

## Conservation Easement Workshop in Winnett, MT

*Reba Ahlgren*

On February 23<sup>rd</sup>, the Petroleum County Conservation District hosted a Conservation Easement Workshop. The workshop drew an attendance of nearly 50 people with over half of them being producers. Andy Dana, an attorney with Conservation Law Associates in Bozeman, started the afternoon with a great introduction to Montana Conservation Easements. His presentation gave a good understanding of what easements are, how they work, who is involved and clarified several conservation easement myths and realities. Dana has been practicing land conservation and real-estate law for over 20 years.

Abby Dresser, with NRCS and Ducks Unlimited, spoke about the two components of the Ag Conservation Easement Program available through NRCS. The Ag Land Easements (ALE) component helps protect working agriculture lands from non-agriculture development. These easements are held by eligible conservation partners and are only available for perpetuity, there are no term easements under this component. NRCS may contribute a percentage of the fair market value of the land to protect the agricultural use. The Wetland Reserve Easements (WRE) component is intended to restore, protect and enhance wetland areas. Easements under this component may be term or permanent and are held solely by NRCS.

Montana Land Reliance was created over 35 years ago to provide permanent protection for private agricultural lands. Kendall Van Dyk, Eastern Manager, stated there are currently more than 800 easements protecting nearly 1 million acres across the state. Donors of conservation easements are usually interested in preventing the subdivision of the land, use the easements as a way of estate planning and also to protect family unity. Montana Land Reliance is privately funded and works to design each easement to meet the needs of the landowner, reasons why landowners select MLR to hold their easements.

Rick Northrup discussed conservation easements available through Montana Fish, Wildlife & Parks. These easements are purchased using earmarked state hunting license funds and are intended to protect wildlife habitat. In most cases, the individual landowners continue to keep the land in agricultural use, they forgo development rights on the property and typically allow public access for hunting.

Pheasants Forever representative, Bill Berg, stated that their only easements come from donated land. They work primarily with wildlife habitat improvement projects, which benefit both private landowners and the public when it comes to improving the landscape for wildlife. Mike Mueller, with Rocky Mountain Elk Foundation, said they also primarily deal with donated easements, but they do have a few conservation easements that were purchased with the intent of conserving big blocks of wildlife habitat. Their easements must have an access component, either providing access to private land, or by allowing access through private land to areas of public land.

Brian Martin gave an overview of the easement process with The Nature Conservancy. The process starts with landowners expressing interest in an easement. The property is then evaluated for ecological values that meet priority of funding (private vs. federal vs. state). The Nature Conservancy easements are mostly purchased, with money coming from donations and fundraising as they are a 501(c)(3) organization, and can also be combined with easements from other agencies. The next steps

include negotiating the terms, completing an appraisal, baseline report and environmental hazards report prior to closing. Once an easement is finalized they will complete annual monitoring visits on the place and provide the owner with a copy of the annual report each year.

Attendees also had the opportunity to listen to Lee Cornwell, Valley County producer, talk about his first-hand experience with easements. Lee is president of the Cornwell/Langen Ranches, who have a perpetual easement with the Nature Conservancy. Bill Milton, Musselshell County producer, also shared his insight in working conservation partners. The Milton Ranch has a perpetual Grassland Reserve Program easement with NRCS and an easement with the MT Land Reliance. Both producers had very positive experiences, but assured the audience that easements aren't for everyone, you have to decide what your goals are and what is best for your operation. The workshop gave producers a great opportunity to learn about different conservation easements that are available and meet several conservation partners.