

WAIVER REQUEST -- December 3, 2009

FY 2009-10 Request to Waive the Six-Month Encumbrance Deadline Pursuant to Section 24-30-1404 (7), C.R.S.

Natural Resources -- Wildlife
Land and Water Acquisitions

MOTION Approve the waiver request for the FY 2009-10 appropriation to this project (\$3,535,000 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 \$3,535,000 of the FY 2009-10 appropriation of \$4,500,000 from the Wildlife Cash Fund, and represents 78.6 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 2009-10 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 time frame 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 \$965,000 has been spent to purchase fee title to the Andrick Ponds State Wildlife Area. The division plans to use the remaining \$3,535,000 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 six fiscal years.

FY 2009-10 APPROPRIATION AMOUNT

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

STAFF NOTES

Section 24-30-1404 (7)(c)(II), C.R.S. exempts the acquisition of easements by DOW from the six-month encumbrance deadline. However, since the division may acquire property through mechanisms other than easements, such as fee title, a waiver is still necessary.

For FY 2010-11, the division submitted a waiver request as part of its regular budget request for cash funds spending authority for this project.