



# MONTANA ASSOCIATION OF LAND TRUSTS

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## **Conservation easements provide wide range of benefits in Montana**

*by Glenn Marx, executive director, Montana Association of Land Trusts*

Conservation easements and the work of land trusts have cropped up in recent guest columns, so it might be timely to provide some new information about the vast contributions land trusts have made to conservation of private lands in Montana.

Conservation easements seem to generate almost as many public myths as they do public benefits, but in reality the truth surrounding easements and land trusts isn't nearly as mysterious as the myths suggest. In fact, for about a quarter-century now, land trusts have labored publicly and honorably to conserve open lands. Montana's 11 land trusts are national leaders in private land conservation, and enjoy a positive and productive relationship with Montana landowners.

A good place to start "demythologizing" land trusts is with information contained in a public report, produced by the Montana Legislative Audit Committee, released in January 2007. With support from land trusts, a resolution passed the 2005 Legislature authorizing the audit committee to take a look at land trusts and conservation easements. The 76-page report produced some impressive information confirming the value of private land conservation easements in Montana.

One of the legendary myths is that land trusts somehow enforce easements with such rigidity and strictness that landowners are somehow actually forced off their property. The rural myth continues by alleging the land trust then buys the devalued property, strips off the easement, and either sells or develops the property for a financial bonanza. Odd, since land trusts are nonprofits.

The truth is far less sensational. No Montana land trust has ever forced a landowner off the land, and no Montana land trust has ever extinguished a Montana easement and developed the land for financial profit. And no Montana land trust ever will. The Montana Association of Land Trusts is currently working with Montana legislators on a bill to prevent what never has happened from ever happening.

The audit committee report does not support the claim made by a recent letter to the editor that conservation easements have separated landowners from their property. The report does highlight the significant public value of conservation easements. Conservation easements have helped protect about 675,000 acres of Montana elk winter range, calving areas and critical migration routes. In addition, easements in Montana have protected over 46,000 acres of antelope habitat, nearly 23,000 acres of mountain goat habitat, nearly 275,000 acres of critical moose habitat, nearly 60,000 acres of bighorn sheep habitat and vital habitat for wild turkey and upland birds.

The report also documents the miles of streams and rivers protected. Conservation easements have conserved just under 4,400 miles of stream banks and riparian areas, and over 120 square miles of lakes and wetlands.

One key finding in the report is that a full 85 percent of the easements have conserved lands classified as either agricultural (72 percent) or farmstead (13 percent).

Conservation easements are private agreements between a private landowner and a nonprofit land trust or public agency that establishes the landowner's commitment to retain the property under easement as open lands. A conservation easement is a voluntarily negotiated agreement that limits the landowner's ability to develop the land and calls for conservation of the property's natural values.

Because of the voluntary nature of easements, it is private landowners – who typically donate land value as part of an easement – who deserve a respectful tip of the hat for the impressive accomplishments easements have meant to Montana's quality of life.

One other myth the audit committee's report quashed was the perception that conservation easements lower property tax collections to local governments. The report clearly states that conservation easements have not adversely impacted local property collections. The report also says it is unusual for an easement on private lands to lead to a transfer to public ownership of the property. Such a transfer does occasionally occur in Montana, but the reports says that, "...there is minimal evidence of easements resulting in governmental ownership of land. There is certainly no evidence that transfers to governmental entities could have a significant effect on local property tax collections."

The report did recommend that although the current voluntary tracking of conservation easements in Montana has worked extremely well, a new more formal regulatory procedure should be implemented. Montana's land trusts are working with legislators and the audit committee staff toward a more formal reporting process involving the Montana Department of Revenue and the Montana Department of Administration.

Montana's land trusts are among the nation's leaders in public reporting and recording of easements, were pioneers in compliance with the Land Trust Alliance program for standards and practices, and have continually sought ways to improve and expand conservation easement information.

The audit committee report documents many of the benefits associated with conservation easements and points out some emerging issues which bear a closer look. Regulatory oversight of easements is one such issue. Land trusts are proud of their contributions to Montana's open lands, landscapes and quality of life, and pledge to continue to work with legislators, landowners and others in the years ahead.

*(Whitehall resident Glenn Marx is executive director of the Montana Association of Land Trusts, an organization comprised of 11 Montana nonprofit land trusts whose focus is private land conservation. Marx is former staffer for Congressman Ron Marlenee and governors Stan Stephens and Marc Racicot, and most recently was publisher of a community newspaper, the Whitehall Ledger.)*