



MONTROSE COUNTY
BOARD OF COUNTY COMMISSIONERS
317 South 2nd Street
Montrose, CO 81401
Phone: 970-249-7755
Fax: 970-249-7761

August 4, 2015

The Honorable Jerry Sonnenberg
200 E. Colfax
Denver, CO 80203

Dear Senator,

We are writing in response to the upcoming hearing on conservation easements to be held by the Senate Agricultural Committee. As a local government having jurisdiction for land use authority, the Montrose County Board of County Commissioners receives requests for support and/or acknowledgement of conservation easements. In the course of evaluating and responding to these requests, we have developed broad concerns with conservation easements. The following is an overview of our primary concerns that we hope will be informative at the upcoming hearing.

1. Foreseeable cumulative impact should always be a consideration in decisions related to land use. We feel that the cumulative impacts of conservation easements are significant and are often overlooked in consideration of individual applications. The standard requirement that conservation easements be granted in perpetuity results in a reduction of developable land within communities. This loss is of particular concern in counties such as Montrose where the majority (69%) of all land is owned by the state and federal government. Over a long enough time period, this trend will result in a scarcity of land being available to meet the residential, commercial and all other needs of the community.
2. We are also concerned with the use of public funding to acquire conservation easements. Public funds should be used for public benefit. Accordingly, when public funding is used for the acquisition of a conservation easement, the public should gain some discernible benefit (i.e. access) from the easement. We do not believe that the preservation of visual aesthetics (open space) is a reasonable use of public funding. The majority of the land within Montrose County is managed for preservation and aesthetics by the Bureau of Land Management, Forest Service and National Park Service. Expending limited public revenue to preserve the visual aesthetics of private lands will provide marginal return and will threaten the economic sustainability of the community.

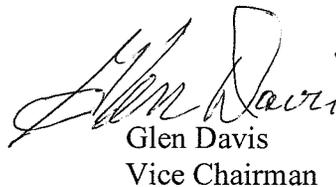
We recognize that conservation easements provide much needed benefit to private property owners and especially agricultural operators. We wholeheartedly support the right of private property owners to voluntarily sell such easements. The concerns we have highlighted in this letter are related to the term of easements and the use of public funding for easement acquisition. Implementing finite terms for easements would be a simple means of addressing permanent cumulative impacts.

With regard to the use of public funding, we feel a public discussion of two policy changes would be useful. The first would be consideration of eliminating the use of public funding for the acquisition of privately held conservation easements. The second policy discussion would be requiring that easements acquired with public funding grant public access. Both of these policies are ripe for discussion and we feel that the Senate Agricultural Committee is an appropriate venue to begin this important conversation. To that end, we thank you for your consideration of this issue and our comments.

Respectfully,



David White
Chairman



Glen Davis
Vice Chairman



Ron Henderson
Commissioner