

# **Collaborative Planning on State Trust Lands:**

## **A University of Michigan Study**

*for the State Trust Lands Partnership Project  
of the Sonoran Institute and the Lincoln Institute of Land Policy*



## About the Study:

Collaborative planning on state trust lands was identified for further research at the 2004 State Trust Lands Research and Policy Analysis Roundtable convened by the State Trust Lands partnership project of the Sonoran Institute and the Lincoln Institute of Land Policy. In March 2005, under the guidance of Dr. Steven L. Yaffee, a team of eight graduate students from the University of Michigan School of Natural Resources and Environment began conducting a region-wide survey and analysis of eight case studies in which state trust land agencies collaborated with stakeholders in trust land planning and management. The research team conducted 117 on-site and telephone interviews, each lasting roughly one to three hours. Through these interviews, the team answered a set of research questions concerning the benefits, challenges, costs and outcomes of collaborative planning on state trust lands. The goals of this research were to:

- Capture on-the-ground experiences of collaborative planning on state trust lands
- Analyze the advantages and disadvantages of this trust land management approach
- Distill a set of best management practices
- Provide broader recommendations for overcoming barriers to collaborative planning on state trust lands

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# **CASTLE VALLEY PLANNING PROCESS: Conserving Trust Land in a Distinctive Landscape**



Castle Valley, Utah

Photograph by Stephanie Bertaina

**Case Study by Stephanie Bertaina  
Researched and Edited by Stephanie Bertaina and Eirin Krane**

## INTRODUCTION

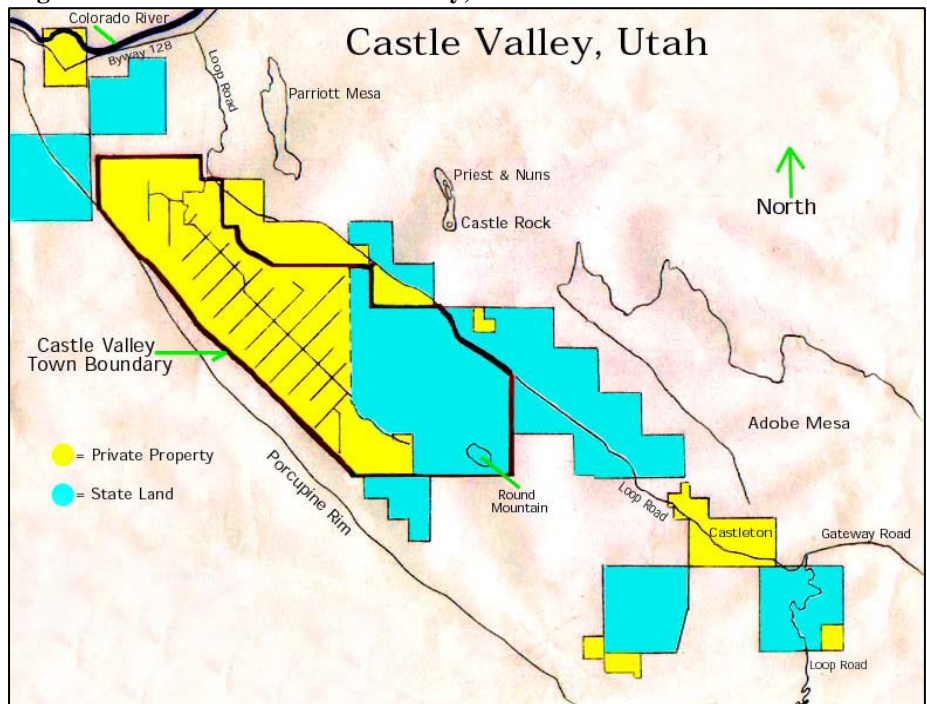
The small, rural community of Castle Valley is located in the beautiful red rock desert of southeastern Utah and is surrounded by 4,500 acres of trust lands. The town is comprised of only 350 residents, many of whom describe themselves as “urban runaways” or “renegades” attempting to escape the hustle and bustle of life in the city or suburbs.<sup>1</sup> Despite its size, Castle Valley is a diverse community, representing a wide array of ages, religious faiths, political beliefs and economic backgrounds. However, all of the residents of Castle Valley share the fact that they have chosen to live in the southeastern Utah desert, more than a thirty-minute drive from the nearest town, to live in the harshness and beauty of the desert landscape.

Approximately 4,500 acres of school trust land in Castle Valley are spread throughout the Valley, surrounding existing development and extending toward the southeast portion of the Valley into the undeveloped sections (Figure 4-1).

Before the Castle Valley Planning Process, which began in 2000, many community members were unaware of the differences between trust lands and other types of state or federal land in the

Valley, and most residents of Castle Valley never expected that the land surrounding them could be sold and developed.<sup>2</sup> Rather, they thought that the undeveloped land in the Valley, complete with its red rock formations and untamed wildness, would remain as open space. However, in the fall of 1998, Utah’s School and Institutional Trust Lands Administration (SITLA), the trustee and manager of the land, decided to auction land at the base of Parriott Mesa, one of the prominent red rock geological features in Castle Valley, to raise money in support of public schools (Figure 4-2). As a result, the community realized that additional residential development within their community was a real possibility.

**Figure 4-1: Trust Land in Castle Valley, Utah**



Source: Town of Castle Valley, [www.castlevalleyutah.com](http://www.castlevalleyutah.com).

The sale of the land at the base of Parriott Mesa was truly a wake-up call for the community. Shortly after the land sale, a group of concerned residents formed a citizens' action committee, the Castle Rock Collaboration (CRC), to represent the conservation interests of the town. A multi-year process ensued in which SITLA and the Castle Valley community, represented by CRC and the town government, engaged in efforts to plan for appropriate development, and potentially allow for

**Figure 4-2: Parriott Mesa**



Source: Photograph by Stephanie Bertaina

conservation options, on the trust land. The process brought together stakeholders with seemingly contradictory goals of generating revenue from the land and maintaining open space in perpetuity and achieved an outcome that none originally thought possible.

This collaborative process highlights the importance of defining the roles and responsibilities of all participants in the process from the outset, particularly when legal restrictions are at play. In addition, the Castle Valley Planning Process emphasizes the importance of having dedicated leadership involved in the process, especially when dealing with the reality of unequal power relationships among participants. The challenge of navigating conflict in the collaborative process also is seen in this case, as relationships between individuals and organizations both motivated and hindered the collaborative process along the way.

## **CONTEXT FOR COLLABORATION**

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Assessing the Castle Valley Planning Process as a collaborative planning effort on trust lands requires an understanding of the context in which this process occurred. This section discusses the historical, legal and political events and issues that influenced the process.

### **UTAH'S LAND GRANT AND ENABLING ACT**

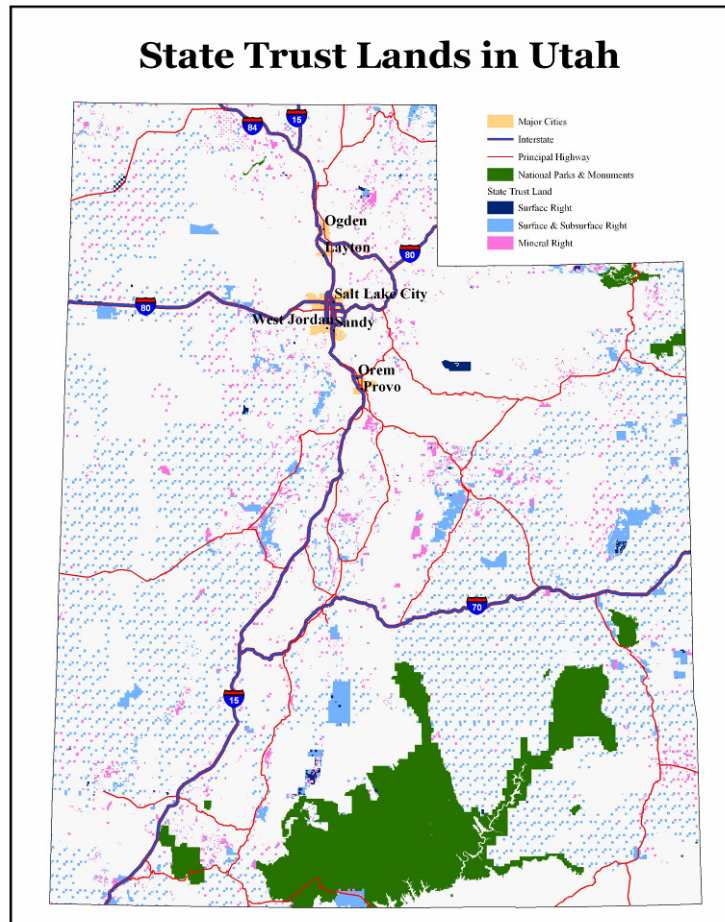
The Enabling Act of 1894 granted Utah designated sections of land in each township to support the common schools and 11 other public institutions, encompassing approximately 7.5 million acres of land in a checkerboard pattern around the state.<sup>3</sup> Utah retained about 44 percent of this original 7.5 million acres, and sold the remaining land, primarily during the first 35 years after statehood.<sup>4</sup> In fact, about 30 percent of what is now private land in Utah came from the sale of trust lands.<sup>5</sup> The state now owns 3.5 million surface acres and 4.5 million subsurface acres of trust land, which comprise roughly seven percent of the land area in Utah (Figure 4-3). Approximately 70 percent of Utah's land is in federal ownership, and only 21 percent is privately

owned.<sup>6</sup> The large percentage of federally-owned land makes private land a valuable commodity in Utah.

### TRUST LAND BENEFICIARIES AND THE PERMANENT STATE SCHOOL FUND

Although the common schools are Utah's largest trust beneficiary group, holding 95 percent of Utah's trust lands, 11 other public institutions are designated beneficiaries.<sup>7</sup> These other beneficiary groups receive funding in the form of interest and dividend payments from separately managed grant land funds, plus all net revenue except land sale revenue.<sup>8</sup> State law mandates that all net revenue generated from the lease, sale, rental or use of common school lands and all gross revenue from sales be placed in the permanent State School Fund, which was designated by Utah's Constitution to support public schools. Interest and dividends generated from the fund are distributed directly to schools by school districts on a per pupil basis. Each school has a School Community Council comprised of parents, teachers and the principal. With their school's trust allocation, this Council develops and implements a plan to improve student academic performance that has been approved by their local school board.<sup>9</sup>

Figure 4-3: Trust Lands in Utah



Source: "Utah Trust Lands," Trust Land: A Land Legacy for the American West, The Sonoran Institute & Lincoln Institute of Land Policy, available at <http://www.trustland.org>.

### LEGAL INTERPRETATIONS OF UTAH'S TRUST RESPONSIBILITY

Utah's Enabling Act places few restrictions on the minimum sale or lease price of trust lands, as compared to those of several other Western states. This flexibility enables the state to engage in negotiated trust land sales, as well as public auctions, which was important in the Castle Valley Planning Process. Despite this flexibility, the legislature mandated that the state obtain fair market value for trust land and that it fulfill its fiduciary responsibility to its beneficiaries.<sup>10</sup> According to the legislation, Utah also must be concerned with both the short term concerns of

current beneficiaries, as well as the long-term interests of future beneficiaries. Because of this requirement, the state must balance these competing interests in a way that enables both short-term and long-term goals to be met for the trust's beneficiaries. The debate surrounding the trust's responsibility to balance short and long-term goals emerged during the Castle Valley Planning Process and became both a challenge and motivating factor.

Prior to 1994, Utah's Division of State Lands and Forestry managed the state's trust lands. This Division was housed within the Department of Natural Resources, which also managed a number of other activities – a fact that precluded trust land management from being an agency priority. Because the Division of State Lands and Forestry was not able to prioritize trust land management activities, their effectiveness in managing the trust portfolio was limited and revenue generation suffered as a result. The agency received criticism because of their failure to generate adequate revenues for the trust and specifically their inability to manage land with real estate development potential, which had become important given the skyrocketing value of real estate in Utah.<sup>11</sup> In response, the State Legislature created the State of Utah School and Institutional Trust Lands Administration (SITLA) in 1994 as an independent state agency.<sup>12</sup> SITLA was tasked with “administer[ing] the trust lands prudently and profitably for Utah's schoolchildren.”<sup>13</sup> SITLA was required to manage the lands for both the short-term and long-term financial support of the trust beneficiaries. In addition, the legislation required SITLA to make clear that trust lands are not intended to benefit “other governmental institutions or agencies, the public at large, or the general welfare of the state.”<sup>14</sup>

Although the legislation does not explicitly require SITLA to ameliorate conflicts of interest between trust land management and adjacent land managed by other agencies with different mandates, the state often tries to balance community desires with the beneficiaries' interests out of good citizenship and to avoid unnecessary conflict.<sup>15</sup> The balance between reducing conflict with existing land users and ensuring that the trust beneficiaries' interests were represented became difficult for SITLA at points during the Castle Valley Planning Process.

## **TRUST LAND MANAGEMENT IN UTAH**

The legislation that created SITLA sets forth how the organization is directed and managed. By legislative mandate, SITLA manages all of Utah's school and institutional trust lands and assets. The agency is guided by a Director, who is appointed by the agency's Board of Trustees. The Utah Governor appoints the seven-member Board of Trustees with the consent of the Senate. The Board is composed of individuals who are qualified in the areas of real estate, renewable resources and non-renewable resources management or development. Prospective members of the Board are nominated by an 11-member committee, including a variety of stakeholders recommended by the State Board of Education, the Governor and the president of the Utah Association of Counties.<sup>16</sup>

SITLA is organized into three Groups: Surface, Minerals and Planning and Development. The Surface Group primarily works on leasing and sales of trust land surface uses, such as grazing, forestry, hunting access and development.<sup>17</sup> The Minerals Group manages the leasing and sales of mineral and subsurface uses of trust lands.<sup>18</sup> The Planning and Development Group, which manages approximately one percent of all trust lands in Utah, works primarily on tracts of land

that have higher potential surface values in the form of real estate, land planning and conservation. This Group works with the private sector, government representatives and other parties to plan and create value through creative transactions.<sup>19</sup>

Although subsurface uses, including oil, gas and mineral extraction, comprise the majority of Utah's trust land revenues, surface uses such as real estate development sales have become increasingly important. SITLA's interest in planning and development is evidenced by the Planning and Development Group's activities. This Group has worked on planning, zoning and developing infrastructure on select parcels of land rather than selling unplanned, raw land. Since SITLA's formation, the Planning and Development Group's activities have resulted in the sale of more than 5,300 acres of trust lands, bringing in more than \$42 million, with expectations of privatizing land in the future for a total expected value of \$1 billion.<sup>20</sup> The Planning and Development Group played a significant role in the Castle Valley Planning Process, as SITLA's interests were represented by the Assistant Director of the Planning and Development Group throughout.

## **UTAH AND SITLA POLITICS**

Ric McBrier, Assistant Director of Planning and Development at SITLA, described his agency as a "quasi-private" agency that is much less governmental than similar organizations in the West.<sup>21</sup> SITLA funds all of its activities from revenue generated from the trust land management activities, as opposed to relying on state taxes for its budget; although the Governor and the State Legislature oversee expenditures.<sup>22</sup> Even though SITLA's 7-member Board of Trustees is appointed by governmental officials, the agency has been perceived to be more similar to a private agency than a governmental one.<sup>23</sup> SITLA Director Kevin Carter echoed the level of political independence and power of the organization, "We have a pretty unique and powerful situation." Carter explained this situation by describing that the conservative nature of the Utah State Legislature and the clarity of SITLA's statutory mandate result in the legislature being very supportive of the agency's decisions in general. These factors also explain some of the difficulties entities attempting to challenge SITLA's decisions in court have faced in the past.<sup>24</sup> Because of SITLA's clear mandate, it is a very powerful agency by reputation and in reality. SITLA's level of power, both perceived and real, was important in shaping the discussions in the Castle Valley Planning Process, particularly from the Castle Valley community's perspective.

An important political factor that historically has influenced the management of trust lands in Utah is the role of beneficiary representatives. These representatives, who primarily represent Utah school children, have pushed for greater revenue generation from the trust land holdings. Margaret Bird is a Beneficiary Representative for the Utah State Office of Education and one of the directors of the Children's Land Alliance Supporting Schools (CLASS) who is particularly active in interacting with SITLA.<sup>25</sup> CLASS is a non-profit organization focused on educating the beneficiaries of trust land in 24 states; its mission includes improving education through achieving:

... increased funding from school trusts, support by education communities for congressional actions that benefit school lands and schools, increased revenue from permanent school funds through investment strategies, provision of



information to support the land managers and assistance in the development of public information about the trust lands and their purpose for the children.<sup>26</sup>

The Utah State Board of Education and CLASS both have been instrumental in influencing the management of Utah's trust lands. Margaret Bird indicated that as a Beneficiary Representative, she meets regularly with the SITLA Director and staff members, as well as members of the Utah State Legislature to ensure that the beneficiaries' interests are honored in all transactions on trust land. The reorganization of Utah's trust land management in 1994 to form SITLA was due in part to the education community's lobbying for change.<sup>27</sup> The beneficiary representatives, although not directly part of the Castle Valley Planning Process group, were nonetheless important in the outcome of the process through their influence on SITLA's decisions.

## **THE STORY: THE CASTLE VALLEY PLANNING PROCESS**

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In the fall of 1998, the Surface Group at the School and Institutional Trust Lands Administration (SITLA) decided to sell at auction an 80-acre and 40-acre piece of trust land at the base of Parriott Mesa, a majestic and well-known red rock formation in Castle Valley.<sup>28</sup> This tract of land was purchased quickly and sold to a developer and his business partner, who subdivided it and subsequently sold three lots to private buyers.<sup>29</sup> This sale upset many of the citizens of Castle Valley not only because it resulted in the subdivision of previously-undeveloped land, but also because citizens believed that there was little, if any, community input in SITLA's decision to sell the land.<sup>30</sup> Rumors that the trust land at the base of Castleton Tower, another spectacular red rock formation and a famous climbing venue, was intended to be auctioned next further upset the community (Figure 4-4).<sup>31</sup>

In response, a grassroots citizens' group, the Castle Rock Collaboration (CRC), was formed in early 1999. Comprised of residents of Castle Valley and the surrounding area, the group formed

literally overnight in response to the sense of urgency and perceived need to act quickly.<sup>32</sup> Interested community members aware of the sale called their neighbors and friends to gather and

**Figure 4-4: Castleton Tower**



Source: Photograph by Stephanie Bertaina

form a cohesive group to address the issue.<sup>33</sup> Cris Coffey, one of CRC's founding members, recalled how and why the group emerged:

We got together and voiced our fears, disbelief and unwillingness to have [the land sales] happen ... It was like a groundswell – something that's meant to happen. Everyone was giving their best ideas, what was in their hearts and minds. We knew that we would meet again and try to do something, a group of friends and interested parties coming together. We all went down our phone lists and tried to circulate the word, so that all interested people could participate.<sup>34</sup>

CRC's founding members included steering committee members Brooke Williams, Terry Tempest Williams, Cris Coffey, Karen Nelson, Bill Hedden, Eddie Morandi, Paula Martin, Alice Drogin, Susan Ulery, Laura Kamala and Dave Erley. Kamala and Erley led the group's activities, with Kamala as Chair of the CRC Board.

Even though CRC developed in response to the sale of Parriott Mesa trust land, several members of the community had become aware of SITLA and the presence of trust land in Castle Valley much earlier. Dave Erley, one of CRC's founding members, noted that trust land issues became prominent locally with the creation of the Grand Staircase-Escalante National Monument in 1996 that resulted in the exchange of 200,000 acres of trust lands with federal lands to complete the monument.<sup>35</sup> In addition, Erley had discussed the extent of trust lands with several neighbors prior to the Parriott Mesa sale, including author Terry Tempest Williams and her husband Brooke Williams, who were influential in CRC's formation. Grand Canyon Trust Director Bill Hedden, also a resident of Castle Valley, had been involved in Utah conservation and was knowledgeable about the nature of Utah's trust lands, having authored a position paper on the topic.

Despite some residents' early awareness of trust land in the Valley, many residents were unaware of the scope of the issue. It took the sale of the Parriott Mesa trust land to catalyze CRC's formation.<sup>36</sup> Brooke Williams and Terry Tempest Williams were instrumental in suggesting that a collaborative, community-based approach could work to address the issue. Brooke Williams also had connections with SITLA Assistant Director of Planning and Development Ric McBrier, and conversations between the two fostered the belief that SITLA and the community might be able to work together on trust land issues in the Valley.<sup>37</sup>

At the same time that CRC was organizing, the town of Castle Valley responded to the sale of the Parriott Mesa trust land. Although the trust land that had been sold was outside the town's boundaries, elected officials were concerned that trust land within the town would subsequently be sold. In response to this concern, the town Planning and Zoning Commission considered rezoning SITLA's unsubdivided trust land within municipal boundaries from one unit per five acres to one unit per 40 acres in August 1999.<sup>38</sup> The rezone would decrease the allowable development density to stymie additional development.<sup>39</sup> When SITLA Associate Director of Administration John Andrews received a copy of the agenda for the Planning and Zoning Commission's meeting to discuss the rezoning proposal, he was concerned because he believed that SITLA had not received adequate notice of the proposed zoning change and that the town lacked legal authority to rezone the trust lands. In response, he wrote a letter requesting that the

Commission table the proposal pending the master planning effort that SITLA and the community of Castle Valley had begun the week prior.<sup>40</sup>

The town and SITLA subsequently agreed that working together to solve the differences jointly through a master planning process would be more efficient than going through a contentious rezone. John Andrews recalled, “It made more sense to talk than fight.”<sup>41</sup> Castle Valley Mayor Bruce Keeler, who was involved in the formation of CRC, continued a conversation with SITLA Assistant Director Ric McBrier about the possibility of working collaboratively on the problem rather than pursuing litigation and further land sales. CRC member Cris Coffey remembered that CRC “decided that one of the things we needed to do was to contact [SITLA] and find out if there was a way we could work together for a win-win situation.”<sup>42</sup> As a result of this conversation and earlier discussions between Brooke Williams and McBrier about the possibility of SITLA working with the community, the town tabled their efforts to rezone and SITLA agreed to place a voluntary moratorium on all land sales for an indefinite period of time while the community and SITLA jointly worked on a planning effort for trust land in Castle Valley.<sup>43</sup>

As discussions about joint planning began, CRC continued working to address the land that had been sold at the base of Parriott Mesa. The CRC steering committee contacted Wendy Fisher, the Executive Director of Utah Open Lands, a Utah-wide land trust based out of Salt Lake City, to see if there was an opportunity for CRC to partner with the organization to pursue purchasing the land back from the developers. In the early spring of 2000, roughly six months after its formation, CRC became a branch of Utah Open Lands, which enabled a partnership with a well-established land trust that could engage in tax-deductible fundraising efforts.<sup>44</sup> Laura Kamala and Dave Erley were hired by Utah Open Lands part-time to coordinate CRC’s activities.

While CRC was organizing, time was of the essence as developers intended to quickly begin developing the trust land at the base of Parriott Mesa. Utah Open Lands Executive Director Wendy Fisher remembered that the organization wired \$28,000 to the developers the day the bulldozers arrived to start flattening the house sites in order to stop development.<sup>45</sup> On April 1, 2000, Utah Open Lands signed an option agreement with the developers, providing six months to raise the rest of the funds to purchase 60 acres of the Parriott Mesa land back from the developers.<sup>46</sup> After engaging in fundraising efforts, Utah Open Lands purchased the Parriott Mesa property from the developers for \$196,000 on October 6, 2000, an event that the community perceived as a stunning conservation success.<sup>47</sup>

## **A PLANNING PROCESS EMERGES**

The planning process officially began in January 2000.<sup>48</sup> As part of the planning effort, three stakeholder groups were originally identified to participate in the process: (1) SITLA, (2) the community as represented by CRC and (3) the town of Castle Valley as represented by its elected officials. SITLA was represented by Assistant Director of Planning and Development Ric McBrier, CRC was represented by its members and the town was represented primarily by Mayor Bruce Keeler, Town Council member Karen Nelson and Planning and Zoning Commission members Richard Schwartz and Brooke Williams. However, the distinction between CRC and the town was sometimes unclear.

At the beginning of the process in the late spring of 2000, the group decided that they needed an outside, neutral facilitator and planner who could help with the negotiation and planning efforts. Jointly, the parties submitted Requests for Proposal to various facilitators and planners, conducted interviews of applicants and ultimately hired Marty Zeller and his colleagues from the Denver-based firm Conservation Partners, Inc. SITLA and the community evenly split the \$72,000 cost for hiring Conservation Partners. The community's portion was covered by grants and a donation from the Castle Valley River Ranchos Property Owners Association.<sup>49</sup>

The planning process began as a series of meetings during which the parties discussed their positions, interests and goals and explored alternative uses of the land, including conservation and development options. With a facilitator on board, one of the group's first activities was to acknowledge that the community and SITLA had very different interests and objectives. The community, particularly as represented by CRC, was clear that their ultimate goal was 100 percent conservation of trust land in the Valley. Likewise, SITLA Assistant Director Ric McBrier openly indicated that SITLA's concern was to ensure that they achieved their fiduciary responsibility.<sup>50</sup>

At the beginning of the process, the community expressed some mistrust towards SITLA. CRC leader Laura Kamala remembered, "There was a basic distrust of SITLA. That was a big problem and a baseline that we started from."<sup>51</sup> She added that despite this fact, "We all had our doubts, our fears, our distrust, but we were willing to go forward and to try something new and different."<sup>52</sup> The mistrust stemmed from the community's perception that SITLA had failed to work effectively with local communities in the past and their fear that SITLA would not hear their interests. Mayor Keeler reflected on what he had heard from other communities who had worked with SITLA in the past.

All through this process, I was in communication with communities all over the state. Basically, they kept telling me, "What are you dealing with these people for? You can't trust them. You can't do business with them. They're going to screw you in the end." That's what every Mayor, every Planning Commissioner, every Board of Supervisors said, whether from counties or cities. They all told us we were crazy to even enter into this. They told us we'd never pull it off. Basically, we were told by just about everyone we talked to, that no matter what SITLA told us would happen, don't expect that by the time it gets through the [SITLA] Board, it will look anything like what you agreed to ... I went to conferences and would spend all my free time talking to communities who had trust lands in their towns and counties and felt that they were being nailed to the wall, that they were having things shoved down their throats by SITLA that the communities did not want.<sup>53</sup>

CRC leader Dave Erley explained that in the past, the common perception was that there was "a lot of blustering and bullying on SITLA's part. We were concerned because we had seen what SITLA has done with their prize developments."<sup>54</sup> Because of the community's perceptions of SITLA's reputation prior to the planning process, mistrust existed from the outset.<sup>55</sup>

In order to address the participants’ varying interests and the issue of mistrust, the group developed a set of principles and criteria for success (Table 4-1). The principles guided the process, set forth standards for group members’ interactions with one another and established measurable goals, objectives and outcomes by which success in the process could be determined, with the help of the facilitator Marty Zeller.<sup>56</sup> The principles acknowledged the participants’ opposing viewpoints, but established that they were not necessarily mutually exclusive. As described by Zeller:

The principles basically were an exercise at the beginning of the process to get [the participants] to start talking to each other, to define some areas of common ground and to create an initial focus for the planning effort. [The principles] got them engaged constructively as opposed to destructively in the process.<sup>57</sup>

The principles also encouraged the participants to drop preconceived notions and be willing to explore a variety of alternatives for the land. Zeller explained that the principles enabled the participants to espouse openness to new ideas, “The Town said they’d consider development as one of those alternatives and [SITLA] said they would consider non-development as one of those alternatives.”<sup>58</sup>

**Table 4-1: Castle Valley Planning Process Principles for Success**

<b>Castle Valley Planning Process Principles for Success</b>	
<b>1. Open and Collaborative Process.</b>	The aim of this planning process is to define both a conservation and real estate product for the parcel of Utah School Trust Lands (the “Trust”) identified on the attached map. This process should meet the primary objectives of the Town, the Trust and the Castle Rock Collaboration (CRC). All parties recognize that they are starting with very different objectives but that the risks of not exploring creative alternatives in a collaborative fashion far outweigh the consequences of typical disposition and conventional development of these properties. In order to arrive at an acceptable plan, all parties must be willing to openly explore alternatives without commitment to preconceived solutions. There is mutual risk taking. All parties desire to maximize benefits and minimize potential losses through this joint planning process. All parties enter this process with constructive, open and flexible attitudes.
<b>2. State Trust Objectives.</b>	The primary objective of the Trust is to realize an economic return from the disposition/use of these lands for the benefit of the state school trust, which is comparable to the fair value of these lands at the time of disposition. In addition, the Trust desires to explore strategies that add value to its properties, including timing or phasing approaches and to work cooperatively with the Town of Castle Valley and CRC so that the conservation and real estate products produce public benefits far greater than simple disposition of these properties.
<b>3. Castle Valley Community Objectives.</b>	The primary objective of the Town of Castle Valley and CRC is to see that the lands that have important conservation values on the Trust properties are protected to retain those characteristics for the benefit of the Town and County residents, the State of Utah and the national and international visitors who annually experience the valley. When the Town, CRC and their partners acquire lands, or interests in lands, in order to protect conservation values, they expect to pay fair value for these interests. In the event that neither the Town, CRC or their partners are able to acquire lands for conservation purposes, and to the extent that real estate development is indicated on these properties in order to generate economic value for the Trust, new development should respond to the preferences and interests of the Town and CRC so that the development both fits in the landscape and responds to input from the local community.
<b>4. Conservation and Development Opportunities, Constraints and Strategies.</b>	All of the Trust parcels should be analyzed for their conservation and development potential and value. The objective of this exercise is to define those parcels that have high conservation values, high opportunities for development or a mix of conservation and development products that are appropriate for these areas but also strategies to achieve the Trust’s financial objectives and the Town’s and CRC’s community objectives. A full range of creative conservation and development options should be considered.

<b>Castle Valley Planning Process Principles for Success (continued)</b>	
<b>5. Real Estate Products.</b>	In defining the types of potential real estate products, preferences shall be given to those kinds of development which fit in and blend with the natural landscape, which meet the Town identified needs, which meet economic objectives and which minimize the amount and area of disturbance. The Town, CRC and the Trust desire that the development product be accessible to a diverse range of potential buyers. In exploring alternative real estate products, a diversity of locations and product types should be considered. The Town expects that new development will pay its own way, that the Town will not be subsidizing the costs of new development and that the pace of development will occur at a rate that does not overwhelm Town services. The Town, CRC and the Trust will have to identify the types of development which are desirable from their different perspectives.
<b>6. Conservation and Development Plan and Time Table.</b>	The ultimate plan should identify the conservation and development program for each of the Trust parcels. In this fashion, the parties will have the assurance that the maximum allowable level of development for each of the parcels has been defined. In addition, the planning process should explore the concept of developing a time frame for disposition of the parcels. This time frame would identify the minimum amount of time prior to the development or marketing of each of the parcels. No parcel would be disposed of prior to the date identified in the proposed timetable. The objective of this time table concept is twofold: (i) to give the Town of Castle Valley, CRC and their partners reasonable time to develop alternative acquisition or protection strategies which might lessen the impact of development or lead to greater conservation benefit, and; (ii) to identify a set time frame for the Trust which would allow reasonable disposal of the individual parcels, with the assurance that the Town will support such development. In conjunction with the time table, the planning process should explore the strategies and structures for granting the Town, CRC and their conservation partners, the opportunity to acquire certain lands or interests in lands.
<b>7. Valuation.</b>	The Trust will ascertain through analysis or appraisal that the plan developed through this process has comparable value to open market disposition, minus any retained interests. This valuation should occur throughout the planning process so that they process may respond creatively to information generated through these analyses. The valuation process should be done in a manner that enhances the credibility of the conservation and development products.
<b>8. Implementation.</b>	The Town, CRC and the Trust understand that various agreements will need to be approved by the governing boards of the implementing parties. All parties agree to a good faith commitment to seek any reasonable means to achieve the stated objectives of the parties.

Source: "Castle Valley Planning Study: Principles or Criteria for Success," Castle Rock Collaboration, <http://www.castlerockcollaboration.org/initiative.html> (website not currently available).

Another way that the community began to overcome their mistrust of SITLA was through developing relationships. Mayor Keeler recalled, "[The community] built our trust with Ric [McBrier] through developing a working relationship with him we felt good about."<sup>59</sup>

**CRC FOCUSES ON COMMUNITY OUTREACH**

As the process continued, CRC worked on reaching out to the Castle Valley community and other stakeholders who would be interested in the plan. They identified and engaged several groups including: recreational interests, the Seventh Day Adventist community, the Church of Latter Day Saints community, Castle Valley Ranching Operation, Grand County, state and federal land management agencies including the Bureau of Land Management (BLM), the United States Forest Service (USFS) and the Utah Division of Wildlife Resources (DWR), the Castle Valley River Ranchos Property Owners Association and other conservation groups, who participated to varying degrees during the process.<sup>60</sup> CRC leader Laura Kamala recognized that reaching out to these interest groups was important, but that reaching out to individuals in the community was essential, as well:

We tried to identify the interest groups that we should engage in our collaborative process ... but what it boiled down to was that there were individuals we had to approach as well ... We had a lot of public meetings with the planners at every step along the way when we were going through the [planning process]. We invited the community in, and some meetings were more well-attended than others.<sup>61</sup>

Kamala also acknowledged that outreach to Castle Valley community members was challenging:

There are people in the community who are really engaged and are very concerned about what the future holds for our watershed and who are committed to that. This was the core group of Castle Rock Collaboration. Then there were the people outside who we also approached. We tried to engage those who were outside the process who were maybe skeptical or judgmental of those of us who were involved. [We would] tell them what we were doing, give them an opportunity to say what their concerns were and try to draw them in. It was successful only to the extent that it could be. This place is inhabited by strong individualists.<sup>62</sup>

SITLA Assistant Director Ric McBrier remembered that because “the community’s perspective was that they didn’t want any development, for some of [the community members] even working on a plan was to acknowledge defeat. There was a split in the community on whether they should work on the planning or not.”<sup>63</sup> Laura Kamala and other CRC members experienced difficulty encouraging members of the community to fully engage in the process because of their concern that development would be the unavoidable outcome. While Kamala reminded the community that SITLA was partnering with them in efforts to find options that would suit all stakeholders’ interests, including the community’s desire for conservation, some residents remained skeptical.<sup>64</sup>

Another challenge for CRC was overcoming the perception that they were just another environmental group, which made the more conservative members of the community suspicious. CRC and Town Council member Karen Nelson recalled the difficulty CRC had in overcoming the environmental group label:

It was difficult for [CRC members] who started working on this project to encourage the more conservative members of the community to not label [CRC] some environmental group. And it’s really not. There is that aspect of it. But if you realize all of the other economic ties, and you are open to communicating the economic and quality of life issues, it’s their quality of life and our quality of life. A lot of effort was made to try to bridge that, and it was not always successful.<sup>65</sup>

In addition to the individualist nature of community members and misperceptions regarding the nature of CRC as an organization, the group struggled because Castle Valley had few effective methods for communication among its residents. Castle Valley does not have a community phone book, and the town typically communicates with residents by posting notices on a bulletin board at the mailboxes at the edge town.<sup>66</sup> Ron Drake’s column “The Castle Valley Comments”

in the Moab *Times-Independent* was another venue for communication, although not everyone in the Valley consistently read the newspaper.<sup>67</sup> The lack of efficient methods of communication hampered attempts at community outreach and limited community involvement to some extent (see Appendix, Exhibit 4 for images of the Castle Valley area that illustrate its rural and unique nature). Despite the many challenges CRC faced in its outreach efforts, the planning process continued.

## **THE PLANNING PROCESS CONTINUES**

One of the group's first formal activities after developing the principles for success was to develop a shared understanding of the resources of the Valley by developing and analyzing a set of maps. Since SITLA's 4,500 acres of trust land represented a substantial percentage of land in the Valley, the group needed a common understanding of the types of land in the area suitable for development and natural resource protection. Conservation Partners, with help from Studio 2 Designs and Computer Terrain Mapping, carried out mapping analysis of the trust lands' geologic hazards, vegetation, wildlife migration patterns, watershed patterns, skyline, drainage patterns and other features. The group used the mapping as a starting point to analyze the development potential of the land and identify particularly important lands for natural resource protection.<sup>68</sup> The town also contracted a hydrological study to assess the aquifer's quality and capacity to accommodate development.<sup>69</sup>

Initial mapping indicated that a little more than 60 percent of the land was unsuitable for development because of geological or natural resource restrictions.<sup>70</sup> This constraint reduced SITLA's potential development density from 884 units (based on one unit per five acre lot size over the total 4,500 acres) to approximately 400 units.<sup>71</sup> With an understanding of the land's restrictions, the group engaged in a series of activities to explore potential development and conservation options. The land was divided into 10 parcels and development and conservation plans were created for each of these parcels.<sup>72</sup> Throughout the process, facilitator Marty Zeller reminded the group that the effort needed to reflect the interests of both SITLA and the community. According to Zeller, "The plan had to address both the community's desire to see as minimal amount of development as possible and [SITLA's] objectives of getting fair value for the interest that they own in Castle Valley."<sup>73</sup>

The existing community of Castle Valley was developed in the 1970s as a five-acre subdivision in a somewhat haphazard way without much consideration of geological hazards, environmental constraints or design criteria.<sup>74</sup> For example, many of the dirt roads stemming from the central, paved Castle Valley Drive are oriented in such a way that they climb directly up the steep slopes of the surrounding Valley walls, leading to problems with erosion after storm events. Additionally, the original layout of infrastructure and lot density did not take into consideration the potential effects on the watershed. In describing the problems of infrastructure layout and lot density, CRC leader Laura Kamala stated, "I believe this community would be a lot better off if it had a better, more sensible plan from the outset, but that's not how it evolved."<sup>75</sup> Moreover, there is no consistency with building design requirements. As a result, the existing structures in the Valley range from teepees and log cabins, to Sante Fe-style adobe structures, to large, sweeping ranchettes.<sup>76</sup>



Since Castle Valley residents unanimously indicated that they did not want new development to occur in the same unplanned manner as the existing community, Zeller helped orchestrate development options that were environmentally-sensitive and purposeful. The plans included a “cluster subdivision” option as a means of creating denser development in some areas to conserve open space in other, more valuable areas for natural resource protection. In addition, the new plans included design requirements, including limits on fencing, use of earth tones on exteriors to blend in with the surrounding area and other criteria to ensure development compatibility with the landscape.

During the planning process, a tentative agreement was made whereby SITLA agreed to offer the parcels to the community for purchase so that the land would not be developed but would remain as open space, while still generating income for SITLA. This discussion was important because it provided potential conservation options for the land and showed SITLA’s openness to engaging in conservation transactions with the community. According to the plan, if the community was unable to raise the needed funds, SITLA would have the right to put that piece of land up for public auction, sell it and have it developed according to the agreed upon development scenario. In essence, the plan was a three-tiered approach, where the community would first have the option to purchase the land for 100 percent open space conservation. If they were not able to raise the funds to purchase the land outright, they would have the opportunity to find a conservation buyer who would buy the land and primarily keep it for conservation purposes. If the community was unable to find a conservation buyer, SITLA would then have the right to sell to any interested developer according to the plan.<sup>77</sup>

A great deal of time during the process was spent determining how to divide the parcels of trust land, in what order they would be offered to the community and then put on the market and how much time would lapse between each parcel being offered. The group decided on an order of parcel release and a roughly 20-year timeframe for disposition of the 10 parcels, which included approximately 207 possible development units spread across the parcels, reduced by 75 percent from the original 884 possible units.<sup>78</sup> Because trust land in Castle Valley was approximately evenly split between the jurisdiction of the town and Grand County, an additional element of the plan included the annexation of the County’s trust land into the town, so that the planning document and agreement with the town would apply to all the SITLA land.<sup>79</sup> The final goal of the planning process was to create a contract between the town and SITLA that specified the agreements made throughout the process regarding the development densities on the land, the timing, order and geographical location of the parcels, and the process of the community’s option to purchase a parcel through a negotiated deal prior to its release on the open market. The contract, once finalized, would be signed by SITLA and the town.

## **THE FIRST CONSERVATION TRANSACTION**

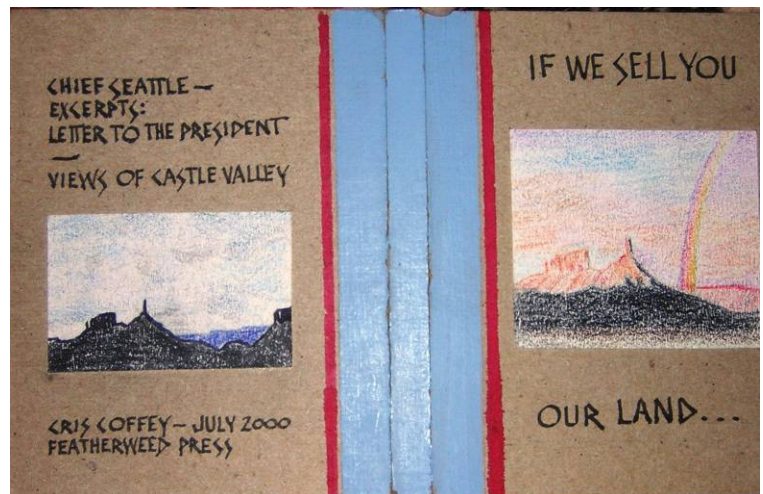
In May 2001, although the plan was not yet completed, Ric McBrier and SITLA agreed to make the Castleton Tower property available to the community for purchase, if they could raise the necessary funds. This offer was made to create trust between the groups. Thus the Castleton Tower Preservation Initiative served as the first unofficial test case of the planning process implementation. It also served as Utah Open Lands and CRC’s first effort to acquire a piece of the trust land from SITLA. In August 2001, Utah Open Lands and CRC began to gauge support

for raising funds to purchase 217.3 acres at the base of Castleton Tower.<sup>80</sup> On December 14, 2001, after determining that fundraising would be possible, Utah Open Lands and CRC (as a branch of the organization) entered into a purchase agreement with SITLA, providing 18 months to raise the purchase price of \$640,000.

Utah Open Lands spearheaded the Castleton Tower Preservation Initiative, securing a lead grant of \$100,000 from the George S. and Dolores Doré Eccles Foundation.<sup>81</sup> CRC leader Laura Kamala described the Initiative as “an incredible collaborative process.”<sup>82</sup> Because of Castleton Tower’s prominence as a top climbing venue, Utah Open Lands employee Dave Erley focused on obtaining support from the Outdoor Industry Association, a trade association representing the outdoor industry, and climbers who had a stake in maintaining climbing access to Castleton Tower. Castle Valley and nearby Moab are home to several well-known climbers, including Kitty Calhoun, Greg Child, Jay Smith and Jack Tackle, all of whom assisted Erley with raising awareness of the issue in the larger climbing community. Erley and other Utah Open Lands representatives attended outdoor industry trade shows, advertised in climbing magazines such as *Rock and Ice* and partnered with organizations such as the Access Fund, a non-profit group focused on maintaining open access to climbing areas, to raise awareness and funds for the Initiative.<sup>83</sup>

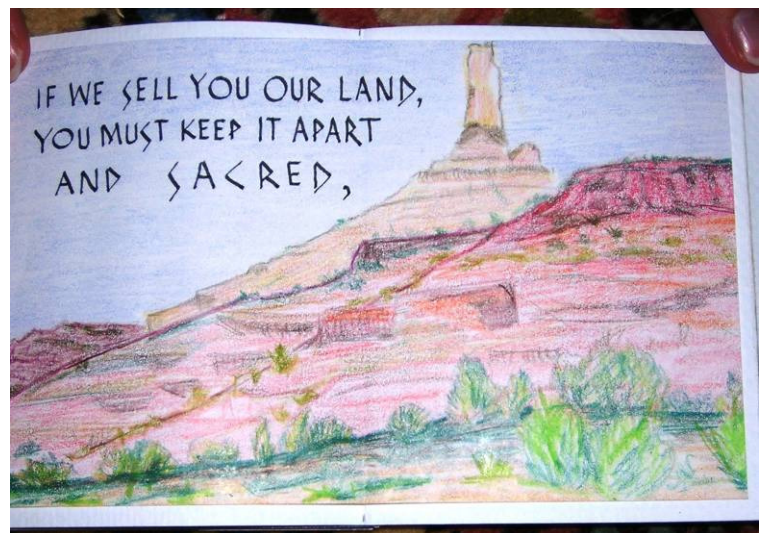
At the same time, other CRC members participated in fundraising efforts aimed at those interested in maintaining trust land as open space for its recreational, environmental and scenic value. They did so by creating a website for the organization to disseminate information ([www.castlerockcollaboration.org](http://www.castlerockcollaboration.org), which is not currently available), using the Utah Open Lands website ([www.utahopenlands.org](http://www.utahopenlands.org)) and conducting outreach through informational brochures. CRC member Cris Coffey also made a book of watercolor images of favorite Castle Valley locations, combined with quotes borrowed from Chief Seattle in Washington about his feelings towards

**Figure 4-5: Watercolor Book by Cris Coffey, Front and Back Cover**



Source: Photograph by Eirin Krane

**Figure 4-6: Watercolor Book by Cris Coffey, Pages 11 and 12**



Source: Photograph by Eirin Krane

selling land (Figures 4-5 and 4-6). Coffey remembered how the book was used in the campaign, “[CRC] ended up collating more than 400 copies of the book and sending them out to Castle Valley property owners and other interested parties in order to marshal support and get people thinking about how they felt about the land.”<sup>84</sup>

In June 2003, after the massive fundraising effort was completed, Utah Open Lands and CRC raised the needed funds to purchase the 217.3-acre piece of land at the base of Castleton Tower.<sup>85</sup> Donors who contributed to the land purchase fees or administrative costs included many representatives from the outdoor industry, such as PETZL America, Black Diamond Equipment LTD and Patagonia, as well as foundations, non-profits and private individuals.<sup>86</sup> The State of Utah also provided a grant from Utah’s LeRay McAllister Critical Lands Fund that covered approximately 15 percent of the cost of the land.<sup>87</sup> Although the Castleton Tower land was no longer officially part of the planning process, CRC saw this conservation transaction as the first success of the process, since without the initiation of the planning process and the relationships that were being developed, the option would not have existed. CRC leader Laura Kamala emphasized the importance of conservation transactions to the planning process:

I see all the conservation initiatives we did with SITLA as part of the process, because it was key in our growing relationship with them, in proving that there was a conservation market here for SITLA, and it’s viable. We could show up with the money and do what we said we were going to do, even with a better record than a lot of the developers they were working with at the time.<sup>88</sup>

## **THE TOWN TAKES ANOTHER PATH**

As the planning process continued, the town government realized it was ill-prepared to deal with potential development in the Valley. In particular, Mayor Bruce Keeler, Castle Valley Town Council members and Castle Valley Planning and Zoning Commission members realized that the town’s general plan and zoning ordinance were outdated.<sup>89</sup> The general plan and zoning ordinance, to which the subdivision ordinance was appended, were borrowed from Grand County in the 1980s when the original town formed, and had been in place ever since.<sup>90</sup> Out-of-date ordinances were a symptom of a larger problem in Castle Valley town government – they simply were not ready for the situation that faced them.

The town’s lack of preparedness stemmed from its spotty history. Originally a ranch site, Castle Valley was developed into 448 five-acre plots in the 1970s and was part of Grand County’s jurisdiction, governed informally by a loose group of property owners via the Castle Valley River Ranchos Property Owners Association.<sup>91</sup> In an effort to increase the community’s political clout over decisions affecting land use near the residential development, Castle Valley incorporated as a town in 1985, with mixed support from community members.<sup>92</sup> Since that time, there have been multiple attempts to undo the town’s incorporation most recently in 1998, illustrating the community’s contrasting feelings about a governmental entity guiding the community.<sup>93</sup> The town had not faced development pressure since the original community was formed in the 1970s, and the potential sale of large blocks of trust land was problematic for a relatively-inexperienced government system.

Since approximately half of the 4,500 acres of trust land fell within the boundaries of the town, Mayor Keeler, the Town Council and the Planning and Zoning Commission realized that it was imperative that the ordinances be revised. As a separate but concurrent effort from the planning process, the town officials began the challenging task of revising the general plan and local ordinances in May 2000. The town hoped to rewrite the ordinances to create a new general plan, a master development plan ordinance and a subdivision ordinance.<sup>94</sup> As described by Mayor Keeler, “It was made very clear to SITLA at the beginning of the process that the town would be developing on a separate track along with this [planning] process, a subdivision master development ordinance.”<sup>95</sup> In addition to Mayor Keeler, the main town officials involved in the ordinance revision included Planning and Zoning Commission Chair Catherine Howells, Brooke Williams and Richard Schwartz from the Planning and Zoning Commission and Jerry Bidinger and Karen Nelson from the Town Council.

The town hired an attorney, Jerry Kinghorn, to advise them in revising the outdated ordinances. Kinghorn discovered that Utah statute requires that all towns have updated ordinances, and that a developer submit a plan to the town government for approval prior to initiating development on the land. Because of this legal discovery, and due to the fact that the town did not want to have a conflict of interest by collaborating in the development of a plan with a landowner and potential developer (i.e. SITLA), the town’s interactions in the planning process became much less formal and removed.<sup>96</sup> Furthermore, the town worried about potentially binding future town government entities to provide infrastructure, water and sewer or septic services to future development, which the town and its residents might not be able to afford.<sup>97</sup> Although several individual members of the town government continued to be involved in planning with SITLA, including Brooke Williams, Richard Schwartz, Karen Nelson and to some extent Mayor Keeler, their involvement became a personal, separate function from their roles in town government.

## **COMPLICATIONS ARISE**

Despite the progress that had been made in the planning process and the success of the Castleton Tower Preservation Initiative, challenges emerged that threatened implementation of the group’s planning. It was understood from early in the planning process that the end product would be a signed contract specifying the agreements reached during the process. The parties to the contract would be the town of Castle Valley and SITLA, since CRC was not an entity with authority to make a legally-binding decision for the town. As articulated by CRC and Town Council member Karen Nelson, “A group of citizens [such as CRC] cannot represent the town unless the town appoints them.”<sup>98</sup> It was understood, however, that CRC would still be instrumental in implementing the agreements made in the contract, particularly in regards to coordinating land purchases. However, due in part to the town’s hesitance in signing a document that was not perceived to be part of the town’s normal development process and that would legally bind future town government to approving development that stemmed from the plan, the contract never reached its final form, and the town expressed reluctance in signing any documents.<sup>99</sup> In fact, both SITLA and the town perceived elements of the process to be unsuccessful, which caused the planning process to flounder.

The challenges faced towards the end of the process stemmed from the town’s development of land use ordinances, the results of the hydrological study and questions surrounding the town’s

water rights. In addition, personality conflicts and miscommunication added to the difficulty of completing and implementing the group's planning efforts.

The foremost challenge to the process involved the town's process of revising its land use ordinances, which was orchestrated primarily by the Planning and Zoning Commission. The ordinance revisions seemed to complicate the planning group's ability to finalize and sign the planning contract. The contract's viability depended on the town giving legislative authority to it, since the town was legally responsible for overseeing planning activities within the town's boundaries and because the plan included an agreement whereby the town would annex the trust land outside its boundaries into the town. SITLA Associate Director of Administration John Andrews described it this way, "Ultimately that plan [contract] would have to be legally implemented through the town passing an ordinance that vested that right to develop in the landowner."<sup>100</sup> Thus, without the town's approval, the planning contract could not be implemented. According to CRC and Planning and Zoning Commission member Richard Schwartz, there was concern among the town's representatives that problems might emerge by engaging in the planning process with SITLA:

There was concern that the town was committing itself to a course of action and implicitly binding future leaders of the town to this course of action without having been through [the town's] due process. There was some concern that if some of the development proved to be more dense than could be supported by the aquifer and there became groundwater problems, that people might sue the town for having entered into this development that subsequently led to problems.<sup>101</sup>

It was this concern that further spurred the town's desire to update the land use ordinances. Through the process of updating the ordinances and in consultation with the town's attorney Jerry Kinghorn, the town subsequently determined that it could not explicitly acknowledge the work that was being done in the planning process, since colluding with a potential developer would be considered a conflict of interest. Planning and Zoning Commission member Richard Schwartz described the situation:

The crux of the matter was a feeling on the part of some people that [the Planning and Zoning Commission] simply cannot acknowledge in any way the work that had been done [in the planning process]. And the feeling on the part of a lot of other people that it would be foolish, as well as somewhat both disingenuous and somewhat in bad faith, to not explicitly acknowledge what had been going on. That was the major unraveling.<sup>102</sup>

Because of the legal advice that restricted the town's interactions with the process, the dynamics of the process changed. CRC leader Dave Erley described how in writing the ordinances:

The negotiations changed from the Castle Rock Collaboration which was very flexible to the town and the town's Planning Commission, which by state statute was forced into some rigid things regarding timing, requirements and how things had to be written. That certainly changed the dynamic in the negotiation. It became much more tense and sometimes adversarial.<sup>103</sup>

There was also concern from the other members of the planning process that the ordinances would provide the town with too much discretion in the development process, and questions emerged about whether the town was adhering to its commitment to the planning process. Facilitator Marty Zeller described the controversy that arose when the ordinances came out, “When the ordinances were put out, the discretion was so thoroughly with the town as to what could happen, it raised the question as to whether the town was acting in good faith and whether SITLA would have any development rights at all ... That’s where it really broke down.”<sup>104</sup>

Some members of the planning process also felt that the town’s process of revising the ordinances was not within the spirit of the collaborative planning process. Town Council member Karen Nelson remembered that there were some individuals who thought the planning process was a stalling tactic, buying time so that the town could create and pass ordinance revisions that were needed and legally necessary. However, some participants felt that using the process as a stalling tactic was not necessarily consistent with the agreements made in the planning process:

Because we were still in the planning process and it was still taking a lot of time, there were members of the governmental body who felt that it was going to be advantageous to use [the planning process] to slow down any other actions so we could get the zoning ordinance written and have it very restrictive so that it would take care of most of our issues and circumvent the need to solve the problem through negotiation. The document would be restrictive enough and would make development so expensive that we wouldn’t have to worry about it.<sup>105</sup>

Some participants also perceived the ordinances as one-sided, unfair and imbalanced, particularly against SITLA’s interests. Some also thought the ordinances were a smoke screen attempting to cover efforts to derail the planning process. Participants attributed the motivations behind enacting such strict ordinances to a failure of mutual risk-taking on the part of the town and asserted that although SITLA had agreed to reduce development density on the land, the town was less willing to assume risk in accommodating any development.

Despite some planning participants’ feelings that the ordinance revisions were not within the spirit of the planning effort, town attorney Jerry Kinghorn and several town representatives, particularly Planning and Zoning Commission Chair Catherine Howells and Mayor Bruce Keeler, acknowledged that they were legally required.<sup>106</sup> Kinghorn advised Mayor Keeler not to sign the planning contract and to focus instead on revising the ordinances.<sup>107</sup> CRC leader Laura Kamala described how the process started to break down when the town expressed concerns about signing the contract:

In good faith, we were all going forward for a long time. Then things fell apart really towards the end when it got closer to the time when the town needed to make a commitment to signing some of the documentation. That was when it really fell apart ... Part of [the fear of signing paperwork] was because there was a lack of belief that [the community] could go forward with our original vision which was to continue to do conservation initiatives.<sup>108</sup>

So, instead of working to complete and sign the contract, the planning process slowed and the town focused on revising their general plan, master development plan ordinance and subdivision ordinance. The Planning and Zoning Commission completed the new general plan and ordinances and posted them for public comment in December 2003, giving community members and SITLA the opportunity to comment.<sup>109</sup> The Commission then revised the ordinances according to public feedback and sent them to the Town Council for approval. The Town Council passed the ordinances September 2004.<sup>110</sup>

According to Kinghorn, to adhere to Utah state statute, the planning process contract would have to be submitted to the Planning and Zoning Commission for review as specified in the ordinances. However, the contract never was introduced through the town's process. Mayor Keeler explained what needed to happen to move forward with the planning process, since the town could not sign the planning contract without it being submitted to the Planning and Zoning Commission:

What needed to happen was that SITLA at that point needed to come to the town with their application to the Planning Commission and plug it in, and Ric [McBrier] didn't want to do that. He said in an open meeting that the town broke its commitment to the process by making SITLA go through the subdivision process.<sup>111</sup>

Because the ordinances laid out very specific requirements to which a potential developer would have to adhere, they served as an obstacle from SITLA's perspective. CRC leader Dave Erley recalled that once the town began to revise its ordinances, "It was clear that SITLA wasn't going to like things that the town was going to do."<sup>112</sup> Town Council member Jerry Bidinger described the problems that SITLA faced in the planning process:

SITLA saw a series of ordinances put in place that said if you're going to go forward with this planned development, you're going to have to do a series of studies, [provide] a lot of environmental impact information and the developer would be responsible for a series of costs that the town isn't going to bear on its own.<sup>113</sup>

Mayor Keeler acknowledged that SITLA was concerned that developing ordinances might undo the progress made through the planning effort:

Ric [McBrier] was always very concerned that if [the town representatives] didn't like what was coming out of the plan, we would write an ordinance to prevent it, so that we would actually short circuit anything we weren't comfortable with. Which we didn't do ... we did do a state of the art, very contemporary master development subdivision ordinance.<sup>114</sup>

Despite varying perspectives about the legitimacy of the town's ordinance revision process, it certainly changed the direction of the planning process significantly.

## THE PROCESS REACHES A STALEMATE

As the ordinances were being revised, personality conflicts and miscommunication further complicated the process. Mayor Keeler recognized, “There were people [in the community] who had disagreements with some people working on the planning process,” and these conflicts became aggravated by the issues raised surrounding the land use ordinances, water quality and water rights, which were emotionally charged.<sup>115</sup>

Issues surrounding the town’s land use ordinances seemed to elicit personality conflicts. CRC and Planning and Zoning Commission member Richard Schwartz remembered that once the Commission started revising the land use ordinances, “There was a lot of personal animosity generated by the interaction of the Planning and Zoning Commission with the whole process, but maybe that was necessary and inevitable.”<sup>116</sup> Despite the fact that the ordinances were required by Utah law, some members of the planning group felt that the manner in which they were created was problematic because it resulted in “defensive posturing and a lost spirit of cooperation.”<sup>117</sup> According to CRC leader Laura Kamala, the manner in which the town representatives created such strict ordinances “seemed personal to me. It seemed like it was some kind of personal vendetta, a personal mission they were going to at the last minute, after everything.”<sup>118</sup> Schwartz indicated that once the town’s involvement focused on creating the ordinances, the planning process “became less collaborative and more contentious as it went along. In some senses, CRC and SITLA were less contentious towards each other than either was toward the town. If things were going to fracture, I wouldn’t have expected it to be that way.”<sup>119</sup> Indeed, several community members felt this way. Some felt that the sense of contention between the town and CRC and SITLA resulted from the perception that “CRC stayed committed to the vision of the planning process while the town seemed to abandon that.”<sup>120</sup>

The hydrological study results damaged the process further. The results, which came in during March 2004, indicated that a density of one unit per 15 acres was the maximum allowable development density to maintain the quality of the water in the aquifer.<sup>121</sup> The Castle Valley aquifer, from which all Castle Valley residents draw their water, was designated as a pristine, sole-source aquifer by the Environmental Protection Agency (EPA) in 2001, thus increasing the importance of preserving it in an undisturbed state. Although the average density in the plan was one unit per 20 acres, some areas of the plan were as dense as one unit per five acres, which was denser than the hydrological study recommended. As a result, some participants suggested that parts of the development plan would have to be revised according to the hydrological study results.<sup>122</sup>

In addition to the hydrological study results, the town of Castle Valley began to realize that it had been negligent in proving its water rights over the last few years, adding an additional complication to the process. In Utah, any entity with water rights must illustrate once every five years that it has used the amount it has been designated. Under this “use-it-or-lose-it” approach, the state can decrease or rescind a town’s water rights if they have not been fully utilized.<sup>123</sup> Around September 2004, Castle Valley town representatives began to realize that the town’s records for proving its water rights were deficient.<sup>124</sup> Towards the end of the planning process, the town entered into discussions with Grand County and the state of Utah about the legitimacy of its water rights. This uncertainty surrounding the town’s water rights complicated the planning



process toward the end because the planning contract assumed that a developer would be entitled to use the town's water.<sup>125</sup> Dave Erley described the problems that water rights issues brought to the surface, "It was clear that there was starting to be questions about the amount of water rights that the town of Castle Valley really has, and part of these negotiations was about SITLA getting water rights."<sup>126</sup>

The fractures in the planning process manifested themselves through difficult community interaction. Laura Kamala remembered, "There were a couple of meetings where the town got together ... and it turned into a shouting match and fell apart. It wasn't working, wasn't going anywhere, wasn't happening."<sup>127</sup> She continued:

There was a lot of hurt, anger and betrayal with Ric [McBrier] and Marty [Zeller]. They were trashed [by other members of the planning group]. There were some public meetings that I witnessed where I was shocked at the kind of interactions it deteriorated into, the way that people were so disrespectful to one another. I was really disappointed.<sup>128</sup>

Other members of the planning process and town government similarly felt that personality conflicts were challenging for the process. Dave Erley remembered: "[The planning process] cost me some sleepless nights. It's not like it's just people you work with, it's people you live with, and these people don't go away. You need to be able to face them."<sup>129</sup> Planning and Zoning Commission Chair Catherine Howells felt that because the Commission was heading up the ordinance revisions and because she had always asked questions about the town's role in addressing land use issues throughout the process, she was pinpointed as the one to blame for the process' failure:

The town can't get involved in land purchase issues; they have to get involved in land use issues. The plan looked more at the land purchase issues and didn't really deal with land use issues. When [the planning group] was forced to look at the land use issues, it literally exploded, and I was the target.<sup>130</sup>

However, some members of the planning group felt that the plan did address land use issues in addition to land purchase issues.<sup>131</sup>

In addition to problems with personality conflicts, some community members began to question Marty Zeller's knowledge base and neutrality as a facilitator. Some members of the town government wondered if Zeller was aware of the state legal requirements concerning town ordinances. Catherine Howells remarked, "As a planner, Marty [Zeller] should have known that [the planning process] had to hit the Planning Commission, and if he didn't know, what kind of planner is that?"<sup>132</sup> Because SITLA hired Zeller to work on other projects, some Castle Valley community members also became concerned that Zeller had a conflict of interest. Town Council member Karen Nelson articulated the challenge this created for the process, "By taking on more jobs through SITLA, and I can understand why he did, the appearance of favoritism emerged, which was detrimental. There was the appearance of taking a side."<sup>133</sup> Furthermore, by the end of the process the costs for Conservation Partners exceeded the original bid amount, and SITLA covered this amount of approximately \$6,000.<sup>134</sup> Some community members expressed concern

about this fact, given that the original concept was that the community and SITLA would divide the facilitation costs evenly.

As a result of the challenges faced by the planning process, a stalemate occurred. The last planning process meeting occurred in the spring of 2004, after which no major actions were taken regarding the planning process. The town was reluctant to sign the contract because of their legal obligations and the Planning and Zoning Commission's belief that SITLA should submit the planning process contract to the Commission's process for review. SITLA was hesitant to sign the contract in response to the town's reluctance and the feeling that the town was not fulfilling its commitments to the planning process. SITLA was also less likely to continue with the process due to a negative response from school trust beneficiaries about the situation, who felt that the town was not acting in good faith. As recalled by Beneficiary Representative Margaret Bird, "Ultimately, as beneficiaries we went to the [SITLA] Board and said, 'We don't intend to collaborate with [the community of Castle Valley] any longer unless they will come to the table in good faith and sign their half of the document.'"<sup>135</sup> CRC members, frustrated by the events that occurred at the end of the process, were not able to influence the town or SITLA to reconsider their positions. Thus, the planning process slowly stalled and some members of the group began to explore the possibility of a land exchange that could serve as an alternative to the planning process.

Despite the fact that the planning process did not result in a signed contract, another conservation transaction was conducted. In January 2003, with Laura Kamala and Wendy Fisher's leadership, Utah Open Lands and the Utah Division of Wildlife Resources combined resources and entered into a purchase agreement with SITLA to purchase 530 acres of trust land in the Valley that included critical habitat for a population of La Sal Mule Deer that uses the land for its winter range (Figure 4-7).<sup>136</sup> The purchase agreement provides five years for Utah Open Lands to purchase the land, which will be paid for by funds from the Utah Division of Wildlife Resources and by funds still being raised by Utah Open Lands. A conservation easement will be placed on this wildlife habitat once purchase is secured.<sup>137</sup>

#### **A LAND EXCHANGE OPTION**

During the process, the group discussed the option of a land exchange whereby trust land would be traded for public land managed by the Bureau of Land Management (BLM). Since land exchanges were typically lengthy and difficult to achieve, however, the group preferred the planning process contract.<sup>138</sup> But, given the difficulties that arose from trying to work out the details and signing of the contract, a land exchange option became more attractive to the group. SITLA had engaged in two successful land exchanges in the past.<sup>139</sup> Starting in 2003, SITLA began to seriously consider including the Castle Valley trust lands in a land exchange, with

**Figure 4-7: La Sal Mule Deer**



Source: Photograph by Eirin Krane

encouragement from Castle Valley Planning Process participants, including Grand Canyon Trust Executive Director Bill Hedden and Laura Kamala, who had become Grand Canyon Trust's Director of Utah Programs. Kamala described the importance of pursuing the land exchange once the planning process contract failed to come to fruition, "I wasn't willing to let the whole thing fall apart and have no other options for addressing the ultimate outcome that we desired. There had to be a way, there had to be another way. And fortunately, there was."<sup>140</sup>

Because of the groundwork that had been laid and the relationships that had been developed through the planning process, SITLA included all the trust lands in Castle Valley in a proposed legislative land exchange with the BLM.<sup>141</sup> This land exchange would trade up to 40,000 acres of environmentally-sensitive trust land in Grand County with up to 48,000 acres of BLM land in Uintah County that could be used for oil and gas development.<sup>142</sup> The Utah Recreational Land Exchange Act of 2005 was introduced in May 2005, and is still awaiting action in Congress.<sup>143</sup> The land exchange proposal has received a great deal of support from the Utah State Legislature, Utah Governor, Grand and Uintah Counties, city of Moab, town of Castle Valley, Utah Guides and Outfitters, the Grand Canyon Trust, the Outdoor Industry Association and the Nature Conservancy, among others.<sup>144</sup> Many of the participants in the process believed that the inclusion of Castle Valley lands in this proposed legislative land exchange was a direct result of the work that went on in the planning process.<sup>145</sup>

The overall consensus of the participants in the process is that if the land exchange is enacted and implemented, the overall objectives of all groups involved will be reached – the community will have the land preserved and SITLA will obtain valuable lands in another county that can be used for lucrative oil and gas development. Although the path that the process eventually took was different than expected, members of the group still considered it fruitful. Dave Erley described the unexpected outcome of the land exchange, "At the beginning, we had a blueprint of how we were going to be successful, and it didn't turn out according to the blueprint, but we might have actually been more successful. I'm not sure everyone's come around to realizing that."<sup>146</sup> Likewise, Laura Kamala spoke positively about the land exchange option, "I'm very grateful that everything we did evolved into this wonderful opportunity for the land exchange, that it went in that direction. No one could have imagined that would have happened when we started out six or seven years ago."<sup>147</sup>

Many involved in the process also have thought about what potentially might happen if the land exchange does not go through. SITLA Associate Director of Administration John Andrews indicated that due to the "complex legal background surrounding the interpretation of the uniform appraisal standards for federal land acquisition," appraisal of the trust lands included in the proposed land exchange will likely be difficult and controversial.<sup>148</sup> Because of the importance of having the land's value represented in the appraisals, SITLA Director Kevin Carter indicated, "If [SITLA is] going to pull lands out [of the proposed land exchange agreement], the Castle Valley lands will be some of the first we would pull out. They're good leverage." Planning and Zoning Commission and CRC member Richard Schwartz discussed his concerns, "If the land swap doesn't happen, then we have to start thinking about what happens now. What, if any, of this work can be applied? Will [SITLA] still be amenable to picking up where we left off a year and a half or two years ago?"<sup>149</sup> Many feel optimistic that the work that was done through the planning process could still serve as a basis for future discussions, even if

the land exchange does not proceed. Laura Kamala expressed her positive feelings, “I think [the planning process] is something that could be revisited in the event that this land exchange option for some reason falls apart.”<sup>150</sup> By no means is the land exchange guaranteed, and until it is finalized, the future of trust land in Castle Valley remains undecided.

#### **UPDATE ON LAND EXCHANGE PROCEEDINGS**

At the end of September 2005, Laura Kamala testified before the U.S. House of Representatives Resources Subcommittee that is reviewing the land exchange legislation. She also attended many Congressional Committee meetings in which the legislation was discussed, and to date the bill has gone through numerous rewrites. The full House Resources Committee is likely to conduct a markup on the legislation soon.<sup>151</sup>

#### **STATUS OF RELATIONSHIP BETWEEN UTAH OPEN LANDS AND CRC**

After the planning process ended, the relationship between Utah Open Lands and CRC was dissolved and CRC is not currently active, due in part to the fact that the trust lands in Castle Valley are now included in the pending land exchange.<sup>152</sup>

#### **THE ANALYSIS: THE CASTLE VALLEY PLANNING PROCESS**

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Analysis of the Castle Valley Planning Process reveals benefits, costs, challenges, facilitating factors and lessons learned, which will be identified and discussed in this section. This analysis is based on stakeholder observations and reflections, as well as the researchers’ external evaluation.

Benefits of the Castle Valley Planning Process include improved understanding among stakeholders, development of a sense of ownership in the issue, provision of time for thoughtful decision making, increased trust land value, positive conservation outcomes, increased town government capacity to manage growth and the formation of effective professional and personal relationships. The planning process also imposed substantial time, financial, opportunity and emotional costs for those involved.

In addition, planning process members encountered significant challenges during the planning effort, which include mutually exclusive objectives, the newness of the process, the unique nature of school trust land, mixed success with community outreach, confusion about the role of the town in the collaborative process, water quality and quantity issues, personality conflicts and maintaining momentum in times of impasse.

Facilitating factors that helped the Castle Valley Planning Process continue include partnerships, establishing common ground and shared goals, shared experiences and joint fact-finding.

Finally, lessons learned from the Castle Valley Planning Process include the importance of clearly defining participants’ roles and responsibilities, ensuring that legally appropriate stakeholders are represented and legal sideboards and requirements are understood, engaging in

joint risk taking and compromise, having professional, neutral and knowledgeable facilitation, utilizing formal and informal leadership opportunities and recognizing the effect of unequal power relationships in motivating and hindering the process.

### **WAS THE CASTLE VALLEY PLANNING PROCESS COLLABORATIVE?**

Participants in the Castle Valley Planning Process expressed mixed feelings regarding the collaborative nature of the process. Most participants felt that though the process was collaborative overall, there were elements and periods of time when the collaborative effort broke down. SITLA Assistant Director Ric McBrier remembered, “We collaborated; there is no question about that.”<sup>153</sup> Utah Open Lands Executive Director Wendy Fisher added, “It depends on how you define collaboration ... There were definitely parts where I felt it was a complete collaboration. Then there were times when it seemed like it wasn’t about protecting the land, it wasn’t about planning, we weren’t sure what it really was about.”<sup>154</sup>

While the planning process began as a collaborative effort, it reached a stalemate toward the end when the planning contract was not completed. As a result, many participants felt that the process became less collaborative. CRC and Town Council member Karen Nelson recalled, “[The planning process] was collaborative for the vast majority of the time. At the end, it broke down because a few people pulled a power move within the community.”<sup>155</sup> CRC and Planning and Zoning Commission member Richard Schwartz echoed the sentiment that the planning process “became less collaborative and more contentious as it went along.”<sup>156</sup> Some Castle Valley residents believed the origins of the process were collaborative but that the town’s legal responsibilities were not considered, making the entire process less collaborative. Planning and Zoning Commission Chair Catherine Howells recalled, “The discussion of the plan was collaborative, but the end result, since it so thoroughly fell apart, was not collaborative. The process didn’t include the reality of town government.”

**Breadth of Stakeholders:** A wide range of stakeholders was represented in the Castle Valley Planning Process, although there were some groups and individuals whose added involvement could have increased the success of the process. In particular, the process could have benefited if the Town Council and Planning and Zoning Commission had been involved more directly and clearly from the outset and if a broader range of community members had been represented in CRC.

The town government’s limited and sometimes unclear involvement caused some challenges to the process. According to some town government representatives, the planning group occasionally made decisions without the town’s full input, which resulted in overlooking the town’s legal perspective. Town Council member Jerry Bidinger noted that, “The town needed to have a more robust role from the very beginning to try to publicize what’s going on by having a community meeting.”<sup>157</sup> Although facilitator Marty Zeller felt that the Mayor and other town representatives were involved to some degree throughout the process, he agreed that “the town, through its elected representatives could have been more forcefully represented in the process.”<sup>158</sup> SITLA Director Kevin Carter also acknowledged that the breadth of stakeholders represented may have been deficient when it came to the local government:

Although [SITLA representatives] felt like we were working with a representative sampling of the community there, it turned out that the local planning and the local leaders were not affiliated with the collaboration ... and did not feel that they were committed to any of the agreements that the collaboration had made with us regarding our land in Castle Valley.<sup>159</sup>

Attempts to include all the governing bodies in the collaborative process may not have been successful, because as Planning and Zoning Commission Chair Catherine Howells explained:

The Planning Commission was not included in the collaborative process, and could not have been ... The Planning Commission's charter is to look at the well-being of the whole town and to take requests from developers, so that it would be a conflict of interest for the Planning Commission to help with the development plan.<sup>160</sup>

While some participants disagree about how involved the Planning and Zoning Commission could have been, the fact that there was a lack of consensus about the town's role underscores the importance of understanding the legal restrictions under which each of the affected stakeholders must operate. Mayor Bruce Keeler noted, "You've got to know that your collaborative group is representative of the overall community, because you could go through all the collaborative efforts you want, but if the group representing the community is not accepted, then it's all for nothing."<sup>161</sup> In general, having broader representation of some of the residents of Castle Valley, such as members from the Seventh Day Adventist community and the Church of Latter Day Saints community, could have added to the legitimacy and effectiveness of the planning group.<sup>162</sup> However, some planning group participants felt that community members who chose not to be involved in the process did so consciously – a fact that may have precluded broader representation from the community.<sup>163</sup>

Despite some of the real or perceived deficiencies in achieving a complete range of stakeholder representation, overall many of the interested parties were involved, and the process benefited from their range of experiences and perspectives.

**Degree of Transparency:** The level of transparency in the process varied over time. Participants shared information freely in general, but sometimes the inner workings of each individual entity (SITLA, town of Castle Valley, CRC) were such that they conducted their own decision-making processes that were not always clear to members of the other groups. For example, Town Council member Jerry Bidinger recognized that the town often made its own decisions:

Once I was involved, most of the decisions the town made it made on its own. [The town] gave SITLA the opportunity to comment on the kinds of ordinances we wanted and on the positions we were taking, but at the end of the day, it was our obligation to make a decision as an incorporated municipality.<sup>164</sup>

However, CRC often had difficulties making its actions visible to the general community of Castle Valley, as well. Bidinger remembered his experiences with CRC meetings:

One of the problems with having a number of citizens get together and pursue issues on their own is that their activities can be unknown to a substantial body of the community. It's hard enough for a town, or any government to communicate to all its citizens and tell them what's going on, let alone convince them you're doing the right thing. When you're a private group of individuals, the opportunities for a broad range of communication is even less. It was a little bit difficult to figure out what was going on. I went to meetings and I'd see some people and get a sense of what was happening, and when I got invited to [another] meeting, then I could see who the core people were.<sup>165</sup>

Members of the planning process sometimes felt that the Planning and Zoning Commission was not always forthright with their activities as well. CRC leader Laura Kamala recalled her frustration with not knowing exactly what was going on when the Planning and Zoning Commission was working on the ordinances:

As much as possible, to the best of our ability, [the planning group] kept hanging in there as the town went through its motions with the town attorney ... they really went off and tried to do a separate thing from my perspective when that started to happen. I kept waiting for feedback from them. "What are you doing? Could I see what you're doing with the town attorney? How will it all fit with what we're trying to do here?" There were schisms happening.<sup>166</sup>

The lack of transparency perhaps contributed to the disintegration of the planning process as it continued. CRC member Cris Coffey recognized that while CRC worked to communicate with the broader community, sometimes they were not totally successful, "We tried hard to keep the community abreast of what was going on. And some people had a vast interest in what we were doing, and others, I don't know that they really realized what was going on. I think that's often the case in communities like this."<sup>167</sup>

**Degree of Influence on Decision Making:** The stakeholders involved in the process had a fairly high degree of influence over the decision-making process, since the planning process and contract were based on the input of all the parties, through a long and detailed effort. Even though the contract was never signed, three important conservation transactions occurred on trust land in the Valley, which illustrates the influence the planning process has had on the future of at least some of the Castle Valley trust land. Furthermore, a land exchange involving the remainder of Castle Valley trust land is pending because of the groundwork that was laid through the process. Jerry Bidinger articulated what could have occurred if the process had not taken place:

The outcome could have been that without community involvement at all and any give and take, that SITLA not knowing what the community's interests are could have pursued a course of action that would have been inconsistent with community's interests and would have created ill will and bad feeling between SITLA and the town.<sup>168</sup>

Had the planning process not occurred, trust land in the Valley could have been auctioned by SITLA piece by piece over time, upsetting the community and leading to political unrest and

potentially jeopardizing SITLA's reputation. If all trust land in the Valley were developed in the same fashion as the existing development, the population of the town could have nearly doubled, placing a strain on the environment and town infrastructure. Laura Kamala recognized what might have occurred without the planning process, "If those 4,000 acres [of trust land] you see out there were developed into a town the size of the already existing town, the effect of what could happen to this community would be tremendous."<sup>169</sup> Because the collaborative planning process occurred in Castle Valley, up to this point the decisions made by SITLA have been influenced by community input, increasing the chance that these decisions will be supported in the future.

## **BENEFITS OF THE PROCESS**

Although the planning contract was never signed, the planning process resulted in several benefits and positive outcomes that were identified by various stakeholders in the process. These benefits included improved understanding, an increased sense of ownership, time for thoughtful decision making and positive conservation outcomes.

### **Built Understanding**

The planning process created an opportunity to build understanding among participants, particularly about SITLA's mandate and the nature of trust lands in Utah. A well-known problem is that the general public rarely understands the intricacies of school trust lands. According to Laura Kamala, "Most people don't realize that when they look out, they're looking at state trust lands scattered all over the federal lands. They don't get it."<sup>170</sup> Through this process, however, an education process occurred. According to SITLA Director Kevin Carter:

Some of the people that were involved in the collaboration certainly understand who we [SITLA] are better, they understand what our respective mandates, tasks and obligations are, and as a result of that, some of those individuals have been very helpful in unrelated activities that we've done. There was certainly an education process and some bridge-building that went on there.<sup>171</sup>

In addition to increasing the community's understanding of SITLA's mandate, the planning process enabled all participants to openly express their ideas and learn from each other. Jerry Bidinger recalled:

A lot of different viewpoints were aired openly with a full presentation of emotion and passion and commitment to a lifestyle, of the state's needs and of the obligations from both sides. I think there was a pretty frank, free and open exchange of attitudes and opinions, which is really healthy and important. That interchange went on for a substantial period of time. It wasn't just one afternoon on a phone call. It stretched out for a couple of years.<sup>172</sup>

Because of these interactions, planning process participants from CRC, the town and SITLA understood each other in a more meaningful way than before.



## **Increased Sense of Ownership among Participants**

By engaging in the Castle Valley Planning Process, the participants developed a sense of ownership of the issue. The joint decision-making process enabled meaningful participation of all involved and allowed everyone to play a key role. In considering her involvement in the CRC after learning of the sale of the Parriott Mesa parcel, Cris Coffey noted the empowerment she experienced through being involved in the process, “I gained a sense that there was something I could do rather than just waiting for what seemed like a very bad thing to happen.”<sup>173</sup> The planning process also allowed the community and SITLA to be proactive about problems facing the community.

The sense of ownership was particularly evident among community members involved in the process and those who observed it as it progressed, who had previously thought that issues involving state agencies could not involve small communities such as Castle Valley. Laura Kamala recalled discussing the process with Ron Drake, a leader in the local Church of the Latter Day Saints and the author of “The Castle Valley Comments,” a column in the *Moab Times-Independent* newspaper. Although Drake was not a direct participant in the process, he often observed the events as they unfolded.

I had this conversation with [Ron Drake] one day, and he thanked [the planning group]. He said, “I knew about the state lands situation. I worried about it, but I didn’t think there was anything we could do. You’ve shown me that as a community we can engage with State Trust Lands; we can relate with them; we can say what we want.” He had no idea that was even possible. He was really very happy and was very supportive of the process when we were in it.<sup>174</sup>

## **Provided Time for Thoughtful and Creative Decision Making**

The planning process also allowed time for the community and SITLA to make well-informed, thoughtful decisions that addressed the concerns of everyone involved. During the four-year process, the participants were able to take the time to conduct extensive mapping of the Valley’s resources and development potential, which would not have occurred had the planning process not been initiated.<sup>175</sup> The mapping information helped the group make informed decisions about what type of development would be appropriate for the trust land in the Valley by taking into consideration environmental constraints and coming up with creative development schemes that minimized the impact on the landscape.<sup>176</sup> The time spent in the planning process also resulted in reducing the number of potential development units on the trust land from 884 to 207 without decreasing the value of the land.<sup>177</sup>

From the community’s perspective, the planning process also slowed the development process and bought time for fundraising, enabling them to successfully purchase trust land for conservation purposes. Karen Nelson agreed that “The process was a success because it slowed everything down” and enabled the community to take the time to raise funds to purchase trust land around Parriott Mesa, Castleton Tower and critical wildlife habitat. From the town’s perspective, the process provided time to revise the land use ordinances, which were very out of date. Catherine Howells articulated the importance of having time to update the ordinances, “Part

of me looks at [the process] and says thank you so much for doing this process. It bought the Planning Commission the two years we needed to write the land use code.”<sup>178</sup>

### **Increased Value and a Financial Return from the Trust Land**

From SITLA’s perspective, one of the primary benefits of the collaborative planning process was the increase in trust land value that resulted from an investment in planning and creating development options for the land.<sup>179</sup> By creating a development plan for the area rather than selling the land in its raw form, future developers would have preapproved development rights and limited community opposition, and the value of trust land in the Valley would be increased substantially. In addition, the money made from the three conservation transactions (Parriott Mesa, Castleton Tower and the critical wildlife habitat) all contributed to SITLA’s financial portfolio that provides funding to the beneficiaries.<sup>180</sup>

The conservation transactions had the added benefit of possibly serving as the baseline for comparable sales that could be used in future appraisal of trust lands, including appraisals for the land exchange. SITLA Assistant Director Ric McBrier indicated that “even though the planning contract may not have been formally adopted by the town, the plan will probably still create value for the trust in the exchange with the federal government because there has been planning done for the property.”<sup>181</sup> Moreover, the value of trust land surrounding conserved parcels is increased by simply being adjacent to conserved land.<sup>182</sup> John Andrews, the Associate Director for SITLA’s Administration, underscored the importance of realizing the revenue-generation potential of the land, “We can collaboratively plan, but at the end of the day, we have to be looking at revenue generating potential. Money is it.”<sup>183</sup> Facilitator Marty Zeller remembered that the process allowed SITLA to generate revenue through non-development options, something that had not been attempted in the past. “What we demonstrated in this whole process was that non-development can produce an economic return that may be as great or greater than you can [produce] from a development solution.”<sup>184</sup>

### **Positive Conservation Outcomes**

Three successful conservation initiatives resulted from the planning process including the protection of 60 acres at the base of Parriott Mesa that were purchased from the developers and 217.3 acres at base of Castleton Tower and 530 acres of critical wildlife habitat that were purchased directly from SITLA. The purchased land is valuable from a conservation perspective because it provides crucial wildlife habitat for La Sal Mule Deer and other species, recreation opportunities for hikers, climbers and mountain bikers, areas for aquifer recharge and open space and scenic views, all of which are highly valued by the community. In discussing the land at the base of Parriott Mesa and Castleton Tower, Jerry Bidinger noted, “If CRC and Utah Open Lands didn’t get involved, I don’t know what would have happened to those two pieces of land.”<sup>185</sup> Wendy Fisher emphasized the centrality of the planning process in the conservation outcomes. “The planning process served to put these lands on the radar screen for the community, for the state, for the [SITLA] Administration, for Utah Open Lands and for the conservation community at large.”<sup>186</sup> CRC leader Dave Erley articulated the importance of the Castleton Tower Preservation Initiative in particular:

This purchase at Castleton Tower was the first time that [SITLA] had sold “developable lands” for conservation, so they weren’t in the habit of doing this kind of deal. We had to break a lot of inertia within the organization, and having the collaboration certainly was highly advantageous to being able to do that.<sup>187</sup>

The Castleton Tower Preservation Initiative was a conservation success because of the amount and quality of land it protected, the collaborative efforts it initiated by involving people all around the world who contributed to fundraising efforts and the symbolic precedent it set by illustrating that highly-valued trust land can be conserved.

In addition to setting aside valuable land for conservation, the planning process had the added effect of changing communities’ perceptions of what is possible in the realm of community-based conservation efforts. Fisher recalled:

A lot of people know about what happened in Castle Valley, and I think a lot of people see it as a template for guiding their own destiny. That just because something happens, it doesn’t mean it has to be that way. I think that is a benefit for all conservation, quite frankly. That is a benefit for all communities who want to strive to have uniqueness, to continue to have vitality and economic sustainability in the future and to not just become Anytown, U.S.A.<sup>188</sup>

### **Increased Town Government Capacity to Manage Growth**

The Castle Valley Planning Process served to increase the town’s understanding of development and their ability to address growth issues in their community. As a fairly young, small town that had never faced development pressure before, the town of Castle Valley was fairly informal in its land use regulations and governmental structure prior to the planning process. This informality is not unusual for smaller, rural communities in the West. According to Karen Nelson, “That’s one of the issues when you have an established rural community. Sometimes there’s not the understanding of what growth is and what it does to your life.”<sup>189</sup> Nelson added that “because of the urgency of getting involved in the process because they were talking about auctioning off these lands, we just jumped in, but we weren’t really prepared. I think a lot of rural communities aren’t prepared in their zoning.”<sup>190</sup>

Both the town’s zoning ordinances and its general plan needed to be updated in the face of increasing growth pressures and to comply with Utah law. Mayor Bruce Keeler remarked, “This was the first time we were coming up against [development pressure]. For the community, it was a big learning curve. It helped bring us up in the way we deal with things.”<sup>191</sup> Catherine Howells was primarily responsible for researching and working on the new ordinances. She noted that through the process of revising these ordinances, “We learned ... a whole lot. As a town we became more sophisticated in land use and asking the questions we’re asking. This is a very positive outcome.”<sup>192</sup> If it had not been for the external impetus of the planning process, the town would not have felt the need to increase the sophistication of their land use ordinances or their general procedure for dealing with development within the town’s boundaries.

## **Established Relationships that Laid the Groundwork for Future Activities**

One of the most important and beneficial outcomes was establishment of effective professional and personal relationships. Laura Kamala noted that, “In any collaborative process, the single most important thing is the relationships between the people involved.”<sup>193</sup> Cris Coffey echoed Kamala’s sentiment, “[The planning process] was a chance to spend really productive time with lots of people I love, my very close friends, and to do something important.”<sup>194</sup>

The relationships that developed through the process included those among planning process participants and those with outside organizations. One of the most important relationships was between the community and SITLA. Kamala recalled, “Relationship building [between SITLA and the community] was a big part of doing this whole process, so that [the community] could do business with [SITLA] so we could have our ultimate conservation goal and also honor their mandate which is to raise money for the school trust.”<sup>195</sup>

According to Mayor Keeler, working relationships between members of the community also developed that had not previously existed. “[The planning process] really opened the community up to each other. We had people working together who would hardly sit at the same table before that. It really helped to unite the community quite a bit.”<sup>196</sup> For facilitator Marty Zeller, the planning process helped him develop an effective working relationship with SITLA that led to being hired to work on additional projects for the agency.<sup>197</sup> SITLA Assistant Director Ric McBrier said that being able to work with local communities is extremely important to his work: “The opportunity to get to know communities, to engage the communities and to make a difference in the communities is a large part of what has kept me working [at SITLA].”<sup>198</sup> Planning participants also developed working relationships with outside organizations, particularly during the Castleton Tower Preservation Initiative in which several organizations such as the Outdoor Industry Association and the Access Fund partnered with CRC and Utah Open Lands to raise funds to purchase the land at the base of Castleton Tower.<sup>199</sup>

The relationships formed through the planning process, both between individual members of the group and with outside institutions, were instrumental in reaching creative solutions throughout the process. Zeller commented that the process “has produced a lot of relationships that led to some creative deals that made things happen that wouldn’t have happened otherwise.”<sup>200</sup> In particular, Zeller noted that “the process identified a range of tools and techniques to conserve land that neither the town nor SITLA knew about.”<sup>201</sup> The most important groundwork that was laid through the process was the relationship building, which enhanced the community’s knowledge about the trust lands mandate, provided the opportunity to conduct conservation transactions on trust land and encouraged SITLA’s decision to include the Castle Valley trust lands in the land exchange that is now pending Congressional approval.<sup>202</sup>

## **COSTS OF THE PROCESS**

Although there were several benefits resulting from the planning process, many stakeholders acknowledged that they incurred significant costs, as well. These costs include time, financial resources, lost opportunities and emotional energy and strained relationships.

## Volunteer and Staff Time

Given the length of the process, time was a major cost for all involved. The process began around 2000 after the community and SITLA agreed to jointly work on a planning process following the sale of the Parriott Mesa parcel. While the planning process ended in 2004, some of the participants continue to work on the land exchange today.

The planning process involved a series of meetings, many of which required a great deal of time, including preparation time, travel time and time spent during the actual meetings. Meetings throughout the process were held in Castle Valley, Salt Lake City, Boulder and Denver, and many participants traveled to meeting locations throughout the process. The process began with an initial charrette, led by Conservation Partners facilitators who gathered community input about a range of issues.<sup>203</sup> In addition to the initial charrette, the project team and CRC held a series of meetings with specific stakeholder groups within the community, including the Property Owners Association, the Seventh Day Adventist Academy, the Church of the Latter Day Saints community, climbers and recreationists.<sup>204</sup> Zeller led meetings throughout the planning process in which CRC members, Utah Open Lands representatives, town officials and SITLA discussed the goals, direction and progress of the planning process.<sup>205</sup>

The planning group also held two open houses in Castle Valley, in which any interested party could attend.<sup>206</sup> During the first open house, Conservation Partners presented a series of maps and overlay data illustrating the various issues. They also presented their preliminary development options based on the data and sought community input and reactions to the recommendations.<sup>207</sup> Following a series of negotiations with the planning group and incorporation of the feedback received from the first open house, Conservation Partners led a second open house in which a more final plan was presented to the community for comment.<sup>208</sup> Zeller emphasized the amount of time needed to successfully complete a process of this scope. He stated, “Don’t underestimate the amount of community interaction time that will be necessary to get to a constructive solution and the amount of time that it’s going to take getting the parties in front of each other so that they can build trust and communicate effectively.”<sup>209</sup>

Most of those involved from the community of Castle Valley, particularly those involved in CRC, volunteered their time and were not compensated. Utah Open Lands Executive Director Wendy Fisher estimated, “for community members engaged in the process ... they probably spent 75 to 80 percent of their time, and I could not tell you how much of their time is spent today, though I know many of the individuals in the Valley are very engaged in ongoing land issues.”<sup>210</sup> CRC board members met once or twice a month for a period of two or three years during the planning process, during which board members opened their houses to hold the meetings.<sup>211</sup> Laura Kamala and Dave Erley, the organizers of the community’s involvement in the process, worked at least 20 hours per week throughout the process and often much more.<sup>212</sup> They were compensated for part of the time they spent working on the process, after they were hired by Utah Open Lands.<sup>213</sup>

Members of the local government, including those on the Planning and Zoning Commission and the Town Council, volunteered their time as well, or were paid only part time. During the planning process, town representatives’ typical time commitments increased. CRC and Planning

and Zoning Commission member Richard Schwartz recalled, “There were times when the Planning and Zoning Commission met two or three times a month, as opposed to once a month.”<sup>214</sup>

Similarly, many of the other organizations involved dedicated a significant number of staff hours to the process. Ric McBrier, the key representative from SITLA, spent a great deal of time working on the process and frequently presented material to SITLA’s Board of Trustees, who consequently also spent time on the process.<sup>215</sup> Utah Open Lands also spent a significant amount of time on the process. Executive Director Wendy Fisher estimated the organization’s contribution:

From a Utah Open Lands perspective, a tremendous amount of organizational time was spent on the planning process, fundraising for individual pieces [of land] and the negotiation of those properties. From 2000 when we worked on the first piece to 2003 when we entered into a contract for the critical winter range piece, an average of 60 to 70 percent of the organization’s time was spent in Castle Valley. Today, Utah Open Lands employs one individual who works exclusively on land issues in Castle Valley and the greater Grand County area.<sup>216</sup>

## **Financial Resources**

Those involved in the process invested a great deal of financial resources in the planning process, as well as the conservation initiatives and transactions that resulted. These costs were shared among process participants. Prior to the planning process’ formal beginning, several community members from Castle Valley paid for much of the pre-planning activities themselves, such as initial maps, without being reimbursed.<sup>217</sup> Multiple stakeholders contributed to the various planning process expenses once it began, including paying the planners, engaging in the mapping activities, conducting the hydrological study, funding land appraisals and paying for staff time. As a rough estimate, Mayor Keeler guessed that overall, “there was probably a quarter of a million dollars spent on the planning process.”<sup>218</sup>

The costs of hiring Conservation Partners were shared among the town of Castle Valley, SITLA and CRC as a branch of Utah Open Lands. The town obtained a state planning grant to assist in their portion of the payment, and CRC and Utah Open Lands received a grant from the Sonoran Institute.<sup>219</sup> SITLA Assistant Director Ric McBrier estimated that the organization “spent in excess of \$100,000” on the planning process itself.<sup>220</sup> Utah Open Lands’ costs included CRC expenses and payroll, project and fundraising management costs and appraisal and negotiating costs which amounted to approximately \$50,000 per year during the process.<sup>221</sup> Funds for these expenses came from grants from a variety of organizations, including the Sonoran Institute, Patagonia and Tides Foundation.<sup>222</sup>

In addition to the direct expenses of the planning process, a great deal of fundraising occurred to purchase the three conservation areas. The land at the base of Parriott Mesa was purchased by Utah Open Lands for \$192,000, the Castleton Tower parcel was purchased by Utah Open Lands with CRC as a branch organization for \$640,000, and the critical wildlife habitat was purchased by Utah Open Lands and the Utah Division of Wildlife Resources for \$954,000.<sup>223</sup> All of the

funds for these properties were raised through extensive fundraising campaigns, and were successful only because of the donations of many organizations and private individuals.<sup>224</sup>

### **Opportunity Costs**

Several of the participating organizations had to weigh their involvement in the Castle Valley Planning Process against many other activities in which they could engage. Jason Keith, Policy Director for the Access Fund which was one of the contributors to the Castleton Tower Preservation Initiative, stated, “There are always opportunity costs when you focus on one issue and you can’t focus on another.”<sup>225</sup> For the Access Fund, whose mission is to keep access to climbing areas open and to conserve those areas, maintaining access to Castleton Tower clearly fit within the scope of the organization’s work. However, as an organization participating in the Castleton Tower Preservation Initiative, Keith recognized that the Access Fund had to ensure that this task would not take resources away from other programs. He also needed to reassure the organization’s board that it was not setting a precedent for preserving viewsheds, which would be outside the realm of the organization’s mission.

Utah Open Lands Executive Director Wendy Fisher echoed Keith’s sentiment, noting that when an organization focuses most of its time and energy on one issue, it has to ensure that the activity fits the mission of the organization and does not take away from energies that should be directed towards other areas. For Utah Open Lands, the Castleton Tower Preservation Initiative was only one issue related to the organization’s mission of conserving land and open space in the state of Utah. Being involved in Castle Valley limited the amount of energy and resources that the organization could spend on other projects across the state. Fisher commented, “The Castleton Tower Preservation Initiative was the sole land preservation project for the organization for two years. Land preservation and the stewardship of the three parcels Utah Open Lands owns will continue forever.”<sup>226</sup>

### **Emotional Energy Spent and Strained Relationships**

Many involved in the process also viewed the process as imposing less tangible costs, including emotional energy and strained interpersonal relationships. Richard Schwartz described these costs. “There were some friendships at least strained and maybe in some instances ruined or severely stressed ... and that’s not a success.”<sup>227</sup> Wendy Fisher echoed this saying, “You get personally involved. It can be emotional, and it can be draining, and you make friends, you lose friends.”<sup>228</sup>

The delicacy of interpersonal relationships and the strain on emotional energy was particularly salient for those participants who lived in the community of Castle Valley, since they had to face their neighbors every day.<sup>229</sup> Indeed, toward the end of the process, it seemed that relationships among some of the town members and members of the planning process became strained to the point of interference with the process. Margaret Bird, a Beneficiary Representative at the State of Utah Office of Education, noted that sometimes the emotional strain of these issues stems from the fact that they are about larger issues relating to land and people’s experiences with it. “It disturbs people because it disturbs how they view life. It’s about a bigger, global issue. It’s about land and people’s strong personal ties to that land.”<sup>230</sup> In the Castle Valley Planning Process,

people's ties to the land were clearly very strong, and oftentimes this feeling manifested itself in difficult interpersonal relationships.

## **CHALLENGES AND RESPONSES**

Participants also faced challenges in the process of collaborating, including having mutually exclusive objectives, achieving mixed success with community outreach and trying to understand the role of the town in the collaborative process.

### **Mutually Exclusive Objectives and the Challenge of Finding Common Ground**

One of the most challenging elements of the process was the perception, and at times the reality, that the stakeholders possessed diametrically-opposed perspectives. In essence, SITLA's goal was to maintain the value of their lands and obtain revenue from them through development or another revenue-generating activity. The community's goal, on the other hand, was to maintain open space and prevent development from occurring. While SITLA wanted to increase the value of trust land in the Valley, the community did not want the land to increase in value, because they were concerned that they would then be unable to afford to purchase the land according to the plan. Marty Zeller articulated this well: "I don't know if [Conservation Partners] had worked anywhere else where the two sides came at this from more diametrically-opposed viewpoints."<sup>231</sup> The participants' opposing viewpoints often stalled the process and led to mistrust.

Throughout the process, however, the group discovered that their positions might not be mutually exclusive. They made a breakthrough early in the process when they discovered that SITLA's mandate was not necessarily to develop the land but to generate revenue from the land, and that generating revenue does not necessitate development. This discovery was key to overcoming the perception that the stakeholders had mutually exclusive positions and enabled the conservation initiatives to serve both the revenue needs of SITLA and the open space interests of the community. Furthermore, although the community's stated goals were to totally prevent development, Laura Kamala noted that the community discussed some flexibility there as well. She stated, "Aside from having the ultimate goal of finding a 100 percent conservation solution ... if that wasn't possible, then we wanted to have the best possible development scenario on the lands."<sup>232</sup> The goal of developing a plan that was acceptable for all involved was critical to establishing common ground. This goal was achievable because of the willingness of participants to compromise.

Once common ground was established, participants faced the challenge of developing a shared commitment to finding a solution. Marty Zeller emphasized the need for people who were engaged in the process and mentioned the difficulty of having some who were not committed:

You need to have constructive, engaged people as part of these processes. This process if anything showed that if you have individuals involved who want to derail the process and are not committed to a constructive solution, they can be very detrimental to positive outcomes. Having constructive attitudes and believing in the process are important.<sup>233</sup>



Many of the process participants were constructive and engaged, but some however, seemed to obstruct the process at points. This fact was particularly evident when the role of the town was unclear and members of the town government and members of CRC and SITLA became adversarial.

### **The Newness of the Process**

The Castle Valley Planning Process was a new experience for most individuals and organizations involved. It was also precedent-setting because it was not only the first time SITLA had engaged with a community in a joint planning effort but also the first time developable trust lands had been sold for conservation purposes in Utah. SITLA Associate Director John Andrews noted that collaborative planning was new to SITLA at the time of the Castle Valley Planning Process, though the agency has been involved in similar collaborative processes since that time.<sup>234</sup> Mayor Keeler also recognized that the process was new for Castle Valley:

We're going to have our 20<sup>th</sup> anniversary as a town in November [2005]. Besides the planning process, we're learning each year how government functions. We don't have a long history of how you deal with things. In most cases, you make just small changes. We don't have any details or parameters upon which to base our decisions.<sup>235</sup>

According to Wendy Fisher, Utah Open Lands had been involved in collaborative processes before, but this process was different:

This [planning process] was really different because of the starting point. There were a lot of things that hadn't been done before. I don't know that the community had a master plan prior to the process, and there hadn't been a need to look at what would happen if we had large-scale onslaught development in this community ... SITLA also hadn't negotiated a developable piece of property with a conservation organization before. It was also the first time Utah Open Lands bought a property back from the brink of development.<sup>236</sup>

Because the collaborative effort was a fairly new endeavor on SITLA's part and because the town of Castle Valley was also inexperienced in collaborative planning, the process required communication regarding the various limitations and abilities of the stakeholders to participate in the process.

### **The Unique Nature of School Trust Lands**

Because of SITLA's mandate to manage trust lands for the financial benefit of the public schools and other beneficiaries, the financial outcome of the process was a necessity. Unlike other federal or state land management agencies whose lands are designated for multiple uses, trust land management is designated for the sole financial support of its beneficiaries. While this mandate posed some restrictions on SITLA's ability to consider conservation options in the process, it also allowed for some flexibility in entering into collaborative agreements – a flexibility that is not enjoyed by other federal or state agencies that are bound by a set of strict

procedures and rules. SITLA Assistant Director Ric McBrier stated that SITLA is “absolutely” more flexible and able to collaborate with local communities than federal government agencies.<sup>237</sup> According to McBrier, “If a professional manager [at SITLA] can see that [a collaborative approach] is in the beneficiaries’ best interest, and how do you figure that out without probing into it, then theoretically we should be free to do it.”<sup>238</sup> In discussing the difficulties the federal government faces in making land use decisions that involve local communities, Beneficiary Representative Margaret Bird contrasted the ability of federal government agencies and SITLA to collaborate:

We’ve created a situation where things are frozen in the current [with federal agencies]. We’ve made it impossible for them to do administrative land exchanges and impossible for federal officials to come in and collaborate. However, Trust Lands can collaborate because [the legislature has] set their rules up pretty liberally.<sup>239</sup>

However, not all participants in the planning process felt that SITLA’s mandate encouraged collaboration. Mayor Keeler recalled some of the challenges the mandate posed for the process:

I think the mandate’s kind of a hindrance. It does not allow for looking at the highest and best use very readily. I think that’s why Ric [McBrier] had to fight with the [SITLA] Board. I will say that Ric really worked this process. He tried very hard to make this thing work, and I think he was very invested in it. Unfortunately, in the world that Ric functions in, by not having the deal done at the end, was a hard thing to accept and for the Board to accept. I think that their mandate makes it very hard to do this.<sup>240</sup>

SITLA’s mandate both allowed for collaboration and posed some restrictions over it. However, in contrast to federal agencies governed by a more cumbersome set of restrictions, SITLA had a unique ability to consider and engage in a collaborative effort with the community.

### **The Challenge of Community Outreach**

The lack of full involvement from the community was perhaps due to the urgency from which the process originated, the lack of effective mechanisms for communication in the Valley and the deeply individualistic nature of many members of the community.<sup>241</sup> Because residents involved in the process were not totally effective at reaching out to the greater Castle Valley community, the process suffered.

#### ***Urgency of the Process***

The urgency from which the process emerged contributed to the difficulty in community outreach. The process was a reaction to the perceived crisis of the sale of land at the base of Parriott Mesa. The community quickly formed CRC as a result, which may have precluded full involvement from all members of the community who may not have been notified from the outset. Many CRC members remembered that when the group initially formed, each member called his or her friends and neighbors to alert them to the issue.<sup>242</sup> However, this informal phone

tree method of reaching out to the community may not have been the most effective way to reach out to all members of the community.

### ***Lack of Effective Communications Mechanisms***

The lack of efficient methods of communications in the Valley also may have contributed to the challenge of community outreach. Castle Valley is a remote and quiet town with few mechanisms for effective communication among its 350 residents. For example, there is no phone book designated for Castle Valley.<sup>243</sup> Internet access is available in the Valley, but residents' email addresses are not posted. The town and CRC post notices about planning process meetings and other information at the entrance to town on a bulletin board where the mailboxes are located, but this method has its limitations as community members often do not read the notices. In addition, information presented in Ron Drake's column in the *Times-Independent* was not always read by all interested parties.<sup>244</sup> Cris Coffey reflected on Castle Valley's communication methods and how they affected community outreach, "Although the first [CRC] meetings were quite large, it was hard to know if everyone was represented ... [CRC] just tried to put the word out. We put a note at the front gate, sometimes that's a good place. We don't have a really good communication system in the Valley."<sup>245</sup>

The fact that communications mechanisms are limited in Castle Valley created a challenge in accomplishing community outreach. Coffey described the difficulty that having limited communications caused, "It's always important to involve and include everyone. Sometimes it seems like the same people are the ones who are involved in everything ... Some people never seem to get involved, and some seem to get over involved in everything."<sup>246</sup>

### ***Individualistic Nature of Castle Valley***

The lack of effective outreach also may have stemmed from the nature of the community itself, which is comprised of a diverse group of individuals with varying backgrounds and perspectives. Laura Kamala articulated this challenge, "Every door you knock on you'd find a strong opinion that's different from the next. Trying to pull that together was a bit of a challenge."<sup>247</sup> Kamala continued in saying that even though she would bake pies to take to individuals in the community and try to engage them in the process, some people were still reticent to becoming involved. Mayor Keeler recalled that one of the reasons conducting effective outreach to the community was so difficult was because, "there are a number of people in this community who like to exclude themselves, who won't work with so-and-so."<sup>248</sup> The fact that many Castle Valley residents moved to the Valley to "get away from it all" may have also limited the full involvement from the community, particularly those who wished to remain uninvolved in seemingly political or environmental issues.

Because of the urgency of the process, the lack of effective communications mechanisms and the individualistic nature of the community, many participants noted that outreach to the community was successful only to a point. Several participants noted that they wished the Church of the Latter Day Saints community and Seventh Day Adventist community members had participated to a greater extent, in addition to a more diverse representation from the community as a whole. Jerry Bidingger commented, "I would have liked to see more of the articulate, honest, decent, hardworking people in the Valley come out, but they didn't. Some did, but a lot did not. You almost have to pry them out with a crowbar to get them to come."<sup>249</sup>

Some community members felt that communication and outreach were ineffective during the process. Planning and Zoning Commission Chair Catherine Howells was among those who did not feel particularly included in the process. “There wasn’t the real inclusion of the whole community, and that’s hard. It’s hard to get them engaged and it’s hard to listen to things you don’t want to hear. The propensity is always to not listen.”<sup>250</sup> In describing her personal feelings about the process, Howells stated, “I wasn’t heard. If you weren’t part of the [CRC] group, you weren’t heard. They may have held meetings and presentations, but that wasn’t the level of involvement you need.”<sup>251</sup> Despite the fact that not every member of the community participated in the process in an equal fashion, the leaders of the process felt that overall there was ample opportunity to participate and most of those who desired to participate were able to do so.

### **The Appropriate Role of the Town**

Determining the town of Castle Valley’s legally appropriate role in the process was an obstacle. From the outset, the distinction between CRC’s role in the process and the town’s role as a governmental entity was not well established. At the beginning of the process, Mayor Keeler participated through CRC. But as the process continued, he was advised to separate himself from CRC and the planning process, and thus he and the town’s governmental representatives (including the Town Council and Planning and Zoning Commission) became more focused on the legal role of the town itself.<sup>252</sup>

The town’s main objective during the planning process was to update its general plan and zoning ordinances. While this was separate from the planning process, SITLA and CRC were aware of the town’s efforts. Mayor Keeler noted, “It was made very clear to SITLA at the beginning of the process that the town would be developing on a separate track along with this process, a subdivision master development ordinance.”<sup>253</sup> In addition, several of the members of the Town Council and the Planning and Zoning Commission also were involved in the planning process as individuals, including Karen Nelson, Richard Schwartz and Brooke Williams. Because the town engaged in zoning and subdivision ordinance revisions separately from the planning process, a tenuous balance between commitment to the collaborative process and to the legal requirements to update zoning ordinances was present. According to CRC and Town Council member Karen Nelson, “It was very difficult to balance the community’s right and our obligation to take care of and protect our citizens ... and our obligation to the collaborative process.”<sup>254</sup> This balance was difficult to achieve because on the one hand, the town felt that it should recognize the work that was being done in the planning process, but on the other hand it had a legal requirement to govern future planning in the town.

In the end, the town’s process precluded local officials from being able to forthrightly acknowledge the work that was being done in the planning process, and communications between the town and CRC and SITLA broke down as a result. Furthermore, the zoning ordinances included some elements of the plan developed through the planning process, but they included a greater level of detail and more requirements than were in the planning process document. This created additional tensions between those who thought that the town was correct in creating more stringent ordinances and those who thought that the town was not acting in good faith given the collaborative agreement.<sup>255</sup>

The timing of the ordinance revisions upset some of the people involved in the collaborative planning process who felt it was unfair that the town engaged in this action. Some perceived the town's actions as failing to comply with the agreements of the planning process. Facilitator Marty Zeller was among those who felt that the town government acted contrary to the planning agreements. He recalled:

My read on it was that the town basically wasn't willing to take the risk and they weren't living up to the principles ... When the town said, "Well, this is the way we're going to play the game," the game was rigged. It wasn't a fair game anymore. That's when the process really broke down ... it really divided the town, and it was very challenging for everybody.<sup>256</sup>

Jerry Bidinger was involved in the redrafting of the ordinances and felt that the process engaged by the town was quite fair. He discussed the importance of the ordinances to SITLA and the planning process in saying:

Those ordinances were of substantial interest to SITLA. They created a planning process so that if one wants to develop land inside the town of Castle Valley, one has to go through a process of planning that lays forth a master development plan that has to be ultimately approved by the Town Council, and then after you go through that, go through the process of actually developing a project. This places a planning obligation on a developer and it creates obligations for a developer to ensure that the developer carries the burden of water, sewer, streets, and that there be a certain amount of open space.<sup>257</sup>

These changes were seen as important to protect the town's citizens from bearing the burden of development. In a small community of only 350 residents, it was important to the town to ensure that the cost of infrastructure from any future development would be paid for by SITLA or the developer, rather than the residents of the town who might not be able to afford increased taxes or other fees.

### **The Role of Water in the West**

Complications with water rights, quality and quantity also posed challenges to the planning process. As in most Western states, water in Utah is the limiting factor for development. The Castle Valley Planning Process addressed the issue of water from the outset. The understanding was that through the planning process, the town would provide the development, if it occurred, with access to its water rights. However, towards the end of the planning process, the town's water rights were called into question because the records on water use were not up to date. In Utah, water rights are governed by a "use-it-or-lose-it" principle, whereby an entity owning water rights must prove every five years that it will use that amount annually.<sup>258</sup>

The uncertainty surrounding the water rights, in addition to the town's hesitance in committing itself to providing water for future development, caused a significant challenge to the process. Laura Kamala described the results of the hydrological study that examined the quality and quantity of Castle Valley's aquifer, "The hydrological study showed that it would have been far

wiser for the development ... to be 15-acre, rather than five-acre lots.”<sup>259</sup> Because parts of the plan had assumed a minimum five acre lot size, some participants were concerned that portions of the planning would have to be redone. However, since financial resources were gone by the time the study results were reported, the plan was not revamped accordingly. Because Castle Valley’s aquifer was designated as a sole source aquifer by the EPA, the town had no choice but to ensure that its water be protected or else risk the contamination of the only source of water for its residents’ use.<sup>260</sup> Catherine Howells expressed concern with the way that water issues were dealt with in the group’s plan, “If we had just accepted SITLA’s plan and not used our land use ordinances, we would have given up a phenomenal amount of water and we would have had to pay for that infrastructure.”<sup>261</sup>

## **Personality Conflicts**

Throughout the process, but particularly towards its end, personality differences were challenging. Many of the stakeholders in the process mentioned the difficulty of conflicts between individuals. Marty Zeller remembered that “there were personalities involved that were very difficult to work through.” These personality conflicts were often addressed through talking things out. CRC member Cris Coffey mentioned that conflicts were often addressed through thinking things through and by talking things out with one another, which helped to overcome differences of personality and opinion:

Sometimes it is important to talk about something before you act. Because, a few times someone would get hot under the collar and say something just for the release of doing that. Then there was a lot of fence-mending to do. But that’s just because the process was so important to everyone.<sup>262</sup>

Catherine Howells indicated that using facts to overcome the challenges of emotional reactions can be helpful:

In true collaboration, you have to be willing to do a whole lot of talking and a whole lot of listening and try to get past the emotional stuff. I’m a great believer in presenting facts, thinking through the process, and always coming back to the scientific/legal facts ... It cuts through a whole lot of the emotional stuff when you do that.<sup>263</sup>

In the Castle Valley Planning Process, using shared mapping information to make decisions helped the group overcome emotional reactions in some cases. Facilitator Marty Zeller remembered:

The biggest challenge was just getting people to sit down and interact and trust each other so they could discuss some options ... I think that having people sitting down and interacting in an organized fashion, having everyone sitting at a table looking at maps together with the same information, helped build a level of trust about what was really going on with the land and what the options really were. That was probably the first key thing. The inventory and analysis of the site

conditions helped both parties realize what you could do and what was probably not desirable to do.<sup>264</sup>

Despite the fact that the group was able to overcome some emotional reactions about the trust land, the group still faced the challenge of overcoming personality differences, particularly those related to the town's involvement in the process and its ordinance revisions.

### **Maintaining Momentum and Overcoming Impasse**

Another challenge to the process was maintaining momentum when faced with hurdles that threatened to slow or stall the process. Many of these hurdles stemmed from the fact that the process was prolonged and required more work than originally expected. Although the group knew the effort would take a significant amount of time, a limited budget and unclear roles challenged the completion of the process.

Marty Zeller voiced his concerns with limited funding sources, "The limitations are a result of the fact that there haven't been enough resources dedicated to allow the process to work effectively. These things just take time to work through and be efficient. That's certainly probably the key lesson."<sup>265</sup> In this case, most of the financial resources for the planners were gone by the time the hydrological results came in. As a result, resources were not available to address some of the challenges that were faced at the end of the process, including the need to update the development plan to create 15 acre rather than five acre lots.<sup>266</sup>

Maintaining momentum was particularly problematic at the end of the process, when it came to signing the planning contract. Because of confusion surrounding the role of the town's zoning ordinances in the planning process, the process eventually lost momentum and participants were not able to regain forward motion. As a result, some members of the planning group pursued the land exchange option instead.

### **FACILITATING FACTORS**

Several factors facilitated the collaborative planning process in Castle Valley. These included partnerships, establishing common ground and shared goals, shared experiences and joint fact-finding.

#### **Partnerships**

Partnerships were central to the planning process success, particularly in achieving conservation goals. The key partnership in this case was between CRC and Utah Open Lands, without which the process and the conservation initiatives would not have been as successful.<sup>267</sup> Utah Open Lands provided an avenue for collecting donations for the conservation initiatives, helped spearhead a good deal of fundraising efforts, provided legitimacy for the new branch organization (CRC) and provided resources and networking during all three conservation transactions. CRC member Cris Coffey agreed that Utah Open Lands' involvement was important, particularly in purchasing the Parriott Mesa parcel. "Once we joined forces with Utah Open Lands, their financial backing and contributions were absolutely essential. We wouldn't

have been able to buy back the Parriott piece if they hadn't advanced the money to do that ... Having that kind of support and trust was very important to us."<sup>268</sup> Dave Erley also recognized Utah Open Land's key role in the process:

At the end of the day, the community would have experienced a far different, and much less satisfactory, result without the involvement of Utah Open Lands ... Without Utah Open Lands and their leadership, resources and fundraising ability we would not have been nearly as successful ... In fact, after the process got going I believe Utah Open Land's involvement was the biggest single factor in the community's success.<sup>269</sup>

However, CRC's relationship with Utah Open Lands was not without its complexities. The two entities struggled to make sure their respective missions were compatible. CRC had to determine if it wanted to be a branch organization, and Utah Open Lands had to assess whether CRC would consume too many resources or too much time. In the end, CRC and Utah Open Lands crafted a very successful relationship by determining the roles and responsibilities of each entity. This partnership also was fostered through the leadership of Dave Erley and Laura Kamala who were hired part-time by Utah Open Lands in order to facilitate the process. Erley and Kamala worked to ensure that the goals of both Utah Open Lands and CRC were being met.<sup>270</sup>

In the Castleton Tower Preservation Initiative, several other organizations were essential, including the outdoor industry, the climbing community and the Access Fund, all of which assisted with fundraising for obtaining the Castleton Tower trust land. The Access Fund provides a good example of an organization with which CRC collaborated to achieve the goals of the Castleton Tower Preservation Initiative. In addition to a \$20,000 grant, Jason Keith, Policy Director at the Access Fund, indicated that his organization, "provided a direct connection to the climbers themselves through our membership, e-news alerts, hard copies that go out. We provided that and public relations for [the Castleton Tower Preservation Initiative]."<sup>271</sup>

### **Establishing Common Ground and Shared Goals**

Although the participants in the process often emphasized their seemingly contradictory goals, the process did work to establish common ground. Even though SITLA needed to generate revenue in some way, perhaps through development, and the community wanted the land to remain in its same undisturbed state, everyone could agree on the need to create a quality plan. This common goal helped to guide the process despite the seemingly opposing individual objectives. Wendy Fisher attributed the development of common ground to the group's recognition that all participants could benefit from the process. "Everybody involved, whether it was said specifically, knew that the reason we were all coming together was that there was something about the land, there was something about the community, there was something about the idea of working together towards a common resolution that was mutually beneficial for everybody."<sup>272</sup> In addition to this recognition, the group developed common ground by understanding that everyone involved was committed to having an outcome that would be positive for as many of the participants as possible. As articulated by Laura Kamala, "The overarching common goal was that we all wanted a good plan."<sup>273</sup>



## Shared Experiences

The role of shared experiences was key in the Castle Valley Planning Process. Often, participants in the planning process would go for hikes, share potluck dinners or engage in other activities that encouraged building personal relationships and shared understanding that was crucial to the progression of the process.<sup>274</sup> For example, Dave Erley remembered hiking in the Valley with CRC member Eddie Morandi, SITLA Assistant Director Ric McBrier, and McBrier's wife and dog. On the strenuous hike, Erley recalled offering to carry McBrier's dog down the steep trail, so it would not get injured.<sup>275</sup> According to McBrier, hiking trips and other shared activities throughout the planning process fostered the development of friendships that have continued past the conclusion of the process.<sup>276</sup>

Wendy Fisher remembered that celebrating shared successes throughout the process was essential, "We celebrated different milestones along the way, and that was key. You've got to focus on the quality of the experiences that everybody has, and one of the ways to do that is to celebrate little milestones, little successes, in an inclusive, not exclusive way."<sup>277</sup> One of the major successes that the group celebrated was the milestone of purchasing the trust land at the base of Castleton Tower that benefited all members of the planning process.<sup>278</sup>

## Technical Information and Mapping

Discussions over technical data and mapping helped to facilitate the Castle Valley Planning Process. One of the first activities in which the group engaged was detailed mapping of the environmental constraints and development potential of the trust lands. Copies of maps made during the process were made available to community members attending public meetings.<sup>279</sup> The mapping process and distribution facilitated the sharing of information, which, in turn, helped foster a common understanding of how the land could and could not be used and allowed for trust to be built among the participants.<sup>280</sup> Marty Zeller articulated the importance of the mapping:

The first key thing was that the inventory and analysis of the site conditions helped both parties to realize what you could do and what was probably not desirable to do. It dispelled a lot of preconceptions about how valuable the land was from a natural resources standpoint and an economic standpoint.<sup>281</sup>

Richard Schwartz agreed with Zeller that the scientific information was important. He also emphasized that the information be shared with as many people as possible. "Base whatever development strategies you're going to use on as good a science base as you can. And make that as widely available as you can online, on websites, on CDs, whatever."<sup>282</sup> Likewise, Mayor Keeler concurred that the science was central to the process, but emphasized that sometimes waiting for the appropriate scientific data takes time, "If you're doing a process like this, you have to be able to sit with it until the technical science parts are finished that give you your underlying data that show you how far you can go."<sup>283</sup> In this case, the science was the crux of the issue and it helped the group move forward.

## LESSONS LEARNED

Several overarching lessons can be taken from the Castle Valley Planning Process.

### **1. Effective collaboration requires clearly defined roles and responsibilities for all stakeholders involved in the process.**

One of the primary challenges in the Castle Valley Planning Process was the lack of clarity about the roles and responsibilities of the various stakeholders. In particular, the process would have benefited from having the roles of CRC and the town more clearly defined. Even though the two entities were separate, it was not clear from the beginning who was representing which party. Facilitator Marty Zeller described the perceptions of the two groups, “The Castle Rock Collaboration was definitely not the town, and the town felt that it was very different from the Castle Rock Collaboration.”<sup>284</sup> However, SITLA Director Kevin Carter indicated that little attempt was made to distinguish the town from the community as represented by CRC, “I don’t know that there was any effort to collaborate with the town separately at all. We were under the impression that the Castle Rock Collaboration coalition group was taking care of that end of the process.”<sup>285</sup> This highlights the importance of ensuring that all parties define their responsibilities and relationships to other parties within the collaborative effort at the outset. According to Richard Schwartz:

Make sure the parties involved, especially if one of them is a jurisdiction, a town or county or something, has early on defined its relations with the unofficial participants, and that any participation of the town from the beginning is clearly understood and done under whatever due process has to be done in that state for the town.<sup>286</sup>

### **2. Prior to engaging in collaborative planning process, the group should ensure that all legally appropriate stakeholders are represented and that legal sideboards are understood.**

Another lesson learned from the process was that the legal sideboards of the process should be identified as early as possible and all legally appropriate stakeholders should be included from the outset. The town’s involvement was particularly important, and its interests were not always separated from those of CRC and the community in general. Because of the lack of understanding of the town’s legal responsibilities and restrictions, the town might not have been represented in an effective manner. SITLA Director Kevin Carter acknowledged this in saying, “Certainly a shortcoming in the process was that it didn’t include the people who were ultimately going to be making the decisions.”<sup>287</sup> In this case, it was the town government that represented the decision-making agent. Planning and Zoning Commission Chair Catherine Howells reemphasized the need for the legal requirements to be met in a collaborative process, “You can’t have a collaborative process and not follow due process of law as part of that process.”<sup>288</sup> Town Council member Jerry Bidinger noted:

A collaborative process is one that requires that the town, county, city pass those legitimate ordinances that are recognized as legal and proper and not overbearing, that have been recognized in your state or in the surrounding states, that you put

those in place, just as the state agency has an obligation to pursue the broad interests of all the citizens of the state.<sup>289</sup>

Had the town's legal requirements been fully understood and explored from the outset of the process, the planning efforts may have been more successful. Carter summarized SITLA's major lesson learned through the Castle Valley Planning Process, "The take-home lesson is that in the future, we need to make sure that the people we're collaborating with represent the entities that can make the final decision."<sup>290</sup>

### **3. Effective collaboration is facilitated by joint risk taking and compromise.**

Another lesson from the planning process is the need for mutual risk taking and compromise from all sides. Karen Nelson discussed the importance of risk taking, "Without risk on both sides, you're not going to ever succeed. You have to assume some risk."<sup>291</sup> The stakeholders in the process all assumed the risk that they might not achieve their ultimate goal. For the community, the goal was 100 percent conservation of trust land. For SITLA, the objective was to achieve the mandated revenue generation from the trust land. Ric McBrier articulated SITLA's risks in choosing to engage or not to engage with the community:

There was a risk to us from not engaging, what I call the political risk, the risk of developing a reputation of being big brother and not caring about the community's interests and perspectives. When you own 7,500 pieces of land, that would be a heavy burden to carry around with you every day, and word travels fast ... There was a risk on the other side that by engaging [the community] we would compromise our responsibilities to the beneficiaries.<sup>292</sup>

The different goals required stakeholders to be flexible and to be willing to compromise on their objectives. McBrier emphasized the importance of compromise in the process: "This is about compromise at some level. Collaboration makes it sound like no one compromises, that's not what it's about. People are compromising. Maybe they are learning areas in which the compromises are easier to make, but there is compromise inherent in this thing."<sup>293</sup> He also emphasized the importance of sticking with the process in the face of compromise, "You can't know the outcome without walking through it ... I think that it is about having some faith and some trust in good possibilities."<sup>294</sup>

### **4. Collaborative processes benefit from professional, neutral and knowledgeable facilitation.**

Facilitation was key to the planning effort in Castle Valley. The planners and facilitators provided ground rules, mapping and technical information and general guidance to the group throughout the process. Marty Zeller, as the lead facilitator, directed participants through meetings, took group comments and feedback and came back with revised work products.<sup>295</sup>

Overall, the consensus in the group was that Marty Zeller was effective in balancing the needs of the community with SITLA's needs. Mayor Bruce Keeler recalled that Zeller was good at helping the group to overcome distrust, "In the beginning, we were all very skeptical of working

with each other. Marty Zeller did a great job in bringing everyone together.”<sup>296</sup> He added, “Marty was very good at keeping the two sides moving and finding ways to move through times when we were butting heads. He brought us together, and his facilitating skills were good.”<sup>297</sup> Laura Kamala added that Zeller “was very effective in the way he addressed the layers of the community.”<sup>298</sup> Many participants viewed the fact that the community and SITLA jointly funded Conservation Partners as a positive factor, in that it established that the facilitator was a client of both sides.<sup>299</sup> Furthermore, participants mentioned that the mapping provided by Conservation Partners was essential to the group’s progress. Mayor Keeler indicated that Zeller “also did a good job with the on-the-ground mapping.”<sup>300</sup>

Towards the end of the process, however, some began to question Marty Zeller’s neutrality, when SITLA hired Zeller to work on other projects not related to the Castle Valley Planning Process. Regardless of the accuracy of speculations surrounding Zeller’s neutrality, they played an important role in how several of the participants, particularly from the community, evaluated Zeller’s role as a facilitator.

In addition, many of those involved would have liked to have seen Marty Zeller take a more proactive position at the beginning of the process when the issue of the ordinances and the legality of the contract between SITLA and the town arose. Some suggested that perhaps since Zeller was from Colorado, and since Utah laws are different regarding the jurisdiction of towns, he might not have had an appropriate knowledge base about the specific circumstances governing the process in Castle Valley.

Overall, though, facilitation was clearly a key factor in much of the progress the planning group made throughout. For instance, CRC member Cris Coffey said that she was pleased with Zeller’s participation. “The planner, Marty Zeller, is a wonderful person. [He] had all the technical training and a philosophical attitude that was very helpful to us. We were very lucky.”<sup>301</sup>

## **5. Formal and informal leadership can enhance collaborative efforts.**

Leadership was another key component to the collaborative process. Ric McBrier, as a representative of SITLA, built relationships and trust with CRC members and planning group participants because of his attitude and his willingness to engage in the process. Many of the residents of Castle Valley felt that McBrier was essential in providing the motivation to engage the community. Regarding this, Cris Coffey stated that “I’ve always felt that we were very fortunate that Ric McBrier was the one in that office when we started the project.”<sup>302</sup> Many process participants felt that not many in McBrier’s position would have engaged the community in the same way. McBrier also played a key role in representing the community and the planning process to the SITLA Board of Trustees, who ultimately were the decision makers for the agency. For an agency that had not attempted to collaborate in this way with a community before, having a champion for the collaborative process on its staff was key.

Process participants also recognized Wendy Fisher, Laura Kamala and Dave Erley as essential leaders in the process. Dave Erley remembered that without Wendy Fisher’s leadership in the process, it would not have been as successful. “Wendy Fisher and Utah Open Lands were the glue that held the community together and got us through some very difficult times with SITLA

and the town of Castle Valley for that matter.”<sup>303</sup> Cris Coffey mentioned that “Laura [Kamala] and Dave [Erley] were hugely important. Although their working styles were very different, they had totally complementary skills.”<sup>304</sup> Division of labor between Kamala and Erley was also very effective, with Kamala primarily taking the role of communicating with the various stakeholders and particularly interfacing with SITLA, and Erley taking the chief responsibility for spearheading some of the fundraising efforts for the various conservation initiatives and engaging the outdoor industry and climbing community. Kamala, in conjunction with Fisher, also took on the main fundraising role for the wildlife habitat initiative. Kamala mentioned some of the qualities that any leader of a collaborative process should have:

You have to have some leaders that really care, to the point where they’re willing to go through hell and keep showing up. That’s the only way you can have success ultimately ... You have to have stamina, you have to believe in your ultimate outcome whatever that is. You have to have enough passionate engagement and even a handful of people who have that and are willing.<sup>305</sup>

## **6. Unequal power relationships can both motivate and hinder collaborative planning, particularly with relationships between trust land agencies and local communities.**

As a state agency that is not technically required to adhere to local planning and zoning, SITLA did not have to engage the community in a collaborative process. Director Kevin Carter described the unilateral power held by SITLA: “If it’s too much hassle to deal with the local community, I’ll just sell the land and walk away from it. It’s always a valid question, ‘Is what I could potentially get out of a collaborative process worth the effort?’”<sup>306</sup> Although McBrier, as a SITLA representative, tried not to wield this power over the community, the inequality of power between SITLA and the community was palpable. McBrier discussed the agency’s power, “We had power, but I think the showing of the power after it was initially understood would have been really destructive.”<sup>307</sup> He also described the importance SITLA considers in making long-term decisions and how working with communities rather than grandstanding about power relationships often is more effective:

We practice a philosophy here in Utah, at least in my department, that we try to hit doubles and triples. We don’t swing for home runs. That means that there’s room ... to pay attention to community interests. When you have 7,500 pieces of land, you’re not just doing one transaction; you have a legacy and a long-term engagement that it is very important to pay attention to beyond just the money. I think that gives us flexibility, but ... you have to be prepared to answer the questions that come up about, “Couldn’t you have gotten more money doing it a different way?” And the answer is, and always may be, “But this is what we thought was in the best interest, and this is why.” We’ve worked very hard at articulating that idea. We have to say it over and over and over. We think that it’s starting to prove itself because people work with us.<sup>308</sup>

Interestingly, it was probably this power that enabled the collaborative process to occur by motivating planning process participants from the community to stay involved. As described by McBrier, “It was our power to act unilaterally and change the status quo that created the

foundation from which the collaboration developed. Absent that power [the community] never would have engaged [with] us.”<sup>309</sup> He also described how SITLA’s involvement may have been contingent on having more power: “I was collaborating from a position of power. Collaboration from a position of no power might be an entirely different experience ... If we hadn’t had that power then we might not have been as willing to walk into the engagement.”<sup>310</sup> Unfortunately, the community’s perception that SITLA could stop the process and just sell the land led to some misperceptions and mistrust at the beginning of the process, but the relationships built between McBrier and the community helped to ameliorate some of this concern. Thus the inequality in power between the community and SITLA was perhaps both the motivation for and a challenge to the process.

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Jason Keith

Ric McBrier  
Karen Nelson  
Richard Schwartz  
Wendy Fisher  
Marty Zeller

## **APPENDIX**

**Exhibit 4:** Photographs of the Town of Castle Valley



## Exhibit 4

### Photographs of the Town of Castle Valley



Entrance to the town of Castle Valley with Bulletin Board and Mail Boxes, Porcupine Rim beyond (photograph by Eirin Krane)



Signs posted at town entrance (photograph by Eirin Krane)



Castle Valley Drive, the only paved road in town; Eagle's Nest, Jello Mountain and Colorado River Corridor beyond (photograph by Eirin Krane)



Sign posted in town, Castleton Tower far right (photograph by Eirin Krane)



Castle Valley Drive sign in front of Castleton Tower (photograph by Stephanie Bertaina)



Round Mountain, surrounded by school trust lands (photograph by Stephanie Bertaina)

## Endnotes

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<sup>1</sup> Town of Castle Valley, Utah, <http://www.castlevalleyutah.com/>; Bruce Keeler (Mayor, Town of Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 18, 2005, Castle Valley Community Center, Castle Valley, UT; Cris Coffey (Resident, Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 18, 2005, Castle Valley, UT.

<sup>2</sup> Laura Kamala (Director of Utah Programs, Grand Canyon Trust), interview by Stephanie Bertaina and Eirin Krane, August 19, 2005, Castle Valley, UT.

<sup>3</sup> Peter W. Culp, Diane B. Conradi and Cynthia C. Tuell *Trust Lands in the American West: A Legal Overview and Policy Assessment*. A Policy Assessment Report of the Lincoln Institute of Land Policy / Sonoran Institute Joint Venture on State Trust Lands, 2005, 134.

<sup>4</sup> *Ibid.*; State of Utah School and Institutional Trust Lands Administration, *10<sup>th</sup> Anniversary Report* (School and Institutional Trust Lands Administration, 2004), 29.

<sup>5</sup> State of Utah School and Institutional Trust Lands Administration, *10<sup>th</sup> Anniversary Report* (School and Institutional Trust Lands Administration, 2004), 29.

<sup>6</sup> “What Are Trust Lands?” School and Institutional Trust Lands Administration, <http://www.utahtrustlands.com/about/?pageID=2>.

<sup>7</sup> Other beneficiaries include the Reservoir Fund, Utah State University, University of Utah, School of Mines, Miners Hospital, Normal School (Teacher’s College), School for the Deaf, Public Buildings, State Hospital, School for the Blind and the Youth Development Center. State of Utah School and Institutional Trust Lands Administration, *10<sup>th</sup> Anniversary Report*. (School and Institutional Trust Lands Administration, 2004), 31.

<sup>8</sup> Culp, Conradi and Tuell, 140; Margaret Bird (Beneficiary Representative, State of Utah Office of Education), personal communication [email] with Stephanie Bertaina, March 24, 2006.

<sup>9</sup> *Ibid.*

<sup>10</sup> Ric McBrier (Assistant Director of Planning and Development, SITLA), personal communication [phone] with Stephanie Bertaina, February 28, 2006.

<sup>11</sup> Bruce Keeler (Mayor, Town of Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 18, 2005, Castle Valley Community Center, Castle Valley, UT; John Andrews (Associate Director of Administration, SITLA), interview by Stephanie Bertaina and Eirin Krane, August 16, 2005, School and Institutional Trust Lands Administration Office, Salt Lake City, UT.

<sup>12</sup> SITLA was created through the enactment of Utah Code Title 53-C; State of Utah School and Institutional Trust Lands Administration, *10<sup>th</sup> Anniversary Report* (School and Institutional Trust Lands Administration, 2004), 7.

<sup>13</sup> State of Utah School and Institutional Trust Lands Administration. *10<sup>th</sup> Anniversary Report*. (School and Institutional Trust Lands Administration, 2004), 7, 3.

<sup>14</sup> *Ibid.*, 7.

<sup>15</sup> John Andrews (Associate Director of Administration, SITLA), personal communication [email] with Stephanie Bertaina, February 27, 2006.

<sup>16</sup> Culp, Conradi and Tuell, 135.

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<sup>17</sup> “Surface Management,” School and Institutional Trust Lands Administration, <http://www.utahtrustlands.com/surface/>.

<sup>18</sup> “Minerals,” School and Institutional Trust Lands Administration, <http://www.utahtrustlands.com/minerals/>.

<sup>19</sup> “Development,” School and Institutional Trust Lands Administration, <http://www.utahtrustlands.com/development/>.

<sup>20</sup> State of Utah School and Institutional Trust Lands Administration, *10<sup>th</sup> Anniversary Report* (School and Institutional Trust Lands Administration, 2004), 16; Ric McBrier (Assistant Director of Planning and Development, SITLA), personal communication [phone] with Stephanie Bertaina, February 28, 2006.

<sup>21</sup> Ric McBrier (Assistant Director of Planning and Development, SITLA), interview by Stephanie Bertaina and Eirin Krane, August 15, 2005, SITLA, Salt Lake City, UT.

<sup>22</sup> Culp, Conradi and Tuell, 135; “FAQ,” *School and Institutional Trust Lands Administration*, <http://www.utahtrustlands.com/about/?pageID=5>.

<sup>23</sup> Culp, Conradi and Tuell, 135; Ric McBrier (Assistant Director of Planning and Development, SITLA), interview by Stephanie Bertaina and Eirin Krane, August 15, 2005, SITLA, Salt Lake City, UT.

<sup>24</sup> Kevin Carter (Director, SITLA), interview by Stephanie Bertaina and Eirin Krane, July 26, 2005, Western States Land Commissioners Association Summer Conference, Great Divide Lodge, Breckenridge, CO.

<sup>25</sup> Margaret Bird (Beneficiary Representative, State of Utah Office of Education), interview by Stephanie Bertaina and Eirin Krane, August 15, 2005, State of Utah Office of Education, Salt Lake City, UT.

<sup>26</sup> *Ibid.*; “About Class: Purpose.” Children’s Land Alliance Supporting Schools, <http://www.childrenslandalliance.com/about.php#>.

<sup>27</sup> Margaret Bird (Beneficiary Representative, State of Utah Office of Education), interview by Stephanie Bertaina and Eirin Krane, August 15, 2005, State of Utah Office of Education, Salt Lake City, UT.

<sup>28</sup> “Castleton Tower Preservation Initiative,” Castle Rock Collaboration, <http://www.castlerockcollaboration.org/initiative.html> (website not currently available); Kevin Carter (Director, SITLA), interview by Stephanie Bertaina and Eirin Krane, July 26, 2005, Western States Land Commissioners Association Summer Conference, Great Divide Lodge, Breckenridge, CO.

<sup>29</sup> “Castleton Tower Preservation Initiative,” Castle Rock Collaboration, <http://www.castlerockcollaboration.org/initiative.html> (website not currently available); Wendy Fisher (Executive Director, Utah Open Lands), interview by Stephanie Bertaina and Eirin Krane, August 16, 2005, Utah Open Lands Office, Salt Lake City, UT.

<sup>30</sup> John Andrews (Associate Director of Administration, SITLA), interview by Stephanie Bertaina and Eirin Krane, August 16, 2005, School and Institutional Trust Lands Administration Office, Salt Lake City, UT.

<sup>31</sup> Ric McBrier. “Memorandum to the Board of Trustees regarding Castle Valley Agreements.” *School and Institutional Trust Lands Administration*. June 14, 2002.

<sup>32</sup> Cris Coffey (Resident, Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 18, 2005, Castle Valley, UT.

<sup>33</sup> Karen Nelson (Resident, Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 18, 2005, Castle Valley, UT.

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<sup>34</sup> Cris Coffey (Resident, Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 18, 2005, Castle Valley, UT.

<sup>35</sup> Margaret Bird (Beneficiary Representative, State of Utah Office of Education), personal communication [mail] with Stephanie Bertaina, February 24, 2006.

<sup>36</sup> Dave Erley (Southeastern Field Agent, Utah Open Lands), personal communication [email] with Stephanie Bertaina, January 2, 2006.

<sup>37</sup> Ibid.

<sup>38</sup> John Andrews (Associate Director of Administration, SITLA), interview by Stephanie Bertaina and Eirin Krane, August 16, 2005, School and Institutional Trust Lands Administration Office, Salt Lake City, UT; Wendy Fisher (Executive Director, Utah Open Lands), personal communication [email] with Stephanie Bertaina, December 16, 2005; John Andrews, "Memo to the Planning and Zoning Commission regarding Proposed Rezoning of Unsubdivided School Trust Lands within Castle Valley Town Boundaries," August, 11, 1999.

<sup>39</sup> Ric McBrier, "Memorandum to the Board of Trustees regarding Sale of Parcel E – Castle Valley," School and Institutional Trust Lands Administration, May 29, 2003.

<sup>40</sup> John Andrews (Associate Director of Administration, SITLA), interview by Stephanie Bertaina and Eirin Krane, August 16, 2005, School and Institutional Trust Lands Administration Office, Salt Lake City, UT; John Andrews, "Memo to the Planning and Zoning Commission regarding Proposed Rezoning of Unsubdivided School Trust Lands within Castle Valley Town Boundaries," August, 11, 1999.

<sup>41</sup> John Andrews (Associate Director of Administration, SITLA), interview by Stephanie Bertaina and Eirin Krane, August 16, 2005, School and Institutional Trust Lands Administration Office, Salt Lake City, UT.

<sup>42</sup> Cris Coffey (Resident, Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 18, 2005, Castle Valley, UT.

<sup>43</sup> Ric McBrier (Assistant Director of Planning and Development, SITLA), interview by Stephanie Bertaina and Eirin Krane, August 15, 2005, SITLA, Salt Lake City, UT.

<sup>44</sup> Dave Erley (Southeastern Field Agent, Utah Open Lands), interview by Stephanie Bertaina and Eirin Krane, October 12, 2005,.

<sup>45</sup> Wendy Fisher (Executive Director, Utah Open Lands), personal communication [mail] with Stephanie Bertaina, February 16, 2006.

<sup>46</sup> Wendy Fisher (Executive Director, Utah Open Lands), personal communication [email] with Stephanie Bertaina, December 16, 2005.

<sup>47</sup> Ibid.

<sup>48</sup> Ibid.

<sup>49</sup> Bruce Keeler (Mayor, Town of Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 18, 2005, Castle Valley Community Center, Castle Valley, UT; Laura Kamala (Director of Utah Programs, Grand Canyon Trust), interview by Stephanie Bertaina and Eirin Krane, August 19, 2005, Castle Valley, UT; Marty Zeller (President, Conservation Partners), telephone interview by Stephanie Bertaina and Eirin Krane, September 28, 2005; Dave Erley (Southeastern Field Agent, Utah Open Lands), personal communication [email] with Stephanie Bertaina, January 2, 2006.

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<sup>50</sup> Marty Zeller (President, Conservation Partners), telephone interview by Stephanie Bertaina and Eirin Krane, September 28, 2005

<sup>51</sup> Laura Kamala (Director of Utah Programs, Grand Canyon Trust), interview by Stephanie Bertaina and Eirin Krane, August 19, 2005, Castle Valley, UT.

<sup>52</sup> Ibid.

<sup>53</sup> Bruce Keeler (Mayor, Town of Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 18, 2005, Castle Valley Community Center, Castle Valley, UT.

<sup>54</sup> Dave Erley (Southeastern Field Agent, Utah Open Lands), telephone interview by Stephanie Bertaina and Eirin Krane, October 12, 2005.

<sup>55</sup> Ibid.

<sup>56</sup> Laura Kamala (Director of Utah Programs, Grand Canyon Trust), interview by Stephanie Bertaina and Eirin Krane, August 19, 2005, Castle Valley, UT.

<sup>57</sup> Marty Zeller (President, Conservation Partners), telephone interview by Stephanie Bertaina and Eirin Krane, September 28, 2005.

<sup>58</sup> Laura Kamala (Director of Utah Programs, Grand Canyon Trust), interview by Stephanie Bertaina and Eirin Krane, August 19, 2005, Castle Valley, UT.

<sup>59</sup> Bruce Keeler (Mayor, Town of Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 18, 2005, Castle Valley Community Center, Castle Valley, UT.

<sup>60</sup> Laura Kamala (Director of Utah Programs, Grand Canyon Trust), interview by Stephanie Bertaina and Eirin Krane, August 19, 2005, Castle Valley, UT.

<sup>61</sup> Ibid.

<sup>62</sup> Ibid.

<sup>63</sup> Ric McBrier (Assistant Director of Planning and Development, SITLA), interview by Stephanie Bertaina and Eirin Krane, August 15, 2005, SITLA, Salt Lake City, UT.

<sup>64</sup> Laura Kamala (Director of Utah Programs, Grand Canyon Trust), interview by Stephanie Bertaina and Eirin Krane, August 19, 2005, Castle Valley, UT.

<sup>65</sup> Karen Nelson (Resident, Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 18, 2005, Castle Valley, UT.

<sup>66</sup> Cris Coffey (Resident, Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 18, 2005, Castle Valley, UT.

<sup>67</sup> Laura Kamala (Director of Utah Programs, Grand Canyon Trust), personal communication [mail] with Stephanie Bertaina, February 24, 2006.

<sup>68</sup> Laura Kamala (Director of Utah Programs, Grand Canyon Trust), interview by Stephanie Bertaina and Eirin Krane, August 19, 2005, Castle Valley, UT.

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<sup>69</sup> Bruce Keeler (Mayor, Town of Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 18, 2005, Castle Valley Community Center, Castle Valley, UT.

<sup>70</sup> Ibid.

<sup>71</sup> Ibid.; Marty Zeller (President, Conservation Partners), personal communication [mail] with Stephanie, Bertaina February 24, 2006.

<sup>72</sup> Bruce Keeler (Mayor, Town of Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 18, 2005, Castle Valley Community Center, Castle Valley, UT.

<sup>73</sup> Laura Kamala (Director of Utah Programs, Grand Canyon Trust), interview by Stephanie Bertaina and Eirin Krane, August 19, 2005, Castle Valley, UT.

<sup>74</sup> Ibid.; Catherine Howells (Water Agent, Town of Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 18, 2005, Castle Valley, UT.

<sup>75</sup> Laura Kamala (Director of Utah Programs, Grand Canyon Trust), interview by Stephanie Bertaina and Eirin Krane, August 19, 2005, Castle Valley, UT.

<sup>76</sup> Ibid.

<sup>77</sup> Dave Erley (Southeastern Field Agent, Utah Open Lands), personal communication [email] with Stephanie Bertaina, January 2, 2006.

<sup>78</sup> Ric McBrier, "Memorandum to the Board of Trustees regarding Castle Valley Agreements," School and Institutional Trust Lands Administration, June 14, 2002; Bruce Keeler (Mayor, Town of Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 18, 2005, Castle Valley Community Center, Castle Valley, UT.

<sup>79</sup> Ric McBrier, "Memorandum to the Board of Trustees regarding Castle Valley Agreements," School and Institutional Trust Lands Administration, June 14, 2002.

<sup>80</sup> Wendy Fisher (Executive Director, Utah Open Lands), personal communication [email] with Stephanie Bertaina, December 16, 2005.

<sup>81</sup> Wendy Fisher (Executive Director, Utah Open Lands), personal communication [mail] with Stephanie Bertaina, February 16, 2006.

<sup>82</sup> Laura Kamala (Director of Utah Programs, Grand Canyon Trust), interview by Stephanie Bertaina and Eirin Krane, August 19, 2005, Castle Valley, UT.

<sup>83</sup> Dave Erley (Southeastern Field Agent, Utah Open Lands), telephone interview by Stephanie Bertaina and Eirin Krane, October 12, 2005; Laura Kamala (Director of Utah Programs, Grand Canyon Trust), interview by Stephanie Bertaina and Eirin Krane, August 19, 2005, Castle Valley, UT; Richard Schwartz (Member of Planning and Zoning Commission, Town of Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 19, 2005, Castle Valley Community Center, Castle Valley, UT.

<sup>84</sup> Cris Coffey (Resident, Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 18, 2005, Castle Valley, UT.

<sup>85</sup> "The Climber's Route," *Castle Rock Collaboration Website*, <http://www.castlerockcollaboration.org.html> (website not currently available).

<sup>86</sup> Wendy Fisher (Executive Director, Utah Open Lands), personal communication [email] with Stephanie Bertaina, December 16, 2005.

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<sup>87</sup> Wendy Fisher (Executive Director, Utah Open Lands), personal communication [mail] with Stephanie Bertaina, February 16, 2006.

<sup>88</sup> Laura Kamala (Director of Utah Programs, Grand Canyon Trust), interview by Stephanie Bertaina and Eirin Krane, August 19, 2005, Castle Valley, UT.

<sup>89</sup> Ibid.; Catherine Howells (Water Agent, Town of Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 18, 2005, Castle Valley, UT; Jerry Bidinger (Resident, Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 17, 2005, Castle Valley, UT; Karen Nelson (Resident, Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 18, 2005, Castle Valley, UT.

Members of the Planning and Zoning Commission during the planning process included Catherine Howells (who was elected Chair of the Planning and Zoning Commission during the planning process), Brooke Williams, Richard Schwartz, Carl Anderson and Rick Lamb. The Town Council, which is composed of five members including the mayor who is one voting member, was comprised of Jerry Bidinger (starting in 2003 until the present), Karen Nelson, Bruce Keeler (mayor), Mark Anderson, Darr Hatch and Robert Ryan during the process.

<sup>90</sup> Catherine Howells (Water Agent, Town of Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 18, 2005, Castle Valley, UT.

<sup>91</sup> Bruce Keeler (Mayor, Town of Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 18, 2005, Castle Valley Community Center, Castle Valley, UT.

<sup>92</sup> Jerry Bidinger (Resident, Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 17, 2005, Castle Valley, UT; Laura Kamala (Director of Utah Programs, Grand Canyon Trust), interview by Stephanie Bertaina and Eirin Krane, August 19, 2005, Castle Valley, UT.

<sup>93</sup> Jerry Bidinger (Resident, Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 17, 2005, Castle Valley, UT.

<sup>94</sup> Bruce Keeler (Mayor, Town of Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 18, 2005, Castle Valley Community Center, Castle Valley, UT; Richard Schwartz (Member of Planning and Zoning Commission, Town of Castle Valley), personal communication [email] with Stephanie Bertaina, February 22, 2006.

<sup>95</sup> Bruce Keeler (Mayor, Town of Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 18, 2005, Castle Valley Community Center, Castle Valley, UT.

<sup>96</sup> Catherine Howells (Water Agent, Town of Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 18, 2005, Castle Valley, UT.

<sup>97</sup> Ibid.

<sup>98</sup> Karen Nelson (Resident, Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 18, 2005, Castle Valley, UT.

<sup>99</sup> Jerry Bidinger (Resident, Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 17, 2005, Castle Valley, UT.

<sup>100</sup> John Andrews (Associate Director of Administration, SITLA), interview by Stephanie Bertaina and Eirin Krane, August 16, 2005, School and Institutional Trust Lands Administration Office, Salt Lake City, UT.

<sup>101</sup> Richard Schwartz (Member of Planning and Zoning Commission, Town of Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 19, 2005, Castle Valley Community Center, Castle Valley, UT.

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<sup>102</sup> Ibid.

<sup>103</sup> Dave Erley (Southeastern Field Agent, Utah Open Lands), telephone interview by Stephanie Bertaina and Eirin Krane, October 12, 2005.

<sup>104</sup> Marty Zeller (President, Conservation Partners), telephone interview by Stephanie Bertaina and Eirin Krane, September 28, 2005.

<sup>105</sup> Karen Nelson (Resident, Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 18, 2005, Castle Valley, UT.

<sup>106</sup> Catherine Howells (Water Agent, Town of Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 18, 2005, Castle Valley, UT; Bruce Keeler (Mayor, Town of Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 18, 2005, Castle Valley Community Center, Castle Valley, UT.

<sup>107</sup> Jerry Bidinger (Resident, Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 17, 2005, Castle Valley, UT.

<sup>108</sup> Laura Kamala (Director of Utah Programs, Grand Canyon Trust), interview by Stephanie Bertaina and Eirin Krane, August 19, 2005, Castle Valley, UT.

<sup>109</sup> Bruce Keeler (Mayor, Town of Castle Valley), personal communication [email] with Stephanie Bertaina, February 27, 2006.

<sup>110</sup> Ibid.

<sup>111</sup> Bruce Keeler (Mayor, Town of Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 18, 2005, Castle Valley Community Center, Castle Valley, UT.

<sup>112</sup> Dave Erley (Southeastern Field Agent, Utah Open Lands), telephone interview by Stephanie Bertaina and Eirin Krane, October 12, 2005.

<sup>113</sup> Jerry Bidinger (Resident, Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 17, 2005, Castle Valley, UT.

<sup>114</sup> Bruce Keeler (Mayor, Town of Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 18, 2005, Castle Valley Community Center, Castle Valley, UT.

<sup>115</sup> Ibid.

<sup>116</sup> Richard Schwartz (Member of Planning and Zoning Commission, Town of Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 19, 2005, Castle Valley Community Center, Castle Valley, UT.

<sup>117</sup> Laura Kamala (Director of Utah Programs, Grand Canyon Trust), personal communication [mail] with Stephanie Bertaina, February 24, 2006.

<sup>118</sup> Laura Kamala (Director of Utah Programs, Grand Canyon Trust), interview by Stephanie Bertaina and Eirin Krane, August 19, 2005, Castle Valley, UT.

<sup>119</sup> Richard Schwartz (Member of Planning and Zoning Commission, Town of Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 19, 2005, Castle Valley Community Center, Castle Valley, UT.

<sup>120</sup> Laura Kamala (Director of Utah Programs, Grand Canyon Trust), personal communication [mail] with Stephanie Bertaina, February 24, 2006.



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- <sup>121</sup> Bruce Keeler (Mayor, Town of Castle Valley), personal communication [email] with Stephanie Bertaina, February 27, 2006.
- <sup>122</sup> Bruce Keeler (Mayor, Town of Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 18, 2005, Castle Valley Community Center, Castle Valley, UT.
- <sup>123</sup> Catherine Howells (Water Agent, Town of Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 18, 2005, Castle Valley, UT.
- <sup>124</sup> Bruce Keeler (Mayor, Town of Castle Valley), personal communication [email] with Stephanie Bertaina, February 27, 2006.
- <sup>125</sup> Catherine Howells (Water Agent, Town of Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 18, 2005, Castle Valley, UT.
- <sup>126</sup> Dave Erley (Southeastern Field Agent, Utah Open Lands), interview by Stephanie Bertaina and Eirin Krane, October 12, 2005.
- <sup>127</sup> Laura Kamala (Director of Utah Programs, Grand Canyon Trust), interview by Stephanie Bertaina and Eirin Krane, August 19, 2005, Castle Valley, UT.
- <sup>128</sup> Ibid.
- <sup>129</sup> Dave Erley (Southeastern Field Agent, Utah Open Lands), telephone interview by Stephanie Bertaina and Eirin Krane, October 12, 2005.
- <sup>130</sup> Catherine Howells (Water Agent, Town of Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 18, 2005, Castle Valley, UT.
- <sup>131</sup> Laura Kamala (Director of Utah Programs, Grand Canyon Trust), personal communication [mail] with Stephanie Bertaina, February 24, 2006.
- <sup>132</sup> Catherine Howells (Water Agent, Town of Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 18, 2005, Castle Valley, UT.
- <sup>133</sup> Karen Nelson (Resident, Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 18, 2005, Castle Valley, UT.
- <sup>134</sup> Laura Kamala (Director of Utah Programs, Grand Canyon Trust), interview by Stephanie Bertaina and Eirin Krane, August 19, 2005, Castle Valley, UT; Marty Zeller (President, Conservation Partners), telephone interview by Stephanie Bertaina and Eirin Krane, September 28, 2005; Dave Erley (Southeastern Field Agent, Utah Open Lands), personal communication [email] with Stephanie Bertaina, January 2, 2006.
- <sup>135</sup> Margaret Bird (Beneficiary Representative, State of Utah Office of Education), interview by Stephanie Bertaina and Eirin Krane, August 15, 2005, State of Utah Office of Education, Salt Lake City, UT.
- <sup>136</sup> "Land Conservation Accomplishments," Utah Open Lands, <http://www.utahopenlands.org/accomplishments.html>; Wendy Fisher (Executive Director, Utah Open Lands), personal communication [email] with Stephanie Bertaina, December 16, 2005.
- <sup>137</sup> Wendy Fisher (Executive Director, Utah Open Lands), personal communication [email] with Stephanie Bertaina, December 16, 2005.
- <sup>138</sup> John Andrews (Associate Director of Administration, SITLA), interview by Stephanie Bertaina and Eirin Krane, August 16, 2005, School and Institutional Trust Lands Administration Office, Salt Lake City, UT.

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<sup>139</sup> SITLA's third attempt at a land exchange involving the San Rafael Swell was unsuccessful due to controversy regarding land value appraisals. Culp, Conradi and Tuell, 144.; John Andrews (Associate Director of Administration, SITLA), interview by Stephanie Bertaina and Eirin Krane, August 16, 2005, School and Institutional Trust Lands Administration Office, Salt Lake City, UT.

<sup>140</sup> Laura Kamala (Director of Utah Programs, Grand Canyon Trust), interview by Stephanie Bertaina and Eirin Krane, August 19, 2005, Castle Valley, UT.

<sup>141</sup> John Andrews (Associate Director of Administration, SITLA), interview by Stephanie Bertaina and Eirin Krane, August 16, 2005, School and Institutional Trust Lands Administration Office, Salt Lake City, UT; S. Con. Res. 4, 2005 Leg., Gen. Sess. (Utah, 2005).

<sup>142</sup> John Andrews (Associate Director of Administration, SITLA), interview by Stephanie Bertaina and Eirin Krane, August 16, 2005, School and Institutional Trust Lands Administration Office, Salt Lake City, UT; S. Con. Res. 4, 2005 Leg., Gen. Sess. (Utah, 2005).

<sup>143</sup> The Utah Recreational Land Exchange Act of 2005 was introduced by Representative Chris Cannon (R-UT-3) in the House of Representatives (H.R.2069) and by Senator Robert Bennett (R-UT) in the Senate (S.1135). "Bill Summary and Status: H.R.2069," THOMAS, available at <http://thomas.loc.gov/>; "Bill Summary and Status: S.1135," Thomas, available at <http://thomas.loc.gov/>.

<sup>144</sup> Laura Kamala (Director of Utah Programs, Grand Canyon Trust), interview by Stephanie Bertaina and Eirin Krane, August 19, 2005, Castle Valley, UT.

<sup>145</sup> Marty Zeller (President, Conservation Partners), telephone interview by Stephanie Bertaina and Eirin Krane, September 28, 2005.

<sup>146</sup> Dave Erley (Southeastern Field Agent, Utah Open Lands), telephone interview by Stephanie Bertaina and Eirin Krane, October 12, 2005.

<sup>147</sup> Laura Kamala (Director of Utah Programs, Grand Canyon Trust), interview by Stephanie Bertaina and Eirin Krane, August 19, 2005, Castle Valley, UT.

<sup>148</sup> John Andrews (Associate Director of Administration, SITLA), interview by Stephanie Bertaina and Eirin Krane, August 16, 2005, School and Institutional Trust Lands Administration Office, Salt Lake City, UT.

<sup>149</sup> Richard Schwartz (Member of Planning and Zoning Commission, Town of Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 19, 2005, Castle Valley Community Center, Castle Valley, UT.

<sup>150</sup> Laura Kamala (Director of Utah Programs, Grand Canyon Trust), interview by Stephanie Bertaina and Eirin Krane, August 19, 2005, Castle Valley, UT.

<sup>151</sup> Laura Kamala (Director of Utah Programs, Grand Canyon Trust), personal communication [mail] with Stephanie Bertaina, February 24, 2006.

<sup>152</sup> Dave Erley (Southeastern Field Agent, Utah Open Lands), telephone interview by Stephanie Bertaina and Eirin Krane, October 12, 2005.

<sup>153</sup> Ric McBrier (Assistant Director of Planning and Development, SITLA), interview by Stephanie Bertaina and Eirin Krane, August 15, 2005, SITLA, Salt Lake City, UT.

<sup>154</sup> Wendy Fisher (Executive Director, Utah Open Lands), interview by Stephanie Bertaina and Eirin Krane, August 16, 2005, Utah Open Lands Office, Salt Lake City, UT.

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- <sup>155</sup> Karen Nelson (Resident, Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 18, 2005, Castle Valley, UT.
- <sup>156</sup> Richard Schwartz (Member of Planning and Zoning Commission, Town of Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 19, 2005, Castle Valley Community Center, Castle Valley, UT.
- <sup>157</sup> Jerry Bidinger (Resident, Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 17, 2005, Castle Valley, UT.
- <sup>158</sup> Marty Zeller (President, Conservation Partners), telephone interview by Stephanie Bertaina and Eirin Krane, September 28, 2005.
- <sup>159</sup> Kevin Carter (Director, SITLA), interview by Stephanie Bertaina and Eirin Krane, July 26, 2005, Western States Land Commissioners Association Summer Conference, Great Divide Lodge, Breckenridge, CO.
- <sup>160</sup> Catherine Howells (Water Agent, Town of Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 18, 2005, Castle Valley, UT.
- <sup>161</sup> Bruce Keeler (Mayor, Town of Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 18, 2005, Castle Valley Community Center, Castle Valley, UT.
- <sup>162</sup> Karen Nelson (Resident, Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 18, 2005, Castle Valley, UT.
- <sup>163</sup> Laura Kamala (Director of Utah Programs, Grand Canyon Trust), personal communication [mail] with Stephanie Bertaina, February 24, 2006.
- <sup>164</sup> Jerry Bidinger (Resident, Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 17, 2005, Castle Valley, UT.
- <sup>165</sup> Ibid.
- <sup>166</sup> Laura Kamala (Director of Utah Programs, Grand Canyon Trust), interview by Stephanie Bertaina and Eirin Krane, August 19, 2005, Castle Valley, UT.
- <sup>167</sup> Cris Coffey (Resident, Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 18, 2005, Castle Valley, UT.
- <sup>168</sup> Jerry Bidinger (Resident, Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 17, 2005, Castle Valley, UT.
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- <sup>170</sup> Ibid.
- <sup>171</sup> Kevin Carter (Director, SITLA), interview by Stephanie Bertaina and Eirin Krane, July 26, 2005, Western States Land Commissioners Association Summer Conference, Great Divide Lodge, Breckenridge, CO.
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- <sup>173</sup> Cris Coffey (Resident, Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 18, 2005, Castle Valley, UT.

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<sup>174</sup> Laura Kamala (Director of Utah Programs, Grand Canyon Trust), interview by Stephanie Bertaina and Eirin Krane, August 19, 2005, Castle Valley, UT.

<sup>175</sup> Marty Zeller (President, Conservation Partners), telephone interview by Stephanie Bertaina and Eirin Krane, September 28, 2005.

<sup>176</sup> Ibid.

<sup>177</sup> Ric McBrier, "Memorandum to the Board of Trustees regarding Castle Valley Agreements," School and Institutional Trust Lands Administration, June 14, 2002; Marty Zeller (President, Conservation Partners), personal communication [mail] with Stephanie, Bertaina February 24, 2006.

<sup>178</sup> Catherine Howells (Water Agent, Town of Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 18, 2005, Castle Valley, UT.

<sup>179</sup> Ric McBrier (Assistant Director of Planning and Development, SITLA), interview by Stephanie Bertaina and Eirin Krane, August 15, 2005, SITLA, Salt Lake City, UT.

<sup>180</sup> Ibid.

<sup>181</sup> Ibid.

<sup>182</sup> Ibid.

<sup>183</sup> John Andrews (Associate Director of Administration, SITLA), interview by Stephanie Bertaina and Eirin Krane, August 16, 2005, School and Institutional Trust Lands Administration Office, Salt Lake City, UT.

<sup>184</sup> Marty Zeller (President, Conservation Partners), telephone interview by Stephanie Bertaina and Eirin Krane, September 28, 2005.

<sup>185</sup> Jerry Bidinger (Resident, Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 17, 2005, Castle Valley, UT.

<sup>186</sup> Wendy Fisher (Executive Director, Utah Open Lands), interview by Stephanie Bertaina and Eirin Krane, August 16, 2005, Utah Open Lands Office, Salt Lake City, UT.

<sup>187</sup> Dave Erley (Southeastern Field Agent, Utah Open Lands), telephone interview by Stephanie Bertaina and Eirin Krane, October 12, 2005.

<sup>188</sup> Wendy Fisher (Executive Director, Utah Open Lands), interview by Stephanie Bertaina and Eirin Krane, August 16, 2005, Utah Open Lands Office, Salt Lake City, UT.

<sup>189</sup> Karen Nelson (Resident, Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 18, 2005, Castle Valley, UT.

<sup>190</sup> Ibid.

<sup>191</sup> Bruce Keeler (Mayor, Town of Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 18, 2005, Castle Valley Community Center, Castle Valley, UT.

<sup>192</sup> Catherine Howells (Water Agent, Town of Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 18, 2005, Castle Valley, UT.

<sup>193</sup> Laura Kamala (Director of Utah Programs, Grand Canyon Trust), interview by Stephanie Bertaina and Eirin Krane, August 19, 2005, Castle Valley, UT.

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<sup>194</sup> Cris Coffey (Resident, Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 18, 2005, Castle Valley, UT.

<sup>195</sup> Laura Kamala (Director of Utah Programs, Grand Canyon Trust), interview by Stephanie Bertaina and Eirin Krane, August 19, 2005, Castle Valley, UT.

<sup>196</sup> Bruce Keeler (Mayor, Town of Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 18, 2005, Castle Valley Community Center, Castle Valley, UT.

<sup>197</sup> Ibid.

<sup>198</sup> Ibid.

<sup>199</sup> Dave Erley (Southeastern Field Agent, Utah Open Lands), telephone interview by Stephanie Bertaina and Eirin Krane, October 12, 2005; Laura Kamala (Director of Utah Programs, Grand Canyon Trust), interview by Stephanie Bertaina and Eirin Krane, August 19, 2005, Castle Valley, UT; Jason Keith (Policy Director, Access Fund), interview by Stephanie Bertaina and Eirin Krane, August 19, 2005, Moab, UT.

<sup>200</sup> Marty Zeller (President, Conservation Partners), telephone interview by Stephanie Bertaina and Eirin Krane, September 28, 2005.

<sup>201</sup> Marty Zeller (President, Conservation Partners), personal communication [mail] with Stephanie, Bertaina February 24, 2006.

<sup>202</sup> John Andrews (Associate Director of Administration, SITLA), interview by Stephanie Bertaina and Eirin Krane, August 16, 2005, School and Institutional Trust Lands Administration Office, Salt Lake City, UT.

<sup>203</sup> Dave Erley (Southeastern Field Agent, Utah Open Lands), personal communication [email] with Stephanie Bertaina, January 2, 2006.

<sup>204</sup> Ibid.

<sup>205</sup> Ibid.

<sup>206</sup> Ibid.

<sup>207</sup> Ibid.

<sup>208</sup> Ibid.

<sup>209</sup> Marty Zeller (President, Conservation Partners), telephone interview by Stephanie Bertaina and Eirin Krane, September 28, 2005.

<sup>210</sup> Wendy Fisher (Executive Director, Utah Open Lands), personal communication [email] with Stephanie Bertaina, December 16, 2005.

<sup>211</sup> Dave Erley (Southeastern Field Agent, Utah Open Lands), personal communication [email] with Stephanie Bertaina, January 2, 2006.

<sup>212</sup> Ibid.

<sup>213</sup> Dave Erley (Southeastern Field Agent, Utah Open Lands), telephone interview by Stephanie Bertaina and Eirin Krane, October 12, 2005; Laura Kamala (Director of Utah Programs, Grand Canyon Trust), interview by Stephanie Bertaina and Eirin Krane, August 19, 2005, Castle Valley, UT.

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- <sup>216</sup> Wendy Fisher (Executive Director, Utah Open Lands), personal communication [email] with Stephanie Bertaina, December 16, 2005.
- <sup>217</sup> Ibid.
- <sup>218</sup> Bruce Keeler (Mayor, Town of Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 18, 2005, Castle Valley Community Center, Castle Valley, UT.
- <sup>219</sup> Wendy Fisher (Executive Director, Utah Open Lands), personal communication [email] with Stephanie Bertaina, December 16, 2005.
- <sup>220</sup> Ric McBrier (Assistant Director of Planning and Development, SITLA), interview by Stephanie Bertaina and Eirin Krane, August 15, 2005, SITLA, Salt Lake City, UT.
- <sup>221</sup> Dave Erley (Southeastern Field Agent, Utah Open Lands), personal communication [email] with Stephanie Bertaina, January 2, 2006; Wendy Fisher (Executive Director, Utah Open Lands), personal communication [mail] with Stephanie Bertaina, February 16, 2006.
- <sup>222</sup> Dave Erley (Southeastern Field Agent, Utah Open Lands), personal communication [email] with Stephanie Bertaina, January 2, 2006.
- <sup>223</sup> Wendy Fisher (Executive Director, Utah Open Lands), personal communication [email] with Stephanie Bertaina, December 16, 2005.
- <sup>224</sup> Ibid.; Dave Erley (Southeastern Field Agent, Utah Open Lands), personal communication [email] with Stephanie Bertaina, January 2, 2006.
- <sup>225</sup> Jason Keith (Policy Director, Access Fund), interview by Stephanie Bertaina and Eirin Krane, August 19, 2005, Moab, UT.
- <sup>226</sup> Wendy Fisher (Executive Director, Utah Open Lands), personal communication [mail] with Stephanie Bertaina, February 16, 2006.
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- <sup>228</sup> Wendy Fisher (Executive Director, Utah Open Lands), interview by Stephanie Bertaina and Eirin Krane, August 16, 2005, Utah Open Lands Office, Salt Lake City, UT.
- <sup>229</sup> Dave Erley (Southeastern Field Agent, Utah Open Lands), telephone interview by Stephanie Bertaina and Eirin Krane, October 12, 2005.
- <sup>230</sup> Margaret Bird (Beneficiary Representative, State of Utah Office of Education), interview by Stephanie Bertaina and Eirin Krane, August 15, 2005, State of Utah Office of Education, Salt Lake City, UT.
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- <sup>237</sup> Ric McBrier (Assistant Director of Planning and Development, SITLA), interview by Stephanie Bertaina and Eirin Krane, August 15, 2005, SITLA, Salt Lake City, UT.
- <sup>238</sup> Ibid.
- <sup>239</sup> Margaret Bird (Beneficiary Representative, State of Utah Office of Education), interview by Stephanie Bertaina and Eirin Krane, August 15, 2005, State of Utah Office of Education, Salt Lake City, UT.
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- <sup>241</sup> Cris Coffey (Resident, Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 18, 2005, Castle Valley, UT.
- <sup>242</sup> Ibid.; Karen Nelson (Resident, Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 18, 2005, Castle Valley, UT.
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- <sup>246</sup> Ibid.
- <sup>247</sup> Laura Kamala (Director of Utah Programs, Grand Canyon Trust), interview by Stephanie Bertaina and Eirin Krane, August 19, 2005, Castle Valley, UT.
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<sup>251</sup> Ibid.

<sup>252</sup> Ibid.

<sup>253</sup> Bruce Keeler (Mayor, Town of Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 18, 2005, Castle Valley Community Center, Castle Valley, UT.

<sup>254</sup> Karen Nelson (Resident, Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 18, 2005, Castle Valley, UT.

<sup>255</sup> Richard Schwartz (Member of Planning and Zoning Commission, Town of Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 19, 2005, Castle Valley Community Center, Castle Valley, UT; Bruce Keeler (Mayor, Town of Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 18, 2005, Castle Valley Community Center, Castle Valley, UT.

<sup>256</sup> Marty Zeller (President, Conservation Partners), telephone interview by Stephanie Bertaina and Eirin Krane, September 28, 2005.

<sup>257</sup> Jerry Bidinger (Resident, Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 17, 2005, Castle Valley, UT.

<sup>258</sup> Catherine Howells (Water Agent, Town of Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 18, 2005, Castle Valley, UT.

<sup>259</sup> Laura Kamala (Director of Utah Programs, Grand Canyon Trust), interview by Stephanie Bertaina and Eirin Krane, August 19, 2005, Castle Valley, UT.

“Sole Source Aquifer Determination for Castle Valley Aquifer System, Castle Valley, UT,” Environmental Protection Agency, <http://www.epa.gov/safewater/swp/ssa/utssa.html>; see also 66 Fed. Reg. 41027 (Aug. 6, 2001).

<sup>261</sup> Catherine Howells (Water Agent, Town of Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 18, 2005, Castle Valley, UT.

<sup>262</sup> Cris Coffey (Resident, Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 18, 2005, Castle Valley, UT.

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<sup>264</sup> Marty Zeller (President, Conservation Partners), telephone interview by Stephanie Bertaina and Eirin Krane, September 28, 2005.

<sup>265</sup> Ibid.

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<sup>268</sup> Cris Coffey (Resident, Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 18, 2005, Castle Valley, UT.

<sup>269</sup> Dave Erley (Southeastern Field Agent, Utah Open Lands), personal communication [email] with Stephanie Bertaina, February 27, 2006.



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- <sup>270</sup> Wendy Fisher (Executive Director, Utah Open Lands), interview by Stephanie Bertaina and Eirin Krane, August 16, 2005, Utah Open Lands Office, Salt Lake City, UT.
- <sup>271</sup> Jason Keith (Policy Director, Access Fund), interview by Stephanie Bertaina and Eirin Krane, August 19, 2005, Moab, UT.
- <sup>272</sup> Wendy Fisher (Executive Director, Utah Open Lands), interview by Stephanie Bertaina and Eirin Krane, August 16, 2005, Utah Open Lands Office, Salt Lake City, UT.
- <sup>273</sup> Laura Kamala (Director of Utah Programs, Grand Canyon Trust), interview by Stephanie Bertaina and Eirin Krane, August 19, 2005, Castle Valley, UT.
- <sup>274</sup> Ric McBrier (Assistant Director of Planning and Development, SITLA), interview by Stephanie Bertaina and Eirin Krane, August 15, 2005, SITLA, Salt Lake City, UT; Dave Erley (Southeastern Field Agent, Utah Open Lands), telephone interview by Stephanie Bertaina and Eirin Krane, October 12, 2005
- <sup>275</sup> Dave Erley (Southeastern Field Agent, Utah Open Lands), telephone interview by Stephanie Bertaina and Eirin Krane, October 12, 2005.
- <sup>276</sup> Ric McBrier (Assistant Director of Planning and Development, SITLA), interview by Stephanie Bertaina and Eirin Krane, August 15, 2005, SITLA, Salt Lake City, UT.
- <sup>277</sup> Wendy Fisher (Executive Director, Utah Open Lands), interview by Stephanie Bertaina and Eirin Krane, August 16, 2005, Utah Open Lands Office, Salt Lake City, UT.
- <sup>278</sup> Ibid.
- <sup>279</sup> Laura Kamala (Director of Utah Programs, Grand Canyon Trust), personal communication [mail] with Stephanie Bertaina, February 24, 2006.
- <sup>280</sup> Marty Zeller (President, Conservation Partners), telephone interview by Stephanie Bertaina and Eirin Krane, September 28, 2005.
- <sup>281</sup> Ibid.
- <sup>282</sup> Richard Schwartz (Member of Planning and Zoning Commission, Town of Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 19, 2005, Castle Valley Community Center, Castle Valley, UT.
- <sup>283</sup> Bruce Keeler (Mayor, Town of Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 18, 2005, Castle Valley Community Center, Castle Valley, UT.
- <sup>284</sup> Marty Zeller (President, Conservation Partners), telephone interview by Stephanie Bertaina and Eirin Krane, September 28, 2005.
- <sup>285</sup> Kevin Carter (Director, SITLA), interview by Stephanie Bertaina and Eirin Krane, July 26, 2005, Western States Land Commissioners Association Summer Conference, Great Divide Lodge, Breckenridge, CO.
- <sup>286</sup> Richard Schwartz (Member of Planning and Zoning Commission, Town of Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 19, 2005, Castle Valley Community Center, Castle Valley, UT.
- <sup>287</sup> Kevin Carter (Director, SITLA), interview by Stephanie Bertaina and Eirin Krane, July 26, 2005, Western States Land Commissioners Association Summer Conference, Great Divide Lodge, Breckenridge, CO.

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<sup>288</sup> Catherine Howells (Water Agent, Town of Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 18, 2005, Castle Valley, UT.

<sup>289</sup> Jerry Bidinger (Resident, Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 17, 2005, Castle Valley, UT.

<sup>290</sup> Kevin Carter (Director, SITLA), interview by Stephanie Bertaina and Eirin Krane, July 26, 2005, Western States Land Commissioners Association Summer Conference, Great Divide Lodge, Breckenridge, CO.

<sup>291</sup> Karen Nelson (Resident, Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 18, 2005, Castle Valley, UT.

<sup>292</sup> Ric McBrier (Assistant Director of Planning and Development, SITLA), interview by Stephanie Bertaina and Eirin Krane, August 15, 2005, SITLA, Salt Lake City, UT.

<sup>293</sup> Ibid.

<sup>294</sup> Ibid.

<sup>295</sup> Richard Schwartz (Member of Planning and Zoning Commission, Town of Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 19, 2005, Castle Valley Community Center, Castle Valley, UT.

<sup>296</sup> Bruce Keeler (Mayor, Town of Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 18, 2005, Castle Valley Community Center, Castle Valley, UT.

<sup>297</sup> Ibid.

<sup>298</sup> Laura Kamala (Director of Utah Programs, Grand Canyon Trust), interview by Stephanie Bertaina and Eirin Krane, August 19, 2005, Castle Valley, UT.

<sup>299</sup> Bruce Keeler (Mayor, Town of Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 18, 2005, Castle Valley Community Center, Castle Valley, UT.

<sup>300</sup> Ibid.

<sup>301</sup> Cris Coffey (Resident, Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 18, 2005, Castle Valley, UT.

<sup>302</sup> Ibid.

<sup>303</sup> Dave Erley (Southeastern Field Agent, Utah Open Lands), personal communication [email] with Stephanie Bertaina, February 27, 2006.

<sup>304</sup> Cris Coffey (Resident, Castle Valley), interview by Stephanie Bertaina and Eirin Krane, August 18, 2005, Castle Valley, UT.

<sup>305</sup> Laura Kamala (Director of Utah Programs, Grand Canyon Trust), interview by Stephanie Bertaina and Eirin Krane, August 19, 2005, Castle Valley, UT.

<sup>306</sup> Kevin Carter (Director, SITLA), interview by Stephanie Bertaina and Eirin Krane, July 26, 2005, Western States Land Commissioners Association Summer Conference, Great Divide Lodge, Breckenridge, CO.

<sup>307</sup> Ric McBrier (Assistant Director of Planning and Development, SITLA), interview by Stephanie Bertaina and Eirin Krane, August 15, 2005, SITLA, Salt Lake City, UT.

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<sup>308</sup> Ibid.

<sup>309</sup> Ibid.

<sup>310</sup> Ibid.