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Colorado Department of Regulatory Agencies
Office of Policy and Research

Colorado Natural Areas
Advisory Council



October 15, 2003

STATE OF COLORADO

DEPARTMENT OF REGULATORY AGENCIES

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Bill Owens
Governor

October 15, 2003

Members of the Colorado General Assembly
c/o the Office of Legislative Legal Services
State Capitol Building
Denver, Colorado 80203

Dear Members of the General Assembly:

The Colorado Department of Regulatory Agencies has completed its evaluation of the Colorado Natural Areas Advisory Council (Council). I am pleased to submit this written report, which will be the basis for my office's oral testimony before the 2004 legislative committee of reference. The report is submitted pursuant to section 2-3-1203, of the Colorado Revised Statutes (C.R.S.), which states in part:

The department of regulatory agencies shall conduct an analysis and evaluation of the performance of each division, board, or agency or each function scheduled for termination under this section. The department of regulatory agencies shall submit a report containing such analysis and evaluation to the office of legislative legal services by October 15 of the year preceding the date established for termination.

The report discusses the question of whether there is a need for the continuation of the Council and its effectiveness in carrying out the intention of Article 33 of Title 33.

Sincerely,

Richard F. O'Donnell
Executive Director

2003 Sunset Review Colorado Natural Areas Advisory Council

Department of Regulatory Agencies

Bill Owens
Governor

Richard F. O'Donnell
Executive Director



EXECUTIVE SUMMARY

Quick Facts

What is the Colorado Natural Areas Council? The Natural Areas Council (Council) consists of seven members, four appointed by the Governor and one representative each from the State Land Board, the Board of Parks and Outdoor Recreation (Board), and the State Wildlife Commission. The Council advises the State Board of Parks and Outdoor Recreation on appropriateness of designating areas of the state as Designated Natural Areas under the Colorado Natural Areas Program.

How Many Natural Areas are There?

- 74 Designated Natural Areas
- 31 Registered Natural Areas (areas awaiting final approval)
- 100 Identified Natural Areas (areas awaiting evaluation for inclusion)

How are Areas Designated? Landowners apply to the Council for designation as a natural area, these areas are classified as "Identified." The Council evaluates the area using criteria approved by the Board, once the Council determines an area meets the criteria, the area is classified as "Registered." When an area has met all of the requirements for designation, including submission of a voluntary management plan approved by the Council, the Council will recommend designation to the Board. Only after the Board approves the application is the area considered "Designated."

What Does it Cost? The Council does not have a dedicated budget but operates out of the Colorado Natural Areas Program Budget. In fiscal year 02-03, the Council expenses were approximately \$800.

Where Do I Get the Full Report? The full sunset review can be found on the internet at:
www.dora.state.co.us/opr/2003NaturalAreasCouncil.pdf

Key Recommendations

Continue the Council

The Council is dedicated to evaluating natural areas and making recommendations to the Board. The system has been in place for more than 25 years and has been effective and popular with those involved. Council members serve in a volunteer capacity. Reimbursement for actual expenses is the only cost for the operation of the Council, so it is cost effective.

The Natural Areas Program is a voluntary designation. Neither the Council nor the Board has actual regulatory authority to compel the landowner to change management practices for the land in question. Landowners may withdraw from the program at any time. The Board may remove Designation if the area no longer meets the criteria for Designation.

Administrative Recommendation

The Board and Council should develop methods to market the Natural Areas Program more effectively.

Natural Areas are an important asset to citizens of and visitors to Colorado. However, knowledge of their existence is not well known. It would benefit the program if efforts were made to market the areas and increase the public awareness.

Major Contacts Made In Researching the 2003 Sunset Review of the Natural Areas Council

Present and past members of the Colorado Natural Areas Council
Staff of the Department of Natural Resources
Staff of the State Land Board
Staff of the Federal Bureau of Land Management

What is a Sunset Review?

A sunset review is a periodic assessment of state boards, programs, and functions to determine whether or not they should be continued by the legislature. Sunset reviews focus on creating the least restrictive form of regulation consistent with the public interest. In formulating recommendations, sunset reviews consider the public's right to consistent, high quality professional or occupational services and the rights of businesses to exist and thrive in a highly competitive market, free from unfair, costly or unnecessary regulation.

Sunset Reviews are Prepared By:
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Background

The Sunset Process

The functions of the Colorado Natural Areas Advisory Council (Council) in accordance with Article 33 of Title 33, Colorado Revised Statutes (C.R.S.), shall terminate on July 1, 2004, unless continued by the General Assembly. During the year prior to this date, it is the duty of the Department of Regulatory Agencies (DORA) to conduct an analysis and evaluation of the Council pursuant to section 2-3-1203, C.R.S.

The purpose of this review is to determine whether the Council should be continued. During this review, the Council must demonstrate that there is still a need for its existence. DORA's findings and recommendations are submitted via this report to the legislative committee of reference of the Colorado General Assembly.

Methodology

As part of this review, DORA staff attended a Council briefing; interviewed Council members; reviewed records and reports; interviewed program staff; reviewed Colorado statutes and rules; and, talked to interested parties, including former council members.

Profile of the Program

The Colorado Natural Areas Program (CNAP) was created by the General Assembly in 1977 to identify, evaluate and protect unique areas of the state for present and future generations. The CNAP is administered by the State Board of Parks and Outdoor Recreation (Board) in the Department of Natural Resources.

The Board establishes criteria for the evaluation of areas under consideration for designation as natural areas. The Board also promulgates rules for the development of natural area management plans. Each designated natural area must have on file with the Board "articles of designation." These articles include a management plan followed by the owners or managers of the property that details how the public will access the area and how its natural features will be maintained.

The Council serves in an advisory capacity to the Board by reviewing the inventory of potential natural areas and recommending designation to the Board. The Council consists of seven members: four appointed by the Governor, and one member each representing the State Land Board, the Wildlife Commission and the Board.

The Board works cooperatively with local, state, and federal agencies to promote conservation of natural areas. Included in this report as Appendix A on page 10 is a table detailing the existing natural areas and information about the number of public visits to these sites.

The Board is responsible for working with private landowners and public agencies to designate areas of the state as natural areas. In order to be designated as a natural area the owner of the property must agree to abide by an area management plan designed to maintain and preserve the unique nature of the property.

A “natural area” is defined in the statute as:

a physical and biological area which either retains or has reestablished its natural character, although it need not be completely undisturbed, and which typifies native vegetation and associated biological and geological features or provides habitat for rare or endangered animal or plant species or includes geologic or other natural features of scientific or educational value.

The CNAP is a voluntary program. The Board cannot enforce any conditions on the landowner not agreed to during the voluntary listing process. The Board is required to review natural areas every three years to verify that the management plan is being adhered to. If not, the Board may de-list the area; three areas have been de-listed since the last sunset review in 1998.

There is a three-step process for an area to become designated as a natural area: identification, registration, and designation. First, a property owner or interested party submits a request, with justification, for an area of the state to be a designated natural area. When the Council receives this request, the area is considered “identified.” This carries no formal significance; it simply means that the area has potential to be a natural area. The second step is for the appropriate natural area staff person to inspect the area to determine if it meets the criteria for a natural area. If it does, the staff will present the documentation to the Council and request that the area be “registered.” Registration simply means that the area meets the criteria for inclusion on the registry as a natural area.

The Council and the natural areas staff will then work with the landowner to develop articles of designation. This is the formal request for designation as a natural area. Articles of designation include a management plan designed to protect the area, specifics regarding access to the property and other factors that the Council deems appropriate. Once the Council has determined the area meets the criteria, the owner is willing to voluntarily comply with a management plan and all the requirements of the articles of designation are in place, the Council then requests the Board to approve the designation of the property. Once approved by the Board, the Council sends the property owner a Certificate of Designation.

There are currently 74 designated natural areas and 31 registered natural areas in the state. There are approximately 100 additional identified areas that may qualify for designation as natural areas.

Program Description and Administration

It is important to separate the Colorado Natural Areas Program (CNAP) from the Colorado Natural Areas Advisory Council (Council). The CNAP is administered by the Colorado State Board of Parks and Outdoor Recreation (Board), in the Department of Natural Resources. The Council serves in an advisory capacity to the Board.

While the goal of the CNAP is to preserve and protect natural areas of the state, neither the Board nor the Council has any regulatory powers over property owners. Indeed, at the time of this review, 12 of the natural areas consist of private property with limited or no public access. Management of the designated natural area is by voluntary agreement of with property owner. The sole enforcement authority of the Board is to remove an area from designation as a natural area for failure to adhere to the management plan. Areas may also be removed for other reasons, such as a particular plant species being found to be more plentiful than previously thought or a more appropriate area being identified for inclusion.

The Council is responsible for inventorying proposed natural areas for inclusion in the CNAP. The Board establishes the criteria for inclusion; the Council inspects and makes recommendations. The final authority for inclusion or continuance of a natural area designation is with the Board. One of the goals of the CNAP is to identify unique sites for inclusion. The Council also seeks to include the best examples of certain types of areas, such as areas with geological significance.

The sunset review of the Council is independent of the CNAP. However, since the two are so closely linked some discussion of the CNAP is necessary. Table 1 below details the budgetary information for the CNAP.

**Table 1
Natural Areas Program Budget**

Budget	FY98-99	FY99-00	FY00-01	FY01-02	FY02-03	TOTAL
Personal Services	\$125,451	\$125,337	\$201,147	\$115,410	\$55,000	\$622,345
Operating	\$24,958	\$21,689	\$28,045	\$15,630	\$11,385	\$101,707
Seasonal Work Program	\$0	\$0	\$0	\$1,245	\$0	\$1,245
Vehicle Lease*	\$2,434	\$3,800	\$3,752	\$0	\$1,853	\$11,839
Other Funding						
GOCO**	\$107,665	\$140,000	\$145,000	\$146,000	\$0	\$538,665
Federal Funds***	\$61,303	\$46,824	\$38,775	\$0	\$0	\$146,902
Total Operating Dollars	\$321,811	\$337,650	\$416,719	\$278,285	\$68,238	\$1,422,703

* In fiscal year 01-02, the CNAP's staff was reduced and the vehicle lease was not renewed since the assigned vehicle was sufficient to serve the existing staff. In fiscal year 02-03 the staff was again reduced and the assigned vehicle was eliminated from the budget, therefore vehicle leasing was again necessary.

** The Department of Natural Resources did not apply for GOCO grants for the CNAP program in fiscal year 02-03.

*** The Department of Natural Resources did not apply for federal grants for the CNAP program in fiscal years 01-02 or 02-03.

Source: Colorado Natural Areas Program

Council

The Council does not have a dedicated budget. Council members serve in a volunteer capacity and do not receive compensation other than reimbursement for travel and other expenses. The Council is required to meet quarterly and attempts to hold some meetings in conjunction with visits to potential natural area sites to conduct evaluations. The CNAP staff report that the total expenses for the Council for the past several years has averaged less than \$1,100 per year.

Ostensibly, the Council provides a venue for the public to provide input to the Board on the inclusion of parcels of land on the registry of natural areas. However, an evaluation of public participation in Council meeting shows that the public rarely participates. Instead, meetings consist of CNAP staff briefing the Council on features and justifications for proposed sites. Table 2 below delineates attendance at Council meetings for the past five years.

Table 2
Natural Areas Council Meeting Participants

Public	Staff*	Council Members	Meeting Date	Total Cost
7	10	6	1998, March	\$200
2	6	3	1998, June	\$400 (est.)
5	7	5	1998, September	\$302
5	10	4	1998, November	\$302
6	6	5	1999, March	\$302
1	5	5	1999, June	\$302
4	6	5	1999, September	\$180
2	7	6	1999, October	\$180
0	7	7	1999, December	\$180
3	6	6	2000, March	\$180
1	4	4	2000, June	\$180
1	6	6	2000, September	\$322
2	6	6	2000, December	\$322
0	7	5	2001, March	\$322
0	5	4	2001, May	\$322
1	5	5	2001, June	\$322
2	7	6	2001, November	\$75
1	6	6	2002, March	\$125
1	6	5	2002, June	\$58
0	5	4	2002, September	\$486
0	4	4	2002, November	\$77
1	2	4	2003, April	\$56
2	8	4	2003, June	\$197

* Staff figure includes any Department of Natural Resources employees attending meetings for any purpose, including briefings.

Source: Colorado Natural Areas Program

Section 2-3-1203(2), C.R.S., requires advisory committees, such as the Council, to submit information to the Department of Regulatory Agencies detailing proposals made by the advisory committee, the results of the proposals and reasons why the advisory committee should be continued. During the past two fiscal years, the Council added five areas to the Registry and recommended nine areas for natural area designation. Seven of the areas were approved by the Board for designation and two are pending as of the time of this writing. In addition, the Council recommended expansion of two existing natural areas.

Analysis and Recommendations

Recommendation 1 – Continue the Colorado Natural Areas Advisory Council.

The level of awareness of the importance of protecting the environment in the United States began growing in the 1970s, as evidenced by the passage of several federal laws, such as the Endangered Species Act, the Pesticide Control Act and creation of the Environmental Protection Agency.

The preservation of natural areas is a worthy goal, one that the state has been formally involved in since 1977. In the beginning of the Colorado Natural Areas Program (CNAP), it could be argued that the focus and expertise of the State Board of Parks and Recreation (Board) was on the acquisition and maintenance of public lands for hunting, fishing, camping and other recreational uses. In other words, preservation of unique natural features was not a priority.

The Colorado Natural Areas Advisory Council (Council) was originally comprised of subject matter experts, such as geologists, biologists, zoologists, paleontologists, and botanists to provide expert advice to the Board in identifying unique areas of the state for inclusion in the CNAP. At the time, voluntary programs for the protection of natural areas were the only option available to the state for the preservation of these valuable resources. Current Council membership is not as heavily weighted with academic professionals. However, the members share a strong interest in the outdoors and the protection of natural resources.

Currently, Great Outdoors Colorado and private land trusts like the Nature Conservancy provide additional options for the preservation of unique areas of the state by purchasing land or conservation easements to be held in trust. However, CNAP is unique in that it is a public-private partnership that is a voluntary, low cost method to protect significant areas of the state.

Public participation at Council meetings is minimal. In all Council meetings except one over the past five years, staff members have outnumbered public participants. At five of the past 20 meetings, (25 percent) there were no members of the public in attendance. However, although the creation of the Council was to allow public input into the establishment of natural areas, attendance at meetings is usually only of interest to those parties submitting applications for inclusion on the Registry. Therefore, the low public participation is not a major concern.

During the course of this review, two Council meetings were postponed or canceled due to lack of a quorum. This can be partially attributed to the fact that one position on the Council has remained vacant since July of 2002.

The CNAP can continue without the services of the Council. The purpose of the Council is to advise the Board on inclusion of identified areas of the state in the CNAP. The Board can continue to designate natural areas and approve management plans without the services of the Council. Some statutory changes would be necessary to clearly transfer maintenance of the registry to the Board. However, this is not desirable.

The primary function of the Board is to promote and regulate recreational areas of the state. While the Board has oversight of non-recreational programs, it lacks the expertise to evaluate potential natural areas.

The Council is dedicated to evaluating natural areas and making recommendations to the Board. The system has been in place for over 25 years and has been effective and popular with those involved. Although popularity is not a compelling justification for continuation, when it is combined with effectiveness and low cost, the case can be made for continuation.

The following list provided by the CNAP details the significance of the areas currently classified as Designated Natural Areas by the Board.

Significant Protected Resources June 2003

Significant Resources Protected in State Natural Areas:

- 72 of the sites contain natural resources that are nationally significant. Of these, 40 sites contain resources that are significant on a global scale
- 6 sites have the best population in the nation of a federally-listed endangered species
- 30 sites protect rare species found only in Colorado (endemics & regionals)
- 27 sites have species that are vulnerable on a global scale
- 6 sites are also National Natural Landmarks as identified by the National Park Service
- Indian Springs is a 450 million-year old, one-of-a-kind fossil site
- S. Boulder Creek likely has the highest concentration of the Prebles jumping mouse
- Garden Park is where Stegasaurus -- the state fossil -- was first discovered
- High Creek Fen is a remnant of the Pleistocene Ice Age, with eight rare species
- Deep Creek contains the longest cave in the Rocky Mountains
- Wheeler Geologic is a former National Monument
- Orient Mine has one of Colorado's finest wildlife displays – the nightly flight of 150,000 bats
- Gothic has a history of 75 years of high-altitude research
- Fruita protects some of the oldest mammal fossils in the Western Hemisphere

-
- Mount Emmons is 1 of 8 known iron fens in the world

25 Years of Major Program Accomplishments:

- 105 sites of statewide significance designated or registered, protecting more than 180 rare species or habitats
- 38 management and protection projects on natural areas
- 40 management plans completed or inter-agency planning team participation
- 70 sites observed by volunteer stewards, most with masters-degree education
- State Land Board surveys completed on 2.7 million acres: 750 parcels in 58 counties
- 21 CNAP-nominated sites added to the State Land Board's Stewardship Trust
- Wetland surveys and projects at 52 state park sites
- 3 major management manuals; 2,500 requested copies regarding revegetation, weeds and wetlands
- 2 statewide geology and paleontology site studies
- Over 100 small grants awarded for research on natural areas or species of concern
- Partnerships with 43 entities – private, city, county, state, federal, non-governmental organizations
- 80 voluntary management agreements established
- Over the last 3 years, 21 sites designated and 53 volunteer stewards recruited
- Acres purchased for the Natural Areas Program: 0

As this list shows, many of the areas currently designated as natural areas have national and even international significance. All of the areas have factors which are unique in some way and demonstrate the beauty of Colorado. Many of the areas are on public lands and are available for educational and recreational visitations. The Colorado Natural Areas Advisory Council makes a significant contribution to the preservation of Colorado's environment at a minimal cost. Thus, this advisory body should be continued by the General Assembly.

Administrative Recommendation 1 - The Natural Areas Council and the State Board of Parks and Outdoor Recreation should work to promote natural areas to the public.

One of the purposes of establishing natural areas is for the use and enjoyment by citizens and visitors to the state. However, very little is done to inform the public that these areas exist. Granted, some areas are on private property and are not readily open to the public. Others may be environmentally sensitive and may not be appropriate for frequent visitations.

Those areas that are on state lands and suitable for public visits should be promoted in literature published by the Board and available at park entrances and other appropriate locations. The Board should also work with federal land managers, such as the U.S. Forest Service and the National Park Service, to promote designated natural areas on federal lands.

Appendix A – Existing Natural Areas

Natural Area	Recreational On-Site Visits
Aiken Canyon	5,000
Ant Hill	10
Antero/Salt Cr.	250
Arikaree River	50
Badger Wash	20
Black's Gulch	20
Blue Mtn./Little Thompson	20
Bonny Prairie	250
Boston Peak Fen	20
Brush Cr. Fen	20
California Park	100
Castlewood	199,656
Chalk Bluffs	0
Comanche Grassland	100
Copeland Willow Carr	1,000
Cross Mtn. Canyon	500
Dakota Hogback/Ken Caryl	25,000
Dave's Draw	50
Deep Creek	100
Deer Gulch	20
Dome Rock	9,800
Droney Gulch	100
Duck Cr.	20
Dudley Bluffs	100
East Lost Park/Lost Park	1,000
East Sand Dunes	50
Elephant Rocks	100
Elk River at Moon Hill	20
Escalante Canyon	2,000
Escalante Cr.	0
Farm Heronry	20
Fairview	100
Fourmile Cr.	0
Fruita	250
Garden Park	500
Gateway Palisade	50
Geneva Cr. Iron Fen	200
Gothic	200
Green Mtn.	1,000,000
Gunnison Gravels	100
High Creek Fen	250

Natural Area	Recreational On-Site Visits
High Mesa	20
Hoosier Ridge	100
Hurricane Canyon	20
Indian Spring	500
Indian Spring Trace Fossil	500
Irish Canyon	250
Jimmy Cr.	0
Kremmling Cretaceous	60
Lake Pasture	500
Lake San Cristobal	0
Limestone Ridge	50
Lookout Mtn.	250
Lower Greasewood	20
McElmo Canyon	100
Mexican Cut	200
Mini-Wheeler	20
Mishak Lakes	250
Mt. Callahan	0
Mt. Emmon Iron Bog	250
Mt. Goliath	1,000
Moosehead Mtn.	100
Narraguinsep	200
Needle Rock	500
North Park	10
Orient Mine	1,000
Owl Canyon	50
Paradise Park	50
Park Cr. Hogback	200
Pawnee Woodlands	0
Pyramid Rock	50
Rabbit Valley	1,000
Rocky Mtn. Woodfrog	0
Rajadero Canyon	250
Raven Ridge	100
Redcloud Peak	1,000
Rough Canyon	5,000
Roxborough	93,702
Running Cr. Field Station	20
Ryan Gulch	20
Saddle Mtn.	100
San Miguel River	50

Natural Area	Recreational On-Site Visits
Sand Cr.	0
Shell Rock	0
Slumgullion Earthflow	1,000
S. Beaver Cr.	5,000
S. Boulder Cr./Tallgrass	720,000
S. Cathedral Bluffs	250
Specimen Mountain	1,000
Tabeguache	20
Tamarack	250
Tern Island	100
Treasurevault Mtn.	20

Natural Area	Recreational On-Site Visits
Trinidad K-T Boundary	1,000
Unaweeep Seep	1,000
Uncompahgre Fritillary	100
West Creek	1,000
Wheeler Geologic	2,700
White Rocks	72
Williams Cr.	50
Yanks Gulch	50
Zapata Falls	1,000
Total	2,089,150