



COLORADO

Parks and Wildlife

Department of Natural Resources

Colorado Wildlife Habitat Program 2018 Request for Proposals Instructions

Proposal deadline: *5:00 pm on Friday, June 15, 2018.*

Colorado Parks and Wildlife (CPW) is pleased to request proposals for the 2018 Colorado Wildlife Habitat Program (CWHP).

I. PURPOSE

The CWHP is a statewide real estate program which focuses on habitat protection and public access. The CWHP is an incentive-based and voluntary partnership program which supports CPW's mission and fulfills strategic and programmatic objectives through acquisitions of conservation easements, public access easements, and in limited circumstances, fee title purchases.

II. TO APPLY

Please review the proposal form ("Proposal") and other materials located on the CPW's website:
<http://cpw.state.co.us/aboutus/Pages/LandWaterCWHP.aspx>.

To apply, applicant must complete a Proposal for a property that addresses one or more of the following 2018 priorities:

- Public access for hunting, fishing, wildlife viewing
- Big game winter range and migration corridors
- Protecting habitat for species of concern (specifically those Species of Greatest Conservation Need, as identified in the State Wildlife Action Plan (SWAP))
- Riparian areas and wetlands
- Landscape-scale parcels and parcels that provide connectivity

In 2018, preference will be given to 3rd party conservation easements, working farms and ranches, and properties adjacent to wildlife crossings.

A land trust, local government, or other conservation organization ("Third Party") may submit a Proposal on behalf of the landowner(s). If the Proposal involves a conservation easement to be held by a Third Party, the Third Party must be qualified to hold conservation easements under federal and state law.

Proposals will be accepted between Monday, May 14, 2018 and 5:00 PM on Friday, June 15, 2018. Proposals must be submitted in electronic format only (PDF or Microsoft Word format).

Email Proposals to: Wildlife.RealEstateProposals@state.co.us. The subject line should include the title of your Proposal followed by 'CWHP Application'. If you do not receive a confirmation email within 24 hours, please contact Amanda Nims at (303) 291-7269.

Hand delivered or mailed Proposals should be in the form of a CD, USB jump-drive, or other standard media. Please do not send the Proposal by fax or paper copy.

Submit hand delivered or mailed Proposals (in the form of a CD, USB jump-drive, or other standard media) to:

Attn: Amanda Nims, Real Estate Section
Colorado Parks and Wildlife
6060 Broadway
Denver, CO 80216.

The CD, USB jump-drive, or other standard media should be clearly labeled with the title of your Proposal followed by 'CWHP Application' and must include contact information for the person or organization submitting the Proposal.

Completed Proposals must be received by 5:00 pm on Friday, June 15, 2018 to be considered in the current funding cycle.

III. PROPOSAL GUIDELINES

The Proposal form is designed to provide a consistent and standardized system of data collection for the scoring and evaluation process. Proposals must be accurate and complete. Please read each question in the Proposal form carefully, follow instructions, and limit your answers to the specific question asked in the space provided. Any request for significant modifications or changes to a Proposal after the Proposal deadline (5:00 pm on Friday, June 15, 2018) will not be considered.

The Proposal form is organized into the following sections:

- General Information
- Real Estate Interest
- Property Information
- Project Information
- Funding & Financial Information
- Executive Summary
- Signatures

IV. PROJECT SELECTION

Proposals are scored and ranked through a rigorous review process to evaluate strategic conservation impacts, ecological and biological significance, public benefits, and project feasibility. Applicants are strongly encouraged to contact their local CPW Area Wildlife Manager or his/her designee for assistance describing the wildlife and habitat values accurately and to discuss the merits of their Proposal. For habitat and species information, please see **Attachment 1**.

The selection process is competitive. Conservation easements and public access easements are prioritized over fee title acquisitions per CPW policy and legislative statute. Proposals that demonstrate budget leverage (e.g., partner contributions, cash, in-kind, or donated value) will be given additional consideration in the scoring process. Please see **Attachment 2** for scoring information.

Proposals are awarded funding based on approval by the Colorado Parks and Wildlife Commission ("Commission"). Applicants will be notified of the Commission's final award decisions following the November, 2018 Commission meeting. Negotiations for projects that have been approved for funding may begin in January, 2019. Funding will be distributed no earlier than July 1, 2018, subject to

completion of all required due diligence. Please see **Attachment 3** for a schedule of the Proposal review process and approval dates.

V. PROJECT FUNDING

Funding for the 2018 CWHP is approximately \$11,000,000 and is made possible through a conservation partnership with Great Outdoors Colorado (GOCO) and from license revenue generated from the sale of Habitat Stamps, pursuant to Title 33-4-102.7 CRS. Funding for projects approved in 2018 will be available in July 2019.

Funding through CWHP may be used to acquire real estate interests and for eligible project costs, subject to CPW policy. Please see **Attachment 4**.

Unless directed otherwise by the applicant in the Proposal form, CPW will determine the mix of funding applied to specific projects, subject to CRS 33-4-102.7. Please see **Attachment 5**.

Third-party conservation easement holders are subject to Title 33-4-102.7 (d), C.R.S., *“No third-party conservation easement shall be obtained using proceeds from the sale of habitat stamps unless the requesting organization contributes at least fifteen percent (15%) of the purchase price of the easement or fifteen percent of the purchase price is secured using other sources of nondivision funding; however, if, in the commission's discretion, sufficient hunting or fishing access is provided, the fifteen percent contribution requirement may be waived.”*

VI. ADDITIONAL INFORMATION

Colorado Parks and Wildlife recognizes that maintaining wildlife-compatible agriculture on the landscape is an important benefit that can be realized through appropriately crafted conservation easements and management plans. All conservation easement projects funded through the CWHP will have an accompanying management plan that must be agreed upon by the landowner and CPW prior to closing of the project. The management plan typically includes provisions for the type, timing, and duration of livestock grazing and recreational activities and overall management of vegetation to protect or enhance the property's conservation values identified in the conservation easement. Negotiating the terms and conditions of the management plan is a key step in the conservation easement process. Landowners are encouraged to develop a clear vision of the future of their property prior to entering conservation easement and management plan negotiations.

It is not required that CPW hold conservation easements funded through the CWHP; a Third Party (i.e., land trusts, local governments, or other conservation organizations qualified to hold conservation easements under federal and state law) may hold the conservation easement at a landowner's request.

All projects involving conservation easements funded by CPW are required to be monitored annually in order to fulfill stewardship and enforcement responsibilities. Third Party easement holders will submit to CPW a copy of the annual monitoring report for each easement that receives funding through the CWHP. CPW reserves the right to enforce the terms of the conservation easement, should a third party fail at this obligation.

Public access is not required for conservation easement projects. However, a landowner may choose to convey both a conservation easement and a public access easement. Landowners may also submit proposals to the CWHP for projects whose sole purpose is to provide hunting or fishing access through a public access easement.

Fee title purchases may be considered for properties with exceptional habitat or recreational values in limited circumstances where conservation easements or public access easements are not possible. Fee title

purchases are considered primarily for properties that are within or adjacent to State Wildlife Areas (SWA) and where the purchase would enhance management of an SWA. All reasonable options in lieu of fee title purchases will be pursued.

Under Colorado law, terms of the transaction become a matter of public record after the project is completed and closed. Additionally, it is important for CPW and our major funding partners to provide accurate information to the public regarding the CWHP efforts to protect vital habitats and provide hunting and fishing access. Applicants should be aware that after a project is closed, information about the transaction, including funding amounts, may be used by CPW for internal planning and public information purposes.

Colorado Parks and Wildlife does not provide legal advice to applicants. Applicants are strongly encouraged to consult their legal and financial advisors when contemplating any real estate transaction associated with the CWHP.

VII. CONTACT INFORMATION

For additional information about the CWHP or the application process, please contact:

Amanda Nims, Real Estate Section
Colorado Parks and Wildlife
6060 Broadway
Denver, CO 80216
Amanda.nims@state.co.us
(303) 291-7269

ATTACHMENT 1 – HABITAT AND SPECIES INFORMATION

Habitat and Species Information for Colorado Wildlife Habitat Protection Program (CWHP) Proposals.

Big Game: Bighorn sheep, elk, moose, mountain goat, mule deer, pronghorn, and white-tailed deer.

Big Game Migration Corridors: A relatively narrow, well-defined area where higher than average density of animals traditionally make movements between seasonal ranges (emphasis on sagebrush, mountain shrub, pinyon-juniper, oakbrush, and aspen habitats). Please consult your local CPW Area Wildlife Manager or his/her designee to determine if the project property is considered part of a migration corridor.

Big Game Winter Range: Habitat that supports high concentrations of wintering big game species (emphasis on sagebrush, mountain shrub, pinyon-juniper, oakbrush, and aspen habitats). Please consult your local CPW Area Wildlife Manager or his/her designee to determine if the project property lies within identified winter range.

DAU: Data Analysis Unit

Species of Greatest Conservation Need: Wildlife species identified by Colorado's State Wildlife Action Plan (SWAP) that are in need of conservation attention. A comprehensive revision to the SWAP was recently approved by the US Fish and Wildlife Service in March 2016. For species information, please see the following link to the SWAP: <http://cpw.state.co.us/aboutus/Pages/StateWildlifeActionPlan.aspx>

Species Richness: The number of different species supported by the project property.

Threatened and Endangered Species: Those species that have federal or state threatened or endangered status designations. A list of threatened and endangered species is found on CPW's website: <http://cpw.state.co.us/learn/Pages/SOC-ThreatenedEndangeredList.aspx>

Wetlands: Wetlands are lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this classification, wetlands must have one or more of the following three attributes: (1) at least periodically, the land supports predominantly hydrophytes; (2) the substrate is predominantly undrained hydric soil; and (3) the substrate is nonsoil and is saturated with water or covered by shallow water at some time during the growing season (Cowardin et al. 1979).

Wetland types include:

- Submerged aquatic (semi-permanent flooding with aquatic plants)
- Emergent marsh (seasonal or semi-permanent flooding)
- Wet meadow (high water table with grass/sedge/rush community)
- Shrublands and floodplains (seasonal flooding with shrubby vegetation)
- Peatlands/fens (flooded during growing season, low decomposition rate)
- Springs, seeps and sloughs (groundwater discharge site)
- Riverine (sand/gravel bars, other wetlands associated with stream channel)
- Playas (temporary lakes in pastures or prairies, flooded seasonally or less often)

- Lakes and reservoirs (included here because of their association with strategic wetlands and migratory waterfowl habitat)
- Artificial wetlands

Riparian Areas: Riparian areas are those plant communities adjacent to and affected by surface or ground water of perennial or ephemeral water bodies such as rivers, streams, lakes, ponds, or playas or drainage ways. These areas have distinctly different vegetation than adjacent areas or have species similar to surrounding areas but exhibit more vigorous or robust growth form (Definition used in CPW's riparian mapping project).

For the purpose of evaluation, the significance of a wetland or riparian habitat is how it supports priority wildlife species listed below. While the size of the target habitat will have some influence in judging the merits of the habitat, the availability and persistence of habitat useful to priority wildlife species and documented use by any of these species are most important.

Priority Waterfowl Species associated with wetlands/riparian areas:

Mallard
 Northern Pintail
 Gadwall
 American Wigeon
 American Green-winged Teal
 Blue-winged Teal
 Cinnamon Teal
 Lesser Scaup

Priority Nongame Species associated with wetlands/riparian areas:

Birds

Bald Eagle
 Least Tern
 Southwestern Willow Flycatcher
 Piping Plover
 Western Snowy Plover
 Western Yellow-billed Cuckoo
 Long-billed Curlew
 Greater Sandhill Crane
 American Bittern
 Short-eared Owl
 Red-naped Sapsucker
 Lewis's Woodpecker

Fish

Northern Redbelly Dace
 Southern Redbelly Dace
 Brassy Minnow
 Arkansas Darter
 Plains Orangethroat Darter

Herptiles

Yellow Mud Turtle
 Common Garter Snake
 Boreal Toad (S. Rocky Mtn. Population)
 Northern Leopard Frog
 Plains Leopard Frog

Mammals

Meadow Jumping Mouse (both subspecies)
 River Otter
 Dwarf Shrew

ATTACHMENT 2 – SCORING CRITERIA

2018 CPW Scoring Criteria - Each Proposal will be evaluated by CPW staff to determine:

- 1) Strategic Conservation Impact (maximum of 50 points)
 - Project impact
 - Connectivity to a larger conserved landscape
 - Property Condition
 - Urgency
 - Proximity to CPW lands
- 2) Big game Habitat Values (maximum of 45 points)
 - Species richness
 - Relative importance to breeding grounds
 - Winter range
 - Migration corridors
 - Adjacency to wildlife crossings
- 3) Riparian/Wetland Habitat Values (maximum of 40 points)
 - Habitat for priority waterfowl species
 - Habitat for wetland-dependent non-game species
- 4) Hunting Access Values (maximum of 40 points)
 - Public hunting opportunity/Level of CPW control of access
 - Harvest potential
 - Accessible acres
- 5) Fishing Access Values (maximum of 40 points)
 - Lake or stream acreage
 - Fishery quality
 - Public fishing opportunity/Level of CPW control of access
- 6) Other Scoring Considerations (maximum of 85 points)
 - Working Farm or Ranch status
 - Public Access for Wildlife Viewing
 - 3rd party conservation easement acquisition
 - Local, state, regional, or federal conservation plans
 - Special status species (species of concern)
 - Leverage
 - Facilitates sustainability and protects wildlife diversity
 - Facilitates partnerships
- 7) Adverse Considerations (Up to 100 points may be subtracted)
 - The project involves a fee title purchase that does not fall within a Regional or State priority.
 - The project includes a known factor that diminishes the quality of the habitat now or in the future; or project includes a known factor that would impact conservation values or impede CPW's ability to close the transaction.

- The project has an impractical cost or funding request is unrealistic, or the proposal does not support CPW's mission.
- Incomplete proposal or lacks pertinent information.

Score is determined by adding the points for all categories, dividing by the maximum points possible, then multiplying by 100. The maximum possible score for CPW staff criteria is 100.

2018 Habitat Stamp Committee Scoring Criteria - Each Proposal will be evaluated by the Habitat Stamp Committee to determine:

1) Effectiveness of the project (maximum 65 points)

- Protecting big game winter range.
- Protecting big game migration corridors.
- Acquiring public access to wildlife-related recreation, including fishing, hunting, and wildlife viewing.
- Protecting habitat for species of concern (special status species or threatened and endangered species).
- Preserving the diversity of wildlife enjoyed by Coloradans.
- Riparian areas.
- Wetland habitats.
- Proximity to protected lands.

2) Project Leverage (maximum 15 points)

- Cash, in-kind or donated match.
- Opportunity to leverage conservation on adjacent or associated lands.
- Cost effectiveness.

3) Urgency and Opportunity (maximum 10 points)

- Effectiveness of addressing habitat threats.
- Uniqueness of the opportunity to act proactively to achieve significant conservation.

4) Socioeconomic Values and Feasibility (maximum 10 points)

- Level of local non-financial support for the project.
- Readiness of the project to be completed quickly.

**Up to 5 points may be subtracted for each of the following elements:*

- *Restrictions on water rights needed for habitat;*
- *Potential for mineral development that negatively impacts habitat;*
- *Fee title proposals that do not provide adequate recreational opportunities;*
- *Pending litigation that could decrease the value of the property.*

Maximum score for the Habitat Stamp Committee criteria is 100 points.

ATTACHMENT 3 – TIMELINE

2018 Colorado Wildlife Habitat Program funding: \$11M

May 14th: Request for Proposals announcement. Proposal materials available on CPW's website, <http://cpw.state.co.us/aboutus/Pages/LandWaterCWHP.aspx>.

June 15th: Proposals due by 5:00 p.m.

June/July/August: CPW staff compiles applications and reviews and scores each project based on scoring criteria; scores are shared and discussed with the Habitat Stamp Committee (HSC). CPW Regions rank Proposals and develop recommendations for the Director and Commission. HSC ranks projects and makes recommendation to deliver to the Director and Commission.

August 9th or 10th: CPW Commission is updated on Proposals and the review process.

Late August: Director meets with the Leadership Team to review and consider projects and review staff's recommendations and HSC recommendations. Director forms his recommendations to the Commission for the "first round" approvals.

September 6th or 7th: Commission votes on the "first round" approvals.

After September 7th: Landowners and project partners are notified of the status of their proposals by email and follow-up letters. CPW Real Estate and Water staff researches transaction details of the projects that remain in consideration. Applicants may be asked for more detail on their proposed transactions.

Mid-October: The Director meets with the Leadership Team to form the final recommendations for projects that will move into negotiation (Tier1), be placed in waiting status (Tier 2), or be removed from consideration. The Director considers HSC and staff input and the results of staff's research into the proposed transactions. Director develops final recommendations based on RFP criteria with CPW senior staff input.

November 15th or 16th: The Commission determines which projects are approved for negotiation.

After November 18: Decision notices go out to landowners and partners by email and follow-up letters.

January, 2019: Landowners with projects approved for funding by the Commission may begin negotiations CPW Real Estate staff in January, 2019.

July, 2019: Funding will be available, subject to completion of all required due diligence and CPW approval. Closing dates must be approved by CPW.

ATTACHMENT 4 –ELIGIBLE COSTS

Eligible Costs for Real Estate Transactions Receiving CWHP Funds:

Fee title, conservation easement, or public access easement acquisitions are eligible for funding through the Colorado Wildlife Habitat Protection Program (CWHP). The purpose of this document is to outline which additional costs are eligible for funding provided by the CWHP.

CPW will not reimburse indirect costs incurred by a Third Party involved in a transaction, including staff time and in-house counsel.

CPW will reimburse direct costs listed below. Copies of invoices or other proof of expense will be required for reimbursement.

The following direct costs are eligible for either reimbursement or to be used as matching funds:

- Survey – if required by CPW
- Appraisal
- Environmental Hazards Assessment
- Baseline Documentation Report
- Title Policy
- Mineral Remoteness Letter
- Closing Costs
- Third Party attorney Fees -- costs of legal services, **excluding in-house counsel**, for representation of a Third Party in the transaction. **Please note:** there is a cap of \$20,000 per project on CPW's reimbursement of attorney fees. Landowners' attorney fees are not eligible to receive CPW funds or to be used as a match.

CPW will consider the following costs for eligibility as outlined below:

- Stewardship Endowment:
If the project budget includes a request for funding a stewardship endowment for a Third Party, detailed information must be provided on how the endowment request is calculated. CPW funds may be used for monitoring and reporting, but not legal defense. Requests **must be matched** by an equivalent cash contribution by the applicant and/or partners; **CPW will pay up to and including 50% of the total endowment; up to a cap of \$10,000.**
- Failure to close:
In the event a project fails to close, CPW has the authority, but is not obligated to reimburse direct costs.

ATTACHMENT 5 – FUNDING SOURCES

Funding for the 2018 CWHP is approximately \$11,000,000 and is made possible through a conservation partnership with Great Outdoors Colorado (GOCO) and from license revenue generated from the sale of Habitat Stamps, pursuant to Title 33-4-102.7 CRS.

Unless directed otherwise by the applicant in the Proposal form, CPW will determine the mix of funding applied to specific projects.

CPW's Habitat Stamp

- All funds must be used for the benefit of wildlife habitat or public access to such habitat.
- Priorities for the expenditure of Habitat Stamp funds shall include protecting big game winter range and migration corridors, acquiring public access to wildlife-related recreation, including fishing, hunting and wildlife viewing, protecting habitat for species of concern, and preserving the diversity of wildlife enjoyed by Coloradans.
- A citizen committee, appointed by the Governor and confirmed by the Senate, reviews projects and makes funding recommendations to the CPW Director and the Parks and Wildlife Commission annually.
- Real property interest acquisitions shall emphasize the acquisition of easements and ensure that all other avenues are pursued prior to fee title acquisition. Conservation easements and fee title purchases are allowed.
- Fee title purchase using Habitat Stamp funds shall be primarily for the purpose of providing access to the public for wildlife-related recreation, and shall be made available to the public for hunting or fishing, subject to Commission rules.
- Conservation easement acquisitions by land trusts are allowed by the statute that created the Habitat Stamp, but must also meet the federal rules that require CPW to ensure that projects funded with "Wildlife Cash" remain in compliance with the original purposes. Wildlife Cash refers to license revenue, which includes income from the sale of Habitat Stamps; therefore the rules associated with use of the Habitat Stamp funds are the same as those for Wildlife Cash. Specifically, CPW has the responsibility to ensure protection of the Conservation Values described in conservation easements funded by Habitat Stamp funds. To do this, 1) there must be a management plan acceptable to CPW for protecting the Conservation Values described in the conservation easement; 2) CPW must have the right to access the property for compliance monitoring of the conservation easement and management plan; and 3) CPW must have the right to enforce the conservation easement if violations occur and are not remedied. If these provisions cannot be met, then the project cannot receive Habitat Stamp funds.
- *Per Colorado Revised Statute 33-4-102.7:* No third-party conservation easement shall be obtained using proceeds from the sale of habitat stamps unless the requesting organization contributes at least 15% of the purchase price of the conservation easement or 15% of the purchase price is secured using non-CPW funding. However, if, in the Commission's discretion, sufficient hunting or fishing access is provided, the 15% contribution requirement may be waived.

GOCO funds awarded to CPW's wildlife programs

The mission of GOCO is: To help preserve, protect, enhance, and manage the state's wildlife, park, river, trail, and open space heritage.

A portion of CWHP funding is provided to CPW through a cooperative MOU to help fulfill GOCO and CPW common goals:

- Protect priority landscapes for wildlife.
- Integrate land and water conservation strategies.
- Protect critical wildlife habitats through the acquisition of easements.
- Provide appropriate programs for maintaining Colorado's diverse wildlife heritage.

GOCO funds are used for habitat protection. Projects must meet CPW's due diligence requirements, but are not put through a separate review by GOCO, unless GOCO funds have been awarded to the project directly from GOCO (e.g., through a GOCO Open Space Program grant directly to a land trust or local government). GOCO funds through CPW may not be used as match funding for other GOCO competitive grant programs.

(END)