

## Fozzie's Farm

By Valerie Maez

These are some thoughts on Montezuma Land Conservancy (MLC) acquiring ownership and developing land that was originally placed into a conservation easement.

Montezuma Land Conservancy is a non-profit whose mission is to keep open space in perpetuity through the use of conservation easements on private land. It is a legally binding contract that economically compensates a land owner for eschewing development forever, even if the landowner dies, sells or, in the case of Fozzie's Farm, "gifts" the land.

Fozzie's Farm is located in Lewis, Colorado. Chuck and M.B. McAfee placed this parcel into a conservation easement on November 15, 2006. The deed clearly states that one of the qualifying criteria for the easement was its "open space because it will be preserved for the scenic enjoyment of the general public" and that "its development would impair the scenic character of the local rural landscape."

MLC acquired the property by recorded transfer from the McAfee's on October 4, 2016. On the same day, Jon Leibowitz, then Director of MLC, recorded a transfer of the parcel to MLC Holdings, a limited liability corporation. Just prior to the McAfee's gifting the property, they had contracted with the Natural Resource Conservation Service to design and install an expensive irrigation system for their land. Under the terms of the program, MLC would not have been eligible.

It is troubling that MLC has created a precedent for changing the context of their mission, as well as changing the context of legal agreements by the creation of a limited liability corporation that exists only on paper. Is this to be an avenue that anyone who places their land into conservation agreements which was deeded with preserving open space as is, into perpetuity, can now change? If I had placed my land into a conservation easement, I would be consulting a good attorney.

MLC is in the process of constructing an educational facility on this property, after receiving a high impact permit from the county earlier this year. It is their stated intent to enter into partnerships with the local school districts and High Desert Conservation District to teach sustainable agriculture to children and the community, including plans for daycare.

Seriously? I think we better define sustainable.

It certainly doesn't seem economically sustainable, which is the basic cornerstone of any operation. MLC did not pay a dime for the land, the 80 shares of class A MVIC water, or the new taxpayer funded irrigation system. Recently, they were awarded a three year GOCO grant of 1.8 million to fund their dreams. This is not a farm operation that teaches independence, it seems more like a kibbutz for hipsters.

Outdoor education in Montezuma County is alive and well, without MLC. There is a consortium of federal, state, and local organizations that provide conservation materials to children and adults alike. Future Farmers of America and Colorado Extension are very viable outlets. Farm Bureau, the Cattleman's Association, and Southwest Cowbells all do outreach programs. Currently, all the local school districts have on site access to environmental and farm education programs, as well as school gardens. As taxpayers, we pay for these school programs. Enough is enough.

MIC's partnership with the High Desert Conservation District is also of concern. The District has stated that they will be seeking a mill levy increase from the taxpayers in the near future. After an inept attempt last spring that was fraught with problems such as insecure ballot boxes, no County oversight,

fraudulent voters, and questionable boundary lines. One can be forgiven for suspecting that these alliances are attempting to forge a solid stream of taxpayer money, to be disbursed at the discretion of the privileged few. MLC does not have a publically elected board of directors that can be held accountable by the taxpayers. How much money does one 80 acre farm deserve from the public sector?

As to the prospect of MLC engaging in agricultural research. There are many excellent institutions that provide verifiable scientific research on range management. Holistic range management, as advocated by Allan Savory, has its share of science based critics. Sierra Club Magazine contained an excellent article, "Allan Savory's Holistic Management Theory Falls Short on Science", that delineated in detail its many defects. The primary one being, that his methodology cannot be replicated. Well Hell; let's just wing it, and see what happens. We can always explain it away.

I do not want to give the impression that I am opposed to conservation, education, or preserving open space. Quite the contrary.

However, MLC should not be able to own land through a limited liability corporation, nor should it get away with virtually no real accountability. What was once a good and altruistic mission is on its way to becoming a con artist scam. We will protect your land forever, trust us, and sign on the dotted line.

Until we change our minds.