

Colorado Coalition of Land Trusts E-Newsletter Public Policy Edition

March 2009

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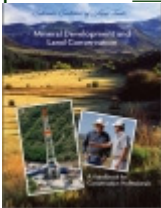
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CCLT Conference

CCLT's 2010
Conference will be

HB10-1197 Update

HB10-1197 passed the Senate Finance Committee 4-3 on March 9, 2010. It will now go to the Senate Appropriations Committee but has yet to be scheduled. From there, it will be voted on by the Senate as a whole and, if passed, will go to the Governor for his signature.

For a reminder of HB10-1197's history and what the legislation does, please read below.

HB10-1197 was introduced on January 22, 2010. In its original form, the bill reduced the conservation easement tax credit limit from \$375,000 to \$135,000 effective January 1, 2011. Based on information provided by the Colorado Legislative Council Staff, this change would have been permanent. After talking with the staff of numerous land trusts, what was already suspected became clear: this was an unacceptable solution. Not only would the reduced cap effectively eliminate the incentive for landowners to do conservation easements but the permanent nature of the change went against everything we had heard in our negotiations with the Governor's Office and members of the Colorado General Assembly. After being told that the mechanism was not set in stone and that we were welcome to come back with an alternative solution, CCLT went over various proposals with our Public Policy Committee and Board of Directors. As you all know, we also reached out to our membership and asked for input on options available to us.

held March 15-16.
Thank you to all of
our sponsors and
we look forward to
seeing people next
week!

A strike below amendment was introduced to the House Finance Committee on Friday, January 29 for HB10-1197. The major changes were threefold: 1) instead of a reduction in the individual credit limit, we proposed an aggregate cap of \$26 million (a figure that was chosen after consultation with the Governor's Office) to the program as a whole; 2) the changes would be effective January 1, 2011 (please note: this means we are not one of the March 1, 2010 bills) but would sunset in 2013, rather than be a permanent change to the program; and 3) the cap would only apply to easements conveyed in 2011, 2012, and 2013. The reason for this last provision was to prevent the cap from being met by "carry forwards" from previous years' transactions.

Other amendments were made in attempts at shaping how the program would be administered and financed. As it stands, we are proposing that the program be run through the Division of Real Estate. There exists a provision that a waitlist would be created that would not exceed \$52 million (thus ensuring that the overall "cost" to the State remained at a \$26 million/year or \$78 million/three years level). For example, if \$78 million in credits were generated in 2011, the limits for 2012 and 2013 would be met. The alternative that was proposed was unacceptable in our mind: a strict \$26 million cap whereby the first credit in over that amount (and every subsequent easement) would never receive a tax credit. In contrast, the waitlist provides as much of an assurance as might be possible in this economic and legislative climate. We also worked with the Department of Revenue, Division of Real Estate, and the Colorado Legislative Council to ensure that the revised Fiscal Note for the legislation accurately reflected the changes to the program.

The bill as amended was passed by the House and is now working its way through the Senate. CCLT will continue working on the bill and will keep all of you updated.

Once again, thank you to all of our members who have provided input and support throughout this process.

Recent Press

The following [article](#) in the March 10th *Grand Junction Sentinel* provides a great summary of HB10-1197's path so far. Thanks to all who provided information for this story.

Trust for Public Lands' Economic Benefits of Conservation Study

The Trust for Public Land has released "A Return on Investment: The Economic Value of Colorado's Conservation Easements", a study that shows Coloradans reap roughly \$6 in benefits for every \$1 invested in conservation efforts.

You can read the Associated Press story as reported in *The Denver Post* [here](#).

You can also read the full report by downloading a PDF from CCLT's [website](#).

Sage Grouse Announcement by Interior

On March 5, 2010, the U.S. Fish and Wildlife Service (FWS) issued a warranted but precluded finding for the greater sage grouse. Such action indicates listing under the Endangered Species Act (ESA) is warranted but higher priorities preclude the agency from acting upon it at this time.

Candidate status means the agency will annually consider listing the sage grouse under the ESA despite the significant and ongoing federal, state and local conservation efforts already underway. While candidate species receive no statutory protection under the ESA, the BLM Director told reporters that industry should expect new stipulations for sage grouse.

Each candidate species is assigned a listing priority based on the magnitude and immediacy of threats to the species. At this point, it is unclear what priority the FWS will assign.

The FWS is expected to decide on listing the Gunnison sage grouse by Sept. 15, 2010.

Thanks to Kent Holsinger from Holsinger Law for providing this update. Holsinger Law, LLC is a Denver, Colorado-based law firm that represents a variety of clients on lands, wildlife and water law.

The Colorado Water Trust Wants Your Input!

The Colorado Water Trust is kicking its Land Trust Technical Assistance Program into high gear this spring with two projects. (Not familiar with the program? See <http://www.coloradowatertrust.org/technical-assistance/resources-for-land-trusts>)

First, we are accepting applications from land trusts who would like to have CWT conduct an assessment of how your organization has encumbered water rights in your conservation easements. We will help you answer these and other questions: What water rights documents did you collect? Were they sufficient? What water rights are in your portfolio? In what areas can your organization make some changes that will help with water matters and your future easements? The due date for applications is **March 24, 2010**. We expect to select six land trusts for these assessments and will inform all applicants of our selections less than a month after the deadline. For a copy of the application, see <http://www.coloradowatertrust.org/technical-assistance>.

Secondly, we are updating our model language for encumbering water rights in conservation easements. We want to know if and how the land trust community has used our model language. The more feedback we get, the better our revisions will be, so please take some time to fill out our survey in detail and return it to us by **April 10, 2010**. For a copy of the survey, go to <http://coloradowatertrust.org/technical-assistance>.

If you have any questions about either project, please email Zach Smith at zsmith@coloradowatertrust.org or call 303.623.3139.

Isaacson Rosenbaum P.C. CLE - Save the Date

Isaacson Rosenbaum P.C. will be presenting an in-depth CLE on conservation law on **July 30, 2010**. Please save this date if you are interested in attending. More information will be available in the near future.

New Conservation Website - ConserveLands.com

A new website promoting landowner education and stronger working relationships with land trusts has been launched. ConserveLands.com is an inclusive website that enables discussion from all sectors of land conservation - landowners, land trusts and professional resources - to be shared in an open, constructive forum in order to foster and improve land stewardship in Colorado.

ConserveLands.com has come about from the collective minds of several individuals: a rancher, entrepreneur and philanthropist who placed land in a conservation easement; a planning consultant who has worked in rural towns and counties throughout Colorado; and a land conservation consultant who has been involved in negotiating conservation easements for over 30 years. Together, these individuals have worked with numerous local, state and federal agencies, land trusts, conservation organizations, realtors, appraisers, attorneys and other land owners in an effort to establish good land planning and stewardship in Colorado.

The website is organized to provide access to a wealth of information regarding land conservation, and in particular conservation easements. A link from the home page to a "Landowners Roadmap to a Conservation Easement" presents landowners with an easy to navigate guide to pertinent site information. Individual pages include conservation basics, risks and pitfalls, FAQ's, and landowner resources. Of particular significance is a community exchange page that offers a forum for online discussion between landowners, land trusts and conservation professionals.

For more information, please visit www.ConserveLands.com

Landowner Profiles and Videos

This is a reminder that we have developed a series of landowner stories, sharing tales about the lives that are affected by making Colorado ranches, farms, vistas and historic areas viable and protected.

The stories are posted on our website [here](#). To supplement these stories and offer the public a glimpse into the lives of these ranching and farming families, we have produced short videos for each landowner. Those videos can be found at the same link above.

We encourage you to take the time to get to know the people behind the tax credit program - and to share these stories with your friends, family and colleagues. Let's keep Colorado agriculture alive - one family at a time.

Conservation Jobs

Click on the following [link](#) for recent job postings with conservation organizations in Colorado.

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CCLT has recently created Twitter and Facebook accounts to make it more convenient for our members and partners to hear about events and get updates on the activities of CCLT. Please visit the following [page](#) on our website to get more information.

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