



United States Department of the Interior

NATIONAL PARK SERVICE  
Rocky Mountain National Park  
Estes Park, Colorado 80517



IN REPLY REFER TO:  
A3815 (ROMO)

via email, no hardcopy to follow

Denise Ruybal  
Larimer County Special Events  
200 W Oak Street, Third Floor  
Fort Collins, CO 80521

RE: Larimer County Event Permit Application #6100  
MacGregor Ranch Community Picnic

Dear Ms. Ruybal:

Thank you for the ongoing communication about event permit application #6100, MacGregor Ranch Community Picnic. The MacGregor Ranch (the Ranch) is partially located inside the boundary of Rocky Mountain National Park (RMNP). It is owned and managed by the Muriel L. MacGregor Trust (the Trust). In 1983, the Trust granted the National Park Service (NPS) a conservation easement (the Conservation Easement) over a portion of the MacGregor Ranch lands, including the lands where this event is proposed.

The event is being planned to celebrate the 150<sup>th</sup> anniversary of the historic Ranch, and it has been delayed one year. The event will take place on August 23, 2023. The applicant anticipates 500 attendees between 5:00 and 9:00 PM. The Trustees are partnering with Visit Estes Park and the non-profit Estes Chamber of Commerce to execute the event. Food and alcohol will be sold.

While the Conservation Easement prohibits certain activities on the Ranch, NPS understands that the event proposed in the application is a rare occurrence and provides a unique opportunity for the Trust to showcase the educational, cattle ranching, and natural resource values of the Ranch.<sup>1</sup> To ensure that the event does not breach the terms of the Conservation Easement or adversely impact RMNP lands adjacent to the Ranch, NPS recommends that permit application #6100 be approved with the following conditions.

### **Parking**

We request clarification on the proposed parking. The permit application states that “Parking area consists of two areas in excess of 10 acres. Parking area is a decomposed granite base.” However, the parking areas on the map in the permit application are fields of native and exotic plants. The Conservation Easement prohibits the Trustees from (1) removing living trees or shrubs and (2)

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<sup>1</sup> Other similar events, activities, or land uses on the Ranch may not be in compliance with the Conservation Easement, and NPS reserves the right to enforce the terms of the Conservation Easement to the full extent permitted by law.

modifying the topography of the landscape, without first obtaining written approval from the RMNP Superintendent.

#### Conditions

- If the applicant intends to bring in base material, it must be certified weed-free and be removed after the event. The entire parking area will need to be restored to pre-event conditions. The applicant must provide NPS with photos of the parking areas before the event and after restoration.
- If the applicant intends to allow parking in the fields, the applicant should mow all parking fields to less than 2 inches to assure that parked cars do not start a wildland fire.

#### Wildfire Prevention

The Ranch is outside of the Estes Valley Fire Protection District boundary. However, we recommend the applicant consider further wildland fire mitigation commensurate with town and county fire restrictions at the time of the event. This may mean prohibiting smoking.

#### Conditions

- The applicant should follow Larimer County and Town of Estes Park fire restrictions at the time of the event.
- No fireworks are allowed.

#### Natural Sounds

The proposed event is in an area that we have identified as potential Mexican Spotted Owl (MSO) habitat. MSO is a federally threatened species. The MSO nesting season is from March through August, and any amplified sounds from the event (generators, music, vehicles, etc.) could flush MSO nesting pairs from the nest. NPS is additionally concerned that unrestricted sound amplification from the stage would violate the NPS's audio disturbance regulation on NPS-managed lands. *See* 36 C.F.R § 2.12. Because the applicant proposes to locate the seating area less than 500 feet from the Ranch's boundary with RMNP, any sound amplification from the stage should be limited to ensure compliance with Larimer County's noise ordinance and RMNP's audio disturbance regulation. These decibel restrictions should prevent sound from carrying into RMNP. For reference, the decibel level allowed at the boundary of RMNP is about the same as a household refrigerator.

#### Condition

- We recommend that the stage and seating areas should switch location, so that sound is cast to the southwest, away from potential MSO nesting and foraging habitat on Lumpy Ridge.

#### Visitor Use and Experience

This event as currently proposed will negatively impact RMNP visitors in several ways. First, the orientation of the stage and seating area directs noise toward the park and Lumpy Ridge, which will impact the visitor experience. The proposed seating area for the event crosses the Black Canyon Trail, for which NPS holds an easement. The map in the permit application does not show the extent of the proposed seating area, and it is unclear if the applicant will provide seating or if attendees are to bring their own seating. It is also unclear if the applicant intends to construct temporary fencing to contain the seating.

#### Condition

- The application must assure that attendees do not obstruct or impede the flow of traffic on the Black Canyon Trail.

Park visitors may try to park at the event and enter the park using the trails nearby. We would like to know how and if visitor access would be restricted during the event.

### **Natural Resource Protection Measures**

An event of this size generates trash that can attract animals of all sizes.

#### Condition

- The applicant must clean up the event area the same night as the event and secure all trash in an animal-resistant dumpster.

The Larimer County health department requires adequate lighting.

#### Condition

- The lighting must be downlit to prevent spill over onto RMNP lands. The generators for the lighting must comply with the Larimer County noise ordinance and RMNP's audio disturbance regulation.

As stated above, the Conservation Easement prohibits changes to topography and vegetation without prior written approval from the RMNP Superintendent.

#### Condition

- No ground disturbance to prepare for the event is allowed. This includes activities such as digging for utilities or leveling an area for the stage.
- If additional infrastructure, such as temporary electrical, is required by the County, the applicant must restore all lands to pre-event condition including vegetative cover.

We agree with the concern about dust generated by vehicles on the Ranch.

#### Condition

- The applicant should water the roads prior to the event.

We appreciate Larimer County's focus on health and safety of the event attendees. We do not see any contingency for lightning and thunderstorms. Would the event be postponed or cancelled?

We had previously discussed the applicant needing a permit to sell liquor for this event, per 36 C.F.R. § 5.2 (alcoholic beverages; sale of intoxicants). We have determined that a NPS permit is not required for the area where the event is proposed.

We respectfully ask that you respond to the above questions and continue to keep us informed of ongoing permit review and approval. If you have any questions, please contact Cheri Yost, Park Planner, at [cheri\\_yost@nps.gov](mailto:cheri_yost@nps.gov) or (970) 586-1320.

Sincerely,

Darla Sidles  
Superintendent (Kyle Patterson Acting)

Cc: Muriel L. MacGregor Trust