

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 25-1047.01 Jennifer Berman x3286

HOUSE BILL 25-1332

HOUSE SPONSORSHIP

McCormick,

SENATE SPONSORSHIP

Roberts and Wallace,

House Committees

Agriculture, Water & Natural Resources

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF A WORK GROUP TO STUDY THE USES**
102 **OF STATE TRUST LANDS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The state board of land commissioners (state board) serves as the trustee for lands granted to the state in public trust for the support of public schools (state trust lands). The state board is responsible for the management and protection of the state trust lands, including by protecting and enhancing the natural features, open space, and wildlife habitat of the state trust lands.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

The bill requires the executive director of the department of natural resources (department) to convene a state trust lands conservation and recreation work group (work group) to study opportunities to advance conservation and recreation activities on state trust lands as part of the state board's long-term stewardship of the state trust lands while maintaining the state board's fiduciary responsibilities regarding its management of the state trust lands. On or before July 1, 2026, the work group is required to make recommendations to the state board, the governor, the general assembly, and the executive director of the department based on the study.

On or before December 15, 2026, the state board is required to take into consideration the work group's recommendations and adopt an administrative policy or rules to establish a process and policy regarding the state board's implementation of conservation leases while balancing such conservation efforts with the requirement to generate revenue from the state trust lands.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) The state board of land commissioners serves as the trustee of
5 lands granted to the state in public trust by the federal government, lands
6 acquired in lieu thereof, and additional lands held by the state board in
7 public trust, which lands are commonly referred to as "state trust lands";

8 (b) The state board of land commissioners manages 2.8 million
9 surface acres and 4 million subsurface acres, making it the second largest
10 landowner in the state behind the federal government;

11 (c) As trustee of the state trust lands, the state board of land
12 commissioners' management of state trust lands provides vital funding for
13 public schools, and in state fiscal year 2023-24, the lands generated
14 \$229,021,719 for the school trust and \$1,629,374 for other public
15 institutions;

16 (d) Under federal law and under section 10 of article IX of the

1 state constitution, state trust lands shall be managed exclusively for the
2 benefit of the designated beneficiaries of the trusts;

3 (e) Conservation and outdoor recreation may be identified as a
4 form of benefit to the trust beneficiaries;

5 (f) Contributions to reducing emissions and addressing climate
6 change through the development of transmission and renewable energy
7 generation on state trust lands are a form of benefit to the trust
8 beneficiaries;

9 (g) Housing for teachers, educators, school employees, and
10 families with children is a form of benefit to the trust beneficiaries;

11 (h) In 1959, the state legislature assigned existing and future
12 revenue from lands in the internal improvements and saline trusts to the
13 development and maintenance of state parks, which trusts currently hold
14 58,423 acres of surface land, of which 8,817 acres are currently managed
15 as part of existing state parks;

16 (i) Agricultural leases on state trust lands contribute to and help
17 to preserve Colorado's working landscapes while providing economic
18 benefit to the trust beneficiaries;

19 (j) The vast majority of revenue generated from state trust lands
20 comes from extractive industries, such as oil and gas development. For
21 example, in state fiscal year 2023-24, more than 80% of trust revenues,
22 equaling \$191,256,088, was derived from revenue generated from
23 extractive mineral leases.

24 (k) In 1996, the registered voters of this state approved
25 amendments to sections 3, 9, and 10 of article IX of the state constitution
26 to make changes to the state board of land commissioners' composition
27 and mandate. Among other matters, the amendments to section 10 of

1 article IX did the following:

2 (I) Clarified the state board's authority to manage and promote the
3 long-term yields of state trust lands by changing the state board's mandate
4 to "produc[ing] reasonable and consistent income over time";

5 (II) Articulated a vision for the state board's management of all
6 state trust lands, stating that "the economic productivity of all lands held
7 in public trust is dependent on sound stewardship, including protecting
8 and enhancing the beauty, natural values, open space[,] and wildlife
9 habitat thereof, for this and future generations";

10 (III) To fulfill in part the direction to "protect and enhance the
11 long-term productivity and sound stewardship" of all state trust lands,
12 directed the state board to, among other activities:

13 (A) Establish and maintain "a long-term stewardship trust of up
14 to 300,000 acres of land";

15 (B) Manage the development and utilization of natural resources
16 "in a manner which will conserve the long-term value of such resources,
17 as well as existing and future uses"; and

18 (C) Sell or lease "conservation easements, licenses[,] and other
19 similar interests in land";

20 (l) The state board of land commissioners maintains a special
21 management overlay, known as the "long-term stewardship trust" or
22 "stewardship trust", which currently includes approximately 296,000
23 acres;

24 (m) Stewardship trust parcels are managed as working lands with
25 special care taken regarding the concerns depicted in the amended article
26 IX of the state constitution and, as such, are leased for agriculture,
27 mining, oil and gas development, ecosystem services, public access, and

1 other uses and are held for future disposition;

2 (n) The constitutional stewardship trust provision anticipates the
3 state board of land commissioners' continuing existing and nonconflicting
4 uses of state trust lands while also managing the lands to improve and
5 protect their natural values. The state board may consider whether a
6 proposed use is in conflict with the state board's stewardship trust
7 obligations.

8 (o) It is the intent of the general assembly that uses, including
9 those by the division of parks and wildlife, the Colorado natural areas
10 program, the Colorado state forest service, ecosystem services,
11 conservation, and agriculture, should be deemed compatible with the state
12 board of land commissioners' duty to permit only those uses on
13 stewardship trust parcels that protect and enhance the beauty, natural
14 values, open space, and wildlife habitat of the trust parcels;

15 (p) The state board of land commissioners, in fulfilling its
16 stewardship responsibilities for the benefit of the trust beneficiaries,
17 contributes to the preservation, protection, and enhancement of
18 Colorado's land and waterways through ecosystem services leasing;
19 coordination with the Colorado natural areas program; stewardship lease
20 reviews and lease stipulations; asset management plans; stewardship
21 action plans for important target plants, animals, and ecosystems;
22 biodiversity projects; adaptive grazing; and other tools and programs;

23 (q) These efforts align with the stewardship goals of the state
24 board of land commissioners' strategic plan of protecting and enhancing
25 the long-term economic value of the trust's physical assets by increasing
26 the resiliency of state trust lands and other real property assets in the face
27 of extreme weather events and climate change;

1 (r) These efforts further the climate-resilient conservation and
2 restoration goals of Colorado's outdoors strategy by helping wildlife and
3 landscapes thrive amidst climate change, increasing visitation, and other
4 stressors; ensuring habitats are resilient and connected; and providing
5 community benefits from healthy ecosystems and agricultural land;

6 (s) The state board of land commissioners' management of the
7 state trust lands for the intergenerational economic benefit of the trust
8 beneficiaries contributes to the protection of historic, geologic, and
9 cultural resources in its property management and through archeological
10 and ethnographic research;

11 (t) State trust lands adjacent to and inholdings of federal, state,
12 local government, and private lands with conservation protections,
13 including national parks, federal wildlife areas, state parks, and open
14 space, merit additional study to investigate their conservation and
15 connectivity values to surrounding lands and the resulting economic
16 benefit to the beneficiaries of the trusts;

17 (u) Under current administrative practices, state trust lands are not
18 open to public access unless the state board of land commissioners gives
19 written authorization for such access;

20 (v) Approximately 500,000 acres of state trust lands are leased to
21 private individuals for private recreation, and each lessee controls the
22 recreational opportunities pursuant to the terms of their lease;

23 (w) In recent years, the state board of land commissioners, in
24 coordination with the division of parks and wildlife, local parks, and
25 recreation and open space departments, has helped meet growing
26 demands for public recreation use through a multiple-use management
27 policy that maintains other leases for mineral development, agriculture,

1 and renewable energy development on the same lands;

2 (x) Through this model, the state board of land commissioners
3 leases approximately one million acres of state trust lands to the division
4 of parks and wildlife for hunter and angler access, and many such lands
5 are also leased for other uses such as agriculture;

6 (y) The division of parks and wildlife pays the state board of land
7 commissioners to lease those lands for public access, largely through
8 revenue from hunting and fishing licenses; and

9 (z) Despite the state's renowned beauty and range of outdoor
10 activities and natural landscapes, many Coloradans, including
11 disproportionately impacted communities, face obstacles to accessing
12 nature.

13 (2) The general assembly further finds and declares that:

14 (a) Section 10 of article IX of the state constitution, which was
15 amended by the registered electors of this state at the 1996 general
16 election, articulated a new vision for the state board of land
17 commissioners' management of all state trust lands by aligning the work
18 of the state board to accomplish a mission to produce reasonable and
19 consistent income over time and to provide sound stewardship of the state
20 trust assets;

21 (b) In the nearly 30 years since the passage of the amendment to
22 section 10 of article IX of the state constitution, the state board of land
23 commissioners has made important strides toward utilizing the
24 stewardship mechanisms directed by the voters, including establishing the
25 stewardship trust and piloting an innovative ecosystem leasing program;

26 (c) As the state approaches its 150th anniversary on August 1,
27 2026, there are opportunities to further implement the intent of section 10

1 of article IX of the state constitution by continuing to diversify revenue
2 streams to the benefit of the trust beneficiaries, both through revenue and
3 in-kind, in a way that protects Colorado's great outdoors, wildlife, and
4 recreational opportunities, which are among the state's most treasured
5 resources, thus enhancing Coloradans' quality of life, bringing prosperity
6 to the state and its residents, and representing the fabric of the state;

7 (d) It is within the legislative prerogative of the general assembly
8 to enact legislation that will further facilitate and implement the operation
9 of section 10 of article IX of the state constitution;

10 (e) In interpreting the provisions of section 10 of article IX of the
11 state constitution, the general assembly has attempted to give the words
12 of the constitutional provision their natural and obvious meaning;

13 (f) Where the meaning of section 10 of article IX of the state
14 constitution is uncertain, the general assembly has attempted to ascertain
15 the intent of those who adopted the measure and, when appropriate, the
16 intent of the proponents, as well as to apply other generally accepted rules
17 of construction;

18 (g) The content of this legislation represents the considered
19 judgment of the general assembly as to the meaning of the provisions of
20 section 10 of article IX of the state constitution as it relates to the state
21 board of land commissioners' management approach;

22 (h) While it is the intent of the general assembly that this
23 legislation should not impact the terms of existing leases, long-range
24 planning is prudent to further economic productivity through managing
25 the natural resources of the state trust lands to conserve the long-term
26 value of such resources;

27 (i) Consistent with amendments to section 10 of article IX of the

1 state constitution, the state board of land commissioners' trust obligation
2 is intergenerational, and, as the Tenth Circuit Court of Appeals held in
3 *Branson School District Re-82 v. Romer*, 161 F.3d 619, 638 (10th Cir.
4 1998), "a long-range vision of how best to preserve the value and
5 productivity of the trust assets may very well include attention to
6 preserving the beauty and natural values" of all state trust lands;

7 (j) It is reasonable to encourage the state board of land
8 commissioners, in exercising the state board's discretion to determine the
9 best interests of its beneficiaries, to pursue additional revenue-generating,
10 non-revenue-generating, and in-kind contributions, including
11 conservation and recreational opportunities, renewable energy siting and
12 energy transmission, housing, and broadband infrastructure;

13 (k) Furthermore, the state board of land commissioners should
14 explore opportunities to expand sustainably managed public access to
15 state trust lands, including for communities that face systemic barriers to
16 accessing nature, renewable energy siting and energy transmission, and
17 housing, while:

18 (I) Protecting natural and conservation values;

19 (II) Maintaining the state board's fiduciary duties; and

20 (III) Respecting the rights of existing lessees;

21 (l) Efforts to expand access to state trust lands could further the
22 goals of Colorado's outdoors strategy to provide exceptional and
23 sustainable recreation, including the goals to:

24 (I) Make high-quality outdoor recreation experiences accessible,
25 equitable, and inclusive; and

26 (II) Ensure that management and stewardship of recreational
27 opportunities provide benefits and minimize impacts for people,

1 landscapes, wildlife, and local communities;

2 (m) The state board of land commissioners can meet its
3 constitutional mandates to provide reasonable and consistent revenue to
4 trust beneficiaries and to preserve the future economic potential of the
5 treasured underlying asset base by both protecting and enhancing the
6 natural values of state trust lands and providing high-quality, sustainable,
7 and equitable public recreational access, renewable energy and energy
8 transmission siting, and housing, where appropriate; and

9 (n) Any costs associated with this act do not require a general
10 fund appropriation; rather, money from the state board of land
11 commissioners investment and development fund created in section
12 36-1-153 (1), Colorado Revised Statutes, other state trust land revenues,
13 or other available funding should be used to effectuate this act.

14 **SECTION 2.** In Colorado Revised Statutes, 36-1-100.3, **amend**
15 the introductory portion; and **add** (1.5), (1.7), (2.4), (2.5), (2.6), (2.7),
16 (5.5), and (8) as follows:

17 **36-1-100.3. Definitions.** As used in this ~~article~~ ARTICLE 1, unless
18 the context otherwise requires:

19 (1.5) "DEPARTMENT" MEANS THE DEPARTMENT OF NATURAL
20 RESOURCES CREATED IN SECTION 24-33-101 (1).

21 (1.7) "DIVISION OF PARKS AND WILDLIFE" MEANS THE DIVISION OF
22 PARKS AND WILDLIFE CREATED IN SECTION 33-9-104 (1).

23 (2.4) "LONG-TERM BENEFITS AND RETURNS TO THE STATE" MEANS:

24 (a) BENEFITTING FUTURE GENERATIONS IN RECOGNITION OF THE
25 PERPETUAL, INTERGENERATIONAL PUBLIC TRUST OBLIGATIONS;

26 (b) PROTECTING THE UNDERLYING NATURAL RESOURCE BASE AND
27 ASSET VALUE TO ENSURE RETURNS FOR FUTURE GENERATIONS OF

1 BENEFICIARIES AND ACHIEVE INTERGENERATIONAL EQUITY; AND

2 (c) UTILIZING SOUND STEWARDSHIP TO MAINTAIN LONG-TERM
3 VALUE OVER SHORT-TERM REVENUE GAINS.

4 (2.5) "LONG-TERM PRODUCTIVITY" MEANS SUSTAINABLE
5 ECONOMIC POTENTIAL, PRODUCTIVITY, AND VALUE OF STATE TRUST
6 LANDS.

7 (2.6) "LONG-TERM STEWARDSHIP TRUST" OR "STEWARDSHIP
8 TRUST" MEANS THE LONG-TERM STEWARDSHIP TRUST ESTABLISHED BY
9 THE STATE BOARD OF LAND COMMISSIONERS PURSUANT TO SECTION 10
10 (1)(b)(I) OF ARTICLE IX OF THE STATE CONSTITUTION AND SECTION
11 36-1-107.5 (1).

12 (2.7) "LONG-TERM VALUE" MEANS THE ABILITY TO PRESERVE A
13 NATURAL BENEFIT FOR A FUTURE ECONOMIC USE OR PRODUCTIVITY, EVEN
14 IF THE NATURAL BENEFIT IS NOT CURRENTLY IN USE OR BEING MONETIZED
15 OR IF THE LIKELIHOOD OF FUTURE USE OR MONETIZATION IS UNKNOWN.

16 (5.5) "SOUND STEWARDSHIP" MEANS THE USE OF NATURAL
17 RESOURCES ON STATE TRUST LANDS IN A MANNER THAT WILL PROTECT THE
18 LONG-TERM ECONOMIC VALUE AND LONG-TERM PRODUCTIVITY OF THE
19 STATE TRUST LANDS FOR FUTURE GENERATIONS OF BENEFICIARIES.

20 (8) "WORK GROUP" MEANS THE STATE TRUST LANDS
21 CONSERVATION AND RECREATION WORK GROUP CONVENED PURSUANT TO
22 SECTION 36-1-152.3.

23 **SECTION 3.** In Colorado Revised Statutes, **add** 36-1-152.3,
24 36-1-152.5, and 36-1-152.7 as follows:

25 **36-1-152.3. State trust lands conservation and recreation work**
26 **group - creation - membership - study - interim report.** (1) THE
27 EXECUTIVE DIRECTOR OF THE DEPARTMENT SHALL CONVENE A STATE

1 TRUST LANDS CONSERVATION AND RECREATION WORK GROUP TO
2 CONDUCT A STUDY TO IDENTIFY OPPORTUNITIES TO ADVANCE
3 CONSERVATION; CLIMATE RESILIENCE; BIODIVERSITY; AND SUSTAINABLE,
4 EQUITABLE, AND LOW-CONFLICT RECREATION ON STATE TRUST LANDS IN
5 ACCORDANCE WITH COLORADO'S OUTDOORS STRATEGY STEWARDED BY
6 THE DIVISION OF PARKS AND WILDLIFE. THE WORK GROUP SHALL CONDUCT
7 THE STUDY IN A MANNER CONSISTENT WITH THE STATE BOARD OF LAND
8 COMMISSIONERS' FIDUCIARY RESPONSIBILITY TO PRODUCE REASONABLE
9 AND CONSISTENT REVENUE FOR TRUST BENEFICIARIES.

10 (2) (a) THE WORK GROUP SHALL:

11 (I) MEET AS OFTEN AS NECESSARY, BUT NO FEWER THAN FOUR
12 TIMES, TO EVALUATE THE STATE TRUST LANDS AND THE OPPORTUNITIES
13 FOR RECREATION AND CONSERVATION;

14 (II) MAKE RECOMMENDATIONS ON OR BEFORE JULY 1, 2026, TO
15 THE GOVERNOR, THE GENERAL ASSEMBLY, THE STATE BOARD OF LAND
16 COMMISSIONERS, AND THE EXECUTIVE DIRECTOR OF THE DEPARTMENT;

17 (III) BE ASSISTED BY A PROFESSIONAL FACILITATOR;

18 (IV) HOLD ITS FIRST MEETING NO LATER THAN SEPTEMBER 1,
19 2025;

20 (V) ENGAGE SPECIALISTS OR SUBJECT MATTER EXPERTS AS
21 NEEDED, INCLUDING EXPERTS ON THE ECONOMY, LANDSCAPE ECOLOGY,
22 AND CLIMATE RESILIENCE; AND

23 (VI) MAKE ALL REASONABLE EFFORTS TO REDUCE THE FISCAL
24 IMPACT OF THE WORK GROUP, INCLUDING BY ALLOWING REMOTE
25 PARTICIPATION.

26 (b) ON OR BEFORE FEBRUARY 28, 2026, THE WORK GROUP SHALL
27 PROVIDE AN INTERIM REPORT TO THE PARTIES LISTED IN SUBSECTION

1 (2)(a)(II) OF THIS SECTION, WHICH INTERIM REPORT INCLUDES, AT A
2 MINIMUM, INFORMATION ON POTENTIAL RECOMMENDATIONS FOR THE
3 LONG-TERM STEWARDSHIP TRUST AND THE INTERNAL IMPROVEMENTS AND
4 SALINE TRUSTS.

5 (c) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT SHALL
6 APPOINT MEMBERS TO THE WORK GROUP PURSUANT TO SUBSECTION (3) OF
7 THIS SECTION ON OR BEFORE JUNE 15, 2025. IN CONDUCTING THE STUDY,
8 THE WORK GROUP SHALL SOLICIT PUBLIC INPUT, INCLUDING INPUT
9 REGARDING THE IDENTIFICATION OF PARTICULAR PROPERTIES TO CONSIDER
10 AND MANAGEMENT RECOMMENDATIONS TO INCLUDE IN THE STUDY.

11 (3) (a) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT SHALL
12 SELECT VOTING MEMBERS OF THE WORK GROUP, WHICH VOTING MEMBERS
13 MAY INCLUDE ONE OR MORE MEMBERS:

14 (I) WITH EXPERTISE IN AGRICULTURE AND RANCHING;

15 (II) WITH EXPERTISE IN RECREATIONAL USES OF STATE TRUST
16 LANDS AND PUBLIC LANDS, INCLUDING EXPERTISE RELATED TO OUTDOOR
17 EQUITY;

18 (III) WITH EXPERTISE IN LAND CONSERVATION AND STEWARDSHIP;

19 (IV) WITH EXPERTISE IN WILDLIFE AND HABITAT CONSERVATION;

20 (V) WHO REPRESENT A REGIONAL PARTNERSHIP INITIATIVE;

21 (VI) WHO REPRESENT BENEFICIARIES AND LESSEES OF STATE
22 TRUST LANDS;

23 (VII) WITH RELEVANT LEGAL OR ECONOMIC EXPERTISE,
24 INCLUDING KNOWLEDGE OF THE STATE CONSTITUTION, FIDUCIARY DUTIES,
25 AND STATUTES GOVERNING THE ISSUES THAT THE WORK GROUP STUDIES;

26 (VIII) WHO ARE TRIBAL MEMBERS FROM THE UTE MOUNTAIN UTE
27 TRIBE;

1 (IX) WHO ARE TRIBAL MEMBERS FROM THE SOUTHERN UTE
2 INDIAN TRIBE;

3 (X) WHO ARE TRIBAL MEMBERS OF A TRIBE WITH HISTORIC TIES TO
4 EASTERN COLORADO; AND

5 (XI) WITH RELEVANT EXPERIENCE, AS DETERMINED BY THE
6 EXECUTIVE DIRECTOR OF THE DEPARTMENT.

7 (b) THE NONVOTING MEMBERS OF THE WORK GROUP ARE:

8 (I) THE COMMISSIONER OF EDUCATION OR THE COMMISSIONER'S
9 DESIGNEE;

10 (II) THE DIRECTOR OF THE DIVISION OF PARKS AND WILDLIFE OR
11 THE DIRECTOR'S DESIGNEE;

12 (III) THE DIRECTOR OF THE STATE BOARD OF LAND
13 COMMISSIONERS OR THE DIRECTOR'S DESIGNEE;

14 (IV) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OR THE
15 EXECUTIVE DIRECTOR'S DESIGNEE; AND

16 (V) THE COMMISSIONER OF AGRICULTURE OR THE COMMISSIONER'S
17 DESIGNEE.

18 **36-1-152.5. Work group study - requirements.** (1) (a) AS PART
19 OF THE STUDY CONDUCTED PURSUANT TO SECTION 36-1-152.3 (1), THE
20 STATE TRUST LANDS CONSERVATION AND RECREATION WORK GROUP
21 SHALL PROVIDE RECOMMENDATIONS TO THE PARTIES IDENTIFIED IN
22 SECTION 36-1-152.3 (2)(a)(II) REGARDING HOW TO BETTER IMPLEMENT
23 THE MANDATE OF SECTION 10 OF ARTICLE IX OF THE STATE CONSTITUTION,
24 INCLUDING RECOMMENDATIONS ON HOW TO:

25 (I) FURTHER THE LONG-TERM PRODUCTIVITY AND SOUND
26 STEWARDSHIP OF ALL STATE TRUST LANDS, NOT ONLY THOSE IN THE
27 LONG-TERM STEWARDSHIP TRUST;

1 (II) PRESERVE AND ENHANCE THE BEAUTY, NATURAL VALUES,
2 OPEN SPACE, AND WILDLIFE OF THE STATE FOR CURRENT AND FUTURE
3 GENERATIONS;

4 (III) PROMOTE LONG-TERM PRODUCTIVITY FOR AGRICULTURE;

5 (IV) PROVIDE FOR SUSTAINABLE, EQUITABLE, AND LOW-CONFLICT
6 RECREATIONAL OPPORTUNITIES ON STATE TRUST LANDS; AND

7 (V) MANAGE THE UTILIZATION OF NATURAL RESOURCES ON STATE
8 TRUST LANDS TO CONSERVE THE LONG-TERM VALUE, INCLUDING THE
9 OPTION VALUE, WHICH REPRESENTS THE WILLINGNESS TO PAY TO
10 GUARANTEE THE CONTINUED AVAILABILITY OF A RESOURCE FOR
11 POTENTIAL FUTURE USE, OF THE STATE TRUST LANDS WHILE THE STATE
12 BOARD OF LAND COMMISSIONERS CARRIES OUT ITS FIDUCIARY DUTIES.

13 (b) THE WORK GROUP'S RECOMMENDATIONS SHALL NOT BE
14 CONSTRUED TO ALTER OR IMPAIR THE VALIDITY OF ANY EXISTING LEASES
15 ON STATE TRUST LANDS.

16 (2) THE WORK GROUP'S STUDY MUST INCLUDE, AT A MINIMUM:

17 (a) SOLICITING REGIONAL PARTNERSHIP INITIATIVES AND COUNTIES
18 TO IDENTIFY STATE TRUST LAND PARCELS THAT HOLD UNIQUE
19 OPPORTUNITIES FOR REGIONAL RECREATION, CONSERVATION ACTIVITIES,
20 AND AGRICULTURAL OPPORTUNITIES;

21 (b) A REVIEW OF STATE TRUST LAND PARCELS FOR OPPORTUNITIES
22 TO ADVANCE CONSERVATION, CLIMATE RESILIENCY, OR HABITAT
23 CONNECTIVITY, INCLUDING CONSERVATION OR AGRICULTURAL LEASES OR
24 PERMANENT PROTECTION, INCLUDING THROUGH SALES AND INTERTRUST
25 SWAPS;

26 (c) IDENTIFICATION OF PRIORITY PARCELS, WHICH IDENTIFICATION
27 MAY INCLUDE RECOMMENDATIONS AS TO WHETHER AND HOW LONG-TERM

1 DISPOSITION OF PRIORITY PARCELS SHOULD OCCUR, INCLUDING LEASE,
2 EASEMENT, OR FEE TITLE ACQUISITION FOR CONSERVATION PURPOSES
3 SUCH AS HABITAT RESTORATION OR ECOSYSTEM SERVICES.

4 IDENTIFICATION OF PRIORITY PARCELS MUST INCLUDE CONSIDERATION OF:

5 (I) STATE PARK AND STATE WILDLIFE AREA CREATION OR
6 EXPANSION, INCLUDING THROUGH THE USE OF THE INTERNAL
7 IMPROVEMENTS AND SALINE TRUSTS;

8 (II) FUTURE LONG-TERM MANAGEMENT SOLUTIONS FOR PARKS
9 AND WILDLIFE AREAS CURRENTLY LEASED OR UTILIZED BY THE DIVISION
10 OF PARKS AND WILDLIFE, INCLUDING LONE MESA STATE PARK AND
11 QUEENS STATE WILDLIFE AREA;

12 (III) CURRENT AND FUTURE PUBLIC USE BY SCHOOLCHILDREN FOR
13 OUTDOOR RECREATION AND EDUCATIONAL PURPOSES; AND

14 (IV) HIGH-VALUE LANDS USED TO IMPROVE CLIMATE-RESILIENT
15 CONSERVATION AND RECREATION OPPORTUNITIES, INCLUDING THOSE
16 LANDS WITH:

17 (A) IMPORTANT HABITAT FOR SPECIES OF GREATEST
18 CONSERVATION NEEDS;

19 (B) HIGH-PRIORITY HABITATS, AS DEFINED IN SECTION 34-60-132
20 (1)(n), IDENTIFIED BY THE DIVISION OF PARKS AND WILDLIFE;

21 (C) WETLANDS AND RIPARIAN AREAS; AND

22 (D) HABITAT CONNECTIVITY;

23 (d) RECOMMENDATIONS REGARDING ACTIONS TO ADVANCE
24 CONSERVATION AND RECREATION ON STATE TRUST LANDS BASED IN PART
25 ON AN ANALYSIS OF CONSERVATION MEASURES AND PUBLIC RECREATION
26 ACCESS AND MANAGEMENT SOLUTIONS ON STATE TRUST LANDS IN OTHER
27 STATES, INCLUDING:

1 (I) AN EVALUATION OF THE CHALLENGES AND OPPORTUNITIES
2 ASSOCIATED WITH PUBLIC RECREATIONAL ACCESS ON STATE TRUST LANDS,
3 INCLUDING WAYS TO REDUCE CONFLICTS WITH AND IMPACTS TO EXISTING
4 LESSEES AND CONSIDERATION OF LESSONS FROM OTHER STATES
5 REGARDING MANAGEMENT OF RECREATION ON STATE TRUST LANDS;

6 (II) OPPORTUNITIES FOR THE STATE BOARD OF LAND
7 COMMISSIONERS TO UTILIZE NONPERPETUAL CONSERVATION LEASES IN
8 ACCORDANCE WITH SECTION 10 OF ARTICLE IX OF THE STATE
9 CONSTITUTION; AND

10 (III) METHODS FOR IMPLEMENTING THE TOOLS DESCRIBED IN
11 SUBSECTION (2)(d)(II) OF THIS SECTION, INCLUDING VALUATION OF
12 CONSERVATION LEASING OPPORTUNITIES AND CONSIDERATION OF
13 LONG-TERM VALUE;

14 (e) CONSIDERATION OF POTENTIAL NET REVENUE CHANGES OR
15 MANAGEMENT CHANGES WHEN IDENTIFYING STATE TRUST LAND PARCELS
16 FOR EXAMINATION;

17 (f) CONSIDERATION OF THE INTERNAL IMPROVEMENTS AND SALINE
18 TRUSTS, INCLUDING THE DEVELOPMENT OF RECOMMENDATIONS FOR USE
19 OF THE INTERNAL IMPROVEMENTS AND SALINE TRUSTS TO ENSURE
20 MAXIMUM PUBLIC BENEFIT FOR ADVANCEMENT OF THE DIVISION OF PARKS
21 AND WILDLIFE'S MISSION, INCLUDING CONSIDERATION OF:

22 (I) OUTDOOR RECREATION AND WILDLIFE CONSERVATION; AND

23 (II) TRANSFERRING TITLE OF LAND WITHIN THE INTERNAL
24 IMPROVEMENTS AND SALINE TRUSTS TO THE DIVISION OF PARKS AND
25 WILDLIFE;

26 (g) AN ASSESSMENT OF OPPORTUNITIES TO CONTINUE AND EXPAND
27 UPON SOUND STEWARDSHIP AND LAND MANAGEMENT PRACTICES

1 THROUGH AGRICULTURAL LEASES AND OPPORTUNITIES TO ADVANCE
2 LONG-TERM MANAGEMENT FOR AGRICULTURAL LEASES ON STATE TRUST
3 LAND PARCELS, INCLUDING THOSE PARCELS IN THE LONG-TERM
4 STEWARDSHIP TRUST;

5 (h) AN ASSESSMENT OF STATE TRUST LAND PARCELS IN THE
6 LONG-TERM STEWARDSHIP TRUST, WHICH ASSESSMENT INCLUDES THE
7 IDENTIFICATION OF STEWARDSHIP TRUST PROPERTIES WITH EXISTING USES
8 OR LONG-TERM IMPACTS THAT ARE INCOMPATIBLE WITH PRIMARILY
9 PROTECTING AND ENHANCING BEAUTY, NATURAL VALUES, OPEN SPACE,
10 AND WILDLIFE HABITAT. SOME LEASES MAY BE PRESUMED COMPATIBLE,
11 SUCH AS COLORADO NATURAL AREAS PROGRAM LEASES, THE DIVISION OF
12 PARKS AND WILDLIFE LEASES, CONSERVATION LEASES, ECOSYSTEM
13 SERVICES LEASES, AND AGRICULTURAL LEASES.

14 (i) RECOMMENDATIONS TO:

15 (I) EVALUATE LONG-TERM STEWARDSHIP TRUST PROPERTIES OR
16 PORTIONS OF STEWARDSHIP TRUST PROPERTIES IN WHICH THE EXISTING
17 USE OR USES CREATE LONG-TERM IMPACTS THAT ARE INCOMPATIBLE WITH
18 PRIMARILY PROTECTING AND ENHANCING BEAUTY, NATURAL VALUES,
19 OPEN SPACE, AND WILDLIFE HABITAT; AND

20 (II) DEVELOP A PROPOSED PROCESS TO TIMELY ADDRESS ANY
21 INCOMPATIBILITY, INCLUDING BY THE REMOVAL AND NOMINATION OF
22 OTHER STATE TRUST LAND PROPERTIES AS REPLACEMENT PARCELS WITH
23 QUALIFYING VALUES AND EQUIVALENT ACREAGE;

24 (j) EVALUATION AND REPORTING ON THE LONG-TERM VALUE,
25 INCLUDING THE OPTION VALUE, OF LONG-TERM STEWARDSHIP TRUST
26 ASSETS;

27 (k) RECOMMENDATIONS REGARDING RIGOROUS REVIEW

1 STANDARDS OF FUTURE LEASES OF STEWARDSHIP TRUST PARCELS TO
2 BETTER PRESERVE LONG-TERM BENEFITS AND RETURNS TO THE STATE,
3 INCLUDING REQUIREMENTS TO EVALUATE THE DIVISION OF PARKS AND
4 WILDLIFE'S HIGH-PRIORITY HABITATS, AS DEFINED IN SECTION 34-60-132
5 (1)(n); HABITAT CONNECTIVITY; WETLAND AND RIPARIAN RESOURCES; THE
6 PRESENCE OF CONSERVATION EASEMENTS; EXISTING LAND STEWARDSHIP
7 PRACTICES; RARE PLANTS AND PLANT COMMUNITIES; IMPORTANT WILDLIFE
8 SPECIES; CULTURAL RESOURCES; PALEONTOLOGICAL RESOURCES; AND
9 GEOLOGIC RESOURCES; AND

10 (l) RECOMMENDATIONS ON HOW TO IMPROVE PUBLIC ENGAGEMENT
11 OF APPROPRIATE STAKEHOLDERS, INCLUDING LOCAL GOVERNMENTS,
12 STATE AGENCIES, FEDERAL AGENCIES, AND TRIBAL NATIONS, IN THE
13 CONSULTATION AND NOTIFICATION PROCESS USED FOR NEW LEASES OR
14 USES OF LONG-TERM STEWARDSHIP TRUST PARCELS.

15 (3) ON OR BEFORE OCTOBER 1, 2025, THE STATE BOARD OF LAND
16 COMMISSIONERS SHALL:

17 (a) REVIEW ALL EXISTING LEASES ON LONG-TERM STEWARDSHIP
18 TRUST PARCELS TO DETERMINE WHETHER THE LANDS ARE MANAGED
19 PRIMARILY TO PRESERVE LONG-TERM RETURNS AND BENEFITS TO THE
20 STATE, INCLUDING TO PROTECT AND ENHANCE THE LANDS' BEAUTY,
21 NATURAL VALUES, OPEN SPACE, AND WILDLIFE HABITAT AND PROVIDE A
22 REPORT OF THE SAME MATTERS TO THE WORK GROUP;

23 (b) REVIEW AND UPDATE, IF NECESSARY, ALL EXISTING
24 STEWARDSHIP TRUST MANAGEMENT PLANS OR OTHER APPLICABLE PLANS
25 TO ACHIEVE CONSERVATION PURPOSES AND REQUIRE CORRECTIVE
26 MANAGEMENT ACTIONS IN ACCORDANCE WITH THE EXISTING
27 STEWARDSHIP TRUST POLICY AND LEASE TERMS AND PROVIDE A DETAILED

1 SUMMARY TO THE WORK GROUP OF THE REVIEW AND ANY RESULTING
2 ACTIONS;

3 (c) PROVIDE TO THE WORK GROUP, TO THE EXTENT THE
4 INFORMATION IS AVAILABLE, A REPORT REGARDING ALL OCCASIONS SINCE
5 1996 IN WHICH A LEASE PROPOSED FOR A STEWARDSHIP TRUST PARCEL
6 WAS DENIED AS INCOMPATIBLE WITH PRIMARILY PROTECTING AND
7 ENHANCING BEAUTY, OPEN SPACE, NATURAL VALUES, AND WILDLIFE
8 HABITAT;

9 (d) PROVIDE TO THE WORK GROUP, TO THE EXTENT POSSIBLE,
10 DOCUMENTATION OF LEASE STIPULATIONS THAT HIGHLIGHT MEASURES TO
11 PROTECT AND ENHANCE BEAUTY, OPEN SPACE, NATURAL VALUES, AND
12 WILDLIFE HABITAT WHEN LEASING STEWARDSHIP TRUST LANDS; AND

13 (e) PROVIDE TO THE WORK GROUP AN ANALYSIS OF PUBLIC
14 RECREATIONAL ACCESS AND MANAGEMENT SOLUTIONS ON STATE TRUST
15 LANDS IN OTHER STATES, INCLUDING HUNTING, FISHING, WATER ACCESS
16 SITES, MOTORIZED AND NONMOTORIZED TRAILS, CAMPING, AND WILDLIFE
17 VIEWING.

18 **36-1-152.7. State board consideration of work group**
19 **recommendations - conservation lease policies - rules.** (1) ON OR
20 BEFORE DECEMBER 15, 2026, THE STATE BOARD OF LAND COMMISSIONERS
21 SHALL CONSIDER THE WORK GROUP'S RECOMMENDATIONS IN THE STUDY
22 CONDUCTED PURSUANT TO SECTION 36-1-152.3 AND ADOPT AN
23 ADMINISTRATIVE POLICY OR RULES TO ESTABLISH, AT A MINIMUM:

24 (a) A PROCESS GOVERNING THE IMPLEMENTATION OF
25 CONSERVATION LEASES AND RELATED INSTRUMENTS ON STATE TRUST
26 LANDS, INCLUDING A FRAMEWORK FOR THE STRUCTURE, PRICING, AND
27 DURATION OF SUCH INSTRUMENTS;

1 (b) A SPECIFIC PROCESS TO SUBSTANTIATE HOW THE STATE BOARD
2 BALANCES REVENUE GENERATION WITH CONSERVING THE LONG-TERM
3 VALUE OF STATE TRUST LANDS; AND

4 (c) ANY OTHER POLICIES OR RULES THE STATE BOARD, IN ITS
5 DISCRETION, DEEMS NECESSARY TO IMPLEMENT SECTION 10 OF ARTICLE IX
6 OF THE STATE CONSTITUTION.

7 **SECTION 4. Safety clause.** The general assembly finds,
8 determines, and declares that this act is necessary for the immediate
9 preservation of the public peace, health, or safety or for appropriations for
10 the support and maintenance of the departments of the state and state
11 institutions.