

## President's Letter

### It's a Shame...

Land conservation always begins with the landowner. The landowner has to want to preserve the land. Maybe you can find funds to buy their property, but it's seldom as easy for them as selling privately. Tax incentives available to a landowner have expanded dramatically in recent years, but the benefits never equal what someone will make selling at market value.

An amazing amount of land – 37 million acres – is preserved nationally via conservation easements. The number is 1.2 million acres in Colorado. Conservation easements are all about a private commitment to preserve land.

In my career, I have been fortunate to work with hundreds of landowners committed to the conservation of their land. It may originate from a desire to preserve generations of family heritage. It may be a love of the land itself. It may be a commitment to perpetuating agriculture. It may be a hope to raise children in their lifestyle and the lifestyle of their parents. More than likely, it's all of these.

Robert Lien pleaded with me on his deathbed to find a way to save his land. Mick Buyer, one of the toughest men I've ever met, told me how preservation of his ranch was the legacy he owed his ancestors. It's now his legacy too. When I first met Bill Trampe, I remember him saying a conservation easement doesn't necessarily make someone a better rancher, but it keeps the land available for agriculture until a better one comes along.

Up until now, society has recognized the contributions of these people. The public's appreciation for conservation is reflected in new public funding and tax incentives at all levels. Unfortunately in Colorado we've had individuals and organizations apparently abuse those incentives. These abuses should be stopped, and it appears the State of Colorado is well on its way to do so.

However, the abuses have also brought the IRS. Displaying an exacerbating inability to tell the good from the bad, they have cast a pall over the entire



Permanent protection of stunning places like Beatty Canyon Ranch are becoming increasingly challenging due to IRS audits.

industry. Using staff inexperienced in the business, they have challenged virtually all easements. High priority easements purchased with government funds, breathtaking properties exemplifying the best of Colorado, properties critical to significant conservation initiatives, all subject to seemingly endless, oppressive IRS audits.

Understandably, landowners are now reluctant to pursue conservation easements. They want to, but they fear IRS audits. Conservation was down last year, and all evidence is it will be down this year as well. The cause is clear. The policy of one government agency is contradicting incentive policies of Congress and other public agencies. It will take years for the 100+ IRS audit cases in Colorado to wind through the administrative process and the courts. I believe the vast majority will be settled in the landowners favor. But until they are, new land conservation will suffer.

It's a shame.