



FINAL

**Bighorn Springs Parcel Land Management Plan
Chaffee County, Colorado**

April 29, 2010

Chaffee County, through issuance of a 1041 Permit to Nestle Waters North America ("NWNA"), oversees NWNA's Project and its Bighorn Springs Land Management Plan ("Plan") with annual review by appropriate agencies including Colorado Division of Wildlife ("CDOW") and Natural Resource Conservation Service ("NRCS"). NWNA has prepared this Plan through consultation with the CDOW and NRCS to plan and ultimately manage the land and natural resources associated with NWNA's land holdings. Those holdings are identified as the Ruby Mountain Springs Parcel and Bighorn Springs Parcel. This Plan covers the Bighorn Springs Parcel. A separate Land Management Plan will govern the Ruby Mountain Springs Parcel.

NWNA is committed to managing the Bighorn Springs Parcel to ensure long-term protection of its springs, upland habitats, riparian habitats, and wetland habitats and the flora and fauna dependent upon them; enhancing the function of the parcel for wildlife and livestock; providing limited educational opportunities to local secondary schools in the area of natural resource management, and providing limited public wade-fishing access consistent with the aforementioned goals and in cooperation with the CDOW. As a condition of its 1041 Permit approval, NWNA must comply with the Plan for the duration of the Project. Finally, NWNA has committed voluntarily to place the Bighorn Springs Parcel into a permanent Conservation Easement at a time subsequent to the habitat restoration of the Ruby Mountain hatchery.

This Bighorn Springs Land Management Plan will cover the following topics:

- Bighorn Sheep Habitat Protection
- Livestock Grazing and Fencing
- Wetlands Protection
- Public Access
- Permanent Conservation Easement
- Annual Reporting
- Reference Documents

Approved 5/5/10 DJR

Bighorn Sheep Habitat Protection

The CDOW identified the west slope of Sugarloaf Mountain on the Bighorn Springs Parcel as valuable bighorn sheep habitat. Additionally, bighorn sheep occasionally graze the upland portion of the property west of County Road 300 ("CR 300"). NWNA is committed to conservation of these areas for bighorn sheep. Specifically, land east of CR 300 will be left undeveloped and ungrazed by domestic livestock. Since the CDOW prefers that wildlife movements remain largely uninhibited, the existing fence along the west side of CR 300 will be replaced, prior to operation, with new wildlife-friendly fencing on the dedicated County Road right of way, and no new fencing will be constructed on the east side of CR 300. NWNA will be responsible for on-going maintenance of all parcel fencing. Additionally, better grazing management will permit greater forage for bighorn sheep, deer, and elk, on the upland west of CR 300 especially during the fall and winter.

Due to the CDOW concern regarding the potential for transmission of diseases, such as pasteurella, from domestic sheep and goats to bighorn sheep, NWNA will not permit the presence of domestic sheep or goats on its properties.

Livestock Grazing and Fencing

The regional representatives from both the CDOW and NRCS have advised NWNA that some short-term, high intensity (impact) grazing is preferable for the Bighorn Springs Parcel. The purpose of prescribed grazing is to:

- 1) Maintain and enhance productive capacity of the forage species.
- 2) Minimize soil loss and runoff by increasing the biomass of native plants and litter cover on the soil surface.
- 3) Ensure a sustainable supply of forage for both livestock and wildlife (bighorn sheep, elk and deer).
- 4) Increase plant diversity and productivity through controlled frequency and duration of grazing and allowing adequate re-growth opportunity between grazing events.

NWNA will minimize duration of grazing in order to improve range condition. NWNA will work with the CDOW, NRCS, and a local lessee to establish an annual grazing plan, which will reflect the goal of minimizing grazing duration. The annual grazing management plan will comply with the guidelines contained in the NRCS Code 528 (copy attached), based on consultation with the regional representatives from NRCS and CDOW. The grazing schedule will be flexible to maintain realistic livestock movements minimizing livestock stress and take into consideration terrain, water availability, and wildlife needs.

The application of prescribed grazing will achieve the shortest practical grazing periods while maintaining moderate forage utilization (i.e. 40-50% use by weight) and allowing for an adequate amount of time for grazed plants to recover. The grazing schedules will be revised annually through consultation with CDOW, NRCS and lessee. The ultimate decision on stocking rates and timing necessary to accommodate proper forage utilization should rest with NRCS, the authority on this activity.

NWNA will provide to NRCS and CDOW an annual grazing report no later than November 1st for their review and comment. NRCS and CDOW may periodically inspect the property with notification of NWNA. NWNA will use the comments received annually from NRCS and CDOW to adjust/attenuate grazing practices in order to avoid degradation to the rangelands and wetlands. NWNA will submit the annual grazing plan to the County, CDOW and NRCS by March 1 for their review and comment by April 1. If no comment is received by April 1, then NWNA may assume that each agency approves the proposed grazing plan. Livestock grazing shall take place during the time window April 1 through October 1.

NWNA will construct and maintain all fencing on the Bighorn Springs Parcel to be wildlife-friendly in accordance with recommendations of the CDOW. NWNA will apply either 4-wire or 3-wire fences, as appropriate. The CDOW recommends the following for wildlife-friendly stock fencing.

4-wire Fence: A four strand barbed wire fence with top wire no taller than 42 inches; a 12" to 14" gap between the top wire and second wire to prevent deer and elk from catching a hind leg; and a 16" gap between the bottom wire and the ground to allow antelope to go under. The top wire may be a double wire (hand-wrapped after stringing) to resist breaking when snagged by jumping elk.

3-wire Fence: A three strand barbed wire fence with top wire no taller than 42 inches; a 12" to 14" gap between the top wire and second wire to prevent deer and elk from catching a hind leg; and a 16" gap between the bottom wire and the ground to allow antelope to go under. The top wire may be a double wire (hand-wrapped after stringing) to resist breaking when snagged by jumping elk.

Finally, Chaffee County approved NWNA's weed management plan for its Project. NWNA will employ Best Management Practices and comply with the Chaffee County Weed Management Plan and State of Colorado Weed Plan to protect against infestation of noxious weeds on its properties. In NWNA's deed to the County for the CR 300 right-of-way (ROW) through the Bighorn Springs Parcel, NWNA has agreed to be responsible for weed and brush control within the CR 300 ROW.

Wetlands Protection

NWNA is committed to protection of the wetland habitat areas that have been identified on the Bighorn Springs Parcel. NWNA shall manage these wetlands in conformance with the U.S. Army Corps of Engineers ("USACE") guidelines (2000 Wetland Management Handbook) and in conjunction with CDOW. In summary, NWNA shall fence the western portion of the Bighorn Springs Parcel in order to allow for periodic grazing of the wetland areas (per CDOW request). Periodic high intensity, short-duration grazing will allow for the enhancement of wetland growth relative to existing conditions yet at the same time provide for essential grazing recommended by CDOW. Fencing of this wetland area will allow for the grazing of this area independent of the upland portion of the Bighorn Springs Parcel.

Public Access

As part of its 1041 Permit, NWNA has agreed to provide a perpetual in-stream public fishing easement to the CDOW on its Bighorn Springs Parcel to be managed by the CDOW.

Further, in accordance with the 1041 Permit, NWNA has proposed to the CDOW a concept for an overland fishing access easement on the Bighorn Springs Parcel on the west side of the Arkansas River. NWNA owns deeded access to the west side of the Bighorn Springs Parcel from US 285. NWNA proposed that the CDOW may construct a parking area either next to the Highway right of way within the access or on the Bighorn Springs Parcel. Fishermen would have foot access to the Arkansas River to the north.

The terms of this fishing easement are being formulated by NWNA and CDOW presently. Under these terms the easement may be revoked based on negligent management of the Property by CDOW that allows for repeated misuse of the property by the public, or election by CDOW to no longer manage the fishing easement subject to Board of County Commissioners approval and amendment of the 1041 permit. Revocation of the easement will be subject to a "notification/action" process agreed to be NWNA and CDOW.

Additionally, NWNA will provide educational opportunities on the Bighorn Springs Parcel to local school programs focused on natural resource management. These opportunities will be coordinated through NWNA's local Natural Resource Manager, and may include class tours, water sampling, and ecological observations.

Permanent Conservation Easement

NWNA is committed to conservation of the Bighorn Springs Parcel. During the term of its Project operation, NWNA will conserve the land for habitat and agriculture according to its Land Management Plan. Further, although not a condition of approval for NWNA's Chaffee County Special Land Use Permit and 1041 Permits, NWNA is committed to creating a permanent conservation easement on the Bighorn Springs Parcel with a local trust entity subsequent to completion of the Ruby Mountain Springs hatchery restoration project. NWNA is presently exploring potential land trust entities to accept its conservation easement. The Conservation Easement agreement terms will address topics including, but not limited to, no residential development of the property, maintenance of NWNA's facilities and restored habitat, fishing and educational access to the property, and ongoing monitoring.

Annual Reporting

Each year as part of its 1041 Annual Report to the County, NWNA will submit a report summarizing its land management practices on the Bighorn Springs Parcel. Topics to be included in this Land Management Report follow:

- 1) Summary of Activities (e.g. construction, revegetation, re-fencing, bighorn habitat protection)
- 2) Grazing Activities
- 3) Wetlands Protection and Upland Vegetation Documentation (e.g. descriptive narrative and photographs)
- 4) Weed Management (e.g. noxious species present, eradication measures, CR 300 activities)
- 5) Public Access Status and Activities (e.g. CDOW Easement, Educational Activities)
- 6) Conservation Easement Status

Reference Documents

The following Exhibits accompany this Land Management Plan:

Exhibit A - Bighorn Springs Site Plan

The following documents are included in this Land Management Plan by reference:

- 1) USACE 2000 Wetlands Management Handbook
- 2) NRCS Code 528
- 3) NWNA's approved Weed Management Plan