

Jun. 22, 2009 -- Property Transaction Proposal
Division of Wildlife

Cabin Creek State Wildlife Area and Lost Canyon State Wildlife Area Donation

Gunnison

Up to 520 acres

6 miles east of Gunnison and 8 miles northeast of Gunnison

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 transaction 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 Cabin Creek State Wildlife Area (202 acres) and Lost Canyon State Wildlife Area (305-320 acres) donation.

CDC Staff Questions

1. When does the division anticipate that the Van Tuyl Estate will be settled and title to the two properties will be conferred to the state?

It is our understanding that the property transfer will occur by sometime in November 2009 at the latest. In the event that all parties named as legatees under the will agree to settlements prior to then, the closing could occur at any time thereafter. Similarly, if the Court, absent agreement of all parties, makes a Decree of Distribution, the closing could occur at any time thereafter. At present, lack of agreement by the parties will result in a court hearing and decision sometime in October 2009.



Capital Development Committee June 22, 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 acquire		
General Information			
Name	Cabin Creek SWA and Lost Canyon SWA (Van Tuyl Estate)		
Number of acres	Cabin Creek – 202 acres; Lost Canyon – 305-320 acres		
Location	Cabin Creek: 6 miles east of Gunnison north side of Hwy. 50, BLM road 3107 Lost Canyon: 8 miles northeast of Gunnison south of CR 743/BLM road 3110		
County	Gunnison		
Costs / Source of Funding			
Purchase Price	N.A. – Donation	Funding Source*	N/A
	Fiscal Year	N/A	
	Line Item	N/A	
	Appropriation	N/A	
	Remaining Unexpended Balance	N/A	
Annual Operation Costs	\$10.00/acre/year x 520 acres=\$5200	The annual operations costs will come from the Wildlife Management Line Item under the Division Operations Group in the Long Bill.	

Summary of Proposal

Raymond Van Tuyl, a long-time Gunnison rancher, died in 2008. In his will, Van Tuyl bequeathed \$1,000,000 to the Division of Wildlife for "the purposes of wildlife propagation and for the development of Wilson Creek . . . into a fishery." The will has been contested. The Division of Wildlife is willing to accept a settlement offer of two parcels of land held in Van Tuyl's estate (Cabin Creek and Lost Canyon) in lieu of the monetary bequest. This settlement would free the remaining assets of the estate for distribution among the other identified parties, including Pioneer Museum, Elks Club, Gunnison County, Gunnison County 4-H Club, Gunnison County High School Agricultural program and other named individuals and entities.

Both parcels are almost completely surrounded by either Bureau of Land Management or United States Forest Service lands. Both have access via county or BLM roads. The properties are areas of critical winter range for deer and elk, and also are habitat for Gunnison sage grouse. The close proximity to Gunnison makes these properties vulnerable to development which would fragment the big game and Gunnison sage grouse habitat. Cabin Creek has been used twice as a

Q:\0-Real Estate Unit\PROJECT AUTHORITIES\Capital Development Committee documents\2009\06-22-2009\Cynthia's Working Folder\Cabin Creek and Lost Canyon SWA's - Van Tuyl Estate.doc

big game feed site during severe winters. Acceptance of this donation would preserve more than 500 acres of land delineated for protection on the 2009 High Priority Habitat-Acquisition Areas map.

Because this is a fee title donation, the policies of the Division of Wildlife would determine any development of any wind, solar, geothermal, mineral, or any other resources which may be on the property. According to the maps referenced below, the Property generally lies outside the scope of potential Wind, Solar, and Geothermal energy potential.

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

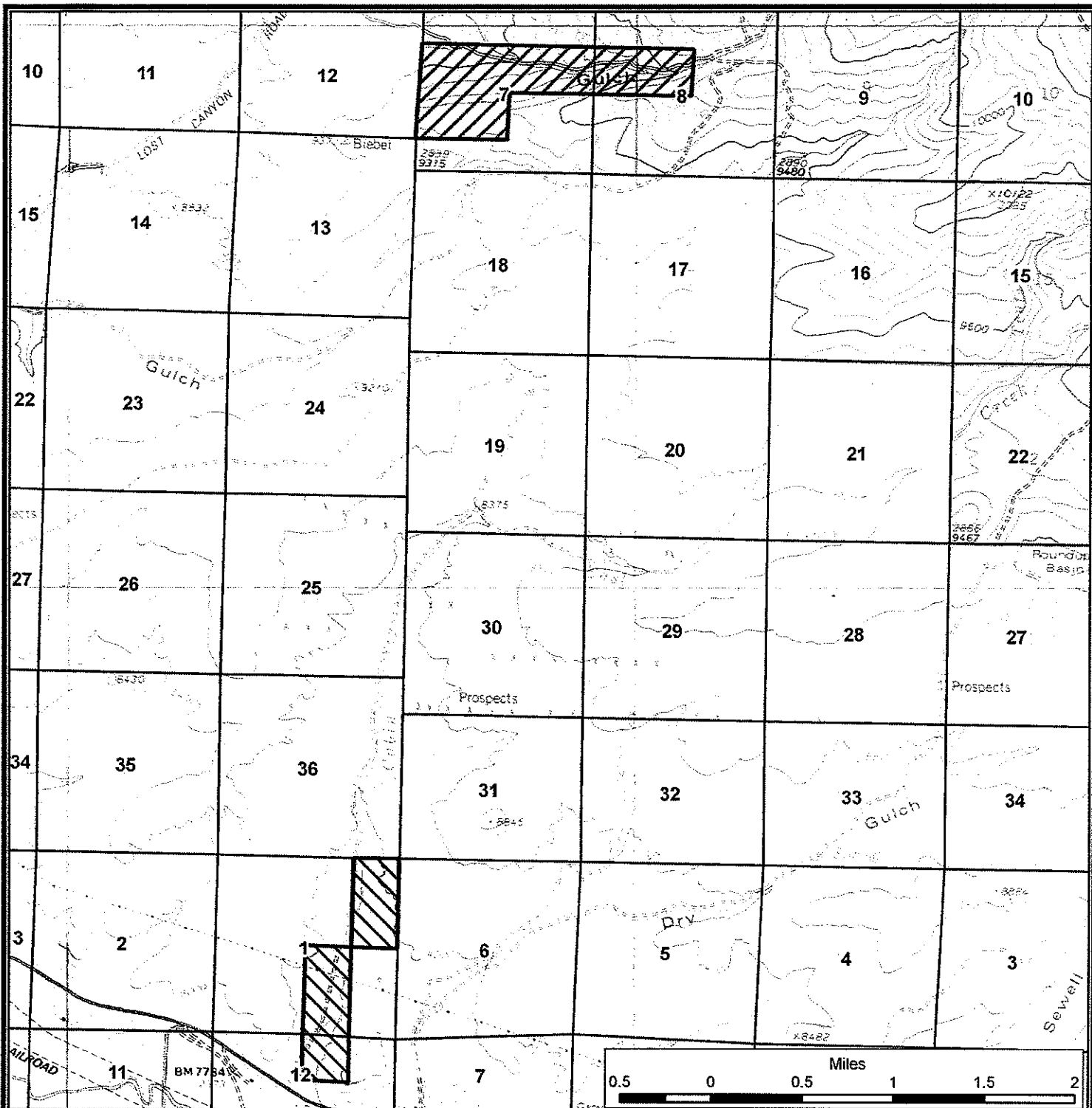
Geothermal: November, 2003 US Department of Energy, Office of Energy Efficiency and Renewable Energy, Geothermal Technologies Program;

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



Mineral potential is unknown because a mineral assessment has not yet been performed, although the title commitment indicates that on all of the property, there is only one mineral reservation in Section 12 and one mineral reservation in Section 8.

Attachments:

- Map
- Concurrence letters



Van Tui Estate - Project #09-028-SW

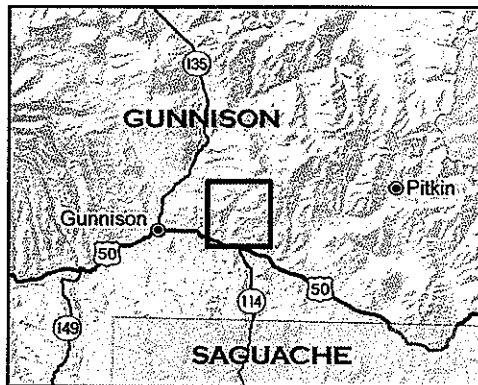
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|---|-------------------------------|---------|------|
|  | Parcel 1 - Lost Canyon Parcel | Private | BLM |
|  | Parcel 2 - Cabin Creek Parcel | State | USFS |

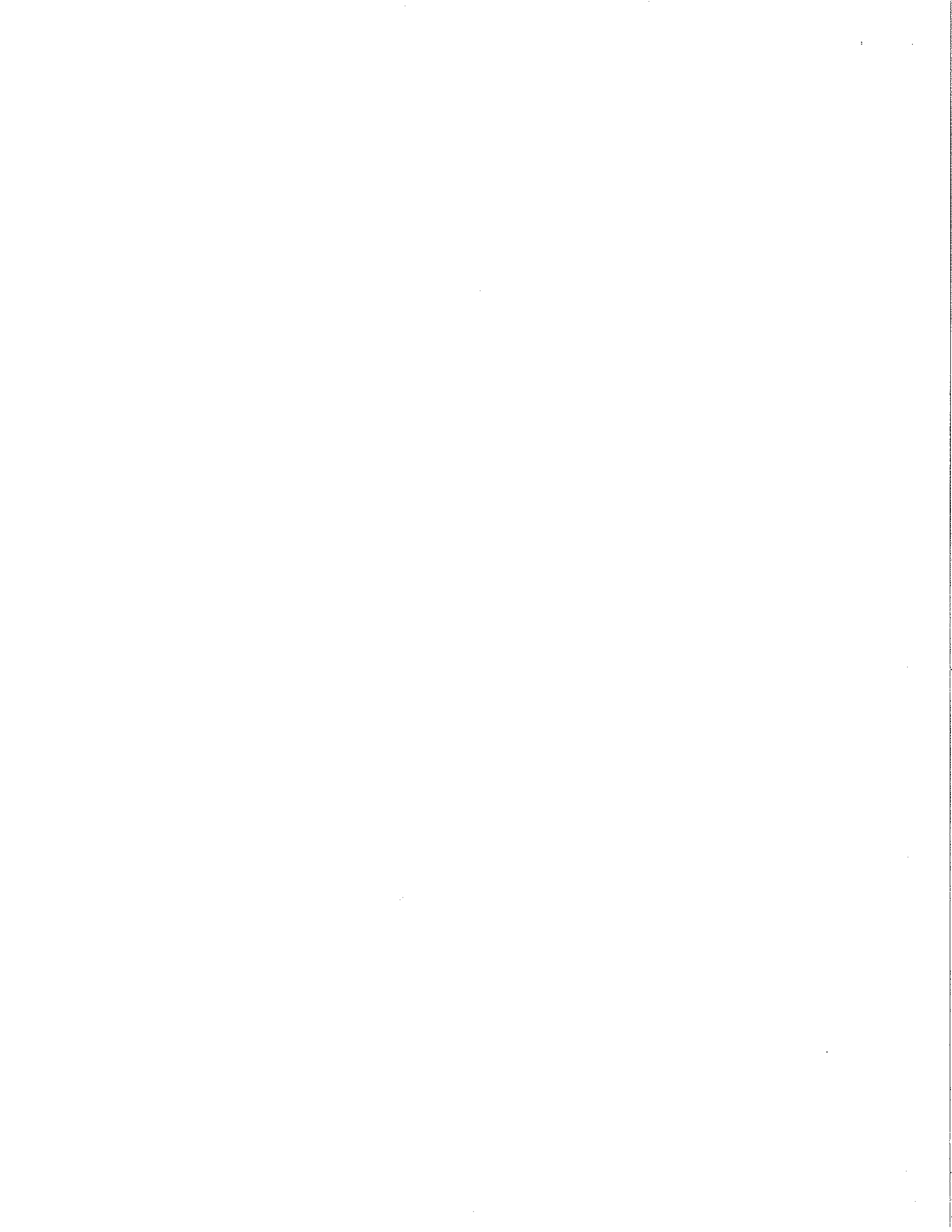


WildlifeGIS



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





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*

Senator Gail Schwartz
Colorado State Capitol
200 E. Colfax Ave
Denver, CO 80203

April 20, 2009

Re: Bequest by Mr. Van Tuyl to Division of Wildlife

Dear Senator Schwartz,

The Colorado Division of Wildlife (CDOW) is working with attorney Rufus Wilderson, who represents the Estate of the late Raymond Van Tuyl, in consideration of the donation of two parcels of land that Mr. Van Tuyl owned. Mr. Van Tuyl was very community minded and his Will indicated this through a very generous bequest to the Division of Wildlife.

In order to help with settlement of the Estate, the Division of Wildlife has been offered fee title ownership of two parcels of land. One is located along Cabin Creek, north of Highway 50, east of Gunnison and consists of approximately 202 acres of land. The other is located in the Lost Canyon area northeast of Gunnison and is approximately 305 acres. Both parcels contain habitat identified as overall range, winter range, and critical winter range for deer, elk and Gunnison sage grouse. Both are also surrounded by BLM lands and the DOW's acceptance of the parcels would create a contiguous landscape more beneficial to wildlife.

While DOW has been offered the entirety of both parcels of land, it is possible that DOW may elect to accept somewhat smaller sized parcels in order to facilitate settlement of Mr. Van Tuyl's Estate. Therefore, DOW requests that your approval include the entire two parcels of land, or a lesser amount thereof.

To facilitate this bequest donation, we are requesting your support for the donation of the property. I am including a concurrence statement and signature line for you at the bottom of this letter. This letter will be included in the real estate package sent to members of the Wildlife Commission and Capital Development Committee for their consideration. I have also sent a similar request to Representative Curry and the Gunnison Board of County Commissioners. The signed letter can be returned to me at the following address:

J Wenum, Area Wildlife Manager
Colorado Division of Wildlife
300 New York Ave.
Gunnison, CO 81230

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

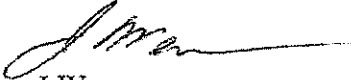
FAX # 970/641-7883

It would be extremely helpful if the letter were returned to me before May 15.

Thank you for your consideration and assistance in helping protect important wildlife habitats in the Gunnison Basin and helping fulfill the desires of Mr. Van Tuyl.

If you have any questions, please contact me at (970) 641-7069. Thank you for your consideration and support.

Sincerely,



J Wenum
Area Wildlife Manager-Gunnison

CC: Tom Spezze, SW Region Manager

I concur with the above referenced donation of fee title ownership of 507 acres by the estate of the late Raymond Van Tuyl to the Colorado Division of Wildlife, or any lesser amount thereof.


Senator Gail Schwartz-Dist.5

5-10-09
Date

STATE OF COLORADO

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DIVISION OF WILDLIFE

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6060 Broadway
Denver, Colorado 80216
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*For Wildlife-
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Representative Kathleen Curry
Colorado State Capitol
200 E. Colfax Ave
Denver, CO 80203

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Representative Kathleen Curry-Dist.61

5/5/09
Date

NOV 2 4 REC'D

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Gunnison County Commissioners
Attention Paula Swenson-Chair of the Board
200 East Virginia Ave.
Gunnison, CO 81230

April 20, 2009

Re: Bequest by Mr. Van Tuyl to Division of Wildlife

Dear Chairperson Swenson,

The Colorado Division of Wildlife (CDOW) is working with attorney Rufus Wilderson, who represents the Estate of the late Raymond Van Tuyl, in consideration of the donation of two parcels of land that Mr. Van Tuyl owned. Mr. Van Tuyl was very community minded and his Will indicated this through a very generous bequest to the Division of Wildlife.

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