



Consultants in Natural Resources and the Environment

Sinton Pond Open Space Management Plan



Prepared for—

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Plan Preparers

This Management Plan was completed as a collaborative effort between Colorado Springs Parks, Recreation, and Cultural Services Department, Palmer Land Trust, the ERO consulting team, and the Colorado Springs community. The ERO consulting team consisted of:

- ERO Resources Corporation: Project lead and natural resources
- Tapis Associates: Trails and recreation
- Kezziah-Watkins: Public process and facilitation

This plan was adopted by the City of Colorado Springs Parks and Recreation Advisory Board on March 10, 2016.

Summary

Sinton Pond Open Space is a 13 acre property located north of downtown Colorado Springs, between Interstate 25 and Monument Creek. The property consists of a three-acre pond surrounded by riparian and upland vegetation in an area otherwise dominated by commercial and light industrial development. Sinton Pond Open Space acts as a community buffer and the Sinton Trail serves as an important trail link to the Pikes Peak Greenway and Templeton Gap Trail.

This Management Plan is intended to provide the City of Colorado Springs Parks, Recreation and Cultural Services Department with a framework for management and stewardship of the property over the next five years. This Management Plan was completed based on existing documentation, field assessments, stakeholder meetings, and community input. This plan provides broad guidance and specific resource management strategies to achieve the following goals:

1. **Vegetation** – Protect and enhance the quality, diversity, and health of native plant communities
2. **Wildlife** – Protect and enhance wildlife habitat on the property
3. **Trails and Infrastructure** – Manage trails and visitor use facilities to provide high-quality recreation experience within the urban environment

The *Introduction* provides a background on the property, the process, and relevant planning and policy guidance. The *Existing Conditions* section outlines the natural resources, visitor uses and amenities, and management context of the property. The *Resource Management Plan* section provides general guidance on several key issues, including: noxious weed management, forest management, vegetation management, and trail and access management. It outlines the recommended timing and priority of specific management strategies. This section also outlines recommended resource monitoring actions.

This Management Plan not only satisfies the requirements of the conservation easement on the property, but also provides a blueprint for proactive management of open space resources over the next five years.

Introduction

Location and Background

Sinton Pond Open Space consists of about 13 acres located north of downtown Colorado Springs between Interstate 25 and Monument Creek (Figure 1). The property consists of a three-acre pond surrounded by riparian and upland vegetation in an area otherwise dominated by commercial and light industrial development. Sinton Pond Open Space acts as a community buffer and the Sinton Trail serves as an important trail link to the Pikes Peak Greenway and Templeton Gap Trail (Figure 2).

In 1996, the City of Colorado Springs purchased the property with a grant from Great Outdoors Colorado (GOCO) Trust Fund. The City of Colorado Springs subsequently conveyed a conservation easement to The William J. Palmer Parks Foundation, now known as the Palmer Land Trust.

Vision and Goals

Vision Statement

Sinton Pond Open Space provides a natural oasis in an otherwise densely developed urban setting, providing public access to the natural environment and connections to broader trail systems. The property serves as a community buffer and an aesthetic resource, while also preserving habitat for wildlife including songbirds and waterfowl.

Goals

The following goals for the Sinton Pond Open Space provide a philosophical foundation on which to base the implementation of this Management Plan. These broad goals provide the basis for management actions related to specific resources.

1. **Vegetation** – Protect and enhance the quality, diversity, and health of native plant communities.
2. **Wildlife** – Protect and enhance wildlife habitat on the property.
3. **Trails and Infrastructure** – Manage trails and visitor use facilities to provide high-quality recreation experience within the urban environment.

Plan Givens

The following “givens” represent existing guidance and decisions that are non-negotiable and set the parameters for the decision making-process and implementation of this Management Plan.

- The City’s Parks, Recreation and Cultural Services Department is legally responsible for design, maintenance, operations and management of Sinton Pond Open Space. All elements of the Sinton Pond Open Space Management Plan must conform to the Colorado Springs Parks Rules and Regulations Ordinances.
- Sinton Pond Open Space is subject to the requirements and restrictions of the Trails, Open Space and Parks (TOPS) Ordinance.

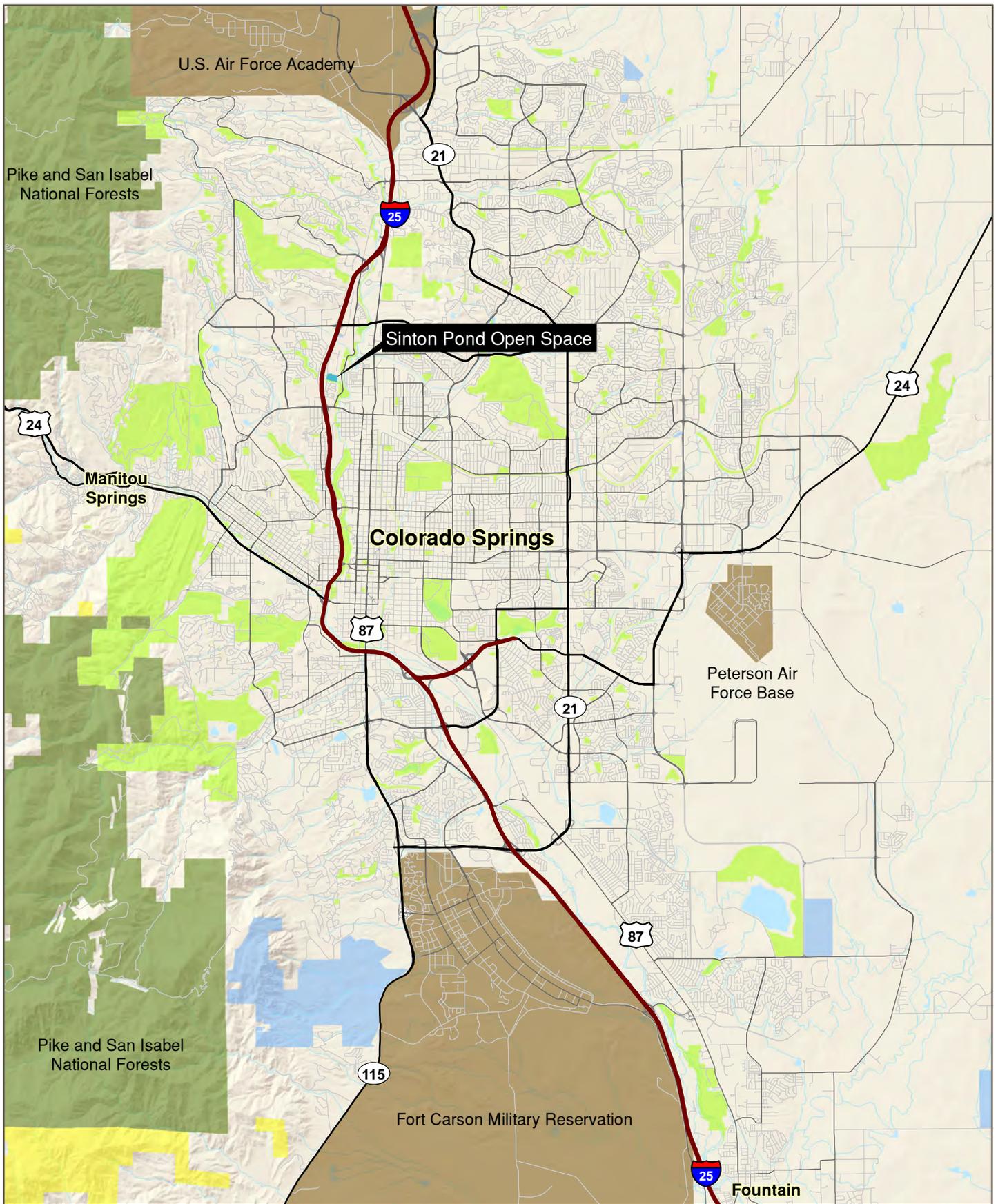


Figure 1. Location

- Parks and Open Space
- Bureau of Land Management
- Department of Defense
- State of Colorado
- U.S. Forest Service



CITY OF COLORADO SPRINGS

- The planning process will respect the terms and conditions of existing utility easements and the conservation easement on the property. Any proposed changes to the conservation easement must be approved by the Colorado Springs Parks and Recreation Advisory Board, the Palmer Land Trust, and GOCO.
- The City Public Works Department and Colorado Springs Utilities will continue to be allowed access to the property in order to monitor and maintain their infrastructure.
- Implementation of the Management Plan will occur as funding allows.
- Groups and individuals interested in the property are encouraged to help develop the best possible management plan; all voices will be equal in the decision-making process.
- The recommended Sinton Pond Open Space Management Plan will be submitted to the Parks and Recreation Advisory Board for approval.

Planning Process

The City of Colorado Springs hired a consultant team lead by ERO Resources Corporation in August 2015 to undertake the planning process and to develop this management plan. The planning process proceeded in three phases:

1. **Phase One: Information Gathering:** The initial step included personal interviews with individuals who have a history of involvement and familiarity with the property.
2. **Phase Two: Public Process:** Based on the issues identified by the community and by analysis of existing conditions on the property, draft management strategies were developed and were reviewed with and discussed by the community at a workshop on December 8, 2015. Necessary adjustments were made to the strategies, based on community responses. The draft Management Plan was offered for online community review for a period of 14 days on February 12, 2016.
3. **Phase Three: Approvals:** The recommended Management Plan was reviewed by the TOPS Working Committee on March 2, 2016, and approved by the Parks Advisory Board on March 10, 2016.

A more detailed summary of community and stakeholder input is provided in Appendix B.

Plan Guidance

Deed of Conservation Easement

The purpose of the conservation easement (Appendix A) is to assure that the Sinton Pond Open Space property “will be retained forever in its natural, scenic, open space and recreation condition and to prevent any use of the property that will significantly impair or interfere with the conservation values of the property.”

Prohibited uses listed in the conservation easement include subdivision; commercial timber harvest; mining or extraction of soil, sand, gravel, rock, oil, natural gas, fuel or any other mineral substance; construction of buildings, roads, trails or other improvements without prior approval of the Palmer Land Trust; dumping of trash; and commercial or industrial activity. In addition,

the property must be managed in accordance with an approved land stewardship plan. This Management Plan serves as that land stewardship plan.

Colorado Springs Park System Master Plan

Recommendations from the 2014 Colorado Springs Park System Master Plan that are relevant to management of the property include the following:

- Comprehensively address the management and care needs of the natural environment and open space lands such as erosion control, invasive species, forest management and wildfire.
- Work to eliminate and/or control noxious weeds on park and open space properties as a part of ongoing maintenance. Develop a citywide integrated weed management plan to help effectively and efficiently control weeds.
- Comprehensively address natural resource management and urban forestry through the creation of annual maintenance tasks as part of a long-term natural resource management approach.
- Increase trail maintenance and address the negative impacts of rogue or unplanned trail creation.
- Work with natural resource managers of wildlife habitat to balance wildlife needs with management for fire, floods and drought.
- Identify and re-route trails that are susceptible to frequent damage from flooding.
- Repair and maintain existing trail assets, including trails damaged by fires and floods.
- Improve wayfinding by installing signs and maps at key junctions in the trail system and identifying parking locations.
- Establish a policy allowing for programmed events/activities within open space lands as long as the natural and cultural resource values are not impacted.
- Comprehensively address the management and stewardship needs of the natural environment and open space lands such as erosion control, invasive species, and wildfire.
- Management and stewardship practices will evolve and be revised over time, and all open spaces should have a designated management strategy in place, and natural resource management plans created for sites that must balance park user and natural resource needs.
- Develop master plans for all open space properties which address appropriate access and connectivity with neighboring properties, resource sensitivity, existing resources and opportunities for resource enhancement and restoration. Plans should be created and updated for all properties or groups of properties within a contiguous area with progress tracked over time.
- Communicate park rules and “Leave No Trace” ethics to the public through the use of signage and informational campaigns.
- Signs in the parks system should clearly indicate rules, regulations and expectations of usage to maintain quality of facilities and prevent harmful behaviors that would negatively impact the natural or programmatic features of the parks and trails.
- Enforcement should include ticketing for infringements to the established dog leash law.

Previous Planning Documents

The following previous planning documents were reviewed in the preparation of this management plan:

- Sinton Pond Open Space Stewardship Plan (2008)
- Sinton Pond – Baseline for the Conservation Easement (1997)

Purpose of the Management Plan

The purpose of this Management Plan is to guide resource management at Sinton Pond Open Space and identify project priorities for the next five years. More specifically, this plan is also intended to achieve the following objectives:

1. Articulate the overall resource management goals for the property
2. Document existing conditions and resource management issues on the property
3. Identify and prioritize strategies to address resource management issues and maintain the overall integrity of resources on the property
4. Document the agreed-upon goals, strategies, and priorities for resource management on the property that are commonly understood by visitors, stakeholders, and the surrounding community
5. Provide an implementation and monitoring plan for the Parks, Recreation and Cultural Services staff, Friends Groups, and volunteers

In addition, this Management Plan fulfills the requirement under paragraph 3(e) of the Conservation Easement, which states:

The Property must be operated and managed in accordance with a land stewardship plan prepared and accepted with the mutual consent of the Grantor (City of Colorado Springs) and Grantee (Palmer Land Trust). The land stewardship plan will be updated every five (5) years and distributed to the parties.



Existing Conditions

Geographic Setting

Sinton Pond Open Space is located in an intensely developed area of Colorado Springs, about 2 miles north of downtown between Interstate 25 and Monument Creek. The property is located in Sections 25, Township 13 South, Range 67 West, and Section 30, Township 13 South, Range 68 West. The property is bounded by light industrial and commercial and residential development, including the Sinton Dairy facility to the north, an office building to the west, and a residential trailer park to the south. The Burlington Northern-Santa Fe railroad line is adjacent to the east.

The property is located along the Monument Creek corridor, near its confluence of Douglas Creek, a small tributary drainage from the west. Elevations range from about 6,170 feet in the northwest corner, to about 6,130 feet in the southwest corner.



Sinton Pond is an oasis in an intensely developed area of Colorado Springs

Geology

Sinton Pond Open Space is located along younger, alluvial deposits associated with Monument Creek (Thorson 2011), including Terrace alluvium three (late-middle Pleistocene) and artificial fill (Thorson, Carroll and Morgan 2002).

Soils

The Natural Resources Conservation Service has mapped three soil types on the property. These are shown on Figure 3 and are summarized as follows (NRCS 2015):

- Chaseville gravelly sandy loam, 1 to 8 percent slopes – Gravelly sandy loam with slow runoff and moderate erosion hazard. Found along the western edge of the property.
- Razor-Midway complex – Clay soils, with medium runoff and moderate erosion hazard. This soil type dominates most of the property.
- Truckton sandy loam, 3 to 9 percent slopes – Well-drained, sandy loam with slow to medium surface runoff and moderate erosion hazard. This soil type dominates the lower, eastern edge of the property.



Figure 2. Existing Conditions

- Sinton Pond Open Space
- Other Parks and Open Space
- Designated Trail
- Utility Easement when Acquired





Figure 3. Soils



 Sinton Pond Open Space

Water Resources

The primary water resource on the property is the three-acre Sinton Pond, which was originally created by an impoundment as part of the Sinton Dairy operation. The inflow to the pond is primarily from groundwater.

North Douglas Creek defines the south side of the property. It is an intermittent drainage that now conveys higher flows associated with urban runoff. North Douglas Creek does not feed Sinton Pond, but is rather a tributary to Monument Creek.

Prior to the acquisition of the property by the City of Colorado Springs, Trichloroethene (TCE) and Tetrachloroethene (PCE) contamination was discovered in North Douglas Creek and Sinton Pond. The source of the contamination was traced to Hewlett



The three-acre pond surrounded by large trees and shrubs defines the property

Packard Corporation and a mitigation plan was prepared to provide greater water surface area in the two drainages to enhance water volatilization of chlorinated volatile organic compounds (VOCs) detected in Sinton Pond. Hewlett Packard has monitoring wells and ongoing groundwater monitoring at Sinton Pond, and the mitigation has been effective. Any future construction activities that include dewatering will require treatment of the water before it is discharged. Documents and information associated with the mitigation are on file with the Utilities and Parks, Recreation and Cultural Services Departments.

Vegetation Resources

Native Plant Communities

Sinton Pond Open Space is dominated by introduced and native grassland communities, a riparian community, and a wetland. Plant communities are shown on Figure 4 and are described below.

Introduced Grassland

The introduced grassland community dominates the eastern side of Sinton Pond Open Space. This community is dominated by introduced perennial cool season grasses such as smooth brome, and crested wheatgrass. Introduced perennial forbs such as alfalfa and common dandelion are also present.

Native Grassland

Several patches of remnant native grassland community are found in the eastern portion of the property. This community is dominated by native agavoids such as soapweed yucca; native succulents such as twistspine pricklypear; native shrubs such as rubber rabbitbrush and Woods' rose; and prairie sagewort, a native sub-shrub.

Riparian Area

The western half of the property is dominated by a riparian area, which includes a combination of native, introduced, and ornamental tree and shrub species. Native trees include plains cottonwood, ponderosa pine, and Rocky Mountain juniper. Introduced and ornamental trees such as Lombardy poplar and domestic apple are common. Invasive trees such as Siberian elm and Russian olive dominate the overstory in various areas. Native shrubs such as black chokecherry, golden currant, and western snowberry are common understory species in the riparian area. A full list of trees and shrubs, many of which were ornamentals planted by the Sinton Family and subsequent owners of the property, can be found in Appendix C.

Wetlands

Wetlands are found along the margins of Sinton Pond, adjacent to springs, and in lowland depression areas. Wetlands are dominated by native perennial cool season graminoids such as broadleaf and narrow leaf cattail and softstem bulrush. Native perennial forb species such as American speedwell and yellow cress are common. Sandbar willow, a native shrub, is found in some wetlands along Sinton Pond.

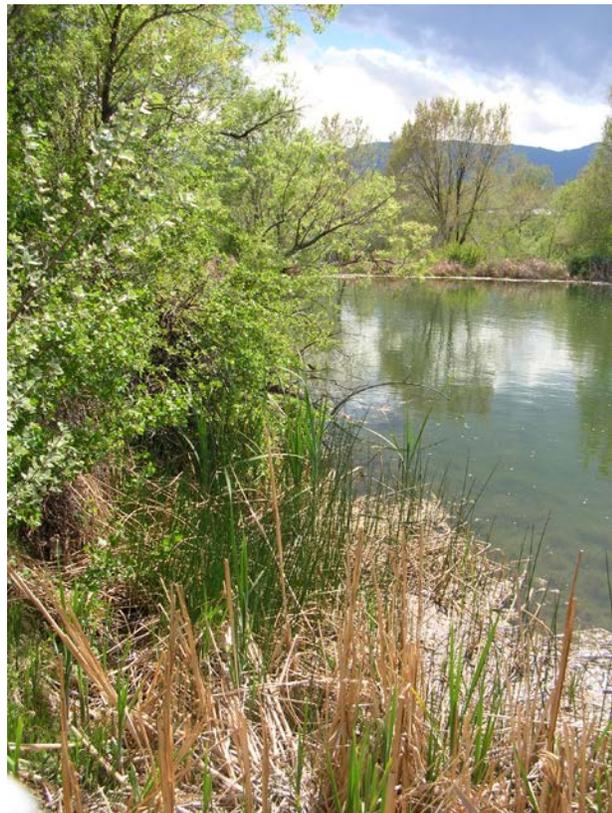
Rare Plant Species and Communities

No rare or listed plant species or communities are known to occur on the property (USFWS 2015, CNHP 2001).

Noxious Weeds

Several noxious weed species are present on the Sinton Pond Open Space, based on field observations by city staff and by ERO in 2015. The Colorado Noxious Weed Act classifies noxious weeds in to three lists: List A species are mandated for eradication, List B species are targeted for weed management efforts to stop their continued spread, and List C species should be managed by effective weed management approaches based on local government priorities.

All completed noxious weed mapping is shown in Figure 5. Twelve noxious weed



Characteristic wetland habitat found along the pond margin

species are known to occur within Sinton Pond Open Space, six of which are considered to be management concerns (because they are or B-listed species). There are no known List A Species on the property.

List B Weed Species

- Bouncingbet (*Saponaria officinalis*)
- Canada thistle (*Cirsium arvense*)
- Chinese clematis (*Clematis orientalis*)
- Diffuse knapweed (*Centaurea difussa*)
- Musk thistle (*Carduus nutans*)
- Russian olive (*Elaeagnus angustifolia*)

List C Weed Species

- Cheatgrass (*Bromus tectorum*)
- Common burdock (*Arctium minus*)
- Common mullein (*Verbascum*)
- Field bindweed (*Convolvulus*)
- Poison hemlock (*Conium maculatum*)
- Redstem filaree (*Erodium cicutarium*)



Canada thistle, a List B noxious weed species, is associated with moist soils on Sinton Pond Open Space

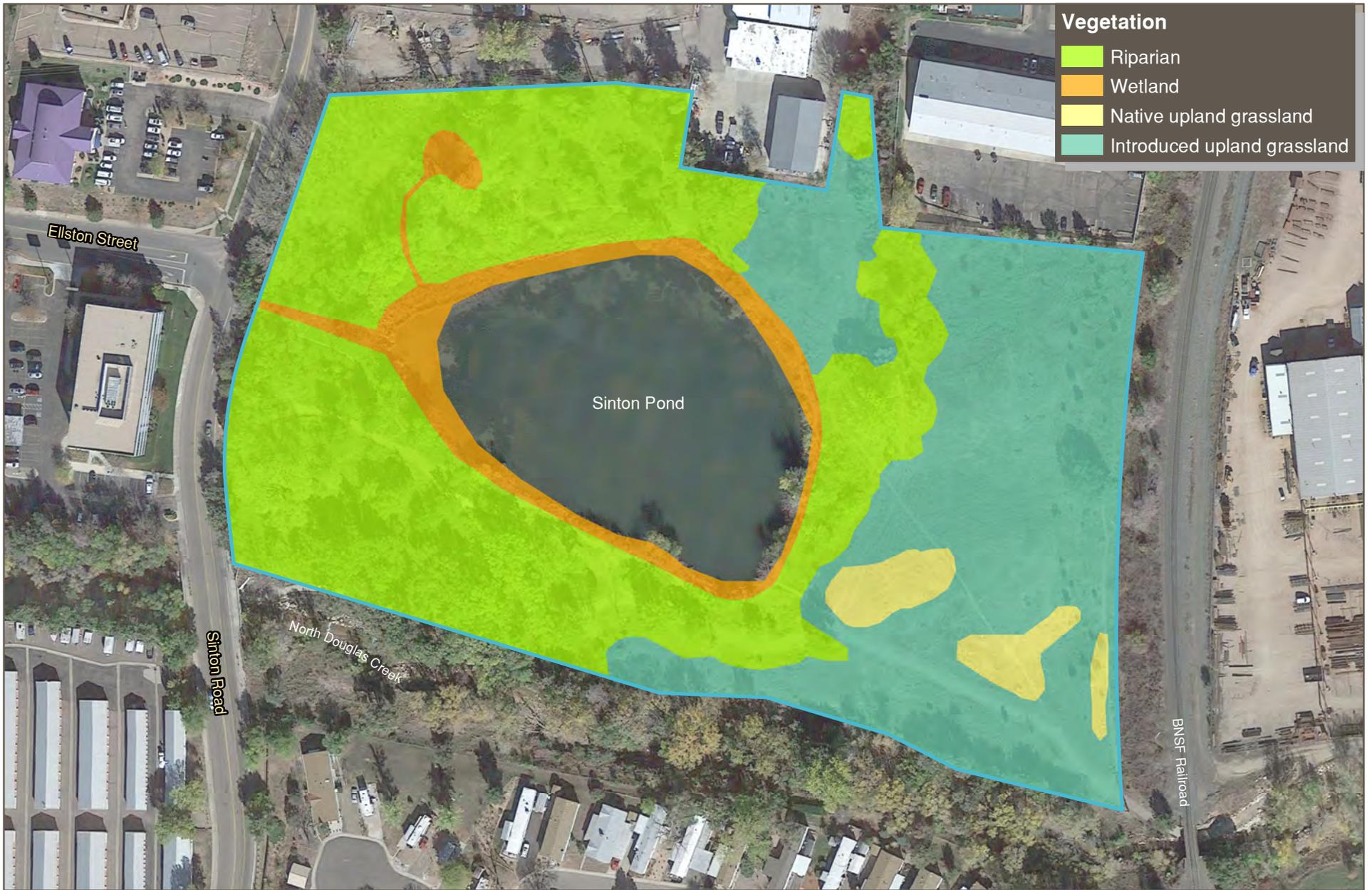


Figure 4. Vegetation



 Sinton Pond Open Space

Wildlife Resources

Common Wildlife

Sinton Pond Open Space is a small enclave of natural habitat in an otherwise urban setting, and is located near Monument Creek and along the North Douglas Creek corridor. As such, it supports a variety of wildlife that are known to occur in urban settings and along riparian corridors. The most common mammals are rodent species such as deer mouse, western harvest mouse, house mouse, and meadow vole, as well as small carnivores such as red fox, raccoon, and coyote. Mule deer are occasional visitors to the property. Native painted turtle and the non-native red-eared slider can be seen basking on logs or other debris in Sinton Pond, especially in the morning. Carp are likely the most prolific fish species in the water.

The pond and riparian habitat support a variety of bird species, including waterfowl such as Canada geese and mallards, shorebirds such as great blue heron, migratory songbirds, and resident birds such as northern flicker, American robin, and black-billed magpie. Various raptor species including red-tailed hawk and great horned owl use the property for roosting and foraging. No raptors were observed during the site visits.

Threatened and Endangered Species

Federally threatened and endangered species are protected under the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 et seq.). Significant adverse effects to a federally listed species or its habitat require consultation with the U.S. Fish and Wildlife Service (USFWS) under Section 7 or 10 of the ESA. Candidate species are not yet listed as threatened or endangered, but may be listed in the future.

The USFWS indicates that there are several threatened or endangered wildlife species with potential for occurrence in El Paso County. However, based on the site visit, the property does not contain suitable habitat for any listed species (USFWS 2015). In addition, the property is within an area designated by the USFWS as the Preble's meadow jumping mouse Colorado Springs block clearance zone. In designating a block clearance zone, the USFWS eliminated the need for individuals or agencies to coordinate with the USFWS prior to conducting activities in habitats that otherwise would be deemed to have the potential to support Preble's meadow jumping mouse.

Cultural and Historical Resources

The Colorado Cultural Resource On-line Database Compass, provided by the Colorado Office of Archaeology and Historic Preservation (OAHP), was used to conduct a search of cultural resources for the Sinton Pond Open Space. This database contains information on documented federal or state studies or findings regarding any cultural resources. The search confirmed the previously-documented site in which flash flooding along North Douglas Creek in 1994 partially exposed Native American remains (OAHP 2015). Archeologists identified additional artifacts under the supervision of the State Office of Archaeology and Historic Preservation. These artifacts dated circa 680 to 950. Although no additional sites were identified through the OAHP search, a cultural resource (pedestrian-level) survey for Sinton Pond Open Space has not been conducted. Thus, other cultural or historic resources may occur on the Sinton Pond Open Space.

Visitor Use and Improvements

Trailheads and Trails

Visitor use of Sinton Pond is limited, and primarily consists of access from neighboring businesses and communities for fishing and brief walks. Some use associated with the regional Sinton Trail also occurs. The Sinton Trail is a Tier 1 trail within the Parks trail system. Persistent use of the property for illegal camping is a deterrent for other, legitimate visitors.

The trailhead to Sinton Pond Open Space is approximately 200 feet south of the property within the Goose Gossage Youth Sports Complex. The Sinton Trail connects to the Pikes Peak Greenway Trail which also connects visitors to parking opportunities. Within the Sports Complex, the trail begins and heads west to Sinton Pond. A side trail to the north leads to the Sinton Loop. This 0.28-mile loop circumvents Sinton Pond. The Sinton Trail continues west across Sinton Road for about 2.9 miles to 30th Street and Garden of the Gods Road, where it connects to the Foothills Trail, which runs east and west. A series of rogue trails have developed from the Sinton Trail to the Sinton Loop.

The trail system within the Sinton Pond Open Space contains unsustainable stretches including: adjacent street drainage onto the trails, poor alignment, poor construction for the soil conditions, trails along unstable embankments and trails on service roads. In addition, the chain gate does not provide much of a deterrent against illegal vehicle access on both sides of Douglas Creek. These conditions result in trail widening, trail braiding and trampling of the vegetation.



Drainage from Sinton Road during storm events has caused trail erosion

Interpretive and Wayfinding Signage

There is no interpretive signage within the Sinton Pond Open Space. Wayfinding and regulation signs are minimal, dated, and are in disrepair. The pond is not visible from the adjacent regional Sinton Trail and there is no signage to direct regional trail users to the pond.

Adjacent Land Uses

Current adjacent land ownership and uses surrounding Sinton Pond Open Space include the following:

Commercial Development

Commercial (light industrial) development abuts the property to the north. Two office complexes lie west of the property across Sinton Road.

Residential Development

MHC Holiday Village Colorado LLC owns a 38-acre residential mobile home park on the south side of Sinton Pond Open Space.

Burlington Northern-Santa Fe Railroad

The Burlington Northern-Santa Fe Railroad runs north-south along the east side of Sinton Pond Open Space.



Wayfinding and regulation signage on Sinton Pond should be updated

Resource Management Plan

Implementing this Management Plan will require identification and prioritization of management actions to accomplish the objectives and goals. These prioritized management actions should continue to be reviewed on an annual basis to determine yearly work programs given budget and staff constraints. Implementation of the Management Plan also needs to be balanced with other resource needs throughout the open space system. Many of the management actions will be implemented within the first few years, while others will take many years to accomplish. Some management actions are ongoing, some are short-term, and others are long-term, representing considerable investments of time and energy.

Resource Management Issues

Resource management issues are specific occurrences or situations, such as land use practices, visitor use, or noxious weed infestations that can compromise the conservation values of the property. Based on the site visits and public input during this process, management issues for Sinton Pond Open Space are listed below and addressed with management actions.

<p>Vegetation Management</p> <ul style="list-style-type: none"> • Noxious weed management • Weed inventory and control <p>Urban Forest Health Management</p> <ul style="list-style-type: none"> • Urban forest composition and structure <p>Visitor Experience</p> <ul style="list-style-type: none"> • Protection of “wildness” and character of the property in an urban setting • Balance of preservation of natural resource and use 	<p>Trail Management</p> <ul style="list-style-type: none"> • Trail/trailhead way-finding • Designated (system) trails • Rogue (non-system) trails • Shortcutting • Trail condition (e.g., erosion and widening) • Connections <p>Dog Management</p> <ul style="list-style-type: none"> • Off-leash dogs: natural resource and visitor impacts • Potential dog waste and dog waste bags
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All of these issues were considered during the management planning process. However, not all issues are directly addressed by the proposed management strategies. Some issues are more appropriately addressed as part of a separate Master Plan process, while others did not warrant a management response at this time.



Figure 5. Management Considerations

□ Sinton Pond Open Space
 — Designated Trail



Discussion of Key Management Issues and Strategies

Noxious Weed Management

Prioritization of weed management efforts is based on several factors. Attempting to control all the non-native species present within the Sinton Pond Open Space can be overwhelming and ultimately unsuccessful, so it is important to develop a strategy to ensure the most efficient use of resources. This type of strategy is built upon two principles. First, instead of managing against weeds, the philosophy is to manage for the desired target species and communities within Sinton Pond Open Space. With this spirit, the species that have been identified as management concerns are those that have the potential to threaten the survival of native communities. Second, to minimize the total, long-term weed control workload, the Parks, Recreation and Cultural Services Department will act to prevent new infestations and contain the spread of plants with expanding ranges. Prioritization of weed management efforts considers legal mandates, weed biology, and species distribution.

In addition to legal mandates and weed biology, the existing distribution of weeds within Sinton Pond Open Space is of primary importance in prioritizing weeds for management activities. The analogy of a wildfire has often been used to describe the spread of noxious weeds. Using this analogy, small, isolated patches of weeds are generally considered a higher priority for control activities than large, well-established infestations. Small, isolated patches are easier to eradicate because there is a smaller distribution of plants, smaller seed bank, less-developed root system, and potentially, a desirable vegetation community. The Parks, Recreation and Cultural Services Department also notes species that are not yet within Sinton Pond Open Space, but are found nearby and could become problems if they spread to the property. The weed management program includes regularly monitoring Sinton Pond Open Space for these species in order to quickly detect and eliminate them if they ever do appear.

With this reasoning in mind, higher priority will be given to:

- Weeds with a specific management status designation of elimination
- Weed species that are new or relatively rare to the region or Sinton Pond Open Space
- Species not well established in surrounding areas
- Small infestations of species known to be highly invasive
- Infestations likely to spread because of location (e.g., road sides, trail sides, drainages, or wind breaks) or management activities (e.g., trail work or forest treatments)
- Infestations adjacent to or likely to spread into areas containing conservation targets
- Edges of large infestations

Lower priority will be given to:

- Large, well-established infestations for which there is little potential for eradication on Sinton Pond Open Space
- Species that are well established in surrounding areas and thus provide a constant seed source to Sinton Pond Open Space
- Species confined to disturbed areas
- Species that are easier to control relative to others

Forest Management

In 1880, the Melvin M. Sinton Family relocated from Ithaca, New York to Colorado Springs for health reasons. The family established a dairy business, which expanded to include the Sinton Pond location. In 1952, Herbert Sinton built a home, barn, and an ice house by Sinton Pond (Colorado Springs 1997). The Sinton Family and future owners of the property likely planted many of the horticultural tree species found on Sinton Pond Open Space. This land use history helped to develop the property into the current condition – the urban forest surrounding Sinton Pond.

In a continuing effort to promote urban forest health and address potential fire hazard, the Forestry Division of the Parks, Recreation and Cultural Services Department intends to complete additional forest management actions within previously treated areas in 2012 (Figure 6). When funding is available, another 30 percent of trees – primarily Siberian elm – would be removed in the areas along North Douglas Creek and on the southwest side of Sinton Pond. With additional funding, the west and north sides of Sinton Pond would also be treated.

Treatment strategies for forest management on Sinton Pond Open Space should include:

- Immediately removing Russian olive
- Removing Siberian elm in a graduated fashion as to preserve tree canopy elements
- Thinning understory regeneration (i.e., suckering) of Siberian elm
- Integrating noxious weed management with forest treatments
- Establishing and/or maintaining 10 to 15 large snags on the property



Siberian elm (living and dead) dominate the tree canopy

Vegetation Management

Siberian elm and Russian olive removal and other treatments can restore vigor to the urban forest on the Sinton Pond Open Space. Such treatments can promote the survival and recruitment of native shrubs (e.g., chokecherry) and enhance wildlife (e.g., songbird) species, but these treatments also represent a significant disturbance that can allow noxious weeds to spread. Noxious weeds, as previously discussed, can cause significant ecological problems. Mitigating their impact must be a high priority during the planning and implementation of restoration treatments.

Most noxious weed species prefer disturbed areas for colonization. For this reason, restoration sites are a highly suitable place for noxious weed migration and proliferation. Severe soil disturbances, including those caused by restoration thinning, may provide an ideal colonization site for these opportunistic species and result in profound changes in understory vegetation.

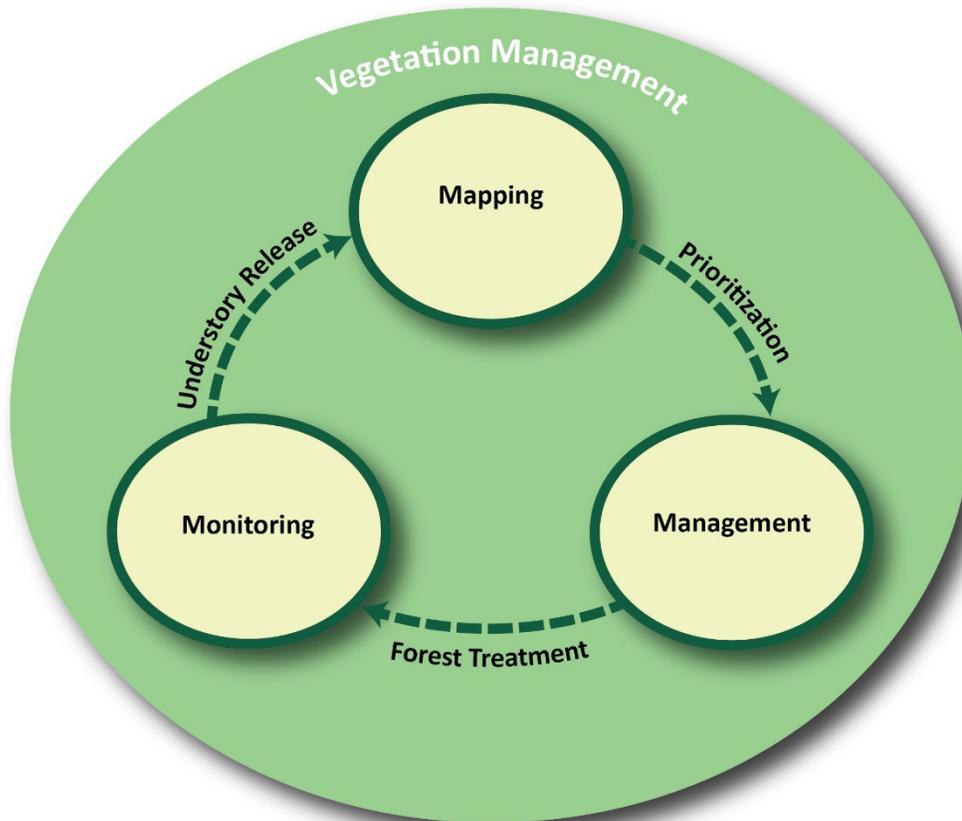
Leaving forests untreated, though, it is not an effective means of dealing with noxious weeds. Severe wildfires, such as those that have occurred in many overly dense ponderosa pine forests in the region, can promote the spread of many noxious weed species. When carefully planned and implemented, restoration treatments that prevent severe fires can help prevent the spread of noxious weeds.

Considering the land-use history of Sinton Pond Open Space, concentrations of invasive seeds may be present within the seed bank at sites where disturbances such as construction, dam building, seeding, livestock grazing, and industrial uses occurred in the past. Present-day disturbance (e.g., trail construction or dam rehabilitation) in these locations could encourage their emergence from the soil seed bank, and it may be impossible to avoid the colonization of noxious weed species.

The graphic on page 22 provides a visualization for vegetation management, specifically an approach of how to integrate noxious weed management with forest treatments (e.g., thinning), trail restoration, or even dam rehabilitation. The steps shown in the graphic are outlined immediately following.



Forest treatments have promoted the recruitment of native shrubs such as chokecherry



- **Mapping.** The planning process for forest treatments (e.g., Siberian elm or Russian olive removal) should include an inventory of existing plant species located on and near the treatment site. Where possible, areas heavily infested with noxious weeds should not undergo treatments until the infestations have been controlled.
- **Prioritization.** Where invasive exotics are present in treatment areas on Sinton Pond Open Space, thin areas without infestations first, and control existing populations of noxious weeds — otherwise noxious weeds will spread into areas that are currently weed free. Ensure that heavily trafficked sites, such as trail corridors, staging areas, and potential log landings (if any), have no noxious weeds present.
- **Management.** Control noxious weeds before work begins on the ground. If noxious weeds are present in only small numbers in or around the treatment site, it may be feasible and is certainly advisable to eradicate them before any **forest treatment** work begins. A little bit of control before any soil disturbance occurs can avert the need to do a lot of control later on.
- **Monitor.** The prevention of colonization by noxious weeds does not end when on-the-ground forest management activity is complete. The removal of portions of the tree canopy will promote an **understory release** with the potential to increase the density of noxious weeds. Monitoring after treatment is vital and should be done annually. Include intermediate targets, rather than only end targets, in order to ensure that restoration objectives are being met along the way.



Figure 6. Forest Treatment Area

- Sinton Pond Open Space
- Forest Managed in 2012



Regardless of the best efforts at prevention, some noxious weeds likely will appear following forest treatments. Some are more of a problem than others. For example, Chinese clematis may invade treatment areas on the Sinton Pond Open Space where the forest canopy has been removed allowing more light to reach the forest floor. Chinese clematis prefers sunny areas but have shown to be somewhat shade tolerant. An aggressive species (e.g., Chinese clematis) on Sinton Pond Open Space may persist and spread unless managed. It is much easier to remove invasive plant infestations when they are small. A few hours spent dealing with weeds soon after thinning, and before plants reach the reproductive stage, can avert larger infestations later.

Trail and Access Management

Access to Sinton Pond and trail amenities on the property are somewhat ad hoc and are in poor condition. The primary access points from Sinton Road are heavily eroded, and create an unsafe interface between the trail and the road. In addition regulatory and wayfinding signage is sparse and in poor condition. These conditions, compounded by persistent illegal camping, contribute to a recreational setting that is uncomfortable for many visitors. The following strategies are focused on improving the safety and aesthetics of trails and access patterns, to provide a more comfortable environment for legitimate recreational uses. First and foremost, the recommendations include establishing safe and clear access points for individuals crossing Sinton Road and using the regional Sinton Trail, with regulatory and wayfinding signs that establish the property as a component of the City's parks and trails system – users may be unaware that parking on the east side can be found at the Goose Gossage Youth Sports Complex. From there, additional efforts can be pursued to maintain and improve the trails, and to consider improved recreational amenities such as wheelchair-accessible access to the pond or an improved loop trail around the pond.

Based on the above strategies, this Management Plan includes a few specific recommendations to address various issues. These include ongoing management, short-term infrastructure maintenance, and future infrastructure changes. These focus areas and points are listed below and are shown on Figure 7:

1. Clearly establish a single access point on the west side of Sinton Pond Open Space. This will likely involve working with the Planning, and Public Works Departments and Colorado Springs Utilities to determine the appropriate location for a crosswalk and potential speed and sight line adjustments on Sinton Road. Severe erosion at the existing access points should be addressed immediately.
2. Close rogue trails in the near term. These designated segments are unlikely to be tied to the dam rehabilitation project (see item 4).
3. Replace and relocate out dated wayfinding, directional, and safety signs in the principal locations designated on Figure 7.
4. Close rogue trails in association with the Sinton Pond dam rehabilitation project. Any dam rehabilitation would likely raise the elevation of the structures. Rogue trails, if not addressed, would likely increase in severity. The dam rehabilitation may be a significant enough event to warrant a new master plan for Sinton Pond.
5. Revegetate and address erosion at the trail intersection point.



Management Considerations

- 1** Management Area
- Rogue Trail

Figure 7. Trail and Recreation Management

□ Sinton Pond Open Space — Designated Trail



Resource Management Strategies

Management strategies for Sinton Pond Open Space, including goals, objectives, and actions are presented in the following table, along with the recommended timing and priority of implementation. A more detailed discussion of key management issues is presented below the table, on page 27.

For the purposes of this section of this Management Plan, the following terminology applies:

- **Goal** – Goals broadly describe the desired states for the future regarding resources and related issues. Goals lay the foundation for the objectives that provide guidance in the decision-making process.
- **Objective** – Objectives are the course of action intended to influence and determine the specific actions.
- **Action** – Actions describe some specific tasks that the City of Colorado Springs can take to accomplish the overall vision for the Sinton Pond Open Space.

Timing recommendations are defined as follows:

- **S – Short-term actions** – Should be completed within one year
- **L – Long-term actions** – Should be initiated or completed within five years
- **O – Ongoing actions** – Should be completed on an ongoing, annual basis indefinitely

Priority recommendations are defined as follows:

- **H – High priority actions** – should be accomplished first. These management actions are considered extremely important to the protection of the conservation values of Sinton Pond Open Space. High priority actions are directly related to the accomplishment of other resource objectives and goals.
- **M – Medium priority actions** – considered important, but not urgent, and meet a combination of other resource goals and objectives.
- **L – Low priority actions** – important, but not critical to resource protection needs. Low priority management actions do not have to be completed in the immediate future and primarily fulfill a specific resource goal or objective.

Table 1. Summary of Management Strategies for Sinton Pond Open Space

Management Strategies	Timing	Priority
VEGETATION		
Goal – Protect and enhance the quality, diversity, and health of native plant communities.		
Objective 1: Manage existing noxious weed infestations and prevent new weed infestations.		
<u>Action:</u> Complete comprehensive noxious weed inventory and mapping on an annual basis	O	M
<u>Action:</u> Complete and implement a noxious weed management plan, including specific treatment approaches for Sinton Pond Open Space. Use an integrated strategy that may include mowing, pulling, biological control, and herbicides. Herbicide application and timing will be chosen to minimize impacts to non-target vegetation and wildlife.	S	H
<u>Action:</u> Concentrate immediate weed management efforts along existing trails, railroad right-of-way, and new construction (e.g., dam rehabilitation)	O	H
<u>Action:</u> Coordinate with Burlington Northern-Santa Fe Railroad for noxious weed control efforts within railroad right-of-way	O	M
<u>Action:</u> Remove all Russian olive with focus in northwest corner of property	S	M
<u>Action:</u> Conduct all forest health management with an integrated noxious weed management strategy	O	H
<u>Action:</u> Integrate weed management into all management practices, including reclamation of disturbed areas, use of weed-free materials, cleaning maintenance equipment from off-site, and monitoring project areas for new weed infestations	O	M
<u>Action:</u> Eliminate Chinese clematis in compliance with management status established for 2020	L	H
Objective 2: Manage urban forest community to enhance native shrub recruitment and wildlife habitat		
<u>Action:</u> Refine forest management (i.e., slash disposal) methods to minimize vegetative impacts. This includes disposing of slash through pile burning or use of an air curtain burner if permissible through the Colorado Springs Fire Department. In areas where burning may be restricted, chip and haul slash off site for reuse/recycling, or disperse chipped materials to a depth of no more than two inches. Large-diameter material should be used to facilitate trail closures if warranted.	S	M
<u>Action:</u> Integrate forest management practices with noxious weed management strategies	O	M
WILDLIFE		
Goal – Protect and enhance wildlife habitat on the property.		
Objective 1: Plan and implement management projects in a manner that protects and enhances wildlife habitat		
<u>Action:</u> Avoid conducting habitat-disturbing activities (e.g., tree removal, grubbing, grading) during the March–July breeding season for songbirds to avoid the destruction of nests	O	H
<u>Action:</u> Consider sensitive wildlife habitat in management actions	O	M
<u>Action:</u> Continue to aggressively remove invasive woody plant species	S	H
<u>Action:</u> Close and reclaim rogue trails to enhance urban habitat for wildlife	L	M

Management Strategies	Timing	Priority
TRAILS AND FACILITIES		
Goal – Manage trails and visitor use facilities to provide high-quality recreation experiences while protecting natural resource values		
Objective: Establish safe and suitable access points for Sinton Pond and the contiguous city-owned regional Sinton Trail		
<u>Action:</u> Address unsafe and eroded trail junctions along Sinton Road	S	H
<u>Action:</u> Pursue parking agreement and signage with office buildings across Sinton Road, and provide a signed crosswalk	S	M
<u>Action:</u> Realign current connection to paved regional Sinton Trail to encourage legitimate trail use around the pond	L	M
Objective 2: Improve, consolidate, and replace trailhead signs and wayfinding to encourage legitimate use and improve visitor experience, aesthetics, and compliance with regulations		
<u>Action:</u> Augment, repair or replace damaged or out-of-date signs	S	H
<u>Action:</u> Clarify all park regulations and wayfinding at the access points	S	H
<u>Action:</u> Install new directional signs to encourage access from regional trail	L	M
Objective 3: Implement ongoing trail maintenance and management projects, emphasizing erosion mitigation, hazard areas, trail braiding, legitimate use, and safety		
<u>Action:</u> Evaluate trail crossings at Sinton Road for safety. Take action as needed.	S	H
<u>Action:</u> Identify areas and complete short reroutes or maintenance to eliminate muddy, eroded, or otherwise unsustainable trail segments. Use native soil fill to restore entrenched trail segments.	O	M
<u>Action:</u> Address visibility issues along the regional Sinton Trail at railroad underpass location	H	S
<u>Action:</u> Consider improving access amenities for regional trail users and wheelchair-accessible opportunities	L	L
<u>Action:</u> Remove and dispose of concrete debris in Douglas Creek, especially near Sinton Road overpass	L	M
<u>Action:</u> Develop an annual work plan for staff, volunteer, and contracted trail maintenance efforts	O	H

Monitoring

Annual stewardship monitoring is conducted in partnership with the Palmer Land Trust under the terms of the conservation easement (Appendix A). The monitoring process is documented (i.e., reports, photographs, and maps) and tracked. Documentation generally includes site conditions relative to the enforceable terms of the easement.

Additional monitoring of specific resources and specific management issues is necessary to document the ongoing trajectory of management issues and to determine how well management objectives are being met. Monitoring allows the City to make informed decisions

about resource management priorities and projects, and provides a feedback mechanism that facilitates ongoing learning about resource issues and improvement of techniques to address them.

The monitoring of specific resources and resource issues should be performed on a periodic and ongoing basis. While some monitoring is based on informed observations (e.g., trail conditions), some requires more scheduled and rigorous surveys (e.g., noxious weeds). The following table provides a summary of monitoring tasks that are recommended to track the progress of the resource management strategies listed above.

Table 2. Summary of Monitoring Actions

Monitoring Actions	Frequency	Methods
Vegetation Monitoring		
<u>Action:</u> Inventory and map noxious weed infestations	Annually	Mapping, photos
<u>Action:</u> Survey trail corridors and disturbance areas for new noxious weed infestations	Annually	Visual inspection, point mapping
<u>Action:</u> Monitor forest management areas and trail closures for new noxious weed infestations	Before/after treatment projects	Visual inspection, point mapping
Wildlife Monitoring		
<u>Action:</u> Survey for breeding bird nests prior to habitat-disturbing activities (e.g., tree removal, grubbing, grading, trail construction) during the March–July breeding season	Before projects	Surveys
<u>Action:</u> Work with neighborhood volunteers, Aiken Audubon Society, and other partners to collect data on wildlife observations	Annually	Surveys, counts, observations
Trail and Infrastructure Monitoring		
<u>Action:</u> Inventory and map rogue trail closures and new rogue trails on the property	Annually	Mapping, photos
<u>Action:</u> Monitor and evaluate use and function of trailheads for consideration in a future master plan	Monthly	Visual observation, documentation
<u>Action:</u> Monitor and evaluate trail impacts during wet trail conditions for consideration in future master plan or management plan	Periodically	Visual observation, photos
<u>Action:</u> Document trail sections that are in poor, unsafe, or deteriorating condition	Annually	Visual inspection, point mapping, photos

References

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- Colorado Natural Heritage Program (CNHP). 2001. Survey of Critical Biological Resources, El Paso County, Colorado. Prepared for El Paso County Parks and Leisure Services.
- Colorado Springs Parks, Recreation, and Cultural Services Department. 2014. City of Colorado Springs Park System Master Plan. September 23, 2014.
- Colorado Springs Parks, Recreation, and Cultural Services Department. 1997. Baseline for the Conservation Easement: Sinton Pond.
- ERO Resources Corporation. 2008. Sinton Pond Open Space Stewardship Plan.
- Natural Resources Conservation Service. 2015. Web Soil Survey. Available at: <<http://websoil survey.sc.egov.usda.gov/App/HomePage.htm>>. Last accessed November 24, 2015.
- Thorson, J.P., Carroll, C.J., and Morgan, M.L. 2002. Geologic Map of the Pikeview 7.5 Minute Quadrangle, El Paso County, Colorado. Colorado Geological Survey. Open-File Report OF01-03.
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- U.S. Fish and Wildlife Service (USFWS). 2015. IPaC Trust Resource Report – El Paso County, CO. IPaC Information for Planning and Conservation. Report generated November 25, 2015.

Appendices

Conservation Easement

Public Involvement Summary

Plant Species List

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DEED OF CONSERVATION EASEMENT

NOTICE: THIS PROPERTY HAS BEEN ACQUIRED IN PART WITH A GRANT FROM THE STATE BOARD OF THE GREAT OUTDOORS COLORADO TRUST FUND. THIS DEED CONTAINS RESTRICTIONS ON THE USE AND DEVELOPMENT OF THE PROPERTY WHICH ARE INTENDED TO PROTECT ITS OPEN SPACE VALUES. THE STATE BOARD OF THE GREAT OUTDOORS COLORADO TRUST FUND HAS FOUND THAT THE ADOPTION OF THESE DEED RESTRICTIONS IS IN THE PUBLIC INTEREST.

THIS DEED OF CONSERVATION EASEMENT is made this 14th day of May, 1996, by the City of Colorado Springs, a home rule city and Colorado municipal corporation having an address at 30 S. Nevada Avenue, Colorado Springs, Colorado ("Grantor"), in favor of the William J. Palmer Parks Foundation, Inc. a Colorado nonprofit corporation, having an address at P.O. Box 1281, Colorado Springs, Colorado ("Grantee").

A. Grantor is the sole owner in fee simple of certain real property in El Paso County, Colorado, more particularly described in the attached Exhibit A (the "Property").

B. The Property possesses natural, scenic, open space, and recreational values (collectively, "Conservation Values") of great importance to Grantor, the people of the City of Colorado Springs and the people of the State of Colorado.

C. In particular, the Property presents a unique opportunity to provide the people with an urban aquatic habitat that will also serve as a vital link in the Grantor's urban trail system.

D. The specific Conservation Values of the Property are documented in an inventory of relevant features of the Property ("Baseline Documentation"), which will consist of reports, maps, photographs, and other documentation that the parties agree to provide, collectively, an accurate representation of the Property at the time of this grant and which is intended to serve as an objective information baseline for monitoring compliance with the terms of this grant. The Baseline Documentation will be compiled and distributed to the parties no later than June 30, 1997. Once completed, the Baseline Documentation shall be attached to and incorporated into this Deed of Conservation Easement.

E. Grantor intends that the Conservation Values of the Property be preserved and maintained through consistent land use patterns including, without limitation, those uses existing at the time of this Easement grant which do not significantly impair or interfere with those values.

F. Grantor further intends to convey to Grantee the right to preserve and protect the Conservation Values of the Property in perpetuity.

G. Grantee is a publicly supported, tax-exempt nonprofit organization, qualified under Section 501(c)(3) and 170(h) of the Internal Revenue Code, whose primary purpose is to foster, for the people of all ages, open space, park, recreation and leisure time facilities and opportunities, within the City of Colorado Springs, State of Colorado, and County of El Paso, State of Colorado, and



areas surrounding or convenient thereto. In furtherance of its purpose, but not otherwise, the Grantee has the following powers:

(1) To seek and accept public or private contributions, gifts, bequests, devises, grants or donations, and to expend, accumulate and invest the same;

(2) To acquire by purchase, contribution, gift, bequest, devise, grant or donation or otherwise, and to hold, lease, encumber, sell or otherwise dispose of real, personal tangible or intangible property;

(3) To make distributions and donations of money or property to the City of Colorado Springs, State of Colorado, or to the County of El Paso, State of Colorado, or to any national, state, county, municipal, or other governmental unit, board or corporation;

(4) To exercise the powers which are now or may hereinafter be conferred upon corporations not for profit organized under the laws of the State of Colorado.

H. Grantee agrees to honor the Grantor's stated intentions and to preserve and protect in perpetuity the Conservation Values of the Property for the benefit of this generation and the generations to come.

IN CONSIDERATION of the mutual covenants, terms, conditions, and restrictions contained in this Easement and pursuant to the laws of the State of Colorado, in particular C.R.S. § 38-30.5-101 *et seq.*, Grantor voluntarily grants and conveys to Grantee a Conservation Easement in perpetuity over the Property of the nature, character and extent set forth below ("Easement").

1. Purpose. The purpose of this Easement is to assure that the Property will be retained forever in its natural, scenic, open space and recreation condition and to prevent any use of the Property that will significantly impair or interfere with the Conservation Values of the Property. Grantor intends that this Easement will confine the use of the Property to those activities consistent with the purpose of this Easement.

2. Rights of Grantee. To accomplish the purpose of this Easement, the following rights are conveyed to Grantee:

a. To preserve and protect the Conservation Values of the Property;

b. To enter upon the Property at reasonable times to monitor Grantor's compliance with and otherwise enforce the terms of this Easement. Any entry upon the Property shall be upon prior notice to Grantor. Grantee shall not unreasonably interfere with Grantor's use and quiet enjoyment of the Property; and

c. To prevent any activity or use of the Property inconsistent with the purpose of this Easement and to require the restoration of any damaged areas or features of the Property resulting from any inconsistent activity or use.

3. Prohibited Uses. Any activity or use of the Property inconsistent with the purpose of this Easement is prohibited. Without limiting this general prohibition, the following activities and uses are expressly prohibited:

a. Construction of Buildings and Other Structures. The construction or reconstruction of any building or other structure or improvement, except those existing on the date of this Easement, is prohibited except in accordance with paragraphs (b) and (c) below.

b. Fences. Grantor may repair or replace existing fences, or erect new fences necessary for the reasonable and customary management of wildlife or for separation of ownership and uses.

c. New Structures and Improvements. New buildings and other structures and improvements may be built with the advance written permission of Grantee. Grantee must give such permission within a reasonable time unless Grantee determines that the proposed building, structure or improvement will substantially diminish or impair the Conservation Values of the Property.

d. Subdivision. Any division or subdivision of title to the Property, whether by physical or legal process, is prohibited.

e. Land Management. The Property must be operated and managed in accordance with a land stewardship plan prepared and accepted with the mutual consent of Grantor and Grantee. The land stewardship plan will be updated every five (5) years and distributed to the parties.

f. Timber Harvesting. Trees may be cut to control insects and disease, to control invasive non-native species, and to prevent personal injury and property damage. Dead trees may also be cut for firewood or other uses on the Property. Commercial timber harvesting on the Property is prohibited.

g. Mining. The mining or extraction of soil, sand, gravel, rock, oil, natural gas, fuel or any other mineral substance for a commercial purpose is prohibited.

h. Paving and Road and Trail Construction. No portion of the Property may be paved or otherwise covered with concrete, asphalt, or any other paving material. Nor may any road or trail beyond those necessary to connect the Property to the Grantor's urban trail system be constructed without the advance written permission of Grantee. Grantee must give permission within a reasonable time unless Grantee determines that the proposed paving, construction, or location of any road or trail will substantially diminish or impair the Conservation Values of the Property or is otherwise inconsistent with this Easement. Permission shall not be unreasonably withheld.

i. Trash. The dumping or uncontained accumulation of any trash, refuse or debris on the Property is prohibited.

j. Water Rights. Grantor shall make an effort to obtain water rights to the Property and shall retain and reserve the right to use any water rights sufficient to maintain and improve the Conservation Values of the Property. Grantor may not transfer, encumber, lease, sell or otherwise

separate water rights sufficient to maintain and improve the Conservation Values of the Property from title to the Property itself.

k. Commercial or Industrial Activity. All commercial or industrial uses of the Property are prohibited.

4. Reserved Rights. Grantor reserves to itself, its successors and assigns, all rights accruing from ownership of the Property, including the right to engage in or to permit or invite others to engage in all uses of the Property not expressly prohibited and not inconsistent with the purpose of this Easement.

5. Notice of intention to Undertake Certain Permitted Actions. The purpose of requiring Grantor to notify Grantee prior to undertaking certain activities is to afford Grantee an opportunity to ensure that the activities are assigned and carried out in a manner consistent with the purpose of this Easement. Whenever notice is required, Grantor shall notify Grantee in writing not less than thirty (30) days prior to the date Grantor intends to undertake the activity. Notice shall describe the nature, scope, design, location, timetable, and any other information material to the proposed activity in sufficient detail to permit Grantee to make an informed judgement of its consistency with the purpose of this Easement.

6. Grantee's Approval. Where Grantee's approval is required, Grantee must grant approval or withhold approval in writing within thirty (30) days of receipt of Grantor's written request. Grantee's approval may be withheld only upon a reasonable determination that the action as proposed would be inconsistent with the purpose of this Easement.

7. Enforcement. Grantee shall have the right to prevent, correct or require correction of violations of the terms and purposes of this Easement. Grantee may enter and inspect the Property for violations. If Grantee finds what it believes is a violation, Grantee shall immediately notify Grantor and the State Board of the Great Outdoors Colorado Trust Fund ("the Board") in writing of the nature of the alleged violation. Upon receipt of this written notice, Grantor must either (a) restore the Property to its condition prior to the violation, or (b) provide Grantee a written explanation of the reason the alleged violation should be permitted. If the Grantor offers justification for permitting the alleged violation, both parties agree to meet as soon as possible to resolve this difference. If a resolution cannot be achieved at the meeting, both parties agree to meet with a mutually acceptable mediator to attempt resolution. When Grantee determines an ongoing or imminent violation could irreversibly diminish or impair the Conservation Values of the Property, Grantee may, at its discretion, take appropriate legal action. Grantor must discontinue any activity which could increase or expand the alleged violation during the mediation process. Should mediation fail to resolve the dispute, Grantee may again, at its discretion, take appropriate legal action. If a court determines that a violation is imminent, exists, or has occurred, Grantee may request a temporary or permanent injunction. A court may also issue an injunction to require Grantor to restore the Property to its condition prior to the violation.

8. Grantee's Discretion. Enforcement of the terms of this Easement shall be at the discretion of Grantee. Any forbearance by Grantee to exercise its rights in the event of a breach of this Easement shall not be deemed or construed to be a waiver by Grantee of the breach or of any subsequent breach of the same or any other term of this Easement or of any of Grantee's rights

under this Easement. Grantee's delay or omission in exercising any right or remedy upon Grantor's breach shall not impair any right or remedy construed as a waiver.

9. Waiver of Certain Defenses. Grantor hereby waives any defense of laches, estoppel, or prescription.

10. Acts Beyond Grantor's Control. No event shall be construed to entitle Grantee to bring any action against Grantor for injury to or change in the Property resulting from causes beyond Grantor's control, including, without limitation, fire, flood, storm, drought, earth or underground water movement, or from any prudent action taken by Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Property resulting from such causes. The parties also understand and agree that Grantee shall not be entitled to bring any action against Grantor related to any change in the property resulting from actions taken or required by the Colorado Department of Public Health and Environment.

11. Access. In accord with the Code of the City of Colorado Springs 1980, as amended, the general public shall have access to the Property, as appropriate. The Grantor specifically reserves the right to close access to the Property in the interest of the public health, safety and welfare, pursuant to Section 18-2-104 of the Code of the City of Colorado Springs 1980, as amended.

12. Costs and Liabilities. Grantor retains all responsibilities and shall bear all costs and liabilities of any kind related to ownership, operation, upkeep and maintenance of the Property. Grantor is responsible for (1) the negligent actions of its officials, employees and agents in the performance or failure to perform incident to this Easement, (2) injury to or the death of any person, or physical damage to any property, resulting from any act, omission, condition, or other matter related to or occurring on or about the Property, regardless of cause unless due solely to the negligence of the Grantee; and (3) the Grantor's release of hazardous or toxic substances on, under or about the Property. Grantor is also responsible for all related liability, claims, demands, damages, or cost.

It is agreed that Grantor's liability will not exceed any applicable limit set forth in the Colorado Governmental Immunity Act, C.R.S. § 24-10-101 *et seq.*, as amended. The Grantor does not waive or intend to waive the limitations on liability provided to Grantor under the Colorado Governmental Immunity Act. In assuming responsibility for the negligent acts or omissions of its own officials, agents and employees in the performance or failure to perform incident to this Agreement, the Grantor in no way assumes responsibility for the negligence or intentional misconduct of the employees or agents of Grantee. Grantor does waive its right to any type of express or implied indemnity or right of contribution from the State of Colorado or Grantee, its officers, agents or employees, for any liability related to this Conservation Easement. For the purpose of this Section 12, "hazardous or toxic substances" are defined as any hazardous or toxic substance which is regulated under any federal, state or local law. "Hazardous or toxic substances" do not include any known condition of the property monitored by the Colorado Department of Public Health and Environment as of the date of closing.

13. Extinguishment. If the purpose of this Easement becomes impossible to accomplish, this Easement can only be wholly or partially terminated or extinguished by judicial proceedings in

a court of competent jurisdiction. Each party shall promptly notify the other when it first learns of such circumstances, and must also notify the Board of such circumstances. Grantee's proceeds, after the satisfaction of prior claims, from any sale, exchange or involuntary conversion of all or any portion of the Property subsequent to termination or extinguishment, must be in accordance with paragraph 14 below, unless otherwise provided by Colorado law. The Board shall be entitled to receive the net proceeds from sale of the Property, not to exceed the Board's grant amount used to acquire the Property multiplied by a fraction, the denominator of which shall be the Consumer Price Index ("CPI") figure published for the most recent month immediately preceding the month in which the grant was given, and the numerator of which shall be the CPI figure published for the most recent month immediately preceding the date the Easement is terminated or extinguished. "Consumer Price Index" or "CPI" shall mean the U.S. Department of Labor's Bureau of Labor Statistics' Consumer Price Index All Urban Consumers All Items, Denver, Colorado (1982-84 equals 100), or the successor of this Index. Grantee must use all such proceeds in a manner consistent with the conservation purposes of this Easement. Any remaining proceeds not otherwise allocated between the Board and the Grantee shall be retained by Grantor.

14. Proceeds. This Easement constitutes a real property interest immediately vested in Grantee, which the parties stipulate has a fair market value ("FMV"). The Easement's FMV is determined by multiplying the FMV of the Property unencumbered by the Easement (minus any increase in value after the date of this Easement grant attributable to improvements) by the ratio of the value of the Easement at the time of this Easement grant to the value of the Property, without deduction for the value of the Easement, at the time of this Easement grant. The value at the time of this Easement grant shall be the value used to calculate the deduction for federal income tax purposes allowable by reason of this grant, pursuant to Section 170(h) of the Internal Revenue Code of 1986, as amended. For the purposes of this paragraph, the ratio of the value of the Easement to the value of the Property unencumbered by the Easement will remain constant.

15. Grantee Assignment. This Easement is transferable. Grantee may only assign its rights and obligations under this Easement to an organization that is (a) a qualified organization at the time of transfer under Section 170(h) of the Internal Revenue Code of 1986, as amended (or any successor provision then applicable), and the applicable regulations promulgated thereunder, (b) authorized to acquire and hold conservation easements under Colorado law, and (c) approved as a transferee by the Board, its successors or assigns. As a condition of transfer, Grantee must ensure that the conservation purposes of this Easement continue to be carried out by the transferee. The Board retains the right to compel Grantee to assign its rights and obligations under this Easement to another organization if Grantee ceases to exist or fails or refuses to enforce the terms and provisions of this Easement.

16. Subsequent Grantor Transfers. Grantor agrees to incorporate the terms of this Easement into any deed or other legal instrument by which it divests itself of any interest in the Property, including without limitation, a leasehold interest. Grantor further agrees to give written notice to Grantee of the transfer of any interest at least thirty (30) days prior to the date of the transfer. Grantor's failure to perform any act required by this paragraph will not impair the validity of this Easement or limit its enforceability in any way.

17. Notices. Any notice, demand, request, consent, approval or communication contemplated by this Easement shall be in writing and either served personally or sent by first class mail, postage prepaid, addressed as follows:

To Grantor:	City of Colorado Springs Director of Parks and Recreation 1400 Recreation Way Colorado Springs, CO 80905
To Grantee:	The William J. Palmer Parks Foundation, Inc. Executive Director P.O. Box 1281 Colorado Springs, CO 80901
To the Board:	Executive Director State Board of the Great Outdoors Colorado Trust Fund 225 East 16th Avenue, Suite 1150 Denver, CO 80203

or to other addresses as the parties may designate by written notice to the other.

18. Recordation. This instrument will be recorded with the deed to the Property and other documents evidencing Grantor's acquisition of the Property with the El Paso County, Colorado, Clerk and Recorder. Grantee may re-record it at any time as may be required to preserve its rights in this Easement.

19. General Provisions.

a. Controlling Law. The interpretation and performance of this Easement shall be governed by the laws of the State of Colorado, and the Charter, City Code, Ordinances, Rules and Regulations of the City of Colorado Springs, Colorado, a home rule city and Colorado municipal corporation. Court Jurisdiction shall exclusively be in the District Court for the Fourth Judicial District of Colorado.

b. Liberal Construction. This Easement shall be liberally construed to effect the purpose of the Easement and the policy and purpose of C.R.S. § 38-30.5-101 *et seq.* If any provision in this Deed of Conservation Easement is found to be ambiguous, an interpretation consistent with the purpose of this Easement that would render the provision valid shall be favored over any interpretation that would render it invalid.

c. Severability. If any provision of this Easement, or its application to any person or circumstance, is found to be invalid, the remaining provisions of this Easement, or its application to other persons or circumstances shall not be affected.

d. Entire Agreement. This Deed of Conservation Easement sets forth the entire agreement of the parties with respect to the Easement and supersedes all prior discussions,

negotiations, understandings or agreements relating to the Easement, all of which are merged in this Easement.

e. No Forfeiture. Nothing contained herein will result in a forfeiture or reversion of Grantor's title in any respect.

f. Successors. The covenants, terms, conditions, and restrictions of this Easement shall be binding upon, and inure to the benefit of, the parties and their respective successors and assigns. This Easement shall continue as a servitude running in perpetuity with the Property.

g. Termination of Rights and Obligations. A party's rights and obligations under this Easement terminate upon transfer of the party's interest in the Easement or Property, except that liability for acts or omissions occurring prior to transfer shall survive transfer.

h. Captions. The captions in this Deed of Conservation Easement have been inserted solely for convenience of reference, are not a part of the Easement and have no effect upon its construction or interpretation.

i. Amendment. Should an amendment to or modification of this Easement become appropriate, Grantor and Grantee are free to jointly amend this document. The prior written approval of any amendment or modification of this Easement must be obtained from the Board. Any amendment or modification must be consistent with the conservation purposes of this Easement and may not affect its perpetual duration. Any amendment, must be written, signed by both parties and the Board or its successors or assigns, and recorded in the records of the El Paso County Clerk and Recorder.

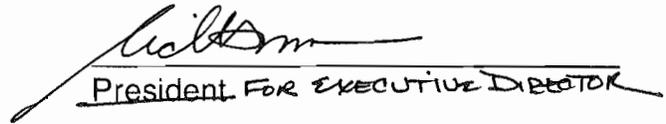
j. Termination of the Board. In the event that Article XXVII of the Colorado Constitution, which established the Board, is amended or repealed to terminate the Board or merge the Board into another entity, the rights and obligations of the Board under this Easement shall be assigned to and assumed by another entity as provided by law, or in the absence of such direction, by the Colorado Department of Natural Resources or its successor.

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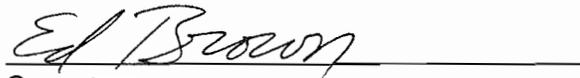
APPROVED AS TO FORM:

FOR THE STATE BOARD OF THE GREAT
OUTDOORS COLORADO TRUST FUND


Senior Corporate Attorney
City of Colorado Springs


President FOR EXECUTIVE DIRECTOR

ATTEST:


Secretary

Grantor and Grantee agree that the Board's execution of this Deed of Conservation Easement is solely for the purpose of acknowledging the Board's acceptance of its notice, approval and monetary rights hereunder, and that no interest in real property is being transferred to or created in the Board by its execution hereof.

EXHIBIT A

A TRACT OF LAND BEING A PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 13 SOUTH, RANGE 66 WEST OF THE 6TH P.M., AND A PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 13 SOUTH, RANGE 67 WEST OF THE 6TH P.M., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 3, INTERSTATE BUSINESS PARK FILING NO. 10 AS RECORDED IN PLAT BOOK E-5 AT PAGE 268; THENCE N 83°58'06" W (THE PRECEDING COURSE BEING THE BASIS FOR BEARINGS USED IN THIS DESCRIPTION) ON THE SOUTH LINE OF SAID LOT 3 A DISTANCE OF 290.23 FEET; THENCE N 03°58'06" W A DISTANCE OF 144.50 FEET; THENCE N 80°27'01" W A DISTANCE OF 32.79 FEET; THENCE S 09°32'59" W A DISTANCE OF 109.94 FEET; THENCE N 80°27'01" W A DISTANCE OF 163.01 FEET; THENCE N 09°32'59" E, A DISTANCE OF 84.45 FEET; THENCE N 83°12'01" W A DISTANCE OF 84.84 FEET; THENCE S 87°59'16" W A DISTANCE OF 315.85 FEET TO THE EASTERLY RIGHT-OF-WAY OF SINTON ROAD; THENCE ON SAID RIGHT-OF-WAY THE FOLLOWING THREE COURSES: (1) S 19°35'58" W A DISTANCE OF 286.58 FEET TO A POINT OF CURVE; (2) ON A CURVE TO THE LEFT HAVING A RADIUS OF 400.00 FEET, A CENTRAL ANGLE OF 25°29'30" AND AN ARC LENGTH OF 177.97 FEET; (3) S 05°53'32" E A DISTANCE OF 69.85 FEET; THENCE S 72°37'03" E A DISTANCE OF 490.63 FEET; THENCE S 87°03'55" E A DISTANCE OF 118.32 FEET; THENCE S 72°46'26" E A DISTANCE OF 140.33 FEET; THENCE S 62°36'35" E A DISTANCE OF 85.00 FEET; THENCE S 75°44'24" E A DISTANCE OF 187.84 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE DENVER AND RIO GRANDE RAILROAD; THENCE ON A CURVE, CONCAVE TO THE EAST, HAVING A RADIUS OF 2929.74 FEET, A CENTRAL ANGLE OF 12°01'43", AN ARC LENGTH OF 615.07 FEET AND A CHORD BEARING N 02°36'21" E A DISTANCE OF 613.94 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, EL PASO COUNTY, COLORADO.

Sinton Pond Open Space Management Plans
Community Workshop
December 8, 2105

Discussion Comments and Questions by Issue Category

Do you have any questions about any of the preliminary management strategies presented and discussed tonight? Is anything missing that you believe is important to include? Do you have any comments about any of the strategies?

Vegetation Management

- What makes the area near Ephemeral Pond so wet and marshy?
- What is the proper way to get rid of Russian Olive and Siberian Elm trees?

Visitor Experience

- Can you clarify where parking and trail access would be?
- There is heavy bike use on the nearby trail
- Retain access to Ephemeral Pond
- The connector trail to Sinton Road may be difficult to keep closed since bikers use it. A cross walk might make a difference.

Wildlife Management

- Is there anything you can do about fishing line (that is left behind) to protect birds? One idea I've seen is cans for disposal of line.

Verbatim Individual Response Form Responses

Do you have any comments about any of the preliminary management strategies for the Sinton Pond Open Space property presented and discussed tonight?

The following comments were submitted by one individual:

- Please spray discretely in April-May, if possible.
- Leave downed trees/brush for wildlife.
- What to do with homeless in the Open Space?
- Please consider re-routing social trails to the east – the steep ones.

The following comment was posted on the City's Facebook page:

- Not sure we can make it tonight but we would love to see Sinton Pond opened to Stand Up Paddleboarding (SUP) and recreational kayaking.

Public Comments on Draft Sinton Pond Open Space Management Plan

First name	Last Name	Comment
Jackie	Heyda	<p>Spraying for noxious weeds wasn't mentioned in the article. Is that going to be addressed? Could a pesticide be a quick solution but one that could have lasting effects? If this is dig/pull operation, nothing will ever be done effectively. The weeds, of course, will continue to grow.</p> <p>Are there other drainage issues from the dairy like there were from the Hewlett Packard Corp?</p> <p>How are improvements approved or rejected by the Palmer Land Trust? Who decides that?</p> <p>Since the City Public Works and the Colorado Springs Utilities have access for work related jobs, how much access do they have and do they have to clean up before leaving the site?</p>
Tyler	Stuart	<p>p. 20 - Good to establish or maintain 10 to 15 large snags!</p> <p>p. 21 - In caption, graphic is said to be on p. 21, but is actually on p. 22</p> <p>p. 24 - Near middle of page, is the justification for potentially adding an improved trail around the pond for wheelchair access? Other than for wheelchair access, I would oppose a paved trail around the pond. It would drastically change the semi-natural feel, and make it feel too much like everything else surrounding the open space. A high-quality unimproved trail with a few small bridges for the places where water frequently runs over the trail would be a great addition.</p> <p>p. 29 - How does the city plan to "Work with neighborhood volunteers and other partners to collect data on wildlife observations?" What sort of interface would exist here? Audubon volunteers might be willing to join city employees on days of wildlife monitoring.</p> <p>I would also suggest having the employee(s) doing the habitat-disturbing work walk through the area first, especially if spraying chemicals, to flush any birds that are in the vicinity, and send them out of the direct spraying.</p> <p>Otherwise, both plans are well thought out and presented. I appreciate that the city is working to improve both of these spaces. They may be lightly-used, but they are well appreciated by those who do visit.</p>

Susan	Larsen	<p>I see everything we discussed on 8 Dec, at least for the Open Space plan, which I attended. However, I do not view anything that is drafted for the recommendations to Council based upon our input. I urge the Council to consider an Open Space is not the same as a Park and should not have the signage, except only where the cars may park. The idea is to amble, scrounge, discover along the trails without being directed to everything. Developed parks are for more directed usage, like Garden of the Gods or Shook's Run. The sights and smells in an open space should be able to change with the wind. The perimeter volunteers like me, are happy to help as long as we know when and where so that the city does not feel a burden in taking on the noxious weeds removal. We volunteers have already learned which ones they are (some of them) and are told we are free to take them out when we come upon them. Trail maintenance is another activity we enjoy helping on, fixing erosion problems or removing unwanted debris. At the 8 Dec meeting I don't recall going over what those "ordinances" are. Those could be another attachment to the website. (unless I missed them) What I enjoy about volunteering is learning more about the plants and animals, trails and birds, from those I am volunteering with or just from focusing more on how the park is affected. I'd like see the recommendation to council and to know what date/time the recommendation will be presented to them. Thank you for giving us the information and opportunity to speak up for our open space areas.</p>
Linda	Hodges	<p>The Aiken Audubon Society would like to thank you for the opportunity to engage in this process. We appreciate the effort put into this plan.</p> <p>A few comments follow:</p> <ol style="list-style-type: none"> 1. On page 10, it is noted that, regarding water contamination by HP, a "mitigation plan was prepared to provide greater water surface area in the two drainages..." Was that mitigation plan enacted? If not, will it be? What is the current contamination level? 2. Resource Management Plan, p 17. We suggest that you add "Wildlife Management." This is an important migratory bird corridor, and we'd like to see management address that. 3. Re Wildlife, p 27, include "Integrate sensitive wildlife habitat in all management actions." 4. In the same section as above, Objective 1: we would suggest adding that, if spraying must be done, that it be done manually and discretely. We suggest April as the optimum time to spray for noxious weeds, but spraying should be avoided again until the fall. 5. What pesticide(s) do you plan to use? 6. There doesn't seem to be any mention of spraying in the Sinton document. Since spraying was done last summer, I presume it will be continued. Would you address that? <p>And what herbicide do you plan to use?</p>

Christina Randall	<p>On behalf of the Division of the Fire Marshal, we have reviewed the draft management plans for University Park and Sinton Pond. We very much appreciate that you are addressing wildfire risk in regards to adjacent neighborhoods as well as the resources. We do have a couple of comments regarding the slash disposal noted in the plans.</p> <p>In the plan, it notes pile burning or use of an air curtain burner.</p> <ol style="list-style-type: none">1. Any open burning, pile burning or use of an appliance (i.e. air curtain burner) requires a permit issued by the Division of the Fire Marshal.2. Any open burning or pile burning requires a CSFD approved burn plan.3. CSFD does not issue open burn permits for areas in the city adjacent to neighborhoods at risk. (Typically these are used for city assets at risk outside city limits and away from neighborhoods like CSU property and watersheds.) <p>Our recommended practice for mitigation in the city is chip and scatter to a depth of no more than 4 " in areas with less than 25% slope, with no piles left. Or in areas where there is slope greater than 25%, chip and haul of site, to be recycled (at Rocky Top Resources.) If you or ERO has any specific questions regarding fuels treatment or prescribed burning, please don't hesitate to contact me. Thanks again for letting us comment and working with us to improve fire safety!</p>
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Sinton Pond Open Space Plant Species

Common Name	Species Name	Vegetation Community Type			
		Riparian	Introduced Upland Grassland	Native Upland Grassland	Wetland
Native Annual/Biennial Forbs					
Canadian horseweed	<i>Conyza canadensis</i>		■	■	
curlycup gumweed	<i>Grindelia squarrosa</i>		■	■	
velvetweed	<i>Gaura mollis</i>		■	■	
Introduced Annual/Biennial Forbs					
common mullein	<i>Verbascum thapsus</i>		■		
cutleaf vipergrass	<i>Scorzonera laciniatum</i>		■	■	
diffuse knapweed	<i>Centaurea diffusa</i>		■		
lesser burdock	<i>Arctium minus</i>	■			
poison hemlock	<i>Conium maculatum</i>	■			
prickly lettuce	<i>Lactuca serriola</i>		■		
yellow salsify	<i>Tragopogon dubius</i> subsp. <i>major</i>		■	■	
Introduced Annual Grasses					
cereal rye	<i>Secale cereale</i>		■		
cheatgrass	<i>Bromus tectorum</i>		■		
Native Perennial Forbs					
American speedwell	<i>Veronica americana</i>				■
aster	<i>Aster</i> spp.		■	■	
prairie thermopsis	<i>Thermopsis rhombifolia</i>	■		■	
twogrooved milkvetch	<i>Astragalus bisulcatus</i>		■		
white prairie aster	<i>Aster ericoides</i> (group)	■	■	■	
yellowcress	<i>Rorippa</i> sp.				■
Introduced Perennial Forbs					
alfalfa	<i>Medicago sativa</i>		■		
Canada thistle	<i>Cirsium arvense</i>		■		
common dandelion	<i>Taraxacum officinale</i>		■	■	
common plantain	<i>Plantago major</i>				■
curly dock	<i>Rumex crispus</i>		■		
garden asparagus	<i>Asparagus officinalis</i>	■			
Native Perennial Cool Season Graminoids					
broadleaf cattail	<i>Typha latifolia</i>				■
narrowleaf cattail	<i>Typha angustifolia</i>				■
softstem bulrush	<i>Schoenoplectus tabernaemontani</i>				■
Introduced Perennial Cool Season Grasses					
crested wheatgrass	<i>Agropyron cristatum</i>		■		
Kentucky bluegrass	<i>Poa pratensis</i>		■	■	
smooth brome	<i>Bromus inermis</i>	■	■		

Common Name	Species Name	Vegetation Community Type			
		Riparian	Introduced Upland Grassland	Native Upland Grassland	Wetland
Native Shrubs					
black chokecherry	<i>Prunus virginiana</i> ssp. <i>melanocarpa</i>	■			
golden currant	<i>Ribes aureum</i>	■		■	
roundleaf snowberry	<i>Symphoricarpos oreophilus</i>	■		■	
rubber rabbitbrush	<i>Ericameria nauseosa</i>		■	■	
sand bar willow	<i>Salix exigua</i>	■			
wax currant	<i>Ribes cereum</i>	■			
western snowberry	<i>Symphoricarpos occidentalis</i>	■			
Woods' rose	<i>Rosa woodsii</i>	■		■	
Introduced Shrubs					
common lilac	<i>Syringa vulgaris</i>	■			
honeysuckle	<i>Lonicera</i> spp.	■			
Native Subshrubs					
prairie sagewort	<i>Artemisia frigida</i>	■		■	
Native Trees					
blue spruce	<i>Picea pungens</i>	■			
bristlecone pine	<i>Pinus aristata</i>	■			
Engelmann spruce	<i>Picea engelmannii</i>	■			
plains cottonwood	<i>Populus deltoides</i> subsp. <i>monilifera</i>	■			
ponderosa pine	<i>Pinus ponderosa</i> subsp. <i>scopulorum</i>	■		■	
Rocky Mountain juniper	<i>Juniperus scopulorum</i>	■			
silver maple	<i>Acer saccharinum</i>	■			
twoneedle pinyon	<i>Pinus edulis</i>	■		■	
Introduced Trees					
domestic apple	<i>Malus pumila</i>	■			
Lombardy poplar	<i>Populus nigra</i>	■			
ornamental juniper	<i>Juniperus</i> sp.	■			
swamp white oak	<i>Quercus bicolor</i>	■			
walnut	<i>Juglans</i> sp.	■			
Native Succulents					
twistspine pricklypear	<i>Opuntia macrorhiza</i>			■	
Native Vines					
riverbank grape	<i>Vitis riparia</i>	■	■		
Virginia creeper	<i>Parthenocissus inserta</i>	■			
Native Agavoids					
soapweed yucca	<i>Yucca glauca</i>			■	