



# SAVING THE BEST FOREVER

FWP conservation easements protect critical wildlife habitat and secure hunting access while sustaining family ranches. Will new landowners support those goals?

By Brett French. Photos by John Warner

**A**t the age of 15—when most youngsters these days are just getting their driver’s license—Henry Gordon’s grandfather journeyed to America from Germany. He eventually settled on prairie lands in northern Blaine County and purchased what Gordon calls “the home place” in 1889. That’s some deep roots in the topsoil of Montana’s plains. “We’ve been here quite a while,” Gordon says.

To honor the family legacy, Gordon is preserving the native grasslands that fed the cattle that sustained his ancestors. He is also protecting wetlands and conserving wildlife such as white-tailed and mule deer, sage-grouse, waterfowl, and even swift foxes, a state species of concern. Gordon accomplished these lofty goals by working with Montana Fish, Wildlife & Parks in 2002 to create the 15,000-acre Gordon Cattle Company Conservation Easement (CE) north of Chinook.

“I guess what really encouraged me to sell the easement more than anything else was how these young ‘entrepreneurs’ around here are tearing up the native ground to make a profit,” says the 66-year-old rancher. “I thought this was a good way to save our prairie grass. It’s worked out well.”

## KEEPING LAND PRODUCTIVE

Montana appears to be overflowing with farmland, yet many of the most productive lands along river bottoms have been converted to housing and highways. According to American Farmland Trust, Montana has lost 204,100 acres of prime farmland to development since 1982—much of it in wildlife-rich river valleys with sweeping mountain views.

Tempted by real estate developers’ lucrative offers and pressured by rising property taxes, a growing number of landowners have turned to conservation easements to hold on to their property. From the prairies of eastern Montana, to the foothills and dark forests west of the Continental Divide, conservation easements protect both critical wildlife habitat and family farms. The easements are voluntary legal agreements between a landowner and a land trust nonprofit (see sidebar, page 32) or public land management agency such as FWP. On FWP conservation easements, the landowner restricts certain development on the property, such as subdividing parcels, plowing native grasslands, or leasing land for hunting, in exchange for a one-time payment of roughly 40 percent of the property’s

**PRAIRIE PROTECTORS** Henry Gordon and his daughter Trish, who now manages the family ranch, at the Gordon Cattle Company Conservation Easement near Chinook. “I thought it was a good way to save our prairie grass,” Henry says.

value. That cash allows struggling ranchers to stay on their land and even helps pay inheritance taxes.

Landowners either sell or donate easements to FWP while maintaining ownership of the land. The property can be sold or passed on to heirs and allows for continued farming, ranching, and other private use under certain conditions. “Many people don’t understand that conservation easements help landowners keep doing what they’ve been doing, which is working the land,” says Rick Northrup, chief of FWP’s Wildlife Habitat Bureau. The land also remains on the county tax rolls.

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FWP conservation easements protect the state’s most important wildlife habitats—riparian (riverside) areas, intermountain grasslands, and sagebrush-grasslands—that are vulnerable to subdivision development and intense agricultural practices. Almost all provide public hunting access.

“One big difference between FWP easements and most others is our requirement for public access,” says Ken McDonald, head of the FWP Wildlife Division. “We are also about the only ones whose conservation easements include management plans with details about public access and grazing.”

#### HUNTERS’ DOLLARS AT WORK

The first substantial FWP easement was the 1994 Brewer Ranch CE, which protects about 18,000 acres across Powder River and

Custer Counties. Since then, FWP has acquired—either by purchasing or through donations—another 62 conservation easements statewide for a total of 458,824 acres safeguarded from development.

The easements are financed largely through the Habitat Montana Program, funded by hunting license fees. The program collects about \$4 million a year. “These are hunters’ dollars being put to work for hunting and wildlife,” says Northrup. Donations from many conservation groups assist in easement purchases.

To help buy easements in western Montana, FWP applies for competitive grants from the Forest Legacy Project, administered by the U.S. Forest Service. The federal agency stipulates that Forest Legacy dollars be used to conserve threatened forests that provide timber harvest, wildlife habitat, and public access. Most FWP conservation easements funded with Forest Legacy dollars have been purchased from timber companies.

For instance, Stimson Lumber Company sold FWP a 28,000-acre easement near

Troy that contains critical habitat for grizzly bears, wolves, Canada lynx, bull trout, and westslope cutthroat. It’s also prime timber land. “The attraction for us, as we look at our lands and where our mills are, is that it’s getting harder and harder to make timber work for the long term,” says Barry Dexter, inland resource manager for Stimson. “We were willing to give up first development rights for that harvest income.”

#### COFFEE TALK

Most FWP conservation easements start as conversations between a landowner and a wildlife biologist. In his 13 years with the department, FWP biologist Cory Loecker, based in Great Falls, has helped negotiate four easements protecting valuable riparian habitat along the Missouri River near Cascade, as well as one in the Arrow Creek Breaks east of the Highwood Mountains. “I’ve had a lot of coffee at kitchen tables,” says Loecker. Just as important as what he says to landowners about the value of conservation easements, however, is what

other easement holders say. “Landowners all know each other, so they can visit with a neighbor and see how the easement works and decide if it would work with their operation,” he says.

Loecker grew up in northeastern Nebraska along the Missouri River, where much riparian agricultural land and wildlife habitat has been developed into housing. “If they can get a bulldozer in there, they will,” he says. “So it’s pretty cool for me to help protect some of this land along the upper Missouri in Montana.”

Loecker worked with landowners Jim and Cindy Kittredge on the 2,292-acre Bird Creek Ranch CE. The diverse and scenic mix of hardwood forest, wetlands, streams, native grasslands, and farmland sits along three miles of the Missouri River near Cascade. The Kittredges raise Icelandic sheep and Highland cattle on their property, which includes an American Indian historical site and holds white-tailed and mule deer, pronghorn, upland birds, waterfowl, and nongame wildlife including herons,

shorebirds, and nesting bald eagles.

The scenic ranch, with sweeping views of the Missouri River and Square Butte to the west, is just 20 minutes from Great Falls. “We were constantly getting calls from real estate people asking to buy the ranch for subdivisions like the ones spreading like a virus on the other side of the river,” says Cindy Kittredge, who grew up on the property. “One reason we sold the easement was to draw a line in the sand that said, ‘This land must be preserved.’” Another reason was to show that a productive landscape can work in balance with a wild one. “When the two work in harmony, like we’re doing here, it’s a wonderful thing,” she says.

#### SEWING TOGETHER MILK RIVER HABITAT

FWP often tries to acquire conservation easements that connect existing easements and other protected lands. When linked, habitat is even more beneficial to wildlife because it allows for greater unobstructed movement. One of the department’s most ambitious conservation easement plans is

“People want to use that public ground, so why not get along with ‘em and put it in Block Management?”



**GOOD FELLOWS** Henry Gordon shares a laugh with his neighbor, Terry Swank.



**GREEN COWS** Henry Gordon checks on cattle that are moved to various pastures throughout the year to invigorate grasses and forbs. The rotational grazing helps the landscape sustain a thriving population of sage-grouse and other sagebrush wildlife.

the Milk River Initiative. Started in 2007, the project aims to conserve a series of prime wildlife habitats along the meandering river from Havre to Glasgow.

The initiative had a sizable chunk of ground to build upon: the 3,800-acre Tampico Ranch CE acquired in 1994. “That’s our biggest conservation accomplishment so far along the Milk,” Northrup says. Since then, FWP has added five easements as well as one fee title purchase of 400 acres made into a wildlife management area. FWP also manages six other wildlife management areas along this stretch of the Milk River. In total, 13,000 acres of prime wildlife habitat have been conserved.

Northrup says FWP focused on the Milk River because the wildlife-rich riparian habitat continues to be converted to cropland and housing. In addition, many properties are being tied up with hunting leases or purchased by out-of-state landowners who don’t provide public hunting access.

Bernie Hart sought out the department to create a conservation easement on his 402 acres at the confluence of Beaver Creek and the Milk River about 20 miles northwest of Glasgow, near Hinsdale. For years Hart has shared his land with the public. Anglers have caught 12 different species of fish,

including a 22-pound northern pike, a 9-pound walleye, and a 12-pound catfish. Hunters pursue white-tailed deer and pheasants. “People appreciate this, and that gives you a great feeling,” he says. Hart, 74, adds that a neighbor also has put a portion of his land into an FWP conservation easement. “Large parcels like this are what’s necessary for wildlife,” he says.

#### MORE BANG FOR THE BUCK

Why doesn’t FWP just buy prime habitat from willing sellers and make them into wildlife management areas? Often it does. “But other times we can get more bang for the buck with an easement,” says McDonald. “And sometimes landowners prefer to sell or donate the easement to us so they can continue working the land and pass it on to



**CONSERVATION COUPLE** Cindy and Jim Kittredge with Highland cattle on their wildlife-laden 2,292-acre ranch near Cascade. They sold a conservation easement to FWP in 2007.

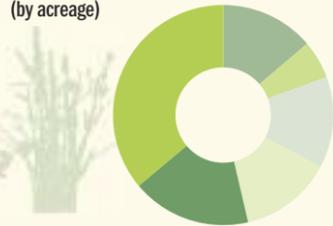
“Other people might have the right to develop their land in ways that can ruin it forever, and we have the right to protect our land forever.”

## Other conservation easements in Montana

FWP’s 458,824 acres of conservation easements comprise roughly one-fifth of the more than 2.5 million acres of conservation easements in Montana. Many other groups also purchase or receive donations of easements, including The Nature Conservancy, Montana Land Reliance, Rocky Mountain Elk Foundation, and Gallatin Valley, Flathead, Five Valleys, Bitter Root, and Prickly Pear Land Trusts.

“We’re proud that Montana has conserved all these acres,” says Glenn Marx, executive director of the Montana Association of Land Trusts. “But it’s a common misconception that because the number of conservation easements has grown over the years, the amount of open land in Montana has increased, too. It hasn’t. Pretty much every day someone, somewhere converts Montana farm or ranch land to another use.” That’s okay, says Marx, who knows that Montanans want economic development and new job opportunities. “But it’s a good thing—as we grow our economy and as our population grows—that landowners work with land trusts and agencies like FWP to conserve priority habitats and farmlands,” he says. “These easements conserve some of the best Montana has to offer.” ■

#### Montana’s largest easement holders (by acreage)



Montana Land Reliance	945,070
Montana Fish, Wildlife & Parks	458,824
U.S. Fish & Wildlife Service	357,142
The Nature Conservancy	348,925
State of Montana	146,996
All other easement holders (combined)	312,394

SOURCE: NATIONAL CONSERVATION EASEMENT DATABASE

their kids.” Another advantage of easements over fee-title acquisitions: lower long-term fence and road maintenance costs.

So that conservation easements benefit wildlife and the hunters who pay the lion’s share of costs, the legal contracts contain specific provisions for land management and public access. FWP negotiates management plans with the landowner until both parties reach agreement. Many FWP easements stipulate grazing to be done on a rotational schedule to invigorate shrubs, grasses, and forbs. On the Tampico Ranch CE, the management plan required seeding 350 acres into dense nesting cover for upland birds and waterfowl. Haying is allowed on the ranch’s ungrazed fields, but only after birds have finished nesting, to prevent machinery from killing broods.

Terms for public access differ on each easement. Many are enrolled in the Block Management Program and offer access similar to other private lands posting the bright green signs. The Gordon Cattle Company CE is enrolled as two Block Management Areas. The areas intermingle with federal Bureau of Land Management and state Department of Natural Resources and

Conservation properties, providing access to those lands as well. “People want to use that public ground, so why not get along with ‘em and put it in Block Management,” Gordon says of his property.

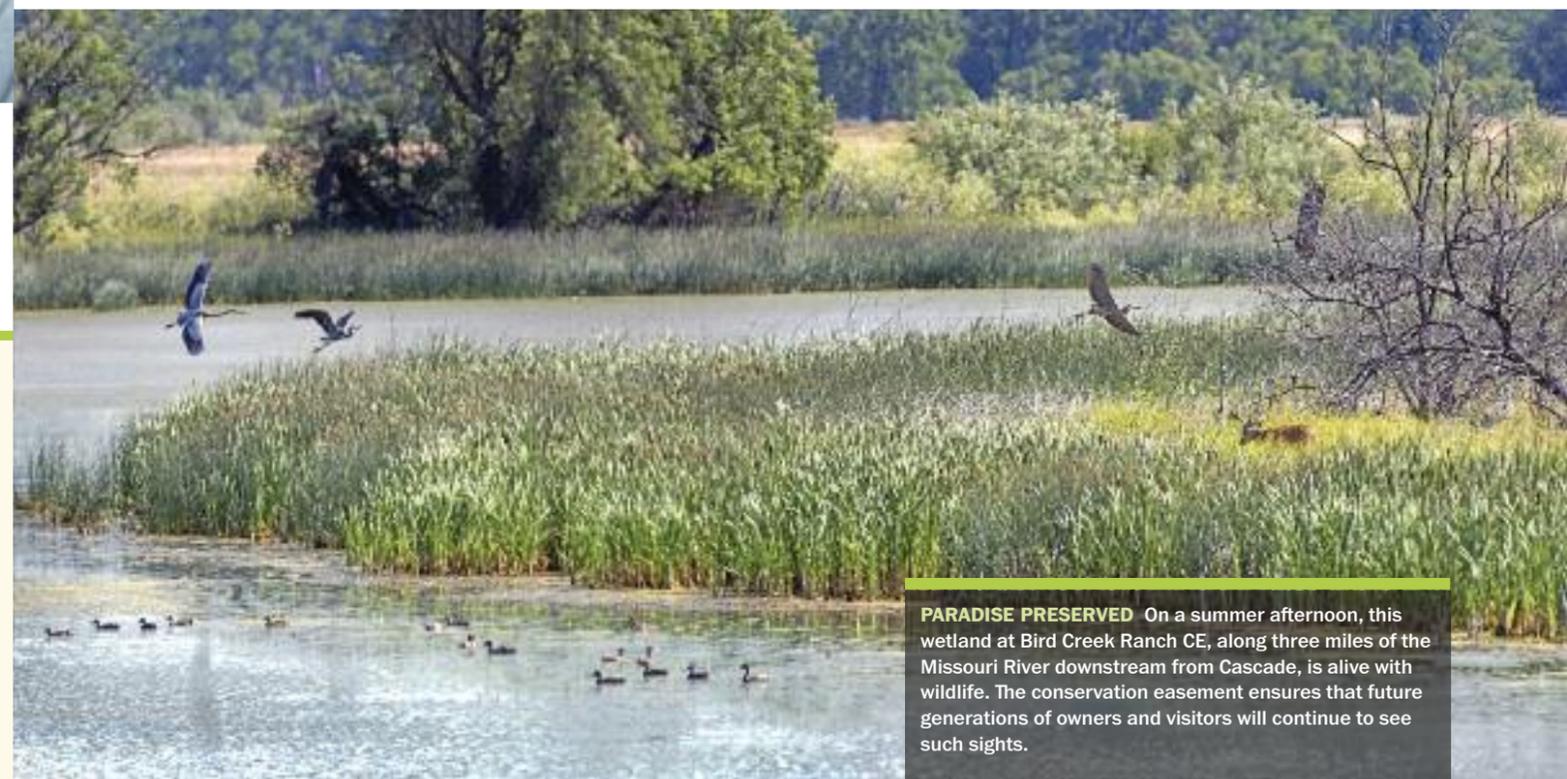
To ensure landowners comply with the agreements, Kevin League, FWP conservation easement stewardship manager, monitors easements throughout the year. “I look for any new disturbances on the property and interview the landowners to see what’s going on,” League says. “Usually it’s within the agreement and there’s no problem. Much of what I do is just maintain good relations with the landowners.”

Conservation easements are perpetual, meaning the land management and development stipulations last forever. Most conservation-minded heirs welcome the restrictions. Henry Gordon says his daughter Trish, who now manages the ranch, was “all for” the FWP conservation easement. But because easements are still relatively new in Montana, the provisions can frustrate some new owners or heirs. League says dealing with second-generation landowners or buyers is sometimes harder than working with the conservation-minded person who

established the easement. “It can be a challenge working with someone who wants to develop and can’t, because conservation easements are legally binding and can’t be broken,” League says. “They’re written into the deed, so prospective property buyers should be aware of the stipulations before they make a purchase.”

Those restrictions are there for good reason. Conservation easements exist to protect critical wildlife habitat, not for just a few decades but for all time. One of the biggest benefits to landowners from the agreements is that their vision of their land is preserved. “We view those protections as a property right,” says Cindy Kittredge. “Other people might have the right to develop their land in ways that can ruin it forever, and we have the right to protect our land forever. We view conservation easements as a tool for enshrining that property right.” ■

*Hunters interested in finding locations of and access conditions on FWP conservation easements can use the department’s web-based Hunt Planner or call the regional FWP office and ask for information on conservation easements.*



**PARADISE PRESERVED** On a summer afternoon, this wetland at Bird Creek Ranch CE, along three miles of the Missouri River downstream from Cascade, is alive with wildlife. The conservation easement ensures that future generations of owners and visitors will continue to see such sights.