

PRODUCER PERSPECTIVE:

Agreement Flexibility Allows Young Rancher to Benefit from Conservation Easement Sale

BY KATE RASMUSSEN

Bryant Jones bought the Willow Basin Ranch in southwest Montana shortly after graduating college. He soon began exploring the possibility of selling a conservation easement to help pay down the loan he took out to buy the property. Although a number of entities specialize in conservation easements, Bryant quickly settled on The Nature Conservancy (TNC). Ninety five percent of his ranch in the foothills of the Blacktail Mountains is sage grouse habitat. TNC has a primary interest in preserving sage grouse habitat and was eager to work with Bryant on an agreement to keep the Willow Basin grassland intact forever.

For most people considering an easement, the language “in perpetuity” can understandably cause hesitation. In a conservation easement, a landowner voluntarily agrees to permanently sell or donate certain rights, like the right to subdivide and develop, and the private organization or public agency the landowner partnered with has the right to enforce the easement terms. The agreement is tailored to individual landowner needs and only target rights essential to protecting specific conservation values like wildlife habitat or water quality.



ABOUT BRYANT AND KORI

Bryant and Kori Jones run the Willow Basin Ranch outside of Dell, MT. Established in 2014, Willow Basin specializes in commercial Black Angus and registered Black Hereford cattle. Bryant, in partnership with The Nature Conservancy, finalized a conservation easement on his ranch in 2020.

One factor that eased Bryant’s concerns was learning that TNC adapts every easement to each individual ranch. Knowing he would have input on the final draft, Bryant’s first step was to get his hands on existing easement agreements, especially those that intended to keep working ranches ranching. After carefully going through these examples, he saw that the requirements wouldn’t interfere with his day-to-day operations or long-term management. “Really, it wasn’t going to change anything for us. We put in a few building envelopes and outlined our hay land. That’s enough development for this place.” Bryant added that working with an organization that really wanted the easement gave him more leverage for adding or taking out terms than he expected to have.

The main challenge Bryant faced was working with TNC’s indefinite timeline. Between waiting for the



land appraisal and funding to be secured, the process took around two years to complete. Producers interested in selling an easement should know a quick sale likely won't be an option. Although finalizing the agreement took longer than anticipated, Bryant found this gave him more opportunities to customize the terms he would be living with.

Closer to the end, he started making requests he didn't expect TNC to go for, which, for the majority of the process, he didn't realize he could do. Aside from a handful of fundamental terms TNC wasn't willing to budge on, he found they were surprisingly receptive to his requests to revise requirements. One requirement Bryant resisted was the no notice policy for TNC to access the property without warning. All conservation easements require that the entity holding the easement have the right to access the property to make sure landowners uphold the terms specified in the easement. Bryant asked about changing the policy to a seven-day notice, expecting TNC to refuse, but they had no problem making the revision.

After completing the process and having an overall positive experience with the people he worked with at TNC, Bryant recommends other landowners interested in conservation easements research all the options available in their area, taking time to decide what entity is right for them and reading over agreements written for ranches similar to theirs. Conservation easement agreements are part of the property's chain of title and are typically publicly available. Interested landowners can find agreement examples at the county clerk and recorder's office or from the land trust they are working with.

Photos by Kori Jones

“My biggest incentive for selling the easement was the financial part but my decision to do it was two-fold—I also don't ever want to see this land subdivided,” said Bryant. The financial opportunity remained at the forefront of his decision, but it wasn't the only motivator. Working with TNC on an agreement allowed Bryant to pay down a significant portion of the loan he took out to buy the ranch and ensure the landscape on Willow Basin will remain pristine wildlife habitat. Bryant has a strong interest in the wildlife populating Willow Basin and finds comfort knowing the land will always be as it is now. “The money is great but the fact that no one else gets to ruin it either is worth it, too.”

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