

TABLE SETTING

THIS EASEMENT MANAGEMENT PLAN (“Management Plan” or “Plan”) is entered into this day ____ of _____, 20__ (the “Effective Date”), by and between The Town of Granby hereinafter referred to as “Grantor” [*Zero Jasper Ave, Granby, CO 80446*], the Colorado Headwaters Land Trust [*52 N First St, Granby, CO 80446*], (“Grantee”), a Colorado nonprofit corporation qualified to hold conservation easements, and the **STATE OF COLORADO** acting by and through the **DEPARTMENT OF NATURAL RESOURCES** for the use and benefit of the **DIVISION OF PARKS AND WILDLIFE** and **PARKS AND WILDLIFE COMMISSION**, whose address is 6060 Broadway, Denver, Colorado 80216 (“CPW”).

RECITALS

- A. **WHEREAS**, Grantor granted a Conservation Easement (“Conservation Easement” or “Easement”) to the Grantee a conservation easement burdening approximately 743 acres of real property, (the “Easement”) located in Grand County, Colorado, for the purpose of forever conserving the scenic open space, wildlife habitat and biodiversity, preservation of land for outdoor recreation by, or the education of the general public.
- B. **WHEREAS**, the Property has those Conservation Values identified in the Easement (collectively the “Conservation Values”).
- C. **WHEREAS**, the purpose of a Management Plan is to provide management direction to maintain the Conservation Values of the Property as they exist at the time of the placement of the Easement; and
- D. **WHEREAS** the funding for the Easement was provided in whole or in part by CPW; and
- E. **WHEREAS**, Paragraph 4.2 of the Easement references a “Management Plan” developed and approved by the Grantor, the Grantee and CPW; and this document shall constitute the Management Plan.

THEREFORE, the parties agree that the Property shall be managed in accordance with this Management Plan.

The Management Plan should be used in conjunction with the Baseline Report, which indicates the Present Conditions of the Property to be protected at the time of the placement of the Easement. Any conflict between the Management Plan and the terms of the Easement shall be resolved in favor of the Easement.

The Management Plan is based on the best available information, and provides a foundation for long-term adaptive management of the Property and its resources. As recommended actions are implemented, and as objectives change, the Management Plan should reflect these changes. The Management Plan should be used to:

- Describe the management objectives for the Property and ensure that all actions support those objectives;

- Create a foundation for individual resource management plans as needed; Identify partnering opportunities with resource agencies; and
- Monitor the state of resources on the Property.

Grantor may participate in any State, Federal or private enhancement programs (e.g. Environmental Quality Incentives Program, Wildlife Habitat Incentives Program, and Partners for Fish and Wildlife). Any enhancement plan for the Property shall be approved in advance by CPW.

I. Ecological Landscape

- 1) The Property is approximately 743 acres and constitutes a large section of the historic Horn Ranch. As described in the Baseline Report prepared by Rare Earth Science, LLC (2024), the Property is a mix of sagebrush shrubsteppe and shrubland, historically irrigated hay meadows, wet meadows, and riparian woodland and shrubland. The Property also includes approximately two river miles of the Colorado River. There is less than one acre of aspen woodland in the northeast corner of the Property. The elevation ranges from 7,880 feet in the southwest part of the Property to 8,320 feet in the northwest. The sagebrush land is dominated by big sagebrush (*Artemisia tridentata*), and also includes rabbitbrush (*Ericameria* spp.), antelope bitterbrush (*Purshia tridentata*), and silver sage (*A. cana*), as well as other native species. Smooth brome (*Bromus inermis*) can be found near the historic hay meadows. Cheatgrass (*Bromus tectorum*) and crested wheatgrass (*Agropyron cristatum*) are rare but present along roadways. Species found in the wet meadows, which constitute approximately 8.3% of the Property, include beaked sedge (*Carex utriculata*) and water sedge (*C. aquatilis*), and Baltic rush (*Juncus balticus*) in mesic areas.
- 2) There are no agricultural activities on the Property.
- 3) The Property has important wildlife values and has been identified by CPW in their Species Activity Maps as greater sage-grouse (*Centrocercus urophasianus*) production, and summer and winter habitat; pronghorn (*Antilocapra americana*) concentration area and migration corridor; moose (*Alces alces*) summer and winter range; elk (*Cervus elaphus*) migration corridor, winter concentration, and severe winter range; and mule deer (*Odocoileus hemionus*) migration corridor, summer and winter habitat.

This Property and surrounding lands host the last known greater sage-grouse lek in eastern Grand County. Sage-grouse are considered a state species of concern. Sage-grouse have been known to lek on the northern portion of this property and have been flushed from the eastern boundary dating back to 2007. Due to the small size of the sage-grouse population, the birds tend to move around and display at various lek sites, sometimes to the north or east. CPW has been tracking sage-grouse lekking activity on and around this property since 1989.

The Property and surrounding area are utilized by elk, mule deer, pronghorn, and moose throughout the year. During the mild to average snow years a group of 100-200 elk remain on the Property in the sagebrush rangelands through the

winter and move between the Property and adjacent private and public lands. Based on CPW GPS collar data, the Property provides a vital migration and movement corridor for mule deer, pronghorn and elk. This property lies within a crucial migration corridor linking summer range north of Fraser and Winter Park with winter ranges to the west, near Hot Sulphur Springs and Kremmling. As the lands in eastern Grand County continue to succumb to development pressures, this Property along with surrounding public and protected lands will be critical for maintaining healthy ungulate populations in eastern Grand County.

The Colorado River corridor provides important foraging and winter habitat for bald eagles; foraging habitat for great blue herons; and overall and winter habitat for river otters. There is a known bald eagle nest within two miles of the Property and a heron rookery at Windy Gap Reservoir less than a half-mile to the east, and river otters have been documented in all major river channels within Grand County.

Fish surveys conducted along this stretch of the Colorado River by CPW aquatics staff along with Town of Granby personnel and local volunteers in 2016 and 2018 demonstrated high populations of brown trout (*Salmo trutta*), and relatively low populations of sculpin (*Cottus bairdii*) and rainbow trout (*Oncorhynchus mykiss*). As described in a March 2019 summary of these surveys, the sculpin is prolific in the Fraser River but less populated in this stretch of the Colorado River, although their presence is encouraging. The rainbow trout likely come from private stocking and a population has not yet established itself.

II. Vegetation Management Objectives and Actions

The vegetation communities are described in the Baseline Report.

Objectives

- Maintain or improve existing mosaic of sagebrush, native grasses and forbs.
- Assure that in areas burned by wildfire that native brush, grasses and forbs are regenerating on the upland slopes.
- Control the spread of noxious weeds, especially in areas where past ground disturbance occurred by previous landowners or by wildfire.

Management Actions

- Monitor vegetation succession and health and implement treatment over time to maintain the current mix and distribution of vegetation communities. Fire is not a recommended tool for sagebrush communities but could be beneficial in the meadow and grassy areas. All vegetation treatments require written consultation and concurrence of CPW.
- Monitor willow stand health along riparian areas and creeks. If willow health is being impacted then the source of the impact should be identified and a management strategy should be developed to improve willow

growth.

- Grantor shall monitor the status of invasive species with special attention given to Colorado A-list and high priority B-list species. These include but are not limited to purple loosestrife (*Lythrum salicaria*), dalmatian toadflax (*Linaria* spp.), oxeye daisy (*Chrysanthemum leucanthemum*), yellow toadflax (*Linaria vulgaris*), Canada thistle (*Cirsium arvense*), bull thistle (*Cirsium vulgare*), leafy spurge (*Euphorbia esula*), musk thistle (*Carduus nutans*), scentless chamomile (*Matricaria perforate*), spotted knapweed (*Centaurea maculosa*) and houndstongue (*cynoglossum officinale*). Early infestations should be controlled using the most effective integrated weed management approach for each species, including but not limited to cutting, mowing, grazing, pulling and application of appropriate biological controls and chemicals. Aerial application is not preferred or recommended because of the impacts to the sagebrush communities. Grantor is responsible for covering the costs of weed control on the Property.
- In the event of a catastrophic event such as wildfire, flood, or other natural acts that require restoration, the parties shall develop a written restoration or reseedling plan; reestablishing the native plant communities shall be a priority.
- Nothing in this Management Plan shall prohibit the Grantor from participating in any State, Federal or private enhancement programs (such as EQIP, WHIP, and Partners for Fish and Wildlife, etc). However, the CPW shall be involved in any enhancement planning on the Property, and the enhancements shall not violate this Management Plan or the Easement.

III. Wildlife Management Objectives and Actions

The Conservation Values associated with wildlife species are described in the Baseline Report.

Objectives

- Maintain or enhance forage for migrating elk, pronghorn and mule deer.
- Maintain or enhance permeability for wildlife movement.
- Maintain or enhance sagebrush and understory grass/forb communities to provide habitat for wintering elk and mule deer.
- Maintain or enhance sagebrush and understory grass/forb communities for breeding, nesting and wintering sage-grouse in areas with native habitats.

Management Actions

- Limited or avoid disturbance to existing native vegetation within the Non-Disturbance Area or areas outside any trail development areas.

- The Grantors and the CPW shall jointly agree on any vegetation treatments or disturbance activities. The party proposing the treatment or disturbance shall be responsible for funding such projects.
- Work to maintain a healthy willow community along the river corridor. Actions may include willow sapling planting and trail planning that minimizes vegetation impact.
- Plan and design any future boundary or internal cross fences to allow for safe passage by elk, mule deer, and pronghorn and to minimize sage-grouse collisions. The Grantor shall consult with CPW on cross fencing locations and the fence design should follow wildlife friendly guidelines.

IV. Threatened and Endangered Species

The Conservation Values associated with threatened and endangered species are described in the Baseline Report.

Objectives

No known Threatened or Endangered Species occur on the Property.

Management Actions

N/A

V. Agricultural Features and Operations

Objectives

No agricultural practices currently occur on the Property, however agricultural uses on the Limited Access Area of the Property consistent with the Easement are permitted.

Management Actions

N/A

VI. Water Management (if applicable)

The Conservation Values associated with water resources are described in the Baseline Report.

Objectives

- Maintain or improve the habitat and stream quality of the Colorado River for aquatic and semi-aquatic species.

Management Actions

- Work to maintain a healthy plant community along the river corridor. Actions may include planting native species and planning trails away from the river corridor to reduce impact.

VII. Other Management Opportunities

Grantor and CPW may consider other habitat management opportunities consistent with the terms of the Easement and this Management Plan and implement such opportunities upon mutual agreement.

Recreation Management Objectives and Actions

Objectives

- Manage recreation to minimize impacts and disturbance to wildlife and abide by terms of the Easement.
- Maintain No-Disturbance Zone to ensure wildlife is provided a safe area away from human disturbances, including any low-impact recreation.

Management Actions

- No winter recreation activity allowed following a seasonal closure schedule as provided in the Easement.
- No trail development allowed within the No-Disturbance Zone.
- Construction development only allowed as provided in the Easement.
- Minimize recreation activities and trail development on the Property to allow for continued use by deer, elk, pronghorn and greater sage-grouse.
- Require dogs on-leash to minimize wildlife harassment.

VIII. Management Plan Review

This Management Plan may be reviewed and modified at any time, and shall be reviewed no less than every five years. If changes are necessary, this Management Plan shall be modified in writing by the Parties. Updated versions of the Management Plan will be retained by the Parties. If changes cannot be agreed upon, the existing Management Plan shall remain in effect.

The parties have agreed to this Management Plan for the _____ Grantor on the day and year first written above.

_____ **Grantor**

By: _____, LLC (if applicable)

Name: _____
[signature above; typed name below]

_____ **Grantee (or Local Government)**

By: _____

Name: _____
[signature above; typed name below]

**THE STATE OF COLORADO, DEPARTMENT OF NATURAL
RESOURCES, DIVISION OF PARKS AND WILDLIFE AND
PARKS AND WILDLIFE COMMISSION**

By: _____

_____, CPW _____ Regional Manager

DRAFT BASELINE DOCUMENTATION REPORT



Granby Highlands Trails Conservation Easement Grand County, Colorado

Prepared For

Colorado Headwaters Land Trust
and
The Town of Granby

Prepared By

Rare Earth Science, LLC
38696 Fruitland Mesa Road
Crawford, Colorado 81415
(970) 527-8445

January 31, 2024

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ACKNOWLEDGEMENT OF PRESENT CONDITIONS

GRANBY HIGHLANDS TRAILS CONSERVATION EASEMENT
GRAND COUNTY, COLORADO

In compliance with Treas. Reg. § 1.170A-14(g)(5), and to the best of my knowledge, this Baseline Documentation Report, including text, maps, and photographs, is an accurate representation of the conservation easement property at the time of the conveyance of the conservation easement. The conservation values are relatively natural habitat, open space, and recreation opportunities for the public.

GRANTOR: Town of Granby

By: _____

Date _____

Title: _____

By: _____

Date _____

Title: _____

GRANTEE: Colorado Headwaters Land Trust

By: _____

Date _____

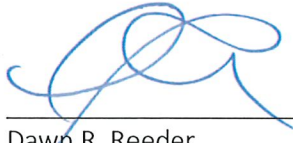
Title: _____

PREPARER CERTIFICATION STATEMENT

GRANBY HIGHLANDS TRAILS CONSERVATION EASEMENT
GRAND COUNTY, COLORADO

I, the undersigned, prepared this Baseline Documentation Report in accordance with Treas. Reg. § 1.170A-14(g)(5). To the best of my knowledge, this report, including text, maps, and photographs, is an accurate representation of the conservation easement property at the time of the conveyance of the conservation easement.

I certify that I am a qualified provider of conservation easement due diligence. As principal biologist at Rare Earth Science, I have personally prepared present conditions/baseline documentation reports for more than 300 conservation easement projects across Colorado and am familiar with the natural resources of the region. My recent relevant project experience includes rare plant surveys in Delta and Montrose counties, co-authorship of *Colorado Sagebrush: A Conservation Assessment and Strategy* (prepared for the Colorado Division of Wildlife in 2005), and a *Migratory Bird Status Literature Review* (prepared for the Uncompahgre Field Office of the U.S. Bureau of Land Management in 2009). I earned a Bachelor of Science degree in Biological Sciences from Stanford University in 1988 and have more than 25 years of experience in consulting practice.



Dawn R. Reeder
Principal Biologist

Date: 1/31/24

CONTACTS & BASIC INFORMATION SUMMARY

CONSERVATION EASEMENT NAME

Granby Highlands Trails Conservation Easement

GRANTOR

Town of Granby, A Colorado Municipal Corporation

Zero Jasper Avenue

PO Box 440

Granby, Colorado 80446

(970) 887-2501

<https://www.townofgranby.com/>

GRANTEE

Colorado Headwaters Land Trust

52 N. First Street

PO Box 1938

Granby, Colorado 80446

(970) 887-1177

<https://www.coloradoheadwaterslandtrust.org/>

BASELINE DOCUMENTATION REPORT PREPARER

Rare Earth Science, LLC

38696 Fruitland Mesa Road

Crawford, Colorado 81415

(970) 527-8445

<https://rareearthscience.com/>

dawn@rareearthscience.com

ACRES COVERED BY CONSERVATION EASEMENT: Approximately 743.39 acres

COUNTY TAX PARCEL NUMBERS: 133124300123, 133124400121, 132919400098, 133125100120, 132919300095, and part of 132930200006

PHYSICAL LOCATION

Parts of Sections 19, 20, 29 & 30, Township 2 North, Range 76 West of the Sixth Principal Meridian (Sixth P.M.), and parts of Sections 24 & 25, Township 2 North, Range 77 West of the Sixth P.M., all in Grand County, State of Colorado.

LEGAL DESCRIPTION: See Exhibit A of the Deed of Conservation Easement

AREAS OF THE PROPERTY

No Disturbance Zone: 327.95 acres in the north part of the Property

Limited Access Area: 415.44 acres in the south part of the Property

1 INTRODUCTION / EXECUTIVE SUMMARY

Colorado Revised Statutes (C.R.S.) provide for the establishment of conservation easements to maintain land "in a natural, scenic, or open condition, or for wildlife habitat, or for agricultural, horticultural, wetlands, recreational, forest, or other use or condition consistent with the protection of open land, environmental quality or life-sustaining ecological diversity, or appropriate to the conservation and preservation of buildings, sites, or structures having historical, architectural, or cultural interest or value" (C.R.S. § 38-30.5-102).

Toward these ends, the Town of Granby ("Grantor"), is conveying a perpetual conservation easement on approximately 743.39 acres of land ("Property") in Grand County, Colorado, to Colorado Headwaters Land Trust ("Land Trust" or "Grantee"). The Grantee is a non-profit corporation and a "qualified organization," as defined in § 170(h) of the Internal Revenue Code, and a charitable organization as required under C.R.S. § 38-30.5-104(2). Funding for the conservation easement project is being provided in part with a grant from the Colorado Parks and Wildlife Commission and the Colorado Division of Parks and Wildlife (CPW).

This Baseline Documentation Report is intended to provide evidence of the Property's conservation values, and to provide the Grantee with a description of the Property's existing conditions at the time of the conservation easement conveyance, so that changes to the land can be monitored over time, especially those changes that may affect its conservation values. This report satisfies the documentation requirements of Treas. Reg. § 1.170A-14, the conservation easement due diligence requirements of the Grantee and funders, and complies with standards and practices recommended by the Land Trust Alliance (2017).

This report consists of narrative text, with figures and documentary photographs following the text. Figure 1 shows the Property's location within the state and region, and its context in relation to other conserved private lands and public lands. Figures 2 and 3 provide a topographic map and aerial photograph of the Property and its immediate surroundings. Figure 4 shows improvements and features on the Property. Figures 5, 6, and 7 present geology, soils, and landcover mapping on the Property, respectively. The ranges of selected wildlife species relative to the Property are mapped on Figures 8 through 12. A list of global positioning system (GPS) coordinates for the documentary photographs is included at the beginning of the documentary photograph section.

1.1 Methods & Limitations

Methods of present conditions (baseline) documentation included a field visit to the Property by Dawn Reeder of Rare Earth Science (Rare Earth) on August 22, 2023, a review of information provided by the Grantee and Grantor, and research of available publications and other relevant documents, as cited. Colorado Headwaters Land Trust Executive Director Jeremy Kronen was present during part of the field visit.

Mapping for this document was created using Esri® geographic information systems (GIS) software, ArcGIS 10.8.2™, a recreational-grade handheld GPS unit, and a GIS boundary shapefile provided and vetted against the legal description by the grantee. Base maps consist of U.S. Geological Survey (USGS) 7.5-minute topographic quadrangle and World Aerial Imagery accessed through the Esri online server. Area calculations for vegetation types and distances of linear improvements were made using ArcGIS. The coordinate system used for all maps in this report is NAD 1983 UTM Zone 13 (meters). Data resources

used to create regional mapping, and geology, soils, and wildlife range maps are cited on the figures themselves. The photopoint mapping was created using locations of geotagged ground photographs in GIS. The improvements, features, and landcover maps were created by interpreting recent aerial photographs and by mapping GPS waypoints of certain point features and tracks of roads, fence lines, and other features on the Property. Consequently, the improvements, features, and vegetation mapping must not be construed as a survey, but rather simple inventory sketches. Plant nomenclature generally follows Ackerfield (2015).

Because of the limitations involved with interpreting aerial photography, depictions and quantifications of landcover acreages and other features presented in this report should be considered estimates rather than exact.

It was not within the scope of this report to review boundary adjustments, miscellaneous easements, or rights-of-way, whether recorded or unrecorded, for accuracy or applicability to the conservation easement conveyance.

1.2 Property Setting & Description

The Granby Highlands Trails conservation easement encompasses approximately 743.39 acres in Middle Park, about 1.5 direct miles northwest of downtown Granby, in Grand County, Colorado (Figure 1). The Denver Metropolitan area is about 55 direct miles southeast of the Property. The Contacts and Basic Information Summary in the front matter of this report contains further information identifying the physical location of the Property.

Middle Park is a geographic basin home to the headwaters of the Colorado River, situated in the Southern Rocky Mountains at an average elevation of about 8,000 feet above mean sea level. The climate is modified continental with short, warm summers and cold winters. Minimum and maximum temperatures average between approximately -14° and 39° Fahrenheit (F) in January and 61° and 88°F in July. Average annual precipitation is about 18 inches and winter snowfall averages about 64 inches (Weather Atlas 2020). Nearby landmarks include Byers Peak (elevation 12,000 feet) to the west, Lake Granby, and peaks within the National Forest and Rocky Mountain National Park to the east. Ranching, recreation, and tourism are important land uses in the region.

The Property is north of the Colorado River and within in the Town of Granby's northern limits. To the north and west, the Property adjoins a mix of private open lands and public lands administered by the U.S. Bureau of Land Management to the north and west (Figure 1). Parts of the south boundary front or encompass a total of 1.5 miles of the Colorado River and its riparian corridor. The south boundary of the Property also adjoins lands involved in active gravel mining by the Town of Granby. South of the Colorado River and adjacent to parts of the Property, is the Sun Outdoors Rocky Mountains RV Camping and Vacation resort.

The Property rises northward from the Colorado River bottom to a gently-sloping terrace with historically-irrigated hay meadows, then transitions to the north to rolling hills in sagebrush (Figures 2, 3, and 4). The Property is in relatively open condition (Figures 3, 4). Improvements on the Property include buried and above-ground utilities, access roads and reclaimed roads, an irrigation ditch, and the remains of old homestead structures (Figure 4). No building envelopes are designated on the Property by the Deed of Conservation Easement (CE Deed). The CE Deed establishes a "No Disturbance Zone" across 327.95 acres in the north part of the Property (see Figure 4) to limit disturbance to big game on critical winter range and protect habitat for greater sage-grouse. A "Limited Access Area" on the 415.44-acre remainder of the

Property will provide recreation opportunities for the public in accordance with provisions outlined in the CE Deed.

1.3 Conservation Context

The conservation easement on the Property furthers the Grantee's work, the work of other land trusts, and the work of CPW, to protect open space, scenic viewsheds, big game habitat, and the rural way-of-life in Middle Park.

Prior to the 1990s, the Property was part of Horn Ranch. Since that time, it has been under the consecutive ownership of two developers. When the second developer (Orvis-Shorefox) lost Property through foreclosure, the Town of Granby purchased it in 2016. Colorado Headwaters Land Trust, along the Town, have been working toward conservation of the Property since 2019, in order to preserve and buffer important wildlife habitat and create trail-based recreation opportunities for the public.

1.4 Directions to the Property

To reach the north parcel of the Property from the Town of Granby,

- Begin at the intersection 1st Street and W. Agate Avenue (U.S. Route 40) and drive west on W. Agate Avenue (U.S. Route 40) for 0.9 mile to U.S. Route 34.
- Turn right on U.S. Route 34 and drive 1 mile to the entrance to Sun Outdoors Rocky Mountains on the left.
- Turn left and drive about 500 feet to Summit Trail, on the right.
- Turn right on Summit Trail and drive about 0.5 mile to a gated bridge over the Colorado River (coordination with the Grantor is required to pass through this gate).
- Proceed through the gate and drive about 0.3 mile to the south boundary of the Property.

1.5 Summary of the Property's Conservation Values

According to § 170(h)(4)(A) of the Internal Revenue Code and Treas. Reg. § 1.170A-14(d), the conservation purposes of a qualified conservation easement must include one or more of the following: to preserve land for outdoor recreation by or education of the general public; to protect relatively natural habitat of fish, wildlife or plants; to preserve open space; or to preserve historically important land or structures. The purpose of the conservation easement is to preserve, in perpetuity, the following conservation values (pursuant to Treas. Reg. § 1.170A-14):

Relatively natural habitat (§ 1.170A-14(d)(3)). The Property features significant relatively natural habitat, consisting of sagebrush shrubsteppe and shrublands, upland meadows, and riparian areas. These habitats provide forage, shelter, breeding grounds, and migration areas for a diversity of wildlife, including elk (critical winter range, summer range, migration corridor), mule deer (concentration area, summer and winter range), white-tailed deer (overall range), moose (summer and winter range), pronghorn (concentration area and migration corridor), black bear (summer concentration area), mountain lion (overall range), and a variety of small mammals, raptors, migratory birds, and fish. The Property's habitat is also significant because it contains suitable habitat for greater sage-grouse, bald eagle, and northern leopard frog, all Colorado Species of Concern, and for river otter (listed as Threatened under the Colorado's Nongame, Endangered, or Threatened Species Conservation Act).

Open space (§ 1.170A-14(d)(4)). The Property’s aesthetically-pleasing and harmonious array of shapes and textures created by its rolling hills in native sagebrush, grass meadows, and 1.5 miles of the Colorado River and its wooded riparian corridor, provide natural scenic enjoyment to the general public and contribute to the openness and variety of the overall landscape in the region. The Property is visually accessible to the public from the Colorado River Headwaters Scenic Byway, which follows U.S. Routes 40 and 34 south of the Property. The Property is also visible from other local public roads and adjoining lands administered by the U.S. Bureau of Land Management. From these roads and public lands, the public enjoys scenic unobstructed vistas across the Property to iconic views of the Rocky Mountains. Conservation of the Property’s open space also provides significant public benefit because it will prevent subdivision and development of the Property, which would diminish the scenic beauty of the area, and diminish wildlife habitat integrity in the area. Conservation of the Property is supported by state and local governmental policies and is not incompatible with land uses in the area.

Recreation or education opportunities for the public (§ 1.170A-14(d)(2)). The conservation of the Property will provide for limited public access in the “Limited Public Access” part of the Property for non-motorized trail-based use and fishing. This limited recreational access will benefit the public while protecting and sustaining the Property’s relatively natural habitat and open space Conservation Values.

2 PHYSICAL CHARACTERISTICS OF THE PROPERTY

The improvements and various physical characteristics sustaining the conservation values on the Property are described below and documented in figures and documentary photographs following the main text of this report. Documentary photographs were taken at the photopoints shown on Figure 3.

2.1 Improvements & Features

Table 1 (below) summarizes and describes improvements and human-made features on the Property at the time of the field visit. The locations of these improvements and features are sketched on Figure 4. Some of these improvements and features contribute beneficially to the maintenance and to the conservation values of the Property. There are no habitable buildings or impervious road surfaces on the Property. No recreational amenities exist on the Property.

Table 1. *Summary of Improvements & Features on the Property*

Type	Photopoint	Description
Old homestead structures	14, 32, 40	An old cabin ruin and two old barn ruins on the Property are related to the original Horn Ranch homestead. The cabin was a log structure in the west part of the Property. The old barns are wood-framed or post-and-beam constructed buildings with shed roofs and open on one side. Both are in dilapidated condition (roofing and siding material are missing or damaged).
Regional powerline	1, 2, 4, 27, 34, 36, 37, 38, 42	A regional electrical transmission line (Windy Gap-Fraser Transmission Line, or “powerline”) owned by Tri-State Generation and Transmission Association, Inc. traverses the north part of the Property for approximately 1.5 mile in the alignment shown on Figure 4.

Type	Photopoint	Description
Roads	1, 4, 7, 9, 11, 17, 25, 26, 28, 34, 35, 36, 38, 42	There are five classifications of roads on the Property (Figure 4): improved road (constructed, graveled—about 3.2 miles total), reclaimed road (constructed, graveled, and now revegetated—about 2.1 miles total), service road (reclaimed road with a two-track road remaining on the surface—about 1.4 miles), two-track road (about 0.75 miles total), and old two-track road (about 2.4 miles total). The improved roads provide access to infrastructure such as the municipal water storage facility in the west part of the Property, and to the powerline and Northern Water pipeline vaults in the north part of the Property. A two-track road follows the west boundary in the location of a buried municipal water trunk line. Old two-track roads are mostly revegetated and were former ranch access roads prior to construction of the subdivision infrastructure.
Water storage facility and trunk lines (Town of Granby)	12, 21	A 969,000-gallon municipal water-storage tank is partially buried in a fenced enclosure in the west part of the Property. Buried trunk lines (or “town water lines”) (approx. 2.3 miles in total) related to this storage facility cross the Property, following improved access roads to the reservoir to the east, and following the west boundary south and crossing the Colorado River in the southwest part of the Property, as sketched on Figure 4. This facility is operated by the Town of Granby and is the “River Run Ranch Water Storage Tank/Trunk Line” facility.
Regional water pipeline (Northern Water)	6, 7	A buried large-diameter (~8 feet) water pipeline owned and operated by Northern Water crosses the north part of the Property for 1.5 mile, generally in the same alignment as the Windy Gap-Fraser Transmission Line. Several vaults/vents and rock gabion structures are associated with this pipeline. The ground surface is well re-vegetated.
Abandoned subdivision utilities	11, 25, 26, 27, 36, 39, 43	Subdivision utilities (water, sewer, natural gas, electric) are buried in parallel with roads identified as “improved” or “reclaimed” on Figure 4, except for the Northern Water pipeline access road. These utilities were installed for a formerly contemplated residential subdivision on the Property, and are abandoned in place. Various hydrants, manhole vaults, Carsonite signs, and valve boxes are visible on the ground surface along the former subdivision roads. These features are not mapped in this report, but are detailed in as-built drawings related to the subdivision and on file with the Grantor.
Fences	34	Barbed wire perimeter livestock fencing is present on or near the Property’s west, north, and east boundaries (Figure 4). There is one interior fence, partially functional, in the northeast part of the Property. None of the Property’s fencing prevents the passage of wildlife.

Type	Photopoint	Description
Irrigation infrastructure	24, 31, 37	The Bunte Highline Ditch, an earthen irrigation canal, contours through the Property for 2.8 miles in the alignment shown on Figure 4. This ditch at one time irrigated the meadows on the Property. Irrigation lateral ditches remain throughout the meadows (Photopoint 24), but are not mapped in this report. Some of the drainages in the sagebrush hills of the Property have old ditching that diverts from their channels (see Photopoint 16, and Photopoint 37 looking west-by-southwest).
Developed spring	--	An adjudicated developed spring and a buried small-diameter pipeline (the "Arther Blaney Pipeline" are in the northwest part of the Property in the approximate location mapped on Figure 4. The pipeline is about 0.3 miles long on the Property and apparently follows the spring drainage. The spring drainage is shown at Photopoint 16.
Miscellaneous	46	Two berms consisting of stockpiled topsoil are on the Property, related to gravel mining that took place on the adjacent land. The berms occupy a surface area of about 2.5 acres and are vegetated with a predominance of native shrubs and herbaceous plants. The Grantor intends to eventually recover these berms for remediation of the gravel mining operations on adjoining lands.

2.2 Geology & Topography

The Property is in the Southern Rocky Mountains physiographic province and within the Middle Rocky Mountain region. Much of Grand County includes areas of Mesozoic sedimentary and Tertiary volcanic & volcanoclastic rocks in Middle Park, a broad synclinal region and intermontane basin bounded by faults (Rare Earth 2024). Middle Park is bounded roughly by the Front Range to the east, the Gore Range to the west, the Rabbit Ears Range to the north, and the Vasquez and Williams Fork Mountains to the south. The Property is also situated in the Colorado/Fraser River valley between Granby Mesa to the east-southeast and Mount Chauncey to the southwest, and on the eastern flank of the Granby anticline.

Figure 5 is a map showing the generalized primary geologic units at and near the Property. The following descriptions of surface and subsurface geology are from a Mineral Assessment Report prepared for the Property (Rare Earth 2024). The Property consists of bedrock Miocene- and Upper Cretaceous-age Middle Park Formation, which is described as interbedded, light- to medium-brown, tan or gray volcanic and/or arkosic sandstone and siltstone; volcanic and/or granitic pebble to boulder conglomerate; and red, green, and brown mudstone; with an overall maximum thickness of 6,600 feet in the regional area. The Miocene- and Oligocene-age Troublesome Formation (Map Unit Tt) and basalt flows (Map Unit Tb) also overlie the Middle Park Formation. Map Unit Tt is chiefly siltstone and mudstone with numerous beds of volcanic ash and some sandstone and conglomerate, and is upwards of 1,000-feet thick in this part of Colorado. Map Unit Tb includes dark-gray to black basalt in single and multiple flows interlayered with Map Unit Tt, which can be upwards of a few hundred feet thick in the area.

The Property is covered by a veneer of Holocene- and Pleistocene-age surficial deposits including alluvium and terrace gravels (Units Qal and Qtg, generally mapped as Qa on Figure 5) along the Colorado River drainageway, and landslide deposits on the hilly portions of the Property. Map Unit Qal varies from boulder gravel to carbonaceous silt and clay, with a thickness of up to 100 feet; Map Unit Qtg includes boulder gravel to sand that forms benches up to 80-feet thick above major streams; and landslide deposits consists of jumbled material largely derived from Map Unit Tt.

The Property is an irregularly shaped polygon, with topography ranging from rolling moderately steep hills in the north part, to gently-sloping in the south part. Elevations range from approximately 8,320 feet above mean sea level at the northwest Property corner, to approximately 7,880 in the southwest part of the Property, where the Colorado River flows off the west boundary.

2.3 Soils

The Property's soils are derived from the geologic units described above. Figure 6 depicts NRCS mapping and Table 2, below, provides a list of mapped soil units. Nearly all the Property was at one time in agricultural production—either as irrigated hayfields, irrigated pasture, or rangeland.

Table 2. Soil Types on the Property

Map Unit	Map Unit Name	Percent of Property
92	Woodhall loam, 15 to 50 percent slopes	27%
94	Youga loam, 6 to 15 percent slopes	22%
25	Cumulic Cryaquolls, nearly level	11%
68	Rock outcrop-Cryoborolls complex, extremely steep	10%
90	Waybe clay loam, 10 to 55 percent slopes	9%
91	Woodhall loam, 6 to 15 percent slopes	5%
93	Youga loam, 1 to 6 percent slopes	5%
95	Youga loam, 15 to 45 percent slopes	4%
13	Cimarron loam, 6 to 15 percent slopes	2%
12	Cimarron loam, 2 to 6 percent slopes	2%
96	Water	1%
2	Aaberg clay loam, 15 to 30 percent slopes	1%
65	Quander cobbly loam, 2 to 15 percent slopes	1%

Four of the Property’s soils, Units 12, 13, 93, and 94 (totaling 31 percent of the Property), are identified by NRCS as soils of agricultural significance—or “Farmland of Statewide Importance.” Such soils are characterized by the U.S. Department of Agriculture as lands “with the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops.” None of the agriculturally significant soil on the Property is currently in crop production or actively irrigated, but agriculturally significant soils have the potential to be measurably more agriculturally productive for grazing or wildlife forage than soils without this designation.

2.4 Surface Water Resources

The Property is located on the west side of the Continental Divide within the Upper Colorado/Fraser River District of the larger Colorado River drainage basin. The primary surface water feature on the Property is the Colorado River, which fronts or traverses the south boundary for a total distance of about 1.5 miles. Flows gaged upstream (below Lake Granby) range from about 20 cubic feet per second (cfs) in winter to 1,980 cfs during peak flows in late spring. Extensive wet meadows, along with riparian shrublands and woodlands are supported in the river bottom/flood plain. A spring in the northwest part of the Property was flowing during the field visit. Water from this spring is piped to an adjacent Property for domestic use. Excess flow from the spring charges a draw with riparian shrub vegetation and a wet meadow where the drainage broadens at the foot of a slope (see the cover photograph of this report).

The Bunte Highline Ditch crosses through the Property generally northeast to southwest, serving irrigated meadows on the adjacent ranch. This ditch also historically irrigated hay meadows on the Property. Irrigation season is approximately 2 months each summer, depending on water supplies. Leakage from this ditch provides some sub-irrigation to certain areas of the Property’s historically-irrigated hay meadows. No adjudicated agricultural water rights are associated with the Property.

The Property’s water features support wet meadows and riparian areas that contribute to the uniqueness and importance of the Property and in the region—in terms of both agriculture and wildlife habitat. Aquatic areas and wetlands support proportionally more diversity of plants and wildlife than surrounding uplands. According to a landscape-scale mapping effort by the Southwest Regional Gap Analysis Project (USGS 2004), wetlands constitute less than 1 percent of the total area of Colorado, underscoring the importance of preserving them.

2.5 Landcover

The vegetation communities found on the Property are listed and briefly described in Table 3 below, and mapped on Figure 7. The vegetation map was created by interpreting a recent aerial photograph, combined with a walkabout survey of the Property.

Table 3. *Landcover Types on the Property*

Landcover	Percent of Property	Description
Sagebrush shrubsteppe and sagebrush shrubland	65.3%	The Inter-Mountain Basins Montane Sagebrush Steppe and Inter-Mountain Basins Big Sagebrush Shrubland types are found across the north part of the Property. The dominant species is big sagebrush (<i>Artemisia tridentata</i>). Other shrubs present include rabbitbrush (<i>Ericameria</i> spp.), antelope bitterbrush (<i>Purshia tridentata</i>), and silver sage (<i>A. cana</i>). Conspicuous grasses, forbs, and sub-shrubs were western wheatgrass (<i>Pascopyrum smithii</i>), bottlebrush squirreltail (<i>Elymus elymoides</i>), Sandberg bluegrass (<i>Poa secunda</i>), Oregon grape (<i>Mahonia repens</i>), sulphurflower buckwheat (<i>Eriogonum umbellatum</i>), beardtongue (<i>Penstemon</i> spp.), and lupine (<i>Lupinus</i> sp.). Smooth brome (<i>Bromus inermis</i>) was present in some areas, especially near the hay meadows. Cheatgrass (<i>Bromus tectorum</i>) is sparsely present, as well as crested wheatgrass (<i>Agropyron cristatum</i>) (which appears to have been seeded along the Northern Water pipeline in the north part of the Property).

Landcover	Percent of Property	Description
Hay meadow, historically irrigated	22%	The historically-irrigated hay meadows on the Property are mostly in smooth brome (<i>Bromus inermis</i>). Other cultivar grasses such as timothy (<i>Phleum pratense</i>), orchardgrass (<i>Dactylis glomerata</i>) and wheatgrasses (<i>Agropyron</i> spp.) are also present where conditions are favorable. In some of the meadow fringes were Canada thistle (<i>Cirsium arvense</i>), plumeless thistle (<i>Carduus acanthoides</i>), and musk thistle (<i>Carduus nutans</i>). See Photopoints 17, 20, 24, 29, 33, and 41.
Wet Meadow	8.3%	This type is in the Colorado River bottom and interstitially in the sagebrush shrublands on the Property—most notably the spring-fed wet meadow near the old homestead site in the northwest part of the Property. The vegetation is lush stands of wetland sedges and rushes, including beaked sedge (<i>Carex utriculata</i>) and water sedge (<i>Carex aquatilis</i>). In mesic areas, the dominant ground cover is Baltic rush (<i>Juncus balticus</i>). In the transition areas (to uplands) are rabbitbrush and shrubby cinquefoil (<i>Dasiphora fruticosa</i>), western wheatgrass, and saltgrass (<i>Distichlis spicata</i>). Scattered shrub willows are occasionally present (such as those described in the riparian woodland and shrubland type below).
Riparian Woodland and Shrubland	3.3%	The Rocky Mountain Lower Montane Riparian Woodland and Shrubland types are in the Colorado River corridor on the Property. The canopy layer is dominated by narrowleaf cottonwood (<i>Populus angustifolia</i>). The tall shrub layer includes mountain willow (<i>Salix monticola</i>), Geyer's willow (<i>Salix geyeriana</i>), greenleaf willow (<i>Salix lucida</i>), and occasionally coyote willow (<i>Salix exigua</i>). The herbaceous layer is dominated by smooth brome in drier areas, or by mesic graminoids including bluejoint reedgrass (<i>Calamagrostis canadensis</i>) and beaked sedge, with water sedge in wetter areas. See Photopoints 22, 23, 47, 49, 50.
Open Water	1.1%	This type is the open water channel of the Colorado River in the south part of the Property. See Photopoints 22, 50.
Aspen Woodland	0.1%	A small (less than 1 acre) stand of aspen (<i>Populus tremuloides</i>) is in the northeast Property corner.

3 LAND USE & MANAGEMENT

3.1 General Land Use & Conditions

The Property is managed as open space and wildlife habitat, and for the Town of Granby’s River Run Ranch water storage facility. The primary management activities on the Property are road maintenance (periodic grading, graveling, and winter plowing of select roads) and weed control.

Noxious weeds are not a serious management issue on the Property. The most conspicuous weeds were patches of Canada thistle (*Cirsium arvense*), plumeless thistle (*Carduus acanthoides*), and musk thistle (*Carduus nutans*) along certain roads and utility corridors and in edges of the hay meadow (see Photopoints 19 and 33, for example). These thistles are on the “Grand County Noxious Weeds on

Mandatory Control List” (Grand County 2024) but are not directly harmful to livestock or wildlife. Other County List noxious weeds included perennial pepperweed (*Lepidium latifolium*), scentless chamomile (*Tripleurospermum perforatum*), and common mullein (*Verbascum thapsus*), all in certain disturbed areas along roads (see Photopoint 1, for example). Cheatgrass (*Bromus tectorum*) was present in the sagebrush shrublands, though nowhere dominant. Houndstongue (*Cynoglossum officinale*) was present in some riparian areas, along with scattered thistles, usually in wetland-upland transition areas. The Grantor has a weed management program and actively manages noxious weeds on the Property with period spot-spraying with appropriate herbicides.

3.2 Minerals

The Grantee’s review of a title insurance commitment procured during the conservation easement conveyance process identified that the interests in at least part of the mineral rights are severed from the surface estate. Since the mineral rights on the Property are not wholly owned by the Grantor, the Grantor obtained an opinion from a professional geologist regarding the potential for surface mining on the Property in accordance with § 170(h) of the Internal Revenue Code and related Treasury Regulations. The geologist’s review of the Property’s mineral resources (Rare Earth 2024) concluded that the probability of extraction or removal of minerals from the Property by any surface mining method is “so remote as to be negligible.” No signs of recent or current minerals exploration or mining were observed on the Property during the field visit. Active gravel mining is occurring on adjoining lands. Topsoil berms occupying about 2.5 acres and related to the gravel mining activity on adjoining lands are present, or partially present, on the Property (Figure 4).

3.3 Recreation

No recreational activities occur on the Property currently.

3.4 Equipment, Materials & Waste Management

At the time of the field visit, there was no storage of equipment or waste on the Property. There was no storage of materials on the Property, except for the topsoil berms described in Table 1. There were no signs of past storage of equipment, materials, or waste on the Property.

4 RELATIVELY NATURAL HABITAT

The Property features relatively natural habitat conservation values (see Section 1.5 for a summary of the Property’s conservation values). The Property’s vegetation (Section 2.4) and surface water resources (Section 2.5) provide important habitat and habitat linkages for wildlife in the area. Surface water resources and vegetation communities on the Property are mapped on Figures 4 and 7 and shown in documentary photographs following the main text of this report. The ranges of selected wildlife species are mapped, relative to the Property, on Figures 8 through 12. Documentary photographs were taken at the photopoints shown on Figure 3.

4.1 Habitat for Threatened, Endangered, or Special Concern Species

Special status species are those protected by federal or state laws (the U.S. Endangered Species Act or Colorado’s Nongame, Endangered, or Threatened Species Conservation Act), or recognized by the state as a Species of Concern (CPW 2024), or recognized as rare or imperiled by organizations such as the

Colorado Natural Heritage Program (CNHP). It is important to note that it was not within the scope of this report to conduct a comprehensive survey for special status species during the field visit. Based on the Property's location and habitat characteristics, and the documented ranges of species in the region by either CPW (CPW 2023) or CNHP (CNHP 2022), the Property provides or has the potential to provide habitat, habitat linkages, or buffers for the following special status species:

Greater sage-grouse (State Species of Concern). The greater sage-grouse is a sagebrush obligate species that was formerly a Candidate for listing under the U.S. Endangered Species Act (Federal Register, March 5, 2010). Because of successful regional conservation partnership efforts, USFWS determined that listing was not warranted, but the greater sage-grouse remains a Colorado State Species of Concern, and a Tier 1 species in Colorado's 2015 State Wildlife Action Plan (SWAP)(CPW 2015). Colorado's statewide conservation plan (CGSGSC 2008, updated in 2012) specifies conservation goals for the species, including maintaining large sagebrush patches with favorable structural characteristics in order to provide winter and brood-rearing habitat to support self-sustaining populations of greater sage-grouse, and promoting the voluntary use of conservation easements in greater sage-grouse habitats. The Property is part of the range of the Middle Park subpopulation of greater sage-grouse. CPW maps the entire Property as generally within greater sage-grouse production area and the northwest part of the Property as winter range and severe winter range. A production area contains appropriate nesting habitat within 4 miles of a lek (breeding ground). One documented lek exists near the Property's north boundary (Figure 8) and three additional leks are within a mile of the Property. The Property includes Priority Habitat priority and general habitat and winter range (Figure 8). Most of the Property is mapped within "priority habitat," and that part of the Property in the Colorado River bottom is mapped as "general habitat" (Figure 8). These designations were established by a multi-agency team across greater sage-grouse range. Priority habitat represents occupied habitat within four miles of a documented lek location and where nesting is most likely to occur, and is considered critical for the perpetuation of the species and a priority for conservation. General habitat is occupied range outside priority habitat. The quality of sage-grouse habitat on the Property is good, containing a range of sagebrush cover classes, good cover of native grasses and forbs, and several interstitial mesic and wet meadows necessary for brood rearing.

Bald eagle (State Species of Concern). In Colorado, bald eagles are rare summer breeders and common winter residents in mountain parks and river valleys. The bald eagle was listed as endangered in the conterminous U.S. in 1967. Loss of habitat, shooting for feathers, and widespread use of the pesticide DDT are all thought to have contributed to the decline of this species; only 417 pairs were surveyed in the conterminous U.S. in 1963, down from several hundred thousand before the arrival of Europeans on this continent. Since domestic use of DDT was banned in 1972, bald eagle populations have increased dramatically, nearly doubling every 8 years. Approximately 6,500 pairs of bald eagles were recorded in the conterminous U.S. in 2000 (Buehler 2000). In 2001, 45 resident pairs were recorded in Colorado, up from 11 pairs in 1990. In 2007, the federal government de-listed the bald eagle. The most recent published Colorado Breeding Bird Atlas survey (2007-2011) documented 148 pairs in the state (CBAP 2016). Due to its relatively low numbers, the bald eagle continues to be recognized as a State Species of Concern in Colorado, and is a Tier 2 species in the Colorado's SWAP (CPW 2015). The Colorado River corridor provides excellent year-round foraging habitat for bald eagles searching for fish, and bald eagles also hunt in nearby shrublands and meadows for rodents or carrion. CPW maps the river corridor on the Property as bald eagle summer and winter forage range and within a winter concentration area (Figure 9). A roost site is also mapped in the river corridor of the Property, with active nests about 1 mile south (Figure 9).

Northern leopard frog (State Species of Concern). The riparian shrub and wet meadow areas on the Property provide suitable breeding habitat for the northern leopard frog. This widely distributed amphibian has become scarce in some areas of Colorado leading to its recognition as a Species of Concern (CPW 2021). In low elevation areas of Colorado, the leopard frog can be displaced by non-native bullfrogs or decimated by non-native predatory fishes (Hammerson 1999). In higher elevation areas, the decrease in abundance of these frogs is largely unexplained. The Colorado SWAP identifies the northern leopard frog as a Tier 1 species with High Priority for protection in shrub-dominated wetlands, grass-forb dominated wetlands, and transition streams (CPW 2015). Several historic documented occurrences exist from Middle Park (Hammerson 1999), and CNHP (2022) maps northern leopard frog presence in the USGS topographic quadrangle intersecting the Property.

River otter (State Threatened). The river otter is listed as state-threatened and is identified as a Tier 2 species in the Colorado SWAP (CPW 2015). The Property lies within CPW-mapped winter range of river otter and a concentration area is mapped just downstream, near the Colorado River/Fraser River confluence (Figure 12). After their disappearance from Colorado nearly 100 years ago because of unregulated fur trapping, CPW began restoring river otter populations in the upper Colorado, Dolores, and upper South Platte drainages in the 1970s. Otters have spread to many drainages across the state and are an indicator of a healthy stream system. A breeding pair of river otter typically requires approximately 1.5 to 8 miles of stream or shoreline depending on prey resources, and stream flow of about 50 cubic feet per second (Boyle 2006). The river corridor on the Property meets these requirements. Other requirements met by the habitat on the Property are food resources (fish, small mammals), good water quality, riparian vegetation providing at least 50 percent cover along banks.

4.2 Big Game Habitat

The Property lies within the overall ranges of big game species that are of economic importance to Grand County and the State of Colorado, and that contribute significantly to the biodiversity of the region.

Elk. The Property lies within overall range of American elk (Armstrong et al. 2011), within CPW's Game Management Unit 18, and in Elk Data Analysis Unit E-8. CPW maps the entire Property in elk winter range, and the area of the Property north of the river bottom as summer range, a migratory corridor, severe winter range, and within a winter concentration area (Figure 10). Due to hunting revenues, elk are of significant economic importance to Grand County and the State of Colorado, and contribute significantly to the biodiversity of the region. An estimated 40,425 elk were harvested statewide by hunters in 2022 (CPW 2022a), generating large revenues both directly and indirectly for the state (206,496 hunting licenses were issued and a total of 1,050,993 recreation days were provided). The elk population in Colorado was reduced to less than 1,000 animals in the early 1900s due to market hunting. Restoration efforts by CPW over the past several decades have resulted in a current elk population of approximately 280,000 animals statewide. Conservation of the Property is important to the landscape-scale conservation of elk habitat and movement corridors in the area. Establishment of the "No Disturbance Zone" (Figure 4) on the Property by the CE Deed will benefit elk by protecting them from disturbance on critical winter range and buffering the winter concentration area extending north from the Property. .

Deer. The Property lies within overall range of mule deer (Armstrong et al. 2011), within CPW's GMU 18 and Deer Data Analysis Unit D-9. The entirety of the Property is within CPW-mapped mule deer summer and winter ranges, and the northwest area of the Property is a mule deer concentration area (Figure 10). CPW maps the river corridor of the Property as overall range for white-tailed deer (CPW 2023). Both species of deer may be present on the Property year-round, and find good forage in the Property's

cultivated crops and rough pastures. Deer contribute significantly to the biodiversity of the region, and due to hunting revenues, are of significant economic importance to Grand County and the State of Colorado. In 2022, 88,937 licensed hunters harvested an estimated 38,049 deer in a total of 404,882 recreation days (CPW 2022b). Statewide, mule deer numbers have declined by approximately 36 percent in the past two decades, and mule deer herd numbers remain about 125,000 below CPW's population objectives. CPW (2014) identifies several factors contributing to the decline, namely Colorado's dramatic increase in human population, which has contributed to the direct loss and degradation of mule deer habitat due to housing developments, urban and suburban sprawl, making them vulnerable to development and disturbances by affecting their reproductive success. In many areas of Colorado, loss of critical mule deer winter range to urban and exurban development is a limiting factor on mule deer numbers (CPW 2014). Conservation of the Property, with its suitable habitat for both mule deer and white-tailed deer, is an important part of the overall regional conservation efforts for deer. Establishment of the "No Disturbance Zone" (Figure 4) on the Property by the CE Deed will benefit mule deer.

Pronghorn. The Property lies within the overall range of pronghorn, a big game ungulate occurring in open shortgrass or midgrass plains or semi-desert shrublands (Armstrong et al. 2011). The Property lies in CPW's GMU 18 and Pronghorn Data Analysis Unit A-37, and within a major pronghorn migration corridor and concentration area (Figure 11). Pronghorn were nearly extinct just after the turn of the 20th Century because of unregulated hunting (Armstrong et al. 2011). Pronghorn currently number about 50,000 in Colorado, with annual licensed harvest. In 2022, 18,564 licensed hunters harvested 9,844 pronghorn in Colorado in a total of 52,274 recreation days (CPW 2022c). Pronghorn browse on low shrubs including sagebrush, and supplement their diet with leafy forage in summer. They consume plants that are poisonous or injurious to domestic livestock, such as larkspur, locoweed, cocklebur, yucca, and needle-and-thread. Pronghorn find ample forage and good seclusion on the north part of the Property. Establishment of the "No Disturbance Zone" (Figure 4) on the Property by the CE Deed will benefit pronghorn.

Moose. CPW maps the entire Property area as summer range, and the southeast part of the Property as winter range, for moose (Figure 11). There were no records of breeding populations of moose in Colorado until their introduction to the state between 1978 and 2010 (Armstrong et al. 2011). Moose are relatively uncommon in the region, but their numbers continue to increase as they colonize new habitats. Moose occasionally travel through the Property to seek forest edges near water, which they favor. The riparian corridor of the Colorado River on the Property, especially the wet meadows and riparian shrub copses, provide good forage and cover for moose.

Black bear. The black bear is a wide-roaming omnivore with a relatively large territory size requirement. The Property lies within the overall range of black bear (Armstrong et al. 2011), and partially within a CPW-mapped summer concentration area (Figure 12). Summer concentration areas are those parts of the overall range where activity is greater than the surrounding overall range from June 15 to August 15. The Property's riparian areas provide forage, cover, and movement corridors for black bear.

Mountain lion. The Property lies within the overall range of mountain lion, a wide-roaming species with a relatively large territory size requirement (Armstrong et al. 2011). Although mountain lions inhabit most ecosystems in Colorado, they are most common in wooded or forested ecotypes with rough topography. Mountain lions require drinking water, which is available year-round on the Property. Mountain lions are common in the area and may occasionally occur on the Property, as they follow the movements of deer, their primary prey.

4.3 Habitat for Other Wildlife

The Property provides habitat or habitat linkages for small animals with large home ranges moving across the landscape, including many neotropical migratory songbirds (Kingery 1998) whose populations are declining in all or parts of their ranges (Rosenberg et al. 2019). These include Brewer's sparrow, green-tailed towhee, brown-capped rosy finch (migratory only), rufous hummingbird (migratory only), common nighthawk, Lewis's woodpecker, mountain blue bird, and loggerhead shrike. Several species of passerine birds could be expected to wetland areas and riparian corridors, including song sparrow, fox sparrow, MacGillivray's warbler, Wilson's warbler, dusky flycatcher, and veery. CPW maps the river corridor on the Property as a great blue heron foraging area, with rookeries downstream near the Fraser River confluence, and as a Canada goose production (nesting) area (Figure 9). A variety of ducks and other waterbirds are expected to use the riparian corridor. Raptors such as golden eagle, Swainson's hawk, red-tailed hawk, American kestrel, northern harrier, prairie falcon, osprey, and great-horned owl are expected to be fairly common (year-round or seasonally) in the area. Small mammals including muskrat, beaver, coyote, red fox, bobcat, badger, weasels, striped skunk, raccoon, cottontail, white-tailed jackrabbit, chipmunks, and several species of bats, mice, voles, and shrews are expected to inhabit or visit the habitat types found on the Property. Reptiles and amphibians anticipated to occur on the Property are bullsnake, western terrestrial garter snake, Woodhouse's toad, and tiger salamander (Hammerson 1999). The Colorado River supports a rainbow trout and brown trout fishery. Several of the above species are identified by the Colorado's SWAP as Tier 1 or Tier 2 species of greatest conservation need (CPW 2015).

5 OPEN SPACE

The Property provides scenic views and open space for the benefit of the public (see Section 1.5 for a summary of the Property's conservation values). The open space conservation value of the Property is described below and depicted in figures and documentary photographs following the main text of this report. Documentary photographs were taken at the Photopoints shown on Figure 3.



View toward Granby Highlands Trails Conservation Easement from U.S. Route 40 (August 2023).

5.1 Scenic Characteristics

The Property possesses scenic characteristics, with its open, aesthetically-pleasing array of rolling hills in sagebrush, gently sloping hay meadows, and wooded river corridor areas. These characteristics contribute to the openness and variety of the overall landscape in the region. The hills of the Property are

highly visible from the Colorado River Headwaters Scenic Byway (U.S. Routes 34 and 40) from the south, from adjoining BLM lands, and from the Town of Granby. From these locations, the public enjoys scenic unobstructed vistas across the Property toward backdrops of iconic Rocky Mountain views.

5.2 Agricultural Resources

The Property has supported agricultural uses in the past, including irrigated hay production, irrigated pasture, and rangeland pasture. These uses may continue at the discretion of the Grantor and Grantee, if agricultural use is in alignment with the conservation purposes outlined in the CE Deed. Nearly 31 percent of the Property has four soil types identified as “Farmland of Statewide Importance” (see Section 2.3). All the previously irrigated areas on the Property are in these soils of agricultural significance.

The past agricultural uses on the Property have been compatible with surrounding land uses, and compatible with wildlife habitat management, especially for big game species that produce significant hunting and tourism revenue for the local and state economies (Section 4.2).

5.3 Significant Public Benefit

Preservation of the Property under a conservation easement will yield significant public benefit because its open space provides a) scenic enjoyment for the general public, b) wildlife habitat and habitat connectivity at the landscape scale, and c) preservation of lands suitable for agricultural use. Landscape scale habitat connectivity is important to sustaining big game herds that attract hunting revenues to the area. Preservation of agricultural lands ensures that working landscapes remain open landscapes, which provide food, scenic enjoyment, and economic contributions to the area. The conservation easement is a significant addition to the accumulating preservation of open lands that sustain healthy and diverse wildlife populations and preserve scenic views and rural character in Middle Park.

The Property consists of several legal parcels with the potential for further subdivision and development—both residential and for sand and gravel extraction. Under the conservation easement, the Property will remain intact and protected from subdivision, residential development, and sand and gravel extraction, and will be transferable only as a single parcel. A significant benefit to the public will be provided by the conservation easement on the Property because of the strong likelihood that subdivision and development of the Property would lead to or would contribute to degradation of the relatively natural habitat and the scenic and rural character of the area. A further benefit to the public will be limited recreational access on a portion of the Property for non-motorized trail-based access and fishing.

5.4 Consistency with Government Policy

A conservation easement on the Property is supported by policy at the federal, state, and regional/local levels, and furthers the specific objectives of clearly delineated policies and land-use concepts, as described below.

Federal Policy

Treas. Reg. § 1.170A-14(d)(3) provides for the donation of a qualified real property interest to protect a significant relatively natural habitat in which a fish, wildlife or plant community, or similar ecosystem.

Federal legislation supports conservation of the Property through the Agricultural Act of 2014, and the Farmlands Protection Policy Act. The Farmlands Protection Policy Act, P.L. 97-98, 7 U.S.C. § 4021 et seq.,

the purpose of which is “to minimize the extent to which federal programs and policies contribute to the unnecessary and irreversible conversion of farmland to nonagricultural uses, and to assure that federal programs are administered in a manner that, to the extent practicable, will be compatible with state, units of local government, and private programs and policies to protect farmland,” supports the Property’s protection.

Federal legislation supports agriculture conservation through the Agricultural Conservation Easement Program, Title II, Subtitle F, Section 2601-2605 of the Agricultural Improvement Act of 2018, Public Law 115-334, which authorizes the Agricultural Conservation Easement Program under which the Secretary of Agriculture, acting through NRCS. NRCS, on behalf of the Commodity Credit Corporation, facilitates and provides funding for the purchase of conservation easements for the purpose of protecting agricultural uses and related conservation values of eligible land by limiting nonagricultural uses of the land.

State Policy

Colorado Revised Statutes (C.R.S.) provide for the establishment of conservation easements to maintain land “in a natural, scenic, or open condition, or for wildlife habitat, or for agricultural, horticultural, wetlands, recreational, forest, or other use or condition consistent with the protection of open land, environmental quality, or life-sustaining ecological diversity...” [C.R.S. § 38-30.5-102].

The Colorado Parks and Wildlife and Outdoor Recreation statutes [C.R.S. § 33-1-101 and § 33-10-101], provide, respectively, that “It is the policy of the State of Colorado that the wildlife and their environment are to be protected, preserved, enhanced, and managed for the use, benefit, and enjoyment of the people of this state and visitors to this state” and that “It is the policy of the state of Colorado that the natural, scenic, scientific, and outdoor recreation areas of this state are to be protected, preserved, enhanced, and managed for the use, benefit, and enjoyment of the people of this state and visitors of this state.”

Colorado’s State Wildlife Action Plan (CPW 2015) contains the following guiding principles: “Encourage and support conservation actions that meet the needs of Species of Greatest Conservation Need; Acknowledge the pivotal role that private landowners and local stakeholders play in conservation; Maintain an atmosphere of cooperation, participation, and commitment among wildlife managers, landowners, private and public land managers, and other stakeholders in development and implementation of conservation actions.”

The Colorado Department of Agriculture Statutes [C.R.S. § 35-1-101, et seq.] provide in part that “it is the declared policy of the State of Colorado to conserve, protect, and encourage the development and improvement of its agricultural land for the production of food and other agricultural products.” The agriculture statutes provide that, “the soil resources and fertility of the land, and the ... prosperity of the farming population ... and the waters of the rivers ... are matters affected with a public interest” [C.R.S. §35-3-102(a)]. Furthermore, the “welfare of this state has been impaired ... by destruction of its soil fertility, by uneconomic use and waste of its land, by exploitation and wasteful ... use of its soil resources” [§35-3-102(b)].

The Colorado Department of Transportation statutes [C.R.S. § 43-1-401, et seq.], provide that the “preservation and enhancement of the natural and scenic beauty of this state” are of substantial state interest.

The voters of the state of Colorado, by creation of the Great Outdoors Colorado Trust Fund program, and by adopting and administrating grant applications and due diligence review processes, have established that it is the policy of the state of Colorado and its people to encourage donation and to fund the voluntary bargain sale and acquisition of conservation easements, among other things, to preserve, protect and enhance scenic and open space lands, agricultural lands, wildlife, and wildlife habitat.

Priority III of Colorado's Statewide Comprehensive Outdoor Recreation Plan (SCORP) 2019-2023 is land, water, and wildlife conservation. The goal of Priority III is "Private and public lands and waters are conserved to support sustainable outdoor recreation, the environment, and wildlife habitat. Objective I of Priority III is to advance landscape-scale conservation.

Colorado's Water Plan, promulgated pursuant to C.R.S. § 37-60-106.3, includes the goal of reducing the transfer of water out of the agricultural sector to satisfy municipal and industrial water supply needs, which transfer "would result in substantial loss of agricultural lands and could potentially cause harm to the environment and to Colorado's economy." The Water Plan recommends multiple strategies to minimize "buy-and-dry" transactions, including encumbering agricultural lands and water rights in conservation easements.

The Western Governors' Association Policy Resolution 2024-03 states that the "Western Governors support all reasonable proactive management efforts to conserve species and the ecosystems upon which they depend to sustain populations of diverse wildlife and habitats, recover species before they are so imperiled they need ESA protection, and retain the West's wildlife legacy for future generations. Western Governor's also support initiatives that engage state and tribal governments as well as stakeholders to develop incentives for early, voluntary conservation measures to address multiple threats to species while preserving and enhancing western working landscapes."

Regional & Local Policy

The establishment of a conservation easement on the Property is consistent with the following regional and/or local government policies and plans:

Grand County Planning Commission Resolution 1998-4-20 adopting the Grand County Master Plan which provides for in part Primary County Goals such as to "Maintain open space and wildlife habitat throughout the county." Specific environmental quality goals include the following: "Preserve unique, sensitive or critical natural areas, lakes, streams, scenic vistas, wildlife habitat and aquifer recharge areas" as well as to "establish and maintain an open space program which utilizes open space as a means of preserving and protecting the natural environment." Strategic Growth Strategies and Implementation Actions include the following: "Maintain open space and wildlife habitat throughout the county."

Grand County Resolution No. 1999-8-8 established a "Right to Farm and Ranch" Policy which provides in part that "Ranching, farming and all manner of agricultural activities and operations within and throughout Grand County are integral elements of and necessary for the continued vitality of the County's history, economy, landscape, open space, lifestyle and culture. Given their importance to Grand County, Northwestern Colorado, and the State, agricultural land and operations are worthy of recognition and protection."

Grand County Land Conservation Plan, 1999, states "the intended purposes of conserved lands represent ways in which areas can be used to provide community benefits through buffering, agriculture or recreation." The definition of "Conserved Lands" includes lands that conserve significant wildlife and

natural areas, lands that conserve areas of high scenic quality and visual exposure, and lands that remain private for ranching and other agricultural practices that help to retain the rural and undeveloped character of the area.

C.R.S. § 30-28-101(10)(c)(X) which gives the authority to Grand County to adopt the Grand County Rural Land Use Plan that “provides the means of preserving open space.” Grand County adopted the Rural Land Use Regulations in 1998 with Resolution No. 1998-5-11.

6 RECREATION OR EDUCATION OPPORTUNITIES FOR THE PUBLIC

The CE Deed allows that the “Limited Use Area” of the Property provide outdoor recreation opportunities for the public (§1.170A-14(d)(2)). A Management Plan will ensure that the recreation activities on the Property do not adversely impact the Property’s relatively natural habitat and open space Conservation Values.

Recreation would include fishing along the river, and non-motorized uses trail-based use, such as walking, hiking, horseback riding, cycling, and Nordic skiing. Trails for these activities may be constructed and maintained in the Limited Use Area in accordance with the terms of the CE Deed. The Grantee reserves the right to limit public access during trail construction and maintenance, during times of emergency, to protect wildlife habitat, during periods of remediation activities, and to protect the habitat and open space Conservation Values of the Property.

Up to 10 miles of trails are permitted to be constructed on the Property. Trails would be designed and built to standards that will allow efficient access, minimize impact to vegetation and wildlife habitat, reduce erosion and uncontrolled storm water runoff. Alignments of trails will be in locations approved by the Grantee. Permission to construct trails is restricted to the “Limited Use Area” and does not include approval to construct trails on the “No Disturbance Zone.”

Other recreational amenities such as trailheads, parking, informational/directional kiosks and sign boards, signage, restrooms, and open air structures and improvements appropriate to support the approved recreational uses of the Property may be constructed in accordance with provisions of the CE Deed. No trails or recreational amenities exist on the Property currently.

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FIGURES

DOCUMENTARY PHOTOGRAPHS

Keyed to Figure 3