

PHIL WEISER
Attorney General
NATALIE HANLON LEH
Chief Deputy Attorney General
ERIC R. OLSON
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**STATE OF COLORADO
DEPARTMENT OF LAW**

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Natural Resources and
Environment Section

AGENDA

Colorado Natural Resources Trustees Meeting

April 9, 2020

10:00 am to 12:00 pm

Location: Zoom Meeting

Link to Meeting: <https://zoom.us/j/441900612>

**Note: A hyperlink to the meeting will be emailed to Trustees and staff and
will be posted on the Trustee website:**

<https://coag.gov/office-sections/natural-resources-environment/trustees/whats-new/>

Open Session

1. Approval of Minutes from January 16, 2020 Meeting – 5 minutes

Action Items:

(1) Review and approve minutes from January 16, 2020 meeting

Document:

(1) Draft Minutes from January 16, 2020 meeting

**2. Rocky Mountain Arsenal Updates – (David Banas, Susan Newton, Ed Perkins)
- 15 minutes**

Action Items: none

Document:

(1) Memo from David Banas

**3. Summitville Updates – (Emily Splitek, Susan Newton, Ed Perkins) - 10
minutes**

Action Items: none

Document:

(1) Memo from Emily Splitek

4. California Gulch – (David Banas, David Kreutzer, Susan Newton, Ed Perkins)
- 20 minutes

Action Items:

- (1) Consider Central Colorado Conservancy (CCC) proposal

Documents:

- (1) Memo from David Kreutzer
- (2) Memo from David Banas
- (3) CCC proposal
- (4) CCC Parcel Map
- (5) CCC Project Budget
- (6) Draft Resolution

5. NRD Funds Discussion – (All) – 10 minutes

Action Items: none

Documents: none

6. Update on HB18-1198 (Concerning Best Practices for Boards and Commissions) Discussion (Amy Beatie) – 10 minutes

Action Items: none

Documents:

HB18-1198

ITEM #1

Colorado Natural Resource Damages Trustees
Meeting Minutes
January 16, 2020
(Approved _____)

In Attendance:

TRUSTEES

Phil Weiser, Attorney General

Jill Hunsaker Ryan, Executive Director, Colorado Department of Public Health and Environment (CDPHE)

Ginny Brannon, Director, Division of Reclamation, Mining & Safety, Colorado Department of Natural Resources (DNR)

TRUSTEE STAFF

Amy Beatie, Deputy Attorney General, Natural Resources and Environment Section (NRE)

David Kreutzer, First Assistant Attorney General, NRE

David Banas, Senior Assistant Attorney General, NRE

Jason King, Senior Assistant Attorney General, NRE

Dan Rosenberg, Assistant Attorney General, NRE

Jennifer Talbert, CDPHE

Doug Jamison, CDPHE

Susan Newton, CDPHE

Ed Perkins, Colorado Parks and Wildlife, DNR (CPW)

Robert Harris, CPW

Laura Kelly, Paralegal, NRE

OTHER STATE STAFF

Jennifer Opila, CDPHE

Melody Mascarenaz, CDPHE

Mindi May, CPW

Gabriel Straus, AGO Extern

Isaiah White, AGO Extern

PUBLIC

Cincere Eades, Denver Parks and Recreation

Rachel Crouch, Bluff Lake Nature Center

Doug Jones, Bluff Lake Nature Center

Open Session

Attorney General Weiser called the meeting to order at approximately 10:00 a.m. on January 16, 2020. The meeting's purpose was to brief the Trustees on the current status of issues relating to Natural Resource Damages (NRDs) projects, and to request direction and/or approval for various actions.

Minutes

After the attendees introduced themselves, Attorney General Weiser presented the minutes from the October 10, 2019 Trustee Meeting. Director Brannon moved to approve the minutes, Attorney General Weiser seconded the motion, and the motion was unanimously approved.

Small Spill Program

David Banas reported that he and Mindi May developed a task list for prospective contractors. Based on that task list, Attorney General contracting staff is in the process of creating a work order to keep contractors on retainer in different regions of the State so samples can be collected immediately when a small spill occurs.

Blue Tee Settlement

Mr. Banas reported that in 2018, CDPHE became a plaintiff in a 17-party settlement involving the Blue Tee mine, and in September 2019, the Court dismissed a third-party claim and the Consent Decree was entered. Colorado will receive approximately \$469,000 in six installments over the next five years. Mr. Banas noted the first payment of \$275,000 was received in October 2019. CDPHE and the Trustees will need to determine how to allocate those funds in the future.

California Gulch

In response to the Trustees' request at the October 2019 meeting, Dan Rosenberg reported that Trustee staff revised the draft Memorandum of Understanding ("MOU") so that it no longer delegates decision-making authority for selecting projects to Trustee staff. Trustee staff are working with their federal counterparts to finalize the revised MOU, so that it can be provided to the Trustees for their approval at the April 2020 Trustee Meeting.

Mr. Rosenberg noted the Central Colorado Conservancy recently submitted a proposal which they expect to present to the Trustees at the April 2020 Trustee Meeting. The proposal requests \$760,000 in funding to purchase additional parcels along the Arkansas River in southern Lake County for inclusion in a conservation easement. Attorney General Weiser inquired about the remaining funds from the original \$20 million recovered from ASARCO and other parties. Mr. Rosenberg responded that there is approximately \$7 million (which includes interest) remaining in the fund. Doug Jamison added that the State and Federal Trustees have approved \$7,400,000 of State funds and \$8,318,000 of Federal funds, together totaling over \$15 million in approved projects.

Attorney General Weiser stressed the importance of continued restoration in the Cal Gulch area. He requested that Trustee staff bring a Request for Proposals to the April 2020 Trustee Meeting, with the hope that additional projects can be approved at the June 2020 Trustee Meeting. The Trustees reaffirmed their plans to hold a Trustee Meeting in Leadville, and set the meeting for June 18, 2020, at 10:00 a.m. to be followed by site visits.

Bluff Lake Nature Center

David Banas reported that in 2014, the Trustees allocated \$657,000 from the Rocky Mountain Arsenal Recovery Fund to Bluff Lake Nature Center (“Bluff Lake”). He introduced Rachel Crouch and Doug Jones from Bluff Lake to update the Trustees on projects to date and plans for the future. Ms. Crouch noted Bluff Lake owns a 123-acre site (formerly owned by the City of Denver as part of Stapleton airport) on which the nonprofit conducts educational programs, maintenance, and site restoration projects. She provided a detailed presentation about the history of the lake and how NRD funds in the amount of \$1.1 million were used to: 1) repair the dam and install a clay liner; 2) obtain recycled water from Denver to keep it full; 3) revegetate disturbed areas; and 4) conduct long-term monitoring.

Mr. Jones explained Bluff Lake’s work with the Denver Water Department to route recycled water to the lake to reach a more manageable lake level. He explained this element of the project is taking longer than anticipated, partially because the lake is considered waters of the State requiring a discharge permit, and because they need to de-chlorinate the recycled water. He noted the Bluff Lake NRD contract expires in September 2020 and they intend to present a revised proposal at the next Trustee Meeting to use the remaining funds to complete this element. Ms. Crouch emphasized that since this NRD project, Bluff Lake hosted 60,000 visitors last year, native vegetation has increased, and bird species have increased by 38 new species.

Denver Bear Creek Water Quality Project

David Banas reported that in 2013, the Trustees allocated \$114,500 from the Lowry Landfill NRD Fund for the City of Denver’s Bear Creek Water Quality Project, which involved two acres along a corridor in Denver’s Bear Valley Park. He introduced Cincere Eades from Denver Parks and Recreation. She noted Denver partnered with Lakewood on this project to improve the water quality in Bear Creek by reducing invasive trees, replanting native trees, and completing a turf conversion which improved the health of the riparian area along the waterway. Ms. Eades explained the project included community outreach and education, the reduction of runoff from adjacent properties, and the widening of the buffer area. She reported they are now seeing a decrease in some of the nutrients through water sampling, as well as established native grasses and increased wildlife including a beaver lodge.

Denver Westerly Creek Project

David Banas reported that over the past six years, the Trustees have allocated approximately \$2.8 million from three separate NRD funds to Denver for restoration work along the Westerly Creek corridor near Stapleton. Ms. Eades provided background on the entire Westerly Creek Project which is one of Denver’s largest restoration projects and is almost four years in post-construction. The overall project included a major re-grading effort over 36 acres, resulting in established native vegetation and an increase in wildlife throughout the corridor.

Ms. Eades elaborated on the final project which is located upstream on Westerly Creek in one of Denver’s more low-income, diverse neighborhoods near Denver’s border with Aurora. Before the restoration, a straight shot channel was coming out of the dam, the trail was in disrepair, and there were non-native species along the bank. The project resulted in a better cross-section and diversity of species, a wide buffer of wetland vegetation and riparian upland, and a realigned trail.

Additionally, Ms. Eades noted two more projects which are being contracted as part of the restoration of 80 acres of open space along the South Platte River in the Globeville neighborhood: 1) the conversion of seven acres of turf to native vegetation; and 2) the establishment of a regional water quality facility. She added Denver is incorporating environmental education about the history of the neighborhood into the projects.

David Banas thanked Ms. Eades and underscored that Denver has been one of the NRD program's best partners by proposing creative projects in underserved neighborhoods.

Summitville

Dan Rosenberg reported Trustee staff is preparing for a stakeholder meeting in Alamosa, tentatively scheduled for March 18, 2020. Attorney General Weiser noted the significance of restoration work in this region and the Trustees' desire to make these projects a priority. To facilitate that goal, one or more of the Trustees would like to attend the stakeholder meeting if schedules allow. Discussion ensued about the feasibility of scheduling the stakeholder meeting around the Trustees' schedules. Attorney General Weiser suggested the Trustees consider the various options and respond to Deputy Attorney General Beatie soon so that the stakeholder meeting date can be finalized. Deputy Attorney General Beatie noted that if more than one Trustee attends the stakeholder meeting, it would need to be noticed.

Jennifer Talbert provided a financial report for the Summitville NRD Fund. From the original settlement of \$5 million, she reported the Trustees have awarded just under \$4.9 million to date, and approximately \$4.3 million has been spent. She added that approximately \$550,000 is encumbered by existing projects on reaches of the Alamosa watershed. Ms. Talbert concluded, considering interest earned, there is approximately \$550,000 remaining in the Fund for additional projects.

Executive Session

Deputy Attorney General Beatie recommended the Trustees make a motion to go into executive session to consider Agenda Item #9 as identified on the Trustee Meeting agenda. She stated the executive session is authorized pursuant to section 24-6-402(3)(a)(II), C.R.S. and other laws that allow the Trustees to enter executive session for specific purposes. At approximately 11:15 a.m., Director Hunsaker Ryan moved to begin an executive session, Attorney General Weiser seconded the motion, and the motion was unanimously approved. The executive session was digitally recorded. No other business was conducted, and no minutes were taken.

At approximately, 11: 45 a.m., Director Hunsaker Ryan moved to end the executive session, Director Brannon seconded the motion, and the motion was unanimously approved, whereupon executive session was ended.

Open Session

Report from Executive Session

Deputy Attorney General Beatie stated, pursuant to statute, the Trustees went into executive session to consider Agenda Item #9. Discussion during the executive session was limited to that item and no formal action was taken.

At approximately 11:50 a.m., Director Brannon moved to adjourn the meeting, Director Hunsaker Ryan seconded the motion, and the motion was unanimously approved.

DRAFT

ITEM #2

PHIL WEISER
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STATE OF COLORADO
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Office of the Attorney General

March 23, 2020

M E M O R A N D U M

TO: Colorado Natural Resources Trustees
FROM: David Banas
RE: Rocky Mountain Arsenal Updates

BACKGROUND

Over the past 8 years, the Trustees have allocated approximately \$27 million from the two Rocky Mountain Arsenal funds: the Rocky Mountain Arsenal Recovery Fund, managed by CDPHE, and the Rocky Mountain Arsenal Foundation Fund, managed by DNR.

UPDATE

This memo provides updates on recent developments with three recipients of Arsenal funds: (1) Commerce City, (2) Environmental Learning For Kids, and (2) the Bluff Lake Nature Center.

(1) Commerce City

In 2014, the Trustees allocated \$3,086,942 from the Recovery Fund to fund Commerce City's Second Creek Project. The approval was contingent on staff approval of a final project proposal. Commerce City did not submit a final proposal and the approval expired in November 2019.

In February 2020, Commerce City submitted a revised proposal. After reviewing the proposal, staff had questions about the environmental benefits of the project. Staff met with Commerce City in March 2020. Based on this call, Commerce City will be working with staff over the coming months to develop a final proposal which they plan to present at the June 2020 Trustee meeting.

(2) Environmental Learning for Kids

In 2014, the Trustees allocated \$433,260 from the Recovery Fund to Environmental Learning for Kids (ELK), to restore a 5.5 acre abandoned lot and establish upland prairie habitat as part of their larger project to create an environmental learning center for underserved urban youth.

In March 2020, Susan Newton toured the site and was impressed with the work. The final deliverables under the contract are for ELK to deliver a final construction completion report and make a presentation to the Trustees. We expect the report this spring and a presentation at the fall 2020 Trustee meeting.

(3) Bluff Lake Nature Center

In 2014, the Trustees allocated the Bluff Lake Nature Center \$605,946 from the Recovery Fund (which Bluff Lake combined with a \$501,481 allocation from the Lowry Landfill settlement) to reinforce the Bluff Lake Dam, line Bluff Lake to retain year-round storm water, and to purchase reclaimed water from Denver Water. After reinforcing the Dam, Bluff Lake determined it would not be necessary to line the lake. As discussed at the January 2020 Trustee meeting, Bluff Lake has been unable to finalize a deal with Denver Water.

Bluff Lake has proposed to use the remaining funds – approximately \$318,000 – to continue to work to purchase recycled water. Specifically, Bluff Lake seeks to use NRD money to fund planning and to fund legal fees – activities the Trustees typically do not fund with NRD money. Staff is working with Bluff Lake who hopes to make a presentation at the June meeting.

RECOMMENDATION FOR ACTIONS

None.

ATTACHMENTS

None.

ITEM #3

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Office of the Attorney General

March 23, 2020

M E M O R A N D U M

TO: Colorado Natural Resources Trustees
FROM: Emily Splitek
Assistant Attorney General
RE: Summitville Stakeholder Meeting

BACKGROUND

At the October 2019 meeting, the Trustees requested that staff organize a meeting in Alamosa to give stakeholders in the community an opportunity to weigh in on how the remaining \$500,000 in settlement funds should be spent. Staff worked to set up a meeting for March 18, 2020 at the Rio Grande Water Conservancy District office in Alamosa. Staff invited about 60 people to the meeting, and expected 20-30 people to attend.

UPDATE

Due to the COVID-19 situation across the State, staff decided to postpone the in-person meeting until a later date. Given the uncertainty around when an in-person meeting can be safely held, staff also decided to set up a conference call to keep stakeholders engaged and informed. That call is scheduled for the morning of Friday, April 3. A calendar invite went out to stakeholders on March 25th.

ITEM #4

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Office of the Attorney General

March 26, 2020

M E M O R A N D U M

TO: Colorado's Natural Resource Trustees
FROM: David Kreutzer, First Assistant Attorney General
RE: California Gulch Memorandum of Understanding with Federal Trustees

BACKGROUND

The Colorado Trustees requested we update our Memorandum of Understanding ("MOU") with the federal Trustees to align with our usual practice whereby Colorado's Trustees approve individual projects. The previous MOU delegated this approval to the Trustee Council, comprised of Colorado Trustee staff and federal Trustee staff.

UPDATE

Federal and Colorado Trustee staff reached agreement on an updated MOU. Federal staff reached out to the US Forest Service ("USFS"), usually represented on a day-to-day basis by the US Fish & Wildlife Service ("US FWS") staff. The USFS first approved the revised MOU, but then over a two week period requested amendments. Some of the amendments were harmless. However, in the end, the USFS requested the MOU be limited to a five (5) year period.

Many on the Trustee Council agree our work will require more than five years. After reaching out to USFS counsel, the US FWS staffer, Laura Archuleta, has been in contact with USFS decision-makers and requested a extension beyond the 5-year period. This request is outstanding as of the date of this memo.

RECOMMENDATION FOR ACTIONS

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Colorado Trustee staff will obtain approval from Trustees for all projects going forward, as required by the draft but unsigned new MOU. No action by the Trustees is required at this time.

ATTACHMENTS

None.

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STATE OF COLORADO
DEPARTMENT OF LAW

Office of the Attorney General

March 23, 2020

M E M O R A N D U M

TO: Colorado Natural Resources Trustees

FROM: David Banas & Ed Perkins

RE: California Gulch Superfund Site: Central Colorado Conservancy –
Proposal for the Arkansas River Community Preserve Acquisitions in
Lake County, Colorado

BACKGROUND

The California Gulch Superfund Site is located near Leadville, Colorado. Unlike in many cases where the Colorado Trustees act alone, here, the Colorado Trustees are co-trustees with federal trustees and make decisions concerning allocation of funds through a Federal Trustee Council. Staff on the Federal Trustee Council are still working to determine precisely how much money remains from the California Gulch NRD settlement, but all agree it is upwards of \$10 million.

UPDATE

Central Colorado Conservancy (CCC) is requesting NRD California Gulch Superfund Site funding in the amount of \$760,050 over three years. With significant partnerships and funding leverage, NRD funding will help to acquire ten properties and to establish a conservation easement (CE) and public access easement (PAE) for fishing, hunting, and wildlife watching on eleven parcels comprising 160 acres along the Arkansas River in Lake County. Colorado Open Lands (COL) will hold and manage the CE while Colorado Parks and Wildlife (CPW) will hold and manage the PAE.

Phase I will include the purchase of eight parcels, held by the same landowners, and a subsequent donation to COL of the CE encumbering the eight parcels plus an additional CCC parcel (known as Arkansas River Preserve) to COL.

Phase IIA is to purchase parcel # 11 (a/k/a Parcel 6 on the map) and subsequently donate a conservation easement to COL.

Phase IIB is to purchase parcel # 10 (a/k/a Parcel 21 on the map) and subsequently donate conservation easement to COL; then, to “establish” a public access easement with CPW on all eleven parcels.

RECOMMENDATION FOR ACTIONS

The State and Federal NRD Trustee Council has determined that acquisition and protection of the 160 acres, including public access, is consistent with the Restoration Plan and Environmental Assessment for the Upper Arkansas River Watershed. The project has a strong nexus to the NRDA injury because it provides the opportunity to protect parcels that provide resource benefits for the same type of resources as those that were injured. Furthermore, existing planning processes have identified land acquisition as a high priority in the Arkansas River Valley and in the watershed.

Trustee staff recommend funding of the project with conditions as described in the attached resolution.

ATTACHMENTS

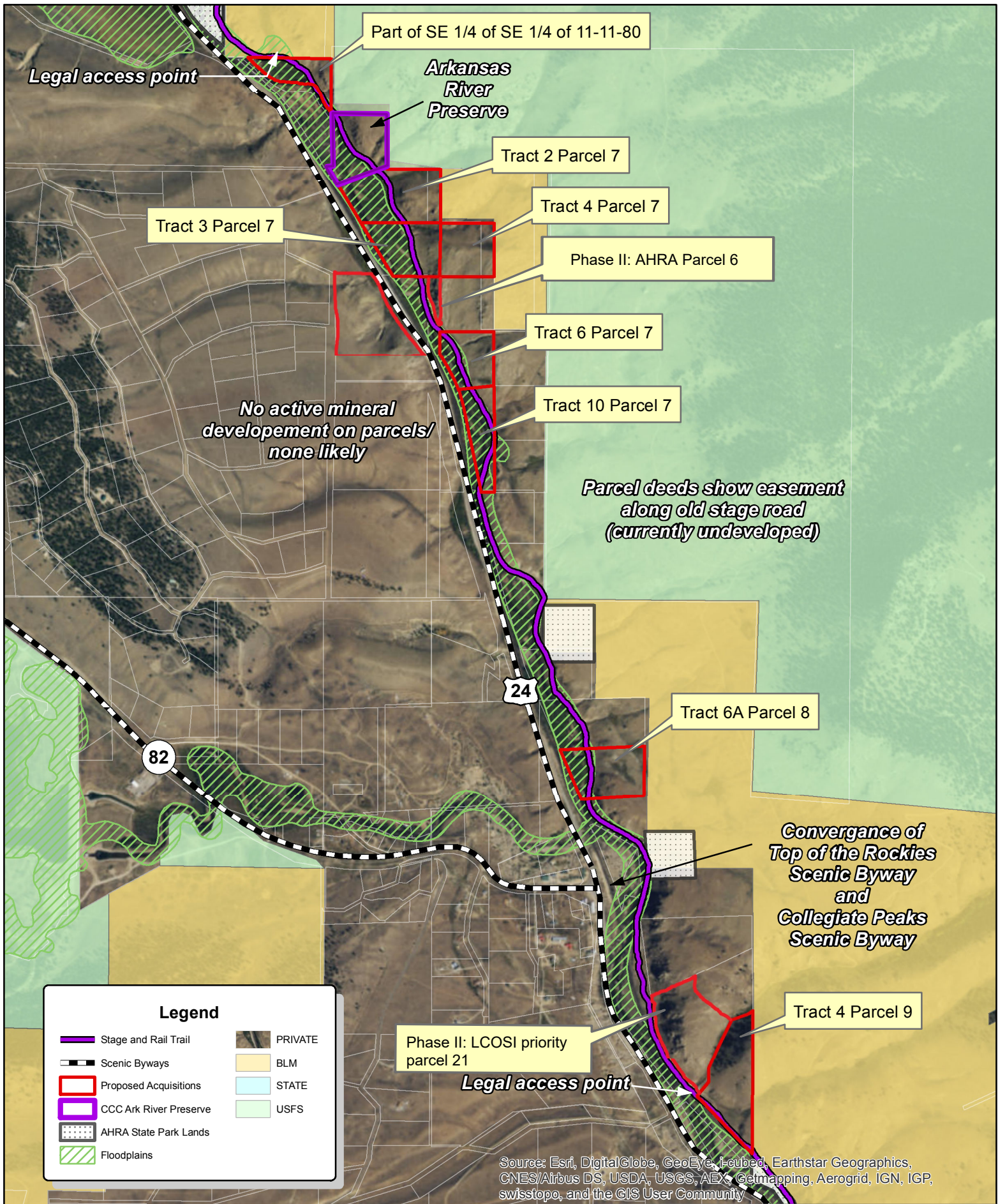
1. Central Colorado Conservancy Proposal
2. Parcel Map
3. Project Budget
4. Draft Resolution



Project Budget - Arkansas River Community Preserve Acquisitions, Southern Lake County

Request to Trustees						Matching Funds							Total Project Cost
ITEM	Total	Phase I	Phase IIA (parcel 11)	Phase IIB (parcel 10)	Gates Family Foundation	Central CO Conservancy	Freeport McMoRan GOCO	Trout Unlimited Climax Mine	Lake County	Landowner Phase I	Landowner Phase II	Totals	
Land Acquisition	\$588,050	\$338,050	\$65,000	\$185,000	\$39,000	\$15,650	\$470,000		\$12,300	\$15,000		\$1,140,000	
Appraisals	\$46,000	\$25,000	\$11,000	\$10,000			\$1,000				\$3,000	\$50,000	
Baseline Documentation	\$3,500	\$1,000	\$1,500	\$1,000			\$4,500					\$8,000	
Closing Costs	\$2,000	\$1,000	\$1,000	\$0	\$1,500							\$3,500	
Environmental Assessment	\$3,500	\$2,000	\$1,000	\$500			\$5,000					\$8,500	
CCC transaction costs and legal fees	\$42,000	\$25,000	\$10,000	\$7,000	\$2,500			\$32,500				\$77,000	
Mapping/Survey	\$0	\$0	\$0	\$0				\$2,500		\$2,500		\$5,000	
Stewardship Fund	\$60,000	\$40,000	\$10,000	\$10,000	\$12,000		\$10,000			\$12,500		\$94,500	
Storytelling & Communication	\$0	\$0	\$0	\$0			\$10,000					\$10,000	
COL transaction costs and legal fees	\$15,000	\$7,500	\$4,000	\$3,500	\$20,000							\$35,000	
Subtotals	\$760,050	\$439,550	\$103,500	\$217,000	\$75,000	\$15,650	\$500,500	\$35,000	\$12,300	\$30,000	\$3,000	\$0	\$1,431,500
In-kind items												\$0	
												\$0	
	\$0	\$0	\$0	\$0							\$60,000	\$100,000	\$160,000
Bargain Sale (donation)													
Donated staff time	\$0	\$0	\$0	\$0		\$60,000							\$60,000
In-kind Subtotals	\$0	\$0	\$0	\$0	\$0	\$60,000	\$0	\$0	\$0	\$0	\$60,000	\$100,000	\$220,000
Totals	\$760,050	\$439,550	\$103,500	\$217,000	\$75,000	\$75,650	\$500,500	\$35,000	\$12,300	\$30,000	\$63,000	\$100,000	\$1,651,500

Total Proposal Request	\$760,050
Total Matching Funds	\$891,450
Total Project Cost	\$1,651,500



Central Colorado Conservancy Proposal to the Natural Resource Trustees for the California Gulch Superfund Site for the Arkansas River Community Preserve Acquisitions in Lake County, Colorado

Proposal Dashboard	
Proposal Request	\$760,050
Matching Funds	\$891,450
Total Project Cost	\$1,651,500
Acres Protected	160 acres
Public Access	Yes
Duration	3 years



Executive Summary

The Central Colorado Conservancy (Conservancy) is **requesting funding from the Natural Resource Trustees for the California Gulch Superfund Site (Trustees) in the amount of \$760,050 over three (3) years to protect eleven (11) parcels containing 160 acres along the Arkansas River in Southern Lake County, Colorado (see Map 1).** The funding will be used to establish a conservation easement and public access easement on all 11 parcels, allowing for public fishing, hunting and wildlife watching. The easement will be managed by a 3rd party, Colorado Open Lands (COL), and the public access easement will be held by Colorado Parks and Wildlife (CPW). This project already has several years of work and support behind it, and has been tentatively named the Arkansas River Community Preserve (Preserve).

The first major leg of the Preserve project will be complete with funding from the Trustees, and will be completed in two phases:

1. Phase I: Purchase of eight parcels (one landowner); donate conservation easement on eight parcels plus additional Conservancy property (Arkansas River Preserve) to Colorado Open Lands (COL).
2. Phase IIA: Purchase parcel 11 and donate conservation easement to COL.
3. Phase IIB: Purchase parcel 10 and donate conservation easement to COL; establish a public access easement with CPW on all 11 parcels.

The funding of acquisitions, conservation easement and public access easement appraisals, and transaction and stewardship costs will allow the Conservancy to move forward purchasing Phase I parcels and result in this section of the Arkansas River being open to public fishing, hunting and wildlife watching. Also, a critical natural resource will have permanent protection.

This project is a partnership among the Conservancy, Lake County Open Space Initiative (LCOSI), Lake County Commissioners and citizens, CPW, COL, Gates Family Foundation (Gates), Trout Unlimited (TU), Climax Mine, Upper Arkansas River Restoration Partnership, and the Stage and Rail Trail Partner Board. LCOSI represents a diverse array of partners (e.g. Federal and State agencies, local governments, nonprofits, Colorado Mountain College, Aurora and Pueblo Water, individual landowners, and local

businesses) that work collaboratively to set priorities for open space, natural resource and outdoor recreation for the County, as well as identifying strategies for addressing these priorities. These parcels are all high priority ranked lands by LCOSI, the Conservancy, and the Trustees. The Preserve also comprises the last substantial remaining stretch of undeveloped private parcels on the Arkansas River in Lake County within the Cooperative Management Agreement boundary of the Arkansas Headwaters Recreation Area (AHRA).

In this project, LCOSI, Colorado Parks and Wildlife, AHRA, Lake County, Colorado Open Lands and the Central Colorado Conservancy are bringing a cooperative management approach that combines resources and skills of public agencies and non-governmental land trusts. This is a model project for other land trusts and agencies throughout Colorado. Together these entities have set forward a unique vision to see the river corridor protected for the people of Colorado. Ultimately, the Preserve will help protect land, wildlife habitat and public enjoyment through the following:

Wildlife Habitat Protection. The parcels considered for the Preserve lie along a section of the Arkansas that is prime fishing and is part of the 102-mile stretch of Gold Medal Trout Waters (see Map 2). The parcels are important year-round or winter habitat for elk, deer, bighorn sheep, and moose. The riparian/wetland habitat provide critical migratory and breeding habitat for a variety of birds, including: Osprey, Bald Eagle, songbirds and several species of waterfowl. Neotropical migrants, such as the Yellow Warbler and Olive-sided Flycatcher depend upon the riparian vegetation. The upland slopes are habitat for the “Granite” herd of bighorn sheep.

Regional Plans. Protecting the parcels with a conservation easement and public access easement will support local and regional conservation plans related to Lake County, Bureau of Land Management (BLM) and U.S. Forest Service (USFS). Five of the parcels border BLM lands and two border USFS. Two of the parcels border the already protected Arkansas River Preserve managed by the Conservancy.

Public Access and Recreation. Passing through the parcels is Lake CR 55 (historic Leadville Stage Road). This road is proposed as the Stage and Rail Trail, one of the Governor’s top 16 trail projects. The trail will help disperse fishing use along this section of river. State Route 24, running along the west side of the Arkansas is where the Top of the Rockies National Scenic Byway and the Collegiate Peaks Scenic and Historic Byway come together. The conservation easement will help ensure the scenic value of the byways are maintained.

Project Goal: Forever protect and enhance a priority stretch of land along the Upper Arkansas River by conserving natural resources and providing community enjoyment in Southern Lake County, Colorado.

Objective 1: Protect 160 acres (the Preserve) in perpetuity through conservation easement

Objective 2: Develop an initial conservation and stewardship plan for the Preserve

Objective 3: Establish a public access easement agreement with CPW

This proposal briefly discusses the background and need for this project, describes the diverse set of ecological and social values, provides an overview of current legal parcel information and status of acquisition, highlights key activities and associated timelines, and details a 3-year project budget with secured matching funds and in-kind support from partners and collaborators.

Background and Population Pressure

Lake County is growing. The State Demographer has indicated the Upper Arkansas Valley will see 31% growth by 2030. Second home development, outdoor enthusiasts and retirees are increasing the pressure on our natural lands. Real estate along the Arkansas River is a highly desired location and is becoming more difficult to find. This will continue to increase development pressure along this stretch of river. With the bighorn sheep use, steep slopes, sensitive riparian habitat, these parcels are better suited to resource protection and defined public use.

In addition, outdoor recreation in this region is growing between 5 to 13% a year. As river uses increases, having additional locations to spread out use will become more important. This will help maintain the quality of the fishing experience on the Upper Arkansas.

Parcel and Project Values

Ecological and Strategic Connectivity

The Arkansas River is the main connector for this project. The river creates a ribbon of riparian/wetland habitat, helping to nourish life in this otherwise dry environment. The river also provides a ready movement corridor for large game and other wildlife species such as: black bear, bobcat, mink, river otter and others. The Central Colorado Conservancy and our partners are focusing on the Arkansas River and these lower elevation lands in Lake County because of their importance for winter habitat, breeding habitat for birds, aquatic life and for the human use. Just upstream the river was protected by the Lake County Open Space Initiative, Lake County, and Colorado Parks and Wildlife. This area is managed as Hayden Meadows. Upstream of this area, the Conservancy has a conservation easement (with a public access easement held by Colorado Parks and Wildlife – Reddy Fishing Easement), the same situation is repeated further upstream on the Headwaters Ranch, off of State Route 91, along the Arkansas River.

These eleven parcels are not all connected. All of the parcels are in a two-mile stretch of the Arkansas River. Many of the parcels directly adjoin public land (BLM or USFS). The Conservancy already owns an additional parcel and has an agreement with a landowner to purchase a parcel after the completion of this project. The plan is to have this entire section of river open to public fishing and access, while protecting the important natural resources.

Wildlife Habitat

Lake County is fortunate to have large, healthy populations of many species of Colorado wildlife. Significant reasons for these populations are: the availability of suitable habitat, functioning movement corridors, and intact riparian systems. This section of southern Lake County has meaningful numbers of elk, moose and mule deer. The riparian area of the Arkansas attracts many other species, such as American badger, marten, black bear, lynx, bobcat, red fox, coyote, mountain lion, ground squirrels, jackrabbits, skunks, raptors, songbirds, waterfowl, and trout.

Managing these parcels as a natural preserve will help achieve the goals of the Colorado State Wildlife Action Plan and for organizations/agencies priority species plans such as the Intermountain West Joint Venture, Partners in Flight, and Audubon's Watchlist.

Big Game Use

Elk use the Preserve for severe winter range and the parcels serve as part of a migration corridor. Bighorn Sheep use the Preserve year round, and for severe winter range. Mule Deer also use year round use, and for severe winter range. Moose use the Preserve for winter range, and transitional habitat. Pronghorn will use the Preserve as a migration corridor

Wetlands and Riparian Areas

The Arkansas River flows through 10 of the 11 parcels. Along the river is a rich mosaic of willow and other shrubs providing important habitat for many species of wildlife. Several slow-moving side channels provide nursery areas for fish and additional habitat for waterfowl and other wildlife. Two-bit Gulch is located on the northernmost parcel (Part of SE ¼ of SE ¼ of 11-11-80) flows into the Arkansas River creating additional wetland habitat. This small stream provides water for an area of wet meadow. Dabbling ducks, such as Cinnamon Teal, utilize the quiet backwaters for feeding and loafing. Possible boreal toad breeding could take place on some of these smaller channels and impounded water. Bald Eagles use the river in winter and also in summer (nearby is a nesting pair). Northern leopard frogs prefer the grassy, wet meadow areas associated with the river and smaller order streams.

The Preserve's riparian areas provide some of the best habitat for the greatest diversity of wildlife in the State. The riparian area is key for both aquatic and terrestrial wildlife. The plant community and resources found along the river provide food, shelter and movement corridors for wildlife. This area of Lake County is below 10,000 feet and provides both summer and winter habitat.

Species of concern (CPW State Wildlife Action Plan - SWAT)

Priority waterfowl species using the parcels include: Mallard, Gadwall and Cinnamon Teal. Use is seasonal focused on spring and summer. These species of duck prefer the back channels with calmer water. Priority nongame species include: Bald Eagle, Red-naped Sapsucker, River Otter (possible), Boreal Toad (possible, historic habitat) and Northern Leopard Frog. There are many SWAT Tier 1 and 2 species that may benefit from protection of the Preserve (see Table 1).

Table 1. List of SWAT Tier 1 & 2 species benefitting from the Preserve project.

Species of Greatest Conservation Concern Need	CPW SWAT Tier Level	Benefit from Preserve
Boreal Toad	1	Possible breeding area, historic habitat
Northern Leopard Frog	1	Possible breeding area, historic habitat
Brown-capped Rosy Finch	1	Important winter habitat, large flocks observed
Golden Eagle	1	Nesting area

Greenback Cutthroat Trout	1	Some of the small streams included in the parcels are possible reintroduction areas
Lynx	1	Habitat and corridor
Wolverine	1	Possible habitat and corridor if reintroduced into CO
Little Brown Myotis	1	Occurs to 11,000 feet
Townsend's Big-eared Bat	1	Possible habitat
American Peregrine Falcon	2	Habitat – breeding and migration
Bald Eagle	2	Habitat – breeding and winter
Barrow's Goldeneye	2	River is migratory and winter habitat
Black Rosy Finch	2	Winter habitat
Boreal Owl	2	Possible winter habitat
Brewer's Sparrow	2	Breeding and migratory habitat
Cassin's Finch	2	Year-round habitat
Flammulated Owl	2	Possible summer hunting habitat
Northern Goshawk	2	Habitat for hunting – summer and winter
Olive-sided Flycatcher	2	Migratory habitat
Pinyon Jay	2	Habitat
Prairie Falcon	2	Breeding habitat
Rufous Hummingbird	2	Migratory habitat
Swainson's Hawk	2	Summer habitat
American Marten	2	Migration corridor
Bighorn Sheep	2	Important year-round habitat
River Otter	2	River is habitat
White-tailed Jackrabbit	2	Possible habitat

Conservation and Management Plans Supported

These parcels were identified as top conservation priorities by a 2010 report on “Arkansas River Land Acquisition Priority Evaluation” completed by Stratus Consulting for the State of Colorado and the U.S. Department of the Interior.

All of the parcels were ranked by the Lake County Open Space Initiative as having the highest priority for open space protection. This is a consensus driven process established by its members.

The conservation easement and public access easement of these parcels is supported by the Lake County Comprehensive Plan in the two of the vision statements and in the following statements in the action plan – “Promotion of conservation easements as a private-public method of preserving open space and assuring public access to public domain lands” and “Promotion of land conservation easements, land exchange and/or subdivision clustering incentives for the protection of wildlife and its critical habitat and for public access to that habitat”.

The parcels are identified in the management plans for both the Top of the Rockies National Scenic Byway and the Collegiate Peaks Scenic and Historic Byway as important scenic resources, calling for the protection of the viewshed to help maintain the purpose and designations of the Byways.

The parcels are within the Cooperative Management Agreement area of Arkansas Headwaters Recreation Area.

This section of the Arkansas River is part of the Colorado Parks and Wildlife designated 102-mile stretch of the Gold Medal Trout Waters.

The Conservancy has identified this stretch of the Arkansas River and the associated parcels as its highest priority project in Lake County.

Public and Community Benefits

The public benefits from this project in having public access to the land and river in perpetuity. This would be for fishing, hunting, wildlife watching, hiking, nature study and environmental education. In addition, keeping the viewsheds from the Byways helps protect our scenic resources. The public also benefits by reducing development in areas better suited for resource protection and by maintaining high quality wildlife habitat.

The Arkansas River is the heart of local biological and human communities in the upper watershed. The Arkansas River, sixth longest river in the U.S., starts in Lake County and provides irrigation water, municipal water, recreational opportunities, wildlife habitat, and economic commerce for four states before reaching the Mississippi River. This headwater river is part of the very fabric of Colorado and a cornerstone to our ecological integrity.

The state-designated waters which flow along or over these lands are part of Colorado's longest, 102-mile Gold Medal trout fishing waters, a hard-won distinction which certifies highest-order ecosystem health. Riparian resources including streamside willows and other shrub species provide shoreline stability while offering shade to feeding and breeding habitat for vibrant, fishable, populations of trout, and are an integral habitat component which assures ecosystem health celebrated by Gold Medal status. Seasonal river overflows and high water tables support healthy wetlands that contribute to attractiveness of the river and shore, creating habitat for bighorn sheep, mule deer, elk, moose, black bear, mountain lion, lynx, bobcat, foxes and less-apparent mammals and rodents and other species for wildlife viewing.

Other recreational values are varied and currently or potentially highly attractive: although downstream reaches of the Upper Arkansas are more heavily used by commercial and private rafters and kayakers, Class 1 and 2 rapids and quiet stretches associated with these parcels provide intermediate or in-training boaters with a skills-appropriate experience. Gold Medal status means this stretch, combined with others, offers what many consider the finest trout fishing in the state, and contributes to its huge popularity.

On the land, and passing through six of the parcels, is an historic stage coach road used in the mid-1800's as a route between Salida and Leadville. Later the Midland Railroad occupied some of the same route. A proposed regional trail, Stage and Rail Trail (S&RT) is currently being planned for the area. This proposed 64-mile long hiking, bicycling, equestrian and some driving trail from Salida to Leadville has a completed feasibility study. In this section, the proposed alignment will be a non-motorized natural surfaced trail. Already on the prestigious statewide list of Colorado's 16 highest priority trails, the

“S&RT” has been formally recognized in Lake and Chaffee Counties and the towns of Salida, Buena Vista and Leadville, and is currently finalizing its draft Master Plan.

These eight parcels, plus another 13 (only six along the River) that are also undeveloped which may ultimately be pursued for acquisition, provide a 2.2-mile-long undisturbed natural scenic backdrop for users passing by in all possible modes of transportation: river rafters and kayakers, float and wader fishermen, and hikers, cyclists, and horseback riders on the S&RT if developed. Annually tens of thousands of visitors along US 24, the Top of the Rockies National Scenic Byway along the west bank are presented with this long stretch of natural riverine landscape.

Parcel Descriptions and Current Stewardship Activities

Phase I Parcels

Below lists the full accurate and legal parcel descriptions of the Phase I acquisitions (see also Map 2). Expected sale price is \$890,000 for all 8 parcels. Transaction costs, including appraisal, phase I environmental review, attorney costs, title policy, closing costs, etc. are \$21,000. The total project acquisition cost is \$171,000.

1. Parcel – Part of SE ¼ of SE ¼ of 11-11-80

That portion of the Southeast Quarter of the Southeast Quarter (SE ¼ SE ¼) of Section 11, Township 11 South, Range 80 West of the 6th Principal Meridian, lying East of the Arkansas River, County of Lake and State of Colorado.

2. Parcel – Tract 2, Parcel 7

A parcel of land located in Section 13, Township 11 South, Range 80 West of the 6th P.M., being part of the Edward E. Hill Land Partition as described below:

A tract of land within the Dipper Placer (M.S. 2255), being that portion of the North Half of the Northwest Quarter of the Northwest Quarter (N ½ NW ¼ NW ¼) of Section 13, Township 11 South, Range 80 West of the 6th Principal Meridian, Lake County, Colorado, described as follows:

Commencing at the Northwest corner of said Section 13; thence South 89°34'50" West along the North line of said Section 14 in said township and range 57.33 feet to the Easterly right of way boundary of the D&RGW Railroad; thence South 31°41' East along said right of way 250.00 feet to the Point of Beginning; thence continuing South 31° 41' East along said railroad right of way 526.28 feet; thence South 89° 50' 48" East along the South line of the said N ½ NW ¼ NW ¼ a distance of 936.28 feet; thence North 00° 27' 47" West along the East line of the said N ½ NW ¼ NW ¼ a distance of 657.22 feet to the North line of said Section 13; thence North 89° 43' 13" West along said North line 654.18 feet; thence South 70° 06' 20" West 617.03 feet to the point of beginning.

3. Parcel – Tract 3, Parcel 7

Tract 3, Parcel 7 of the Edward E. Hill Partition located in Sections 12, 13 and 14, Township 11 South, Range 80 West of the 6th Principal Meridian as shown on the plat filed for record June 24, 1982 in Book 459 at Page 895, Reception No. 280799, more particularly described as follows:

A tract of land located within the Dipper Placer (M.S. 2255), being that portion of the South Half of the Northwest Quarter of the Northwest Quarter (S ½ NW ¼ NW ¼) of Township 11 South, Range 80 West of the 6th Principal Meridian, Lake County, Colorado, described as follows:

Commencing at the Northwest corner of said Section 13, thence South 89° 34' 50" West along the North line of Section 14 in said township and range 57.33 feet to the easterly right of way boundary of the D&RGW

4. Parcel – Tract 4 Parcel 7

Tract 4, Parcel 7 of the Edward E. Hill Partition located in Sections 12, 13 and 14, Township 11 South, Range 80 West of the 6th Principal Meridian as shown on the plat filed for record June 24, 1982 in Book 459 at Page 895, Reception No. 280799, more particularly described as follows:

That portion of the Dipper Placer (M.S. 2255) being the Southwest Quarter of the Northeast Quarter of the Northwest Quarter (SW ¼ NE ¼ NW ¼) of Section 13, Township 11 South, Range 80 West of the 6th Principal Meridian, Lake County, Colorado.

5. Parcel – Tract 6 Parcel 7

Tract 6, Parcel 7 of the Edward E. Hill Partition located in Sections 12, 13 and 14, Township 11 South, Range 80 West of the 6th Principal Meridian as shown on the plat filed for record June 24, 1982 in Book 459 at Page 895, Reception No. 280799, more particularly described as follows:

A tract of land located within the Starlight Placer (M.S. 2257) being that portion of the Southeast Quarter of the Northwest Quarter (SE ¼ NW ¼) and the Northeast Quarter of the Southwest Quarter (NE ¼ SW ¼) of Section 13, Township 11 South, Range 80 West of the 6th Principal Meridian, Lake County, Colorado, described as follows:

Commencing at the Center ¼ corner of said Section 13; thence South 89° 46' 14" West along the South line of the said SE ¼ NW ¼ a distance of 649.18 feet to the point of beginning; thence North 00° 21' 19" West 655.75 feet; thence South 89° 53' 54" West 650.44 feet; thence South 00° 27' 47" East 264.39 feet to the Northeasterly right of way boundary of the D&RGW Railroad; thence South 31° 41' East along said right of way 263.33 feet to the point of tangency of a curve to the right, said curve having a radius of 1245.0 feet; thence along the arc of said curve continuing along said railroad right of way 231.06 feet to a point that is South 84° 21' 52" West of the point of beginning; thence North 84° 21' 52" East 413.59 feet to the point of beginning.

6. Parcel – Tract 10 Parcel 7

Tract 10, Parcel 7 of the Edward E. Hill Partition located in Sections 12, 13 and 14, Township 11 South, Range 80 West of the 6th Principal Meridian as shown on the plat filed for record June 24, 1982 in Book 459 at Page 895, Reception No. 280799, more particularly described as follows:

A tract of land located within the Starlight Placer (M.S. 2257) being that portion of the West Half of the Northeast Quarter of the Southwest Quarter (W ½ NE ¼ SW ¼) of Section 13, Township 11 South, Range 80 West of the 6th Principal Meridian, Lake County, Colorado described as follows:

Commencing at the Center ¼ corner of said Section 13; thence South 89° 46' 14" West 649.10 feet to the point of beginning; thence South 00° 00' 43" West along the East line of the said W ½ NE ¼ SW ¼ a

distance of 1315.53 feet; thence South 89° 44' 35" West along the South line of the said W ½ NE ¼ SW ¼ a distance of 155.08 feet to the Easterly right of way boundary of the D&RGW Railroad; thence North 10° 25' West along said right of way 1071.19 feet to the point of curvature of a curve to the left, said curve having a radius of 1245.0 feet; thence along the arc of said curve continuing along the said railroad right of way a distance 231.06 feet to a point that is South 84° 21' 52" West of the point of beginning, thence North 84° 21' 52" East 413.59 feet to the point of beginning.

7. Parcel – Tract 6A Parcel 8

Parcel 8, Tract 6-A of the Edward E. Hill Land Partition. The portion of the Starlight Placer (M.S. 2257) located in the Southwest Quarter of the Northeast Quarter (SW ¼ NE ¼) of Section 24, Township 11 South, Range 80 West of the 6th Principal Meridian, Lake County, Colorado, being more particularly described as follows:

Commencing at the North ¼ corner (brass cap) of said Section 24; thence South 00° 29' 39" East 623.47 feet; thence North 88° 50' 08" East 656.31 feet; thence South 00° 03' 51" East 613.48 feet; thence North 87° 57' 04" East 651.89 feet to the east line of the said SW ¼ NE ¼; thence South 00° 22' 49" West along said east line 603.52 feet to the Point of Beginning; thence continuing South 00° 22' 49" West along said east line 603.52 feet to the south line of said SW ¼ NE ¼; thence South 86° 08' 48" West along said south line 778.86 feet to the easterly right of way boundary of the D&RGW Railroad; thence North 23° 15' 37" West along said right of way 655.63 feet; thence North 87° 03' 18" East 1041.40 feet to the point of beginning.

8. Parcel – Tract 4 Parcel 9

A portion of Tract 4, Parcel 9 of the Edward E. Hill Land Partition located in Sections 24 and 25, Township 11 South, Range 80 West of the 6th Principal Meridian as shown on the plat filed for recorded June 24, 1982 in Book 459 at Page 897, Reception No. 280801, more particularly described as follows:

A parcel of land located within the Grubstake Placer (M.S. 2245) in the Northeast Quarter (NE ¼) of Section 25 and the Southeast Quarter of the Southeast Quarter (SE ¼ SE ¼) of Section 24 both in Township 11 South, Range 80 West of the 6th Principal Meridian, Lake County, Colorado being more particularly described as follows:

Beginning at the Northeast corner (brass cap) of said Section 25, thence South 00° 32' 34" East along the East line of said Section 25 a distance of 1462.12 feet to the Northerly right of way boundary of the D&RGW Railroad; thence North 43° 32' 46" West along said Northerly right of way 525.51 feet; thence North 43° 28' 56" West continuing along said Northerly right of way 505.72 feet; thence leaving said Northerly right of way North 43° 46' 52" East 228.15 feet; thence North 00° 50' 50" East 178.50 feet; thence North 20° 35' 22" East 365.97 feet; thence North 27° 30' 30" East 261.70 feet; thence North 66° 27' 15" East 216.45 feet; thence North 52° 42' 20" East 100.38 feet to the East line of said Section 24; thence South 01° 13' 03" East along said East line 350.00 feet to the point of beginning.

9. Parcel – Conservancy Arkansas River Preserve

Twelve (12) acres currently owned by Conservancy to be donated and connected to the Phase I parcels listed above (nos. 1-8).

Phase II Parcels

10. The first parcel is referenced as AHRA parcel 6 in the Stratus Consulting report.

This is a 40-acre parcel and the landowner has indicated a willingness to sell as a potential bargain sale. The estimated market value of the parcel in 2019 is \$200,000. Expected sale price is \$150,000. Transaction costs, including appraisal, phase I environmental review, attorney costs, title policy, closing costs, etc. are \$21,000. The total project acquisition cost is \$171,000.

11. The second parcel is not covered by the Stratus Consulting report but is identified as a LCOSI priority parcel (parcel ID 21 on LCOSI Land Acquisition Feasibility Analysis Map 6).

The Stratus Consulting report stopped just upstream of this location. The landowner has verbally agreed to a bargain sale of the parcel with the Conservancy. Total parcel size is 18.05-acres with an approximate market value of \$120,000. The expected sale price is \$100,000 (though still negotiable). Transaction costs, including appraisal, phase I environmental review, attorney costs, title policy, closing costs, etc. are \$21,000. The total project acquisition cost is \$121,000.

Current Management (Phase I & II)

No grazing or farming is currently taking place on the Preserve. The parcels are managed as natural area. The Conservancy will develop a management and stewardship plan, approved by the Conservancy Board's Land Committee, for each parcel it owns. The management and stewardship plan spells out current conditions, surrounding uses, wildlife and plant species found on the parcel, allowed uses, and management considerations. Parcels are monitored annually. The Conservancy plans to develop a stewardship plan identifying land and resource enhancement projects that could be implemented on the Preserve.

Past Wildlife enhancement and restoration projects

The following parcels: Part of SE ¼ of SE ¼ of 11-11-80; Tract 2 Parcel 7; and Tract 3 Parcel 7 had river restoration work completed in the summer of 2017. This work carried out by the Upper Arkansas River Restoration Project focused on improving fish habitat and reducing any erosion issues. On these northern parcels, 14 major river restoration structures were designed and constructed in the river. These structures are made from natural rock and log and increase the fish habitat for brown and rainbow trout. The work was paid for by remaining funds in the upstream superfund site work. The Conservancy planted willows (250) in the spring of 2018 along these parcels and will complete this work in the spring of 2019 with the addition of 150 native alders.

The Conservancy has an active ecological restoration program. We have carried out stream/river restoration on various waterways in Central Colorado. The plan is to carry out river restoration work for fisheries improvement on Tract 6 Parcel 7, Tract 10 Parcel 7, and Tract 6A Parcel 8. The Conservancy also has been monitoring these parcels for wildlife use and movement through a volunteer program using remote cameras. To date we have captured extensive use of the parcels by bighorn sheep, mule deer and elk. Other species captured on the cameras include: coyotes and bobcats. This program is still new and we hope to continue to document other species of wildlife.

Additional river restoration is planned. All eleven parcels are anticipated to be opened for fishing, hunting and wildlife watching.

Mineral Remoteness Assessment

While no Mineral Remoteness Assessment was conducted for these parcels, the legal office representing both the Conservancy and COL in this deal has reviewed the title work for Phase I parcels and has determined that the mineral rights remain with the parcels, and that no mineral remoteness letter would be needed. A separate review will be conducted for Phase II parcels in 2020.

Past Appraisals

Phase I: The appraised full and fair market value of the parcels as of December 17, 2016 (by Joseph Davis, Certified Residential Appraiser, Colorado Springs, CO) for all 8 Phase I parcels was \$955,000.

Phase II: Appraisal not done for additional two parcels. Anticipated Year 2 of funding cycle.

Proposed Activities and Timeline

Table 2. Matrix of activities for Preserve acquisitions, easements and stewardship.

	Year 1				Year 2				Year 3			
Activity	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Conservancy purchases Phase I parcels (8) w/appraisals, baselines and environmental reviews complete	X	X	X									
Donate conservation easement for Phase I parcels and Arkansas River Preserve to Colorado Open Lands	X	X	X									
Develop and write management and stewardship plan for Phase I parcels and identify potential stewardship projects			X	X	X	X						
Conservancy purchases Phase II parcels (2) w/appraisals, baselines and environmental reviews complete						X	X	X				
Donate conservation easement for Phase II parcels to Colorado Open Lands							X	X				
Finalize management plan and stewardship projects for Phase I & Phase II parcels								X	X	X		
Easement monitoring						X	X			X	X	
Implement at least one (1) stewardship project on Preserve										X	X	X
Finalize public access easement for CPW								X	X	X	X	X

Description of activities

1. Conservancy purchases Phase I parcels (8) w/appraisals, baselines and environmental reviews complete.
The landowner (John Andrick) for the 8 Phase I parcels is ready to sign a contract for bargain sale (contract drafted by Conservancy), and asking for final funding for acquisition and transaction costs from the Trustees. Appraiser has been hired (Bill Boortz) and appraisals will be complete by February 2020.
2. Donate conservation easement for Phase I parcels and Ark Preserve to COL.
COL has agreed to easily amend the current easement language to include the Ark Reserve Preserve in with the other Phase I acquisitions.
3. Develop and write management plan for Phase I parcels and identify potential stewardship projects
It is standard procedure to develop a management and stewardship plan for easements. This will be done in collaboration with COL (who will manage the easement). There is an opportunity to leverage other activities and funding sources across the Conservancy to support conservation stewardship practices on the Preserve. Then management and stewardship plan will detail this opportunity.
4. Conservancy purchases Phase II parcels (2) w/appraisals, baselines and environmental reviews complete.
As listed above, discussions are ongoing with both landowners for Phase II parcels, and as they are smaller purchases, an anticipated closing date in 2022 is reasonable.
5. Donate conservation easement for Phase II parcels to COL.
COL has agreed to easily amend the current easement language to include Phase II parcels in with the other Phase I acquisitions.
6. Finalize management plan and stewardship projects for Phase I & Phase II parcels.
Ongoing integration of Phase II stewardship opportunities for the Preserve plan
7. Easement monitoring
Ongoing and annually after acquisition and easement placement (COL leads)
8. Implement at least one (1) stewardship project on Preserve
Management and stewardship plan will identify one stewardship project with appropriate funding from proposed support for Stewardship and Management Fund that can be used to leverage across federal and state programs.
9. Finalize public access easement for CPW
Appraiser (Bill Boortz) has been contracted and will perform the public access easement appraisal for all Preserve parcels (Phase I & II) and will be given to CPW.

Proposed Budget

Budget Detail

Please see attached spreadsheet (Andrick Project Budget_Trustees Proposal) for full budget and matching funds supporting this project.

Contact (any time with any question):

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Central Colorado Conservancy
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**COLORADO NATURAL RESOURCES TRUSTEES
RESOLUTION OF APRIL 9, 2020
CONCERNING THE CENTRAL COLORADO CONSERVANCY**

WHEREAS, the Colorado Natural Resources Trustees (“Trustees”) are responsible for the management and direction of Colorado’s natural resource damages program;

WHEREAS, the Trustees are responsible for administering State funds to restore, replace, or acquire the equivalent of injured natural resources;

WHEREAS, the Central Colorado Conservancy has requested \$760,050 from the State’s California Gulch NRD fund to help acquire ten properties and establish conservation easements and public access easements for fishing, hunting, and wildlife watching on eleven parcels comprising 160 acres along the Arkansas River in Lake County;

WHEREAS, the State and Federal NRD Trustee Council has determined: (1) that acquisition and protection of the 160 acres, including public access, is consistent with the Restoration Plan and Environmental Assessment for the Upper Arkansas River Watershed; (2) that the project has a strong nexus to the NRDA injury because it provides the opportunity to protect parcels that provide resource benefits for the same type of resources as those that were injured; and (3) that existing planning processes have identified land acquisition as a high priority in the Arkansas River Valley and in the watershed;

NOW THEREFORE, the Colorado Natural Resource Trustees resolve as follows:

The Trustees do hereby approve allocation of \$760,050 from the California Gulch NRD fund to fund the “Central Colorado Conservancy Proposal to the Natural Resource Trustees for the California Gulch Superfund Site for the Arkansas River Community Preserve Acquisitions in Lake County, Colorado.”

This approval is subject to the following conditions:

- (1) This resolution will expire April 9, 2025, and the funds will no longer be available, unless a contract consistent with this resolution is executed by that date.
- (2) Release of the Funds is contingent on compliance with all laws and regulations, including but not limited to: State and Federal laws, local ordinances, and permitting and zoning requirements.

- (3) Release of the Funds is contingent on physical and legal access to the parcels.
- (4) Release of the Funds, prior to closing on the fee of any of the 10 properties, and prior to conveyance of the conservation easement and the public access easement is contingent on the following for each parcel:
 - a. Review and Approval by Trustees' staff of the purchase and sale agreements and the due diligence materials including but not limited to: a phase 1 environmental Assessment, Appraisal, Baseline or Present Conditions Report, title work, and a Minerals Remoteness report in the event minerals have been severed. After the staff's review of the legal description and the Title Commitment, the staff may require a survey(s) to resolve any discrepancies or concerns.
 - b. Review and Approval by Trustees' staff of the conservation easement and public access easement. The public access easement shall be substantially in the form of a template to be provided by Colorado Parks and Wildlife.
 - c. Approval of conveyance of the public access easement by the Parks and Wildlife Commission and the Capital Development Committee of the Colorado State legislature.
- (5) Release of the Funds is further conditioned upon:
 - a. Restatement and amendment of the conservation easement presently encumbering the "Arkansas Preserve" parcel to include the additional 10 parcels or an alternative mechanism to provide for a unified easement encumbering all 11 parcels.
 - b. Subsequent to the acquisition of any of the parcels, the parcels shall be placed under the conservation easement and the public access easement without waiting for further parcel acquisitions. The failure to acquire any single parcel shall not result in the ability to continue the project for acquiring and easing all other parcels and the budget reflects three phases which allocates funding for parcels accordingly.
- (6) Except as Funds are required for closing the acquisition of a parcel(s) Release of the Funds is on a reimbursable basis or as conditioned in the funding agreement between the Central Colorado Conservancy and the Colorado Department of Health and Environment.

Philip J. Weiser
Colorado Attorney General

Date

Colorado Natural Resources Trustees Resolution #2020-04-23-1

Jill Hunsaker Ryan,
Executive Director, CDPHE

Date

Dan Gibbs, Executive Director, DNR

Date

DRAFT

ITEM #6

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



HOUSE BILL 18-1198

BY REPRESENTATIVE(S) Saine and Kraft-Tharp, Leonard, Winter, Covarrubias, Gray, Humphrey, McKean, McLachlan, Michaelson Jenet, Pettersen, Rankin, Van Winkle, Williams D., Wilson, Young, Arndt; also SENATOR(S) Donovan and Smallwood, Neville T., Todd, Court, Martinez Humenik, Moreno, Tate.

CONCERNING THE ESTABLISHMENT OF BEST PRACTICES FOR STATE BOARDS
AND COMMISSIONS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **add** 24-3.7-102 as follows:

24-3.7-102. Best practices for state boards and commissions.

(1) NOTWITHSTANDING ANY LAW TO THE CONTRARY, COMMENCING JANUARY 1, 2019, EACH STATUTORILY CREATED BOARD OR COMMISSION IN STATE GOVERNMENT, NOT INCLUDING A SPECIAL PURPOSE AUTHORITY AS DEFINED IN SECTION 24-77-102 (15), SHALL IMPLEMENT WRITTEN POLICIES OR BYLAWS AND OBTAIN ANNUAL TRAINING ON:

(a) UNDERSTANDING AND OPERATING WITHIN THE LIMITS OF STATUTORY DIRECTIVES, LEGISLATIVE INTENT, AND ANY SPECIFIC

DIRECTIONS OR LAWS RELATED TO THE BOARD OR COMMISSION'S ESTABLISHMENT AND ITS POWERS AND DUTIES;

(b) DEFINING THE BOARD OR COMMISSION'S MISSION OR ROLE IN THE OVERSIGHT OF PROJECTS OR ENTITIES APPROVED TO RECEIVE PUBLIC FUNDING, IF APPLICABLE;

(c) UNDERSTANDING THE GOALS OF THE PROGRAMS THE BOARD OR COMMISSION OVERSEES, AND ALIGNING THE BOARD OR COMMISSION'S PROCESSES WITH THOSE GOALS;

(d) IDENTIFYING AND MANAGING CONFLICTS OF INTEREST;

(e) UNDERSTANDING THE REQUIREMENTS OF THE "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF THIS TITLE 24, AND THE OPEN MEETINGS LAW, PART 4 OF ARTICLE 6 OF THIS TITLE 24;

(f) SETTING PARAMETERS REGARDING BOARD OR COMMISSION STAFF'S DUTIES RELATIVE TO THE BOARD OR COMMISSION'S MISSION OR ROLE;

(g) IDENTIFYING AND SECURING SUFFICIENT DATA IN ORDER FOR THE BOARD OR COMMISSION TO MAKE INFORMED DECISIONS;

(h) ENSURING THE APPROPRIATE INVOLVEMENT OF MEMBERS IN THE REVIEW OF KEY COMMUNICATIONS AND IN ANY POLICY-MAKING ACTIVITIES;

(i) ENSURING MEMBERS ACT IN ACCORDANCE WITH THEIR ROLES AS PUBLIC REPRESENTATIVES;

(j) COORDINATING WITH OTHER BOARDS OR COMMISSIONS, INDUSTRY, EDUCATIONAL INSTITUTIONS, AND STATE AGENCIES WHERE RESPONSIBILITIES AND INTERESTS OVERLAP; AND

(k) ANNUALLY REVIEWING MANAGEMENT PRACTICES TO ENSURE BEST PRACTICES ARE UTILIZED.

(2) EACH STATE AGENCY RESPONSIBLE FOR A STATUTORILY CREATED BOARD OR COMMISSION SHALL ENSURE THAT THE STATE BOARD OR COMMISSION OBTAINS THE ANNUAL TRAINING AND IMPLEMENTS THE

WRITTEN POLICIES SPECIFIED IN SUBSECTION (1) OF THIS SECTION.

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless

approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Crisanta Duran
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Kevin J. Grantham
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Effie Ameen
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO