

Nov. 18, 2013 -- Property Transaction Proposal
Colorado Parks and Wildlife

Viking Valley State Habitat Area Perpetual Conservation Easement

Gunnison and Saguache Counties

200 acres

About 21 miles east of Gunnison

Section 33-1-105 (3)(a), C.R.S. states:

In the event that the [Parks and Wildlife] Commission plans to acquire the fee title to any real property or to acquire an easement for a period to exceed 25 years or at a cost to exceed \$100,000 or to enter into any lease agreement for the use of real property for a period to exceed 25 years or at a cost to exceed \$100,000, or to sell or otherwise dispose of the fee title to any real property which has a market value in excess of \$100,000, the Commission shall first submit a report to the Capital Development Committee [CDC] which outlines the anticipated use of the real property, the maintenance costs related to the property, the current value of the property, any conditions or limitations which may restrict the use of the property, and, in the event real property is acquired, the potential liability to the state which will result from such acquisition. The CDC shall review the reports submitted by the Commission and make recommendations to the Commission concerning the proposed land transaction within 30 days from the day on which the report is received. The Commission shall not complete such transactions without considering the recommendations of the CDC, if such recommendations are timely made.

The required report is attached. CDC staff questions about the report are listed below.

Action Required

Recommend support for the acquisition of a perpetual conservation easement for portions of the Viking Valley State Habitat Area (\$0 for 200 acres).

Capital Development Committee November 2013—Property Transaction Proposal

Department of Natural Resources
Division of Parks and Wildlife

| | | | |
|--|--|---|------|
| Action Required | Pursuant to C.R.S. 33-1-105(3)(a) and C.R.S. 33-10-107(2) recommend to the Colorado Parks and Wildlife Commission support for the Division of Parks and Wildlife's proposal to acquire a perpetual conservation easement for portions of Viking Valley State Habitat Area. | | |
| General Information | | | |
| Name | Viking Valley SHA | | |
| Number of acres | Approximately 200 acres (Viking Valley total, with new CE – 1,100 acres) | | |
| Location | On CR 62, approximately 21 miles east of Gunnison and 5 miles southwest of Hwy. 50 at Doyleville. | | |
| Counties | Gunnison and Saguache | | |
| Costs / Source of Funding | | | |
| Purchase Price | 0.00 | Funding Source* | N.A. |
| | No monetary consideration | | |
| | Fiscal Year | | N/A |
| | Line Item | | N/A |
| | Appropriation | | N/A |
| | Remaining Unexpended Balance | | N/A |
| Annual Monitoring and Operation Costs | \$334.00 (Viking Valley SHA currently is being monitored annually) | Funding for the monitoring of the property will come from Wildlife Management Line Item under the Division Operations Group in the Long Bill. Amount is based on the cost of an average DWM which includes vehicle costs. | |
| Development Costs | \$0.00 | | N/A |

Summary of Proposal

To convey to the Division, for **no monetary consideration**, a perpetual conservation easement for the approximately 200 acres in Viking Valley State Habitat Area.

The 1989 FHA conservation easement ("CE") that created Viking Valley SHA was deficient in its protection language and the fact that mapping of the three habitat areas (riparian, hay and sage) was flawed. In addition, the description of the property conveyed in the CE failed to identify legally, and with certainty, five 40 acre quarter-quarters that CPW considers part of Viking Valley SHA. The opinion of two attorneys in the Attorney General's Office confirmed that it is uncertain whether this 200 acre portion of the CE is, in fact, legally burdened by the

1989 CE. To address these two issues, CPW and the landowner, Razor Creek Ranch, LLC (Greg Peterson) have agreed to the following.

1. Razor Creek will convey to CPW a Conservation Easement for the five quarter-quarters in question incorporating the same updated language of the CE Amendment. With the execution of this new CE, all the property originally intended to be included in the 1989 CE will be protected.
2. CPW and Razor Creek will execute a Conservation Easement Amendment amending the 1989 original CE by strengthening the habitat protection language by substituting and incorporating contemporary conservation easement language; clarifying and refining the mapping of the three habitat areas; making reference to a recent baseline report of the SHA; and including in the CE Amendment a recent management plan agreed to by the parties.

The new conservation easement and the conservation easement amendment make reference to each other and state that the overall intent is that Viking Valley SHA be governed by a single set of protective standards, maps and management plan.

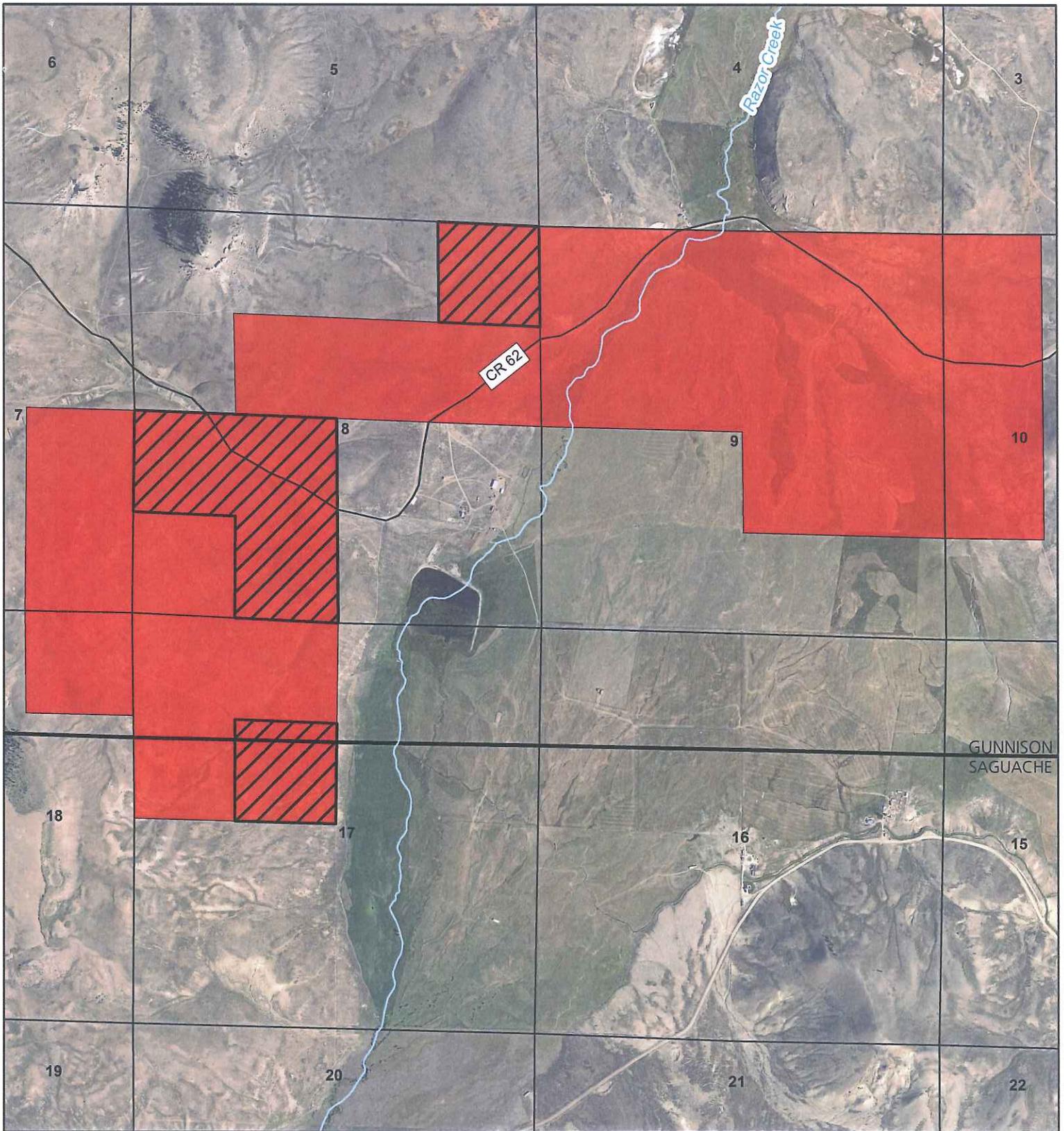
According to a review of the first map referenced below, the Property lies outside the scope of regions of known or potential geothermal resources. Also, according to a review of the second map referenced below, the Property lies outside the Central Solar Power and the Wind Resource Generation Development areas.

Geothermal: November, 2003 US Department of Energy, Office of Energy Efficiency and Renewable Energy, Geothermal Technologies Program.

Wind and Solar: A map entitled “SB07-91 Renewable Resource Generation Development Areas” from “Renewable Energy Development Structure,” a report of the Colorado Governor’s Energy Office dated December 2009.

Attachments:

- Map
- Concurrence letters (6)



**Viking Valley SHA
Conservation Easement and
Conservation Easement Amendment
11-058-SW
Gunnison and Saguache Counties**



-  2013 Conservation Easement
-  2013 Conservation Easement Amendment





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State Senator Larry Crowder, Dist. 35
200 E. Colfax
Denver, CO 80203

RE: Conservation Easement Amendment

July 11, 2013

Dear Senator Crowder,

Colorado Parks and Wildlife is in the process of amending a 1989 conservation easement for property located long the Gunnison/Saguache County line approximately 20 miles SE of Gunnison. Greg Peterson and his family have owned the Viking Valley State Habitat Area for several years. They have added several conservation easements on adjacent properties to help protect their interests and ensure the land can remain in agricultural production and a viable part of their ranching operation. Mr. Peterson approached CPW about working to clean up, modernize and clarify the original Viking Valley easement. CPW is very agreeable to this request and feels it will help resolve some unsettled and vague issues concerning the original Farmers Home Administration easement tied to the property.

Mr. Peterson has been working with CPW staff to clarify and update the easement language which was confusing, inadequate, and included inaccurate mapping of the habitat areas to be protected. In addition, five 40 acre parcels intended to be included in the easement were not legally defined sufficiently to make it certain that they are burdened by the easement. A complicated history of amendments to the original easement increased the confusion. To avoid costly and undesired litigation Mr. Peterson and CPW have worked to update the conservation easement and its language and coverage in a cooperative manner.

CPW and Peterson will execute a Conservation Easement Amendment which will provide updated language to address today's conservation easement needs and legal requirements. In addition, Mr. Peterson will convey to CPW a new conservation easement for the five 40 acre parcels to clarify the inclusion of this property in the easement and remove confusion as to the legal status of the parcels in question. The total land involved will be approximately 1120 acres and includes important Gunnison sage grouse habitat. Mr. Peterson is on the Gunnison Basin Sage grouse Strategic Committee and is fully aware of the importance of protecting habitat for Gunnison sage grouse, as well as his ranching operations.

STATE OF COLORADO

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Rick D. Cables, Director, Colorado Parks and Wildlife
Parks and Wildlife Commission: Robert W. Bray • Chris Castilian • Jeanne Horne
Bill Kane, Vice-Chair • Gaspar Perricone • James Pribyl • John Singletary, Chair
Mark Smith, Secretary • James Vigil • Dean Wingfield • Michelle Zimmerman
Ex Officio Members: Mike King and John Salazar

As part of its conservation easement process CPW seeks concurrence from the local Boards of County Commissioners for the involved counties and from the local State Representative and Senator. In this case the property straddles the county line for Gunnison and Saguache Counties and both counties will be contacted. The county line is also the dividing line between legislative districts for both the State Senate and House. Therefore this letter will be provided to Senators Schwartz and Crowder and Representatives Hamner and Vigil. CPW's easement process includes the letters of concurrence, approval by the Capital Development Committee of the Colorado Legislature and approval by the Parks and Wildlife Commission.

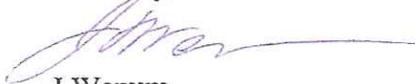
If you concur with the above conservation easement amendment please sign the concurrence agreement at the bottom and return the letter with your signature to:

Colorado Parks and Wildlife
Real Estate Section-Attention Jay Cooper
6060 Broadway
Denver, CO 80216

Or by faxing it to (303) 291-7456 or emailing a scanned copy of it to Jay Cooper at jay.cooper@state.co.us. Receipt of the letter by August 15 would be greatly appreciated and help with continuing to move the project forward in a timely manner.

If you have questions or need further clarification please contact me at (970) 641-7069 or at j.wenum@state.co.us. Thank you for considering this important effort to conserve agriculture and wildlife including Gunnison sage grouse habitat.

Sincerely,



J Wenum
Area Wildlife Manager-Gunnison

Cc: Jay Cooper, CPW Real Estate Specialist

I, Senator Larry Crowder, concur with the amendment of a conservation easement known as Viking Valley on approximately 1120 acres of land, owned by Greg Peterson (Razor Creek Ranch LLC), southeast of Gunnison in Gunnison and Saguache Counties.

Signature: Larry Crowder

Date: 7/12/2013



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State Senator Gail Schwartz, Dist. 5
200 E. Colfax
Denver, CO 80203

RE: Conservation Easement Amendment

July 11, 2013

Dear Senator Schwartz,

Colorado Parks and Wildlife is in the process of amending a 1989 conservation easement for property located long the Gunnison/Saguache County line approximately 20 miles SE of Gunnison. Greg Peterson and his family have owned the Viking Valley State Habitat Area for several years. They have added several conservation easements on adjacent properties to help protect their interests and ensure the land can remain in agricultural production and a viable part of their ranching operation. Mr. Peterson approached CPW about working to clean up, modernize and clarify the original Viking Valley easement. CPW is very agreeable to this request and feels it will help resolve some unsettled and vague issues concerning the original Farmers Home Administration easement tied to the property.

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If you concur with the above conservation easement amendment please sign the concurrence agreement at the bottom and return the letter with your signature to:

Colorado Parks and Wildlife
Real Estate Section-Attention Jay Cooper
6060 Broadway
Denver, CO 80216

Or by faxing it to (303) 291-7456 or emailing a scanned copy of it to Jay Cooper at jay.cooper@state.co.us. Receipt of the letter by August 15 would be greatly appreciated and help with continuing to move the project forward in a timely manner.

If you have questions or need further clarification please contact me at (970) 641-7069 or at j.wenum@state.co.us. Thank you for considering this important effort to conserve agriculture and wildlife including Gunnison sage grouse habitat.

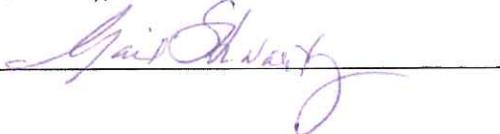
Sincerely,



J Wenum
Area Wildlife Manager-Gunnison

Cc: Jay Cooper, CPW Real Estate Specialist

I, Senator Gail Schwartz, concur with the amendment of a conservation easement known as Viking Valley on approximately 1120 acres of land, owned by Greg Peterson (Razor Creek Ranch LLC), southeast of Gunnison in Gunnison and Saguache Counties.

Signature: 

Date: 7-22-13



STATE OF
COLORADO

Re: Concurrence letter on conservation easement amendment

Millie Hamner <rephamner@gmail.com>

Fri, Jul 12, 2013 at 8:16 AM

To: "Wenum - DNR, J" <j.wenum@state.co.us>

Cc: Millie Hamner <millie.hamner.house@state.co.us>, Jay Cooper - DNR <jay.cooper@state.co.us>

Hello J,

I concur with the amendment as proposed. Thank you.

Rep. Hamner

From the office of:
Dr. Millie Hamner
Colorado State Representative
House District 61
office: 303-866-2952
www.milliehamner.com

On Thu, Jul 11, 2013 at 3:39 PM, Wenum - DNR, J <j.wenum@state.co.us> wrote:

Dear Representative Hamner,

Please find attached a letter requesting your concurrence on an amendment to a conservation easement.

Please let me know if you have any questions.

Thank you,

J

—

J Wenum
Area Wildlife Manager-Gunnison
300 W. New York Ave
Gunnison, CO 81230
Office-(970)641-7069
Email: j.wenum@state.co.us



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State Representative Ed Vigil, Dist. 62
200 E. Colfax
Denver, CO 80203

RE: Conservation Easement Amendment

July 11, 2013

Dear Representative Vigil,

Colorado Parks and Wildlife is in the process of amending a 1989 conservation easement for property located long the Gunnison/Saguache County line approximately 20 miles SE of Gunnison. Greg Peterson and his family have owned the Viking Valley State Habitat Area for several years. They have added several conservation easements on adjacent properties to help protect their interests and ensure the land can remain in agricultural production and a viable part of their ranching operation. Mr. Peterson approached CPW about working to clean up, modernize and clarify the original Viking Valley easement. CPW is very agreeable to this request and feels it will help resolve some unsettled and vague issues concerning the original Farmers Home Administration easement tied to the property.

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If you have questions or need further clarification please contact me at (970) 641-7069 or at j.wenum@state.co.us. Thank you for considering this important effort to conserve agriculture and wildlife including Gunnison sage grouse habitat.

Sincerely,



J Wenum
Area Wildlife Manager-Gunnison

Cc: Jay Cooper, CPW Real Estate Specialist

I, Rep. Ed Vigil, concur with the amendment of a conservation easement known as Viking Valley on approximately 1120 acres of land, owned by Greg Peterson (Razor Creek Ranch LLC), southeast of Gunnison in Gunnison and Saguache Counties.

Signature: Ed Vigil

Date: 10/9/2013



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Saguache Board of County Commissioners
Attention Linda Joseph
PO Box 655
Saguache, CO 81149

RE: Conservation Easement Amendment

July 11, 2013

Dear Saguache County Commissioners,

Colorado Parks and Wildlife is in the process of amending a 1989 conservation easement for property located long the Gunnison/Saguache County line approximately 20 miles SE of Gunnison. Greg Peterson and his family have owned the Viking Valley State Habitat Area for several years. They have added several conservation easements on adjacent properties to help protect their interests and ensure the land can remain in agricultural production and a viable part of their ranching operation. Mr. Peterson approached CPW about working to clean up, modernize and clarify the original Viking Valley easement. CPW is very agreeable to this request and feels it will help resolve some unsettled and vague issues concerning the original Farmers Home Administration easement tied to the property.

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If you have questions or need further clarification please contact me at (970) 641-7069 or at j.wenum@state.co.us. Thank you for considering this important effort to conserve agriculture and wildlife including Gunnison sage grouse habitat.

Sincerely,



J Wenum
Area Wildlife Manager-Gunnison

Cc: Jay Cooper, CPW Real Estate Specialist

We, Saguache Board of County Commissioners, concur with the amendment of a conservation easement known as Viking Valley on approximately 1120 acres of land, owned by Greg Peterson (Razor Creek Ranch LLC), southeast of Gunnison in Gunnison and Saguache Counties.

Signature: lundajoseph

Date: 7-16-13



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Gunnison Board of County Commissioners
Attention Paula Swenson
200 E. Virginia St.
Gunnison, CO 81230

RE: Conservation Easement Amendment

July 11, 2013

Dear Gunnison County Commissioners,

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Sincerely,



J Wenum
Area Wildlife Manager-Gunnison

Cc: Jay Cooper, CPW Real Estate Specialist

We, Gunnison Board of County Commissioners, concur with the amendment of a conservation easement known as Viking Valley on approximately 1120 acres of land, owned by Greg Peterson (Razor Creek Ranch LLC), southeast of Gunnison in Gunnison and Saguache Counties.

Signature: 

Date: 8/6/2013