



## **Crested Butte Land Trust Property Use Protocol**

### **Application Instructions**

February 2023

### **Guiding Philosophy**

The Crested Butte Land Trust (Land Trust) is a private, non-profit corporation that owns and manages land to provide ecological, social and economic benefits in the Gunnison Valley. Preserving and restoring natural areas provides both direct and indirect benefits to the public. Lands owned by the Land Trust safeguard important community amenities, such as hiking, bicycling and cross-country ski trails, and scenic views. Protected lands also provide important ecosystem services including water purification, flood control, and erosion control. In addition, protected lands are managed to promote the sustainability of Gunnison Valley's ranching heritage and to safeguard habitat for wildlife.

The Land Trust is obligated to ensure that the diversity of uses on Land Trust lands are compatible with the character and natural resource values of the landscape. As recreational demands escalate in Crested Butte, protected lands will be under increasing pressure to serve more needs and uses. Therefore, proposed new, expanded and/or recurring commercial uses, and proposed long-term uses such as utilities and access agreements, etc., must be carefully scrutinized, justified and assessed for their impacts. Recognizing that ecological management and public use of natural areas can sometimes be in conflict, the Land Trust hereby outlines the following protocol for reviewing and evaluating new, expanded and/or recurring uses on conserved lands. The protocol is a streamlined process through which the Land Trust responds to use requests reasonably and fairly. This protocol is applicable only to lands the Land Trust owns. However, it may be used as a guideline for landowners who have encumbered their land with a conservation easement or agreement.

### General Criteria for Use of Conserved Lands

Use of Crested Butte Land Trust lands and waters are generally appropriate if it meets **all** of the following criteria:

1. The use is within the mission, goals and objectives of the Crested Butte Land Trust.
2. The use is consistent with the terms and intentions of the conservation easement deed and/or land management plans that regulate use on the property
3. The use is compatible with the overall management plan objectives for the particular parcel(s) requested

4. The use does not permanently exclude, eliminate, degrade or conflict with other established and accepted public uses of an area
5. The use protects or avoids impact to critical natural resources or resource values.
6. The use is not specifically prohibited by law, rule or regulation

## **When Permission is Needed**

### **A. Special Events or Short-Term Activities.**

Some activities and events, while legally and environmentally permissible, and in compliance with 1-6 above, may affect natural resources, or exclude other public uses for varying periods of time. The Land Trust will thoroughly vet all proposed events to consider if they are consistent with the management goals of the requested property(ies). Any proposed event, or short-term use on Land Trust lands may be conducted only with prior written permission from the Land Trust.

Generally, written permission is required when:

1. An event is organized or publicized
2. Participation involves a fee (charge by organizers to participants) even if the fee is a donation to another non-profit organization
3. Products used for commercial purposes are expected to result from the use (for example photographs, video, artwork)
4. Any installations requested to occur on Land Trust properties, such as art or educational resources
5. Drone flights over CBLT properties for any purpose, including photography, scientific research, marketing etc.
6. The proposed use involves a new, recurring, or expanded activity
7. The use is likely to, or may, conflict with other established, traditional uses, such as hiking, bicycling, cross-country skiing, wildlife habitat, agriculture and scientific research

Written permission is not transferable and will include a description of the permitted use, all imposed conditions, and guidelines.

### **B. Guided Tours, Workshops, Play Groups or Other Commercial and/or Guided Uses**

The Land Trust manages some of the closest and most accessible trails to the Town of Crested Butte. In addition to being some of the closest trails to Town, they are also some of the most heavily used trails in Gunnison County. This requires the Land Trust to manage our trails in a method that helps balance use to prevent crowding and resource damage. Further, the Land Trust is required to protect and improve the conservation values of the properties which the trails are on. A use request must be submitted to the Land Trust for any proposed new, expanded or recurring guided tours, play groups, or commercial uses on any of the following trails and properties:

1. The Lower Loop area - Single Track/Wide Path, K.B. Connector Trail

2. The Upper Lower and Lower Lower Loop to Gunsight Bridge
3. Gunsight Bridge area
4. Peanut Mine area
5. Budd Trail
6. Gunsight Connector Trail
7. Lupine 2 Trail
8. Long Lake
9. The Rec Path between Crested Butte and Mt. Crested Butte. Approval may also be required from the Town of Mt. Crested Butte.

The use request must be submitted in writing at least 90 days prior to the requested use. The Land Trust will evaluate requests with consideration to the time of the season and with regards to existing requested uses. As a reminder, all entities requesting to lead tours or play groups **MUST** have liability insurance for the activities being conducted and must have the ability to list the Land Trust as additionally insured.

Lastly, land management protocols and regulations vary between land managing agencies. The Crested Butte Land Trust's conserved properties lie adjacent to Town of Crested Butte property, other private property boundaries and/or federal public lands, managed by the US Forest Service or Bureau of Land Management. It is important to understand where Crested Butte Land Trust property ends and where the next property begins. The Crested Butte Land Trust may coordinate with these entities, and it reserves the right to deny requests that might be inconsistent with our neighboring landowners' land management goals. If you anticipate crossing boundaries between a Crested Butte Land Trust property and another property that is either owned or managed by a different entity, it will be necessary to consult and receive approval from said entity prior to your requested commercial use.

No commercial use, guided tours, or play groups will be permitted on the Woods Walk trail or on the Slate River.

### C. Longer-Term Activities

A formal written lease may be entered into with the Land Trust for certain longer-term activities that may allow the user some interest in the land but does not transfer contractual, vested, or property rights. The proposed use cannot permanently exclude any other public uses of the land. Any proposed long-term activity on Land Trust lands may be conducted only with prior written permission from the Land Trust.

### **Process to Request Permission**

Any individual or organization seeking a new, recurring and/or expanded use shall file a request, in writing, stating a description of the use being requested. **In the request, please provide a detailed description of the proposed use, including trails or properties requested for use, dates of use, number of participants, and any other pertinent information. In addition, please indicate how the proposed use is compatible with**

**numbers 1-6 listed in the “General Criteria for Use of Conserved Lands” section.** Even with recurring long-term uses or activities, an updated use request must be submitted to the Land Trust at least annually. If the proposed use is approved, an approval letter will be sent out that outlines the dates of approved uses.

#### Evaluation Process and Timing

Any new, expanded or recurring uses will be reviewed by the Land Trust for consistency with the conservation easement(s), land management plan(s) and goals of the property(ies) requested. In addition, the Land Trust will consider any existing uses already occurring in the area and the time of season to avoid overcrowding. This review process may require a site visit, contacting funding sources or donors of the land, if applicable, and contacting surrounding neighbors. The Land Trust may determine that an impact deposit is also necessary, in an amount reasonable to the size and planned activities of the event or use. In all cases, however, the Land Trust shall have no obligation to confer with third parties, and, if it does, any third-party opinions about the propriety of granting or denying a special or expanded use request shall be advisory only. The Land Trust retains exclusive authority to grant or deny special or expanded use requests.

The Land Trust may approve or deny a request for a new use at its discretion. All considerations will be taken up as schedules of Land Trust staff allow, which may take up to 90 days. The Land Trust may approve, approve with modification, or reject the request for any requested use. There shall be thorough documentation of all decisions and supporting information including updating Management Plans, and opinions of other organizations involved in the decision, as appropriate. All new, recurring or expanded uses that are approved by the Land Trust will be made in writing, and signed by both parties.

#### **Application Fees and Deposits**

The Land Trust permits the public to use our properties where public access is allowed, free of charge. However, we are required to manage commercial use on these properties. Over the past several years, this has necessitated a significant amount of staff time to collect, evaluate, approve and track commercial uses occurring on Land Trust properties. As a small organization, this can impact our ability to focus on other important aspects of our mission. Use requests will only be considered when accompanied with an application fee payment.

If the requested use goes beyond a typical request, in addition to the non-refundable application fee, the Land Trust may require a deposit of \$1,000 to cover Land Trust costs for reviewing the request and ensuring compliance with the agreement. The decision to require a deposit will be considered based upon the potential complexity of the request and its potential impacts to Land Trust properties. The Land Trust reserves the right to utilize deposit funds to mitigate any damages caused by the requested use. Further, the applicant may be responsible for providing information and reports necessary to determine the feasibility and environmental impacts of its proposal, compliance with applicable laws and regulations, and terms and conditions to be included in the authorization. Any

unexpended portion of the \$1,000 deposit shall be refunded upon expiration of the agreement. The Land Trust may request a contribution to its Stewardship Fund if the nature of the use will increase the Land Trust's stewardship responsibilities.

Application Fee

Non-profit programs and play groups - \$150  
Commercial users - \$350

As a 501c3 non-profit organization, our land protection and stewardship efforts are made possible with generous donations from individuals and businesses within the community. If possible, please consider making a donation in addition to the Application Fee. Thank you!

Additional Information

Any organization that provides hikes, tours, workshops, etc., for which a fee is charged to clients, shall include in its written materials a statement that "No part of the fee for this activity is being paid to CBLT"

In addition, any organization that provides hikes, tours, workshops, etc., is also requested to donate to the Land Trust in support of effective land conservation and stewardship .

\_\_\_\_\_  
Commercial Use Applicant

\_\_\_\_\_  
Date