

**GUNNISON SUSTAINABLE TOURISM AND OUTDOOR TOURISM COMMITTEE  
REGULAR MEETING MINUTES  
September 28, 2023**

The September 28, 2023 Gunnison Sustainable Tourism and Outdoor Tourism Committee (STORC) meeting was conducted in person and by Zoom virtual online meeting, Gunnison, CO, 81230.

**Committee Members Present:**

Jake Jones, Chair, Crested Butte Land Trust  
Kimberly Shappert, Vice Chair, At-Large  
Celeste Helminski, At-Large Member  
Derrick Nierenberg, MetRec  
Chris Parmeter, At-Large Member  
Roman Kolodziej, Town of Mount Crested Butte  
Laura Puckett-Daniels, BOCC  
LB Mullin Jr., At-Large Member  
Jeremy Johndrow, At-Large Member  
Beverly Richards, UGRWCD (zoom)  
Gabi Prochaska, Town of CB Council Member

Steve Guerrieri, Stockgrowers'  
David Ochs, At-Large  
Dayle Funka USFS  
Jennifer DeBoer, WCU

Ian Billick, Town of Crested Butte  
Mark Voegeli, CBMR

**Others in Audience:**

Hedda Peterson, CB Nordic  
Doug Washburn, Spann Ranches  
JoEllen

**Staff:**

Cathie Pagano, Community and Economic Development Director  
Matt Hoyt, Gunnison County Attorney  
Jena Greene, Community and Economic Development Planning Technician

**CALL TO ORDER:** Jake Jones called the September 28, 2023, meeting to order at 2:01 PM.

**MINUTE APPROVAL:** Minutes from August 24<sup>th</sup>, 2023. Moved to approve by Ian Billick and seconded by Larua Puckett Daniels. Passed unanimously.

Jake Jones passed the floor to Cathie Pagano to discuss item **Update on Stewardship Coordinator**.

- New person hired, Nick Catmur. November 1<sup>st</sup> start date.

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Jake Jones passed the floor to Jon Kaminsky to discuss the item **Letter of Support for BLM grant application and fee proposal**.

- Jon Kaminsky, field manager for the BLM, attended the meeting on Zoom. The BLM was looking for a draft letter of support for their grant request for funding through CPW for the BLM's non-motorized trail system. Noting that the BLM did receive funds for the motorized trail through OHV. The Gunnison BLM office was seeking a letter of support for their grant request from the STOR committee. Building study areas, listed many trails throughout the valley that were non-motorized throughout the valley, the network spans much of the area,

over 100 miles. Applying for funding to expand scope. Funding challenges, one of the most visited BLM field offices. Some of the only 14ers in the BLM system, but they're on the bottom of funding, one of the second lowest in the 11 western states for funding. Lots of use, impact, parking, facility use, challenges keeping up with the maintenance, hiring challenges-positions are seasonal.

Jones explained the process of submitting a letter of support stating the STOR committee. A majority vote would be needed. A record in the minutes would be kept by the minutes of who voted and who abstained.

Nonmotorized stewardship grant

David Ochs asked how much money the BLM was asking for. Kaminsky didn't have the amount information at the time of the meeting. Ian Billick suggested that the amount of the grant could be clarified later.

Jake Jones made a motion to approve a letter in support from the STOR Committee in support of the Bureau of Land Management's grant application to the Colorado State Trails Program for a non-motorized stewardship grant. Motion second by Laura Puckett-Daniels. None present opposed. None present recused themselves. Motion passed.

The grant deadline was October 3<sup>rd</sup> and Jake Jones would sign a letter as chair, along with a paragraph below explaining what the STOR committee was. Kaminsky would provide information about the amount being requested later.

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Jake Jones passed the floor to Cathie Pagano to discuss item **CB to CB South Trail plan update**.

- Laura Pucket-Daniels began with explaining about how difficult collaboration can be, acknowledging that the STOR committee can be messy, and that its important to collaborate, discuss and ask what we can all live with when it comes to complex issues. She asked the committee to frame the discussion and focus on the process and the product. The process included how we got here; since this topic has been discussed since 2002 when the Trails Commission had conversations that were a mirror image of conversations had in the previous week. She echoed the concerns of the public and apologized for not being more open and transparent about the information. She acknowledged that the public hadn't felt included in the conversations and stated that she'd believed that the hurdles and trade offs had been discussed, and that the members of the STOR committee would help communicate more of the information to the public. Puckett-Daniels asked the committee to focus on the product of the process when it came to discussing an off-highway alignment for the CB to CBS path, what was working in its favor, what wasn't, and the potential of a beautiful asset for the community. But there weren't willing land owners with the exception of the Spanns so this would mean waiting for the path until relationships could be repaired. The other option for the path was the right of way alignment. The pros and cons for this alignment had been discussed a lot, with one of the bigger pros being that there was a path forward, noting that Dave Ochs had been clear that he disagreed with the right-of-way alignment. She mentioned that the County Attorney would be at the meeting to explain Eminent domain and what it that process would look like. Puckett-Daniels emphasized that collaboration in this process was key to moving forward.

- Cathie Pagano gave a presentation. She began by giving an overview of the timeline and work that had been done to get this project where it was now, noting that it was referenced in the 1999 capital improvement plan (this conversation had been happening for a long time). It had been discussed when the Trails Commission (TC) was overseen by Marlene Crosby and public works and was a priority in 2010, and 2016 trails masterplan, and the private alignment vs. public alignment was discussed. The TC was disbanded and replaced by STOR Committee in 2017 and a CB to CBS trails committee was created in 2019 with STORC directed to pursue a CDOT HWY alignment in 2021. For funding, CDOT committed \$150,000, with matching funds from TOCB, CBS, CBMBA, TAPP; the county committed \$31,250.
- Current process: Meeting w/ design team May 25. Meeting w/ Stakeholders May 30<sup>th</sup>, Site visits with stakeholders. July-August survey and analysis meeting (virtual) with Spann Family and Bill Lacy; August: meeting onsite with Spann Family, Bill Lacy, East River Ranches, and Hidden River ranches Representatives; September: in person meetings with Spann Family and site visits to East River Ranches
- Info not communicated at open house: the Spann Family were the only partner interested in committing part of their property to the trail. More details about conversation with the Spann family.
- One version of an off highway that would come out of the northwest side of CB South, cut through the Spann Family Ranches, East River Ranch, and Hidden River Ranch. From there the path would either continue along the river through the Lacy Ranch to Buckhorn Ranch; or it would reconnect to 135 until it could connect to the Deli Trail. Looked at alignment all the way to Buckhorn Ranch, (4.92 miles)
  - Hidden River Ranch and East River Ranch HOA representatives communicated that they were not interested in committing land for the path for the off highway alignment, but they did support the path concept.
  - There is a dedicated 20 ft. wide public access easement along the 135 on the east side of Hidden River Ranch, but the roads through were all private.
- Another version of an off-highway alignment: having the path come out of CB South along Teocalli behind/north of CB South residences.
  - Discussed having the path go through some residential properties in CB South instead of cutting into the Spann Family Ranch for the entire portion.
  - issues concerning setbacks
  - Benson and Spanns not interested in this version.
- The Spann family had made an offer to allow this path to go through their property, but there were 11 other property owners between Spann Family Ranches and Larkspur, making an off-highway alignment infeasible.
- Matt Hoyt, Gunnison County Attorney, gave a presentation and provided information about eminent domain, and what that could possibly look like if the committee wanted to pursue the off-highway alignment for the path (working off an estimation of 10 properties for numerical simplicity):
  - Valuation for properties (typically a heavily litigated matter and usually goes to a jury): If a jury trial was required for each property, expenses hard to predict,
    - Potential fees: consultants fees, witness fees, mediators' fees, deposition transcripts, trail materials, photocopying, postage, meals/accommodations for out-of-town travel,
    - If the county loses, they could be responsible for the property owners' costs for litigation in addition to its own (could potentially double cost per trial)

- Estimated that it could cost up to \$3.2 million in total legal expenses (@10 properties) just to get the cases through trial.
- If either side appeals, the trial could go through Colorado Court of Appeals, Colorado Supreme Court, or possibly the US Supreme Court, which would be very lengthy. Total litigation cost could be up to 9.255 million in legal expenses.
  - Working on assumption that only 5 properties appeal
  - Up to \$121,000 per property or \$605,000 for 5 properties (would be 50% higher if all properties appeal)
- Total estimated cost of litigation and appeals (working on assumption of 10 properties, and 5 appeals) = \$5.9 million to \$9.25 million for legal expenses
- Total rough estimate for all properties including litigation, appeals and value of property (value based on highest and best use) **\$15.9 million - \$19.25 million**  
Does not include any construction costs
- Time estimate: 6 to 8 years (guessing that most cases won't be able to be processed concurrently)
- Matt Hoyt Questions from the committee for Matt Hoyt:
  - Derrek (CBS POA) – clarified that Matt's estimate was working off the assumption that all landowners went to trial and that the value of land was disputed. Matt - yes a land owner could be willing to negotiate, guessing that a majority of the landowners would take the cases to trial and the negotiations would break down in the negotiations of value since all of this land is so valuable.
  - Jeremy – would there be an option to give land owners a tax break? Matt - No, the law is very clear that there are not other incentives that the county could provide.
- Laura Pucket-Daniels mentioned that the BOCC had no desire to pursue eminent domain but wanted Matt to help educate STOR about what it would look like to work with willing landowners vs. unwilling landowners
- Cathie Pagano presented the total distances for the 4 different alignments.
- The public survey was to be open until October 8th which contained alternative alignments with different crossings.
- Cathie Pagano presented example pictures of other communities with similar trails along the highways including Telluride, Aspen, and Jackson Wyoming,
- Pagano discussed this project with Marlene Crosby. Why do we just keep talking and not doing anything? Because there's a desire for private property alignment, but no feasible path forward and that a path in the right-of-way was more feasible.
- Practical options forward,
  - Option 1: Complete concurrent process to have the path detached from the highway the entire duration of the trail, hopefully 20 + feet in most places, but there were some areas of constraint where it would be less. Shorter timeline but may not be as safe or scenic.
  - Option 2: Pursue private property alignment but led by other organizations (CBS POA, CMBMA) and not the County because the County had attempted to lead that. Would be a higher cost, no certain timeline or certainty of development; could be more scenic and safer.

### Committee Discussion

- Question from Dave Ochs: Cost estimates for three alternatives? Pagano – yes, but in process.

- Question from Jake Jones: Did the Commissioners want feedback from STOR on how to proceed? Pagano – yes.
- Question from Ian Billick – could STOR continue looking to continue evaluating and engineering the right of way alignment and then decide. Laura Puckett-Daniels– (not speaking for whole board ) – the committee could stop at any time if the community decided it wasn't feasible. Follow up: Was there a requirement from that grant agency that the grant money need to be returned if the project didn't go through after engineering? Pagano – No
- Question from Derrek - is there any data about safety of the other community trails. Possibility of a barricade. CDOT and county against barricades, Spanns against for cattle purposes. Follow-up: Chances of 135 becoming 4 lane highway? Pagano – CDOT throws the idea around, unsure.
- Doug Washburn (Spann Family Ranches) – In favor of the off-highway alignment. The right of way path would cause difficulties with cattle runs and diverting water. It would be safer and better for their operations to not have the trail at all. They offered to let the county buy a strip above their irrigation ditch which had lots of ways to get creative. Suggested to make it so it's worth the other private property owner's time to deal with this and encouraged the County to get creative with ways to incentivize private landowners to allow for the path to be on their land. Doesn't want the trail at all, but "if we were going to do it, let's do it in the right place where someone is going to use it". The off-highway path could be used year-round. Concerned about it not getting used if on the highway right of way.
- Derrek Harwell (POA manager from CBS). Appreciated the conversation, trying to give perspective from almost the second largest population center in the valley. Community in CBS would like to have a greater sense of community and connectivity with partners up and down the valley. Appreciation for the great partnership with the Spanns. Inquired about the possibility of having spurs off the trail and if the property from the Spanns could still be purchased if the right of way alignment was chosen. Asked why the county would not further entertain the idea of eminent domain for the off-highway alignment.
  - Laura Puckett-Daniels: (speaking for herself, not BOCC) – possible government overreach. Those people are our friends and neighbors and that would be bad business. It's not how we do business in the county. Willing to take 50 years to do this process right. Noted it's hard to advocate for recreation because where do we stop? This path could impact ranching operations to the point where they may discontinue ranching, and it would be bad for the community to lose ranches, could also lead to loss of wildlife migration corridors, meadows, water conservation. Ranchers have made it clear that they were under a lot of pressure, and she was concerned that the loss of ranches could have unintended consequences.
  - Doug- Advocated that this path would be more than just a rec path, for more of a connection for the CB South Community
  - Laura - the on highway right of way trail could be a community connection,
  - Doug - off highway alignment would be a better connection and feel for families.
- Doug Washburn (Spanns) – eminent domain to build trails would kill ranching. The quality in CB declining, too many people, not enough services, destruction of resources. Emphasized people that are already here.
- Dave Ochs- Aspen and Telluride didn't use eminent domain to build their trails (Telluride did for one portion). Telluride got money from CODT and then got the ability to lower the speed limit. Pagano - CDOT has offered to do that here, but then the County would be responsible for maintaining the Highway. Ochs- reducing speeds was an interesting idea, could help sell the idea if the speeds were reduced, asked that the survey deadline be extended to the 8<sup>th</sup>

and further that the CB to CB South trail subcommittee be brought back. We waited this long, let's do it right.

- Matt Feier (Zoom) (CBS resident) - been on POA board, trails commission, in support of HWY alignment because it felt like the most realistic way to get the path done. Hoping the STOR committee will consider future alignment of CB South to Gunnison trail, especially with e-bikes being more popular, as it changes the use pattern for these trails.
- Paul Mack (CBMBA Board member)- asked deeper detail for driveway and road crossings. Pagano – noted that the survey had this information. There 3-4 road crossings and up to 7 driveway crossings depending on alignment option. An engineer would be consulted concerning the number of stops and which entity would be responsible for stopping. Follow-up: concerned that more stops would discourage use.
- Matt Whiting (CB South resident, owner of Pioneer Guest Cabins) – had frustrations with survey. Noted that Cement Creek Road is not a sufficient location to have the trail end/begin on the CBS, and that the road had a thin and narrow bike lane, concerned for head-to-head traffic. A safe lane into Cb South was “the crux” of the problem. Noted that the highway may need to be widened to accommodate the path, and that 135 closes a lot in the winter and that he had witnessed a head on collision.
- Joellen Fonken(former trails commission member)– This path would be a community connector from Gunnison to CB, chipped away from the CB side, Deli Trail, didn't even talk about private landowners unless they were willing, and that they worked to be good neighbors, and not overbuild but still not connect the communities. There were lots of recreation opportunities to be found elsewhere. Connectors are also needed to the lake and Lake city. CODT will be a difficult partner, as they will dictate where the signs and path would go. There were a lot of tradeoffs.
- Hedda Peterson (CB Nordic) – clarified cost of cost for grooming and CB Nordic's ability to groom, and that they weren't necessarily going to be able to groom this path once it was created.
- Jake Jones (CB Land Trust) – willing landowner model is the only model that land trust works under. Would quickly remove himself and CB land trust from the conversation if eminent domain on the trail. Many easements have taken decades to accomplish, notion of taking property involuntarily not something he was willing to discuss.
- Cathie Pagano – Did the STOR Committee want to continue spending money on a consultant. Still in phase 2 of 4. Gussed that they were about ½ way through budget.
  - Ian Billick – there was a lot of value to completing engineering for the plan for the highway. Then re poll the community on how to proceed.
  - Laura Puckett-Daniels – if STOR decided to do the highway trail, does that mean we will never have off HWY trail? Would there be a possibility for both? Pagano – doesn't preclude another path in the future if someone was able to acquire an easement. But other County partners would need to pursue getting those easements. Washburn – if the trail is built on the HWY, The Spann offer is off the table, they did not want 2 trails.
- Laura Puckett-Daniels – The county has done a lot of work to pursue the potential of an off-highway alignment, and they've exhausted all their options. If the off-highway alignment were to be pursued, it would have to be done by someone else.
- Jake Jones – Private easements are best done in private, not in big meetings like this. And that they take a long time.

- Dave Ochs – people want a trail. CBMBA doesn't acquire property, they work on the trails. CBMBA recreation community that really wants this. The desire is for a path from CB to CB South. Many things can happen after no
- Ian Billick – it was not on the county to solve this. Leadership is upon whoever steps up.

**Jake Jones made a motion to continue with the scope of work through design workshops without a predetermined next step once that work is completed; and to also continue the working with the Spann family and any other neighbors along the path with any issues that may have and address those in the planning process.**

**No disagreement. Consensus generated.**

Jake Jones noted that the time had reached 4 pm, and Derrick Nehrenberg's item **Gunnison Met Rec recreation master plan proposal** would be tabled to the next meeting.

**ADJOURN:** The September 28, 2023 meeting of the Sustainable Tourism and Outdoor Recreation Committee adjourned at 4:04 PM.