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Eye on the Environment: Swan Valley Residents Give Several Reasons For Conserving Land

By Anne Dahl

In mid-April friends and I stopped along the Kraft Creek Road on our way home from spring skiing in the Mission Mountains. We wanted to spot elk in a hay field cleared long ago by Warner Lundberg and his father when Warner was a kid.

A lone elk was barely visible far across the meadow. But in the morning we had seen a larger herd closer to the road. "I'm sure glad this land is protected," said Mike McGrew, Swan Valley, as we climbed off the fence enclosing Lundberg's meadow and headed home.

Warner's father Charlie Lundberg and grandparents Fred and Bertha Roll moved to the Swan Valley in 1914, according to the Warner Lundberg story in "A Century of Change," a compilation of oral history summaries written by Swan Valley resident Suzanne Vernon.

The Lundberg's cleared their hay meadows, rooting out lodgepole with a homemade stump puller. Over the years Warner maintained the meadows that continue to attract a growing herd of wintering elk.

Warner passed away a few years ago, and his wife Margaret now lives in Missoula. But before Warner died, the Lundbergs honored his mother's wish. She had said, "Do not split the ranch up."

To keep the homestead between the Kraft Creek and Pine Ridge roads intact, the Lundberg's donated a conservation easement through the Montana Land Reliance, guaranteeing the land would never be subdivided and allowing the elk a hay meadow for many winters to come.

I first learned of conservation easements in the early 1990s when Russ Haasch decided he wanted to keep his family's homestead intact. Russ and his brother Harold were working out the details with the Montana Land Reliance (MLR).

The Haasch homestead abuts my small parcel on Styler Drive, so I began untangling the facts and myths of conservation easements for my own understanding and eventually donated an easement to MLR, adding 20 acres of conserved land in our neighborhood adjacent to the Haasch's much larger contribution.

Landowners can select the land trust they want to work with. The Montana Land Reliance has been operating in Montana since 1978. MLR holds 29 easements in the Swan Valley. Yet, The Nature Conservancy was the first land trust organization to establish conservation easements here, on two properties owned by David and Caroline Berner and the late Ed Foss.

Cal Tassinari, who died a few years ago, donated his small easement through the Flathead Land Trust. The Vital Ground Foundation has recently established easements on properties owned by Bud Moore, Emily and George Beck, Gene Tingle, and David Herschfeld. Vital Ground works to protect grizzly habitat, so the Swan Valley, with its prime bear habitat, has become a logical place for that organization to focus its efforts.

The Flathead National Forest is responsible for a conservation easement on a section of land formerly owned by Liz Claiborne and her husband Art Ortenberg. Claiborne died last year but the easement remains in place, despite new ownership.

People have many different reasons for choosing to donate conservation easements. Some donors are interested in tax incentives they might receive when the value of their land drops after the development rights have been removed. A conservation easement can serve as an estate planning mechanism to reduce estate tax liability and allow families to stay on the land.

Yet many people contribute easements even though tax breaks aren't an issue. In my case the cost of an appraisal would have been prohibitive. Because of the small size of my property, any tax relief I might eventually receive would be insufficient to cover the cost of the appraisal.

Furthermore ranchers and forestland owners who have large landholdings but operate with a break-even income might receive little or no tax relief by donating an easement, except for estate tax benefits if they pass their land on to their children. These landowners may choose to keep their property intact in order to protect wildlife habitat, to maintain open space or to continue a ranching or timbering heritage.

The Montana Land Reliance's most recent Swan Valley easement is with Dixie and Neil Meyer at Salmon Prairie on the former Clothier homestead. Explaining why he and Dixie chose to donate a conservation easement on land originally owned by Dixie's parents, Neil said, "We raised a few head of cattle and harvested some trees in our lifetime. We want the next landowners to have the same opportunities we had."

When I was researching conservation easements back in the early 1990s, I had to go to the dictionary to look up "perpetuity." Land trusts use the term "in perpetuity"—which means, if not "forever," then at least "a very long time."

The concept was demystified further when Dan Stone, Swan Valley, recently reminded me that agreements allowing road access across property stay with the land no matter how often it is conveyed to new owners.

Conservation easements are legal documents that restrict land uses. They are monitored annually by the land trust organizations holding the easements to ensure that the terms of the easements are adhered to by the original landowners and their successors.

Most land trusts are primarily interested in restricting development to a specified portion of the land, or limiting the number of home sites to one, or a few, depending on the property's size.

Landowners sometimes add other restrictions to their conservation easements. But in recent years, the land trusts working in Montana have discouraged property owners from prohibiting many forest and rangeland management options. The potential need to "Firewise" property in fire prone landscapes is one factor that has influenced this decision.

Until recently, all of the conservation easements in the Swan Valley were fully donated by the landowners. They received no compensation to help offset their potential lost revenue when the development rights were extinguished. Although some property owners might benefit from tax breaks, a number of landowners wishing to conserve their lands have found it financially difficult to fully donate the hundreds of thousands of dollars their easements are worth.

The Missoula County Open Space bond, passed into law in November 2006, enabled five Missoula County landowners to receive a small percentage of the monetary value of their donated easements. For every \$1 of bond fund provided, \$7.13 of land protection was achieved. A total of 4,601 acres were protected.

George and Emily Beck who worked as school teachers in Alaska for many years have a home on part of the original Ed Beck ranch. Explaining one reason the Becks decided to protect their land, George said, "My Dad always said, 'If you sell it, you can't get it back.' He knew how difficult it was to get the land, the hard work required to maintain it, and how different it would become if sold to someone else with other ideas for its development."

The Beck's property provides rich wetland and upland habitat long used by grizzly bears, elk, sandhill cranes, and other wildlife. George and Emily and their children can continue to use their land as they always have, and the habitat will remain secure for wildlife long after the Becks are gone.