

STEWARDSHIP TRUST NOMINATION

Larimer County

(Sections 16 and 36, Township 9 North, 69 West

Submitted by the Waverly Advisory Committee

March, 2010

Stewardship Trust Nomination: Nominator and property information

Nominator Information:

1. **Nominator:**

Name Waverly Advisory Committee (to the Larimer County Board of Commissioners)

2. **Nominator contact:** Name and Title: Ron Splittgerber, Chair Waverly Advisory Committee (WAC)

Address 1585 WCR 64, Ft. Collins, CO 80524

Phone # 970-568-7676

Fax #

E-mail ron@research.colostate.edu

Partner(s): The Waverly Advisory Committee is elected by the Waverly community at the Annual Community Meeting. Current members include: Ron Splittgerber, Helen Boggs, Jane Clark, Jan Kroeger, Rob MacDonald, Kathy Monty, Hugh Mowrey, Tom Nichell, Carolyn Ownby, John Ostheimer, Leslie Sorenson, George Wallace, and Karl Zeller. Additionally, current lessees of the two “school sections” we are nominating are Adrian Weaver (section 16) and Dennis Marsh (section 36). Both support the nomination.

3. **Partner contact-**

Name: George Wallace, Vice Chair, Waverly Advisory Committee

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Phone # 970-568-7676

Fax #

E-mail georgew@cnr.colostate.edu

Property Information

4. Legal Description: Parcel A. Section 16, T9N, 69W; Parcel B. Section 36, T 9N, R 69 W
5. Number of acres nominated: 1280
6. Common or local name for parcel you are nominating, if applicable: “School sections” 16 (sometimes called Weaver Ranch South) and section 36 (sometimes called the The Marsh Lease)
7. County in which parcel is located: Larimer County
10. Authorized Signature _____ Date _____

Attachment B: Property Profiles

Stewardship Trust Nomination ID:

(Nominator)

Site Name: Parcel A. Weaver Ranch South section; Parcel B. Marsh lease

Legal: Parcel A. Section 16, T9N, 69W; and Parcel B. Section 36, T 9N, R 69 W

County: Larimer

Acreage: 640 for each parcel

Parcel A: State Natural Area Status

Section 16 overlaps with the CNHP designated Park Creek Hogback Potential Conservation Area, site id 520, which is ranked as B2: Very High Biodiversity Significance. This is CNHP's second highest priority level. The Park Creek Hogback PCA is the Network of Conservation Areas (NCA) site id 456.

Parcel A: Natural Values

Section 16 has hogbacks on the western side and Park Creek Running through it from NW to SE. Park Creek is a productive riparian area of the type that is increasingly scarce along the northern Front Range where most perennial streams of this sort no longer have their natural flows of follow their natural stream course. The stream has not been diverted or choked out by the invasion of cattails, Russian Olives or other invasives as has happened to many similar foothills streams in the region. The Iowa Darter a State Species of Concern was seined from Dry Creek by the Colorado Division of Wildlife (DOW) in the summer of 2008 just below section 16 where Park Creek and Dry Creek meet. Since then, due to the rare quality of the streams and wetlands, both the Endangered Northern Red Bellied Dace and the Threatened Brassy Minnow have been reintroduced by DOW in the wetland complex approximately ½ mile downstream from section 16. All three of these fish are species of concern.

<http://wildlife.state.co.us/WildlifeSpecies/SpeciesOfConcern/ThreatenedEndangeredList/ListOfThreatenedAndEndangeredSpecies.htm> .

PCA 520 “contains an excellent (A-ranked) and good (B-ranked) occurrence of the Bell's twinpod (*Physaria bellii*), a plant species which is globally imperiled (G2/S2). The excellent occurrence is exemplary for the species due to its large size and high quality condition. The extent, condition, and geographic position (the northernmost known extent of the species' range) of these occurrences indicate this site's biodiversity significance. This species is restricted to certain shale or sandstone hogbacks along the foothills of the Front Range from Jefferson County north to this site. The proximity of the Bell's twinpod range to the rapidly developing Front Range has threatened or degraded many occurrences. The site also supports a good (B-ranked) occurrence of the globally imperiled (G2G3) mountain mahogany-New Mexico feathergrass (*Cercocarpus montanus/Stipa neomexicana*) plant association.” The site also appears to have occurrences of Townsend's Big-eared Bat (*Corynorhinus townsendii*)

www.cnhp.colostate.edu/download/documents/pca/L4_PCA-Park%20Creek%20Hogback_8-31-2009.pdf

. Section 16 is also utilized by a herd of Pronghorn (*Antilocapra americana*) for a good portion of each year. Pronghorn are in declined along the Northern Front Range and this is one of the southernmost occurrences of the species in this region.

Is Site (Parcel A) Part of a Larger Conservation Area?:

Section 16 is near the south edge of the Laramie Foothills Mountains to Plains Corridor Conservation Area which has been the focus of an integrated effort between Ft. Collins Natural Areas Program, Larimer County Open Lands, The Nature Conservancy, and a number of private landowners. Section 16 abuts the undeveloped Weaver Ranch which then joins the Roberts Ranch Conservation Easement (16,000 acres held in trust by the Nature Conservancy) as well as several other ranch easements. The NE corner of the section is contiguous with the Heckendorf farm which has done a conservation development preserving the major part of section 10 through the Larimer County Rural Land Use Center. It is difficult to find this kind of contiguity between undeveloped areas along the Front Range especially so close to Wellington and Ft. Collins.

Section 16 also has an historic Overland Trail Stage Station site which will be described below.

Parcel B. State Natural Area Status

No CNHP survey has been done on Section 36 but there has been baseline data gathered for the immediately adjacent Greyhawk Knolls Conservation Development. Graziers moving cattle on section 36 have seen Burrowing Owls on several occasions near active and inactive Black Tailed Prairie Dog (*Cynomys ludovicianus*) burrows. There is also what may be one of the eastern most occurrences of a foothills shrubland community (*Cercocarpus montanus/Stipa neomexicana*) on the bluffs that are found along the western portion of the section. Section 36 and the conserved portions of Greyhawk Knolls also have 8 “playas” which are old buffalo wallows that have blown out and hold water for a considerable time after precipitation events. Six of these are found on section 36 and two or more on the adjacent Greyhawk parcel. These playas provide unique habitat for a number of species. To complete the natural area status for parcel B., the applicants have contacted and arranged for the Colorado Natural Heritage Program to survey the section during the Spring of 2010.

Table 1. List of Rare Plants, Animals and Plant Communities, with state ranks:

Community/species	Global Rank	State Rank
Townsend's Big-eared Bat (<i>Corynorhinus townsendii</i>)	G4	S2
Bell's Twinpod (<i>Physaria bellii</i>)	G2G3	S2S3
FootHills Shrubland (<i>Cercocarpus montanus/Stipa neomexicana</i>)	G2G3	S2S3
Burrowing Owl (<i>Athene cunicularia</i>)		ST (DOW)
Iowa Darter (<i>Etheostoma exile</i>)		SC (DOW)
Red Bellied Dace (<i>Phoxinus eos</i>)		SE (DOW)
Brassy Minnow (<i>Hybognathus Hankinsoni</i>)		ST (DOW)

SE = State Endangered

ST = State Threatened

SC = State Special Concern (not a statutory category)

Ref:

<http://wildlife.state.co.us//SpeciesOfConcern/ThreatenedEndangeredList/ListOfThreatenedAndEndangeredSpecies.htm>

The Ranking System of the Colorado Natural Heritage Program *

Each plant, animal or plant community is assigned a rank that indicates its relative degree of rarity or imperilment on a five-point scale. The primary factor for ranking is the number of occurrences – the number of known, district localities of populations.

This factor is weighted more heavily because, all other factors being equal, a species found in one place is more imperiled than one found in numerous places. Also considered are: the size of the geographic range, the number of individuals, trends in both population and distribution, identifiable threats, and the number of already protected occurrences. The following “S-ranks” (“S” is for state) are used here:

S1=Critically imperiled in the state because of rarity (5 or fewer occurrences in the state); or very few remaining individuals; or because of some factor of its biology that makes it especially vulnerable to extinction.

S2=Imperiled in the state because of rarity (6 to 20 occurrences); or because of other factors demonstrably making it very vulnerable to extinction.

S3=Vulnerable throughout its range or found locally in a restricted range (21 to 100 occurrences).

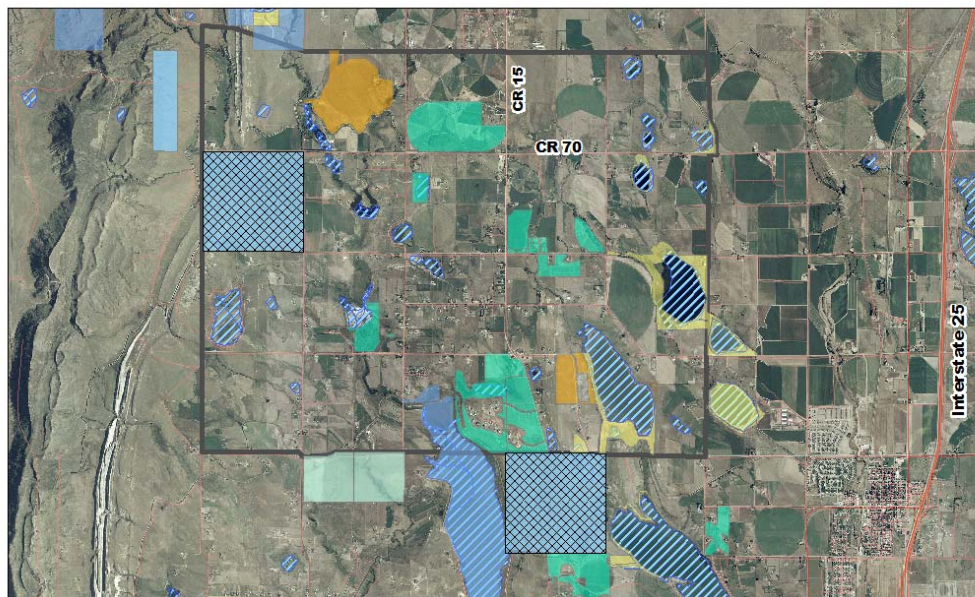
SU=Unable to rank due to lack of information

B=Breeding sites; for migratory bird species.

*Source Conservation Status Handbook, Colorado Natural Heritage Program, 1999.

Parcel B.: Is Site Part of a Larger Conservation Area ?

Section 36 has a combination of prairie and bluffs which overlook the Dry Creek Valley and Douglas Reservoir on the West side of the section. The reservoir is owned by the Windsor Reservoir and Canal Company but is leased and managed by DOW for its recreational and wildlife values. Section 36 is also adjacent to conserved lands in the Marsh Rural Conservation Development which lie to the East and to the South. The Marsh development was created through Larimer County’s Rural Land Use Center and is a cluster development that has conserved 80% of the land in agriculture & wildlife habitat including lands next to section 36. On the North of the section lies the Grehawk Knolls Conservation Development, which was the first cluster development in Larimer County and which has an easement on most of the property (400+?VERIFY acres which is held by the Legacy Land Trust).



Waverly Lands with Conservation Status

- | | | |
|---------------------------------|--|-----------|
| Proposed Landtrust | Conservation Easement | BLM/NCWCD |
| Other State Owned Lands | Colorado State Land Board/CDO | Water |
| North Poudre Irrigation Company | Development Agreement/Covenants (RLUC) | |

Source: Theobald, D.M., G. Wileox, S.E. Liron, N. Peterson, and M. Lineal. 2008. Colorado Ownership, Management, and Protection v7 database. Human Dimensions of Natural Resources and Natural Resource Ecology Lab, Colorado State University, Fort Collins, CO. 13 September.

Stewardship Trust Nomination: Property evaluation questions

A. PROPERTY CONTEXT

What are the existing surface uses of the property: both sections are leased to livestock producers and used principally for grazing.

Describe any local, regional, state or federal efforts that are consistent with—or conflict with—managing to protect and enhance the beauty, natural values, open space, and wildlife habitat on adjacent lands and/or regionally. (Attach relevant sections of documentation of these efforts—for example, an open space plan that targets adjacent lands for protection.)

The Waverly Area Plan specifically, the Larimer County Master Plan regionally and one of its elements the Open Lands Master Plan all contain references supporting context of the parcels in this application.

1) The following are Excerpts from the **Waverly Area Plan** relevant to the Stewardship Trust application:

(p. 26 Waverly Area Plan) Goal 2

To minimize the loss of agriculture land, water, open space and rural character. The County has a number of mechanisms in place to help achieve this goal including: the Open Lands Program and sales tax, community separators, creative subdivision regulations (which include two options for clustered housing), the use of transferable development units, the power to enter into intergovernmental agreements with municipalities, a Right to Farm Resolution, etc. We support these mechanisms and propose several action items (see page 29) which detail how they might be applied more specifically to Waverly. We also wish to retain and encourage a mixture of housing that is accessible to differing income levels.

(p 28 Waverly Area Plan).” Goal 6.

Maintain Waverly’s unique natural and cultural features including: wildlife habitat, plant and animal communities, and cultural and historic resources Wildlife and people coexist in Waverly and should be allowed to do so in the future. Maintaining and enhancing wildlife habitat will require a more complete identification of sensitive natural areas before and during the review of proposed developments. Of particular importance are land use decisions that affect riparian areas (streams and ditches), ponds and reservoirs, wetlands, forest patches, and the agricultural operations and other natural and man-made features that support unique flora and fauna.

Reaching this goal will require that landowners understand the array of incentives and programs available for voluntarily protecting or enhancing natural or cultural resources and the proactive involvement of many residents. Options exist including assistance from the Colorado Natural Heritage Program, the County Open Lands Program, Colorado Division of Wildlife and USDA programs (like the wetland reserve etc.). Additionally, there is a need to create better partnerships with the State of Colorado, North Poudre Irrigation Company and other entities that manage land and water in Waverly.”

(p 34 Waverly Area Plan).”Action Step A for Goal 6

A. “There are two school sections owned by the State Land Board and other lands near Douglas Reservoir owned by the Division of Wildlife in the Waverly Area. One is included in the Waverly area and the other adjacent to it. The County should assist the community in requesting that the State consider classifying these sections as Stewardship Trust lands that would not be sold or traded, and would remain as leased working landscapes that support local agricultural operations and be managed for the multiple values that

they provide. Benefits provided to the community by these lands include: open space, wildlife habitat (Burrowing Owls and one of the eastern most occurrences of the Alderleaf Mountain Mahogany (*cercocarpus montanus*) vegetative community in Section 36, T9N, R69W), cultural sites (Overland Stage route and stop in Section 16, T9N, R69W) buffers to development, and as grass banks for livestock producers. These lands provide important range lands that support three local ranching operations and in turn support other goals herein. Future consideration should be given to moving the southern boundary of the Waverly area to include section 36 and state lands given their importance as buffers between Waverly and development to the south. “

2) Excerpts from the **Larimer County Master Plan** relevant to the Steward Ship Trust Application:

TH-6. Open lands shall continue to be a defining feature of the landscape of Larimer County.

The mission of the Larimer County Open Lands Program of the Parks Department is to preserve and provide significant open space, natural areas, wildlife habitat, parks and trails for present and future generations. Other planning initiatives will also help maintain large areas of undeveloped land in the County. Programs include clustered development in rural areas, the Rural Land Use Process as an alternative to 35-acre development, and voluntary programs to strengthen agricultural viability. Important open lands, natural areas, parks and trails are defined in the Help Preserve Open Spaces Initiative, the Larimer County Parks Master Plan, the Plan for the Region between Loveland and Fort Collins, and other adopted plans.

TH-7. Buffers shall be provided between cities and towns to maintain community separation.

Property rights within these buffer areas must be respected, as in all situations. Implementation strategies will include acquisition of land or development rights and transfer of development rights (TDRs) from otherwise developable land, as well as programs to help landowners maintain agricultural uses.

TH-11. Intergovernmental cooperation will be critical for Plan implementation.

The Master Plan shall integrate land use policies and implementing strategies that complement and support the goals and objectives of the cities and towns and of the region. Amendments to the current Intergovernmental Agreements will need to be implemented, where feasible, concurrent with the Master Plan.

GM-8 Agriculture shall be recognized as an important economic, cultural and environmental resource value-provider for the County.

GM-11 To retain agriculture and the resulting open space, environmental quality, wildlife habitat, etc., afforded by it, it is necessary to adopt programs that will help agriculture be economically viable and reasonably competitive with other potential uses of agricultural land.

3) Excerpt from **Larimer County Open Lands Master Plan: page 7**

OPEN LANDS PROGRAM PRIORITY AREAS

As a result of the public meetings and survey findings described above, several key issues and goals were identified that were of primary concern to Larimer County citizens:

- Land is being developed at a rate that is alarming to many citizens.
- The most important wildlife habitat, river corridors, wetlands, ridgelines, agricultural lands and similar resource areas should be identified and protected as open space.
- Land should be protected by acquiring titles from willing sellers at fair market value, or from donors, and by purchasing conservation easements.
- There should be a balance between protecting lands that allow appropriate public access and protecting lands that restrict public access.
- Continue to work in partnership with cities and towns, state and federal agencies, and non-profit

organizations to leverage fiscal budgets and personnel expertise to maximize open space protection.

STEWARDSHIP VISION In 200 words or less, describe your reasons for nominating this property for enrollment in the Stewardship Trust.

Stewardship Trust designation for sections 16 and 36 (T9N, 69W) will help the Waverly community to achieve important goals found in its adopted Sub Area Plan as well as goals found in the Larimer County Master Plan. This includes the retention and enhancement of Waverly's rural character and the mix of agricultural rural enterprise and residential uses - as well as its unique natural areas, cultural and historical features. Sections 16 and 36 provide needed forage and water for community livestock producers, as well as wildlife habitat that supports a diversity of species including several "species of concern". These parcels provide Waverly with needed open space and scenic resources. They have unique landforms, plant communities and important historical sites. Importantly, both parcels complement private conservation efforts on adjacent properties. Section 36 also helps to achieve the Waverly and the County goal of maintaining community separators. The previous attempt to sell section 36 alerted us to the need to formally express the importance of both of these parcels to the Waverly community and others in the County. We felt that Stewardship Trust nomination and later designation would be the proper way to do this.

B. QUALITIES RELATED TO BEAUTY, NATURAL VALUES, WILDLIFE HABITAT OR OPEN SPACE

1. Describe the specific natural resource, open space, beauty and/or wildlife habitat values that support this property's designation into the Stewardship Trust. (For example, is the parcel an important wildlife migration corridor? Does it provide habitat for threatened species or include sensitive vegetation? Does it include a significant geological or visual feature?)

Values described previously are summarized in bulleted form here:

- Parcels adjoin or are part of larger CNHP, Waverly community, County and private land conservation efforts
- Parcels contain habitat and species for a number of species of concern some of which are imperiled globally or at the state level.
- Parcel 1 contains an historic Overland Stage Station site
- Parcel 1 contains unique land forms including a hogback, foothill riparian area and perennial stream and wetlands; and Parcel 2 contains unique bluffs, shrub community, playas, and wetlands
- Both Parcels provide important open space for the Waverly community
- Both Parcels provide Spring and Fall grass for local livestock producers and help them stay in production (community goal)
- Parcel 1 supports a small herd of Pronghorn almost year-round
- Parcel parcels provide scenic vistas of the foothills and Parcel two scenic vistas of the Dry Creek Valley
- Parcel 2 provides an important buffer between Ft Collins and Waverly and between Wellington's new growth management area and Waverly

2. Specifically state what enrollment and enhanced management of the nominated parcel would do to protect and enhance the beauty, natural values, open space and wildlife habitat values described above.

We would hope that eventual enrollment would preclude the sale or trade of these two parcels or at least make it much less likely that such would occur. This is our way of going on record as a community that we value these lands for the agricultural, open space, biodiversity, educational geological and cultural/historical, community separation values that they hold.

3. How urgent is it that the parcel be placed in the Stewardship Trust? What natural resource, open space, beauty and/or wildlife habitat values will be lost if this property is not designated now? Please include if known: Does the parcel contain any unique or significant cultural, historical or archeological features? If yes, what are they?

Current management practices do not threaten nor are they in conflict with either Waverly or Larimer County goals. The urgency lies largely with our desire to communicate to the State Land Board the value of these parcels to the community and to more clearly define the diversity of values and the unique characteristics that have become more apparent to us with time. There is habitat for the significant and in some cases the species of concern described earlier as well as a recognized historical site. There are unique landforms and topographical features including a hogback that hosts rare plant communities, a foothills riparian area with a perennial stream that hosts unique fish species, bluffs and playas. Both sections provide the community with open space and scenic vistas and section 36 helps to create a buffer between Ft. Collins and Waverly to name some of the values that have been described in more detail earlier in the application. Regarding Waverly's goals of supporting its agricultural producers and maintaining its rural character, spring and fall grass is often difficult to find for livestock producers, especially close to base properties and calving areas. These two parcels provide such a resource for producers, both of whom have their headquarters adjacent to these parcels. Should either of these leasees not wish to continue their leases with the State Land Board, a number of other Waverly livestock producers would immediately apply.

Again the primary urgency for this application is our desire to see them remain as state lands and working landscapes that provide multiple values and that contribute to the goals of our community. Because of the earlier attempt by the State Land Board to sell or trade one of these two sections we have taken the time to articulate these values and request that they be protected via Stewardship Trust designation once that opportunity arises.

Introduction to Section D

If you are proposing a change in use or an additional use as part of your nomination, please make sure you indicate how and by whom you expect the new use to be managed. At its discretion, the Board may ask nominators who propose additional uses to submit a draft management plan. And please keep in mind:

- 1. The Board may designate a property but reject a proposed use; and**
- 2. Current lessees will need to be involved in discussions regarding changes of use. If a nomination does not propose a change in use, the Board will assume that the current management regimen being implemented by the Board and lessee(s) is effective and will remain in place.**

C. MANAGEMENT & STEWARDSHIP OF PARCEL IF IT IS DESIGNATED

2. If the property is currently under lease, are the current and permitted uses compatible with the vision outlined for this property in your

Stewardship Vision? How? (Be specific: What uses of the property are either compatible or incompatible and why?).

Current practices have not adversely affected the values described above or are they in conflict with community goals and objectives, rather they support and are part of those goals. Enhancement measures can be discussed and in the event that such measures are agreed upon, the Waverly Advisory Committee and community residents stand ready to participate in enhancement activities. We would envision that any enhancements might be identified in conversations with the current or future lessees, State Land Board officials, NRCS, DOW, local historical societies and other logical participants. Where appropriate, we would anticipate assisting with management activities such as control of exotic species, stream bank stabilization, wildlife habitat improvements, or other activities that are compatible with the management already legally agreed upon between the State and the current lessees. Our goal of supporting agriculture in Waverly is compatible with current uses. These parcels provide **spring and fall grass is often difficult to find for livestock producers, especially close to base properties and calving areas which these parcels are.** We do not envision activities that interfere with current uses. Current lessees have reviewed and are supportive of the nomination.

3. Does your Stewardship Vision include new public uses of the nominated property?

We do not envision any new public uses of the nominated property other than participation in agreed upon enhancement activities in cooperation with the lessee. We do not assume any new public access would be a result of the nomination.

When you're filling out this application, please keep in mind:

1. Although not every parcel must continue to generate current income, in general, lands in the Stewardship Trust are expected to continue to generate income, including existing uses such as grazing, crop production, mineral and oil and gas production and forest management—to the extent such uses can be managed in ways that are compatible with long-term goals for protection of the land's natural resource values. When appropriate, the Board may pursue other income-generating possibilities such as leases for hunting or other recreation and conservation easements.
2. With a staff of only 35, the Land Board traditionally requires its lessees to assist in day-to-day management of its lands. C.R.S. 36-1-107.5, passed by the Legislature in 1997, requires the Board to notify all lessees that a parcel they lease has been nominated for the Stewardship Trust, and give them the chance to comment on the nomination.
3. The Land Board has entered into legal agreements with its lessees. Any proposal for changes in use that might come about as the result of a parcel's designation in the Stewardship Trust would have to follow due process and statutory requirements.