-motorized trails provide access through the property and into national forest lands. Alternately, access to Smuggler can be achieved via the Hunter Creek Trail and Lani White Trail. Several recreational trails ascend out of the valley floor up into the upper portions of the Smuggler, connecting with the county road back into Aspen.

2.12 Public Facilities

Smuggler Overlook: In 2003, the County sponsored a Roaring Fork Outdoor Volunteer project that redesigned and installed a new viewing platform located at the intersection of Smuggler Mountain Road and the Hunter Creek Cutoff Tail (Appendix 5.1.5). This project also restored the area and created a single access point into and out of the viewing area. The platform offers 270-degree views, east towards Independence Pass and west towards Mount Sopris, providing vistas as far as Sunlight Mountain.

Picnic Area: Continuing along Smuggler Mountain Road, past the Smuggler Overlook is a picnic area also created during the 2003 Roaring Fork Outdoor Volunteer Project (Appendix 5.1.5). The picnic area is located in the old “racetrack” that was heavily degraded by motorized vehicles. The area around the picnic area was restored and a fence installed to direct motorized users to stay on Smuggler Mountain Road.

Trailheads: The trailhead for Smuggler is off of Park Circle at the base of Smuggler Mountain (Appendix 5.1.8). Parking control will be coordinated with local law enforcement in order to maintain parking spaces for Smuggler Mountain users only and no overnight parking.

Parking for the Hunter Creek Trail is on-street parking along Lone Pine Road or at Bureau of Land Management trailhead on Hunter Creek Road off of Red Mountain Road (Appendix 5.1.8).

Trail Infrastructure: There are very limited facilities along Smuggler Mountain Road and on Smuggler. Currently, there are three dog waste stations along the road, two information kiosks, one bench next to the observation platform, and a picnic table in the picnic area. The information kiosks contain a map of the property and provide information about the status of the management plan.

2.13 Recreational Use

At present the majority of the recreational use takes place along Smuggler Mountain Road and the Hunter Creek Cut-off Trail. Average summer use on Smuggler Mountain Road is over 400 users per day. The road is owned by the Pitkin County General Fund and is jointly managed by Pitkin County Transportation and Open Space and Trails Departments. The road passes through Smuggler and continues to Warren Lakes. There are numerous spur trails and social trails that traverse the property and will be addressed in this plan.

Summer recreation on Smuggler Mountain is enormously popular with the majority of users starting from Park Circle and hiking, hiking with dogs, running, and/or mountain biking to the observation platform. Other users include off-road motorized vehicles, hunters accessing USDA Forest Service lands, and equestrians.

From the observation platform, non-motorized users can access the Hunter Creek Cutoff Trail to reach the Iowa Shaft Trail and all the Hunter Creek Valley trails. The Hunter Creek Cutoff Trail is located on both Smuggler and USDA Forest Service land.

Winter recreation includes hikers, snowshoeing, sledding, snowmobilers, and backcountry skiers. Backcountry skiers use parts of the trails through the property as well as the road for access to the 10th Mountain System Benedict Huts.

In 2006, Staff worked with the 10th Mountain Hut System to relocate the hut trail from the Hunter Creek Cutoff Trail to the Smuggler Loop Trail. This provided a more direct route through the property and a more scenic and backcountry experience for the hut users. This trail is open year-round and is available to all non-motorized users.

Public meetings were held to discuss the future recreational uses of Smuggler and included all user groups. The goal of the public meetings was to obtain data from all user groups and provide a baseline of the recreation resource. The recreation baseline data will be incorporated into the other baseline data being compiled, and then a recreation plan will be presented to the public. Detailed information on the recreation baseline data is available in the Summary of Public Meetings and Citizen Survey section of this plan (Appendix 5.4).

Current recreational use: (Appendix 5.1.5):

- Smuggler Mountain Road – Managed by Pitkin County Transportation and Open Space and Trails and all uses including motorized are allowed.
- Smuggler Loop Trail – Open to all non-motorized users.

- Hunter Creek Cutoff – Open to all non-motorized users.

2.14 Enforcement

This management plan, and all other regulations pertaining to Smuggler, was prepared with public safety as a primary goal. While the Pitkin County Sheriff's Department is ultimately responsible for law enforcement, the City and County Open Space Rangers are responsible for the education and enforcement of property regulations and assist the Sheriff's Department, other law enforcement agencies, and Emergency Personnel in responding to public safety-related activity on the Smuggler. The Open Space Rangers also provide visitor assistance along with responding to emergency and medical needs. Smuggler is in unincorporated Pitkin County. Pitkin County Open Space and Trails Title 12 regulations apply to the property. City and County Staff are both authorized to enforce these regulations.

3. OPPORTUNITIES, CONSTRAINTS, AND PLANNING ISSUES

3.1 Overview

During the management plan development process, input was received from Open Space Staff, technical advisors, consultants, agencies, individuals, and the general public regarding opportunities, constraints, and planning issues with the current existing conditions and future management of the property. These issues are divided into three key components: 1) Natural/Cultural Resources, 2) Outdoor Recreation, and 3) Environmental Education.

3.2 Natural Resource Opportunities, Constraints, and Planning Issues:

Natural resource opportunities:

- Protect, manage, and enhance natural, cultural, and visual resources including maintaining and promoting healthy ecosystems and their processes.
- Restoration of the impacted areas and mining operations, increasing the useable habitat with direct benefits to wildlife.
- Work with adjacent landowners to manage the area for forest health by reducing fire risk, pine beetle infestations, and noxious weed infestations.
- Restore and improve watershed systems and drainage to mitigate erosion for improved stability.
- Develop a monitoring program for vegetation and wildlife on Smuggler

Constraints and planning issues:

- Some plants and animals may be disturbed by additional recreational uses if not planned properly.
- Invasion of noxious weeds could threaten the health of plant and animal life. A need to identify and track control methods.
- Over mature and declining forest ecosystems can lead to more infestations and management issues.
- Beetle infestations could increase fire hazards if insects are not controlled and fuels are not managed.

3.3 Outdoor Recreation Opportunities, Constraints, and Planning Issues:

Outdoor recreation opportunities:

- Provide and promote safe, enjoyable outdoor recreation opportunities while minimizing detrimental impacts upon natural, cultural, and visual resources.
- Develop a Potential Recreation Area (Appendix 5.1.8) that provides opportunities for multiple-use recreation while supplying a buffer for wildlife habitat.
- Develop a multi-agency management and sign package for both the Smuggler and the adjacent federal properties.
- Education of trail users to enhance the enjoyment of all types of uses allowed. Explore feasibility of user specific trails.
- Provide information of additional dog off-leash areas throughout the upper Roaring Fork Valley.

Constraints and planning issues:

- Existing mine shafts present an immediate and obvious safety hazard. Areas around the shafts should be managed for public safety with proper signage, and may be closed as part of the restoration component. Mine shafts need evaluation and structural capping if necessary.
- Increased infrastructure can help to decrease the impacts of users by providing additional signs, trash receptacles, and enforcement.
- Parking at the bottom of the access road has limited capacity and increased recreational opportunities will increase impacts and challenge the capacity of this parking area.
- Some existing social/bandit trails pose undesired impacts to natural resources or surrounding lands, and will need to be closed or removed.

3.4 Natural Resource and Historical Education Issues and Concerns:

Environmental Education opportunities:

- Provide educational opportunities regarding the values of the surrounding natural, cultural, and visual resources and the importance of responsible use and stewardship of the land.
- Use existing kiosks to provide seasonal information regarding wildlife found on Smuggler.
- Identify and interpret historical mining opportunities.
- Promote volunteer assistance in education of trail/road uses to decrease user conflicts.

Constraints and planning issues:

- Development of interpretive signage and kiosks may lead to vandalism and increased impacts from user traffic.
- Creation of a volunteer program will require staff time for recruiting, training, and managing volunteers.

4. SPECIFIC MANAGEMENT ACTIONS

4.1 Overview

To meet the purpose and objectives of the Smuggler Management Plan and to address the opportunities, constraints, and planning issues brought forth by the public and staff, the management actions are divided into three main components: 1) natural resource management; 2) outdoor recreation management; and 3) education opportunities.

These components, while addressed separately, are interrelated and will impact and influence the other components. Smuggler is connected to other federal lands, which are under the management of the USDA Forest Service; and therefore, the management of certain aspects of Smuggler will be integrated with these lands and potentially managed jointly under one intergovernmental agreement.

4.2 Natural Resource Management

Natural resource management is the management of any activity that uses, develops, or protects the natural resources on Smuggler. This management plan will outline the wildlife and vegetation studies and the management implications of those studies. Wildlife and vegetation studies will continue to be monitored and updated in order to track success or failure of the management practices.

4.2.1 Restoration

Through thorough analysis of Smuggler, it is quite evident that historical impacts to the resource have had an effect on the ecological health of portions of this open space parcel. Impacts from resource extraction industries such as mining and timber removal have had far-reaching effects on portions of the property for decades. More recent impacts such as domestic activities and recreational use have been just as noticeable on the property. Mapping and inventory efforts on Smuggler provide evidence that resource damage that was created by the combination of these activities does not represent a huge percentage of the land area acquired. However, there is widespread damage to the resource that does have a net effect on the ecological health of the system.

Implementation:

Site Specific Restoration Plan: In order to ensure that ecological systems remain intact and future degradation to the resource does not occur, a restoration analysis needs to be completed. The following items need to be identified as a portion of this planning effort:

1. Through field surveys, remote sensing technology, and mapping exercises a thorough inventory of impacted and degraded sites needs to be completed. A categorical establishment needs to be associated with this inventory to place each impacted or degraded site into a specific category which would include important data about the type of impact, size of impact, priority of damage to the resource, restoration potential, and estimate of funding required for restoration.
2. Utilizing natural resources inventory information, a long-range planning effort will be completed to place specific restoration project needs on a long-range plan and funding cycle. At the conclusion of long-range planning, site-specific identification, planning, and implementation will begin on an annual basis. Efforts that are a portion of the Site Specific

Restoration Plan effort will be in concert and directly coordinated with other key components of the Smuggler Management Plan to ensure no opportunities are lost in restoration efforts such as the construction of a single-track trail on a road identified for restoration, etc.

4.2.2 Mine Reclamation:

Mine waste on the property will be studied to determine any potential toxic or heavy metal pollution. There are several large mine waste piles that will need restoration and reclamation. Staff will work to identify all waste and plan appropriately for the reclamation and restoration. Soil samples of the waste material will be collected and investigated by ACZ Lab in Steamboat Springs. The lab results will help determine the extent of the restoration for each site.

The property contains the Iowa Shaft, Boulder Shaft, Bushwacker, Park Regent, Drill Rig Shaft, and an unnamed shaft. These shafts, in their current condition, present an immediate health and safety concern for public access. At a minimum the City and County are required to “close” the mines. Minimum closing procedures for the mines require each shaft to be fenced off and identified. To date all of the identified shafts have been closed meeting minimum requirements provided by the Colorado Division of Reclamation and Mine Safety (CDRMS). Each passed inspection by the local CDRMS representative.

During the restoration efforts Staff will work with the CDRMS in order to further study, map, and permanently close the shafts. The CDRMS has identified the Park Regent, Iowa Shaft, and Bushwacker for further exploration and a more significant closure, which includes specific protocols and restoration of the site. Management of the mine sites will include restoring the historical context of each site and interpretation of the site. Through a partnership between the State Reclamation Office and Historical Consultants, each mine identified for closure will be done in manner that reflects the historical significance of the mining era on Smuggler. Each site has also been surveyed to determine if there are any wildlife using the shafts. All shafts are collapsed and do not contain bats.

Implementation:

1. Collect samples of all mine waste and send for testing.
2. Identify which mines will need to be further studied and explored; coordinate with the State office of CDRMS prior to closing.
3. Develop and implement a plan to close and restore mines in conjunction with any large-scale closures by the State office of CDRMS.
4. Coordinate with the CDRMS to reduce closures to only that necessary in order to balance the need to protect the historical nature of the shafts. This would provide an educational opportunity to view the old shafts.

4.2.3 Forest Management:

Forest management is an important component in maintaining the scenic quality and wildlife habitat on Smuggler. Different types, quantities, and qualities of vegetation species will determine what birds and mammals use the property and the attractiveness of the land from a visual perspective. Specific management steps will incorporate best management practices in an effort to guide managers toward the

creation of a place that is safe, healthy, and attractive. Management should strongly consider all ecological consequences of direct and indirect impacts to vegetation.

After the analysis of the biological resources inventoried and described on the Smuggler property was completed (Appendix 5.5), it was apparent that forest resources on the property play a pivotal role to the fabric and matrix of the ecological associations on the parcel. Four distinct and separate vegetation communities inventoried within the confines of Smuggler include a significant overstory forest component including vegetation communities that were defined by the following dominant overstory:

- Gambel Oak (*Quercus gambellii*)
- Aspen (*Populus tremuloides*) Overstory Dominant Communities
- Lodgepole Pine (*Pinus contorta*) Overstory Dominant Communities
- Douglas-fir (*Pseudotsuga menziesii*) Overstory Dominant Communities

Within each of these dominant overstory types inventoried and described on the Smuggler parcels, there were many specific plant associations that included a number of other typical upper elevation forest species including Englemann Spruce (*Picea engelmannii*) and Sub-alpine Fir (*Abies lasiocarpa*). The analysis of the forest resources found on the Smuggler property provided an excellent picture into what is a very diverse and evolving forest condition with multiple species and multiple overstory/understory associations.

The vitality, function, and overall health of the forest resources on Smuggler parcels is an extremely important component of the overall property and drives ecological and social systems which have been protected with the purchase and subsequent management goals of the property. In order to provide the best possible management of these forest resources, forest management planning specific to Smuggler will be critical. Forest resources on this parcel of land are dynamic, and management planning for the resource should also be dynamic, with specific action plans designed to accommodate specific changing goals or changes or stressors on the resource. A successful forest management planning effort will utilize scientific and technical ability and function with specific land-management and public goals for this important resource, which is tied to the ecological health of the entire property.

Implementation:

1. Perform a Forest Resource Baseline Inventory: A specific inventory of the forest resources on site needs to be completed in order to begin planning specific management goals and prescriptions for forest resource protection and improvement. This inventory should include aerial photography, field stand analysis, density analysis, age class analysis, percent species overstory, forest associations, insect and disease analysis, fuel loading and fuels inventory, unit partition, and all other items typically utilized in forest management activities that sound forest management activities will be based on.
2. Develop a Forest Resource Management Plan: Utilizing specific data collected in the Forest Baseline Inventory, a Forest Resource Management Plan will be created. The Forest Resource

Management Plan will combine all of the critical scientific data collected with the goals and expected outcomes of the public and the land-management staff into one set of obtainable goals for the protection and continued health of the forest resource. The Forest Resource Management Plan will also be vital for all decisions related to the property parcels including recreation and other management related areas.

3. Forest Insect Planning and Action Plan: An important subset of the Forest Resource Management Plan will include inventory and management prescriptions of insects and disease which are of concern to the public and how they affect the values of Smuggler. Insects, such Mountain Pine Beetle, have a looming presence on the property and specific action items, based upon scientific inventory and public direction, will be important to implement and guide the management of forest on Smuggler.
4. Fire and Fuel Management Action Plan: Another important subset of the Forest Resource Management Plan will include an inventory and management prescriptions for wildfire and fuel loading. During the current analysis of the forest resources, it was quite evident that fire suppression in a number of the vegetation communities inventoried has had a specific effect on the forest health. Specific fire and fuel management activities prescribed in the Forest Resource Management Plan should be implemented.
5. Collaboration: Multiple federal, state, and local land management agencies as well as adjacent private property owners have a vested interest in the health and the vitality of the forest resources on Smuggler. A collaborative effort among each of the entities to address areas of specific concern such as insect management or wildfire potential analysis should be created in order to pool resources.

4.2.4 Noxious Weed Management.

Vegetation communities on Smuggler are in excellent condition; however, there are scattered noxious weeds throughout the property, particularly by the trails and the disturbed areas. Stands of plumeless thistle (*Carduus acanthoides*), Canada thistle (*Breca arvense*), yellow toadflax (*Linaria vulgaris*), scentless chamomile (*Matricaria perforata*), and oxeye daisy (*Chrysanthemum leucanthemum*) are somewhat abundant and need to be controlled. Although isolated populations exist, any of the identified noxious weeds are a serious threat to the current healthy vegetation conditions of Smuggler. Noxious weeds will out-compete existing native vegetation and create stagnant zones of unusable habitat, increase fire potential, and decrease the overall character of the area. (Appendix 5.1.6a and b).

Weed treatments began in 2003 using selective herbicides and mechanical removal. Noxious weed removal is the priority management action that will occur on the property. As the weed problems are being contained, both open space agencies will restore impacted areas back to native vegetation. In some areas this is already naturally occurring and those areas will be allowed to expand.

Hikers, bikers, equestrian use, dog use, and motorized vehicle use all have the ability to introduce and spread noxious weeds throughout the area. Management of the impacts from the use and control of the spread of noxious weeds should be integrated into all maintenance and management activities in Smuggler.

Implementation:

1. Only herbicide formulations approved for aquatic-use will be applied in or adjacent to wetlands and streams, in accordance with label direction. Application of all other herbicides and pesticides will be excluded from wetlands and streams and used in accordance to their labeled use.
2. Inventory and map noxious weed species.
3. Develop a site-specific noxious vegetation control plan utilizing the inventory data with specific control goals.
4. Monitor the success of the control, including a weed inventory every two to three years.

4.2.5 Wildlife Management.

The wildlife habitat in and around Smuggler is in good condition. There are no immediate habitat improvements needed at this time. The main wildlife management objective will emphasize preservation of the existing conditions and community health. Any improvements to the property, such as trails, fencing, facilities, etc., should be low impact and planned so as to avoid disturbing sensitive wildlife habitat areas.

There are several wildlife species that currently inhabit the property and additional information about them would be useful in future wildlife management decisions. Efforts to study and monitor these species should be encouraged to begin to build a scientific baseline of information. Recommendations for the species and types of studies can be found in the Biological Resources and Baseline Report (Appendix 5.5).

Wildlife Management plans will include the impacts of human activities. The important considerations are the scale, type, and degree of recreation. Existing and new recreational activities should not cause long-term impacts to the viability of populations of plants and wildlife. Current trails and roads will be maintained in present form and allowed uses identified based on the Potential Recreation Area (Appendix 5.1.8).

Species are more sensitive during breeding season or migration, and in the period between dusk and dawn. Impacts may be either direct or indirect. Indirect impacts have to be managed in order to prevent loss of habitat through avoidance because of human contact and associated activities and noise. Management of wildlife habitat should consider providing large blocks of habitat, which allow for only a limited human presence.

Implementation:

1. Develop a Potential Recreation Area (Appendix 5.1.8) that prevents the bisection of intact, large, unfragmented, undisturbed blocks of forest and shrubland habitat.
2. Develop a monitoring program for elk calving habitat as identified in the wildlife baseline and determine if it is actively used.
3. Survey the effects of winter recreation on wintering elk and other species. Recreational use restrictions can be implemented if recreation has a negative effect.
4. Limit trail construction by creating a 100-foot buffer around the perennial stream and only allow limited stream crossings using existing culverts, roads, bridges, and/or boardwalks.
5. Motorized vehicles permitted on County roads will be restricted to Smuggler Mountain Road (Appendix 5.1.8).
6. Restoration plans will be designed to improve wildlife habitat and disturbed and/or fragmented habitat. Specifically, aspen forest, large blocks of shrubland habitat, and mature/old-growth mixed conifer and Douglas fir forest should be targeted for restoration and/or protection.

4.2.6 Management for Protection of Threatened and Endangered Species.

The list of rare, sensitive, and threatened plant species and vegetation communities for Smuggler was garnered from a combination of the USFWS list of threatened and endangered plants, the White River National Forest rare and sensitive list, and the Colorado Natural Heritage Program (CNHP)'s database. Further detail of the listed species can be found in the Biological Resource and Baseline Report (Appendix 5.5).

Three vegetation communities found at Smuggler are considered imperiled or vulnerable by the CNHP, and one moonwort found on the property is considered vulnerable; Aspen/Buckbrush, Aspen/Alder, Douglas fir/mountain lover. Only the Douglas fir (*Pseudotsuga menisci*)/ Mountain lover (*Paxistima myrsinites*) community was targeted during the CNHP's Roaring Fork Biological Inventory (1999).

As noted previously, one common moonwort (*Botrychium lunaria*) was found along a trail (Appendix 5.1.7). The numerous old roads, trails, and mining areas are ideal habitat for moonworts. The best way to find moonworts is through a thorough botanical survey specifically for moonworts, as they are exceedingly difficult to find and generally have habitat requirements that are unique.

As Smuggler has ideal habitat for a number of moonworts, it is of interest to conduct a survey for only moonworts as most of the moonwort species are ranked critically imperiled to vulnerable by the CNHP. This information is beneficial to have as additional trails/recreation areas or other disturbances are planned for the property.

Implementation:

1. Map and monitor the current populations of moonwort.
2. Identify and implement any changes to travel or recreation that will add to the protection of the species identified in the mapping.
3. Develop a survey program for staff or volunteers to locate new populations of moonwort populations.

4.3 Recreation Management

Recreation resources in this plan are determined by the ability of the natural resources to handle a human presence without significant impacts. The management of recreation determined in this plan has been developed in conjunction with the Biological Report, management currently occurring on adjacent public lands, and staff surveys on Smuggler.

4.3.1 Recreation Management Areas

The existing roads and trails and a Potential Recreation Management Area was mapped to identify land available for use specific to recreation. In order to balance the need to protect wildlife habitat, native vegetation and other natural resources, travel outside of the existing trails listed below or the Potential Recreation Area is limited to dispersed recreation. No trail construction, recreation development, or infrastructure placement is allowed in the area outside of Potential Recreation Area. Dispersed recreation is defined as pedestrian access outside of established trails and roads. The Potential Recreation Area contains established roads/paths and is situated away from critical vegetation resources. The use of this area will be monitored; and with data collected, any changes to location or time of use will be adjusted to provide protection for wildlife (Appendix 5.1.8). User groups interested in developing recreation outside of the approved area need to request a change to the Potential Recreation Area and receive approval through the Aspen and Pitkin County Open Space Boards. The user group will be able to present the recreation concept and show cause as to why the area and activity fits within the overall goals of the Smuggler Management Plan.

Implementation:

1. **Smuggler Mountain Road:** The road splits the property as it winds its way to the viewing platform. This road will be maintained at no more than its current width and condition. Maintenance will happen on an as-needed basis. The uses allowed on the road will be multi-uses, both vehicular and non-vehicular. Travel will be restricted to the road; access off the road is limited to the existing trails only. No new trails or bandit trails are permitted for travel without further research into impacts on wildlife and vegetation.
2. **Access Points off Smuggler Mountain Road:** There are two main trails that extend north from the viewing platform. The Smuggler Loop Trail and the Hunter Creek Cut-off Trail leading down to the Hunter Creek Valley floor are the current open trails. The Smuggler Loop Trail will include the previously closed old road, which provides another access point off of Smuggler Mountain Road. The uses allowed in this area are limited to bicycle, foot, and equestrian. Motorized vehicles are prohibited at all times, except for maintenance and emergency vehicles. There are some short cuts along Smuggler Mountain Road that will be evaluated for sustainability and ones that are unsustainable will be closed or rerouted to allow a more direct route up Smuggler Mountain.
3. **Potential Recreation Area:** Several areas within this zone will remain closed until restoration of the area is completed. Closures are based on the need for public safety. A new section of the Smuggler Loop Trail will be opened through this expansion area. Additional trails within this

area will be studied and approved based on need, impact, and approval by the both the City and County Open Space Directors.

4. Motorized Vehicles: Only licensed vehicles are allowed on Smuggler Mountain Road.

Further outdoor recreation management is addressed by examining six different categories: a) Infrastructure; b) User Interaction; c) Trail Construction and Maintenance; d) Enforcement; e) Historical Resource Management.

4.3.2 Infrastructure

Successful protection and use of the property will require the appropriate facilities or infrastructure to accommodate the needs of the users. The addition of signs, kiosks, benches, trash receptacles, and other public amenities should be identified and placed according to uses and closures as appropriate. Educational opportunities will also be explored later in this plan.

Implementation:

1. Based on user patterns, identify locations for the installation of trash receptacles and dog litter stations.
2. Based on scenic vistas and user patterns infrastructure needs will be reviewed and approved as considered appropriate.
3. No additional memorial benches will be permitted on Smuggler and existing benches will be subject to the County's memorial bench policy.
4. Use signage as necessary to inform the general public about closures, management activities, and general information.

4.3.3 User Interaction

A variety of non-motorized recreational activities will be allowed on Smuggler including hiking, hiking with dogs, horseback riding, and mountain biking. With an array of uses there is the potential for user conflicts to arise. Potential conflicts may include dog feces on the trails, which pose a health and safety issue, uncontrolled dogs, and bicyclists not yielding to pedestrians and equestrians. Multiple uses, in addition to motorized use, create obvious challenges. Education and signage will be necessary to develop proper etiquette for the uses.

Implementation:

1. Ensure that any new trails are designed to accommodate a variety of recreational uses.
2. Investigate the ability to design trail separation for different user groups for safety and increased user enjoyment.
3. Encourage respect of other users to reduce multiple use conflicts through signage and education that promote trail etiquette.
4. Incorporate Smuggler in the regular open space rangers' public activities, education, and enforcement schedules.

5. Hunting is prohibited on Smuggler Open Space, but hunting access is allowed along Smuggler Mountain Road.

4.3.4 Trail Maintenance and Construction.

Defined trails and rules of trail use will be of utmost importance to preserve the quality of this area.

The building, widening, and/or maintenance of trails and roads may prove to be a significant threat to some of the vegetation communities. First, any soil disturbance is an invitation for noxious weeds to spread. Care must be taken to work with equipment guaranteed to be free of noxious weed seeds. Second, the steepness of the slopes and the tendency of some soils to slump and/or erode should be taken into full consideration when building and/or maintaining trails and roads. Best Management Practices (BMPs) of proper water bar construction and placement, check dams (if needed), slope drains, or other needed erosion control techniques should be appropriately implemented.

Implementation:

1. Map scenic vistas and natural features in order to aid in future trail alignment.
2. Plan new trails so as to avoid water collection, however, trails may be re-routed or seasonal trail closures considered to avoid excessive trail damage. Route summer recreation and trail use away from key foraging areas (e.g., drainages, mesic areas) and consider restrictions on existing trails to minimize disruption of these important areas.
3. Construct new trails with Staff and volunteer assistance.
4. Provide ongoing trail maintenance.
5. Consider reclaiming existing roads that are currently used as trails and replacing them with more sustainable single track trails.
6. Map critical watersheds or streams as areas to avoid during the construction of new trails.
7. Create a trail inventory with descriptions of trail skill level, management needs, and mileage.
8. Close all bandit or non-approved social trails where appropriate.

4.3.5 Enforcement

Smuggler is in unincorporated Pitkin County, and Pitkin County Title 12 regulations of the Pitkin County Code apply to the property. Both City and County staff are authorized to enforce these regulations.

Implementation:

1. Motorized Vehicles: Licensed motorized vehicles permitted on County roads will be restricted to Smuggler Mountain Road. Pitkin County Title 12 regulations prohibit motorized recreation on the rest of Smuggler and only maintenance and emergency vehicles are allowed.
2. Dog Leash Law: Dogs and other domestic pets are permitted on all established trails through Smuggler. Smuggler Mountain Road and the Hunter Creek Cutoff Trail will be managed as a voice and sight control area. Voice and sight control is subject to review on an annual basis and can be revoked at any time to address changing circumstances, based on use, conflicts, and other unforeseen issues. Dog waste is still the responsibility of the owner and must be removed and

placed in a waste receptacle. Under this program, owners need to be able to control their dogs either with a leash or voice control. Management will include strict enforcement of the above points resulting in fines. Pitkin County Title 12 regulations allow for management plans to provide for different regulations. There are no current Pitkin County Title 12 regulations for dog off-leash areas. This plan will allow for a voice and sight control area and set the regulation as:

- a. Dogs must be in sight of guardian.
- b. Dogs must be under voice control and respond the first time the guardian commands the dog to come.
- c. Dogs not under voice and sight control must be leashed at all times.
- d. Guardian must carry one leash per dog.
- e. Guardian must carry and use dog waste bags, which may not be left along the trail,
- f. No more than two (2) unleashed dogs per guardian are allowed.
- g. **Violations are subject to a \$100 fine for first offense, \$500 fine for second offense, and \$1000 for third and subsequent offenses.**

The City and County Rangers are supportive of experimenting with a “dogs under voice and sight control” leash optional area on Smuggler Mountain Road and the Hunter Creek Cut-off Trail. All animals that represent problems, are aggressive or vicious, that jump on other people (however friendly) and dogs that will not stay on the roadway, are some examples of dogs that must remain on leash at all times. The leash-free area would be all of Smuggler Mountain Road to USDA Forest Service boundary including Hunter Creek Cut-off Road into upper Hunter Creek Valley. Dogs are not allowed unleashed on Smuggler off of these existing roads and trails.

A mandatory leash law shall remain in effect from the County/USDA Forest Service boundary, at the existing USDA Forest Service kiosk as you enter the narrow valley, traveling down Hunter Creek Trail and paralleling the lower part of Hunter Creek. The reason for this law is due to the very narrow nature of the trail and historic conflicts between dogs vs. pedestrians, dog vs. dog, dogs vs. mountain bikes and due to the proximity of the creek to the trail. Signage will be clear at all access points to this trail and enforcement will be strict. A three-strike plan of a verbal warning followed by a written warning and then a \$100 fine shall be strictly enforced on Lower Hunter Creek Trail.

Education of the new leash law will include signage, newspaper ads, public service announcements, and television and radio advertisements describing the dog guardian’s responsibilities under this trial program. Staff will utilize existing kiosks and post additional signs on dog waste centers alerting of the rules for voice and sight control.

4.3.6 Historical Resource Management

The historic segment of Smuggler Mountain Road originates 500 feet east of the entry of Smuggler Mine property and traverses Smuggler Mountain in a series of switchbacks. The road is on average 20 feet wide and constructed of soil matrix containing gravel to boulder-sized rock. The road is currently maintained for vehicular use, but the majority of users are recreational hikers. The road is a recognizable landmark on Smuggler Mountain and is evident in most photographs as far back as 1893

and was included in the U.S. Geological Survey report of 1898. Smuggler Mountain Road is in good condition and represents an identifiable community character and speaks to Smuggler Mountain's historical past. Smith Environmental and Engineering believes the road meets criteria for the National and State Registry of Historic Properties (CSRHP) and is potentially eligible for listing. The objective of management should be to retain the historic relationship between the road and the landscape, and its historical use as a travel corridor.

Implementation:

1. Consider designating the road as a local landmark and formally nominating to the CSRHP.
2. If the road is considered for CSRHP, future treatment strategies should be guided by the Secretary of the Interior's Standards for the Treatment of Historic Properties.
3. Minor road maintenance and stabilization may need to be implemented in such a way that documentation of the method used and location and materials applied are distinguishable from the historic associated methods.

4.3.7 Special and Commercial Use Permits

Pitkin County Special Use Permits will be required for any use that is not listed in this plan. This includes any organized use of the property. Currently, the Aspen Cycling Club is the only organized use that uses Smuggler Mountain Road and is permitted by Pitkin County.

4.4 Natural Resource and Historical Educational Opportunities

Numerous opportunities exist for natural resource and environmental education within the Smuggler including: 1) interpretive brochures and/or signs; 2) kiosks with interpretive displays and a map of the area and trails; and 3) interpretive materials emphasizing human-wildlife interactions, noxious weed species, and management.

It is evident that the quantity of historic context located on the property provides opportunities to develop interpretive programs on the flora, fauna, water use patterns, geology, and patterns of mining activities, and Aspen's development.

Implementation:

1. Use interpretive signage to inform users of the importance of ungulate winter range.
2. Increase agency and public awareness through interpretive/educational materials about responsible dog ownership in the context of wildlife disturbance during any and all outdoor recreational pursuits.
3. Signs and/or rest stops could provide a place where people can not only learn about the noxious weeds in the area, but can also check their clothes, dogs, horses, bikes, etc., for noxious weed seeds before and after they enjoy the area.
4. Develop interpretive signage which highlights the mining history in Aspen and how Smuggler fit into the mining culture.

5. Appendix

5.1

5.2 Title 12

Title 12 of Pitkin County Code - Amended August 24, 2005

ARTICLE 1 – DESIGNATION OF OPEN SPACE AND TRAILS PROPERTIES

1-1 ACQUISITION OF OPEN SPACE AND TRAILS PROPERTIES

The trails, trailhead parking lots, open spaces and attendant facilities and structures that are named as Open Space or Trails through Resolution or Ordinance of the Pitkin County Board of Commissioners are declared to be Pitkin County Trails and Open Space Properties; and further, that properties acquired by funds designated for the Open Space and Trails Program are declared to be Pitkin County Open Space and Trails Properties, and further, that properties may be added to or deleted from the inventory of Pitkin County Trails and Open Space Properties according to applicable statutes, including, but not limited to, Article 13, section 5.3 of the Pitkin County Home Rule Charter and by Ordinance or Resolution of the Board of County Commissioners.

1-2 DESIGNATION OF OPEN SPACE AND TRAILS FACILITIES

Open Space and Trails properties and facilities will be identified by specific action of the Board of County Commissioners, through Ordinance or Resolution, identifying open space and trails facilities as such. Such facilities will include, but not be limited to, County owned and maintained trails, trailheads, parking areas, signs, mining claims, open spaces, parks, river access points for boating or fishing purposes, fishing easements, bridges, wildlife areas, and easements obtained for the purposes of wildlife habitat preservation, scenic preservation, agriculture, access to public lands or for other purposes identified by the County. As otherwise set forth in Article 13 of the Pitkin County Home Rule Charter, Section 1.3, Open Space, and Trails funds are not available for maintenance or management purposes for those County properties not either purchased with Open Space Funds or designated to the Open Space and Trails program pursuant to this Article. Non-designated properties otherwise owned by Pitkin County shall be managed by the General Fund through the Asset Management Division.

ARTICLE 2 – RULES AND REGULATIONS

2-1 RESTRICTIONS ON TRAIL USE

The following restrictions apply to all trails owned in fee simple by the Pitkin County, and to all trail easements except where such restrictions are limited by the express terms of the trail easement.

2-1.1 Motorized vehicles restricted. No motorized vehicles whatsoever, including automobiles, trucks, farm, or agricultural vehicles, motorcycles, motorbikes, motor scooters, go-carts, snowmobiles, motorized bicycles, mopeds or all-terrain vehicles will be allowed on any county trail at any time. The following vehicles and uses are exempted from this prohibition:

2-1.1a. County maintenance vehicles, ambulance, law enforcement, fire, or other emergency vehicles will be allowed to enter onto County trails in the course of carrying out their normal duties.

2-1.1b. Snowmobiles or snowcats may be allowed onto County trails to set cross-country ski tracks or to otherwise install or maintain Nordic trails with approval of the Open Space Land Steward.

2-1.1c. Construction or maintenance vehicles owned and operated by private contractors may enter onto County trails subject to specific permission as set forth in Section 6.02 of the Asset Management Plan as may be amended from time to time.

2-1.1d. Agricultural, ranch or personal vehicles belonging to specific owners, their employees or assigns, may enter onto County trails subject to the terms of easements or agreements between the County and individual landowners.

2-1.2 Allowed Uses. Bicycles, pedestrians, skates, skateboards, nonmotorized scooters, and baby strollers are allowed on all trails at all times unless specifically prohibited and posted otherwise. All trail users will travel at safe speeds at all times.

2-1.3 Right of Way. In areas of mixed use, i.e. horses, bicycles and pedestrians, equestrians have the right of way in all circumstances. All traffic is to yield to equestrians. Bicycle or other wheeled traffic is to yield to pedestrians.

2-1.4. Fires Prohibited. Fires are prohibited at any location and at all times within trails, trail easements or trail facilities, including, but not limited to, parking areas, trail shoulders and borders, bridges and structures, except for management purposes as authorized by the County Land Steward, and/or for irrigation ditch maintenance, and in accordance with all other applicable laws.

2-1.5. Trespass Prohibited. It is prohibited to trespass from trails onto adjacent private lands. Trails may be subject to seasonal closures and the use of such when so posted shall constitute a trespass.

2-1.6. Equestrian Use. Equestrian use is restricted to unpaved trail areas unless otherwise posted. Horse traffic is restricted to walk or trot speeds. Horses must be under control at all times. Buggies, carts, or other horse-drawn vehicles are prohibited from all trails.

2-1.7. Stop Required. Trail users shall stop at all road and driveway crossings and yield to any motorized traffic, except where the trail right of way takes precedence over a driveway crossing, in which case driveway users shall yield to trail users. Trails and highways will be posted with informational signs designating intersections.

2-1.8. Dogs. Wherever Dogs are allowed on trails, they must be leashed at all times, with a leash extended no greater than 6 feet in length. A single person may walk no more than three dogs. Those persons attending dogs on trails must carry a receptacle, such as a plastic bag, for removal of excrement. Trails will be posted if dogs are prohibited. Trails may be closed to dogs by action of the Board of County Commissioners.

2.2. RESTRICTIONS ON OPEN SPACE USE

The following restrictions apply to all open space owned in fee simple by Pitkin County. These restrictions also apply to public use provided in any conservation easement held by Pitkin County, unless superseded by the specific terms of the conservation easement in question. Nothing contained herein limits or otherwise modifies rights reserved to the owner of fee simple property subject to a conservation easement held by Pitkin County.

2-2.1. Camping Prohibited. Overnight camping is prohibited on Open Space and Trails Properties.

2-2.2. Commercial Activities Limited. Commercial activities, provision of services, or any activity for which a fee may be charged are prohibited on any Open Space land except when specifically authorized pursuant to a Special Use Review as set forth in Article 3.

2-2.3. Closed Areas. Entry onto or use of Open Space lands posted as closed is prohibited.

2-2.4. Fires Restricted. Fires are permitted in designated grills or firepots only. Fires are prohibited in all other locations. Fires are prohibited in all locations between the hours of 12:00 AM and 5:00 AM, MST. It is unlawful to burn fires in any location at any time in a careless manner, to leave a fire unattended, to burn any explosive or toxic materials, or to fail to extinguish fires completely. This provision shall not prohibit fires authorized by the County for land management purposes, or fires used for irrigation ditch maintenance.

2-2.5. Hang-Gliding Restricted. Hang-gliding or operation of any motorized or non-motorized aircraft, glider, parachute, paraglider, or balloon for landing or take-off is prohibited except pursuant to special use permit pursuant to Article 3 and section 3-210 of the Pitkin County Code.

2-2.6. Motorized Vehicles Restricted. Motorized vehicles are restricted to parking areas, driveways and other areas specifically posted for motor vehicle occupancy. Parking in any posted “no parking” area is prohibited. The exception to this shall be County or other maintenance or construction vehicles specifically authorized for access pursuant to Section 6 of the Asset Management Plan, emergency vehicles acting in the line of duty, or private vehicles specifically authorized under Section 2-4 or Article 3 or authorized by previous written access easement.

2-2.7. Domestic Animals Prohibited. Domestic animals are prohibited on Open Space properties except where specifically permitted pursuant to an agricultural lease, or for land management purposes authorized by the County. It is unlawful to chase or molest any livestock on Open Space properties. All gates, fences, and other entry points must be closed in areas where livestock is permitted.

2-3 GENERAL RESTRICTIONS APPLICABLE TO ALL OPEN SPACE AND TRAILS PROPERTIES.

The following restrictions apply to all open space owned in fee simple by Pitkin County. These restrictions also apply to public use provided in any conservation easement held by Pitkin County, unless superseded by the specific terms of the conservation easement in question. Nothing contained

herein limits or otherwise modifies rights reserved to the owner of fee simple property subject to a conservation easement held by Pitkin County.

2-3.1. Hunting. All Open Space and Trails Properties are closed to hunting unless specifically authorized by the Open Space and Trails Board, and in accordance with other applicable laws.

2-3.2. Firearms. It is forbidden to discharge firearms or projectile weapons on any Open Space or Trails Properties unless hunting is specifically authorized by the Open Space and Trails Board, and in accordance with other applicable laws. The exception to this will be law officers discharging weapons in the line of duty.

2-3.3. Disorderly Conduct Prohibited. Disorderly conduct of any kind is prohibited on Open Space and Trails Properties. Disorderly conduct includes, but is not limited to, making any coarse, annoying, derisive or obviously offensive utterance, gesture or display which tends to incite an immediate breach of the peace. Also fighting, littering or abandonment of private property, making excessive or amplified noise that would tend to disturb the peace and quiet of adjacent residents or occupants, or any other activity that deliberately infringes on the ability of others to use or enjoy open space or trails facilities.

2-3.4. Hazardous Activities Prohibited. Hazardous activities of any kind are prohibited on Open Space and Trails Properties. Hazardous activities are defined as those activities which might constitute or contribute to a hazard to the safety of any person. Such activities include, but are not limited to, use of fireworks or other explosives, use of remote-controlled craft, and launching of missiles. Exceptions or additions to these restrictions may be made in specific locations or circumstances pursuant to Special Use Review under Article 3 and posted accordingly.

2-3.5. Boating Restricted. Boat launching and landing is limited to sites designated for that purpose. Man-made structures for boating such as access ramps, docks, kayak courses, or buoys are prohibited except in locations specifically authorized by a Management Plan enacted pursuant to Article 4.5, or pursuant to a Special Use review under Article 3.

2-3.6. Vandalism Prohibited. Vandalism, property damage or removal of resources or facilities is prohibited on any Open Space or Trails Property. It is unlawful to remove, damage, deface, mutilate or destroy any structure, poster, sign, marker, fence, gate furniture, vegetation, rock, or any object of scientific or historic value or interest.

2-3.7. Dogs and Pets Restricted. Dogs, cats, and other pet animals must be leashed on trails. Posted leash laws or more restrictive leash laws within other jurisdictions (i.e. within municipal boundaries) must be obeyed. Owners of uncontrolled dogs observed on Open Space or Trails Properties will be subject to penalty under these regulations. Dogs or other animals are prohibited in areas specifically posted for such prohibition. Dogs observed molesting or menacing any person, wildlife or livestock may be destroyed. Dog waste must be picked up and disposed of in a trash receptacle or off-site by owners or keepers.

2-3.8. Fishing Restricted. Fishing is permitted according to the regulations of the Colorado Division of Wildlife, except where otherwise posted and prohibited in a management plan

enacted pursuant to section 2-4. A valid fishing license is required. Fishing access is by designated trails only.

2-3.9. Wildlife Protected. Wildlife is protected on all Open Space and Trails Properties. Hunting, trapping, chasing, molesting, harming, removing, killing or otherwise disturbing wildlife on Open Space and Trails Properties is prohibited at all times and under all circumstances, with the exception of hunting authorized by the Open Space and Trails Board and in accordance with other applicable laws, and fishing (See Paragraph 2-3.8., above). Damaging or destroying the habitat of any species of wildlife is prohibited. Removing or destroying, native plants, bird or reptile eggs is prohibited. Nothing in this section shall prohibit trapping for research, management and monitoring purposes as authorized by the County Land Steward.

2-3.10 Littering and Waste Disposal Prohibited. Any disposal, depositing or abandonment of trash, garbage, litter, waste paper, waste food products, human or animal wastes, toxic materials, oil and other mechanical waste products, animal parts, fire ash or other combustion byproducts, or other waste products on Open Space or Trails Properties other than in designated containers and locations is prohibited.

2-3.11 Structures, Storage of Materials, and Notices Prohibited. Construction of any kind not specifically authorized by the Open Space Director is prohibited. Activities prohibited include, but are not limited to, excavations, ground clearing or grading, erection of permanent or temporary structures, erection of signs, posting of bills, notices or posters, storage of items, fencing or clearing of vegetation.

2-4 – MANAGEMENT PLANS

The Board of Open Space Trustees may adopt individualized management plans for specific Open Space and Trails Properties, to set forth management policies and objectives. If a management plan imposes restrictions that are different from those set forth in this Title, and are to be enforced under Article 6 below, the management plan must be adopted by the Board of County Commissioners pursuant to an ordinance. In that event, the ordinance adopting a management plan shall include a provision that it is governed by Title 12 of the Pitkin County Code and that violation of its terms and conditions shall be enforced under the provisions of this regulation as if they were set forth herein.

ARTICLE 3 – PERMITS

3-1 Special Review of Uses on Open Space Properties

This Article establishes review standards for Uses of Open Space Properties allowed only by permit. The County may approve, approve with conditions, or deny applications for special uses of Open Space Properties pursuant to section 3-210 of the Pitkin County Land Use Code.

3-1.1 Prior to submitting an application for a Special Use pursuant to section 3-210 of the Pitkin County Land Use Code, the applicant shall obtain a written certification from the Director of Open Space and Trails regarding the consistency of the proposed use with the following.

- a. The Management Plan for the open space property in question, if available.

- b. The provisions of Title IX, Article 2, of the Pitkin County Land Use Code
- c. The protection of the conservation values of the Open Space Property on which the use is proposed.

3-1.2 In responding to requests pursuant to this Article, the Open Space Director shall consult with the County Wildlife Biologist and/or other persons with requisite expertise to evaluate the impact of the proposed use on the conservation values of the Open Space Property.

3-1.3 The Open Space Director may condition a certification of consistency on the applicant agreeing to provide a surety bond in favor of the County in the event that a Special Use Permit is granted, in the amount of at least two thousand dollars (\$2000.00), or other amount to be determined by the Open Space Director, or his/her designee. All Financial Security will be held for the duration of any special use permit. The bond will be conditioned upon:

- a. Faithful compliance with the terms of a special use permit, regulations, and ordinances of Pitkin County.
- b. The restoration and clean up of any site affected by the special use. Any revegetation needed to restore the site shall conform to the adopted Pitkin County Landscape Guidelines

3-1.4 The Open Space Director may condition certification on the applicants agreement to pay a use impact fee which is commensurate with the additional maintenance costs associated with the proposed use.

3-1.5 The Open Space Director shall make a written response either certifying the consistency of the proposed special use with or without conditions, or determining the proposed special use is not consistent, within 45 days of receiving a written request for certification. An applicant may appeal the determination of the Open Space Director to the Board of County Commissioners within 15 days of receipt of the determination. The Board of County Commissioners must issue a final determination within 30 days of hearing an appeal pursuant to this section.

3-1.6 Notwithstanding Section 3-1.1, non-commercial organized recreational users, as called out in the 2000 North Star Management Plan, and other management plans as may be adopted pursuant to section 2-4, may obtain a special use permit directly from the Open Space and Trails Department based on a finding of consistency made pursuant to this Article without applying under section 3-210.

ARTICLE 4 – EASEMENTS AND AGREEMENTS

The terms and conditions of Conservation or Trail Easements or other approved agreements between the County and private property owners are incorporated into these regulations by reference. To the extent of any conflict between these regulations and the terms of conservation easements or trail easements, the terms of such easements will control. Those terms and conditions shall be enforced under the provisions of this regulation as if they were set forth herein.

ARTICLE 5 – AMENDMENT

These rules and regulations may be amended from time to time by the Pitkin County Board of County Commissioners in consultation with the Open Space and Trails Board. These rules shall apply to

existing Open Space and Trails Properties and to such trails and open space properties as may be acquired by the Pitkin County Open Space and Trails Program from time to time or designated by the County as being subject to these rules.

ARTICLE 6 – VIOLATIONS, ENFORCEMENT AND PENALTIES

- A. **Unlawful Activity.** It shall be unlawful to engage in any activity that is in violation of the Article 2 or Article 3 of this ordinance.
- B. **Penalty.** Violation of this ordinance is a class 2 petty offense, punishable by a fine of \$100.00 for the first offense, \$500.00 for the second offense, and \$1000.00 for the third and subsequent offenses. Violations of hunting related regulations are punishable by a fine of \$1000.00 for each offense.
- C. **Criminal Enforcement** The Director of Pitkin County Open Space and Trails, Open Space and Trails Land Steward, Open Space and Trails Ranger, the Pitkin County Wildlife Biologist, Pitkin County Zoning Officer, the Pitkin County Community Development Director, Pitkin County Engineer, or any law enforcement officer may follow the penalty assessment procedure provided in Section 16-2-201, C.R.S. for any violation of this ordinance, or may enforce the provisions of this ordinance by filing and service of summons and complaint in accordance with county court procedures. In the event the penalty assessment procedure is followed, the penalty shall be the as set forth in 3B, and such assessment shall also include a surcharge required by C.R.S. Section 30-15-402(2). A person who violates this ordinance three (3) or more times in the space of one (1) year shall be subject to imprisonment for no more than ninety days per offense pursuant to C.R.S. 30-35-201 C.R.S. and Article 12 of the Pitkin County Home Rule Charter. Each day a violation of this ordinance continues shall constitute a separate offense.
- D. **Civil Enforcement** – In the event of any activity in violation of this Ordinance, the County Attorney, in addition to other remedies provided by law or specified herein, may institute an injunction, mandamus, abatement, or other appropriate action or proceeding to prevent, enjoin, or abate any unlawful activity, or to remove any improvements on construction resulting from such unlawful activity. In the event that such unlawful activity has damaged any county property, the violator shall be liable for any damage to county property resulting from any such unlawful activity, including, but not limited to, compensation for staff time and for use of county equipment to repair such damage. Any civil action or proceeding can include a claim to recover all such money damages.

ARTICLE 7 – POSTING

These regulations, or a summary thereof, will be posted at visible locations on Open Space and Trails Properties. Full text of these regulations shall be available for public inspection at the offices of the County Open Space and Trails Director, Land Steward and the Pitkin County Open Space and Trails Program.

