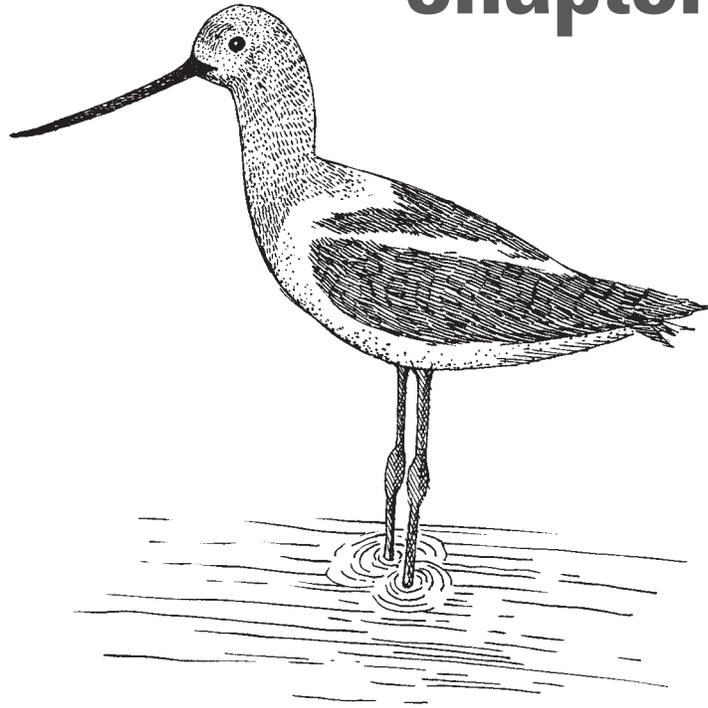


chapter 4



LAND ACQUISITION

Chapter 4. Land Acquisition

4.1 PROCESS

With the passage of the Great Sand Dunes National Park and Preserve Act of 2000, Congress granted the Service the authority to acquire land within the approved acquisition boundary of the refuge. Although the authority has been granted, this does not guarantee that all of this area will ever be acquired.

It is the policy of the Service to acquire the minimum interest in land that will achieve necessary habitat protection. The Service utilizes various methods to add units into the Refuge System including purchasing conservation easements, land exchanges, transfers, donations, and fee-title purchase. If land is purchased, it is the long-standing policy of the Service to purchase land on a willing seller-willing buyer premise. The Service will pay fair market value for all property purchased based on current real estate appraisals. Landowners who sell property may be eligible for relocation assistance under the Uniform Relocation Assistance and Real Property Acquisition Policies Act (1970).

In the case of the Baca National Wildlife Refuge, the enabling legislation clearly stipulated that lands owned by SLB, which total approximately 27,000 acres or 29 percent of the refuge, can only be acquired through donation or exchange. Given that SLB lands must generate revenue for the state, donation to the Service is not realistic or expected.

A joint effort between the SLB, BLM, NPS, and the Service is currently underway to exchange approximately 51,000 acres of surface and mineral rights within the refuge and Park acquisition boundaries for approximately 23,000 to 40,000 acres of BLM lands (acreage dependent on land valuations). BLM lands proposed for transfer to the SLB are located in Fremont, Saguache, and Conejos Counties adjacent to existing SLB properties. This multi-agency exchange project is well underway and is anticipated to be completed in 2006.

4.2 LAND ACQUISITION PRIORITIES

The Service has the primary responsibility to provide protection for a suite of trust resources including migratory birds, threatened and endangered species, inter-jurisdictional fish species, and certain marine mammals, and their respective habitats. With these responsibilities in mind, the Service has conducted a preliminary evaluation of the resources within the refuge to determine which lands comprise the highest priority for land acquisition. The result of this preliminary evaluation was the creation of three priority zones for land acquisition – Zones 1, 2, and 3 (figure 5).

Priority zones were developed based on the availability of wetland/riparian habitats as delineated by the NWI. The Service regards wetlands and riparian areas as the most important habitats requiring protection and preservation in the San Luis Valley. These habitat types generally



Black-necked stilts

USFWS/Tupper Ansel Blake

support a high diversity of plant and animal species. Because Colorado has lost nearly 50 percent of its wetlands (Dahl 1990, 2000) and because the San Luis Valley contains the highest remaining concentration of wetlands within Colorado, the protection of every additional wetland acre is considered a high priority.

Another criteria for determining priority zones for land acquisition addresses landowner parcel boundaries. It is the policy of the Service not to intentionally divide ownership parcels. Doing this could create an uneconomic remnant for the landowner. An uneconomic remnant is defined as “a parcel of real property in which the owner is left with an interest after the partial acquisition of the owner’s property....which has been determined to have little or no value or utility to the owner” (Sec. 301, (9) Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.) Therefore, the priority zone boundaries were adjusted with this in mind.

4.3 OWNERSHIP WITHIN PRIORITY ZONES

Priority zone 1 includes approximately 44,500 acres of the 100,000-acre Luis Maria Cabeza de Baca Grant #4 (figure 6) plus the remainder of the Baca Ranch and smaller tracts of private land, BLM, and state lands. The Baca Grant #4 is one of five replacement land grants issued to settle a land grant dispute around Las Vegas, New Mexico. In 1860, Congress allowed the owners of the original Luis Maria Cabeza de Baca Grant, which was issued in 1823, to select five alternative parcels within the territory of New Mexico. The fourth of these parcels was located in the San Luis Valley, which later became part of Colorado. This particular parcel persisted through the years essentially intact as it was passed through numerous owners.

Priority zone 2 includes approximately 27,100 acres (30 percent of the refuge) and comprises land east of the Franklin Eddy Canal to the priority zone 1 boundary (figure 5). This canal is the primary conveyance channel for water collected from the Closed Basin Project. The SLB is the largest landowner within this zone owning approximately 19,000 acres (66 percent) followed by TNC’s Medano Ranch (6,525 acres). Small tracts of BLM and private land comprise the remaining tracts. Currently, the state leases its lands for cattle grazing to local ranchers. As stated above, the Service is currently working with the state and other federal agencies on a land exchange project involving these state-owned lands.

Priority zone 3 includes the remaining lands (6,640 acres) within the refuge (figure 5). The SLB is the largest landowner owning approximately 6,320 acres (95 percent). The remaining 320 acres is in private

ownership, mostly in agricultural production. One functional center pivot irrigation system is present in this zone. In addition, the Hooper Pool, a privately owned pool/spa facility, is located within this zone (figure 6).

4.4 REFUGE REVENUE SHARING ACT

Lands owned by the Service are not subject to taxation. However, under provisions of the Refuge Revenue Sharing Act of 1935, as amended (Public Law 95-469), the Service annually reimburses counties to offset revenue lost as a result of land acquisition. This law states that the Secretary of the Interior shall pay to each county in which any area acquired in fee-title is situated, the greater of the following amounts:

- An amount equal to the product of 75 cents multiplied by the total acreage of that portion of the fee area which is located within such county.
- An amount equal to 3/4 of 1 percent of the fair market value, as determined by the Secretary, for that portion of the fee area which is located within such county.
- An amount equal to 25 percent of the net receipts collected by the Secretary in connection with the operation and management of such fee area during the fiscal year. However, if a fee area is located in two or more counties, the amount for each county shall be apportioned in relationship to the acreage in that county.

Payments under the Refuge Revenue Sharing Act are subject to Congressional appropriations to fully fund the amount paid to counties. In the past, Congress has appropriated only 50-60 percent of the necessary funding needed to fulfill the Refuge Revenue Sharing Act requirements. As a result, payments received by counties are usually less than what is outlined following the three criteria above. The Refuge Revenue Sharing Act also requires that Service lands be reappraised every five years to ensure that payments to local governments remain equitable. The first revenue sharing payment to Saguache County in the amount of \$2,261.00 for the White Ranch (3,315 acres) occurred in July 2004.

Figure 5. Land Acquisition Priority Zones



U.S. Fish & Wildlife Service
Baca National Wildlife Refuge
 Saguache and Alamosa Counties, Colorado

Land Acquisition Priority Zones
Figure 5

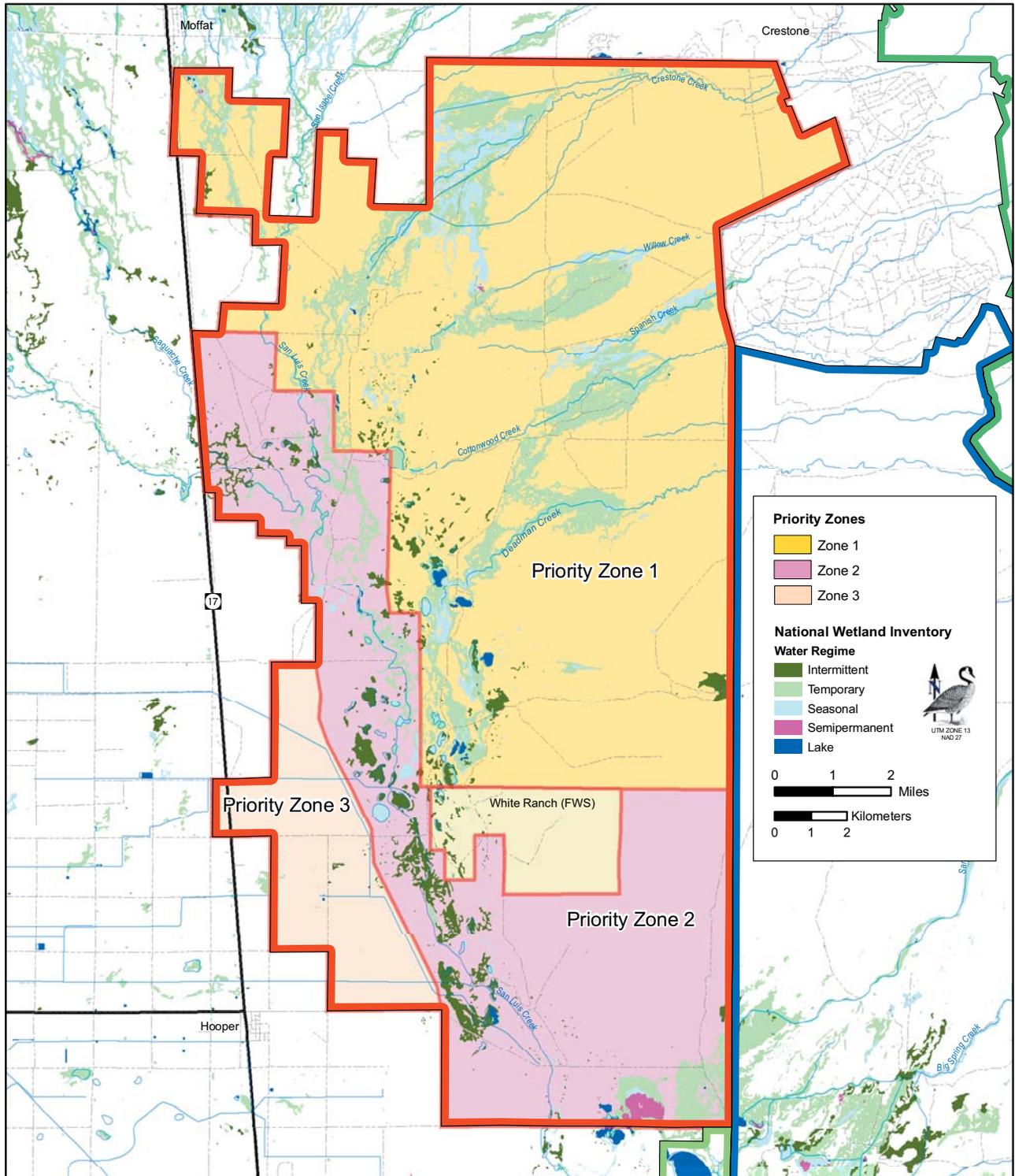


Figure 6. Land Ownership Map



U.S. Fish & Wildlife Service
Baca National Wildlife Refuge
 Saguache and Alamosa Counties, Colorado

Land Ownership Map
Figure 6

