

The Stewardship Trust

Questions & Answers

What is the State Land Board?

When Colorado became a state in 1876, the federal government gave the state approximately 4.5 million acres of federal lands. The largest portion of these lands was granted for the support of common schools (the “school lands”). Today, the state still owns about 3 million of those acres, as well as an additional 1.5 million acres of mineral rights where the state does not own the surface land. The State Board of Land Commissioners and staff manage all of these lands to benefit eight different trusts (including the School Trust). The Board is the “trustee” for state trust lands and has a “fiduciary” responsibility to its beneficiaries—in the case of the School Trust, the school children of Colorado. As the trustee, the Board must produce reasonable and consistent income from the trust lands for beneficiaries living now and born in the future.

What is the State Land Board’s Stewardship Trust?

In November 1996, the voters of Colorado amended the state constitution to set out a more modern management scheme for school and other trust lands. The Land Board recognized, for example, that school lands must support schools now and in the future. Because of this “intergenerational” nature of the trust, the voters said that the Board should not sell off all of the trust lands to the highest bidder right now, but, rather, should preserve some of the lands for the future.

To accomplish this, the constitution required the Board to designate between 295,000 and 300,000 acres of trust lands into a special trust—the Stewardship Trust. This land will be preserved for future use by the Board to support public schools and other trust beneficiaries. During the first round of nominations, in 1998, the public nominated 620,000 acres, and the Board designated 217,943 acres. In December 2000, after a public nomination process that included more than 200,000 acres, the Board completed the designation process by bringing the total acres in the Stewardship Trust to 295,672 acres.

Once land is in the Stewardship Trust, it can be removed only by a vote of four out of five of the Land Board Commissioners. In 2001 and 2002, the Board voted to remove about 2,000 acres of state trust land from the Stewardship Trust, replacing it with a greater number of acres. Today, the Stewardship Trust totals 295,930 acres.

Does putting land in the Stewardship Trust guarantee that it will remain pristine open space forever?

No. The Board must always manage trust lands solely for the benefit of the beneficiaries; for school lands, those are the school kids of Colorado. However, the Board may determine that the best long-term benefit to school kids and other beneficiaries is to preserve certain land, rather than develop it or sell it. For instance, because the School Trust is an intergenerational trust, the Board must look at producing benefits for generations yet unborn. Therefore, it is a reasonable management strategy to put lands aside so that future boards can make their own economic decisions about them. That means that a future board may decide that it is in the long-term best interests of the trust beneficiaries to remove a parcel from the Stewardship Trust and explore different uses—including sale to a public agency for parks or open space or to a private individual for agricultural use or development.

One final point: The voters have decided that sound stewardship—preserving the beauty and natural values of land—is essential to preserving the economic value of land. In practice, this means that the Board is required to take good care of the natural values of its trust land. That is a positive gain for the environment and the public.

What Other Tools Are Available For Maintaining State Trust Land As Open Space Or For Other Natural Values?

In managing trust lands, the Board must consider and preserve the natural values of the lands until they are sold or developed. The voters of Colorado have determined that sound stewardship promotes economic value. In order to ensure sound stewardship of trust lands, the constitution (1) requires the Board to include in agricultural leases provisions that will promote sound stewardship and land management practices; and (2) gives the Board the authority to sell or lease conservation easements. The Board can also consider sales, leases, or exchanges for conservation purposes and use its general management authorities to protect the natural values on trust lands.

Will the public have access to Stewardship Trust Lands?

Designation of land into the Stewardship Trust does not automatically allow any new use of the land, such as hiking trails or other recreational uses. Any new use of state trust land, whether the land is in the Stewardship Trust or not, requires a lease application. If anyone applies for a new use on Stewardship Trust land, the Board will evaluate the lease application and determine whether permitting the new use is consistent with the Stewardship Trust, and in the best interests of the trust beneficiaries. Any new use or activity on Stewardship Trust lands will need to be coordinated with existing uses.

Who manages the Stewardship Trust lands?

The State Land Board is ultimately responsible for managing all state trust lands in Colorado, including Stewardship Trust lands. Under the terms of their leases and with oversight and guidance from the Board and SLB staff, Land Board lessees are responsible for day-to-day management of the land they lease.

Will existing leases continue when trust land is designated into the Stewardship Trust?

The great majority of state trust acres have at least one lease in place—for ranching, farming, oil and gas production, mining, timbering, etc. These leases constitute legal agreements between the lessee and the SLB. Consequently, a lease can be canceled only according to its terms or for violation of the lease. Designation of land into the Stewardship Trust, in itself, will not cancel a lease. The constitution acknowledges that uses and management practices that protect and enhance the beauty, natural values, open space and wildlife habitat of the land are consistent with Stewardship Trust designation. Renewal of any SLB lease depends upon many factors, including good stewardship and acceptable management practices by the lessee.

How can people nominate land for the Stewardship Trust?

The first round of the nomination and designation process took place in 1998. The second round took place in 2000. In December 2002, the SLB completed the constitutionally mandated public nomination and designation process for the Stewardship Trust, which now consists of 296,187.50 acres. By its nature, the Stewardship Trust is a fluid portfolio, since land can be removed by a vote of four out of five of the Land Board commissioners. However, the constitution and statute tell us the Trust must always remain at between 295,000 and 300,000 acres. This means that every time the commissioners vote to remove acres from the Trust, they must replace them with an equal or greater amount of land from a list of Replacement Designation Parcels.

To ensure that there are continued opportunities for the public to recommend state trust land to be considered as replacement designation properties for the Stewardship Trust, a recommendation form is posted on our web site and can be used by anyone to recommend parcels for consideration.