

## Conservation Interests

### What is a conservation interest?

By law, the DNRC must allow a time for people or groups to come forward with a “conservation interest.” According to administrative rule "Conservation" means a primary land use for open space, preservation of habitat, natural areas, parks, or related public purposes.

There are various ways to accomplish this, some of them permanent and some more in line with the term of any development, but generally any permanent restriction would be an easement.

Who can hold an easement?

By law, under MCA 77-2-101 the Land Board can only grant an easement on the Fox Farm parcel for public use to a local government or state government entity with authority to hold the easement. This includes easement for parks, trails, etc. As a practical matter this means that any group that wanted to affect this land in perpetuity (permanently; through an easement) would need to both pay for that use and find a government entity to hold the easement.

The process for conservation interests –

- The Department must formally open the period for allowing letters of intent. The Department will publish legal notice and send scoping letters to local and state conservation organizations.
- Any interested organization or group will have 60 days to submit a letter of intent to the DNRC saying we intend to put forward a conservation proposal.
- The organization or group then has 45 days from the end of the 60 day period to formally apply to the DNRC for the license, lease, easement or other interest.
- After formal application the organization or group has 12 months to “secure” the conservation use. As a practical matter this probably means to raise money.
- The DNRC has the right to approve or deny any proposal for a conservation use.

**The DNRC will move forward without any conservation interest if:**

- The DNRC receives no letter of intent within the 60-day period;
- a conservation entity submits a letter of intent within the 60 days but fails to apply to the department within the subsequent 45 days; or
- a conservation entity submits a letter of intent and application within the applicable periods but fails to secure conservation use on the subject property within 12 months, unless the department has granted an extension.

### **How could a group preserve some part of the parcel as open space?**

The group could formulate a plan to purchase an easement from DNRC for a public use, such as a park or boat ramp area, and identify a local government who would be willing to hold the easement in perpetuity (forever).

### **What would an easement cost?**

By law the DNRC is required to charge the fair market value of the encumbered land when selling an easement. Any easement proposal would likely have a separate appraisal before moving forward, but the initial per/acre value is a good starting point.

### **Could an easement coexist with some development?**

Yes. The easement could either be outside the footprint of the development or it could be incorporated into the development. This would require lots of flexibility and prior discussion with DNRC, which is why we are engaging in this process.

### **What other options are there?**

Do nothing for now. A group could waive the opportunity to submit a letter of intent and wait until the DNRC offered a **Request For Proposals** for the parcel. Then the group could actively submit a proposal to commercially lease all or a portion of the lot for a period of years.

### **What happens next?**

DNRC is using this opportunity to reach out to the public and neighbors to explain this process. Our hope is that you will coalesce and try to identify the values or opportunities associated with the Fox Farm parcel that you would like to preserve. Once you identify these values engage in active dialogue with DNRC to design a conservation option that fits your needs and budget.

### **What's the Timeline?**

There is no deadline until the DNRC sends out the official notice, at which point there would be 60 days to submit a letter of intent. That said, the Department expects that anyone wishing to discuss or engage with DNRC would do so this winter. **The Department would like to tentatively issue the official notice in March 2019.**