

Sixth Symposium on Advanced Legal Topics in Land Conservation

JUNE 15–16, 2017 | SAN ANTONIO, TEXAS | WWW.LTA.ORG/LEGAL



AGENDA

Convening leading legal experts and practitioners on emerging issues in land conservation

Program Committee

Bill Silberstein	Catherine Howell	Burgess Jackson	Leslie Ratley-Beach
Kaplan Kirsch & Rockwell LLP	The Nature Conservancy	Law Office of Burgess Jackson	Land Trust Alliance

Thank you to Braun & Gresham, PLLC, Green Spaces Alliance of South Texas, Kaplan Kirsch & Rockwell LLP and The Nature Conservancy

Wednesday, June 14

5 p.m. - 6 p.m. **Social Hour**

Location: Bar 414

Meet your colleagues and make dinner plans. The Program Committee will circulate to introduce people.

6 p.m. - 10p.m. **Bracken Bat Cave Tour**

Location: Meet outside hotel lobby no later than 5:55 PM; leaving at 6:00 PM

Tour the extraordinary world class Bracken Cave, summer home of more than 15 million Mexican free-tailed bats (*Tadarida brasiliensis*), making it the largest bat colony, and one of the largest concentration of mammals, on earth. Meet new friends in this extraordinary special viewing arranged just for you. Pre-registration and additional fee of \$48.00 per person required; includes a deli dinner box.

Thursday, June 15

7 a.m. **Registration and Continental Breakfast**

Location: Yellow Rose

Location for all Symposium sessions: Crystal Ballroom

8 a.m. **Welcome and Orientation**

Bill Silberstein, Attorney, Kaplan Kirsch & Rockwell LLP (CO) Moderator

Welcome by Andrew Bowman, President, Land Trust Alliance (DC)

8:10 a.m. - 10:15 a.m. **Conservation in Court: Lessons Learned**

Rob Levin, Attorney, Law Office of Robert H. Levin (ME)

We will dig into the nuances and implications of three or four critical conservation cases including a case on owned land from the last two years of judicial activity. We will focus on risk management, drafting, trial practice and stewardship issues gleaned from these cases in the ample time available for conversation.

10:15 a.m. - 10:30 a.m. **Break**

Location: Yellow Rose

10:30 a.m. - Noon **Challenges with Multiple Landowners of Conservation Easement Property**

Allan C. Beezley, P.C., Attorney, Law Offices of Allan C. Beezley, P.C. (CO); Karin Marchetti Ponte, General Counsel, Maine Coast Heritage Trust

Multiple owners of conservation easement property frequently present vexing legal challenges. We will examine problems with multiple owners such as lot division, access and utilities; amendments of multiple ownership easements; financing for construction; family succession and partition; administration of uses; and land trust business decisions on structuring a conservation easement involving multiple owners now or later.



Noon - 1:30 p.m. **Lunch** with expert-anchored topic tables

Location: Yellow Rose

1:30 p.m. **Welcome Back and Afternoon Overview**

Andrew Bowman, President, Land Trust Alliance (DC) Introduction to the Afternoon Topic One

1:30 p.m. - 3 p.m. **Tax Shelters and Ethical Duties of Land Trusts**

Jay Erickson, Attorney and Manager, Montana Land Reliance; Timothy Lindstrom, Attorney (VA)

Questionable tax shelters risk undermining public confidence in our conservation work. This risk exists regardless of whatever legal and appraisal arguments are made in court in defense of the tax shelter. Tax shelters involving conservation donations of land or easements may implicate land trusts well after the expiration of the taxpayer statute of limitations. Willful ignorance is not a shield to liability. Land trusts and landowners and their advisers must understand the law and the implications in order to not participate in tax shelter transactions. This session will apply the law to practical problems encountered by the land trust legal advisor and boards.

3 p.m. - 3:15 p.m. **Break**

Location: Yellow Rose

Andrew Bowman, President, Land Trust Alliance (DC) Introduction to the Afternoon Topic Two

3:15 p.m. - 5:15 p.m. **Interstate Pipelines**

Barbara Blumenthal, Research Coordinator, New Jersey Conservation Foundation; Natalie Karas, Senior Regulatory Attorney, Environmental Defense Fund (DC)

Energy infrastructure is transforming America; yet in the intersection between state and federal law, policy and practice, core environmental and conservation values are often disregarded by regulatory agencies with unprecedented adverse impacts on land and communities. We will explore law and strategies for confronting proposed interstate pipelines, including demonstration of public need, and deference to conservation values. This applies to preserves and easements in understanding how the federal system intersects with state laws and affects land conservation.

Please Complete your Session Evaluations before Departing

5:15 p.m. – 7 p.m. **Welcome Reception**

Hosted by Braun & Gresham, PLLC, Green Spaces Alliance of South Texas, Kaplan Kirsch & Rockwell LLP and The Nature Conservancy

Location: Gunter Terrace

6 p.m. – 7 p.m. **Discussion on Updates and Changes in Federal Policy Affecting Conservation**

The program committee will assist you to connect with colleagues for dinner groups.



Friday, June 16

7:30 a.m. **Continental Breakfast**

Location: Yellow Rose

Location for all Symposium sessions: Crystal Ballroom

8:15 a.m. **Welcome Back and Orientation to the Second Day**

Cathy Howell, Senior Attorney, The Nature Conservancy, Moderator (TX)

8:30 a.m. to 10:30 a.m. **From Conservation to Commerciality: How Far Can You Go?**

Jonathan Blum, Counsel, Polsinelli (TX) and Melinda Ching, Senior Attorney, The Nature Conservancy (HI)

We will present the legal principles governing engagement in practices that may be nontraditional to the conservation practitioner, such as marketing partnerships, corporate sponsorships and income-generating activities on land trust property. We will examine specifics of nonprofit law and related tax issues and apply risk assessment processes using scenarios and examples to illustrate how to navigate the issues that could impact a land trust's tax exempt status.

10:30 a.m. to 10:45 a.m. **Break**

Location: Yellow Rose

Welcome Back and Orientation to the Last Session, Lunch and Garden Tour

Cathy Howell, Senior Attorney, The Nature Conservancy, Moderator (TX)

10:45 a.m. to 12:45 p.m. **When Everything Goes Wrong and How to Set It Right**

Rob Levin, Attorney, Law Office of Robert H. Levin -moderator (ME); Glenn Hoagland, Executive Director, Mohonk Preserve (NY); Peter Paden, Executive Director, Columbia Land Conservancy (NY); R. Anthony Rupp, III, Founding Partner, Rupp Baase Pfalzgraf Cunningham (NY)

Solving moderate violations on conservation easements and persistent encroachments on preserves without litigation where damage is done requires tact, tenacity and innovative legal strategies to solve the problem, maintain the land trust reputation and stay within legal constraints. The expert panel will derive lessons from two challenges where litigation and appeal was necessary, and practice points to avoid these results in other cases.

1 p.m. – 2:30 p.m. **Lunch** with expert-anchored topic tables

Location: Yellow Rose

Complete your Session Evaluations before Departing

3 p.m. – 5 p.m. **Community Garden Tour, Hosted by Green Spaces Alliance of South Texas**

After the Symposium, join us for a walk to [Southtown Community Garden](#) and a visit to the [Blue Star Arts Complex](#). Please watch for more exciting details!