



Senate Finance Committee  
Colorado General Assembly  
200 East Colfax Avenue  
Denver, CO 80203

April 25, 2022

**Re: Support for SB22-208 – Condemned Conservation Easement Property Compensation**

Chair Gonzales, Vice Chair Winter, and Members of the Committee:

SB22-208 proposes to clarify that, when condemned, the fair market value of a property with a conservation easement is determined at the unencumbered rate. Western Resource Advocates (WRA) strongly supports this legislation and we encourage committee members to vote yes on SB22-208 to support voluntary conservation efforts and ensure a resilient future for our state.

Conservation easements, a voluntary tool available to private landowners, are designed to protect lands – including working lands – from development. They can be used to protect values including open space, wildlife habitat, water quality, and recreation. Because of the public benefits of the values protected by conservation easements, they are held in the public's trust. With 60% of Colorado's lands in private ownership, it is important to have strong voluntary conservation programs available that provide certainty to landowners while protecting these public benefits for the future, as conservation easements are intended to do.

SB22-208 would ensure that, when condemned, a property with a conservation easement is treated equally with other properties. Under a condemnation, the condemning authority receives the entirety of the property, including the value of the conservation easement. *Without the clarification provided by SB22-208, the value of a property with a conservation easement could be determined at the encumbered rate, failing to take into account the value of the conservation easement.* This is unfair to landowners and to the public, and could discourage willing landowners from utilizing these important conservation tools in the future. For this reason, the full fair market value, including the value of the conservation easement, should be paid for it

Furthermore, without the clarification offered by SB22-208, developers might target properties with conservation easements, since those properties would be cheaper to condemn if the value of the conservation easement is not included in the valuation of the property. In the face of climate change and rapid development, the last thing Colorado needs is encouragement to develop lands of highest conservation value that have been deemed worthy of permanent protection.

Thank you for the opportunity to provide written comments on SB22-208. WRA urges you to support this legislation to ensure a resilient future for Colorado's landscapes and wildlife habitats, balancing financial worth and conservation value.

Sincerely,

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Western Resource Advocates

*[Western Resource Advocates](#) is a non-profit organization dedicated to protecting the West's land, air, and water to ensure that vibrant communities and agriculture exist in balance with nature.*

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