

GREAT OUTDOORS COLORADO PROGRAM

I. Overview

Between 1990 and 2000, the State of Colorado's population grew by approximately 30 percent, the third fastest in the nation.¹ Indeed, Colorado is home to 11 of the 50 fastest growing counties nationwide.² In response to increasing development pressures, a 1992 constitutional amendment established the Great Outdoors Colorado (GOCO) Trust Fund for "the preservation, protection, enhancement and management of the state's wildlife, park, river, trail and open space heritage."³ The GOCO program awards grants to preserve the state's "unique open space" and "natural areas of statewide significance"⁴ and uses selection criteria to assess projects for funding. Between 1992 and 2004, GOCO protected approximately 460,000 acres of open space. As of 2005, GOCO program staff were unsure as to how Colorado's wildlife action plan (formerly known as the Comprehensive State Wildlife Strategy) would affect land acquisition and protection projects.⁵

II. The Great Outdoors Colorado Program

Colorado's constitution outlines provisions for wildlife program grants; outdoor recreation grants; open space identification, acquisition, and management grants; and a matching grant program for local entities.⁶ Accordingly, GOCO provides funding for wildlife, state parks, open space, and local governments through seven grant programs:

- (1) *Legacy Initiative Grants.* Legacy Initiative Grant projects are regional or statewide in focus and usually integrate outdoor recreation, wildlife, open space, and local government projects. Projects are typically large-scale, multi-year projects.
- (2) *Wildlife Grants.* Wildlife Grant Projects focus on the recovery and introduction of threatened and endangered wildlife species, the protection and restoration of critical wildlife habitats, wildlife education programs, and wildlife viewing programs. Grants are given through the Colorado Division of Wildlife.
- (3) *Open Space Grants.* Open Space Grants are awarded competitively to nonprofit land conservation organizations and local governments, as well as Colorado State Parks and Colorado Division of Wildlife, for projects that protect land and natural areas, including urban open space, riparian corridors, wildlife habitat, agricultural land and community separators.
- (4) *Colorado State Parks Grants.* Grants are awarded through Colorado State Parks for outdoor recreation projects that build, maintain, or improve state parks.

¹ Trust for Public Land, *Funding Profile: Colorado*, at http://www.tpl.org/tier3_cdl.cfm?content_item_id=875&folder_id=706 (© 2005).

² *Id.*

³ COLO. CONST. ART. XXVII, § 1.

⁴ COLO. CONST. ART. XXVII, § 1(c).

⁵ Telephone Interview with Diane Gansauer, Deputy Director of Programs, Great Outdoors Colorado (2005).

⁶ COLO. CONST. ART. XXVII, § 1.

- (5) *Local Government Grants*. Local government grants are awarded competitively to counties, municipalities, and special districts to acquire, establish, expand, and enhance park, outdoor recreation, and environmental education facilities.
- (6) *Trails Grants*. Trails Grants are awarded for projects that build, enhance, maintain, or expand trails.
- (7) *Planning and Capacity Building Grants*. These grants are awarded competitively to local governments, nonprofit land conservation organizations, Colorado Division of Wildlife, and Colorado State Parks to develop plans that preserve or enhance (or build capacity to preserve or enhance) open space, parks, and outdoor recreation.⁷

A State Board⁸ administers the GOCO program, including funding distribution and investment, reporting, and grant making. Board members are appointed by the Governor and are subject to confirmation by the Colorado State Senate. The 17-member board is designed to represent all parts of the state based on population: two members of the public from each of Colorado's seven congressional districts; the Executive Director of the Colorado Department of Natural Resources; a representative designated by the Colorado Wildlife Commission; and a representative designated by the Colorado Board of Parks and Outdoor Recreation. At least one member of the board must represent agricultural interests, and two members must live west of the Continental Divide.⁹

Program Funding

Under the 1992 amendment, GOCO receives 50 percent of the state's lottery revenues, with funding capped at \$35 million annually.^{10,11} In 2001, Colorado voters approved a measure that gives GOCO the authority to bond up to \$115 million of its lottery revenues for urgent land preservation projects.¹² As of 2005, approximately \$231.1 million had been awarded for land preservation, with \$57 million spent in Fiscal Year 2005 alone.¹³

GOCO grants are awarded to county and municipal governments, land trusts and conservation organizations, and state agencies (Colorado Division of Wildlife and Colorado State Parks). All programs have matching requirements, which vary from program to program. Matches range

⁷ Great Outdoors Colorado, *GOCO's Grant Programs*, at <http://www.goco.org/program/programs.html> (last visited Sept. 23, 2005).

⁸ The Colorado Constitution specifies that the Board is an independent state entity: "The Board shall be a political subdivision of the state, and shall have all the duties, privileges, immunities, rights, liabilities and disabilities of a political subdivision of the state, provided, however, that its organization, powers, revenues and expenses shall not be affected by any order or resolution of the general assembly, except as provided in this constitution. It shall not be an agency of state government, nor shall it be subject to administrative direction by any department, commission, board, bureau or agency of the state, except to the extent provided in this constitution..." COLO. CONST. ART. XXVII, § 6(3).

⁹ See COLO. CONST. ART. XXVII, § 6.

¹⁰ The cap is \$35 million *after* adjusting for inflation. For example, the cap equated to \$49.6 million in Fiscal Year 2003-2004. If GOCO's share exceeds that amount, the remainder goes into the State Public School Fund.

¹¹ Great Outdoors Colorado, *What Is GOCO?*, at <http://www.goco.org/overview/purpose.html> (last visited Nov. 11, 2005). See also: COLO. CONST. ART. XXVII, § 3.

¹² Great Outdoors Colorado, *Great Outdoors Colorado Strategic Plan* (April 2002) at 11, available at <http://www.goco.org/overview/plan.html>.

¹³ Gansauer, *supra* note 5.

from 25 to 50 percent, with a minimum of 10 to 15 percent of the project cost provided by a cash match.¹⁴

III. GOCO's Open Space Grant Program

The GOCO Constitutional Amendment states that the "Great Outdoors Colorado Program shall include...[a] program to identify, acquire and manage unique open space and natural areas of statewide significance."¹⁵

Open Space Grants

Open space grants are for land preservation purposes only (including fee title acquisition and purchase of conservation easements) and cannot be used for projects involving active recreation or development of facilities. Eligible recipients include municipalities, counties, political subdivisions of the state, nonprofit land conservation organizations, Colorado State Parks, Colorado Division of Wildlife, and special districts with land conservation as their primary purpose. The Open Space Grant application process involves an initial screening by GOCO staff, an evaluation using selection criteria, and scoring of all projects submitted in the same funding cycle. The highest ranking projects of each cycle are recommended to the GOCO Board for funding.¹⁶

Prioritizing land acquisition. Evaluation of a proposed grant project involves a scoring process where projects can earn up to 100 points for meeting criteria in the following areas: property description and quality (40 points),¹⁷ project need and urgency (20 points), project benefits (10 points),¹⁸ leveraging funds (10 points), other partnership and support (15 points), and ability to complete projects in a timely manner (5 points).¹⁹

¹⁴ *Id.*

¹⁵ COLO. CONST. ART. XXVII, § 1(c).

¹⁶ Great Outdoors Colorado, *Applicant and Grantee Information: Open space grants*, at http://www.goco.org/grants/index_grant.html (last visited Sept. 26, 2005).

¹⁷ The "property description and quality" criterion includes biodiversity considerations that relate to the project's geographic area and natural values. Applicants are asked to identify the following: whether or not the property is contained within a priority conservation site that has been identified by the Colorado Natural Heritage Program; topographic features that surround the property and/or are found on the property; biological and ecological values of the property; vegetation and/or non-game wildlife species; rare or imperiled species; species that are federally listed as threatened, endangered, of special concern, or at risk; how will protection of the proposed property will aid those species or other ecological values; current and future plans for connecting the property with other open space, wildlife habitat, recreation, or park lands; and how protecting the property would augment surrounding or nearby existing protected land.

¹⁸ The "project benefits" criterion considers how completion of the proposed project will contribute to the conservation of open space and/or natural resources in the surrounding area or region, as well as additional conservation activities generated by the project.

¹⁹ Great Outdoors Colorado, *Open Space Grant Application* (Spring 2005) at 12-17, available at http://www.goco.org/forms/os_app_spring05.pdf (last visited Sept. 23, 2005)

IV. Protection in Perpetuity

Although Colorado law does not specify that land protected through funding from the GOCO Program must be protected in perpetuity, the Board typically requires approval before “any voluntary sale, conveyance, transfer, or other disposal of all or any portion of Grantor’s interest in the Property or associated water rights..., excluding any lease of the Property or the water rights to a third party in the ordinary course of using the Property for permitted purposes...”²⁰

GOCO’s Constitutional Amendment specifies that the program shall include “appropriate programs for maintaining Colorado’s diverse wildlife heritage.”²¹ Also, in addition to identifying and acquiring lands, programs must also manage “unique open space areas and natural areas of statewide significance.”²² Accordingly, GOCO provides grants for long-term management, monitoring, and stewardship of protected land. The maximum grant amount for these purposes is \$7,500 and requires a 50 percent match.²³

V. State Wildlife Action Plan

Colorado’s Division of Wildlife submitted the state’s wildlife action plan (formerly known as the Comprehensive State Wildlife Strategy) in September 2005. Development of the plan was coordinated among many conservation organizations, state agencies, and private citizens. The plan identifies the top priority species and habitats for conservation, potential conservation actions, and strategies for partnership building, project design, and implementation.²⁴

While the plan does not specify properties for acquisition, it does include land acquisition as one of many species protection strategies. As of 2005, GOCO program staff were unsure as to how plan would affect its open space acquisition selection criteria.²⁵

VI. Summary

The GOCO program is authorized to protect areas of natural significance and unique open spaces among other things. The program utilizes a scoring process to select open space acquisition grants. As of 2005, GOCO program staff were unsure as to how plan would affect its open space acquisition selection criteria.

²⁰ Great Outdoors Colorado, *Instructions for GOCO’s Open Space Application Form and Technical Supplement to Open Space Land Acquisition Grants* (June 2005) at 37, available at http://www.goco.org/forms/os_instructions_techsupp_june05.pdf.

²¹ COLO. CONST. ART. XXVII, § 1(a)(III).

²² COLO. CONST. ART. XXVII, § 1(c).

²³ Gansauer, *supra* note 5.

²⁴ Colorado Division of Wildlife, *Comprehensive Wildlife Conservation Strategies (CWCS) Finalized*, available at http://wildlife.state.co.us/species_cons/CWCS/index.asp (last updated Oct. 6, 2005).

²⁵ Gansauer, *supra* note 5.