

Joining forces

Opposing sides work together to preserve land, water rights

By LORETTA SWORD

The Pueblo Chieftain

LEADVILLE — This tale started with all of the makings of a modern Western story, destined to end with greedy water thieves riding into the sunset as a tiny mountain valley withers and dies.

But it became a fairy tale instead, when the proverbial bad guys removed their black hats and made an offer no one could refuse.

And while putting together the Lake County Open Space Initiative, embattled little Leadville has become a model for other Colorado towns intent on preserving history and assets while inviting carefully controlled growth.

It all began in the summer of 1997, when five Lake County ranches totaling 5,700 acres were listed for sale.

Within days, three of them were optioned to cities, including Pueblo and Aurora, for the water rights tied to the land, and two quickly were sold to nonprofits.

Still suffering from a loss in assessed valuation that went from \$250 million to \$50 million following the closure of the Climax mine in 1995, the county was faced with losing even more revenue when all five ranches moved into the hands of tax-exempt owners.

The sales also posed the possibility that, after the cities finished their business in water court or if the nonprofits someday needed cash more than land, they would sell the former ranches to the highest bidder.

DID YOU KNOW?

Metals resulting from acid mine drainage have an impact on 1,300 miles of Colorado streams.

Source: Colorado State University



There were fears that cookie-cutter subdivisions and tacky tourist traps could devour a huge stretch of wildlife habitat, a critical elk migration and calving area, and the uncluttered views that comprise the Top of the Rockies Scenic Byway.

While many farmers and ranchers throughout the Arkansas River basin view the city of Aurora as one of the baddest of the bad guys when it comes to water deals, it was Aurora that turned this situation into a win-win proposition.

The city admitted that water rights were its only interest in the Hayden Ranch and offered to sell some of the land to Lake County. Aurora also offered the county first option on 10 percent of the water rights from the land.

County commissioners didn't think they could justify spending \$1.5 million to save a chunk of open space, even though early research showed taxpayers would have agreed with the idea.

So the commissioners started looking for land where housing and commercial development would be welcome and unobtrusive — U.S. Forest Service property near county-owned Ski Cooper, for instance. They also began exploring the idea of buying some ranchlands, including part of the Hayden and the Hallenbeck, to trade or sell to government agencies involved in public lands or wildlife management.

Eighty percent of the county is publicly owned and some of the agencies had plans to sell or abandon some properties the county could use. So the idea made sense. And it launched a series of complicated negotiations for land exchanges and sales that attracted 18 stakeholders.

The final proposal involves 8,600 of undeveloped land that will be owned and maintained as open space, parks or wildlife habitat by a variety of federal, state and local

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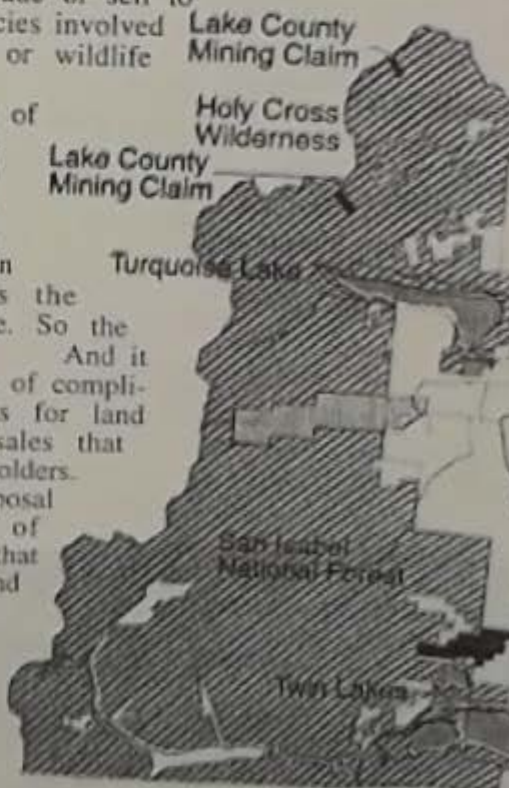
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Mike Conlin (right), Lake County consultant discusses the County Open Space Initiative with County Commissioner Martin.

Chieftain photo by Tracy

government entities — many of them more accustomed to being on opposite ends of a courtroom than lined up together around a bargaining table.

The purchases and exchanges are still awaiting final appraisals, environmental reports and other details, but county officials are confident the deals will be completed early next year.

For Lake County's part, some of the land it bought will be exchanged for the forest parcel adjacent to its ski area, where developers will be invited to build upscale housing and other tax-generating projects.

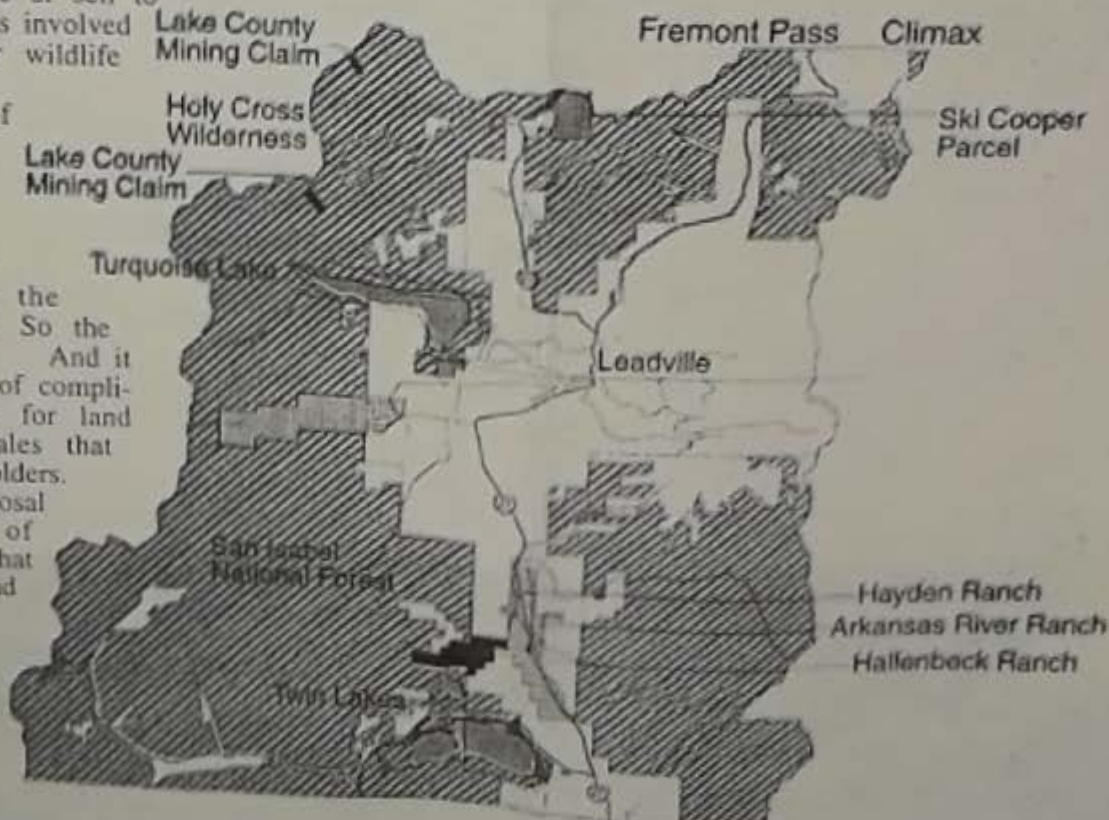
The Forest Service will take ownership of some ranch properties located along existing forest boundaries in areas where access problems had prompted plans to abandon the land and eventually sell it.

Instead, the acreages will be expanded, with better access for the public and maintenance workers.

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▲ Climax



● Forces

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For instance, part of the Hayden Ranch will become a park that will include camping and picnic spots scattered around several fishing ponds, including one with a dock for handicapped anglers.

And Lake County, home to the headwaters of the Arkansas, finally will be included in the Arkansas Headwaters Recreation Area, a state park that attracted nearly 750,000 recreation users last year.

Steve Reese, director of the park at headquarters in Salida, said the Leadville stretch should have been included from the beginning and many hard feelings will be softened by the deal.

LCOSI also means Lake County will have water to offer potential new industries or other employers.

"Right now, we have to tell them to find their own water and we'll treat it for them," said Mike Conlin, a consultant hired by the county to coordinate LCOSI negotiations.

Bernard Smith, a retired veterinarian and rancher and longtime veteran with the Lake County Soil Conservation Service, said the deal will make Aurora's water purchase more expensive. However, he added, "It's a breakthrough in thought and it could mean better changes to come. And it gives Lake County a better say-so about what happens in the future."

The rest of the acreage will fall into the ownership of the federal Bureau of Land Management and other state and federal agencies committed to preserving it for recreation uses and wildlife habitat.

County Commissioner Jim Morrison remembers the Forest Service declining an invitation to the first meeting — a four-hour, often heated ordeal that left some of the parties wondering if the proposal was just a crazy fantasy.

Few dreamed that it could grow so far beyond its original scope.

The Forest Service this year gave Lake County one of three awards in a seven-state region in recognition of the county's success in bringing together so many varied agencies as partners with a

common goal.

Commissioner Jim Martin walked out of the first meeting after three contentious hours.

"I'd had enough, and we weren't getting through to anybody," he said.

Once a few key players got the message, though, other agencies began to realize how they could profit and signed on.

Conlin said each of the agencies is a stakeholder as well as a beneficiary. And that's why it will work.

"Partnerships come together when you have a common goal. They stay together when there is a proprietary interest," he said.

The land exchanges won't involve "an acre for an acre. It's more a dollar for a dollar. But everyone comes out a winner."

Martin credits the city of Aurora for sparking the project.

"Aurora came to the table with the first offer. It was their voluntary partnership in this process that started it all, and that's when they broke the mold," he said.

Reese also praised Aurora.

"I know there were people in Aurora who said, 'We have to do this for the PR benefits'," Reese said. "But I also truly believe there were a lot of people who did it because it was an extraordinary idea — and because it was the right thing to do."

He said Aurora's offer, and the willingness of so many disparate agencies to build on it, "is an example of risk taking at its best."

The project has met with overwhelming support from county residents, who want someday to be able to work in their own town rather than commuting each day to Vail or other nearby tourist spots — but who aren't willing to trade their valley away for jobs or new housing.

As Conlin says, the valley's history, its elk, fish-filled streams and unspoiled vistas "have an intrinsic value. They have an aesthetic value, and they have an economic value."

"This project will allow us to keep those things, while channeling growth to areas where it's better suited and can be better controlled."