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Conservation Easements

Planning for Economic and Environmental Prosperity

August 20, 2007 • Omni Hotel Downtown • Austin

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Program Co-Chairs

David Braun, Esq.
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More and more reasons why you need to understand conservation easements law! According to the findings of the Land Trust Alliance's 2005 Land Trust Census:

- Total acres conserved by local, state and national land trusts **doubled to 37 million acres** in just the past five years. This is an area 16 ½ times the size of Yellowstone National Park.
- The pace of conservation by local and state land trusts more than **tripled between successive five-year periods.**
- **The number of land trusts grew to 1,667, a 32% increase** over five years.
- **The West is the fastest-growing area**, for both acres conserved and new land trusts.
- **Professionalism of land trusts is increasing**, with most land trusts agreeing to more stringent rules of conduct, and securing larger annual budgets and stewardship endowments.

Source: www.lta.org

Schedule and Instructor Bios Inside

Conservation Easements
Monday, August 20, 2007

seminar schedule

Morning 8:00 a.m. – 12:15 p.m.

8:00 Registration and Continental Breakfast

8:30 **Welcome and Introduction**
Overview of the Day
David Braun, Esq., Program Co-Chair
Braun & Associates, Austin
Lawrence R. Kueter, Esq., Program Co-Chair, and
William M. Silberstein, Esq., Program Co-Chair
Isaacson Rosenbaum, Denver

8:45 **Conservation Easements 101**
The Basics
David Braun, Esq., Program Co-Chair
William M. Silberstein, Esq., Program Co-Chair

10:00 Morning Break

10:15 **Conservation Easement Appraisal: What Professional Landowner Advisors Need to Know**
Theory and Methodology; Different Appraisal Needs for Different Clients; IRS Emphasis on Valuation Issues; New IRS Appraisal Rules and Requirements; Best Advice for Your Client
James J. Jeffries, MAI, ARA
Jeffries Appraisal Services, Georgetown

11:00 **Lands Trusts in Texas and the Texas Land Trust Council**
Texas Land Trusts' Application of Conservation Easements; Negotiating and Drafting a Proper Conservation Easement; Land Trusts' Role in Holding Easements; Next Steps After Closing and Recording; Negotiating a Stewardship Endowment
Carolyn Vogel, Executive Director
Texas Land Trust Council, Austin
Jeff Francell, Director of Land Protection
The Nature Conservancy in Texas, Austin
George Hume Cofer, Jr., Executive Director
Hill Country Conservancy, Austin

12:15 Lunch Break

Afternoon 1:30 p.m. – 5:30 p.m.

1:30 **National and Texas Perspectives**
Update on Texas Legislative Matters; What's Happening Nationally; Where Does Texas Fit In?
Stephen "Mickey" Gerdes, II, Esq.
Uvalde
Lawrence R. Kueter, Esq., Program Co-Chair

2:30 **Minerals, Oil & Gas**
Considerations in Land Conservation
William M. Silberstein, Esq., Program Co-Chair

3:15 Afternoon Break

3:30 **Pitfalls in Creating a Conservation Easement**
Due Diligence; What to Look For; Standard and Special Requirements
Thomas R. Kelsey, Esq.
Berie, Lamberth & McInnis, Houston

4:15 **Ethics**
Issues in the Arena of Conservation Easements
Allison Elder, Esq.
Braun & Associates, Austin

5:15 Q&A Panel
Members of the Faculty

5:30 Evaluations and Adjourn

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New Mexico Water Law SuperConference
August 6-7, Albuquerque

Arizona Water Law SuperConference
August 9-10, Phoenix

Visual Arts & the Law
August 9-10, Santa Fe

California Climate Change Law
August 23-24, San Francisco

Texas Water Law
September 10-11, Austin

Eminent Domain
September 10-11, Dallas

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Conservation Easements
Monday, August 20, 2007

meet your instructors

Program Co-Chairs

David Braun uses conservation easements, conservation development, mitigation banks and other approaches to bring incentives to clients. He is a co-founder, Chairman and CEO of Plateau Land and Wildlife Management, and he was instrumental in the effort to open the Texas offices of the Environmental Defense Fund.

Lawrence R. Kueter joined his firm's Conservation Easements Practice Group over 10 years ago and has been at the forefront of many issues in the field. He is a member of the Board of Directors for the Land Trust Alliance and is a regular speaker in the Rocky Mountain West on land trusts and conservation easements. He also has broad experience in real estate development and land use and planning law.

William M. Silberstein is a member of his firm's Conservation Law Practice Group and is one of the few lawyers in the nation to have focused on conservation easements for over 25 years. He represents Colorado Open Lands, Colorado Cattlemen's Agricultural Land Trust and the Colorado Coalition of Land Trusts. Most recently, he helped the Forbes family create a conservation easement containing over 80,000 acres in the San Luis Valley.

Program Faculty

George Hume Cofer, Jr., works to ensure a healthy environment and economy in the Barton Springs Edwards Aquifer region. He was the founding Chair of Earth Share Texas in 1992 and he helped to create the 1000-acre Barton Creek Wilderness Park and the Sheffield Environmental Education Center.

Allison Elder focuses on environmental and conservation law and previously oversaw operations for the Bexar Land Trust. She has served as the President of the Land Heritage Institute Foundation since 2002 and is on the Board for the San Antonio Conservation Society.

Jeff Francell has worked for more than a decade in the conservation field. He has also served as the Director of Real Estate for the National Audubon Society, Director of Land Acquisition for the Texas Parks and Wildlife Department, and Hill Country Field Representative for The Nature Conservancy in Texas.

Stephen "Mickey" Gerdes, II, focuses in the areas of wills and estates, real estate, oil and gas, litigation, personal injury and business law. He is a member of the Texas Bar Association's Legislative Affairs Committee for the Real Estate Section.

James J. Jeffries has been an appraiser for over 30 years and has specialized in rural and ecologically significant properties for the past 15 years. He has assisted in the creation or expansion of a number of Texas wildlife refuges or preserves, including Balcones Canyonlands National Wildlife Refuge, Caddo Lake State Park and Big Bend Ranch State Natural Area. Over the past five years, he has prepared conservation easement appraisals on 47 properties covering approximately 116,000 acres.

Thomas R. Kelsey is Of Counsel to his firm. He has been a speaker and author on conservation easement topics for close to 10 years and is a Former Director of the Texas Land Trust Council. In 2006, he was appointed by Governor Perry to the Farm and Ranch Lands Conservation Council.

Carolyn Vogel helped to create and coordinate the Texas Land Trust Program while she was with the Texas Parks and Wildlife Department. This program grew from a few organizations to more than 48 land and water trusts, currently conserving over one million acres. The Council is now an independent, self-sustaining organization and is the service center for trusts in Texas.

CLE INTERNATIONAL Program Attorney:
Caroline R. Kert, caroline@cle.com.

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The Basics of Conservation Easements

What Professional Landowner Advisors Need to Know About Appraisal

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Minerals, Oil & Gas

Pitfalls in Creating a Conservation Easement

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