

**APPLICATION FOR GUNNISON VALLEY LAND PRESERVATION FUND (GVLPF)**

**Willow Creek Conservation Easement**

**June 18, 2025**

*[Acronyms used in this application: BLM = Bureau of Land Management; CE = conservation easement; COL = Colorado Open Lands; GRCL = Gunnison Ranchland Conservation Legacy; GVLPF = Gunnison Valley Land Preservation Fund; NPS = National Park Service; NRCS = Natural Resource Conservation Service]*

**1. Name/Title of Proposed Project:** Willow Creek Conservation Easement

**2. Applicant:**

*Name:* Gunnison Ranchland Conservation Legacy

*Designated Contact Person for the Application:* Susan Lohr, Director of Projects

*Mailing Address:* 210 W. Spencer Ave., Suite C, Gunnison, CO 81230

*Telephone Number:* (970) 641-4386 Gunnison office, (970) 210-7221 cell

*Email Address:* susan@paonia.com

*Names of other participating agencies or parties to the conservation easement and their role:*

Colorado Open Lands (land trust holding the conservation easement)

**3. Funding Request:**

*a) Amount of Land Preservation Funds Requested:* \$86,443

*b) Percentage of Land Preservation Funds to Total Cost:* 26%

*c) Requested Date Funds Available to Applicant:* July 2025

**4. Brief Description of Proposed Project:**

The owner of the Willow Creek property is placing a conservation easement on the entire 100-acre parcel, which is surrounded by public National Park Service and BLM land. The entirety of the property lies within designated Gunnison sage-grouse habitat. The conservation easement will prohibit residential use of the property. This request to the GVLPF is for the transaction costs incurred in placing the CE.

**5. Explain how the requested amount was calculated and how the fees will be used?**

The requested amount was calculated by receiving estimates from the professionals providing the transaction items, including the appraisal. The fees will be used to pay for all costs that are required to complete the CE and record it with the Gunnison County Clerk and Recorder.

**Budget & Information**

| <i>Project Activities:</i> | <i>Total Cost</i> | <i>GVLPB Funding</i> | <i>Other Funds</i> |               |                     |
|----------------------------|-------------------|----------------------|--------------------|---------------|---------------------|
|                            |                   |                      | <i>Amount</i>      | <i>Source</i> | <i>Status</i>       |
| CE Value                   | 250,000           | 0                    | 250,000            | Landowner     | Donation at closing |
| COL Administration Fee     | 10,000            | 10,000               |                    |               |                     |
| COL Stewardship Fee        | 29,143            | 29,143               |                    |               |                     |
| GRCL Project Fee           | 10,000            | 10,000               |                    |               |                     |
| Appraisal                  | 15,000            | 15,000               |                    |               |                     |
| Baseline Report            | 4,500             | 4,500                |                    |               |                     |
| Water Rights Report        | 500               | 500                  |                    |               |                     |
| Title Insurance and Fees   | 3,500             | 3,500                |                    |               |                     |
| Legal Costs                | 2,500             | 2,500                |                    |               |                     |
| State Fee                  | 11,300            | 11,300               |                    |               |                     |
| <b>Total</b>               | <b>336,443</b>    | <b>86,443</b>        | <b>250,000</b>     |               |                     |

**6. Have appraisals been completed? What additional work must still be completed?**

The appraisal has been commissioned and is underway. The title commitment is completed. The CE has been drafted by COL in consultation with the landowner. Gunnison County terms will be added to the CE if this grant request is approved. The water rights report is completed. The baseline report is in process. All documents will be reviewed and approved by the landowner and land trust before closing.

**7. Describe any in-kind contributions by type and value in support of this project. Were these contributions included in the costs listed above?**

The landowner is donating 100% of the CE value. This contribution is included in the listed costs.

**8. Please describe local support for the project:**

Gunnison Ranchland Conservation Legacy is the landowner. We received this property as a donation a few years ago from Jim Woodcock to use as we choose to further our mission of conserving ranchland. We believe the local public is supportive of our mission, especially when the property to be conserved provides habitat for Gunnison sage-grouse.

**9. Please describe the type of property transfer (Easement/Fee Simple, etc.). Have the terms of the proposed conservation easement been finalized? If so, please provide a summary of the terms and conditions.**

The Willow Creek Conservation Easement project is the donation of a perpetual conservation easement on 100 acres. The terms of the easement have been finalized. The conservation values of the CE are open space, agriculture, and relatively natural habitat for wildlife, specifically for Gunnison sage-grouse. The easement property cannot be subdivided. No water rights are diverted for use on the property. All mineral rights, 100% of which are owned by GRCL, will be retired into the easement. Residential use of the property is prohibited by the easement.

Rights for access to ensure that the terms of the CE are being upheld are granted to COL. If GVLPF funding is provided for the Willow Creek CE, the Gunnison County easement language that is required by the GVLPF Grant Agreement will be added to the CE deed. GRCL is comfortable with the county terms.

**10. What are the total acres of the parcel and what is the total amount being protected through this transaction?**

The Willow Creek property is 100 acres, all of which are being protected through this transaction.

**11. What organization will hold the conservation easement?**

Colorado Open Lands

**12. Provide the date the organization was accredited through the Land Trust Accreditation Commission and their current status.**

Colorado Open Lands (COL) was first accredited by the Land Trust Alliance in 2008, the year the accreditation program began. COL has been approved for accreditation renewal through 7/13/29.

**13. Provide the most recent date of this entity's certification by Colorado's Department of Regulatory Agencies to hold conservation easements.**

Colorado Open Lands (license number CE04) is certified for the 2025 calendar year, through 12/31/25. Certification is renewed annually.

**14. How do you feel this project meets the Land Preservation Board's guidelines?**

The mission of the Land Preservation Fund is to permanently preserve open space, agricultural lands, wildlife habitat, wetland areas, access to public lands, trails and watershed protection for present and future

generations. The Willow Creek CE project preserves open space, agricultural lands, wildlife habitat and wetland areas and contributes to watershed protection in the Willow Creek valley.

### ***Open Space***

The Willow Creek Property is adjacent to more than 270,000 acres of public Bureau of Land Management land to east west and south, and to 73,845 acres of National Park Service land. Twelve conservation easements on private ranchland in Gunnison sage-grouse habitat totaling 9,875 acres are within 10 miles of the Willow Creek Property. The entirety of the property is visible from U.S. Highway 50, State Highway 149, County Road 31, as well as from adjacent and nearby NPS and BLM lands.

### ***Agricultural Lands***

The Willow Creek Property was patented in 1912 by August Mergelman. The Mergelman family sold it to the Blackstocks in 1937 as part of a larger ranch. Blackstock sold to Miller in 1998, and Miller sold to Woodcock in 2010. GRCL received the property as a donation from Woodcock in 2022. Since it was patented, the property has provided seasonal grazing for livestock. Currently, local ranchers use it for pass-through grazing from their adjacent BLM permits for about 50 cattle, for two weeks each year.

### ***Wildlife Habitat***

The Willow Creek Property features gentle topography along both sides of Willow Creek, just before it ends at Blue Mesa Reservoir. Vegetation is largely montane sagebrush shrubland, with small areas of native montane grasses and shrubby willow riparian areas along Willow Creek. These habitats provide forage, cover, breeding grounds and migration corridors for a variety of wildlife, including species considered rare, threatened, or of special concern.

The entire property lies in occupied critical habitat, a major production area, a brood area, winter range and severe winter range for Gunnison sage-grouse. The property is included within a Priority Area of the Natural Resources Conservation Service Working Lands for Wildlife Sage Grouse Initiative, and in the Gunnison Basin Potential Conservation Area (PCA) designated by the Colorado Natural Heritage Program to recognize the importance of prioritizing lands within its boundaries for protection. PCAs identify land units deemed important to the continued existence of ecological processes that support one or a suite of rare or significant habitat features or species; in this case, the Gunnison Sage-grouse. Local grouse populations use the natural resources of the Willow Creek property year-round. After breeding in spring and rearing broods in summer along Willow Creek, the birds disperse into the sagebrush uplands and onto adjacent public lands to spend the winter, where their successful survival is dependent on the presence of sage buds and other vegetative resources.

The Willow Creek Property encompasses overall range for American peregrine falcon, and winter range for bald eagle and ferruginous hawk, all classified by Colorado Parks and Wildlife as Colorado Species of Concern. The property also lies within the overall ranges of big game species important to the biodiversity of the region, including black bear, elk, moose, mountain lion, mule deer and pronghorn. Summer range for elk, moose and mule deer and winter range and winter concentration area for elk and mule deer are mapped on the property by Colorado Parks and Wildlife. The property is also part of a migration corridor for elk.

### ***Wetland Areas***

Wetlands are found along the Willow Creek stream course. In years with average or above average water levels in Blue Mesa Reservoir, the area where the stream meets the reservoir expands to create seasonal wetlands.

### ***Watershed Protection***

The Willow Creek watershed upstream of the Willow Creek Property has few residential or other improvements. Although this property is located at the terminus of Willow Creek where it joins Blue Mesa

Reservoir, impacts from on-site septic systems, wells that withdraw groundwater, and any additional roads and driveways that come with infrastructure development will be prevented by the terms of the conservation easement. Protection of the entire watershed will be enhanced.

### **Carbon Sequestration**

Although not stated as a priority by the GVLPF, an emerging resource concern at all levels of public policy is carbon sequestration. Grasslands and rangelands, such as those comprising the Willow Creek Property, are documented by the U.S. Department of Agriculture in the 2017 General Technical Report WO-95, "Considering Forest and Grassland Carbon in Land Management" as providing a critical regulating function by offsetting about 12 percent of the nation's annual greenhouse gas emissions (p. 30). Grasslands store about one-third of the Earth's carbon. Managing grasslands as rangelands for grazing retains the ability of grasslands to sequester significant carbon. When destroyed, grasslands release 50 to 75 percent of the carbon they hold as carbon dioxide. [https://www.fs.fed.us/research/publications/gtr/gtr\\_wo95.pdf](https://www.fs.fed.us/research/publications/gtr/gtr_wo95.pdf)

### **15. If the project is funded, what additional operational obligations will be incurred and how will they be addressed?**

There are no ongoing operational obligations associated with the Willow Creek conservation easement.

### **16. How will the terms of the conservation easement be enforced over the long-term and provide detail on how the costs were determined?**

Colorado Open Lands monitors each conservation easement in the COL portfolio at least once a year, pursuant to the Land Trust Alliance's requirements for accredited land trusts. COL keeps digital records of each monitoring visit, which can be provided to the Land Preservation Board upon request. The stewardship fee charged at completion of the CE is invested by COL to pay for these annual monitoring visits in perpetuity.

### **17. What will be the status of water rights and mineral (including hydrocarbons) rights for the property?**

No water rights are diverted for use on the property. In the early 1900s, the Mergelman Ditch was constructed to bring water from four miles up Willow Creek to this and adjacent properties. Those water rights were formally abandoned by the water court in 1984 after decades of non-use.

The entire length of Willow Creek that flows from south to north through the property is subject to a Colorado Water Conservation Board instream flow decree from 2010 for 2.3 cfs from April 1 – June 30 and 0.5 cfs from July 1 – March 31. The purpose of the instream flow water rights is "to preserve the natural environment to a reasonable degree." This property is the only private property along the CWCB instream flow reach. A conservation easement preventing subdivision and residential development will benefit that purpose.

The landowner owns all of the mineral rights, which will be retired into the conservation easement and can only be leased under the condition that mineral removal is entirely from below the surface of the property without any surface impact or disturbance occurring on the property. For the purposes of the conservation easement, minerals are defined as soil, sand, gravel, rock, stone, decorative stone, gold and other rare earth elements, oil, natural gas, coalbed methane, hydrocarbon, fossil fuel, or any other mineral substance, of any kind or description, on, in, under or part of the property.

### **18. Provide a locational map identifying the total property and its relationship to other properties in the area.**

See maps and photos following.

NOTE: Prior to receiving grant funds, the grantee must sign the Grant Agreement which includes requirements that:

- a. The funds can only be used for the use intended;
- b. Gunnison County may request to be listed in the conservation easement as a third-party beneficiary of the covenants and terms of the Use Restriction and Grantee’s real property interest therein. The purpose of which is to allow the County the option to enforce use restrictions;
- c. Land trusts holding the conservation easement must provide monitoring reports to Gunnison County upon request;
- d. Land Preservation Funds can only be used for capital costs, which include land and all the costs necessary to complete the transaction;
- e. The Fund is subject to sales tax receipts and annual appropriation of Board of County Commissioners;
- f. If the Grantee fails to perform in timely manner funds are subject to forfeiture; and
- g. If the use restriction is terminated, funds are subject to reimbursement.

To the best of my knowledge and belief, statements and date in this application are true and correct.




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Signature (Principal Official):

|               |                    |               |
|---------------|--------------------|---------------|
| Stacy McPhail | Executive Director | June 18, 2025 |
|---------------|--------------------|---------------|

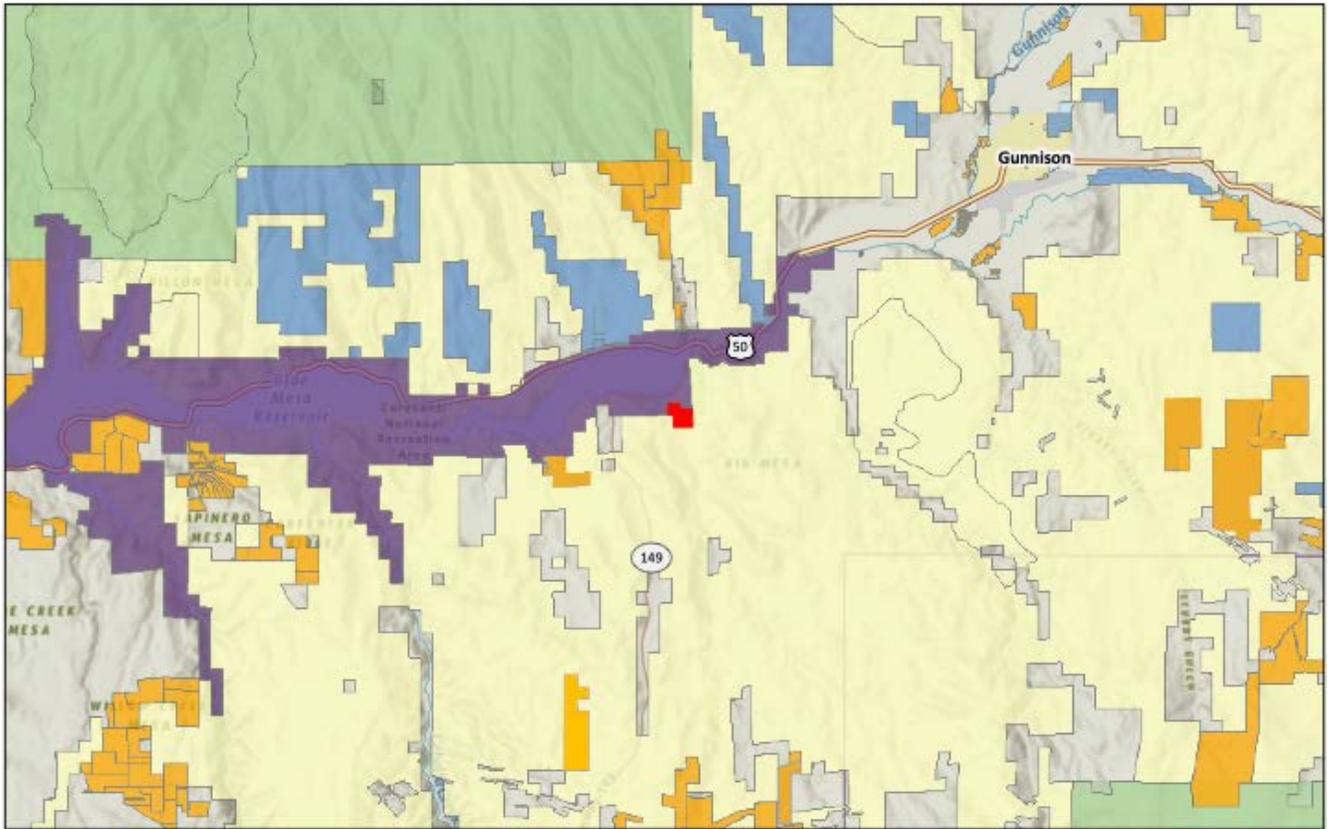
|                          |       |      |
|--------------------------|-------|------|
| Name (Typed or Printed): | Title | Date |
|--------------------------|-------|------|

Please bring 5 double sided copies to meeting and email application documents to:

Mike Pelletier  
 Gunnison County  
 200 E. Virginia Avenue, Ste. 158  
 Gunnison, CO 81230  
 (970) 641-7645  
 mpelletier@gunnisoncounty.org

# Willow Creek Property – Location Map

100 acres – Gunnison County

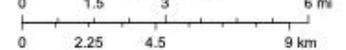


June 15, 2025

COMaP Land Status (Full Version)

- |   |  |  |   |
|---|--|--|---|
|  NPS                           |  Tribal |  NGO/Land Trust |  Willow Creek Property |
|  Misc Federal (BOR, DOD, Misc) |  USFS   |  State          |  Private Conservation  |
|  BLM                           |  USFWS  |  Local          |  Private               |

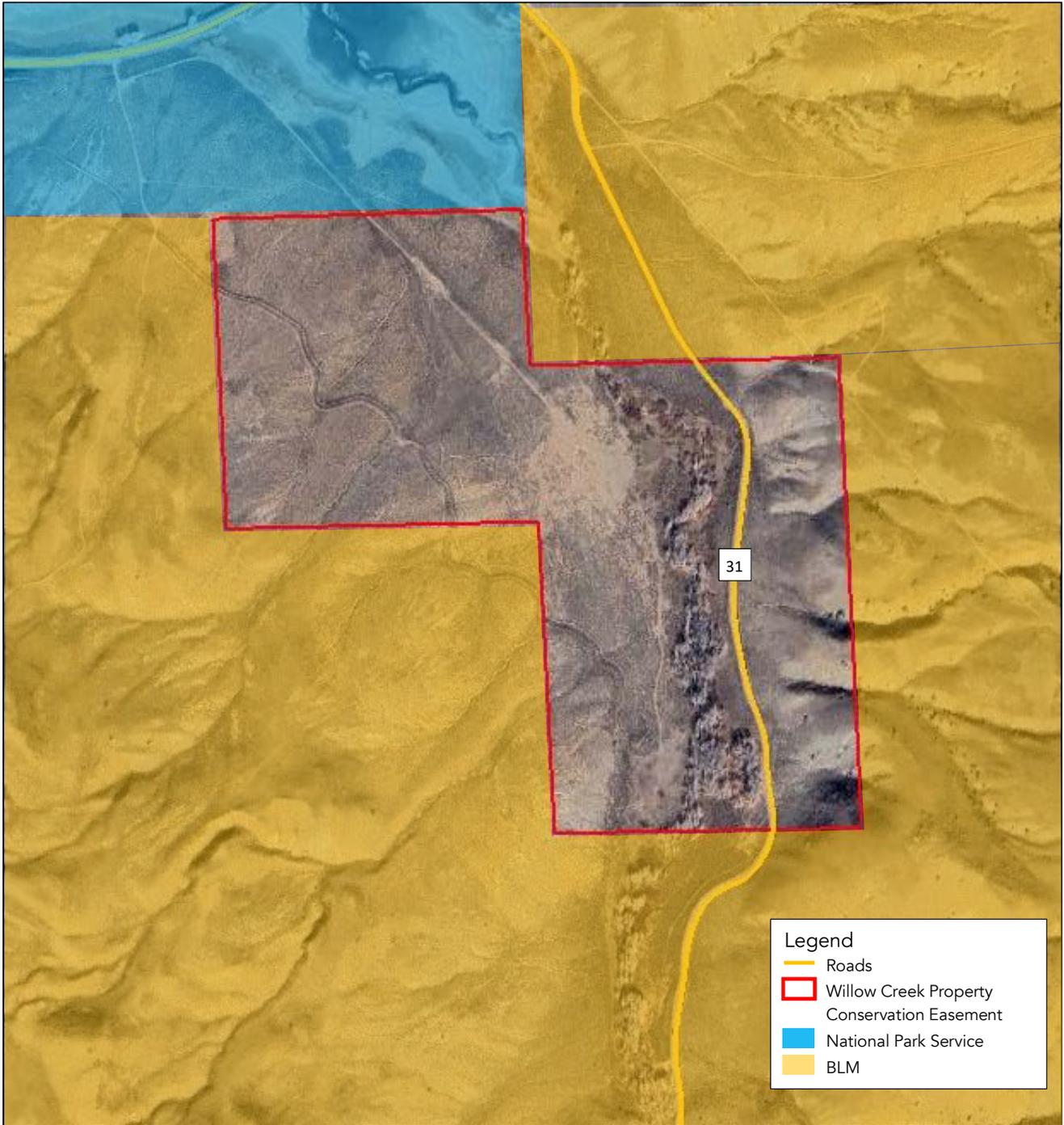
1:223,443



Esri, NASA, NGA, USGS, Esri, TomTom, Garmin, SafeGraph, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, USDA, USFWS, Source:

# Willow Creek – Property Map

100 acres – Gunnison County



Preparer: Gunnison Ranchland Conservation Legacy Date: June 17, 2025  
Data Source: Gunnison County (Roads, Tax Parcels, Conserved Lands), BLM Surface Management Agency (public land). Public access should not be inferred from this map. This map is not a survey and should not be construed as one.

600 ft



