

**MEETING MINUTES
CONSERVATION EASEMENT OVERSIGHT COMMISSION MEETING
December 19, 2023**

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MINUTES
CONSERVATION EASEMENT OVERSIGHT COMMISSION MEETING
DECEMBER 19, 2023
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; Keli Cavaleri, representing the Great Outdoors Colorado (GOCO) Program; Tim Mauck, representing the Department of Natural Resources; Nick Jacobson, representing a Certified Conservation Easement Holder, appointed by the Governor; Lee Hancock, representing a member of the general public, appointed by the President of the Senate; 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 9:30 a.m.

Approval of Minutes - September 28, 2023

It was moved by Commissioner Holsinger and seconded by Commissioner Farmer to approve the September 28, 2023 minutes.

Motion carried.

Public Comment

None.

POLICY MATTERS

Staff Update

Director Welch introduced the newest employee of the Division of Conservation, Madeleine Green.

Legislative Update

Amy Beatie, Executive Director of Keep It Colorado, introduced herself and gave a brief overview of the Keep It Colorado “Road Map”. She then updated the Commission about the bill being drafted to amplify the tax credit cap to \$75 million and repeal the current repeal date for the Commission and Certified Holder Program, among other things. Ashley Moller reminded the Commissioners that they should only meet with Amy one at a time and in a personal capacity rather than as acting Commissioners.

Applications Update

Bea summarized application activity since the last meeting. The Division has 9 tax credit certificate applications pending review. The Division has received 44 applications this year (6 applications for conservation easements donated in 2022 and 38 applications for conservation easements donated in 2023). 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 2019-2022). The Division has issued tax credit certificates for 25 applications received this year. The conservation easements involved encumber nearly 54,000 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 begun, and seven organizations have applied for renewal as of the date of this update. Three have been formally renewed at the full certification level. The Division expects almost all organizations to renew at the full certification level; a lower cost, stewardship-only level of certification is available for organizations that do not acquire new conservation easements.

Tax Credit Application TCC-2022-050

Director Welch provided a summary of Tax Credit Application TCC-2022-050 a.k.a Rugby Goes to the Dogs. Director Welch asked the Commission if they think the reserved rights are consistent with the conservation purposes? There was discussion amongst the Commissioners regarding the prioritization of conservation values and the impact the recreation fields may have on the other CVs. Commissioner Ozarski recommended that the Commission wait to make any decisions on this agenda item until they can fully read the conservation easement deed. The Commissioners also asked that the tax credit applicant and CE holder be present for the next meeting.

Draft Position on Federal Tax Deduction Compliance

Director Welch introduced a draft policy, which would declare the independence of the Colorado state income tax credit from the Federal income tax deduction for donated conservation easements. The Commissioners discussed the policy and decided it was solid, but Commissioner Mauck asked if the Commission would benefit from soliciting public comment before taking action to adopt the policy. Ashley Moller also recommended the Commission embrace the stakeholder community i.e. let Keep It Colorado review the draft policy. The other Commissioners agreed and Director Welch agreed to move forward with doing outreach to the stakeholder community and the public.

Co-hold Discussion - Ashley Moller, First Assistant Attorney General

Director Welch provided context for the discussion before Ashley took over. Ashley stated that, based on statute, both holders need to be certified by the Division in order to hold a conservation easement that will eventually receive a tax credit. Commissioner Holsinger requested that the Division send out

information letting holders and potential holders know that holders must be certified by the Division to receive a tax credit. No action was taken by the Commission regarding this agenda item.

2024 Meeting Schedule and Agenda Items for Next Meeting

The next meeting has yet to be scheduled. Director Welch asked if the Commissioners would like to schedule all four meetings for the year and the Commission agreed that that would work. The dates will depend upon the availability of members of the Commission and the capacity of the Division. Topics may include another legislative update and further review of Tax Credit Application TCC-2022-050.

ADJOURN

The Commission adjourned the meeting at 11:18 a.m. on September 19, 2023.