

WAIVER REQUEST -- December 19, 2008

FY 2008-09 Request to Waive the Six-Month Encumbrance Deadline Pursuant to Section 24-30-1404 (7), C.R.S.

**Natural Resources -- Wildlife
Property Acquisition**

MOTION Approve the waiver request for the FY 2008-09 appropriation to this project (\$4,098,840 CF).

SUMMARY

1995-042

The Department of Natural Resources, Division of Wildlife, is requesting a waiver of the six-month encumbrance deadline for the Property Acquisition project. The waiver request is for \$4,098,840 of the FY 2008-09 appropriation of \$4,500,000 from the Wildlife Cash Fund, and represents 91 percent of the appropriation. The project allows the division to acquire fee title or easements to property through a competitive bidding process. When the division identifies specific parcels to acquire, it provides a more detailed justification to the Capital Development Committee through its request to the committee to review and comment on the proposal pursuant to Section 33-1-105 (3) (a), C.R.S. The division's priorities for the FY 2008-09 appropriation include acquiring sagebrush habitat, critical deer and elk winter range and migration corridors, wetlands, riparian lands, and habitat to protect species that are threatened and endangered or species of special concern.

The division explains that it is difficult to encumber funds for the project within the six-month timeframe in any given year because of the nature of the acquisition program. Entering into an agreement within six months is not always feasible, practical, or in the best interest of the division or the state, it says. The division notes that the acquisition process can be delayed by various factors, such as the availability of property in areas of interest to the division, the quality of proposals, internal screening, or the need to negotiate with the landowner.

The division says \$12,000 has been expended for an appraisal and \$389,160 has been encumbered for the Kleweno conservation easement. The division plans to use the remaining \$4,098,840 for acquiring wildlife habitat, once it is released by the State Controller.

The division has requested and received a waiver for this project's annual appropriation each of the last five fiscal years.

FY 2008-09 APPROPRIATION AMOUNT

Fund Source	Appropriation
CF	\$4,500,000
Total	\$4,500,000

STAFF QUESTIONS**2008 Question/Response**

1. When does the division anticipate expending some of the funds.

CDOW expects to expend some of the funds no later than the March-April of 2009.

2. Why didn't the division request a waiver concurrent with the FY 2008-09 request (see question below from 2007). Does the division wish to do so with the FY 2009-10 request?

It was the CDOWs intention to request a waiver last Legislative session for the Property Acquisition line item. However, due to staff leaving this waiver request was not acted upon. CDOW plans on submitting a waiver along with the FY09-10 budget request and CDOW will work on finding a Legislator to sponsor a change in the legislative language allowing this line to be exempted.

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2007 Question/Response

1. Has the division considered requesting a waiver along with its annual request for this project, since the project faces the same limitations every year?

The division was not aware that option existed, and would like to look into that possibility. This project will face the same limitations every year.