

MEETING MINUTES
CONSERVATION EASEMENT OVERSIGHT COMMISSION MEETING
April 11, 2024

MINUTES - INDEX

Commissioners in Attendance	2
Staff in Attendance	2
ORDER OF BUSINESS	2
Approval of Minutes - December 19, 2023	2
Public Comment	2
POLICY MATTERS	3
Applications Update	3
Legislative Update	3
Tax Credit Application TCC-2022-050	3
2024 Meeting Schedule and Agenda items for next meeting	3
ADJOURN	

MINUTES
CONSERVATION EASEMENT OVERSIGHT COMMISSION MEETING
APRIL 11, 2024
COLORADO DIVISION OF CONSERVATION
1560 BROADWAY, SUITE 1550
DENVER, CO 80202

Commissioners in Attendance

Paul Holsinger, an individual who is qualified to analyze conservation purpose, appointed by the Governor; Carmen Farmer, representing a certified conservation easement holder, appointed by the Governor; Tim Mauck, representing the Department of Natural Resources; Nick Jacobson, representing a Certified Conservation Easement Holder, appointed by the Governor; and Jill Ozarski, representing a member of the general public, appointed by the Speaker of the House of Representatives.

Staff in Attendance

Aaron Welch, Director, Beatrice Lawson, Compliance Specialist, Madeleine Green, Compliance Specialist, and Ashley Moller, First Assistant Attorney General.

Notice of the meeting was timely published and the meeting was held pursuant to the Colorado Sunshine Laws, Title 24, Article 6, C.R.S., as amended.

ORDER OF BUSINESS

The meeting was called to order at 9:31 a.m.

Approval of Minutes - December 19, 2023

It was moved by Commissioner Mauck and seconded by Commissioner Farmer to approve the December 19, 2023 minutes.

Motion carried.

Public Comment

None.

POLICY MATTERS

Applications Update

Bea summarized application activity since the last meeting. The Division has 26 tax credit certificate applications pending review. The Division has received 16 applications so far in 2024 (that's 4 applications for conservation easements donated in 2023 and 12 applications for conservation easements donated in 2024). The rate of incoming applications suggests the Division can anticipate 60-65 tax credit applications this year, which would be an increase of 15% to 25% over the average number of applications across the last four years (52 applications per year during 2019-2023). The Division has issued tax credit certificates for 39 applications received last year. The conservation easements involved encumber over 56,000 acres in 24 counties. Bea then gave an update on the 2024 certified holder renewal process. The Division currently certifies 37 organizations, composed of 13 government agencies and 24 nonprofit organizations, to hold conservation easements. The 2024 certified holder renewal season has nearly wrapped up. 34 organizations have been formally renewed at the full certification level, while 2 have renewed at the stewardship-only certification at a lower cost, which is for organizations that do not acquire new conservation easements. There were 79 amendments due to the IRS Safe Harbor Notice and 12 violations reported as resolved or being resolved with the landowners. One organization was newly accredited by LTA.

Legislative Update

Director Welsh provided a brief summary of SB24-126. Commissioners asked several questions regarding the bill, specifically related to the transferability of the tax credit. Ariel Steele of Tax Credit Connection assisted in answering questions about transferability.

Tax Credit Application TCC-2022-050

Commissioner Farmer recused herself from the discussion.

Director Welch provided a summary of Tax Credit Application TCC-2022-050 a.k.a Rugby Goes to the Dogs. Director Welch then introduced Carl Vitale, Stewardship Director at MALT. The landowners of the conservation easement also joined the meeting to answer questions from the Commissioners. Director Welch asked the Commission if they think the reserved rights are consistent with the conservation purposes? There was lengthy discussion amongst the Commissioners regarding the prioritization of conservation values and the impact the recreation fields may have on the other CVs..Commissioner Mauck expressed concern about the precedent this would set if the Division issued a tax credit to a property used as a recreational rugby field. The other Commissioners agreed but felt they didn't have enough information to make a motion one way or the other. Assistant AG Ashley Moller suggested that the Commission limit their scope of inquiry and not look for outside guidance aside from the information provided by MALT and the landowners. The landowner offered the idea of excluding the five-acre ball field from the CE and the Commissioners agreed that that may be a good idea. The Commission decided to table a formal vote until the next meeting and asked Director Welch to further investigate MALT's selection process regarding this project. Commissioner Holsinger motioned to table voting on TCC-2022-050 until the next CEOC meeting in order to gather more information. Commissioner Mauck seconded the motion, Chair Ozarski called for a vote.

Motion carried.

2024 Meeting Schedule and Agenda Items for Next Meeting

Commissioner Mauck introduced his replacement, Kelly Romero Heaney. Director Welch also mentioned that Commissioner Hancock's term ended.

The next meeting is scheduled for June 27, 2024. Topics may include another legislative update, a cybersecurity update, and further review of Tax Credit Application TCC-2022-050.

ADJOURN

The Commission adjourned the meeting at 11:21 a.m. on April 11, 2024.