

*David J. Heine and Associates, LLC*

**Yellow Book Review  
Of the  
State of Montana  
DNRC Lands Beartooth W.M.A.**

**Completed by  
Ms. Kim Colvin, Ph.D., ARA  
PO Box 11950  
Bozeman, MT 59719**

**Prepared for  
Ms. Darlene Edge, Land Agent  
MT Dept. of Fish, Wildlife & Parks  
PO Box 200701  
Helena, MT 59620-0701**

# David J. Heine

## *and Associates, LLC*

240 First Avenue West  
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February 25, 2016

Ms. Darlene Edge, Land Agent  
MT Dept. of Fish, Wildlife & Parks  
PO Box 200701  
Helena, MT 59620-0701

Dear Ms. Edge:

In accordance with your request, I have completed a technical U.A.S.F.L.A. review of the Beartooth Wildlife Management Area Inholdings appraisal completed by Ms. Kim Colvin.

Enclosed are my appraisal review report, qualifications, and invoice.

Thank you for the opportunity to assist you. Please call with any questions.

Respectfully,



David J. Heine, M.A., ARA  
Accredited Rural Appraiser  
Montana Certified General Appraiser  
#REA-REG-LIC-149  
Broker

## **APPRAISAL REVIEW**

<b>Subject Property:</b>	DNRC in Beartooth W.M.A.
<b>Current Use:</b>	Recreation and wildlife habitat.
<b>Use Reflected in Report:</b>	Recreation and wildlife habitat.
<b>Appraiser:</b>	Ms. Kim Colvin
<b>Effective Date of Appraisal:</b>	01/22/2016
<b>Date of Appraisal Review:</b>	02/25/2016
<b>Interest Appraised:</b>	Fee
<b>Value Type Estimated:</b>	Market
<b>Client:</b>	MT Dept. of Fish, Wildlife and Parks (FWP)
<b>Intended Purpose:</b>	The intended purpose of this appraisal review is to assess the adequacy and relevance of data and the propriety of any adjustments to that data. To assess the appropriateness of the appraisal methods and techniques used to develop the appraisal report.
<b>Intended Use and Intended User:</b>	The intended use of this appraisal review is to assess the Colvin appraisal report for compliance with the Uniform Standards of Professional Appraisal Practice and Uniform Appraisal Standards for Federal Land Acquisitions for use by the DNRC, FWP, Land Board and the U.S.F.W.S.
<b>Scope:</b>	This desk appraisal review is for compliance with the Uniform Standards of Professional Appraisal Practice and Uniform Appraisal Standards for Federal Land Acquisitions. No inspection was made of the subject property or of the comparable sales listed in the report. I relied on the information presented in the report and communication with Ms. Colvin.

## REVIEW APPRAISER'S SUMMARY OF CONCLUSIONS:

	General Requirements	UASFLA Requirement	Appears to be in Compliance		
1.	Was the owner or the owner's representative given the opportunity to accompany the appraiser during the inspection? <b><i>John Grimm accompanied on inspection.</i></b>	D-14	YES	No	N/A
2.	Has the appraiser identified the larger parcel? <b><i>Pages 128-131, 14 tracts became 9 larger parcels.</i></b>	A-14	YES	No	N/A
3.	Has appraiser considered, analyzed, and reported ten year ownership history? <b><i>Stated that State of Montana is owner and took title via various patents from the U.S. Gov't.</i></b>	A-13e	YES	No	N/A
4.	Did the appraiser report a ten year use history? <b><i>Originally grazing - now recreation. Tract 14 recently changed to wildlife habitat and recreation.</i></b>	A13d	YES	No	N/A
5.	Do photographs show numbering, identification of property, date of photo and name of person taking photograph? <b><i>Pictures and maps are very helpful.</i></b>	A-6	YES	No	N/A
6.	Are statement of assumptions and limiting conditions appropriate to assignment?	A-7	YES	No	N/A
7.	If the appraiser will testify in court, did the appraiser provide a list of all publications authored in previous 10 years and a list of all trials and depositions participated in the prior 4 years? Are the appraisal fee and the anticipated testimony fee disclosed?	A-13e	Yes	No	N/A
8.	Were any sales to government agencies included in the analysis? <b><i>Noted with extra confirmation of sales information.</i></b>	D-9	YES	No	N/A

9.	If so were they supported adequately?		YES	No	N/A
10.	Did appraiser make statement about invoking jurisdictional exception and not linking estimate of value to a specific exposure period? <b><i>Right after market value was defined.</i></b>	B-2	YES	No	N/A
11.	Does appraiser certification meet Yellow Book requirement including the opinion of market value? <b><i>Page 4</i></b>	A-4	YES	No	N/A
12.	Pictures of sales – Did appraiser include sales pictures, locale map, and comp. sales map? <b><i>In separate confidential sales book.</i></b>	A-17, A-34	YES	No	N/A

## REVIEW APPRAISER'S SUMMARY OF CONCLUSIONS

	General Requirements	USPAP Requirement	Appears to be in Compliance		
1.	Has the appraiser prominently stated the appraisal report or restricted appraisal report option used? <b><i>Appraisal report to level expected for the U.A.S.F.L.A. "self contained" standard.</i></b>	2-2	YES	No	N/A
2.	Has the appraiser identified and correctly interpreted the appraisal problem? <b><i>To estimate likely market value.</i></b>	1-1	YES	No	N/A
3.	Has the appraiser stated who the client is, by name or type? <b><i>FWP, Land Board and DNRC.</i></b>	2-2ai, bi	YES	No	N/A
4.	Has the appraiser considered and identified the intended use of the appraisal, identified the intended users of the appraisal report? <b><i>Clients plus USFWS. To aid in decision making regarding potential sale of land.</i></b>	1-2(b), 1-2(a), SMT-9, 2-2a,b,c(ii)	YES	No	N/A
5.	Has appraiser considered and identified the real property interest to be appraised? <b><i>Fee, Surface.</i></b>	1-2(e)(ii) 2-2b(iv)	YES	No	N/A
6.	Has appraiser identified the effective date of the appraisal? <b><i>January 22, 2016</i></b>	1-2(a) 2-2b(vi)	YES	No	N/A
7.	Did appraiser state the report date? <b><i>February 4, 2016</i></b>	2-2b(vi)	YES	No	N/A
8.	Has appraiser provided a definition of value? <b><i>Market (U.A.S.F.L.A.) Page 47.</i></b>	1-2(c), 2-2b(v)	YES	No	N/A
9.	If market value has been estimated, has the appraiser indicated whether the estimate is in terms of cash; or terms equivalent to, cash or other precisely defined terms? <b><i>Cash equivalent.</i></b>	1-2(c) 2-2b(v)	YES	No	N/A



10.	Has appraiser stated use of the real estate existing as of the date of value and the use reflected in the appraisal? <b>Page 102, Recreation and wildlife habitat.</b>	2-2abc(ix)	YES	No	N/A
11.	Has appraiser considered and reported the extent of the process of collecting, confirming and reporting date (scope)? <b>Thorough scope on pages 48-50.</b>	1-2(f) 2-2b(vii)	YES	No	N/A
12.	Did the appraiser clearly and conspicuously state that there were or were not any extraordinary assumptions and hypothetical conditions and state their affect upon the appraisal? <b>No extraordinary, See page 7. Hypotheticals are: 1) Some of the properties have leases or licenses on them and are to be appraised with the hypothetical condition that the leases/licenses do not exist 2) The DNRC will grant a 20' wide access easement to FWP for administration purposes and for seasonal public access consistent with the administration of the Beartooth W.M.A. across the existing roads in T14N R3W Section 36 and in T14N R2W in Section 16.</b>	2-2bx	YES	No	N/A

## PROPERTY DESCRIPTION

13.	Has appraiser adequately identified and reported the site description? <i>See comments.</i>	1-2(e)(i)(iv) 2-1(b)(iii)	YES	No	N/A
14.	Has appraiser adequately identified and reported improvements(s) description? <i>Vacant land.</i>	1-2(e) 2-2b(iii)	Yes	No	N/A
15.	Has the appraiser adequately identified and reported the physical, functional and external market factors as they may affect the appraisal? <i>Good discussion of deer and elk tags on W.M.A., The W.M.A. closure period.</i>	1-4(f) 2-2b(iii)	YES	No	N/A
16.	Has appraiser considered and reported any anticipated public and private improvements located on or off the site? <i>None applicable to rural subject.</i>	1-4(f)	YES	No	N/A
17.	Has appraiser considered and reported easements, restrictions or other items of a similar nature? <i>See comments.</i>	1-2(e)(iii)	YES	No	N/A
18.	Has appraiser identified and considered the effect on value of any personal property, trade fixtures or intangible items that are not real property, but are included in the appraisal? <i>None</i>	1-2(e)(iii)	Yes	No	N/A
19.	Has the appraiser identified and analyzed economic demand, market area trends, and land use regulations and market area trends?	1-3(a)	YES	No	N/A
20.	Has the appraiser considered and reported the highest and best use of the real estate subject to Y.B. requirements? <i>Pages 114-128, Tracts 2 &amp; 3 – recreational investment, Tracts 1, 4-14 access restricted rural recreational with 13 &amp; 14 having plottage (add-on) potential.</i>	A-14 1-3(b) 2-2b(ix)	YES	No	N/A



## VALUATION

### Cost Approach

21.	Has appraiser explained and supported the exclusion of the cost approach? <b>No Buildings.</b>	2-2b 2-2b(viii)	<b>YES</b>	No	N/A
22.	Has appraiser appropriately value the site?	1-4(b)(i)	Yes	No	<b>N/A</b>
23.	Has appraiser collected, verified, analyzed and reconciled the cost of new improvements?	1-4b(ii)	Yes	No	<b>N/A</b>
24.	Has appraiser collected verified, analyzed and reconciled accrued depreciation?	1-4(b)(iii)	Yes	No	<b>N/A</b>

### Sales Approach

25.	Has appraiser explained and supported the exclusion of the Sales Comparison Approach? <b>Used sales approach.</b>	2-2b(vii)	Yes	No	<b>N/A</b>
26.	Has appraiser collected, verified, analyzed and reconciled comparable sales, adequately identified and described? <b>See comments.</b>	1-4(a)	Yes	No	<b>N/A</b>

### Income Approach

27.	Has appraiser explained and supported the exclusion of the Income Approach? <b>No income to analyze.</b>	2-2b(xi) 2-2b(vii)	<b>YES</b>	No	N/A
28.	Has appraiser collected, verified, analyzed and reconciled comparable rental data for subject rent?	1-4(b)(i)	Yes	No	<b>N/A</b>
29.	Has appraiser collected verified, analyzed and reconciled comparable operating expenses?	1-4(c)(ii)	Yes	No	<b>N/A</b>

30.	Has appraiser collected verified, analyzed and reconciled comparable data to estimate cap/disc rate?	1-4(c)(iii)	Yes	No	N/A
31.	Has appraiser adequately based projections of future income and expenses on reasonably clear and appropriate evidence?	1-4(c)(iv)	Yes	No	N/A

## RECONCILIATION AND FINAL ESTIMATE OF VALUE

32.	Has appraiser considered, analyzed and reported any current sale, option, or listing of the property being appraised?	1-5(a) 2-2(a)(viii)	Yes	No	N/A
33.	Has appraiser considered the quality and quantity of the data in the approaches, the applicability of the approaches and commented on the reconciliation?	1-6(a,b)	YES	No	N/A
34.	Does the appraiser report contain sufficient information to enable the person(s) who are expected to receive or rely on the report to understand it properly?	2-1(b)	YES	No	N/A
35.	Has the appraiser produced credible assignment results in accordance with the scope of work rule?		YES	No	N/A

## CERTIFICATION

36.	Does the report include a signed certification 2-3 in accordance with Standards Rule 2-3?	2-3 2-2abc(xi)	YES	No	N/A
37.	Did appraiser make a statement that he/she does not have any current or prospective interest in subject property or with parties involved?	Ethic Rules Line 256	YES	No	N/A
37.	Did appraiser include statement on whether or not work has been completed on the subject in prior 3 years required in certification? <b><i>Certification on page 4.</i></b>	Ethic Rules Line 257	YES	No	N/A

## COMMENTS

One of the largest factors in value is access to a property. Ms. Colvin used paired sales analysis to adjust sales that had similar physical characteristics to the subject, but a differing access. This adjustment was then applied to the sales to make them more like the subject.

The appraisal problem for this assignment for Ms. Colvin was to estimate the market value of remote recreational wildlife rich properties. As she mentioned, some of these properties are four miles from where there is vehicular access. Ms. Colvin appears to have found sales that are competitive and comparable to the subject property. It appears that she analyzed these in a fashion that is acceptable and would be comparable to what her peer appraisers would do for this assignment.

In the property description section of the appraisal report, the subject properties were described and the important influences on factor were described from the access to the terrain of the property to the aesthetic appeal of the property. Also discussed were the water resources and the recreational rights that would go with the property such as the potential hunting benefits to a landowner of a parcel within the boundaries of the W.M.A.

Ms. Colvin estimated nine larger parcels. The property consisted of 14 separate tracts which some of these have corner connections; otherwise, they are separate from each other. She created various data sets, which were sales that were grouped for the differing types of property based upon their access and other physical characteristics. She described and discussed the sales for each data set. Once this was completed, then she brought in a discussion about which larger parcel would be analyzed and its value estimated based on that data set. She provided easy to follow charts and discussion of each data set in relationship to the larger parcel. Then there were conclusions made.

## **SCOPE AND SUMMARIZATION OF REVIEW**

The scope of my review is to prepare a report of my findings for use by the MT Dept. of Fish, Wildlife and Parks, the Dept. of Natural Resources and Conservation, the Land Board and the U.S. Fish and Wildlife Service. The main purpose of this review is to determine if the appraisal report completed by Ms. Colvin complies with both Uniform Standards for Professional Appraisal Practice (USPAP) and Uniform Appraisal Standards for Federal Land Acquisitions (UASFLA).

For this assignment, I spent time reviewing the property and features of the property with Ms. Colvin. We discussed the merits of the larger parcel analysis and the potential valuation problems given the uniqueness of the subject property. Then when Ms. Colvin had completed her portion of the appraisal assignment she forwarded it to me. This report was desk reviewed and consisted of my reading of the report and then re-reading it as well as communication with Ms. Colvin to determine if there were any violations or shortfalls of USPAP or UASFLA requirements.

It is important to point out that a few of the differences between the USPAP requirements and the UASFLA requirements. The main differences are the exposure period and the ten-year ownership history. Both of these were correctly identified as jurisdictional exceptions. This means that the jurisdiction of the UASFLA has precedent over USPAP. An exposure period estimate is a requirement for USPAP, but is not to be considered under UASFLA requirements. Ms. Colvin correctly applied these requirements.

After reviewing this report and the documents available to me, it is my opinion that Ms. Colvin correctly addressed the DNRC's Inholdings in the Beartooth Wildlife Management Area appraisal problem and did so in a manner that would result in a correct interpretation of the data.

Based upon my desk review and oral interviews with Ms. Colvin, I feel that I can concur with her report and her application of the market data and supplementary information that is presented in her report. It is my opinion that Ms. Colvin's narrative appraisal report of the Beartooth Wildlife Management Area Inholdings meets the requirements of both the Uniform Appraisal Standards for Federal Land Acquisitions and also the Uniform Standards for Professional Appraisal Practice.



I certify that, to the best of my knowledge and belief:

- The facts and data reported by the reviewer and used in the review process are true and correct
- The analyses, opinions, and conclusions in this review report are limited only by the assumptions and limiting conditions stated in this review report, and are my personal, impartial, and unbiased professional analyses opinions, and conclusions.
- I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation is not contingent on an action or event resulting from the analyses, opinions, or conclusions in this review or from its use.
- My analyses, opinions and conclusions were developed and this review report was prepared in conformity with the Uniform Standards of Professional Appraisal Practice and Uniform Appraisal Standards for Federal Land Acquisitions.
- I did not personally inspect the subject property of the report under review.
- No one provided significant real or personal appraisal or appraisal review assistance to the person signing this certification.
- I have not preformed any services on the property that is the subject under review in the three years prior to acceptance of this assignment.

**Limiting Condition:**

- If any of the factual data, stated in the appraisal report, is found to be false through additional investigation, the reviewer will reserve the right to amend this review.

**This appraisal review is to be used in conjunction with the Appraisal Report and file memorandum under review, without the accompanying report this review report is not to be relied upon.**



David J. Heine, M.A., ARA  
Accredited Rural Appraiser  
Montana Certified General Appraiser  
#REA-REG-LIC-149

## DAVID J. HEINE, M.A., A.R.A.

### PROFESSIONAL AFFILIATIONS:

- Accredited Rural Appraisal (A.R.A.) - designation which is awarded by the American Society of Farm Managers and Rural Appraisers to those members who have had years of experience, are technically trained, have passed a rigid examination and subscribe to a high code of ethics, -- #1083
- Montana Board of Real Estate Appraisers - General Certification #REA-REG-LIC-149
- Montana Licensed Real Estate Broker - #8876
- Western Montana Stockgrowers Association - Former Board of Directors
- Montana Board of Real Estate Appraisers - Board Member 2000- 2006

### EDUCATION:

Montana State University, Bozeman, MT - B.S. in Agricultural Economics, March 1983  
Washington State University, Pullman, WA - M.A. in Agricultural Economics, December 1986

### CONTINUING EDUCATION:

#### American Society of Farm Managers and Rural Appraisers:

Feb 3, 2015	Estate Appraisal Requirements	Feb 3, 2010	USPAP Update
Feb 3, 2015	MT Mentor/Trainee Class	July 25, 2008	Valuation of Conservation Easements
Feb 3, 2015	Lawyer Perspective on Farm Sales	Feb. 5, 2008	Code of Ethics
Feb 4, 2015	Oil & Gas Law	Feb. 5, 2008	Subdivision Analysis
Feb 4, 2014	Water Court Update	Feb. 6, 2008	USPAP Update
Feb 4, 2014	Code of Ethics	Oct. 26, 2006	Discounting
Feb 5, 2014	USPAP 7 Hour Update	Feb. 28, 2006	Appraising Ag Lands in Transition
Feb 8, 2012	GIS	Mar. 1, 2006	MT Access Laws & Conservation Easements
Feb 8, 2012	Access & Easement Law		
Feb 7, 2012	USPAP Update	Jan. 26, 2006	GIS, NRIS, Subdivision
Feb 10, 2011	Sales Comparison	Jan. 24, 2006	MT Water, DEQ

#### Appraisal Institute:

September 8, 2006	Subdivision Analysis
January 20-21, 2005	Expert Witness Seminar

### PUBLICATIONS:

#### Master's Thesis

Washington State University  
*"An Economic Evaluation of Different Feeding Systems in the Western Washington Dairy Industry."*  
August 1986

#### Magazine Feature Article - Two Part

- "Look at all options when considering commodities,"  
- "Partial budget analysis helps determine best action,"  
by D. J. Heine, G. S. Willett, J. K. Hillers and R. L. Kincaid. *Hoard's Dairyman*  
March 10, 1988 and March 25, 1988

### PROFESSIONAL EXPERIENCE:

**PREMIERE REAL ESTATE PROFESSIONALS, Broker**  
Kalispell, MT 2012 - present  
Real Estate Brokerage - Specializing in farms, ranches & recreational properties.  
**DAVID J. HEINE AND ASSOCIATES LLC, Owner**  
Kalispell, MT 1986 - present  
Economic consulting, Fee appraisals.  
**HEINE FARM**  
Kalispell, MT 1978 - Present  
Commercial dairy hay, peppermint, turf sod, and other irrigated crops. Dairy heifers and commercial beef cattle.

#### Appraisal of Rural Property

2nd Edition, Contributing Author. Published by ASFMRA December 2000.

**WESTERN BROKERS LLP, Partner**  
Kalispell, MT 1997 - 2012  
Real Estate Brokerage - Specializing in farms, ranches & recreational properties.  
**US DEPT. OF AGRICULTURE, Loan Servicing Contractor** 1994 - 1997  
Production and financial analysis; feasibility studies.  
**MT DEPT. OF AGRICULTURE, Financial Consultant**  
Helena, MT 1986 - 1988  
Agricultural Assistance Program, included financial analysis, partial budgeting, debt restructuring options.

### APPRAISAL AND REAL ESTATE EXPERIENCE:

Assignments have included specialized agricultural properties, rural recreational properties, residential properties, subdivision analysis, conservation easements, fractional interests, and special use studies. Public speaking includes continuing education courses, court testimony, presentations to various agricultural groups, lenders and others. Clients include private parties, MTFWP, State of MT, USFWS, Land Trusts, and TNC. I complete review appraisals for various clients for Uniform Standards for Professional Appraisal Practice (USPAP) and Yellow Book compliance (Uniform Appraisal Standards for Federal Land Acquisitions - UASFLA).



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