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
WHAT IS A LAND TRUST?

Nonprofit organization

Focus on private land conservation

Voluntary conservation agreements

Follow national standards and practices

Community based

Multiple private and public partners

LAND TRUSTS TRUE "CUSTOMER" IS LANDOWNER
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
## 2018 Conservation Easement Summary

Note: easement acres are calculated by the GIS and do not necessarily represent the acreage filed in the deed.

<table>
<thead>
<tr>
<th>Easement Holder</th>
<th>Acres</th>
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<tbody>
<tr>
<td>US Government</td>
<td>3,032</td>
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<td>US Bureau of Reclamation</td>
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<td>BPA</td>
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<tr>
<td>US Fish and Wildlife Service</td>
<td>380,372</td>
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<td>US Forest Service</td>
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<td>US Department of Agriculture</td>
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<td>Montana Fish, Wildlife and Parks</td>
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<td>MT Dept. of Transportation</td>
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<td>County Government</td>
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<tr>
<td>City Government</td>
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<tr>
<td>Salish and Kootenai Tribal Lands</td>
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<td>The Nature Conservancy</td>
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<td>DU (Wetlands America Trust)</td>
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<td>Five Valleys Land Trust</td>
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<td>Flathead Land Trust</td>
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<td>The Vital Ground Foundation</td>
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<td>The Bighorn Institute</td>
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<td>National Wildlife Federation</td>
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<td>Rattlesnake Land Trust (SOS)</td>
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<td>Kaniksu Land Trust</td>
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<td>Montana Conservation Trust</td>
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<td>Humane Society Wildlife Land Trust</td>
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<td>The Conservation Fund</td>
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<td>Mule Deer Foundation</td>
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<td>Institute of the Rockies</td>
<td>74</td>
</tr>
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</table>

**State Total** 2,562,267
Montana is Ranked #1 or #2 in the US for Land Conservation

Way to go, Montana!
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 & Sage Grouse

- 2013 Montana Legislature
- 2013 Executive Order
- Montana Advisory Council
- 2014 Executive Order
- 2015 Montana Legislature
- 2015 Executive Order
- Montana Sage Grouse Oversight Team
- 2017 Montana Legislature
- Ongoing and...
Conservation Easements and Sage Grouse

Stewardship Fund has Significant Opportunities and Advantages

Voluntary
Flexible (Term Easements)
Landowner Incentives
Protect Property Rights
Pro-Agriculture
Keep Private Land Private Land
Established on Landscape
Recognized / Proven Effective
Generate Mitigation Credits

Montana is unique:
A majority of sage grouse core habitat and sage grouse populations are found on private land...
Montana is the only state where that’s the case.
10 Montana Sage Grouse Program Goals

1. Maintain sage grouse and economic opportunity.
2. Retain management authority of sage grouse.
3. Consistent application of provisions across all lands.
4. Three-part program... DDCT, habitat conservation, mitigation.
5. Respect valid and existing rights and uses.
6. A focus on voluntary, incentive based conservation.

Lots of work ahead: Montana continues to maintain these goals and work within these program priorities. It has not been easy, and it will not get easier. Much work remains.
10 Montana Sage Grouse Program Goals

7. Reduce threats to sage grouse habitat and populations.
8. The program needs landowners more than landowners need the program.
9. Conservation of sage grouse and economic development, including energy development, are compatible.
10. Mitigation enables this development and conservation to be compatible.

Challenges Remain:
It is unclear how emerging national policies and actions will play out in Montana, how the final mitigation rule will be received, and whether landowners will participate in the program.