

Open Space Assessment for the Twin Lakes Fields

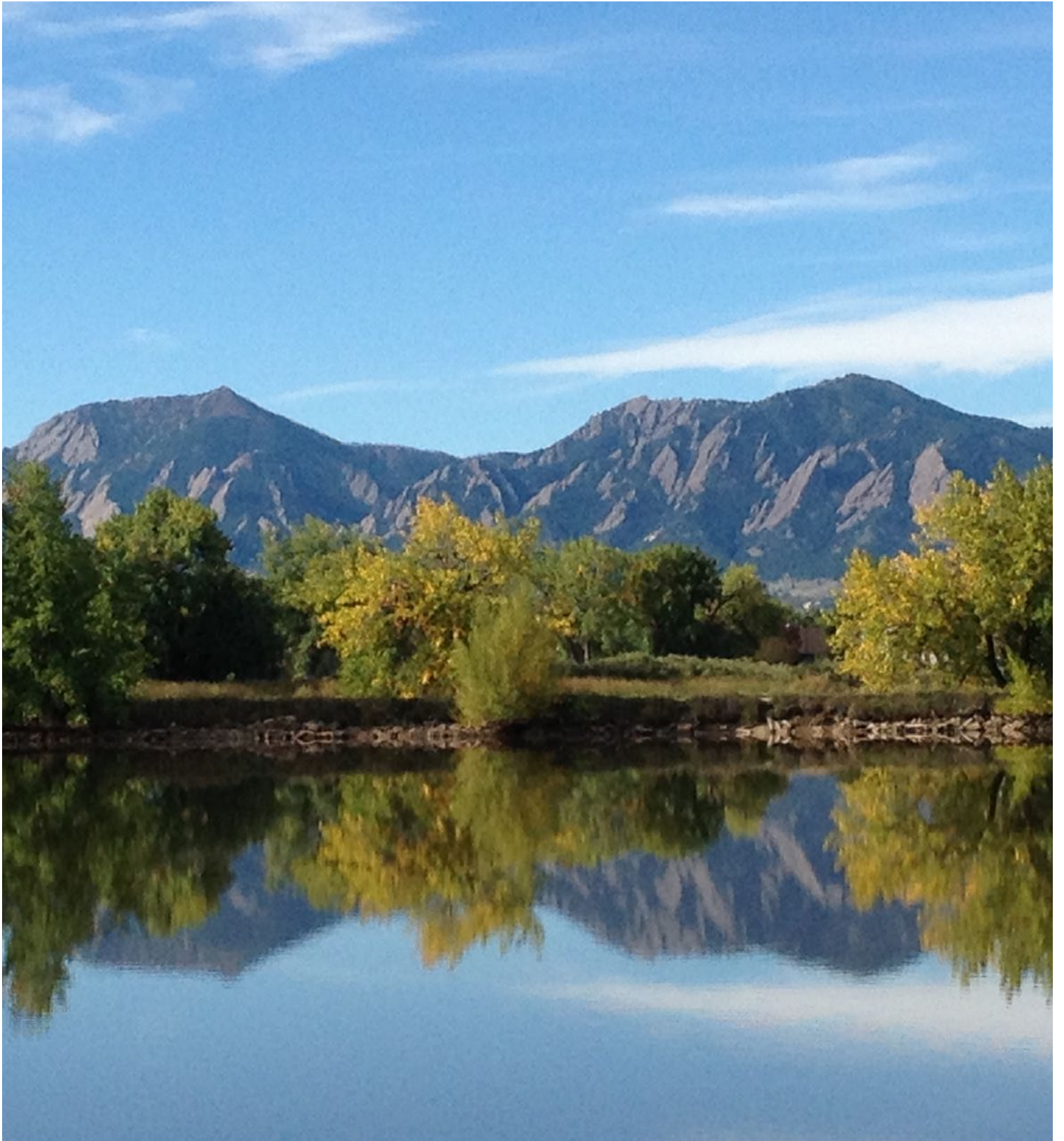


Great Blue Heron standing on the north field. Credit: Cliff Grassmick

Report to the Planning Commission

September 2016

by the Twin Lakes Action Group



TLAG

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With great thanks to the
1,600 TGLA members
who made this report
possible.

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Twin Lakes Action Group

A young child with blonde hair, wearing a blue t-shirt and plaid shorts, is walking away from the camera on a dirt path. The path is flanked by tall, golden-brown grass. In the distance, a residential neighborhood with houses and trees is visible under a cloudy sky. A small brown dog is walking ahead of the child on the path.

Protect now for tomorrow's future.

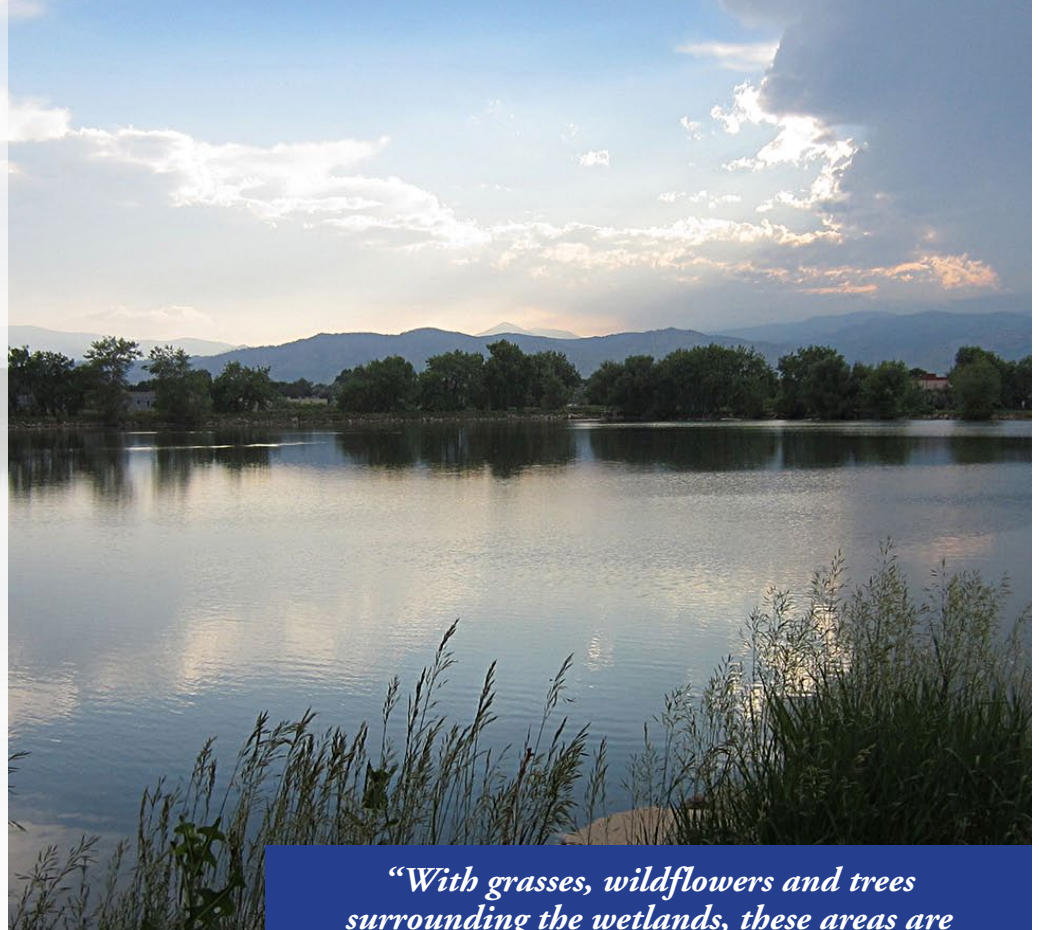
Wildlife Habitat

Boulder County Wildlife Species of Special Concern Living at or Using the Twin Lakes Area

Based on the Boulder County Comprehensive Plan Environmental Resources Element

➤ These species are “present infrequently or in small numbers; are undergoing a significant regional, national or global decline; or are limited to specific, small or vulnerable habitats.” The BCCP states these species “**warrant protection in order to prevent the loss of habitat or populations.**”

➤ **BVCP 3.03 Natural Ecosystems:** “The protection and enhancement of biological diversity and habitat for federal endangered and threatened species and state, **county and local species of concern will be emphasized.** Degraded habitat may be restored and selected extirpated species may be reintroduced as a means of enhancing native flora and fauna in the Boulder Valley.



“With grasses, wildflowers and trees surrounding the wetlands, these areas are biologically diverse both in and out of the water.”

– bouldercounty.org



Great Blue Heron

Seen here on the north Twin Lakes field. Herons use this area year-round. “Great Blue Heron are sensitive to the loss of nest site trees or excessive site encroachment,” says the BCCP.

Photo by Cliff Grassmick at the Twin Lakes



Meadow Vole

Live in the fields. Often seen. USGS photo



Double-Crested Cormorant

Often seen fishing at the lakes in spring and fall.

Photo by Pro Trails at the Twin Lakes

Species Living at



American Avocet
Forage the lakes every spring. Prefer wetlands and shallow water.
Photo at the Twin Lakes



Bald Eagle
Immature bald eagle often perch on the trees while foraging.
Photo by Neal Zaun at the Twin Lakes



Garter Snakes
Live in the fields.
Photo at the Twin Lakes



Wood Duck
Nest in the north field's riparian area.
Photo by Alexa Boyes at the Twin Lakes



Belted Kingfisher
Lives year-round at the Twin Lakes.
Photo by Kevin Rutherford at the Twin Lakes



American Mink
Inhabit a den near the East Lake.
Photo by FWS

- Brewer's Sparrow** – Seen at May migration.
- Bushtit** – Forages in family groups at the Lakes.
- Cedar Waxwing** – Flocks of 100+ may be seen here in the winter.
- Willow Flycatcher** – At the Twin Lakes in May.
- Ferruginous Hawk** – January to March sightings.
- Great Egret** – Feed at the Lakes during fall migration.
- Long-Eared Owl** – Spotted in August 2014.
- Olive Sided Flycatcher** – Seen at spring migration.

or Using the Twin Lakes Area



Northern Flicker

Common nesting bird at the Twin Lakes.

Photo by Steve Frye at the Twin Lakes

Northern Harrier

Forages on the Twin Lakes fields.

Photo by Steve Frye at the Twin Lakes



Boulder County Land Use Code Article 7-1700

“Significant habitat’ means an area or property which contains a Species of Special County Concern, or which has a high potential to serve as significant habitat for such Species based on the ecological, biological, or physical characteristics of the property as well as on the property’s proximity or relationship to other known locations of the Species or to other significant habitat for the Species.”



Lazuli Bunting

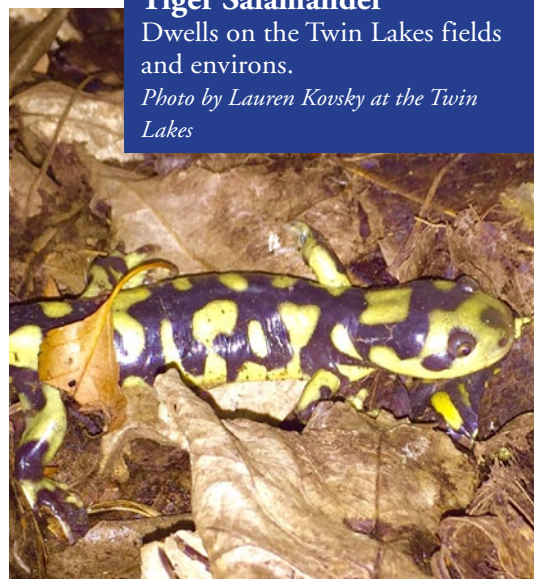
Rare but does forage on the north field.

Photo at the Twin Lakes

Tiger Salamander

Dwells on the Twin Lakes fields and environs.

Photo by Lauren Kovsky at the Twin Lakes



Pine Siskin – Forage on north side of north field.

Plumbeous Vireo – Usually seen in May.

Prairie Falcon – Spotted at the Twin Lakes in winter.

Ring-necked Duck– Appear at spring/fall migration.

Rock Wren – Forage near north field in the spring.

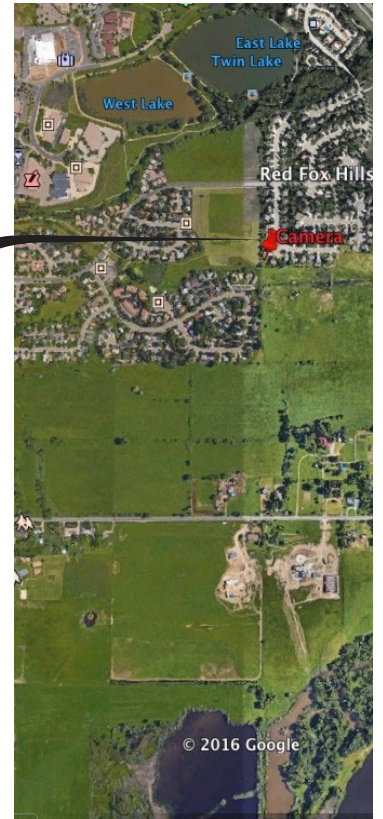
Rough-legged Hawk – Typically seen in January.

Wilson’s Warbler – Large groups forage at the Twin Lakes in the autumn; smaller groups come in the spring.

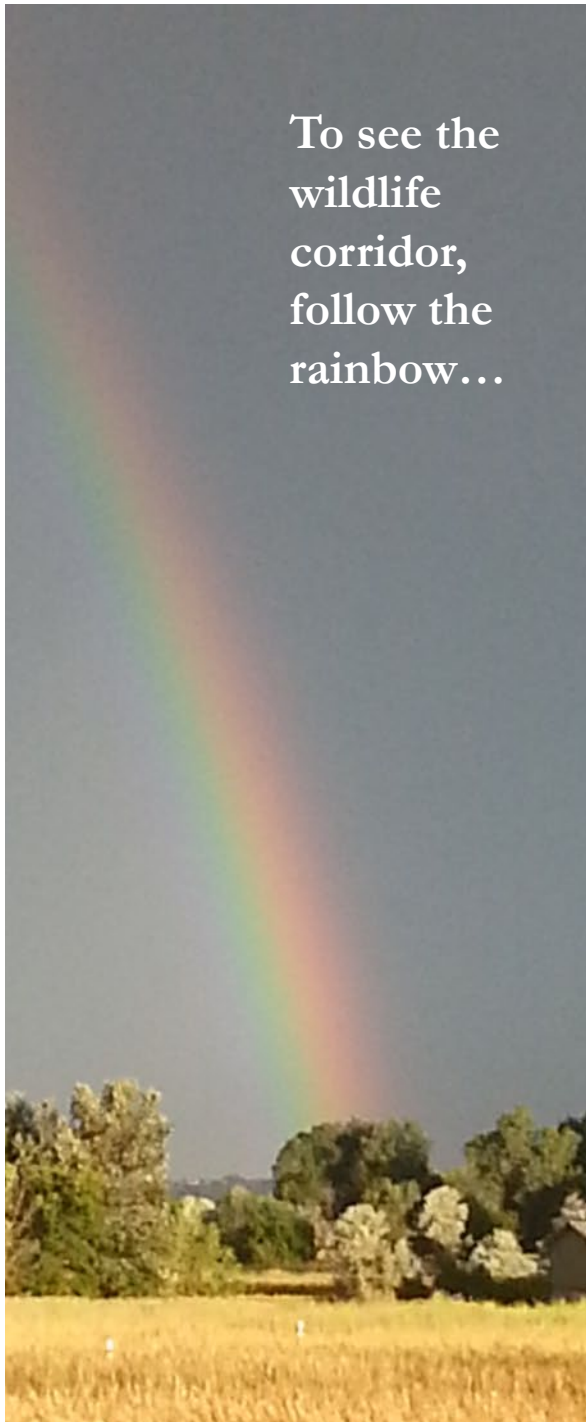
Ecosystem Connections

The Twin Lakes fields link the Twin Lakes and Eaton Park to the north with the Johnson/Coen Trust, Sawhill Ponds, and Walden Ponds to the south.

➤ **BVCP Policy 3.04 Ecosystem Connections and Buffers:** “The City and County recognize the importance of preserving large areas of unfragmented habitat in supporting the biodiversity of its natural lands and viable habitat for native species. The City and County will work together to preserve, enhance, restore, and maintain undeveloped lands critical for providing ecosystem connections and buffers for joining significant ecosystems.”



Aerial view of corridor’s 100-foot wide constriction point. Corridor immediately widens on both sides. Red pin marks wildlife camera location.



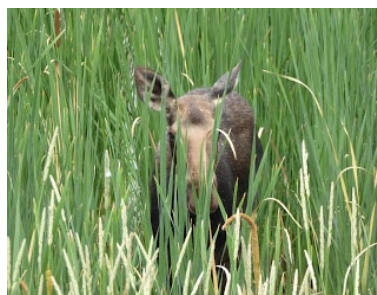
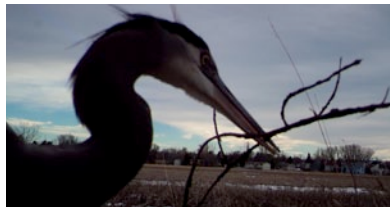
To see the wildlife corridor, follow the rainbow...

The south Twin Lakes field looking south through the corridor and onto the Johnson/Coen Trust, with Sawhill Ponds and Walden Ponds beyond, marked by the rainbow.



Wildlife that Use the Corridor

A wildlife camera and naturalists have documented that this connection is heavily trafficked by many species, including deer, coyotes, birds, raccoons, skunks, foxes, and, even this summer, a moose. For healthy ecosystems and to minimize human-animal interactions, we need to preserve this corridor. A report by the Center for Biological Diversity says that, as a rule of thumb, wildlife corridors should be 1,000 feet wide on average or more.

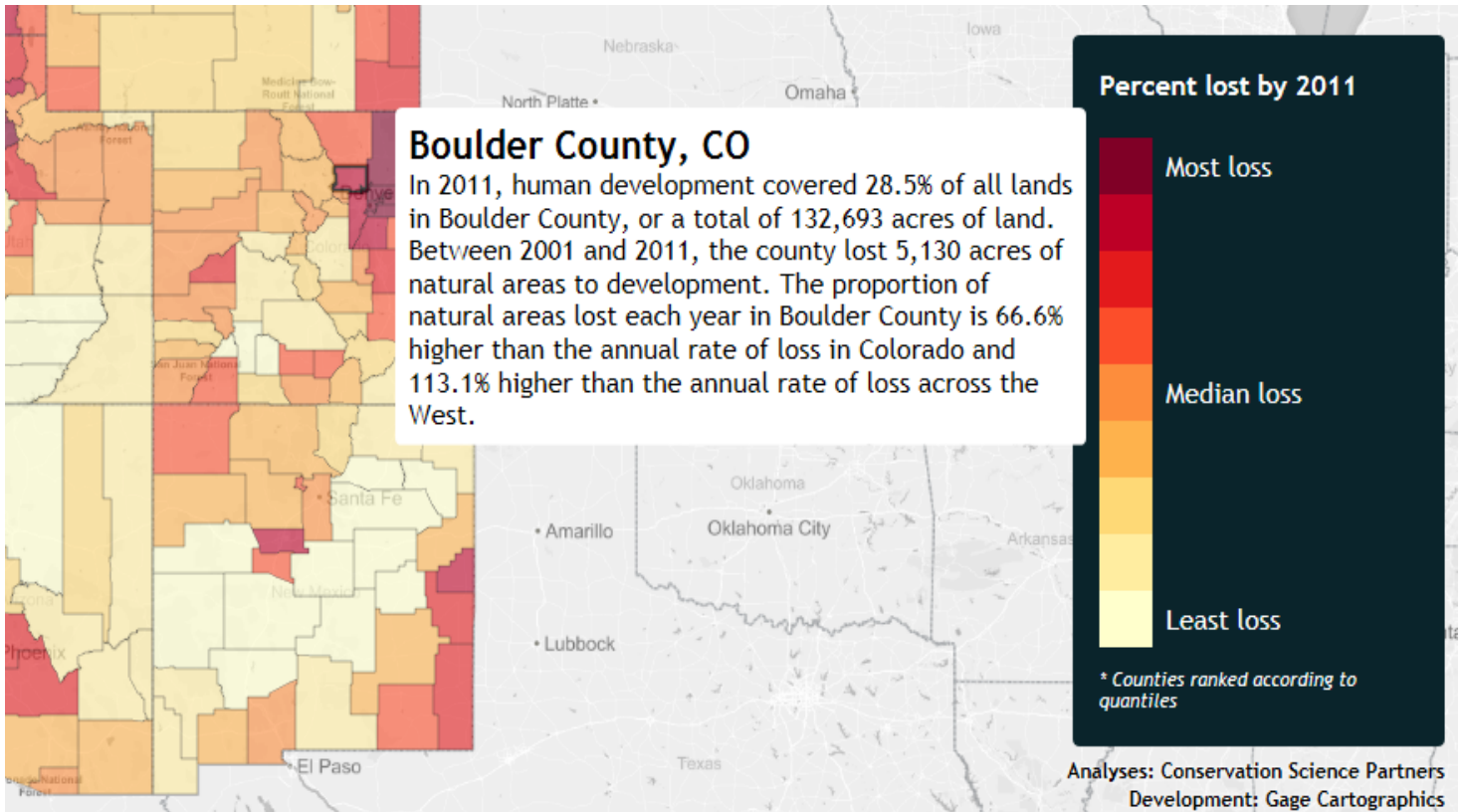




Coyote leaves the south field and enters the Johnson/Coen Trust at 11:41 a.m.



Coyote enters the south field from the Johnson/Coen Trust at 8:32 p.m. same day.



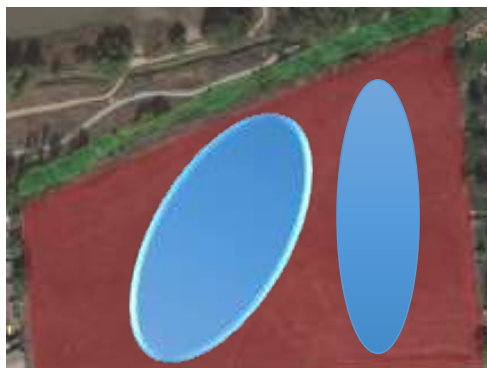
“If we want to have wildlife populations be able to move across the land, the most widely recommended strategy is to maintain connectivity of landscapes. If we are increasingly fragmented, that does not bode well.”

—David Theobald, a Colorado State University geographer and conservation biologist, and the Conservation Science Partners senior scientist who led the 2016 “Disappearing West” study.

Waters of the United States on the Twin Lakes Fields

➤ **BVCP 3.06 Wetland and Riparian Protection:** “Natural and human-made wetlands and riparian areas are valuable for their ecological and, where appropriate, recreational functions, including their ability to enhance water and air quality. Wetlands and riparian areas also function as important wildlife habitat, especially for rare, threatened and endangered plants, fish, and wildlife. The City and County will continue to develop programs to protect and enhance wetlands and riparian areas in the Boulder Valley. The City will strive for no net loss of wetlands and riparian areas by discouraging their destruction or requiring the creation and restoration of wetland and riparian areas in the rare cases when development is permitted and the filling of wetlands or destruction of riparian areas cannot be avoided.”

Wetlands of the North Field



Green northern area shows federal waters delineated by Apex in June 2016; wetlands continue east and west. Blue ovals map Arctic rush (*Juncus arcticus*), a wetland grass important to birds.



North field's wetlands.



Ducks swimming and foraging on ephemeral wetlands.

Wetlands of the South Field



Green area shows federal waters delineated by Apex in June 2016. Arctic rush also occurs on this field.



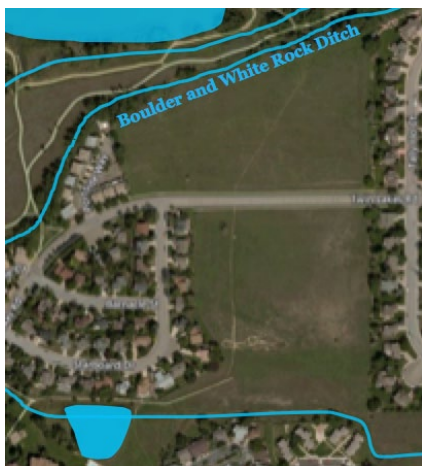
Wetland/ephemeral stream area of south field.

Did you know...

- ❖ Small streams filter out 20-40% of nitrogen pollution.
- ❖ 1 acre of wetlands can store up to 1.5 million gallons of floodwater.
- ❖ 60% of stream miles in the U.S. only flow seasonally or after a rain.

Wetland Connectivity

According to an independent hydrologist, development of the fields would divert the water that charges the federal wetlands on the south field and those to the southwest (shown in blue at left and in photo at right), negatively impacting them. Many species use these wetlands.



The EPA's 2015 Clean Water Rule

protects ephemeral wetlands and wetland connectivity, which are important for trapping floodwater, filtering pollutants, and providing wildlife habitat.

Land Threatened by Development that Is Near or Adjacent to Existing Open Space



Land use change request #35 and staff recommendations propose to put 280 to 360 dwelling units (and more than 500 parking spaces) immediately adjacent the Twin Lakes Open Space. This would:

Sever ecosystem connections.

Eliminate buffer habitat where wildlife live, forage, and travel.

Impact pollinators such as bees.

Dewater wetlands.

Increase light and noise pollution at a sensitive riparian area.

Add an estimated 100,000 user visits a year,
double the current number at the Twin Lakes.

This is already the **most heavily used** Parks and Open Space property.



Prime Agricultural Land

The gold standard for determining prime agricultural land—and the standard that the County bases its own maps on—is the USDA/National Resources Conservation Service classification system. The USDA/NRCS designates both Twin Lakes fields as being of prime importance (see charts and soil map).

Prime agricultural lands are the “lands of last resort” for development.

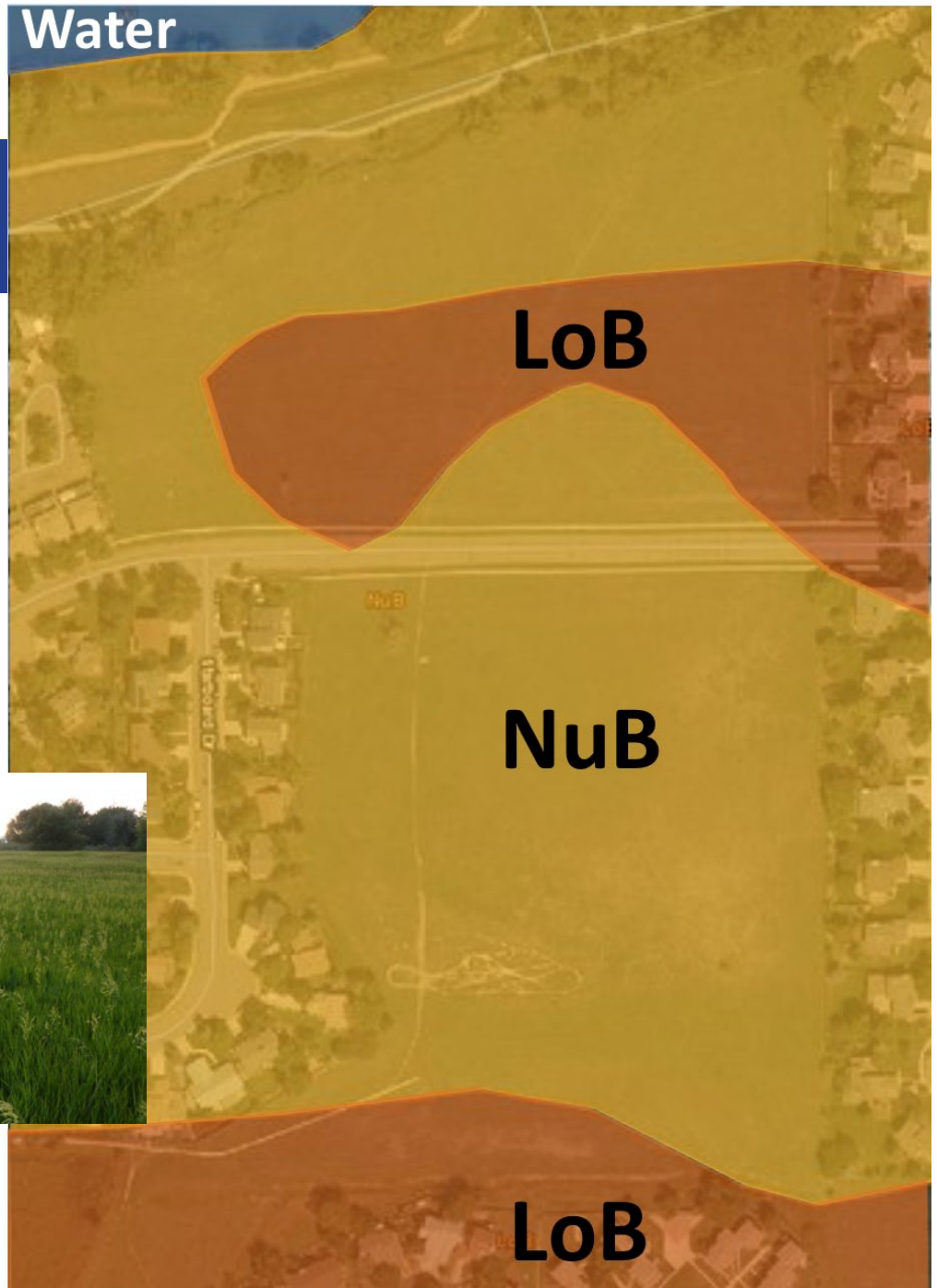
The reason for this is best conveyed using the Boulder County Comprehensive Plan’s own words:

“Agricultural land is a nonrenewable resource. Once public and private decisions are made that result in the conversion of agricultural land and/or water to nonagricultural uses, this vital resource is almost always irretrievably lost.

“Since 1959, the Front Range has been consuming agricultural lands for other purposes at an average of 60,000 acres per year. Between 1959 and 1974, Boulder County led the State of Colorado in this category, a fact that formed one of the core reasons for the eventual development of the original edition of the Boulder County Comprehensive Plan.

“Since 1978, 18,000 acres of agricultural land has been annexed into Boulder County’s municipalities.”

“AG 1.01 It is the policy of Boulder County to promote and support the preservation of agricultural lands and activities within the unincorporated areas of the county, and to make that position known to all citizens currently living in or intending to move into this area.”



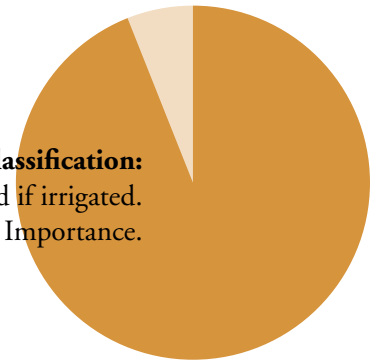
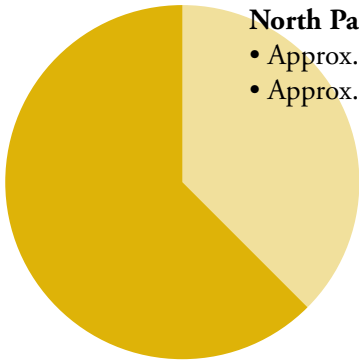
Prime Farmland, as defined by the USDA, "...is land that has the best combination of physical and chemical characteristics for producing food, feed, fiber, and oilseed crops and is available for these uses. It could be cultivated land, pastureland, forestland, or other land, but it is not urban or built-up land. *Farmland of Statewide Importance*...generally, this land includes areas of soils that nearly meet the requirements for *Prime Farmland*...some areas may produce as high a yield as *Prime Farmland* if conditions are favorable."

North Parcel (BCHA) Farmland Classification:

- Approx. 62% of the total acreage is Prime Farmland if irrigated.
- Approx. 38% of the total acreage is Farmland of Statewide Importance.

South Parcel (BVSD) Farmland Classification:

- Approx. 92% of the total acreage is Prime Farmland if irrigated.
- Approx. 8% of the total acreage is Farmland of Statewide Importance.



1866 ○ Homesteaders A.N. Allen and Robert Low forge a path that connects the eastern plains with Boulder. The path soon acquires the name "Gunbarrel Road" on account of its "straightness."

1874 ○ Black gold is discovered underneath Gunbarrel hill. An oil well called "Old Whiterock" is sunk in 1892 at the top of Gunbarrel Hill.



1933 ○ Bootlegging thrives during the prohibition era. Police uncover the largest beer still in Northern Colorado on Gunbarrel Hill.



1869 ○ Hiram Fullen Sr. becomes the owner of a 180-acre ranch located near present-day Gunbarrel. This ranch would be purchased by IBM about 90 years later.



Gunbarrel remains a rural and agricultural community. **1880s-1950s** ○



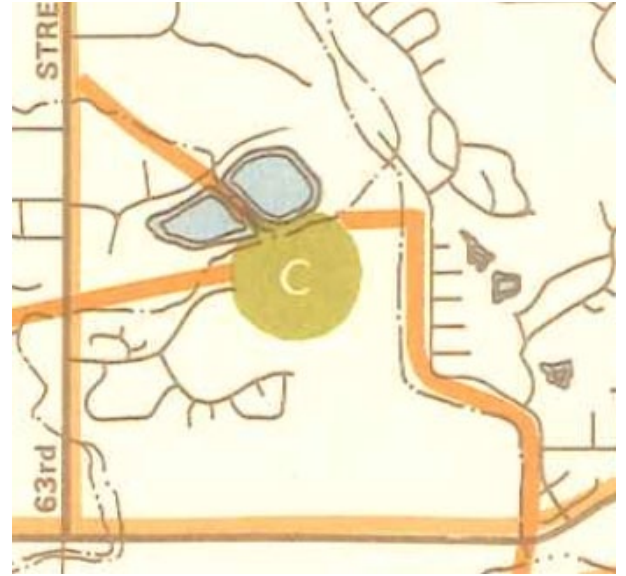
Source: https://www-static.bouldercolorado.gov/docs/Gunbarrel_Web_final-1-201512152222.pdf

Vision for the Twin Lakes Fields: Both the Past and Present Point to Open Space

Original
Plans
from
1970
and
1977



Planned greenbelt connecting
the Twin Lakes with Walden Ponds
(Source: 1977 BVCP)



Planned 40-acre community park
(Source: 1977 BVCP)

In the 1970 and 1977 Boulder Valley Comprehensive Plans, the very first comp plans, the County and City planned for a wildlife corridor to link the Twin Lakes with Sawhill Ponds and Walden Ponds and for a 40-acre community park to be just south of the lakes.

- The City collects about \$8 million a year from the commercial/industrial parts of Gunbarrel. It also collects property taxes from the ~25 percent of Gunbarrel residents who are already incorporated. And all of us contribute to the County Parks and Open Space funds. Some of this money could go toward the community park and greenbelt.
- The Williams brothers dedicated the south field to serve the Gunbarrel Green residents for “school or recreational use.” In addition to the community park and greenbelt, 60% of the south field was intended to be a kids’ park as part of the school.



Current Land-Use Designations

North Field:
Low-density Residential / Open Space

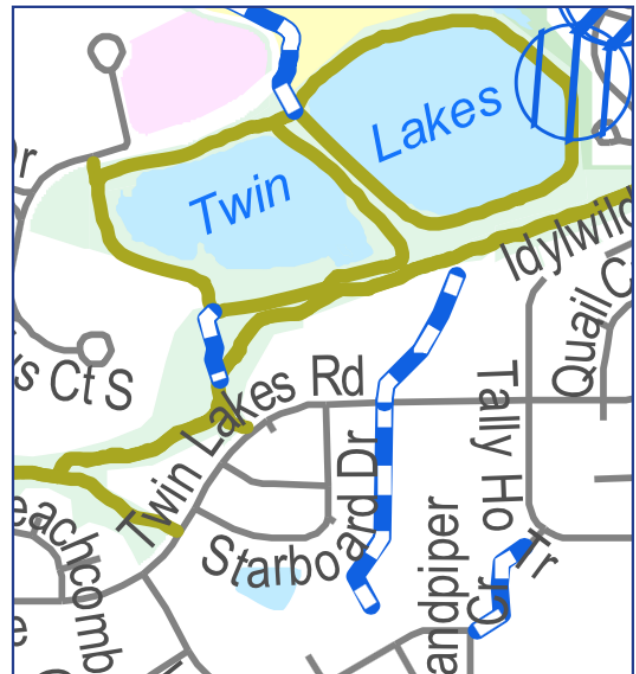
South Field:
Public / LDR

The recent planning efforts also point to Open Space for these fields, as indicated by the current land-use designations, the Existing Land Use map, and the proposed trail connections.

Recognizing the importance of these fields for their recreational, scenic, and environmental value, planners and decision-makers, in the 2010 BVCP, marked the Existing Land Use as Public/Semi-Public. They also proposed trail connections. Although BCHA claims they can still provide trails through the development, this conflicts with the longstanding open-space vision for the area.



2010 BVCP map for existing land use. Blue stands for Public/Quasi-public (e.g. church).



2010 BVCP proposed these trails for the Twin Lakes fields.

What does an Open Space – Other designation mean?

Boulder defines it as:

“Other public and private land designated prior to 1981 that the City and County would like to preserve through various preservation methods including but not limited to intergovernmental agreements, dedications or acquisitions.”

“The Boulder Valley Comprehensive Plan Trails Map is a comprehensive guide for existing and proposed trails and trail connections for the entire Boulder Valley. It shows proposed trails that have been planned through departmental master planning or area planning processes as well as trail connections that are important links in the Boulder Valley and regional trails systems.”

Blue Mountain Environmental Consulting Report

About BMEC

Since 2001, Blue Mountain Environmental Consulting has provided ecological services, conservation planning, and environmental compliance solutions to landowners and managers throughout the Rocky Mountain west. Their commitment to sustainable environmental management and conservation has established Blue Mountain Environmental Consulting as a leading natural resource management organization for landowners, non-profit organizations, and government agencies. Providing ecologically based resource management strategies to achieve project outcomes in an efficient, sustainable, and responsible manner.

Matt Tobler, M.S., Natural Resource Specialist / Director

Mr. Tobler is a natural resource manager with over 21 years of experience; he currently serves as principal instigator and project leader on numerous ecosystem management projects that integrated forest restoration, wild-fire mitigation, rangeland and noxious weed management, wildlife management and riparian management initiatives. Mr. Tobler has conducted numerous field investigations and developed management programs that are based on existing ecological conditions, historical conditions and landowner objectives for clients from the public and private sectors throughout the Front Range. He also has ecological project experience in WY, UT, NE, KS, SD, MT, NY, NV, NM.

Mr. Tobler has participated in numerous NEPA projects across western states addressing oil and gas infrastructure development, communication facility construction, FERC licensing, water development and conveyance. In this capacity, he has conducted wetland determinations and delineations, threatened and endangered species surveys, ecological assessments and prepared documentation per NEPA and Section 404 requirements. Matt also has experience conducting ecological investigations both regionally and internationally. As a research associate with the USDA Forest and Range Experiment Station, he designed and implemented original research studies to investigate causes of landscape diversity and vegetative responses to disturbance within ponderosa pine forests of the Colorado Front Range. As a research associate at the Woods Hole Research Center, he assisted in the implementation of a pioneering study that assessed the fire susceptibility of primary tropical rainforest in the northeastern Amazon of Brazil. Matt worked as ranger for the National Park Service, administered conservation programs for the Natural Resource Conservation Service in New York, and implemented wildfire mitigation and forest stewardship programs for the Colorado State Forest Service. His earliest experiences with resource management come from growing up on a dairy farm in upstate New York where he was a farm hand. Matt holds a M.S. in Rangeland Ecosystem Science from Colorado State University and a B.S. in Resource Management and Forestry from SUNY College of Environmental Science and Forestry. He is a Society of American Foresters Certified Forester, an Ecological Society of America Certified Ecologist, U.S.D.A. Natural Resource Conservation Service Technical Service Provider, Colorado Department of Transportation Erosion Control Supervisor and has completed the U.S. Corps of Engineers Wetland Delineation Training.

Degree(s)

M.S. Colorado State University

Certifications

Society of American Foresters Certified Forester
Ecological Society of America Certified Ecologist
U.S.D.A. Natural Resource Conservation Service Technical Service Provider
Colorado Department of Transportation Erosion Control Supervisor
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Clint Hinebaugh, B.S., Wildlife Biology / Sportsman

Clint Hinebaugh is a natural resource specialist with four years of experience; he currently serves as the associate wildlife biologist and habitat specialist for Blue Mountain Environmental Consulting. Mr. Hinebaugh has prepared due diligence reports for conservation easement transactions including baseline reports, Wetland delineations and Phase 1 environmental assessments throughout Colorado and Wyoming. This work has included field investigations, correspondence with landowners as well as state and federal authorities, extensive research, and the preparation of technical documentation. Field work has included extensive use of ARC Pad as well as inventories of flora and fauna. He has completed Riparian Assessment Workshops provided by the BLM and is currently completing Technical Service Provider Training through the NRCS. Currently Mr. Hinebaugh has worked to conserve over 25, 000 acres throughout the western states.

As a Research Technician with the Colorado Division of Wildlife, Mr. Hinebaugh Assisted Biologists in an ongoing research project aimed at evaluating the effect of waterfowl hunting restrictions on a cross section of State Wildlife Areas within the South Platte River Valley. Duties included operating check stations; extensive public interaction; monitoring duck and goose populations; and collaborating information between division wildlife managers, biologists, and property technicians.

Mr. Hinebaugh is an avid sportsman and conservationist whose travels have taken him throughout the lower 48, Canada, and Africa. He has been invited to join the Worldwide Ethical Hunters Association and in an active member of Safari Club International, Pheasants Forever, Ducks Unlimited, Rocky Mountain Elk Foundation, and Mule Deer Foundation.

Degree(s)

B.S. in Wildlife Biology (Colorado State University)

Certifications

Certified Aquatic Invasive Species Watercraft Inspector
and Decontaminator



August 23rd, 2016

Memorandum

To: Kristin Bjornsen, Twin Lakes Action Group
From: Matt Tobler and Clint Hinebaugh, Blue Mountain Environmental Consulting
RE: Open Space Evaluation of 6655 and 6600 Twin Lakes Road (Twin Lakes Parcels)

Blue Mountain Environmental Consulting was contracted by Kristin Bjornsen with the Twin Lakes Action Group to investigate the suitability of two parcels near the Twin Lakes Open Space, in unincorporated Boulder County, for open space designation by the County and City.

Currently the northern parcel (located at 6655 Twin Lakes Road), which encompasses 9.96 acres, is owned by the Boulder County Housing Authority (BCHA). The southern parcels (located at 6600 Twin Lakes Road and 0 Kalua Road, henceforward called simply 6600 Twin Lakes Road), which encompass 10.03 acres, is owned by the Boulder Valley School District (BVSD) RE-2J. The BCHA and BVSD are jointly requesting a change in land-use designation to Mixed Density Residential, which would allow up to 360 dwelling units on the +/-20 acres. This proposed development would come in the form of affordable housing units.

We understand that Twin Lakes Stakeholder Group facilitated discussions were conducted during spring/summer 2016, and that an accurate depiction of the Property is portrayed by the assessments listed below and here incorporated by reference:

- Preliminary Hydrologic Analysis of 6600 Twin Lakes Road by Gordon McCurry with McCurry Hydrology, 2015,
- Preliminary Hydrologic Analysis of 6655 Twin Lakes Road by Gordon McCurry with McCurry Hydrology, 2015,
- Potential Waters of the United States for 6600 Twin Lakes Road by Apex Company, 2016,
- Potential Waters of the United States for 6655 Twin Lakes Road by Apex Company, 2016,
- Comments on wildlife habitat values of Twin Lakes Parcels by Dave Hoerath, BCPOS, 2015,
- Comments on wildlife habitat values of Twin Lakes Parcels by Therese Glowacki, BCPOS, 2015
- Boulder County Wildlife Species of Special Concern living at or using the Twin Lakes area, by Twin Lakes Action Group,
- Wildlife Study by an independent consulting group, currently unavailable, 2016

Residents of the surrounding community champion Open Space designation for the Twin Lakes parcels and we here underscore a number of attributes of Boulder County Open Space policy. While the Twin Lakes parcels are presently owned by the County, they meet the following Open Space acquisition criteria as stated on <http://www.bouldercounty.org/os/openspace/pages/acquisitions.aspx>:

- **Land threatened by development that is near or adjacent to existing open space:**

The proposed 280 to 360 housing units would be adjacent to the Twin Lakes, a Boulder County Parks and Open Space property.

- **Prime agricultural land:**

According to the NRCS Web Soil Survey assessed on August 23, 2016, 92% of the southern parcel and 62% of the northern parcel have been identified as Prime Farmland. The remaining percentage has been identified as Farmland of Statewide Importance. Prime farmland is identified as land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber and oilseed crops and is also available for these uses. It has the soil quality, growing season and moisture supply needed to produce economically sustained high yields of crops when treated and managed according to acceptable farming methods, including water management.

It is evident that the Twin Lakes parcels have historically been farmed and they are now dominated by a monoculture of pasture grasses, primarily smooth brome (*Bromus inermis*). While future large scale agriculture is unlikely, the fields could serve as community gardens. Development is seldom the highest and best use of Prime Agricultural soils, which are being converted to other uses across the nation.

- **Wildlife habitat:**

The Twin Lakes parcels are bordered by Twin Lakes Open Space to the north and by neighborhoods to the east, west and south. The urban location of the parcels and homogenous vegetative composition limit the wildlife value. However, the parcels do function as a wildlife corridor between the Twin Lakes Open Space and the Johnson Trust (located to the southeast) and the drainage owned by the Twin Lakes Homeowners Association (located to the southwest). The area is frequented by a variety of urban adapted mesopredators. Wildlife cameras and photographs have shown the corridor to be used by fox (*Vulpes vulpes*), coyote (*Canis latrans*), raccoon (*Procyon lotor*), skunk (*Mephitis mephitis*) and even the occasional mountain lion (*Felis concolor*). Just this summer a moose from Walden Ponds (located less than one mile to the south) traveled to the Twin Lakes via the corridor. Additional mammals expected to utilize the parcels include deer (*Odocoileus hemionus*), eastern cottontail (*Sylvilagus floridanus*), fox squirrel (*Sciurus niger*) and vole (*Microtus pennsylvanicus*). Habitat value could be enhanced by restoring native species composition and curtailing mowing which limits vertical structure and diversity.

Avifauna benefit from the vertical structure provided by the trees and shrubs associated with the Boulder White Rock Ditch along the northern parcel boundary and will utilize the zone for roosting, feeding and nesting habitat. While these trees may remain intact if the site is developed, the adjoining fields would be lost. According to neighboring residents, Western Meadowlarks (*Sturnella neglecta*) have been seen using the fields for nesting. In summer 2016, five meadowlarks successfully hatched in the field. The fields also provide foraging habitat for the abundant raptors that call Boulder County home. Great horned owl (*Bubo virginianus*), red-tailed hawk (*Buteo jamaicensis*) and American kestrel (*Falco sparverius*) are the most common species expected.

According to the Twin Lakes Action Group, four to five Boulder County Wildlife Species of Special Concern the site. These include wood duck (*Aix sponsa*), tiger salamander (*Ambystoma tigrinum*), meadow vole (*Microtus spp.*), garter snake (*Thamnophis spp.*) and, periodically, the long-eared owl. The Twin Lakes Action Group has done an outstanding job

of documenting wildlife use of the parcels in the document “Boulder County Wildlife Species of Special Concern living at or using the Twin Lakes area.”

According to the United States Fish and Wildlife Service Information and Conservation Planning Application (IPAC), 11 migratory birds of conservation concern occur within the region. Species are documented in the table below:

Table 1. IPAC Migratory Birds of Conservation Concern within the region.

SPECIES	SEASON IN PROJECT AREA	Potential Habitat
Bald Eagle	Year-round	at Twin Lakes
Burrowing Owl	Breeding	Yes
Ferruginous Hawk	Year-round	Yes
Golden Eagle	Year-round	Yes
Lewis’s Woodpecker	Breeding	Yes
Loggerhead Shrike	Year-round	Yes
Mountain Plover	Breeding	Yes
Short-eared Owl	Wintering	Yes
Swainson’s Hawk	Breeding	Yes
Williamson’s Sapsucker	Breeding	Yes

- **Riparian and scenic corridors:**

A riparian corridor (wetland) associated with the Boulder White Rock Ditch exists along the northern parcel’s boundary. Dominant vegetation includes eastern cottonwood (*Populus deltoides*), peach leaf willow (*Salix amygdaloides*), narrow leaf willow (*Salix exigua*), broadleaf cattail (*Typha latifolia*), currant (*ribes* spp.) and smooth brome (*Bromus inermis*). The wetland was delineated by Apex and was confined to the south bank of Boulder and Whiterock Ditch, up and northward of the north bank.

According to the National Wetlands Inventory Wetlands Mapper assessed, on August 23, 2016, a 1.503-acre intermittent stream (R4SBC) flows east to west through the south end of the southern parcel. This stream is seasonally flooded and connects with a freshwater emergent wetland on the Twin Lakes Homeowner Association property located to the southwest. Dominant vegetation includes peach leaf willow, narrow leaf willow, watercress (*Nasturtium officinale*), Emory’s sedge (*Carex emoryi*) and teasel (*Dipsacus* spp.) Apex delineated this wetland to be approximately 0.55 acres, a portion of which lies within the subject property. Final jurisdiction rests with the Army Core of Engineers.

- **Land that could provide trail connections:**

The most noteworthy conservation use of the Twin Lakes parcels would be for scenic and open corridors, which are strongly supported by County Open Space Policy as indicated below:

- OS 3.01 “Where necessary to protect water resources and/or riparian habitat the county shall ensure, to the extent possible, that areas adjacent to water bodies, functional irrigation ditches and natural water course areas shall remain free from development (except designated aggregate resource areas). The county may preserve these open corridor areas by means of appropriate dedication during the

- development process, reasonable conditions imposed through the development process, or by acquisition.”
- OS 3.02 “Where appropriate the county shall continue to acquire parcels of land or right-of-way easements to provide linkages between public lands.”
 - OS 3.03 “To the extent possible, the county shall protect scenic corridors along highways and mountain road systems. The county may preserve these scenic corridor areas by means of appropriate dedication during the development process, reasonable conditions imposed through the development process or, by acquisition.”

As indicated on the 2010 Boulder Valley Comprehensive Plan, there is a proposed line that begins at Davis Reservoir Number 1 and East Lake known as the Twin Lakes, which are approximately 720 feet to the north of 6655 and 6600 Twin Lakes Road properties. This proposed line trail proceeds south through the north and south fields of the properties and ends about 400 feet north of Kalua Road as shown on this link: <https://www-static.bouldercolorado.gov/docs/bvcp-trails-map-1-201305140905.pdf>

Open space designation of the Twin Lakes parcels could also meet the goals as laid out in the federal tax code if they are protected with a conservation easement. **Internal Revenue Code (IRC) § 170(h) (4)** supports the protection of a relatively natural habitat of fish, wildlife, or plants, or similar ecosystem. Section 170(h)(4)(A)(ii); *see also* § 1.170A-14(d)(1)(ii) and (3). A second permitted conservation purpose is the preservation of open space (“open space easement”), including farmland and forest land, for the scenic enjoyment of the general public or pursuant to a clearly delineated governmental conservation policy. Other permitted conservation purposes include preservation of land areas for outdoor recreation by, or the education of, the general public.

According to the tax code, a significant public benefit can be attained because current land use is compatible with surrounding lands in unincorporated Boulder County, which consist of a patchwork of open spaces that conserve natural features and provide recreation to neighboring residences. Scenic values are met because a degree of contrast and variety of colors are present with the open field in the foreground and the adjacent riparian corridor, which is approximately +/- 950 feet long, in the mid-ground and the Colorado Front Range in the background. Relief from urban closeness is accommodated because the parcels are situated between the rapidly growing cities of Gunbarrel and Boulder. Importantly, the potential for public recreation exists if formal trails are constructed through the parcels, connecting neighborhoods with existing Boulder County Open Space.

Transference of lands into conservation easements is supported by the Boulder Valley Comprehensive Plan as follows. “PPA 2.03: Conservation easements pursuant to **CRS 38-30.5-101** through 110, as amended, or other legally accepted methods between the county and landowners, should continue to be the acceptable development control, for the purpose of preventing additional parcel division or development of lands committed for agricultural activities, environmental and historic resource protection, and other activities consistent with the rural character of the county.”

The Twin Lakes Fields Meet ALL FIVE of Parks and Open Space's Criteria for Open Space Acquisition

1. **“Land threatened by development that is near or adjacent to existing open space.”**
2. **“Prime agricultural land.”**
The Twin Lakes fields are USDA/NRCS-designated as agricultural lands of Prime/statewide importance—the gold standard for agricultural lands.
3. **“Wildlife habitat.”**
Four to six Wildlife Species of Special Concern live directly on the fields. Eighteen other Species of Special Concern have been documented using the fields for foraging. Many other animals also use the fields, such as coyote, deer, red foxes, bats, and myriad other mammals, reptiles, amphibians, pollinators, and birds. Just this summer 2016, there was a meadowlark's nest on the south field, from which 3 to 5 babies hatched, and a mallard's nest on the north field.
4. **“Riparian and scenic corridors.”**
Both fields have delineated Waters of the United States (aka wetlands), are adjacent the Twin Lakes, and offer a much-loved scenic corridor for Gunbarrel residents.
5. **“Land that could provide trail connections.”**
The 2010 BVCP maps propose Trail Connections on these fields. People use them for walking, running, biking, cross-country skiing, nature exploration, and scenic beauty.

*Let's make a
Greater Twin Lakes Open Space a reality!*

