

Four Larimer Co. projects receive GOCO grants

Dec. 11, 2013 |
0 Comments

Four Larimer County projects received a combined \$242,239 on Tuesday through the Colorado Lottery's GOCO program.

Larimer County received \$154,739 for campsite redevelopment at Pinewood Reservoir, according to a news release. Estes Valley Rec and Park District received \$35,000 to develop a trails plan, while the Legacy Land Corps received \$30,000 to hire a youth corps crew for Swift Ponds improvements. Larimer County Department of Natural Resources received \$22,500 for similar work at Horsetooth Mountain Open Space.

Eighteen projects across the state were selected to receive grant funding.

— Coloradoan staff

Estes still lacking open space guidelines

Proponents ask why no plan has been developed - even after years of meetings

By David Persons

Trail-Gazette

POSTED: 01/09/2014 12:15:46 PM MST

There has been a lot of talk regarding the need for a plan to preserve open spaces in the Estes Park area.

Yet, after nearly three years of meetings, discussions, and surveys, the town is no closer today to developing a set of guidelines for selling, preserving, or purchasing undeveloped property within the town limits.

In these times, that's hard to understand.

Larimer County began an open space program in 1995. Boulder County has one. So does Fort Collins, Loveland, Greeley and Windsor.

The question remains: Why doesn't Estes Park?

"We think the people of Estes Park are interested in maintaining open spaces," said Don Sellers, a member of the Association for Responsible Development, a local group that has pushed for an open space plan for several years.

There seems to be some merit to Sellers' assertion.

A citizen survey was conducted in 2011. Of the nearly 580 respondents, 77 percent said they felt that preservation of open space was either essential or very important. And, nearly half - 49 percent - said they would be willing to fund the preservation of open space with additional sales taxes for fees.

With that information in hand, ARD hosted an Open Space Forum at Town Hall in January 2012. The panel consisted of representatives from Larimer County, Town of Estes Park staff, and the Estes Valley Land Trust.

At the end of the well-attended forum, a request was made for the town to consider an open space/natural resource preservation plan.

After some additional talks, it was discovered that the town did not have a current database inventory of all town property. ARD members took it upon themselves to develop a searchable database.

After completing the database in early 2013, ARD members submitted to the town some suggestions for prioritizing some non-developed, town-owned properties for sale and ranked those they believed should be strongly considered for preservation.

To help facilitate this, Estes Park Town Administrator Frank Lancaster authored a draft policy called the "Town Board Policy Governance for the Ownership of Real Property in Estes Park."

Its stated purpose was "to provide guidance for the retention, acquisition, and disposal of real property owned by the Town of Estes Park."

ESTES PARK Trail Gazette

The draft policy suggested that the town had a right to own real property for: town buildings, utilities, recreation facilities, employee housing, transportation and mobility infrastructure, and protection of environmentally sensitive areas, view sheds, open space, and wildlife corridors.

The draft policy also outlined how the town may wish to acquire or retain property for future use and a procedure to follow when disposing of property.

Lancaster brought the draft governance policy to the board during a study session on July 23, 2013.

From the outset, the board seemed split on the draft policy.

Mayor Pro-Tem Eric Blackhurst pointed out that the town has held property in the past with no defined use and eventually developed into a park. Therefore, he didn't see a need for a policy to define property use.

Trustee Wendy Koenig said having such a policy would limit the board's decision and future boards should be provided the latitude to determine the criteria used in making decisions on the purchase or sale of property in the future.

Trustee Mark Elrod, however, said a policy would make it clear to the citizenry as to how the town determines the retention, purchase/acquisition and disposal of real property owned by

the governing body.

Trustee John Ericson said the town should be proactive in the management of town-owned properties, dispose of properties that are not needed, and use proceeds for projects.

In the end, the board essentially said it wasn't interested in a property policy but did request that Lancaster come back with some values for each property and recommendations regarding some of the properties.

Lancaster confirmed before Christmas that a follow-up discussion has been tentatively scheduled for the Jan. 28, 2014 study session.

Whether or not it will lead to anything is uncertain.

"It was kind of a mixed message," Lancaster said. "I don't think it's a done deal yet. I will make them a list of properties to keep or do something with. They may still want to go with a policy. It's still kind of unclear."

Tom Gootz, one of many outspoken open space advocates, brought the open space issue up again last Monday night as the town board took public comment on an ordinance to sell Lot 4 of the Stanley Historic District for the development of a proposed \$15 million wellness center.

Gootz reminded the board of its indifference toward efforts to develop an open space policy.

"I'm here to reiterate our disappointment," Gootz said.

Gootz, who is a member of Friends of Lot 4, a group which would like to preserve Lot 4 with a conservation easement, also told the board that the public perception of his group may not be fully

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understood. He said his group isn't against development and isn't opposed to the wellness center. He thinks the wellness center is a good idea - just not where it's being proposed.

"This is a very important view corridor," Gootz said. "I urge you to preserve this view corridor at the Stanley Hotel."

The board later approved a contract on a 6-0 vote to sell the Lot 4 property to Stanley Hotel owner John Cullen. Final approval will be needed by voters during an April 1 election.

An interesting side note to all this is that Friends of Lot 4 have turned in a citizen-initiated petition to the town clerk for signature verification. The petition contains an ordinance that is seeking a conservation easement on Lot 4 to limit development.

If there are enough valid signatures, then the citizen measure will go before voters on April 1 as well.

It could be the first of many development vs. open space showdowns.

THE DENVER POST

Conservation-easement lawyer's law license suspended

[By David Migoya](#)

[The Denver Post](#)

POSTED: 12/02/2013 01:21:17 PM MST [4 COMMENTS](#) | UPDATED: ABOUT A MONTH AGO



Rod Atherton poses for a portrait with Black Diamond in the llama field on his Arvada property in 2009. The field is a conservation easement. (Craig F. Walker, Denver Post file)

[The attorney who exploited Colorado's generous conservation-easement program](#), leaving it in tatters while revenue officials tagged dozens of his clients and investors for millions of dollars in back taxes from the deals he arranged, has had his law license suspended.

Rodney Atherton was suspended for four months after admitting he violated five rules of professional conduct when he helped clients profit from tax credits that came with investing in companies he created to take advantage of the state's conservation-easement rules.

THE DENVER POST

Another 14 months of suspension were set aside pending his successful completion of a two-year probation period, according to the ruling issued last month by Judge William Lucero, who presides over attorney discipline for the Colorado Supreme Court.

"I don't know that I can have a comment," was all Atherton offered when reached by The Denver Post last week.

The discipline is the culmination of several years of troubles that began when [state regulators unraveled inflated real estate appraisals tied to overvalued easements](#) beginning in late 2007. Those inquiries led to Atherton.

His clients, [including former Denver Broncos linebacker Bill Romanowski](#), reaped financial windfalls by investing with Atherton companies, then selling the resulting state tax credits while taking hefty deductions on federal tax returns.

But the windfall didn't last. Investors say they lost millions of dollars in the unsound deals and were double-dipped by companies involved in making them — many of them run by Atherton or his family, yet unknown to his clients.

Some of the easement deals Atherton created — huge projects that on paper were real estate developments — and the appraisals they balanced on were "abusive" and "fundamentally flawed," according to expert testimony filed in a [number of now-settled lawsuits that clients filed against him](#) when the system toppled.

In his ruling, Lucero noted how Atherton carried on multiple, overlapping roles — all conflicts of interest — in taking advantage of a program designed to protect valuable land from future development.

Now a partner at Ergo Law in Arvada, [Atherton created the investment companies](#), recommended the appraisers, served on the boards of the charities that held the easements, prepared tax-credit sales, hired his father's company to prepare reports, hired his wife's company to sell the credits — and never told any of his clients of the interconnections, Lucero wrote.

Although Atherton created dozens of easement-related companies, the complaint focused on [two of his deals](#): one that turned a lucrative hunting club into a [funding mechanism for an exclusive vacation club](#); and investments he made for client [Blaine Rollins, a well-known money manager at Janus](#) who would later find notoriety by working and investing with hedge-fund manager Sean Mueller, who is serving time for running a Ponzi scheme.

David Migoya: 303-954-1506, dmigoya@denverpost.com or twitter.com/davidmigoya

Read more: [Conservation-easement lawyer's law license suspended - The Denver Post](#) http://www.denverpost.com/business/ci_24639092/conservation-easement-lawyers-law-license-suspended#ixzz2qbNPoKtb

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Northern Colorado BUSINESS REPORT

Drilling ban shelves open space pact

[Print](#) [E-Mail](#) [Comment](#)

By [Steve Lynn](#) November 29, 2013



Backers worked for years to develop a pact designed to protect the oil- and gas-rich open spaces just south of the Wyoming border from destructive drilling practices. Now the pact is on hold thanks to the fracking ban approved by Fort Collins voters Nov. 5. Photo by Jonathan Castner

FORT COLLINS – A collaborative effort by The Nature Conservancy and local and state governments to establish protective buffers on the city's oil- and gas-rich open spaces will remain relevant despite a five-year drilling ban passed by voters this month, officials say.

However, the State Land Board, which owns potentially lucrative mineral rights under these open spaces, said it is dismayed by the moratorium. The Land Board believes the drilling ban will lead to lost revenue, spokesman Melissa Yoder said in an email, although the agency has not made projections. No oil and gas development has taken place on the lands, and leasing interest there has significantly slowed.

"Clearly, we are disappointed about the potential impacts this may have on the extensive work which was done by so many parties in our Mountains to Plains Energy by Design project for the lands in Soapstone, Meadow Springs, Red Mountain," Yoder said. "With a very thoughtful and collaborative approach, we were able to develop a plan which considered the incredible natural resources in balance with oil and gas extraction."

The Nature Conservancy joined city of Fort Collins and State Land Board officials to craft an \$88,000 plan to lessen the effects of drilling on open spaces just south of the Wyoming border: Soapstone Prairie Natural Area, Red Mountain Open Space and Meadow Springs Ranch. The plan, which several local and state government officials spent much of their time working on, was completed last January.

"It was a very collaborative project with a huge amount of cooperation between many different groups, so lots of people other than just the State Land Board were involved," Yoder said.

The State Land Board owns 15,000 acres of subsurface mineral rights in the open spaces north of Fort Collins. The land is owned by the city. Colorado state law allows separate ownership of property split between surface and mineral rights.

The 60,000-acre Soapstone open space contains the Lindenmeier Archeological Site, a National Historic Landmark where people lived 11,500 years ago during the Ice Age. Archaeologists discovered artifacts at the site in 1924. Sharp pieces of stone used to spear bison, thin bone needles for stitching hides as well as beads made of ochre rock believed to have been jewelry have been found at the site, last excavated in 1940.

Soapstone also is home to the second-largest population of the rare Colorado butterfly plant. Of the 26,000 plants known to exist in the state, 900 have been located on the Meadow Springs Ranch. The plant grows only in Colorado, Wyoming and Nebraska.

Energy by Design also addresses 33 species of wildlife in the area. Golden eagles nest there, swift foxes live in dens and pronghorn antelope spend their winters there.

Northern Colorado BUSINESS REPORT

Neither the Lindenmeier site nor the plant are protected by law, but the Energy by Design plan outlines buffers from drilling operations and has identified areas where protected wildlife live.

In February, the Fort Collins City Council banned hydraulic fracturing except for an agreement it reached with Black Diamond Minerals LLC in Denver, still allowing drilling in the natural areas. However, voters banned drilling in natural areas and the city in November.

William Burnidge, Eastern Colorado program director for the Nature Conservancy, said the moratorium will not affect the plan, published in January. The plan will remain relevant “if and when” development goes forward.

“It’s a very robust product that captured the biodiversity and other natural values that are present on those properties and did a good job of understanding the potential impacts,” he said. “There may be updates necessary if new information comes to light or other things change, but basically the (plan) will be relevant and durable for an extended period of time.”

Daylan Figgs, the city’s natural areas senior environmental planner, agreed that the plan could be updated.

“It will be in place five years from now,” he said. “We may have to dust it off a little bit, but the critical information... isn’t going to change that much.”

Companies such as Anadarko Petroleum Corp. (NYSE: APC) and Marathon Oil Corp. (NYSE: MRO) own or have leased thousands of acres in the natural area, according to Energy by Design documents. The area is unproven in terms of its potential for oil and natural gas extraction, but it borders profitable oil and gas acreage.

Anadarko, which did not participate in Energy by Design, currently does not plan to drill the open spaces, spokeswoman Robin Olsen said. A Marathon representative did not respond to a request for comment.

For now, Yoder said, the Land Board was “still evaluating what (the moratorium) means for trust lands.” The moratorium may not prevent the Land Board from leasing the property for oil and gas development.

“While we expect that the moratorium may negatively impact the short-term revenue outlook,” she said, “the (Land Board) will continue to evaluate leasing opportunities in this area.”

Larimer County acquires critical easement adjacent to Timnath for Poudre River Trail

BY [NFN](#) ON DECEMBER 17, 2013 IN [DISPATCHES](#) · [ADD COMMENT](#)

The Poudre River Trail moved one step closer to completion Dec. 17, when the Larimer County Open Lands program acquired a quarter-mile trail easement on the Swets property, the home of the Swetsville Zoo attraction.

This easement is a critical connection for completing the trail, which has been a community vision for nearly four decades. This portion of the project will connect future sections of the trail with the town of Timnath's recently built "Gateway Trail," soon to be accompanied by a trailhead, on the north side of Harmony Road.

"Even though this is a small section of trail, it's a big step forward for the Poudre River Trail. This connection sets the stage for future connections and brings the trail beyond Harmony Road," said County Commissioner Tom Donnelly, liaison to the Natural Resources Open Lands Advisory Board.

Funding for the acquisition came from the citizen initiated 1/4-cent Help Preserve Open Spaces sales tax which benefits Larimer County as well as its incorporated cities and towns to provide funds for land conservation and recreation areas throughout the county, and a grant from Great Outdoors Colorado. Great Outdoors Colorado invests a portion of Colorado Lottery proceeds to preserve and enhance the state's parks, trails, wildlife, rivers and open spaces.

The Poudre River trail has been in the works since the late 1970s, when communities in Larimer and Weld Counties began envisioning a recreation corridor along the Cache la Poudre River. Today the trail is nearly complete, with an approximately 6-mile gap between Colorado State University's Environmental Learning Center and River Bluffs Open Space in Windsor. Partners, Fort Collins, Timnath, Windsor, Greeley, and Larimer County are coordinating to secure funding and complete the regional trail. A successful 2012 Great Outdoors Colorado Grant of \$5.1 million provides funds to acquire additional open space and trail easements along the river corridor and construct additional amenities. Once complete the Poudre River Trail will provide a 44-mile paved route between Bellvue north of Fort Collins to Greeley's Island Grove Park. It is anticipated the trail will be complete in 2016.

Larimer County Natural Resources works with willing landowners to further the conservation and recreation interests of the citizens who dedicated funds for the Open Lands program through the 1995 Help Preserve Open Spaces sales tax.



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Larimer County Acquires Critical Easement for Poudre River Trail

Posted: Dec 17, 2013 9:10 AM MST Updated: Dec 31, 2013 9:10 AM MST

The Poudre River Trail moves one step closer to completion today with Larimer County Open Lands program acquiring a ¼ mile trail easement on the Swets property, the home of the Swetsville Zoo attraction.

This easement is a critical connection for completing the trail, which has been a community vision for nearly four decades. This portion of the project will connect future sections of the trail with the town of Timnath's recently built "Gateway Trail," soon to be accompanied by a trailhead, on the north side of Harmony Road. "Even though this is a small section of trail, it's a big step forward for the Poudre River Trail. This connection sets the stage for future connections and brings the trail beyond Harmony Road," said County Commissioner Tom Donnelly, liaison to the Natural Resources Open Lands Advisory Board.

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Larimer County Natural Resources works with willing landowners to further the conservation and recreation interests of the citizens who dedicated funds for the Open Lands program through the 1995 Help Preserve Open Spaces sales tax.

Poudre Trail adds another link toward completion

Larimer County has worked out a deal to run the trail through the Swetsville Zoo east of Fort Collins

Dec. 17, 2013 |
1 Comments



Cody Speaker of Timnath rides his bike along the Poudre River Trail at the River Bluffs Open Space on June 4, 2012. / Coloradoan library

Written by

The Poudre River Trail is a quarter-mile closer to becoming the 44-mile bike and running route between Bellvue and Greeley county officials and recreationists have envisioned for years.

Larimer County's Open Lands program on Tuesday announced its deal to acquire a quarter-mile easement to run the trail along the Swetsville Zoo property east of Fort Collins. The attraction featuring metal art built by Bill Swets is south of the Walmart Supercenter in Timnath.

County officials call the easement a "critical connection" for completing the trail, as it will connect future sections of the Poudre River Trail to Timnath's Gateway Trail.

"Even though this is a small section of trail, it's a big step forward for the Poudre River Trail," Larimer County Commissioner Tom Donnelley said in a written release. "This connection sets the stage for future connections and brings the trail beyond Harmony Road."

The easement acquisition was paid for by the voter-initiated, quarter-cent Help Preserve Open Spaces sales tax and a Great Outdoors Colorado (GOCO) grant.

The Poudre River Trail has been in the works since the late 1970s and is now about 6 miles away from completion. A \$5.1 million GOCO grant received in 2012 is being used to acquire additional open space and easements, and to construct additional trail amenities.

REPORTER-HERALD

Red Mountain Open Space closes for the season Dec. 1

Reporter-Herald Staff

POSTED: 11/27/2013 07:53:38 PM MST

Effective Sunday, Red Mountain Open Space, north of Fort Collins, will close for the season.

Larimer County Open Space officials close the area each winter because of weather conditions and the protection of wintering range for big game, according to a press release.

The area will be closed to the public until March 1.

To learn more about Larimer County's parks and open spaces, including parks that remain open during the winter, visit larimer.org/naturalresources.

REPORTER-HERALD

Volunteers finish several Larimer County Natural Resources projects

Reporter-Herald Staff

POSTED: 11/20/2013 08:06:51 PM MST

Larimer County Natural Resources' volunteers recently joined people across the nation in doing good on Make A Difference Day.

Pam Mayhew, volunteer coordinator, said in a press release that Larimer County volunteers cleared invasive buckthorn trees from Lions Open Space, repaired the damaged Nomad Trail at Horsetooth Mountain Open Space, removed volunteer cottonwood seedlings from the shores of Horsetooth Reservoir, and cleared debris and repaired flood damage trails at River Bluffs Open Space and trail.

She said more than 100 volunteers participated in the various projects the week of Make A Difference Day, Oct. 21-27.

Volunteers included participants from Loveland Junior ROTC, Daughters of the American Revolution, Colorado State University and CSU Forestry, Loveland Lions Club, Front Range Community College, the Bug-A-Boo 4-H Club, Loveland Mountain Club and Larimer County Project Team volunteers.

They gave more than 500 hours of service to the community, Mayhew said.

Larimer County Natural Resources used volunteers throughout the year, not just a Make A Difference time.

For information on becoming a regular Natural Resources volunteer or helping on a project, contact her at 619-4552 or email pmayhew@larimer.org.

REPORTER-HERALD

Volunteers sought for ranger assistant roles

By Reporter-Herald Staff

POSTED: 12/04/2013 10:50:12 PM MST

Larimer County's Department of Natural Resources and the city of Fort Collins Natural Areas Department are looking for volunteers to serve as ranger assistants.

The agencies are now accepting volunteer ranger assistant applications through Dec. 20, and will begin training volunteers in late February.

Volunteers attend 20 hours of training, and are asked to contribute 20 hours of service.

They act as ambassadors for natural areas and open spaces, answering visitor questions on trails. They also help care for trails, kiosks and other amenities.

People can volunteer on foot, ride a bike or ride a horse.

The training will help them learn about local and regional trails, how to approach visitors, ecology, safety and stewardship.

The volunteers also get continuing education classes such as first aid and CPR, winter ecology, as well as behind the scenes tours, recognition and more.

Candidates need to have experience in the outdoors, the ability to hike or bike a minimum of two miles, excellent communication skills, time for volunteering and filing patrol logs, access to the Internet and experience with computers.

Volunteers are especially needed on weekends.

Training will take place at 6-9 p.m. Feb. 18 and 20 and all day Feb. 22.

To apply, visit fcgov.com/naturalareas.

For information, contact Pam Mayhew at 619-4552 or email pmayhew@larimer.org.