

**Sent:** Saturday, March 07, 2015 9:57 AM

**To:** 'wreynolds@blm.gov' <[wreynolds@blm.gov](mailto:wreynolds@blm.gov)>

**Cc:** 'tsullivan@co.routt.co.us' <[tsullivan@co.routt.co.us](mailto:tsullivan@co.routt.co.us)>

**Subject:** FOIA- Purchase of Hubbard Property at Yampa River/Sarvis Creek influence, Routt County

Ms. Wendy Reynolds, Field Manager of the BLM Little Snake Field Office, hi.

This is a FOIA request; requesting the State and County Commissioners consent documentation as required for the sale of the Hubbard Property (Routt County, CO, Private Land) to the Federal Government, and as described in Colorado Revised Statute (CRS) 3-1-102. Please see bolded print in the law below.

CES 3-1-102. Consent to acquire land - when notice required - directive to the attorney general

(1) Except as provided in this section, the consent of the state of Colorado is hereby given, in accordance with section 8 (17) of article I of the constitution of the United States, to the acquisition by the United States, by purchase, condemnation, or otherwise, of any land in the state required for custom houses, courthouses, post offices, arsenals, or other buildings whatever, or for any other proper purpose of the United States government; except that consent is not hereby given to the acquisition of, or exclusive jurisdiction over, land sought by the United States department of defense for purposes associated with the expansion of the Pinon Canyon maneuver site. **However, before any privately owned land in the state is acquired for any purpose other than for public highways, custom houses, courthouses, post offices, arsenals, or other governmental buildings, the United States shall give written notice of intention to acquire the land to the board of county commissioners of the county wherein the land is situated and to the division of property taxation, which notice shall be given at least sixty days prior to the date of the intended acquisition. If the notice is not given or if the board of county commissioners or the division files with the secretary of state of the state of Colorado within the sixty-day period a request that the acquisition be considered by the general assembly of the state of Colorado, then the consent of the state of Colorado shall not be deemed to have been given to the acquisition unless and until the general assembly of the state of Colorado shall have by law specifically consented thereto.**

(2) The attorney general of the state of Colorado shall oppose any attempt by the United States department of defense or other unit of federal government to acquire by any means, including purchase or condemnation, state lands for which consent to acquire has been withdrawn pursuant to this section for the expansion of the Pinon Canyon maneuver site pursuant to subsection (1) of this section and section 36-1-123.5, C.R.S. Such opposition shall be made a priority by the attorney general and, whenever feasible, take precedence over any other matters.

Thank You.

# Sarvis Creek Event Celebrates Conservation, Partnership

Sep 21th, 2015 | Written by Western Rivers Conservancy



*Ruth Welch, Patricia Hesch and Steve Craddock unveil a plaque celebrating the partnership that protected the Hubbard Summer Place property, marking the symbolic opening of the property for public recreation. Photo by Russ Schnitzer.*

This Saturday more than 40 people gathered on the banks of the Yampa River to celebrate the successful conservation of the historic [Hubbard Summer Camp](#), near the confluence of the Yampa River and Sarvis Creek. Representatives of Western Rivers Conservancy, the Bureau of Land Management, the U.S. Forest Service, the Yampa River System Legacy Partnership, the Yampa Valley Flyfishers, and the Routt County Board of Commissioners were in attendance.

The 43-acre Hubbard Summer Camp property lies three miles downstream from Stagecoach Reservoir and controls more than one-third of a mile of the Yampa River. The property connects the Sarvis State Wildlife Area upstream to public lands administered by the Bureau of Land Management downstream. Conserving this property created new access to a stretch of this classic tailwater fishery that was formerly closed to the public.

Early efforts to conserve the Hubbard property date back to 1995. Conservation efforts gained momentum in 2011 when the Yampa River System Legacy Partnership sought inclusion of this parcel in the America's Great Outdoors initiative. It was then that the BLM approached WRC about acquiring and conserving the property.

"When we learned about Hubbard's Summer Place," says WRC President Sue Doroff, "We immediately recognized the need to protect it and make it accessible. It's a special place, with outstanding conservation values and great potential for low-impact recreation."

WRC purchased the property in 2013 and began working to assemble the funding to allow the BLM and USFS to acquire the lands. With support from the Yampa River System Legacy Partnership, it conveyed the property to the BLM and USFS in December 2014 so it could be forever managed for conservation and recreation.

The day began with the symbolic removal of a cross-river fence that separated the Sarvis State Wildlife Area and the Hubbard Summer Camp property, as well as the addition of a fence ladder to enhance access between the two parcels. Volunteers from the Yampa Valley Flyfishers and the BLM and Forest Service removed heavy cabling and old barbed wire. Colorado Parks and Wildlife supported the effort by creating a staging area for the project, providing supplies, and hauling off fencing material that was removed from the river and its banks.



*A volunteer helps remove the fence separating Hubbard's Summer Place and the Sarvis State Wildlife Area. Photo by Russ Schnitzer.*

Saturday's celebration also acknowledged the strength of the partnership that delivered this conservation success. "It is unusual for two agencies like the Forest Service and the Bureau of Land Management to work together to acquire a single piece of property, but in this case we demonstrated the power of partnerships, both within the federal government and with

our external partners the Yampa River Legacy Partnership and Western Rivers Conservancy” said Ruth Welch, Bureau of Land Management Colorado State Director “None of us could have achieved this on our own.”

Routt-Medicine Bow National Forest and Thunder Basin Grassland Supervisor Dennis Jeager added “While we are all excited about new fishing access to the Yampa River, let’s not forget that projects like these benefit all Americans who want access to places to hike and spend time with their families outdoors – not just our generation but for generations to come.”

**Sarvis Creek Yampa River Colorado**

Current through all Laws passed and signed in the First Regular and First Extraordinary Sessions of the 71st General Assembly (2017)

- [Colorado Revised Statutes](#)
- [TITLE 3. UNITED STATES](#)
- [JURISDICTION](#)
- [ARTICLE 1.PROPERTY CEDED TO UNITED STATES](#)

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### History

#### Source:

L. 07: p. 589, § 1. R.S. 08: § 6900. C.L. § 493. CSA: C. 168, § 2. L. 47: p. 895, § 1. CRS 53: § 142-1-2. L. 63: p. 977, § 1. C.R.S. 1963: § 143-1-2. L. 2007: Entire section amended, p. 681, § 2, effective May 3. L. 2009: Entire section amended, (HB 09-1317), ch. 381, p. 2072, § 1, effective June 2.

#### ▼ Annotations

#### Notes

Cross references: For the legislative declaration contained in the 2007 act amending this section, see section 1 of chapter 183, Session Laws of Colorado 2007.

## Case Notes

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### ANNOTATION

A state has jurisdiction over all the territory within its borders not reserved in the act of admission. *Robbins v. United States*, 284 F. 39 (8th Cir. 1922).

A state may, by legislative enactment, effectively cede jurisdiction over lands to the government for its purposes, and the acceptance by it will then be presumed. *Robbins v. United States*, 284 F. 39 (8th Cir. 1922); *People v. Sullivan*, 151 Colo. 434, 378 P.2d 633 (1963).

However there is no constitutional principle which compels acceptance by the United States of an exclusive jurisdiction contrary to its own conception of its interest. *People v. Sullivan*, 151 Colo. 434, 378 P.2d 633 (1963).

And this section together with a resolution of the county board were sufficient to cede or transfer through legislative agency, to the federal government, such jurisdiction and control as the state possessed over the highways in a national park. *Robbins v. United States*, 284 F. 39 (8th Cir. 1922).