

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

### Torres Ranch State Habitat Area Conservation Easement #1

Las Animas

642 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 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 Torres Ranch State Habitat Area Conservation Easement #1 (\$531,000 CF, including \$265,500 in Habitat Stamp funds and \$265,500 in GOCO funds, for 642 acres).

#### Notes About Project

This is the first of four proposed conservation easements for the Torres Ranch State Habitat Area. Attached you will find a map and letters of concurrence for all four proposed Torres Ranch conservation easements.

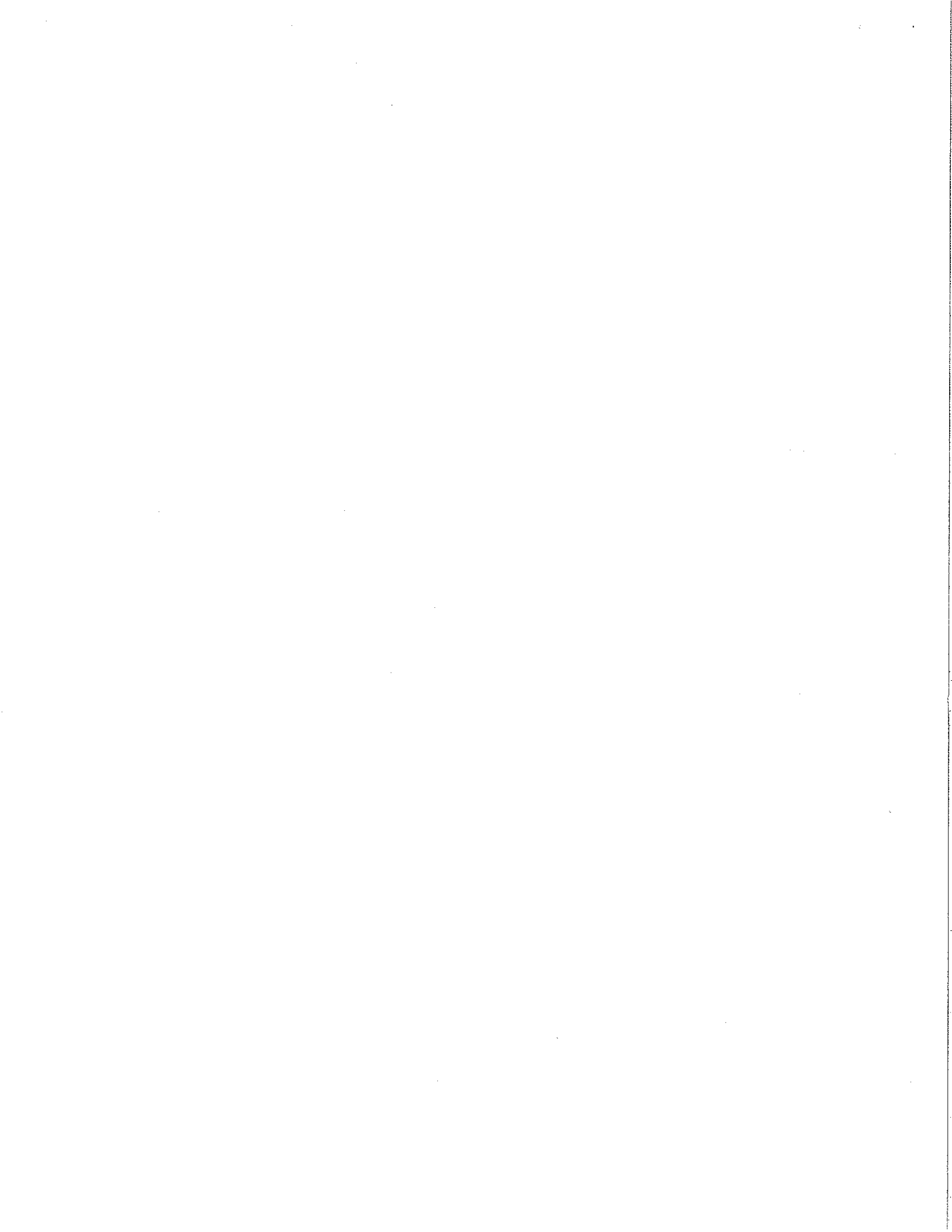
#### CDC Staff Questions

1. Will there be any public access for hunting, fishing, or wildlife viewing to the Torres Ranch Conservation Easements (#1-4)?

No. Public access is not granted by these Conservation Easements.

2. The map shows a fifth parcel -- is this parcel under consideration as an additional, future conservation easement?

Yes, DOW plans to submit Parcel #5 to the CDC in the near future, once the appraisal is completed and a Purchase and Sale Agreement has been executed.



## Capital Development Committee June 2009—Property Transaction Proposal

Department of Natural Resources  
Division of Wildlife

<b>Action Required</b>		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.	
<b>General Information</b>			
Name		Torres Ranch SHA, Conservation Easement #1	
Number of acres		Approximately 642 acres	
Location		Stonewall, approximately 30 miles west of Trinidad.	
County		Las Animas	
<b>Costs / Source of Funding</b>			
Purchase Price	\$531,000.00	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	\$3,712,378	
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	\$9,056,692.50	
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

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 subdivision, residential development and overgrazing by domestic livestock.

The proposed conservation easement would protect approximately 642 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. The mineral estate is severed, however, the State shall have the same legal rights as the Grantor to influence and control impacts to the surface of the Property from mineral development by third parties.

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

Wind, geothermal and solar energy development will be prohibited by the Conservation Easement.

Attachments (to be found at the end of Torres #4):

- Map
- Concurrence letters

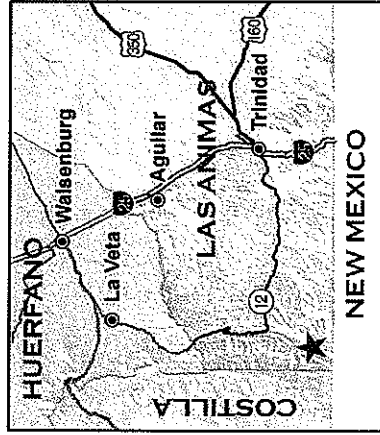
**Torres Family  
Conservation Easements  
Las Animas County  
T34 & 35S R69W**

- 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

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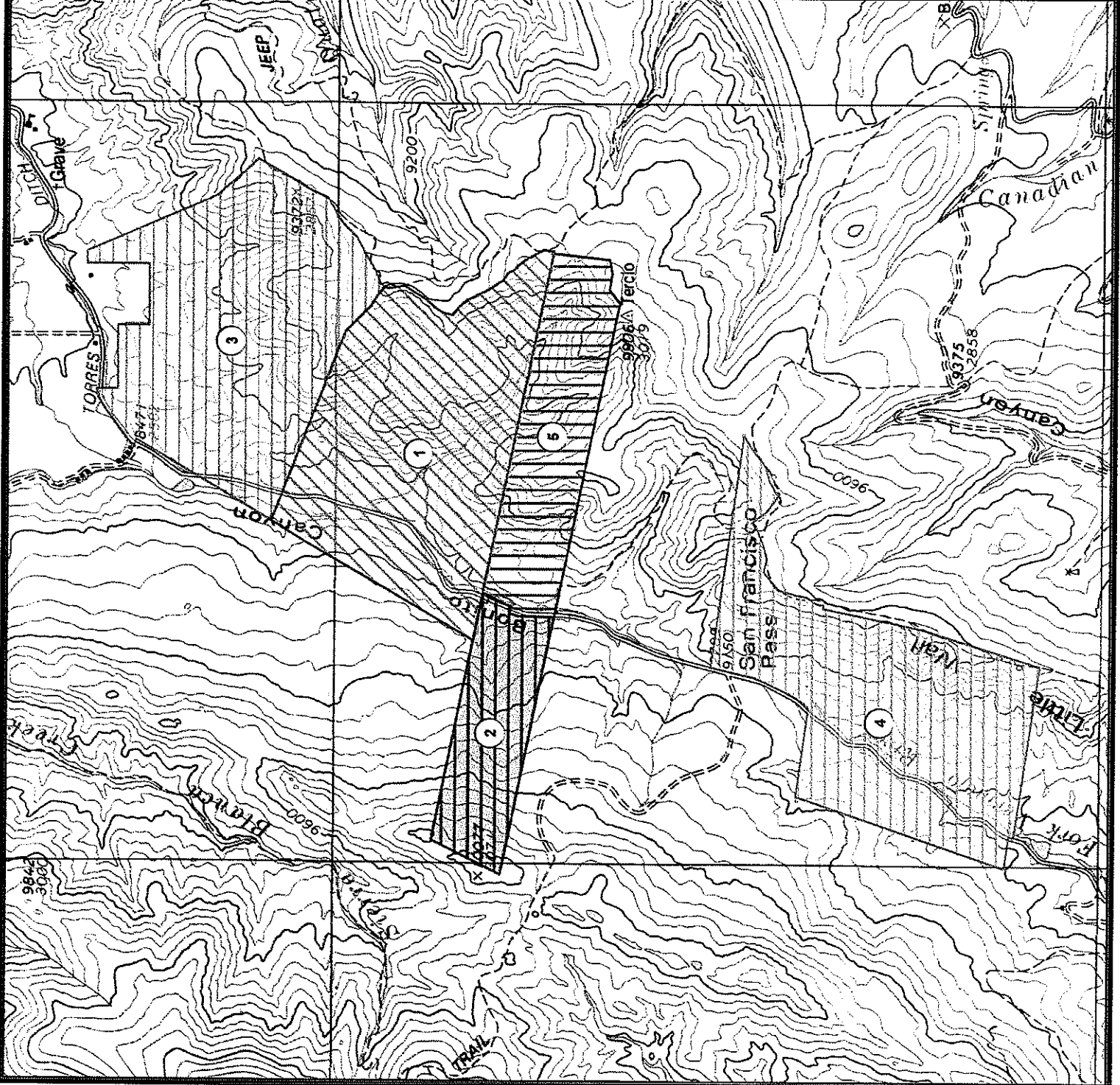


Mapped By: Dawn Browne  
CDOW Wildlife GIS Group  
Projection: UTM, Zone 13  
Datum: NAD 1983  
Date: May 2009



This product is produced and distributed by:  
Colorado Division of Wildlife, GIS Section  
317 W. Prospect, Fort Collins, CO 80526.

Information depicted herein 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.  
G:\Projects\Wildlife\GIS\LasAnimas\Map\_Series\TorresFamily\_CED\Torres\_CEs\_May09.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](http://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.

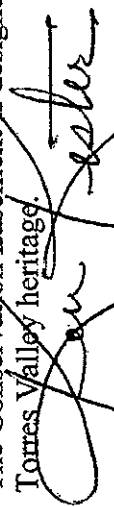
Sincerely,



Michael Trujillo  
Area Wildlife Manager-Pueblo

cc: Bob McCarty-DOW Real Estate  
Dan Prenzlou, 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.

  
\_\_\_\_\_

Ken Kester

Date

Colorado State Senator, District 2

8-12-08



STATE OF COLORADO

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*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.

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Sincerely,

Michael Trujillo  
Area Wildlife Manager-Pueblo

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Wes McKinley  
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State Representative, District 64

Sept 17, 08  
Date

*"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.*

# Las Animas County

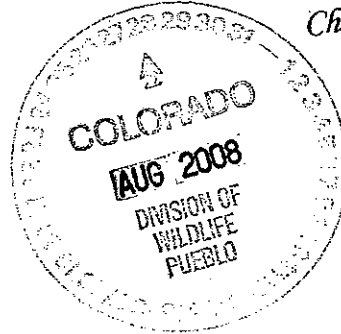


## Board of County Commissioners

*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*  
Jim D. Montoya, Chairman

*Kenneth M. Torres*  
Kenneth M. Torres, Chairman Pro Tem

*Gary D. Hill*  
Gary D. Hill, Commissioner

