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**A West that works**

## Keeping ranchers grounded



Courtney White photo

**Nita Vail** is the executive director of the California Rangeland Trust, one of about 200 land trusts in California, but the only one in the state that focuses entirely on ranches and rangeland.

**A California woman whose family was forced to quit ranching now uses conservation easements to help ranchers hold on to their way of life**

**By Courtney White for Headwaters News**

Nita Vail's story, like any good Western narrative, is part fairy tale, part tragedy, with a moral and a happy ending to boot.

The fairy tale part of her story involved the joys and challenges of ranching on a large, scenic, family-owned island off the coast of southern California. The tale turns tragic, however, when this idyll came to an unexpected, and angry, end.

Her tale is also emblematic of a larger story about the West. About what has not worked well in the past, and what is now beginning to, which is where the moral, and happy ending, come in.

Perhaps the best place to start this particular narrative is at its end.

Today, Nita Vail is the executive director of the California Rangeland Trust, a nonprofit organization with ranchers on the board of directors working to voluntarily acquire and hold conservation easements for ranch families.

Energetic, personable, and effective, Vail has led the seven-year old land trust from its humble beginnings to its current status as one the major land trusts in the state.

In a way, the California Rangeland Trust (CRT) is enjoying its own fairy tale.



Courtney

**White** writes a monthly column for Headwaters News that focuses on people who embrace a sustainable approach to western resources.

White is executive director of the Quivira Coalition, a Santa Fe-based group devoted to collaboration as the approach to an ecologically healthy region.

Much of Quivira's emphasis is on ranching, but its principles of education, cooperation and innovation apply to many of the region's biggest issues.

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Of approximately 200 land trusts in California, the CRT, headquartered in Sacramento, is the only one focused exclusively on ranches and rangeland conservation.

It currently has 173,000 acres under easement statewide, and more than 500,000 acres represented in application – a massive amount of work to handle with their current staff and budget.

"We were lucky," recalled Vail. "We got our first easement right out of the chute. That gave us credibility and created trust which was important given the general attitude towards conservation easements at the time."

The CRT was created in 1997 by the California Cattleman's Association, the industry's professional organization. The decision overcame internal opposition among members.

Around the West today, many state Cattleman's Associations still have not formed their own rancher-led land trust. The reasons are multiple, including a fear of governmental intrusion and a concern for diminished private property rights.

But Colorado ranchers bucked the trend by establishing their own statewide land trust in 1995, blessed by the statewide Association. Called the Colorado Cattleman's Agricultural Land Trust, it proved to be an inspiration for their friends in the Golden State.

"Times were tough," said Vail. "Markets were poor and pressures to develop were building on all sides. Also, generational succession is one of the great challenges facing California's ranchers. We saw what was happening in Colorado and decided it was time to take charge of our own destiny."

### **What Works**

Conservation easements began in the mid-1970s in New York's Suffolk County and protect nearly five million acres nationwide. Many of these acres are controlled by nonprofit conservation organizations, such as The Nature Conservancy, but the trend in recent years has been toward the creation of local land trusts, including those controlled by ranchers and farmers.

What is an easement and why would a rancher place one on his or her land?

According to CRT, a conservation easement is a legally recorded agreement between the landowner and a land trust that restricts the land to agricultural and open space uses and thus becomes a "voluntary solution to agricultural land preservation."

Development rights are extinguished by the easement and cannot be sold or transferred to another entity. The value of a conservation easement is the difference between the appraised value of the land without any restrictions and the appraised value of the land after the restrictions of the easement are recorded.

According to CRT, the financial benefits of easements are multiple: "The landowner may be entitled to a charitable tax deduction if the easement is donated; a conservation easement can lower the taxable value of the land for estate tax purposes; person inheriting qualifying property may take an after-death donation of a conservation easement and receive estate tax benefits; and a conservation easement may lower real property taxes."

Conservation easements restrict development rights from a property, nothing else. They should not interfere with the day-to-day work of the ranch. The property owner still owns title to the land, can limit access (even though money used for the transaction may be public), and may still donate, sell, or transfer the property as he or she sees fit.

The property's development rights are sold to a land trust, such as CRT, who holds them "in perpetuity." CRT works closely with the landowner and often handles the entire transaction. The trust prepares all the documentation and processes the paperwork, and obtains the funding, if necessary.

The landowner must obtain an appraisal and any necessary tax and legal advice. The whole process can take as little as two months to complete, or as long as two years, depending on the nature of the easement.

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**"... some of the criticism** of easements is legitimate, but people forget that doing an easement is a property right too."

**– Nita Vail, executive director,  
California Rangeland Trust**

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Once a land trust accepts an easement it takes on the responsibility of monitoring to make sure the landowner is complying with the terms of the agreement.

### **More Benefits**

For Nita Vail, the principal value of conservation easements is simple: it keeps families on the land.

"Open rangeland is best protected by the ranchers who make their living from it," she said. "An easement allows the landowner to receive compensation for the open space values his or her property provides but still maintains it as a working landscape."

If society values open space, then easements can be an important tool for its protection.

"Easements cost less than buying the land outright," said Vail. "They're cheaper to maintain because the landowner takes care of the property, and the property remains on the county tax rolls."

Vail noted that there are good reasons why a rancher should consider an easement:

- 1)** it puts the landowner in control of the estate planning;
- 2)** it can reduce crippling debt;
- 3)** it allows for long-term planning by making the ranch more affordable to run; and
- 4)** it reduces uncertainty, especially for those families that don't want to break up the ranch.

Of all the reasons to do a conservation easement, however, it is this last one – the desire to keep the land whole and in agriculture – that seems to motivate most ranchers. But this also creates a great of pressure on land trusts to be pragmatic and successful.

"We're promising 'in perpetuity' so we need to be business-driven, not just mission driven," said Vail, "That means being entrepreneurial. My board is very business-minded."

"Easements aren't for everyone," she continued. "Some of the language in the agreements is draconian, so you've got to be careful. And some of the criticism of easements is legitimate, but people forget that doing an easement is a property right too."

Vail points out that land trusts have another important role: they help the land.

Ranch families own or manage 22 million acres of private land in California. By 2040, it is estimated that the state's population will swell to 50 million people. That means more pressure to build subdivisions, strip malls, and freeways on private land. That means more pressure on ranchers and farmers to sell out.

And once this Humpty Dumpty falls off its wall, all the King's men will not be able to put him back together again.

According to CRT, the ecological benefits of protecting ranchlands include:

- Virtually all water consumed in California flows over rangelands at some point.
- Private land provides critical wildlife habitat.
- 95% of all threatened and endangered species in California are found to some degree on private ranchlands.
- Well-managed rangelands are an ecological asset (stewardship).
- A conservation organization doesn't have to buy the land!

Nevertheless, easements remain a contentious issue with some environmental organizations. A recent CRT agreement with the 80,000-acre Hearst Ranch, home to the famous Hearst Castle, generated sparks when the Sierra Club and other organizations complained that the public was not getting enough access to the property under the terms of the deal (which used state money).

The Hearst Ranch refused to allow increased access, saying it was a working ranch, not a public park – a position strongly supported by many other private landowners in the state, who were watching events closely.

In the end, the CRT and the Hearst Ranch won out, though some bitterness remains. Nita Vail senses some environmentalists are wary of the trust because they consider it to be an example of "fox guarding the henhouse."

"Our organization is put under a microscope probably more so than organizations that have strictly an environmental purpose," she said. "When in fact we all want to do the same thing – protect the landscape. We are just trying to do it in a way that also makes economic sense."

"They want the state to have a larger role," she continued. "But what environmentalists don't understand is that you can't police stewardship, you have to nurture it."

Vail thinks this attitude is an example of how private land stewardship is undervalued in the West.

It is an issue that strikes uncomfortably close to home. If conservation easements had existed twenty years ago, her family's fairy tale might have had a happy ending. too.

### **Cowboy Island**

Once upon a time, the Vail family owned Santa Rosa Island, part of the Channel Island group, off the coast of Santa Barbara. Nita's great grandfather, part of a ranching family with roots reaching to southern Arizona, purchased the 54,000-acre island in 1901.

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**"Ranchers love wildlife** and and would have done anything to help, but this is something the agencies still don't understand."

– Nita Vail

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The rhythms of ranch life remained unchanged until 1979, when Congress decided to expand the Channel Islands National Park to include Santa Rosa. The park had been created with the support of the Carter Administration and the urging of many environmental groups, who were concerned about rare plants and animals.

The Vail family tried to get their island exempted from the park, arguing that their progressive management provided proper protection to the whole island, but they could not find political allies to listen to them at the time.

"The question that we asked but nobody answered was: protection from what?" said Vail. "It felt like, from us."

The Vail family was commended for their stewardship, which is one of the reasons, Nita Vail noted, that the government wanted their land in the first place. The Vails were holistic managers before it had a name. Then there is the issue of the Island Fox, a species native to the island, and one of the arguments for its "protection."

"The fox was fine until the Park Service showed up," Vail said, "now it's in trouble. Ranchers love wildlife and would have done anything to help, but this is something the agencies still don't understand."

Staying on their land was not an option at the time. So they sold the ranch to the government in 1986, brokering a deal that allowed them to stay until 2011.

The deal was broken, said Vail, when Park Service biologists inventoried the ranch and discovered that several species of plants and animals were in danger of extermination, in their opinion. The biologists argued that livestock production had to end, pronto. When the Vail family resisted, an environmental organization sued.

The handwriting was on the wall. Vail, who was in college at the time, wishes the family could have fought harder and achieved a better outcome for the ranch. Her father never wanted to develop the property, and conservation easements were not an option at the time.

The "protection" paradigm of the era was set against the Vail family.

"The 1916 Organic Act of the National Park Service contains an inherent contradiction which was played out on our island," said Vail. "Going back to pre-European landscapes and increasing public access seem incompatible."

The last cattle drive took place in 1998, memorialized in Gretel Erlich's book "Cowboy Island"[Santa Cruz Island Foundation, 2000]. The whole experience proved to be a painful lesson for Nita Vail, who was motivated to devote her life to keeping ranch families on the land.

"Not enough credit is given today for good stewardship," she said. "The Park Service is not holistic. The ecological condition of the island is awful now, but no one talks about the grasses, all they can do is focus on the fox, which are being eaten by eagles."

"We should have demanded NEPA on the cattle removal," said Vail. "That would have opened eyes."

Things have changed since 1998. A progressive ranching movement has emerged; land health protocols have given a clearer picture of what ecological function means; old conceptions of what "protection" means have eroded; new tools and options for land management and conservation have emerged; and the issue of sustainable use and stewardship across public and private land has come to the fore.

Still, the moral of this story remains difficult for Vail to accept.

"We need to remember where we have come from and go forward in a positive way," she said. "We can't stay stuck in the past."

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