

# A Guide to Land Conservation in the Blackfoot Using Conservation Easements



# In this Blackfoot Conservation Easement Guide, you will find:

- The organizations and agencies qualified to hold easements.
- Examples of conservation easement projects.
- Who to contact if you are interested in further information.
- Frequently asked questions about conservation easements.



# An Introduction to Land Conservation

## BLACKFOOT CHALLENGE

### Who is the Blackfoot Challenge?

The Blackfoot Challenge is a landowner-based group that coordinates management of the Blackfoot River, its tributaries, and adjacent lands. It is organized locally and known nationally as a model for preserving the rural character and natural beauty of a

watershed. The mission of the Blackfoot Challenge is to coordinate efforts that will enhance, conserve and protect the natural resources and rural lifestyle of the Blackfoot River Valley for present and future generations.

### Why Conserve Land in the Blackfoot?

The Blackfoot River flows a total 132-mile journey, through some of the most productive fish and wildlife habitat in the Northern Rockies. The valley shelters glaciated wetlands, lush riparian areas, and blue ribbon trout streams.

Stunning mountain ranges, National Forests and the Bob Marshall and Scapegoat Wilderness Areas surround the valley. It's also a place with a history of farms and ranches that provide acres of open space and a mosaic of habitats.

As many special places in western Montana face an ever-growing population and increased pressure from development, many landowners are thinking about the future of their property. Whether a working farm or ranch, forested land, riparian zone, or open space, your land is an irreplaceable legacy that can be preserved for current and future generations.



Photo Courtesy: Teri Garrison



Photo Courtesy: Teri Garrison



Photo Courtesy: The Nature Conservancy

## What is a Conservation Easement?

Conservation easements are an option for landowners that want to protect the future of their land. A conservation easement is a voluntary legal agreement between a landowner and a qualified organization that limits the uses of the land in order to protect its conservation values. When you own land, you also own many "rights" associated with it. When you donate or sell a conservation easement, you give up some of those rights. But most important, with this land conservation tool, you continue to own and use your land and have the right to sell it or pass it on to heirs.



Photo Courtesy: Montana Fish, Wildlife and Parks



Photo Courtesy: Tim Palmer

## Building Partnerships for the Long-Term

In 1976, the first conservation easement in Montana was signed in the Blackfoot Valley. Since that time, over 85,000 acres in the Blackfoot watershed have been protected by private land trusts and government agencies working with landowners concerned about the future of their land.

While the Blackfoot Challenge does not hold conservation easements, we are committed to building long-term conservation partnerships in the Blackfoot. In 2000, the Challenge formed a conservation strategies committee to provide a forum for exchanging information on conservation work being done in the Blackfoot, to look for ways to pool funding resources, and to collaborate on appropriate conservation strategies. This committee is comprised of landowners and members representing all organizations with conservation easement holdings on private lands in the Blackfoot.



Photo Courtesy: Teri Garrison



Photo Courtesy: Pete Talbot

# Land Trusts & Government Agencies

## Montana Fish, Wildlife and Parks



### Montana Fish, Wildlife & Parks

easements whenever possible. To date, most of FWP's land acquisition efforts have resulted from funds made available through H.B. 526 and FWP's Habitat Montana program. Other funds are also available for preserving public access, parks, historic and cultural resources. Any landowner who owns property fitting FWP's program guidelines is eligible.

### Protecting Habitat and the Legacy of the Mannix Ranch

In 1994, the Mannix Family approached FWP with an idea for a conservation easement to meet ranch objectives. FWP agreed that a conservation easement on the Mannix Ranch would protect a substantial public interest in wildlife habitat.

Provisions of this conservation easement are similar to most, including restrictions on subdivision, new buildings, sodbusting, and commercial developments other than the traditional ranch operation. In addition, the Mannix Conservation Easement grants the public a perpetual right to reasonable hunting access on the ranch. While recognizing that no one tool works for all situations, the Mannix Family is a strong proponent of conservation easements as a tool for maintaining traditional agricultural lands. Recently, the Mannix Ranch has been working with leaders in the Blackfoot community to make easements more adaptable by being able to incorporate sound innovations in resource management, while also maintaining the legal standings for FWP and other easement-holders to enforce the terms and intent of the easement.



Photo Courtesy: John Firebaugh

### Did you know that Fish, Wildlife and Parks is one of the few easement-holding entities that can offer landowners the option of a purchased easement?



Photo Courtesy: Montana Fish, Wildlife and Parks

### Program Description

The Montana Legislature passed H.B. 526 during its 1987 session, an act that sets aside a portion of certain hunting license revenues for the acquisition of "important habitat that is seriously threatened." As a part of that bill, the Legislature directed Fish, Wildlife & Parks to use available dollars for conservation

**History:**  
Over the past 23 years, MT FWP has protected a total 326,000 acres across Montana, with 9,750 acres protected in the Blackfoot.

**Region:**  
State Agency

**Contact Information:**  
Debby Dils

Land Section Supervisor  
1420 East Sixth Avenue  
P.O. Box 200701  
Helena, MT 59601

**Phone:** (406)444-3939

**Email:** ddils@state.mt.us

**Website:** fwp.state.mt.us

### Easement Criteria:

Critical Habitat for Fish and Wildlife, Riparian Zone and Wetland Areas, Opportunities for Public Fishing, Hunting, and Other Recreation, Cultural and Historic Resources.

### Land Protection Tools:

Donated and Purchased Conservation Easements, Land Exchanges and Acquisitions, Management Agreements and Partnerships, Community Land Protection Initiatives.

Because FWP is accountable to public funding sources, FWP's acquisition of a conservation easement is a public process, requiring public advertisement, a public hearing in the local community, and approvals by the Montana Fish, Wildlife & Parks Commission and State Land Board. More landowners express a willingness to sell a conservation easement to FWP than funding can support. Projects are selected for funding on the basis of numerous criteria, including fish, wildlife and cultural resources on the land, and the degree of threat to these particular resources statewide.

## The Nature Conservancy

### History:

As of 2003, the Nature Conservancy holds conservation easements on about 220,000 acres statewide, with 12,763 acres in the Blackfoot.

### Region:

Global Organization, working in U.S., Canada and Mexico, and in more than two dozen other countries.

### Contact Information:

Caroline Byrd  
Western MT Program Director  
211 N. Higgins, Suite 4A  
P.O. Box 8316

Missoula, MT 59807

**Phone:** (406)543-6681

**Email:** cbyrd@tnc.org

**Website:** nature.org/montana

### Easement Criteria:

Wetlands, Riparian Habitat, Native Plant Communities, Working Ranch and Timberlands.

### Land Protection Tools:

Donated and Purchased Conservation Easements, Land Exchanges and Acquisitions, Management Agreements and Partnerships, Land Sales to Private Landowners and Public Entities (Federal, State and Local Agencies), and Community Land Protection Initiatives.

### Program Description

The Nature Conservancy's mission is to preserve the plants, animals, and natural communities that represent the diversity of

life on Earth by protecting the lands and waters they need to survive. The Conservancy focuses its work in landscapes that have high conservation value, like the Blackfoot. The Conservancy believes that including, involving and working with local communities and landowners is crucial to long-term conservation success. Consequently, the Conservancy crafts its conservation efforts to help ensure the continuation of the Blackfoot's high natural values while also serving to maintain its rural character and livelihood.



### Sustainable Forestry at the E Bar L Guest Ranch

In 1913, when the Potter family bought their guest ranch, most of its 2,000 forested acres were logged over. Since that time, Bill and Betty Potter have been working to institute a management program that emphasizes leaving the best trees, while harvesting some timber to create a multi-layer of different aged trees. This management philosophy was formalized in a conservation easement that was donated to The Nature Conservancy in 1998, covering the ranch's 4,000 deeded acres. Their concern for the future of the forest precipitated a long-term partnership between the landowners, the Conservancy, and the University of Montana's Lubrecht Forest.

Today, forest workshops are available to all interested landowners on the protected E Bar L Ranch.

Photos Courtesy: Jim Steinberg



### Did you know the Conservancy helped build Montana's enabling legislation for conservation easements?

In 1976, the Conservancy accepted a gift of the state's first easement along the Blackfoot; 1,800 acres from Edna Brunner. Since that time, they've continued their conservation legacy in the valley.



# Land Trusts & Government Agencies (cont.)

## U.S. Fish and Wildlife Service



### Program Description

The Fish and Wildlife Service has developed a conservation easement program to protect important fish and wildlife habitat on private land in western Montana. Perpetual easements are purchased from willing sellers who own properties within designated project areas. The Fish and Wildlife Service easements prohibit subdivision and development activities but generally allow for continued agricultural uses such as livestock grazing, haying or farming of existing cropland.

### Stewardship for Generations at the Rolling Stone Ranch

The Stone family entered into a conservation easement with the USFWS in January of 1995. This agreement meant the preservation of a ranching heritage and continued stewardship ethics on their land for generations. The objectives were to maintain an agricultural base, eliminate the threat of subdivision and further their estate planning. According to the Stones, this was not only a decision about their own welfare, but about the ability to help preserve the rural character in the Blackfoot Valley.



Photo Courtesy: Teri Garrison

*"We chose the USFWS easement program because of the flexibility to continue ranching in a productive and progressive manner, yet this agreement has opened up our operation to management tools and expertise's that will help us meet our long-term objectives. Parts of the objectives are to leave our ranch in a condition that will allow for management decisions that are based on good stewardship values and the continued health of the land. If these objectives can be met, we will have accomplished our goals and allowed for the future to protect the rural integrity of the Blackfoot Valley." Jim Stone, Landowner.*

### Did you know that the Fish and Wildlife Service has federal funding to protect important wildlife habitat and help maintain family farms and ranches?

Land and Water Conservation Funding (LWCF) is the funding source appropriated annually through Congress to the U.S. Fish and Wildlife Service for purchase of conservation easements on private land in the Blackfoot Valley. The project area encompasses 165,000 acres in the Ovando area and includes exceptional diversity of fish and wildlife habitat. With limited funding for fee title acquisition, purchased conservation easements cost 30%-50% of the property's full fee value and allows the U.S. Fish and Wildlife Service to protect larger blocks of important habitat in western Montana.



Photo Courtesy: U.S. Fish and Wildlife Service

### History:

As of 2003, the USFWS has protected a total 66,000 acres in western Montana, with 30,051 acres protected in the Blackfoot.

### Region:

Federal Agency

### Contact Information:

Kevin Ertl

U.S. Department of the Interior  
U.S. Fish and Wildlife Service  
Benton Lake Wetland  
Management District  
H2O Waterfowl Production Area  
967 Marsh Lane  
Helmville, MT 59843

Phone: (406)793-0050

Email: [Kevin\\_Ertl@fws.gov](mailto:Kevin_Ertl@fws.gov)

### Website:

[www.r6.fws.gov/pfw/r6pfw8b1.htm](http://www.r6.fws.gov/pfw/r6pfw8b1.htm)

### Easement Criteria:

Wildlife Habitat, Riparian Zone and Wetland Areas, Scenic Open Space, Agricultural Lands, Cultural and Historic Resources, Rare Species and/or Biological Diversity, Upland Plant Communities.

### Land Protection Tools:

Purchased Conservation Easements, Land Exchanges and Acquisitions, Management Agreements and Partnerships.

# Five Valleys Land Trust

## History:

Over the past fifteen years, Five Valleys Land Trust has helped protect over 26,000 acres in seven counties across western Montana, including 1,800 acres in the Blackfoot.

## Region:

Local, community-based organization, servicing eight counties in western Montana.

## Contact Information:

Jim Berkey or  
Wendy Ninteman  
211 N. Higgins, Suite 4A  
P.O. Box 8953  
Missoula, MT 59807  
**Phone:** (406)549-0755  
**Email:** jbfvlt@montana.com  
**Website:** www.fvlt.org

## Easement Criteria:

Wildlife Habitat, Riparian and Wetland Areas, Scenic Open Space, Agricultural Land, Cultural/Historic Resources, and Rare Species/Biological Diversity.

## Land Protection Tools:

Donated and Purchased Conservation Easements, Land Exchanges and Acquisitions.

## Program Description

Five Valleys Land Trust works to protect and conserve western Montana's natural legacy - our river corridors, wildlife habitat, agricultural lands, and scenic open spaces. Each FVLT conservation easement is unique and reflects both the vision of the landowner and the qualities of the land. In this way, FVLT is able to work with a wide variety of landowners and achieve lasting conservation of important lands, natural resources and our cultural heritage. FVLT works primarily with landowners who donate easements, but can also facilitate the purchase of "bargain sale" easements when properties qualify for capital assistance. FVLT is committed to providing easement landowners with high quality stewardship support that includes assistance with riparian and wetland restoration, weed control/mapping, and fire hazard mitigation and forest management.



## Preserving a Way of Life on the Dean Ranch

The 160-acre Dean Ranch, located north of Lincoln, provides a good example of a Five Valleys Land Trust conservation easement. Mrs. Dean wished to conserve the pasture, wetlands, aspen groves and forests of the property where she had lived and worked for over 50 years. The easement eliminates the potential for future subdivision yet allows for an additional residence, livestock grazing, timber harvest, and new agricultural structures. This easement also protects the abundant artesian wetlands that occur on Mrs. Dean's property and the wildlife that rely on this habitat.



Photo Courtesy: Jim Berkey



## Did you know Five Valleys Land Trust is a community-based, land trust and the Blackfoot is one of the "Five Valleys" where they focus their efforts?

Although relatively small, this well-established organization is comprised of a strong membership - 90% of whom live in western Montana. With board and membership comprised of "locals", they are truly committed to the long-term viability of this region's natural and cultural landscape. FVLT also has a long history of successful and creative partnerships with a variety of landowners, public land agencies, elected officials, conservation organizations, and ad-hoc citizen's groups.



## Land Trusts & Government Agencies (cont.)

### Montana Land Reliance



#### Program Description

The Montana Land Reliance's mission is to provide permanent protection for private lands that are ecologically significant for agricultural

production, fish and wildlife habitat and scenic open space. Since it was founded in 1978, MLR has protected more than 510,000 acres of Montana's open space and nearly 900 miles of rivers and streambanks. Significant portions of the main stem of the Blackfoot River, from the confluence of the North Fork to the Scotty Brown Bridge, and the North Fork of the Blackfoot to its confluence with the main stem are under conservation easement with MLR.

#### Agriculture and Conservation on the Heart Bar Heart

Each of MLR's 500-plus conservation easements is tailored to the property and to the wishes of the landowner. The Heart Bar Heart Ranch encompasses about 5,000 acres along both sides of the Blackfoot River. Here, bison and cattle coexist with deer, elk and bear on open timbered land. The Blackfoot provides important habitat for native bull and cutthroat trout. The landowner has donated three separate easements on this property for the protection of open space, riparian corridors and wildlife habitat. The easements prohibit subdivision and limit road building, yet allow for ongoing agricultural operations and sustainable timber harvest. The landowner chose to work with MLR because its experienced and professional staff understands the issues of a conservation easement from the perspective of the landowner as well as from the land trust.

#### Did you know that the Montana Land Reliance is Montana's only statewide land trust?

MLR has offices in Helena, Bigfork and Billings. It is governed by a board of Montana directors including six ranchers, and guided by a network of non-voting directors-at-large from across the nation. MLR strives to uphold the positive relationship between the lands it protects and Montana's agricultural community. As its portfolio of protected land grows, MLR increasingly directs its attention to the sustainability and stewardship of these lands.



Photo Courtesy: U.S. Fish and Wildlife Service

#### History:

As of July 2003, MLR holds conservation easements on more than 510,000 acres statewide, including 14,000 acres and 37 miles of river and stream frontage in the Blackfoot.

#### Region:

Statewide Land Trust

#### Contact Information:

Jay Erickson  
Managing Director  
324 Fuller Avenue  
P.O. Box 355  
Helena, MT 59624  
Phone: (406)443-7027

Email: [jay@mtlandreliance.org](mailto:jay@mtlandreliance.org)

Website: [www.mtlandreliance.org](http://www.mtlandreliance.org)

#### Easement Criteria:

Wildlife Habitat, Riparian Zone, Fisheries and Wetland Areas, Scenic Open Space, Agricultural Lands.

#### Land Protection Tools:

Conservation Easements and Conservation Buyer Program.

# The Rocky Mountain Elk Foundation

## History:

With thirteen years of experience in conservation easements, the Rocky Mountain Elk Foundation has used this tool to help protect more than 228,600 acres across North America.

## Region:

National land conservation organization with headquarters in Missoula, Montana.

## Contact Information:

Thom Woodruff  
Lands Program Manager  
2291 West Broadway  
Missoula, MT 59808

**Phone:** (800)CALL-ELK ext. 553

**Email:** thom@rmef.org

**Website:** www.rmef.org

## Easement Criteria:

Habitat for Elk and Wildlife Habitat, Riparian Zone and Wetland Areas, Scenic Open Space, Agricultural Lands.

## Land Protection Tools:

Donated and Purchased Conservation Easements, Land Exchanges and Acquisitions, Management Agreements and Partnerships, Community Land Protection Initiatives.

## Program Description

The Rocky Mountain Elk Foundation is a hunter-based land conservation organization with a focus on elk habitat. Its conservation easement program is designed to help protect vital wildlife habitat on private land.

Conservation easements allow landowners to retain ownership while permanently protecting wildlife habitat. Easement terms generally limit activities like subdivision while allowing traditional uses such as cattle grazing or sustainable forestry to continue, so long as those uses are compatible with healthy wildlife habitat.



## Permanent Protection of the Blackfoot Clearwater Wildlife Management Area

The Rocky Mountain Elk Foundation currently holds 14 conservation easements in Montana. While none of these easements are within the Blackfoot Valley, the Elk Foundation is actively involved in land protection efforts including the expansion of the Blackfoot Clearwater Wildlife Management Area. The Blackfoot Clearwater Wildlife Management Area (WMA) provides important winter range for thousands of migratory elk, mule deer and white-tailed deer that live the rest of the year in the rugged and scenic Bob Marshall Wilderness. Though managed by MT Fish, Wildlife

Photos Courtesy:  
Rocky Mountain  
Elk Foundation



and Parks, much of the WMA is owned by other agency and private landowners, leaving some of the land vulnerable to future development and changes in ownership. In 1998, the Elk Foundation and several partners came together to work on a series of land purchases and exchanges to give the public ownership of 7,800 acres (previously owned by Plum Creek Timber Company) in the heart of the WMA. In 1999, the 333-acre first phase in this effort was completed. An additional 523 acres were protected in 2000 allowing elk, Grizzly bears, black bears, mountain lions, wolves, and moose to roam this WMA.

## Did you know that the Rocky Mountain Elk Foundation has the unique ability to offer funding for wildlife habitat enhancement projects on your land?

The Elk Foundation awarded more than \$248,000 in 2003 alone to assist with wildlife enhancement projects in Montana. One project is a partnership aimed at controlling the spread of leafy spurge across 31,000 acres on the Blackfoot Clearwater WMA and adjoining private timber and rangelands. In 2003, 640 acres of leafy spurge sites will be treated with approved herbicides, biological means (with 10,000 introduced beetles), and hand-pulling in sensitive stream bank and riparian areas. These areas serve as spring and winter range for elk and a variety of other wildlife.

## Frequently Asked Questions

### What are some of the benefits of putting a conservation easement on my land?

Perhaps the most important benefit is that it allows you to permanently protect the natural and cultural values of your land for future generations.

Easements can ensure that generations of your family's hard work and commitment to the land aren't reversed through development or subdivision.

Additionally, there may be income and estate tax benefits for donating or selling a "bargain sale" (at below market value) conservation easement. The amount and type of tax benefits depends on a variety of factors, including the value of the donation,

your income level and the total amount of your estate.

Landowners should consult with a financial advisor and/or an attorney to fully understand the tax implications. Finally, you may be able to realize income through the sale of a conservation easement on your property.



### Does my land qualify for a conservation easement?

Each of the qualified easement holding organizations, listed previously, have their own conservation criteria they refer to when evaluating potential easements. The best way to determine if your property will qualify for an easement is to contact one of these organizations and get their advice. In general, the existing conservation easement programs in the Blackfoot are focused on maintaining conservation values such as significant fish and wildlife habitat, scenic open spaces, larger agricultural lands, lands along significant recreational corridors, and lands that border and provide a buffer to any lands with the above listed features. The amount of acreage that is needed to qualify for an easement varies with each organization.

### How would a conservation easement affect the management of my property?

Since each conservation easement can be different, the answer to this question depends on what rights you grant to the easement holding organization and what rights you retain. It also depends on how your management goals compare with the terms of your conservation easement. For example, if in your easement you retain all rights to continue agricultural use of the property, then your agricultural management practices may not be significantly affected by the easement. If, on the other hand, you give up the right to grow crops within a wetland without the review of the easement holding organization, your management of this wetland will be affected by your easement. The granting of a perpetual conservation easement with a qualified organization is the beginning of a long-term partnership.



Photo Courtesy: Teri Garrison

For example, if in your easement you retain all rights to continue agricultural use of the property, then your agricultural management practices may not be significantly affected by the easement. If, on the other hand, you give up the right to grow crops within a wetland without the review of the easement holding organization, your management of this wetland will be affected by your easement. The granting of a perpetual conservation easement with a qualified organization is the beginning of a long-term partnership.

### How would a conservation easement on my land affect the local tax base?

Granting of a conservation easement on ranchland may not have a noticeable impact on the current real property tax assessment because in many counties in Montana, farmland assessment is based on an agricultural-use value and not on the fair market value of the property. For example, if the property is worth \$1,000 an acre for farming, but \$10,000 for housing development, many counties use special use valuation taxation to tax the landowner based on the \$1,000 farm value. Requirements for this special use valuation vary from county to county. The conservation easement will likely reduce the value of the property to value approximating farm value. Since many farmers are already taxed based on farm value, no real property tax benefit may accrue at the time of the conservation easement. In the future, counties could opt out of the special use value taxation and the real property savings could be important.



Photo Courtesy: U.S. Fish and Wildlife Service

### How long does a conservation easement last?

Although term (or temporary) easements exist, most conservation easements are perpetual and "run with the land" regardless of future ownership changes. The easement is recorded at the county records office so that all future owners and lenders will learn about the easement when they obtain title reports.

### Are all conservation easements the same?

Conservation easements are flexible land protection tools that can be tailored to both meet a landowner's financial and personal needs and protect the land's particular conservation values. An easement designed to protect rare wildlife

habitat may restrict most future development, for example, while one designed to protect open space on a ranch may allow for continued ranching and the building of additional agricultural structures, while prohibiting further subdivision. Even the most restrictive easements typically permit landowners to continue such traditional uses of the land as farming and ranching.

### What are the qualified organizations' responsibilities regarding conservation easements?

The land trust or agency is responsible for ensuring that the terms of the easement are upheld. The organization monitors the property on a regular basis -- typically once a year - to determine that the property remains in the condition prescribed by the easement document. These visits also provide the landowner a chance to keep in touch with the land trust/agency and to seek stewardship assistance. Most easement holding organizations have stewardship programs that can provide technical and financial stewardship assistance to landowners.



Photo Courtesy: Pete Talbot

### What step do I take to learn more about a conservation easement?

First, contact one of the easement holding organizations listed in this guide and become familiar with the organization and the services they can provide. If their particular focus does not suit you or your property, they may be able to refer you to another more appropriate group. Explore with them the conservation values you want to protect on the land. Discuss with them what you want to accomplish, and what development rights you may want to retain. Always consult with other family members regarding an easement, and remember that you should consult with your own attorney or financial advisor regarding such a substantial decision.

# Stewardship of Your Land

The Blackfoot Challenge and its many partners are committed to sound resource stewardship that manages and conserves the land and water resources of the Blackfoot River Valley for present and future generations. That commitment to resource management does not end with conservation easements, but rather begins there.

In 2003, the Challenge hired a Land Steward to work with private landowners, land trusts & public agencies on Best Management Practices (BMP's) both on and off of conservation easement tracts. This position allows us to provide both technical and financial assistance to landowners on Best Management Practices throughout the watershed.

For more information on our  
**Stewardship Program**

contact:

**Allen McNeal**

(406)475-3133

or

[mcnealres@earthlink.net](mailto:mcnealres@earthlink.net)



Photo Courtesy: Tim Palmer



Photo Courtesy: U.S. Fish and Wildlife Service





Better Communities Through Cooperation

PO Box 148

Ovando, MT 59854

Phone: (406) 793-5830

Fax: (406) 793-5830

Email: [rsranch@blackfoot.net](mailto:rsranch@blackfoot.net)

*Administrative:*

PO Box 563

Helena, MT 59624

Phone: (406) 442-4002

Fax: (406) 442-4114

Email: [blkfootchallenge@aol.com](mailto:blkfootchallenge@aol.com)

Cover Photos Courtesy: Teri Garrison and Tim Palmer