



Board of County Commissioners

970-328-8605

970-328-8629(f)

eagleadmin@eaglecounty.us

www.eaglecounty.us

March 13, 2018

Representative Dylan Roberts

Via email: RepDylanRoberts@gmail.com

RE: HB18-1122; HB18-1123; and HB18-1194

Dear Representative Roberts,

The Eagle County Open Space Program works closely with its local land trusts to preserve iconic properties throughout Eagle County. Perpetual conservation easements are a private property right and are a critical tool for conserving the natural resources that have long defined Colorado – wildlife habitat, scenic views of majestic mountains and sweeping prairies, agriculture, etc. This tool has been used successfully thousands of times across Colorado. There are many stories about the beneficial aspects of conservation easements and how they have helped Colorado conserve its unique resources. Unfortunately, the vast majority of these stories go untold. Without conservation easements we would not be able to enjoy the Horn Ranch Open Space along I-70 or the open western landscapes along the Colorado River Road, both in Eagle County.

For these reasons, we ask you to vote NO on HB18-1122, HB18-1123, and HB18-1194. These three bills harm Colorado by eliminating or significantly restraining an important resource conservation tool and further infringing on private property rights. Specifically, we ask you to consider the following:

HB18-1122 (Accounting of Conservation Easements in the State)

- The conservation easement tax credit program was audited in 2012 and 2017. Additional audits are an unnecessary use of tax payer dollars;
- A comprehensive map and accounting of conservation easements is already available to the public through Colorado State University's COMaP project (<https://comap.cnhp.colostate.edu/>); and,
- The requirements of the accounting called for in this Bill would violate the spirit of the original tax credit legislation and the intent of the conservation easement tax credit program to keep certain elements of the transaction private.

HB18-1123 (Conservation Easement Tax Credit Time Out)

- This bill would create uncertainty and undue economic hardship to landowners currently pursuing conservation easements;



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- Cost landowners who are currently pursuing conservation easements tens of thousands of dollars in sunk costs related to due diligence; and
- Eliminate a key voluntary and private property rights tool for Colorado farm and ranch families.

HB18-1194 (Conservation Easement Transparency)

- This Bill requires landowners to spend significant additional money to obtain important federal tax incentives;
- The Bill further requires landowners to be subjected to an unreasonable public hearing regarding the exercising of a private property right on their own property to continue an existing use;
- Land trusts already provide monitoring reports to their landowners; and
- Limiting easement terms to 20 year terms is problematic for multiple reasons including, but not limited to, (1) conflict with federal tax incentives; (2) conflict with conservation funding sources like GOCO, NRCS, and private foundations; and (3) poor use of tax payers dollars when compared to investments in perpetual conservation easements.

Please vote NO on HB-1122, 1123, and 1194. We are happy to provide additional information and/or to testify against these bills. Thank you for your service to the state of Colorado and for considering this request.

Sincerely,

Kathy Chandler-Henry

Chair

Jeanne McQueeney

Commissioner

Jill H. Ryan

Commissioner