

# **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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**EMERALD MOUNTAIN PLANNING PROCESS:  
Partnering to Achieve Trust Outcomes and  
Protect Local Landscapes**



Emerald Mountain and adjacent private ranch land, Steamboat Springs, Colorado  
Photograph by Lisa Spalding

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Researched and Edited by Lisa Spalding and Matt Stout**

## INTRODUCTION

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As with many of Colorado's ski towns, the landscape around Steamboat Springs has changed as out-of-towners moved into the area and purchased natural and agricultural land for residential use.<sup>1</sup> Emerald Mountain is a scenic, 6,000-acre parcel of state trust land that lies west of adjacent Steamboat Springs. The parcel currently generates yearly revenue for the State Land Board (SLB) from agricultural leases. However, considering its attractiveness to developers in a vibrant Colorado ski town, it could be subdivided and sold for residential development to allow the Land Board to purchase higher revenue-producing property in its place.

The increased development interest in Emerald Mountain raised public concern in Steamboat Springs. In an area with rapid growth and rising land values, this large tract is increasingly cherished by the community for its agricultural use, wildlife habitat and scenic and potential recreational resources. Citizens who are concerned about preserving Routt County's agricultural heritage and open space, and local governments have begun stepping up their efforts to conserve the remaining undeveloped tracts of land.<sup>2</sup>

To conserve this resource for the community as well as meet its constitutional duty of raising money for public schools, the SLB entered into a unique collaboration with members of the Steamboat Springs community. The collaboration began in 1993 with informal monthly meetings between the SLB and local stakeholders. In 2000, this group evolved into the Emerald Mountain Partnership (the Partnership), a community non-profit organization working to identify ways to protect the property's agricultural, scenic, and recreational values. The SLB worked with this Partnership in two ways: the agency had a regional representative working directly with the community throughout the 12-year process and it eventually entered into a contractual relationship with the Partnership to give the group time to purchase the parcel at market value.

To garner these funds, the Partnership explored several unsuccessful options before deciding to coordinate a land exchange between the Bureau of Land Management (BLM) and the SLB. Through this transaction, the BLM would exchange several small, scattered and difficult-to-manage parcels within Routt County for the Emerald Mountain parcel. The BLM would then manage the property according to the agency's multiple-use objectives. Since 2002, the Partnership, SLB and BLM have progressed through the federal land exchange process. The Partnership has proposed a management plan for the parcel to the BLM, which the agency will consider as one of the four alternatives for the BLM's amendment to its regional Resource Management Plan.<sup>3</sup> The exchange is yet to be finalized.

The story of the Emerald Mountain Partnership reveals the importance of communicating openly and often with the public about the collaborative group's process and progress. This case also illustrates the value of including all potential stakeholders in the collaborative group, especially as scope of the project changes, to make sure new stakeholders are brought into the fold. Finally, the Emerald Mountain case demonstrates the importance of anticipating and mitigating potential controversies that might hinder progress or implementation.

## CONTEXT FOR COLLABORATION

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Appraising the collaborative planning work of the Emerald Mountain Partnership requires a familiarity with the context in which this project unfolded. The following is a brief overview of the relevant historical events and political issues that shaped the Emerald Mountain story.

### COLORADO'S LAND GRANT

The 1875 Colorado Enabling Act, passed by the U.S. Congress, granted sections 16 and 36 in every township for the support of common schools, totaling 4.6 million acres.<sup>4</sup> Once the lands were granted, the state followed the familiar pattern of quickly selling off trust lands to generate income for schools and encourage settlement in the state. As the landscape became more settled, the state began retaining more of their trust lands to generate income through grazing and farming leases (Figure 6-1).<sup>5</sup> Today, the state owns approximately three million acres of surface and the three million acres of subsurface below it, as well as 1.5 million acres of subsurface land to which they only have subsurface rights (Figure 6-2).<sup>6</sup>

### TRUST LAND MANAGEMENT IN COLORADO

In the early 1990s, the SLB was involved in several controversial real estate transactions that opened the agency up to public scrutiny and criticism.<sup>7</sup> In response, the structure and mission of Colorado's SLB was overhauled midway through the Emerald Mountain Planning Process. Indeed, the parcel became the "poster child" of the campaign for Amendment 16, the constitutional amendment to reform Colorado's state trust land management. At the outset of the Emerald Mountain case, the SLB consisted of three full-time salaried Commissioners, who were appointed by the Governor. The SLB operated under the Department of Natural Resources, and had six district offices throughout the state.<sup>8</sup>

Prior to Amendment 16, the SLB managed land for short-term financial benefits. While neither the state's Constitution nor statutes explicitly required the SLB to maximize revenues, court rulings interpreted the Constitution to direct the Board to achieve the maximum possible value in each transaction.<sup>9</sup> The "old" SLB's philosophy of managing state trust lands was, according to Charles Bedford, "To respond, or react to something that draws their attention to a parcel. The 'old Board' appeared to feel that the mandate to maximize revenue required it to consider selling land to whoever walked in the door at any time."<sup>10</sup>

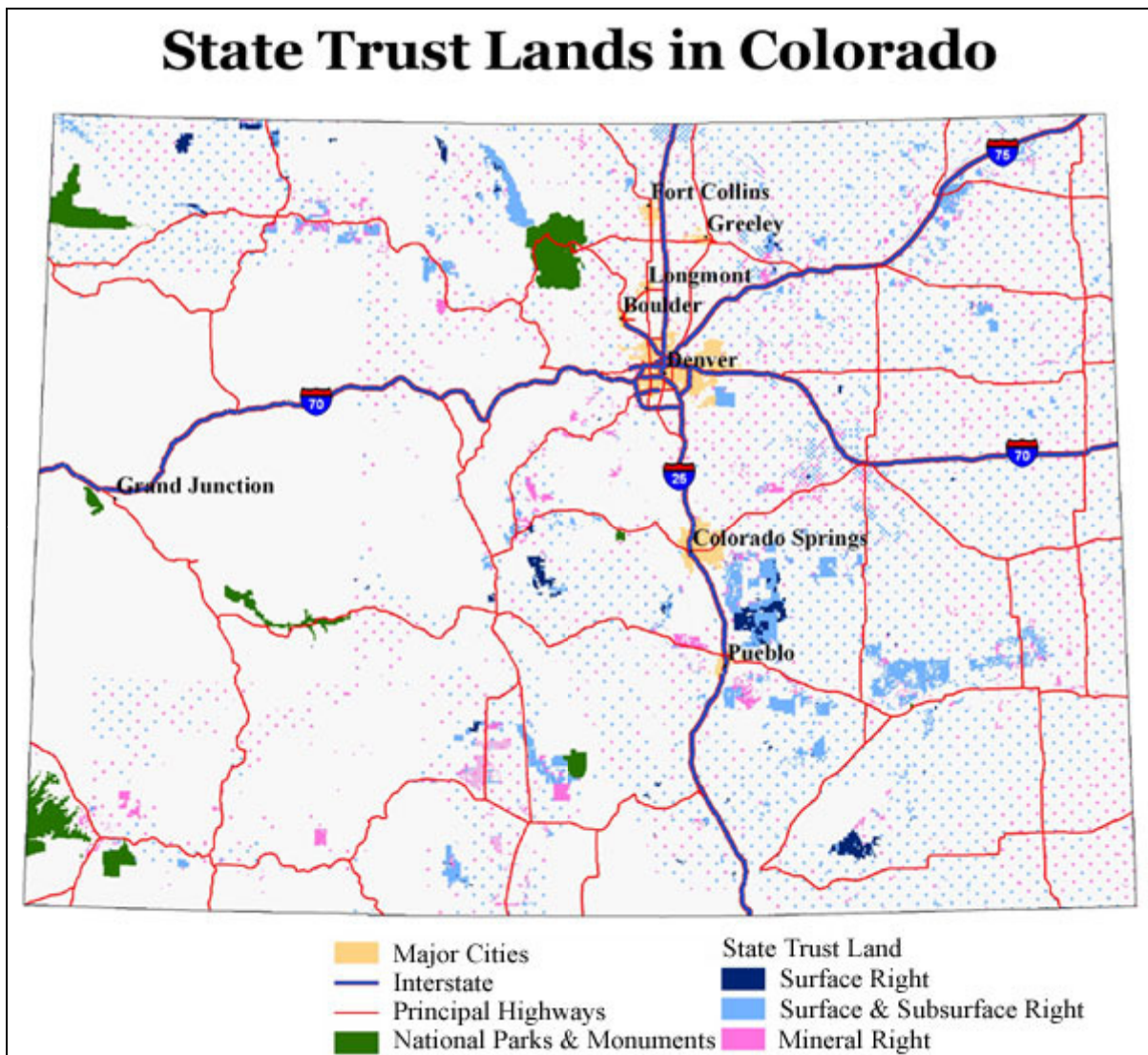
**Figure 6-1: State Trust Land Sign on Emerald Mountain**



Source: Photograph by Lisa Spalding

This reactionary management style meant that the Board did not plan for the long-term, or conduct outreach or public relations work. One example of this insular approach is the Board’s approach to their monthly (public) meetings. On the day prior to the scheduled public meetings, the Board would hold a private “workshop,” which included an unrecorded dress rehearsal of the following day’s meeting, working through the agenda with full analysis of all relevant information, and open debate and discussion. At the formal meeting the next day, the Board’s discussion was an abbreviated, somewhat artificial version of the former day’s discourse, with no opportunity for interaction with the public in attendance.<sup>11</sup>

**Figure 6-2: Map of State Trust Lands in Colorado**



Source: “Colorado 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>.

## **COLORADO AND ROUTT COUNTY POLITICS**

The debate over Emerald Mountain was influenced by Colorado’s political dynamics. This politically-divided state has small, dense pockets of Democratic-leaning urban areas (including the ski towns like Steamboat Springs) within a broader Republican-leaning rural landscape. When the Emerald Mountain conflict heated up in the early 1990s Democratic Governor Roy Romer’s hand-picked SLB was in place. There was “constant noise” from communities that were displeased with SLB management in their areas.<sup>12</sup> Romer, who was in his third and final term, responded by initiating the campaign for Amendment 16 to radically change the way the SLB approached land management.

## **THE STORY: EMERALD MOUNTAIN PLANNING PROCESS**

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### **RIISING VALUES AND INCREASING USES CREATE LOCAL CONFLICT**

West of the Continental Divide near the northern edge of the state lies Routt County, which is traditionally home to agricultural and mining operations, and also the growing city of Steamboat Springs (Figure 6-3). A ski and resort town with a rich ranching heritage, Steamboat Springs’ population is approximately 10,000, comprising almost half of the county’s population.<sup>13</sup> The main commercial ski hill opened in the mid 1960s, and since then the town’s reputation as both a winter and summer resort destination has grown rapidly, with Olympic-caliber skiing facilities, hot springs, river sports and a downtown shopping village. Today, the town has a strong tourism-based economy, bolstered by the pastoral landscape that surrounds it.

**Figure 6-3: View of Steamboat Springs, Colorado from City-Owned Property on Emerald Mountain**



Source: Photograph by Lisa Spalding

While Emerald Mountain historically had been leased by the SLB for grazing, the agricultural activity around Emerald Mountain had diminished over time. Before 1970, approximately 25 farms and ranches operated around Emerald Mountain in Steamboat Springs. Six of these operations held grazing leases on the state trust land on the mountain.<sup>14</sup> Over the last 30 years, however, most of these agricultural parcels have been subdivided into residential properties (Figures 6-4 and 6-5). Only five ranches still operate commercially around the mountain.<sup>15</sup> Routt County’s economic boom in the 1980s and early 1990s helped to fuel these changes and resulted in rising land values as out-of-towners moved into the area and purchased properties.<sup>16</sup>

As large tracks of agricultural land continued to be subdivided for residential use, the landscape began to visibly change. The public became increasingly concerned about how to preserve Routt County’s agricultural heritage and open space.<sup>17</sup> Emerald Mountain Partnership Chairman Ben Beall who served as County Commissioner from 1993 to 2001 remembered, “Everyone could see all these folks were moving in, and the land was being broken up. How do we preserve our heritage, our agricultural heritage, so we don’t become like every place in America?”

The “Emerald Mountain parcel” is actually a general name for a piece of state trust land that spans a broad area that includes Emerald Mountain, Agate Peak, Quarry Mountain, Quaker Mountain, Cow Creek and Twenty Mile Park.<sup>18</sup> The land is rugged with steep slopes and access is limited by private properties on the east and north sides. County roads, power line corridors, and service roads create access to the parcel.<sup>19</sup> Most of the parcel has been leased for grazing since the early 1890s, and in the 1990s four adjacent ranchers held grazing leases on the Emerald Mountain.<sup>20</sup>

Emerald Mountain was valuable not only for agriculture, but also for recreation and wildlife habitat. The rising population created more demand for convenient recreation areas for Steamboat’s large community of mountain bikers, hikers and cross-country skiers. While public access is illegal on Colorado’s state trust lands, mountain bikers, hikers and cross-country skiers often trespassed on the parcel. The robust elk population on Emerald Mountain

**Figures 6-4 and 6-5: Farmland for Sale in Steamboat Springs**



Source: Photograph by Lisa Spalding

The robust elk population on Emerald Mountain



dates back to a reintroduction that occurred in the early 1900s by entrepreneurs intending to create a game park on adjacent Howelson Hill for wildlife viewing. Eventually, the park management stopped and the elk remained.

In response to these increasing pressures in and around Steamboat Springs, the community took several measures to improve land use planning in the region in the early 1990s. They updated their subdivision and zoning regulations, developed community plans, set up a land trust, and passed a purchase of development rights policy. The City worked to conserve the land on Howelson Hill, which is part of Emerald Mountain that is visible from downtown. During this effort, they contacted the SLB to discuss possibilities for opening up the state trust land parcels on Emerald Mountain for recreational opportunities on existing trails and roads.<sup>21</sup>

**Figure 6-6: The Stanko Family Ranch, with Emerald Mountain in the Background**



Source: Photograph by Lisa Spalding

Increased recreational pressure on Emerald Mountain created conflicts between diverse user groups. Historically, lessees have controlled all access to the state trust land on which they hold leases. According to Jim Stanko, whose ranching family held a lease on Emerald Mountain from 1923 to 2000, “If you lease it, it becomes like yours. You have the total say over access, over who does what, when, where, and why” (Figure 6-6).<sup>22</sup> While lessees have provided hunting access to their lands, demand for access was low because there were a range of other hunting areas available.

But as Steamboat Springs grew, recreational lands within the city limits

were disappearing or becoming more crowded. All of this put added pressure on Emerald Mountain to fulfill the recreational needs of the growing community.<sup>23</sup> “The problem was that if you weren’t one of our friends, you didn’t get to hunt. That started irritating people that didn’t fall into that classification,” remembered Jim Stanko.<sup>24</sup> While some lessees charged a nominal fee in order to cover their cost, others made a business venture out of these leases and charged individuals \$4,000 to \$5,000 annually for hunting access. Conflicts grew among other user groups. In some cases, mountain bikers would ride up the county road on the mountain and turn onto trails on state land and trigger openly hostile responses from one particular ranch manager.

In response to increased recreational interest in state trust lands statewide, the SLB developed a multiple-use policy to increase revenues in the early 1990s.<sup>25</sup> This policy, which allowed public and private groups to apply for recreational leases, amplified the tensions between Emerald Mountain’s agricultural and recreational users. To no one’s surprise, the current agricultural lessees preferred to control access to the land they leased. After designating Emerald Mountain under the new policy, the SLB issued new recreational leases that allowed leaseholders to charge

the public for activities such as hunting and horseback riding. While some of the grazing lessees applied for recreational leases, the city of Steamboat Springs also looked into purchasing a lease for trail development. Debate ensued over which uses would be covered by each set of leases, and who would control access to the parcels.

**COMMUNITY TEAMS UP TO RESPOND TO DEVELOPMENT PLANS**

As real estate prices rose, the increasing attractiveness of Emerald Mountain for development purposes moved the SLB to consider the possibilities of developing residential home sites.<sup>26</sup> In the mid-1990s, the Colorado SLB began to explore ways to manage Emerald Mountain for increased revenue. With rising land values and high demand for developable land, land disposal was an important opportunity to increase revenue for public schools and other beneficiary institutions.<sup>27</sup> On Emerald Mountain, agricultural leases were bringing in only \$40,000 in annual revenue, yielding an asset value of only roughly \$1 million.<sup>28</sup> The agency did not know the market value of the parcel, but current real estate trends suggested it was rapidly increasing.

The growing conflict among user groups, the City’s interest in developing recreation trails on the mountain and the parcel’s potential inclusion in the SLB’s urban portfolio stirred up concerns throughout the Steamboat Springs community about future of land use on Emerald Mountain. This interest led to the creation in 1993 of an ad-hoc collaborative planning group, which became known as the “Core Group.” While the name of the collaborative group changed several times over the next 12 years, most members of the original Core Group endured (Table 6-1). These early meetings laid the groundwork for long-term collaboration between the SLB and diverse user groups in Steamboat Springs.

The Core Group met monthly over approximately two years and discussed a variety of ways to balance competing interests and generate revenue for the SLB. The County Extension Office hosted the meetings, and Extension Agent C.J. Mucklow facilitated. Beall described the group, which included Beverly Rave, northwest representative of SLB, as “congenial” despite some differing opinions: “Sure, the State Land Board wanted to sell it, and we wanted to preserve it. But, there was a way to meet. There was a way to do both.”<sup>30</sup> Discussions were freeform, with no formal decision rule or voting process. Beall explained, “We all discussed and worked things out, and got on the same page without any knock-down, drag-out fights.”<sup>31</sup>

**Table 6-1: Emerald Mountain Core Group Membership**

<b>Core Group Membership:<sup>29</sup></b>	
CJ Mucklow	Agricultural Extension
Ben Beall	Routt County Commissioner
Jim Stanko	Lessee
Ralph Painter	Manager for Newel Grant,
Jim Kemry	Lessee
Jim Hicks	Colorado DOW
Chris Wilson	City of Steamboat Springs
Robert McCarty	Colorado SLB

The SLB’s goal for participating in the Core Group was to “get the value of that parcel for our beneficiaries.” according to Beverly Rave.<sup>32</sup> Having created and worked with collaborative processes before, Rave also saw value in the opportunity to take “the controversy out of what we might otherwise have done. Give the community the opportunity to participate, so that the end

result meets with their interests as well as ours.”<sup>33</sup> Since the parcel was appreciating dramatically throughout the 1990s, Rave saw little cost to investing many of those years into working with the community: “Regardless of the fact that we weren’t getting a whole lot of money out of it in terms of revenue, it was very obvious to me that we were still getting value from it because the price was going up, pretty quickly.”<sup>34</sup>

Beall remembered how Beverly Rave represented the SLB’s perspective to the group, “She and I have knocked heads, but in a good way. She would come down and we would negotiate. That’s probably not the right word, but everybody at the table understood that it was their land, so they were at the table.”<sup>35</sup>

The group examined a range of potential solutions, including creating grazing partnerships, applying for foundation grants and working with land trusts. After two years of monthly meetings, participants had made several compromises. They chose to draft a “consensus opinion” that outlined how Emerald Mountain should be managed in the future. Jim Stanko, a cattle rancher who leased a portion of the Emerald Mountain parcel, was satisfied with the members’ mutual compromises. His wife Jo remembered, “When he first went, he thought they were all coming from such different directions, that they thought they’d never come to a consensus. And Jim was so proud and excited, when this group, this diverse group began working together and came together with a consensus.”<sup>36</sup>

The group submitted this joint opinion as a “Community Statement” to the SLB. The document declared that the sale or development of any or all Emerald Mountain state trust lands was unacceptable, and the SLB’s current policy of maximizing short-term revenues should be reconsidered to take into account both local needs and long-term goals. The group then outlined their set of goals for the parcel:

- Prohibit housing development on the land
- Retain agricultural use and maintain livestock grazing
- Allow public hunting with controlled hunter numbers
- Improve wildlife management and reduce wildlife conflicts with adjacent landowners
- Allow controlled public recreation that pays its fair share and is compatible with other uses
- Generate more revenue for the Colorado SLB in perpetuity than is currently generated today by fully utilizing the multiple-use plan
- Develop a land use management plan to improve all the resources, both natural and human, of Emerald Mountain<sup>37</sup>

Finally, the Core Group requested five years to develop a community plan for the parcel that “benefits our community and the citizens of Colorado as well as substantially increasing revenues to the State Land Board.” During this time, they proposed to identify potential uses and stakeholders, evaluate alternatives, assemble funding sources, write a plan and create an organizational management structure.

The SLB felt they needed to explore a range of options to generate a reasonable rate of return. Around this time, the agency continued discussing moving the Emerald Mountain parcel into

their urban portfolio, a status shift that meant it could be considered for disposal or residential development. This Urban Lands Account was a holding bin for lands being prepared for development within ten years or less.<sup>38</sup> The community took this proposal as a sign that the possibility of development on the parcel was imminent.

To continue to explore this option, the agency hired a contractor named Charlie Foster in 1995 to conduct a planning study to assess the property's development potential and outline a set of development scenarios to increase revenue. Beverly Rave described the report: "Charlie put together a basic study of the property and developed some alternatives that the Board might consider for what they could do with that parcel to get some additional revenue."<sup>39</sup> Foster outlined scenarios for six to 18 building sites and presented the following three alternatives:

- Continue current uses, but develop limited large tracts or subdivisions in selected areas
- Initiate a multiple use plan that involves limited development
- Sell or exchange all significant areas of Emerald Mountain, if effective and fiscally responsible management is not an option<sup>40</sup>

Foster recommended the second, multiple-use planning option and estimated the value of the parcel at between \$6 million and \$7 million.<sup>41</sup> With the report completed and approved by the agency, the SLB held a public meeting in 1995 in Steamboat Springs to present its findings to the community.<sup>42</sup> Jim Stanko remembered the community's strong reaction to the presentation: "Once the word got out that it was going to be sold, the city of Steamboat got excited, the county got excited, you know, all kinds of people got excited. Everybody protested."<sup>43</sup>

To develop an alternative solution, Routt County proposed to coordinate a community-based planning process to work out an alternative solution.<sup>44</sup> The Emerald Mountain Steering Committee was born. The County Planning Department led this continuation of the local planning effort, and expanded the set stakeholders and interests from those represented in the Core Group. The new Steering Committee included representatives from the County, City, adjacent property owners, lessees, recreational interests, local land conservation organizations, wildlife interests and community members.<sup>45</sup> The SLB's Beverly Rave joined the group meetings to offer guidance.

The group initially proposed to write a land use plan for the parcel, intending for this plan to be adopted into the County's Master Plan. However, the SLB was concerned that their plan would not incorporate development options, so it would not realistically address the Board's mandate to manage the land for revenue. In response to the agency's concerns, the Steering Committee switched gears in 1995 and tried to pursue the multiple use option included in the Foster Report.

The group's new objective was to develop a multiple-use land management plan based on the Core Group's joint set of goals. A subset of Committee members representing all the above interests undertook this task, and was chaired by County Commissioner Ben Beall. "So the Board agreed to do a planning lease to Routt County for five years to give them a chance to see what they could come up with," described Beverly Rave.<sup>46</sup> The terms of the 1995 five-year planning lease negotiated by the SLB and the Routt County Board of County Commissioners

were to include one rent-free year, followed by four years charged at \$1 per acre annually, totaling \$6,900 per year.<sup>47</sup>

## **AMENDMENT 16 OVERHAULS COLORADO'S STATE LAND BOARD**

Emerald Mountain was not the only parcel of Colorado's state trust land that was mired in conflict in the 1990s. Some other parcels being considered for sale around the state were also highly valuable to local communities for open space, scenery or wildlife habitat. The public was increasingly concerned about the impacts of sprawl development and rapid growth, and increasingly voiced concerns with sale proposals.<sup>48</sup> Controversial SLB transactions fueled growing public scrutiny over the agency's decision making. One controversial sale occurred in southern Routt County in 1995. The SLB failed to adequately consult local government before entering into a contract with a developer to subdivide a 640-acre parcel into 35-acre parcels (which, due to their size, avoid local land use regulations and oversight).<sup>49</sup> While this action increased the tension between the SLB and Routt County Board of County Commissioners, similar SLB transactions were creating friction with many other Colorado communities.<sup>50</sup>

The Governor's office received a rising number of public objections to the SLB's activities. Indeed, a subsection of the Emerald Mountain Core Group went to Denver to voice their concerns to Romer in hopes of influencing the SLB's actions from above. Jim Stanko's message to Romer on that trip was, "Governor, your land board is out of control. Do something about it."<sup>51</sup> Charles Bedford, who was Romer's deputy legal advisor at the time, recalled that Emerald Mountain was prominent on the list of grievances:

We started hearing about Emerald Mountain and about the Land Board's desire to develop or sell, or maximize value, back in 1994. There was just constant noise about it. They were basically just at loggerheads. The Land Board would propose something 'let's do 800 houses on this part of it' and the community would come unglued. The governor's office would say to the Land Board, "what are you doing?" The Land Board would say, "we're just trying to maximize value."<sup>52</sup>

In response to heated controversy around proposals for land disposition, Governor Roy Romer worked with his staff and environmental groups in 1995 to write Amendment 16. This ballot initiative would redesign both the principles and the structure of the SLB. With the assistance of Citizen's to Save Colorado's Public Trust Lands and other environmental groups, Governor Romer collected sufficient signatures to get the proposal on the ballot, and fought hard to see it pass by a margin of 1.8 percent.<sup>53</sup>

The Amendment, according to Charles Bedford, "Basically brought [the SLB] out of the 1890s into the 1990s."<sup>54</sup> This revision shifted the SLB's mission away from maximizing trust land revenue to "producing reasonable and consistent income over time," and replaced the existing three-member salaried board with a newly appointed five-member volunteer board with broader geographical representation, expertise and constituencies.<sup>55</sup> Most importantly to the Emerald Mountain case, the Amendment required the SLB to comply with local land use regulations and plans. This obligation opened the door for collaborative work with local communities to coordinate planning on state trust lands.<sup>56</sup>

The Amendment also created a Stewardship Trust of 295,000 to 300,000 acres (approximately 10 percent of landholdings) determined to be valuable in the long-term, in order to preserve land for future benefits to the trust. Stewardship Trust land can not be sold unless it is first removed, which required the consenting votes of at least four of the five SLB Commissioners. The Trust would be established through a statewide public nomination process, and any land removed must be replaced with the coincident designation of other lands of roughly the same acreage. The Amendment also made other important changes, including explicitly allowing the Board to sell or lease conservation easements on state trust land and developing stewardship incentives for grazing lessees.<sup>57</sup>

Many citizens, including some of those on the Emerald Mountain Steering Committee, mistakenly thought that the Stewardship Trust would protect land in perpetuity. The Committee had strongly advocated for the Amendment in hopes of including the Emerald Mountain parcel in the Stewardship Trust. The misunderstanding was perhaps a consequence of Emerald Mountain's widespread use as the "poster child" in Romer's state-wide campaign promoting the Amendment. This promotion occurred most notably when Governor Romer visited the site to launch the petition initiative, producing public relations photos of him literally pointing to Emerald Mountain in the background as an example of state trust land that should be conserved for future generations.<sup>1</sup> Once the Amendment passed and the Stewardship Trust was established, the community advocated for, and successfully nominated the Emerald Mountain parcel for designation.

However, after the parcel was designated into the Stewardship Trust in 1998, the Emerald Mountain Steering Committee got a rude awakening and had to work within the constraints of the Amendment. Only some members understood that the actual Amendment promises only that a certain number of acres would always be held in trust, and parcels would require the SLB's four-fifths vote to be removed. Susan Otis described this widespread confusion:

The citizens of the state felt the Stewardship Trust was going to set aside some of the State Land Board lands so they would be free from development, or they wouldn't be under pressure of development. But in reality, the State Land Board interprets the Amendment in a way that only gives communities the opportunity to "buy" the time to come up with the money to resolve the protection of those lands.<sup>58</sup>

For some participants, the realization that the Stewardship Trust was merely a temporary fix was frustrating. Jim Stanko recalled:

We thought, that'd be it! We'd get it in the Stewardship Trust. Then, you know, they couldn't sell it. Everybody could use it. It would become what Amendment

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<sup>1</sup> The photos show Governor Romer actually pointing to Howelson Hill and portions of Emerald Mountain owned by private individuals and the city of Steamboat Springs. The state trust land parcel is actually on the opposite side of the mountain, and is not visible from the downtown area, including the Community College campus where he was standing. These photos illustrate the general lack of community awareness about which portion of the mountain were actually state-owned.

16 was supposed to be about. Well, we got it into the Stewardship Trust. And then the State Land Board said well, this is only a temporary thing.<sup>59</sup>

### **A NEW EMERALD MOUNTAIN PARTNERSHIP IS BORN**

At the end of 1999, the County's five-year planning lease was approaching expiration. The SLB conducted an appraisal of the fair market value of the parcel based on the highest and best use, which was one "gentleman rancher" purchasing the entire parcel. This appraisal came back as \$17.2 million.<sup>60</sup> The community was concerned that a land sale was imminent, and with the support of Routt County and the city of Steamboat Springs, the Emerald Mountain Partnership (the Partnership) was born in February 2000.<sup>61</sup> The Partnership's goals were the following:

- The prudent management, location, protection, sale, exchange or other disposition of trust lands within Emerald Mountain in order to produce reasonable and consistent income over time for the beneficiaries of Colorado State Board of Land Commissioners trust lands
- The conservation, preservation, protection and enhancement of open space and scenic lands for the benefit of the public and future generations
- The maintenance, protection and enhancement of wildlife habitat and wildlife resources
- The maintenance and preservation of agricultural lands, agricultural operations and activities and the agricultural heritage of Routt County
- The creation and management of public recreational opportunities compatible with open space preservation, wildlife and agriculture
- The development and implementation of educational and scientific opportunities and programs relating to wildlife, wildlife management, land preservation, conservation, and sustainable agricultural activities
- Collaboration and communication with, and the development of cooperative programs with the Colorado State Board of Land Commissioners and other state and federal agencies, charitable organizations, citizens groups and others to promote the purposes and goals set forth above<sup>62</sup>

The Partnership originally was designed with a seven-member Board of Directors composed of two City appointees, two County appointees and three additional members. Over time, however, the Board was expanded due to high level of interest and commitment of old and new members.<sup>63</sup> Based on legal advice, the Partnership also created an Advisory Council comprised of individuals, organizations or agencies who either had "a land ownership interest [and] who would benefit from Emerald Mountain," or possessed helpful knowledge or expertise.<sup>64</sup> Members of the latter would be included in discussions but did not have a vote in decision making (Table 6-2).

**Table 6-2: Emerald Mountain Partnership Membership**

<b>2000 Membership</b>	
<b>Board of Directors</b>	<b>Affiliation</b>
Ben Beall (Chair)	Routt County Commissioner
Ken Brenner	Steamboat Springs City Council
Jim Ficke	Routt County appointee
Bob Enever	Steamboat Springs City Council appointee
Doug Monger	Rancher from Hayden, CO
Dr. Dan Smilkstein	Steamboat Springs Nordic Council
Chris Young	Routt County Riders
<b>Advisory Council</b>	
Jim Stanko	Lessee
Ed Trousil	Lessee
Lymon Orton	Adjacent Landowner
Susan Shoemaker	Adjacent Landowner
Scott Flower	Adjacent Landowner Representative
Debbie Fuller	Yampatika
John Spezia	Outdoor Educator
Wano Urbonas	Bicyclist
Jim Hicks	Interested Citizen, former CO DOW representative
Susan Dorsey Otis	Yampa Valley Land Trust
Linda Kakela	City of Steamboat Springs
Libby Miller	CO DOW
Dennis Scheiwe	CO State Parks

<b>2002-2006 Membership</b>	
<b>Board of Directors</b>	<b>Affiliation</b>
Ben Beall (Chair)	Routt County Commissioner
Jim Ficke	Routt County appointee
Doug Monger**	Now a County Commissioner
Dr. Dan Smilkstein++	Steamboat Springs Nordic Council
Chris Young	Routt County Riders
Ken Brenner	Served as both the City Council appointee and Board appointee
Susan Otis	Formerly on Advisory Council
Sally Wither~~	Educator, Steamboat Springs City Council appointee
Paul Strong	Steamboat Springs City Council
<b>Advisory Council</b>	
Jim Stanko	Lessee
Ed Trousil	Lessee
Susan Shoemaker	Adjacent Landowner
Scott Flower	Adjacent Landowner Representative
Alan Keefe	Lawyer, interested citizen
Libby Miller***	CO DOW
Carol O'Hare	Interested citizen
Lynn Abbot	Interested citizen
Jim Hicks	Interested citizen, former CO DOW representative

The Partnership's structure and meetings were highly organized. The group incorporated as a 501(c)(3) non-profit organization, and developed bylaws, articles of incorporation and a strategic plan. Roles were created for chairperson, chair pro tem, secretary and treasurer, and numerous subcommittees were created over time to accomplish focused tasks such as writing a management plan for the parcel, or revising the strategic plan to allow for the group's evolving vision. Semi-monthly meetings were open to the public and advertised regularly in the local Steamboat newspaper, *The Steamboat Pilot*. One member developed a website and posted all agendas, meeting minutes and important documents for public access and comment.

\*\* Later resigned and was replaced by Bud Romberg, Routt County appointee.

++ Later resigned and joined Advisory Committee. His position on the Board was replaced by Paul Sachs, citizen.

~~ Replaced Bob Enever when he resigned. Sally Wither was later replaced by Les Liman, businessman and City Council appointee. When Les Limon resigned, the City replaced him with Gretchen Sehler, Routt County Riders.

\*\*\*Was joined by Valerie Masiello of the Colorado DOW when Libby Miller was transferred to a different wildlife area.



Not surprisingly, Ben Beall immediately was elected chairman of the Partnership. Beall, a long-time Routt County Commissioner, had spearheaded the local Emerald Mountain planning effort from its inception. The other three leadership positions changed hands several times during the Partnership's work due to member resignations. Each time, the Board of Directors would hold a vote to elect a different member to fill the vacancy.

Because the five-year planning lease was expiring, the first order of business for the Partnership was to buy more time to conduct their planning efforts. When the SLB initiated its sealed bidding process in August of 2000, the Partnership seized this opportunity and drafted a Memorandum of Agreement (MOA) to submit as their bid. The MOA specified that the Partnership would purchase the Emerald Mountain parcel at market value within five years, based on a current appraisal. During those five years they would lease the parcel for \$6.50 per acre. The SLB received two other sealed bids for the property: a vague proposal from a Steamboat Springs realtor who intended to try to find a buyer for the parcel and a \$17.2 million bid from Cordillera, the developers of a major resort community in Vail Colorado.

When the sealed bids were opened in September, the Partnership's MOA prevailed. The local realtor's bid was not considered legitimate because it lacked a funding plan. While Cordillera's bid was legitimate (and would have been accepted over the Partnership's because it was cash), the developer elected to retract the bid upon learning of the Partnership's proposal. The reason provided to the SLB, according to the agency's northwest district manager Beverly Rave, was that prior to this bid process they had successfully taken on and mitigated controversy around other development projects in the Steamboat Springs area by working closely with the local community. With these successful projects now in progress, Cordillera preferred not to work against that same community on the Emerald Mountain property.<sup>65</sup>

The SLB accepted the Partnership's MOA and gave the Partnership the option to purchase the Emerald Mountain parcel prior to March 15, 2005.<sup>66</sup> While the MOA essentially froze the parcel for five years, if the Partnership were not able to purchase that property within that timeframe, the SLB could consider other offers and remove the property from the Stewardship Trust.<sup>67</sup> The MOA included two phases: Phase One required the purchase of a 1,400-acre parcel on or before March 15, 2004, and Phase Two was the purchase of the rest of the property on or before the final deadline one year later.<sup>68</sup> This arrangement allowed the SLB to obtain some early revenue and ensure that progress was being made towards the complete purchase.

The Partnership developed a strategic plan for its five-year effort to purchase and conserve the Emerald Mountain parcel. During its first year, it conducted a mail survey in Steamboat Springs to determine the level of community support for preserving the parcel and to measure their willingness to commit public funds for the cause. The survey found that while 85 percent of respondents supported preserving the parcel, only 37 to 47 percent were willing to accept a tax increase to purchase the parcel, depending on the amount and term.<sup>69</sup> A consulting firm analyzed the data for the Partnership, which helped them determine that community support for public funding was inadequate to pursue a local ballot measure for a tax increase.

Next, they decided to look for conservation buyers, in hopes to find an individual buyer who would either preserve the entire property, or perhaps develop a home site on the parcel and

conserve the rest as open space.<sup>70</sup> While the Partnership received six proposals, mostly from adjacent landowners, only one considered purchasing the entire parcel. However, this proposal from Yampa Valley Community Foundation included a more significant development and would privatize most of the property. Chairman Ben Beall remembers, “some of it actually may have been preserved as open space, but it wouldn’t have been public open space.”<sup>71</sup>

During its first two years, the Partnership was vigorously spinning its wheels, but was unable to make significant progress towards acquiring the funding or a buyer to purchase Emerald Mountain. According to City Council member Paul Strong, “Before the BLM got involved, we were really kind of floundering for ways to do this.” They explored other funding opportunities through a variety of organizations including the City, County, Sierra Club, Community Foundation of Northern Colorado and Great Outdoors Colorado (GOCO). They created a mailing list of “friends” and sent out letters of appeal for individual donations. One of their more creative strategies was to help a wealthy adjacent rancher throw a fundraiser on his property, complete with horseback and walking tours of the state trust land parcel he leased for grazing. However, none of the funding they received came close to the quantity of money necessary to acquire the parcel.<sup>72</sup> Susan Otis remembered the group’s predicament:

The question is, how do you conserve Emerald Mountain when you have GOCO saying we’re not giving you the money, and a community that says don’t tap our pockets? So how does one think outside of the box to come up with another way to put this land conservation transaction together?<sup>73</sup>

Meanwhile in 2000, the Emerald Mountain state land parcel that land rancher Jim Stanko leased was exchanged and became private land. The City had been working with rancher Newell Grant to purchase his ranch adjacent to the Emerald Mountain parcel. Since Grant had already received a proposal from a developer, many were concerned that the area would be subdivided and developed. In an attempt to preserve the open space, several parties offered to purchase pieces of the ranch, including the city of Steamboat Springs, CO DOW, CO State Parks and Recreation, and a private individual. One portion of the ranch that was difficult to sell was incorporated into a deal with Byron Cressy, owner of Wolf Run Ranch, who would purchase the parcel and then exchange it for 840 acres of state trust land directly behind his own property. This trust land happened to be the land that the Stanko family had leased for decades.<sup>74</sup>

The land swap enabled the SLB to connect their trust lands on Emerald Mountain with those on Saddle Mountain and create a continuous block of land. However, this deal came at a personal cost for the Stanko family. From then on, Jim Stanko leased the land directly from Byron Cressy, at the same rate as his former lease with the state. He was no longer able to hunt on the land, and was required to reduce the number of cattle he ran on the property. This swap had far-reaching economic and personal ramifications for the Stanko family and their ranching operation, which will be discussed further below.<sup>75</sup>

### **THE BLM SUGGESTS A LAND EXCHANGE TO ACQUIRE EMERALD MOUNTAIN**

In early 2002, geologist and Steamboat Springs resident Fred Conrath of the BLM’s Little Snake Field Office suggested the possibility of exchanging BLM parcels in Routt County for the Emerald Mountain

parcel. The BLM had undertaken a similar land exchange for state trust land in nearby Grand and Jackson Counties, and it had been a favorable transaction for both agencies involved. The BLM had been struggling to manage landholdings in Routt County that were small, irregularly shaped, scattered and landlocked (i.e. surrounded by private lands with no public access). Emerald Mountain, a large, contiguous block of publicly-accessible land was a desirable alternative that they could manage for multiple uses including wildlife, grazing and recreation. Ben Beall invited John Husband, manager of the Little Snake Field Office, to join a February 2002 Partnership meeting to discuss the BLM parcels in question, and explain the federal land exchange process. Husband brought Tim Wohlgenant of the Western Land Group to the following Partnership meeting to discuss logistics. Wohlgenant had facilitated a similar exchange in Grand and Jackson Counties, and was willing to broker a similar deal for Emerald Mountain.

The Partnership came to a consensus that the swap was their best chance for protecting Emerald Mountain, and decided to approach the SLB to obtain their “blessing.”<sup>76</sup> Six members of the Partnership attended the February SLB meeting in Denver to discuss the exchange. These individuals reported back at the Partnership’s next meeting that the SLB was positive, but would require the Partnership to handle the logistics.

The exchange would be a three-party transaction, coordinated by the Partnership. Wohlgenant would seek out private buyers for certain scattered BLM parcels in Routt County, and the revenue from the sale would be used to purchase of the 6,345-acre Emerald Mountain parcel. The BLM identified 41,523 acres of difficult to manage land, spread out across 269 parcels, of which they were interested in disposing (Figure 6-7). The Partnership, particularly the representatives from DOW and the Yampa Valley Land Trust, then evaluated these parcels to determine if they had values such as community significance, open space, critical wildlife habitat or adjacency to already conserved land, any of which would deem them preferable to remain in BLM ownership. The SLB also identified certain preferred BLM parcels that the Board was interested in acquiring. Most of these properties were contiguous to existing or future SLB landholdings. The agency also withdrew their interest in some parcels that had public access in an attempt to avoid controversy. This process narrowed down the potential acreage under consideration.<sup>77</sup>

The Partnership attempted to avoid conflicts between potential buyers of BLM land by constructing an analytical formula that would offer current BLM grazing lessees the option to purchase the land, and keep existing agricultural land in agriculture.<sup>78</sup> Private landowners who owned contiguous property were contacted to determine their interest in participating in the Exchange. Susan Otis described the complex formula the group developed to determine land eligibility: “The Partnership developed a set of selection criteria for the Exchange to systematically determine who would have the first opportunity to purchase BLM lands.” Otis described the criteria as a “formula” or “a flow chart, for determining how properties were considered, and how decisions were made to ensure fairness. Decisions were made based on the surrounding properties and circumstances. Decisions were *not* based on personalities, which can happen all too often in small communities.”<sup>79</sup>

Tim Wohlgenant viewed his own function in the exchange as that of a “mediator” working in a “transparent, fishbowl atmosphere.”<sup>80</sup> Wohlgenant’s role was to execute a scoping process to identify and contact all parties who might want to purchase the BLM parcels, primarily by contacting all contiguous landowners. He also worked closely with the SLB, BLM, and the

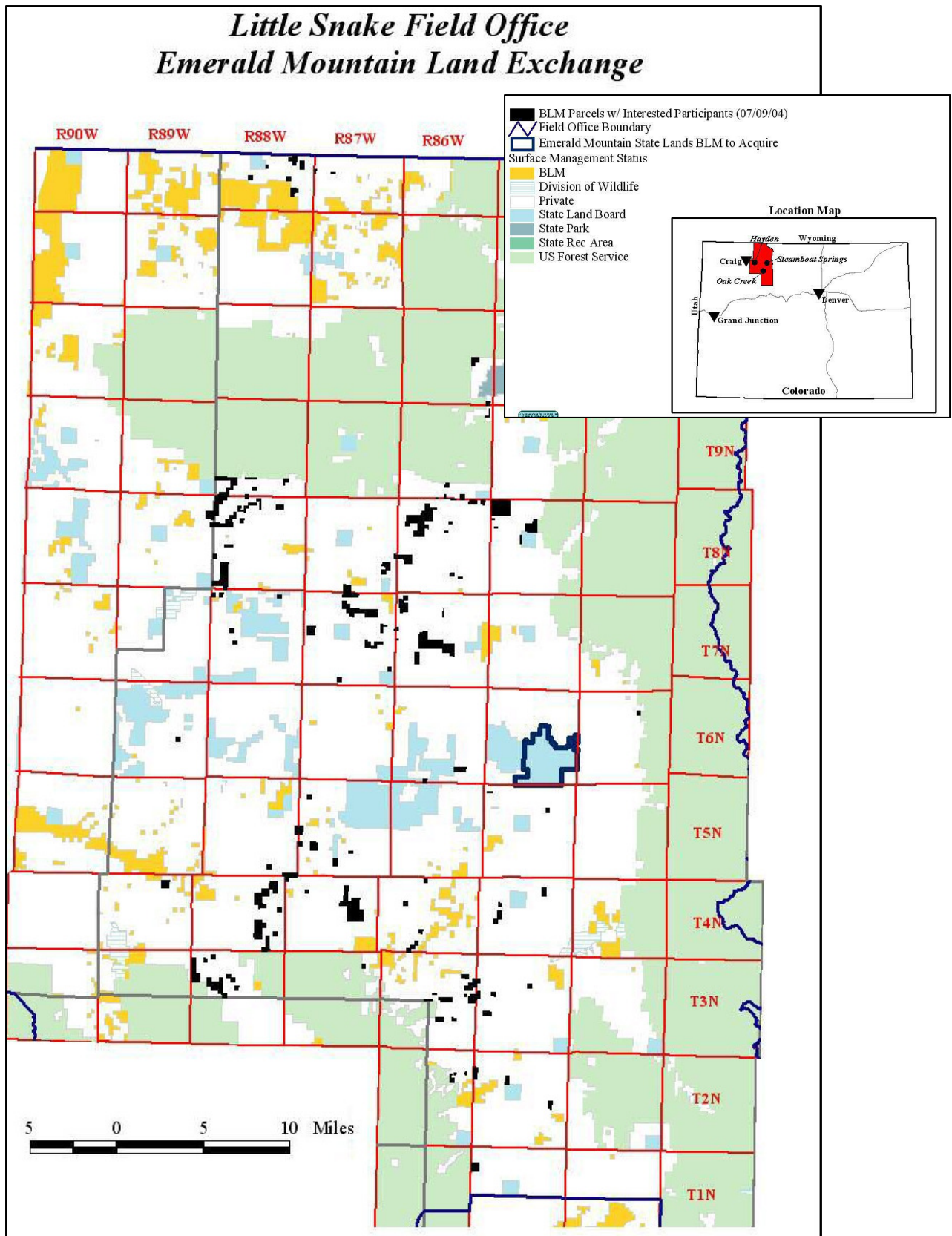
Partnership. Of the 25,000-30,000 BLM acres that remained after the initial Partnership screening, Wohlgenant identified 59 buyers for approximately 129 parcels, totaling 15,621 acres.<sup>81</sup> Of these properties, 75 percent were inaccessible to the general public because all accesses are privately owned and 84 percent of the BLM lands currently leased for grazing were set up to go to the current grazing lessee.<sup>82</sup>

To the Partnership's surprise, the land exchange triggered fervent opposition. Paul Strong summarizes their standpoint: "There are other people outside of the Steamboat Springs area that don't have any problem saving Emerald Mountain but don't want to sacrifice any BLM lands to achieve that."<sup>83</sup> Some landowners in Routt County were unhappy when they did not receive the opportunity to purchase the BLM land adjacent to their property (presumably there was another neighbor with greater adjacency who was willing to purchase it). Others were frustrated that, while they were presented with the opportunity to purchase the land, they did not have the financial means. Some individuals had the means but did not want to purchase property that they had always used for free, but did not want to lose it either. In these cases, they simply elected not to participate. The most "intense" opposition came from people who owned less than 50 percent of the adjacent land and did not want to see the owner with the greatest adjacency acquire the property.

A small group of these citizens formed a group called "Citizens to Save Our Public Lands" and sent representatives to most Partnership meetings that occurred after 2002. This group employed a range of arguments, challenging the description of the BLM parcels as "landlocked," by asserting that they can still be reached by helicopter. The opposition also criticized the assessment process, saying that \$17 million was too low a value for the Emerald Mountain parcel. At times, their airing of grievances in meetings escalated into heated arguments with Chairman Ben Beall.<sup>84</sup> This citizens group also met with the BLM and the SLB several times, submitted letters to the editor of local papers, and placed ads in papers criticizing the exchange.

By 2004, the window of opportunity was closing, because the MOA deadline was rapidly approaching. To provide adequate time to complete the necessary assessments for the BLM's federal land exchange process, and because they viewed the exchange as a strong opportunity to obtain the value of the Emerald Mountain parcel, the SLB issued an amendment to the MOA. The amendment waived the requirement for an early, "Phase One" land purchase and extended the March 15, 2005 deadline to March 15, 2006.<sup>85</sup>

Figure 6-7: Map of Emerald Mountain Land Exchange



Source: "Emerald Mountain Land Exchange Maps & Statistics," U.S. Bureau of Land Management, Colorado, [http://www.co.blm.gov/lspa/emerald\\_mtn/em\\_map.htm](http://www.co.blm.gov/lspa/emerald_mtn/em_map.htm).

As of December 2005, parties to the exchange are awaiting the results of appraisals of both the BLM parcels and the Emerald Mountain parcel, as well as an environmental assessment. The appraisal is a critical determinant of how the land exchange will proceed, because the values of the BLM and SLB properties must be equal in order to complete the exchange. If the value of the BLM parcels exceeds the value of the Emerald Mountain parcel, some BLM lands will be taken out of the exchange. However, if the Emerald Mountain parcel is valued at more than the BLM sites, either the BLM would have to re-enter the scoping process to identify more parcels for sale, or a portion of the Emerald Mountain acreage would be removed from the exchange and remain under the SLB's ownership.<sup>86</sup> The appraised values of BLM parcels will also determine if buyers are able to complete the transaction to acquire the land.<sup>87</sup> Private landowners participating in the exchange are paying for the environmental assessment required by the federal exchange process, and will consider the impacts of both the exchange and the management plan, which will eventually be an amendment to the BLM's Little Snake Resource Management Plan. One of the three management alternatives being considered in the assessment is the Partnership's management plan.<sup>88</sup> While the BLM often allows ORV use, the Partnership opposes motorized recreation on the parcel

## **THE ANALYSIS: EMERALD MOUNTAIN PLANNING PROCESS**

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The following analysis identifies and discusses the benefits, costs, challenges, facilitating factors and lessons learned from the Emerald Mountain Planning Process. This analysis is based on the observations and reflections of process participants, as well as the researchers' external assessment.

Benefits of the process include reduced conflict and improved understanding and relationships between the SLB and community, improved personal and professional relationships within the community and generated a unique solution that achieved both the SLB's and Partnership's goals. The 12-year process also imposed time, financial and even public relations costs on participants. Individuals and organizations faced a range of challenges throughout the process, which included dealing with the SLB's constraints, tensions between City and County, misperceptions of the Stewardship Trust and coping with federal bureaucratic delays.

However, several facilitating factors helped move the planning process along and keep participants at the table. These beneficial activities and tools included strong leadership, contractual agreements between parties, the Partnership's shared goals and vision statement, and shared skills and perspectives among participants.

Finally, the lessons learned from the Emerald Mountain case include notions that reaching out to educate the public can improve a collaborative group's effectiveness, groups should evaluate proposals to anticipate potential controversies and identifying and including all potential stakeholders is key, especially if the project's scope changes.

## WAS EMERALD MOUNTAIN PROCESS COLLABORATIVE?

All members of the Emerald Mountain Partnership described this process as “collaborative.” Chris Young described the Partnership as a “Collaboration of ranchers and recreation people, and normally we’re at odds with each other.”<sup>89</sup> Susan Otis agreed that the Partnership was “incredibly open” to the general public.<sup>90</sup> Charles Bedford described the SLB’s interaction with the Partnership as “A constant stream of communication back and forth between the Land Commissioners, my boss, members of the community, Beverly Rave, and others. A constant, iterative process.” These reflections highlight the three axes used to measure collaboration in this assessment of collaborative planning on state trust lands: (1) breadth of stakeholders, (2) transparency and (3) level of influence on decision making.

**Breadth of Stakeholders:** In its early stages, the Core Group included representatives from a wide range of interest groups on the Emerald Mountain parcel, including the grazing lessees, DOW, bikers, county, city, land trust and SLB. Over time, the group expanded its representation in some ways, such as including other types of recreation, but it eventually lost its formal representation from the County. When the land exchange idea broadened the project’s scope so that it would impact BLM lands in other towns, the group failed to actively seek out these broader geographic interests. The county-based opposition to the proposed land exchange seems to indicate that perhaps the inclusion of more county stakeholders might have improved the county response, modified the exchange to be more palatable to those interests or even developed an alternative solution. Paul Strong described the lack of county-based stakeholders on the Partnership:

We selected the members of the board of directors to be people who were for this exchange, people who would work for it and be advocates for it. So you just end up hearing your closed circle of people who think it’s a great thing. I’m not saying we should have necessarily broadened the members of the Board, but should have somehow gotten wider representation on the Advisory Council.<sup>91</sup>

**Degree of Transparency:** The Emerald Mountain Partnership planning process was highly transparent for both participants and the general public. The group advertised their meetings in the paper, posted agendas, minutes, documents and plans on their website and allowed the public to attend and participate in all meetings. When opposition arose to the land exchange, these individuals were able to come to Partnership meetings to learn more about the process and discuss their concerns. The Partnership also held public meetings in Steamboat Springs to gather input and share ideas. According to Beverly Rave, these meetings also helped increase local understanding of the SLB’s mandate, “[The Partnership] wanted to make sure people were really informed about what it was they were trying to accomplish, and at the same time, really make it clear to people what our mission was and our expectations had to be for that property.”<sup>92</sup> The Partnership also held public meetings in several other towns in the county, joined by the BLM and SLB, to educate people about the land exchange and solicit public comment. Between the Partnership and the SLB, former Director Charles Bedford described the process as “a constant stream of communication.”<sup>93</sup>

**Degree of Influence on Decision Making:** The Partnership clearly had significant impact on the SLB decisions, but only because they were acting within the bounds established by the SLB. The nature of the Partnership's influence on SLB decision making was based upon offering proposals of strategies to generate revenue from the parcel. Simply put, a proposal would be accepted if and when it was able to achieve market value, and no less. Charles Bedford recalls the SLB's regular check-ins with the Partnership to assess progress:

Every six months, they would come back in and brief the Board on where they were, show the Board what they had and the Board would say, look, there's no revenue here. There's no way for us to capture any value. So go back to the drawing board. So they'd grumble and go back to the drawing board.<sup>94</sup>

The Partnership's successful bid in 2000, which created the five-year MOA, greatly increased their influence in several ways. First, a significant degree of influence was exerted by the mere presence and persistence of such a strong local coalition. This sway inspired Cordillera to withdraw its bid upon learning of the local group's proposal to have an MOA with the SLB, and left the agency with no option but to choose the Partnership's proposal. Beverly Rave described the position the SLB was in at the time: "Without a question, we would have had to have taken that bid. It was the best bid we had, you know, for the beneficiaries. But, the fact that they withdrew it eliminated that opportunity."<sup>95</sup> Second, the MOA then provided the Partnership a five-year exclusive agreement to purchase the parcel, preventing the SLB from pursuing other options. But while the SLB chose to relinquish this right, it had no obligation to accept any of the Partnership's proposals.

Had the SLB not worked with the Partnership, some predict the stalemate over development could have continued indefinitely. Charles Bedford thought "it just would have sat there in uncertainty." And as for the agency itself, he saw enormous risks of continuing with a status quo of making decisions without accounting for local appeals:

There's a set of things that can happen to you as a public agency. You can get overhauled, like amendment 16 did or like the Arizona initiative is. You can have your budget either continued in the same [meager] fashion that it did or even be cut – we actually experienced that – or you can just spend a lot of time in court. And you've got 29 staff, and only two people who you could actually send into a courtroom, for fear having a complete disaster occur. You have a lot of resources going towards those lawsuits. And those are the negatives, those are the things that you gain by ceding some control to the community groups that are worried about land board developments.<sup>96</sup>

## **BENEFITS OF THE PROCESS**

Participants from various stages in this 13-year collaborative planning process identified several benefits of having used this approach.



## **Improved Understanding and Relations between State Land Board and Community**

One of the major benefits the SLB observed from working with the Partnership was the increased visibility of both the agency and the state trust lands, themselves. Beverly Rave observed that the Partnership greatly improved relationships between the SLB and the community: “I think that whole community has a much better understanding of what state trust lands are, and why we have to manage those lands in the manner in which we do. There were more public meetings about Emerald Mountain than any other property the SLB owns in Colorado.”<sup>97</sup> According to Rave, most of this public outreach was accomplished by the Partnership: “They wanted to make sure people were really informed about what it was they were trying to accomplish, and at the same time, make it clear to people what *our* mission was. What our expectations had to be for that property.”<sup>98</sup> Rave also observed that Emerald Mountain has received statewide publicity, which has provided wide-reaching education about Colorado’s state trust lands.

From the BLM’s perspective, the collaborative group involved the public from the outset, which helped accomplish one of the BLM’s major responsibilities as a public agency. Through public meetings and surveys, the group gained tremendous knowledge of the interests of citizens in Steamboat Springs, particularly for the protection of wildlife as a top priority for Emerald Mountain.<sup>99</sup>

## **Reduced Conflict between Community and State Land Board to Facilitate Future Interactions**

A major benefit for the SLB in engaging in this process is that it diminished the conflict surrounding this parcel of land to allow the agency to eventually generate more revenue from the parcel. Charles Bedford summarized this accomplishment as, “resolving a set of disputes that is impeding the value realization of a piece of state property.”<sup>100</sup> Bedford compared working with the Partnership with the alternative: “This is successful because there is not a log jam happening in the Land Board. There’s not litigation, or angry letters, and the Land Board is not spending an awful lot of their own resources, which needs to be part of the fiduciary equation.”<sup>101</sup> Bringing the community into their decision-making process enabled the SLB to be presented with an outcome that could satisfy both their own mandate and local needs. Beverly Rave agreed that working closely with the Partnership “took the controversy out of what we might otherwise have done, and gave the community the opportunity to participate in that so that the end result met with their interests as well as ours.”<sup>102</sup>

This process also has a long-term benefit of preempting future conflicts, by establishing relationships and shared understanding between the SLB and the local community. Charles Bedford even recommended that if an agency has a regional representative stationed in an area that they embark on a similar community-based planning process early on:

Because you develop these relationships early on, so that essentially you never have to go through these processes anymore. You do this in more of an informal, ongoing fashion, this sort of ongoing collaborative process. Sometimes you’ll still

have conflicts come up. But if you have the same guy that lives there for 10 to 15 years, that's passionate about this place, that has to go to the same supermarket as the enviro goes to, and has a personality that allows for kind of problem-solving, then you've really created an incredibly powerful vehicle for going forward.

### **Improved Personal and Professional Relationships within the Community**

Charles Bedford's comment also illustrates how valuable the relationships are that can develop out of planning processes like Emerald Mountain. Beverly Rave found that working with the Partnership, "went a long way towards improving the relationship with the SLB and that community."<sup>103</sup> All participants in the Partnership report that their involvement in this planning fostered their relationships with individuals and organizations that they were often working with on other issues. According to Ben Beall:

The people at the table, let's say myself, the DOW, we're also at the table on other issues. In Routt County, there are only so many people that are involved, and they're all the same at all the tables. So when you go to those tables, even though you're going to a meeting on Emerald Mountain to figure that one out, you're also there with the same folks that are trying to do the other conservation projects, or they're worried about the urban boundary, or how are we going to get that trail connection.<sup>104</sup>

Some even reported enjoying going to Partnership meetings merely to touch base with others and be reenergized. Others found that serving on the Partnership helped them professionally. For Libbie Miller, participating in the Partnership helped improve her effectiveness and credibility in her work with the DOW:

As an enforcement officer, I think the more interaction you are able to have with your community the better. People see you in a different light and they see the agency in a different light. When you interact on a different level instead of just strictly writing tickets to people or taking them to jail, you have a whole different kind of involvement.<sup>105</sup>

Libbie Miller found the Partnership especially helpful in forging new relationships, having recently moved from working for the Utah Department of Wildlife Resources:

It was a huge benefit for me, because I got to meet a lot of people who I would not necessarily. It is likely I would have gotten to meet them over time. However, when you work with somebody on a monthly basis, you certainly develop professional relationships that you wouldn't get in any other scenarios.<sup>106</sup>

### **Provided a Rewarding Experience for Participants that Fostered Creativity**

The earliest stage of collaborative planning on Emerald Mountain, referred to as the Core Group, is viewed by many as one of the most rewarding periods of the Partnership's 12-year history. Chris Young remembered these early stages as being open-minded and engaging: "The initial

core group was stimulating and thought-provoking. An experience I'd never had before. I really enjoyed that."<sup>107</sup> One element that made the Core Group stimulating was that it was the initial phase of working through the conflicting interests in the parcel and the community at large by bringing together a diverse group of stakeholders who all wanted to keep the land "green" for different reasons. These disparate interest groups were surprised and excited to discover they had mutual interests and could make compromises. Jo Stanko recalled her husband Jim's rewarding experience with the Core Group: "when he first went, he thought they were all coming from such different directions, that they thought they'd never come to a consensus. And Jim was so proud and excited, when this group, this diverse group began working together and came together with a consensus."<sup>108</sup> Charles Bedford also found satisfaction in the potential for this process to resolve a problematic issue, "There's a satisfaction in that, in sort of disposing of a tricky issue, a sticky problem ... That's a personal motivation."<sup>109</sup>

### **Generated a Unique Solution that Achieved both the State Land Board's Revenue Targets and the Partnership's Conservation Goals**

One of the greatest benefits of the Emerald Mountain collaborative process is the unique solution developed by the group of a land exchange with the BLM. This exchange was a creative response to the need for a multiple-use management approach on the parcel, brainstormed locally between a BLM employee living in Steamboat Springs and members of the Partnership. The Partnership's involvement heightened the public education and outreach efforts to help increase local awareness and support.

Federal ownership of the land will allow grazing, hunting and wildlife management activities and enhance trails and recreation opportunities, all under the oversight of an experienced multiple-use land management agency. For the SLB, the exchange also will generate roughly \$17.2 million, the full value of the parcel, and if it does not, the SLB will reduce the acreage to be included in the exchange so the values correspond. This revenue will then be invested into higher revenue-generating properties, which will further benefit the trust.

For the community, the future availability of Emerald Mountain for grazing, recreation, and wildlife habitat has been ensured. This solution has greatly increased opportunities for the general public to access the land, which was previously prohibited. Ben Beall described his vision of the parcel's potential to act as a magnet for local recreation, easing the impact of such uses on other undeveloped lands in the area:

You'll have a central park. Something in the midst of this urban development. I believe, if in the West, we could have areas inside of or adjacent to urban areas, where people could get out of those areas and feel like they were in the West, feel like they are in a rural area, feel like they're in a park, maybe they won't go out and build and ruin the whole countryside.<sup>110</sup>

## **COSTS OF THE PROCESS**

### **Time**

The primary cost cited by all participants was the extraordinary time investment the Emerald Mountain Partnership required. While for some, time spent volunteering with the Partnership could have been allocated for paid employment, most people observed that personal time was expended. Susan Otis, Executive Director of the Yampa Valley Land Trust observed that while the Partnership's work aligned with her organization's mission, she still had to accomplish all of her normal duties and volunteer time to the work of the Partnership: "Most individuals have a set job with certain hours, and when you voluntarily expand on that position it just cuts into personal time. But still, it's worth it, this is something I'm very passionate about."<sup>111</sup> Libbie Miller agreed, "For me personally, the biggest issue was the time commitment; huge. There also was mental fatigue at times."<sup>112</sup> Libbie Miller also acknowledged that some of the extra workload was voluntary.

The management plan was something that I did not necessarily have to do. It was something that I felt needed to be done. Extra tasks like this often require people willing to accept additional responsibilities. I felt if we didn't step up to get it done, then perhaps it may not get done.<sup>113</sup>

Jim Stanko's wife, Jo, went through their old calendars to quantify the amount of his time spent in or preparing for meetings on Emerald Mountain, and estimated that Jim had spent almost 1500 hours over 12 years. As with so many other participants in this process, the time costs for Jim were personal, because volunteer hours "can't come from the time needed to ranch, so that time came from family, recreation and relaxation time."<sup>114</sup>

For the SLB, the time commitment by Beverly Rave was an expense, but it was probably a small investment compared to what would have happened if the SLB had not engaged in the collaborative planning process. Charles Bedford outlined how he weighed his decision to continue working with the Partnership:

The question is, is it going to be cheaper for you to send Beverly to a meeting once a month with community people that she's going to have to work with anyways on issues, and to have that community group come in quarterly or every six months and report on their progress. Or is it cheaper to try to cram something through, give subdivisions, and try to parcel out the lands. What's the downside to that? And we clearly made the judgment that it was cheaper to do the former rather than the latter. It was one of those things where you were just going to run into a brick wall a hundred times, and spend a lot of energy and time on a lot of these negative outcomes like lawsuits and angry letters.<sup>115</sup>

## **Financial Costs**

Financial costs were easier for some participants to identify than others. From the SLB's perspective, the Emerald Mountain Parcel may have depreciated in value over the last 10 years, according to Beverly Rave:

I definitely think this property has reached its peak and if anything is going down. So right now, my focus is to dispose of this property as quickly as possible, with the best scenario that we possibly can. Because if we're going to start losing value ... then we're not doing a very good job for our beneficiaries.<sup>116</sup>

Also, the fact that Cordillera retracted its bid for \$17.2 million in 2000 has cost the beneficiaries six years of interest on that amount, totaling approximately \$4.5 million.

A wide range of costs were borne by the Partnership and its members at different times throughout the 12-year process. The Partnership's five-year planning lease on the Emerald Mountain parcel totaled \$27,600.<sup>117</sup> Other expenses paid by the Partnership included the cost of advertising space in *The Steamboat Pilot*, a consultant to analyze the survey data, the appraisal of Emerald Mountain, postal and office expenses and website hosting. The group found several creative sources for these funds, including personal donations, fundraisers, Routt County and a grant from the Yampa Valley Community Foundation.<sup>118</sup>

The Stankos spent money working to put a conservation easement on their land, "to show our good faith with the SLB." But they were not able to take full advantage of the federal tax credits because their taxable income was not high enough. Losing their lease to the land exchange between the SLB and Cressy cost them as well, since they view their investments in controlling "white top" (a noxious weed) on the state land as a lost investment. In terms of the land exchange, the BLM had no separate budget for its work with the Partnership to set up the exchange, and thus staff time came out of their general operating budget. Landowners assembled to purchase BLM parcels are paying the costs of the land exchange's environmental assessments and Tim Wohlgenant's fees.

## **Public Relations Challenges for Some Organizations**

For a state agency like the DOW, appearing to support a controversial land exchange raised some criticism from those that opposed the deal, and also put a magnifying glass on those agency employees who were involved with the process. Libbie Miller remembered:

We might have taken some hard knocks from the opposition, being perceived as a supporter. People wanted to know "How could we possibly be supporting this, particularly since losing these lands is going to hurt the economy of our local towns through the loss of hunting!" There are probably some people who feel a little bit negative about the Division or myself, with our position on the exchange.<sup>119</sup>

While participants remember the DOW receiving criticism for supporting the exchange, they also recall DOW under fire for raising concerns about the exchange at one Partnership meeting. The process exposed possible conflicts of interests because the DNR houses both the DOW, whose mission is to protect wildlife, and the SLB, whose mission is to generate revenue. This conflict, along with other land use issues and controversies occurring around that time, prompted the DOW to redesign their inter-agency land use commenting procedures.

Tim Wohlgenant and the Western Land Group also received public criticism stemming from their involvement in the exchange. A 2002 *Denver Post* article criticized the firm's use of political connections, fees and methods.<sup>120</sup> The reporter met with staff of the WLG to discuss the Emerald Mountain land exchange, as well as with opponents of the exchange, and, according to Wohlgenant, "completely missed the issue of Emerald Mountain and how interesting that process is, choosing to focus on our company instead." Chairman Ben Beall also received criticism that he failed to adequately share information.<sup>121</sup>

## CHALLENGES AND RESPONSES

### State Land Board's Constraints and Goals

Some of the intricacies of SLB policies were challenging for community members to work within. According to Beverly Rave, the SLB cannot legally provide an indirect benefit to parties who are not formal beneficiaries: "We can't damage our beneficiaries by doing something in the collaborative process. As long as everyone understands that the solution has to be in the best interest of the trust, and agrees on that goal, we're fine. There is plenty of flexibility within that."<sup>122</sup>

Another difficult issue to navigate was the revenue requirements for disposing of trust land. Beverly Rave recalled that "There were a lot of people over there that were convinced that if they just pushed hard enough or waited long enough that the Land Board would just give it to them. And we couldn't do that. And so, changing those expectations or clarifying those expectations was tough."<sup>123</sup> However, the specific amount of revenue necessary for a plan to be legitimate was never made explicit, because the SLB needed to obtain market value for the parcel at the time of the transaction. Without a specific price identified, the Partnership and the SLB went back and forth several times with different proposals. Charles Bedford remembered:

The Land Board wouldn't say 'this is how much we want', and the community wouldn't say "this is how much we've got," so there was little bit of a stalemate for awhile, and they went down some wrong tracks for awhile, trying to develop ecotourism and grazing models of production that just weren't really realistic.<sup>124</sup>

The hierarchical structure of the SLB also frustrated members of the Partnership at times. For example, Beverly Rave had to consult the Denver office on issues such as extending the MOA.<sup>125</sup> Indeed, the mere fact that the SLB owned the land and held the ultimate decision-making authority was somewhat daunting. Chris Young reflected on this unique challenge of dealing with the SLB as, "Knowing that they were in charge. It was their land, and they could decide

whether they wanted to work with us or not. I was relieved and gratified that they were willing, and still are, to hang in there while this thing creeps along.”<sup>126</sup>

The group addressed this challenge in several ways. One strategy was to maintain a high degree of communication between Ben Beall and the Board, with Beall visiting Denver every six months or so to update them on the process. These visits helped reinforce the SLB’s revenue expectations, and maintained open lines of communication between the eventual decision-makers and the Partnership. Also, Beverly Rave made it a point to be clear and forthright about the SLB’s requirements. Susan Otis described Rave’s style as, “Beverly Rave just gets it out right front and center ... She has a job, and she knows what her job is.”<sup>127</sup> Even when the revenue requirements were ambiguous early on, the SLB and the Partnership still maintained a strong mutual respect. As Charles Bedford described, “People agreed to figure it out, let’s lay down the arms, and figure out how to solve the problem.”<sup>128</sup>

### **The Reluctance of Some Members of the Partnership to Consider Development Options**

While members of the Core Group, Steering Committee and eventual Partnership generally agreed on a common goal of conserving Emerald Mountain, those that were more open to development options tended to feel less well-received. One participant in the early-mid 1990s was Bob Enever, active in the local real estate scene, who proposed clustered housing on the northwest side of the property which was out of site from the town: “I’m not sure everyone understood what I was trying to do, where I was coming from. And some that did understand just rejected it. Just didn’t think it was a good idea. I think it is just that it smacked of what the SLB was trying to do.”<sup>129</sup> Interestingly, a few years after Enever’s involvement in the Partnership, the group was soliciting conservation buyers similar to those which he had proposed. Enever suggested that his ideas perhaps were offered too early in the process and the Partnership needed to pursue several other strategies before realizing that conservation buyers might be a necessary option. Both the passage of time and failed attempts at other strategies seemed to have effectively broadened the range of possible solutions considered by the Partnership.

### **Opposition to Land Exchange**

The Partnership’s decision to coordinate a land exchange to protect Emerald Mountain made them the target of criticism from land exchange opponents. The fact that a Steamboat Springs-based community group was selling off BLM land to create a “playground” in their backyard inspired resentment that may not have existed if the BLM had conducted the exchange directly with the SLB. Many of these landowners expressed a sense of unfairness that they were losing public land. As one BLM representative explained, supporters of the exchange felt differently, “The public response was that ‘hey, you’ve had this public land for free for a long time and no one could get to it.’”<sup>130</sup> One particular member of the opposition made more personal accusations, such as calling members of the Partnership “insider traders” and accusing Chairman Ben Beall of not sharing information openly. Western Land Group’s involvement also was criticized, with accusations that they had failed to properly inform all neighboring landowners.<sup>131</sup>

To deal with such criticisms, the group considered holding private meetings, but chose not to.<sup>132</sup> Instead, members of the Partnership and Wohlgenant felt they made a good faith effort.

According to Chris Young, “We did the best we could, but we were working with inaccurate or out of date information on peoples’ addresses.”<sup>133</sup> Wohlgenant acknowledged the importance of the set of land exchange criteria, especially in light of the fact that the BLM is not able to auction off public lands: “The Emerald Mountain Partnership’s criteria was an important step, but very controversial. It allowed some people to participate in the trade and precluded others.”

Interestingly, several members of the Partnership as well as representatives of the BLM and SLB acknowledged that if they had “free” public lands adjoining their own properties, they would have resisted the exchange, as well. “There were a lot of people who had the opportunity to get involved who chose not to. They already surround [the BLM land], and there’s no incentive to buy them. The only incentive is if there is a risk of future BLM policy change.”

### **Tensions between the City and County**

At the heart of the controversy over the land exchange was that Steamboat Springs masterminded an outcome benefited the City at the cost of other areas in Routt County. Steamboat Springs’ residents were more likely to use Emerald Mountain than citizens of Hayden or Oak Creek, 20 miles away. Susan Otis recalled a conversation at a public meeting in the neighboring town of Oak Creek:

One individual stated that she was irritated because as she stated, any time there’s an issue in Steamboat Springs that needs to be resolved, it’s the “brain trust” of Steamboat Springs that comes to the rescue and resolves it. I told her she needs to realize that every community has the potential of a “brain trust.”<sup>134</sup>

The BLM’s Dwayne Johnson reports that compared to the strong support for the land exchange in Steamboat Springs, only about half the citizens who came to public scoping meetings in neighboring Oak Creek and Hayden were in favor of the swap. He summarized the latter sentiments as, ““So, that just gives Steamboat Springs something else. We’re not going to go up there and use it anyways, so why should we be for it?” Most of those people in the Oak Creek and Hayden area are snowmobilers, and use 4-wheelers. They’re not going to buy a mountain bike and go to Emerald Mountain and ride it.”<sup>135</sup> While some vocal opposition exists, however, Johnson clarified that they do not represent the majority opinion in the County:

A lot of them, I’ve talked to them about the exchange, they don’t have an opinion one way or another. They’re not being impacted because they’re not the one that’s losing access to BLM right in their backyard, and they’re not going to go to EM if it does happen, they use public lands, the large blocks, to hunt, or to play on, and Emerald Mountain just doesn’t interest them.<sup>136</sup>

The controversy over the land exchange highlights the fact that, while the Partnership claimed to represent stakeholders in both the City and the County, there were no County Commissioners on the Partnership while the exchange was being planned. Ben Beall had not run for the position again, and Commissioner Doug Monger, who had been a Board member on the Partnership, had resigned from the group to avoid public concern that he might have a personal stake in the land exchange. His family owned property adjacent to BLM land that was listed as potential for



exchange, but was not eventually included due to the high public value of the parcel. Ben Beall described the tensions between Steamboat Spring and the rest of the county:

Steamboat Springs is the gorilla in Routt County, the outlying areas don't necessarily appreciate everything that Steamboat Springs does, you know, they're jealous, [our] school districts are better, the parks and recreation are better, [we've] got money, and that is a political problem for us [the Partnership] is that we're associated.<sup>137</sup>

Ben acknowledged that the opposition to the exchange has a “legitimate complaint,” and that it does not help that “if you look at the map, there aren't many parcels that we're taking around Steamboat Springs, because those parcels have been bought up, purchased, done something with them before.”<sup>138</sup>

### **Misinformation and Misperceptions of Emerald Mountain and the Stewardship Trust**

When elements of either the Emerald Mountain parcel or the land exchange were misrepresented, the Partnership had to invest time into educating the public and negotiating misunderstandings. Some residents of smaller towns in Routt County were “concerned about or had been misled that the particular parcels provide a significant amount of hunting revenue for their community,” Libbie Miller remembered:

When in reality, having spent years on the ground checking hunters, the few parcels within the exchange that have public access have limited use and are primarily used by locals. Their economic contribution to the community is not changing one way or another based on where they hunt. Public access was a consideration from our Division perspective when we said we don't want to lose these areas, and indirectly the economic aspect was part of our considerations.<sup>139</sup>

Another example is the common misrepresentation of Emerald Mountain as the “scenic backdrop of Steamboat Springs” in literature about the state trust land parcel on the mountain. In fact, the state trust land portion of the parcel is not visible from downtown Steamboat Springs, or the ski hill. Susan Otis spent a lot of effort challenging this misconception, “The community was so confused. They thought Emerald Mountain was Howelson Hill. Emerald Mountain is not the scenic backdrop to Steamboat Springs.”<sup>140</sup> To counter this notion, Otis took a driving tour around the mountain and took photographs from all sides, then placed them on a map to show what the views were from different angles, and how much of those views actually included state trust land.

A third example of misconceptions that challenged the process was early on, over Amendment 16 and the definition of the Stewardship Trust. Jim Stanko recalled the confusion over what the Stewardship Trust would do:

Our goal, and that's what we did as a Core Group, was to get Emerald Mountain in the Stewardship Trust. Because we thought, that'd be it! We get it in the

Stewardship Trust, then they couldn't sell it, everybody could use it, it would become what Amendment 16 was supposed to be about.<sup>141</sup>

Stanko and some others on the Core Group were disillusioned when the Amendment was not interpreted the way proponents had expected. Susan Otis agreed:

The citizens of the state felt the Stewardship Trust was going to set aside some of those lands so they would be free from development, or they wouldn't be under pressure of development. But in reality, the SLB interprets it that it only gives communities the opportunity to buy the time to come up with the money to resolve potential future sale and development of SLB parcels.<sup>142</sup>

The SLB's Beverly Rave did not disagree with these observations:

The general public may have been misled to some extent about what the Stewardship Trust was supposed to be. And I think that had the Judge ruled differently on the legal challenges of Amendment 16, the result may have been a bit closer to what people thought they were voting for.<sup>143</sup>

According to Beverly Rave, Judge Babcock's ruling indicated that the Stewardship Trust portion of Amendment 16 was not unconstitutional, but the lands could not be free and designation did not necessarily mean they were open to the public. His ruling set the stage for the SLB to develop their designation process, which included a mechanism to remove properties from the Stewardship Trust, meaning they would not be designated in perpetuity.<sup>144</sup> In response to the confusion and disappointment around the Stewardship Trust, the Partnership returned to the drawing board to find an alternative solution. The Amendment had authorized the SLB to work closely with local communities, supplying the time and the political will for collaborative planning.

### **Dealing with Federal Bureaucratic Delays**

The BLM's land exchange process is highly complex, and requires a sign-off from the Washington D.C. office. When the Little Snake Office sent their draft feasibility report to Washington, it took a year and a half to be approved. Part of this was due to the fact that the Administration changed mid-way. Dwayne Johnson remembered being at a standstill during some of that time, "We were kind of waiting, and waiting, and waiting for Washington to say that they wanted us to go with the exchange ...."<sup>145</sup> This delay was particularly frustrating for members of the Partnership, who were used to conducting their planning activities at a more local, hands-on level. Chris Young summarized the groups' feelings during this time: "we were ... very disappointed about the length of time that people in Washington took. That was unbelievable and inexcusable. But we kept saying, oh well, that's the federal bureaucracy."<sup>146</sup> It was not only the delay in Washington that was difficult. In general, Chris Young described the "machinations of the BLM" process as "moving, I guess, at a glacial pace. I wish the BLM process was less convoluted and felt more local, and less abstract and out there. These things are going on and decisions are being made and we're not getting direct input."<sup>147</sup>

## **FACILITATING FACTORS**

### **Strong Leaders**

All members of the Partnership acknowledged that Ben Beall's leadership and dedication helped the Emerald Mountain Partnership achieve its mission. Bob Enever, an early participant, summed up Ben's 12-year persistence: "I give so much credit to Ben. He just doesn't go away."<sup>148</sup> Throughout the planning process, Beall would visit Denver every six to eight months to update the SLB on the Partnership's work, float different proposals and ideas and then head back to the drawing board in Steamboat Springs.<sup>149</sup> The DOW's Libbie Miller observed, "I think he's driven and he didn't give up, and he's one of the people that have been with this process from its inception." Commenting on his own involvement, Ben Beall remained enthusiastic: "Maybe it's because of my interest in this project, but I've been staff and everything else to keep this thing going. I've enjoyed it. I've had fun doing it, and I think it's a goddamn great project."<sup>150</sup> Strong leadership was important not only at the local level, but at the state level as well. Charles Bedford observed that Governor Romer's commitment to the process was a critical factor in its success: "A lot of this has to do with personalities. Romer was a classic collaborator personality type."<sup>151</sup>

### **Contractual Agreements between the County and State Land Board**

Both the five-year planning lease and the MOA issued by the SLB to the County gave the Partnership legitimacy, the incentive to commit themselves to the process and the time to consider a range of possible strategies. The MOA was especially powerful, because during that agreement the SLB could not consider any other offers for the parcel for the term of the agreement. While these opportunities empowered the Partnership, Charles Bedford acknowledged that these contractual relationships were a balancing act. "The risk was creating expectations that the plan, whatever the plan they came up with, was going to be accepted ... You have to balance it, because they have to believe that something that they're doing is going to be meaningful, and it's going to impact the decision-making process." Giving the community the opportunity to develop a plan for trust land also requires a certain amount of trust on the part of the SLB: "You have to in your heart believe that what they're going to come up with is going to be something you can work with," said Charles Bedford.<sup>152</sup>

### **Shared Goals and a Common Vision Statement**

The collective desire to keep Emerald Mountain free of development and to manage it for multiple uses united diverse community stakeholders around a common purpose. Participants were proud of the fact that stakeholders who entered the process with such seemingly divergent goals were able to develop a mutually agreeable solution to the management of the parcel. One factor that seems to have helped the group progress in that direction is the exercise of developing a set of common goals for both the Core Group and the Partnership. The group determined that overall, they wanted to keep development off of the parcel, and allow grazing, wildlife management, hunting and other recreation, all concurrently. This agreement on a multiple-use outcome also illustrates that individuals recognized each others' interests in the land and were willing to compromise to develop mutually agreeable goals. This process highlighted their

mutual aspirations to conserve the land. All participants had in common a passion for green spaces in their community, and a powerful sense of place. It appears that by agreeing to the goal of multiple-use management, they recognized their interdependence and could move forward around a common mission.

### **Shared Skills and Perspectives**

The Core Group, Partnership and Advisory Council provided the opportunity for rich discourse between a broad range of perspectives on the future of Emerald Mountain. Some individuals particularly stand out as bringing unique and valuable information or perspectives to the group, which would otherwise have been lacking. All participants mentioned Jim Stanko, long-time grazing lessee of Emerald Mountain, as having skillfully represented the agricultural values of the parcel, and provided a valuable “reality check that we wouldn’t have had if you just had your recreationists. The reality of ‘hey, my livelihood depends on this property, and if I want to pass on my ranch to future generations and have it be economically feasible, then this is the type of stuff that needs to happen.’”<sup>153</sup> Libbie Miller explained the critical role of Stanko’s perspective in the overall debate over the future planning of Steamboat Springs:

Routt County is unique, and Steamboat Springs is unique from the standpoint that while we do have tourism and skiing, agriculture is still a really important part of the community here. We value that and want to keep that. So, it was good to have somebody like Jim in there saying “hey, we can’t let this type of stuff go.”<sup>154</sup>

Other participants also were important to the effectiveness of the process. Susan Otis of the Yampa Valley Land Trust provided the group with expertise in land conservation strategies as well as networking. Libbie Miller also provided her professional skills in preparing for public meetings and took the lead role in writing the management plan. Chris Young’s training in psychology helped manage the diverse interests during the more heated meetings with Citizens to Save Our Public Lands. Ben Beall, through his experience as County Commissioner, provided contacts in city and county governments and the media, general expertise in policy process as well as resources such as meeting places in the county court house.<sup>155</sup> Some members of the Partnership brought logistical skills that kept the day to day operations of the Partnership progressing. Lynn Abbot’s administrative skills, combined with her willingness to contribute her time, were particularly valuable. Libbie Miller recalled, “Lynn would always say, ‘I’m willing to do the mailings. I’m willing to write up a letter ... you need something, let me know. You need editing, let me know.’ She was really useful.”<sup>156</sup>

### **LESSONS LEARNED**

#### **1. The Colorado State Land Board’s clear mandate, few regulatory constraints, and regional representatives equip them well for engaging in collaborative planning.**

Several aspects of the SLB make them easier to work with than many other types of agencies, and affords them more flexibility than one might assume. The clarity of the SLB’s mission makes them an easier party with whom to negotiate. Susan Otis, Director of the Yampa Valley

Land Trust, observed this during her work with the agency: “I love the directness of the SLB, even though I don’t always agree with their philosophy to dispose of their state lands.”<sup>157</sup>

Not only does the agency have an explicit mission, but they also have fewer constraints in engaging in collaborative planning than federal agencies. Charles Bedford observed from his time as Director of the SLB that he actually had much more flexibility than federal agencies do in choosing to collaborate with local communities: “State governments have so much more flexibility and leeway, even within the fiduciary mandate. I mean, every time you convene a group on the federal level, you have to go through the FACA process, which ... makes for very stiff kind of meetings.” However, Charles Bedford differentiated between the regulatory constraints agencies face, and the confining influence of their own cultures and institutional structures: “Regulatorily it’s a lot easier on the state level. Culturally and institutionally, it’s dependent on the personalities within the Land Boards. They have the flexibility, whether they want to use it or not, that’s another question.”<sup>158</sup>

The SLB’s structure of six regional offices also equips them with on the ground personnel that can engage communities and represent the SLB in local planning processes. In the case of Emerald Mountain, the SLB hired Beverly Rave early on in the planning process. She had significant experience with collaborative planning, which was helpful in managing the process at the local level.<sup>159</sup> But merely having a local office is not adequate. Local personnel need to actively connect with the community to foster collaborative interactions. Beverly Rave explained the importance of “talking to people face to face. County Commissioners, other people, generally in a public forum ... And being visible, being out there, looking at the land, doing inspections, just doing my job, really. But before I was there, the State Land Board had very little visibility.”<sup>160</sup>

## **2. Communicate openly and often with the public about the group’s process and progress.**

The Partnership also would have benefited from using public relations strategies to share even more information with the public about their process, and to generate even broader support for their activities. The group received some criticism for not getting Great Outdoor Colorado (GOCO) Trust Fund involved (a state granting program funded by the Colorado Lottery), however GoCo does not fund the acquisition of STL (because the money would merely be shifted from one state agency to another). Chris Young recalled this predicament: “We were criticized for not getting GoCo involved ... I didn’t know that GoCo wouldn’t fund state trust lands, and we should have put it in the paper in big banner headline.”<sup>161</sup> The group also would have benefited from publicizing the many avenues they tried, to illustrate that the BLM Land exchange was the best option. Chris Young thought they could have publicized their RFQ and RFP processes more. Wohlgenant agreed that the PR strategy could have been improved by generating more visible support for the land exchange early on, both in the community and among political leaders.

**3. In a long-term collaborative planning process, evaluate each new proposal to anticipate and mitigate potential controversies that might hinder acceptance or implementation.**

In retrospect, some members of the Partnership felt they should have spent more time anticipating potential controversies around their work and how to address them. Chris Young advised, “anticipate what the opposition will bring,” and Libbie Miller agreed:

You need to do some brainstorming beforehand, particularly about what some of the potential pitfalls you are likely to run into. Obviously you can’t think of every one, but develop a list of some things that might come up, and how you are going to address them if they do come up.<sup>162</sup>

She used the example of parties opposed to the exchange coming to Partnership meetings. While they did not oppose protecting Emerald Mountain, they disagreed with selling off public lands in other towns to achieve this goal. Libbie Miller thought the Partnership was ill-prepared to work with this conflicting perspective: “In my opinion, as a Partnership we didn’t handle that very well. When the opposition started bringing in their concerns, we might have done a better job handling these, if we had thought how we were going to address those ahead of time.”<sup>163</sup>

One strategy to alleviate this conflict could have been to include and expand county representation on the Partnership as soon as the project broadened to include a land exchange with the BLM. Because this exchange process is still underway, the outcome is unknown, however there are many channels through which those opposed to the exchange could impede or prevent its final passage. Ben Beall forewarned, “Some of these guys are wealthy enough, there will probably be a lawsuit, because they didn’t get opportunity to buy land.”<sup>164</sup> McBrayer commented, “If it gets stopped in Washington, it will be political. Someone will tell the BLM director this is a bad idea ... We have people in the area who can pick up the phone and talk to the Secretary of the Interior.”

**4. Identify and include all potential stakeholders, and reevaluate if the project scope changes to make sure new stakeholders are brought into the fold.**

One of the strongest lessons participants in the Emerald Mountain process learned is that as the scope of the project grew (from a city conservation effort to a county-wide land exchange), it would have been critically helpful to seek out and work with representatives from this broader community of stakeholders. Libbie Miller advised future groups to “more clearly identify who your stakeholders are, and make sure that you are not farther than you think you are in terms of who this could or could not impact. Then actively work to engage those people.”<sup>165</sup> Chris Young agreed that the Partnership did an inadequate job of maintaining a steady representation from county-based interests:

When we got into county and city appointed members, and those members selecting other members, the personality of the group changed, and it was very disappointing to me. I mean, I have nothing against the individuals, but right now, four of the nine members are either current or former city council members, and in my mind that does not adequately represent Routt County ... We don’t have

any representation from South Routt. We have no representation from West Routt. We're all from Steamboat.<sup>166</sup>

Beverly Rave noted that including representatives from all involved stakeholder groups improves communication across these groups: "Try to make sure that all the people who have an interest in what you're doing are at the table, so that you're not having to carry info out of that room and trying to pass it on to someone else."<sup>167</sup> Libbie Miller suggested that even if individuals are not interested in participating, "Document that you've attempted to engage people numerous times. If you can show that they have not shown an interest, or even better, support what you're going for, it may help clear things up down the road."<sup>168</sup> Wohlgenant also agreed that once the exchange was proposed, the Partnership no longer represented the entire county. However, he wondered if it was the Partnership or the BLM's responsibility to represent those interests, citing that the federal land exchange process is intended to gather public input from all stakeholders involved. It is unclear whether they would have selected the land exchange as the best option if more groups from the county were represented in the Partnership, or would they have chosen a solution that was less controversial in surrounding communities.

##### **5. In designing the group's structure, be aware that hierarchical membership categories can breed conflict and may alienate some stakeholders.**

One issue that has yet to be resolved within the Partnership was the decision to separate lessees and other parties into the Advisory Council because of a perceived conflict of interest. While members of both the Board of Directors and Advisory Council are welcome to come to meetings to discuss the issues, if the group reaches a point where they need to take a vote, only the Board is able to vote. Ben Beall described the two categories of membership in the Partnership: "We set that up just so we could have more people involved, so we could expand the interest groups ... when we discuss around the table, they're right there, saying the same thing. It's if we ever had to vote ... when I say what the yae or nay."<sup>169</sup>

However, not all participants felt that the distinction between the two groups is innocuous. This sentiment is especially true of individuals who were involved with the initial Core Group, and then relegated to the Advisory Council, such as Jim Stanko: "You're told you can't be part of it anymore because you've got a conflict of interest, and a person that's trying to get a bicycle trail through the thing is appointed, and they don't have a conflict of interest?" Jim Stanko was not comfortable with the fact that he did not have a vote in group decisions: "when it comes down to actually making the decision, or coming up with something, you know, I don't have a say in it."<sup>170</sup> This particular division seems to have had somewhat serious consequences in group relationships in recent years. While Ben Beall claimed that "I don't know if we've ever had a dissent after our discussion, as far as trying to work something out," Jim Stanko felt differently: "Now it's the Partnership off doing something and the rest of us may or may not know what they are doing, even though I'm supposed to be on the Advisory Council."<sup>171</sup> Perhaps the decision to distinguish between the two classes of stakeholders was necessary to maintain credibility, as was legally advised; however, it is unclear whether that benefit outweighed the cost of losing the participation and endorsement of such a critical stakeholder.

**6. Individuals with direct interests in the outcome may be more invested in the process, thus may endure through other personnel changes.**

Several participants in the process differentiated between members of the Partnership who directly rely in the Emerald Mountain parcel for their livelihood, and those that merely have an interest in using it. Libbie Miller felt directly linked to the outcome: “I was tied to it, as an agency person representing wildlife values that needed to be addressed. And as a landowner like Jim Stanko, you’re tied to it because it’s your livelihood and your future.”<sup>172</sup> Miller observed that there tended to be more turnover in representatives of recreational interests:

It would really be neat to mountain bike up there. It would really be neat to cross country ski up there. However, when it’s all said and done, it’s likely going to matter less one way or the other. We had a lot of people that would get really involved for a year or two and drive really hard, but would end up getting burnt out. It’s difficult to maintain that enthusiasm through all the momentum plateaus in this type of process.<sup>173</sup>

Implied in this statement is that those with more direct interests in the outcome are more likely to persevere in the process.

Other participants observed a similar division within the group. Jim Stanko reflected, “To really make it successful, you’ve got to involve the people who really have a passion for it or the heart, or want to do it. And, when you started getting the people that had an agenda, you’re in trouble.” In his view, those with the “passion” were those that have a direct interest in finding an outcome that includes their own interest, but is livable for others as well. Unfortunately, in Jim Stanko’s opinion, such individuals:

... in a lot of cases don’t have the time, they’ve got to make a living. And the people who have the agenda are the people who are the trust fund babies and the people who can sit around for four to five hours a day with nothing better to do than to.

Stanko perceived, in particular that some of the individuals representing recreational interests did not seek a holistic solution to the user conflicts on Emerald Mountain:

Like the bicycle people, that’s all they want. Or the recreation people ... they don’t care how it’s managed ... everything else can go to an oblivion. All they can see is this bicycle trail and them riding on it. And they lose all sight of, you know, who’s going to patrol, how are you going to miss the cattle. You know, even the wildlife was a main thing; you can’t get them to talk hunting season. What are you going to do in hunting season?<sup>174</sup>



## **7. Using a neutral spokesperson could help mitigate controversy and divert public scrutiny of process leaders.**

Some participants thought the Partnership could have been more effective dealing with the controversy around the land exchange if they had chosen spokesperson who appeared more neutral, and who had strong mediation skills, instead of having Ben Beall act as both Chairman and spokesperson. This could have helped the opposition feel more listened to. Libbie Miller remembered, “I think sometimes that was their concern. They felt that they were never listened to.”<sup>175</sup> While Beall was the fundamental driver of the collaborative process, that fact alone may have made him a target for those opposed to the land exchange. Chris Young recalled this dynamic with some regret: “Ben has been a wonderful leader, but regrettably been the lightning rod. I wish some of the rest of us could have shared the grief. I felt bad about that that it seemed so focused on him and not on all of us.”<sup>176</sup>

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Jim McBrayer  
Libbie Miller  
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Jim Stanko  
Joanne Stanko  
Paul Strong  
Tim Wohlgenant

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