

Aug. 2, 2010 -- Property Transaction Proposal Division of Wildlife

Bighorn Springs and Ruby Mountain State Wildlife Areas, Perpetual Public Fishing Access Easements

Chaffee County

1 acre

1 mile north of Nathrop and 5 miles south of Buena Vista

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 acquisition of two (2) perpetual Public Fishing Access Easements at Bighorn Springs and Ruby Mountain State Wildlife Areas (1 acre).

CDC Staff Questions

1. CDC staff review indicates that Nestle Waters of North America, Inc. (NWNA) agreed to offer these public fishing access easements in an application for a permit to conduct a spring water project in Chaffee County. Please provide a brief explanation of this project and its effect on the area.

NWNA purchased the property formerly owned by Mr. Hagen. This property was formerly used as a private fish hatchery/rearing unit. NWNA purchased the property with the intent to utilize the water rights associated with it in their water bottling program. Application was made by NWNA to Chaffee County for the required land use permits and Chaffee County applied 1041 Regulations to the application. One stipulation applied by the County was the consideration by NWNA to allow public fishing access to a portion of the Arkansas River which NWNA had acquired. NWNA approached the DOW about holding a perpetual fishing only access easement on two parcels of the property. The NWNA project would involve developing the springs on the property and piping that water to a load out facility located at Johnson Village. Water would then be transported via truck to their Denver bottling plant. The effect of the perpetual fishing easement is that additional river would be opened to the public for fishing access only. There would be an associated cost to DOW for this. No known negative effect for this easement project.

2. Are other property transactions in this area pending with NWNA?

None known at this time.

3. Is there other fishing in the area? Has the division noticed an increase in demand for fishing in the area?

There are other fishing opportunities in the area although all property upstream of the proposed location is private for a stretch of approximately 3 miles and then access is allowed on the Champion Fishing Easement, which the DOW has. The Arkansas River has a fair amount of public land access from the reaches from Leadville to Canon City and the DOW holds several perpetual fishing only access easements and one term fishing access easement. The demand for fishing access on the Arkansas River has increased over the past several years. The opportunity for developing additional access becomes limited as more development occurs within the river corridor.

4. How is this area currently used by visitors? What other recreational activities (e.g. hunting, wildlife viewing) are available?

Other recreational activities, in the general area of the proposed fishing easement, includes camping at an established CDPOR site at Ruby Mountain, rafting/boating put in and take out at Ruby Mountain (both commercial

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and private), rock hounding or hunting at Ruby Mountain, located on BLM lands, off-road use by ATVs, 4 wheel drive and mountain bikes in the area north of the proposed fishing easement on adjacent BLM lands. None of these activities would be allowed on the fishing access only easement.

5. Is the area a habitat for protected species?

No.

6. How many vehicles will the parking lot accommodate?

Each parking lot would accommodate 3-4 vehicles.

7. Is the parking lot needed solely to accommodate people who come to the area to fish, or are other groups expected to use the parking lot as well?

Parking lots will be utilized solely by anglers. Access will only be allowed for fishing. No other activity will be allowed.

Capital Development Committee August 2010—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> two (2) perpetual Public Fishing Access Easements.	
General Information			
Name	Bighorn Springs SWA and Ruby Mountain SWA		
Number of acres	Approximately 1 acre		
Location	Approximately 1 mile north of Nathrop.		
County	Chaffee		
Costs / Source of Funding			
Purchase Price	\$0.00	Funding Source	N/A
	Fiscal Year		N/A
	Line Item		N/A
	Appropriation		N/A
	Remaining Unexpended Balance		N/A
Onetime Costs	\$3,000	Parking lot development (\$2,000), installation and production of signs (\$1,000)	
Annual Operation Costs	\$425.00	Monitoring (\$175) and signage replacement (\$250)	

Summary of Proposal:

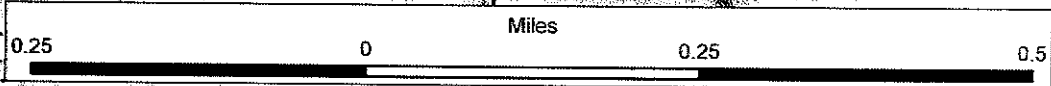
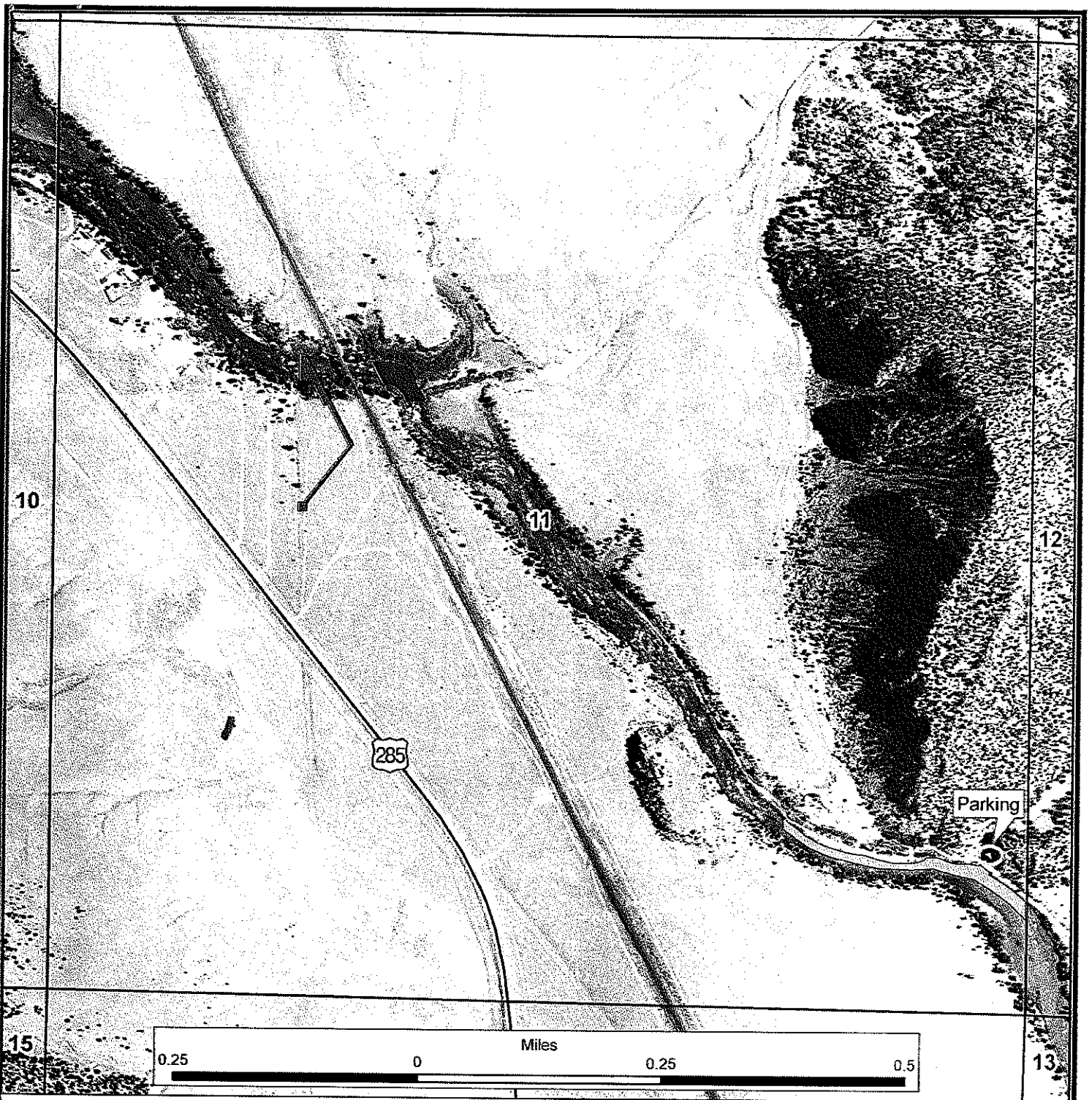
Colorado Division of Wildlife (CDOW) will acquire, at no cost, two (2) perpetual public fishing access easements from Nestle Waters of North America, Inc. (NWN) on the Arkansas River. The fishing easements would allow public fishing to an additional ¼ mile of river frontage.

According to the maps referenced below, the Property appears to be outside the scope of any Wind energy potential, Geo-thermal area and Solar energy potential areas.





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
- Concurrence letters



**Bighorn Springs SWA and Ruby Mountain SWA
T15S R78W Sec.11 - Project #10-020-SE**

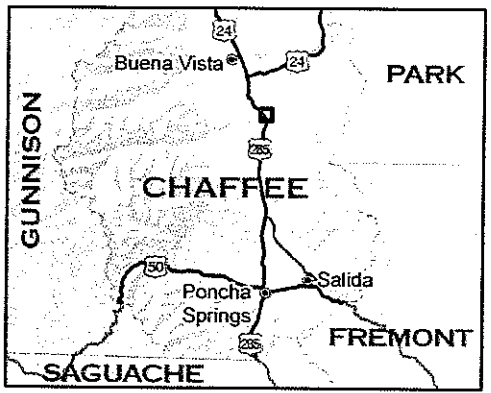
-  Bighorn Springs - Parcel A
-  Ruby Mountain
-  Bighorn Springs - Parcel B
-  Ruby Mountain - Parking



WildlifeGIS



Mapped By: Dawn Brownne
 CDOW Wildlife GIS Group
 Projection: UTM, Zone 13
 Datum: NAD 1983
 Date: June 2010



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*

James L. Aragon, Area Wildlife Manager
7405 US Highway 50
Salida, CO 81201
Telephone: 719-530-5522
Cell Phone: 719-530-1819
FAX: 719-530-5554

State Senator Gail Schwartz
200 East Colfax
Denver, CO 80203

May 20, 2010

Dear Senator Schwartz,

The Colorado Division of Wildlife (CDOW) is in negotiation with Nestle Waters North America INC. (NWNNA) to obtain a perpetual fishing easement on a portion of property which NWNNA owns. This fishing easement would be located on the Arkansas River within Chaffee County. This fishing easement consists of two sections of the Arkansas River near Nathrop, CO. and would allow for fishing access only to the Arkansas River on a section of the river which is now closed to public access.

Prior to State acquisition, the CDOW is requested by the State Capital Development Committee to advise the appropriate State Senator, State Representative and Board of County Commissioners, to receive written concurrence with the conveyance.

The CDOW respectfully requests your concurrence to move forward with this transaction. If you approve, please sign the appropriate line at the bottom of this letter and return to me at the above address or fax number. If you have questions or would like to discuss this matter further, please call me at the above phone numbers. Thank you for your time and consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "James L. Aragon".

James L. Aragon
Area Wildlife Manager

A handwritten signature in cursive script, appearing to read "Gail Schwartz".

Concurrence, State Senator Gail Schwartz

A handwritten signature in cursive script, appearing to read "Schwartz".

STATE OF COLORADO

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DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WILDLIFE

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wildlife.state.co.us*For Wildlife
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7405 US Highway 50
Salida, CO 81201
Telephone: 719-530-5522
Cell Phone: 719-530-1819
FAX: 719-530-5554State Representative Tom Massey,
200 East Colfax
Denver, CO 80203

May 20, 2010

Dear Representative Massey,

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Sincerely,

James L. Aragon
Area Wildlife Manager

Concurrence, State Representative Tom Massey

DEPARTMENT OF NATURAL RESOURCES, Mike King, Executive Director
WILDLIFE COMMISSION, Tim Glenn, Chair • Robert Streeter, Vice Chair • Mark Smith, Secretary
Members, David R. Brougham • Dennis Buechler • Dorothea Farris • Allan Jones • John Singletary • Dean Wingfield
Ex Officio Members, Mike King and John Stulp

STATE OF COLORADO

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Chaffee County Board of Commissioners
P.O. Box 699
Salida, CO 81201

May 20, 2010

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Area Wildlife Manager

Concurrence, Chaffee County Board of Commissioners