

MOU No. CO-076-97-001  
MCA 97 - 18

Memorandum of Understanding  
between  
Grand Junction Resource Area  
Bureau of Land Management  
United States Department of The Interior  
and  
Board of County Commissioners, Mesa County, Colorado

I Introduction

Both the Bureau of Land Management (BLM) and Mesa County have responsibilities for developing and implementing land use management plans and authorizing lands actions under their respective jurisdictions.

The BLM has a body of legislation, regulations, and procedures for land-use planning and ecosystem management of public lands. "Public lands" means any land and interest in land owned by the United States within the county and administered by the Secretary of the Interior through the Bureau of Land Management, without regard to how the United States acquired ownership.

The County has a Master Plan, (Mesa Countywide Land Use Plan and the Land Use and Development Policies), and land use control regulations to guide development of private lands in the county.

The parties recognize that policy, land-use, or development decisions by one party affect similarly decisions by the other. The parties further recognize the need to involve the property owners and residents of the area in the land-use planning and priority-setting process.

Although the BLM and the State of Colorado have established policy with procedures and guidelines for coordinating planning and ecosystem management of resources within the state, these procedures do not detail the manner of consultation with county and municipal governments. It is, therefore, in the best interest of both parties to work together to establish an effective mechanism for meaningful involvement in the land use planning and management process.

II Purpose

The purpose of this memorandum is to establish a mechanism for consultation in lands actions and appropriate involvement by each party in the development, implementation, and revision of respective management plans.

III Objectives

In recognition of the preceding conditions, the parties agree to coordinate their respective planning and decision making activities in a manner consistent with the respective responsibilities and authorities assigned to each. The parties agree to work together to achieve maximum benefits from available resources, to reduce duplication of effort, and to attain better overall coordination of land use and ecosystem management throughout the county.

IV Authorities

The following laws, regulations or authorities supporting or requiring this course of action are cited below.

The Federal authorities pertaining to this agreement for the Bureau of Land Management are:

- A. The Federal Land Policy and Management Act of 1976, (43 USC 1737)
- B. The National Environmental Policy Act of 1969, (42 USC 4321 et seq.)

The authorities pertaining to the agreement for Mesa County are:

- A. Article XIV, Section 18 of the Colorado State Constitution and legislation pursuant thereto; namely, C.R.S., S.29-1-201, et. seq.
- B. The Local Government Land Use Enabling Act, C.R.S., S.29-20-105, et. seq.
- C. C.R.S., S.30-11-101 (1)(d), County Powers and Functions.
- D. C.R.S., S.30-28-100

V Procedure

Now, therefore, It is agreed that:

A. Both parties will:

- 1) Cooperate in land-use decision making, including consultation in land use decisions and in preparation of land-use plans, including, but not limited to: agreements regarding subdivision of lands, road construction, maintenance and use, law enforcement, wildfire prevention and control, lease and sale of land, withdrawal of land from general use, energy and mineral development, and rights-of-way. Also cooperate on any amendment to or revision to such plans.
- 2) Establish quarterly meetings whereby project coordination can take place. A project list will be put together by each agency annually and reviewed at quarterly meetings in Feb., May, Aug., and Nov.
- 3) Maintain a current inventory/list of existing contracts and agreements between both parties as Appendix A to this memorandum.
- 4) Maintain a current list of future projects of mutual interest and concern to both parties as Appendix B to this memorandum.

B. The Bureau of Land Management will:

- 1) Provide for meaningful involvement of county officials in the development and implementation of land-use plans, programs, regulations, and decisions for public lands and consider those views in the decision process.
- 2) To the extent possible and consistent with the laws governing the administration of the public lands, coordinate the land use inventory, planning, and implementation activities of BLM lands with the land use planning and implementation programs of the county. The BLM shall assure that consideration is given to county land use plans that are consistent with the purposes, policies, and programs of federal law and regulations applicable to public land use and management.

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- 3) Provide an opportunity to a) review and comment on applications submitted to BLM that would affect land use or development in the county, and b) participate in the review and/or development of the requisite environmental analysis for such applications. Those types of applications the county may be asked to review include but are not limited to those examples in Exhibit A, enclosed herewith.
- 4) Stipulate in all documents granting permission to occupy or use public lands that all permitted licensees and/or lessees shall comply with County resolutions and regulations and permit requirements including, but not limited to:
  - a. The Mesa County Land Development Code
  - b. Mesa County Standard Specifications for Road and Bridge Construction
  - c. Surface Alteration Permit for activities within Mesa County road rights-of-way
  - d. Special Transport Permit
  - e. Driveway(Access) Permit
  - f. Mesa County Flood Plain Regulations and Flood Plain Permit
  - g. Mesa County Building Code
- 5) Make available to the county, upon request, nonproprietary resources and land use information concerning public land located in the county and data obtained through public land inventories maintained under Section 201 (a) and (b) of the Federal Land Policy and Management Act of 1976 and regulations adopted pursuant thereto.
- 6) Make available to the county, upon request, digital spatial data. All data provided must include supporting documentation (metadata) with the following information: data source, data steward, description of the data, source vintage, source scale, reliability, and attributing scheme.

Under the terms of this agreement only non-sensitive, verified automated resource data will be shared. It will be the responsibility of the county to request updates to the data.

" No Warranty is made by the Bureau of Land Management for use of the data for purposes not intended by the Bureau of Land Management."

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- 7) Make personnel available to assist the county in mutually beneficial data-gathering and land-use planning when determined by the Area Manager to be practical, within financial and personnel limitations.
- 8) At least 60 days prior to offering for sale or otherwise conveying public lands within the county, notify the Board of County Commissioners of such sale or conveyance.
- 9) Cooperate with the County in the enforcement of County regulations.
- 10) Cooperate with the County in mitigating the social and economic impacts of land use activities on federal lands with regard to federal mineral rights.
- 11) Cooperate with the County in mitigating the social and economic impacts of land use activities through mitigating loss of open space by considering conservation easements, land trades, etc.

C. The County will:

- 1) Provide for meaningful involvement for BLM officials in the County's land use planning and zoning efforts. BLM involvement will be emphasized in projects which may affect public lands under BLM jurisdiction.

This BLM involvement will include:

- a) coordination and sharing of land use and related inventories, studies, and non-proprietary data (e.g. land tenure, demographics, socio-economics, and resource data);
- b) an opportunity to review and comment on applications submitted to the County that may affect BLM public lands and to participate in the review and/or development of any environmental analysis related to any such applications ( the types of applications subject to this provision include but are not limited to the examples in Exhibit B of this MOU);

c) assure BLM land use and management plans are considered in the development of County land use plans, and work with the BLM to resolve inconsistencies between County and BLM plans.

- 2) Make available to the BLM, upon request, digital spatial data. All data provided must include supporting documentation (metadata) with the following information: data source, data steward, description of the data, source vintage, source scale, reliability, and attributing scheme.

Under the terms of this agreement only non-sensitive, verified automated resource data will be shared. It will be the responsibility of the BLM to request updates to the data.

- 3) Make county expertise or personnel available for data gathering, environmental studies, and land-use planning which would be mutually beneficial when determined by the county to be practical, recognizing financial and personnel constraints.

#### VI. Effect on Prior Agreements

This MOU supersedes the general agreement between the parties hereto dated October 9, 1979.

#### VII. Administration

- A. The following representatives or their designees have the authority to speak for their respective agencies for the purposes of this agreement and regarding actions undertaken under this MOU.

|                 |                      |
|-----------------|----------------------|
| Area Manager    | County Commissioners |
| Grand Junction  |                      |
| Resource Area   | Mesa County          |
| 2815 H Road     | 750 Main Street      |
| Grand Junction, | Grand Junction       |
| Colorado 81506  | Colorado 81501       |
| 303-244-3000    | 303-244-1800         |

- B. In general, the representatives, their designees, or appropriate staff specialists will contact one another, as necessary, subject to this agreement and any supplemental agreements on a biannual basis to update this M.O.U.

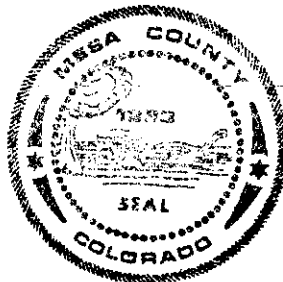
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- C. Amendments or supplements to this agreement may be proposed by either party and shall become effective upon written approval of both parties.
- D. Nothing in this agreement will be construed as limited or affecting in any way the authority or legal responsibility of the Board of County Commissioners or the Area Manager, or as binding either the county or the Bureau of Land Management to perform beyond the respective authority of each, or as requiring either party to assume or expend any sum in the excess of appropriations available.
- E. This agreement shall become effective when signed by the parties hereto. This MOU may be formally terminated by either party after 30 days notice in writing to the other in the intention to do so.
- F. Each and every provision of this Memorandum Of Understanding is subject to the laws of the United States, and the regulations of the Secretary of the Interior and the laws of the State of Colorado.

In Witness Whereof, the parties herein have caused this document to be executed, the Area Manager, Grand Junction Resource Area, Bureau of Land Management, Colorado and the Board of County Commissioners, Mesa County, State of Colorado as of the date of the last signature shown below.

Catherine R. Rabin 2/10/97  
Area Manager Date  
Bureau of Land Management

Dorothy B. Senora 2/10/97  
Chair Date  
The Board of County  
Commissioners,  
Mesa County, Colorado



### Exhibit A

Mesa County will be afforded an opportunity to review and comment on applications or proposals that may be filed with the Bureau of Land Management and which may impact private land within the County, including, but not limited to:

1. Rights-of-way for roads, powerlines, pipelines, telephone lines and other projects.
2. Withdrawals and revocations.
3. Sales, exchanges, leases, or other conveyances of lands.
4. Activity/Land use mgmt. plans, environmental assessments and environmental impact statements.
5. Bureau motion designations of special use areas i.e., community gravel pits, communication site complex(s).
6. Oil, gas, and mineral exploration, development, and production.
7. Mineral exploration and reclamation plans.
8. Mined land reclamation plans.
9. Sand and gravel contract applications.
10. Proposed timber sales and timber management plans affecting county roads and bridges.
11. Cooperative mgmt. agreements on land use.

## Exhibit B

The Bureau of Land Management will be afforded an opportunity to review and comment on applications or proposals that may be filed with Mesa County and which may impact public lands\*. This is in no way intended to direct or regulate county planning authority but rather a chance for the BLM to meet with a proponent and head off any controversial impacts. These may be as follows, but not limited to:

1. Residential subdivision, mobile home parks, commercial or industrial development, requests for temporary or permanent land use variances. (See notification map)
2. Roads, powerlines, pipelines, telephone lines, and similar rights-of-way.
3. Solid waste disposal sites and sewage treatment sites within one mile of public lands.
4. Sand and gravel permits. (See notification map)
5. Building permits where access to public land is via Non-County rights-of-way.
6. All mineral developments on private lands outside of existing commercial sites.  
(Private Land over Federal Mineral Estate)
7. Special Use permits and Conditional Use permits .
8. Zoning regulations, amendments and changes.
9. Subdivision regulations, amendments and changes.
10. Any actions not covered above that affect perennial streams that flow through public land.

\* Impacts to Public Land may be considered as follows but not limited to: Any activity that would cause erosion, cause access problems, changes water quality, or causes loss of vegetation. Examples are - Dumping of Hazardous Materials, Activities that may cause Non-Point Source pollution, Access via Non-County Road System ways, Subdivisions next to Wilderness Study Areas, Expansion of Sand and Gravel pits (or other activities that may affect perennial streams), Wildland/Urban interface and fire suppression, Off Highway Vehicle recreation areas, and other major projects permitted by the county within the sphere of influence of one mile from Public Land.

## APPENDIX A

### AGREEMENTS BETWEEN BLM AND MESA COUNTY AND LONG RANGE PLANNING PROJECTS

| <u>Agreement</u>                                                                                                              | <u>*</u> | <u>Value</u>    | <u>Payee</u> |
|-------------------------------------------------------------------------------------------------------------------------------|----------|-----------------|--------------|
| 1. Verbal agreement to build cattleguards<br>and put them in on county roads crossing<br>Public Land. On average 2 each year. | *        | \$3500.00ea.    | BLM          |
| 2. R&PP Lease - O.M. Landfill<br>Sold to Mesa County 450 ac.                                                                  | *        | \$16000.00      | County       |
| 3. Lottery funds through Mesa County and<br>Museum of Western Colorado for Rabbit<br>Valley, Riggs Hill, and Dinosaur Hill    | *        | \$36000.00      | State        |
| 4. Fire suppression (Mutual Aid) through<br>C.S.F.S. with Mesa County. (Ave. Yr.-<br>does not include air tanker)             |          | \$15000.00      | BLM          |
| 5. Gravel Pits - <u>Free Use</u> - 1994                                                                                       |          |                 |              |
| COC 45423 - Lumsdon Cyn.                                                                                                      |          | \$ 26.25        | County       |
| COC 45424 - Baxter Road                                                                                                       |          | \$ 207.55       | "            |
| COC 45425 - A.2 Road                                                                                                          |          | \$ 619.85       | "            |
| COC 45427 - Fruita Pit                                                                                                        |          | \$3670.10       | "            |
| COC 45428 - 21 Road                                                                                                           |          | \$ 243.60       | "            |
| COC 45429 - Divide Road                                                                                                       |          | \$ 0            | "            |
| COC 45432 - Wright Draw                                                                                                       |          | \$ 11.20        | "            |
| COC 45433 - B1/2 Kinder Gravel                                                                                                |          | \$3488.50       | "            |
| COC 46629 - 2 Road Gravel                                                                                                     |          | \$ 0            | "            |
|                                                                                                                               |          | <hr/> \$8267.05 | Total        |
| 6. R&PP lease - Whitewater Hill<br>Sold to Mesa County                                                                        |          |                 |              |
| 7. Two Communications Sites<br>(\$2000.00 ea./yr.)                                                                            |          | \$4000.00       | County       |

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8. Road rights-of-way 13 total/yr. \$900.00 County

\* Monies actually paid.

9. Mesa Countywide Land Use Plan ( BLM represented on Steering Committee and sharing digital data for analysis. ) Plan has been adopted.
10. Gunnison River Bluffs Public Use Plan (draft) - County Solid Waste Manager involved in process along with Riverfront Commission (RFC), and BLM. Plan has been adopted.
11. Grand Mesa Slopes Management Plan - adopted by the Mesa County Planning Commission 1994. Mesa County and BLM represented on ad hoc steering committee.

Long Range Planning Projects

12. Ruby Canyon/Black Ridge Management Plan - BLM project with Mesa County Planning Commission and planning staff represented on ad hoc committee.
13. Spanish Trail - County has supported a GOCO grant application by the RFC.
14. Grand Junction Riverfront Commission - BLM is an active partner in achieving goals of the RFC.

## **APPENDIX B**

### **Future Projects**

1. Hazardous Materials Coordination
2. Road Maintenance
3. Cattleguards
4. County Sheriff M. O. U.
5. Urban/Wildland Interface
6. County Growth/Open Space