



MONTANA ASSOCIATION OF LAND TRUSTS

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Montana Association of Land Trusts Acts to Implement Report Findings

The Montana Association of Land Trusts today announced its support for many of the findings contained in a Legislative Audit Committee report about conservation easements and announced its support of legislation aimed to implement major portions of the report's key recommendations.

The 76-page report, released by the Legislative Audit Committee today to legislators and the public, documents the significant contributions that conservation easements make to Montana's rural quality of life, refutes the contention that conservation easements have had an adverse impact on property tax collections, confirms that Montana's current voluntary method of identifying and reporting easements has resulted in accurate reporting of conservation easements and that the creation of conservation easements has not led to significant transfers of private land into public ownership.

The report stems from Senate Joint Resolution 20, which passed with land trust support in the 2005 Montana Legislative Session. SJR 20 directed the Legislative Audit Committee to look at conservation easements and tax policies, easement reporting and recording, and trends in conservation easements.

"The report clearly documents the reasons why conservation easements are such a valuable tool for private land conservation," said Glenn Marx, executive director of the Montana Association of Land Trusts. "The report identifies and tabulates the acres of Montana private land protected by conservation easements, and articulates the immense contributions private landowners, public agencies and land trusts have made and are making toward conserving agricultural lands and critical fish and wildlife habitat in the state."

Chapter II of the report contains charts that show a full 85 percent of the easements conserve lands classified as either agricultural (72 percent) or farmstead (13 percent). Chapter II also contains a chart showing that Montana private landowners, public agencies and land trusts have conserved close to 1.5 million acres of critical elk habitat and lands protecting habitats of antelope, mountain goats, moose, bighorn sheep, pheasant and wild turkey; nearly 4,400 miles of river and stream corridors and 120 square miles of lakes and wetlands.

"Those are impressive numbers," said Marx. "Land trusts, private landowners, state and federal agencies and others have always believed that conservation easements protect valuable ag lands and critical habitats, but it was exciting to learn about the diversity of specie habitat protected and the number of miles of stream and lake acres conserved. Private landowners in Montana should be very proud of these accomplishments."

Montana passed the Open Space Lands and Voluntary Conservation Easement Act in 1975, and conservation easements have been conserving valuable lands in the state since the late

1970s. Since that point, over 1.5 million acres in 48 different Montana counties have been protected through conservation easements.

“That’s a large number, but keep in mind that all the acres of conservation easements created in Montana during the past 25 years would fit in Lewis & Clark County and still leave room for all the conservation easements in Montana for the next 10 years,” said Marx. “In fact, all the acres of conservation easements in the United States (6.2 million acres) since the first conservation easement was enacted would fit in Big Horn and Valley counties with over 200,000 acres to spare.”

Chapter V of the report contains information about conservation easements and state property taxes. The report states clearly that, “the creation of conservation easements has not resulted in immediate adverse impacts on local property tax collections.” The report also states that, “The negotiation of conservation easement agreements for the properties included in our review did not result in reclassification of the land for tax purposes.”

The report did indicate there were uncertain trends in easements and property taxes, uncertain trends in the taxable value of easement properties and reported that, “extensive conservation easements within specific counties could have the potential to result in shifts in property tax collections over the long term.” No Montana county currently has more than 8.7 percent of its lands in conservation easement lands (Madison County is at 8.68 percent), and only three Montana counties (Gallatin, Powell and Sheridan) have more than five percent of its lands as conservation easement properties.

A voluntary reporting system among land trusts, public agencies holding conservation easements and the state’s Natural Heritage Program has worked extremely well, with 90 to 95 percent accuracy. The report recommends that because the current reporting system is voluntary, a new more formal system should be created.

The Montana Association of Land Trusts is already currently working with Senator Dave Lewis (R-Helena) on legislation that would create a mandatory system of reporting easement information from land trusts and public agencies to the Montana Department of Revenue. In turn, the Department of Revenue would submit the conservation easement information to the Montana Department of Administration for inclusion on the state’s primary private land (Cadastral) data system and website.

“Land trusts have always complied with existing easement reporting requirements, and are taking another step ahead to ensure even better reliability and expanded and more accessible reporting and recording of easements,” said Marx. “This will improve the transparency of easement reporting and recording, and ensure additional public access to the easement information.”

The report also recommends public oversight of conservation easements, and Montana’s land trusts are already working with Montana Attorney General Mike McGrath and the Legislature on a bill that would clarify and establish the Attorney General’s role in conservation easement enforcement and land trust oversight. The audit report points out the conservation purpose of a small handful of easements is not readily apparent, and that up to \$1.5 million to \$3 million of state tax revenue could be annually forgone due to conservation easements.

“The report suggests one possibility of state oversight is for Montana to adopt a Massachusetts-style approach to conservation easements,” said Marx. “Folks should be aware that Massachusetts has 161 land trusts (Montana has 11) in a state that’s roughly six percent of Montana’s size and has seven times Montana’s population. Massachusetts has vastly different land patterns than Montana, and hardly seems like a workable model for Montana.”

The Montana Association of Land Trusts is a statewide organization comprised of 11 private, nonprofit members: 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 Rocky Mountain Elk Foundation, Vital Ground and The Nature Conservancy. The 11 land trusts work with private landowners to obtain conservation easements that maintain working farms and ranches, protect water quality, protect wildlife habitat and conserve open lands.