



CCLT Monthly E-Newsletter Public Policy Focus

March 2009

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Welcome CCLT membership and conservation professionals to the second installation of CCLT's new E-newsletter! As a follow-up to our recently completed [three year strategic plan](#), and in response to requests from member organizations, CCLT has launched a monthly newsletter with **an alternating focus**: one month on improving the quality of land conservation organizations and the permanence of their work and the next on public policy issues. We hope that you will find it useful and will take part by contributing your questions, comments and ideas on conservation excellence and organizational information to Jeannie (jeannie.mcginis@cclt.org) and on policy issues to Greg (greg.yankee@cclt.org).

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HB09-1014 is Signed

This legislative "fix" that many of you have read several updates about has passed both the House and the Senate and has been signed by Governor Ritter. This [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.

The Division of Real Estate is currently working on the budget for the Conservation Easement Program. They are developing costs based on an estimate of 35 land trusts applying for certification and 14 local governments. The Division has also reevaluated their strategic plan for the CE Program and have identified the following priorities: upon looking at the budget, determine the necessary fees;

prescribe those fees; determine the renewal process; and determine the expedited process for accredited organizations. The Division of Real Estate has made it clear to CCLT that they understand the impact fees can have on organizations and are doing everything they can to keep costs at a minimum. Any comments regarding these matters can be sent to CCLT (greg.yankee@cclt.org) or directly to Hollis Glenn, (hollis.glenn@dora.state.co.us).

Habitat Stamp Reauthorization Legislation

On February 23, 2009, SB09-235 was introduced. Sponsored by Senators Gibbs and Isgar and Representative Merrifield, this bill is commonly referred to as the Habitat Stamp Reauthorization Bill. It would create the Colorado Wildlife Passport Fund ("fund"), which will consist of money received from the sale of Colorado Wildlife Passports and from donations. It would allow money in the fund to be used for the operation and maintenance of lands in the Colorado wildlife habitat protection program administered by the Division of Wildlife, to market the habitat stamp program, and to assist in acquiring interests in real property.

It eliminates the requirement that a person subject to the habitat stamp acquisition requirement obtain habitat stamps along with the person's first two hunting or fishing licenses each year. The bill also lowers the age at which a person seeking a hunting or fishing license must obtain a habitat stamp from 19 years of age to 18 years of age. It requires such person to purchase a habitat stamp when applying for or purchasing a third one-day hunting or fishing license.

Effective April 1, 2011, the bill would increase the fee for Colorado wildlife habitat stamps issued by the Division of Wildlife in conjunction with hunting or fishing licenses from \$5 to \$10 and increase the fee for lifetime habitat stamps from \$200 to \$300. Effective January 1, 2010, it repeals the category of nonlifetime habitat stamps that are not associated with hunting or fishing licenses.

Effective January 1, 2011, this bill creates the Colorado wildlife passport. It allows the Wildlife Commission in the Department of Natural Resources to sell Colorado wildlife passports for the purpose of soliciting voluntary donations. The bill allows persons to enter state wildlife areas without purchasing a habitat stamp.

This legislation prohibits a third-party conservation easement from being obtained using proceeds from the sale of habitat stamps unless the requesting organization contributes at least 15% of the purchase price of the conservation easement or the commission uses money in the fund to pay 15% of the purchase price. It allows the commission to waive the 15% requirement if hunting or fishing access is provided.

This reauthorizing legislation would extend by 5 years the date that laws related to habitat stamps are scheduled to repeal. Additionally, it would insert the following in the Colorado Revised Statutes: "Real property interest acquisitions made pursuant to this section shall emphasize the acquisition of easements and ensure that all other avenues are pursued prior to fee simple acquisition."

Conservation Easement Oversight Commission

The Conservation Easement Oversight Commission recently held a meeting on February 23, 2009 to discuss several issues of interest to the land conservation community, including a discussion about HB08-1353 implementation with the Executive Director of the Department of Revenue, Roxy Huber. You can read CCLT's notes from the meeting on our CEOC [webpage](#).

The next Conservation Easement Oversight Commission meeting is March 23, 2009 from 12pm to 3pm and the focus is on pre-1353 conservation easements. The meeting will be held at the Division of Real Estate's office at 1560 Broadway, Suite 925 in Denver.

For those who have not heard, the nonprofit conservation easement holder certification applications (i.e. land trust certification) are now available on the Division of Real Estate's [website](#).

Other State Legislative and Policy Issues

CCLT has been working on two other important issues: a task force convened to discuss the 35 acre exemption law and a property tax classification interpretation that has affected landowners who have conserved land with CCLT members.

35 Acre Exemption Issue

State Senator Gail Schwartz has convened several meetings with various stakeholders to discuss the current 35 acre exemption law. This law, located in the Colorado Revised Statutes at 30-28-101(10)(b), precludes the application of subdivision regulations to divisions of property resulting in parcels of 35 acres or more. No recommendations have been made and no proposals have been floated regarding this issue. So far the meetings have been discussion-oriented.

CCLT is interested in knowing our members' opinion on the 35 acre exemption law and what you would like CCLT to be doing on your behalf.

Property Tax Issue

CCLT has been working with Colorado Open Lands and Isaacson Rosenbaum P.C. on addressing what we believe to be a misinterpretation of Colorado law by the Department of Local Affairs in their Valuation Manual and by at least one Colorado County Assessor. In brief, the issue comes down to whether agricultural land that has had a conservation easement placed on it and that allows for residential improvement (i.e. contains a building envelope) retains its agricultural property tax classification. CCLT's reading of the statutes and our knowledge of the legislative history and intent answer that question affirmatively. We have been working with property tax officials within the State government to resolve this issue and will keep people updated as any changes are made.

Thanks for Rallying to Protect Conservation in Colorado!

As many of you know, two legislators held a press conference last month suggesting that a way to fund the transportation bill was to end the conservation easement tax credit program. Due to the overwhelming opposition to this idea, there have been no further developments or discussion of such a proposal. Thank you to everyone who contacted their legislators voicing support for the program.

Updates from the Land Trust Alliance on Federal Policy

Rep. Eric Cantor (R-VA) has agreed to be the lead Republican on new legislation to make the easement incentive permanent. In addition to being a senior member of Ways & Means, Rep. Cantor is Minority Whip, the #2 position in the House Republican leadership.

Reps. Mike Thompson (D-CA) and Cantor will introduce the bill in a few weeks, so we need you to call your Representatives today and ask them to become original cosponsors by calling Travis Robey in Rep. Thompson's office at (202) 225-3311. A diverse list of original cosponsors will give the bill a huge head start when it is introduced next month. A fact sheet and talking points provided by the Land Trust Alliance are available [here](#).

The renewed incentive helps landowners by 1) raising the maximum deduction a donor can take for donation a conservation easement from 30% of their adjusted gross income in any year to 50%, 2) allowing qualified ranchers and farmers to deduct up to 100% of their adjusted gross income, and 3) increasing the number of years over which a donor can take deductions from 6 years to 16 years.

This bill had over 180 co-sponsors in the House last year and 28 co-sponsors in the Senate. We need to do even better during the 111th Congress. Last session, Representatives John Salazar, Mark Udall, Ed Perlmutter, and Marilyn Musgrave joined Senators Wayne Allard and Ken Salazar in cosponsoring. As you know, there has been a lot of change in Colorado's congressional delegation. We need to get in touch with Representatives Salazar and Perlmutter and encourage them to co-sponsor again this year and we need to encourage Senator Mark Udall to continue his support for this legislation now that he is in the Senate.

The Colorado conservation community needs to make a concerted effort to reach out to the new members of Congress and the members who did not co-sponsor last year: Senator Michael Bennet and Representatives Diana DeGette, Jared Polis, Betsy Markey, Doug Lamborn, and Mike Coffman. Information on how to contact them will be provided at CCLT's upcoming conference, Conservation Excellence 2009. If you are not attending this conference, please contact Greg (greg.yankee@cclt.org) for that information.

In other matters, the U.S. House of Representatives chose to provide close to full funding for the Farm Bill conservation programs in the FY 2009 Appropriations bill. In recent years appropriators have held back as much as half the funding promised to the Farm and Ranch Lands Protection Program. Under the House bill, FRPP would receive its full authorized funding level of \$121 million! Grasslands Reserve Program is limited only by its acreage cap.

The Federal Land and Water Conservation Fund would grow by more than \$22 million to \$152 million, but stateside LWCF funding is cut to just \$20 million. [Click here for an explanatory statement listing specific projects.](#)

Forest Legacy would shrink slightly to \$49 million. State Wildlife Grants and the North American Wetlands Conservation Act would receive slight increases to \$75 million and \$42.6 million respectively.

Finally, the Land Trust Alliance was engaged in the economic stimulus package process from the very beginning, but guidelines from both Congress and the Administration made significant new funding for land conservation unlikely. That said, the final package does include over \$15 billion for federal natural resource agencies, some of which may be of help to land trusts in Colorado.

Here is an overview of some of the programs that the Land Trust Alliance worked hard on:

- \$145 million to the Natural Resources Conservation Service for the *purchase of easements on and restoration of flood-prone farmland--the clearest opportunity for land trusts to fund acquisition with this bill.*
- \$230 million to the National Oceanic and Atmospheric Administration, \$1 billion to the Bureau of Reclamation, \$5 billion to the Corps of Engineers and another \$195 million to NRCS, all available, at least in part, for watershed restoration, *including projects like dam removal, wetlands restoration and fish ladders on private lands.*
- \$250 million to the U.S. Forest Service for cooperative projects to benefit state *and private lands, primarily hazardous fuels reduction and post-fire restoration.*
- \$290 million to the U.S. Fish and Wildlife Service, \$905 million to the National Park Service, \$320 million to the Bureau of Land Management and another \$950 million to the Forest Service, all nominally for projects on federal lands, but if your organization has properties adjacent to federal lands, there could be *opportunities for partnerships on projects like habitat restoration and trail building.*
- At least 3% of the \$27.5 billion in state transportation funding will go

to [Transportation Enhancement](#) projects which can include acquisition of scenic or historic easements, trail building and environmental mitigation.

- At least 20% of EPA's \$6 billion in Safe Drinking Water Act funding will be available for unconventional water quality projects which have included land conservation in the past.

If you hope to benefit from this funding, you should call your local offices of these agencies soon. Agencies are required to detail their plans within 30 days and obligate funds to specific projects within 90 days, so it's important to sell them on your priorities today.

Conservation Excellence 2009 March 18-20, 2009 in Denver, Colorado

Wednesday, March 18, the opening day of our upcoming conference, will be a policy-focused day with presentations on many of the topics in this e-newsletter. If you would like more information about HB09-1014, the implementation of HB08-1353, other state policy issues and federal legislation, please plan on attending Conservation Excellence 2009!

Registration is open! Go to www.cclt.org to register or click [here](#) to download a detailed agenda.

We will be providing professional continuing education credits for attorneys, appraisers, real estate professionals, and accountants.

Sponsorships Available- Please take a look at our [sponsorship packet](#) or email jeannie.mcginis@cclt.org for information.

Location: Crowne Plaza Denver, 1450 Glenarm Place, Denver, CO 80202 (www.hoteldenver.net). We have reserved a room block at a special rate. To make a reservation, please call 877-692-6161 and use room code "CLT"

CCLT Members Recently Accredited!!

On February 25, 2009, the Land Trust Accreditation Commission announced that 14 land trusts from Hawaii to Vermont have received accreditation. Included in this select group are two more Colorado land trusts, Colorado Cattlemen's Agricultural Land Trust and Mesa Land Trust.



Both of these organizations deserve a huge round of applause for this national recognition of their dedication to land conservation. Tammara Van Ryn, the Executive Director of the Land Trust Accreditation Commission, believes the common thread among all 53 accredited land trusts is a "proven commitment to meeting national standards for excellence, upholding the public trust and ensuring that conservation efforts are permanent." Please join us in congratulating the Colorado Cattlemen's Agricultural Land Trust and the Mesa Land Trust.

This brings the number of accredited Colorado land trusts to 7. This means that Colorado has over 1/8 of the accredited land trusts in the nation. Additionally, 6 other land trusts have started the application or registration process. These are the San Isabel Land Protection Trust, Douglas Land

Conservancy, Middle Park Land Trust, Montezuma Land Conservancy, Black Canyon Land Trust, and La Plata Open Space Conservancy.

More information is available on the Land Trust Accreditation Commission [website](#).

GOCO MAKES STAFFING ADDITION/CHANGES

DENVER - Lise Aangeenbrug, Executive Director of Great Outdoors Colorado (GOCO), has announced that Dale Craker has been promoted to GOCO's Director of Programs. In addition, GOCO has hired Eric Bergman as Director of Government Relations & Outreach. GOCO awards grants with Colorado Lottery proceeds to local governments, land trusts, the Colorado Division of Wildlife and Colorado State Parks. Craker and Bergman will fill senior staffing positions at GOCO that have been vacant.

Craker joined GOCO in 2001, serving first as Program Assistant, then as Program Coordinator and most recently as Program Manager for Land Acquisitions & Legacy. He will oversee the implementation of all competitive grant programs at GOCO including open space, local government and planning/capacity building, along with any new program initiatives, and the administration of all grants awarded. Additionally, he will work with Aangeenbrug on policy and program development. Prior to GOCO, Craker was a Legal Assistant at the Law Offices of Frederick Huff and a Legislative Assistant at the Colorado General Assembly's Office of Legislative Legal Services.

Bergman will join GOCO in March having served as Director of the Office of Smart Growth at the Colorado Department of Local Affairs (DOLA) since 2001 where he has also served as Program Manager for the Local Government Limited Gaming Impact Fund and the Conservation Trust Fund. Before joining DOLA, Bergman was Director of Research and Communications at COLORADO Counties, Inc. At GOCO, Bergman will work with Colorado State Parks and the Colorado Division of Wildlife on GOCO-funded projects and policy issues. Additionally, he will expand GOCO's outreach efforts with local governments, state agencies and non-profit organizations, and will work with Aangeenbrug in developing and amending funding initiatives.

Steven Nagy will replace Craker as GOCO's Manager of Land Acquisitions.

Aangeenbrug said the staffing moves would provide GOCO with additional resources to assist its grantees and other funding partners. "This is an important time to provide cash-strapped local and state agencies and land trusts with all the technical help possible to put together projects that continue to provide citizens with the outdoor recreation, open space and wildlife amenities that are so important to communities around Colorado."

Job Openings With Conservation Organizations

[Land Acquisitions Program Assistant](#), Great Outdoors Colorado

[Executive Director](#), Orient Land Trust

[Land Protection Specialist](#), Palmer Land Trust (Please note this position closes Friday, March 6)

[Land Stewardship Specialist](#), Palmer Land Trust (Please note this position closes Friday, March 6)

[Coordinator](#), Highlands Ranch Community Association

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