



**PROSPECTIVE CONSERVATION EASEMENT PROJECT:
LANDOWNER QUESTIONNAIRE**

****ALL INFORMATION CONTAINED HEREIN WILL BE KEPT CONFIDENTIAL****

Thank you for your interest in the Colorado Cattlemen's Agricultural Land Trust (CCALT). Our mission is to conserve Colorado's western heritage and working landscapes for the benefit of future generations. We aim to meet our mission by helping landowners and their families plan for the future of their agricultural operations in a way that respects and promotes private land stewardship.

The questions included here are designed to help CCALT gather information on a prospective conservation project. Once the questionnaire has been completed and a site visit has occurred, the project will be presented to the CCALT Board of Directors for consideration. The Board of Directors must approve all projects before staff can negotiate the specific terms of the conservation easement or seek funding. Once the Board has approved the project, CCALT staff will send you an engagement letter.

Please read this form carefully and answer all questions to the best of your ability. A conservation easement is a serious matter which should be given much thought and consideration. If you have any questions, please do not hesitate to contact CCALT project staff.

Please return the completed application to:

Colorado Cattlemen's Agricultural Land Trust
7000 W. 14th Ave
Lakewood, CO 80214
Phone: 303/225-8677

And/or

Via email to the CCALT Project Manager you have been working with and/or John Gioia (CCALT Director of Transactions) at john@ccalt.org

GENERAL INFORMATION

Ranch Name (This will be the name used by CCALT to reference the project. If there is any sensitivity, please consider using an alternate name):

Address of the Ranch: _____

City: _____ **County:** _____ **State:** _____ **Zip:** _____

How is the Property Held (Individual, partnership, corporation, etc.)? _____

Owners (Please list all legal owners):

Name of Primary Contact: _____ **Phone Number:** _____

Address of Primary Contact: _____

City: _____ **State:** _____ **Zip:** _____ **E-Mail:** _____

What is your preferred method of communication?

Phone E-Mail Physical Mail

Are you currently a member of the Colorado Cattlemen’s Association (CCA)? Yes No

If no, are you willing to become a member of CCA? Yes No

Note: CCA membership is not required to start a conservation easement project with CCALT, however it is CCALT policy that landowners become life members of CCA following the closing of their transaction or when their current membership expires.

Describe the Location of the Property (Miles from nearest town, county roads, etc.):

Total Ranch Acres (Deeded): _____ **Total Acres Leased** (Public and Private): _____

Total Proposed for Easement: _____ **Total Irrigated Acres on the Proposed Easement:** _____

If the ranch is not a contiguous parcel, list the number of parcels and relative distance between them:

Number of Separated Parcels: _____ **Average Distance between Parcels:** _____

Access

Please describe the legal access to your property. Is it adjacent to a public road? Do you have an access easement across a neighbor's land? If there are multiple noncontiguous parcels, please describe the access to each.

Please attach copies of the following documents to this application if they are available. If you do not have these documents, CCALT staff can provide assistance:

- Legal description of the property
- Photos of the property
- Map of property boundaries and proposed easement area with any and all residential and agricultural structures marked (if available)
- Vesting deeds transferring the property to the current ownership (if available)
- Title commitments (if available)

EASEMENT TRANSACTION DETAILS

EXISTING BUILDINGS/STRUCTURES

How many **residential** structures exist on the property? Please describe where on the property the structures are located.

How many major **agricultural** structures (i.e. barns, silos, hay sheds, shops, riding arenas, etc.) exist on the property? Please describe where on the property the structures are located.

List all other major buildings, structures or utilities that exist on the property (i.e. cell towers, power lines, substations, etc.).

RESERVED RIGHTS

Would you like to reserve the right to construct additional **residential** structures on the property?

If yes, please provide the number of additional residential structures you would like to construct.

Please note that additional reserved rights, like the right to build an additional residence, will negatively impact the value of the conservation easement during the appraisal process. It is important to weigh these additional reservations with the expected financial outcomes for the conservation easement.

Do you plan on constructing any additional major **agricultural** improvements? **If yes**, please explain what you plan on constructing.

The general policy of CCALT is to prohibit subdivision of the property, as we would like the property to remain a contiguous agricultural operation. Is there any reason why you may need the ability to divide the property into two or more parcels? **If yes**, please provide a detailed explanation of why you would need the ability to further divide the property. Please note that the right to subdivide the property will impact the value of the conservation easement during the appraisal process.

FAMILY SUPPORT

Are all owners and/or family members aware of and supportive of the decision to potentially encumber the ranch with a conservation easement? **If no**, please explain.

CONSERVATION VALUES

AGRICULTURE

History

How long have you and/or your family owned the property? If your family has operated the ranch for more than 100 years, has it been recognized as a Centennial Ranch? Please provide any details of family history on the property.

Please describe the historic uses of the property.

Current Agricultural Operation

Please describe in detail the current agricultural operations of the property. Please include the type(s) of livestock, the type of operation (cow/calf pairs, yearlings, etc.) and types of crops, including hay and/or alfalfa, grown on the property (if any). Please note if any portion of the property is currently tilled or will be tilled in the future.

Do you lease the property to another agricultural producer? **If yes**, please explain.

Is any portion of the property enrolled in the Conservation Reserve Program (CRP) or other program with the Natural Resource Conservation Service (NRCS)? **If yes**, how long has the property been enrolled, how many acres are enrolled in CRP, and do you plan to renew your CRP contract?

Has a 2032(a) election been exercised in regards to the property in the past 10 years? This a tool to help farm and ranch families manage their estate tax liability, but an election may impact the ability to place a conservation easement on the property. **If yes**, please provide additional details.

WATER RIGHTS

Please list all water rights associated with the property and their uses.

Note: CCALT requires that all water rights used on the property be tied to the conservation easement.

Are all the water rights owned in the same ownership structure as the property? **If no**, please explain the ownership.

Are all the water rights adjudicated? Yes No

Are there any issues with the water rights or their administration CCALT should be aware of?

Do you own shares in a mutual ditch company? If yes, please provide the name of the mutual ditch company and contact information for the ditch company.

What types of irrigation techniques are used on the property proposed for the conservation easement (flood, pivot, sprinkler, etc.)? Please explain the irrigation system on the property.

OPEN SPACE

Please describe the land use and land ownership of the properties immediately bordering your property.

Are there other conservation easements in the immediate area?

Please list all rivers, streams, and/or creeks that flow through the property.

Do you lease your property for recreational uses? And/or do you currently offer any public access on your property and are you considering increasing it? **If yes**, please explain.

Note: CCALT does not require public access on conservation easements.

SCENIC

Please describe the scenic views visible from the property (mountain ranges, points of interest, etc.).

Are any portions of the property visible to the public from areas such as highways, county roads, and/or public lands? Which public roads or lands have views of the property? What is visible to the public?

WILDLIFE HABITAT

Please describe the wildlife values that exist on the property. What wildlife have you seen on the property?

HISTORIC/ARCHAEOLOGICAL

Does the property contain any historic structures or archeological values? If yes, please describe the structures or archeological values that exist.

DUE DILIGENCE

NEIGHBORS/DEVELOPMENT PRESSURE

Please describe the development pressures occurring on or near your property.

Are there any legal or historic access easements across the property? **If yes**, please explain.

Are there any existing power lines, transmission lines, or pipelines currently on the property? Do any utility easements exist on the property (constructed or not)? **If yes**, please explain.

Have you contemplated a boundary line adjustment with a neighbor? If **yes**, please explain.

Are the boundaries of the property fenced? Are the fences on the legal boundary line? Please describe any potential or ongoing boundary conflicts.

MINERALS

Do you own any of the mineral rights associated with the property? Is there any third party ownership of the minerals associated with the property? Please elaborate on mineral ownership.

Do any mineral leases exist for the property? If **yes**, please provide a copy.

If a mineral lease does exist, has a surface use agreement been executed? If **yes**, please provide a copy.

Please list any current mineral extraction activity occurring on the property or on neighboring properties (i.e. gravel, oil, gas, uranium, coal, helium, etc.).

Has mineral extraction taken place on the property? If so, has the disturbed area been reclaimed?

Have you been contacted recently about leasing your minerals? If **yes**, for what minerals? If there are ongoing lease negotiations, what is the status of the lease negotiations?

ALTERNATIVE ENERGY

Have you considered constructing any alternative energy facilities on your property (wind, solar power, etc.)? Have you been approached by wind or solar developers about leasing your property? If **yes**, please explain in detail what types of facilities you have considered or the status of a lease.

Is there commercial wind or solar development occurring in the surrounding area?

DEEDS OF TRUST

Are there any deeds of trust or mortgages on the property? **If yes**, please list the lender.

Have you had any conversations with your lender(s) regarding a conservation easement being placed on the property?

MISCELLANEOUS

Do you have any past experience or future interest in restoring critical parts of your operation on the property? Examples include infrastructure upgrades, water improvement projects, wildlife habitat enhancement, and wildfire mitigation. **If yes**, please explain.

To the best of your knowledge, have there ever been any hazardous materials stored, spilled or dumped on the property? **If yes**, please explain.

Are there any special circumstances that might affect a conservation easement transaction on the property (i.e. litigation, court judgment, restrictive covenants, etc.)? **If yes**, please explain.

Do you currently operate any non-agriculture related businesses on your property (i.e. accounting, legal services, financial services, bed & breakfast, wedding services, guest ranching, hunting, fishing, etc.)?

PROJECT GOALS AND URGENCY

What are your short and long-term goals for the property?

Please describe the reasons you are interested in pursuing a conservation easement on your property.

Is there a specific date by which you need to complete the conservation easement? If **yes**, please explain.

Do you have financial goals for the conservation easement transaction? If **yes**, please explain.

ADDITIONAL CONTACTS

Legal Representation

Note: CCALT highly recommends that landowners hire independent legal representation to assist in negotiating and reviewing the conservation easement on the landowners' behalf. We will provide you with a list of attorneys who specialize in conservation easements if you don't already have an attorney.

If you already have an attorney, please provide your attorney's name and contact information.

If you have an attorney, have you discussed the conservation easement concept with your attorney?

Accountant

Have you discussed the conservation easement concept with your accountant?

Please provide contact information for your accountant.

Other

Have you discussed the easement concept with any other professionals or land trusts? If those professionals will continue to be involved in the process, please provide their contact information.

IMPORTANT INFORMATION

Please read the following information very carefully, initial, and sign.

If you and CCALT agree to move forward in the pursuit of a conservation easement on your property a number of additional items need to be taken into consideration. Please initial after the following paragraphs. By initialing you affirm that you have read the paragraph and agree to abide by its terms.

CCALT strongly encourages landowners to retain independent legal representation and to consult with a tax advisor. *Initial:* _____

Please note that a \$1,000 application fee will be due 30-days following board approval of the project (an additional \$1,500 fee will be due if CCALT will be applying for funding for a bargain sale). The application fee will be applied toward the total required Project Coordination Fee. *Initial:* _____

CCALT anticipates that all agreed upon project expenses will be covered by the landowner and that these expenses and any potential contributions will be addressed at or before closing. Please review the following list.

- | | |
|---|-----------------------|
| 1. Appraisal | <i>Initial:</i> _____ |
| 2. Baseline Inventory Report | <i>Initial:</i> _____ |
| 3. Water report (if required) | <i>Initial:</i> _____ |
| 4. Mineral Report or Letter of Remoteness (if required) | <i>Initial:</i> _____ |
| 5. Environmental Assessment (if required) | <i>Initial:</i> _____ |
| 6. Title Insurance & Closing Costs | <i>Initial:</i> _____ |
| 7. Survey (if required) | <i>Initial:</i> _____ |
| 8. Landowner legal expenses | <i>Initial:</i> _____ |
| 9. CCALT legal expenses | <i>Initial:</i> _____ |
| 10. CCALT Project Coordination Fee | <i>Initial:</i> _____ |
| 11. CCA Membership | <i>Initial:</i> _____ |
| 12. Stewardship Endowment Fund Contribution | <i>Initial:</i> _____ |
| 13. Legal Defense Fund Contribution | <i>Initial:</i> _____ |
| 14. Tax Credit Application Fee | <i>Initial:</i> _____ |

CCALT asks that you sign below signifying your agreement to pay the above items if this project is approved by the CCALT Board of Directors. Your signature here does not obligate you to a conservation easement with CCALT, but merely indicates your willingness to cover these related costs should you decide to move forward.

I hereby affirm my compliance with the above stated conditions and agree to pay all transaction costs associated with the completion of a Conservation Easement.

_____	_____	_____
Landowner signature	Please print name	Date

_____	_____	_____
Landowner signature	Please print name	Date