



COLORADO

BOARD OF COUNTY COMMISSIONERS

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April 14, 2015

Chairman of the Board
Great Outdoors Colorado
303 E. 17th Avenue, Suite 1060
Denver, CO 80203

Re: Mesa Land Trust Application

Mesa County is the local government having land use authority over the property that is subject to the Mesa Land Trust Application (located in Mesa County). Mesa County has supported conservation for years, including adopting buffer zones as part of its land use regulatory process. However, many questions have arisen considering the unfettered growth of conservation easements in perpetuity. Mesa County supports the application, but with comment, which is contained herein.

We wish to express our appreciation that GOCO has, as a part of its application process, the requirement that local governments having land use authority, as well as the county in which the property is located, sign letters of support.

Conservation easements, the majority of which encumber the property IN PERPETUITY, have long-term impact on land use which in turn impacts local governments.

As you are aware, our Board delayed a decision on this application due in part to the short time-frame provided by the applicant for our Board's consideration, combined with the fact it triggered a broader review of the easement picture in Mesa County. For your interest we will cover a few points which we feel is imperative to review.

1st - Your requirement for the local land use authority's sign-off has the result of bringing the requesting parties and the local governing authorities to the table. This was common in the early days. However, not as common now, without fault.

2nd - Mesa County, as is the case with most western rural counties, has a large percentage of government land ownership within the county. In Mesa County, government owns 75.5 % of the land, of which is almost entirely open space, with very limited development. Government ownership exists, for all practical purposes, in perpetuity.

3rd - Mesa Land Trust conservation easements control 12.5% of the remaining private land (100 square miles) and there are other land trusts involved in the county, including but not restricted to: Colorado Cattleman's Association, Nature Conservancy, and Colorado Open Lands. By one estimate approximately 20% of private land in Mesa County is encumbered by conservation easements. The effort to put even more private land under such perpetual easements continues.

4th - The Land Trust movement was originally designed to focus on shielding agricultural land from development. This has now seen mission-creep to include, but not restricted to; open space, sage grouse protection, wildlife, etc., all with limited oversight, except where requirements such as GOCO exist.

5th - Many, if not most easements in Mesa County, involve public funds. However, public access, for all practical purpose, is not allowed.

6th - Because the easements have evolved into "perpetuity" (vs. a more reasonable 30 year or term period), it has significant impact on master planning from local governments.

7th - In the early years of these easements the intent was to protect targeted agricultural lands. They were held by local trusts and provided for cooperation between local government and the trust. However, as time has passed almost all of the easements (at least in Mesa County, and we assume across the Nation) have involved third parties who in exchange for money or tax credits have been provided standing in the easement. Often it will involve federal agencies and, as you might suspect, the money comes with strings attached that result in very restrictive provisions, including limited local government involvement. It is a significant dilution in "local control." Ironically, it also serves as a heavy impediment on the flexibility of local land trusts, such as Mesa Land Trust.

8th - In earlier times in Mesa County, monies for easement purchases were raised locally and easements did not involve third parties. Now, out of town funds are used in a significant way to place, in perpetuity, easements on the remaining private land in Mesa County (75.5% of land already in government hands). Over time this has consequences.

9th - As a result of our delay in approving a support letter (and your agreement to also delay grant submission deadlines), we were able to have solid discussions regarding the current application. Mesa Land Trust met with our Chief Planner and in addition, we will be conducting a workshop with Mesa Land Trust for further discussion. Hopefully, the result will be a pull back to more local control over third party actions.

10th - We hope that the practice of "automatic signatures" on support letters and the assumption that the signatures are a "mere formality" is reconsidered, and substantive and thoughtful discussions become the norm.

Finally, we stress that all use of public funds should come with oversight. Local government should not be stripped of land use control by provisions in easements that exist in perpetuity.

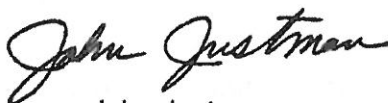
After thoughtful and lengthy discussion regarding this application, including but not restricted to the above points, as well as the exact location, buffer zone issues, surrounding easements, use of land etc., Mesa County supports this application. However, it is the intent of the county that all applications will be carefully reviewed.

Thank you for your time.

Sincerely,
Mesa County Board of Commissioners



Rose Pugliese, Chair
Board of Commissioners



John Justman
Commissioner



Scott McInnis
Commissioner

cc: Mesa Land Trust