



The Best Faculty. The Best Experience. Since 1983.

3rd Annual Conference!

Conservation Easements

Tax Considerations, Appraisals and Mitigation

November 16-17, 2009 • Grand Hyatt • San Francisco

Bear Valley Ranch wildflower habitat

Featuring Speakers From:

- California Council of Land Trusts
- Conservation Partners
- Peninsula Open Space Trust
- California Rangeland Trust
- Sonoma County Agricultural Preservation and Open Space District
- Sonoma Land Trust
- Kelly Group
- The Nature Conservancy
- ... and some of the top conservation easements attorneys in California!

Dear Colleague:

Learn, share and enjoy by attending CLE International's 3rd Annual Conservation Easements Conference. This Conference offers the potential to advance in your field and be an active participant in the conservation easement community. Generate new relationships that may be a source of new business and everlasting friendships.

Learn. You'll hear from an impressive faculty, who will provide the latest insights on both theory and practice. The sessions are designed to advance your knowledge and make you think. Consider those sessions as the jumping-off point for new and interesting conversation.

Share. Consider the abundance of interest and expertise among the faculty and participants. You will be immersed in a room full of like-minded professionals, and there will be ample opportunity to network and contribute your unique experience, interests and ideas.

Enjoy. The Conference will be held in the center of Union Square, one of the most beloved and historic places in San Francisco. Explore this popular shopping, theater and dining destination, and be a part of this vibrant city life.

We hope to see you there!

Sincerely,



Darla Guenzler, PhD
Program Co-Chair
Executive Director
California Council of Land Trusts
Sacramento



Harry Pollack, Esq.
Program Co-Chair
Principal
Conservation Partners
Berkeley

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Schedule and Instructor Bios Inside

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MONDAY, NOVEMBER 16

- 8:30 Registration and Continental Breakfast
- 9:00 **Welcome and Introduction**
Overview of Day One
Darla Guenzler, PhD, Executive Director, Program Co-Chair
California Council of Land Trusts, Sacramento
Harry Pollack, Esq., Principal, Program Co-Chair
Conservation Partners, Berkeley
- 9:15 **Introduction to Conservation Easements**
History, Statistics, Methods of Creating Conservation Easements
Darla Guenzler, PhD, Executive Director, Program Co-Chair
- 10:15 Morning Break
- 10:30 **Walking Through a Conservation Easement**
Basic Conservation Easement Terms; Keeping Perpetuity in Mind
Harry Pollack, Esq., Principal, Program Co-Chair
- 11:30 **Cobbling Together a Conservation Easement: Part I**
Conservation Easement Acquisition Process — Negotiations, Funding, Title, Closing
Walter Moore, Esq., Executive Vice President
Peninsula Open Space Trust, Palo Alto
- 12:15 Lunch Break
- 1:30 **Cobbling Together a Conservation Easement: Part II**
Conservation Easement Acquisition Process — Negotiations, Funding, Title, Closing
Walter Moore, Esq., Executive Vice President
- 2:30 Afternoon Break
- 2:45 **Advanced Drafting Issues**
Perpetuity, Conservation Values, Building Envelopes and Subdivision
Michele Clark, Esq., Transaction Director
California Rangeland Trust, Sacramento
- 3:45 **Stewardship**
Monitoring; Discretionary Approvals; Relationship Between the Landowner and the Holder of the Conservation Easement
Bob Neale, Stewardship Director
Sonoma Land Trust, Santa Rosa
- 4:45 Q&A Panel
Members of the Faculty
- 5:00 Adjourn

Save These Dates!

California Water Law	November 5-6, Palm Springs
Endangered Species Act	November 5-6, San Francisco
Land Use Law	December 3-4, Albuquerque
NEPA	December 3-4, Denver
Telecommunications Law	December 7-8, Denver
Water Marketing	December 10-11, Denver

TUESDAY, NOVEMBER 17

- 8:30 Continental Breakfast
- 9:00 **Welcome Back**
Overview of Day Two
Darla Guenzler, PhD, Executive Director, Program Co-Chair
Harry Pollack, Esq., Principal, Program Co-Chair
- 9:15 **Keynote Presentation:**
Tax Considerations and Tax Benefits: Qualification Issues and Key Tax-Related Provisions
William Hutton, Esq.
Coblentz, Patch, Duffy & Bass, San Francisco
- 11:00 Morning Break
- 11:15 **Appraisals**
Basic Appraisal Process and Requirements; State and Federal Levels
Paul Rowan, ASA, Land Acquisition Specialist
Sonoma County Agricultural Preservation and Open Space District
Santa Rosa
- 12:15 Lunch Break
- 1:30 **Mitigation**
Navigating the Mitigation Process
Kate Kelly, Principal
Kelly Group, Winters
- 2:30 Afternoon Break
- 2:45 **Emerging Opportunities and Challenges**
Climate Change, Eminent Domain, Current Economic Conditions
Michelle Passero, Senior Climate Policy Advisor
The Nature Conservancy, San Francisco
Ellen Fred, Esq.
Law Office of Ellen A. Fred, Traverse City
- 4:00 **Ethics**
Ethical Issues Facing Land Trusts and Their Attorneys
Robert "Perl" Perlmutter, Esq.
Shute, Mihaly & Weinberger, San Francisco
- 5:00 Evaluations and 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? Would you like to learn about sponsorship and exhibit opportunities?
Contact **CLE INTERNATIONAL** Program Attorney Michelle Messner, michelle@cle.com.

PROGRAM CO-CHAIRS

Darla Guenzler has led numerous policy, research and collaborative projects on improving the use and management of land protection and management tools, and has developed regional conservation plans and funding strategies. She was previously Associate Director of the Bay Area Open Space Council and is a frequent instructor on land trust issues.

Harry Pollack has over 30 years of experience. He manages the transactions and develops and maintains his company's relationships with its clients. He has been active as a speaker at conservation conferences and has assisted with the establishment of the California Council of Land Trusts. He is also a partner in the law firm of Pollack & Davis, where he concentrates on negotiating real estate and other business transactions.

KEYNOTE PRESENTER

William Hutton is a recognized expert in nonprofit and tax law, with an emphasis on the tax aspects of land conservation and preservation, including conservation easement planning. He is counsel to both national conservation organizations and local and regional land trusts, and advises individuals and corporations on the income and estate tax consequences of conservation transactions. In addition to his work for the firm's clients, Mr. Hutton is a Professor of Law Emeritus at the University of California Hastings College of the Law in San Francisco. He has lectured at virtually every major national tax conference, and he has taught summer courses to Internal Revenue Service, Justice Department and Treasury attorneys. He was a founding board member of Conservation International and presently serves on the board of Ecotrust.

FACULTY

Michele Clark is responsible for negotiating and closing the conservation easement transactions at the California Rangeland Trust (CRT). She joined CRT in 2004 after serving as regional counsel to the Trust for Public Land. Prior to that, Michele enjoyed a successful career as a partner with McDonough, Holland & Allen in Sacramento. Michele has taught a variety of real estate conservation courses at seminars sponsored by the Land Trust Alliance, CCLT and the Great Valley Center.

Ellen Fred serves clients in various areas of tax law, focusing primarily on land conservation transactions and nonprofit tax issues. Prior to establishing her solo practice, she was with the San Francisco law firm of Coblenz, Patch, Duffy & Bass, where she practiced for four years in its land conservation section. Ms. Fred is also an Of Counsel attorney with the law firm of Smith Haughey Rice & Roegge in Traverse City, Michigan.

Kate Kelly provides land use, project management, and governmental relations consulting services to public agencies, land trusts and other nonprofits. She has over 18 years of experience in land use and environmental planning, public policy, conservation transactions, economic development and organizational management. During her eight years as Yolo Land Trust's Executive Director, Kate worked extensively with government agencies, the development community, landowners and stakeholders to craft, implement and refine mitigation policies and programs.

Walter Moore oversees all functions of the Land Department, including acquisition, management and disposition of all Peninsula Open Space Trust (POST) properties. Prior to joining POST in 1995, he was an associate with the law firm of Thoits, Love, Hershberger & Mclean, where he specialized in real estate transactions and litigation. Mr. Moore is Chair of the California Council of Land Trusts Policy Committee and former Chair of the Bay Area Open Space Council.

Bob Neale oversees the management of his Trust's conservation lands and the direction of the conservation easement stewardship program. Before coming to SLT in 2004, Bob worked with Sustainable Conservation as Director of the Partners in Restoration Program, an innovative approach to streamlining regulatory review for conservation projects. He started his career in conservation with the Peninsula Open Space Trust as its Land Manager.

Michelle Passero has over 12 years of experience working in land conservation, environmental law and policy, with particular expertise in forest and climate policy and related conservation transactions. She has written and contributed several articles analyzing legal issues related to the emerging greenhouse gas emissions trading market and forest conservation. Currently, she is leading TNC's policy efforts to establish a comprehensive role for forests and natural systems under the California Global Warming Solutions Act.

Robert "Perl" Perlmutter focuses his practice on local initiatives and referendums, green building, land use, CEQA, NEPA, the Clean Water Act, Federal and California Clean Air Acts, California Endangered Species Act, general planning and zoning laws, conservation easements, the Political Reform Act, and open meeting laws. He advises and represents environmental organizations, public agencies, and community groups in administrative proceedings in state and federal courts.

Paul Rowan provides independent appraisal services to leading regional park districts and land trusts in the San Francisco Bay Area. He has over 25 years of appraisal experience including habitat, open space and agricultural lands. He has presented at numerous conservation easement seminars in California on valuation issues.

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Cancellation

Full tuition refunds (less a \$50 administrative charge) will be given only if notice of cancellation is received by 5:00 p.m. MST on the Monday prior to the Conference. Substitutions may be made at any time.

Tuition

- \$895 per person
- \$795 each for two or more
- \$795 each for government, 501(c)(3) organizations, full-time judges, law students and paralegals
- \$695 each for two or more government, 501(c)(3) organizations, full-time judges, law students and paralegals

Home Study

- Audio transcript and course materials
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Acquiring, Drafting and Recent Developments

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Keynote Presentation

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Qualification Issues and Key Tax-Related Provisions

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