Conservation Easements:
Description, Praise, and Caveats

By Dominic Parker
PERC Research Associate

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Providing Market Solutions to Environmental Problems

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Legal Definition

Conservation easement: Partial rights or interests in land: "Sticks in the Bundle"

- Most rights are negative such as the right to restrict development
- But rights can be positive such as the right to maintain trails or manage vegetation
- Rights "run with the land"

Land Uses Typically Prohibited

Land use	Permitted	Prohibited	Silent
Feed lots	0	27	15
Billboards	0	33	9
Dumping trash	1	40	1
Public access	6	31	5
Mineral exploration	11	30	1

Data from a survey of 42 conservation easements held by 16 western land trusts (Parker 2003).

Land Use Typically Permitted

Land use	Permitted	Prohibited	Silent
Agricultural Use	33	8	1
New Ag Buildings			
Major structures	28	14	0
Minor structures	30	8	4
New fences	33	9	0
New roads	33	8	1

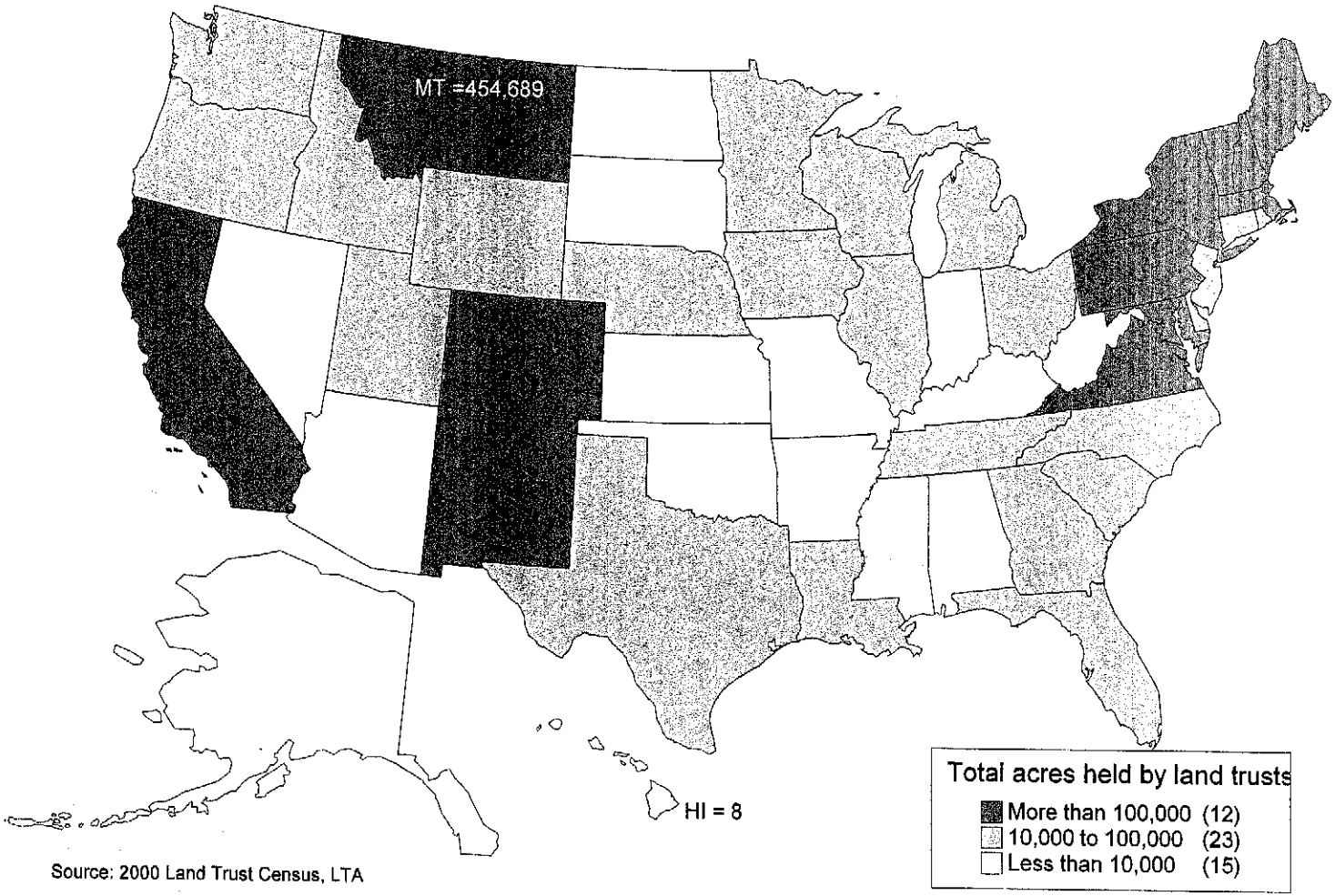
Data from a survey of 42 conservation easements held by 16 western land trusts (Parker 2003).

Land Uses that are Highly Variable

Land use	Permitted	Prohibited	Silent
Subdivision	18	24	0
Recreational ORV's	15	15	12
Outfitting	9	10	23
Com. Timber harvest	15	12	15

Data from a survey of 42 conservation easements held by 16 western land trusts (Parker 2003).

Land Trust Easements by State (2000)

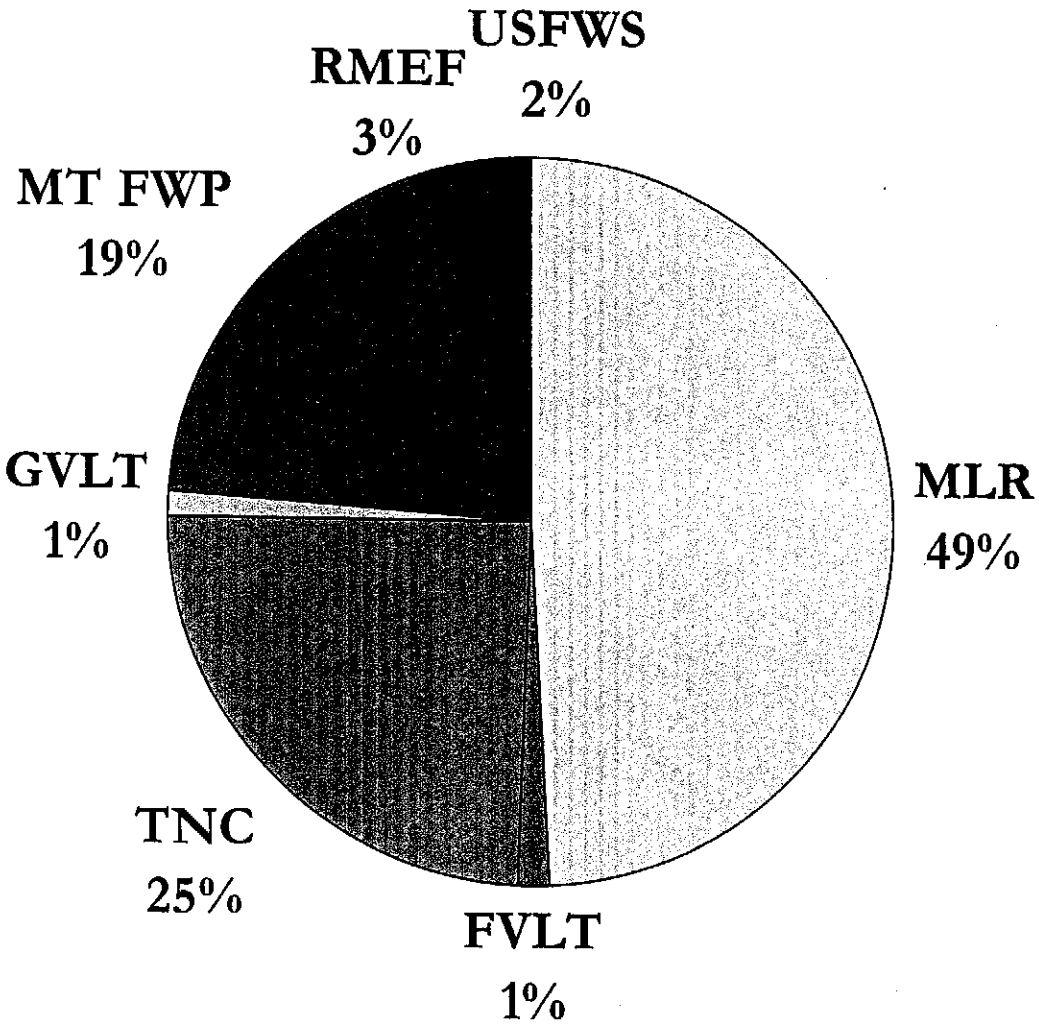


Source: 2000 Land Trust Census, LTA

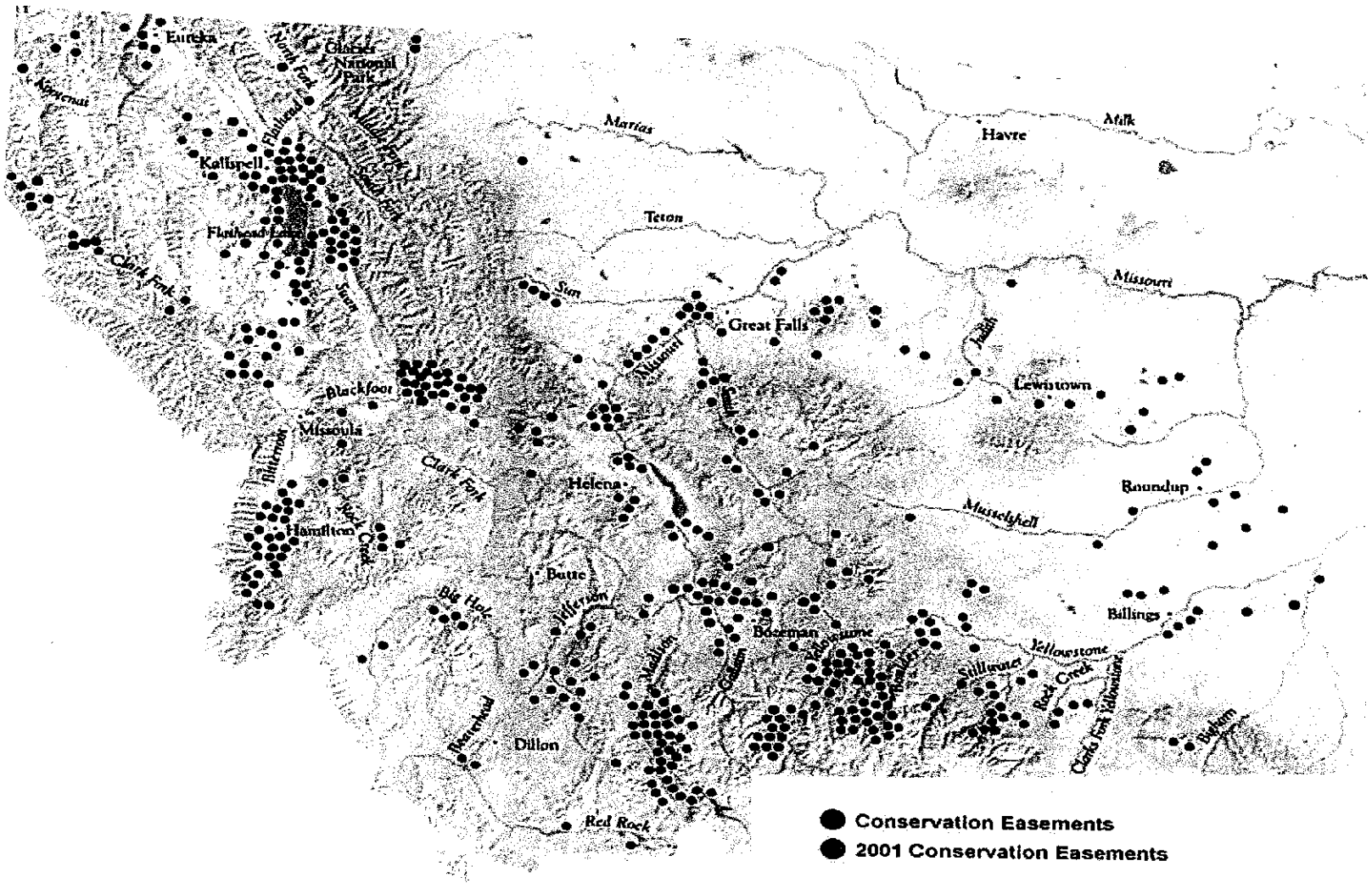
Easements in Montana (2002)

Holder	Approx. Acres
Montana Land Reliance	470,000
The Nature Conservancy	236,000
MT FWP (Habitat only)	183,000
Rocky MT Elk Foundation	24,000
USFWS, Wetland Reserve	22,000
Five Valleys Land Trust	13,000
Gallatin Valley Land Trust	10,000

Easements in Montana (2002)



Montana Land Reliance Easements



Concentration of MLR Easements

Valley	# of easements	Approx. Acres
Madison	42	74,000
Musselshell	9	39,000
Stillwater	13	28,000
Smith River	13	26,000
Upper Missouri River	22	25,404