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# Conservation Easements

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Survey of Emerging Case Law

Focusing on Conservation Defense Insurance

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IRS Organizational and Transactional Challenges

What is Perpetuity?

Eminent Domain

Advanced Drafting Issues

Panel Discussion on Mineral Rights

Farm and Ranch Lands Protection Program and Grassland Reserve Program

Conservation Easements in a Sustainable World: Carbon Credits, Endangered Species and Wind Power

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### THURSDAY, JUNE 18

- 8:00 Registration and Continental Breakfast
- 8:30 **Introduction and Welcome**  
Overview of Day One  
**Lawrence R. Kueter, Esq., Program Co-Chair, and William M. Silberstein, Esq., Program Co-Chair**  
Isaacson Rosenbaum, Denver, CO  
**Leslie Ratley-Beach, Esq., Conservation Defense Director, Program Co-Chair**  
Land Trust Alliance, Montpelier, VT
- 8:45 **Conservation Defense Network**  
Focusing on Conservation Defense Insurance  
**Leslie Ratley-Beach, Esq., Conservation Defense Director, Program Co-Chair**
- 10:00 Morning Break
- 10:15 **Survey of Emerging Case Law**  
Discussion of Emerging Trends  
**Robert H. Levin, Esq.**  
Portland, ME
- 11:15 **Advanced Tax Issues**  
Donations, Including Subchapter S  
**William T. Hutton, Esq.**  
Coblentz, Patch, Duffy and Bass, San Francisco, CA
- 12:15 Lunch Break
- 1:30 **IRS Transactional Challenges**  
The Nature of What is Being Challenged by the IRS  
**Larry Harvey, Esq.**  
Denver, CO  
**Mark Weston, Principal**  
Hunsperger & Weston, Denver, CO  
**William M. Silberstein, Esq., Program Co-Chair**  
  
IRS Organizational Challenges: Form 8283, New Form 990, Land Trust Audits, What to Do When the Landowner is Audited and What to Do When the IRS Comes Knocking  
**Jay Erickson, Managing Director**  
Montana Land Reliance, Helena, MT
- 3:00 Afternoon Break
- 3:15 **What is Perpetuity?**  
Report on the Status of Conservation Easement Amendments and Terminations in the Land Trust Community  
**Sylvia Bates, Director of Standards and Research**  
Land Trust Alliance, New Hampton, NH
- 4:30 Q&A Panel  
Members of the Faculty
- 4:45 Adjourn

#### TELL US WHAT YOU WANT!

Do you have specific questions or topics you hope to see covered in this program? Would you like to see a Conference on another topic? Contact **CLE INTERNATIONAL** Managing Program Attorney Heidi A. Ray, [heidi@cle.com](mailto:heidi@cle.com).

#### REACH YOUR TARGET AUDIENCE!

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### FRIDAY, JUNE 19

- 8:00 Continental Breakfast
- 8:25 **Welcome Back**  
Overview of Day Two  
**Lawrence R. Kueter, Esq., Program Co-Chair**  
**William M. Silberstein, Esq., Program Co-Chair**  
**Leslie Ratley-Beach, Esq., Conservation Defense Director**  
Program Co-Chair
- 8:30 **Advanced Conservation Easement Drafting Issues**  
Conservation Values, Attorney Fees, Intersection of Building Envelopes and Subdivision Rights, Water Rights, Third Party Liabilities, and Other Issues  
**Lawrence R. Kueter, Esq., Program Co-Chair**
- 9:45 Morning Break
- 10:00 **Minerals – Q&A Panel**  
Current Issues and Solutions for Conservation Easements and Mineral Rights  
**Kathleen Staks, Program Coordinator, Open Space**  
Great Outdoors Colorado, Denver, CO  
**Craig R. Carver, Esq.,** Carver Kirchoff Schwarz McNab & Bailey, Denver, CO
- 11:00 **Ethics**  
Examples of Ethical Dilemmas for Land Trusts  
**Allan C. Beezley, Esq.,** Boulder, CO
- 12:00 Lunch Break
- AFTERNOON SESSION: CHOOSE NATIONAL OR COLORADO TRACK**

#### National Track

- 1:15 **Farm and Ranch Lands Protection Program and Grassland Reserve Program**  
Legislation and Rules  
**Laurie Ristino, Esq.,** US Department of Agriculture, Washington, DC
- 2:15 Afternoon Break
- 2:30 **Conservation Easements in a Sustainable World**  
Carbon Credits, Endangered Species, and Wind Power  
**Laurie Wayburn, Co-Founder and President**  
Pacific Forest Trust, San Francisco, CA
- 3:30 **Eminent Domain**  
Discussion of Conservation Easements and the Law of Eminent Domain  
**Nancy McLaughlin, Esq., Robert W. Swenson Professor of Law**  
S.J. Quinney College of Law, University of Utah, Salt Lake City, UT
- 4:30 Q&A Panel  
Members of the Faculty
- 4:45 Evaluations and Adjourn

#### Colorado Track

- 1:15 **Colorado Tax Credits Today**  
Update on Implementation of HB 1353  
**Erin Toll, Director,** Colorado Division of Real Estate, Denver, CO  
**Jill Ozarski, Executive Director,** Colorado Coalition of Land Trusts, Denver, CO
- 2:15 Afternoon Break
- 2:30 **Certification of Holders of Conservation Easements**  
Update on Status of Certification Program  
**Hollis Glenn, Program Manager,** Colorado Division of Real Estate, Denver, CO  
**Jill Ozarski, Executive Director**
- 3:30 **Department of Revenue and the Tax Credit Program**  
Practical Guidance for Dealing with the Department of Revenue and Its Administration of the Tax Credit Program  
**Chris Jensen, Esq.,** Isaacson Rosenbaum, Denver, CO  
**Kevin Shea, Colorado Certified General Appraiser**  
Conservation Tax Credit Transfer, Arvada, CO
- 4:30 Q&A Panel  
Members of the Faculty
- 4:45 Evaluations and Adjourn

### PROGRAM CO-CHAIRS

**Lawrence R. Kueter** represents landowners, governmental entities, land trusts, and local and national conservation organizations. He is on the Board of the Land Trust Alliance and Chair of the Land Trust Accreditation Commission.

**Leslie Ratley-Beach** has extensive legal and program experience with conservation easements. She helps address the challenges of IRS audits of easements, condemnation of easements, and potential insurance for easements.

**William M. Silberstein** is a recognized leader in land conservation law in the Rocky Mountain region, working with landowners, land trusts, accountants, appraisers, land planners, and biologists in structuring conservation easements.

### FACULTY

**Sylvia Bates** has worked in the land conservation field since 1987, most recently as an independent consultant, and has conducted hundreds of workshops nationwide. She was formerly the director of land protection for the Society for the Protection of New Hampshire Forests.

**Allan C. Beezley** represents statewide and local conservation organizations, as well as governmental agencies, in land conservation matters throughout the western United States, and has been involved in over 1,000 land conservation transactions since 1991.

**Craig R. Carver** represents companies involved in extraction, transportation and marketing of oil and gas and other natural resources. He currently serves as the Vice President and President-Elect of the Rocky Mountain Mineral Foundation.

**Jay Erickson** has been with his organization since 1999. In its 28 years, the Montana Land Reliance has become one of the nation's leading private land conservation groups.

**Hollis Glenn** is responsible for establishing a certification program and overseeing investigations of unqualified or fraudulent organizations. He previously investigated mortgage fraud.

**Larry Harvey** emphasizes federal income taxation, corporate planning and other business related matters. He has been a speaker at numerous continuing legal education programs, and has also been qualified as an expert witness.

**William T. Hutton** is one of the nation's leading authorities on the tax and financial aspects of land preservation transactions. He provides tax advice to nonprofit organizations, businesses, and individuals.

**Chris Jensen** represents landowners, land trusts and land conservation organizations in a variety of transactional and tax-related land conservation matters. He has also worked for a national land conservation organization.

**Robert H. Levin** specializes in land conservation. He represents land trusts, local governments and landowners, and has spoken and written extensively on land conservation issues. He is a consultant to the Land Trust Alliance on conservation case law.

**Nancy McLaughlin** lectures and writes extensively, and consults nationally on easement defense and nonprofit governance issues. She serves on the advisory board of Vital Ground and Utah Open Lands.

**Jill Ozarski** has over a decade of experience in public and private land management, including work for The Wilderness Society, The Nature Conservancy, the U.S. Office of Management and Budget, and local government.

**Laurie Ristino** advises the USDA Forest Service and the Natural Resources Conservation Service on environmental and climate change legal matters. She has expertise in conservation realty and advises the NRCS on its programs.

**Kevin Shea** reviews over 100 Conservation Easement Tax Credit transactions and appraisals each year, and has appraised property for both conservation and condemnation. He is on the board of the Colorado Coalition of Land Trusts.

**Kathleen Staks** and her nonprofit organization bring together conservation dollars, the works of local, state and national conservation groups, and the latest information and expertise to make the greatest impact on Colorado's landscapes.

**Erin Toll** was appointed Director of the Colorado Division of Real Estate on September 5, 2006. Before joining the Division, she was an Assistant Attorney General specializing in regulatory law.

**Laurie Wayburn** co-founded Pacific Forest Trust, which is the only U.S. nonprofit dedicated exclusively to promoting the conservation and stewardship of America's private forestlands, with a key focus on climate stabilization.

**Mark Weston** has been an independent real estate appraiser for 18 years, with special focus on valuation of and counseling related to conservation easements encumbering private land, mostly in the western United States.

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**One Day: JUNE 18**  **JUNE 19**

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