



Marble Wetlands Management Plan

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Prepared For:
The Town of Marble
&
The Trust for Land Restoration

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SECTION 1 - INTRODUCTION

The Marble Wetlands Preserve (the Property) is an approximate 53.44-acre parcel located in the Town of Marble in Gunnison County, Colorado. The Property lies along 0.55 miles of the Crystal River, and is in a relatively undisturbed state, except for some access roads and historical mining use. The Trust for Land Restoration (TLR) (the “Landowner”) has acquired the Property to remediate past mining activities and is working with the Town of Marble (Town) to transfer ownership to the Town. Upon completion of remediation activities and receipt of a No Further Action letter from the Colorado Department of Public Health and Environment (CDPHE) a final determination on the Property will be granted and a perpetual conservation easement will be donated to the Aspen Valley Land Trust.

The Property is intended to provide wildlife habitat and passive public access. The Property’s management shall support the ecological state it is currently in, with public access along existing roads, the Crystal River, and Raspberry Ridge Trail Head. This Management Plan relies on the Baseline Report (*Appendix 1: Rare Earth 2023*) for baseline information about the Property, much of which is summarized in this document. Information about the Property’s geology, topography, soils, land uses, biological resources all are summarized from the Baseline Report (Rare Earth 2023). This Management Plan’s use is to outline the agreed-upon best practices for management of the Property in a manner that most supports the Property’s conservation values.

SECTION 2 - MARBLE WETLAND’S MANAGEMENT GOALS and OBJECTIVES

The management objectives for the Property are to maintain the integrity of the Property’s ecological values while providing for passive recreation, as established in the Deed of Conservation Easement, prioritizing ecological health and function of the wetlands and aquatic habitats. The purpose of this Management Plan is to provide guidance for the management of public use of the Property in a manner that best protects the conservation values associated with the Property and establish practices to conserve the ecological function of the Property. The Property provides open space, characterized by its relatively natural habitat, with little anthropogenic disturbance. The Property provides opportunities for passive recreation and excellent education opportunities. Management goals are as follows:

- Maintain the ecological integrity of the property and its conservation values.
- Provide for passive recreation.
- Monitor and enforce the terms of the Conservation Easement (once established).

SECTION 3 -GENERAL DESCRIPTION OF THE PROPERTY

3.1 Property History

The Property was previously the location of a historical smelter, known as the Hoffman Smelter Site, which operated in the early 1900s and has been abandoned for approximately 100 years. The smelter occupied approximately 1/8-acre of the Property, and a residual slag pile from the smelter operations remains to this day. Through the efforts led by TLR in partnership with Trout Unlimited (TU), Voluntary Cleanup of the slag pile has been completed to remediate and stabilize the hazards of the site. Outside the extents of the slag pile, the remainder of the site does not have any visual indications of contamination and healthy and abundant vegetation has been noted to surround the slag pile and the wetlands which predominate much of the area on Site.

For the last 50 years, according to locals, the Property was under private ownership that allowed passive public use of the property, including cross-country skiing, hiking, fishing and birdwatching. A public-fishing-access easement was granted to the State of Colorado in the 1950s and it is still in place (*Appendix*

2). Additionally, In 1969, a previous landowner granted a private-access easement to the neighboring landowner to the east, who utilizes and maintains about ½ mile of road through the property as that neighboring landowner's principal access driveway (*Appendix 3*).

3.2 Physical Characteristics

3.2.1 Location

The Property is located in parts of Sections 25 and 26, Township 11 South, Range 88 West (6th Principal Meridian), Gunnison County, Colorado. County Road 3C (Marble Quarry Road, Marble, Colorado 81623).

3.2.2 Property Setting and Description

The Property is approximately 53.4 acres in northwestern Gunnison County, Colorado and located just outside of the Town of Marble's limits. The Property is situated on the Crystal River, directly south and southeast of the Town of Marble (*Attachment 1: Property Location Map*), and about 23 direct miles south of Carbondale.

The Property lies in the Southern Rocky Mountains, on the west side of the Continental Divide, in the Crystal River drainage of the greater Colorado River watershed. The elevation of the Property is about 8,000 feet.

3.2.3 Geology and Topography

The following discussion is summarized from the Mineral Assessment Report for the Property (Rare Earth 2023b).

In the Town of Marble area, the valleys have been heavily glaciated and were carved in relatively soft, young rocks (i.e., Upper Cretaceous-age Mancos Shale). Slopes throughout the local area have been over-steepened by glaciation and are prone to avalanches and mud/debris flows. Economically important marble deposits formed nearby in metamorphosed Mississippian-age Leadville Limestone that was domed and intruded by an igneous stock (known as the Treasure Mountain Dome), along with base- and precious-metal deposits formed in contact-metamorphosed Mancos Shale near the Treasure Mountain Dome.

The Property itself consists of a surficial veneer of recent Holocene-age alluvium and fan deposits, which include clay- to boulder-sized materials found along the Crystal River drainage. These materials overlie bedrock Upper Cretaceous-age Mancos Shale, which consists mostly of dark olive-gray shale with several prominent sandstone beds. The Mancos Shale accumulated about 95-million-years ago in offshore and open marine environments of the Interior Cretaceous Seaway and is upwards of 5,000-feet thick in parts of Gunnison County. *Attachment 2* provides a generalized map showing the primary geologic units in the area around the Property.

The Property is an irregularly shaped polygon transitioning from flat to gently sloping topography in the north part of the Property in the floodplain of the Crystal River, to rolling and extremely steep topography in the south part of the Property. The Property ranges in elevation from about 7,960 feet above mean sea level near its northwest corner where the Crystal River flows off the Property, to about 8,200 feet on its south boundary (*Attachment 1*).

3.2.4 Soils

The Property's surface soils are derived from the geologic conditions described above. The Property's soils are predominantly formed from alluvium from igneous and sedimentary rock. None of the Property's soils are identified by the NRCS as "prime farmland" or other soil of agricultural significance.

3.2.5 Surface Hydrology

The Property lies on the west side of the Continental Divide within the Roaring Fork River District of the larger Colorado River drainage basin. The principal surface water feature on the Property is the Crystal River, which flows westerly in the north part of the Property for nearly 0.6 miles in a relatively broad floodplain. The confluence of the north-flowing Yule Creek and the Crystal River is also present in the northeast part of the Property. The hydrologic regime of the Crystal River floodplain is heavily influenced and enhanced by the activity of beavers. About 25 acres of the Property are in a mosaic of permanently or seasonally inundated emergent or willow shrub wetlands and perennial ponds interconnected with beaver canals.

At least three north-trending seasonal drainages that are tributaries to the Crystal River drain the south part of the property. These drainages have mostly low or ephemeral flow on moderately steep ground, flowing mainly during spring runoff. One drainage is particularly active and shows signs of recent erosion control efforts and materials deposits at its base.

3.3 Land Use

The Property has not been subjected to excessive disturbance nor human use, currently or historically. Land use is not expected to change under this management plan. However, should land use change in the future, this Management Plan shall outline the guidelines for managing those uses.

3.3.1 Current Land Use

Land use in the vicinity of the Property is mostly rural residential, ranching, and mining. Hunting, fishing, backcountry skiing, off highway vehicle touring, and other forms of outdoor recreation are economically important land uses in the area. The Marble Quarry is active, and mining vehicles use the Marble Quarry Road, which passes through the Property and from which the Property is accessed.

Improvements on the Property include Gunnison County Road 3C (CR 3C), the neighbor's access road driveway, and a reclaimed slag pile on a historical smelter site (*Attachment 3*).

3.3.2 Historic Land Use

The main historic uses of the Property are mining, fishing, passive recreation, and access to nearby public and private lands. The northwest portion of the Property historically featured a smelter site. Mineral prospecting and/or materials borrow also occurred as described in the Existing Improvements and Structures section below. Social and private access historically occurred on the access road through the property.

3.3.3 Adjacent Land Use

The Property adjoins the White River National Forest to the south, and the Beaver Lake State Wildlife Area (BLSWA) to the north and west, comprising the prominent adjacent land uses (*Attachment 1*). Isolated, rustic development consisting of the Snowbound and Yule Creek Lodge properties are situated along the eastern and small portion of the southern boundary, respectively.

3.3.4 Existing Improvements and Structures

Roads. County Road 3C (Marble Quarry Road), a maintained gravel road, contours through the southwest part of the Property for about 0.27 miles. The Property's current main access road, the result of an access easement granted to the neighboring property owner in 1969, serves as an access driveway and trail to traverse the property. It consists of a constructed one-lane road with a lightly graveled driving surface, leads north-by-northwest from the Marble Quarry Rd to the smelter site, then trends east-by-southeast along the south edge of the Crystal River floodplain and exits the Property's east boundary beyond a locked gate. A spur of this road extends west from the mill site to a gate. Beyond the west gate, an unimproved two-track road extends and off the Property. The two-track road is inundated during flood events.

An improved two-track road with native driving surface extends southerly from the main access road to the Yule Creek Lodge and County Road 3C, located south of the Property. This road is not maintained and has significant erosion activity.

Trails. The USFS Raspberry Creek Loop Trail initiates from the Marble Quarry Road in the southwest part of the Property, providing access to the Raggeds Wilderness to the south. An apparent social trail extends from the main access road along the Property's east boundary in the approximate location shown in *Attachment 3*. A brushed trail is present near the south boundary in the area of Yule Creek Lodge (*Attachment 3*). The trail has not been recently cleared, and its function is unknown, although it appears to lead to one or more of the discovery hole locations related to the historical mining uses on and near the Property.

Fencing. The Property does not have a perimeter fence. Wooden buck rail fencing in good condition exists around the Hoffman Smelter Reclamation Site to exclude access. An additional wooden post-and-rail fence blocks entry to an old access to a defunct irrigation ditch headgate and Parshall flume on Yule Creek near the east Property boundary.

Historical mining-related features. A smelter site is located in the northwest part of the Property (*Attachment 3*). It contains a slag pile and repository area that has been remediated and enclosed with a buck rail fence. Three "discovery cuts" are present in the southeast part of the Property (*Attachment 3*). These are likely mineral prospecting holes created around the turn of the last century or were possibly old rock borrow locations for a railway that once traversed the area near the Property. Some rock rubble is present around these locations.

Historical irrigation features. A defunct irrigation headgate is present on Yule Creek in the east part of the Property (*Attachment 3*). A remnant earthen ditch and Parshall flume are near this headgate. The purpose of these structures, and their last date of use, are unknown.

Miscellaneous. Several large slabs of marble are present on the Property, in the mill site, in the upland meadow in the northwest part of the Property, and near the gate where the main access road exits the south Property boundary. Signage on the Property includes an entrance sign and a "no camping" sign posted on the main access road, signs posted at the mill site, and signage related to the USFS Raspberry Loop Trailhead. Some old lumber that was potentially a small shack was observed in the southeast part of the Property. An old bathtub is located near the irrigation headgate.

SECTION 4 - ECOLOGICAL RESOURCES

The entirety of the Property lies within the Crystal River Potential Conservation Area (PCA) designated by the Colorado Natural Heritage Program (CNHP 2022; Rocchio 2002). CNHP ranks the PCA as

having High Biodiversity Significance because of the occurrences of several plant associations considered rare and/or globally vulnerable. Two of these plant associations, montane and lower montane willow carrs, are found on the Property. PCAs are intended for conservation planning purposes and to designate ecologically sensitive areas supporting a high level of biodiversity which land managers may wish to consider during planning and policymaking. Preservation of biodiversity is key to maintaining ecosystem resilience and health.

4.1 Riverine

The Crystal River runs from east to west through the Property and Yule Creek is tributary to the Crystal River, flowing into the Crystal from the north. The Crystal River has a rocky substrate and drains steep terrain with high energy flows. Intact riparian vegetation occurs along the banks, but at low flow, the river is braided between the banks. Yule Creek has a low gradient through the property, with riparian and wetland vegetation along the banks, providing excellent habitat for invertebrates and macroinvertebrates. It would be worth consulting with CPW to determine whether Yule Creek could be improved to support the Crystal River fishery, perhaps to provide spawning habitat, and/or fry habitat for the Colorado cutthroat trout.

4.2 Beaver Pond Riparian Wetland Complex

A beaver pond riparian wetland complex comprises the majority of the north part of the Property between the Crystal River and the main access road, about 25 acres (*Attachment 4*).

These areas are a mosaic of willow carr wetlands, graminoid emergent wetlands, and open water, with woodlands in the margins and transition areas. The Rocky Mountain willow / bluejoint reedgrass (*Salix monticola* / *Calamagrostis canadensis*) association is the dominant plant association, with areas of Drummond willow / bluejoint reedgrass (*Salix drummondiana* / *Calamagrostis canadensis*) shrubland. Emergent wetlands are dominated by sedges, including water sedge (*C. aquatilis*), beaked sedge (*C. utriculata*), Nebraska sedge (*C. nebrascensis*), woolly sedge (*C. pellita*), mixed with bluejoint reedgrass and cattails (*Typha* spp.). The margin woodlands are patches of blue spruce / thinleaf alder (*Picea pungens* / *Alnus incana*) association, with occasional narrowleaf cottonwoods (*Populus angustifolia*) and Rocky Mountain juniper (*Juniperus scopulorum*) along the riverbank or the toe-slope along the south edge of the complex. Other riparian shrubs and forbs present in or near the transition zone include twinberry (*Lonicera involucrata*), serviceberry (*Amelanchier utahensis*), currant (*Ribes* spp.), redosier dogwood (*Cornus sericea*), hawthorn (*Crataegus* spp.), baneberry (*Actea rubra*), wild rose (*Rosa woodsii*), heartleaf bittercress (*Cardamine cordifolia*), wild strawberry (*Fragaria* spp.), fireweed (*Chamaenerion angustifolium*), false hellebore (*Veratrum* spp), wild geranium (*Geranium* spp.), and false Solomon's seal (*Maianthemum stellatum*).

4.3 Upland and Transition Communities

A mixed conifer-aspen forest occupies about 20 acres; most of the south part of the Property, on the slopes rising above the main access road. The tree species are aspen (*Populus tremuloides*), Douglas fir (*Pseudotsuga menziesii*), and Engelmann spruce (*Picea engelmannii*), with occasional blue spruce and narrowleaf cottonwood. The shrub understory is dense and vertically well-stratified and includes serviceberry, chokecherry (*Prunus virginiana*), Rocky Mountain maple (*Acer glabrum*), Gambel oak (*Quercus gambelii*), common juniper (*Juniperus communis*), snowberry (*Symphoricarpos* spp.), and wild raspberry (*Rubus* spp.). Low growing shrubs and herbaceous plants include mountain lover (*Paxistima myrsinites*), Oregon grape (*Mahonia repens*), osha (*Ligusticum porteri*), yellow violet (*Viola nuttallii*), blue violet (*Viola adunca*), yarrow (*Achillea millefolium*), waterleaf (*Hydrophyllum* spp), meadowrue (*Thalictrum canadensis*), American vetch (*Vicea americana*), heartleaf arnica (*Arnica cordifolia*), bunchberry dogwood (*Coirnus canadensis*), western clematis (*Clematis occidentalis*), cinquefoil

(*Potentilla hippiana*), red columbine (*Aquilegia canadensis*), wild strawberry, elk sedge (*C. geyeri*), mountain brome (*Bromus carinatus*), Forest canopy openings tend to have dense stands of Gambel oak or snowberry. This mixed forest may have been logged in the southeast part of the Property.

Montane meadows occur in the west part of the Property, on rolling terrain between the river corridor and the Marble Quarry Road. Grasses include smooth brome (*B. inermis*), crested wheatgrass (*Agropyron cristatum*), and orchardgrass (*Dactylis glomerata*), especially around the mill site. Other conspicuous montane meadow plants include snowberry, sneezeweed (*Senecio* spp.), larkspur (*Delphinium* spp.), cinquefoil, dandelion (*Taraxicum officinale*), clover (*Trifolium* spp.), mullein (*Verbascum thapsus*), mules ears (*Wyethia* spp.), wild strawberry, currant, false Solomon's seal, cow parsnip (*Heracleum maculatum*), meadowrue, wild geranium, and wild buckwheat (*Eriogonum* spp.).

4.4 Weeds

Weeds present on the site include tansy (*Tanacetum vulgare*), houndstongue (*Cynoglossum officinale*), yellow toadflax (*Linaria vulgaris*), Canada thistle (*Cirsium arvense*), oxeye daisy (*Leucanthum vulgare*), and common mullein.

4.5 Wildlife

The Property provides habitat for big game, small mammals, birds, amphibians, and fish, including potential habitat for state and/or federal special status species. Special status species are those protected by federal or state laws, recognized by the state as a Species of Concern, or recognized as rare or imperiled by organizations such as the CNHP (CPW 2023a, CNHP 2022).

4.5.1 Big Game

The Property lies within overall range for elk and deer (Armstrong et al. 2011), and the CPW (2015) maps the entire Property as elk and deer summer range (*Attachment 5*). The Property is important to the overall conservation of elk habitat and movement corridors in the area, and to maintaining and buffering open space near elk critical winter range and production areas. Elk find excellent forage, thermal cover, and security on the Property. Moose find excellent habitat on the Property - wetlands near forest edges, and the Property lies within CPW-mapped moose summer range (*Attachment 5*).

The Property lies within overall range of black bear (Armstrong et al. 2011). The black bear is a wide-roaming species with a relatively large territory size requirement. Black bears are commonly observed on and near the Property during summer and fall months. The Property provides excellent foraging habitat, cover, water resources, and seclusion for black bear.

The Property lies within the overall range of mountain lion, a wide-roaming species with a relatively large territory size requirement (Armstrong et al. 2011). The Property provides good habitat for mountain lion, with its varied topography and dense vegetation cover. Mountain lions are common in the area, following mule deer, their primary prey.

4.5.2 Birds

The Property provides habitat or habitat linkages for small animals with large home ranges moving across the surrounding landscape, including many neotropical migratory songbirds (Kingery 1998) whose populations are declining in all or parts of their ranges (Rosenberg et al. 2019). These include pine grosbeak, pine siskin, mountain chickadee, mountain bluebird, house wren, brown-capped rosy finch, gray jay, Clark's nutcracker, northern flicker, Lewis' woodpecker, western tanager, brown creeper, chipping sparrow, hairy woodpecker, and red-breasted nuthatch. Black swifts, which nest on ledges behind or near waterfalls, have been documented within a few miles of the Property, and may forage on the wing for insect prey on the Property. Raptors such as golden eagle, sharp-shinned hawk, Cooper's

hawk, northern goshawk, northern harrier, and great-horned owl are expected to be fairly common (seasonally) in the area. A variety of waterbirds and wetland-dependent birds are expected to breed along the river and creek corridors, and in the wetlands, willow shrublands, and pond margins on the Property, including Canada geese, mallards, mergansers, teal, sora, veery, olive-sided flycatcher, and great blue heron.

4.5.3 Small Mammals, Reptiles, and Amphibians

Beaver. Beavers are probably the most significant wildlife species on the property, and their activity has likely been the dominant force in creating and supporting the wetland habitats that exist on the Property. Beavers are active across the 25-acre Crystal River floodplain in the north part of the Property, where multiple beaver dams, ponds, canals, and food caches are present. Beaver activity on the Property provides benefits to both humans and to wildlife communities. As an ecological keystone species, beavers have a disproportionately large beneficial impact on the environment relative to their abundance. Beaver activities create mosaics of wetlands and open waters within floodplain environments, providing (and not limited to) the following benefits: increased biodiversity in flora and fauna; water retention and aquifer recharge; floodplain attenuation and regulation of water flow, improved water quality from wetland filtering of water pollutants and sediment; and erosion reduction and restoration of down-cut stream channels. These benefits provide localized drought resilience and contribute to the overall integrity of the landscape.

Other Small Mammals, Reptiles, and Amphibians. Small mammals that are expected to occur on the site include coyote, red fox, bobcat, badger, weasel, striped skunk, raccoon, cottontail, snowshoe hare, chipmunk, tree squirrel, pine marten, porcupine, marmot, mice, voles, woodrats, muskrat, and shrew. Several bat species are expected to occur as seasonal migrants or visitors on the Property, finding suitable roosts and foraging habitat in the Property's forests and wetlands.

Reptiles and amphibians anticipated to occur on the Property are western terrestrial garter snake, smooth green snake, western chorus frog, and tiger salamander (Hammerson 1999).

Fish. The Crystal River is a popular trout fishery, with people fishing on or near the property. Rainbow trout, brook trout, cutthroat, and occasional brown trout likely occur in the area.

4.5.4 Special Status Species

No surveys for special status species have been conducted on the Property. Based on the Property's location and habitat characteristics, and the known ranges of species in the region, the Property provides or has the potential to provide habitat, habitat linkages, or habitat buffers for some special status species. The boreal toad (*Bufo boreas boreas*) is listed as endangered under the Colorado Nongame, Endangered, or Threatened Species Conservation Act (CPW 2023a). The northern leopard frog and the Colorado River cutthroat trout are both State Species of Concern. The property's forests, meadows, wetlands, and terrain also provide suitable habitat for Canada lynx (listed as threatened under the U.S. Endangered Species Act (ESA) and endangered under the Colorado Nongame, Endangered, or Threatened Species Conservation Act.) (CPW 2023a).

Canada Lynx (ESA Endangered, State Endangered). Most of the Property lies within potential lynx habitat (Attachment 5). Although a few individual telemetry-tracked lynx have been documented in Gunnison County, persistent lynx populations in the state are thought to be centered around the Collegiate Range and in the San Juan Mountains (Shenk 2009, Theobald & Shenk 2012). The majority of the suitable lynx habitat on the Property is secondary habitat, with a few small areas of potential denning habitat (closed canopy subalpine conifer forest).

Boreal Toad (State Endangered). In the State Wildlife Action Plan (SWAP; CPW 2015), the State identified the boreal toad as a Tier 1 species (a species with the highest conservation concern). Boreal toads occupy subalpine wetlands, riparian areas and meadows near ponds and lakes (CPW 2023b). The Property contains excellent breeding habitat for boreal toad in its beaver ponds riparian wetland complex.

Northern Leopard Frog (State Species of Concern). The Property's beaver pond riparian wetland complex provides ideal breeding habitat for northern leopard frog, a. Although no leopard frogs were observed on the Property during the baseline inventory, leopard frog occurrences are documented in the area (Hammerson 1999; CNHP 2022). In the SWAP (CPW 2015), the State of Colorado identified northern leopard frog as a Tier 1 species (a species with the highest conservation concern) with High Priority for protection in shrub-dominated wetlands, grass-forb dominated wetlands, and transition streams (CPW 2015).

Colorado Cutthroat Trout (State Species of Concern). CPW maps cutthroat presence in the Crystal River drainage (CPW 2023b) in the area of the Property. Cutthroat trout are generally limited to mid- or high-elevation streams with relatively high gradients and without excess sediments (Dare et al. 2011). The Colorado River cutthroat trout is a Tier 1 species in the Colorado SWAP (CPW 2015). The Crystal River and Yule Creek provide good potential habitat on the Property for cutthroat trout, and the extensive beaver ponds, backwaters, and emergent wetlands potentially provide nursery habitat for cutthroat fry.

SECTION 5 - RECREATIONAL OPPORTUNITIES

The Property is in close proximity to the Town of Marble and other Town-managed recreational assets, including the Marble Millsite Park and the Marble Campground, and provides recreational opportunities consistent with other Town assets. The Property currently is used for limited passive recreation - allowing for non-motorized public access of the Property. This management plan will accommodate for continued non-motorized access as one of the primary management objectives.

5.1 Trails

The Property is intended to be accessible to the public for non-motorized recreation, including access to the river and associated fishing access, in accordance with the easement and management plan. Non-motorized uses may include hiking, fishing, wildlife viewing, horseback riding, cross country skiing, snowshoeing, wheelchairs, guided tours, and outdoor education programs. Additionally, the neighboring landowner has a right of way on the main access road/trail.

The main access road, which leads to Yule Creek Falls, is a commonly used path for walking, snowshoeing, and cross-country skiing, and will continue to be used for these activities. During the snow-free months, social trails should be discouraged to limit habitat damage. Off Trail use may be permitted during the winter months, when snow and ice coverage is adequate to prevent any negative impacts to the soil and vegetation of the site.

5.2 Trail Heads and Access

The main access to the Property is located on the western end from the BLSWA. Preferred parking to access the Property will be at the Historic Mill Site, located on the north side of the Crystal River, on the west side of the Marble Quarry Road. An access easement through the BLSWA has not been secured to date, but conversations have been initiated with CPW and it is anticipated there will be an official easement in the future. Until an easement is acquired, it is important that there is no signage or advertisement for access to the Property through BLSWA. A secondary access is along the Marble Quarry Road south of the Crystal River, near the Raspberry Creek trailhead. This is the access point for the neighboring access easement and there is a gate intended to prevent public access of motorized

vehicles. There is no dedicated parking here, but the shoulder of the road accommodates for ad hoc parking access.

Both access points, from CR 3A (Marble Quarry Road) and from the BLSWA will remain viable options to access the Property, though pedestrians will be encouraged to use the BLSWA access once an access agreement is acquired from CPW.

5.3 Signs

The Property is posted with signs reading: “Marble Wetlands Preserve; Day Use Area: Foot Traffic Only; Authorized Vehicles Only; No Bicycles, Motorcycles or ATVs; No Overnight Camping; No Fires; No Hunting; No Discharge of Firearms; Please Stay on Established Trails and Roads; Dogs on Leash or Voice Command.” In addition, a sign at the western end of the Property asks that snowshoers stay out of the cross-country ski tracks. Signs around the Smelter Site state that there is no public access to the Smelter site.

Additional opportunities to provide educational and interpretive signs may be implemented, highlighting the history, ecology, and natural features of the property.

5.4 Dogs and other Domesticated Animals

Dogs are permitted and must be leashed or under voice command at all times provided they do not chase, harass, or disturb wildlife. Livestock will not be permitted on the land and agricultural/grazing usage is not consistent with the conservation goals or designated land uses of the property. Equestrian use is permitted on the existing access road, but the viability of this use will be assessed through ongoing management of the Property.

5.5 Education

The Town may choose to conduct public outreach and outdoor education activities on the Property as it deems appropriate. The Property provides excellent opportunities for natural resource education, including stream and wetland hydrology, wetland and floodplain soils, botany, invertebrate and macroinvertebrate identification and ecology, birding, and wildlife and wildlife habitat observation.

SECTION 6 - MANAGEMENT ACTIVITIES

6.1 Ecological Resources

Wetlands are the most productive ecosystems of Colorado, supporting a diversity of wildlife and providing essential ecological services. The Marble Wetlands represents a critical opportunity to protect this special and increasingly rare ecosystem. This is at the forefront of the vested partners strategy for the Property and one of the primary objectives of the conservation easement. Large portions of the property outside of the access road corridor will be managed primarily to support natural processes for the benefit of the native flora and fauna and the habitats that support them.

6.1.1 Monitoring

Study of the Property through various monitoring efforts will help the Landowner and vested partners better understand the health and condition of the Property and provide insight to adaptively manage the Property and its natural resources. Primary monitoring efforts will be observatory in nature, picking up on key trends and making visual observations. Annual monitoring will take place by AVLT staff as part of their obligations as the conservation easement holder. The Landowner should also dedicate staff or volunteers to regularly frequent the property and observe any changing trends to usage, vegetation, soil, hydrological or wildlife impacts. If at any time adverse impacts are observed through these monitoring

efforts - more data driven and prescriptive monitoring activities may be needed (i.e., vegetative plots/transects, avian monitoring, macroinvertebrate counts, etc.). Social trails that are determined to cause damage to vegetation and soil will be discouraged and may be closed. Monitoring of winter use will take place to aid in adaptive management.

As part of the annual CE monitoring, AVL T will include observations of ecological health and condition of the sites and provide recommendations or work with the Landowner to address any observed issues or concerns as needed. Additionally, Town staff or other vested partners may consult with AVL T staff or other pertinent professionals at any time to discuss observed conditions and needs for the ecological health of the property.

Key Annual Monitoring Observations:

- Monitor use of the site, with special attention to erosion and disturbances off designated roads and trails
- Evidence of erosion, natural or anthropogenic
- Noxious weeds
- Presence of wildlife

6.1.2 Noxious Vegetation Management

Noxious weed control will take place in accordance with state law. The target species on the site include yellow toadflax (*Linaria vulgaris*), tansy (*Tanacetum vulgare*), houndstongue (*Cynoglossum officinale*), Canada thistle (*Cirsium arvense*), oxeye daisy (*Leucanthemum vulgare*), common mullein (*Verbascum thapsus*), and mayweed chamomile (*Anthemis cotula*).

The uncertainty of changing environmental conditions on the site over time, and changing perspectives about and methods of weed control, adaptive management strategies will be employed to control weeds on the site. As currently envisioned, integrated weed control, including chemical, mechanical, biological, and cultural management strategies will be employed. Strategies will be based on species, with a strong focus on mechanical and cultural methods.

Key Weed Management Activities:

- Integrated weed control; chemical, mechanical, biological and cultural
- Adaptive management

6.1.3 Native Vegetation Restoration/Management

In general, the vegetation communities on the Property are healthy. Anthropogenic disturbances should be minimized to preserve all the vegetation on the Property, in particular, the wetland and riparian plant associations. If at any time disturbances to vegetation occur, they need to be mitigated with restoration efforts utilizing native plant materials adapted to the site.

Key Native Vegetation Management Activities:

- Preserve intact vegetation communities, avoiding and limiting any disturbances to the site.
- Manage threat of encroaching plants:
 - Reed canary grass (*Phalaris arundinacea*) and coyote willow (*Salix exigua*) are aggressive plants that are apt to colonize wetland communities and dominate other native vegetation. The presence of these species should be observed during regular monitoring efforts.
- Beavers play an important role in maintaining the montane willow car plant communities, allowing beavers to continue to thrive on the Property.
- Use native, adapted species found on site for any needed revegetation activities.

- Establish reference plant material and seed mixes to use, which may be amended based on availability, cost, project need but must be approved by botanist/ecologist (*Refer to Section 4 – Ecological Resources*).

6.1.4 Wildlife Habitat Management

The primary species of consideration for wildlife management include beaver, boreal toad, northern leopard frog, and cutthroat trout. Beaver are the only species currently observed to inhabit the Marble Wetlands - but current conditions at the site should be preserved or improved where possible based on providing ideal habitat for these species.

Allowing beaver activity to continue to occur without interference is important for the Property. The beaver dams and lodges play an important role in the preservation of wetlands and riparian habitat, and provide habitat for macroinvertebrates, which in turn help to ensure a healthy fishery. Walking on or disturbing beaver dams should be discouraged, and if social trails develop in the wetland and where beavers are active, they should be discouraged and revegetated if necessary.

Elk, deer, moose, black bear, mountain lion, and birds, including migratory birds, also use the Property, but it is not critical habitat for any of these species, and proposed land use will be similar to existing land use, so these species should be minimally affected.

The CPW is experimenting with reintroducing boreal toad to suitable habitats, and the Property seemingly provides an excellent opportunity for reintroduction. The CNHP also recommends translocating leopard frogs into suitable habitat, and this Property would provide an excellent opportunity for reintroducing leopard frogs. At its discretion, the Landowner could pursue reintroducing one or both of these species.

Canada lynx have not been found on the Property, but continued management and use of the Property as it is currently used will help to provide buffers for potential lynx habitat use in the future.

The Colorado River Cutthroat is known to occur in the Crystal River, and the Landowner could consult with CPW to determine whether any habitat improvements on the Property would benefit this species.

Key Wildlife Habitat Management Activities:

- Preserve current site conditions and avoid any disturbances, improve site conditions where possible.
- Allow beaver activity to continue.
- Discourage walking on or disturbing beaver dams.
- Discourage and/or revegetate social trails in wetlands and riparian areas.
- Consider reintroduction of boreal toad and/or northern leopard frog.
- Coordinate with CPW to determine whether habitat improvements to support Colorado River cutthroat trout would be beneficial.

6.1.4 Hydrology

The hydrology of the wetlands and streams on the Property can best be maintained by managing public use. Excessive public access along the river may degrade riparian vegetation, leading to streambank erosion. Also, frequent walking on beaver dams may impact the integrity of these structures. If erosion or degradation is noticed, access to these areas should be limited, either on a temporary basis (along the Crystal River), or permanent (closure of social trails). It is likely that cross country and snowshoe access will not have negative impacts on the site hydrology, but maintenance and access restrictions could be necessary if they do. Landowner shall not divert, dam, pollute, drain, dredge, intentionally destabilize or

degrade natural banks, shorelines, or riparian areas of the Crystal River, Yule Creek, wetlands, or other naturally occurring streams, springs, lakes, ponds or other surface or subsurface water features (whether seasonal, intermittent or perennial) that may occur on the Property now or in the future. Landowner shall observe a 100-foot setback from the banks of the Crystal River and Yule Creek for any permitted activities that may produce silt, contaminated runoff or erosion,

Key Hydrological Management Activities:

- Manage public use.
- Discourage walking on or disturbing beaver dams.
- Maintain access points to the Crystal River.
- Discourage excessive use or social trails along the river, limit public use if necessary.
- Revegetate impacted areas.

6.2 Recreational Resources

The focus of management for recreational resources is to maintain and/or improve existing conditions to allow for non-motorized public access of the Property. The established access road that is utilized as a trail to access Yule Creek Falls and the fishing access easement along the Crystal River streambank are the main recreation resources on the Property. The following maintenance strategies will be utilized to support recreation resources while conserving the ecological resources of the Property.

6.2.1 Trails

While public access and use of the Property is strongly encouraged, pedestrian access will be restricted to designated trails and maintained for non-motorized use. Designated trails to include access road/trail as alignment currently exists and a designated foot trail to access the southern bank of the Crystal River and the associated fishing easement. Permitted uses of the property are to include foot traffic (walking/hiking), wheelchairs (not intended to provide ADA access), snowshoes, cross country skis and equestrian. Trails will remain un-maintained during the winter months for snowshoe and cross-country ski use - but the Landowner maintains the ability to groom trails for these uses in the future if desired, following consultation and agreed upon approvals from relevant experts and vested partners.

Prohibited uses:

- **Motorized Vehicles:** Public use of motorized vehicles on the property is not permitted. This includes cars, trucks, atvs, utvs, or any other sort of motorized transportation. Landowner staff, contractors, emergency responders and law enforcement retain the right for motorized use to access the site for emergency and maintenance needs.
- **Bicycles:** in the initial years, bikes will not be permitted for use by the public on the Property. The easement does not prohibit the use of bikes, but to maintain safety, deter bandit trails and jumps, and preserve the solitude and quiet of recreational uses bikes will not be permitted as part of the management plan. Town staff or associates of the town performing patrols and monitoring duties of the Property maintain the right to access by bike.

Key Trail Management Objectives:

- Maintain and limit non-motorized access along the established access easement road.
- Develop an easily accessible and recognizable trail to access the Crystal River and associated fishing easement.
- Deter social trails.
- Implement barriers at the access points of the developed trail to Yule Creek Lodge/CR 3C to prevent unintended non-motorized access.
- Conduct maintenance as needed to resolve erosion and runoff issues.

6.2.2 Trailhead and Signs

The two existing access points will continue to be utilized and are sufficient to provide access to the public. No new or alternative trailheads will be developed. Signage should be maintained at these two access points, clearly defining the allowed and prohibited use. Once the Town receives ownership of the property, they may elect to update signage to indicate ownership. AVL T reserves the right to install and maintain signs indicating their holding of a conservation easement on the property.

Beaver Lake State Wildlife Area - The Town and TLR, in cooperation with the non-profit Crystal Valley Environmental Protective Association (CVEPA), is currently in discussion with CPW to secure permanent public access to the Property across BLSWA to the west. There is a gate at the western boundary to help discern the boundary and prevent unintended access. This is the desired primary pedestrian access point for the Property - but until an access easement is finalized signage should not promote access through BLSWA to the Property.

Marble Quarry Road (CR 3C) Access Drive - The Access Drive through the Property originates on the eastern side of the property off Marble Quarry Road (CR 3C). The neighboring landowner utilizes and maintains this road through about .5 miles of the property as their principal access driveway. As the landowner has a granted easement and right to utilize and maintain the road for access, they are allowed to perform work as needed and the Town does not have full control of maintenance activities. In order to maintain desired recreational needs, aesthetics and ecological values of the property it is recommended to stay in open communication and discuss proper access, safety concerns and have a hand in guiding BMP's for any work to be done by the neighbor. There is a gate at the entrance from CR 3C that is currently regulated by a lock and chain. There have been ongoing issues with gate being left open allowing for un-permitted access over motorized vehicles. To help remediate, TLR -with assistance from CVEPA, is working to install an electric gate that will require a code. Through careful management of the code (i.e., changing of the code as needed), the Landowner will be able to better manage unwanted motorized use.

6.2.3 Road and Erosion Maintenance

There are two primary areas of concern for erosion associated with roads/road cuts. Runoff from Marble Quarry Road (CR 3C) is diverted through a culvert and into a drainage along the north facing slope of the Property. There has been notable erosion occurring in association with this runoff and it is likely going to continue to be an issue. As part of the work completed by TU with the slag pile cleanup, efforts were made to mitigate the erosion at the lower portion of the drainage cut – remediating the area with netting, large boulders, and large woody debris to dissipate the erosional forces. To continue to resolve erosional issues, the Landowner will need to work with Gunnison County Road and Bridge and address runoff issues and better manage water distribution along CR 3C. Continued monitoring of this area (and other areas adjacent to CR 3C) to identify areas of erosional issues will be critical in the ongoing management of the property. Additionally, the road cut below Yule Creek Lodge has been noted to have areas of erosion. Continued monitoring and appropriate measures to resolve erosion issues should be considered. This “road” does not provide additional benefit to the property, and one way to resolve would be to revegetate areas of bare soil. Other considerations could include placement of water bars or purposefully diverting runoff into more robust natural drainages.

Key Road and Erosion Management Objectives:

- Continue to monitor roads and known areas of erosion and runoff issues.
- Consult with appropriate professionals to resolve erosional issues as needed and in appropriate ways that are not contradictory to other management objectives of the Property.
- Work with Gunnison County Road and Bridge to resolve issues along CR 3C.

- Revegetate areas of bare soil.

6.2.4 Facilities and Improvements

There are no facilities on the Property that require maintenance and the conservation easement restricts further development of the property. The only existing improvement is a wood-rail fence protecting the Hoffman Smelter Site remedy. The construction or location of any Improvements (defined as permanent or temporary buildings, structures, mobile homes or other physical, human-introduced development of or on the Property, including but not limited to landscaping, fences, roads, utilities, septic systems,) is prohibited on the Property except:

Permitted Improvements:

- Pedestrian Bridge
- Shade structure
- Dog waste/trash facilities
- Wildlife Friendly Fencing
- Sign Infrastructure
- Picnic tables and benches

6.2.5 Hoffman Smelter Site Maintenance

TLR partnered with the Trout Unlimited (TU) Colorado Abandoned Mine Land Program to complete the Voluntary Cleanup (VCUP) of the remnant slag pile of the Hoffman Smelter Site. Based on the Phase 1 Assessment completed by the Colorado Department of Public Health and Environment (CDPHE) on August 12, 2021, the material associated with the slag pile on-site contained soils with elevated concentrations of arsenic and lead that exceeded the Bureau of Land Management (BLM) recreational screening levels (RSL). No evidence of environmental concerns or recognized environmental conditions were found on the Property aside from the residual slag pile and slag material on the access road. As specified in the approved VCUP application and Statement of Work (SOW), TU completed the clean up of the site to a visual standard, including: consolidating loose slag and materials to a capped repository, addressing drainage and erosion concerns, and revegetating the site to support the long-term health of the property. This work was completed in the Fall of 2022, after which TLR and its partners submitted an application for a No Action Determination from CDPHE and are awaiting final determination.

Key Smelter Site Management Objectives:

- Secure No Action Determination from CDPHE
- Manage in accordance with Notice of Environmental Use Restriction (*Appendix 4*)
- Maintain fencing and signage along the perimeter of the smelter site to adequately deter access and educate the public.
- Ensure establishment and vigor of native vegetation, re-seeding or planting as needed to establish resiliency and adequate ground cover.
- Manage noxious vegetation in re-vegetated areas.
- Maintain culvert and appropriate drainage of water around the smelter site.

6.2.6 General Property Maintenance

To maintain a healthy environment and user-friendly experience for passive recreation of the property, general upkeep of the property and recreational resources should be maintained on a regular basis. This includes, but is not limited to:

- Clean-up of trash and any non-wildlife related waste.

- Emptying of any established trash and dog waste receptacles.
- Removal of downed vegetation or debris along road/trail due to natural and human caused events.
- Maintain working gates at property entrance points.

The Marble Wetlands Preserve is intended to be a primitive recreational site, allowing for public access for the community to enjoy the seclusion of nature and the surrounding ecology of the property. Overview of property restrictions to maintain Conservation Values:

- No camping
- No Fires
- No Discharge of Firearms
- No Hunting or trapping
- No Motorized Vehicles (exception for neighbor property access, maintenance, and emergency vehicles)
- No Bicycles (exception for Town staff or partners to monitor and patrol Property)
- Dogs must be leashed or under voice command.
- Restricted use to established trails and fishing easement along Crystal River.
- No removal of vegetation or other natural resources from the property – exceptions for forestry health, natural disturbance clean-up, and wildfire mitigation.

6.2.7 Partnerships and Events

Group events and activities are permitted on the Property given that they do not conflict with other uses and conservation values of the property and have minimal impact to the site. Commercial use and activities (for profit tours, fishing guiding activities etc.) are not permitted to take place on the Property. Any contemplated programs and events, including their proposed size, location and season should be evaluated and approved by Town staff using the guidance of this management plan. At this time, there is no established limit to group size and use – It will be at the Towns discretion to permit group and event usage on a case-by-case basis, given that all allowed uses and restrictions in the management plan are upheld. Additionally, the Town has discretion to allow activities and access to entities such as the USFS, CPW, and others in a way that is in keeping with the values of the Conservation Easement. Groups or organized activities that have not been approved by the Town may be evicted from the property at the Towns discretion.

6.7.8 Enforcement

Upon establishment of the Conservation Easement, Aspen Valley Land Trust has the right to prevent and require corrective action of violations in accordance with the Conservation Easement (CE) of the Property. If at any time the Trust observes or is notified of a violation to the CE, they will immediately notify the Landowner and require remediation of the violation. If the Landowner is not cooperative or does not seek remedial action, the Trust retains the right to seek legal action.

It will be the Town's (or other landowners) responsibility to ensure that the public is compliant with the rules and regulations for the property as established in this management plan.

6.7.9 Amendments and Updates

This management plan is not meant to be a static document but is intended to be adaptive in nature to provide the flexibility for the Landowner to manage the property in a way that best suits the property's needs. Adaptive management is an iterative process of regularly assessing land use and management actions through monitoring to inform and adapt strategies to better meet intended goals. This management plan is to be updated every 5 years to stay relevant and capture any needed updates to management

strategies. Amendments may be made at any time, as long as they do not contradict the Conservation Easement. The Landowner cannot make amendments on their own accord - amendments must be agreed upon by the Landowner, the holder of the conservation easement (AVLT), and other vested partners (TLR and CVEPA).

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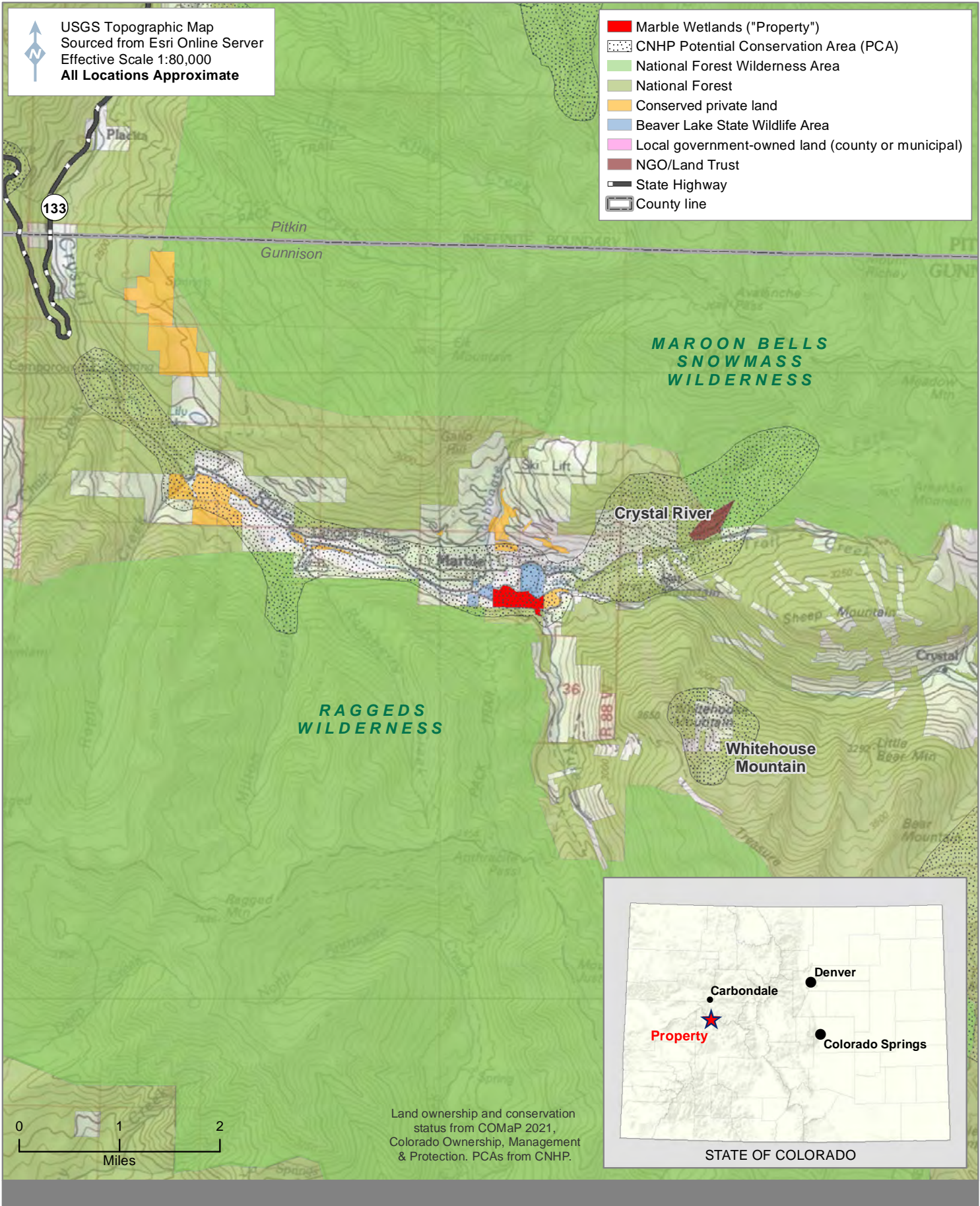
Rosenberg, Kenneth V., Adriaan M. Dokter, Peter J. Blancher, John R. Sauer, Adam C. Smith, Paul A. Smith, Jessica C. Stanton, Arvind Panjabi, Laura Helft, Michael Parr, Peter P. M arra. 2019. Decline of the North American avifauna. Science Volume 366, Issue 6461; 120-124.

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Attachment 1: Property Location Map



Attachment 2: Geologic Units Map

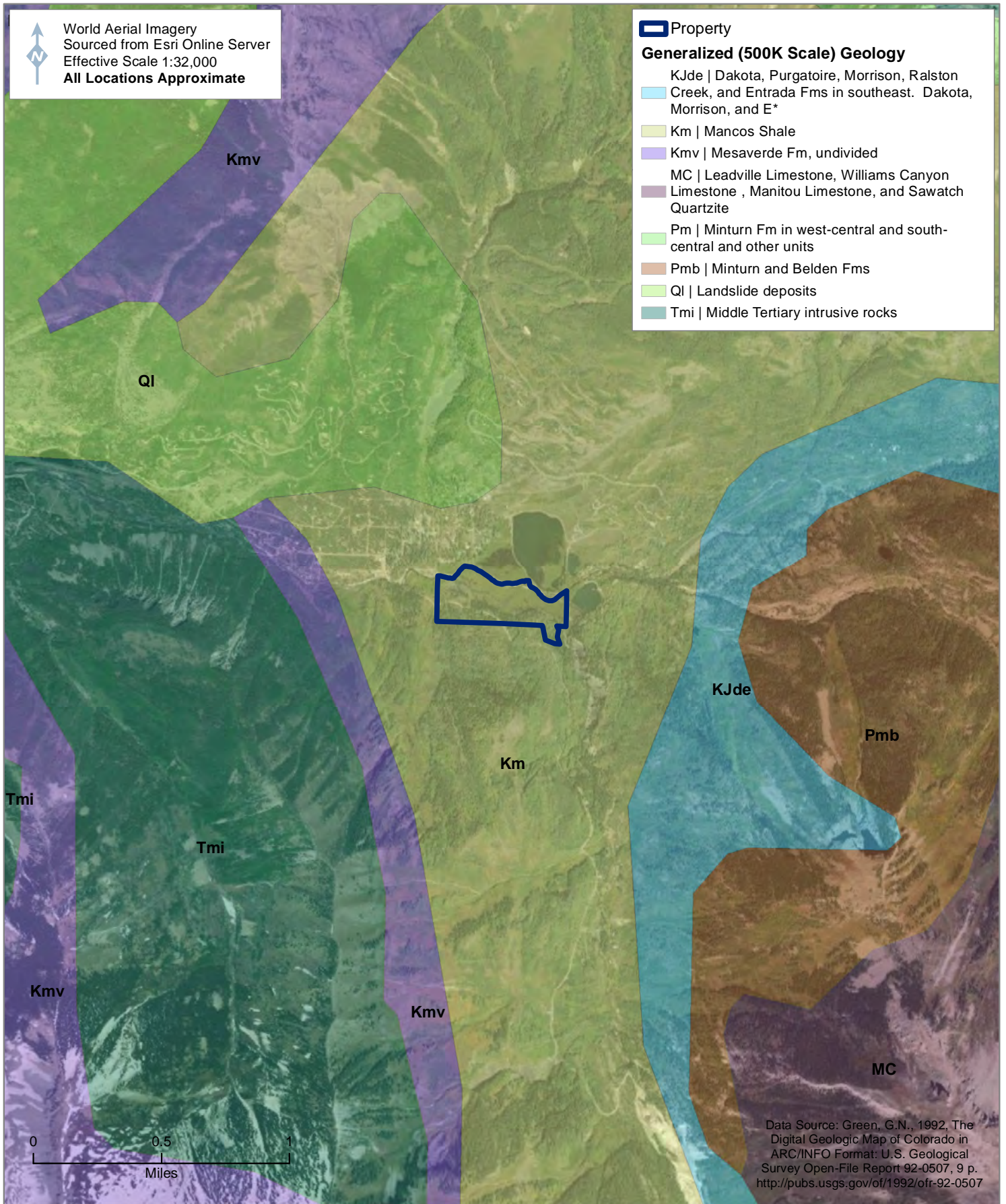


World Aerial Imagery
Sourced from Esri Online Server
Effective Scale 1:32,000
All Locations Approximate

Property

Generalized (500K Scale) Geology

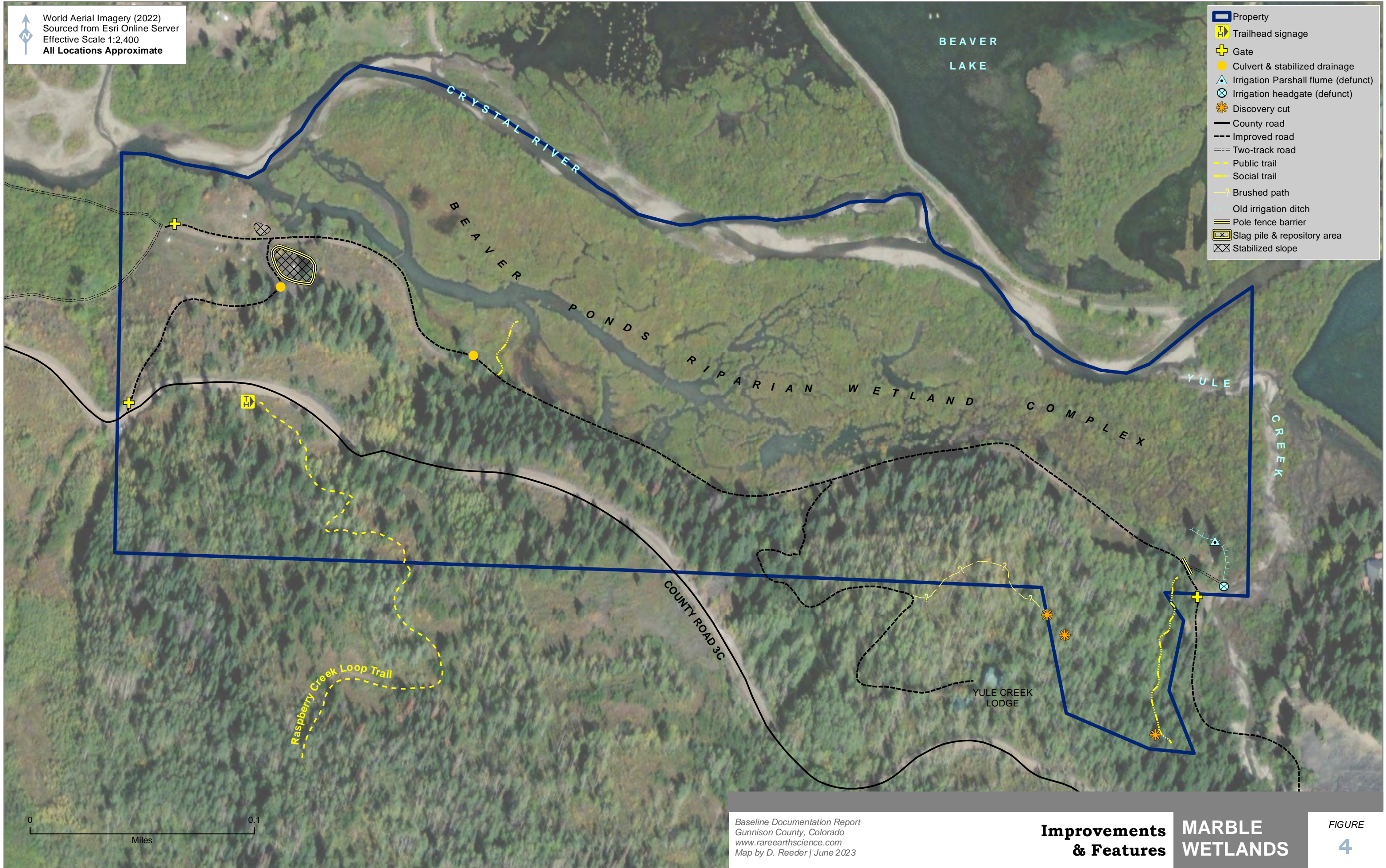
- KJde | Dakota, Purgatoire, Morrison, Ralston Creek, and Entrada Fms in southeast. Dakota, Morrison, and E*
- Km | Mancos Shale
- Kmv | Mesaverde Fm, undivided
- MC | Leadville Limestone, Williams Canyon Limestone, Manitou Limestone, and Sawatch Quartzite
- Pm | Minturn Fm in west-central and south-central and other units
- Pmb | Minturn and Belden Fms
- QI | Landslide deposits
- Tmi | Middle Tertiary intrusive rocks



Attachment 3: Property Improvement and Features Map

World Aerial Imagery (2022)
 Sourced from Esri Online Server
 Effective Scale 1:2,400
 All Locations Approximate

- Property
- Trailhead signage
- Gate
- Culvert & stabilized drainage
- Irrigation Parshall flume (defunct)
- Irrigation headgate (defunct)
- Discovery cut
- County road
- Improved road
- Two-track road
- Public trail
- Social trail
- Brushed path
- Old irrigation ditch
- Pole fence barrier
- Slag pile & repository area
- Stabilized slope



Baseline Documentation Report
 Gunnison County, Colorado
www.rareearthscience.com
 Map by D. Reeder | June 2023

**Improvements
& Features**

**MARBLE
WETLANDS**

FIGURE
4

Attachment 4: Ecological Communities Map




World Aerial Imagery
Sourced from Esri Online Server
Effective Scale 1:5,000
All Locations Approximate


 Property

National Wetland Inventory Mapping
// (forested/shrub wetland, freshwater pond,
riverine types consolidated)

Landcover (Observed)

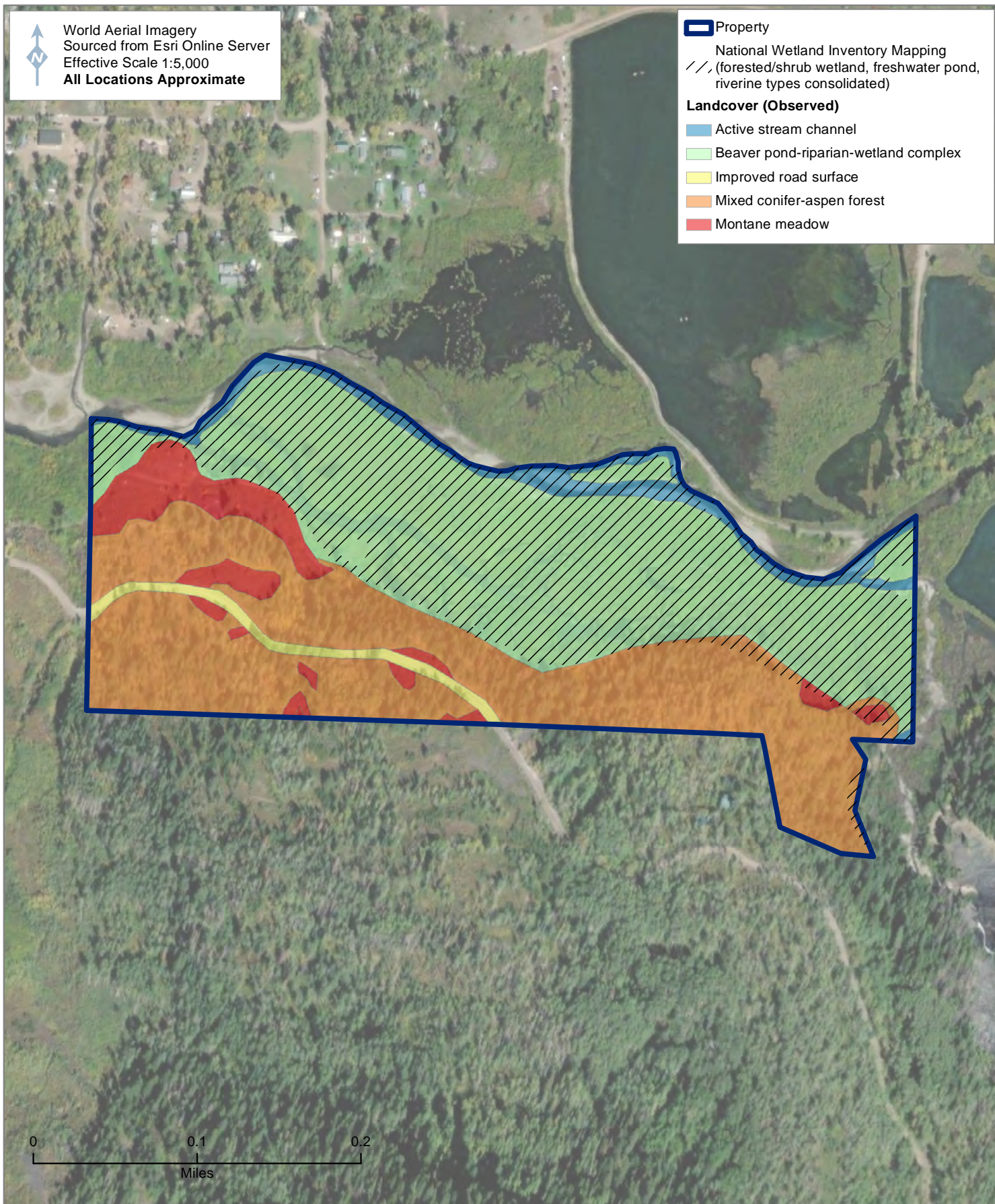
 Active stream channel

 Beaver pond-riparian-wetland complex

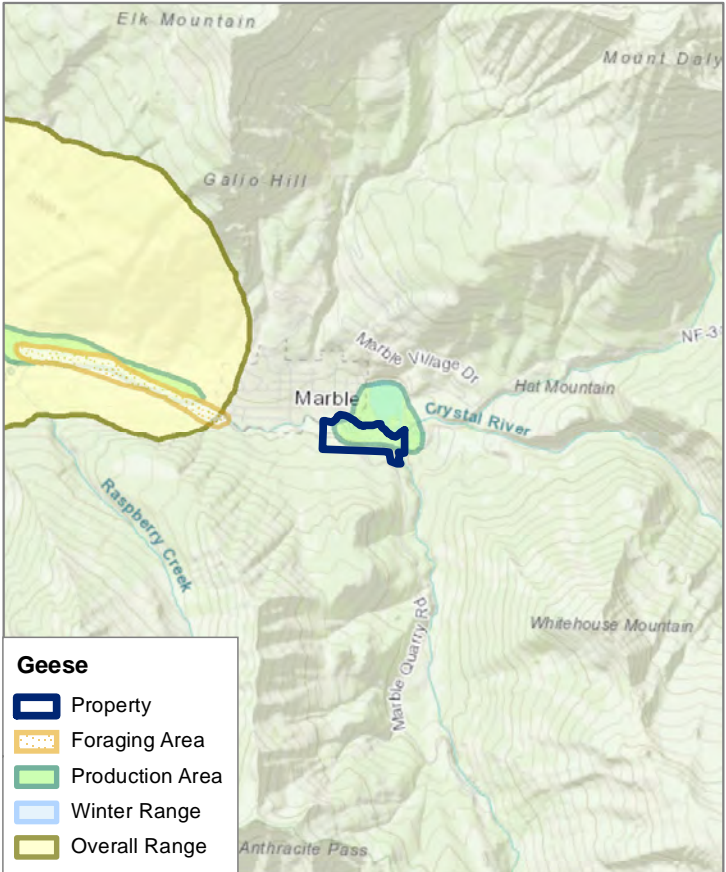
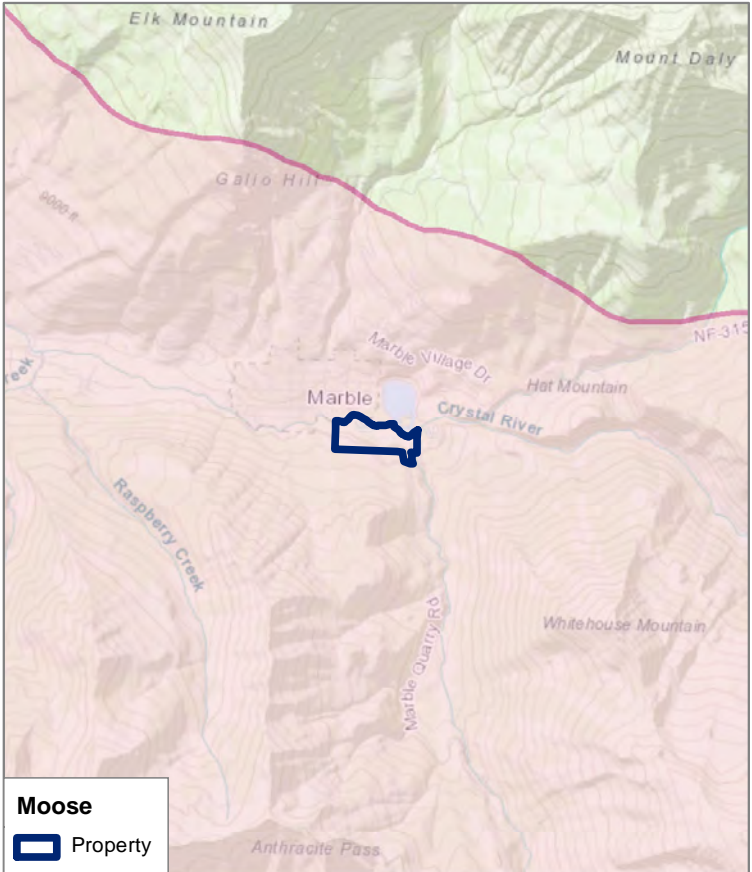
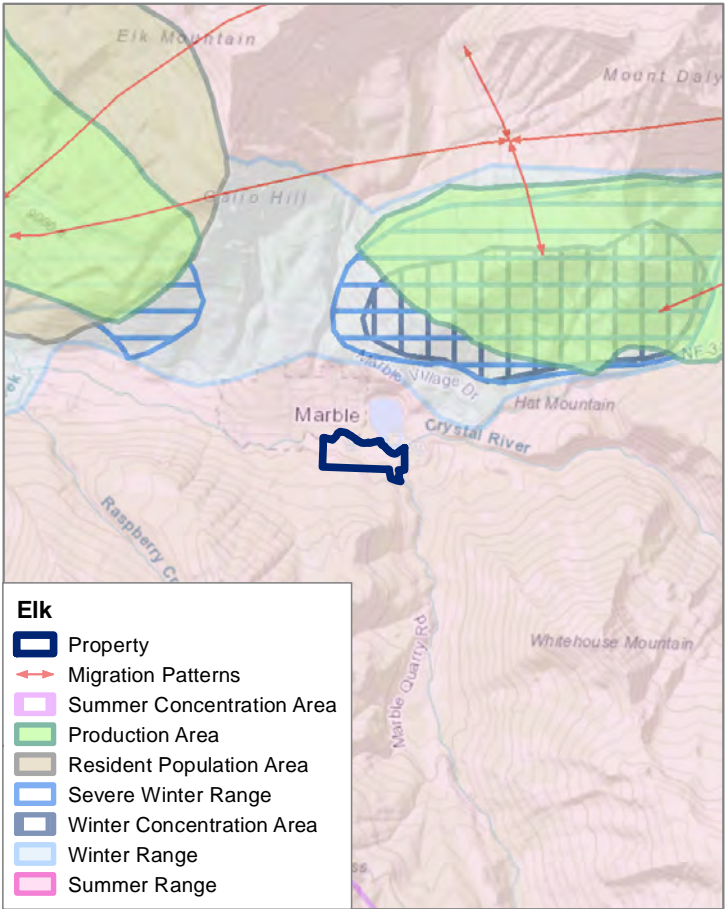
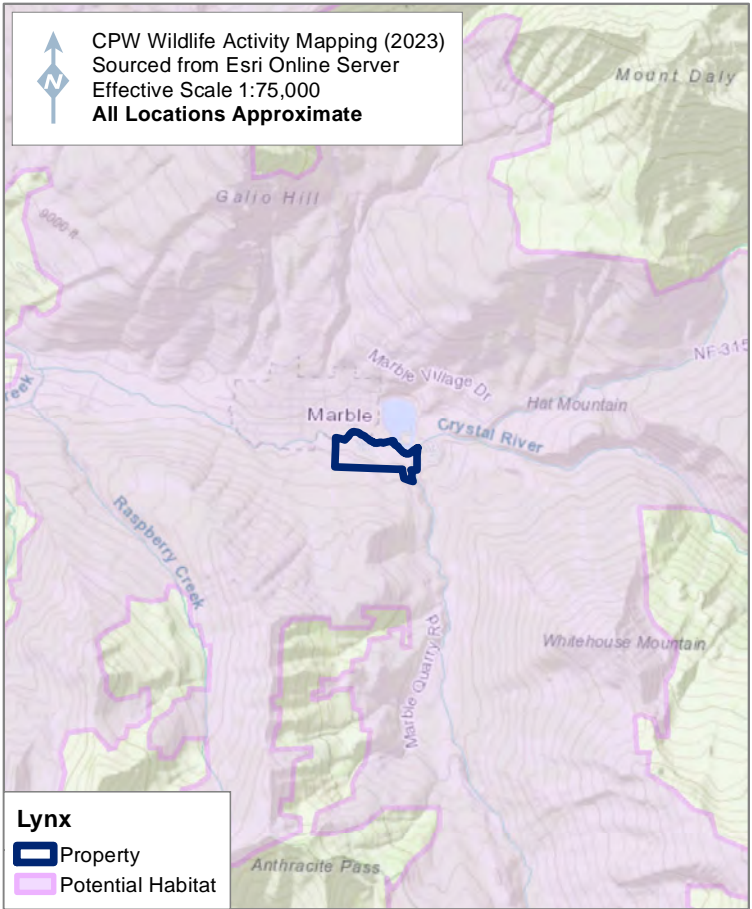
 Improved road surface

 Mixed conifer-aspen forest

 Montane meadow



Attachment 5: CPW Wildlife Maps



Appendix 1: Baseline Report

DRAFT BASELINE DOCUMENTATION REPORT



Marble Wetlands Conservation Easement Gunnison County, Colorado

Prepared For

The Trust for Land Restoration, Inc.
and
Aspen Valley Land Trust

Prepared By

Rare Earth Science, LLC

July 7, 2023

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3. Photopoint Locations
4. Improvements & Features
5. Geologic Map
6. Soils Map
7. Landcover Map
8. Selected Wildlife Ranges

DOCUMENTARY PHOTOGRAPHS (Following Figures)

ACKNOWLEDGEMENT OF BASELINE CONDITIONS

MARBLE WETLANDS CONSERVATION EASEMENT
GUNNISON COUNTY, COLORADO

In compliance with Federal Treasury Regulations [§1.170A-14(g)(5)(i)(D)], and to the best of my knowledge, this Baseline Documentation Report, including text, maps, and photographs, is an accurate representation of the conservation easement Property (“Property”) and its conservation values at the time of the conveyance of the conservation easement. The Property’s conservation values include relatively natural habitat; scenic open space; and recreation and education opportunities for the public.

Patrick Willits, Executive Director
The Trust for Land Restoration, Inc., LANDOWNER

Date

Suzanne Stephens, Executive Director
Aspen Valley Land Trust, TRUST

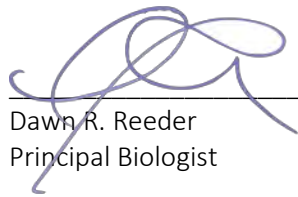
Date

PREPARER CERTIFICATION STATEMENT

MARBLE WETLANDS CONSERVATION EASEMENT
GUNNISON COUNTY, COLORADO

I, the undersigned, prepared this Baseline Documentation Report in accordance with Title 26 of the Federal Treas. Reg. [§1.170A-14(g)(5)]. To the best of my knowledge, this Baseline Documentation Report, including text, maps, and photographs, is an accurate representation of the conservation easement Property at the time of the conveyance of the conservation easement.

I certify that I am a qualified provider of conservation easement due diligence. As principal biologist at Rare Earth Science, I have personally prepared baseline documentation reports for more than 300 conservation easement projects across Colorado and am familiar with the natural resources of the region. My recent relevant project experience includes rare plant surveys in Delta and Montrose counties, co-authorship of *Colorado Sagebrush: A Conservation Assessment and Strategy* (prepared for the Colorado Division of Wildlife in 2005), and a *Migratory Bird Status Literature Review* (prepared for the Uncompahgre Field Office of the U.S. Bureau of Land Management in 2009). I earned a Bachelor of Science degree in Biological Sciences from Stanford University in 1988 and have more than 25 years of experience in consulting practice.



Dawn R. Reeder
Principal Biologist

Date: July 7, 2023

CONTACTS & BASIC INFORMATION SUMMARY

CONSERVATION EASEMENT NAME

Marble Wetlands Conservation Easement

LANDOWNER/GRANTOR

The Trust for Land Restoration, Inc.
PO Box 743
Ridgway, Colorado 81432
(970) 626-3236
Contact: Patrick Willits

TRUST/GRANTEE

Aspen Valley Land Trust
320 Main Street, Suite 204
Carbondale, Colorado 81623
(970) 963-8440

BASELINE DOCUMENTATION REPORT PREPARER

Rare Earth Science, LLC
38696 Fruitland Mesa Road
Crawford, Colorado 81415
(970) 527-8445
dawn@rareearthscience.com

ACREAGE

Approximately 53.4 acres

GUNNISON COUNTY ASSESSOR PARCEL NOS.

291726400005, 291725000012, 291726400001

LEGAL DESCRIPTION

See Exhibit A of the Deed of Conservation Easement (CE Deed) for a complete legal description.

PHYSICAL ADDRESS

TBD County Road 3C (Marble Quarry Road), Marble, Colorado 81623

PHYSICAL LOCATION

Parts of Sections 25 & 26, Township 11 South, Range 88 West (6th Principal Meridian), Gunnison County, Colorado

COUNTY ZONING: There is no zoning in Gunnison County.

ACTIVITY ENVELOPE (AE)

None.

1 INTRODUCTION / EXECUTIVE SUMMARY

Colorado Revised Statutes (CRS) provide for the establishment of conservation easements to maintain land “in a natural, scenic, or open condition, or for wildlife habitat, or for agricultural [...] or other use or condition consistent with the protection of open land having environmental quality or life-sustaining ecological diversity” [CRS §38-30.5-102].

Toward these ends, the Trust for Land Restoration, Inc. (“Landowner”) is conveying a perpetual conservation easement (“Marble Wetlands Conservation Easement”) on approximately 53.4 acres (“Property”) in Gunnison County, Colorado, to Aspen Valley Land Trust (“Trust”). The Trust is a qualified organization, as defined in Title 26 [§170A(h)(3)] of the U.S. Treasury Regulation, to accept such a conveyance. The Landowner and Trust agree that the principal purpose of the conservation easement on the Property is to protect and preserve in perpetuity the Property’s conservation values, and in particular, the characteristics of the Property provide relatively natural wildlife habitat; scenic open space; and recreation and education opportunities for the public.

This report is intended to provide evidence of the Property’s conservation values, and to provide the Trust with a description of its existing conditions at the time of the conservation easement conveyance, so that changes to the land can be monitored over time, especially those changes that may affect its conservation values. The accuracy of this report is acknowledged by the Trust and Landowner at the time of the conservation easement conveyance.

This report consists of narrative text, with figures and documentary photographs following the text. Figure 1 shows the Property’s regional setting and conservation context. Figure 2 is a topographic map of the Property. Figure 3 shows an aerial photograph of the Property and the locations of documentary photopoints. Figure 4 shows improvements and features on the Property. Figures 5, 6, and 7 present geology, soils, and landcover mapping, respectively. The ranges of selected wildlife species are mapped on Figure 8. A list of global positioning system (GPS) coordinates for the locations of documentary photographs (“photopoints”) is included on the cover page for the documentary photograph section of this report.

1.1 Methods & Limitations

Methods of baseline documentation included a field visit to the Property on June 4, 2023, by Dawn Reeder of Rare Earth Science, LLC (Rare Earth), review of information provided by the Trust and the Landowner, and research of available publications and other relevant documents, as cited.

This report satisfies the documentation requirements of the U.S. Treasury Regulation at §1.170A-14 and the conservation easement due diligence requirements of the Trust, and generally follows standards and practices recommended by the Land Trust Alliance (LTA 2017).

Mapping and area calculations for this document were accomplished using Esri® geographic information systems (GIS) software, ArcGIS 10.8.2.™ Basemaps consist of the local U.S. Geological Survey (USGS) 7.5-minute topographic quadrangle and World Aerial Imagery digital mosaics available for public download through the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) or from the Esri online server. Data resources and base maps used to create the report maps are cited on the figures themselves. Photopoint mapping was created by plotting geotagged photographs taken with a GPS-equipped camera.

Improvements mapping was created by interpreting recent aerial photographs, and by mapping GPS waypoints and tracks for features such as structures, roads and fencelines on the Property. Improvements mapping must not be considered a survey of improvements, but rather a simple inventory sketch. Vegetation communities were mapped by interpreting recent aerial photographs and publicly available land cover datasets, combined with a walkabout survey of the Property. It should be noted that vegetation mapping presented in this report cannot accurately represent the intergrade between plant communities and should only be considered adequate for viewing and planning at the 1:24,000 scale. Plant nomenclature used in this report generally follows Weber & Wittmann (2012) or Ackerfield (2015).

Rare Earth obtained the GIS Property boundary, which was derived from Gunnison County parcel data and used for mapping and analysis in this report, from the Trust. The GIS boundary should not be construed as a survey boundary, but as a representational sketch. The coordinate system used for all maps in this report is NAD 1983 UTM Zone 13 (meters).

It is not within the scope of this report to review boundary adjustments, miscellaneous easements, or rights-of-way, whether recorded or unrecorded, for accuracy or applicability to the Property or conservation easement conveyance.

1.2 Property Setting & Description

The Marble Wetlands Conservation Easement (hereafter, "Property") is approximately 53.4 acres in northwestern Gunnison County, Colorado. The Property is situated on the Crystal River, directly south and southeast of the Town of Marble (Figures 1 and 2), and about 23 direct miles south of Carbondale. See "Contacts and Basic Information Summary" in the front of this document for further information regarding the Property's physical location.

The Property lies in the Southern Rocky Mountains, on the west side of the Continental Divide, in the Crystal River drainage of the greater Colorado River watershed. The area is characterized by high mountains and mesas and relatively steep foothills and valleys. The average elevation on the Property is approximately 8,000 feet above mean sea level (Figure 2). Nearby landmarks include Elk Mountain and Mount Daly to the north in the Maroon Bells Snowmass Wilderness Area, and Ragged Mountain and Treasure Mountain in the Raggeds Wilderness Area to the south (Figure 1). The climate is semi-arid continental. Average low and high temperatures in Marble are between approximately 3° and 24° Fahrenheit (F) in January and 41° and 69°F in July (en.climate-data.org), and annual precipitation (rainfall) averages approximately 26 inches. Snowfall in Marble averages more than 75 inches per year.

The Property adjoins the White River National Forest, public lands administered by the U.S. Forest Service (USFS) to the south, and the Beaver Lake State Wildlife Area to the north and west (Figure 1). Land use in the vicinity of the Property is mostly rural residential and ranching. Hunting, fishing, backcountry jeep touring, and other forms of outdoor recreation are important land uses in the region. The area also has an active marble quarry.

The overall appearance of the Property is natural and undeveloped (Figures 3 and 4), dominated by riparian wetlands in the relatively broad floodplain of the Crystal River, flanked by moderate to steep slopes in subalpine forests. Improvements on the Property at the time of the baseline field visit included an improved (gravel) county road and access roads, and a reclaimed historical mill site. Improvements and other features are mapped on Figure 4.

1.3 Conservation Context of the Property

The Property adjoins public lands of the White River National Forest to the south, Beaver Lake State Wildlife Area to the west and north, and other conserved private lands to the east (Figure 1). The National Forest lands adjoining the Property have extensive connectivity to federal lands, including two wilderness areas, and private land conservation easements (Figure 1). The Property represents an intact and undeveloped private acreage providing an open space and habitat buffer for public lands. Under the conservation easement, subdivision and development will be prohibited in order to preserve the Property's habitat and open space integrity. The conservation easement on the Property supports the Trust's strategic conservation plan by protecting the region's special places and unique landscapes to ensure they remain forever vital for wildlife and community, and by preserving wetlands and riparian areas to protect habitat and water quality and quantity.

The entirety of the Property lies within the Crystal River Potential Conservation Area (PCA) designated by the Colorado Natural Heritage Program (CNHP; Rocchio 2002). CHNP ranks the PCA as having High Biodiversity Significance because of the occurrences of several plant associations considered rare and/or globally vulnerable. Two of these plant associations, montane and lower montane willow carrs, are found on the Property. PCAs are boundaries intended for conservation planning purposes and designate ecologically sensitive areas supporting a high level of biodiversity which land managers may wish to consider during planning and policymaking. Preservation of biodiversity is key to maintaining ecosystem resilience and health.

1.4 Directions to the Property

To reach the Property from the Town of Marble, Colorado:

- Begin at the intersection of County Road 3 (W. Park Street) and County Road 3C (Marble Quarry Road).
- Head south on Marble Quarry Road for 0.3 mile to the Property's west boundary.

1.5 Summary of the Property's Conservation Values

The purpose of the conservation easement on the Property is to preserve, in perpetuity, the following conservation values of the Property:

Relatively Natural Habitat. The Property features relatively natural habitat consisting of high-quality occurrences of mixed conifer-aspen forests, montane meadows, and more than 25 acres of an intact beaver pond riparian wetland complex in the Crystal River floodplain that includes 0.6 miles of the Crystal River, and a 260-foot reach of Yule Creek and the Crystal River-Yule Creek confluence. Wetlands, aquatic areas, and riparian areas together comprise less than 3 percent of the habitat in the State of Colorado, while supporting more than 75 percent of the State's species during some point of their life cycles. As such, the Property encompasses a "significant habitat or ecosystem" consistent with U.S. Treasury Regulations at §1.170A-14(d). The Property's riparian wetland complex supports and is maintained by the ongoing activity of beavers, an ecological keystone species whose presence is associated with increased biodiversity and several valuable ecological services including flood attenuation and aquifer recharge. The beaver pond riparian wetland complex on the Property provides shelter, breeding areas, nursery areas, forage, and migratory corridors for a variety of raptors, migratory songbirds, waterbirds, small mammals, and amphibians. These include boreal toad (listed as endangered under the Colorado Nongame,

Endangered, or Threatened Species Conservation Act); northern leopard frog (a State Species of Concern); and Colorado river cutthroat trout (a State Species of Concern). The Property's combination of forests, meadows, wetlands, and terrain also provides suitable habitat for Canada lynx (listed as threatened under the U.S. Endangered Species Act and endangered under the Colorado Nongame, Endangered, or Threatened Species Conservation Act), as well as for elk, mule deer, moose, black bear, and mountain lion—big game species important to the region's biodiversity and local and state economies. The Colorado Natural Heritage Program (CNHP) identifies the Property and in the vicinity as part of the "Crystal River Potential Conservation Area" (PCA), with high biodiversity significance.

Open Space. The Property possesses the characteristics of open space described at Treasury Regulation §1.170A-14(d)(4) in that its preservation will provide scenic enjoyment to the general public, is pursuant to clearly delineated public policies, and will yield a significant public benefit. The Property contributes to the scenic character of the region and the local rural landscape in which it lies, contains a harmonious variety of shapes and textures in its broad floodplain wetlands, upland forests and meadows, and varied topography, and provides a degree of openness, contrast, and variety to the overall landscape. The Property is visible to the public from nearby and adjoining public lands administered by the U.S. Forest Service (White River National Forest) and the State of Colorado Division of Parks and Wildlife (Beaver Lake State Wildlife Area), and from Gunnison County Roads 3 and 3C, and from many locations around the Town of Marble. These lands and public roads are open to and utilized by residents of Gunnison County and the State of Colorado. The policies of the State of Colorado and Gunnison County consider preservation of scenic open space important to the future of the state and region. The preservation of the Property's scenic open space will provide a significant public benefit because there is a strong likelihood that subdivision and development of the Property would lead to or contribute to degradation of the scenic and natural character of the area.

Recreation & Education Opportunities for the Public. Consistent with §1.170A-14(d)(2), the Trust and Landowner agree and acknowledge that the preservation of the Property will yield substantial and regular outdoor recreation opportunities and education opportunities for the benefit of the general public. The Property meets the standard of this conservation value because the Property will continue to be made available to the general public for non-motorized seasonal recreational use and occasional educational programs for the benefit of the public and in support of the natural resource conservation values on the Property. Public use of the Property includes walking and hiking the roads and trails, bird-watching and wildlife watching, picnicking, and fishing. A National Forest trailhead for the Raspberry Creek Loop Trail (USFS Trail #1968) initiates on the Property on County Road 3C. This trail for non-motorized use traverses the Property for approximately 1/10th of a mile, and provides important public recreational access to the White River National Forest and the Raggeds Wilderness Area. All recreational use and its management will be subject to a Resource Management Plan mutually agreed upon by the Parties, to ensure that recreation and education activities are consistent with the other conservation values and the purpose of the conservation easement.

2 PHYSICAL CHARACTERISTICS OF THE PROPERTY

2.1 Existing Improvements & Features

The paragraphs below present brief descriptions of the improvements and other human-made features on the Property at the time of the baseline field visit. The approximate locations of the features are mapped on Figure 4.

Buildings. No buildings existed on the Property at the time of the baseline field visit.

Roads. County Road 3C (Marble Quarry Road), a maintained gravel road, contours through the southwest part of the Property for approximately 0.27 mile (Photopoints 15, 17, 21, 22). The Property's main access road, a constructed one-lane road with a lightly graveled driving surface, leads north-by-northeast from County Road 3C (Photopoint 15) to the slag pile/repository area (Photopoints 1, 6, 14), then trends east-by-southeast along the south edge of the Crystal River floodplain (Photopoints 31, 42) and exits the Property's east boundary beyond a locked gate. A spur of this road also extends west from the slag pile/repository area to a gate (Photopoint 12). Beyond the west gate, unimproved two-track road (or trails) extend west and off the Property (Photopoints 10, 11). Both two-track roads were partially inundated with spring flooding. An improved (constructed) single-lane road with native driving surface extends southerly from the main access road to Yule Creek Lodge, located south of the Property. This road was in poor condition at the time of the field visit due to water erosion (Photopoints 31-34). A recorded access easement is associated with the main access road on the Property, as shown on Figure 4.

Trails. The USFS Raspberry Creek Loop Trail (USFS Trail #1968) initiates from County Road 3C in the southwest part of the Property, and traverses the Property in a southeasterly direction for a distance of approximately 1/10th mile, providing access to the National Forest's Raggeds Wilderness Area to the south. An apparent social trail (Photopoint 41) extends from the main access road along the Property's east boundary in the approximate location shown on Figure 4. A brushed trail (Photopoint 35) was observed near the south boundary in the area of Yule Creek Lodge in the approximate location shown on Figure 4. The trail has not been recently brushed, and its function is unknown—although it appears to lead to one or more of the discovery hole locations (described in "Historical mining-related features" below).

Fencing. The Property is not perimeter fenced. Wooden buck rail fencing in good condition exists around a slag pile/slag repository feature in the west part of the Property to demark where public access is prohibited (Photopoints 1, 4). An additional wooden post-and-rail fence blocks entry to an old accessway to a defunct irrigation ditch headgate and Parshall flume on Yule Creek near the east Property boundary (Photopoint 44).

Utilities. No utilities were observed on the Property.

Historical mining-related features. The northwest part of the Property historically featured a mill site. Remaining today is a slag pile and repository area (Figure 4) that was recently remediated (Trout Unlimited 2023) and surrounded by a buck rail fence and signage (Photopoints 1-7). Three "discovery cuts" are in the southeast part of the Property (Figure 4; Photopoints 36, 37, 40). These are likely mineral prospecting holes created around the turn of the last century, or were possibly old rock borrow locations for a railway that once traversed the area near the Property. Some rock rubble is present around these locations.

Historical irrigation features. A defunct irrigation headgate structure is present on Yule Creek in the east part of the Property (Figure 4; Photopoints 45, 46). A remnant earthen ditch and Parshall flume are nearby the headgate location (Figure 4; Photopoint 48). The purpose of these structures, and their last date of use, are unknown.

Miscellaneous. Several large slabs of marble are present on the Property, in the slag pile/repository area (Photopoint 5), in the upland meadow in the northwest part of the Property (Photopoint 13), and near the gate where the main access road exits the south Property boundary (Photopoint 43). Signage on the

Property includes an entrance sign and a “no camping” sign posted on the main access road (Photopoints 14, 15), signs posted at the slag pile/repository area (Photopoints 3, 4), and signage related to the USFS Raspberry Creek Loop Trailhead (Photopoints 17, 18). Some old lumber that was potentially a small dilapidated shack was observed in the southeast part of the Property (Photopoint 39). An old bathtub is near the defunct irrigation headgate (Photopoint 45).

2.2 Geology & Topography

The following geology discussion is summarized from a Mineral Assessment Report for the Property (Rare Earth 2023).

The Property lies near the boundary of two major physiographic provinces: the dissected sedimentary mesas and domed mountains of Colorado Plateau to the west, and the rugged high-elevation peaks and glaciated valleys of the Southern Rocky Mountains to the east-southeast. The area is extremely varied and geologically complex. The topography and geology of this area were influenced by several major structures in western Colorado, including the Elk Mountains to the east-southeast, the Treasure Mountain Dome to the southeast, and the Piceance Creek Basin to the west. The edge of the Colorado Plateau, and the Piceance Creek Basin, is defined by the steeply (approximately 40° to 90°+) westward-dipping strata of the Grand Hogback Monocline, which was formed during the White River Uplift and thrust westward during the Laramide Orogeny in Late Cretaceous through Eocene time.

In the Town of Marble area, the valleys have been heavily glaciated and were carved in relatively soft, young rocks (i.e., Upper Cretaceous-age Mancos Shale). Slopes throughout the local area have been over-steepened by glaciation and are prone to avalanches and mud/debris flows. Economically important marble deposits formed nearby in metamorphosed Mississippian-age Leadville Limestone that was domed and intruded by an igneous stock (known as the Treasure Mountain Dome), along with base- and precious-metal deposits formed in contact-metamorphosed Mancos Shale near the Treasure Mountain Dome.

The Property itself consists of a surficial veneer of recent Holocene-age alluvium and fan deposits, which include clay- to boulder-sized materials found along the Crystal River drainage. These materials overlie bedrock Upper Cretaceous-age Mancos Shale, which consists mostly of dark olive-gray shale with several prominent sandstone beds. The Mancos Shale accumulated about 95-million-years ago in offshore and open-marine environments of the Interior Cretaceous Seaway and is upwards of 5,000-feet thick in parts of Gunnison County. The coal- and oil & gas-bearing Mesaverde Group is not present and lies above the Property both stratigraphically and topographically. Figure 5 provides a generalized map showing the primary geologic units in the area around the Property.

The Property is an irregularly shaped polygon transitioning from flat to gently sloping topography in the north part of the Property in the floodplain of the Crystal River, to rolling and extremely steep topography in the south part of the Property (Figure 2). The Property ranges in elevation from approximately 7,960 feet above mean sea level near its northwest corner where the Crystal River flows off the Property, to approximately 8,200 feet on its south boundary (Figure 2).

2.3 Soils

The Property's surface soils are derived from the geologic conditions described above. Figure 6 depicts NRCS mapping and Table 1, below, provides a list of the mapped soil units on the Property. The Property's soils are predominantly alluvium derived from igneous and sedimentary rock. The Water type appears to

be underrepresented by NRCS mapping. None of the Property's soils is identified by NRCS as "prime farmland" or other soil of agricultural significance.

Table 1. *Soil Types on the Property*

Map Unit	Map Unit Name	Percent of Property
104A	Haplocryolls-Cryaquolls complex, 0 to 15 percent slopes	74%
376C	Callings family, 40 to 60 percent slopes	24%
W	Water	2%

2.4 Surface Hydrology

The Property lies on the west side of the Continental Divide within the Roaring Fork River District of the larger Colorado River drainage basin. The principal surface water feature on the Property is the Crystal River (Photopoints 8, 9, 52, 53), which flows westerly in the north part of the Property for nearly 0.6 mile in a relatively broad floodplain. The confluence of the north-flowing Yule Creek and the Crystal River is also present in the northeast part of the Property (Photopoint 52). The hydrologic regime of the Crystal River floodplain is heavily influenced and enhanced by the activity of beavers (see Section 4.3). Approximately 25 acres of the Property are in a mosaic of permanently or seasonally inundated emergent or willow shrub wetlands and perennial ponds interconnected with beaver canals (Photopoints 22, 23, 25, 26, 28, 29, 30, 50, 51).

At least three north-trending seasonal drainages tributary to the Crystal River traverse the south part of the Property. These drainages have mostly low or ephemeral flow on moderately steep ground, flowing mainly during spring runoff (for example, Photopoint 24, and Photopoint 33 looking southeast).

2.5 Landcover

The Property is dominated by vegetation adapted to the region's elevation, soils and climate, and compositionally influenced by the Property's topography, geology, and hydrology. The Property's vegetation types (e.g., landcover types) are summarized in Table 2 and mapped on Figure 7. The paragraphs following Table 2 provide a narrative description of each vegetation type.

Table 2. *Landcover Types on the Property*

Landcover Type	Percent of Property	Characterization
Beaver pond-riparian-wetland complex	46% (~25 acres)	Southern Rocky Mountain upper montane mosaic of emergent wetlands, willow shrub wetlands and riparian corridors, beaver ponds and canals, slow-flowing backwater channels. Includes open water areas of beaver ponds.
Mixed conifer-aspen forest	40% (~20 acres)	A mosaic of Southern Rocky Mountain aspen stands, mixed conifer stands, and mixed conifer-aspen stands on moderate to steep slopes across the south part of the Property.

Landcover Type	Percent of Property	Characterization
Montane meadow	7% (~4 acres)	Southern Rocky Mountain upland montane meadow areas. Characterized by a variety of native montane grasses, forbs, and low shrubs. Includes the slag pile/repository area.
Active stream channel	5% (~3 acres)	Primarily unvegetated, dynamic stream channels of the Crystal River and Yule Creek.
Improved road surface	2% (~1 acre)	This type is mapped as County Road 3C. The other improved roads on the Property are one lane wide and without a substantial road base.

Beaver Pond Riparian Wetland Complex. This landcover type is a complex (mosaic) of willow shrub wetlands, graminoid emergent wetlands, and open water, with woodlands in the margins and transition areas. This complex occupies the majority of the north part of the Property between the Crystal River and the main access road. The Rocky Mountain willow / bluejoint reedgrass (*Salix monticola* / *Calamagrostis canadensis*) association is the dominant landcover type, with areas of Drummond willow / bluejoint reedgrass (*Salix drummondiana* / *Calamagrostis canadensis*) shrubland. Emergent wetland areas are dominated by sedges, including water sedge (*Carex aquatilis*), beaked sedge (*C. utricularata*), Nebraska sedge (*C. nebrascensis*), woolly sedge (*C. pellita*), mixed with bluejoint reedgrass, and cattails (*Typha* sp.). The margin woodlands are patches of the blue spruce / thinleaf alder (*Picea pungens* / *Alnus incana*) association, with occasional narrowleaf cottonwoods (*Populus angustifolia*) and Rocky Mountain juniper (*Juniperus scopulorum*) along the riverbank or the toe-slope along the south edge of the complex. Other riparian shrubs and forbs present in or near the transition zone included twinberry honeysuckle (*Lonicera involucrata*), serviceberry (*Amelanchier utahensis*), currant (*Ribes* sp.), redosier dogwood (*Cornus sericea*), hawthorn (*Crataegus* sp.), baneberry (*Actaea rubra*), wild rose (*Rosa woodsii*), heartleaf bittercress (*Cardamine cordifolia*), wild strawberry (*Fragaria* sp.), fireweed (*Chamaenerion angustifolium*), false hellebore (*Veratrum* sp.), wild geranium (*Geranium* sp.), and false Solomon's seal (*Maianthemum stellatum*). Much of the shrublands and emergent wetlands were inundated with water during the field visit, due to the well above average winter snowfall and high amount of spring runoff in the region.

Mixed Conifer-Aspen Forest. This landcover type occupies most of the south part of the Property, on the slopes rising above the main access road. The tree species are aspen (*Populus tremuloides*), Douglas fir (*Pseudotsuga menziesii*), and Engelmann spruce (*Picea engelmannii*), with occasional blue spruce and narrowleaf cottonwood. The shrub understory was dense and vertically well-stratified and included serviceberry, chokecherry (*Prunus virginiana*), Rocky Mountain maple (*Acer glabrum*), Gambel oak (*Quercus gambelii*), common juniper (*Juniper communis*), snowberry (*Symphoricarpos* sp.), and wild raspberry (*Rubus* sp.). Low growing shrubs and herbaceous plants were mountain lover (*Paxistima myrsinites*), Oregon grape (*Mahonia repens*), osha (*Ligusticum porteri*), yellow violet (*Viola nuttallii*), blue violet (*V. adunca*), yarrow (*Achillea millefolium*), waterleaf (*Hydrophyllum* sp.), meadowrue (*Thalictrum* sp.), American vetch (*Vicia americana*), heartleaf arnica (*Arnica cordifolia*), bunchberry dogwood (*Cornus canadensis*), western clematis (*Clematis occidentalis*), cinquefoil (*Potentilla hippiana*), red columbine (*Aquilegia canadensis*), wild strawberry, elk sedge (*Carex geyeri*), mountain and brome (*Bromus*

carinatus). Forest canopy openings tended to have dense stands of Gambel oak or snowberry. This landcover type appeared to be historically logged in the southeast part of the Property.

Montane Meadow. This landcover type is in the west part of the Property, on rolling terrain between the river corridor and County Road 3C. Grasses included smooth brome (*Bromus inermis*), crested wheatgrass (*Agropyron cristatum*), and orchardgrass (*Dactylis glomerata*), especially around the slag pile/repository. Other conspicuous montane meadow plants were snowberry, sneezeweed (*Senecio* sp.), larkspur (*Delphinium* sp.), cinquefoil, dandelion (*Taraxacum officinale*), clover (*Trifolium* sp.), mullein (*Verbascum thapsus*), mules ears (*Wyethia* sp.), wild strawberry, currant, false Solomon's seal, cow parsnip (*Heracleum maximum*), meadowrue, wild geranium, and wild buckwheat (*Eriogonum* sp.).

Weeds. Small amounts of common tansy (*Tanacetum vulgare*) and houndstongue (*Cynoglossum officinale*) were observed along the Beaver Lake path near the north Property boundary.

3 LAND MANAGEMENT

The Property is managed primarily as wildlife habitat and for non-motorized (passive) recreational access by the public.

3.1 General Land Management

The Landowner's current focus is to manage the Property for wildlife habitat. Recreational and educational uses will be guided by a Management Plan mutually agreeable to the Landowner and the Trust. Wildlife habitat is the guiding value in the property's management practices.

Remediation and barrier protection of the historical slag pile and repository in the northwest part of the Property took place with assistance from the Colorado Department of Public Health & Environment (CDPHE) under its Voluntary Cleanup and Redevelopment Program (VCUP) as described in a Construction Completion Report prepared by Trout Unlimited (Trout Unlimited 2023). A CDPHE No Action Determination concurring that remediation was successfully completed is on file with the Trust.

Noxious weeds were not a management issue on the Property at the time of the baseline field visit.

3.2 Recreation & Public Access

The Property is currently used for walking trails and fishing by the general public. The Landowner intends to memorialize the public access, guided by a Management Plan. Recreational use of the Property did not appear to be adversely impacting the conservation values of the Property at the time of the baseline field visit.

3.3 Minerals Management

According to a title commitment for the conservation easement, the subsurface mineral rights on the Property are not wholly held by the Landowner. In accordance with Treasury Regulation §170(h), the Landowner obtained an opinion from a professional geologist regarding the potential for surface mining on the Property. The geologist's review of the Property's mineral resources (Rare Earth 2023) concluded that given current surface mining techniques, an understanding of local geologic conditions, and an understanding of technological and economic constraints, the probability of extraction or removal of

minerals from the Property by any surface mining methods is “so remote as to be negligible.” No signs of current or recent mining activity were observed on the Property during the field visit. Historical mining-related features are described in Section 2.1.

4 RELATIVELY NATURAL HABITAT

The Property features relatively natural habitat (see Section 1.5 for a summary of the Property’s conservation values). The Property’s native landcover types, water resources, and terrain provide important relatively natural habitat and habitat linkages for wildlife in the area. Surface water resources, landcover, and terrain on the Property are described in Section 2. The appearance of the Property’s relatively natural habitat is depicted in documentary photographs following the main text of this report. Documentary photographs were taken at the photopoints shown on Figure 3. The ranges of selected wildlife species are mapped, relative to the Property, on Figure 8.

4.1 Special Status Species Habitat

Special status species are those protected by federal or state laws (the U.S. Endangered Species Act or Colorado’s Nongame, Endangered, or Threatened Species Conservation Act), or recognized by the state as a Species of Concern (CPW 2023a), or recognized as rare or imperiled by organizations such as CNHP (CNHP 2022). It is important to note that it was not within the scope of this report to conduct a comprehensive survey for special status species during the field visit. Nevertheless, based on the Property’s location and habitat characteristics, and the known ranges of species in the region, the Property provides or has the potential to provide habitat, habitat linkages, or habitat buffers for the following species.

Canada lynx (Federal Threatened, State Endangered). Nearly the entire Property lies within potential lynx habitat (Figure 8) modeled as moderately predictive of lynx occupancy in both winter and summer. Canada lynx was listed as threatened under the Endangered Species Act in 2000. Although it was never abundant, the lynx historically occurred in appropriate habitat in the subalpine zone throughout central Colorado, and was assumed extirpated from the state by 1973 (Seidel et al. 1998, Rudiger et al. 2000). CPW initiated a reintroduction program in 1999, and in 2010 announced that its benchmarks for reintroduction success had been achieved and breeding sub-populations of lynx were established. Although a few individual telemetry- tracked lynx have been documented in Gunnison County in the past, persistent lynx populations in the state are thought to be centered around the Collegiate Range and in the San Juan Mountains of central and southwest Colorado (Shenk 2009, Theobald & Schenk 2012). Federal agencies identify lynx potential habitat in Colorado based on landcover type, suitable landcover patch size, elevation, slope, topographic wetness, proximity to high-use roaded areas, and other factors. Primary lynx habitat (denning habitat) in Colorado includes coniferous forests of spruce and fir or lodgepole pine, and secondary habitat consists of aspen or Douglas-fir mixed with primary coniferous habitat, all between 8,000 and 11,500 feet elevation (Shenk 2009). Lynx typically forage in uneven-aged subalpine forests with shrubs or small trees that provide habitat for snowshoe hare, their primary prey. Small forest openings with short-stature cover enhance foraging habitat, although lynx mostly avoid openings larger than several acres. Closed canopy subalpine forests with significant dead and down trees provide optimum denning habitat. In areas with deep winter snow, foraging habitat must contain shrubs or small trees of sufficient height to extend above snowpack. The majority of the suitable lynx habitat on the Property is secondary habitat (aspen stands with a mixed conifer component), with a few small areas of potential denning habitat (closed canopy subalpine conifer forest).

Boreal toad (State Endangered). The entire Property lies within CPW-mapped (CPW 2023b) overall range of boreal toad (also known as mountain toad), a species recognized as endangered and protected under the Colorado Nongame, Threatened or Endangered Species Conservation Act. In the State Wildlife Action Plan (SWAP; CPW 2015), the State of Colorado identified the boreal toad as a Tier 1 species (a species with the highest conservation concern). The boreal toad was historically widespread and abundant throughout most of the southern Rocky Mountains, but has undergone a severe decline in distribution and abundance since the late 1970s (Hammerson 1998). Causes for decline potentially include habitat destruction or alteration (flooding of montane or boreal wetlands to create reservoirs; road construction; water, livestock, timber, minerals, and fire management practices; and predation by introduced trout; [Hammerson 1998]). The most urgent threat to boreal toads is that they are susceptible to chytrid fungus, a disease thought to be contributing significantly to declines and population extinction of frogs and toads around the world. Boreal toad breeding habitat is generally limited to elevations between about 8,000 to 12,000 feet above mean sea level, in still or sluggish water with emergent vegetation and shrubby willows at the gently-sloping edges of small lakes or ponds, beaver ponds, wetlands, glacial kettle ponds, and sluggishly-flowing, low-gradient ditches or streams interspersed in subalpine forests of lodgepole pine, Engelmann spruce, subalpine fir, or mixed conifer- aspen (Hammerson 1998). Breeding success requires permanent or semi-permanent water sources. Although the toads may move up to 4 kilometers from their breeding habitat following breeding season, they are never far from damp soil or leaf litter conditions. The Property contains excellent breeding habitat for boreal toad across the entirety of its beaver ponds riparian wetland complex.

Northern leopard frog (State Species of Concern). The Property's beaver pond riparian wetland complex provides ideal breeding habitat for northern leopard frog. This widely distributed amphibian has become scarce in some areas of Colorado leading to its recognition as a State Species of Concern (CPW 2023a). In low elevation areas of Colorado, the leopard frog can be displaced by non-native bullfrogs or decimated by non-native predatory fishes (Hammerson 1999). In higher elevation areas, the decrease in abundance of these frogs is largely unexplained. Although no leopard frogs were observed on the Property during the field visit, leopard frog occurrences are documented in the area (Hammerson 1999; CNHP 2022). In the SWAP (CPW 2015), the State of Colorado identified northern leopard frog as a Tier 1 species (a species with the highest conservation concern) with High Priority for protection in shrub-dominated wetlands, grass-forb dominated wetlands, and transition streams (CPW 2015).

Colorado cutthroat trout (State Species of Concern). CPW maps cutthroat trout presence in the Crystal River drainage (CPW 2023b) in the area of the Property. Cutthroat trout are generally limited to mid- or high-elevation streams with relatively high gradients and without excess sediments (Dare et al. 2011). The species is vulnerable to whirling disease and competition from, and hybridization with, introduced non-native species such as rainbow trout (Dare et al. 2011). The Colorado River cutthroat trout is a Tier 1 species in the Colorado SWAP (CPW 2015). The Crystal River and Yule Creek provide good potential habitat on the property for cutthroat trout, and the extensive beaver ponds, backwaters, and emergent wetlands potentially provide nursery habitat for cutthroat fry. The cutthroat trout occupies only an estimated 7 percent of its historic range in Colorado.

4.2 Big Game Habitat

The Property lies within the overall ranges of big game species that are of economic importance to Gunnison County and the State of Colorado, and that contribute significantly to the biodiversity of the region.

Elk. The Property lies within overall range of elk (Armstrong et al. 2011) and CPW maps the entire Property as elk summer range (Figure 8). The Property lies south of winter concentration and production (summer calving) areas (Figure 8). Due to hunting revenues, elk are of significant economic importance to Gunnison County and the State of Colorado, and contribute significantly to the biodiversity of the region. An estimated 40,425 elk were harvested statewide by hunters in 2022 (CPW 2022a), generating large revenues both directly and indirectly for the state (206,496 hunting licenses were issued and a total of 1,050,993 recreation days were provided). The elk population in Colorado was reduced to less than 1,000 animals in the early 1900s due to market hunting. Restoration efforts by CPW over the past several decades have resulted in a current statewide elk population of approximately 280,000 animals. Conservation of the Property is important to the overall conservation of elk habitat and movement corridors in the area, because the quantity of elk winter range is generally diminishing due to relatively high-density residential development in lower elevation valleys in western Colorado, where the most productive big game winter range is located. The conservation easement on the Property will benefit elk by maintaining and buffering open space near their critical winter range and production areas. Elk find excellent forage, thermal cover, and security in the Property's native landcover types and topography. Elk scat was plentiful on the Property during the field visit.

Mule deer. The Property lies within overall range of mule deer (Armstrong et al. 2011), and within CPW-mapped mule deer summer range (Figure 8). Mule deer find good seasonal forage and cover in the Property's native landcover and topographic features. Mule deer contribute significantly to the biodiversity of the region, and due to hunting revenues, mule deer are of significant economic importance to Gunnison County and the State of Colorado. In 2022, 88,937 licensed hunters harvested an estimated 38,049 deer in a total of 404,882 recreation days (CPW 2022b). The importance of mule deer habitat conservation is underscored by the fact that statewide, mule deer numbers have declined by approximately 36 percent in the past decade, and herd numbers remain about 125,000 below CPW's population objectives. CPW identifies several factors contributing to the decline, namely Colorado's dramatic increase in human population, which has contributed to the direct loss and degradation of mule deer habitat due to housing developments, urban and suburban sprawl, and infrastructure (CPW 2014). Habitat quantity and quality on winter range is a limiting factor for mule deer populations, when they are more vulnerable to starvation and predation, especially during severe winters. The quantity and quality of mule deer winter range in the lower elevation areas of western Colorado's mountain valleys are generally declining due to increasing densities of residential development. As development in lower valley areas continues in the future, conserved properties such as Marble Wetlands will become more important winter range as deer herds are pressured to winter at higher elevations.

Moose. There were no records of breeding populations of moose in Colorado until their introduction to the state in 1978 (Armstrong et al. 2011). CPW estimated the 2022 post-hunt population of moose in the state to be approximately 3,460, including approximately 150 in the White River Game Management Unit (CPW 2022c). Moose find good excellent habitat on the Property—wetlands near forest edges, which they favor. The Property lies within CPW-mapped moose summer range (Figure 8).

Black bear. The Property lies within the overall range of black bear (Armstrong et al. 2011). The black bear is a wide-roaming species with a relatively large territory size requirement. Black bears are commonly observed on and near the Property during summer and fall months when Gambel oak acorns, chokecherries, and serviceberries are plentiful. The Property provides excellent foraging habitat, cover, water resources, and seclusion for black bear. Black bear scat was observed on the Property during the field visit.

Mountain lion. The Property lies within the overall range of mountain lion, a wide-roaming species with a relatively large territory size requirement (Armstrong et al. 2011). Although mountain lions inhabit most ecosystems in Colorado, they are most common in wooded or forested ecotypes with rough topography. The Property provides good habitat for mountain lion, with its varied topography and dense vegetation cover—characteristics necessary for stalking prey. Mountain lions are common in the area, following the movements of mule deer, their primary prey.

4.3 Habitat for Other Wildlife

Birds. The Property provides habitat or habitat linkages for small animals with large home ranges moving across the surrounding landscape, including many neotropical migratory songbirds (Kingery 1998) whose populations are declining in all or parts of their ranges (Rosenberg et al. 2019). These include pine grosbeak, pine siskin, mountain chickadee, mountain bluebird, house wren, brown-capped rosy finch, gray jay, Clark's nutcracker, northern flicker, Lewis' woodpecker, western tanager, brown creeper, chipping sparrow, hairy woodpecker, and red-breasted nuthatch. Black swifts, which nest on ledges behind or near waterfalls, have been documented within a few miles of the Property, and may forage on the wing for insect prey on the Property. Raptors such as golden eagle, sharp-shinned hawk, Cooper's hawk, northern goshawk, northern harrier, and great-horned owl are expected to be fairly common (seasonally) in the area. A variety of waterbirds and wetland-dependent birds are expected to breed along the river and creek corridors, and in the wetlands, willow shrublands, and pond margins on the Property, including Canada geese, mallards, mergansers, teal, sora, veery, olive-sided flycatcher, and great blue heron. Nesting Canada geese were observed on small islands in beaver ponds on the Property during the field visit.

Beavers. Beavers are active all across the 25-acre Crystal River floodplain in the north part of the Property, where multiple beaver dams, ponds, canals and food caches were observed during the field visit. CPW identifies the extensive removal of beavers from the landscape throughout Colorado in the first half of the 19th century as having considerable impact on channel structure and stability, sediment levels, aquifer recharge, and biodiversity in mountain stream corridors in the state (CPW 2015). Beavers are still routinely removed from the landscape, especially in lower elevation areas of the state where human development is more intensive, due to conflict with development and irrigation structures. Conservation of the Property will ensure that beavers can continue their activities on the Property, which provide far-reaching benefits (ecosystem services) to both human and wildlife communities. As an ecological keystone species, beavers have a disproportionately large beneficial impact on the environment relative to their abundance. Beaver activities create mosaics of wetlands and open waters within floodplain environments, providing (and not limited to) the following benefits: increased biodiversity in flora and fauna; water retention and aquifer recharge; flood attenuation and regulation of water flow; improved water quality from wetland filtering of water pollutants and sediment; and erosion reduction and restoration of down-cut stream channels. These benefits provide localized drought resilience and contribute to the overall integrity of the landscape—factors which cannot be overstated in the arid west.

Small Mammals, Reptiles, Amphibians. Small mammals are expected to inhabit at least one of the habitat types found on the Property, including coyote, red fox, bobcat, badger, weasels, striped skunk, raccoon, cottontail, snowshoe hare, chipmunks, tree squirrels, pine marten, porcupine, marmot, mice, voles, woodrats, muskrat, and shrews. Several bat species are expected to occur as seasonal migrants or visitors on the Property, finding suitable roosts and foraging habitat in the Property's forests and wetlands.

Reptiles and amphibians anticipated to occur on the Property are western terrestrial garter snake, smooth green snake, western chorus frog, and tiger salamander (Hammerson 1999).

Fish. The Crystal River is a popular trout sport fishery, with people fishing on or near the Property during the field visit reporting catches of rainbow trout and brook trout.

5 OPEN SPACE

The Property possesses the characteristics of open space delineated at Treasury Regulation §1.170A-14(d) in that its preservation will provide scenic enjoyment to the general public, is pursuant to clearly delineated public policies, and will yield a significant public benefit. The open space conservation value of the Property is described below and supported by maps and documentary photographs in this report.

5.1 Scenic Characteristics

The Property contributes significantly to the scenic character of the region and the local landscape in which it lies, contains a harmonious variety of shapes and textures in its mosaic of natural vegetation communities and dramatic topography, and provides a degree of openness, contrast, and variety to the overall landscape. The Property is highly visible to the public from adjoining the adjoining public lands of the Beaver Lake State Wildlife Area (Photopoints 52, 52), from adjoining public lands of the White River National Forest (Photopoint 20), from Marble Quarry Road/County Road 3C (Photopoints 15, 17, 21, 22), from Gunnison County Road 3, and from many points within the Town of Marble. Adjacent and nearby public lands and roads are open to the public for recreation and travel, and provide scenic views of the Property's varied and dramatic terrain against the backdrop of nearby and distant mountains. Marble Quarry Road (County Road 3C) and County Road 3 provide important accessways to public lands in the area, including to the Raggeds Wilderness and the Maroon Bells Snowmass Wilderness Areas on the White River National Forest.

5.2 Significant Public Benefit

Preservation of the Property under a conservation easement will yield significant public benefit because its open space provides scenic enjoyment for the general public, consistent with governmental policy (see Section 5.3). Additional benefit to the public will occur because significant relatively natural habitat encompassing wetlands and beaver ponds provide a public service of flood attenuation and groundwater recharge.

A significant benefit to the public will be provided by the conservation easement on the Property because of the strong likelihood that development of the Property would lead to or would contribute to degradation of the relatively natural habitat and the scenic and rural character of the area. The Property consists of three legal parcels with the potential for development on its upland areas. Under the conservation easement, the Property will remain intact and protected from subdivision and residential development, transferable only as a single parcel.

5.3 Consistency with Government Policy

A conservation easement on the Property is supported by policy at the federal, state, and regional/local levels.

Federal Policy

Treasury Regulation §1.170A-14(d) provides for the donation of a qualified real property interest to protect a significant relatively natural habitat in which a fish, wildlife or plant community, or similar ecosystem; open space; or provide recreation or education opportunities to the public. The conservation easement on the Property qualifies in each category.

State Policy

Colorado Revised Statutes (CRS) provide for the establishment of conservation easements to maintain land “in a natural, scenic, or open condition, or for wildlife habitat, or for agricultural, horticultural, wetlands, recreational, forest, or other use or condition consistent with the protection of open land, environmental quality, or life-sustaining ecological diversity...” [CRS §38-30.5-102].

The Colorado Wildlife and Parks and Outdoor Recreation statutes [CRS §33-1-101 and §§ 33-10-101], provide, respectively, that “It is the policy of the State of Colorado that the wildlife and their environment are to be protected, preserved, enhanced, and managed for the use, benefit, and enjoyment of the people of this state and visitors to this state” and that “It is the policy of the state of Colorado that the natural, scenic, scientific, and outdoor recreation areas of this state are to be protected, preserved, enhanced, and managed for the use, benefit, and enjoyment of the people of this state and visitors of this state.”

The Colorado Department of Transportation statutes [CRS §43-1-401, et seq.], provide that the “preservation and enhancement of the natural and scenic beauty of this state” are of substantial state interest.

Priority III of Colorado’s Statewide Comprehensive Outdoor Recreation Plan (SCORP) 2019-2023 is land, water, and wildlife conservation. The goal of Priority III is “Private and public lands and waters are conserved to support sustainable outdoor recreation, the environment, and wildlife habitat. Objective I of Priority III is to advance landscape-scale conservation.

Colorado’s State Wildlife Action Plan (CPW 2015) contains the following guiding principles: “Encourage and support conservation actions that meet the needs of Species of Greatest Conservation Need; Acknowledge the pivotal role that private landowners and local stakeholders play in conservation; Maintain an atmosphere of cooperation, participation, and commitment among wildlife managers, landowners, private and public land managers, and other stakeholders in development and implementation of conservation actions.”

Colorado’s Water Plan, promulgated pursuant to C.R.S. § 37-60-106.3, includes the goal of reducing the transfer of water out of the agricultural sector to satisfy municipal and industrial water supply needs, which transfer “would result in substantial loss of agricultural lands and could potentially cause harm to the environment and to Colorado’s economy.” The Water Plan recommends multiple strategies to minimize “buy-and-dry” transactions, including encumbering agricultural lands and water rights in conservation easements.

The Western Governors’ Association Policy Resolution 2021-04 states that the “Western Governors support all reasonable proactive management efforts to conserve species and the ecosystems upon which they depend to sustain populations of diverse wildlife and habitats, preclude the need to list a species under the ESA, and retain the West’s wildlife legacy for future generations. Western Governor’s

also support initiatives that engage stakeholders to develop incentives for early, voluntary conservation measures to address multiple threats to species while preserving and enhancing western working landscapes.”

Regional and Local Policy

The establishment of the Conservation Easement on the Property is consistent with the following Sections of the Gunnison County Land Use Resolution (Amended in 2012): Section 1-103A.3., which provides in part that it is a general purpose of the Land Use Resolution of Gunnison County “to protect...the beauty of the landscape and rural character of Gunnison County...” and Section 1-103D.3., which provides the goal “to protect and preserve lands from land use activities and patterns of development that would cause significant adverse net impacts to sensitive wildlife habitat...” The Gunnison County Upper Crystal River Master Plan (2005) has the following goal statement “Open space in the Upper Crystal River Valley is a critical component of the area, and steps should continue to protect visual and ecological resources.” The Plan suggests the following implementation measures for this goal: “Gunnison County will continue to work the Trust for Public Lands, Go Colorado, the Nature Conservancy, the Aspen Valley Land Trust, the Crested Butte Land Trust and other conservancy organizations to pursue purchases of lands that offer significant ecological, recreational or scenic resources.”

6 RECREATION & EDUCATION OPPORTUNITIES FOR THE PUBLIC

Conservation of the Property will ensure that the public can continue to enjoy the recreational and educational opportunities it offers. Several recreators were present on the Property during the field visit—fishing (Photopoint 53) and hiking (Photopoint 11).

Passive public recreation access to the Property will be permitted and encouraged, provided that such use and access is not inconsistent with the conservation purposes and terms of the Conservation Easement. Public use and access will be further described in a forthcoming Management Plan. The Property is posted with signs reading: "Marble Wetlands Preserve; Day Use Area; Foot Traffic Only; Authorized Vehicles Only; No Bicycles, Motorcycles or ATVs; No Overnight Camping; No Fires; No Hunting; No Discharge of Firearms; Please Stay on Established Trails and Roads; Dogs on Leash or Voice Command." Signage may be added to or changed in accordance with future Management Plans and realities on the ground.

Likewise, outdoor education opportunities are valued and encouraged. Plans are underway to install interpretive signs at the slag pile and repository area (related to the historical smelter site), and the Landowner has given the Town of Marble and the Trust permission to program outdoor education activities as they deem appropriate, provided those activities are not inconsistent with the conservation purpose and conservation values identified in this Report, the forthcoming Management Plan, or the CE Deed.

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FIGURES

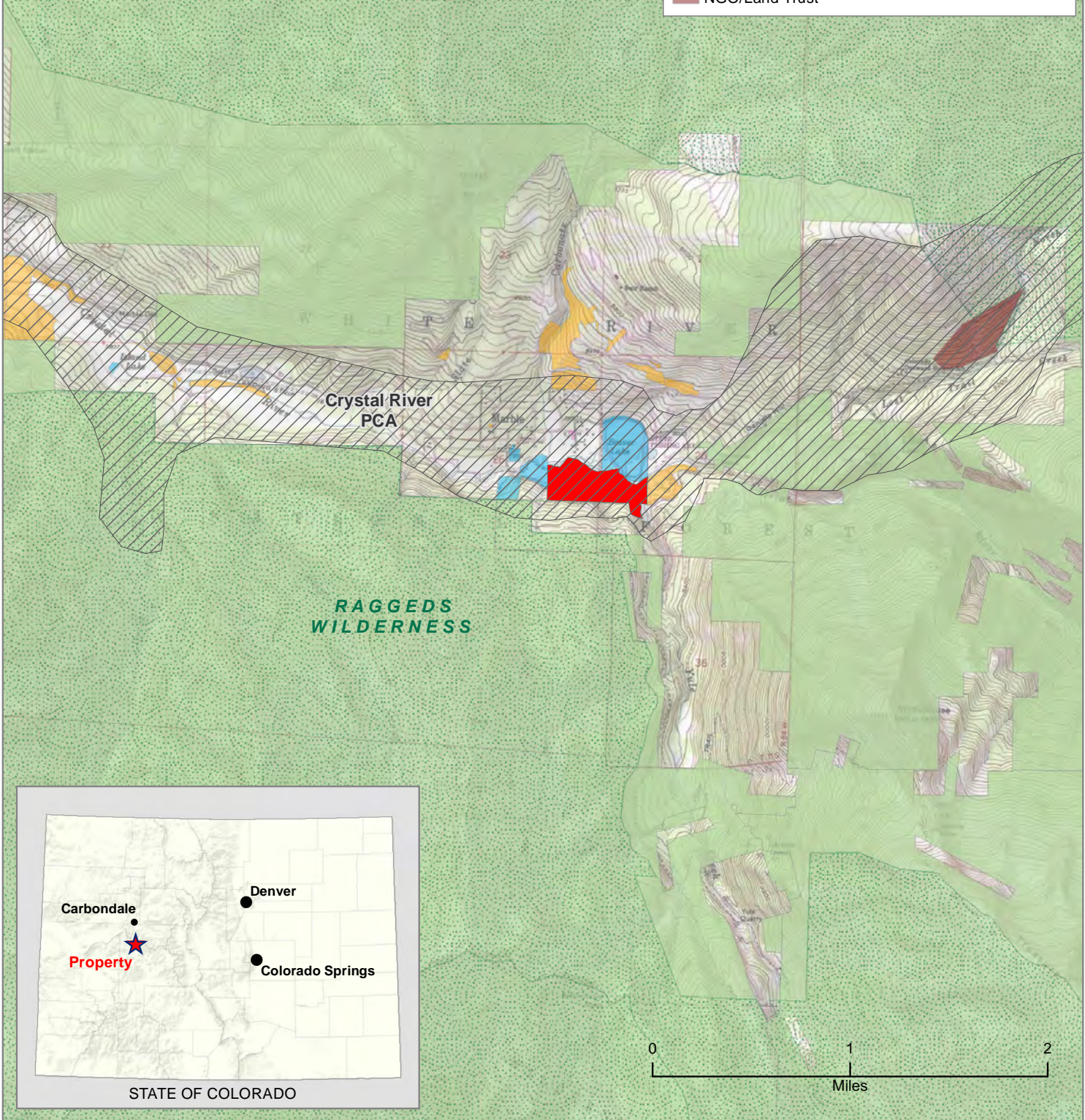


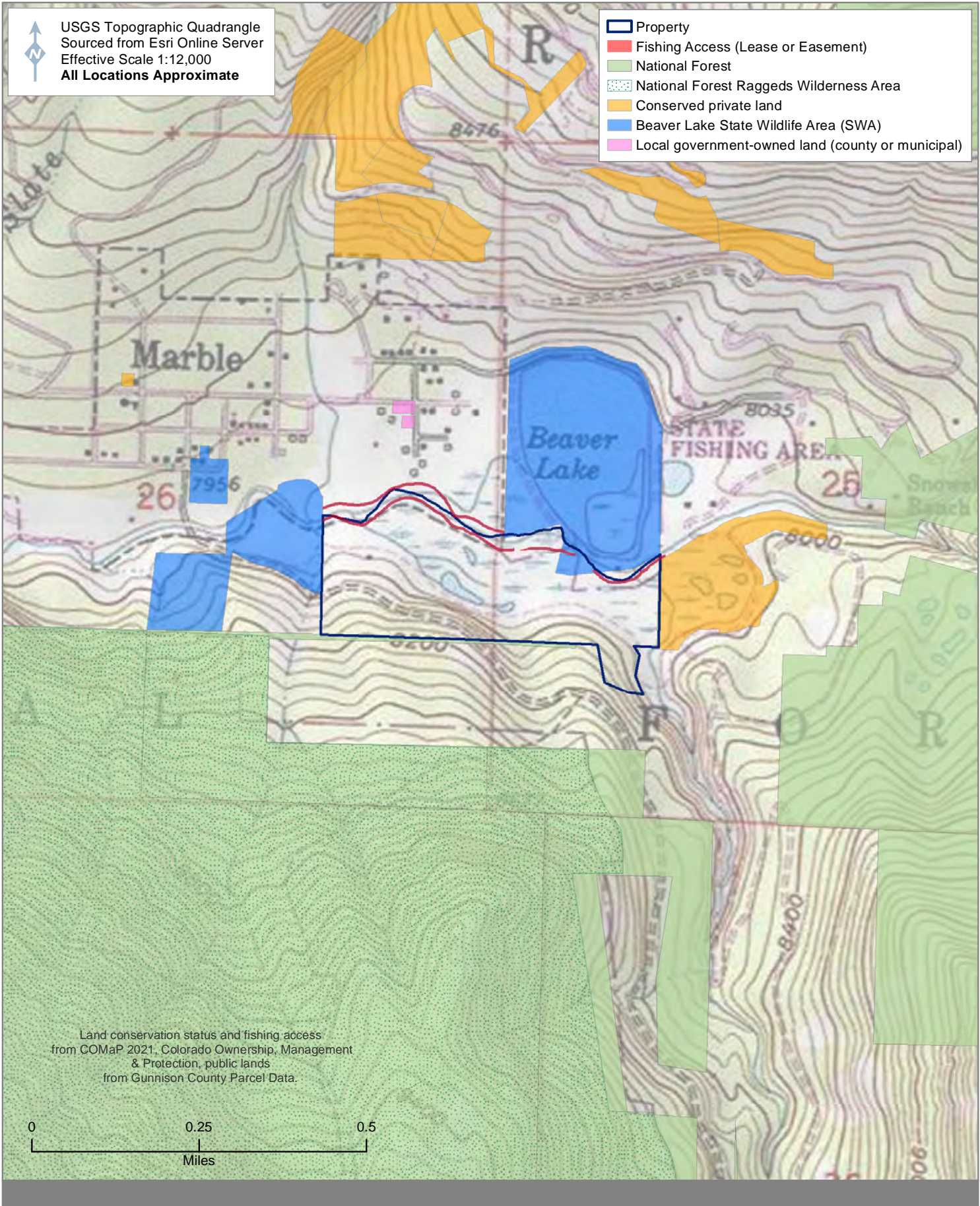
USA Topographic Map
 Sourced from Esri Online Server
 Effective Scale 1:45,000
All Locations Approximate

Land ownership and conservation status from COMaP 2021
 Colorado Ownership, Management & Protection. PCAs from CNHP

**MAROON BELLS
 SNOWMASS
 WILDERNESS**



- Marble Wetlands ("Property")
- CNHP Potential Conservation Area (PCA)
- National Forest
- National Forest Wilderness Area
- Conserved private land
- Beaver Lake State Wildlife Area (SWA)
- Local government-owned land (county or municipal)
- NGO/Land Trust

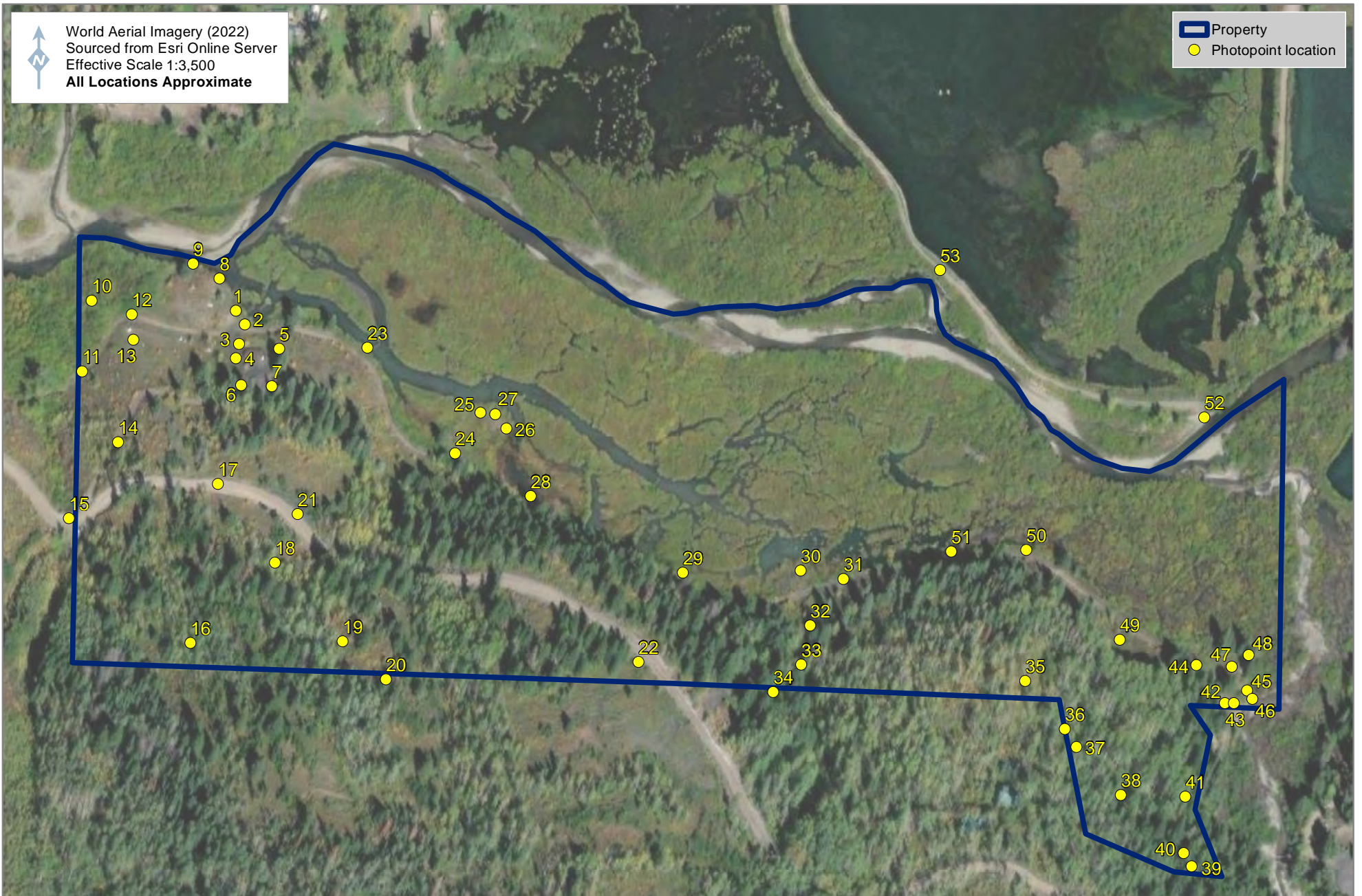






World Aerial Imagery (2022)
Sourced from Esri Online Server
Effective Scale 1:3,500
All Locations Approximate

 Property
 Photopoint location



0 250 500
Feet

Baseline Documentation Report
Gunnison County, Colorado
www.rareearthscience.com
Map by D. Reeder | June 2023

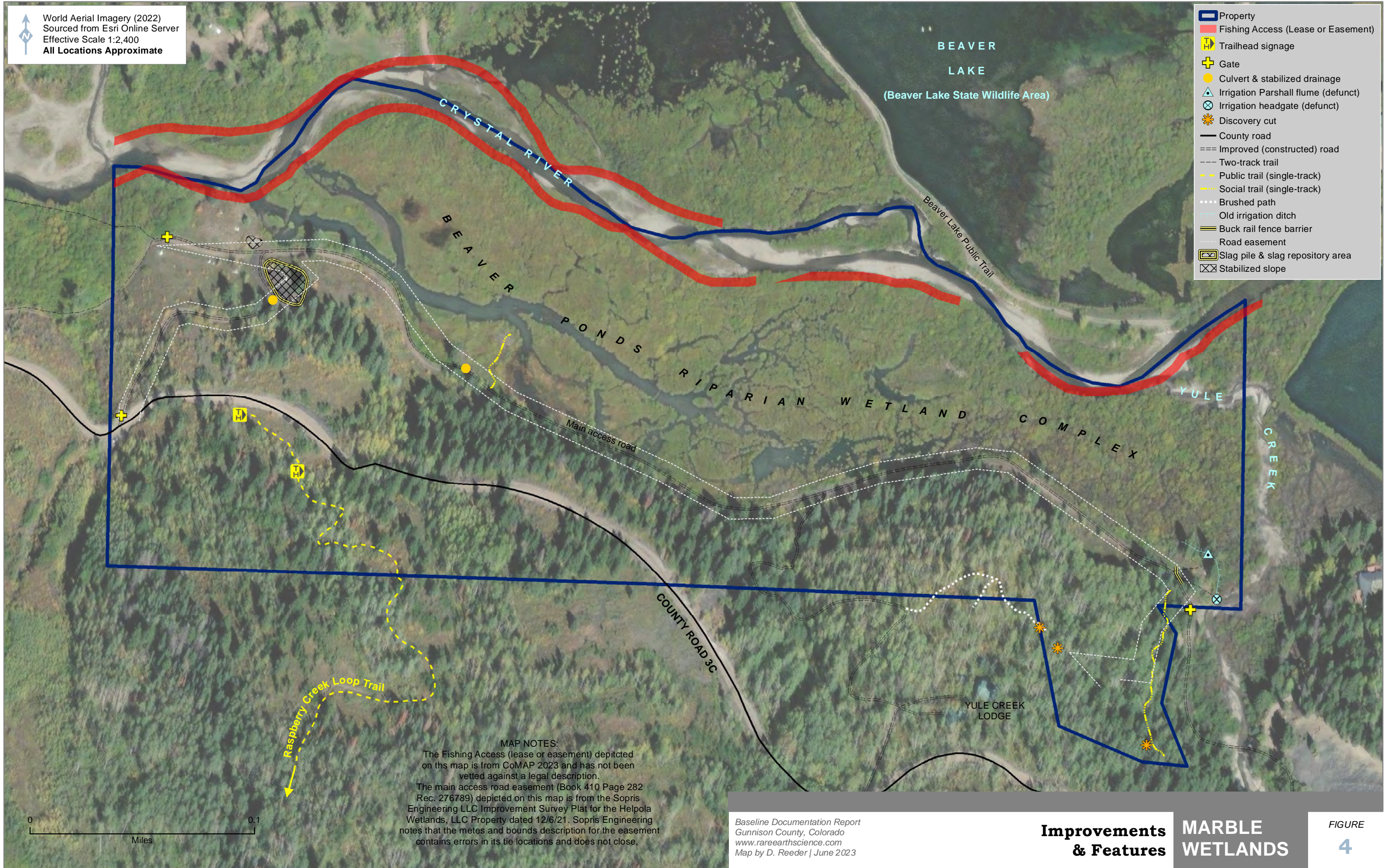
**Photopoint
Locations**

**MARBLE
WETLANDS**

FIGURE
3

World Aerial Imagery (2022)
 Sourced from Esri Online Server
 Effective Scale 1:2,400
 All Locations Approximate

- Property
- Fishing Access (Lease or Easement)
- Trailhead signage
- Gate
- Culvert & stabilized drainage
- Irrigation Parshall flume (defunct)
- Irrigation headgate (defunct)
- Discovery cut
- County road
- Improved (constructed) road
- Two-track trail
- Public trail (single-track)
- Social trail (single-track)
- Brushed path
- Old irrigation ditch
- Buck rail fence barrier
- Road easement
- Slag pile & slag repository area
- Stabilized slope



MAP NOTES:

The Fishing Access (lease or easement) depicted on this map is from CoMAP 2023 and has not been vetted against a legal description.
 The main access road easement (Book 410 Page 282 Rec. 276789) depicted on this map is from the Sopris Engineering LLC Improvement Survey Plat for the Helpola Wetlands, LLC Property dated 12/6/21. Sopris Engineering notes that the metes and bounds description for the easement contains errors in its tie locations and does not close.



Baseline Documentation Report
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Improvements & Features

MARBLE WETLANDS

FIGURE 4

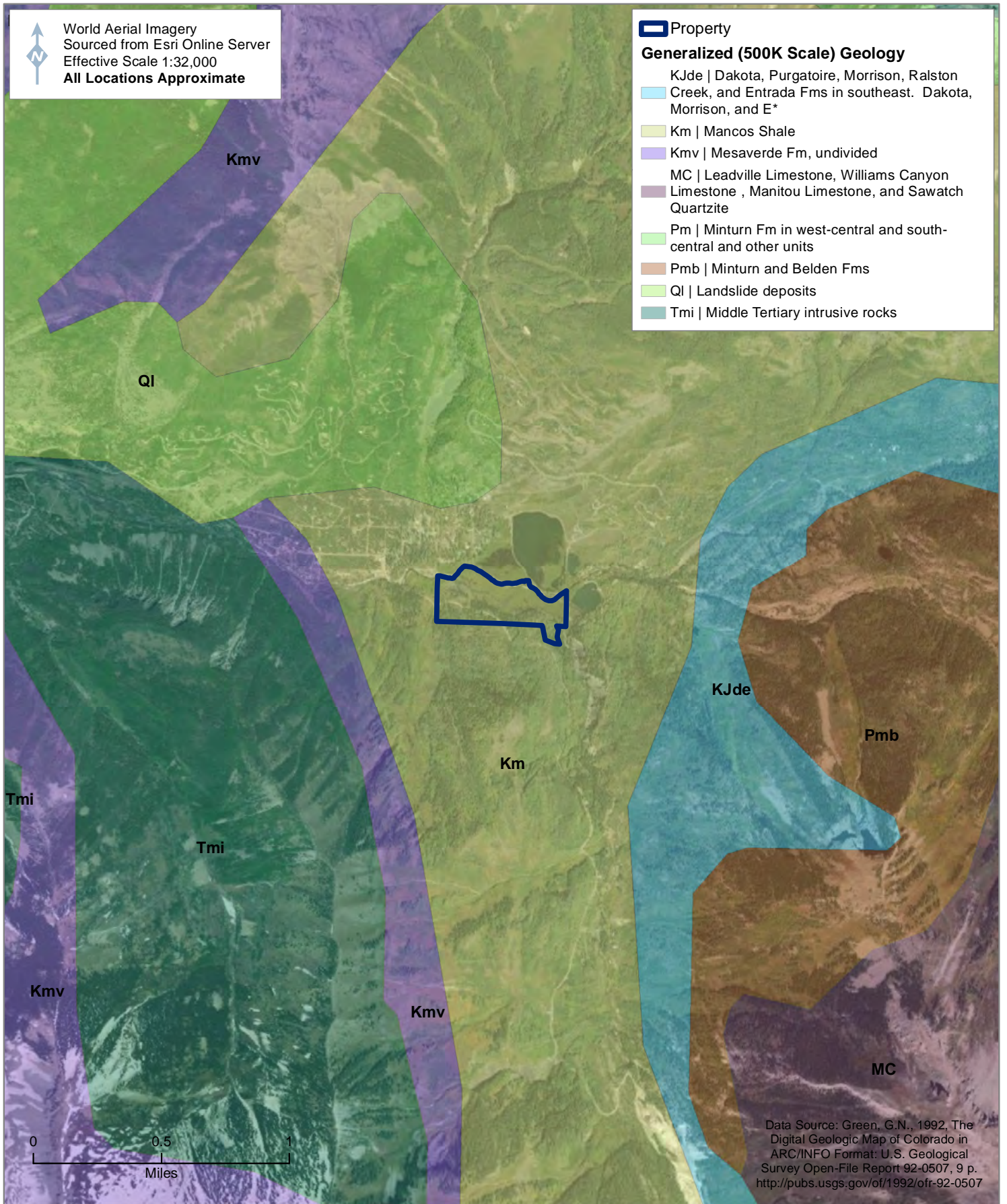


World Aerial Imagery
Sourced from Esri Online Server
Effective Scale 1:32,000
All Locations Approximate

Property

Generalized (500K Scale) Geology

- KJde | Dakota, Purgatoire, Morrison, Ralston Creek, and Entrada Fms in southeast. Dakota, Morrison, and E*
- Km | Mancos Shale
- Kmv | Mesaverde Fm, undivided
- MC | Leadville Limestone, Williams Canyon Limestone, Manitou Limestone, and Sawatch Quartzite
- Pm | Minturn Fm in west-central and south-central and other units
- Pmb | Minturn and Belden Fms
- QI | Landslide deposits
- Tmi | Middle Tertiary intrusive rocks

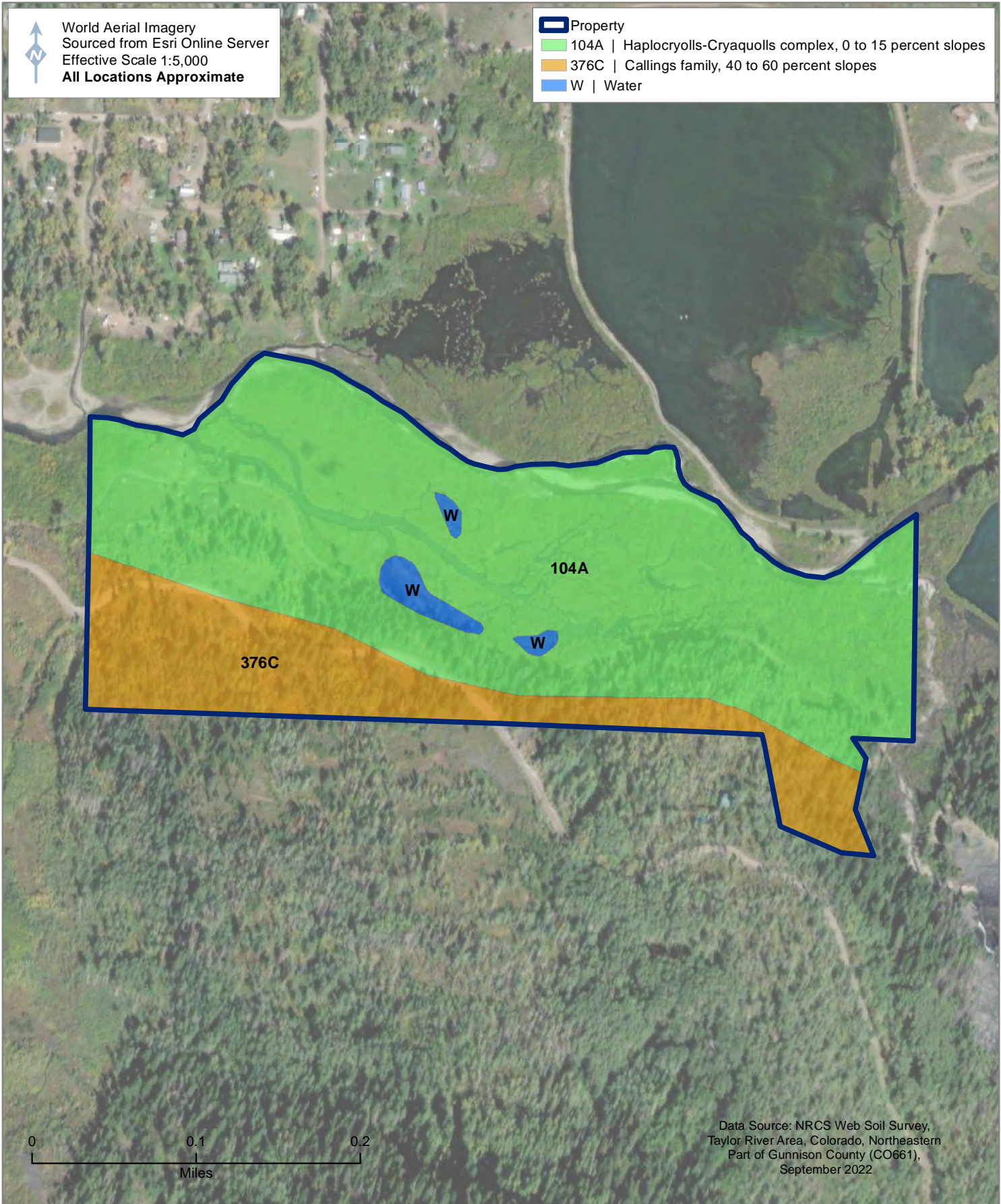


Data Source: Green, G.N., 1992, The Digital Geologic Map of Colorado in ARC/INFO Format: U.S. Geological Survey Open-File Report 92-0507, 9 p. <http://pubs.usgs.gov/of/1992/ofr-92-0507>



World Aerial Imagery
 Sourced from Esri Online Server
 Effective Scale 1:5,000
All Locations Approximate

- Property
- 104A | Haplocryolls-Cryaquolls complex, 0 to 15 percent slopes
- 376C | Callings family, 40 to 60 percent slopes
- W | Water



Data Source: NRCS Web Soil Survey,
 Taylor River Area, Colorado, Northeastern
 Part of Gunnison County (CO661),
 September 2022



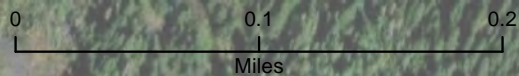
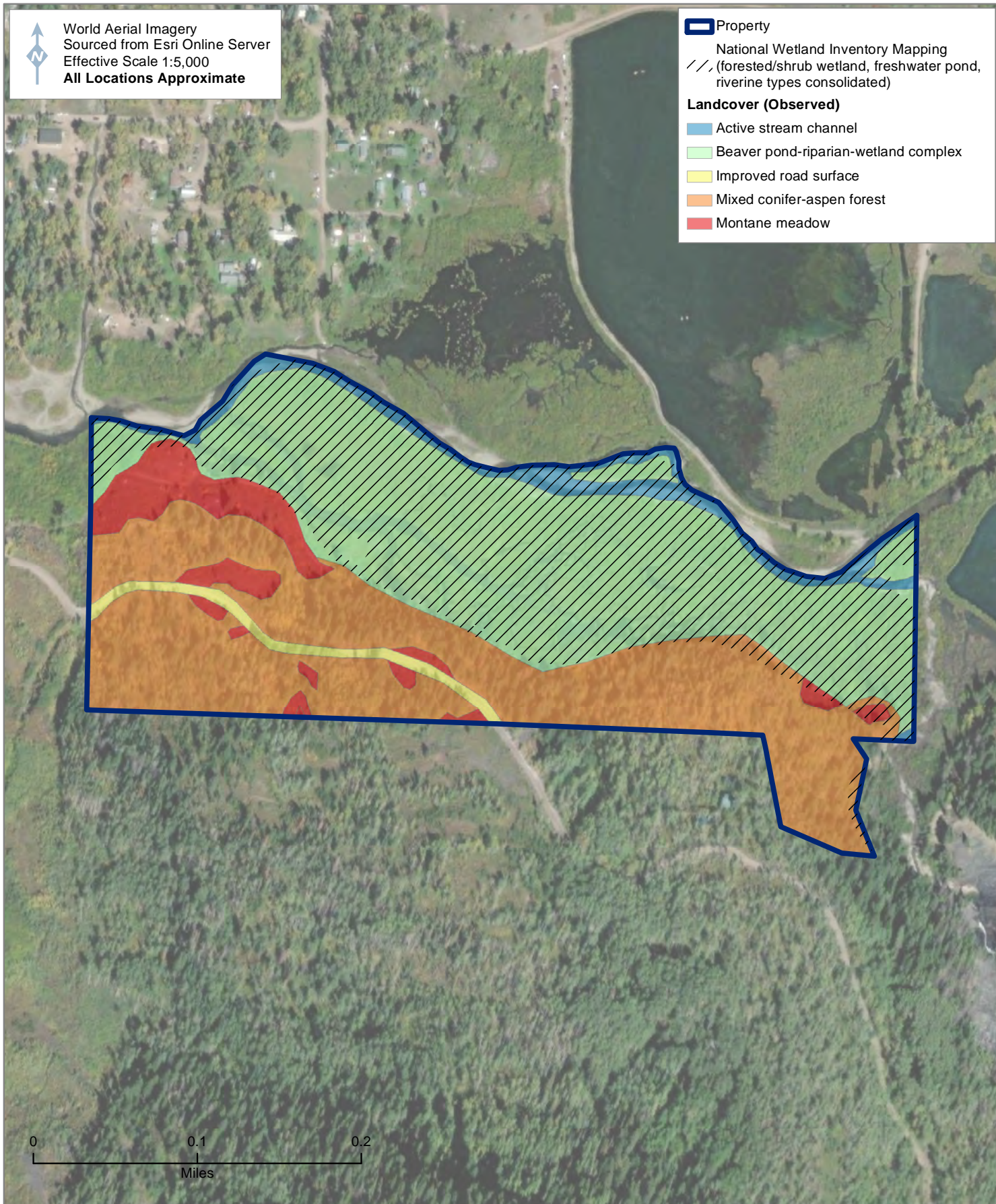
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 Sourced from Esri Online Server
 Effective Scale 1:5,000
All Locations Approximate

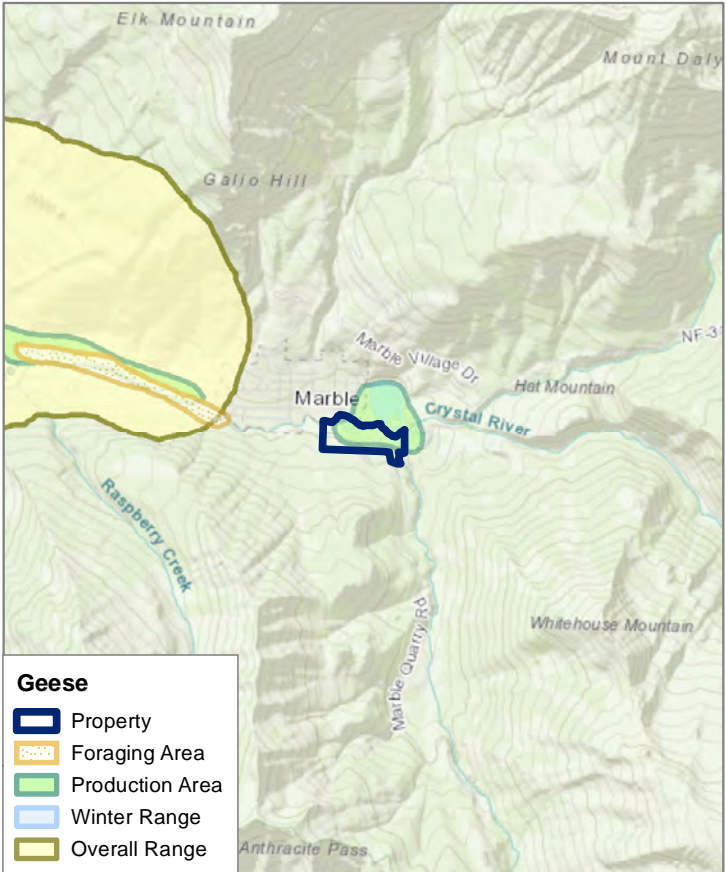
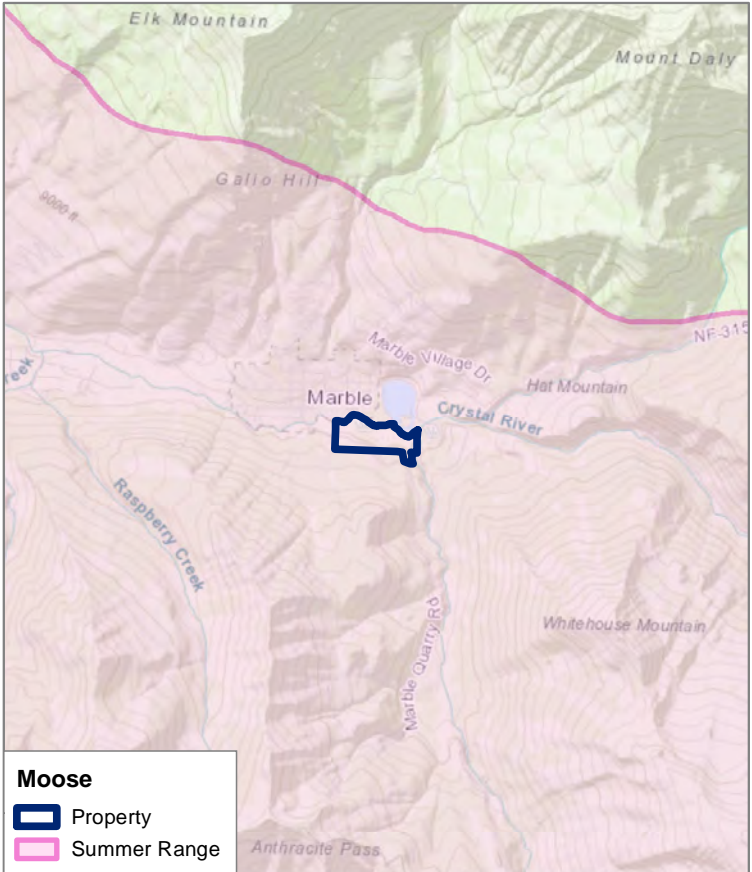
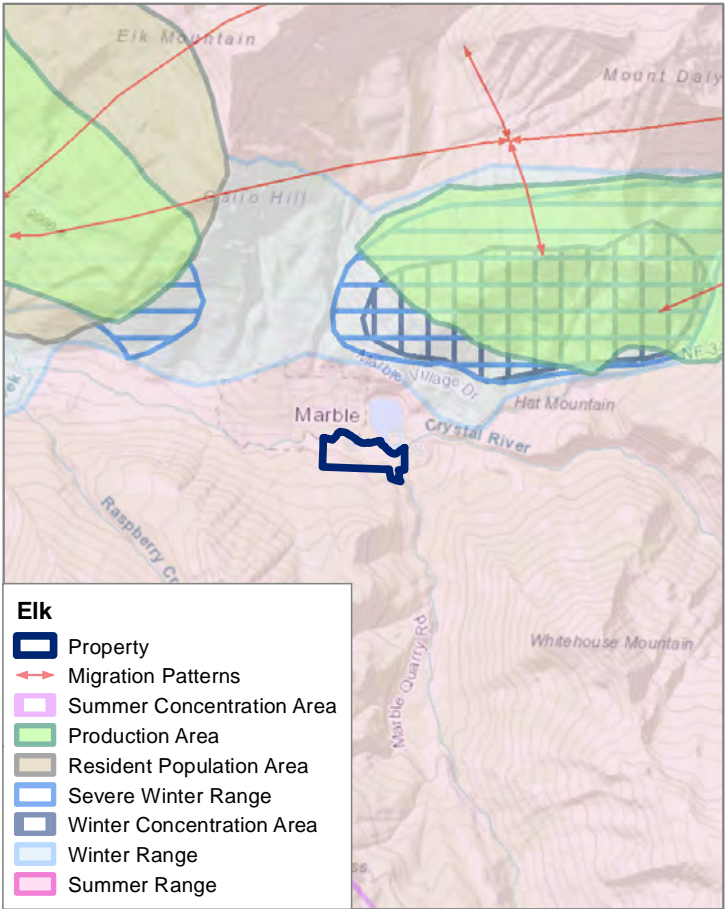
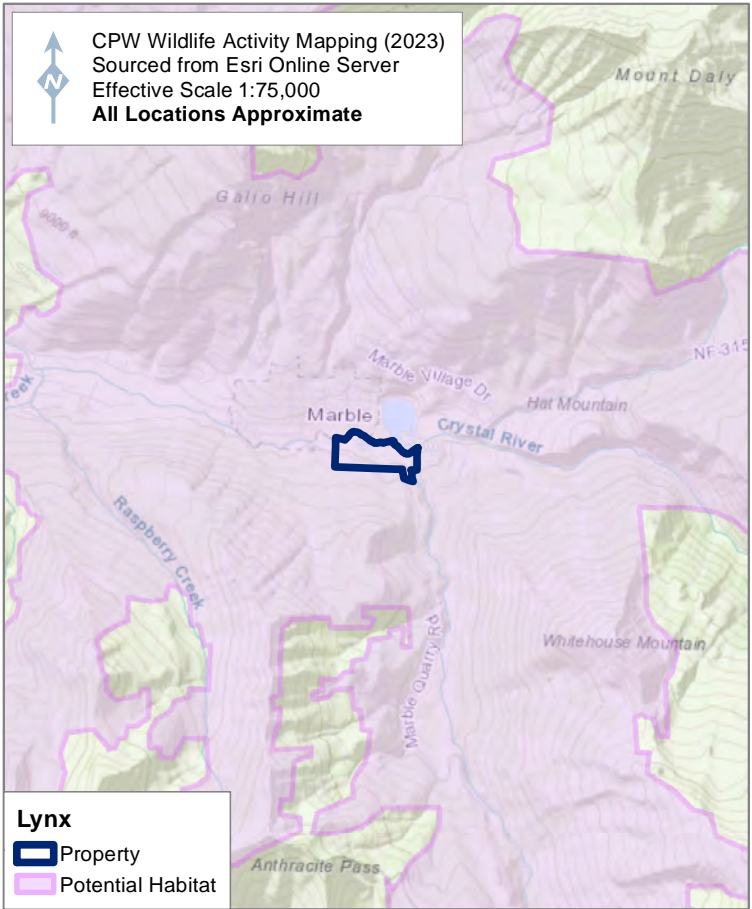
Property

National Wetland Inventory Mapping
 \\\ (forested/shrub wetland, freshwater pond,
 riverine types consolidated)

Landcover (Observed)

- Active stream channel
- Beaver pond-riparian-wetland complex
- Improved road surface
- Mixed conifer-aspen forest
- Montane meadow





DOCUMENTARY PHOTOGRAPHS

Keyed to Figure 3

Photopoint (PPT) Locations, UTM NAD83 Zone 13, meters					
PPT	Northing (X)	Easting (Y)	PPT	Northing (X)	Easting (Y)
1	310913.9	4326681.5	28	311112.3	4326556.5
2	310920.1	4326672.2	29	311214.7	4326505.0
3	310916.1	4326659.1	30	311294.1	4326506.5
4	310913.9	4326649.3	31	311323.0	4326500.6
5	310943.0	4326655.8	32	311300.4	4326469.3
6	310917.6	4326631.3	33	311294.5	4326443.0
7	310938.1	4326630.4	34	311275.5	4326424.6
8	310903.0	4326703.2	35	311445.5	4326431.9
9	310884.9	4326713.2	36	311471.9	4326399.5
10	310816.8	4326688.3	37	311480.0	4326387.6
11	310810.3	4326640.6	38	311509.8	4326355.1
12	310843.7	4326679.0	39	311557.4	4326307.1
13	310844.7	4326661.7	40	311552.1	4326315.9
14	310834.4	4326592.8	41	311553.3	4326354.1
15	310801.5	4326541.5	42	311579.8	4326417.3
16	310883.4	4326457.8	43	311585.8	4326417.2
17	310901.8	4326564.7	44	311560.7	4326442.7
18	310940.2	4326511.6	45	311594.7	4326425.6
19	310985.8	4326458.7	46	311598.4	4326419.9
20	311014.8	4326433.0	47	311584.5	4326441.6
21	310955.4	4326544.3	48	311595.7	4326449.6
22	311184.9	4326445.0	49	311508.9	4326459.7
23	311002.4	4326656.7	50	311446.1	4326520.1
24	311061.5	4326585.2	51	311395.4	4326519.2
25	311078.5	4326612.9	52	311565.9	4326609.5
26	311096.1	4326602.0	53	311387.9	4326708.8
27	311088.6	4326611.7			



Photopoint 1. Looking south-by-southeast across the access road toward the slag pile restoration area in the northwest part of the Property (6/4/23).



Photopoint 2. Looking northwest at the stabilized slope opposite the slag pile restoration area (6/4/23).



Photopoint 3. Looking southeast at a detail of the slag pile and signage within the fenced restoration area (6/4/23).



Photopoint 4. Looking east-by-northeast at the west side of the slag pile from the access road (6/4/23).



Photopoint 5. Looking west-by-southwest across the fenced slag pile restoration area from its east boundary (6/4/23).



Photopoint 5. Looking west-by-northwest along the east boundary of the fenced slag pile restoration area 6/4/23).



Photopoint 5. Looking south along the east boundary of the fenced slag pile restoration area (6/4/23).



Photopoint 6. Looking north-by-northeast from the access road toward the north end of the slag pile restoration area and stabilized slope (6/4/23).



Photopoint 6. Looking north-by-northwest at a restored drainage pattern and culvert crossing on the access road upgradient of the slag pile (6/4/23).



Photopoint 7. Looking north-by-northwest across the fenced repository area (6/4/23).



Photopoint 8. Looking northwest through southeast (left to right) in the northwest part of the Property. In the center of the photo is the confluence of the Crystal River (left) with the Property's extensive beaver pond & riparian wetland complex (right) (6/4/23).



Photopoint 9. Looking west-by-northwest and downstream along the Crystal River, on the Property's north boundary (6/4/23).



Photopoint 10. Looking west at a two-track trail in the northwest part of the Property, which was inundated from here westward (6/4/23).



Photopoint 10. Looking east-by-southeast along the same two-track trail, (6/4/23).



Photopoint 11. Looking northeast along a second two-track trail from where it enters the west boundary of the Property (6/4/23).



Photopoint 11. Looking southwest along the same two-track trail, which was inundated southwesterly from this point (6/4/23).



Photopoint 12. Looking east at a gate where the improved road leading west from the slag pile/repository area ends (6/4/23).



Photopoint 13. Looking east through west (left to right) in an upland meadows area in the northwest part of the Property (6/4/23).



Photopoint 13. Continuing panorama, looking west through east (left to right) in an upland meadow area in the northwest part of the Property. Note the scattered slabs of marble, which are present in a few locations in the northwest and east parts of the Property (6/4/23).



Photopoint 14. Looking north-by-northeast along the main access road leading from County Road 3C down to the slag/repository area (6/4/23).



Photopoint 14. Looking south-by-southwest up the same road (6/4/23).



Photopoint 15. Looking north along the Property's west boundary from County Road 3C (6/4/23).



Photopoint 15. Looking northeast at the main access road off County Road 3C (6/4/23).



Photopoint 15. Looking east from County Road 3C at the forested area of the Property lying south of the County Road (6/4/23).



Photopoint 15. Looking south-by-southeast from County Road 3C at the forested area of the Property lying south of the County Road (6/4/23).



Photopoint 16. Looking west in the southwest part of the Property, in the forested area south of County Road 3C (6/4/23).



Photopoint 16. Looking north in the southwest part of the Property, in the forested area south of County Road 3C (6/4/23).



Photopoint 17. Looking west along County Road 3C in the southwest part of the Property (6/4/23).



Photopoint 17. Looking northwest from County Road 3C at an overview of the northwest part of the Property (6/4/23).



Photopoint 17. Looking north from County Road 3C at an overview of the northwest part of the Property (6/4/23).



Photopoint 17. Looking northeast from County Road 3C at an overview of the northwest part of the Property (6/4/23).



Photopoint 17. Looking east-by-southeast along County Road 3C in the southwest part of the Property (6/4/23).



Photopoint 17. Looking south-by-southeast from County Road 3C at the trailhead area for the USFS Raspberry Creek Loop Trail (6/4/23).



Photopoint 18. Looking south at the Raspberry Creek Loop Trail and signage on the southwest part of the Property (6/4/23).



Photopoint 18. Looking north along the Raspberry Creek Loop Trail on the southwest part of the Property (6/4/23).



Photopoint 19. Looking west through east (left to right) from the Raspberry Creek Loop Trail in the southwest part of the Property. The snowy peaks on the horizon are in the Maroon Bells Wilderness on the White River National Forest (6/4/23).



Photopoint 20. Looking north-by-northwest from the south boundary where the Raspberry Creek Loop Trail enters from National Forest (6/4/23).



Photopoint 21. Looking south-by-southwest at the forested area south of County Road 3C (6/4/23).



Photopoint 21. Looking northwest through southeast (left to right) from County Road 3C at a scenic view of the Property and Beaver Lake State Wildlife Area. The Town of Marble is in the trees in the middle distance on the left. Gallo Hill is on the horizon to the left, and the snowy peaks beyond are in the Maroon Bells Wilderness (6/4/23).



Photopoint 22. Looking northwest along County Road 3C from near where it enters the Property's south boundary (6/4/23).



Photopoint 22. Looking north-by-northeast from County Road 3C toward the Property's riparian wetland complex (6/4/23).



Photopoint 22. Looking northeast from County Road 3C toward the Property's riparian wetland complex (6/4/23).



Photopoint 22. Looking southeast along County Road 3C from near where it exits the Property's south boundary (6/4/23).



Photopoint 23. Looking northwest through southeast (left to right) at the beaver ponds riparian wetland complex in the northwest part of the Property. An active beaver dam is in the foreground (6/4/23).



Photopoint 24. Looking south-by-southwest at erosion control measures on a seasonal drainage intersecting the main access road (6/4/23).



Photopoint 24. Looking north-by-northeast at erosion control measures on a seasonal drainage intersecting the main access road (6/4/23).



Photopoint 25. Looking west at an example of the emergent wetland and willow shrub wetland mosaic in the beaver pond wetland complex (6/4/23).



Photopoint 26. Looking southeast at an example of a beaver pond in the west-central part of the Property (6/4/23).



Photopoint 27. Looking south-by-southwest at willow shrub wetlands and forested slopes beyond, in the west-central part of the Property (6/4/23).



Photopoint 28. Looking north-by-northwest from the main access road across a beaver pond in the central part of the Property (6/4/23).



Photopoint 28. Looking southeast along the main access road in the central part of the Property (6/4/23).



Photopoint 28. Looking south-by-southeast at the steep forested slope in the west-central part of the Property (6/4/23).



Photopoint 29. Looking north-by-northeast at an example of emergent wetlands and willow shrub wetlands mosaic (6/4/23).



Photopoint 30. Looking south-by-southwest at the steep forested slope in the south-central part of the Property (6/4/23).



Photopoint 30. Looking west-by-northwest across the beaver ponds riparian wetland complex in the central part of the Property (6/4/23).



Photopoint 31. Looking southwest from the main access road (right) toward an improved road leading to the south Property boundary (6/4/23).



Photopoint 32. Looking south along the improved road (note erosion damage) leading from the main access road to the south boundary (6/4/23).



Photopoint 33. Looking southeast up a seasonal drainage from the improved road leading south from the main access road (6/4/23).



Photopoint 33. Looking west-by-northwest along the improved road (note erosion damage) off the main access road to the south boundary (6/4/23).



Photopoint 34. Looking northwest from near the south boundary down the improved road leading from the main access road (6/4/23).



Photopoint 35. Looking west through east (left to right) in the forested southeast part of the Property from the location of a brushed trail (6/4/23).



Photopoint 36. Looking south at what appears to be an old “discovery cut” on or near the southeast part of the Property (6/4/23).



Photopoint 37. Looking east-by-southeast at a second apparent discovery cut in the southeast part of the Property (6/4/23).



Photopoint 38. Looking north at the steep forested slope in the southeast part of the Property (6/4/23).



Photopoint 38. Looking northeast at the steep forested slope in the southeast part of the Property (6/4/23).



Photopoint 39. Looking west-by-northwest at the steep forested slope in the southeast part of the Property from an apparent social trail (6/4/23).



Photopoint 39. Looking northwest at old lumber debris in the southeast part of the Property (6/4/23).



Photopoint 39. Looking east from near the east Property boundary toward Yule Creek (6/4/23).



Photopoint 40. Looking west at a third discovery cut observed in the southeast part of the Property (6/4/23).



Photopoint 41. Looking south-by-southwest along the apparent social trail in the southeast part of the Property (6/4/23).



Photopoint 41. Looking northwest at the forested moderately sloped area of the southeast part of the Property (6/4/23).



Photopoint 42. Looking south at the locked gate across the main access road where it exits the Property's south boundary (6/4/23).



Photopoint 42. Looking northwest along the main access road from near the Property's south boundary (6/4/23).



Photopoint 43. Looking east-by-southeast at marble slabs east of the main access road near where the road exits the south boundary (6/4/23).



Photopoint 44. Looking west at a buck rail fence blocking access to old two-track trails leading east from the main access road (6/4/23).



Photopoint 45. Looking southeast at an old bathtub and old irrigation headgate on the west bank of Yule Creek near the south boundary (6/4/23).



Photopoint 45. Looking northwest along an old two-track trail between the main access road and Yule Creek (6/4/23).



Photopoint 46. Looking south-by-southeast at detail of the old irrigation headgate structure on Yule Creek near the east Property boundary (6/4/23).



Photopoint 46. Looking east-by-northeast / downstream at Yule Creek where it crosses the eastmost southeast corner of the Property (6/4/23).



Photopoint 46. Looking south / upstream at Yule Creek from the old irrigation headgate location (6/4/23).



Photopoint 47. Looking west along an old two-track trail leading toward the location of an old irrigation ditch and flume (6/4/23).



Photopoint 48. Looking northwest at the location of the old irrigation ditch and Parshall flume (arrow) in the east part of the Property (6/4/23).



Photopoint 49. Looking southeast in a small upland meadow in the southeast part of the Property (6/4/23).



Photopoint 49. Looking south at the steep forested slope in the southeast part of the Property (6/4/23).



Photopoint 50. Looking north-by-northeast in the beaver ponds riparian complex in the northeast part of the Property (6/4/23).



Photopoint 51. Looking west through east (left to right) in the beaver ponds riparian complex in the northeast part of the Property (6/4/23).



Photopoint 52. Looking south-by-southwest toward the east part of the Property from Beaver Lake SWA (6/4/23).



Photopoint 52. Looking south-by-southeast toward the confluence of the Crystal River and Yule Creek from near the north boundary (6/4/23).



Photopoint 53. Looking southeast through northwest (left to right) at the view of the Property from Beaver Lake State Wildlife Area and a point near the north Property boundary. The Crystal River is in the foreground. The snowy peaks on the right are in the Raggeds Wilderness on the White River National Forest (6/4/23).

Appendix 2: Fishing Access Easement

Filed for record the 28 day of April, A. D. 1961, at 11:00 o'clock P. M. in the County of Gunnison, Colorado, By: Edith Gibson RECORDER

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That WADE G. LOUDERMILK and WILMA H. LOUDERMILK

of the Gunnison County of Gunnison and State of Colorado,

for the consideration of

TEN DOLLARS AND OTHER VALUABLE CONSIDERATIONS ~~Five Dollars~~

in hand paid, hereby sell and convey to THE STATE OF COLORADO for the use and benefit of the GAME AND FISH COMMISSION the following real property, situate in the Gunnison County of Gunnison and State of Colorado, to-wit:

A tract of land situated in the SW 1/4 NW 1/4, & NW 1/4 SW 1/4, Section 25, T. 11S., R. 88W. of the 6th Principal Meridian and more fully described as follows: Beginning at a point on the West line of said Section 25 and the Southerly line of the County Road, whence the North-west corner of said Section 25 bears N. 0° 03' W., 1790.45 feet; thence along the South-erly line of the County Road as follows: N. 77° 42' E., 83.6 feet; thence N. 67° 55' E., 336.6 feet; thence N. 89° 12' E., 211.1 feet; thence N. 81° 56' E., 118.5 feet; thence S. 76° 02' E., 75.2 feet; thence S. 65° 14' E., 219.2 feet; thence S. 78° 38' E., 135.0 feet; thence S. 30° 40' E., 159.5 feet; thence S. 13° 12' E., 359.7 feet to the East line of said SW 1/4 NW 1/4; thence S. 0° 41' W., 1031.32 feet along the East line of said SW 1/4 NW 1/4 and NW 1/4 SW 1/4 to the center of Crystal River; Thence along the center of the Crystal River as follows: S. 52° 49' W., 184.45 feet; thence S. 83° 40' W., 491.4 feet; thence N. 83° 10' W., 105.0 feet; thence N. 13° 26' E., 275.3 feet; thence N. 12° 38' W., 131.0 feet; thence S. 73° 41' W., 539.6 feet; thence N. 59° 08' W., 63.16 feet to the West line of said NW 1/4 SW 1/4; thence N. 0° 03' W., 1368.16 feet along West line of NW 1/4 SW 1/4 and SW 1/4 NW 1/4 to the point of beginning, less the Westerly 125' being 4.08 acres more or less lying within the boundary of the town of Marble, containing 41.773 acres more or less. Together with an easement and right-of-way over, across and along the South Bank of the Crystal River, twenty (20') feet in width above the highwater line thereof, for fish-ing purposes only, situate in the NE 1/4 of the SE 1/4 of Section 26 and the NW 1/4 of the SW 1/4 of Section 25, all in Township 11 South, Range 88 West of the 6th Principal Meridian in Gunnison County, Colorado, and an easement and right-of-way over, across and along the North bank of the Crystal River, twenty (20') feet in width above the highwater line thereof, for fishing purposes only, situate in the NE 1/4 of the SE 1/4 of Section 26, Town-ship 11 South, Range 88 West of the 6th Principal Meridian, Gunnison County, Colorado, and an easement over, across and through the south 10 feet of the N 1/2 of Block 7, East Marble in the Town of Marble, Gunnison County, Colorado, for the purpose of constructing and maintaining a ditch therein to carry the flow of Carbonate Creek.

Except taxes for 1961 payable in 1962 and subject to patent reservations and easements that may now exist, if any,

with all its appurtenances, and warrant the title to the same, ~~subject to~~

Signed and delivered this 14 day of April, A. D. 1961

in the presence of

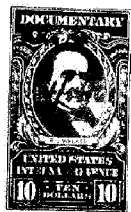
Wade Loudermilk (SEAL)
Wilma H. Loudermilk (SEAL)
(SEAL)

STATE OF COLORADO)
County of Garfield) ss.

The foregoing instrument was acknowledged before me this 14th day of April, 1961, by WADE G. LOUDERMILK and WILMA H. LOUDERMILK.

Witness my hand and official seal

My commission expires Jan. 13, 1965



Edith Gibson
Notary Public



Appendix 3: Neighbor Access Easement

Appendix 4: Notice of Environmental Use Restriction