

A Landowner's Guide to
**CONSERVATION
EASEMENTS**

YOUR LAND. YOUR LEGACY. PROTECTED.



**FLATHEAD
LAND TRUST**
Conserving Our Legacy of Land and Water

Protecting Northwest Montana's Spectacular Land
and Water Legacy through Community-Based Conservation



“ We are able to pass down our traditions of hard work, stewardship, and love for the way of life that gives back to our community.” - Cody and Elizabeth Sherman

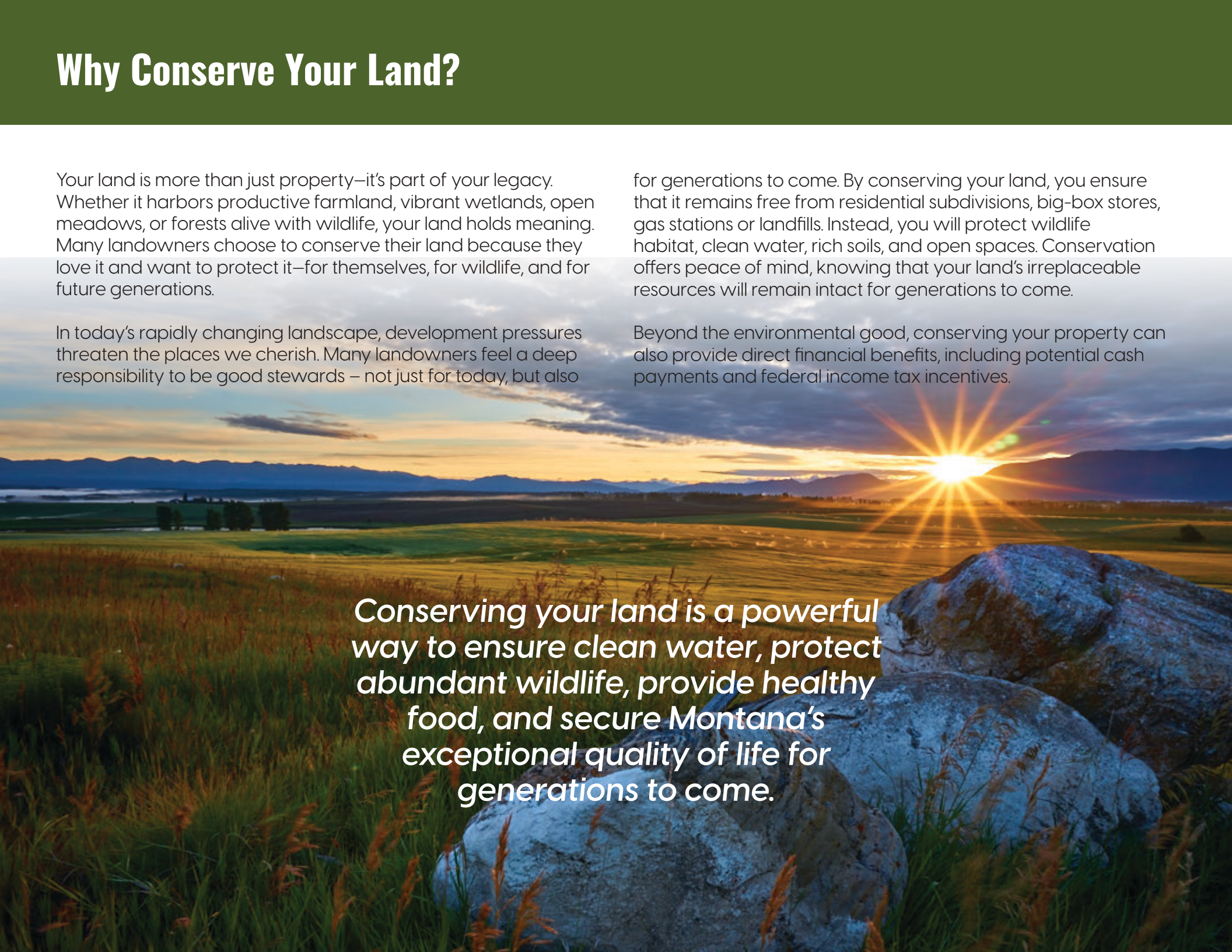
Why Conserve Your Land?

Your land is more than just property—it's part of your legacy. Whether it harbors productive farmland, vibrant wetlands, open meadows, or forests alive with wildlife, your land holds meaning. Many landowners choose to conserve their land because they love it and want to protect it—for themselves, for wildlife, and for future generations.

In today's rapidly changing landscape, development pressures threaten the places we cherish. Many landowners feel a deep responsibility to be good stewards – not just for today, but also

for generations to come. By conserving your land, you ensure that it remains free from residential subdivisions, big-box stores, gas stations or landfills. Instead, you will protect wildlife habitat, clean water, rich soils, and open spaces. Conservation offers peace of mind, knowing that your land's irreplaceable resources will remain intact for generations to come.

Beyond the environmental good, conserving your property can also provide direct financial benefits, including potential cash payments and federal income tax incentives.



Conserving your land is a powerful way to ensure clean water, protect abundant wildlife, provide healthy food, and secure Montana's exceptional quality of life for generations to come.

Why Partner with Flathead Land Trust?

For over 40 years, Flathead Land Trust, a nationally accredited 501(c)(3) non-profit, has partnered with landowners, communities, and agencies to preserve the cherished qualities of northwest Montana. As your local land trust, we deeply understand the land and people of our area, having worked with over 100 families to protect their properties. Flathead Land Trust is here to help you explore customized conservation options designed to meet your family's goals and protect your land's unique natural resources.

- **40+ Years of Local Expertise** in Northwest Montana
- **Nationally accredited by the Land Trust Accreditation Commission** - meeting the highest standards of excellence for land conservation
- **Customized Conservation Solutions** Tailored to Your Needs
- **Trusted by Over 100 Local Families** as Conservation Partners

“We are very thankful and fortunate to work with the folks at the Flathead Land Trust who helped us make this ultimate goal come true to perpetually protect and preserve our beloved family farm and its unique wetlands for the future generations to come.”
- Bob Danford and Terri Peterson

What Types of Land Conservation Options Are Available?

Landowners have the choice to develop their property or to conserve its natural values—preserving open space, wildlife habitat, wetlands, or agricultural land for future generations. If you choose to conserve your land, the most common conservation option is a “conservation easement”, a voluntary land protection agreement that allows landowners to continue owning and managing their land while ensuring that key resources are protected in perpetuity.

In some cases, Flathead Land Trust works with landowners who are interested in selling their land, but are committed to preserving its legacy. Through strategic partnership, we help landowners sell their land to public agencies, ensuring continued protection and enhancing public access for outdoor recreation opportunities. Notable examples of these efforts include helping landowners sell land that became **Somers Beach State Park** on the North Shore of Flathead Lake; adding wetland habitat to the **Smith Lake Waterfowl Production Area**; and protecting a critical wildlife corridor by creating the **Bad Rock Canyon Wildlife Management Area**.



What is a Conservation Easement?

A “conservation easement” is a voluntary legal agreement that allows landowners to protect their land’s natural values while continuing to own, use and manage it. Tailored to each property and landowner’s vision, a conservation easement ensures that important conservation values – such as its wetlands, riparian areas, bird and wildlife habitat, and productive farmland – remain intact for future generations.

While landowners retain full ownership, the agreement typically limits subdivision and large-scale development to prevent fragmentation of open space. The footprint of future development is limited to a building envelope to preserve the land’s wildlife habitat and corridors, water quality and agricultural viability. Activities like mining, industrial use, or commercial development that could compromise conservation values are restricted, while traditional uses such as farming, ranching, and forestry can continue.

Conservation easements are perpetual and legally recorded with the property deed, ensuring that future landowners uphold the agreement and continue to steward the land. By choosing a conservation easement, landowners create a lasting legacy of protected open space, clean water, and vital habitat—safeguarding the land’s character and natural resources for generations to come.

“ I think it’s important for folks to understand that putting a conservation easement on your land doesn’t mean you lose control of your land. The reality is that a conservation easement is the ultimate in retaining control – you decide how you want your land to be used and that’s how the easement is designed”
- Sue Cummings

Under a conservation easement, landowners:

- Continue to **own their land**
- Retain **control over day-to-day management** while limiting certain uses like subdivision, commercial development, or mining
- Can **sell the land or pass it down** to future generations—always with the conservation protections intact
- Have the **option for limited development**, such as constructing an additional residence within a designated building envelope
- Maintain **responsibility for property taxes**
- **Safeguard natural resource values in perpetuity**
- May enhance **estate planning** and **estate tax burdens may be diminished**.

Why are conservation easements through Flathead Land Trust perpetual?

Many landowners want to ensure that their property remains conserved or in agricultural use for generations to come. To receive income and estate tax benefits, the easements must be perpetual according to IRS Regulations. Federal grant programs we use for purchased easements also require perpetuity.



Considering a Conservation Easement?

Does My Land Qualify for a Conservation Easement?

Properties that qualify for conservation easements include those with valuable natural resources, such as wildlife habitat, wetlands, streams, forests, or productive soils. Generally, properties need to be at least 40 acres in size, border other conserved properties or public land, or have exceptional conservation values to qualify. This ensures that the conservation values endure for generations, regardless of future changes to surrounding areas.

What Are The Financial Benefits of Conserving My Land?

Conserving your land through a conservation easement can offer significant financial benefits. You may be eligible for federal income tax deductions for placing a conservation easement on your property, treating the easement as a charitable donation. In some cases, landowners may qualify for cash compensation for a portion of the conservation easement's value. Properties with rich farmland or migratory bird habitat, such as wetlands, are most likely to be eligible for cash benefits. Flathead Land Trust can assist in applying for funding opportunities to provide cash benefits when available.

Each landowner's financial situation is unique, so you should consult your financial advisor to determine how these benefits apply to you.

Potential financial benefits:

- **Federal Income Tax Deductions:** Conservation easement landowners may be able to deduct up to 50% of their annual income in the donation year, recognizing the easement's value as a charitable donation. Unused deductions may carry over for up to 15 years.
- **Special Agricultural Deduction:** Landowners whose primary income is from agriculture may potentially deduct 100% of their income for up to 15 years or until the full value of the donation is used.
- **Cash Compensation:** In some cases, monetary payment may be available for properties featuring rich farmland or migratory bird habitat, such as wetlands, based on availability of grants.

Does a conservation easement affect property taxes?

No. Property taxes are determined by land use and land use does not change when a conservation easement is put in place.

Do conservation easements allow public access?

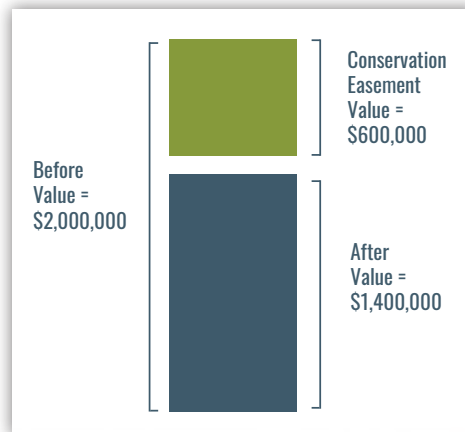
No. Permission from the landowner is required for hunting, fishing, or accessing the land, just as it is on any other privately owned property.



How is the Value of a Conservation Easement Determined?

Since conservation easements permanently limit future residential and commercial development, they inherently hold value. A qualified appraiser determines this value by calculating the difference between your property's worth before the easement and its worth after the easement is in place (with development restricted). This difference is the official value of the easement. You can deduct the value of the conservation easement from your federal income tax.

While a conservation easement may reduce your property's market value, it often makes the land more affordable for future buyers who prioritize conservation. This can lead to continued appreciation, especially as demand grows for properties with protected natural features. It's also a powerful tool for keeping agricultural land in farming, as the reduced cost can make it more accessible for farmers to purchase.



How Does The Conservation Easement Process Work?

Creating a conservation easement is a significant decision and we encourage landowners to consult with family and financial advisors as they explore this option.

The process begins with a visit from Flathead Land Trust staff. We'll discuss your goals for your property and assess its unique conservation values. Through follow-up meetings, you'll gain a clear understanding of how a conservation easement works and explore potential financial benefits.

Once you decide to move forward, we'll begin our "due diligence" process. This includes field visits from professionals and the creation of environmental reports. We will work closely with you to ensure that the conservation easement is tailored to meet your needs while protecting the land's conservation values. Typically, the process takes between six months and a year, but may take two years or more to complete if grants are involved.

“ Our property has been in my family since it was homesteaded in 1885. It was important to me to keep it intact. The best way to do this was with a conservation easement.”

- Glenn Johnston



Curious About the Costs and Long-Term Partnership of Conserving Your Land?

Costs Associated With A Conservation Easement

Landowners are asked to make a one-time contribution to the Stewardship and Legal Defense Fund, which supports long term monitoring and ensures the easement's conservation values are upheld in perpetuity. Additionally, landowners are asked to share in the costs of establishing the conservation easement, such as environmental reports, title work, and easement drafting. If these costs present a barrier to conserving important lands, Flathead Land Trust will work with landowners to find funding solutions.

“ Flathead Land Trust has been a knowledgeable and enthusiastic partner in helping us achieve our goal to maintain and preserve the natural state of our 50 acres in Coon Hollow. The wildlife habitat, the old growth forest and the abundance of water remind us daily that it is our responsibility to do whatever we can to protect our wild spaces.”

- Joe Mann and Becky Hughes

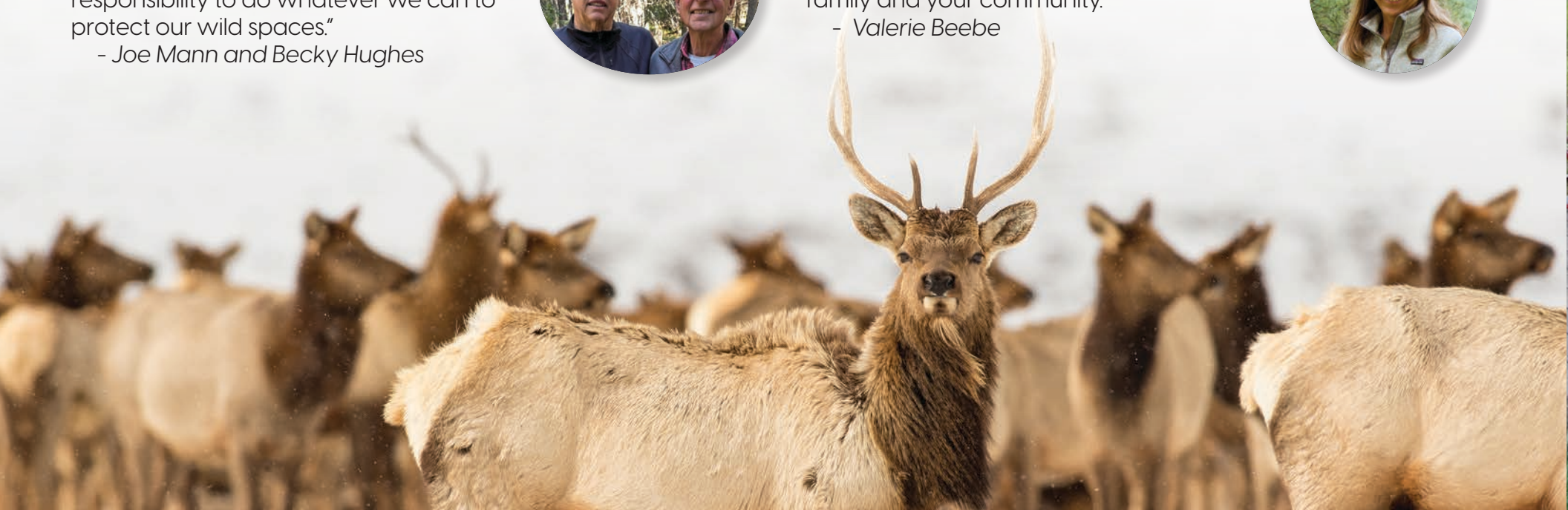


Flathead Land Trust's Involvement After You Place a Conservation Easement on Your Property

Flathead Land Trust remains actively involved, ensuring that future landowners uphold and respect your conservation vision. We assure that the land you cared for will be protected forever. We visit the property annually to verify that the easement terms are being followed and to connect with you. These visits offer an opportunity to discuss any changes made to the property, plans for the coming year, and ensure that everything aligns with the easement agreement. It is also a chance to foster good communication and address any questions about the easement's terms.

“ A conservation easement is one of the biggest gifts you can give to yourself, your family and your community.”

- Valerie Beebe





“As proud owners of a very small part of The Last Great Place, we realize that we have a role to play in protecting the Montana we love. However, we know we cannot do this alone. And so we turned to Flathead Land Trust. Their dedication to their mission, determination to succeed and professionalism in its work give us comfort that the responsibility to conserve Montana’s precious land is in good hands.”
- Alan and Sallie Gratch



Contact us today to learn more
and start your conservation journey



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