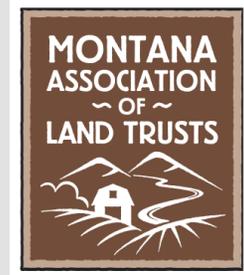


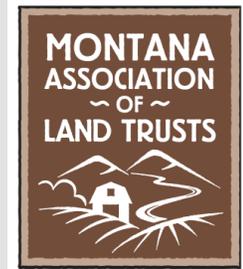
Montana Association of Land Trusts



Sage Grouse Advisory Council

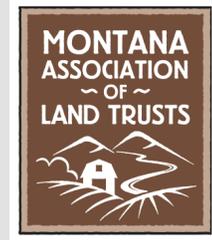
Helena MT, July 30, 2013

Conservation Easements & Sage Grouse



- **Sage Grouse Initiative**
- **Wyoming Governor**
- **Bob Budd**
- **Montana Legislators**
- **USFWS**
- **NRCS**
- **MT FWP**
- **UM Professors**
- **Council Members**

Brief History of Montana Conservation Easements



Conservation easement laws established in all 50 states.

Montana Open-Space and Voluntary Conservation Easement Act passed legislature in 1975. (76-6-101)

Law is unique to Montana.

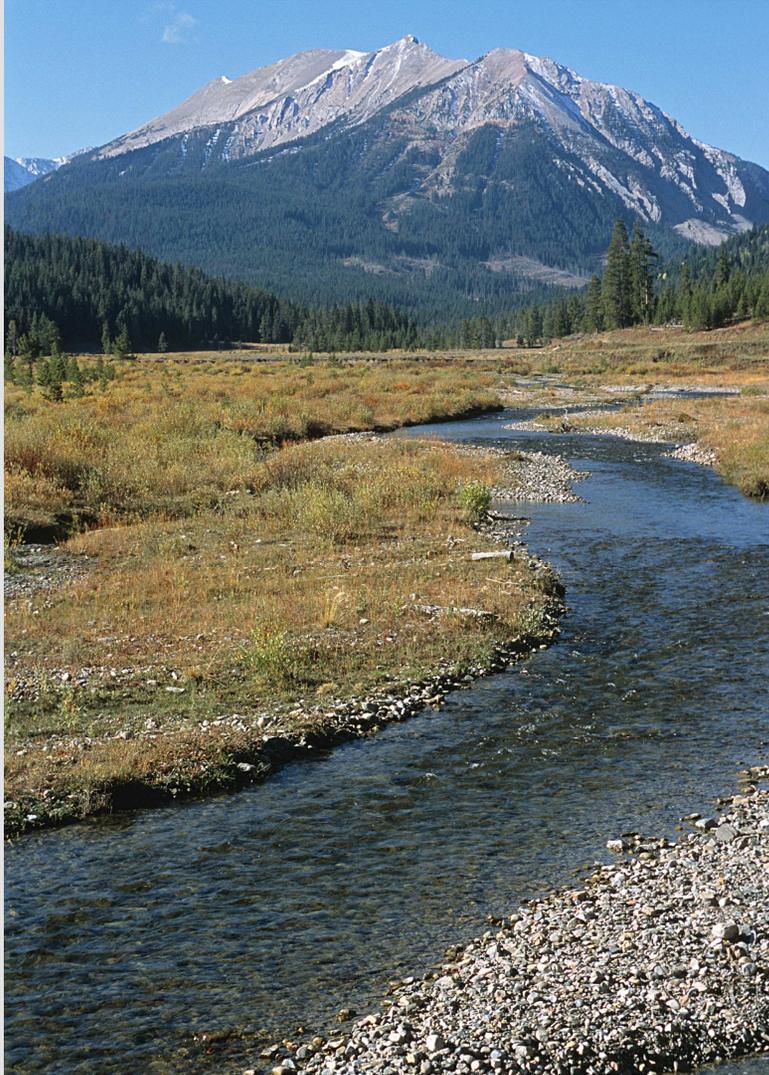
Montana law as created - limited government involvement; law was largely written by landowners; strong private property rights components.

First conservation easement in Montana created in 1976 in Blackfoot Valley.

Law has not been meaningfully amended since its original passage.



Montana Association of Land Trusts Membership



- Prickly Pear Land Trust
- Gallatin Valley Land Trust
- The Trust for Public Land
- Flathead Land Trust
- Montana Land Reliance
- Five Valleys Land Trust
- Bitter Root Land Trust
- The Conservation Fund
- The Nature Conservancy
- The Vital Ground Foundation
- Rocky Mountain Elk Foundation
- Kaniksu Land Trust
- Peaks and Prairies Land Trust





WHAT IS A LAND TRUST?



**LAND TRUSTS TRUE
“CUSTOMER” IS
LANDOWNER**

**Nonprofit
organization**

**Focus on private land
conservation**

**Voluntary
conservation
agreements**

**Follows national
standards
and practices**

Community based

**Multiple private and
public partners**

What is a conservation easement?



It is the use of a private property right to create a voluntary, negotiated, permanent agreement between a landowner and a land trust (or public agency) that limits development and maintains open land.

What isn't a conservation easement?



It isn't eminent domain

It isn't condemnation

It isn't a wilderness

It isn't zoning

It isn't county planning

It isn't regulatory

It isn't mandated public access

It isn't prevented public access

It isn't a property tax cut

It isn't just for the wealthy

It isn't a loss of a property right

It isn't for all landowners

It isn't for all land

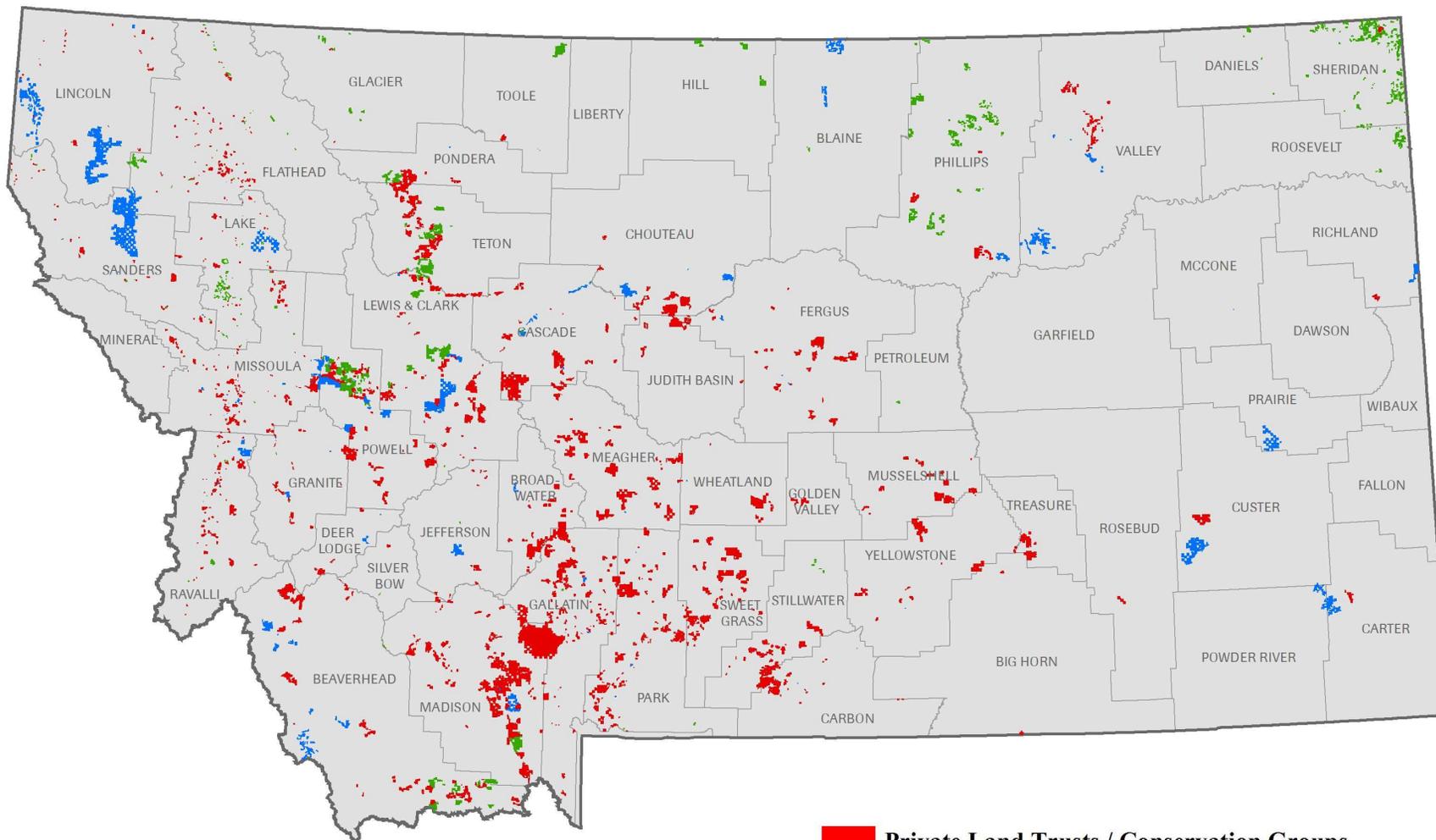
What does a conservation easement do?

- Keeps open land as open land...limits development
- Keeps agricultural and forest working lands working and producing crops, grass and trees
- Conserves wildlife habitat
- Conserves wildlife corridors
- Conserves riparian areas and shorelines
- Conserves wetlands
- Conserves recreational, educational and historic properties



Montana Conservation Easements

March 2013



- Private Land Trusts / Conservation Groups
- State / County / City Government
- Federal / Tribal Government

Map Created: March 2013, A. Pearson
Data Source: MT Dept. of Administration (Cadastral)
Note: Buffers have been applied to easement boundaries for display purposes only





2013 Conservation Easement Summary

<u>Easement Holder</u>	<u>Acres</u>
US Government	9,231
US Bureau of Reclamation	42
BPA	644
US Fish and Wildlife Service	274,672
US Forest Service	20,038
US Department of Agriculture	16,318
Montana Fish, Wildlife and Parks	445,169
MT Dept. of Transportation	1,067
County Government	528
City Government	601
Salish and Kootenai Tribal Lands	222
The Nature Conservancy	333,417
Montana Land Reliance	907,421
Rocky Mountain Elk Foundation	48,334
DU (Wetlands America Trust)	16,997
Five Valleys Land Trust	48,823
Flathead Land Trust	10,459
Gallatin Valley Land Trust	42,252
Prickly Pear Land Trust	3,506
Bitter Root Land Trust	3,476
The Vital Ground Foundation	912
The Bighorn Institute	1,443
National Wildlife Federation	20
Rattlesnake Land Trust (SOS)	190
Kaniksu Land Trust	208
Montana Conservation Trust	736
Humane Society Wildlife Land Trust	446
The Conservation Fund	2,974
Mule Deer Foundation	155

State Total

2,190,316

Why do landowners seek conservation easements?



Cash payment: Since the easement “retires” all or a portion of the development potential of the land, the landowner may be compensated with a cash payment.

Tax advantages: Federal income tax deductions can be attractive. Reduction in federal estate tax exposure can be attractive. Easier to pass ranch to heirs.

Altruistic reasons: Family ranch, family tradition, strong bond between family and the land.

Conservation Easements and Sage Grouse



Montana is unique:

About 60 percent of core sage grouse habitat is on private land. Sage grouse conservation on private land will need projects and funding.

Significant Opportunities

Voluntary

Flexible

Landowner Incentives

Protect Property Rights

Pro-Agriculture

Keep Private Land Private Land

Established on Landscape

Consistent with MT Values

Proven Effective

Partners; Cooperative

What happens next?