

Jun. 22, 2009 -- Property Transaction Proposal

Division of Wildlife

Tomichi Creek State Wildlife Area

Gunnison

466 acres

East of Gunnison and south of U.S. Highway 50

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 purchase of the Tomichi Creek State Wildlife Area property (up to \$1,746,229 CF, including \$873,114.50 Wildlife Cash funds and \$873,114.50 Habitat Stamp funds, for 466 acres).

CDC Staff Questions

1. Please describe what types of public access will be granted to the Tomichi Creek State Wildlife Area property.

This property will be managed as a State Wildlife Area with emphasis on its fishing and small game opportunities and for its habitat values including the riparian system and Gunnison sage grouse habitat values. The property's location immediately adjacent to the eastern boundary of the City of Gunnison lends itself well to easy public access for wildlife viewing, hunting, and high quality fishing opportunities, especially for younger anglers. It is anticipated that Tomichi Creek will act as a natural barrier to allow the south side of the creek to remain relatively undisturbed and continue to provide high quality habitat including overall habitat, nesting, brood rearing and winter habitat for Gunnison sage grouse. The Division will recommend small game and waterfowl hunting be allowed as well as some opportunity for big game in particular pronghorn and deer. Seasonal closure of the portion of the property south of Tomichi Creek is desirable in order to protect the nesting and early brood rearing of Gunnison sage grouse. Seasonal closures would be recommended for the late spring to early summer timeframe (April 1 through June 15).

3. Is the \$3,000 budgeted for operating expenses the amount required to manage the entire 4.5 mile Tomichi Creek SWA corridor?

Yes. The initial development costs are generally higher than yearly maintenance and operating costs. Since this property will be managed largely for fishing and small game hunting there should be minimal facilities requiring significant expense. Due to the proximity to the City of Gunnison the use of volunteers to assist with upkeep of the property can help reduce overall expenses.

3. Please confirm that the purchase price is for the Bradbury (7 acres) and Gunnison Valley Partners, L.L.C. (210 acres) properties.

Yes.

4. How will the division address the concerns raised by the Gunnison County Board of County Commissioners in its letter of concurrence dated May 27, 2009, regarding possible safety concerns for the Gunnison-Crested Butte Regional Airport, and the protection of the Gunnison sage grouse?

Please see the answer to question 1 regarding seasonal closure of the portion of the property south of Tomichi

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Creek to protect nesting and early brood rearing of Gunnison sage grouse. The Division will work with Gunnison County staff to develop a management plan for the area south of Tomichi Creek which limits human access by not having formally developed facilities (trails) in this area. The Division worked with Wildlife Services (of the USDA APHIS) regarding Wildlife Services' wildlife mitigation plan for the airport. The Division will work with Gunnison County and Airport staff to develop a management plan for the property that addresses safety concerns.

5. When will the division settle on a final purchase price for the properties included in this proposal?

Once an appraised value has been determined and reviewed, the Division will make an offer to the sellers. We expect to receive the appraisal prior to presentation to the CDC on June 22, and expect to be able to share this information with the Committee.

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 in fee title		
General Information			
Name	Tomichi Creek SWA		
Number of acres	466 acres		
Location	Directly east of Gunnison and South of U.S. Highway 50 including approximately 4.5 miles of the Tomichi Creek corridor.		
County	Gunnison		
Costs / Source of Funding			
Purchase Price	Up to \$1,746,229	Funding Source*	Funding Wildlife Cash – 50:50 Split Habitat Stamp and Wildlife Cash
Wildlife Cash	Spending authority has already been approved for this project in the Long Bill.		
	Fiscal Year	07-08	
	Line Item	Property Acquisition	
	Appropriation	\$6,500,000	
	Remaining Unexpended Balance	\$3,030,180	
Wildlife Cash – Habitat Stamp	Spending authority has already been approved for this project in the Long Bill.		
	Fiscal Year	09-10	
	Line Item	Property Acquisition	
	Appropriation	\$4,500,000	
	Remaining Unexpended Balance	\$4,500,000	
Annual Operation Costs	\$3,000	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 Applicant's predecessor, Garfield Investments, Inc., entered into a contract with the United States Bureau of Reclamation ("BOR") on December 19, 2003 ("BOR Contract") to sell to the BOR parcels containing a total of 459 acres which included approximately 4.5 miles of the Tomichi Creek corridor. It has been, and still is, contemplated by the BOR that the DOW will

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manage the entire parcel once the purchase is completed. This transaction is significant because said management of the entire parcel cannot occur until the Project Property is acquired.

Pursuant to the BOR Contract, the BOR has purchased, and currently owns 249 acres of the total 459 acres, leaving a parcel of 210 acres and a parcel of 7 acres and approximately 1.5 miles of the Tomichi Creek corridor remaining to be purchased. Recent Federal budgetary limitations have prevented the BOR from paying the balance of the price under the BOR Contract. Thus, the parties anticipate terminating the BOR Contract, and DOW will enter into a contract with the landowners to acquire fee title to the remaining approximately 217 acres. At the time of closing of the 217 acre parcels, the BOR will deed to DOW the BOR's fee title interest in the approximately 249 acres, such that the DOW will ultimately own the entire 466 acres.

The entire 466 acre parcel, including the lands previously purchased, contains approximately 4.5 miles of trout stream and is habit for substantial numbers of Greater Canadian geese, ducks (especially mallard and teal), deer, Gunnison Sage Grouse, pronghorn, foxes, coyotes and blue heron. It also contains numerous other fish, birds, waterfowl and wildlife, including sucker, rabbits, weasels, raccoon, elk, hawks, eagles, prairie dogs, owls, egret, white faced ibis, snow geese, sand hill cranes, flickers, and others.

The property includes substantial early water rights, including an interest in the earliest priority right on Tomichi Creek. The property includes substantial unique varieties of physical features, such as wetlands, irrigated meadows and pasture, sage brush, willows, cottonwood and other trees, bushes and shrubs, hills and rock formations, isolated parcels, small wetland ponds and old stream meanders.

According to the maps referenced below, the Property generally lies outside the scope of any Wind, Geothermal and Solar 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.

The mineral rights are partially or wholly severed. Because this is a fee title acquisition, the rights and 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.

Attachments:

- Map
- Concurrence letters

**Gunnison Valley Partners (GVP)
Project #08-056-SW**

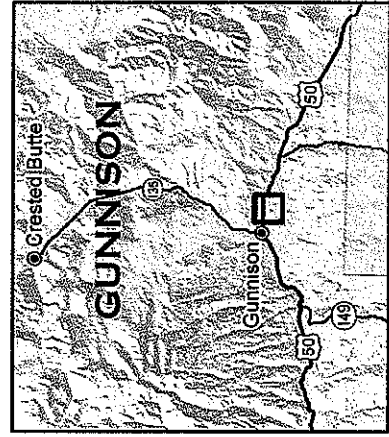
-  Bradbury (6.88 ac)
-  Garfield Investments, Inc (102 ac)
-  Gunnison Valley Partners, LLC (210 ac)
-  US Bureau of Reclamation (31 ac)
-  US Bureau of Reclamation (53 ac)
-  US Bureau of Reclamation (62 ac)



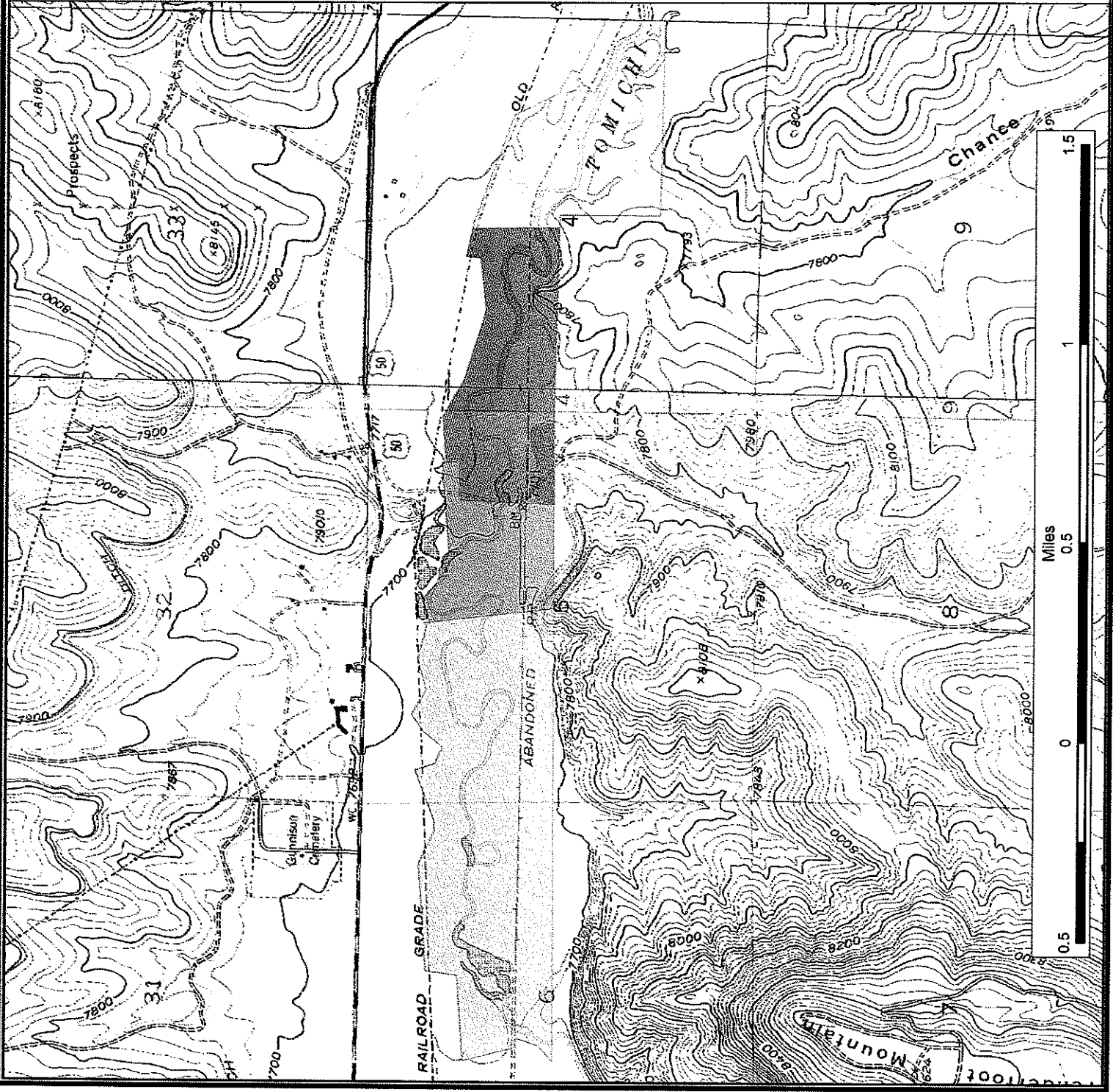
wildlife

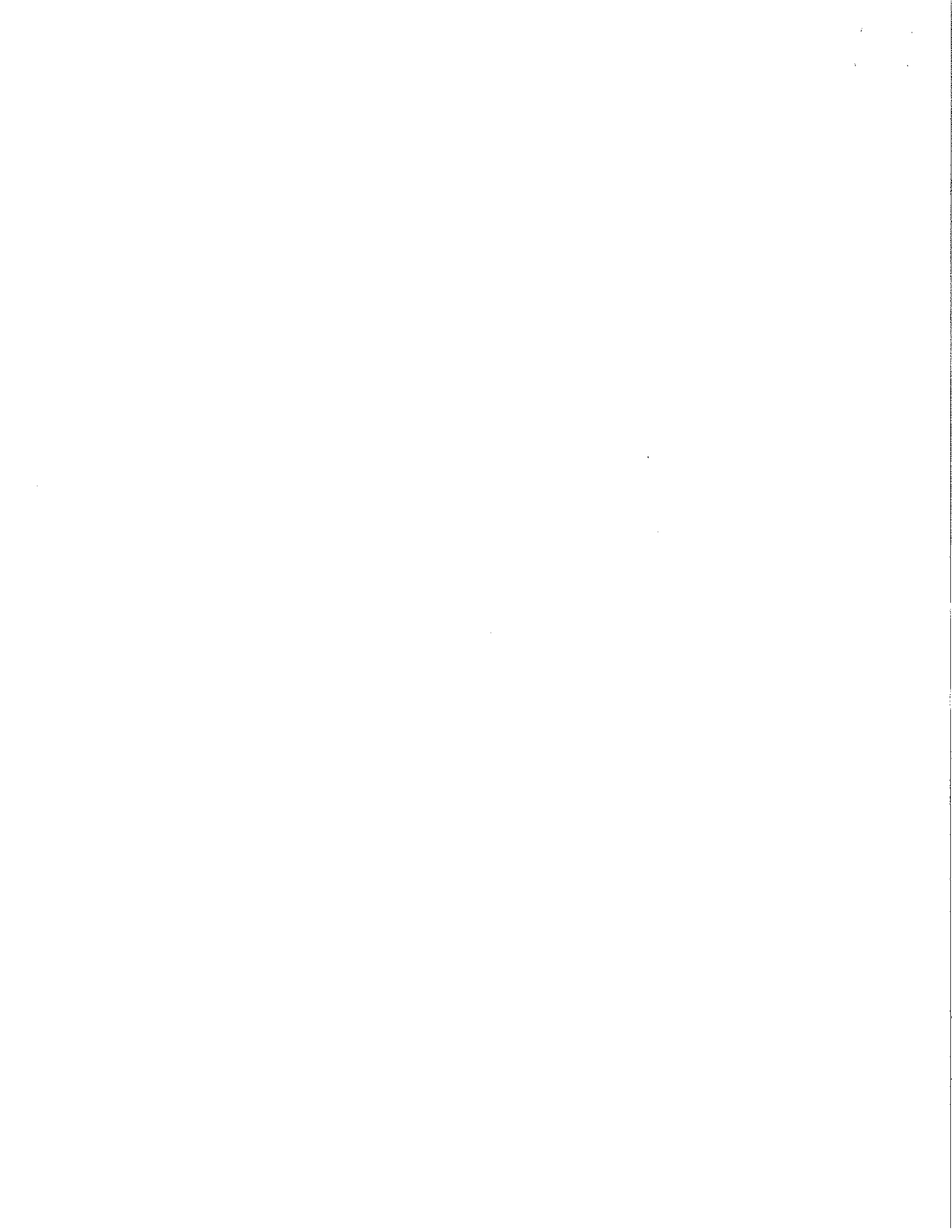


Mapped By: Dawn Browne
CDOW Wildlife GIS Group
Projection: UTM, Zone 13
Datum: NAD 1983
Date: April 2009



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STATE OF COLORADO

Bill Ritter, Jr., Governor
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WILDLIFE

AN EQUAL OPPORTUNITY EMPLOYER

Thomas E. Remington, Director
8060 Broadway
Denver, Colorado 80216
Telephone: (303) 297-1192
wildlife.state.co.us



*For Wildlife-
For People*

May 11, 2009

Senator Gail Schwartz
PO Box 5537
Snowmass Village, CO 81615

RE: ~~Tomichi Creek~~ property acquisition through Habitat Protection Program

Dear Senator Schwartz:

The Colorado Division of Wildlife (CDOW) is working with Gunnison Valley Partners, LLC and the Bradbury family to purchase approximately 209 acres and approximately 7 acres respectively, (216 acres), of their property along Tomichi Creek, located immediately southeast of the City of Gunnison. This is to provide angling and hunting access for the public and secure habitat for Gunnison sage grouse, migratory waterfowl, wintering big game (deer and pronghorn) and a variety of small game and migratory birds. Funding for this project is anticipated to be through the Habitat Stamp program and Division of Wildlife game cash.

This project is in conjunction with a previous transaction in which the Bureau of Reclamation acquired approximately 250 acres along Tomichi Creek as mitigation for the construction of Blue Mesa Reservoir and the subsequent loss of 26 miles of riparian habitat and angling access. The BOR is working with the DOW for the DOW to acquire in fee, at no additional cost, the 250 acres from the BOR. The 216 acres together with the BOR's 250 acres will comprise a total of nearly 466 acres of property under DOW management which will be open to public access to along Tomichi Creek including 4 1/2 miles of stream open to public fishing. The transfer of the BOR property is not dependent upon the completion of the acquisition from Gunnison Valley Partners and the Bradburys.

An appraisal of the property is being conducted. Depending on the appraised value, Gunnison Valley Partners may consider offering the land at a reduced rate to the DOW in the interest of community enhancement through public lands, wildlife habitat, and wildlife recreation opportunities close to Gunnison.

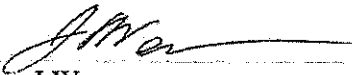
The CDOW and Gunnison Valley Partners are working on the details of the transaction and to facilitate closure we are requesting a letter of concurrence from you for the fee title purchase of 216 acres and fee acquisition, at no additional cost, of approximately 250 acres of Bureau of Reclamation land by the CDOW. This letter will be included in the real estate package sent to members of the Wildlife Commission and the Capital Development Committee for their consideration. I have also sent a similar request to Representative Curry and the Gunnison Board of County Commissioners.

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

If you concur with the project please sign this letter and return it to me at the address below. It would be extremely helpful if I received the signed letter by May 22, 2009 to meet the CDC deadline. I apologize for the short timeframe.

The acquisition of the Gunnison Valley Partner's property will help increase public access for angling and hunting and protect a large block of important wildlife habitat. If you have any questions, please contact me at (970) 641-7069. Thank you for your consideration of this wildlife habitat protection and public access project.

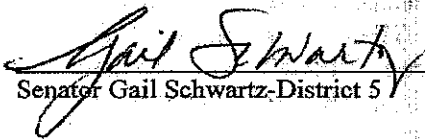
Sincerely,



J Wenum
Area Wildlife Manager-Gunnison
300 W. New York Ave
Gunnison, CO 81230

Cc: Ed Perkins-DOW Real Estate
Tom Spezze, SW Region Manager
Matt Thorpe, DWM

I concur with the above referenced fee title acquisition of 216 acres and/or fee title acquisition, at no additional cost, of approximately 250 acres of Bureau of Reclamation land along Tomichi Creek to the Division of Wildlife for use as a State Wildlife Area with public access for angling and hunting.



Senator Gail Schwartz-District 5

6-04-09
Date

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 80218
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*For Wildlife
For People*

May 11, 2009

MAY 13 2009

Representative Kathleen Curry
54542 East Highway 50
Gunnison, CO 81230

RE: Tomichi Creek property acquisition through Habitat Protection Program

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This project is in conjunction with a previous transaction in which the Bureau of Reclamation acquired approximately 250 acres along Tomichi Creek as mitigation for the construction of Blue Mesa Reservoir and the subsequent loss of 26 miles of riparian habitat and angling access. The BOR is working with the DOW for the DOW to acquire in fee, at no additional cost, the 250 acres from the BOR. The 216 acres together with the BOR's 250 acres will comprise a total of nearly 466 acres of property under DOW management which will be open to public access to along Tomichi Creek including 4 1/2 miles of stream open to public fishing. The transfer of the BOR property is not dependent upon the completion of the acquisition from Gunnison Valley Partners and the Bradburys.

An appraisal of the property is being conducted. Depending on the appraised value, Gunnison Valley Partners may consider offering the land at a reduced rate to the DOW in the interest of community enhancement through public lands, wildlife habitat, and wildlife recreation opportunities close to Gunnison.

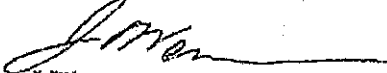
The CDOW and Gunnison Valley Partners are working on the details of the transaction and to facilitate closure we are requesting a letter of concurrence from you for the fee title purchase of 216 acres and fee acquisition, at no additional cost, of approximately 250 acres of Bureau of Reclamation land by the CDOW. This letter will be included in the real estate package sent to members of the Wildlife Commission and the Capital Development Committee for their consideration. I have also sent a similar request to Senator Schwartz and the Gunnison Board of County Commissioners.

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

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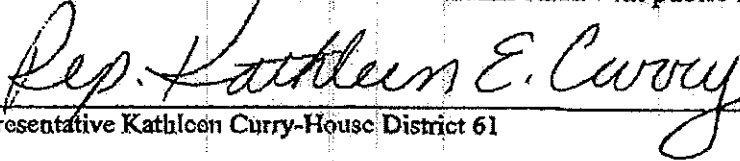
Sincerely,



J Wenum
Area Wildlife Manager-Gunnison
300 W. New York Ave
Gunnison, CO 81230

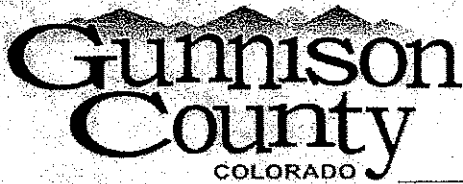
Cc: Ed Perkins-DOW Real Estate
Tom Spezze, SW Region Manager
Matt Thorpe, DWM

I concur with the above referenced fee title acquisition of 216 acres and/or fee title acquisition, at no additional cost, of approximately 250 acres of Bureau of Reclamation land along Tomichi Creek to the Division of Wildlife for use as a State Wildlife Area with public access for angling and hunting.



Representative Kathleen Curry-House District 61

5/13/09
Date



MAY 29 RECD

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
Phone: (970) 641-0248, Fax: (970) 641-3061
Email: bocc@gunnisoncounty.org
Website: www.GunnisonCounty.org

May 27, 2009

Colorado Division of Wildlife
Attn: J Wenum
300 W. New York Ave.
Gunnison, CO 81230

RE: Tomichi Creek Property Acquisition through Habitat Protection Program – Request for Concurrence of Fee Title Acquisition

Dear Mr. Wenum:

The Gunnison County Board of County Commissioners (BOCC) appreciates the opportunity to consider your request for concurrence on the purchase of 216 acres of property along Tomichi Creek from Gunnison Valley Partners and the Bradbury Family at their May 19, 2009 regular meeting.

The BOCC is supportive of the concepts of the purchase; however, we would like to address the following two concerns:

1. There is potential for this acquisition to create safety issues at the Gunnison-Crested Butte Regional Airport, which is immediately west of the area proposed for purchase.
 - a. The property is located in the approach to Runway 24 so any increase in the migratory bird population on the subject property may increase the possibility of aircraft/avian collision occurrence.
 - b. Migratory and small game habitat improvements on the subject property similarly cause concern regarding airport safety. Any increase in waterfowl or small game populations will likely increase the incidence of avian predators in the airspace approach to Runway 24.

Therefore, as a condition of concurrence, the BOCC will require that the DOW prepare and administer a wildlife management plan for the property that addresses the issues regarding airport safety as stated above.

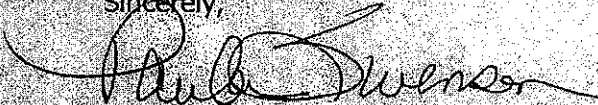
2. The BOCC also considered Gunnison Sage-grouse issues with regard to the proposed purchase.
 - a. The area south of Tomichi Creek, particularly the sagebrush-wet meadow interface at the base of "W" Mountain is some of the most important sage-grouse habitat in the Gunnison Basin.

- b. We strongly support acquisition of the Bradbury property as it is within this important interface habitat if it does not result in increased human access to this area.

Therefore, as an additional condition of concurrence, the BOCC will require that the DOW prepare and administer a wildlife management plan for the property that does not increase human access to the south side of Tomichi Creek beyond that which currently exists, and that maintains the current sage-grouse habitat values for the area.

If you have any questions or concerns regarding the issues stated above, or the conditions of our concurrence, please contact John DeVore, Airport Manager (970-642-7388) for airport issues, or Jim Cochran, Wildlife Conservation Coordinator (970-641-7604) for sage-grouse issues.

Sincerely,



Paula Swenson, Chairperson
Gunnison County Board of County Commissioners

cc: Senator Gail Schwartz
Representative Kathleen Curry