

# THE SAGE PAGE

Volume 1, Issue 2

March/April 2007

## Dates to note:

- ◆ March 23-May 11, Smithsonian *Between Fences* Exhibit, Anasazi Museum
- ◆ April 10, Native Plant Society, Escalante Interagency Visitor Center, 6 p.m.
- ◆ April 14, Med students Ride Across USA, program at Anasazi Museum, p.m.
- ◆ April 18, Garfield County Trails Committee, Boulder Town Hall, 6:30 p.m.
- ◆ April 24, Book Club, Boulder Library, 7 p.m.

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## ***Boulder Hospice Care Coming Soon***

The idea of a life-long Boulder resident forced to spend his last days in a far-away hospital bed rather than in his preferred home surroundings catalyzed action to start a Hospice service in Boulder.

Despite a few administrative 't's' to cross, that service could be starting soon, assuming Boulder residents will help with the volunteer activities required, said Cookie Schaus, coordinator of the hospice project.

Doctors are not authorized to release a terminal patient to his or her family unless certified hospice care is available. According to the Hospice Foundation web site, "**Hospice** is a special concept of care designed to provide comfort and support to patients and their families when a life-limiting illness no longer responds to cure-oriented treatments."

The primary requirement for certifying a hospice is to have trained medical staff available for monitoring care and providing medication. Thanks to Chyleen Mackie, a newly-retired R.N., that requirement will be met. Chyleen is completing her administrative approvals for hospice care. Nurses' aides, to assist her, will come from Escalante until Boulder is able to train its own. Other non-medical volunteers will be needed, as well, to help provide emotional support to the patient and the family members.

As soon as Chyleen's paperwork is completed, which should be only days away, "we can start trying to sign up people for [nurse's aid or volunteer] training," said Cookie. The nurse's aide positions are paid positions. The non-medical positions are volunteer; training for those positions will probably be done in Boulder over a couple weekends.

Information on training will be posted on the town bulletin board as soon as it is available. If you have questions about hospice care itself, or the requirements or training, please call Cookie Schaus at 335-7318, or check this web site for more information:

<http://www.hospicefoundation.org/hospiceInfo/volunteer.asp>

President's Message

## Diverse Projects Highlight First Six Months

By Curtis Oberhansly

Boulder Community Alliance (BCA) initiated several projects in its first six months. Some of our projects will come to fruition this year; others will be ongoing or years in the making. I'll start through the list of projects in no particular order. Since each project is being spearheaded by a different member of the BCA Advisory Council, I would like to thank them in advance for all their good work.

We are excited about the growing prospect for a hospice program in Boulder. Fay Jepsen should be credited for starting the idea. When Neal died away from home last November due to lack of a certified hospice in Boulder, the obvious need for such a service started our wheels turning. Cookie Schaus took this on and is going to make this a reality, with your help, of course. Her article leads off on page 1.

The Friends of the Boulder Library, an official partner of BCA, has started work on a video/oral history project to preserve the stories and histories of the long-time Boulder residents on DVD. Dianne Oberhansly is leading this effort, along with Larry and Judi Davis, Nina Gove, Pete and Cookie Schaus, and Peg Smith. Tom Bartelt, who, in a past life, was a video professional and has all the right gear, has generously offered to tape the sessions. All of the raw footage will be stored in the library and available for viewing. We are also planning to apply for a grant from the Utah Humanities Council to produce a two-hour documentary, edited from the raw footage, telling the Boulder story in the words of those who lived it or heard the tales from their families.

Our curiosity is piqued about a new, statewide native grasses program established to generate seed stock and help combat cheat grass. Sue Fearon is investigating this program. She has started by attending Diversified Agriculture conference last month, sponsored by Utah State University. The information that she gathered covered everything from seed to stove and all the steps in between -- growing, harvesting, branding, and marketing. See Sue's article on page 3.

BCA has joined with our nonprofit neighbor to the south, Envision Escalante, to co-sponsor a bike ride on April 22nd. Brian Dick, who will ride that day, is

coordinating from our end, and he can answer your questions or give you details if you wish to test your thigh muscles that day.



The *Sage Page* itself has been an undertaking. Both this print version and the online newsletter are slated for publication six times a year. We are more or less inventing it as we go, and your input is certainly welcome. Peg Smith, our editor, has done a great job of pulling both versions together. Sue Fearon typed our entire mailing list into her computer, and she maintains the mailing labels for us. We're sending it to almost 300 households -- those residing in Boulder and property owners living elsewhere. Sue and Peg have also been taking care of the BCA web site.

And, of course, we continue to monitor ATV abuses in our region.

We will soon be posting our minutes online and keeping a copy in the library. Thanks to all of our Advisory Council members which include: Scott Brodie, Tim Clarke, Judi Davis, Brian Dick, Sue Fearon, Sergio Femenias, Walt Gove, Tom Jerome, Mike Nelson, Dianne Oberhansly, Cookie Schaus, Peg Smith, as well as our principal sponsors -- Dave Mock and Tom and Caroline Hoyt. The goal of BCA is to focus at all times on a few projects and areas of interest like those discussed above that are positive and have relevance for those living in our community. If you have any ideas or input, we would like to hear from you.

# Diversified Agriculture: It's the Berries

By Sue Fearon

Blackberry production is now in our future, thanks to information I gleaned at the Diversified Agriculture Conference in Lehi last month.

The three-day conference, organized by Utah State University and their Extension Service, was informative and motivational. The keynote address set the tone for the conference: Doug Anderson, Dean of the College of Business spoke about "Strategies to Make Small Business Competitive in a Big World." His topics --- innovation, building customer loyalty, market competition, market structure, and external trends that affect businesses---were geared for the small producers, and therefore, were timely, relevant, and motivational.

Apart from one or two general sessions per day, the conference consisted of focused workshops and breakout sessions. This small group format enabled me to discuss topics directly with small agricultural operators who detailed their businesses' growth or transformation, and also with bankers, lawyers, and professors.

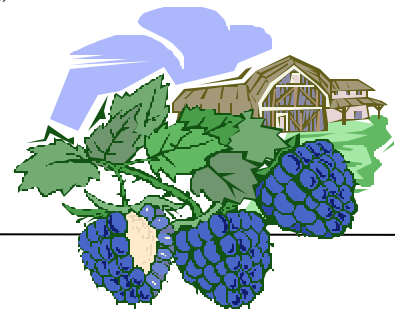
I focused on the producer, academic, and government workshops. Dave and Jill Bell, of Bell Organics, spoke about the evolution of their business and selling to restaurants. Juxtaposed with that presentation was one from an executive chef at a high-volume restaurant. The Bells stressed picking your clients carefully because the chef

made it clear that he had little flexibility in his pricing or menus to accommodate seasonal and local crops.

Brent Black, of USU, was the Mr. Wizard of berries. He detailed berry cultivation, equipment, economics, and the advantages and disadvantages of different cultivars. As we have been wanting to start berries next to our orchard, this session jumpstarted our plan: our blackberry plants should arrive by the end of the week.

Farmers' markets and direct marketing were well covered by several producers. Their "corn stand stories" were fun to listen to, and their experience in why people buy gave the personal touch to "relationship marketing." Judd Harward of Harward Farms started his presentation with a list of the five most common methods of fixing dinner: open a box, a carton, a bag, a can, or a phone book.

I left this conference with a head full of ideas and a notebook of resources and contacts, all of which I'd be happy to share. Next year, I hope other Boulderites can participate. We can collectively attend all of the sessions instead of having to choose between valuable topics like "Small Acreage Money-makers" and "Organic Crop Production."



## Boulder Town in Brief. . .

### Teacher Post in Jeopardy

Due to student ratio and dollars, Boulder Elementary is in danger of losing one of the two full-time teachers.

According to Sue Fullmer, the school board hasn't yet made its final decision. Dr. Park has promised to visit Boulder Elementary "soon," at which time parents and concerned residents might again plead their case in person.

The school's size and age mix create both challenges and opportunities for students and teachers, said Sue. Our challenge to the Board is, "will you look at our concerns, or are dollars the bottom line?"

### Boulder Farmstead Loses Water, Gains Extension

The state Board of Water Resources, meeting in St. George on March 7, granted Boulder an extension until December 31, 2008 to prove beneficial use on its remaining Flaming Gorge Water Right allotment.

The Board reduced that allotment from its original 300 acre-feet to 100 acre-feet of water, or roughly equal to 85 more hookups. According to Mayor Bill Muse, the Board "strongly recommended" the water company be converted to a municipal company to avoid the likelihood of future acre-feet loss.

Bill Muse, Gladys LeFevre, Connie Reid, and Randy Catmull represented the town and the water company, respectively.

# Digging for the Truth: Conservation Easements

By Curtis Oberhansly

*[Editor's note: After hearing strange assumptions and misinformation about 'conservationists putting their easements on land' around Boulder, I asked Curtis Oberhansly to write an informative article on conservation easements. Curtis, a semi-retired attorney who has working familiarity with them, wrote this article..]*

Most landowners have direct experience with some form of easement – road access, ditch rights, utilities. Any landowner can place an easement, in the form of a simple deed restriction, on his or her property at any time – that it cannot be subdivided, for example. A simple deed restriction merely requires a legal description of the property, the nature of the easement, owner's signature notarized, and the document recorded at the county.

The key is that you, as the property owner, are the one who grants the easement. In effect, you are giving another party a specifically described right of use to a specific portion of your property. Or you are dictating to all future owners how you wish the property to be used, such as to stay agricultural. A conservation easement operates in much the same way, describing rights and duties of the present and future owner and the uses to which the property can be put.

Even the simplest of easements shown on a plat or a deed constitutes reciprocal rights and duties in relationship to real property. If the aggregate of property rights on a piece of ground can be viewed as a bundle of sticks, then the most basic road easement, for example, removes one small stick from the bundle. Basic easements can also be viewed as "conditions, covenants, or restrictions" (CC&Rs) on the property. On an access road, you should describe the respective rights and duties of the individuals having an interest in the ground under the easement and those having a right to use the easement. Can the road be fenced? Can the road be gated, or fenced to keep the stock off? Who can use it? Who maintains it? Who is responsible for damage, and to what extent? A thoroughly-described easement can seem overly detailed, but can actually reduce the possibility of future disagreements and contention.

*If the aggregate of property rights on a piece of ground can be viewed as a bundle of sticks, then the most basic road easement, for example, removes one small stick from the bundle.*

A conservation easement is no different. Established by Congress within various farm bills, the term 'conservation easement' is applied to certain types of deed restrictions and other easements for farm, ranch, and habitat preservation. In reality, what we commonly call a conservation easement is actually a set of CC&Rs placed upon certain ground described in a recorded deed. These restrictions are intended to run with the land and forever alter some aspect of its use. If I sell you a 40-acre parcel of ground and in the deed we agree that it can only be divided in half, then by recording that deed with that restriction in place, you as the buyer have taken that ground with what really is a basic "conservation easement" in the form of a deed restriction. Why? Because the density has been limited, therefore something presumably has been "conserved." And in that case, a couple of full sticks have been removed from your property rights in that ground. This is an over-simplified example, but it is the fundamental operation of the conservation easement.

As another example, pretend that you inherited 100 acres: the prime portion of your father's ranch, with hay fields and pastures, streams, and killer views. For personal reasons, you are unable to maintain all the ranching activities, but you don't want to see the ranch subdivided. You want it to remain intact. (Plus, you promised your father that you would "save the ranch." He was referring to depression-era bankers; now we're talking about developers.) So you decide to place deed restrictions -- CC&Rs --- on the property saying that it can never be subdivided. This would be a restriction in the form of a conservation easement. (I'll cover the additional complexities of tax incentives, estate planning, and land trust organizations in a later article.)

The more you think about it, the more you want that ranch to stay as it is. You tell your lawyer to add a clause saying only one house can be built on the 100 acres, and that house must be by the creek, under the old oak tree.

Continued on page 5

## (cont'd from page 4: Conservation Easements)

The more you think about it, the more you want that ranch to stay as it is. You tell your lawyer to add a clause saying only one house can be built on the 100 acres, and that house must be by the creek, under the old oak tree. These are additional “covenants or restrictions” you’re asking for. You keep going: “There can only be two barns and they have to look just like my dad’s barn.” Now we’ve got more restrictions. Your lawyer’s eyes are getting wide, but you continue. “Dad loved alfalfa and I want to make sure that the water rights stay on that ground and are not sold or abandoned by letting that ground go dry. It has to be worked and stay green---another restriction. You can add as many restrictions as you want to the deed.

All this merely describes the set of CC&Rs that *could* become a legal conservation easement. (Becoming legal requires an additional step: the participation of an authorized Land Trust Organization or similarly authorized governmental entity.) What do you gain by doing this? First, you do get to keep your promise and save those pastures where you roamed as a kid from becoming a sea of roof tops, satellite dishes, and SUV parking. Second, thanks to the Congress and certain Farmland Preservation legislation, you can get a tax break by doing this. Or you can sell the “development rights” and someone else gets the tax break and you get the cash. Either way, you preserve the ranch and

you benefit from those surrendered development rights, either in the form of cash or in the form of tax deductions from your income. You or your heirs can sell the ranch anytime you want, but the buyer would be aware that he was purchasing the ranch subject to the conditions that you placed on the use of the property.

The main points are that *you*, the landowner, negotiate the conditions and restrictions you are placing on your land. The CC&Rs, or conservation easements, become a legal part of the deed, and stay with the land, regardless of future ownership. (Any previously applied easements on the land, before you bought it, stay with the deed as well.) And, you derive intrinsic benefits (saving the ranch), as well as financial benefit from placing these protective easements on your property. At the same time, you are also selling for cash or donating for tax benefits certain uses that would then be restricted or eliminated from your property.

I hope this answers some basic questions. If you want more information, I’ll be happy to help research for more details.

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Oral Histories Preserve Old Memories

## Tell Me About When....

If you’re like most people, you don’t think many people would be interested in your life history. Your old routine—hitching up the horse to ride to school, hanging out in the ice house in July, avoiding the big-eared snoops on the party line—seems so mundane, so old hat. Who in the world would be interested?

We are! Friends of the Boulder Library are starting this spring trying to round up some of you with these stories to tell. We want to talk with you, ask a few questions, and get it all recorded on digital tape. The recordings will be available, and copies can easily be made, for you and your families. After we have accumulated several of these stories, we’d like to edit them together into a real documentary of Boulder life, back when “Boulder was Boulder.”



# Local Artist Reflects Diverse Talents

By Dianne Nelson Oberhansly

Boulder artist Kay Ripplinger's recent work was on exhibit at the Anasazi State Park Museum during February and March. Titled 'Sculpture on Canvas,' the show displayed Kay's unique dimensional paintings which use a buildup technique so that objects literally appear to be sculpted. She learned the technique over thirty years ago from a friend in Teton Valley where she and her husband, Larry, were living.

Kay first uses dry wall patch on the canvas to create the form she's depicting, then paints with a fast drying oil paint. Many of her works are nearby landscapes--Devil's Garden, Delicate Arch, the Sugar Loaf, Balanced Rock--but she also paints Anasazi pitchers, pots, and ruins. Kay says that, "The formations in this part of Utah are so beautiful and lend themselves to this method."

No newcomer to the world of art, she has been working since 1967 in various mediums. Early in her career, Kay worked with Las Vegas interior designers to create handpainted and stenciled fabrics. She and other family members founded Artistic Stencils, and with her mother, Bertha Fullmer, Kay co-authored three books on stenciling.



Her diverse talents even found her fabricating costumes for Mitch Adams, a world renowned Elton John imitator.

Humble about her paintings and skills, Kay says she's gratified that others like her work. "I do it mostly for fun," she claims, although she sells enough to keep buying more canvas and frames. As for paint, she says she has enough from her stenciling days to last her a lifetime.

## Find Boulder area information at these websites:

For links to local businesses, town meetings and minutes, and a community calendar, visit

**[www.boulderutah.com](http://www.boulderutah.com)**

For articles BCA--Conservation, Commerce, Community, and Culture--and links to related organizations, visit

**[www.bouldercommunityalliance.org](http://www.bouldercommunityalliance.org)**

## **Barbed, Picket, Chain Link: Fences Tell our Story**

By Dianne Oberhansly

Fences may or may not make for good neighbors, depending upon one's point of view, but they certainly do make for an interesting exhibition. 'Between Fences,' a Smithsonian Institution Traveling Exhibition, arrived at the Anasazi State Park Museum on Friday, March 23, with an opening celebration and will run through May 11. Exploring historical, cultural and philosophical themes, the exhibit focuses on fences and encourages viewers to ponder both the real and invisible fences that demarcate our world. With support from the Utah Humanities Council, Boulder was lucky enough to be one of only five Utah communities that will host 'Between Fences.'

As a related event, a local fences photography contest took place, with two entrant categories: Under 18, and 19 and older. Using a \$1,500 grant from the Utah Humanities Council, the Anasazi Museum was able to enlarge, mat and frame all of the contest photographs so that they could be hung as part of the exhibit. Prize money came from local donors, with \$100 being given for First Place in each category, \$75 for Second Place, \$50 for Third Place, and \$20 for Honorable Mention.

In the under 18 category, Audrey Austin won First Place with her black and white photo taken on the Black Boulder Mesa. She says that she and a friend were riding horses in that area a few months ago, and her horse almost stepped on the old, downed fence. Her friend suggested that it would make 'a cool photo for the contest.' Audrey thought black and white seemed more fitting than color for this particular subject. The Second Place photo was taken by Cru Cochran and Third Place by Amber Owen. Honorable Mentions were awarded to Anthony Mutcher, Zach Nelson, Caleb Gardner, Ry Cochran, Dawz Cochran, and Emma Spalding.

In the 19 and older category, Keith Watts received First Place with his color photo taken off Harris Wash somewhere near Zebra and Tunnel Slots. Captured during a January hike, the photo was taken because, "It was just such an out-of-place spot for a fence to exist," Keith said. Roger Reed was awarded Second Place, and Sherry Catmull won Third, with Honorable Mentions going to Gary Catmull, Chanda Spalding, Andrew Orlemann, and Mike Nelson.

Congratulations to the winners and to the nearly 40 photographers who entered.

## **And Sometime You Have To Tell Your Own Story**

Editorial, by Peg Smith, Editor

Let's see...what do hospices, oral histories, Friends of the Library, native grasses, even monitoring ATV abuse on Boulder Mountain have to do with Natural Conservancy and planning? Answer: *nothing*.

Take a look at the Advisory Council minutes since BCA's inception—and anyone is welcome to do so. There's been no discussion within BCA as being a nonprofit "planning organization," as was quoted in the 3/26/07 SL Tribune, because it isn't one. Not any more so than the PTA or the advisory group for the museum is a "planning organization."

As for being "funded with the help of a Nature Conservancy grant," wrong again. Maybe it would be nice if they wanted to throw some money our way.

(Non-EnergySolutions dollars, of course!) But you generally have to apply for grants to receive them, and we haven't.

Finally, are "elected officials" the only persons who are allowed to be interested in community service? I hope not.

Mean-spirited, half-baked, inflammatory innuendos work against positive community spirit. So do statements and opinions rendered without benefit of accurate information.

I'd rather devote space here on describing what BCA *does* instead of reacting to what BCA *isn't*. But when misinformation gets pitched around like barn clods, sometime you just have to tell your own story.

# *The Sage Page*

Newsletter of the Boulder Community Alliance, a nonprofit  
serving Boulder, Utah

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