



DR 1299 Filing Guidance

February 20, 2009

We have heard a lot of confusion in the conservation community about how to properly handle the DR 1299 (the new requirement that started in 2008 for all easement holders who want their donors to be eligible for the state tax credit). Here is our guidance on the issue:

In order for conservation easement donors to be able to receive state tax credits, easement holders, including governmental agencies, must file the DR 1299 (the Colorado Gross Conservation Easement Holders Submission of Information) prior to accepting any new conservation easement donation during the calendar year, but no later than April 15.

What to file now: An organization that plans on accepting a 2009 conservation easement that is eligible to receive the conservation easement tax credit must file the DR 1299 before April 15, 2009 (reporting all easements currently held by your organization). Please note that this form must be filed before the organization accepts any easement, so if that date falls before April 15, 2009, you must have the form filed by the time you accept any new conservation easement. In the upper-left hand corner of [this form is DR 1299 \(11/06/08\)](#). You must file this form with the Department of Revenue and the Division of Real Estate.

What to give 2008 easement donors: If your organization accepted an easement during 2008, in order for the donor to be able to claim a state tax credit, you must provide the 1299 you filed between January 1, 2008 and April 15, 2008 (which reported all conservation easements held by your organization from formation through the date of filing) to the landowners. In the upper left-hand corner of this form is DR 1299 (12/06/07) or DR 1299 (12/26/07). This form had to be filed with the Department of Revenue, the Department of Agriculture, and the Department of Natural Resources. If your organization accepted a conservation easement during 2008 and did not file a DR 1299 by April 15, 2008, please contact Jill Ozarski (jill.ozarski@cclt.org) as soon as possible.

Guidance on filling out DR 1299: As always, consulting with tax or legal professionals is the best way to ensure you remain compliant with all requirements.



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- Box 1: Enter the total number of conservation easements your organization holds in Colorado, including those from previous years.
- Box 2: List the acreage of each easement your organization holds, including those from previous years. Attach a schedule if additional space is needed. You do not need to include any properties for which the sole conservation purpose is historic preservation. Please remember to fill out the line for total acreage of conservation easements held by your organization.
- Box 3: List the names of your board members if your organization is a private nonprofit. List the names of elected or appointed officials if your organization is a public entity.
- Box 4: This is a new addition resulting from HB08-1353. The application period just opened January 1, 2009 and unless your organization has been certified by April 15, 2009 (the date by which you must file this form), please indicate that you are not yet certified.
- Declaration of Organization: this statement must be signed by an official authorized to sign the tax returns of the organization.
- Please note that signed copies of the form must be sent to both the Colorado Department of Revenue and the Colorado Division of Real Estate.

We know this is confusing, but please remember this is a process that [certification](#) should make smoother in the near future. The above guidance is based on our understanding and on conversations with the Department of Revenue. As always, please consult a tax professional for specific guidance and recommendations. We know the language on the DR 1299 is unclear and we have recommended that the Department of Revenue issue clearer directions.

Additionally, we are aware of some possible confusion regarding the DR 1303. We are working with the Department of Revenue on this matter.

CCLT has requested the 2007 1299s for land trusts and open space programs throughout the state and we have them available if anyone would like to see them.

Please let Jill (jill.ozarski@cclt.org) or Greg (greg.yankee@cclt.org) know if you have any questions.

Jill Ozarski, Executive Director (jill.ozarski@cclt.org)

Jeannie McGinnis, Office Manager
(jeannie.mcginis@cclt.org)

Greg Yankee, Conservation Fellow
(greg.yankee@cclt.org)

Colorado Coalition of Land Trusts
1245 E. Colfax, Suite 203
Denver, CO 80218
(303) 271-1577

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Colorado Coalition of Land Trusts | 1245 East Colfax Avenue, Suite 203 | Denver | CO | 80218