

Oct. 23, 2009 -- Property Transaction Proposal
Division of Wildlife

Torres Ranch State Habitat Area Conservation Easement #5

Las Animas County

276 acres

Stonewall, 30 miles west of Trinidad

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

In the event that the [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's questions about the report are listed below.

Action Required

Recommend support for the Torres Ranch State Habitat Area Conservation Easement #5 (\$201,000 CF, including \$100,500 Habitat Stamp funds and \$100,500 GOCO funds, for 276 acres).

CDC Staff Questions

None.

Capital Development Committee October 2009—Property Transaction Proposal

Department of Natural Resources
Division of Wildlife

Action Required	Pursuant to C.R.S. 33-1-105(3)(a), recommend to the Colorado Wildlife Commission support for the Division of Wildlife's proposal to <u>acquire</u> a perpetual Conservation Easement.		
General Information			
Name	Torres Ranch SHA, Conservation Easement #5		
Number of acres	Approximately 276 acres		
Location	Stonewall, approximately 30 miles west of Trinidad.		
County	Las Animas		
Costs/ Source of Funding			
Purchase Price	\$201,000.00	Funding Source*	Funding Habitat Stamp and GOCO – will be a 50:50 split between the two sources.
Wildlife Cash – Habitat Stamp	Spending authority has already been approved for this project in the Long Bill		
	Fiscal Year		08-09
	Line Item		Property Acquisition
	Appropriation		\$4,500,000
	Remaining Unexpended Balance		1,089,701
GOCO	GOCO funds are not appropriated in the Long Bill		
	Fiscal Year		GOCO Resolution Dec. 2007
	Grant		GOCO08729
	Grant Amount		\$12,000,000
	Remaining Unexpended Balance		\$6,624,742.50
Annual Operation Costs	\$500.00	The annual operations costs will come from the Wildlife Management Line Item under the Division Operations Group in the Long Bill.	

Summary of Proposal

The proposed conservation easement is the final parcel in a multi-parcel project. Torres conservation easements #'s 1—4 were brought before the Capital Development Committee on June 22, 2009 and were completed by DOW staff on August 21, 2009. Those four (4) conservation easements protected approximately 2,111 acres of critical wildlife habitat.

Increased subdivision and methane gas exploration is diminishing elk habitat in western Las Animas County; home to Colorado's second largest elk herd and, anecdotally, the best in overall quality. Other private lands in the area that have historically provided similar habitat are now subject to subdivision, residential development and overgrazing by domestic livestock.

The proposed conservation easement would protect approximately 276 acres of critical wildlife habitat in the Upper Purgatoire River Drainage near Stonewall. The Property provides habitat for deer, elk, bear and turkey. The Property includes calving/fawning areas, winter range, denning sites and summer/fall concentration areas for bear and roosting and strutting sites for turkey. This area serves as transition zone between alpine communities, aspen and Ponderosa Pine habitat and would ensure preservation of a migration corridor.

The property is currently undeveloped and the conservation easement will prohibit all future subdivision and residential structures. Surface mining and any other method of mining that is inconsistent with the purposes of the conservation easement will be prohibited. Wind, geothermal and solar energy development will be prohibited in the Conservation Easement.

According to the maps referenced below, the Property generally lies outside the scope of potential Solar and Wind energy potential, but is within an area of limited Geo-thermal activity.

Solar: July, 2007 National Renewable Energy Laboratory (NREL), US Dept. of Energy;

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

Wind: March, 2004, Colorado Governor's Office of Energy Management and Conservation, from US Department of Energy, National Renewable Energy Laboratory.

Attachments:

- Map—Note: Conservation Easements #1—4 and #5 are all shown on the attached map.
- Concurrence letters

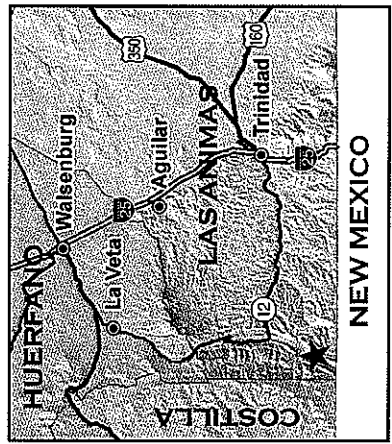
**Torres Family
Conservation Easements
Las Animas County
T34 & 35S R69W**

- 1 - Robert Leo Torres
07-070-SE
- 2 - Marvin Glenn Torres
07-071-SE
- 3 - Marvin Glenn Torres
07-072-SE
- 4 - Joseph & Rosella Torres
07-073-SE
- 5 - Esequiel (Kelly) Torres
08-011-SE

1:35,000

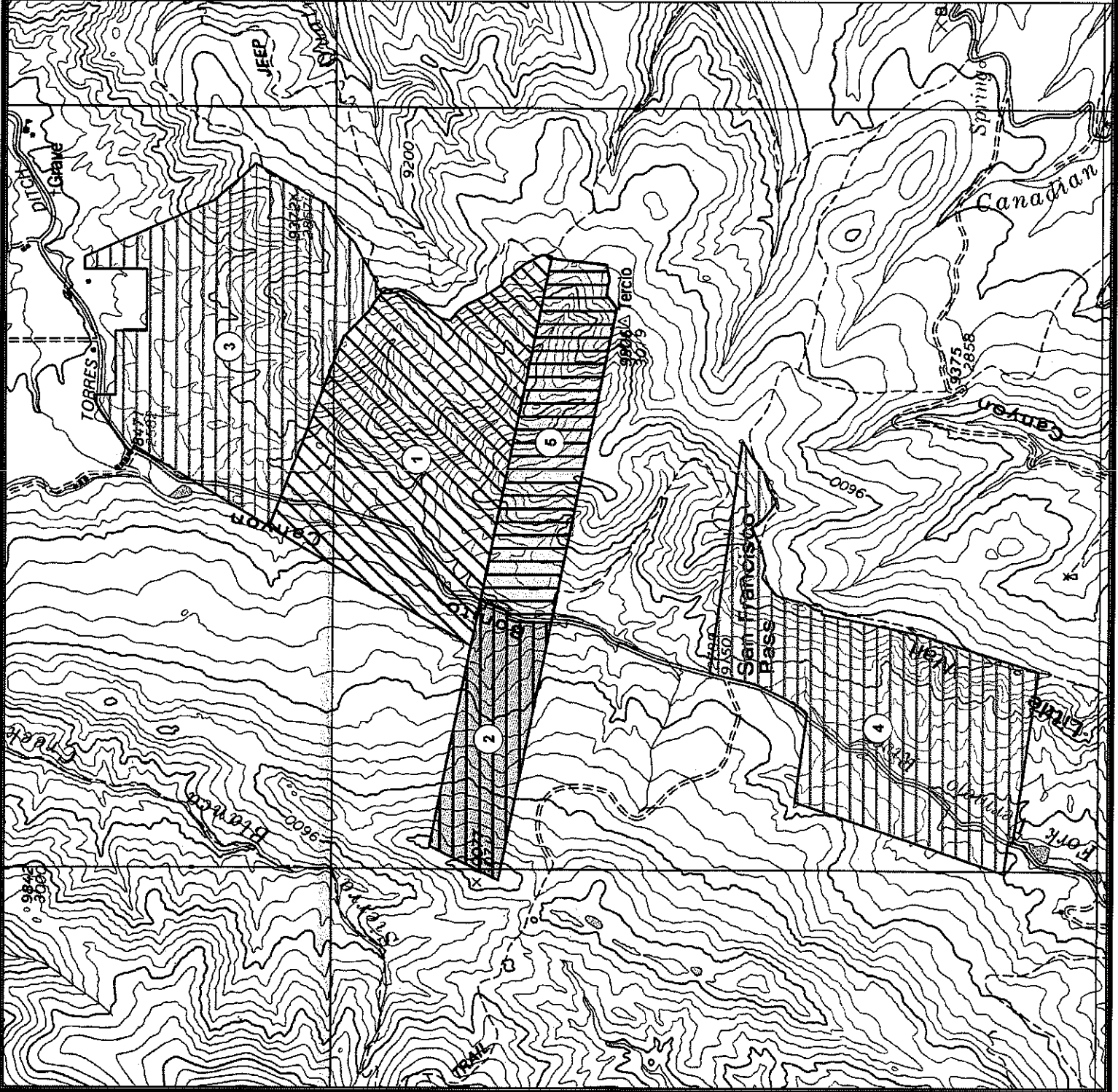


Mapped By: Dawn Browne
CDOW Wildlife GIS Group
Projection: UTM, Zone 13
Datum: NAD 1983
Date: May 2009



This product is produced and distributed by:
Colorado Division of Wildlife, GIS Section
317 W. Prospect, Fort Collins, CO 80528.

Information depicted hereon is for reference purposes only and is compiled from best available sources. Reasonable efforts have been made to ensure the accuracy of this map. The Colorado Division of Wildlife expressly disclaims responsibility for damages or liability that may arise from the use of this map.
© Project/Trash/Map/Easement/Center_BradTorresFamily_GIS
Torres_CES_May08.mxd



STATE OF COLORADO

Bill Ritter, Jr., Governor
DEPARTMENT OF NATURAL RESOURCES

DIVISION OF WILDLIFE

AN EQUAL OPPORTUNITY EMPLOYER

Thomas E. Remington, Director
6060 Broadway
Denver, Colorado 80216
Telephone: (303) 297-1192
wildlife.state.co.us



*For Wildlife-
For People*

September 16, 2008

WES MCKINLEY
Colorado State Representative , District 64
200East Colfax
Denver, CO 80203

RE: Torres Conservation Easements

Dear Representative McKinley:

The Colorado Division of Wildlife (CDOW) is working with Louis Torres, Kelly Torres, Robert Torres and Marvin (Glen) Torres to purchase perpetual Conservation Easements on approximately 2,400 acres respectively, of the San Francisco Pass area, approximately 35 miles south west of the city of Trinidad in Las Animas County. This effort is largely to secure a movement corridor and breeding, winter range habitat for elk, mule deer, black bear and Merriam turkey and a variety of small game, migratory birds, and other wildlife species.

As I am sure you are aware, with a Conservation Easement the land stays in private ownership, but has limitations placed on development and conditions on certain uses of the land. The Conservation Easement will allow continuation of agricultural practices by the landowner including cattle grazing and timber management such as the sale of Christmas trees or timber thinning to provide additional forage for livestock or wildlife. In accordance with the terms of the Torres Conservation Easement, the Division of Wildlife will not be a legal impediment to development of the severed mineral rights. This conservation easement document is not intended to modify Colorado real property or mineral law as applied between surface estate owners and severed mineral estate owners. The Division of Wildlife acknowledges, respects and will protect all private rights.

Agreements will be negotiated with the above members of the Torres family and the CDOW. In order to facilitate this, we are requesting a letter of concurrence from you for the acquisition of the Easements. The Conservation Easements have previously been approved through a separate process. This letter will be included in the real estate package sent to members of the Capital Development Committee for their consideration. I have also sent a similar request to Senator Kester and to the Las Animas County Board of County Commissioners.

If you concur with the project please forward a copy of this letter with your signature below to: Michael Trujillo, CDOW 600 Reservoir Road, Pueblo, CO 81005, Fax: (719) 561-5321. The DOW would like to present this Easement to the CDC on September 22, 2008.

DEPARTMENT OF NATURAL RESOURCES, Harris D. Sherman, Executive Director
WILDLIFE COMMISSION, Robert Bray, Chair • Brad Coors, Vice Chair • Tim Glenn, Secretary
Members, Dennis Buechler • Jeffrey Crawford • Dorothea Farris • Roy McAnally • Richard Ray • Robert Streefer
Ex Officio Members, Harris Sherman and John Stulp

The Conservation Easements on the Torres family parcels will facilitate protection of a large block of critical wildlife habitat, ensure big game migration corridors and winter range while keeping the ranches in private ownership and maintaining the land stewardship legacy of the Torres family and the Torres Valley.

If you have any questions, please contact me at (719) 561-5303. Thank you for your consideration and support.

Sincerely,

Michael Trujillo
Area Wildlife Manager-Pueblo

cc: Bob McCarty-DOW Real Estate
Dan Prenzl, SE Region Manager
Bob Holder, DWM

I agree with the above referenced acquisition of a Conservation Easement by the Division of Wildlife from the Torres family et al [Louis (JL) Torres; Robert Torres; Marvin (Glen) Torres and Kelly Torres]. The Conservation Easement is designed to protect wildlife habitat including and ensure the legacy of the Torres Valley heritage.

Wes McKinley Sept 17 - 08
Wes McKinley Date
State Representative, District 64

"This easement document is not intended to modify Colorado real property or mineral law as applied between surface estate owner and severed mineral estate owner."

W.M.

STATE OF COLORADO

Bill Ritter, Jr., Governor
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WILDLIFE
AN EQUAL OPPORTUNITY EMPLOYER

Thomas E. Remington, Director
6060 Broadway
Denver, Colorado 80216
Telephone: (303) 297-1192
wildlife.state.co.us



*For Wildlife-
For People*

July 20, 2008

KEN KESTER
Colorado State Senator, District 2
200 East Colfax
Denver, CO 80203

RE: Torres Conservation Easements

Dear Senator Kester:

The Colorado Division of Wildlife (CDOW) is working with Louis Torres, Kelly Torres, Robert Torres and Marvin (Glen) Torres to purchase perpetual Conservation Easements on approximately 2,400 acres respectively, of the San Francisco Pass area, approximately 35 miles south west of the city of Trinidad in Las Animas County. This effort is largely to secure a movement corridor and breeding, winter range habitat for elk, mule deer, black bear and Merriam turkey and a variety of small game, migratory birds and other wildlife species. The DOW will use GOCO and Game Cash funding to assist with an acquisition of the easements on these ranches.

As I am sure you are aware, with a Conservation Easement the land stays in private ownership, but has limitations placed on development and conditions on certain uses of the land. The Conservation Easement will allow continuation of agricultural practices by the landowner including cattle grazing and timber management such as the sale of Christmas trees or timber thinning to provide additional forage for livestock or wildlife.

Agreements will be negotiated with the above members of the Torres family and the CDOW. In order to facilitate this, we are requesting a letter of concurrence from you for the acquisition of the Easements. The Conservation Easements have previously been approved through a separate process. This letter will be included in the real estate package sent to members of the Capital Development Committee for their consideration. I have also sent a similar request to Representative McKinley and to the Las Animas County Board of County Commissioners.

If you concur with the project please forward a copy of this letter with your signature below to: Michael Trujillo, CDOW 600 Reservoir Road, Pueblo, CO 81005, Fax: (719) 561-5321. The DOW would like to present this Easement to the CDC in September 2008.

DEPARTMENT OF NATURAL RESOURCES, Harris D. Sherman, Executive Director
WILDLIFE COMMISSION, Robert Bray, Chair • Brad Coors, Vice Chair • Tim Glenn, Secretary
Members, Dennis Buechler • Jeffrey Crawford • Dorothea Farris • Roy McAnally • Richard Ray • Robert Streeter
Ex Officio Members, Harris Sherman and John Stulp

The Conservation Easements on the Torres family parcels will facilitate protection of a large block of critical wildlife habitat, ensure big game migration corridors and winter range while keeping the ranches in private ownership and maintaining the land stewardship legacy of the Torres family and the Torres Valley.

If you have any questions, please contact me at (719) 561-5303. Thank you for your consideration and support.

Sincerely,



Michael Trujillo
Area Wildlife Manager-Pueblo

cc: Bob McCarty-DOW Real Estate
Dan Prenzlow, SE Region Manager
Bob Holder, DWM

I agree with the above referenced acquisition of a Conservation Easement by the Division of Wildlife from the Torres family et al [Louis (JL) Torres; Robert Torres; Marvin (Glen) Torres and Kelly Torres]. The Conservation Easement is designed to protect wildlife habitat including and ensure the legacy of the Torres Valley heritage.


_____ Date 8-12-08

Ken Kester
Colorado State Senator, District 2

Las Animas County



Board of County Commissioners

Gary D. Hill
Commissioner

Jim D. Montoya
Chairman

Kenneth M. Torres
Chairman Pro-Tem



August 20, 2008

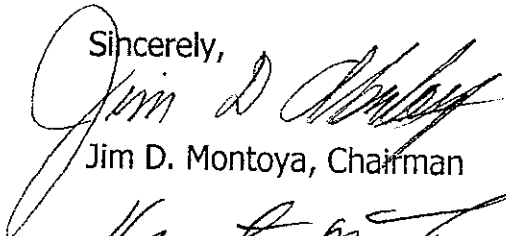
Mr. Michael Trujillo, Area Manager
Colorado Division of Wildlife
600 Reservoir Road
Pueblo, CO 81005


Dear Mr. Trujillo,

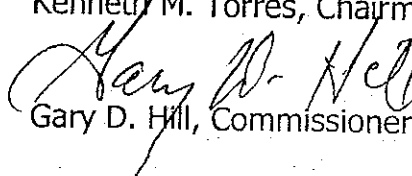
Thank you for taking the time to appear before this Board at its meeting yesterday, to explain your Division's proposal for Conservation Easements for the Red Top Ranch and the Torres Family.

This Board wishes to remain noncommittal on a position regarding your Division's proposal for Conservation Easements for both properties. As stated in our discussion during your visit, this Board is concerned about public access issues and the availability of hunting permits on both land parcels.

Sincerely,


Jim D. Montoya, Chairman


Kenneth M. Torres, Chairman Pro Tem


Gary D. Hill, Commissioner