

Addressing Water Issues in Private Land Conservation Planning

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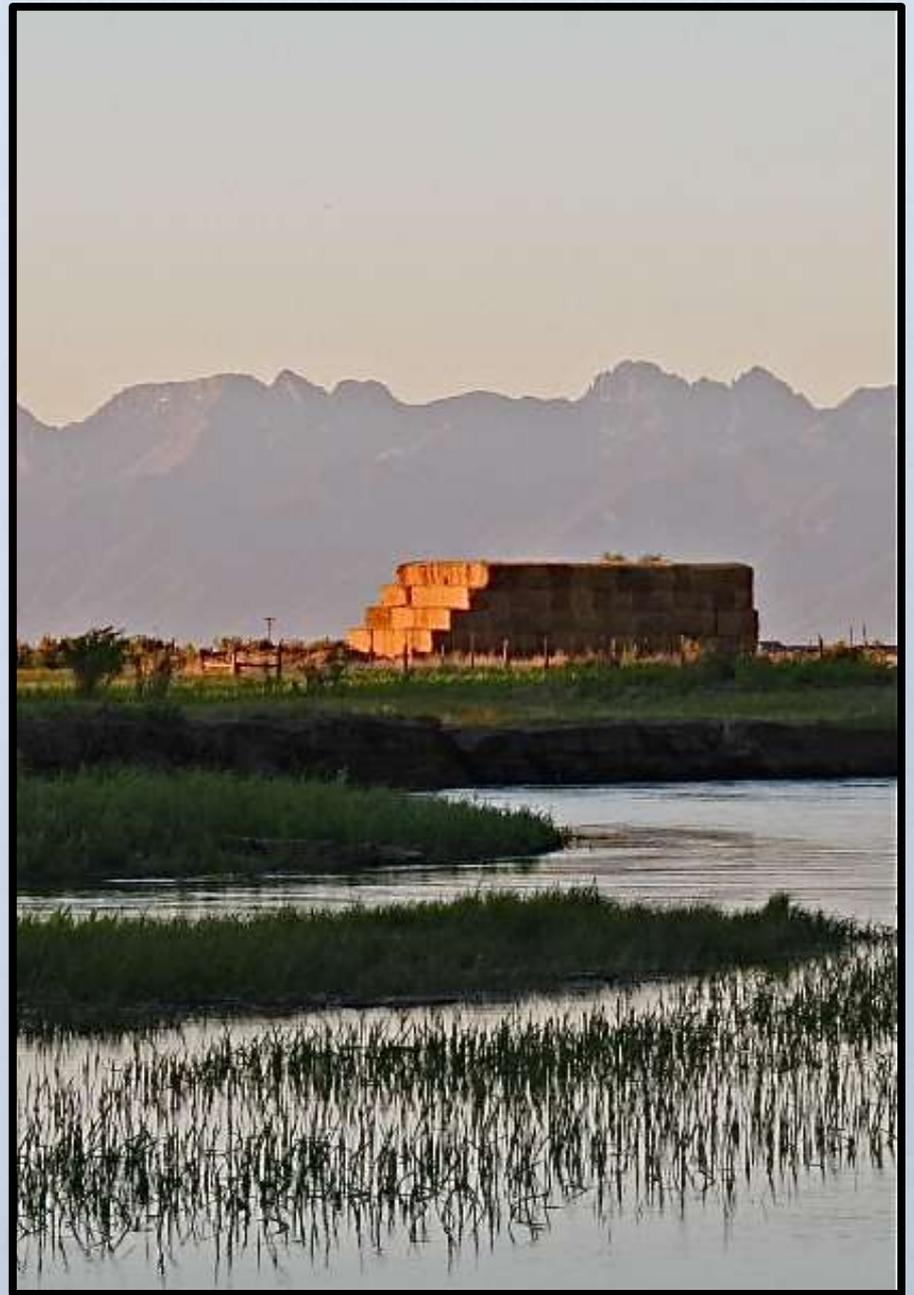


Photo: Rio de la Vista

Overview

- ❖ Land trusts—quick orientation
- ❖ Importance of water to conservation values
- ❖ Research approach
- ❖ Examples of partnerships—learning through stories
- ❖ Opportunities and challenges
- ❖ Recommendations
- ❖ Questions and discussion



Research Team

- ❖ University of Montana Center for Natural Resources and Environmental Policy
- ❖ University of Montana Land Use Law Clinic
- ❖ Land Trust Alliance
- ❖ Cooperation from many land and water trust partners, and experts
- ❖ Funding provided by the Walton Family Foundation

What is a land trust?

- ❖ Nongovernmental, nonprofit organization
- ❖ Voluntary market transactions
- ❖ Fee ownership or conservation easements
- ❖ Tax benefits for landowners



Photo: Sarah Bates

Why does water matter?

- ❖ Riparian habitat
- ❖ Wetlands
- ❖ Watersheds
- ❖ Fisheries
- ❖ Irrigated agriculture
- ❖ Recreation



Photo: Rio de la Vista

Example: Water-related conservation purposes

(Vermont River Conservancy easement language)

Landowner and Holder acknowledge and agree that the purposes of this Easement are to allow the _____ River to reestablish its natural slope, meander pattern and access to natural floodplains in order to:

- a. Reduce erosion hazards
- b. Provide flood inundation and fluvial erosion hazard mitigation benefits
- c. Improve water quality through hydrologic, sediment and nutrient attenuation
- d. Conserve and enhance aquatic and riparian wildlife habitat
- e. Enhance ecological processes associated with the Protected Property now and in the future

The problem . . .



- ❖ Water rights severable from the land
- ❖ Often not addressed in easements
- ❖ Water applications may be wasteful
- ❖ Touchy subject with landowners

Our research approach

- ❖ Involve **students** in design and implementation
- ❖ Refine project design and product through **roundtables**
- ❖ Conduct **survey** of western land and water trusts
- ❖ In-depth **interviews** with practitioners
- ❖ Share lessons through **stories**
- ❖ Provide practical **resources**
- ❖ Present in user-friendly **publication**

What we learned

- ❖ Water rights sometimes addressed directly in land transactions
 - ❖ Concerns about enforceability
- ❖ More often, subject of separate agreement
- ❖ Frequently ignored



Easement language options

- ❖ **Prohibit** a change of the water right from irrigation or other existing applications
- ❖ **Allow** a change of the right, within defined parameters
- ❖ Explicitly **require** a change in order to achieve conservation goals

Learning through stories



Nevada Spring
Creek, MT

Photo: Fred Danforth



Upper Rio
Grande, CO

Photo: Rio de la Vista



Virgin
River, UT

Photo: Sarah Bates



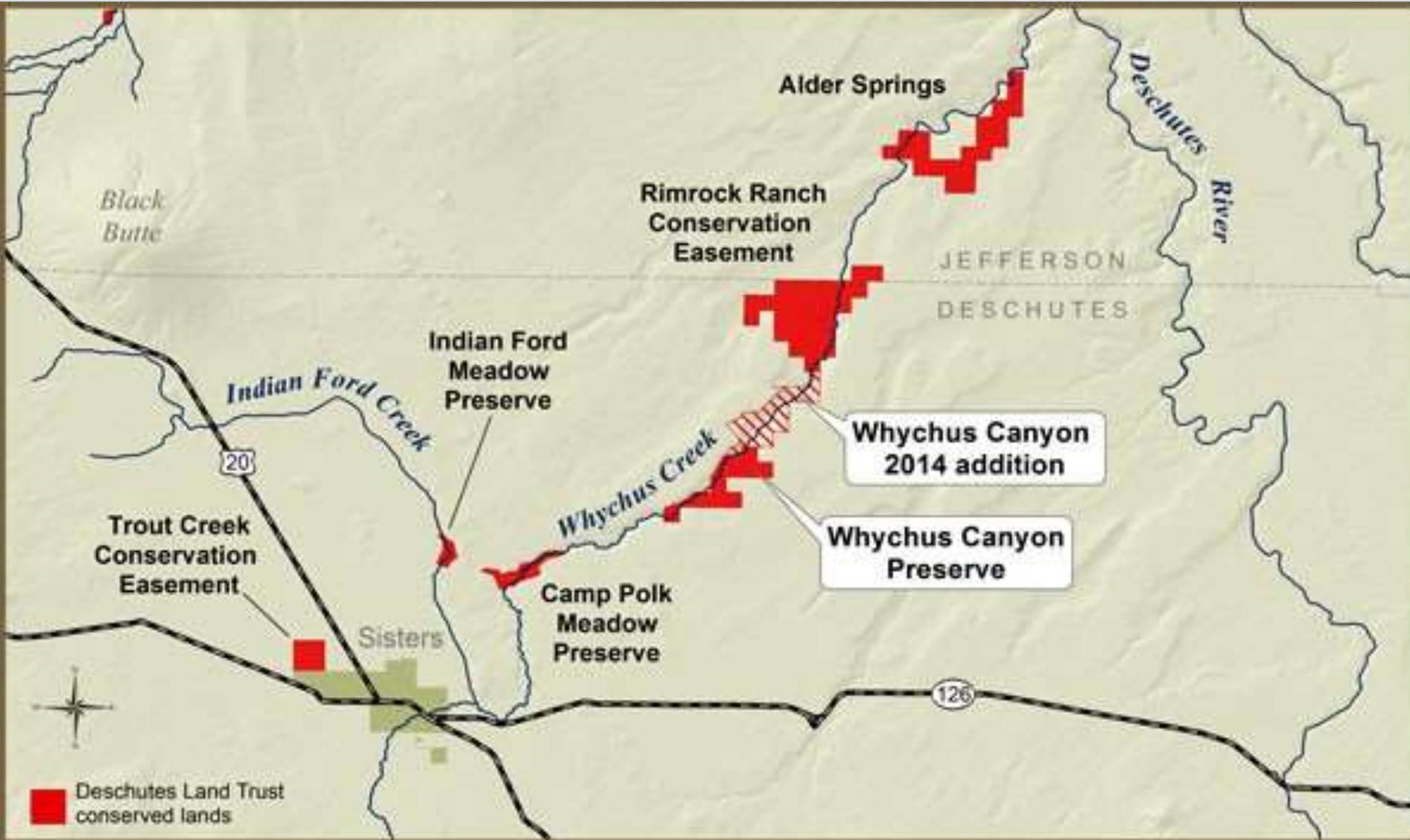
Methow
Valley, WA

Photo: Teri Piper

A model partnership: Deschutes River Basin



Photo: Marisa Hossick



Deschutes Partnership

- ❖ Deschutes Land Trust
- ❖ Deschutes River Conservancy
- ❖ Local watershed councils

Key strategies in Deschutes

- ❖ **Focus on key strengths**
 - ❖ “We outsourced the water transactions.”
- ❖ **Take the time to build trust**, articulate a shared vision
 - ❖ “We enlarged the pie through joint funding proposals.”
 - ❖ “The collaborative mood and process have been infectious.”
- ❖ **Build local ownership** by cooperating with local groups
- ❖ **Share information** freely and help resolve misunderstandings.

Opportunities

- ❖ Durable conservation measures
- ❖ Win-win partnerships between conservation partners
- ❖ Financial incentives to landowners: “sweeten the pot” for conservation



Photo: Sarah Bates

Challenges

- ❖ Distrust among the “trusts”
- ❖ State-centric perspectives
- ❖ Perceived \$\$ competition
- ❖ Water trusts still new, evolving



Photo: Rio de la Vista

Recommendations

- ❖ Develop a **shared conservation vision** with landowner, including water as part of the suite of conservation values.
- ❖ Conduct **due diligence** with regard to water rights if conservation values depend on water.
- ❖ Share information about **financial incentives** for water conservation.
- ❖ Build, maintain cooperative **relationships** with water trusts and water rights experts.

Available for purchase:
<http://www.lta.org/publications>

Reviewed with link for download:
WaterWired, Feb. 15, 2014

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