

The Warnell Continuing Education Program

Daniel B. Warnell School of Forestry and Natural Resources

2021 Conservation Easement Updates and

Carbon Agreements

October 14-15, 2021

Lead Instructors: Harry Haney and Katherine Eddins

This course will be presented as a Zoom Meeting.



WARNELL
SCHOOL OF FORESTRY AND NATURAL RESOURCES
THE UNIVERSITY OF GEORGIA

Purpose/About the Course

The purpose of this course is to provide a working knowledge and status update of conservation easements as a land-use tool and provide a status update on the timber and carbon market. The course provides guidance on drafting conservation easement agreements to achieve landowner goals for their property and the most recent information on conservation easement tax policy. The Georgia Alabama Land Trust discusses various philosophies of land use protection and what conservation easements can offer landowners. This course offers a comprehensive overview of legal, appraisal, base line information, tax incentives, and other inputs needed for a successful conservation easement agreement. This year, the course also includes two classes on the carbon market and the financial incentives of entering the voluntary carbon market.

This online course has been redesigned to be as flexible as possible. The major change is that four sessions will be pre-recorded and available for viewing prior to the start of the course that is on October 14-15. To show that registrants have watched videos, there will be a short quiz of three questions for each prerecorded session. These four sessions will not be shown during the course itself. However, instructors of these pre-recorded sessions will be available for questions during the live Zoom portion of the course. Live interaction with the instructors is part of the course learning design. Attendance of the live course will be tracked.

Objectives and Benefits

The objective is to provide guidance for attendees in reaching a sustainable protection agreement for "working forest" land. A framework is offered for analyzing protection goals for reaching a successful agreement in the context of legal constraints and tax incentives.

You will learn:

- How easements affect land use
- The advantages/disadvantages of easements on a working forest
- Which agencies and organizations can accept easements
- Tax aspects of easements including updates
- How to plan for an easement
- About Carbon Markets - Voluntary and Regulatory, Carbon Market Companies
- More on Forest Economics-a market update

Who Will Benefit?

Landowners with an interest in maintaining a working forest while protecting it from development or other exploitation should attend. Foresters, accountants, attorneys, appraisers, and wildlife resource managers who work with landowners will benefit.

Continuing Education Credits

- 12.0 Continuing Forestry Education hours (CFE) – Category 1 (approved)
- 12.0 Continuing Logger Education hours (CLE) – Category B (approved)
- 12.0 GA Real Estate Agent/Appraiser hours (approved)
- 12.0 GA Legal Education Credit hours (CLE) and one ethics credit (approved)

Cancellations

Notice must be received by 5:00 p.m. September 30, 2021 to receive a refund. Please contact Ingvar Elle at 706-583-0566.

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Prices of 2021 Conservation Easement Updates and Carbon Agreements course

October 14-15, 2021

Early registration through September 24, 2021 (for those receiving professional credits).....\$300.00

Regular registration (for those receiving professional credits).....\$350.00

Regular registration (for those receiving no professional credits).....\$150.00

Fee for Real Estate Appraiser/Real Estate Agent credits (Optional)....\$50.00

Fee for Georgia legal credits (Optional).....\$48.00

Enclosed is a check # _____

(payable to Warnell School of Forestry and Natural Resources)

We accept credit cards and personal or company checks for payment. A pre-registration form must be accompanied by a check to guarantee your place in the course.

Mail payment to: Attn: Anuj Sinha

Warnell School of Forestry & Natural
Resources

180 East Green Street

The University of Georgia

Athens, Georgia 30602

Mail-in Registration Form

(Or register online at:

<http://conted.warnell.uga.edu/courses/consease2021>)

name - please print

preferred name for badge

birthdate (for transcript retrieval)

business mailing address or check here if home address

city

state

zip

county, if Georgia

home phone

work phone

fax

email address

Please send e-mail about Warnell Continuing Education courses.

position

organization/employer

2021 CONSERVATION EASEMENT UPDATES AND CARBON AGREEMENTS
October 14 - 15, 2021 Online Webinar

Thursday October 14

TIMES ARE IN EASTERN STANDARD TIME

Moderators: Katherine Eddins and Dr. Harry Haney

**Total
Time**
in hours

**Class
Time**
in hours

Instruction
Time

7:50 AM EST 8:00 AM

Announcements

8:00 AM 8:45 AM

Conservation Easement Basics: Katherine Eddins, Executive Director, Georgia-Alabama Land Trust, Inc.

0.75

0.75

0.75

8:45 AM 9:45 AM

NCX's Carbon Project and Use of Technology, Alex Macintosh, Director of Landowner Success, National Carbon Exchange (NCX, formerly SilviaTerra)

1.00

1.00

1.00

9:45 AM 10:00 AM

Q & A with Mike Heneghan for **Technology for Remote GIS Data Source**

0.25

0.25

0.25

10:00 AM 10:15 AM

Session Break

0.25

10:15 AM 11:00 AM

Longleaf Pines and Programs, Lisa Lord, Longleaf Alliance Program Director

0.75

0.75

0.75

11:00 AM 12:00 PM

Conservation Easements as an Element of Forest Land Use Controls, Dr. Harry L. Haney, Jr.

1.00

1.00

1

12:00 PM 12:30 PM

Session break

0.50

12:30 PM 12:45 PM

Q & A with Dr. Yanshu Li for pre-recorded session **Market Status and Outlook**

0.25

0.25

0.25

12:45 PM 1:45 PM

Information from Finite Carbon on Voluntary Carbon Markets, Caitlin Guthrie, Director of Forest Carbon Origination, Finite Carbon

1.00

1.00

1.00

Day total

5.75

5.00

Friday October 15

7:40 AM EST 7:45 AM

Intro

7:45 AM 8:45 AM

Forest Management Plans and Conservation Easements, Chad Hancock, F&W Forestry, Dr. Harry Haney, Jr., and Katherine Eddins

1.00

1.00

1.00

8:45 AM 9:00 AM

Q&A with Q&A with Lucas Von Esh for **Appraising Conservation Easements: Where to Find Comps and Trends**

0.25

0.25

0.25

9:00 AM 9:15 AM

Session Break

0.25

9:15 AM 10:00 AM

Update on Case Law & IRS Positions Regarding Conservation Easements, Vivian Hoard, partner, Fox Rothschild LLP

0.75

0.75

0.75

10:00 AM 10:15 AM

Q & A with Danny Roberts for pre-recorded session **Accounting and Income Tax Issues Presented by Conservation Easements**

0.25

0.25

0.25

10:15 AM 10:30 AM

Session Break

0.25

10:30 AM 11:30 AM

Recent Developments in Conservation Easement Due Diligence and Drafting, David Aughtry, Partner, Chamberlain Hrdlika

1.00

1.00

1

11:30 AM 12:30 PM

Updates on Ethics Issues with Conservation Easements and Land Trusts, Alex Robertson, Staff Attorney, Georgia-Alabama Land Trust, Inc. **(Ethics and Professionalism CLE credit)**

1.00

1.00

1.00

Day total

4.75

4.25

Add pre-recodrred time

9.25

2.75

Pre-Recorded Sessions

Technology for Remote GIS Data Sources and Acquisition, Mike Heneghan, Stewardship Director,
Georgia-Alabama Land Trust

0.5

Market Status and Outlook, Dr. Yanshu Li, Assistant Professor of Forest Economics and Taxation,
University of Georgia.

0.75

Appraising Conservation Easements: Where to Find Comps and Trends, Lucas Von Esh, MNAA,
Certified General Real Property Appraiser, Lucas Mason, Inc.

0.75

Accounting & Income Tax Issues Presented by Conservation Easements, Danny Roberts, CPA,
partner, Jamison, Money, Farmer, PC.

0.75

2.75

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Instructors

Dr. Harry Haney, Jr.

*Garland Gray Emeritus Professor of Forestry, Virginia Tech
Adjunct Professor, Warnell School of Forestry, University of Georgia*
Dr. Harry L. Haney, Jr. earned his Ph.D. in Forestry Economics from Yale University. He has over 50 years of experience in managing timberland with special interest in income, estate and gift tax issues impacting management decisions. He has written landowner guides on federal income tax, estate planning, economics, and conservation easements. He manages a tree farm with his wife, Jackie and his daughter, J. Lee, Esq.

Katherine Eddins

*Executive Director,
Georgia-Alabama Land Trust, Inc.*
Katherine Eddins has served as executive director of the Georgia-Alabama Land Trust for more than eighteen years. Katherine graduated from the University of Alabama, School of Law with a Juris Doctorate, and subsequently received a master's degree in forestry from Auburn University, graduating summa cum laude. She has been published in the Journal of Forestry and has practiced law and natural resource management. Katherine is the chairman of the advisory committee for Auburn University School of Forestry and Wildlife Sciences, member of the Leadership Council for the Land Trust Alliance, co-chair of the Choccolocco Creek Watershed Alliance, board member for the Longleaf Alliance, and secretary of the board of the Holy Comforter Episcopal Day School.

Dr. Yanshu Li, F

*Forest Economics & Taxation Outreach Specialist
Warnell School of Forestry and Natural Resources, University of Georgia*
Dr. Li focuses on federal and state forest taxation, economic issues related to forest investment and management, forest products market analysis and the economic benefits of forests. Among her several degrees are an M.S. in Agricultural Economics from Purdue University, and a Ph.D. in Forest Economics from Auburn University.

Chad Hancock

*Regional Manager
F&W Forestry Services in Albany, Georgia.*
He has worked as a consulting forester and timberland appraiser for over 20 years. He received an Associates of Applied Science in Forestry from Abraham Baldwin Agricultural College and a Bachelors of Business Administration in Finance from Valdosta State University. He is a Registered Forester, Certified General Appraiser, and Real Estate Salesperson in Georgia. His career includes working with Non-Industrial Private Landowners, Timberland Management Organizations, Governmental Agencies and Industry on various forest management projects. He has managed property in the lower coastal plain, upper coastal plain and piedmont regions of Georgia and Florida. F&W Forestry Services, Inc. is an international forestry consulting firm which was founded in 1962 headquartered in Albany, Georgia.

Mike Heneghan

*Stewardship Director
Georgia Alabama Land Trust*
Mike joined the Georgia-Alabama Land Trust in 2017 as a Regional

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Stewardship Manager in Northwest Georgia and is currently serving as the organization's Director of Stewardship. He has a Bachelor of Science in Forestry from Northern Arizona University and a Master of Science in Natural Resource Management from Auburn University, from which his research on public attitudes toward growing black bear populations in Alabama has been published in the journals *Human Dimensions of Wildlife* and *Society & Natural Resources*. Before joining the Land Trust Mike worked as a Wildlife Ecologist for Virginia Tech at a field research station in Botswana, and he has previously worked for the U.S. Forest Service and the Arizona Game and Fish Department. Mike's duties at the Land Trust include overseeing issues relating to reserved rights requests, easement violation resolution, baseline documentation for new projects and GIS database management. He also serves on the Thrive 2055 Regional Partnership Working Farmlands and Forests Committee.

Danny Roberts

Co-Manager

JamisonMoneyFarmer PC

Danny joined JMF in 1987 and was admitted Shareholder in 1998. He co-manages the Tax Department with Janet Moore. Danny's expertise lies in individual and business taxation, taxation of foreign-owned businesses, Alabama sales tax and family partnership taxation. He serves clients in timber-related industries along with clients in construction, oil and gas and farming. One of his contributions to the firm is his ability to understand and monitor the complex and constantly changing nature of tax laws and inform our clients of the impact of new regulations. His expertise has led him to give numerous speeches to various organizations on related taxation topics.

David Aughtry

Chamberlain Hrdlika

David Aughtry's practice focuses on civil and criminal tax litigation. He graduated from The Citadel in 1975 with a B.A. in English, from the University of South Carolina in 1978 with a Master's in Accounting and a law degree, and from Emory University in 1982 with a Masters in Taxation (LL.M.).

Upon graduation from the University of South Carolina Law School, Mr. Aughtry joined the Internal Revenue Service as a Trial Attorney, Office of the Chief Counsel, where he also served as a Tax Shelter Coordinator. Mr. Aughtry taught Tax Controversy as an Adjunct Professor in the Emory University Masters in Taxation Program from 1987 through 1994 and in the Emory School of Law from 1995 through 1998 and 2003. From 1996 through 2002, he served as an Instructor for the National Institute of Trial Advocates (NITA) in its program on "Litigating before the United States Tax Court" and was recently selected as a fellow of the International Society of Barristers. He is recognized as a national authority in tax litigation in Chambers USA and the US Legal 500 Litigation Guide. Mr. Aughtry was Chairman of the Budget and Investment Committees of the State Bar of Georgia (1989-1994) He has served as President and Chairman of the Southern Federal Tax Institute and continues to serve on the Board of Trustees. He is a nationally recognized speaker, including presentations for TEI, Mississippi Tax Institute, American Tax Institute, Georgia Tax Conference, Tennessee Tax Institute, Kentucky Tax Institute, AICPA Valuation Conferences, and various other tax programs.

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Alex Robertson

Director of In-Lieu Fee Program and Staff Attorney

Cell: 404-861-1989, arobertson@galandtrust.org

Alex, an Atlanta, Georgia native, currently serves as the Director of the Georgia-Alabama Land Trust In-Lieu Fee Program and is the manager for various GALT protection and stewardship projects across North Georgia and Alabama. The Georgia Land Trust In-Lieu Fee Program (GLT-ILF) sells wetland and stream mitigation credits for permitted impacts within portions of Georgia overseen by the Savannah District, US Army Corps of Engineers. When the Savannah District Engineer approves payments by a permittee under the GLT-ILF Program, GALT takes responsibility for the funds and satisfying the mitigation requirements of the permit for which fees have been accepted. Accordingly, the GLT-ILF Program ensures that effective stream and wetland mitigation occurs in watersheds traditionally underserved by commercial mitigation banks. Alex attended Colgate University, graduating with a degree in Geology, before obtaining his law degree from the University of Georgia School of Law. Prior to joining the Land Trust, Alex served as the staff attorney for Judge David P. Darden of the State Court of Cobb County in Marietta, Georgia. In his free time Alex enjoys hunting, whitewater kayaking and spending time with his wife Sarah and his dog J.D.

Lisa Lord

Conservation Programs Director

The Longleaf Alliance

Lisa Lord is the Conservation Programs Director for The Longleaf Alliance. She leads the organization's conservation and wildlife recovery initiatives, bringing strategic focus and purposeful engagement to the initiatives the organization participates in. She is also the Savannah River Clean Water Fund Program Director, focusing on conserving forests in the watershed to benefit drinking water. She holds a BS in Wildlife Science and M.Ed. from Auburn and a MS in Wildlife and Fisheries Biology from Clemson. Lisa became a Certified Wildlife Biologist® with The Wildlife Society in 2013 and serves on several partnership steering committees, including the SE Section Conservation Affairs Committee for TWS and the SC Prescribed Fire Council. Lisa lives just outside Charleston, SC but works in several states within the longleaf range including SC and GA.

Vivian D. Hoard

Partner

Fox Rothschild LLP

As a strategic adviser, Vivian consults with accounting firms and her clients during audits to ensure that procedural options for resolving tax disputes remain at the lowest level possible. When needed, she assists the taxpayer and accountant with appeals before the U.S. Tax Court or U.S. District Court.

In the event that a tax case proceeds to litigation, Vivian has successfully tried or settled civil tax controversies involving many varied tax issues, including tax shelter/sham transactions, conservation easements, family limited partnerships, excise taxes, passive loss issues, the civil fraud penalty, hobby loss issues, worker classification, trust fund liability and innocent spouse claims. She has also successfully represented taxpayers targeted for criminal prosecution as well as those who choose to voluntarily disclose offshore accounts.

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Alex Macintosh

Alex Macintosh is a graduate of Harvard and currently is the Natural Capital Exchange (NCAPX) Landowner Platform Manager for NCX (formerly SylviaTerra). Alex manages strategy and execution of initiatives that engage landowners in the NCAPX program. He is focused on ensuring an excellent experience for landowners including facilitating communications, helping steer platform enhancements, and managing customer support. He is helping SylviaTerra build scalable capabilities and processes to bring the NCAPX opportunity to landowners across the US, North America, and eventually the globe. If you are a landowner interested in selling forest carbon, contact Alex at ncapx@silviaterra.com.

Caitlin Guthrie

Caitlin is director of forest carbon origination for Finite Carbon and has over a decade of experience in land conservation, stewardship and conservation financing. Previously, Caitlin was associate director of the Conservation Loans program at The Conservation Fund, and served in several roles for Capitol Land Trust in Olympia, Washington, including interim director and conservation projects manager, where she drafted and negotiated conservation easements. Caitlin holds a M.S. in restoration ecology from University of Washington and a B.A. in environmental studies from Pomona College.