

Your Conservation Easement and COLORADO OPEN LANDS





Welcome to Colorado Open Lands

In this guide, we hope to give you a general understanding of:

Colorado Open Lands, past, present and future

How to understand your conservation easement

The role of Colorado Open Lands in stewarding your conservation easement

The programs and resources that Colorado Open Lands offers

About Colorado Open Lands

What is Colorado Open Lands?

The mission of Colorado Open Lands is *to preserve the significant open lands and natural heritage of Colorado through private and public partnerships, innovative land conservation techniques, and strategic leadership.*

As an accredited and state certified land trust, our work permanently preserves Colorado's farms, ranches, wildlife habitat, rivers, and irreplaceable scenic lands. To date, we have conserved more than 267,000 acres in 41 counties around Colorado!

Originally a product of Governor Richard Lamm's Front Range Project, Colorado Open Lands was incorporated as a 501(c)(3) charitable organization in 1981 by a team of business leaders known as the Colorado Forum. Since then, our landowner-friendly approach to land and water conservation has been instrumental to our success.

Colorado Open Lands operates under four guiding principles:

Integrity

We earn the trust of our landowners, partners, donors and community by fulfilling our commitments and holding ourselves to the highest ethical standards in all we do.

Creativity

We are focused on creating, championing, and celebrating conservation-minded solutions that turn land use challenges into opportunities.

Inspiration

We are driven by a love of Colorado's magnificent lands and a respect for the landowners that steward them and the citizens that cherish them.

Collaborative Leadership

Our leadership will seek and foster internal and external collaborative relationships to meet the challenge of conservation in perpetuity.

What is a land trust?

A land trust (like Colorado Open Lands) is a private, non-profit organization with a mission to help landowners conserve properties with outstanding natural, agricultural, and scenic values. Land trusts typically do this by holding conservation easements and ensuring that the terms of the easements are being followed. The land trust works with the landowner to create the conservation easement document and agrees to care for, or "steward" the conservation easement forever.



Understanding Your Conservation Easement

What is a conservation easement?

A conservation easement is a voluntary legal agreement between a landowner and a land trust or government entity which contains permanent restrictions on the use or development of land in order to protect certain values of the property. The conservation easement is recorded in the county records just like a deed, and stays with the property forever, regardless of who owns the land.

The majority of conservation easements that Colorado Open Lands holds protect working farms and ranches, wildlife habitat, and scenic lands visible from public roads or nearby public land.

Each conservation easement is individually tailored to fit the particular tract of land and the conservation values of that property. The terms of the conservation easement are legally enforceable by the land trust as the holder of the conservation easement, and it is the obligation of the land trust to ensure that the purposes of the conservation easement are honored in perpetuity.

Components of your conservation easement

A conservation easement is a complex document with many specific terms and provisions. It is important for you to review the deed of conservation easement and other easement documents to fully understand the terms and the responsibilities of all parties. A brief description of some of the significant sections of the conservation easement is outlined below:

Conservation Purposes (Conservation Values): This is one of the most important sections of the conservation easement and is the foundation for which the conservation easement terms and restrictions are based. Each conservation easement must include at least one of the following conservation values:

- to protect relatively natural habitat of fish, wildlife or plants
- to preserve open space (which includes scenic and agricultural values)
- to preserve land for outdoor recreation or education of the general public
- to preserve historically important land or structures

This section is specific to your property and is based on the findings of the Present Conditions Report. A “Present Conditions Report,” or “Baseline Report,” was prepared as part of the original donation process. The goal of the baseline is to fully document the conditions of the property at the time of the conveyance. This includes a complete

assessment of the conservation values of the property that are to be protected, including important wildlife habitat and scenic open space. The baseline typically includes a thorough evaluation (including maps and photographs) of the geology, soils, plants, and animals associated with the property. This document is an excellent reference about the conditions of the property at the time of the donation.

Purpose and Intent: This section defines the mutually agreed upon goals for the protection of the property. In general, the Purpose of the conservation easement is to preserve and protect the Conservation Values in perpetuity. Subject to the Purpose, the Intent of the conservation easement is to permit all other uses of the property that are not inconsistent with the preservation and protection of the Conservation Values, or that are not expressly prohibited in the conservation easement document.

Property Improvements: This section describes the terms relevant to improvements on the property, including location of the building envelopes (areas where improvements may be constructed), residential and non-residential (e.g. agricultural) improvements, general construction limitations and procedures, road construction, fences, utility lines, signs and water features, etc.

If you are considering constructing a new improvement on your property you should carefully read this section to determine what improvements are permitted and what type of notice or approval may be required prior to construction.

Resource Management: Good resource management and stewardship is important to protecting the Conservation Values of your property. This section describes management practices for the natural resources of the property, which may include agriculture, timber, mining, recreation, water rights and habitat. For each topic, the easement provides guidance on resource management practices that are consistent with the protection of the Conservation Values of the property.

Restricted Practices: This section describes other restrictions there may be on the property including subdivision, surface disturbance, hazardous materials, and other uses and activities.

Enforcement: This section describes the rights of Colorado Open Lands to prevent and correct violations of the terms of the conservation easement. Colorado Open Lands will follow the provisions of this section if we believe there is a violation of the terms of the deed.

Transfer of Property: This section details the requirements for transferring (including selling) your property. Any time your property or any interest in it is transferred, Colorado Open Lands must be given notice (typically using the form in Exhibit C of your easement). In some cases there may be a transfer fee that is due at the time of the transfer, which we use for the perpetual stewardship of the easement.

If you have any questions about your conservation easement, please do not hesitate to contact us!



Working with Colorado Open Lands

At Colorado Open Lands, we pride ourselves on being landowner-friendly. Landowner relationships are the foundation of our stewardship program. We are always available to help and you can contact us at any time. You will also hear from us throughout the year. Most importantly, we will contact you regarding visiting your property for our annual site visit.

Site visits, or “monitoring” each conservation easement is an important responsibility of Colorado Open Lands. In fact, it is central to how we ensure proper stewardship of our conservation easements and is required by Federal law, our Colorado certification by the State, and as part of our Land Trust Alliance Accreditation.

Each conservation easement is created to protect specific Conservation Values of a property. To protect these values, each easement contains certain permissions and restrictions for activities and uses on the property. During each monitoring visit, these permissions and restrictions are reviewed and the property is evaluated on whether these terms are being followed. For example, if we observe a new structure was built, we will document the size and location and verify that we were notified and it was approved as required.

Equally important to reviewing the terms of the conservation easement during the site visit is the opportunity for us to meet with you in person and address any questions or concerns. It also provides us the opportunity to go over your future plans for the property and any changes you plan to make in the upcoming year.

The monitoring process

Approximately two weeks before we plan on being in your area, we will give you a call to schedule a mutually convenient time for the site visit. COL typically visits its conservation easements between April and September, but in some cases we may visit at other times of the year.

We encourage you to participate in the visit, but you are not required to be there. If you choose not to be at the site visit, all we require is that we have access to the property. Please advise our field staff about any access issues such as locked gates, dogs on the premises, or cautions regarding wildlife in the area. Depending on the size of your property, site visits may last from one hour to a full day.

Every year we conduct “aerial” monitoring visits for a portion of our easements in which the monitor flies over the property in a small plane or helicopter and photographs the property from the air. If we are going to aurally monitor your easement, we will inform you of the day and time prior to the flight. Once we have completed the monitoring flight, we will follow up with you if we have any additional questions or comments. In some cases, a follow-up on the ground site visit may be necessary.



If we find that all of the terms of the conservation easement are being complied with, we will send you a “compliance letter.” This letter will state that we visited your property and that you are in compliance with the terms of the conservation easement. If we have any concerns about compliance with one or more of the conservation easement provisions, we will discuss the concern with you and determine the best way to resolve the issue.

When to contact Colorado Open Lands

The conservation easement details permitted and prohibited activities and uses on your property. Some allowable activities may need our approval prior to being undertaken. If you have any question about whether your proposed project is allowed, please do not hesitate to contact us. The following are examples of activities and uses where you will likely need to contact us beforehand:

- Construction of improvements including residential, agricultural, and other structures
- Granting of an easement, including right of way, utility, cell-tower, or access easements
- Leasing your minerals (including oil and gas) or a third party wants to develop their minerals
- Developing renewable energy
- Habitat improvements, for example, stream restoration, timber management, sagebrush removal
- Water rights- leasing your water rights or notices regarding your water rights, including notices from ditch companies
- You plan on selling your property



Landowner Assistance Program

Colorado Open Lands believes that the focus of future land conservation in Colorado will change from that of protecting new land to one of stewarding protected land. We recognize that land management and protection is not static, but is rather a continual commitment to help landowners steward their conserved lands now and in perpetuity.

The Landowner Assistance Program is designed to facilitate positive land stewardship practices and to make additional resources available to land owners from private and public sources.

Through the Landowner Assistance Program, Colorado Open Lands facilitates new conservation activities, forms diverse partnerships, and develops strategies to achieve on the ground results. We aim to address resource concerns in a comprehensive manner, and support a collaborative approach to resource enhancement by providing a link between landowners, funders, organizations, and communities.

Landowner assistance projects often have a wide range of complementary goals. At the request of landowners, one of our program's emphases is to promote best agricultural practices including the adoption of resource-conserving management strategies, improving water delivery for irrigation purposes and promoting locally grown and marketed farm products.

Enhancement of wildlife habitat is also a goal of many landowners' conservation efforts. Landowner assistance projects may promote strategies to reduce the impacts of invasive species or protect and enhance fish and wildlife habitat for at-risk species. Strategies specific for enhancing and increasing habitat may include extending riparian buffers, creating wildlife corridors, developing grazing management methods that complement wildlife and livestock, managing noxious weeds, and planting native grasses to improve plant diversity.

No matter the goal of your conservation project, Colorado Open Lands is here to help.

Previous Projects

Colorado Open Lands has been involved in numerous projects in Park County that have restored and enhanced over 13 linear miles of stream corridor in the Upper South Platte River watershed. These projects have included rebuilding irrigation ditches and pipelines, reshaping stream channels, constructing in-stream habitat structures, and creating healthy riparian buffers. On one property, we coordinated with 50 people from Wildlands Restoration

Volunteers to plant over 9,000 willows along the Tarryall Creek in Park County.

We have also completed a tamarisk removal project along the Jimmy Camp Creek in Fountain, CO on two open space properties. This project involved the Mile High Youth Corp, the USFWS- Partners for Fish and Wildlife and the City of Fountain, and resulted in the removal of 8 acres of tamarisk on two properties. This project was instrumental in preventing further spread and destruction of habitat by this rapidly spreading non-native plant.

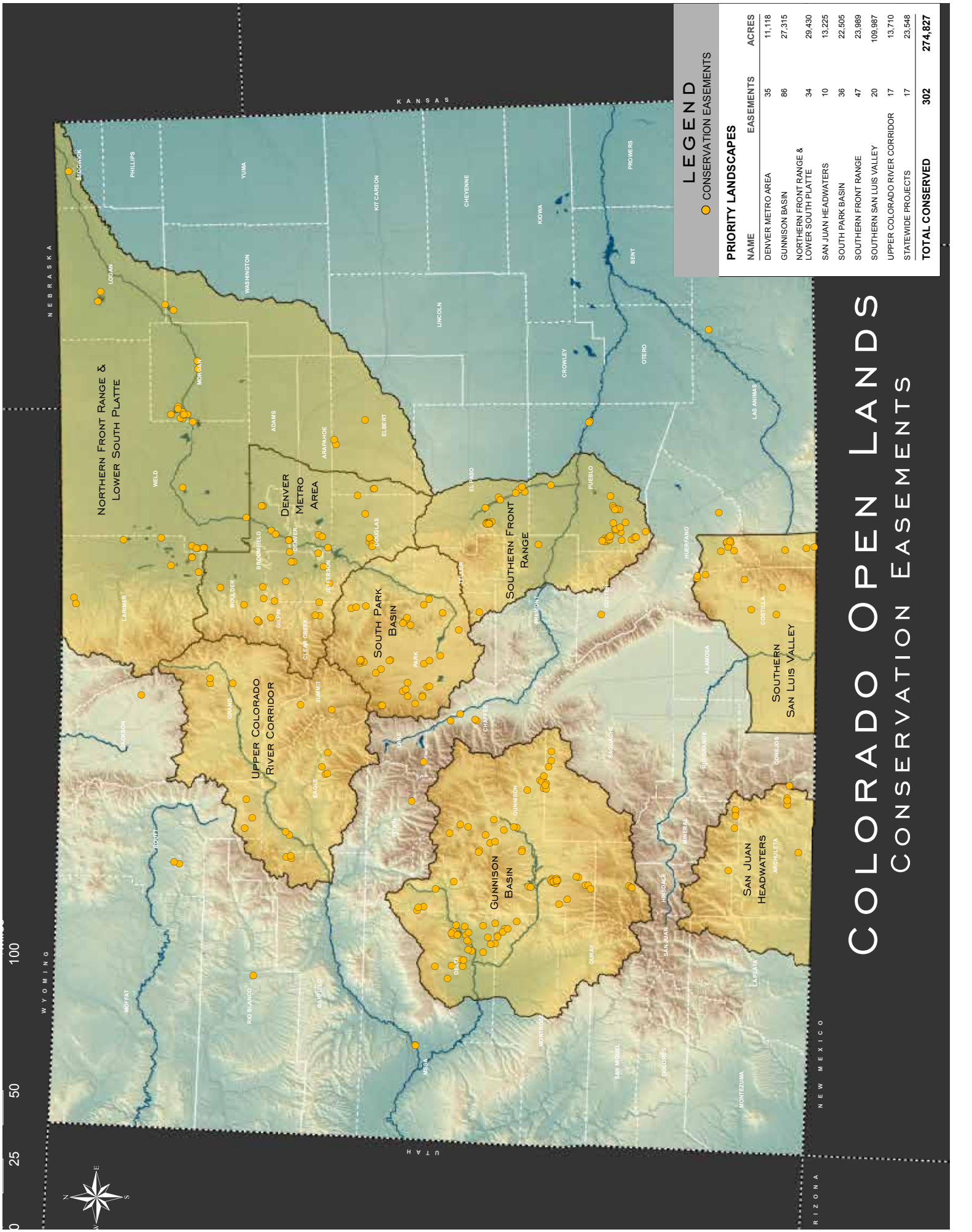
Opportunities

The Landowner Assistance Program is born from our vision of a sustainable future and is driven by our commitment to land stewardship. We at Colorado Open Lands look forward to offering our resources, partnerships and commitment to assist those who wish to advance conservation beyond land protection to resource enhancement. We look forward to taking the next steps in conservation together!

Please contact us if you have a project in mind. We may be able to help facilitate the project, find funding opportunities, or provide other resources to help get the project completed. Colorado Open Lands is here for you, whether it's a large-scale restoration project or a quick question about weed control.

For a list of land management resources, visit coloradoopenlands.org/landowner_resources.





LEGEND
● CONSERVATION EASEMENTS

PRIORITY LANDSCAPES	EASEMENTS	ACRES
DENVER METRO AREA	35	11,118
GUNNISON BASIN	86	27,315
NORTHERN FRONT RANGE & LOWER SOUTH PLATTE	34	29,430
SAN JUAN HEADWATERS	10	13,225
SOUTH PARK BASIN	36	22,505
SOUTHERN FRONT RANGE	47	23,989
SOUTHERN SAN LUIS VALLEY	20	109,987
UPPER COLORADO RIVER CORRIDOR	17	13,710
STATEWIDE PROJECTS	17	23,548
TOTAL CONSERVED	302	274,827

COLORADO OPEN LANDS CONSERVATION EASEMENTS

0 25 50 100
 WYOMING



UTAH
 RIZONA
 NEW MEXICO

KANSAS

NEBRASKA

Colorado Open Lands Staff



*Back Row, L to R: John Peters, Mari Johnson, Amanda Nims, Brandy Bertram, Joel Nystrom, Tony Caligiuri
Front Row: Cheryl Cufre, Tessa Goldhamer, Abby Hoffman, Leslie Volkar, Sarah Parmar, Liz Eckstein, Stephanie Rohdy, Alyssa Acosta*

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