



- Janet Urquhart/Aspen Times file

Wexners take land exchange to BLM

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CARBONDALE — The Bureau of Land Management, not Congress, will take up a Carbondale-area land swap proposed by billionaire landowners Leslie and Abigail Wexner, whose representatives spent more than a year butting heads with Pitkin County officials in an effort to win county support for the exchange.

The proposed trade, sweetened with the addition of 117 acres used by mountain bikers at the base of the Crown, would convey 1,464 acres of BLM land into private hands and turn over 674 acres of private holdings to the public.

Gone from new proposal, submitted to the BLM on Friday, is a previous offer by the Wexners to extinguish 72,500 square feet worth of existing development rights on their Two Shoes Ranch, located at the base of Mount Sopris, south of Carbondale. During negotiations with the county, the couple had offered to forego development of 10 homes (there are approvals for 27 homes at Two Shoes), a riding arena and other buildings.

An offer to place more of the existing Two Shoes Ranch under a conservation easement, another enticement to gain county support for the land swap, has also been dropped.

“The package that was existing before had more in it for Pitkin County,” said Aspen attorney Gideon Kaufman, representing the Wexners.

The Wexners had hoped to secure the county's support for a legislative land exchange — one that would have required congressional approval. After more than a year of negotiations and debate, talks broke off last May and the couple withdrew their request for the county's endorsement.

Since then, Congressman John Salazar, with whom the Wexners' representatives had been working as a potential sponsor of legislation to effect the swap, has been voted out of office. And, according to Kaufman, there is a backlog of exchanges in Congress.

“At the end of the day, legislative exchanges are taking as long as administrative exchanges...it's not saving time anymore,” Kaufman said.

The administrative exchange will be reviewed and decided upon by the BLM — a process that will include an analysis under the National Environmental Policy Act, which some county representatives had argued should occur. It doesn't under the congressional process.

“I think for this type of an exchange, that's the system that was set up,” said Dale Will, county director of Open Space and Trails. “It has safeguards in it...I think that's good.”

“If it was going to happen, it should happen with full evaluation and review,” agreed Commissioner Michael

Owsley. "I think the administrative process will do that to a degree."

The BLM review will take at least two years, said agency spokesman David Boyd on Friday. The first step will be an internal review by the BLM. If no substantive issues surface, the first opportunity for public input on the exchange could take place this summer, he said.

"The decision is, is this in the public's interest? That's what we'll be looking at," he said.

Still on the table is the offer of \$100,000 for development of a BLM management plan for the Sutey Ranch, located north of Carbondale and the Red Hill Recreation Area, as well as a \$1 million endowment for ongoing maintenance of the Sutey property, which comes with water rights and a ditch system. The endowment will also provide funds for the Haynes parcel, which has been added to the deal.

The Haynes property encompasses about 160 acres along Prince Creek Road, for which the Wexners paid almost \$2 million, Kaufman said. About 117 acres, including four acres of the Two Shoes Ranch, located on the east side of Prince Creek Road, would be turned over to the BLM. It is criss-crossed with mountain bike trails connecting to the trail network on the Crown, which is already BLM land. The Haynes parcel also provides space to create off-road parking for trail users.

That piece of the deal would be of interest to the public as it would preserve the use of popular trails that are not currently on public property, the BLM's Boyd said.

"I think a lot of people ride that and don't really realize that's not BLM land," he said.

"It's the most popular way for the public to access the Crown from Carbondale, and includes some of the best entry-level trails in the valley," said Mike Pritchard of the Roaring Fork Mountain Bike Association, in a press release issued Friday detailing the proposal submitted to the BLM.

The preservation of the bike trails is a positive development, and one the Wexners offered to pursue during their negotiations with the county, said the county's Will.

"Putting that land into the BLM solves a potential dispute," he said. "We're happy to have [the BLM] take it."

In addition, the Wexners have acquired another 37 acres and water rights that the Sutey family originally retained when the couple purchased the ranch in 2008 with the land swap in mind. The proposed swap would now convey 557 acres, encompassing all of the ranch and agricultural water rights associated with it, to the BLM.

The Sutey Ranch has been touted as important big-game habitat, and wildlife officials have said they will press to keep it closed during the winter. Mountain bikers are excited about the prospects for access through the property to the Red Hill trails in the summer months. The scenic ranch is presumably ripe for development if it is not conserved.

The value issue

Though the package now before the BLM does not include certain enticements offered to win Pitkin County's support, it does appear to address a number of the county's concerns.

For one, the addition of the Haynes property means the public would gain some land within the county. While the BLM land the Wexners want is in Pitkin County, the sole parcel they offered up in trade initially, the Sutey Ranch, is in Garfield County.

In addition, the Wexners won't seek a tax break associated with the conservation easement they intend to

place on the 1,268 acres they would acquire, Kaufman said. The easement will protect the acreage from development, including oil and gas activity.

And, while the acreage the Wexners would gain is greater than what they've offered in trade, the monetary value of the land that becomes public is greater than the value of the BLM land that would become private, Kaufman said.

The value issue was a key sticking point for Pitkin County. Both Open Space and Trails officials and some commissioners suggested the BLM land was of greater value to the Wexners than it would be to anyone else, because they own the land surrounding much of it and public access to it is limited. A federal appraisal, they said, would not take that added value to the Wexners into account.

However, Kaufman said, the Wexners hired appraiser Kevin Chandler of Steamboat Springs to do four appraisals – of the Sutey Ranch, the Haynes property, the 1,268 acres of BLM land as it would be valued on the open market, and of the BLM land's worth when considered as part of a “trophy ranch.” Chandler's conclusion, supported by two other appraisers who were consulted on the issue, is that the BLM land's value does not change when it's considered in relation to the Wexners' existing landholdings, Kaufman said.

In all, the appraisals indicate, about \$6.3 million worth of land would go to the BLM, and \$4.2 million worth of public land, including the acreage the Wexners would acquire plus land that is part of a separate swap in Eagle County (for a total of 1,464 acres), would become private, Kaufman said.

Typically, in such a land swap, the federal government would have to make up the shortfall, according to Kaufman, but the Wexners would waive the cash equalization, he said.

If federal appraisals determine the value of the swap favors the Wexners, the couple will pay the difference, Kaufman added.

A letter from the Wexners' representatives to county commissioners, delivered Friday morning, outlines the proposal that has been submitted to the BLM and offers to share with county officials the appraisals that have been done.

County commissioners and open space officials found themselves at odds with some segments of the community when they balked at endorsing the swap as it was presented to them. Recreational groups, other local governments and the Aspen Valley Land Trust were among the supporters of the exchange. So was Commissioner Jack Hatfield, who broke ranks with his colleagues and voiced support for the trade.

The county will continue to provide input within the context of the BLM review, Will predicted.

For the Wexners, who already own roughly 4,400 acres split into two pieces at Two Shoes, the land swap would consolidate their holdings and increase their ranch to about 5,600 acres.

Leslie Wexner, an Ohio billionaire, is the CEO and chairman of the board of the Limited Brands apparel corporation. His local holdings, along with Two Shoes Ranch, also include an Aspen-area home.

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