

EXHIBIT 9

USDA Forest Service Land Acquisition Proposal

Agency: U.S. Forest Service

Fiscal Year Budget 2021

Project/Unit: Sweetwater Lake/White River National Forest

Priority: _____

State(s) and Congressional District: Colorado
Congressional District #3

Location: Sweetwater Lake is located along Garfield County Road 150, approximately 10 miles upstream of the Colorado River and 17 miles northwest of Interstate 70, Dotsero, Colorado. It is a private inholding in the WRNF and has year-round access. The property is a gateway to the 235,214-acre Flat Tops Wilderness.

Type of Project:

Single phase, fee-simple acquisition. The Conservation Fund has a purchase agreement to acquire the Sweetwater Lake property and is willing to buy and hold the property for eventual conveyance to the USFS, depending on the ultimate outcome of the ranking process. The offered property includes certain water rights dependent on the Forest's ability to put those to beneficial use. TCF procured a new appraisal that concluded the fair market value of \$9,050,000.

Proposed for FY 2021		
Interest	Acres	Cost
Fee	488	\$9,000,000
Easement		
Other	Water Rights	
Acquired to Date		
Protected		
In Process		
In Process		
Remaining		
Remaining		

Scoring Criteria

1.) Recreation and Recreational Access:

FISHING: The acquisition will 1) provide new and improved access to over 4 miles of shoreline and .5 mile of Sweetwater Creek; 2) support the continued health of the Sweetwater Creek tributary and the Colorado River recreation corridor and fishery; 3) protect habitat for the native cutthroat and brown trout; and 4) improve access for ice fishing. Colorado Parks and Wildlife stocks the lake with Kokanee salmon, rainbow trout, and brook trout.

HUNTING: This acquisition will provide new hunting access and importantly, improved access to the Flat Tops Wilderness located approximately one mile north of Sweetwater Lake. Garfield County is in the top three counties in Colorado for the number of big game hunter days, having 100,116 hunter days annually. Sweetwater Lake is located in northwest Colorado, which accounts for over \$14 billion in total economic contribution from outdoor recreation including hunting. Outdoor recreation in this region supports over 133,000 jobs.

CULTURAL: Acquiring this property will allow the USFS to partner with the Southern Ute Indian Tribe of Colorado, Ute Mountain Ute Tribe of Colorado, and Ute Indian Tribe of the Uintah and Ouray Reservation on several unique interpretive opportunities to include: the history of the Nuche (Ute people) and their use of the area, as well as providing input on the future restoration and management of the well-known Sweetwater Cave. Acquiring the property will allow interpretation of the unique history of Sweetwater such as the early Forest Service Outpost, tales of former resident Chicago Mobster -Diamond Jack, and the history of backcountry guides such as AJ Brink Outfitters.

EXPANDED PUBLIC RECREATION OPPPORTUNITIES: The project will preserve the scenic integrity of the Sweetwater Lake area. Currently, the Forest Service owns a small portion of the lake and shoreline with a nine-unit campground. This purchase will allow for updating and expanding to accommodate more visitors. Six trails are accessible from or near the property including the Ute Trail #2031, #2032, Cross Creek Trail #1855, Turret Creek Trail #1832, Sweetwater Trail #1854, and Shingle Peak Trail #2042. It will provide new access for variety of boating, fishing, hunting, watching wildlife, picnicking, camping, biking, hiking, horseback riding, and snowmobiling. Motorized access to and through the property will be maintained along the County Road 150.

2.) Watershed Protection/Climate Change:

CONTRIBUTES TO THE LARGER COLORADO RIVER WATERSHED: Parcel lies in the Upper Sweetwater Creek Watershed, which has its headwaters on the White River Plateau, where an abundance of high-elevation ponds, wetlands, fens and small streams provide a source of cold, clean water that drains through the parcel and on to the Colorado River. Sweetwater Creek is considered to be functioning properly according to the USFS Watershed Condition Framework. By removing the threat of development and diversion of water for consumptive uses, this project will also conserve downstream habitat for Federally endangered fish. The parcel itself includes approximately 10,000 linear feet of lake shore, four perennial streams, springs and over five acres of mapped wetlands. Sweetwater Lake is unique in that there are few lakes of its size at such relatively low elevation in Colorado. Acquisition of this parcel would bring these valuable and unique water resources under management direction that seeks to maintain the natural character, quality, quantity and health of these resources into perpetuity.

COLORADO NATURAL HERITAGE PROGRAM: According to the CNHP, the property is within the Sweetwater Lake Potential Conservation Area. This area is rated high for biodiversity significance because of the globally vulnerable mountain willow / beaked sedge montane riparian willow carr, and globally vulnerable aspen/thinleaf alder/montane riparian forest. There is also a probable breeding record of the White-faced Ibis.

RESILIENCY NOT FRAGMENTATION. Keeping these lands in open space will contribute to climate change resiliency by preventing fragmentation and potential development. Consolidating ownership of these lands will facilitate animal movement and secure migration patterns, improving the ability of wildlife to adapt to climate change.

The current owners had plans for a large-scale housing development, golf course, and water bottling facility. If not acquired by the United States, future owners could propose similar developments. This project will protect significant aquatic habitat, including the 77-acre lake and approximately 49 acres of wetlands and streams. Protection of this property allows for connected habitat across the Forest and the nearby Flat Tops Wilderness.

3.) Threatened and Endangered Species and Habitat (Forced Ranking):

T & E SPECIES HABITAT: Protection of water resources at Sweetwater Lake protects downstream habitat for pikeminnow, Colorado humpback chub, razorback sucker, and bonytail chub.

CONSERVES WILDLIFE HABITAT: With its mix of aquatic and plant community types, Sweetwater is valued as a place of high avian (bird) diversity, where there is ample cover, water, and food resources to support birds during the breeding season, as well as to provide a stopover site for migrants, such as the white-faced ibis. As a result, Upper Sweetwater Creek and Lake is mapped as a Cornell eBird hotspot for Garfield County. This is important, as a recent report indicated that North America has lost three billion birds, more than one in four birds, in the past 50 years, so hotspots like Sweetwater are key to maintaining potential refugia in the face of habitat loss, one of the primary reasons for avian decline.

Raptors: There is ample cliff side habitat that provides nesting opportunities for the American peregrine falcon and golden eagle, both of which have confirmed nests. Coniferous trees adjacent to the lake provide nesting sites for bald eagles and osprey. Abundant fish provide a prey base for bald eagles and ospreys to support adults and young through the summer season.

Colorado species of concern include the bald eagle, osprey (longest continuously inhabited nest in Colorado relies on the lake), a rare summer tanager, and important winter range for elk and mule deer. Mountain lion, black bear, bobcat, otter, and other species will benefit from the project.

4.) Proposal/Tract Location (Forced Ranking):

The tract is a private inholding within the White River National Forest. The Forest Plan management areas for this property include deer and elk winter range, forested flora and fauna, and is within one mile of the boundary of the Flat Tops Primitive Wilderness Area. The property is located within a network of Colorado Inventoried Roadless Areas and is surrounded by the "Sweetwater A" Colorado Inventoried Roadless Area.

5.) Connecting Communities/Partner Support:

The Colorado Congressional Delegation (Senator Michael Bennet (D), Senator Cory Gardner (R) and Representative Scott Tipton (R)) signed a bipartisan letter of support. State Representative Perry Will (R) has provided a letter of support. Garfield and Eagle County Commissioners voted in favor of the project. Eagle County has committed \$___million to help leverage anticipated LWCF monies to acquire this property. The elected officials of Eagle, Glenwood Springs and Gypsum have written letters of support. There is a vibrant community fundraising campaign being led by the Eagle Valley Land Trust to support the due diligence of the purchase process.

Many local outdoor education programs rely on the Sweetwater Lake property including Walking Mountains, Small Champions, Vail Recreation District, Scouts, 4H, Fishing is Fun Programs, Valley View Hospital Youth Recovery Center, Beaver Creek Kids Camps, Anderson Camps, and Eagle County Schools. Acquisition of this property will ensure these programs continue, providing children with a priceless connection to nature, recreation, and western heritage.

BUSINESSES: Brink Outfitters, Outdoor Industry Association, Vail Resorts, Aspen Skiing Company

PARTNERS/CONSERVATION ORGANIZATIONS: Colorado Parks and Wildlife, Backcountry Hunters & Anglers, Eagle Valley Land Trust, Walking Mountains Science Center, American Rivers, Rocky Mountain Elk Foundation, Trout Unlimited, Mountain Valley Horse Rescue, Aspen Valley Land Trust, Roundup Riders of the Rockies, The Conservation Fund, Eagle County Historical Society, BLM-Colorado River Valley Field Office, and Sweetwater Community Club.

INDIVIDUALS: Liz Mooney, Adrienne Brink, Joe Macy, Hope Kapsner, Paul Testwuide, Mike and Fran Shields, Kathleen Hollingsworth, Tom Edwards, Adriana Sulak Bombard, Larry Agneberg, Hatsie Hinmon, and more are expected.

6.) Regional Ranking:

7.) Operation and Maintenance:

Acquisition results in a net loss of ___miles of property lines, a savings of \$___in ongoing boundary marking and maintenance. Consolidation of the public lands increases management efficiencies in fire fighting and overall forest health. (Hesch)

Redeveloping and updating the recreation facilities in concert with private partners will reduce the current costs the Forest incurs keeping the existing campground and trailheads maintained. This partnership will further allow for greatly expanded, and financially sustainable, public opportunities to camp, hike, boat, fish, horseback ride and hunt at the Lake and in the surrounding area on NFS lands while still protecting the resources and retaining the experiences the public values in this area.

Additional Information: Optional

After the latest development effort to build over 240 homes and an 80-room hotel and golf course failed, the original investors took over ownership and shut down access to the lake and cabins and list the property for sale. The Conservation Fund (TCF), a national non-profit land conservation organization, secured a contract to purchase the property from the sellers amidst competing bids from private developers.

The lake and surrounding property has been the heart of the Sweetwater Community for over a century. It has been a gathering place for ranchers, retirees, young families and workers. Their homes are located far apart on the Sweetwater Creek, on a nearby county road, and along the Colorado River. It has been an opportunity for connection and interaction.

The White River National Forest proposes irrigation of approximately 100 acres of the Sweetwater Lake Ranch property and expansion of the recreation opportunities at Sweetwater Lake.

The absolute water rights associated with the subject parcel include 14.66 cubic feet per second for irrigation purposes and 3.5 cubic feet per second for domestic purposes. The existing irrigation water rights are more than sufficient to supply the proposed irrigation needs. Domestic water supply for expanded recreation are pending evaluation by the Forest.

In addition to the water rights associated with the subject parcel, the United States holds two absolute water rights on the National Forest System lands immediately adjacent to the Sweetwater Lake Ranch property. The Forest has expressed some interest in potentially using these rights to protect the aesthetic and recreation values associated with the natural lake.