

AMENDED AND RESTATED LITTLE GAYNOR LAKE MANAGEMENT PLAN

This Little Gaynor Lake Management Plan (the "Plan") is entered into this 2nd day
August 2022, by the County of Boulder, a body corporate and politic ("County").

RECITALS

- A. The County owns Outlots A, B, C and D, Tract A, and Lot 8 of Hillcrest Heights Replat B, County of Boulder, State of Colorado, according to the plat recorded in Planfile P-30, F-1, 50-51 (the "Plat"), hereinafter individually referred to collectively as the "Property," which Property is the subject of this Plan. A diagram of the relative locations of the outlots comprising Property is depicted on Exhibit A.
- B. The Property includes the wetlands and the west half of Little Gaynor Lake (the "Lake"), one of only two naturally occurring playas (small, naturally occurring, round, shallow depressions without natural outlets that support intermittent wetlands and waterbodies at the lowest point in their own watersheds and are important ecosystems that support diverse wildlife) in Boulder County, and will be managed in its natural state.
- C. The Property must be managed in accordance with the restrictive covenants included in the deed by which the County acquired the Property in 1997 and which may be found in the records of the Boulder County Clerk and Recorded at Reception Number 1741463.
- D. The east half of Little Gaynor Lake (the "Lake"), immediately adjacent to Outlot A, is privately owned, meaning the County has limited management rights or authority over the east half of the Lake.
- E. The Original Management Plan for the Property was adopted on October 17, 1997, at the time the County acquired the Property. Exhibit B, attached hereto, documents the history and past management options explored for the Lake.
- F. Due to changed conditions at and around the Property, greater understanding of the natural resources associated with the Lake and the Property, and the County's experience managing the Property since the Original Management Plan was adopted, the County is adopting this Plan to amend, supersede, and replace the Original Management Plan

MANAGEMENT PLAN

1. Purpose

The purpose of the Plan is to protect the natural resources of the Property, currently designated as Critical Wildlife Habitat #16 - Gaynor Lakes in the Environmental Resources Element of the Boulder County Comprehensive Plan (the "Comprehensive Plan"). The Property shall be managed in a manner that protects the Property in its natural state.

This Management Plan provides consistency in the regulation and management of the habitat that comprises the Property. This Plan is also consistent with the conditions set forth by the Board of County Commissioners in Docket EP-96-02: Hillcrest Heights Replat C, the subdivision that surrounds the west side of the Lake.

2. Management Plan Goals

The Plan's goals are to maintain the Property for the natural values and Critical Wildlife Habitat for which it was acquired, allowing the Lake to function as a natural playa, without disruption of the natural ecosystem or permanent modifications to the Property.

The Critical Wildlife Habitat designation description in the Comprehensive Plan is as follows: "Lake, shore, marsh and wetland supporting a high diversity and density of avian species, including migrating waterfowl. Grassland habitat used as Burrowing Owl nesting habitat. One of only two natural playas in Boulder County (the other is Sombrero Marsh - CWH37)."

The County acknowledges that, as a natural playa with no natural outlet, the Lake and associated wetlands comprising the Property will undergo seasonal, annual, and long-term fluctuations in water level based on runoff, direct precipitation, and evaporative losses. Due to the nature of this playa and the development surrounding the wetland and Lake, the Property receives both natural and artificial inputs and will see seasonal fluctuations based on water use from homeowners and agricultural operations, precipitation variability, drought, and other natural causes. The variety and density of wildlife will also go through fluctuations as the amount of water in the Lake and wetlands varies over time.

3. Management Plan Direction

- A. To comply with the terms of the restrictive covenants in the deed by which the county acquired the Property, the County may not construct additional structures on the Property or alter the grading of the Property by dredging or filling the Lake or its associated wetlands, and the Property shall be maintained in its natural, unmanicured condition.
- B. To comply with the terms of the restrictive covenants in the deed by which the county acquired the Property, no human use of the Property, other than the bird blind and parking area on the north shore of the Lake, shall be permitted except for management purposes or emergency services. The County shall install and maintain signs that indicate that the Property is a wildlife sanctuary and that no trespassing shall be allowed.
- C. The County will also not increase artificial water inputs to the playa or the wetlands and will not seek to artificially regulate the water level through pumping, dredging, installation of permanent outlet infrastructure or other installation because doing so would disrupt the natural cycle of the Lake and, since the Lake has no outlet, provide no sustained benefit to either water quality or the habitat the County seeks to protect.
- D. The County will allow water levels to naturally fluctuate based on the factors listed in Section 2. The existing drain grate along North 95th Street (elevation 5,017.5') is the seasonal high-water level for the wetland in Outlot D and is not a minimum water level. No additional extension of the concrete collar at the drain grate is permitted.
- E. The County will manage vegetation on the Property, including weed mitigation and planting native species as prescribed by County resource specialists.
- F. The County may take reasonable actions to attempt to prevent fertilizers from the surrounding residential development from entering the wetlands or Lake but will not add chemicals to artificially change the chemistry of the lake or engage in any other management activity that would thereby alter the natural ecosystem.

4. Monitoring Site Conditions

The County will monitor the Property, depending on available resources, and may use data and information collected by the homeowners who live around the Lake, citizen scientists, researchers, or other outside entities for monitoring purposes. The parameters to be monitored, which may be amended by the County in the future, are as follows:

- A. Water levels
- B. Avian and other biological diversity
- C. Noxious weeds

5. Amendments

Amendments to this Management Plan will be made by Boulder County in its discretion.

6. Governmental Immunity

By adopting this Plan, the County in no way waives or intends to waive the limitations on liability which are provided to the County and its employees under the Colorado Governmental Immunity Act, C.R.S. §§24-10-101 et seq., as amended.

7. Funding

Financial obligations of the County payable after the current fiscal year are contingent upon funds for that purpose being appropriated, budgeted and otherwise made available. All payment obligations under this Plan are from year to year only and do not constitute a multiple-fiscal year direct or indirect debt or other financial obligation of the County. This Plan is subject to the appropriation of funds for the fiscal year 2021, and each year thereafter.

8. Acts Beyond the Control of County

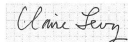
If the County is rendered unable wholly or in part to carry out its obligations under this Plan due to acts beyond the County's control, the obligations of the County shall be suspended during the continuance of the force majeure and/or interfering action. Acts beyond the County's control shall mean, but not be limited to, forces or events beyond the County's control which interfere with the County's obligations, including force majeure, any action or order by Federal or State government or court of competent jurisdiction, or any act by third parties who may have an interest in the property which is the subject of this Plan.

9. Recording

The Plan, and any future amendments of the Plan, shall be recorded in the records of the Boulder County Clerk and Recorder.

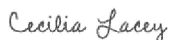
This Plan is agreed to and approved by the Board of County Commissioners at a meeting held on July 26, 2022.

**BOARD OF COUNTY COMMISSIONERS
OF BOULDER COUNTY**



Claire Levy, Vice-Chair

ATTEST:



Clerk to the Board

Recorder's Note: 10-28-97
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Page: 10 of 10
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EXHIBIT A

Boulder County Clerk, CO PLAN

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Wild View
A LIVING SANCTUARY

- Fencing

