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COUNTY ATTORNEY'S OFFICE

Lazy K Bar Land and Cattle Company, LLLP c/o  
James E. Plumhoff III  
130 North Park Avenue  
PO Box 3310  
Montrose, CO 81402

February 4, 2019

**Re: REPEAL OF "1041" REGULATIONS FOR SAGE-GROUSE HABITAT**

Dear Mr. Plumhoff:

This letter is to confirm that Montrose County has repealed the "1041" regulations regarding the protection of the Sage-grouse habitat. Recently, the United States Fish and Wildlife Service ("FSW") listed the bird as endangered under the Endangered Species Act, 15 U.S.C. 1531, *et seq.* ("the ESA") making the County regulations of the Sage-grouse redundant and superseded by the FSW's Final Rules.

As the County is no longer regulating the Sage-grouse habitat, there is no longer an obligation for your client, Lazy K, to comply with the County's permit requirements or any of the repealed regulations. Further, the \$25,000.00 held in escrow with Black Canyon Regional Land Trust, which was to pay the transaction costs to facilitate the conveyance of a permanent conservation easement, is no longer needed. The County does not require Lazy K to obtain a Special Permit and therefore, the money should be returned to your client.

Please let me know if you have any further questions by contacting our office at (970) 252-4533.

Sincerely,

Martha P. Whitmore  
County Attorney