



Colorado State Parks
Board Meeting Minutes

Date: Friday, November 20, 2009
 Location: Town of Frisco Council Chambers
 1 Main Street
 Frisco, CO

Friday, November 20, 2009

- | | | | |
|-------------------|-------------------|--|------------------|
| 8:30 a.m. | (A)
(A)
(I) | Call to Order
Agenda Amendments, if necessary
Approval of September 2009 Board Meeting Minutes
Board Member Updates | Bill Kane, Chair |
| 8:50 a.m. | | Public Comment Period | |
| 9:00 a.m. | (I) | Director's Update <ul style="list-style-type: none"> • Legislative Update • Audit Update • GOCO Update • Corona Research Update • Staunton Master Plan Update • Dog Training Areas Update | Dean Winstanley |
| 9:40 a.m. | | Break | |
| 10:00 a.m. | (I) | Colorado Off Highway Vehicle Program Grants Work Session <ul style="list-style-type: none"> • State Parks Report (10 minutes) – Gary Thorson • OHV statutes and clarification of Board role regarding motorized recreation policy (10 to 15 minutes) - Tim Monahan, Attorney General's Office • Responsible Trails America Proposed Use of OHV grant funding (20 minutes) - Scott Chase • Federal Partners (20-25 minutes) - Representatives from the U.S. Forest Service and BLM – Steve Sherwood, Director of Recreation, Heritage and Wilderness Resources, United States Forest Service, and Dave Hunsaker, Acting State Director for the BLM • County Government Partners (10 minutes) – Chip Taylor, Colorado Counties, Inc. • COHVCO (15 minutes) -- Glenn Graham • Colorado Snowmobile Association (5 minutes) – Janelle Kukuk • Q&A -- Group discussion – Next Steps (<u>up to</u> 35 minutes) | |
| 12:15 p.m. | | Break for Lunch | |
| 1:00 p.m. | (I) | Financial Update | Steve Cassin |
| 1:15 p.m. | (A) | FY 10-11 Capital Construction Plan | Steve Cassin |
| 1:40 p.m. | (A) | Steamboat Lake Marina Concessionaire fee reduction | Kurt Mill |

1:50 p.m.	(A)	Stagecoach Marina Bid	Kurt Mill
2:00 p.m.	(A)	McClure/Lory Acquisition	Heather Dugan
2:15 p.m.	(A)	Board Policy approvals <ul style="list-style-type: none"> • A-227 – Naming of State Parks • A-228 – Reference to all state parks and recreation areas as "state parks" 	Mindy Blazer
2:30 p.m.	(A)	Finalizing 2010 Calendar	
2:45 p.m.	(I)	Discussion about December Board Retreat	
3:00 p.m.		Break	
3:15 p.m.	(A)	Consent Agenda: <ul style="list-style-type: none"> • West Pueblo Saddle Club Lease • Grazing at Honor Farm • ACE Donation to Eldorado State Park 	
3:20 p.m.	(A)	Veteran's Day Free Day Ratification	Dean Winstanley
3:25 p.m.	(I)	Legal Report	Tim Monahan
3:45 p.m.	(I)	Region and Program Updates	Region Managers Gary Thorson
4:15 p.m.		Adjourn	

In attendance:

Board Members:

Bill Kane
Gary Butterworth
Jim Pribyl

Lenna Watson, Secretary/Vice Chair
Laurie Mathews

Division Staff:

Dean Winstanley, Director
Ken Brink, Assistant Director of Field Ops.
Gary Thorson, Assistant Dir., Statewide Prog.
Steve Cassin, Chief Financial Officer
Mindy Blazer, Director's Assistant
Deb Frazier, Communications Manager

Kurt Mill, Rocky Mountain Region Manager
Bob Wiig, Rocky Mtn. Region Asst. Manager
Heather Dugan, High Plains Region Manager
John Geerdes, Southeast Region Manager
Dave Meline, Sylvan Lake State Park Manager
Ben Pedrett, Eldorado State Park Manager

Guests:

Tim Monahan, Attorney General's Office
Doug Robotham, EDO Assistant Director
Scott Chase, Responsible Trails America
David Peterson, Colorado Field Director, Trout Unlimited/Sportsmen's Conservation Project
Chip Taylor, Colorado Counties, Inc.
Janelle Kukuk, Colorado Snowmobile Assn.
Karla Raines, Corona Insights
Eric Bergman, Great Outdoors Colorado
Senator Lois Tochtrop
Jack Placci, Bureau of Land Management

Rob Firth, retired Chief of Law Enforcement, DOW
John Silence, retired Special Agent in Charge, BLM
Pete McKay, San Juan County Commissioner
Steve Sherwood, Director of Recreation, Heritage and Wilderness Resources, US Forest Service,
Dave Hunsaker, Acting State Director for the BLM
Glenn Graham, Colorado Off Highway Vehicle Coalition (COHVCO)
Chris Spori, United States Forest Service
Jay Sarason, Colorado Division of Wildlife

Audience Members:

Corey Corbett, COHVCO
Tim Petersen, Durango, CO
Tom Sobal, Salida, CO
Steve Bonowski, Colorado Mountain Club
Justin Lilly
Glenn Patterson, Allenspark, CO
John Hedderick, Dillon, CO
Bryan Martin, Colorado Mountain Club
Kent McGrew, COHVCO, Summit County Off
Road Riders (S.C.O.R.R.)

Rick Warren, Silverthorne
Meredith & Don VanDyne, Keystone, CO
Joel Meier, Keystone
Anya Byers, Colorado Mountain Club
Jay Heeter, Colorado Mountain Club
John Fitzgerald, Dillon, CO
Mary Gilkison, Quiet Use Coalition
Rave Pederson, S.C.O.R.R.

Minutes

The meeting was called to order at 8:30 a.m. by Chair Bill Kane.

Agenda Amendments:

Director Dean Winstanley added two items to the Director's Update:

1. Natural Resource Center in Salida
2. National Land and Water Conservation Fund

Approval of the September 2009 Board Meeting Minutes:

Motion: Gary Butterworth

Second: Lenna Watson

Result: The September 2009 Board meeting minutes were approved unanimously.

Board Updates:

- Bill Kane attended the Great Outdoors Colorado (GOCO) open house in Aspen.
- Lenna Watson attended the GOCO Open House in Grand Junction.
- Laurie Mathews exchanged emails with Jim Martin when he was appointed the new Executive Director of the Department of Natural Resources. She is pleased to have him on board.
- Gary Butterworth is working with the Parks Senior Staff to select a facilitator for the board's December 2009 planning retreat. He also participated in a National Recreation and Park association webinar on alternative fund development planning.
- Jim Pribyl attended the GOCO board retreat in Winter Park on October 1st and 2nd. Jim also attended the GOCO open house in Boulder.

Public Comment Period

None

Director's Update (Director Dean Winstanley):

- Legislative update –
 - Dean advised the board that the Department of Natural Resources (DNR) has a new Executive Director, Jim Martin, who replaced Harris Sherman. Jim comes to the Department from the Colorado Department of Health and Environment. Prior to that, he served as the director of the Natural Resource Law Center at the University of Colorado School of Law.
 - The DNR also recently hired a new legislative liaison, Andy White. Andy was a lobbyist and has done work with the Colorado Fiscal Policy Institute.
 - Foundation for Colorado State Parks license plate bill – Dean met with former DNR Executive Director Harris Sherman who informed Dean that the

- Department is going to remain neutral on a bill that create a Colorado State Parks license plate; proceeds of which would go to the Foundation.
- River Outfitter licensing program – A review was done over the last year by the Department of Natural Resources and they are recommending that the program be continued with a couple of minor changes.
 - Land and Water Conservation (LWCF) Fund – The federal Land and Water Conservation Funds are revenues generated from offshore oil and gas drilling and are appropriated annually to federal agencies and also stateside. Colorado State Parks, through state statute, is the state-level administrator of those funds. There are two bills being considered in congress that would fully fund the LWCF with 50% of those funds going stateside. The Governor has voiced his support, and the Division has been asked by National Association of State Park Directors (NASPD) to draft letters to our congress asking that it be fully funded and that stateside get at least half. Dean had drafted a letter for the board's consideration to sign and be sent to members of congress. The board reviewed and signed the letter. Laurie Mathews requested that in future letters the Division highlight how some of the money was used in local communities, not just in State Parks. The board agreed.
- Audit Update – There are two issues still needing to be complete on the audit:
 - A memorandum of agreement (MOA) to be signed with Great Outdoors Colorado (GOCO). The parties involved are currently working on it and the hope is to have it signed at the end of the month.
 - The other issue the Division is behind on is completion of the financial plan.
 - One of the areas where The Division has made strides is in the Capital Development Program. The Division recently hired a new Capital Development Program Manager, Eric Scholz, who was introduced to the board.
 - Personnel – Ken Brink and Gary Thorson gave a brief update on recent hires:
 - New Capital Development Program Manager – Eric Scholz
 - New Chief of Public Safety – Pat Gavin, a former captain in the US Park Police. His start date is December 10.
 - Interviews have been conducted for the Assistant Region Manager Positions (there are two open)
 - The Division is moving forward to select some key park managers and resource technicians in the next few months.
 - Webmaster – David Merten
 - Trails Program Manager interviews were conducted Monday with the top three candidates and the selection will be made within a week.
 - GOCO Update – The GOCO retreat was a productive opportunity. Dean was able to talk to the GOCO board about the Division's priorities and capital investment needs. Dean has attended some of the focused stakeholder meetings that GOCO has held during their strategic planning process. In their draft documents, GOCO's main themes include: taking care of what we have (renovating our facilities is important and needs to be a priority), connecting people to the outdoors, and more trails opportunities. GOCO is considering dedicating a portion of GOCO funds to be used for larger scale investments that relate to these themes.
 - Corona Research Update – the final report is available. Gary Thorson provided the board members with a compact disk of the executive summary.
 - Stuanton Master Plan Update – The open house in November was well attended. There are not going to be any changes as a result of that public input. Final approval will come to the board at the January 2010 board meeting.
 - Dog Training Area Update – Heather Dugan, High Plains Region Manager
 - The assessment phase is complete and now the Division is on the planning phase.

- Current timeline:
 - December – Continue as a team to develop management alternatives. Each manager is developing three alternatives for their respective parks. From there they are going to meet with agency stakeholders (Federal partners such as the Army Corps of Engineers and the Division of Wildlife) to get buy-in and input.
 - January - present management alternatives as an info item to the Parks Board
 - Early in 2010 - Another open house to present the alternatives
 - March – present the preferred alternative for each park and the draft management plan to the board
 - May – action item to the board on the preferred alternative for each park
 - June – move forward with final phase, implementation
- Natural resource center- Officials of the City of Salida and Chafee County have asked for a commitment from Colorado State Parks on a joint Natural Resource Center in Salida. The Division has several concerns with this request and would like to do more research. Dean said he thought the idea was a good one, but given our priorities and current financial constraints, that the Division cannot commit at this time.

Financial Update (CFO Steve Cassin):

Because the meeting was moving ahead of schedule, the Financial Update was moved into this time slot on the agenda.

- Visitation – Through September 2009, visitation was up over the previous year by almost 7%. There are a lot of factors that go into that including weather, water levels, and that people are staying closer to home because of the economy.
- Revenues – Consistent with the visitation trends, through September the revenues from passes and permits are up 16% over the previous year.
- Expenditures – One of the Division’s major costs is people, which is down over the previous year by 4% due to the budget reduction strategies the Division has implemented. Operating expenses are also down considerably.

Colorado Off Highway Vehicle (OHV) Program Grants Work Session

- Gary Thorson, Assistant Director, Statewide Programs, presented an overview of the Off Highway Vehicle (OHV) Program grant process and how funds are utilized.
 - Laurie Mathews asked that a clearer break-down of the funds be developed so that the board can see where exactly the dollars go.
- Tim Monahan, Attorney General’s Office, provided a clarification of the board’s role regarding the motorized recreation policy. He explained that the Parks Board has regulatory authority over all OHV activities including the OHV registration program and the funding mechanism.
 - Funding is primarily by fees collected from OHV registration in Colorado, and by statute these funds are to be spent solely on the OHV program, including administrative services and operational costs.
 - The allocation of the funds within the program is up to the discretion of the Parks Board.
 - Can any other agencies regulate the OHV program? Yes and no:
 - Counties and cities may regulate OHV use on their streets and highways within their jurisdiction but their regulations need to be consistent with those of the Parks Board.
 - Colorado Wildlife Commission can also regulate some use but only in how the use of OHV’s relates to pursuing and taking wildlife in the state of Colorado.

- Federal land management agencies have general authority over the use of federal lands and arguably could supersede state regulation. However, other than the designation of lands, trails or roads that are open to OHV use, the federal agencies have generally deferred to state regulation and enforcement.
 - How does the OHV program relate to the overall Recreational Trail Program in the state of Colorado? The OHV statute doesn't reference the recreational trails statute and the recreational trails statute doesn't reference the OHV trails statute; but if you read them both, there is a common link between the two. The Recreation Trails Program recognizes both motorized and non-motorized activities and the Recreation Trails Committee is required to have equal representation from both.
 - Responsible Trails America Proposed Use of OHV grant funding:
 - Scott Chase of Responsible Trails America, San Juan County Commissioner Pete McKay, Dave Peterson, Colorado Field Director, Trout Unlimited/Sportsmen's Conservation Project, Rob Firth, former Chief of Law Enforcement for the Division of Wildlife, and John Silence, former Special Agent in Charge for the Bureau of Land Management, presented their proposal for responsible OHV management, which includes designating fund percentages for the following main components:
 - Law enforcement
 - Habitat restoration
 - Maintenance
 - Scott Chase stated he believes there is enough money in the program to fund all three components adequately.
 - Pete McKay made the following requests:
 - A change in the OHV policy allowing 10 year-olds to ride OHV's. He requested that the board consider changing regulations to require a driver's license.
 - That there be greater diversity on the Parks Board, the Trails Committee and the OHV Subcommittee.
 - That OHV funds be used to protect and repair natural resources that have been negatively impacted by OHV use.
 - And that significantly more OHV funds go towards law enforcement of OHV activities.
 - Dave Peterson asked that OHV users pay for their own law enforcement and voiced his concerns over how the increased motorized use has affected the sport of hunting.
 - Rob Firth believes that there has been a tremendous increase in motorized use, with no subsequent increase in law enforcement. He advocated more funding for law enforcement and more funding directed toward restoring damaged resources with the remainder going to trail maintenance.
 - John Silence spoke of the need for more law enforcement.
 - Federal Partners
 - Representatives from the United States Forest Service and the Bureau of Land Management (BLM) presented arguments for maintaining the OHV Program as it stands.
 - Steve Sherwood, Director of Recreation, Heritage and Wilderness Resources for the US Forest Service stated that there is only a small percentage of OHV users who are non compliant with the laws. He advised the board that OHV use is an important part of the outdoor recreation based tourism in the state and he believes the program is working well. He stated that the Forest Service is moving towards a sustainable motorized and non-motorized trail

system and advised that while motorized trail use is growing, so is every other type of trail use. He concluded that he supports funds being used towards law enforcement and believes there actually has been an increase in law enforcement activity.

- Dave Hunsaker, acting State Director for the BLM, stated that Colorado's OHV Program is recognized nationally as a model and it plays a significant role in helping the BLM manage OHV areas on public lands. He said that law enforcement is an important tool when used in concert with education, training and maintenance work.
- Chris Spurl, United States Forest Service, and Jack Placci, Bureau of Land Management, advised that the most effective use of the funds is a holistic approach and that enforcement is part of that, but not the most important part. The two also spoke of the trails that have been closed down in the past few years.
- County Government Partners
 - Chip Taylor, Colorado Counties, Inc., said that each county has its own perspective on OHV use/recreation. Some counties are working to promote OHV trail use in their areas, but to protect lands as well. He stated that fixed fund percentages for different aspects of the program (i.e. law enforcement) may not be desirable because that doesn't allow for flexibility.
- Colorado Off Highway Vehicle Coalition (COHVCO)
 - Glenn Graham, current president of the COHVCO board and Senator Lois Tochtrop spoke from the perspective of the OHV user community.
 - Glenn stated that Responsible Trails America paints a negative picture of OHV use by focusing only on the individuals who break the law, and not on the positive aspects of the OHV Program. He provided the board with articles on how the funds are also used for the closure and restoration of trails.
 - He believes the majority of OHV non-compliance issues are during the hunting season and believes there is a distinction between recreational OHV users and those who use OHV's for hunting.
 - Senator Tochtrop, of Adams County, stated that people need to keep in mind that it is off highway, not off trail, program. She stated that she does not believe the OHV statutes cover public safety and increasing enforcement. She also voiced her concern with designating percentages, which would tie the hands of the board and the OHV Program if a significant need arises.
- Colorado Snowmobile Association
 - Janelle Kukuk of the Colorado Snowmobile Association voiced her support of the current OHV Program (which is separate from the Snowmobile Program).
- Jay Sarason, Current Chief of Law Enforcement for the Division of Wildlife (DOW), advised that he understands the need for enforcement, but that the DOW does not advocate a percentage breakdown of OHV funds. He stated that the DOW would like to see money from the grant process allocated to trail cameras and research to determine what kind of non-compliance exists, and where the needs actually are.
- A discussion followed among the board regarding the differing opinions about the need for more law enforcement and regarding mitigation of damaged areas and closed trails.
- Board chair Bill Kane wrapped up the discussion by stating that Division staff is going to continue to gather information which will help the board fully understand the grant process, and what percentage of funds is currently being devoted to restoration, remediation, maintenance, and law enforcement, and if closed trails are being re-vegetated or remediated. He advised the discussion would be ongoing for the board.

Discussion about December Board Retreat:

- A brief discussion took place with Karla Raines of Corona Insights regarding the upcoming Dec. 11 and 12 board retreat and about the board's expectations of the retreat and any deliverables they would like to see.

Steamboat Lake Marina Concessionaire fee reduction (Kurt Mill):

- Kurt Mill, Rocky Mountain Region Manager, presented an action item recommending that Colorado State Parks apply a 14% reduction to Steamboat Lake Marina owner, Karl Bunker's, administration fee of \$16,000 based on the impact to Mr. Bunker's business due to campgrounds being closed for mountain pine beetle tree removal.

Motion: Lenna Watson moved that the State Parks board approve the staff recommendation to waive 14% of Mr. Bunker's second installment of the Annual Fee payment of \$8,000 by \$2,240. This would make Mr. Bunker's second Annual Fee payment \$5,760 and due payable on December 1, 2009.

Second: Laurie Mathews

Result: The motion passed unanimously.

Stagecoach Marina Bid (Kurt Mill):

- Bob Wiig, Rocky Mountain Assistant Region Manager, presented an action item recommending that the Board authorize the Colorado State Parks director to negotiate, consummate and award a contract for the marina services at Stagecoach State Park to TTGL, L.L.C., which was the only company to present a bid during the bid process in September, 2009. The contract with the new marina operators will be for 10 years with an option to renew for an additional five years and includes a \$1000 annual administrative fee and 6% of gross.

Motion: Lenna Watson moved that the State Parks board authorize the Director to negotiate, consummate and award a contract for the Stagecoach State Park marina to TTGL, L.L.C. – Tom and Tami Thurston, owners/managers.

Second: Gary Butterworth

Result: The motion passed unanimously.

Finalizing 2010 Calendar (Mindy Blazer):

- The board approved the 2010 board meeting calendar.

McClure/Lory Acquisition (Heather Dugan):

- Heather Dugan, High Plains Region Manager, presented an action item to request board approval for the purchase of the McClure property (99 acres) at Lory State Park for no more than the appraised market value. The property provides a critical backcountry access road, and is a valuable buffer to additional development on the north end of the park. As a condition of the purchase, an appraisal of the property will be conducted to support the purchase price. Funding for the acquisition is projected to come from the Buffer & Inholding Acquisition line, which is funded by GOCO.

Motion: Gary Butterworth moved that the State Parks board authorize the State Parks Director to negotiate and consummate the purchase of the 99 acre McClure property at Lory State Park.

Second: Laurie Mathews

Result: The motion passed unanimously.

Board Policy approvals (Mindy Blazer):

- Mindy Blazer, Director's Assistant, requested approval on revisions to two board policies: Board Policy A-227 – Naming of State Parks, and Board Policy A-228 – Reference to All State Parks and State Recreations Areas as "State Parks." The revisions were minor and included putting the policies into the new format as directed by Board Policy A-100, which governs that all policies are clear and concise, identify the authority by which they were created. An additional revision in Board Policy A-227 was the addition of a paragraph which addresses memorial signs.

Motion: Laurie Mathews moved that the State Parks Board approve the revisions to the Parks Board Policy A-227 subject: Naming of State Parks, State Recreation Areas and Park Facilities and Features and A-228 subject: Reference to all State Parks and State Recreation Areas as "State Parks."

Second: Gary Butterworth

Result: The motion passed unanimously (both policies)

Consent Agenda:

- West Pueblo Saddle Club Lease
- Grazing at Honor Farm
- ACE Donation to Eldorado State Park

Motion: Gary Butterworth moved to approve the three Consent Agenda items, West Pueblo Saddle Club Lease, the Honor Farm Grazing Lease and the ACE Donation to Eldorado State Park.

Second: Laurie Mathews

Result: The motion passed unanimously.

Veteran's Day Free Day Ratification (Dean Winstanley):

- Dean Winstanley presented a board action item seeking board ratification of his decision to allow free entrance to Colorado State Parks for all veterans on Veterans Day, November 11, 2009.

Motion: Laurie Mathews moved that the Parks Board ratify Director Dean Winstanley's November 4, 2009 declaration to allow free admission to State Parks for veterans on Veterans Day, November 11, 2009.

Second: Gary Butterworth

Result: The motion passed unanimously.

FY 10-11 Capital Construction Plan (CFO Steve Cassin):

Steve Cassin, Chief Financial Officer, presented a board action item requesting that the board review and approve the minor changes to the Colorado State Parks capital construction plan for fiscal year 09-10 and fiscal year 10-11. A discussion followed and was a follow-up to the capital project discussions held at the board's July and September 2009 meetings.

Motion: Laurie Mathews moved that the State Parks Board approve the staff recommendation revisions to previously approved FY 10-11 capital projects. Motion as amended to include \$100,000 for Highline (go to tape)

Second: Jim Pribyl
Result: The motion passed unanimously.

Legal Report (Tim Monahan):

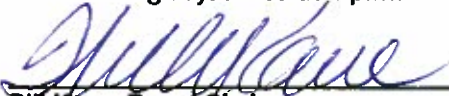
- Oil and Gas – Kerr-McGee is still interested in developing the mineral resources underlying St. Vrain State Park. There is a field site meeting with them on November 30 at which time they will explain what their surface installations will look like and what the level of development will mean to the overall management of the resources. The board is in control of those decisions and will eventually be called upon to make a policy decision.
- A challenge has been made by the Office of Legislative Legal Services (OLLS) to one of the Aquatic Nuisance Species (ANS) regulations the Parks Board has adopted. The statute says no person shall possess import/export ship or transport an ANS and the OLLS recommended that the Division's regulation clause "Accept as otherwise allowed by Title 33 or Title 35 or pursuant to these regulations (i.e. the decontamination activities)" is contrary to the statute and be removed. Tim recommended that the Division remove the exception and handle the decontamination procedures and possible conflicts with Title 33 and Title 35 through enforcement discretion.

OHV Next Steps:


The board and staff then discussed the next steps the Division will take in the OHV Program review.

- Funding statute – there is nothing in the statute that requires or prohibits the board from adopting percentage allocation of the funds. It's up to the board's discretion. Tim Monahan cautioned the board from setting exact percentages that would tie the board's hands, and recommended leaving a level of discretion that will allow the board to respond to issues as they arise.
- Tim advised that law enforcement is clearly an authorized purpose under the OHV Statute. Section 106 lists the general purposes. One is "direct services" and under the definitions of "direct services," law enforcement is listed.
- On collection of law enforcement data with regards to OHV, Tim advised there will be significant limitations to the data.
- Tim advised he believes OHV funds can be used to remediate a closed trail.
- The board asked that the staff, including the new Trails Program Manager and the new Chief of Law Enforcement, develop a process for addressing the questions which arose, and requested:
 - Development of a process to address the questions
 - A description of the data to be collected
 - Detail on the 14 acceptable OHV grant categories
 - Greater detail and a break-down of what exactly is funded through the OHV grants
 - More detail addressing remediation

The meeting adjourned at 4 p.m.



Bill Kane, Board Chair



Date



Lenna Watson, Board Vice-Chair/Secretary



Date