



Making Things Right

Angus breeder Lynne Sherrod is a national leader in ranchland protection.

STORY & PHOTOS
BY ERIC GRANT

While some ranchers see conservation easements as restrictive, Lynne Sherrod sees them as the ultimate exercise of private-property rights.

Lynne Sherrod's great-great-grandparents first rode horseback into Colorado's high country more than a century ago. They homesteaded on the isolated range of Egeria Park, where they found lush meadows for livestock and tall timber for building their homes. High above, its rocky crests still covered with snow, the Flat Top Range shimmered in the summer sun.

Today Sherrod's thoughts still drift to those days gone by, and she pauses on occasion to look south, to find the old mountain that rises above where the family once lived. She thinks of the hardships they faced, the blizzards they battled and the happiness they must have felt when winter gave way to spring.

"The first time I looked across this valley and beyond, I wondered if my ancestors had ever looked toward the mountains where I was sitting horseback," reflects Sherrod, who ranches about 50 miles north of the original homestead and now lives north of Steamboat Springs, Colo.

"Could they have ever imagined that 100 years and five generations later that one of their descendants would be looking back wondering what motivated and energized them? Did they understand then that we are only here for a very brief span, and this may be our one and only chance to get it right?"

Sherrod has spent much of her life making things right with her ancestors and the land they left behind, even though the trail she followed back to ranching was not always clear. Her father passed away when she was young. She spent much of her childhood in Denver, far from the hay fields and pastures of home. But somehow, she caught the spark.

Sherrod recognized at an early age the beauty and rewards of ranch life — its cyclic nature, its power of rebirth — and



Del and Lynne Sherrod's livelihood is threatened by an influx of newcomers. New homes now dot the hillsides above their hay fields, and land values have become so high that many of their ranching neighbors have cashed in and moved on.

made these things her own.

"It's good to see the first bluebird come in spring, to hear the rattling cry of the Sandhill cranes echo along the river, to witness the earth shake off its mantle of snow, giving way to the intensity of the lush green that replaces it," Sherrod says. "It's a business of renewal, an enterprise of hope."

Today, she and her husband, Del, split duties on their ranch. They put up hay in summer, gather their Angus cattle off the mountain in the fall, feed their cows through winter and irrigate green meadows in summer. "Del," she says, "loves his Angus cows."

Like ranchers elsewhere, however, their livelihood is threatened by an influx of newcomers. New homes now dot the hillsides above their hay fields and fragment the landscape that once rolled unbroken. Land values have become so high that many of their ranching neighbors have cashed in and moved on.

Sherrod intends to stay, however. And she wants other

ranchers — wherever they may live — to stay on the land, too.

Preserving ag lands

Three years ago, she became executive director of the Colorado Cattlemen's Agricultural Land Trust (CCALT), a revolutionary undertaking because it's the nation's first producer-driven agricultural-lands-preservation organization of its kind.

"It's a land trust of landowners, by landowners and for landowners," Sherrod says. "CCALT is proving to be an important mechanism in preserving agricultural opportunities and protecting the open space that is valued by both Colorado residents and visitors."

It's also providing an important example for other states considering similar ventures. And it couldn't have come too soon. Much of Colorado's — and the nation's — agricultural land is in peril. According to the Colorado Department of Agriculture, from 1992 to 1997 the state lost

270,000 acres of productive agricultural land per year. On a national scale, agricultural land everywhere continues to be lost to urbanization at a similar rate.

Sherrod hopes to slow this trend and to keep ranch families in business. To date, she estimates the trust has helped about 36 families keep almost 68,000 acres of farm and ranchland in production forever. If all goes well in the near term, that total could increase to almost 113,000 acres, she says.

"Whenever I address people who are not involved in agriculture, I find it hard to not wander a little from the topic of easements and stress the powerful devotion most ranchers have for the land," Sherrod says. "It's important that we maintain these productive lands in the hands of responsible stewards."

"The chief thrust of my message is stressing the importance of protecting production agriculture," she adds. "In doing so, it achieves all of society's goals: preservation of

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open space, wildlife habitat, scenic views, and production of food and fiber. Our emphasis is not in trying to persuade people to place conservation easements, but in providing the necessary support for landowners who find this a viable option and a valid part of their estate planning.”

Key to the land trust’s success is that it helps landowners who approach the land trust — not the other way around. Protection is done mainly through the use of conservation easements and careful estate planning.

Pros and cons

Conservation easements are an effective land-conservation tool because they forever remove the ability to develop a property. Through a

conservation easement, ranchers can donate their development rights to a land trust and receive a tax deduction for doing so. Or property owners can sell their development rights (which raises revenue) to a land trust. Once done, conservation easements essentially lower the value of the property, which lessens inheritance-tax burdens on the heirs. This is especially effective in areas where land values are inflated due to development pressures.

Some within agriculture don’t care for conservation easements. They see them as a threat to private property rights because they can place excessive restrictions on land use, hindering the ability of future landowners to use their property as they see fit. They also see them as tools of environmental

organizations, which have used conservation easements as a means of restricting land use or as a way to convert lands to public property.

Sherrod sees it another way. “The ultimate exercise of private-property rights is the ability of a property owner to voluntarily restrict or sell any or all of these associated benefits of ownership,” she says. “Donating or selling development rights is merely one more exercise of a landowner’s right to do what they deem most beneficial for themselves, their family and the land.

“When these rights are transferred to a land trust, they are extinguished, gone for good. They cannot be sold or transferred; in short, no one person or entity can ever get their hands on them and take

over an interest in their property.”

The land trust then becomes responsible for seeing that the landowner’s wishes and desires are carried out for the piece of property, Sherrod adds. “This is the sole reason for CCALT’s existence: to provide the security of knowing who they will be dealing with well into the future — and helping assure that there will be a future for their family on that land, if that is their goal,” she says.

Future challenges

While the land trust is off to a good start, Sherrod admits there’s still a long way to go. And, for the effort to survive, it must remain flexible to challenges of the future, she adds.

One challenge in particular is

**Straight talk on land protection
A Q&A with Lynne Sherrod**

What’s the most important thing you tell ranchers who are considering protecting their own property?

The most important thing any rancher needs to keep in mind when considering an easement is the concept of perpetuity. Forever is a long time. None of us can ever fully know what the future will bring, but we encourage them to plan for every eventuality that they can come up with, particularly in terms of retaining their economic viability. We want to know that their family is engaged in this thought process.

We never try to sell anyone on anything, and we never call landowners; they call us. So by the time they contact us, they have already considered going down this road. We try to get them to see both the pitfalls and the potential of proceeding forward. Most importantly, we encourage them to walk through this process very carefully with professional advisors, such as

attorneys, estate planners, accountants, etc. This is a huge commitment to the future, and it is critical that they understand exactly what they are doing and if it is going to achieve the desired impact or meet their personal needs.

The mainstream public has been slow to recognize the value of open agricultural lands. How do you sell them on the principle that privately held ranch- or farmland is of great benefit to them?

The public is just now beginning to understand that farm- and ranchlands offer a great deal of benefit for society at large. Years of responsible stewardship and management have provided clean air, clean water, scenic open spaces and wildlife habitat; they have ensured recreational opportunities, protected migration corridors and riparian and wetland areas, and — last

but not least — produced food and fiber. These benefits translate into a direct economic infusion for the surrounding business communities.

However, the element that is most often missed is the preservation of the human resource in these areas. When these folks sell out and move away, these communities lose people out of their school boards, planning commissions, churches and local service organizations.

If the general public wishes to see agricultural land protected and all its inherent values preserved, then it stands to reason that the most efficient way to bring about that desired effect is to offer positive incentives to private landowners. Compensating these individuals for a perpetual commitment not to develop these areas is a true win-win solution. It’s not just open space; it’s agriculture.

What’s the most important thing you’ve learned in your experiences with CCALT?

Working with the first cattlemen’s land trust in the nation has been a unique experience. Coming from an industry background and being thrust into the conservation community have been

identifying ways to pay for ranchers' development rights, rather than just having them donated to a trust. Having a substantial tax deduction isn't always that attractive for ranchers who often find themselves in an asset-rich but cash-poor position. Paying ranchers for their development rights actually can enhance the economic position of ranching families and help them to remain in business.

"We have been approached by several groups who wish to protect large, working landscapes," Sherrod says. "But these folks can't afford to give away the only thing of lasting value that they have — the land. If they're truly serious about making this kind of commitment, they deserve to be compensated for the stake that

they are placing in the future. The only problem is limited funding. Finding sources for that funding is our next challenge."

In Colorado's Gunnison Valley, communities have levied a sales tax to raise funds for compensating ranchers who wish to protect their lands as open space. It will take this level of commitment in other areas throughout the country for agricultural land protection to work in the future, Sherrod says.

Word of the trust's work has spread like wildfire. Recently, it was featured in *USA Today*, the *Wall Street Journal*, *The Denver Post* and on National Public Radio. Last year *Livestock Digest* named CCAAL as one of its top 25 organizations that have made a positive contribution to the American livestock industry.

CCAAL also was named Land Steward of the Year by the Colorado Chapter of the Wildlife Society, and Sherrod recently appeared on a PBS documentary about land conservation.

"It's been a surprise to us all how much attention the trust has generated. No one had a clue that there would be so many folks interested in a bunch of ranchers starting their own land trust," Sherrod says. "There were many individuals that worked long and hard to get this vision off the ground.

"They all recognized one central fact: If anything was going to be accomplished of any lasting value, it had to be done in a way that was meaningful to the private landowner and in a way that their future economic viability would not be impaired.

This is a reality that any ag-oriented land trust understands and embraces in their philosophy."

In the end, for ranching — and all the values it provides — to survive, much work remains. But Sherrod, whose family came here so many years ago to eke out a living in the wilderness, is up to the task.

"My husband and I were recently invited to have dinner with the visitors at a local guest ranch. After answering multiple questions, one person asked my husband why we kept ranching in light of the difficulties and setbacks that we face," Sherrod recalls. "After a few moments, Del answered, 'I can't imagine doing anything else.' I agree with him wholeheartedly."



interesting, too. Certainly there are times when we all have quite different points of view, but I have discovered that they are a ready and willing resource. They are becoming increasingly aware that, for whatever goals they have for the Western landscape, the needs of the Western landowner must be taken into account. Face it; the numbers of ranchers are diminishing, and we need everyone we can get on our side, especially in view of some of the critical environmental issues we are facing today.

Conservation easements are the primary tool used by your land trust. Does their permanence worry you?

Forever is a long time, and people should think very carefully before doing something of a perpetual nature. Conservation easements are just one tool, and they are certainly not for everyone. Clearly, if this is a deep concern to a family, this is not the avenue for them to pursue.

We look carefully at any projects before taking them on and judge each of them according to the same set of criteria. It's important that there is a reasonable likelihood that those properties will continue on in some form of agriculture and not be

surrounded by development. We also ask that the water not be severed from the land. As a land trust, those are our main requirements.

Each landowner is encouraged to think about what they or their family may want or need well into the future. Many times they don't encumber the entire place and reserve the ability to build some homesites for future family or sell a few parcels off just in case they need the money. Primary to our negotiations with landowners is recognition of the fact that they have to be able to conduct a living on this property for a long time to come. But the bottom line for landowners should be the wording in the easement; if they don't like what it says, don't sign it!

What's the biggest mistake you've made?

I understand that not everyone sees the benefit of partnerships with anyone that is from the 'environmental' persuasion, and there are definitely fringe elements that are not willing to look for middle ground on both sides of the fence. But not all of these people are our enemies, and many of them have responded very positively to the concept of us working out our own solutions in the area of land use. If these

issues ever come to the polls, we are going to need a whole lot more folks on our side! Bill McDonald of the Malpai Borderlands Group down in Arizona has a great term for this newly emerging group. He calls it the 'radical middle.'

What's your gut feeling about the future of ranchland protection?

I'd be lying if I said that I didn't have dark moments and wonder if we are really making any kind of difference that will have lasting value, especially when I look out the window from my house and see new homes springing up everywhere.

Then I get a good night's sleep, get up and look out the window, and see the sun rising over the mountains and shedding its light on a landscape that is still beautiful and productive. Or I visit a ranch in another part of the state where they are still surrounded by folks who are in the same business they are, and they want to keep it that way, and I realize there is always a difference to be made.

As long as we can keep providing private landowners with options that help achieve their goals for their land and families and keep it in their hands, there will always be a reason to keep on keeping on.