

COLORADO WILDLIFE COMMISSION POLICY

Title: **LAND AND WATER ACQUISITION, OPERATIONS AND MANAGEMENT (O&M), AND DISPOSAL**

Effective Date: November 18, 1999

Revised Date: July 8, 2010

AUTHORITY

CRS 33-1-101, 33-1-105, 33-1-105.5, 33-4-102.7

POLICY STATEMENT

The Colorado Wildlife Commission (the Wildlife Commission) will use acquisitions of lands or waters or interests in them as is necessary, suitable and proper to provide for long-term protection, conservation and enjoyment of the wildlife resource of the state.

The following guidelines will be followed throughout the acquisition, O&M or disposal process and should be further detailed via appropriate Administrative Directives:

1. Any acquisitions of land or water interests will be directed toward completing wildlife objectives identified as statewide wildlife goals in the Colorado Division of Wildlife's (the Division's) strategic plan and/or other planning documents. Consideration paid to acquire property shall be limited by the appraised value of the property unless the Wildlife Commission specifically approves acquisition at more than such appraised value.
2. All acquisitions will consider the lowest level of control required to meet the resource objective. The use of conservation easements, access easements or leases is preferred to fee title acquisition, if the wildlife conservation and/or wildlife-related recreational purposes can be accomplished without buying a property in fee. The Wildlife Commission recognizes in some cases these methods may not be suitable or acceptable to achieve the wildlife objective. The Commission also recognizes that maintaining wildlife-compatible agriculture on the landscape is an important benefit that can be derived from appropriately crafted forms of acquisition.
3. Detailed management plans are specifically required for conservation easements in which the Division is the grantee of the conservation easement, or which CDOW has funded for another party to be the grantee, in order to achieve public wildlife recreational access objectives, habitat management or habitat condition objectives. Conservation easements held by the Division require an ongoing relationship between the Division and the landowner for monitoring the property for compliance with the conservation easement, to assess the condition of the habitat and the Conservation Values indicated in the conservation easement, and, if included in the conservation easement, to monitor specific wildlife populations on the property. The Division shall also retain rights to enter a property and enforce a conservation easement involving funding from the Division but in which a third party is the grantee. Open space easements or the purchase of development rights alone do not meet the Wildlife Commission's objectives and purposes.

4. The use of fee title acquisition shall be considered in cases where one or more of the following conditions are met: where the habitat or recreational value is exceptional but the landowner is unwilling, for any number of reasons, to consider sale of a conservation easement and/or public access easement; or when the intended use is associated with a high level of public access that could require intensive monitoring and law enforcement authority of the Division to avoid conflict with the private use and enjoyment of the property by its owner(s); or the primary value of the property is associated with buildings and enhancements that require the Division's direct control to operate and maintain; or in those events (such as an "inholding" in Division property) where management of the overall property would be greatly improved by the Division's ownership of that parcel; or when the acquisition, due its particular importance to species of concern, will require intense protection and management by the Division.

5. The Wildlife Commission encourages the use of partnerships and funding sources other than license fees in accomplishing the objectives of this policy. The Wildlife Commission's investment in cooperative projects should not exceed the wildlife values acquired or protected. Where third parties will acquire and hold property interests funded in whole or part by funds of or available through the Wildlife Commission, the Division will maintain sufficient monitoring and enforcement authority to support use of those funds.

6. Properties owned in fee title by the Division should be in a condition appropriate for their intended use. The Division should estimate the cost of both habitat and access-related improvements needed to allow the intended use of a newly acquired property to begin (described in a Property Improvement Plan for properties the Division acquires in fee title), and the ongoing cost and responsibility for the operations, maintenance and future development associated with the acquisition of property interest, described in Property O&M Plans and proposals for Habitat Improvement projects. Funding properties with up-to-date plans for development, enhancement and maintenance should be an important priority in the Division's annual budget allocation process.

7. The Wildlife Commission shall ensure that early and continuing communication occurs with the Governor's Office, Department of Natural Resources and appropriate legislators, legislative bodies, local government officials and others regarding proposed actions identified in 33-1-105 (3)(a) C.R. S., as amended. The Wildlife Commission action request will include, as a minimum confirmation of this communication, a letter from the affected board of county commissioners regarding the proposal and where possible, written acknowledgement of the action by the State Senator and Representative in whose district the lands or waters occur.

8. In all cases, acquisitions shall be pursued only with willing sellers.

9. The use of Federal Aid to Fish and Wildlife Restoration Act funds may be considered as portions of the necessary funds to complete acquisition projects.

10. The Wildlife Commission will consider exchange opportunities in disposal or acquisition of real estate assets. Use of exchanges is encouraged to consolidate important habitats, reduce operations cost and assist in habitat protection or improving recreational access. The Division should consider encumbering easements prior to disposing of properties that continue to have wildlife conservation values.

11. Subject to appropriation, impact assistance grants per C.R.S. 30-25-302 and payments in lieu of taxes per C.R.S. 33-60-104.5 shall be made on fee title properties held by the Division of Wildlife. Payments shall be based on the assessed value at agricultural rates and may include special district assessments as certified by the county assessor and may consider any additional relevant factors as determined by the Wildlife Commission.

12. Prior to acquiring any interest in property, the Division of Wildlife should conduct due diligence including but not limited to: property title, mineral development potential, environmental hazard, appraisal and any other investigation the Division or Wildlife Commission deems appropriate.

13. The Division shall periodically review its land ownership interests to determine if any are no longer serving the purpose for which they were acquired or other important function and thus are appropriate for complete or partial disposal. Partial disposals could be a portion of the property or could be the retention of a conservation easement and the disposal of the encumbered land. Upon completion of this review, the Director of the Division shall report these findings to the Commission.