



GEORGIA LAND CONSERVATION PROGRAM

HB 386 Changes to the Conservation Tax Credit Program

- Requires donations to meet two (instead of one) conservation purposes.
- Redefines eligible conservation purposes as:
 - Water quality protection for wetlands, rivers, streams, or lakes;
 - Protection of wildlife habitat consistent with state wildlife conservation policies;
 - Protection of outdoor recreation consistent with state outdoor recreation policies;
 - Protection of prime agricultural or forestry lands; and
 - Protection of cultural sites, heritage corridors, or archeological and historic resources.
- Replaces the “Qualified Organizations” definition with the requirement that eligible non-governmental donation recipients be accredited by the Land Trust Alliance. This requirement goes into effect on January 1, 2014.
- Reduces the maximum tax credit for partnership donors from \$1 million to \$500,000.
- Requires appraisals to be submitted with tax credit applications and be approved by the State Properties Commission.
- Requires donated lands to be subject to the following permanent restrictions:
 - No subdivision is permitted on properties smaller than 500 acres, and only one subdivision is permitted if the subject property is larger than 500 acres;
 - No permitted constructions may harm any existing conservation values on the property;
 - No permitted constructions may occur within 150 feet of perennial or intermittent streams;
 - No permitted constructions may increase impervious coverage to more than 1% of the property’s surface area;
 - Stream buffers that provide for at least 75% canopy cover must extend for at least 100 feet on either side of perennial streams and at least 50 feet on either side of intermittent streams;
 - Permitted agricultural or silvicultural activities must meet or exceed Best Management Practices, as established by the Georgia Soil & Water Conservation Commission or Georgia Forestry Commission;
 - No mining may be allowed on the property; and
 - No non-native invasive species listed in Categories 1 and 2 by the Georgia Exotic Pest Council may be planted.
- Assesses an application fee equal to either:
 - 1% of the donated property value, if the donation has been accepted by a state agency; or
 - \$5,000 for all other donations.
- Requires ‘phased’ easements involving subdivided tracts to have a five-year waiting period between successive donations.
- Suspends transfers of tax credits earned between the bill’s effective date (TBD) and January 1, 2013.
- Limits the number of times a conservation tax credit may be transferred to one.
- Increases potential penalties on appraisers who submit erroneous appraisals to a minimum of \$10,000 and referral to the Georgia Real Estate Commission.
- Requires taxpayers to ‘add back’ the value of their federal deductions before applying the conservation income tax credit to their state income tax return.
- Prohibits local governments from holding conservation easements that are entirely outside their jurisdictions.