



Parks & Open Space

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TO: Board of County Commissioners
FROM: Tina Burghardt, Land Officer Supervisor
FOR: BOCC Business Meeting, 9:30 a.m., Tuesday, July 8, 2025
RE: Boulder County-City of Boulder Conservation Easements Amendment
MEMO DATE: July 3, 2025

Land Commitment: For much longer than Parks & Open Space's history of stewarding open space, the land in this community has been important to American Indian, urban native, Indigenous, and other cultural communities that continue to live here. We are making meaningful changes to how we do our work that include them, incorporate their perspectives, and honor their land stewardship legacy. Parks & Open Space operates within modern legal constructs of land ownership to steward Boulder County open space and accomplish these efforts on behalf of our community.

Summary of Request

Parks & Open Space proposes amending 34 conservation easements covering properties in which Boulder County and the City of Boulder share a joint real estate interest ("City-County CE Properties" needing amendments) so modern best management practices can be used to manage them. For example, prescribed burning is an effective wildfire mitigation tool and many of these easements currently prohibit this practice. A map depicting the City-County CE Properties can be found at the end of this memo. Staff supports this request.

Background Information

The city and county have a long-standing partnership in managing open space in Boulder County. Beginning in 1983, the city and county jointly purchased properties of interest to both open space programs. In some cases, the entities jointly own the properties and hold conservation easements over each other's interests reciprocally. More recent practices have been for one entity to own the fee interest and for the other to hold a conservation easement.

Most of these conservation easements have language memorializing outdated management practices. For example, the language prohibits prescribed burns, including those encumbering City-County CE Properties in the Marshall Fire area. Drafting practices have changed over the years and have trended away from specific allowances and prohibitions relating to management style. The modern approach is to generally allow best management practices that the property owner and easement holder agree are necessary to provide sound open space management. With this modern approach, management activities can respond to changing best practices over time. Homogenizing the management language in all 34 conservation easements will help both agencies coordinate management of the City-County CE Properties.

County Parks & Open Space staff collaborated with the city's Open Space and Mountain Parks (OSMP) staff in crafting this amendment. OSMP staff is ready to obtain the requisite approvals for the city after county approval of the changes.

Staff Recommendation

Staff recommends approval of the proposed conservation easement amendment as described in this memo. Recent climate events, including the Marshal Fire, have highlighted the need to apply current best practices to land management. Amending the conservation easements that encumber the Joint Properties allows the county and the city the ability to do so. The county and city staffs will continue coordinating when best practices change over time.

BOCC Action Requested

Approve the request as described above.

Jointly Owned Properties Map:

