

OLPU Changes Sought for Trails Meeting

Mayor Dave Chapin stated in a very cordial July 4th Opinion piece for the Vail Daily that in Vail “...our natural environment is our greatest asset.” In this welcome to Vail’s holiday visitors he also cited Vail “as a globally certified sustainable destination.” Indeed, according to the Green Destinations website, two of the 6 Standards for certification deal with a community’s treatment of Nature, Environment, and Wildlife. These state, for instance, that “Tourism is respectful to nature and wildlife and supportive to its protection.” Are we truly living up to that standard with our continuing embrace of 12 mo./24 hr. recreational activities at the expense of wildlife’s need for habitat and peace?

Following the very dire report of human impacts on Wildlife in the Gore Valley at the Town-sponsored Wildlife Forum, moderator Rob Levine asked the biologists present, what would be “The Last Straw” for these iconic species. The question was met with pessimistic recognition that unless we were willing to limit our human desires for recreation and development and preserve some of our remaining natural areas for them, there was little hope for their continued existence here.

Have we already gone too far in our harm to wildlife? On June 17th the Vail Daily reported from CPW that the Eagle County elk population has declined 50% in the last 10 years, thus underlining the trade-off between our desires and the survival needs of wildlife herds here. There followed confirmation of the first nest failure of the East Vail Peregrine Falcon pair since observations began in 2010, further delineating the choice for us humans between their needs and our wishes. Still pending is the threat to the last native Bighorn Sheep herd posed by VR’s proposed workforce housing project on its parcel at Exit 180, in the herd’s critical winter and lambing range.

When the survival of such dwindling numbers is at stake, how can we talk of balancing our desire for new trails with the welfare of “wildlife and other environmental considerations” as do the April edits on page 40 in the current OLPU to text on page 38 in the prior edition? Also, on page 30, new edits state that “new trails not have significant impacts on the natural environment and wildlife” replacing the stronger language that any “new trail not have adverse impacts on the natural environment and wildlife.” Obviously, we are way beyond “significant” already in our impacts. I urge in both cases, that the new edits on p.30 & 40 be scrapped in favor of the clear language of the previous update. Who wants to be the source of The Last Straw to valley wildlife? Realistically could this also be the Last Straw for our Sustainable Destination aspirations as well?

Summation of edits sought:

P. 30 replace “new trails not have significant impacts...” with “any new trail not have adverse impacts...”

p.40 delete the entire passage on balance starting “Ultimately the Town Council...” and ending with “implemented to mitigate them.” It appears only in this latest version of the OLPU, is contrary to the tenants of sustainability, and can lead to development harmful to the environment and wildlife.

Anne Esson

From: [Tammy Nagel](#)
To: [Chris Neubecker](#); [Kristen Bertuglia](#)
Cc: [Patty McKenny](#)
Subject: FW: comment on Open Lands Plan
Date: Wednesday, August 1, 2018 1:43:03 PM
Attachments: [image001.png](#)

Tammy Nagel
Deputy Town Clerk
Town Clerk's Office



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From: Don Shefchik [mailto:donny@paragonguides.com]
Sent: Sunday, July 29, 2018 7:27 AM
To: Council Dist List
Subject: comment on Open Lands Plan

To Who it May Concern,

I am contacting the Vail Town Council to express my concern with the Vail Trail Extension that is included in the proposed Open Lands Plan. This additional trail is not necessary and may well lead to more fragmented habitat for wildlife. All indications are that the declining elk population is directly related to our continued intrusion into wildlife habitat and migration corridors.

The Vail Valley continues to promote it's "sustainability" ethics yet here we are on the brink of serious wildlife decline. It is time for our community to step back and consider wildlife impacts over further development.

The Vail Trail Extension is not necessary and I ask that it is removed from the proposed Open Lands Plan.

Donny Shefchik

From: [Tammy Nagel](#)
To: [Kristen Bertuglia](#); [Chris Neubecker](#)
Cc: [Patty McKenny](#)
Subject: FW: Delete Vail Trail Extension from expanded trails list
Date: Wednesday, August 1, 2018 1:42:28 PM
Attachments: [image001.png](#)

Tammy Nagel
Deputy Town Clerk
Town Clerk's Office



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From: pamelas [mailto:pamelas@vail.net]
Sent: Friday, July 27, 2018 6:57 PM
To: Council Dist List
Subject: Delete Vail Trail Extension from expanded trails list

Dear Mayor Chapin and Vail Town Council Members:

I am requesting that what is known as “Vail Trail Extension” be permanently deleted from the Open Lands Plan Update trails expansion list. This peaceful path should not be expanded for a variety of reasons.

First and foremost, research and study show that this area is important to wildlife habitat. We should keep in mind that bicyclists and high-traffic recreation users can make many choices about where to ride and recreate; wildlife does not have the option to chose other habitat.

If citizens and the Town of Vail are going to do more than pay casual lip service to preserving the environment for humans and wildlife, we need to take positive measures to that end and not be driven by commercialism or the desires of the cycling community.

Next, there is already a parallel path that provides access between the Golden Peak area and the golf course; expanding Vail Trail is redundant in addition to being harmful to habitat. Currently, for the most part, Vail Trail is a quiet, peaceful place to walk and enjoy the

wonders of our delicate ecosystem. If the trail is expanded to accommodate higher volume and cyclists, that peaceful experience will be completely destroyed and can never be restored. I have participated in a number of sessions on Open Lands and comments seem to overwhelmingly support keeping Vail Trail small and pedestrian oriented. I'm surprised that those presenting this issue have failed to recognize the importance of preserving just one small trail from overuse and overpopulation.

Every trail does not need to accommodate all users, it is prudent to make an effort to separate walkers/joggers and cyclists in some cases. I have recently been forced off the East Vail recreation path several times by cyclists who either exceeded their ability level or were completely unaware of trail etiquette. Retaining a few treks for pedestrians only is important.

There are numerous other trails that can be explored to expand cyclist access and higher volume use. Please do not ignore science and the recommendations of Colorado Parks & Wildlife as to the harm expanding this trail will cause. I urge you to permanently protect Vail Trail.

Regards,

Pamela Stenmark
Resident of Vail for 40 years
Former business owner in TOV

Pamela Stenmark
pamelas@vail.net
(c) 970-376-1124

From: [Tammy Nagel](#)
To: [Chris Neubecker](#); [Kristen Bertuglia](#)
Cc: [Patty McKenny](#)
Subject: FW: Eliminate Vail Trail Extension
Date: Wednesday, August 1, 2018 1:42:48 PM
Attachments: [image001.png](#)

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From: jacci mckenna [mailto:xotic61@yahoo.com]
Sent: Saturday, July 28, 2018 10:44 AM
To: Council Dist List
Subject: Eliminate Vail Trail Extension

Dear Vail Town Council Members,

I'm writing to respectfully request your support to eliminate the proposed Vail Trail extension from the Open Lands Plan. We have been made aware of the significant wildlife impacts already occurring (50% decline in elk population over the past 10 years among others) and it is our moral responsibility to mitigate further impacts moving forward. One of the draws for Vail and Eagle County is our wildlife, and constructing a redundant trail that contributes to wildlife habitat fragmentation is not warranted. A vote to remove the Vail Trail extension is a vote for our values, a sustainable future for our community including the wildlife that co-exist here.

From a financial standpoint - imagine Vail without wildlife - how would that impact tourism and associated revenues?

I was disappointed the council voted against protecting the one remaining bighorn sheep herd, I would also ask you re-consider that decision as well. Affordable housing is important for Vail Resorts and our community as a whole, it doesn't have to come at the expense of wildlife though. Alternatives are available.

Your support in mitigating wildlife impacts is very much appreciated and will result in a sustainable future for our community, our children and our wildlife.

Thank you,

Jacci McKenna

Be the Change You Want to See in the World, Mahatma Gandhi

From: [Tammy Nagel](#)
To: [Chris Neubecker](#); [Kristen Bertuglia](#)
Cc: [Patty McKenny](#); [Gregg Barrie](#)
Subject: FW: Katsos/ Vail Trail Mountain Bike Trail Extension
Date: Wednesday, August 1, 2018 3:36:36 PM
Attachments: [image001.png](#)

Tammy Nagel
Deputy Town Clerk
Town Clerk's Office



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From: Christie HochtI [mailto:chochtl@mountainmax.net]
Sent: Wednesday, August 1, 2018 3:36 PM
To: Council Dist List
Subject: FW: Katsos/ Vail Trail Mountain Bike Trail Extension

From: Christie HochtI [mailto:chochtl@mountainmax.net]
Sent: Wednesday, August 01, 2018 2:54 PM
To: 'Karl HöchtI' <khoechtl@yahoo.com>
Subject: Katsos/ Vail Trail Mountain Bike Trail Extension

Members of the Vail Town Council,

We are unable to attend the meeting Tuesday August 7 but would like to have our voices heard.

Please remove the Katsos Ranch/ Vail Trail Mountain Bike Extension from the Open Lands Plan trail recommendation.

Reason number one is to protect and preserve as much wildlife habitat as possible. Living in the

valley all of our adult lives we have witnessed the precipitous drop in our deer and elk populations. We remember the huge numbers of deer and elk in this area and have not seen large herds for many years.

We did attend the Wildlife Forum in January and understand loss of habitat and human disturbance as prime reasons for the decline in our elk and deer populations. Please keep this habitat undisturbed.

Reason number two is we do not need another mountain bike trail. We feel the number of mountain bikers has declined in this area. We hike the valley trails frequently and have noticed a big drop in riders. We used to see countless riders using the North Trail, the Son of Middle Creek Trail, and the Piney Road to access these and other trails. This morning we did not see anyone on a bike and only encountered one runner. Our current trails and recreational facilities could use the dollars which would have been spent on the new trail for upgrades and maintenance. Mountain bikers, especially younger riders are using the trails on the ski area and Avon Preserve.

Reason number three is that it close to an existing path and therefore not necessary. Building the trail would be very disruptive to the environment and wildlife habitat and very costly due to the terrain.

Reason number four is we need to focus on more important issues like affordable housing!

Please vote to remove the Katsos/ Vail Trail Mountain Bike Trail Extension from the Open Lands Plan.

Respectfully,

Christie and Karl Hocht
Vail residents since 1965 and 1972
890 Red Sandstone Circle
Vail, CO 81657

From: [Tammy Nagel](#)
To: [Kristen Bertuglia](#); [Chris Neubecker](#)
Cc: [Patty McKenny](#)
Subject: FW: Removal of Vail Trail Extension from OLPU
Date: Wednesday, August 1, 2018 1:42:38 PM
Attachments: [image001.png](#)

Tammy Nagel
Deputy Town Clerk
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From: Arthur Reimers [mailto:areimers@rhip.com]
Sent: Saturday, July 28, 2018 7:56 AM
To: Council Dist List
Subject: Removal of Vail Trail Extension from OLPU

Dear Council Members

My wife Lindsay and I are homeowners on Booth Creek Drive which is adjacent to the recreation path and the area subject to the Vail Trail Extension. I am not able to attend the meeting next week but wanted to be sure to give you my feedback on the plan being considered.

All of the considerations I will go through are well known to the Council, so the major purpose to to make sure you feel the depth and breadth of the concern about the plan. Unless people are following town planning closely they might not even know what is being considered. This does not mean lack of concern about the plan. Please don't mistake that. I recommend you actually reach out to people for comment to understand the important of preserving our habitats to people.

As to my concerns, first and foremost, the trail will clearly negatively affect what is already a small wildlife habitat in the area. Wildlife is compatible with walkers, but

incompatible with mountain bikes careering through the forested areas. It is just true this will push animals away from the area. So the question is whether this is what Vail desires, aspens without animals, or is our public policy to try and co-exist, which requires sacrifices. We have beaver dams on the creek in front of our property and we co-exists with the beavers which I am told is a town policy also. It just means we have to create space for all.

Secondly, there are alternatives available. Vail mountain has an abundance of trails for bikers. This new area might be considered inappropriate as it is too small (short) to be satisfying, with hiking only sections on the eastern side. This will undoubtedly tempt bikers to create rogue trails, which they have already done along the creek. Watch on any given day the mountain bikes sending walkers scurrying off the trail by gore creek. The proposed trail would predictably have the unintended consequence of ribbons of dirt all through the now beautiful meadow. I don't think we want to spoil the meadows and I don't think we can ignore the risk.

Third, at what point does the safety of users come into play. We have walkers, mothers with strollers, bikers, now segways and e-bikes. Mountain bikers wear the body armour for a reason, they like to travel at speeds that require the protection. This mix of use is an accident waiting to happen. Yesterday I saw what I assume were a ski club practicing their nordic skiing on the bike path. They move along quite quickly, and a mountain bike coming out of the woods onto the path could have dire consequences. Saying that the bikes will stay on their rolling trail vs deciding to come straight down through the trees is turning ones back on a reality. Who will be accepting responsibility when someone is seriously injured?

Finally, please take advice of the Colorado Wildlife professionals. This is not an experiment that can be turned back. Once soil is impacted, vegetation is uprooted, wildlife has moved, our beautiful area will reflect the permanent scars of too much, too fast, with too little thought.

I would be happy to discuss personally if anyone on the council would like.

Respectively submitted

Art

Arthur
J Reimers
917 846-8338 Cell
203 625-9867 Office
areimers@rhip.com

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From: [Tammy Nagel](#)
To: [Kristen Bertuglia](#); [Chris Neubecker](#)
Cc: [Patty McKenny](#)
Subject: FW: Removal of Vail Trail Extension from OLPU
Date: Wednesday, August 1, 2018 1:41:57 PM
Attachments: [ATT00001.txt](#)
[ATT00002.txt](#)
[ATT00003.txt](#)
[ATT00004.txt](#)

For your records

Tammy Nagel
Deputy Town Clerk
Town Clerk's Office

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-----Original Message-----

From: kirsty_hintz@comcast.net [mailto:kirsty_hintz@comcast.net]
Sent: Wednesday, July 25, 2018 7:32 PM
To: Council Dist List
Cc: AA Jurgen Cell
Subject: Removal of Vail Trail Extension from OLPU

Dear Council Members

I am personally unable to attend the meeting next week but I want my voice to be heard on the subject of removing the VTE from the Open Lands Plan. Below you will find pictures of wildlife that were taken this year either in our street in Booth Creek Drive or in the case of the moose right by the Memorial Park where there is a wetland. I was on the bike path at the time. There is simply no need to impact the habitat of these creatures even further for the sake of yet another mountain bike trail. We already have a bike path right there. You have already done enough damage by allowing ebikes on this section with no oversight as to the speed these bikes travel or the way that they are ridden. (I am not saying that you are allowing all ebikes simply that you don't patrol whether the rules are either understood or adhered to.) What exactly is the pressing need to impact the vegetation and natural habitat further? You have threatened homeowners in our street with lawsuits for doing far less to the riverbank than digging a trail into the mountain. So you want the river to be healthy but not the other environs? Don't you think that is more than a little hypocritical? Vail claims to be an environmentally friendly town so why dont you act like it and remove this trail from the plan. I have seen no evidence that you have listened to the CPW which is outspoken against this trail due to the impact and stress on wildlife. There is enough already - why add more? The chewed up end of the East Vail path by CDOT I believe which you must have been aware of is an embarrassment to the town regardless of its longer term mission. Just how could you let that happen?

You need to protect the environment not just the bank account otherwise all you will have is a bank account.

On behalf of all the young moose, bears, deer, geese, beavers, toads, eagles, hawks etc out there who have no voice or money.

Yours, in the hope you will do the right thing and remove the trail.

Kirsty Hintz



From: [Tammy Nagel](#)
To: [Chris Neubecker](#); [Kristen Bertuglia](#)
Cc: [Patty McKenny](#)
Subject: FW: Removal of Vail Trail Extension from OLPU
Date: Wednesday, August 1, 2018 1:43:39 PM
Attachments: [image001.png](#)

Tammy Nagel
Deputy Town Clerk
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From: Lindsay Reimers [mailto:lreimers@rhip.com]
Sent: Monday, July 30, 2018 2:00 PM
To: Council Dist List
Subject: Removal of Vail Trail Extension from OLPU

Dear Council Members,

My husband Art and I have been home owners on Booth Creek Drive for 18+ years. We have happily and collaboratively coexisted with nature, neighbors and the town's conservation property along Gore Creek. We were disappointed to 'learn' by hearsay, and not proper notification, of the Vail Trail Extension plan. We strongly recommend you vote against this plan.

Below is a moose yearling walking along the creek in front of our house. Behind him are the remnants of this year's beaver dam. Pictures one hopes to snap in shared conservation lands. This time of year, the conservation path is heavily used by walkers, dog-walkers, bikers, and other recreational users. Since there already exists a multitude and variety of other on-mountain bike areas, why would you disfigure conservation land meadows and Aspen groves with single use mountain bike trails? Surely our fellow bikers don't need one more 'recreational area' so desperately that it drives way natural animal habitat, compounds overuse of a small, multi-use recreation area and mars this conservation area's history of physical beauty. Please keep this conservation area pristine, simple and safe.

Regards,
Lindsay Reimers



From: [Tammy Nagel](#)
To: [Chris Neubecker](#); [Kristen Bertuglia](#)
Cc: [Patty McKenny](#)
Subject: FW: The Vail Trail
Date: Thursday, August 2, 2018 8:26:09 AM

Tammy Nagel
Deputy Town Clerk
Town Clerk's Office

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-----Original Message-----

From: Elyse Howard [<mailto:elyse.howard@me.com>]
Sent: Wednesday, August 1, 2018 5:59 PM
To: Council Dist List
Subject: The Vail Trail

Dear Council Members,

While you are considering the Open Lands Plan Update, I wanted to voice my opinion in opposition of the Vail Trail Extension. I hope you will consider taking this very unique and special trail off the list of trail ideas.

The Vail Trail is an important community asset not only for the wildlife habitat it provides but also because in its current state, it provides an alternative opportunity for people who can not access trails like Berry Picker due to their grade.

Finally, since we already have quite a bit of bike and hiker traffic on Vail Mountain, would it be possible to create a new mixed use trail with a more mellow grade suitable to all ages and abilities there?

Sincerely,

Elyse Howard

From: [Mike Griffin](#)
To: [Council Dist List](#)
Cc: [Gregg Barrie](#); [Chris Neubecker](#); [Kristen Bertuglia](#)
Subject: FW: Vail Trail
Date: Monday, July 30, 2018 1:09:08 PM

From info@vailgov.com

-----Original Message-----

From: info@vailgov.com [<mailto:info@vailgov.com>]
Sent: Monday, July 30, 2018 12:46 PM
To: Info
Subject: Vail Trail

I am requesting that the Vail Town Council permanently remove the Vail Trail from the trail expansion plan. 1) There is an existing parallel trail that can serve the needs of cyclists and other high traffic users, which I as a cyclist, frequently use. I enjoy the peace, quiet and safety of using the Vail Trail for walking. Creating a trail for mountain bikers will erode the trail for hiking and add SPEED of cyclists creating unsafe conditions for hikers. 2) We know that our wildlife is threatened as we continue to converge on their territory. The trail expansion plan should have a mandate to preserve as much as possible their environment so we can continue to enjoy them in the future.

Thanks for considering my thoughts.

Barbara Keller, 2875 Manns Ranch Road, Unit G1, Vail

Submitted By:

Name:: Barbara Jean Keller
Telephone:: 3039035334
Email:: B27Keller@aol.com

Submitted From:

<https://www.vailgov.com/contact>

From: [Tammy Nagel](#)
To: [Kristen Bertuglia](#); [Chris Neubecker](#)
Cc: [Patty McKenny](#)
Subject: FW: Vail Trail Extension
Date: Wednesday, August 1, 2018 1:43:15 PM
Attachments: [image001.png](#)

Tammy Nagel
Deputy Town Clerk
Town Clerk's Office



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From: Betsy Wiegers [mailto:betsy@Wiegertsco.com]
Sent: Sunday, July 29, 2018 3:44 PM
To: Council Dist List
Subject: Vail Trail Extension

Please delete the Vail Trail Extension from the Open Lands Plan update,
Please remember that your voting public has voiced time and time again
their concerns – the primary one being the loss of wildlife habitat.
“Sustainability” pertains to wildlife, too. Betsy Wiegers

From: [Tammy Nagel](#)
To: [Chris Neubecker](#); [Kristen Bertuglia](#)
Cc: [Patty McKenny](#)
Subject: FW: Vail Trail Extension
Date: Wednesday, August 1, 2018 1:44:30 PM

Tammy Nagel
Deputy Town Clerk
Town Clerk's Office

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-----Original Message-----

From: Robin Wagner [<mailto:RobinEWagner@outlook.com>]
Sent: Tuesday, July 31, 2018 7:08 PM
To: Council Dist List
Cc: Robin Wagner; Jorge Carbo
Subject: Vail Trail Extension

Dear Town Council Members:

As longtime Vail homeowners (29 years), we would like to weigh in on this important issue. We believe that the proposed Vail Trail Extension is unnecessary, redundant, and harmful to our wildlife populations. The recent wildlife forum gave us all some scary news about what is already happening to our beautiful wildlife. We believe that the time is now to take action, specifically to eliminate the Vail Trail Extension from the Open Lands Plan.

Unfortunately we will be out of town on August 7th and unable to voice these opinions in person. Thank you for considering our inputs.

Sincerely,
Robin Wagner and Jorge Carbo
4899 Meadow Drive

Sent from my iPad

July 26, 2018

Dear Council Members,

We are following up our comments/questions at the last Council meeting to clarify some things and to present you with our recommended modifications to the OLPU, as promised.

How the process is working at this late stage is our biggest concern. The town staff's June 19, 2018 memo outlining the proposed Council's review of the draft in 3 distinct sessions (Environmentally Sensitive Lands, Town-owned Lands and Use of Lands, and Trails) specifically mentioned "refinements" you, as council members, may offer in each session. The memo states "at the conclusion of each of the 3 topical meetings, we have identified and agreed upon the refinements Council would like to see made to the plan. A wrap-up meeting would then be held to present a final draft of the plan that includes all of Council's refinements." These were further described as "all refinements discussed in meeting 3, 4 and 5."

It is apparent this process has not taken place in meetings 2 and 3 (Environmentally Sensitive Lands and Town-owned/Use of Lands). However, we feel it would be more productive to incorporate these "refinement" steps into the upcoming Trails topic meeting on August 7th to more effectively keep the process moving. Your refinements at this meeting would be made clear to staff and the public at its conclusion.

Following are our summation of edits sought to the draft OLPU:

1. Move the Vail Trail Extension from the list of Trail Ideas and Opportunities (p. 38) and the related Summary (p. 35) to the list of Trails Dropped from Consideration. Reasoning: Numerous and recurring comments/recommendations from CPW and wildlife biologists at the wildlife forum. Parallel trail is unnecessary and redundant. TOV sustainable destination recognition—criteria regarding wildlife.
2. Add a heading “No Further Fragmenting of Habitat” to the Mitigating Measures (p.34) Under that new heading add language “ CPW and other panelists at the Wildlife Forum stated that eliminating further habitat fragmentation within the town’s purview is one of the few things that can be done to benefit wildlife. The study of potential new trails should emphasize the importance of preserving existing habitat, as well as enhancing it mentioned above.” Reasoning: Preserving habitat is as important, if not more, than enhancing habitat.
3. Add similar language regarding Eliminating Habitat Fragmentation under Summary of Recommended Implementation Steps (p.56) under the Trails section.
4. Add “Eliminating Further Habitat Fragmentation” to the list of Wildlife Enhancements (p. 54).
5. Replace the word “significant” in the first paragraph (p.30) with “adverse”. Reasoning: “adverse” was used in original drafts under Wildlife and the Gore Valley and is more consistent with similar use of “adversely” (p.34) and “adverse” (p.35).

6. Move Exhibit 6 (Trails Plan) from the Appendix and use it to replace the Concept Plan (p.24). Reasoning: Both are from the '94 plan but Trails Plan is more descriptive by inclusion of a Legend. Staff indicated they are OK with either but did not make the change.
7. Create a separate heading "Wildlife Forum" on p. 30 after the 2nd paragraph under Wildlife and the Gore Valley. Add the following language at the end of the 3rd paragraph ending in ".....mitigating impacts on wildlife" : "The conclusions from the panelists were unanimous and sobering. Evidence of these conclusions can be found in the Summary Notes in the Appendix."
8. Add a "Summary Notes from the Wildlife Forum" to the Appendix. Reasoning: Wildlife concerns should be on a parallel with trail ideas. This draft has pages of minutes from Trail Scoping Sessions in the Appendix. The wildlife forum was a pivotal point in the realization that recreation ecology is now a mainstream issue.
9. Add a colored side bar (similar to p.25 perspectives on trails) to include a sampling of comments from the 4 wildlife biologists who participated in the Wildlife Forum:

"In reality it is a challenge to have increased recreation, especially in a place as popular as the Vail Valley...and maintain wildlife habitat, especially when these animals have already been impacted to a certain degree." Kelly Colfer, Western Bionomics LLC

“We need to protect the few remaining blocks within the Town of Vail’s purview of habitat that are available. And, we need to stop fragmenting.”

“Maybe we cannot recreate everywhere we want to.”

Bill Andree, Colorado Parks and Wildlife

Question: What is the last straw for wildlife?

Answer: #1 “habitat loss is at the forefront.” # 2 “Reduced habitat effectiveness caused by recreation.” #3 “Blocked corridors.” Rick Thompson, Western Ecosystems, Inc.

“The United States Forest Service set up a camera on the North Trail to observe trail closure violations during calving season. There were over 200 violations in a 10-day period.”

Jen Austin, USFS

10. Replace existing language in the last sentence of the last paragraph under Trails in the 2nd page of the Executive Summary to read “...environmental considerations by minimizing, mitigating or eliminating potential impacts from trails.” Reasoning: Offer all options to decision makers today and in the future.
11. Eliminate the words “and while some conclusions can be drawn from opinions provided by those who participate in a planning process, the opinions of those who do not

participate are not heard” on page 4 under Community Involvement. Reasoning: Obvious. If you don’t express your opinion or be involved in the process how do you expect to be heard? Why is this language even in the draft?

12. Replace existing language in the next to the last paragraph under Managing Lands for Biodiversity on p. 22 with “.... are limited, appropriately mitigated or eliminated.”

Reasoning: Offer all options to decision makers today and in the future.

We appreciate the opportunity to submit these revisions and look forward to further interaction and constructive dialogue during this process.

Tom and Blondie Vucich

Vail

From: [Karl Hoechtl III](#)
To: [Council Dist List](#)
Subject: Katsos Vail trail MTB extension
Date: Wednesday, August 1, 2018 1:27:12 PM

Dear Council members,

Greetings and Happy Summer,

As you are debating the Katsos Vail Trail Mountain Bike trail extension to East Vail here are some reasons to rethink or not support the trail.

While recreation is the staple industry for the valley, we must weigh the cost/ benefit of the trail from many angles.

The trail obviously would be a nice addition to the community, but is it necessary?

My thoughts are no. The trail cuts across some very important undisturbed habitat for deer, elk, song birds and a variety of other creatures. As the 2018 Wildlife Report by Bill Andree states, the elk population in the Vail Valley has declined significantly in the past decade. As the first Sustainable Mountain resort in the World, I think it goes against the premises that this moniker suggests to cut a new trail into designated wildlife habitat. We have a massive amount of trails and recreating opportunities in the Valley already, lets preserve habitat and make what we have better.

You also need to consider if the trail is necessary. There is already a serviceable bike path from East Vail to Vail. The cost of the trail in very rugged terrain will certainly be expensive. Many of the trails in the Vail area are actually not maintained that well, why not demonstrate that we can take care of these trails first before adding a new trail that will need maintenance. (OR Put the money towards more employee housing before its too late and no one can live here to even enjoy the current bike path we have).

The future of mountain biking is changing. Most bikes sold now are of the 27.5 variety that come under the label "enduro." This is a more downhill focused mountain biking. In other words the cross country enthusiasts that would utilize this trail (and others around Vail) are becoming less in number and those that focus on the "flow or manufactured" trails found on Vail Mountain proper or the Avon preserve are becoming a much greater part of the mountain biking demographic.

So please consider voting "No" for the trail on the account of the elk, cost, and future mtb use patterns.

Thank you for your time,

Karl Höchtl (age 42)

Vail business owner- avid mountain biker, hunter, skier

Vail born and raised - moved to Eagle Vail to find slightly less expensive housing.

July 24, 2018

To: Vail Town Council

From: Paul Rondeau

Subject: Meeting & Exceeding Expectations re 2018 Open Lands Plan

PREAMBLE: Our mayor has stated that sometimes input from the public includes that one item, that nobody had thought of earlier, that is a game-changer. As the "champion of lost causes", I will keep trying.

EXPECTATIONS: Coming into the current review of the Open Lands plan, I had certain primary and ancillary expectations--three in number:

(1) YOU NEED TO CONSIDER MAINTENANCE:

[] Open lands should not mean just leave it to nature--considering nature has been mucked with, such as imported noxious weeds. Further, certain enhancements/replacements are in order. Example: replace trees taken down on the Upper Bench for the helicopter log deposit operation. Example: the Middle bench is just one open piece and we find wildlife tends to skirt the edges rather than go out in the open--hence some trees would help make it more of a natural setting.

(2) WHAT'S FOREVER FOR:

[] The Upper and Middle Donovan benches are really one property, bisected by a little-used portion of Matterhorn Circle--noting it was not paved until relatively recently. Lets now make the Middle Bench Designated Open Space (DOS for those in the "know") as it should have been for

some years.

[] Look at the combined Middle and Upper Bench as a touted example of Sustainability. How about closing it off (seasonally) at both ends, with parking/turnaround for a few cars at each end--noting this effectively happened last summer/fall with the timber collection operation?

(3) ITS ALL ABOUT GOOD PROCESSES:

[] Let the process run its course and don't remove certain properties now. As to the property in East Vail, they could help us by explaining what they have had to do to be good custodians of their property.

[] I feel the ultimate decisions re actions items really should be done at a facilitated work session--complete with flip charts, etc.. If you do it in the horseshoe evening session too much "Kentucky windage" comes into play.

MEMORANDUM

To: Vail Town Council

From: Vail Local Housing Authority

Date: August 7, 2018

Re: Open Lands Plan Position Statement

The purpose of this memorandum is to forward the position statement of the Vail Local Housing Authority with regard to the proposed 2018 Town of Vail Comprehensive Open Lands Plan Update. It is understood that the Town of Vail Planning & Environmental Commission has forwarded a recommendation of approval of the Plan and that the Vail Town Council is now actively reviewing the Plan for future adoption. It is further understood that the Plan, at the direction of the Town Council, is more than an open space preservation plan. The Plan is intended to address a wide range of future opportunities, including residential development for resident occupied, deed-restricted housing for local residents and families. Outlined below is the position statement of the Vail Local Housing Authority on the 2018 Town of Vail Comprehensive Open Lands Plan Update:

Open Lands

Open lands play a critical role in determining future land use patterns, the physical built environment within the Town of Vail, and environmental protection and sustainability. The existing and potential uses of open lands vary widely across the Town. For example, some open land areas are set aside to preserve and protect natural or environmentally sensitive areas such as the Gore Creek riparian corridor or steeply sloping lands determined unsuitable for development. Other open land areas are designated for park land and recreational opportunities such as Gerald R. Ford Park or any one of Vail's many neighborhood parks or the Vail Golf Course. Still other open land areas are vacant, undeveloped platted lots which could be zoned for development, but not yet constructed upon, such as the Vail Resort's East Vail Parcel.

A potential use of open lands, especially those which are platted, zoned and not yet developed, is to provide sites for development of town-owned facilities or community uses determined necessary to realize the overall success and sustainability of the Town of Vail. Examples include a new town hall or resident occupied, deed-restricted homes for year-round residents and families. In an ongoing effort to ensure adequate sites exist for locating deed-restricted homes for year-round residents the Vail Local Housing Authority recommends the following:

- Plan Action Step - Complete an existing and potential land use inventory and analysis to proactively identify sites for future deed-restricted homes.

- Ensure that potential sites for future deed-restricted homes are an element and consideration within the 2018 Town of Vail Comprehensive Open Lands Plan Update.
- Acknowledge within the Plan that deed-restricted homes are critical public infrastructure in a resort community no less important than other public facilities like roads, bridges, utilities, and new town halls.
- Ensure the 2018 Open Lands Plan proactively supports and advances the citizens' interest in addressing the #1 critical issue facing the community – the lack of availability and affordability of homes for year-round residents.
- Ensure thoughtful consideration is given to the intended, and more importantly, unintended consequences when setting aside potentially developable open lands for open space preservation and protection that overly restricts or otherwise precludes future actions or needs of the community.

VAIL HOMEOWNERS ASSOCIATION, INC.

President - Gail Ellis Secretary - Judith Berkowitz Treasurer - Andres Nevares Executive Director - Jim Lamont
Directors: Michael Galvin - John Lohre - Trygve Myhren - Larry Stewart - Doug Tansill

To: Town of Vail
 Mayor and Town Council
From: Vail Homeowners Association,
 Board of Directors
Date: August 2, 2018
RE: Rezoning of portions of Tract E and Lot D-1 Covenant Protected Publicly Accessible Open Space Lands

The Vail Homeowners Association urges the Vail Town Council to deny a proposed rezoning of two parcels (portions of Tract E and Lot D-1) of covenant protected publicly accessible open space lands recently acquired through a claim of adverse possession by VailPoint LLC. We oppose this rezoning both as a matter of principle and legality. Since its inception, the Vail Homeowners Association has advocated for the protection of lands designated as covenant protected open space. It has done so through its advocacy to public officials, private property owners and by legal action in the courts. The land in question has been covenant protected open space since the earliest days of Vail. Specifically the land:

shall be used ...at all times as a vacant and undisturbed open area in its natural condition.

Notwithstanding the protected status of this property, in the late 1960's or thereabouts, the then mayor of Vail, Ted Kindel, erected a fence surrounding his property at 366 Hanson Ranch Road. The fence went beyond his property lines and included portions of two parcels of open space land (portions of Tract E & Lot D-1). At that time, and up until recently, that land was owned by Vail Resorts. VR took no action to have the fence removed, and it remained in place for years. The TOV, for its part, zoned all of Tract E & Lot D-1, which included the fenced in portion of those parcels, as Agriculture and Open Space which essentially precluded any development and maintained the parcels as open space.

Kindel wanted to purchase the encroached upon covenant protected open space lands and, also, have the TOV rezone the encroached upon covenant protected open space land to the same commercial zoning (Public Accommodations) that existed on his property. Town authorities demurred because Kindel's proposal could have potentially created a precedent whereby other property owners could mimic the encroachment behavior in other similar situations, thereby eroding the purpose and function of covenant protected publicly accessible open space lands. The authorities also took the position, to remove the incentive to obtain a financial gain via an encroachment, that should a claim of adverse possession prevail in the courts, it would not sanction a rezoning of covenant protected open space lands to a higher density zoning category.

More recently, the current owner of the property in question, VailPoint LLC., brought suit to claim ownership of those portions of the covenant protected open space lands within the fence by virtue of adverse possession. According to the prospectus for its proposed development, VailPoint wants to use the additional property "to accommodate a slightly larger footprint", which means a large site coverage/setback allowances. The court awarded those two portions to VailPoint LLC., so that it now owns the land within the fence, and it now seeks to have the property rezoned as Public Accommodations ("lodges and residential accommodations") which would destroy its open space status.

As a matter of principle, this rezoning should not be allowed. Vail is blessed with generous open spaces which are a vital part of its unique character, especially so in the case of these parcels which lie at the heart of the community. It is no accident that Vail's open spaces exist. It was part of the original vision for the community, one that was protected by restrictive covenants that pre-dated the formation of the Town. That vision also informed the original zoning when the Town was formed in 1966.

VailPoint acquired the property in question with full knowledge of the open space covenants on the fenced-in area. In the past few years, the TOV has adopted a "zero tolerance" toward property owners who have encroached upon covenant protected publicly accessible open space lands which it received from Vail Resorts and now owns. It would seem that the same "zero tolerance" should, also, apply to the rezoning of privately owned publicly accessible covenant protected open space lands as it does to Town owned publicly accessible covenant protected open space lands. The Town Council should make it clear, as it considers this rezoning application, that this property is to be fully and completely maintained as open space.

Rezoning this land as Public Accommodations is also illegal. Covenants run with the land and cannot be rezoned away. The Town Council should not be misled by representations that the covenants will still apply. The property is only open space if it is publicly accessible, and Public Accommodations zoning is inherently inconsistent with public accessible open space land, especially if the land is fenced or landscaped so as to exclude the public. Rezoning this property to Public Accommodations, therefore, would make the TOV party to violating the covenants that apply to this land.

In 2017, VailPoint submitted to the Town a proposal that included a proposition that it purchase from Vail Resorts additional publicly accessible covenant protected open space. Such actions required the prior consent of both property owners, VailPoint and Vail Resorts. VailPoint, in its application to the Town, submitted a landscape design that would have effectively limited public accessibility to that portion of the covenant protected publicly accessible land. The proposition would have created a precedent that would allow other portions of covenant protected open lands to be similarly sold to 3rd parties. The Vail Town Council considered and rejected the proposal.

Thank you for your consideration.

Sincerely,

Gail Ellis, President
Vail Homeowners Association

VAIL HOMEOWNERS ASSOCIATION, INC.

President - Gail Ellis Secretary - Judith Berkowitz Treasurer - Andres Nevares Executive Director - Jim Lamont
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To: Town of Vail
 Mayor and Town Council
From: Vail Homeowners Association,
 Board of Directors
Date: August 2, 2018
RE: Vail Trail Expansions on Town of Vail Owned Katsos Ranch Open Space Lands.

In the mid-1970's, the Town of Vail acquired a large portion of the Katsos Ranch property, south of Interstate 70, for the purpose of establishing a publicly accessible wildlife and open space nature preserve. It was the intent of the Town of Vail to demonstrate its intention to maintain a harmonious relationship with the exceptional natural environment it shares. The site was acquired to prevent development in an area known to contain verdant habitat for the abundance of migratory and sedentary wildlife that inhabited the area on either side of Interstate 70. As well, newly applied zoning densities on the surrounding area, all of which had been recently annexed in the Town of Vail, were kept to the minimal residential uses.

Based on independent analysis, by a collaborative team of qualified interdisciplinary public and private professionals, a paved public path was constructed through the site. The chosen alignment for the path was in a location that was determined to be the least disruptive to the wildlife that was known to inhabit the area. The design criteria establishing the alignment was intended to minimize human dispersion throughout the entire parcel and to concentrate human activity along minimally intrusive access corridors crossing the site. The path was built so that it was located to follow the natural contour of the land, to minimize scarring from construction and built on open terrain well removed and highly visible to wildlife sheltering in the nearby pristine forest, cliffs and waterways.

The Vail Homeowners, since its inception, has advocated for the preservation of the Vail community's natural assets and works diligently to preserve the character of the publicly accessible open spaces set aside for those purposes. We have closely followed the Town's deliberation of the proposed amendments to its Open Lands Plan. We note, with concern, the precipitous decline in certain wildlife populations due to urbanization as reported by State Wildlife Officials.

We observe and question whether there is sufficient and detailed independent analysis to verify a proposed additional separate trail for mountain bikes that would be consistent with the intent, purpose and functioning of the Katsos Ranch open space property. The proposed location of the mountain bike path intrudes through the heart of the forested wildlife shelter zone. In places it traverses old growth Aspen groves, which are a rarity on the floor of the Gore Valley. The rugged terrain of the area, which would be disrupted by the construction of the path, could well leave an unsightly scar on the near pristine natural landscape, one of the most scenic and beautiful views in the community. In addition, any form of competitive mountain biking on such a trail would only further disrupt wildlife. For these reasons, it is requested that the route of the proposed extensions of the Vail Trail through the Katsos Ranch open space be removed from the Open Lands Plan trail recommendations. We recognize and applaud the Town's effort, during the Cleveland administration, to respond to the increasing demand for recreational bicycling by expanding the aprons along the Frontage Roads, particularly from Ford Park towards East Vail. These aprons can now serve as a means of diverting all forms of bike traffic around environmentally sensitive open space lands and congested areas of the community. Further, we applaud the

creation of an extensive mountain bike trail network on Vail Mountain and urge that the focus of mountain biking remain there. The necessity to receive a promotional accolade as a stellar community for biking should be balanced with a higher need to preserve the natural assets and beauty that is one of the important bedrock principles upon which the success of the Vail community's harmonious sustainability depends. Thank you for your consideration.

Sincerely,

Gail Ellis, President
Vail Homeowners Association