



Colorado Coalition of Land Trusts E-Newsletter Public Policy Edition

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Mineral Development and Land Conservation

2009 Legislative Session Wrap-Up

May 7, 2009 - Yesterday was the last day of the 2009 legislative session. This year saw several challenges to conservation in Colorado, but due to the support of our champions in the legislature and the help of our members and partners no legislation that threatened conservation was ever introduced. CCLT provided analysis for legislators on a number of legislative issues in order to determine the impact, if any, on conservation and we are thankful for those of you who helped in various ways. The concern that some legislators have about the effect legislation could have on conservation is a testament to the work being done by our members throughout Colorado.

This session clearly showed the importance of land conservation professionals, whether from land trusts, local governments, or affiliated professions, developing strong relationships with their state legislators. CCLT

Handbook available for purchase [here](#).



strong relationships with their state legislators. CCLT expects major challenges again in the future, potentially as soon as this summer, and we will all be in a better position if we spend the time NOW to educate decision makers. Take the time to meet with your representatives and invite them on a field trip to see a conserved property over the summer. If you have any questions about how to contact your legislator or how to arrange a visit, please feel free to contact CCLT (greg.yankee@cclt.org).

You will find below a summary of some of the important issues from the past year including the budget debate, HB08-1353 implementation, and the habitat stamp. Before the brief summary, CCLT would like to extend our thanks, and encourage you to do so as well, to some key supporters in this last session:

Senator Jim Isgar, Senator Josh Penry, Senator Al White, Representative Joel Judd, Representative Kathleen Curry, and Representative Marsha Loper.

2009-2010 Budget Debate

If you read any Colorado newspaper or CCLT email in the past few months you are well aware of this session's budget crisis. Legislators were faced with a shortfall of nearly \$800 million and had very difficult choices to make. Some of the debate was widely publicized, such as whether the state should take hundreds of millions from the quasi-public Pinnacle Assurance or cut the state's contribution to higher education by half, while other parts of the debate took place behind closed doors.

This debate became more difficult when the legislature's legal staff advised the Joint Budget Committee that the Colorado Supreme Court's ruling in *Mesa Cty. Bd. of Commissioners v. State of Colorado* gave the legislature the right to rescind tax credits and exemptions without a vote of the general public. It was previously believed that the Taxpayers' Bill of Rights (TABOR) restricted the legislature's ability to take such an action. For the first time since its inception, the Conservation Easement Tax Credit was on the table for elimination in order to help balance the budget. Due to a misunderstanding of the program and data presented by state agencies, some legislators were led to believe that this is a \$100 million a year program. Thankfully, CCLT, along with our partners in the community and at the Division of Real Estate and the Department of Revenue, was able to testify in front of various committees in order to educate legislators about the actual costs and benefits of the program. Ultimately, both the House and Senate passed balanced budgets that did not include eliminating the conservation easement tax credit.

CCLT believes that a similar fight is lurking in the near future. The legislature will be faced with a similar shortfall next year and many of the cash-funded programs that were tapped to make ends meet are now empty. Before the 2010 legislative session convenes, the Governor and General Assembly can decide to hold a special session if the June 20, 2009 economic and revenue forecast warrants it. In other words, **just because the 2009-2010 budget has passed does not mean that the scrutiny and need for a strong defense is over.** The threat to critical tools in Colorado conservation, such as the conservation easement tax credit and the Great

Outdoors Colorado Trust Fund, has not passed. CCLT believes that programs that have examined how to be more affordable and predictable to the State in future years will be in a better position in budget debates. To this end, CCLT has begun researching proposals for various options that could reduce the overall cost of the tax credit program to the State.

As mentioned above, now is the time to foster a relationship with your legislators. It is due to the existing relationships between several of our member land trusts and local governments and legislators that we were able to avoid elimination or a moratorium this session. When the General Assembly convenes again in January 2010, we hope to have even more champions in the House and Senate ready to defend our program.

HB09-1014

This legislative "fix" for the implementation of HB08-1353 was signed by Governor Ritter in February. The bill, sponsored by Representative Judd and Senator Isgar, made several changes to HB08-1353 and the conservation easement program within the Department of Regulatory Agencies. First, it removed the fee caps on the easement holder certification applications and the appraisal review. Second, it changed the certification period from a three-year period to an annual renewal process. Finally, it gave the Division of Real Estate the ability to accept donations for the program.

HB09-235: Habitat Stamp Goes to the Governor

The Habitat Stamp Reauthorization bill has been sent to Governor Ritter for his signature. This legislation provides much-needed funding for important wildlife habitat protection through the grant programs at the Colorado Division of Wildlife. The bill was amended a few times during the legislative process as follows:

- The sunset date of the habitat stamp program was moved forward to 2013.
- \$500,000 may be made available for acquisition of in-stream flows if the Colorado Water Conservation Board spends all of its in-stream flow program monies.
- During the 2010 regular session of the General Assembly, the House and Senate Joint Agriculture Committee shall meet at least once to study the issues raised by the bill. If not amended during the 2010 legislative session, SB-235 will largely be enacted July 1, 2010.

The bill includes an increase in the Lifetime Stamp fee to \$300 and the regular Stamp fee from \$5 to \$10. It also creates a Wildlife Passport Fund which will be used for the operation and maintenance of lands in the Colorado wildlife habitat protection program administered by the Division of Wildlife.

If you would like more information about the Habitat Stamp Reauthorization or have any questions, please contact Greg Yankee (greg.yankee@cclt.org).

Finalization of Oil and Gas Rules

The legislative review, as represented in HB09-1292, of the Colorado Oil and Gas Conservation Commission's new rules was completed in March and the Governor has since signed on to the new rules. The rules can be found at the Commission's [website](#). The rules were crafted in an attempt to strike a balance between the importance of industry and the need to protect our wildlife, water, and communities. The regulations take effect May 1 on federal lands and began to apply Apr. 1 on all other lands in the state. For any of you who have used CCLT's *Mineral Development and Land Conservation* handbook, these new rules and regulations are

directly on point and we encourage you to take a look.

HB09-1067: Establishing an Instream Flow Incentive Tax Credit

For income tax years commencing on or after January 1, 2009, but prior to January 1, 2015, this bill establishes an instream flow incentive tax credit. It specifies that the Colorado Water Conservation Board will allocate the credits by issuing credit certificates to owners of water rights who donate those water rights to the board for use as instream flow rights. It also specifies the maximum value of the credit (equal to or less than one half of the value of the water right), and establishes that the value of the water rights must be determined by qualified appraisal. The bill limits the aggregate sum of credits allocated on an annual basis to \$2 million. It allows the credit to be carried forward to other income tax years for a maximum of 6 years and establishes the transferability of the credit.

The House has concurred with the Senate's amendments and the legislation is now headed to Governor Ritter. As with any of the above legislation, if you have any questions please feel free to contact Greg Yankee (greg.yankee@cclt.org, 303.271.1577).

Conservation Easement Oversight Commission

Though not legislative in nature or tied to the January-May session, there have been some recent activities on the HB08-1353 implementation front that we would like you to know about.

Land Trust Certification: This is a reminder that applications for state certification, a requirement for any land trust that wishes to hold easements for which a tax credit is claimed, were made available on January 1, 2009. As determined by law, a land trust **must** be certified by January 1, 2010 in order to accept any easements that year with tax credit implications. If you have not done so already, please visit the Colorado Division of Real Estate's [website](#) that has more information on this process.

Cooperative Process with the Department of Revenue and Division of Real Estate: The Commission continues to work with these two agencies in order to create a process whereby landowners, depending on their situation, have options in how to proceed at the state level of review.

Rulemaking Process for Certification: The Division of Real Estate adopted a rule on May 5, 2009 establishing the qualifications for the certification of easement holders. This rule laid out the standards by which the Division and Commission will review land trust and local government applications for certification. CCLT submitted written comments to the Division of Real Estate on the proposed rule and are available on our [website](#).

Appraiser FAQs: CCLT has submitted a letter to the Division of Real Estate requesting that they release Frequently Asked Questions related to the Appraiser Affidavit. You can see a copy of that letter [here](#).

DR 1299: A reminder to land trusts and local governments that the DR 1299 had to be filed by April 15, 2009 in order for your organization to accept easements eligible for a tax credit during 2009. These forms are public documents and CCLT has a copy of each DR 1299 filed with the State in 2008 and 2009. If you would like to see any of them, please contact Greg or if you would rather request them from the Division of Real Estate yourself, you can find contact information [here](#).

Federal Tax Incentive

Thanks to the efforts of supporters of conservation throughout the country, the Conservation Easement Incentive Act (H.R. 1831) has to date over 100 cosponsors. We need a similar effort to encourage support for the Senate bill, the Rural Heritage Conservation Act (S. 812), which currently has only 6 cosponsors.

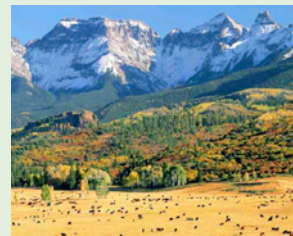
For those who need a refresher, the federal tax incentive helps landowners by raising the maximum deduction a donor can take for donating a conservation easement from 30% of their adjusted gross income to 50%. It also allows qualified farmers and ranchers to deduct up to 100% of their adjusted gross income and increases the number of years over which a donor can take deductions from six years to sixteen years.

Now is the time to contact your Representative and Senator to thank those who have already signed on (Reps. Markey, Polis, and Salazar) and encourage those who have not to consider becoming a cosponsor for the legislation. The Land Trust Alliance has a very helpful website with links to sample talking points and letters, as well as fact sheets and information about the legislation. Click [here](#) to learn more about how you can help.

Resource Roundtables live on...

The Resource Roundtables were a popular session at Conservation Excellence 2009. Just because the conference is over though doesn't mean that these valuable exchanges of information need to end. CCLT has a new online forum setup so that member organizations and conservation professionals can continue to exchange ideas. We are providing this on a trial basis so please give it a try and let us know what you think. You can access the forum at the following link:

<http://www.cclt.org/forum>. You will be asked to choose a Login Name and Password and then will receive an email approving your access to the forum. In addition to fora devoted to Easement Process, Easement Stewardship, and Appraisals, we have a General Discussion forum where you can discuss issues and ask questions of your peers on all things conservation. **CCLT has posted a question within the General Discussion forum about the possibility of a cap on the conservation easement tax credit.** We look forward to hearing from you online!



Funding Opportunities

Great Outdoors Colorado

Applications for the Fall 2009 Open Space grant cycle are available as of May 1, 2009. To download the application, and for more information, visit www.goco.org.

Please note that the Fall 2009 application has changed from previous cycles, so be sure to use the correct/current version. Applications will be due July 3, 2009. The GOCO Board will award grants on October 2, 2009.

Please contact Kathleen Staks at 303-226-4515 or kstaks@goco.org for more information about the Open Space grant application process.

Colorado Division of Wildlife

On Monday, May 11, the Colorado Division of Wildlife will announce its next Request for Proposals (RFP) for funding projects that provide habitat protection and/or wildlife-related recreation access, through the Colorado Wildlife Habitat Protection Program (CWHPP). Up to **\$15 million** (an increase over what was projected during CCLT's conference) will be made available for the best projects. On or after May 11, check [this link](#) on CDOW's website for information about the program priorities

and how to apply.

COSA's 10th Anniversary Conference

The 10th Anniversary Conference of the Colorado Open Space Alliance will be held September 21-23, 2009 at the Beaver Run Resort & Conference Center in Breckenridge Colorado. As you know, COSA is one of CCLT's most important partners. COSA is a statewide organization of publicly funded local and regional open space programs, working cooperatively to share information, create public awareness and foster partnerships needed to protect and preserve the special places of Colorado. Land Trusts should consider attending, especially if you want to learn more about the long-term management of conservation lands or find out more about partnership opportunities with public agencies.

Proposals to speak are due May 15th and COSA encourages you to submit a topic about a current issue/opportunity you or your program is working on/dealing with. Even if you don't have a salient topic to present, please forward on to any contractors you may use as they are often on the cutting edge of things. The RFP can be found on the COSA website at www.coloradoopenspace.org.

It's not too early to book your hotel. Call 800-525-2253 or [register online](#). Click on Groups and Conventions, then enter the password OSA7WG to make your reservation at the COSA [discounted rates](#) [pdf]. Make your reservation by 8/20/2009 to receive these special rates.

You can also find information about COSA's [Blue Grama Award](#) on their website. This year's Blue Grama Awards will recognize outstanding management and programs offered by Colorado open space organizations, so if you have a nominee in mind, go to that page! And, as always, the Colorado Lottery will present winners of the Starburst Conservation Award at the conference. This RFP can be found [here](#).

Upcoming Events: CWT Fundraiser & Educational Opportunities

Save the Date

Please mark your calendars for the [Colorado Water Trust's](#) First Annual RiverBank Event. This event will be a social gathering of Colorado's premier water professionals and water enthusiasts as well as a fundraiser for the Colorado Water Trust. Items for auction include a John Fielder photograph auctioned off by the photographer, gear from leading outdoors companies, overnight trips, and much more.

WHEN: Thursday, June 4, 2009, 5:30 p.m. - 8:00 p.m.

WHERE: EventGallery 910Arts, 910 Santa Fe Drive, Denver

Principles & Practices for Nonprofit Excellence in Colorado: Transparency & Accountability **WEBINAR

Colorado Nonprofit Organization

May 8, 2009

9:00 AM - 10:30 AM

Webinar - For more information or to register click [here](#).

Everything You Need to Know About Financial Reports Without Having to Learn Accounting!

Colorado Nonprofit Organization

May 20, 2009

9:00 AM - 11:00 AM

Denver - For more information or to register click [here](#).

Land Trust Alliance - "Drafting Baseline Documentation Reports"

90 minute workshop online (webinar) at the Beginner-Intermediate level

This course begins June 3, 2009 and will take place from 3:00 to 4:00pm Eastern

For more information and registration details, click [here](#).

Changing Lands, Changing Hands: A National Conference on Farm and Ranch

Access, Succession, Tenure and Stewardship

The FarmLASTS Project
June 10-13, 2009 - Denver, CO
Click [here](#) for details and registration information.

Special Training Opportunity: Land Conservation Legal Issues

June 18 - 19, 2009
Presented by the Land Trust Alliance, CLE International and the Denver law firm of Isaacson Rosenbaum P.C.
Denver
Click [here](#) for more information or contact Bill Silberstein at bsilberstein@ir-law.com

Private Land Conservation Law and Policy: A Short Course for Conservation Practitioners and Students

Center for Collaborative Conservation at CSU
August 10-13, 2009
Colorado State University, Fort Collins - For more information contact Jeff Jones, 970-217-4414 or jeff@theconservationcooperative.org

COSA's 10th Anniversary Conference

September 21-23, 2009
Beaver Run Resort & Conference Center
Breckenridge Colorado
It's not too early to register! For more information, visit www.coloradoopenspace.org.

Jobs, jobs, jobs

Executive Director - Colorado Coalition of Land Trusts

The Colorado Coalition of Land Trusts in Denver, Colorado is accepting applications through May 29, 2009 for the Executive Director position. You can view the announcement and additional information on CCLT's [website](#).

Executive Director - San Isabel Land Protection Trust

The San Isabel Land Protection Trust in Westcliffe, Colorado seeks a dynamic Executive Director to lead the organization and continue to protect important rangeland, wildlife habitat and scenic vistas in the Wet Mountain Valley and surrounding San Isabel region. The Land Trust has protected over 32,000 acres with conservation easements and has additional projects underway. The ideal candidate will have a working knowledge of conservation easements, experience managing a non-profit organization and demonstrated success in fundraising and membership development. The Executive Director reports to an active 16-member Board of Directors and is responsible for the supervision of a Land Protection Specialist and two administrative and support staff. The San Isabel Land Protection Trust is currently a candidate for accreditation with the Land Trust Accreditation Commission. Please visit their [website](#) for a complete job description and application instructions.

Application deadline: May 29, 2009

Land Protection Specialist - San Isabel Land Protection Trust

The Land Protection Specialist serves as the primary land protection officer for the San Isabel Land Protection Trust; a regional land conservancy that focuses on the protection of critical scenic, wildlife and agricultural properties in the valleys and mountains of south-central Colorado. Duties involve and require skill in negotiating complex conservation easement transactions, creating useful maps with GIS that display conservation goals/accomplishments and supporting conservation efforts by solidifying funding via grants. The Land Protection Specialist spends a large portion of the summer field season creating baseline survey reports and conducting stewardship monitoring activities. The position involves periodic partnering with local, state and national land conservation groups and requires a good working knowledge of conservation priorities, industry trends, and challenges specific to land conservation work in Colorado. Please visit their [website](#) for a complete job description and application instructions.

Application deadline: May 22, 2009

Great Outdoors Colorado (GOCO) constituents should be aware that the terms of several GOCO Board members are expiring in April 2009. While some of the Board members that currently hold those seats are likely to apply for reappointment, the Governor's Office does want people to know what seats are available should you know of anyone interested in applying. For more information, please [click here](#).