

CITY CLERK
CITY & COUNTY OF DENVER

01 FEB 22 AM 9:35

RECEIVED

**NOTICE OF ADOPTED PARKS AND RECREATION
NATURAL AREAS RULES AND REGULATIONS**

Notice is hereby given that on 11 January 2001 at 7:00 p.m., the Denver Parks and Recreation Advisory Board adopted new Rules and Regulations for Denver's Natural Areas. Copies are on file and available for inspection at the office of the Manager of Parks and Recreation.

By *Susan Baird*
Susan Baird, Senior Landscape Architect

Published in the Rocky Mountain News - February 23, 2001

THE ROCKY MOUNTAIN NEWS
DENVER, CO

PUBLISHER'S AFFIDAVIT

City and County of Denver,
STATE OF COLORADO, SS.

Collene Curtan

..... being of lawful
age and being first duly sworn upon oath, deposes and says:

Legal Advertising Reviewer

That he/she is the
Of The Rocky Mountain News, a daily newspaper of general
Circulation published and printed in whole or in part in Denver, in the
County of Denver and State of Colorado, and that said newspaper was
Prior to and during all the time hereinafter mentioned duly qualified
For the publication of legal notices and advertisements within the
Meaning of an Act of the General Assembly of the State of Colorado,
Approved April 7, 1921, as amended and approved March 30, 1923;
And as amended and approved March 5, 1935, entitled "An Act
Concerning Legal Notices, Advertisements and Publications and the
Fees of printers and publishers thereof, and to repeal all acts and parts
Of acts in conflict with the provision of this Act" and amendments
Thereof:

At the notice, of which the annexed is a true copy, was published in
The said newspaper to wit: (dates of publication)

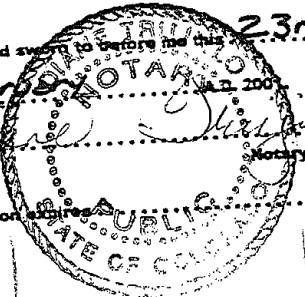
February 23, 2001

Collene Curtan
Signature

Subscribed and sworn to before me this 23rd day

of February 23, 2001

David S. Durrillo
Notary Public



My Commission Expires 12/16/2001

**NOTICE OF ADOPTED
PARKS AND
RECREATION
NATURAL AREAS
RULES AND
REGULATIONS**

Notice is hereby given that
on 11 January 2001 at 7:00
p.m. the Denver Parks
and Recreation Advisory
Board adopted new Rules
and Regulations for Den-
ver's Natural Areas.
Copies are on file and
available for inspection at
the office of the Manager
of Parks and Recreation
by Susan B. ...
Senior Landscape Maint. ...
Architect ...
Published in the Rocky
Mountain News ...
February 23, 2001

DEPARTMENT OF PARKS & RECREATION, CITY & COUNTY OF DENVER
RULES & REGULATIONS FOR NATURAL AREAS

I. Authority

A. *City Park Land.* The Manager has the power and authority to adopt rules and regulations for the management, operation and control of City Park Land, including the power to adopt rules and regulations for the designation and preservation of Natural Areas located on said City Park Land. Section A4.4-1 of the City Charter.

B. *Other Property.* The Manager has the power and authority, to the extent and in the manner provided in the Natural Areas Ordinance, to adopt rules and regulations for the designation and preservation of Natural Areas located on City Property, Other Governmental Property, and private property. Article VIII (Natural Areas) of Chapter 39 (Parks and Recreation) of the Revised Municipal Code (hereinafter referred to as "DRMC").

C. *Parks rules and regulations* for the management, operation and control of the City Park Land have been promulgated and implemented by the Manager of Parks and Recreation. In accordance with the Natural Areas Ordinance, these rules and regulations may be extended to City Property, Other Governmental Property, and private property that are designated and preserved as Natural Areas.

D. *Enforcement.* The City Council has provided for the enforcement of the Parks rules and regulations as specified in section A4.4-1 of the City Charter. Article I (In General) of Chapter 39 (Parks and Recreation), DRMC. Enforcement against violations of these rules and regulations are as prescribed in section 39-1(b), DRMC. This same enforcement authority may be extended to City Property, Other Governmental Property, and private property that are designated and preserved as Natural Areas to the extent allowed under the Natural Areas Ordinance.

E. *Natural Areas Rules & Regulations.* As authorized by the Natural Areas Ordinance (section 39-192(e), DRMC), the rules and regulations set out below provide for classifications, criteria, procedures, and public process for designating and preserving Natural Areas, as well as regulatory requirements for controlling public access to and use of Natural Areas.

F. *Limitations.* With respect to Natural Areas located on property other than City Park Land, the rules and regulations set out below may not supersede existing contract rights or property interests, including easements and leases, and may not be enforced in any manner that interferes with existing uses or purposes of the properties except as expressly provided in any applicable executive order, interdepartmental agreement, cooperative agreement, conservation easement, or private easement or agreement. Section 39-192(f), DRMC.

II. Definitions.

Words or phrases, as used in these Rules and Regulations for Natural Areas, shall be defined as set out below. Word or phrases with asterisks (*) next to them shall have the same definition as ascribed to them in the Natural Areas Ordinance, section 39-191, and, in the event that the definitions of any of these words or phrases are amended in the Natural Areas Ordinance, the amended words or phrases in the Natural Areas Ordinance shall supersede those set out below.

- A. *City Park Land* *. Any parks, parkways, mountain parks and other recreational facilities, as well as other land, waterways and water bodies, owned, operated or controlled by the Department of Parks and Recreation.
- B. *City Property* *. Any land, waterways and water bodies owned, operated, or controlled by any department, office, agency, board, or other subsidiary of the City and County of Denver, except the Department of Parks and Recreation.
- C. *Conservation Easement* *. As defined and provided for in Article 30.5 of Title 38 of the Colorado Revised Statutes.
- D. *Cooperative Agreement* *. As provided for in section A4.4-6 of the City Charter.
- E. *Department*. The Department of Parks and Recreation for the City and County of Denver.
- F. *Management Plan*. A document prepared by the Department of Parks and Recreation or its authorized representative that identifies the Natural Area classification, operational management practices, controls on public access and use, and, where needed, agreements with owners of land proposed for designation as a Natural Area.
- G. *Manager*. The Manager of Parks and Recreation for the City and County of Denver or her designated representative.
- H. *Natural Area* *. A geographical area of land of either geologic or biologic significance which retains, has had reestablished, or has the potential to reestablish many aspects of its natural character. Such an area could now or in the future support native vegetation, associated biological and geological features, or provide habitat for indigenous wildlife or plant species. Such an area could host geological, scenic, or other natural features of scientific, aesthetic, or educational value.
- I. *Natural Areas Ordinance*. Article VIII (Natural Areas) of Chapter 39 (Parks and Recreation) of the Revised Municipal Code.

J. *Other Governmental Property* *. Any land, waterways and water bodies owned, operated, or controlled by any governing body, department, agency or political subdivision of the federal government and the State or any county, municipality, school district, special district, authority, or other public entity, except the City and County of Denver.

III. Process for Designation

A. *Purpose*. The process for designation of Natural Areas is intended to integrate neighborhood interests with the City-wide goal to preserve, conserve, or restore Denver's remaining natural areas and open space while developing sound and appropriate management practices for these areas. To that end, public input to the designation process shall be a significant and valuable factor in the Manager's decision with respect to the proposed designation of Natural Areas.

B. *Initiation*. Proposals for the designation of Natural Areas may be initiated by the Department or by recommendation from other sources. After determining that a specific proposal warrants further consideration, the Department will develop guidance information, including 1) identification of appropriate site evaluation criteria; 2) initial investigation of the natural area site location; 3) site location and ownership maps; and 4) identification of interested parties.

C. *Assessment*. The Department will submit the guidance information, along with a recommendation, for the review of the Natural Areas Advisory Committee of the Parks and Recreation Advisory Board. If the Natural Areas Advisory Committee recommends that the proposed area is appropriate for designation, a draft Management Plan will be developed in consultation with the Natural Areas Advisory Committee. The Natural Areas Advisory Committee shall include interested citizens as members.

D. *Public Notification*. The draft Management Plan will be provided to the Parks and Recreation Advisory Board for consideration through a public review process. The date, time, place, and purpose of a public hearing on the proposed Natural Area designation, along with information as to the availability of the draft Management Plan at the Department, shall be provided as follows:

1. *Posting*. The site of the proposed Natural Area shall be posted at least 45 days prior to the public hearing by a sign no less than 42 inches by 30 inches located on the most conspicuous part of the site, or, if there is no conspicuous site, at a location specified by the Manager.

2. *RNO's*. Registered neighborhood organizations with boundaries that include the site or are located within 200 feet of the site shall be notified by mail and provided a copy of the summary of the draft Management Plan.

3. *Council Members.* Council members whose districts overlie the site or are located within 200 feet of the site shall be notified and provided a copy of the summary of the draft Management Plan.

4. *Parties Expressing an Interest.* Any person or organization which expresses an interest to be notified of a designation process and submits a mailing address to the Department shall be notified and provided a copy of the summary of the draft Management Plan.

5. *Other notification.* The Manager will determine what other forms of public notification, if any, should be provided.

The Parks and Recreation Advisory Board shall have the right to waive any failure to strictly comply with the above notification requirements that it deems to be minor and inconsequential.

E. *Public Comments.* Oral comments shall be received at the public hearing subject to such time restrictions and other rules of order that the Parks and Recreation Advisory Board may impose. Written comments shall be accepted prior to and for 30 days following the public hearing. The Parks and Recreation Advisory Board may continue the public hearing to such time and place as it deems appropriate and may allow for such additional comments and requiring such notification, if any, for any continuance as it deems appropriate.

F. *Board Recommendation.* Following review of public comments and consideration of any revisions of the draft Management Plan proposed by the Department, the Parks and Recreation Advisory Board will make a recommendation in writing to the Manager as to whether the Natural Areas designation of the site is warranted, and, if so warranted, note any suggested changes to the draft Management Plan and any conditions to the recommendation made.

G. *Manager's Decision.* After reviewing the written recommendation of the Parks and Recreation Advisory Board, the Manager will make a determination, in writing, as to whether to designate the site as a Natural Area. Prior to issuing any decision approving a designation, the Manager may request that Park and Recreation Advisory Board consider additional information or factors or receive additional public comment, and then make a new recommendation. Before or after a decision, the Manager may also require additional investigation or study be performed or require modifications be made to the Management Plan.

H. *Protection of Property Rights.* Prior to the Natural Area designation of any City Property, Other Government Property, or private property, any agreement or other legal arrangement required by the Natural Areas Ordinance to be reached with the party that owns, operates or controls the site must be completed and approved as to form by the City Attorney's Office. The Management Plan for such property must reflect any

rights, obligations, restrictions, or conditions contained in an agreement or other legal arrangement.

I. *Changes.* Any proposal to remove a Natural Area designation from property or to change the classification of a property shall require the same notice and public input as provided for above. The Manager may temporarily change the classification of a property, and accordingly modify its Management Plan, for a period of up to ninety (90) days upon issuing notice of her decision to the Parks and Recreation Advisory Board and following any necessary changes to assure adequate notice as to more restrictive controls on public access and use as provided in Section VI below.

IV. Criteria

As part of the designation review process set out above, the Department, the Manager, the Natural Areas Advisory Committee, and the Parks and Recreation Advisory Board shall consider whether the site proposed for Natural Area designation:

- A. Provides or could provide protection for a sustainable natural ecosystem, wildlife habitat, native plant species and communities, geological formations, or water corridors or wetlands;
- B. Serves as an example of a rare or unique native condition in an urban setting in need of ecological preservation;
- C. Serves as an outdoor classroom or laboratory for scientific study or other educational opportunities for the public; or
- D. Functions as an area of biological diversity, natural beauty, and inspiration which meets aesthetic needs and which enriches the meaning and enjoyment of human life.

V. Classifications

In the Management Plan, one of four classifications will be placed on the site to be designated as a Natural Area, in keeping with existing conditions on the site and the appropriate public use, if any, of the site:

A. *Active Use Natural Areas.*

Description: These areas should demonstrate important natural features or include native plant or wildlife habitat. These areas will allow for limited active recreational facilities such as surfaced trails or fishing piers and for other facilities that will attract public use.

Goal of Designation: 1) To provide recognition of the value of the natural features in the area; 2) To trigger restorative projects that could establish or reestablish native planting and appropriate wildlife habitat; and 3) To

ensure that all construction and earth-disturbing activity done in the area is sensitive to the natural aspects of the area.

Management: Will include what is typical for active park and recreational facilities. Expertise will be sought for restorative projects.

Allowed Uses: No uses will be allowed that are not allowed in City parks. Picnicking, biking, roller-blading or roller-skating, horseback riding, hiking, meetings of large groups, and pets are allowed only in authorized areas and under such conditions or restrictions as will prevent any notable impacts to natural aspects of the area.

B. *Conservation and Restoration Areas.*

Description: These areas have or will have the potential to restore significant natural features, native plant communities, or wildlife habitat. Activities will be geared toward the appreciation of the natural aspects of these areas.

Goal of Designation: 1) To provide recognition of the natural significance of the area or the wildlife in the area; and 2) To ensure that the area remains in its natural state and that restoration be actively pursued or allowed to occur naturally.

Management: Will be directed towards protecting areas by limiting formal or informal activities to those that will have little or no impact on the area. Restrictions on public access and use should be posted and enforced.

Allowed Uses: No uses will be allowed that are not allowed in Active Use Natural Areas. Authorized areas for public access and use, as allowed in the Active Use Natural Areas, will be fewer and more restricted. Some areas of land may be closed, permanently or temporarily, to public access in order to allow for conservation or restoration.

C. *Potential Native Areas.*

Description: These areas consist of open space found in such areas as along parkways and roadways, slope cutaways, open fields, undeveloped land between developed properties, buffer areas, areas along railroad tracks, and the like.

Goal of Designation: 1) To take unappealing, neglected, or underutilized open space and improve its value and aesthetics; 2) To provide, where appropriate, wildlife corridors and sustainable, naturalized landscapes; and 3) To conserve natural resources and reduce maintenance.

Management: Will be directed towards promoting self-sustaining native growths that require minimal maintenance. Active or passive public access or use will be allowed as appropriate for a specific site.

Allowed Uses: No uses will be allowed that are not allowed in Active Use Natural Areas. Authorized areas for public access and use, as allowed in the Active Use Natural Areas, will vary depending on the given circumstances. Some areas of land may be closed to public access, temporarily or permanently, in order to allow for recovery of native vegetation or erosion control.

D. *Preservation Areas.*

Description: These are typically areas of pristine or near pristine character that require special protection of their natural features or control of the environment for the protection of wildlife and its habitat. These areas could contain sensitive natural elements or are notable for their unique scenic value.

Goal of Designation: 1) To preserve and protect the area as is; and 2) To restrict human activity to a minimum.

Management: Will be directed towards maximum protection of resources and public education. Areas will be typically closed to direct public access and use, and these restrictions should be posted and enforced.

Allowed Uses: No uses will be allowed in the area that are not expressly authorized for the purposes of preservation and protection of the area or supervised public education activities in the area. The area will be closed to public access and use, except for viewing outside of the area.

VI. Controls on Public Access and Use

A. *Parks Rules & Regulations.* Except as otherwise provided herein below, the Rules and Regulations for the Department found in Section II (General) of the "Rules and Regulations for the Management, Operation and Control of Parks, Parkways, Mountain Parks, and Other Recreational Facilities" dated October 21, 1993 ("Parks Rules and Regulations"), shall be applicable to designated Natural Area property. The Parks Rules and Regulations may be enforced by the Denver Police Department and the Denver County Court on designated Natural Area property to the same extent that they are enforceable in parks, parkways, mountain parks, and other recreational facilities under Article I of Chapter 39, DRMC. Any amendment to the Parks Rules and Regulations shall likewise be applicable and enforceable, except as otherwise provided herein below. Any activity or use requiring authorization, approval, or a permit under the Parks Rules and Regulations shall be presumed not to be authorized, approved, or permitted unless such authorization, approval, or permit is in writing and issued by the Department.

B. *Additional Restrictions.* In addition to the restrictions contained in the Parks Rules & Regulations, the following restrictions shall be applicable to designated Natural Area property:

1. *Prohibitions.* The following activities or uses are prohibited on or in a designated Natural Area property, and it shall be unlawful:

a. To build, start, or maintain fires of any kind (other than by authorized personnel);

b. To possess, dispense or consume alcoholic beverages of any kind; and

c. To utilize sound amplification systems (other than by authorized personnel).

2. *Controlled Access.* The following activities or uses are allowed on or in a designated Natural Area property unless public access and use has been restricted as indicated by signs or other public notification systems posted in or near designated Natural Area property:

- Walking or exercising pets
- Parking or driving motorized vehicles of any kind
- Hiking
- Biking
- Roller-blading, roller-skating, skateboarding, or riding a push scooter
- Fishing
- Picnicking
- Congregating of large groups of people

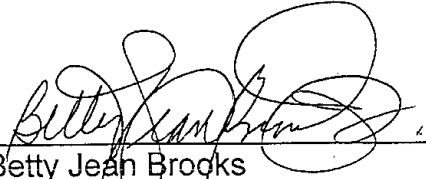
It shall be unlawful to fail to comply with signs or other public notification systems restricting public access or use that are posted in or near designated Natural Area property. These controls on public access may be enforced under section 39-4, DRMC, on the "closure or restriction of areas". It shall be no defense to any enforcement action that a person was unaware of or failed to take notice of restrictions as indicated by signs or other public notification systems posted in or near a designated Natural Area property.

C. *Limitations.* The Rules and Regulations and the Additional Restrictions, identified above, shall not be applied or enforced in any manner that interferes with or denies existing uses of or rights to designated Natural Area property as provided or reserved in any applicable executive order, interdepartmental agreement, cooperative agreement, conservation easement, or private easement or agreement. Section 39-192(f), DRMC.

D. *Closure.* Nothing in these Rules and Regulations for Natural Areas shall be construed or interpreted to restrict the authority of the Manager to close parks to the public as the Manager deems reasonably necessary. If an emergency situation is determined to exist or to be imminent, the Manager may close to the public, or further restrict public access to, any property (other than parks) designated as a Natural Area until such time as the Manager and the underlying property owner reach an agreement as to a proper course of action. Such closures or restrictions may be enforced under section 39-4, DRMC, on the "closure or restriction of areas".

These Rules and Regulations for Natural Areas are issued in accordance with the authority of Article IV of Chapter A of the City Charter and Chapter 39 of the Revised Municipal Code of the City and County of Denver.

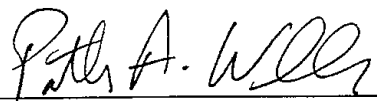
APPROVED AND ADOPTED:



Betty Jean Brooks
Manager of Parks and Recreation

APPROVED FOR LEGALITY:

J. Wallace Wortham, Jr.
City Attorney



Assistant City Attorney

G:\Administration\WHEELERP\Parks General\Natural Areas\NATURAL AREAS RULES & REG'S.doc

CITY CLERK
CITY & COUNTY OF DENVER
01 FEB 22 AM 9:36
RECEIVED