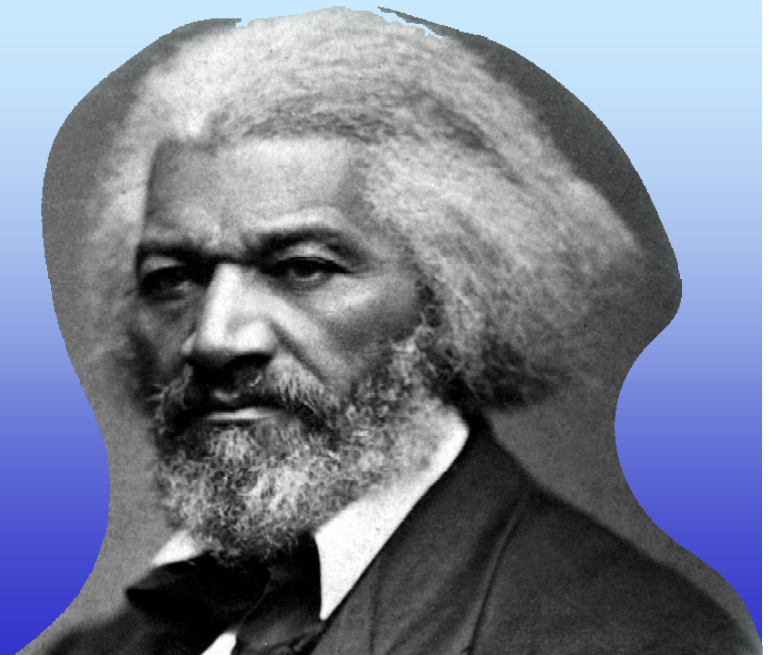


“When justice is denied, where poverty is enforced, where ignorance prevails, and where any one class is made to feel that society is in an organized conspiracy to oppress, rob, and degrade them, neither persons nor property will be safe.”

Frederick Douglass

- a former slave -



A black helicopter is shown in flight, viewed from a low angle. The helicopter is the central focus, with its rotors and landing gear visible. The background consists of a vast, mountainous landscape under a clear sky. The text is overlaid on the image in two cyan ovals.

**For those of you that think
this is about Black Helicopters,**

that is so *passe*!

Please catch up,



I've moved on to drones.



Conservation Easements

Land Owner
or
Indentured
Serf?

by Ric Frost, MS
Policy Analyst

SPONSORED BY



Private Property Concepts

Water Rights

- A primary titled property separable from the physical land title.
- A commodity property used to increase land value (from production).
- Can be transferred to other titled physical lands.

Private Property Concepts

Development Rights

- The primary land value that is a separable title from the physical land.
- The primary collateral value of the land that banks loan against.
- The higher value for property tax assessment and community infrastructure revenue generation.
(schools, roads, law enforcement, commissioners salary, etc.).
- Can be transferred to other titled physical lands.

Private Property Concepts

Development Rights

- Title can be sold, transferred or seized to sever from the land title.

Conservation Easements

- Fragmentation of land title to deny future generations a full range of productive land use options.

Private Property Concepts

Mechanisms of Severance

- Conservation Easement (CE) – Sell or donate for estate, lock tax value to base land title.
- Purchased Development Right (PDR) – Sell development value, lock tax value to base land title.
- Transferred Development Right (TDR) – Sell or exchange development right for ‘like’ credit, lock tax value to base land title. (Developers favorite tool)
- Eminent Domain – 5th & 14th Amendment protection.

Private Property Concepts

Usufructory Rights

- Came from conquered kingdoms Roman Emperor considered “public lands” and rented (*usufructus*) to Roman soldiers.

(*usus* – the right to use; *fructus* – enjoy its fruits)

- Augustus Caesar expanded concept to create an “estate of uses” in occupied lands without an estate of possession.

(a beneficial right in another’s property)

Private Property Concepts

Usufructory Rights

- Rights to use and enjoy the profits and advantages of something belonging to another as long as the property is not damaged or altered in any way.
- Originally Roman Property interests between a master and his slave held under a “use and enjoyment” bond.

(Evolved to the Medieval King/serf feudal system)

- Development rights derive from the “estate of uses” and were eventually tied to private property land title law.

(One of the core outcomes of the American Revolution)

Private Property Concepts

Usufructory Rights

- Development Rights are bound to the “estate of uses” and transfer to the assigned trustee in title when severed from the land title.
- Nexus on “estate of uses” has “exercise of rights” seniority when it elects to implement.
- Trustee and Nexus holder determine how land is used and enjoy the severed development credit value without economic sanctions. (tax and rent exempt)
- Land title holder pays the upkeep and land tax (rent) without benefit of development credit value.

(Structurally the same as the Medieval King/serf feudal system)

Private Property Concepts

Nexus

- Roman Republic *nexum*
- Creation of a voluntary debt slave bondage as collateral.

(abolished by *Lex Poetelia Papiria* in 326B.C., few ever recovered Roman citizenship or self directed management)

Private Property Concepts

Federal Nexus

- Any Federal action, Federal funds or function needing Federal approval/permitting at any level or degree of involvement.
- Creates Federal oversight of approved management.
- Places land title holder management junior to Nexus senior oversight.

Any Federal expenditures or involvement on private lands associated with any Federal agency creates a Federal Nexus, even if the land owner was not aware or informed.

Rural Economic Concepts

- **Environmental Pressures**
 - **Government Restrictions and Regulations**
 - **NGO Lawsuits**
 - **Weather Fluctuations**
- **Market Fluctuation Pressures**
 - **Price Takers**
 - **Cost absorbers**
 - **Foreign Market Dumping Without Protection**
(GATT, NAFTA, CAFTA)

Rural Economic Concepts

Other Pressures

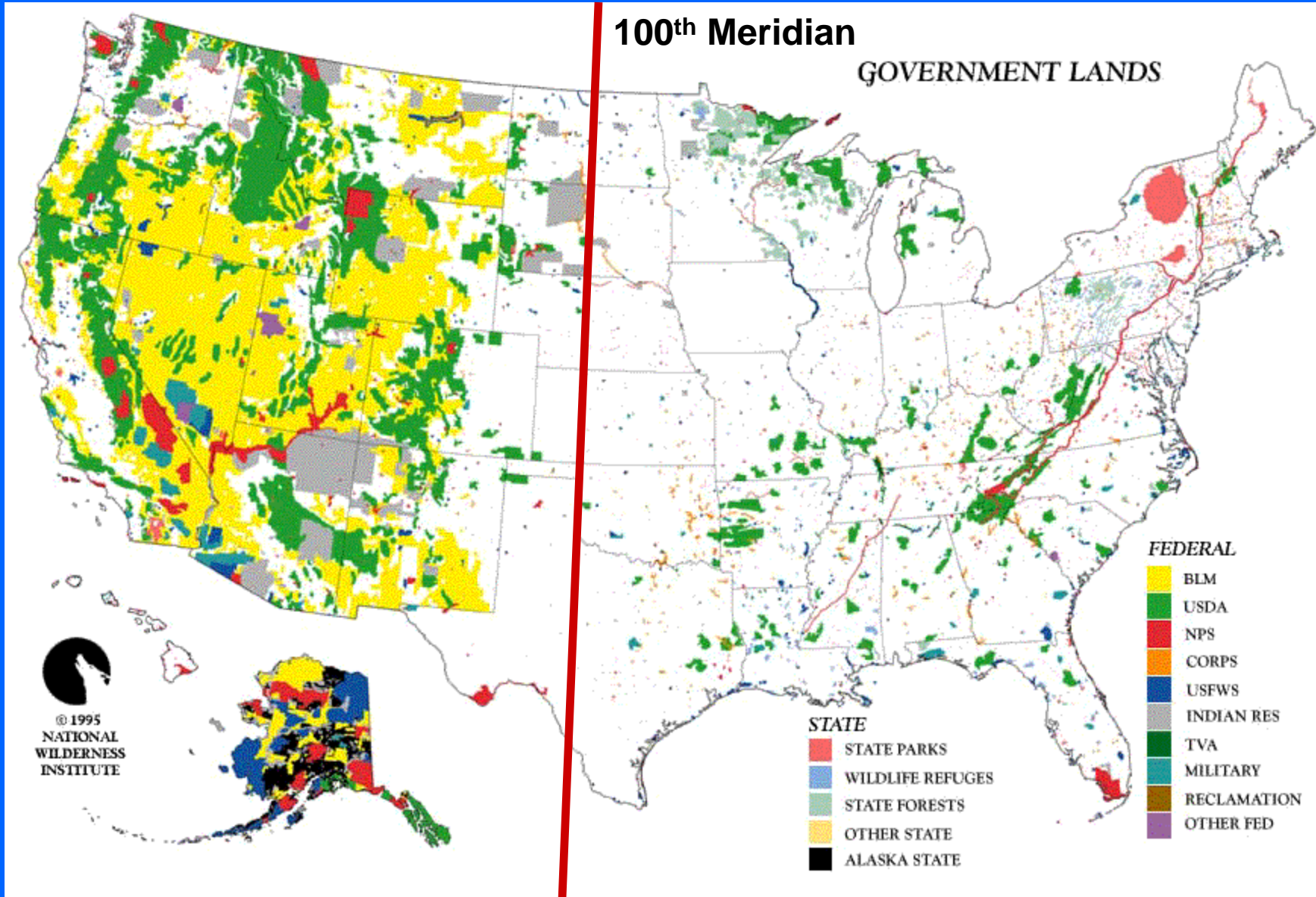
- **Influx of Wealthy Urbanites Competing for Land and Cultural Control**
- **Rising Land Taxes From Increased Infrastructure Demands from Increasing Urban Population**
(Schools, roads, sewers, law enforcement, officials' salaries, etc.)
- **Estate Taxes and Compliance Costs**
- **Loss of culture and generational knowledge as young adults and disenfranchised “willing sellers” move to urban centers for economic survival.**

Moorish Prior Appropriation

Water Law (Spain)

Roman Riparian

Water Law (England)



Colorado Land Ownership Statistics

Area 104,100 Square Miles
66,624,000 Acres



Approximate Land Ownership Percentage and Acreage

% All Gov't.	43.00%	28,648,320 Acres	Federal Resource Agencies Control Approximately 23,458,310 Acres Total
% Fed.	36.33%	24,204,499 Acres	
Forest	21.76%	14,497,382 Acres	
BLM	12.46%	8,301,350 Acres	
Nat'l. Park	0.89%	592,954 Acres	
US FWS	0.10%	66,624 Acres	\$27.7 MILLION PILT 23,722,680 acres (2012)
Other Fed.	1.12%	746,189 Acres	
State	6.97%	4,643,693 Acres	
Private	56.70%	37,775,808 Acres	
Agriculture	48.78%	32,499,187 Acres	

Source: <http://www.colorado.edu/libraries/govpubs/colnumb/fedlands.htm>
Public Land Statistics, Dept. of the Interior, BLM

37,775,808 acres subject to infrastructure property tax.

(schools, roads, law enforcement, administrative salaries, etc.)

QUESTIONS:

- Did you know tax exempt organizations control and manage taxable private lands through CEs, PDRs and TDRs in Colorado?
 - 801,720 acres have severed development rights
 - 2.1% of all private titles base land tax locked
 - No PILT or other tax replacement from holder
- Do you know where they are?
- What is the Long Range Outcome from these Restrictions on Development?
 - According to Whom?

SEARCH

[NCED EASEMENTS](#)

[MY NCED](#)

[ABOUT](#)

[CONTACT US](#)

[View NCED Maps](#)

[Quick Searches](#)

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[Add an Easement](#)

Featured Quick Searches

View easements of a specific type or common criteria with one click.

[Easements by Holder: Federal](#)

[Easements by Holder: Native American](#)

[Easements by Holder: State](#)

[Easements by Holder: Regional Agency](#)

[Easements by Holder: Local Government](#)

[Easements by Holder: Non-Governmental Organization](#)

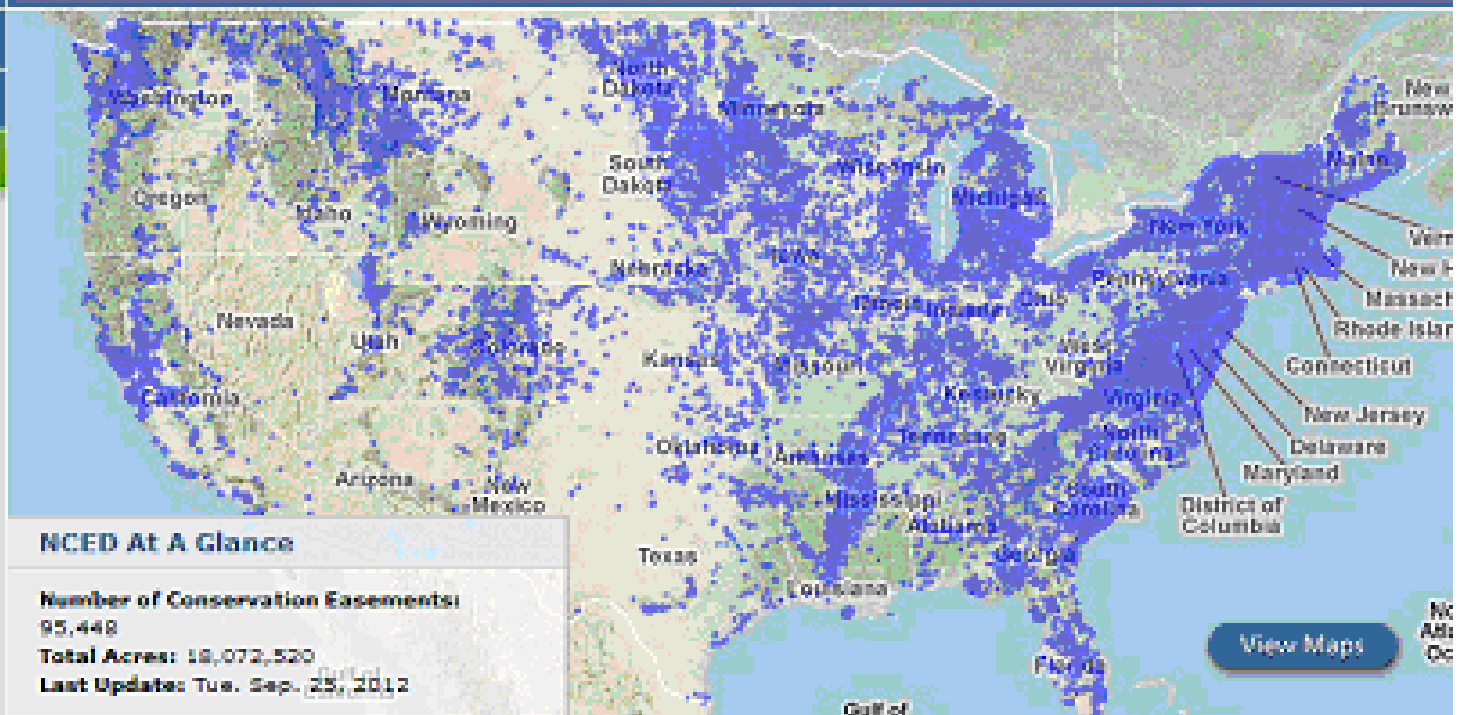
[Easements by Holder: Private](#)

[Easements by Holder: Jointly Owned](#)

[Easements by Holder: Unknown Landowner](#)

[Easements by Holder: Territorial](#)

[View All Quick Searches](#)



NCED At A Glance

Number of Conservation Easements:

95,448

Total Acres: 18,072,520

Last Update: Tue, Sep 25, 2012

What is the NCED?

The National Conservation Easement Database (NCED) is the **first national database of conservation easement information**, compiling records from land trusts and public agencies throughout the United States. **Voluntary and secure**, the NCED respects landowner privacy and will not collect

NCED User Survey

We are asking users of the National Conservation Easement Database (NCED) to share their opinions so we may better understand and respond to the needs of our diverse user base.

[Take the NCED User Survey](#)



Partners



Conservation Biology Institute

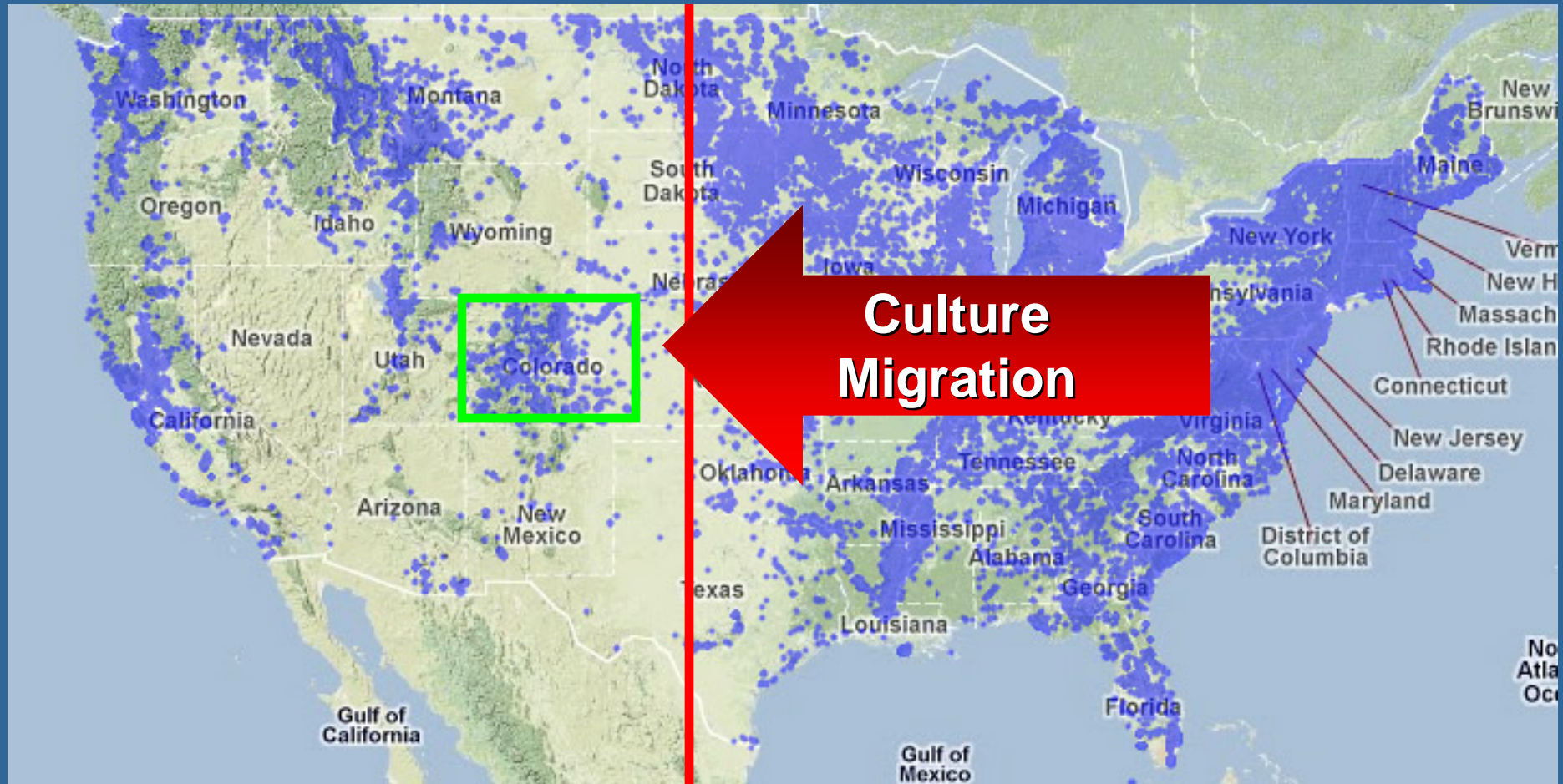
Defenders of Wildlife

Ducks Unlimited, Inc.

Trust for Public Land

NatureServe

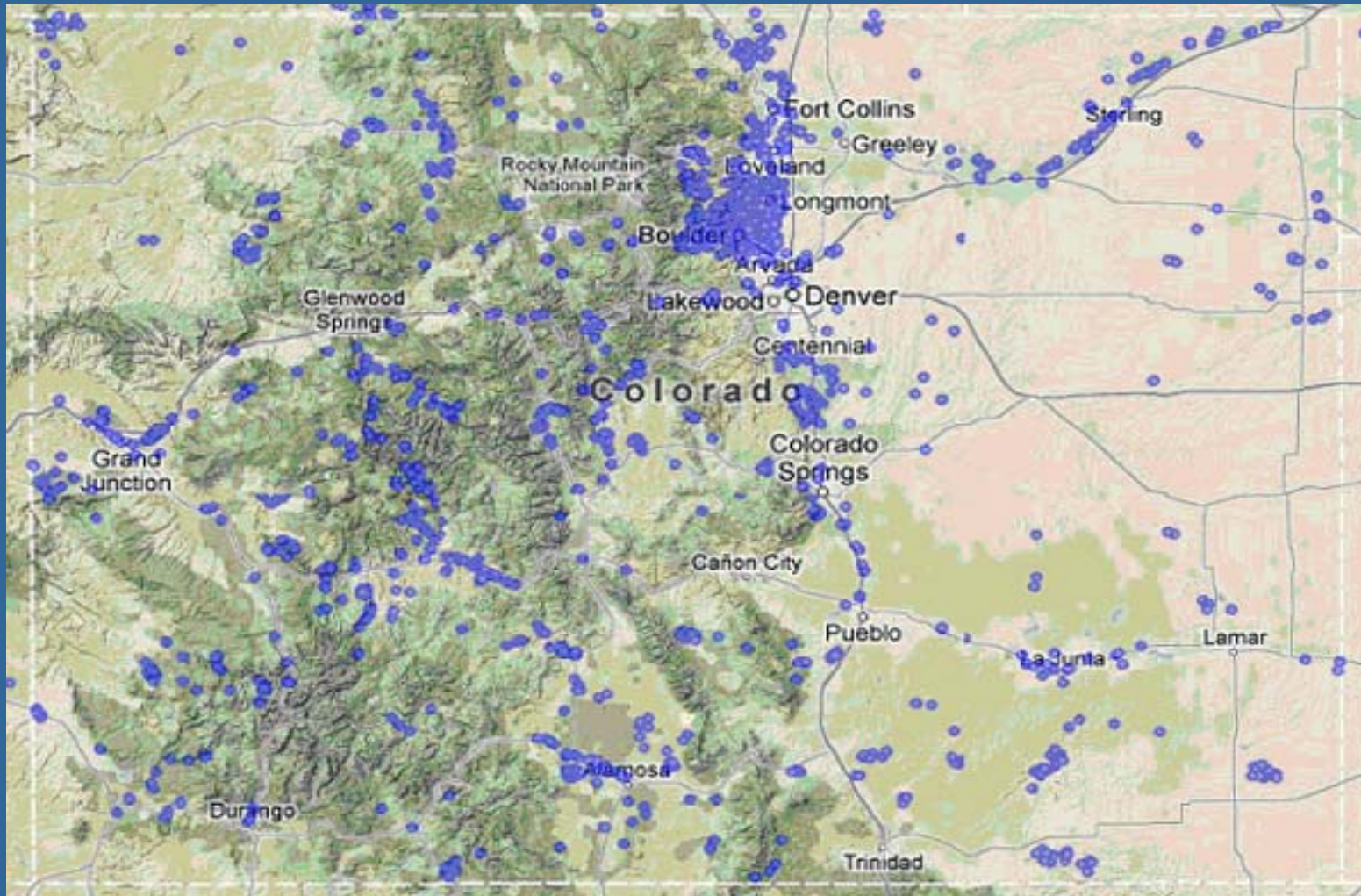
CE, PDR and TDR Locations



100th Meridian

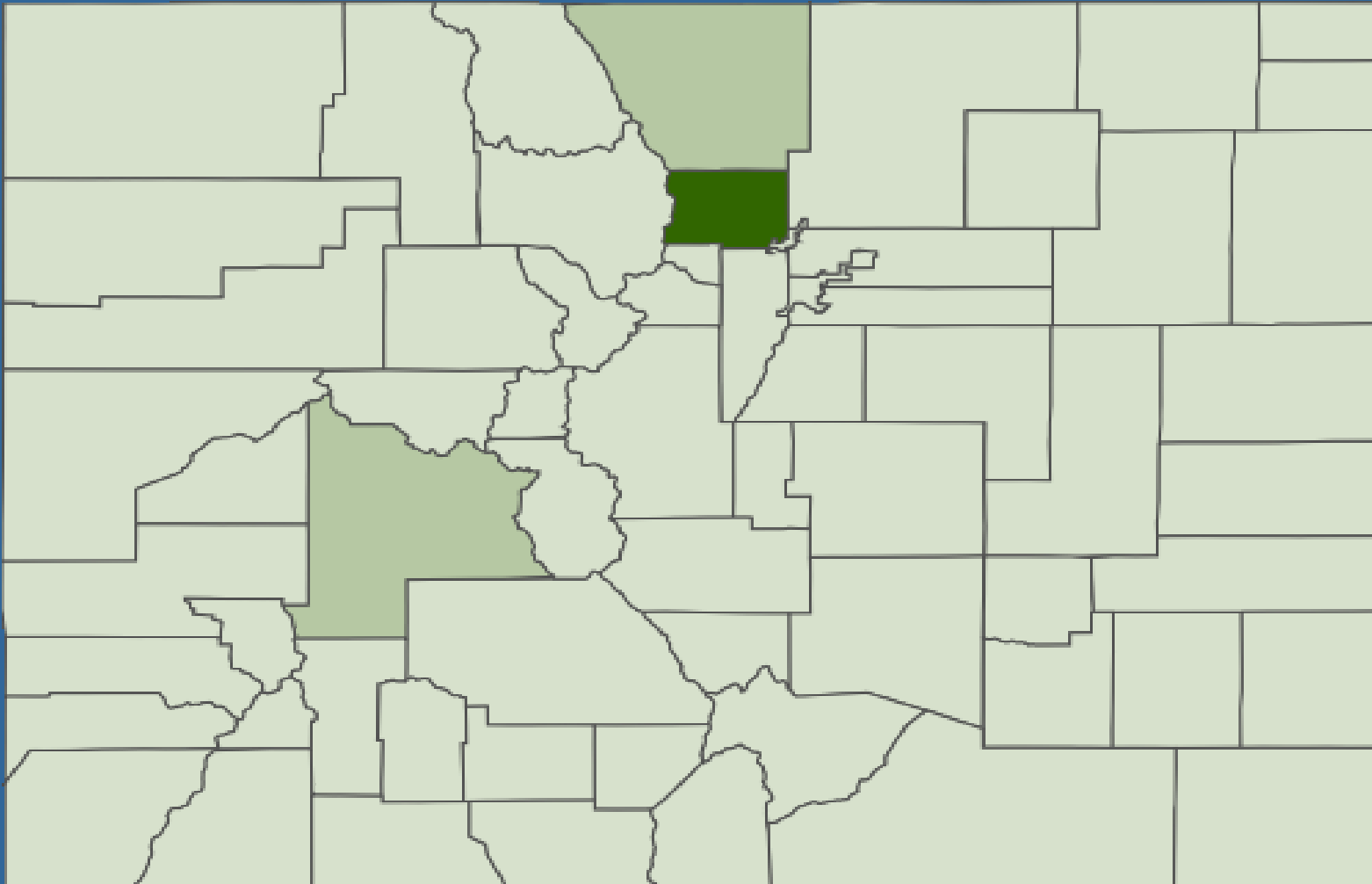


Colorado CE Map



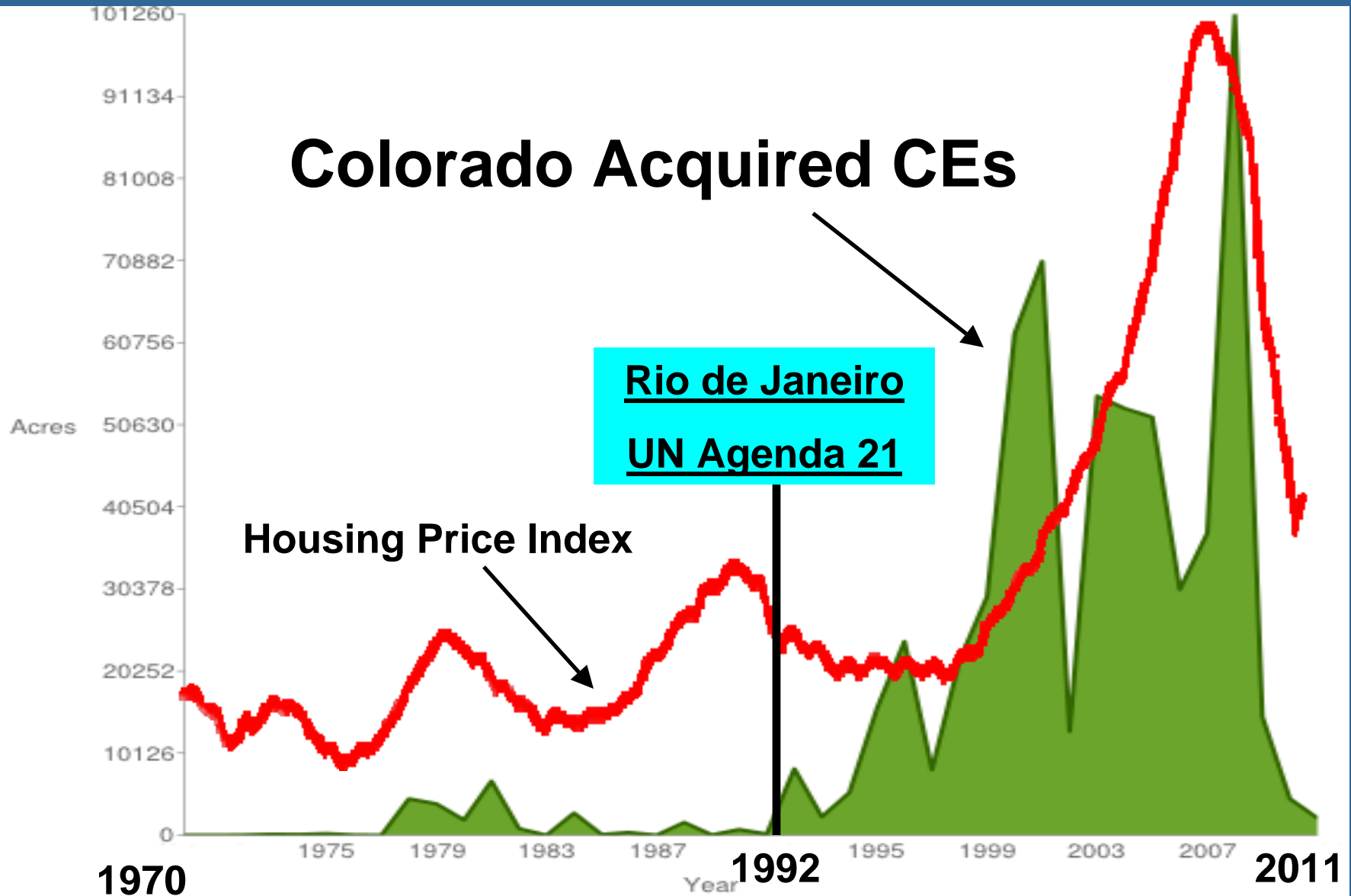


Colorado CE Map





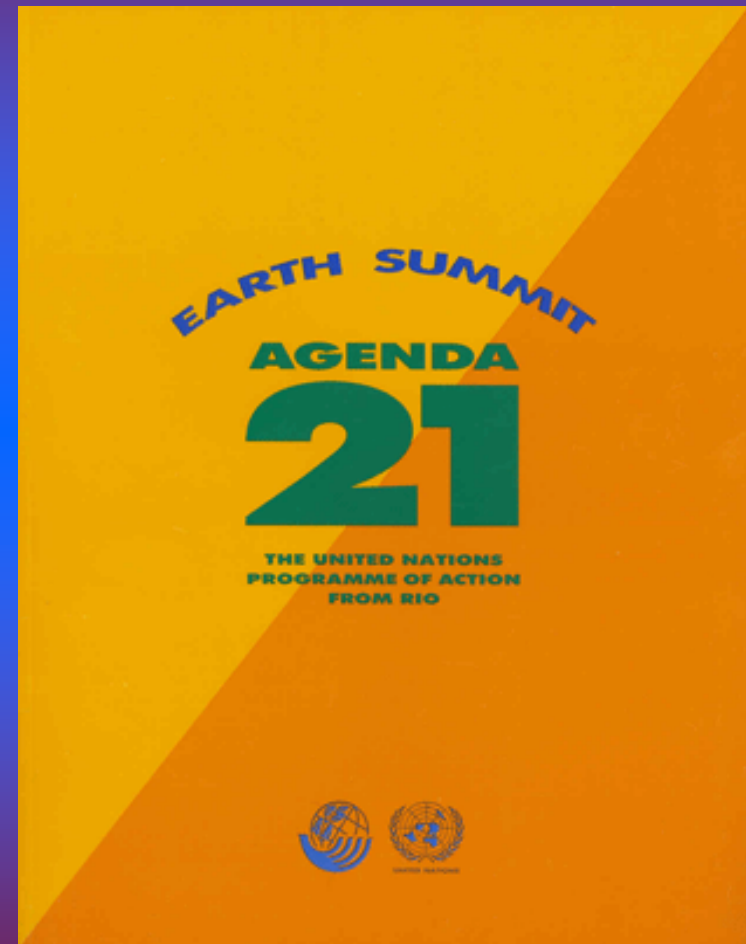
Colorado Acquired CEs



Rio de Janeiro UN Agenda 21 - 1992

“Framework of rules and regulations that limits the behavior of individuals, businesses and organizations to those activities approved by government.”

“The biggest obstacles to implementing Sustainable Development in America are the private property laws. They must be removed by any means for this to succeed.”



Rio de Janeiro UN Agenda 21 - 1992

- Land *cannot* be treated as an *ordinary asset*, controlled by private individuals.
- Public ownership or effective control of land rights in the public interest is the *single most important means of achieving* public control and regulation of the common good.
- Promote a system of *protected areas* or areas where special measures need to be taken to promote sustainable development.

President's Council on Sustainable Development - 1996

- The council comprised of green-oriented industrial leaders, natural resource cabinet heads and leaders of major environmental groups.
- The council produced *Sustainable America* from 1996 to 1999, guidelines to implement Agenda 21.
- Heavily promoted by non-governmental environmental organizations (NGOs) as official policies of the federal government.

**All are centered on the
usufruct concept of property.**

**U.N. Global Biodiversity Assessment
Section 12.7.5:**

**“Property rights can still be allocated to the
environmental public good, but in this case
they should be restricted to usufructual or
user rights.”**

Who worked on the design from 1992 to 1997?

The very, very short list:

Reed Noss, Michael Soule` and Dave Foreman - Authors of the Wildlands Project, 1992, NM Wilderness Alliance Founders 1999 (Foreman also founded Earth First!)

The Nature Conservancy and other Land Trusts - Convention on Biological Diversity, Agenda 21, NM Wilderness Alliance Founders 1999, Land Trust Alliance members

Gabriel Thoumi – Author and consultant to UN IPCC, Agenda 21, USAID and Chicago Carbon Exchange carbon offset program economic formula, Land Trust Alliance member and consultant

Who worked on the design from 1992 to 1997?

The very, very short list:

**Maurice Strong, Al Gore and Richard Sandor –
Consultants to UN IPCC, Agenda 21 and
Founders of the Chicago Carbon Exchange**

**How do they plan to get usufruct rights
on private property?**

**“If we identify a ranch that’s between two
wilderness reserves, and we feel it will be
necessary as a corridor, we can say to the
rancher, ‘We don’t want you to give up
your ranch now, but let us put a
conservation easement on it. Let’s work
out the tax details so you can donate it in
your will to this reserve system’.”**

**Dave Foreman Listening to the Land by
Derrick Jensen (Sierra Club Books)**

Arizona and New Mexico Targeted Connecting Corridors



New Mexico Wilderness Alliance Meeting, May 1999

Conservation Easements: The Key to the Corridors

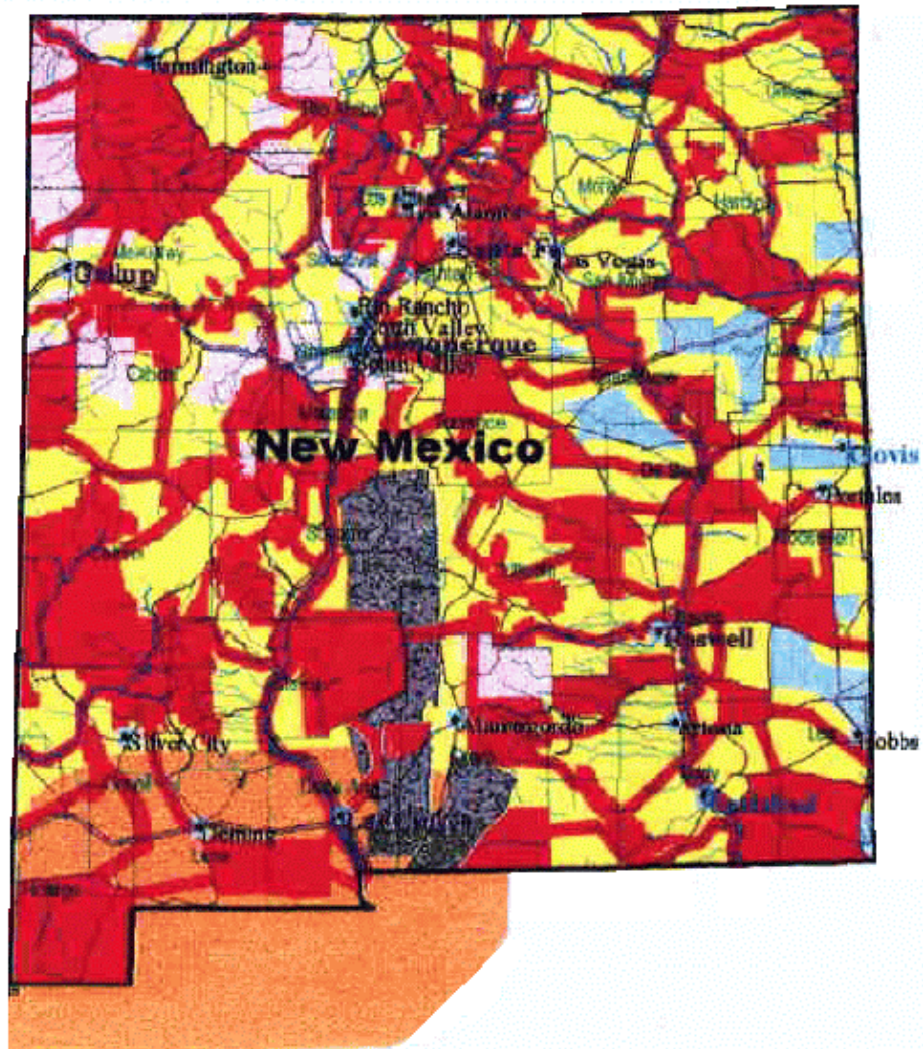
- **”Conservation Easements are the key to the Corridors. Once the Easements are Legally in Place, We can Impose Habitat Restrictions for Wildlife thus Ending Grazing and Other Agricultural Practices. If the Landowner Refuses, the Easement Management Loophole will Allow Us to Sue the Landowner and Impose those Restrictions.”**

New Mexico Wilderness Alliance Meeting, May 1999

New Mexico Wildlands Project Corridors

Simulated Reserve and Corridor System to Protect Biodiversity

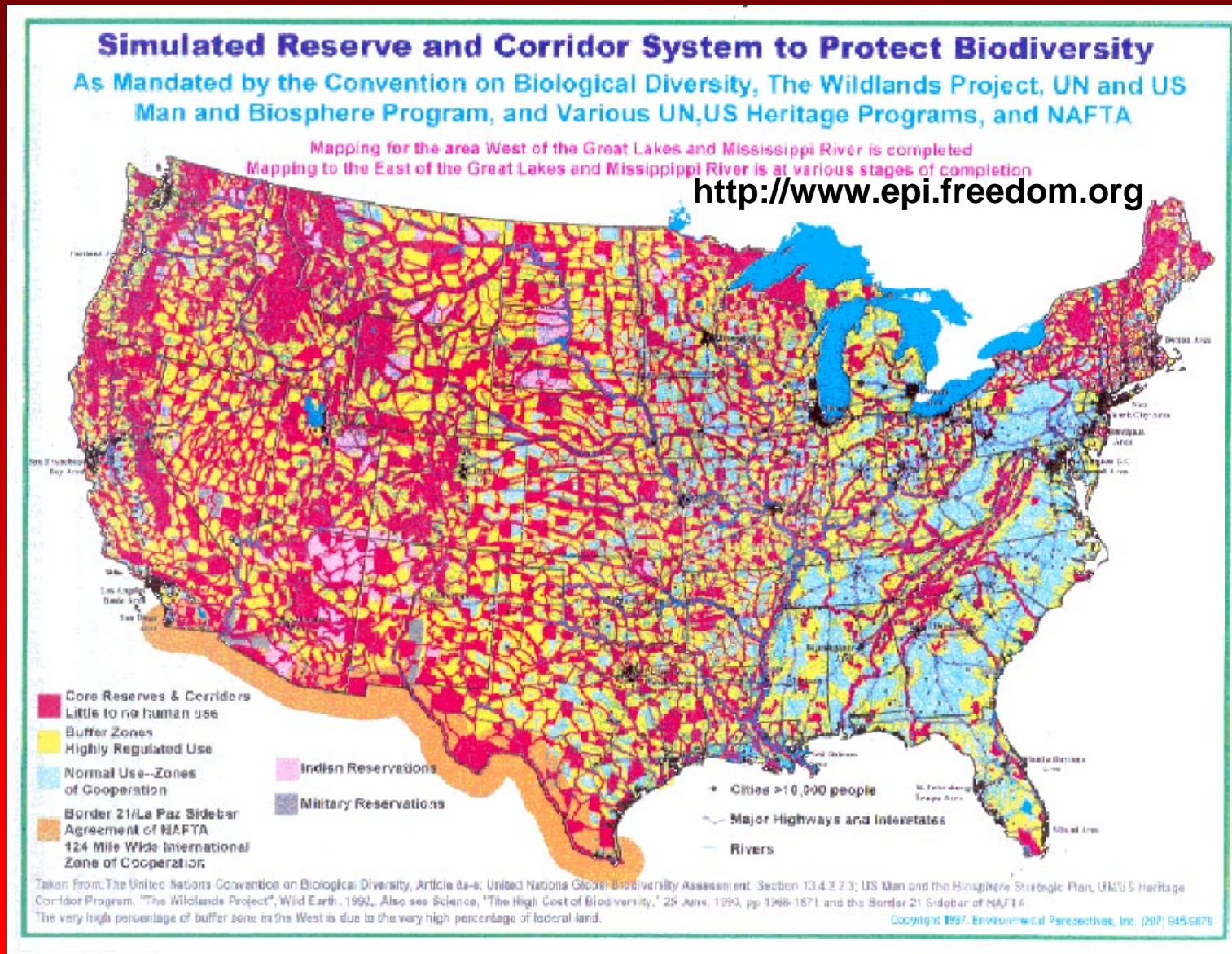
As Defined by the Convention On Biological Diversity, the UN Global Biodiversity Assessment, the UN/US Man and the Biosphere Program, the US Wildlands Project, and the Border 21 Sidebar of NAFTA



Simulation of a reserve and corridor system to protect biodiversity. Based on the guidelines of the Wildlands Project, Article 11 of the Convention on Biological Diversity Treaty, Section 11.4.2.3 of the United States Global Biodiversity Assessment, and 'The Wildlands Project', Wild Earth, December 1992. Also see Science: 'The High Cost of Biodiversity', June 1995, vol 269, 1863-1871, and Border 21 of NAFTA. Copyright, 1997 EPI (207) 945-9878

RED AREAS INDICATE LITTLE TO NO HUMAN USE!!

Ultimate Wildlands Project Goal in America



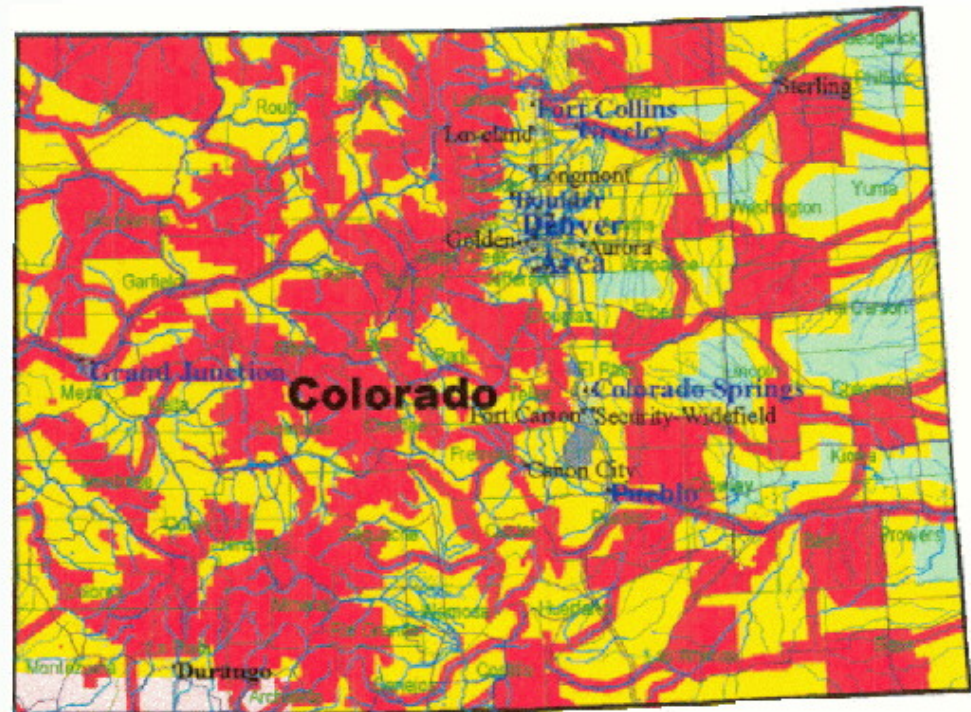
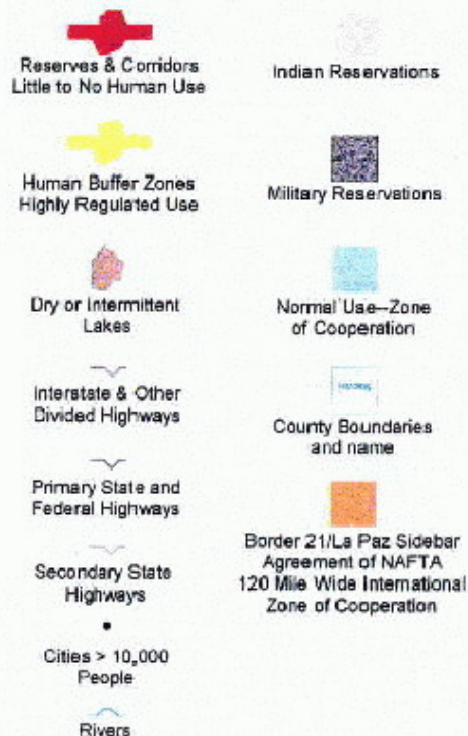
RED AREAS INDICATE LITTLE TO NO HUMAN USE!!

Wildlands Project Goals for Colorado

Simulated Reserve and Corridor System to Protect Biodiversity

As Defined by the Convention On Biological Diversity, the UN Global Biodiversity Assessment, the UN/US Man and the Biosphere Program, the US Wildlands Project, and the Border 21 Sidebar of NAFTA

HB 488



<http://www.epi.freedom.org>

Simulation of a reserve and corridor system to protect biodiversity. Based on the guidelines of the Wildlands Project, Article 11 of the Convention on Biological Diversity, Section 11.4.2.3 of the United Nations Global Biodiversity Assessment, and 'The Wildlands Project', Wild Earth, December, 1992. Also see Scobson, 'The High Cost of Biodiversity', June, 1994, Vol 2(2), 163-171, and Border 21 of NAFTA. Copyright, 1997 EPI (207) 945-9878

RED AREAS INDICATE LITTLE TO NO HUMAN USE!!

Colorado HB 95-1268

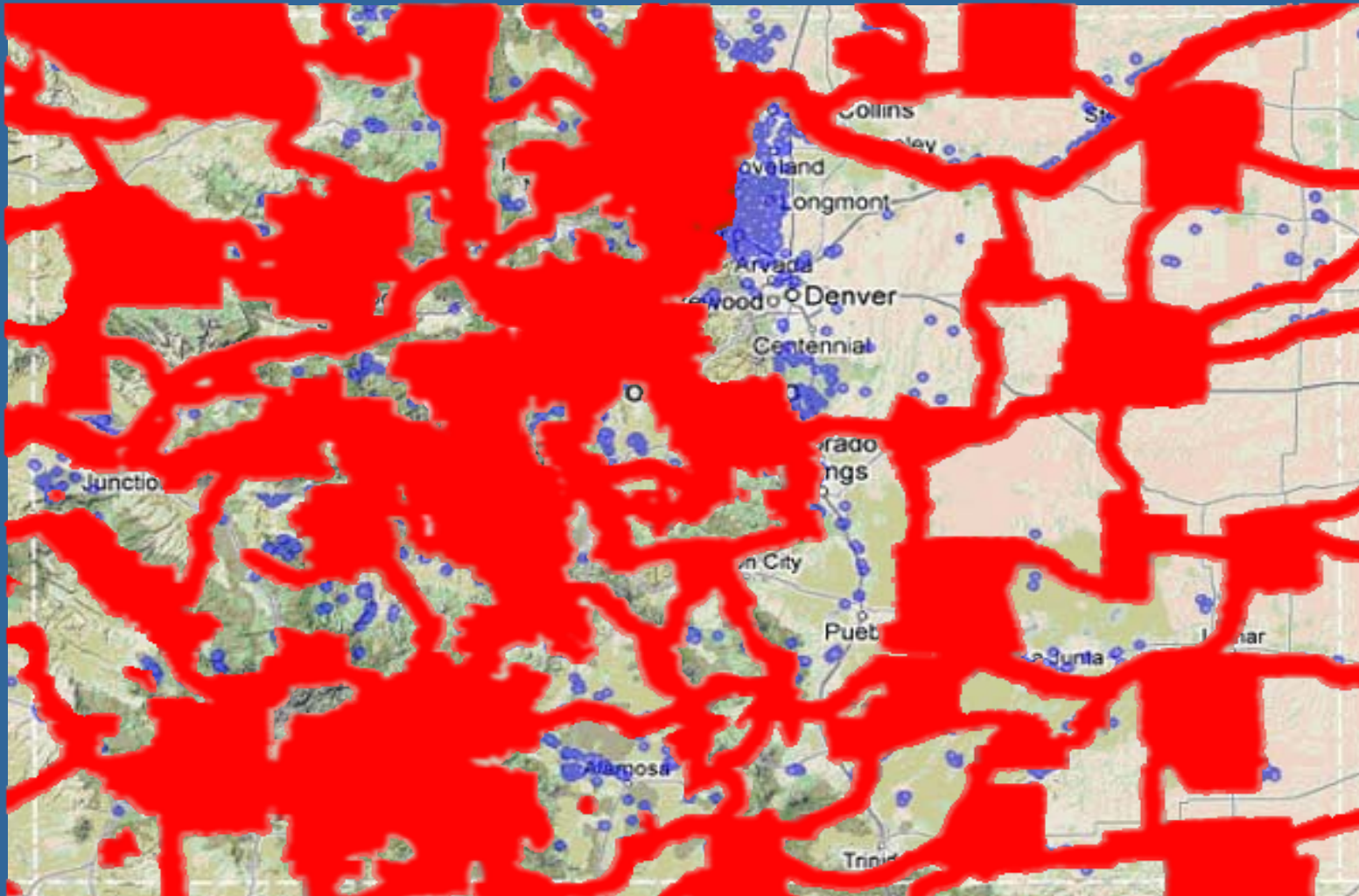
Land Conservation

“ . . . If the perpetual conservation easement is terminated, violated or substantially modified and is no longer used exclusively for conservation purposes,

the county assessor can reassess the land retroactively for seven years and additional taxes that would have been assessed in those years comes due. . . ”

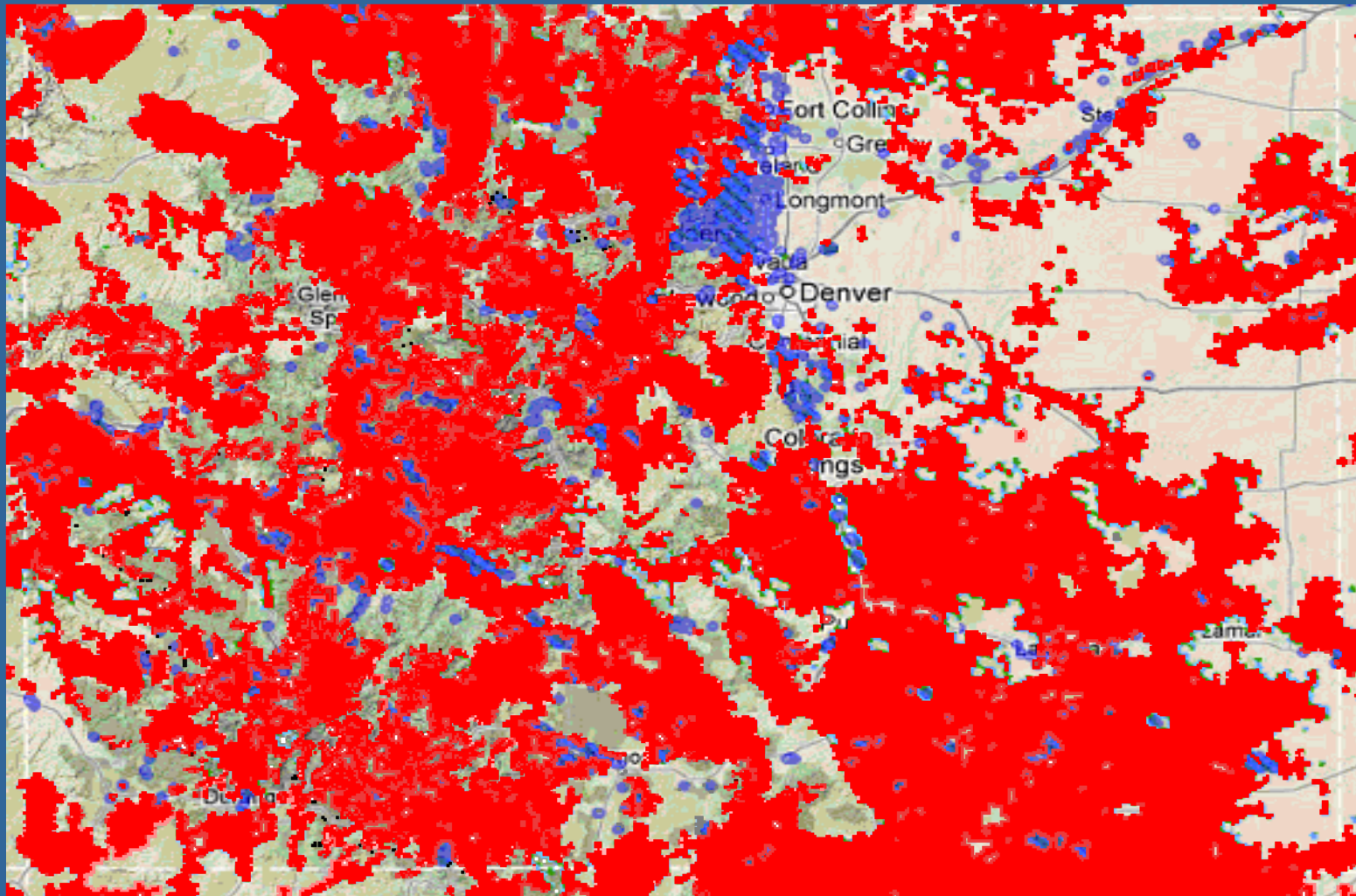


Colorado CE Map **Wildlands Map**





Colorado TNC “Critical Priority” Map



OVER 62 ORGANIZATIONS SUPPORT AND PROMOTE THE WILDLANDS PROJECT

PARTIAL LIST FROM

<http://www.wildlandsprojectrevealed.org>

- **THE NEW MEXICO WILDERNESS ALLIANCE**
- **THE SIERRA CLUB**
- **FOREST GUARDIANS**
- **CENTER FOR BIOLOGICAL DIVERSITY**
- **NATIONAL WILDLIFE FEDERATION**
- **DEFENDERS OF WILDLIFE**
- **AMERICAN RIVERS**
- **THE WILDERNESS LAND TRUST**
- **LAND TRUST ALLIANCE**
- **THE NATURE CONSERVANCY**

**What is gained by
holding development rights?**

- Land Trust can bank, sell or trade the **captured carbon credit** owned from removing land from development.
- Land owner is no longer vested in development right and thus does not derive economic benefit or credit.
- Land Trust not obligated to inform base land owner of carbon trade benefit.

Chicago Carbon Exchange (CCX) Members

(Partial List of 400+ entities)

National Carbon Offset Coalition

North Dakota Farmers Union

Delta P2/E2 Center LLC

SunOne Climate Solutions

Ranchlands Management LLC

Multiple Land Trusts

The City of Boulder

The Nature Conservancy

Chicago Carbon Exchange (CCX) Origins 2000

The Joyce Foundation

Money-laundering for the radical Left. [Joyce](#) allows monies to be funneled to projects without anyone knowing who the donors are. Bigger than—and gives money to—George Soros' equally radical Tides Foundation. Paula DiPerna, the foundation's president, became CCX's Vice-President.

Barack Obama

Joyce Foundation Board Member
1995-2002
Yes, while he was a senator. Between 2000 and 2001, Obama used his board position to funnel money into CCX.

Goldman
Sachs
10% investor

G.I.M.
(Al Gore, Chairman)
5th-largest investor

CCX

(Chicago Climate Exchange)

Richard Sandor, Founder and CEO
Sandor has a long history of involvement with "environmental finance". Click [here](#) to view some of his credentials. In the 1990s, Sandor touts CCX as a \$10 trillion annual market. All U.S. and foreign exchanges amount to \$15 trillion, so Sandor's claim gets serious attention. CCX facilitates the international exchange of carbon credits for money.

\$1.1 Million

Chicago Carbon Exchange (CCX) Origins

The Joyce Foundation

Money-laundering for the radical Left. [Joyce](#) allows monies to be funneled to projects without anyone knowing who the donors are. Bigger than—and gives money to—George Soros' equally radical Tides Foundation. Paula DiPerna, the foundation's president, became CCX's Vice-President.

Tides Foundation

More money-laundering for the radical Left, funded by George Soros and the Joyce Foundation. [Tides](#) is responsible, among other projects, for "[The Story of Stuff](#)," a short film aimed at kids that uses "green" messaging to denigrate the Capitalist system.

Fannie Mae

Franklin Raines, CEO
1999-2004

Fannie Mae now holds the patent on a computer-based, automated program able to manage RESIDENTIAL carbon-trading, much as CCX handles international BUSINESS carbon-trading. See note 5.

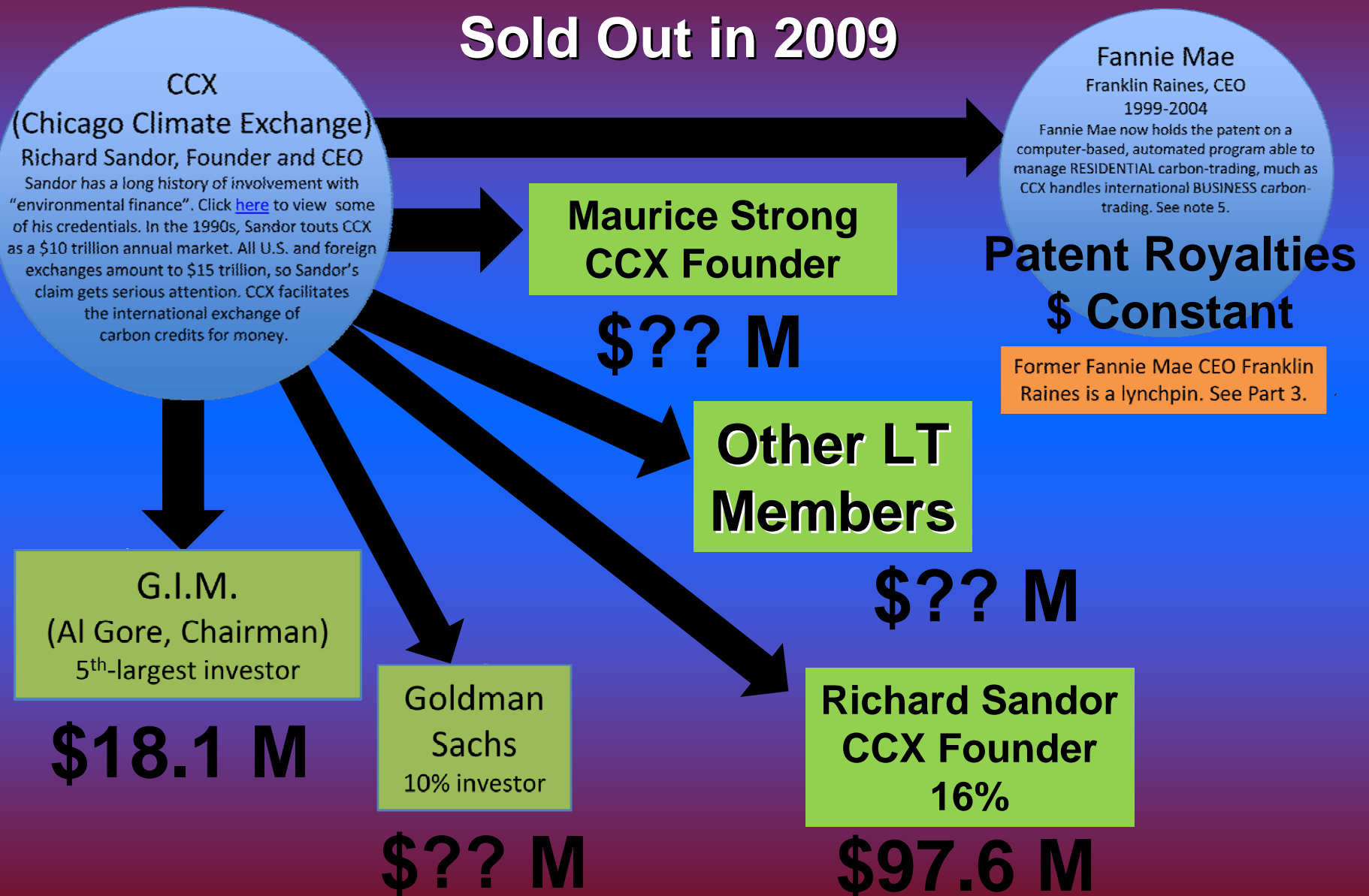
Former Fannie Mae CEO Franklin Raines is a lynchpin. See Part 3.

Emerald Cities

Via the Livable Cities Initiative, the [Emerald Cities Collaborative](#) is established in December 2009. The Emerald Cities includes "unions, labor groups, community organizations, social justice activists, development intermediaries, research and technical assistance providers, socially responsible businesses, and elected officials"—all with the mission of "rapidly greening America's cities." See note 7.

Chicago Carbon Exchange (CCX) Distributions

Sold Out in 2009



Chicago Carbon Exchange (CCX) Distributions



**Not a bad deal for selling out
what you set up from the inside!**

Current Farm Bill Issue

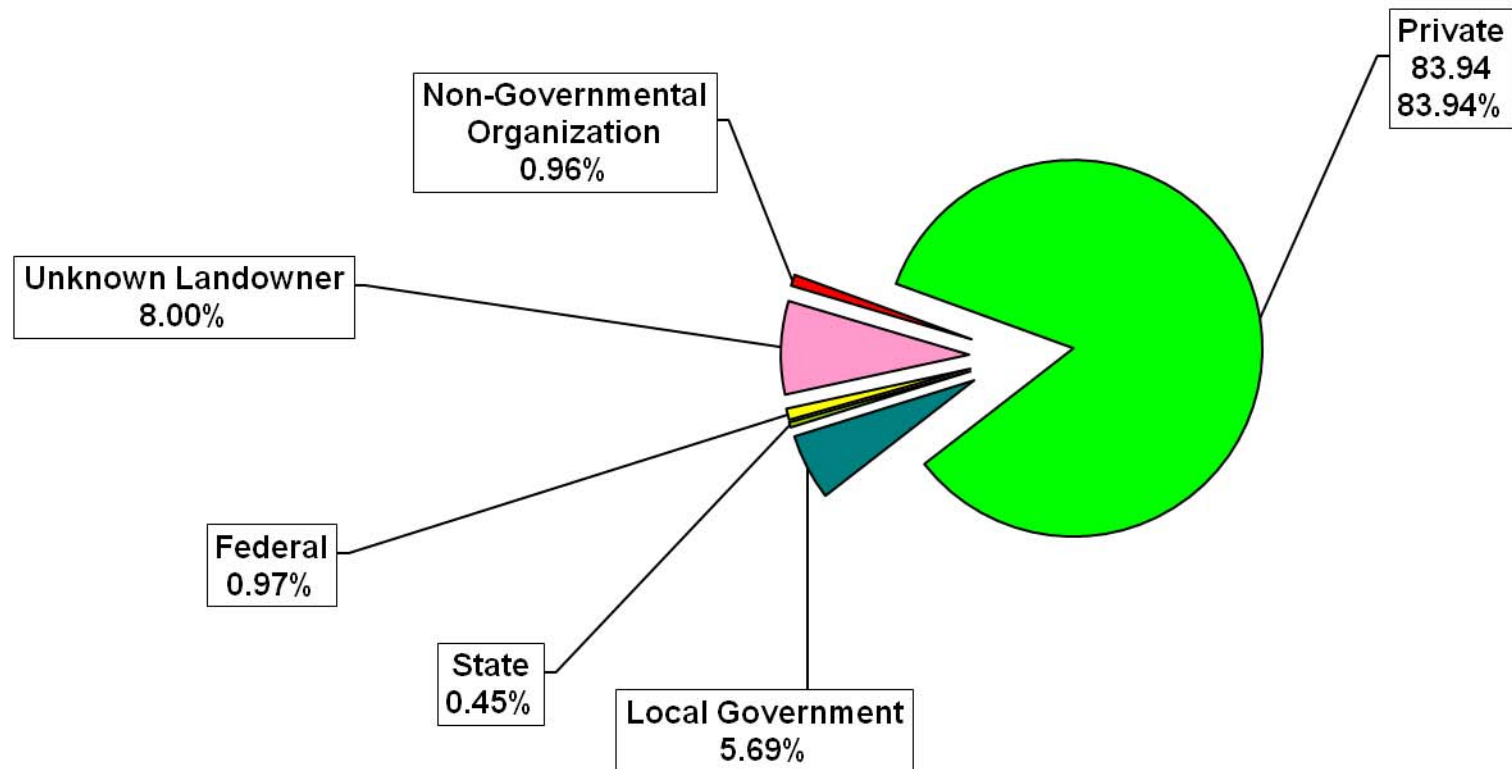
**Currently, there is
\$1.58 Billion earmarked for
Conservation Easements**

- A Federal Nexus Usufruct Situation.

**Colorado Cattlemen's Land Trust
(CCLT),
under Lynn Sherrod,
is one of the
lead promoters for passage.**

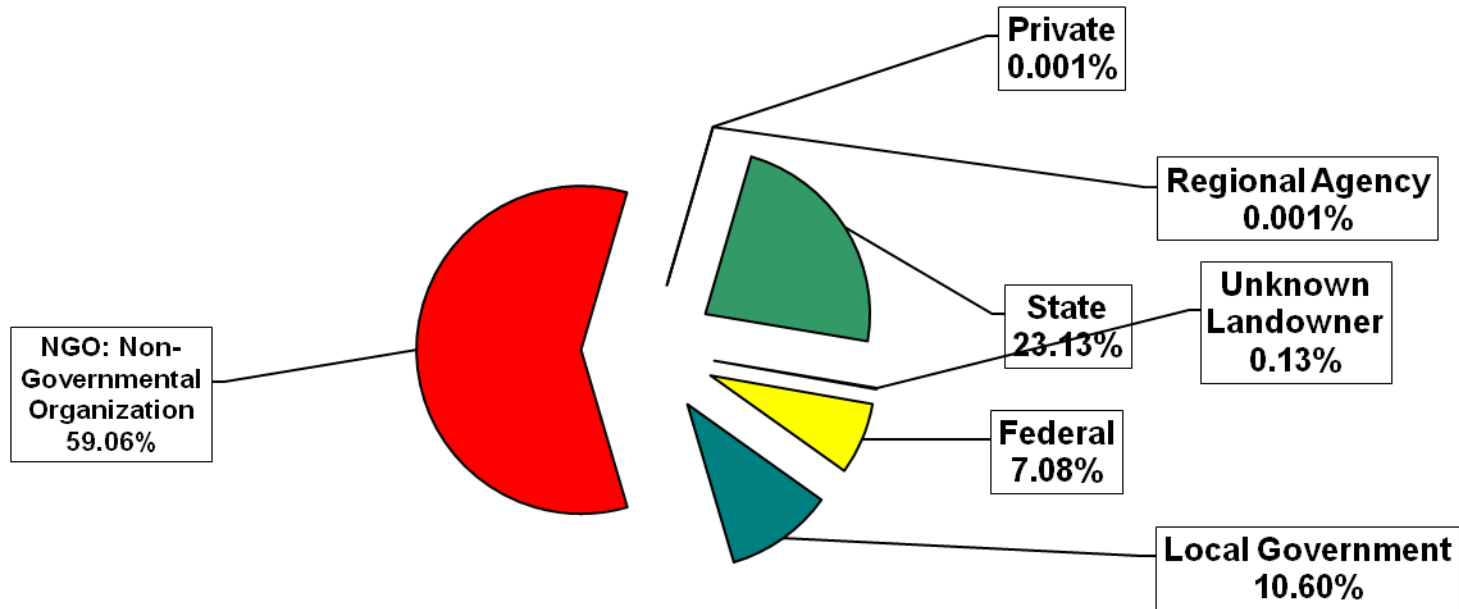
Colorado Land Control

Easements by Owner Type



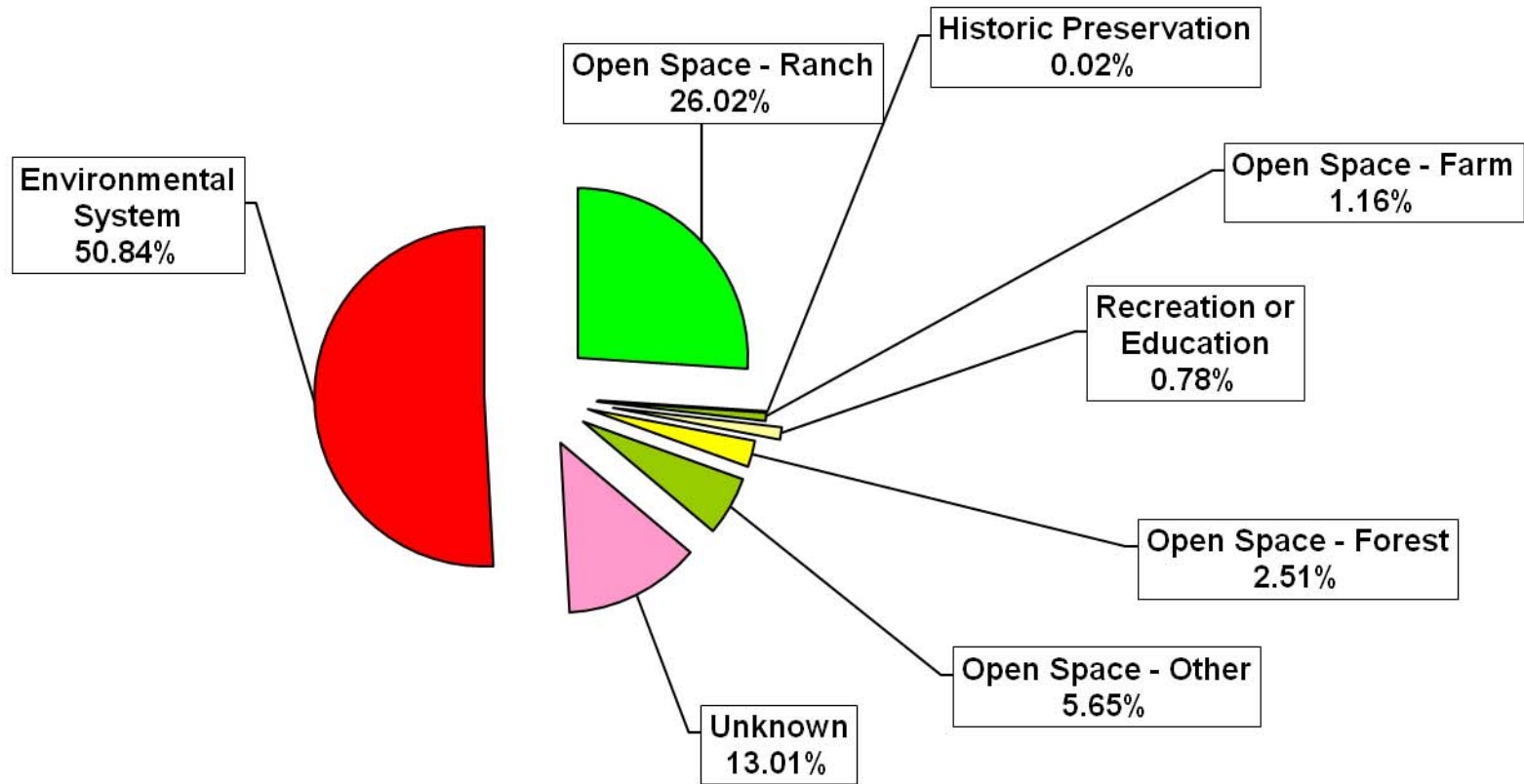
Colorado Land Control

Easements by Holder Type



Colorado Land Control

Easements by Purpose



Options for Consideration

- **License and Regulate Land Trust Agents**
 - Regulation by State Real Estate Commission
 - Bonding Requirement on Each CE Transaction Equivalent to Value of Encumbered Property Before Transaction
- **Renegotiation Language Built into CE Contract that Allows Grantee to Renegotiate Every 21 Years (the Rule of Perpetuities)**
 - If Renegotiations Cannot be Accomplished to Satisfaction of Landowner, the CE Contract Becomes Null and Void
- **No CE Shall be Valid and Enforceable Unless the Limitations or Obligations Created by the Easement are Clearly Presented in Writing on the Face of Any Document Creating the CE Including Information From the UCEA 1981**

Options for Consideration

- **Water, Grazing, Farming and Mineral Rights Shall Not be Encumbered by Conditions or Restrictions Imposed or Agreed to in the CE Contract. Grantee Retains Rights of Transfer on All Rights Not Expressly Identified in CE.**
- **Local and State Legislation Expressly Prohibiting Transfer of CE to Other Parties Without Formal Written Consent of Landowner**
- **Land Trust Pays Taxable Value of Severed Development Right to County to Prevent Erosion of Tax Base as Community Infrastructure Demands Increase**
- **Elimination of Third-party Enforcement Clause Language From CE Contracts**
- **Local and State Legislation Expressly Prohibiting Transfer of CE to Other Parties Without Formal Written Consent of Landowner**

Parting Thought

**When it Comes to
Conservation Easements,**

–Are You Asking the Right Questions?

Thank You!