

APPENDIX

Strategies and Tools for Funding Acquisition and Legally Protecting Open Space

This document is a compendium of strategies, tools and approaches for preserving open space. It is a resource for individuals, landowners, developers, governments, environmentalists or anyone concerned about the loss of open space in our region. Section One describes eleven techniques that are commonly employed for conserving open space in Texas and how they might be effectively applied. Section Two provides a brief overview of how land trusts work to preserve open space and provides a directory of thirty land trusts in Central Texas. Section Three overviews sustainable agriculture as a preservation method and provides ideas and resources for this approach. Section Four offers additional ideas for sources of conservation funding and links to relevant organizations.

Acknowledgement:

Section One on open space preservation tools and techniques is from the National Park Services publication, *Protecting Open Space: Tools and Techniques for Texans*. For copies of the full document contact:

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SECTION ONE

Open Space Preservation Tools and Techniques

- BARGAIN SALE OF LAND
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BARGAIN SALE OF LAND

OBJECTIVE:

A landowner can help conserve land (example: for a public park or to protect a scenic vista) while still receiving a profit from its sale.

WHO INITIATES IT:

The landowner, who receives incentives to sell land under federal tax codes, or a public agency or non profit organization that works with willing landowners.

HOW IT WORKS:

A bargain sale (also known as a “charitable sale”) is an agreement to sell property to a non-profit or governmental agency at less than fair market value. Landowners are potentially eligible for two kinds of tax benefits from a bargain sale. The difference between the fair market value and the sales price is considered a charitable deduction. Bargain sales also have the potential to reduce capital gains tax.

For example, take a landowner that bought a piece of property for \$10,000 and held onto it for several years while the fair market value of the property rose to \$80,000. If the landowner sold the land to a 501(c)(3) for \$50,000, he would be eligible for a charitable donation of \$30,000 and would only need to pay capital gains tax on \$40,000. Depending on several factors, including the landowner’s tax bracket, this kind of sale can be competitive financially for the landowner with selling the property at market value.

ADVANTAGES:

Sellers profit from the sale of the land while receiving a reduction in capital gains tax. Sellers are frequently motivated by an intangible desire to see the land protected. Municipalities, other agencies, and taxpayers benefit by purchasing desirable land at a reduced price.

DISADVANTAGES:

Sellers will frequently not profit as much from a bargain sale as they would from selling their property at fair market value. The tax code around bargain sales is complex, and sellers should consult with a tax advisor before entering into binding agreements. Conservation agencies such as land trusts have limited resources and may not be able to purchase properties that do not have significant conservation value.

USE IT IF:

The agency is able to afford what the seller is asking for the land.
The seller will receive significant tax benefits from selling the land at a bargain sale price.
The seller is not solely motivated by profit but also desires to conserve the land.

NOT RECOMMENDED WHEN:

The price of the land is out of reach of the prospective buyer.
The land does not have enough environmental significance for its intended objectives or use(s) .

PARKLAND/TRAIL DEDICATION

OBJECTIVE:

To provide park and recreation facilities to a community without burdening existing residents with additional taxes

WHO INITIATES IT:

A local government – municipal or county

HOW IT WORKS:

A local government requires subdivision developers or builders to dedicate park/trail land or to pay a fee the government entity then uses to acquire and develop park and trail facilities. Sometimes called an exaction, this technique is often considered a type of user fee because the intent is for the cost of new parks to be paid for by the landowner, developer, or new homeowners who are responsible for creating the demand for the new facilities. Exactions are implemented through local ordinance, as a condition of approval for development permits. Ordinances may require one or a combination of the following forms of compliance:

Land dedication: An ordinance may require dedication of land. The amount of land to be dedicated may be determined as a fixed percentage of the total land area, or through a population-density formula (example: x acres per 1000 residents).

Fees in lieu: An ordinance may require developers to contribute cash instead of dedicating land. There are two methods of assessing these fees. First, the fee may be a percentage of the total fair market value of the land being developed. Second, the fee may be relatively equal to the fair market value of the land that would have otherwise been dedicated using the population-density formula.

Impact fees: Impact fees differ from *fees in lieu* because they are collected at the building permit stage rather than at the time of subdivision platting. Impact fees can be assessed upon condominium, apartment, and commercial developments which create the need for new park/trail development but which might escape *land dedication* or *fees in lieu* requirements because of the small land area involved.

ADVANTAGES:

Parkland/trail dedication ordinances allow local communities to conserve additional open space in step with the pace of land development. Some local governments have negotiated with developers to have the developers construct the facilities for which the fees were to be used. This is typically cost efficient for both parties because the developers can use their labor and equipment, which are already on site.

DISADVANTAGES:

While the courts have generally upheld the constitutionality of exaction ordinances, many developers resent being required to pay exactions for parks, and continue to file legal challenges.

USE IT IF:

The community is experiencing significant growth and new land development.

The local government has a strong park/trail master plan to guide the development of the new park/trail facilities.

Developers have typically complied well with local development ordinances.

NOT RECOMMENDED WHEN:

The exaction ordinances are difficult and costly to administer.

The local government does not have the resources to pay for the maintenance of the newly dedicated/acquired lands.

The cost of exactions becomes a deterrent to any development

ZONING FOR CONSERVATION

OBJECTIVE:

Zoning ordinances can provide strong protection for specific natural or cultural resources.

WHO INITIATES IT:

A municipal government.

HOW IT WORKS:

One of the most common methods of using zoning to protect natural resources is through "overlay zones." This technique has broad application to a variety of contexts in addition to conservation; overlay zones are commonly used to protect floodplains, wetlands, watersheds, historic districts and archeological areas. Overlay zones are superimposed over existing zoning maps and have provisions that apply to a specific area in addition to the requirements of the existing zoning ordinance. Other communities designate special zoning categories with environmental restrictions such as larger setbacks or limits on impervious cover. These zoning categories are applied where needed. One example of this would be a zoning category that required a conservation subdivision design.

ADVANTAGES:

Zoning allows communities to isolate and conserve specific resources that are not adequately protected through existing regulations. These conservation zoning ordinances may both impose additional restrictions, and provide incentives and waivers to encourage certain types of development.

DISADVANTAGES:

As with all zoning regulations, conservation zoning can be circumvented or repealed, depending on the political climate in the community. Overlay zoning in particular can be fairly complicated to administer; it requires maintaining accurate overlay maps and working with developers to explain the added regulations.

USE IT IF:

There are natural and cultural resources in need of protection in the community.
The city is prepared to accept the added administrative responsibilities that conservation zoning requires.

NOT RECOMMENDED WHEN:

The added regulations cannot be clearly and specifically defined.
The desired restrictions/regulations cannot be accomplished through minimal modification to existing zoning regulations.
Citizens or city leaders perceive this technique as a “regulatory” approach.

TRAIL EASEMENTS

OBJECTIVE:

To obtain the use of a corridor across another landowner’s property for public access purposes at a cost less than outright purchase of the corridor or tract in fee simple.

WHO INITIATES IT:

A landowner grants the easement to a trail sponsor who may be a government or a trail management organization.

HOW IT WORKS:

An easement constitutes a partial interest in a property, in this case, the right of the easement holder to enter onto another landowner’s property, develop a trail facility within a designated corridor, and allow users onto the corridor to use the trail. Easements are recorded in the county deed records, and they run with the land, meaning they are legally binding on future owners of the land. Trail easements frequently grant access for a fixed number of years, rather than in perpetuity, the way most other easements are done.

Trail managers typically identify tracts of land that are desired for a trail corridor and negotiate an access arrangement with the owners. Some property owners are interested in earning extra income and may be willing to allow access in exchange for a fee. Some civic-minded landowners may be willing to donate the easement. Most property owners will have concerns about liability, interference with their use of the land, and potential problems such as litter and vandalism. They will also want to know the plans for managing the trail, including the types and hours of anticipated use.

These easements also serve to allow one public land manager to obtain control over another public landowner’s property. This might happen when a city or county is willing to manage public use of a trail developed on property owned by agencies that do not have recreational duties, such as utilities or flood control districts.

ADVANTAGES:

Since easement acquisition typically costs less than outright purchase of land, trail managing entities are able to make their funds go further using easements. Like roads and rail lines, trails can be developed in relatively narrow corridors of land, meaning trail corridors can be accommodated within larger tracts

without disrupting many of the existing land uses. Leaving private land on the tax rolls is another advantage.

DISADVANTAGES:

Easements over other landowners' property place the grantor and grantee in an on-going relationship. Terms or covenants that seemed reasonable in the beginning may create tensions later if the arrangement does not meet expectations. Term easements pose a special disadvantage if the property owner does not choose to renew the agreement. In that case, the trail manager will have expended development and maintenance funds on a lost facility.

USE IT IF:

There are substantial cost-savings in acquiring an easement rather than land in fee simple (full purchase). The easement is in perpetuity, and the terms and conditions are defined well enough for future owners to conform to the original intent if the land changes hands. The granting landowner is already a public entity, and adding public use would be easy.

NOT RECOMMENDED WHEN:

The granting landowner is leery of government and/or public use.
Landowner's terms and conditions prove too restrictive to provide a reasonable amount of trail use access.
The trail manager does not have sufficient staff to effectively manage the trail easement to prevent negative impacts on the landowner.

CONSERVATION EASEMENTS

OBJECTIVE:

Conservation easements permanently protect land from development while allowing ownership to remain in private hands.

WHO INITIATES IT:

The property owner initiates conservation easements in partnership with a qualified recipient – a 501(c)(3) organization with a stated conservation mission, or a public agency.

HOW IT WORKS:

A conservation easement is a legal restriction voluntarily placed on a property by its owner. The right to enforce this restriction is granted to a public agency or a qualified charitable organization, usually a land trust.

Each easement document is customized to meet the landowner's individual needs. . The landowner can determine if farming, wildlife management, or other activities will continue, and to what to degree. The landowner may retain the rights to a certain amount of subdivision. For example the landowners may retain the right to build residences on the property, if desired. The owner retains ownership of all rights to the property not specifically restricted by the easement.

There also exist limited term conservation easements, particularly under federal agricultural programs. These may carry financial incentives but not the same set of tax considerations as conventional conservation easements.

ADVANTAGES:

Landowners can permanently protect their land while maintaining ownership of the property. Conservation easements can mean significant savings to landowners on three types of taxes: property tax, income tax and estate tax or inheritance. Without the potential for development, the market value of land is considerably decreased, and property taxes are consequently reduced. A landowner donating a conservation easement to a land trust can count the developable value of the land (calculated as the difference between the market value of the land with and without the conservation easement) as a

charitable donation, reducing income tax. Finally, a conservation easement may reduce the value of the land to the point the landowner's heirs may experience a lower estate tax burden.

DISADVANTAGES:

Once a conservation easement is in place, it is irrevocable. The landowner no longer has the option to sell the property for development as a source of income.

USE IT IF:

Rapidly increasing land values are making farming or ranching unprofitable.

The land must be sold in order to pay estate tax.

There is a need to protect wildlife habitat, water quality, archeological resources, forestland, a scenic place, or other types of open space.

NOT RECOMMENDED WHEN:

The land is not developable, for example, if it is in a floodplain.

The land does not have any natural, aesthetic or agricultural features worth preserving – or if the amount of land in question is too small.

The potential holder of the easement does not have adequate resources to monitor conditions on the property.

PURCHASE OF DEVELOPMENT RIGHTS

OBJECTIVE:

Purchase of development rights programs allow governments and non-profit organizations to protect land at a lesser cost than outright fee simple purchases.

WHO INITIATES IT:

City or county governments and non-profit organizations, working with private landowners and developers.

HOW IT WORKS:

In a purchase of development rights (PDR) program, a governmental or non-profit agency essentially purchases conservation easements from willing landowners. As with a conservation easement, the idea is to separate the development rights from the rest of the ownership rights so the land remains privately held open space.

ADVANTAGES:

For many landowners, finding an organization that is willing to purchase their development rights represents the best of both worlds: They are able to retain ownership of their land and profit from its development potential. Additionally, landowners may receive savings on both property and estate taxes.

A PDR program also has benefits for conservation agencies. With the rapid pace of land fragmentation in Texas, many landowners are faced with the decision to try to stay on their land or sell it; therefore many are in a position to consider their development rights in order to continue on their land. Therefore, it is possible to protect farmland and natural open spaces on a larger scale. Purchasing development rights is less expensive than buying the land outright, and the conservation agency is not financially responsible for managing the property.

DISADVANTAGES:

The expense of PDR programs, including the need to monitor projects, makes them out of reach for many local governments and conservation organizations. Local governments may also face objections to spending tax revenues for lands that may not be publicly accessible. These programs may not protect critical wildlife habitat or agricultural lands, as participation is purely voluntary. Landowners selling the easement may have to pay a capital gains tax.

USE IT IF:

Development is threatening wildlife habitat, agricultural property, environmentally sensitive land, or a scenic area.

The conservation agency has a large enough budget to purchase the rights to a significant amount of land.

NOT RECOMMENDED WHEN:

The conservation agency does not have the resources to handle the legal and financial complexities of the program.

The general public does not understand the need for conservation.

Landowners in the area are unwilling to sell the development rights to their property.

TRANSFER OF DEVELOPMENT RIGHTS

OBJECTIVE:

To create a mechanism for preserving environmentally sensitive land while concentrating development in more easily served, compact areas.

WHO INITIATES IT:

Local governments, working with private landowners and developers.

HOW IT WORKS:

The development rights attached to a piece of property are part of a bundle of rights the landowner has regarding the property. The landowner can sell the right to develop the property while maintaining ownership of the land itself.

A transfer of development rights (TDR) program designates two areas: a sending area and a receiving area. A sending area is a place where development would have negative impacts, perhaps due to the presence of sensitive ecological resources, a historic site, agricultural land, or an area of scenic beauty. Receiving areas are places deemed suitable for development. A TDR program may designate multiple areas of either type. The development rights are usually quantified based on the market value of property in the sending area or on the building density allowed under current zoning in the sending area.

Each TDR program is created to meet the needs of the region. In some, the sending areas are zoned for low-density development, and the landowner has the choice to develop the land himself or to sell the development rights to someone with property in the receiving area. Other programs prohibit all development in the sending area, requiring the landowner to transfer development rights in order to realize any economic gain. Some TDR programs create a bank of development credits to expedite the process for both potential buyers and sellers.

A developer purchases the development rights to increase the allowable density on land in the receiving area. For example, if a developer owned ten acres of land in a receiving area zoned for two residential units per acre, he could build a total of 20 homes. If he wanted to increase the density, he could purchase additional development rights from a landowner who had eight acres of land zoned for one unit per acre. This would allow him to build an additional eight homes on the receiving land. The landowner would receive compensation from the developer and would retain ownership of the undeveloped (and now undevelopable) land.

ADVANTAGES:

Landowners in the sending zone can protect their land while still realizing financial gain. Owners in the receiving zone will realize greater financial gain when enabled to develop at a higher density. Cities can conserve important resources without spending public money and can lower the cost of providing and maintaining infrastructure and services by concentrating development in a more compact area.

DISADVANTAGES:

As of publication of this guide, the State of Texas had not enacted enabling legislation to outline a model TDR program, so a locality wishing to create a program would have to write their own ordinance, which

can be a complex task. Furthermore, TDR programs can be quite difficult and time-consuming to administer. In addition, these programs may face opposition from residents in both the sending and receiving areas because landowners in both areas may fear lowered land values.

USE IT IF:

The local government in your area has the financial and legal resources to create and administer a TDR program.

The local area has places that are more suitable for development than others.

The public realizes the value of protecting the lands in question.

NOT RECOMMENDED WHEN:

The entire area is in need of environmental protection and does not have areas where development can be concentrated.

The local government does not have the power or resources to create, enforce and promote the TDR program.

There is no long-term land-use plan in place.

LIMITED DEVELOPMENT OPTION

OBJECTIVE:

A landowner can mitigate the cost of conserving land by developing a limited portion of a property.

WHO INITIATES IT:

A landowner or developer, possibly in collaboration with a conservation organization.

HOW IT WORKS:

A landowner wishing to conserve a particular piece of land might determine that one portion of it has marginal environmental value or a particularly high commercial value. For example, previous commercial use might have degraded part of the land to a point where restoration would be difficult or costly. This section of land might also have a higher commercial value; for instance, it may be close to a highway. In this situation, a landowner might subdivide the land, and conserve one section and develop the other.

The landowner can manage conservation lands himself, or he can convey the deed to the land to an organization such as a land trust. Likewise, he can choose to develop, then lease or sell the development lands, or he could sell them to another party for development. In any case, deed restrictions or conservation easements can be placed on both parcels to ensure they are used in accordance with the wishes of the landowner initiating the conservation effort.

ADVANTAGES:

A limited development option can defray the costs of conserving land by allowing the landowner to realize some financial return. Because the landowner can control—through deed restrictions or conservation easements—the manner in which the development lands are used, limited development options allow for the creation of a buffer between the conservation land and other land.

DISADVANTAGES:

Some land that might have been conserved is lost to development. Landowners are unlikely to realize the full economic potential of the land.

USE IT IF:

A property has a developable section of land that is of minimal ecological value.

The revenue derived from the development is the only way to make conservation of the remaining land possible.

NOT RECOMMENDED WHEN:

Any development in the area is likely to impact sensitive habitat.

CONSERVATION SUBDIVISIONS

OBJECTIVE:

Conservation subdivision design refers to developments where a significant portion of the “buildable” land area is designated as undivided, permanent open space.

WHO INITIATES IT:

Real estate developers or landowners usually initiate conservation subdivisions. A local jurisdiction can create ordinances to promote conservation subdivisions.

HOW IT WORKS:

Conventional zoning specifies the number of dwellings per acre that can be built in a particular area. Conservation subdivisions group the dwellings together on smaller lots, leaving a significant percentage of the acreage undeveloped. The undeveloped area typically becomes shared open space for use by the development’s residents. The open space can be used to protect natural features, sensitive areas, cultural resources, or to provide for recreational enjoyment. The developer typically passes title or easement for the open space land to a public agency or homeowners association. These developments are often “density neutral,” meaning that the overall number of dwellings allowed is the same as would have been permitted in a conventional layout.

ADVANTAGES:

Conservation subdivisions create open space close to residences without requiring the developer or the local jurisdiction to incur the cost of purchasing additional land. The consolidation of lots means reduced capital costs to the developer because there is less land to clear, and fewer streets, storm sewers, water lines, and sanitary sewers to build. It also provides savings to the local jurisdictions in that the consolidated infrastructure will reduce long-term maintenance costs. Additionally, conservation subdivisions that reduce impervious cover lower the potential for water contamination and downstream flooding.

Another advantage is that attractive developments sell more rapidly and at higher market prices. Many people place a high value on views of and access to permanently protected open space. Studies have shown that local housing markets value a one-acre house lot with adjacent open space as equal to a typical three-to-five acre house lot without adjacent open space. Also, shared open space may have a reduced property tax valuation.

DISADVANTAGES:

If a municipality does not have ordinances enabling conservation subdivisions or planned unit developments, the developer may have to expend considerable time and expense to work with the zoning commission to receive approval of a cluster development plan.

USE IT IF:

The developer sees the value in providing open space for the development’s residents.

A management entity is in place that accepts the long-term responsibilities of managing the open space (typically a local government agency or a homeowners association).

The percentage of land conserved as open space is significant enough to warrant added planning and administrative costs to the local jurisdiction, if any.

NOT RECOMMENDED WHEN:

The percentage of land set aside as open space is insignificant.

The developer proposes to set aside land that is not developable to begin with (i.e. steep slopes, floodplain, etc).

DEED RESTRICTIONS

(Also commonly known as Restrictive Covenants)

OBJECTIVE:

Deed restrictions can be used to conserve natural areas on a piece of property or in a subdivision.

WHO INITIATES IT:

Developers and homeowners' associations. Residents in a subdivision can also enact deed restrictions by petition.

HOW IT WORKS:

Deed restrictions require homebuyers upon purchase of a home to agree to certain terms that place restrictions and limits on certain uses of a property. Homeowners associations commonly use deed restrictions to ensure that specific qualities are retained as long-term characteristics of the community. For instance, a developer could write a deed restriction limiting the amount of a property that can have impervious cover or requiring that a specific section of a property be left in a natural state. Since the deed restrictions are a private agreement, they supplement less-restrictive zoning regulations. Cities that are politically unable to impose certain regulations may offer incentives to developers to include the desired restrictions in the deeds of properties being developed.

Most deed restrictions have a time limitation; for example, "effective for a period of 25 years from this date." After that time, the restrictions become inoperative unless they are extended by majority agreement of the people who then own the property. Before they expire, however, deed restrictions "run with the land," meaning they pass from seller to buyer. A developer may use deed restrictions as a selling point for homes in a subdivision, and homebuyers may rely on their presence to guarantee some stability in the character of a neighborhood and in property values. Homeowners associations are usually responsible for enforcing the deed restrictions by fining property owners that fail to comply. Extreme cases have ended up in court.

ADVANTAGES:

Deed restrictions are very flexible. Purchasers of a property agree to the terms prior to purchase, and enforcement is self-imposed by the members of the community. Deed restrictions may also enhance property values.

DISADVANTAGES:

Deed restrictions are not effective when they are not enforced; however, enforcement can sometimes lead to bad feelings between neighbors. Deed restrictions are not commonly thought of as a conservation tool; they are more frequently used to ensure visual harmony in a subdivision and protect property values. Deed restrictions are legally binding, and homeowners should fully understand the details of the agreement before they purchase the property. Restrictions could also affect the marketability of a property.

USE IT IF:

Restrictions will have a neutral or positive impact on property values.

Local regulations do not effectively protect environmental resources.

NOT RECOMMENDED WHEN:

Homeowners are not likely to recognize the value of restrictions resulting in lack of enforcement.

WILDLIFE PROPERTY TAX VALUATION

OBJECTIVE:

Open space taxation assessments lower a landowner's tax burden, making it possible for landowners to retain their land as open space.

WHO INITIATES IT:

The property owner initiates the tax valuation with the local taxing jurisdiction under the authority of state law.

HOW IT WORKS:

There are several ways property owners in Texas can manage open space land and pay taxes based upon the land's productivity value rather than the full market value of their property. Most landowners are already aware that land primarily used for agriculture or timber has a much lower tax burden than non-agricultural land. It is less widely known, however, that the same part of the tax code — Article VIII, section 1-d-1 — can also lower taxes on land used for two non-agricultural purposes: wildlife management and ecological research by a college or university. A different tool for lowering taxes on open-space land is to place a 10-year deed restriction on the property limiting all uses outside of park, scenic and recreational ones.

Landowners may request a wildlife management designation if their land was appraised as 1-d-1 agricultural land (Timber appraisal is currently excluded from qualifying) in the previous year and if the property is principally used to "propagate a sustaining breeding, migrating, or wintering population of indigenous wild animals for human use, including food, medicine, or recreation." In order to qualify for the wildlife management use appraisal, the land must be actively managed in at least three of the following seven ways:

1. habitat control
2. erosion control
3. predator control
4. providing supplemental supplies of water
5. providing supplemental supplies of food
6. providing shelters
7. making of census counts to determine population.

Printed copies of these guidelines are available from the Comptroller of Public Accounts (1-800-252-9121). Landowners must complete a wildlife management plan and submit it along with a new 1-d-1 Open Space Appraisal Application to the county tax assessor's office before May 1 of the tax year. The county tax assessor's office approves the plans and can provide landowners with a standard application.

The other way non-agricultural land can qualify for 1-d-1 status is if it is used "principally as an ecological laboratory by a public or private college or university." This usage is not widely practiced.

A Recreational, Park and Scenic Land Valuation is a lowered tax valuation based on a voluntary deed restriction on all uses except for park, scenic or recreational uses. To qualify, the parcel must be at least five acres, and the deed restriction must have a term of at least 10 years.

ADVANTAGES:

These assessments significantly decrease the amount of tax owed on a particular property, making various forms of open space preservation economically feasible for landowners. The 1-d-1 valuations do not preclude other uses, such as recreational or other traditional agricultural practices.

Groups of landowners managing their land under 1-d-1 Open Space Appraisal may choose to manage their lands cooperatively for the benefit of wildlife. These wildlife management groups offer one of the most effective and practical means of mitigating the negative effects of habitat fragmentation.

DISADVANTAGES:

Land under all these forms of tax valuations is subject to "rollback" taxes to discourage the development of agricultural land. In addition, since wildlife management is not yet recognized by the Federal Government as an agricultural practice, many related expenses may not be allowed by the Internal Revenue Service.

Some experts feel these lowered tax assessments are not effective in conserving open space lands and that they may, in fact, operate as a sort of short-term subsidy for land speculators.

USE IT IF:

The landowner is committed to an active wildlife management program or operating an ecological laboratory in cooperation with a college or university.

The landowner plans to use the land in this capacity for longer than a five-year period.

NOT RECOMMENDED WHEN:

The ecological laboratory is only a secondary use of the land, or if the landowner is not able to consistently provide the intensity of management necessary to satisfy the qualifying criteria.

SECTION TWO

Use of Land Trusts to Preserve Private Properties

A land trust is a local, state or regional nonprofit organization directly involved in protecting land for its natural, recreational, scenic, historical or productive value. Texas landowners have a variety of options available to them which can preserve and protect the special qualities of their property. The land trust organizations in this directory work with landowners to help them meet their long-term land use objectives. These organizations may be willing to purchase land or accept donated properties and easements for conservation purposes. These tools can be tailored to meet the specific needs of the property owner.

Land trusts have varying conservation objectives. Some work in specific geographic areas, or concentrate on protecting different natural or cultural features; many provide technical assistance and educational programming about land conservation. Also listed in this directory are organizations in Texas that advise property owners on their land conservation options, but do not accept land donations or manage conservation easement agreements.

Land trusts are a creative answer to today's land conservation challenges. They offer a flexible, cooperative and effective approach to land conservation. Land trusts are the fastest growing conservation movement today, with new land trusts forming at an average rate of more than one per week. America's 1,200 plus land trusts protect millions of acres of farms, ranches, wetlands, wildlife habitat, urban parks, forests, watersheds, coastlines and river corridors. © *Copyright Texas Parks & Wildlife Department*

Land Trusts in Central Texas

1. **American Farmland Trust**

1 Short Street, Suite 2
North Hampton, MA 01060
(413) 586-4593
or (800) 370-4879
Texas Land Trust Council Member
<http://www.farmland.org>

Contact: Bob Wagner, Director of Filed Programs,
Texas Field Office, 413-586-4593
bwagner@farmland.org

In Texas, AFT advocates for local and state policy and conducts research that will provide new conservation options for Texas landowners.

2. **Archaeological Conservancy**

5301 Central Avenue, NE, Suite 902
Albuquerque, NM 87108
(505) 266-1540

<http://www.americanarchaeology.org>

Contact James Walker, SW Regional Director
tacsw@nm.net

AC acquires, preserves and manages important archaeological sites.

3. **Audubon Texas**

901 S. Mopac, Suite 410
Austin, TX 78746
(512) 306-0225

<http://www.tx.audubon.org/>

Contact Anne Brown, Deputy Director
abrown@audubon.org

TAS is dedicated to the conservation of birds and other wildlife, protecting habitat and natural diversity and providing environmental education, and appreciation activities throughout the state.

4. **Bat Conservation International**

P.O. Box 162603
Austin, TX 78716
(512) 327-9721

<http://www.batcon.org>

Contact Emily Young, Director of Development
eyoung@batcon.org

BCI protects bats and their habitats in Texas and around the world.

5. **Bexar Land Trust**

P.O. Box 15677
San Antonio, TX 78212
(210) 222-8430

<http://www.bexarlandtrust.org>

Contact Julie Koppenheffer, Executive Director
Julie@bexarlandtrust.org

BLT acquires, preserves and protects lands, including open space in the Bexar County region for conservation of natural areas, scenic areas, existing and potential recreation areas, and other natural, cultural and historic resources for the health, education and enjoyment of present and future generations.

6. **Brazos Valley Land Conservancy**

P.O. Box 9603
College Station, TX 77842
(979) 764-3844

Contact Kristan Weaver,
kweaver@cstx.gov

The BVLC identifies and conserves lands with natural, cultural, agricultural or recreational importance.

7. **Cibolo Conservancy**

25 Spring Creek Rd.
Boerne, TX 78006
(210) 699-9290

Contact Brent Evans, Executive Director
brentevans@cibolo.org

CC conserves and enhances the natural, cultural, and aesthetic resources of the Cibolo Creek Watershed and surrounding areas.

8. **Conservation Fund**

101 W. 6th Street, Suite 601
Austin, TX 78701
(512) 477-1712

<http://www.conservationfund.org>

Contact Andy Jones, Director, Texas Office
tcftexas@aol.com

The Conservation Fund seeks to sustain conservation solutions for the 21st century, emphasizing the integration of economic and environmental goals to conserve land and water.

9. **Cradle of Texas Conservancy**

121 Hickory
Lake Jackson, TX 77566
(979) 238-5001

Contact Darrell Schwebel, President of the Board
dhschwebel@dow.com

CTC promotes outdoor recreation for Brazoria County by helping to acquire sites, donations, grants, and information needed to build public parks and facilities.

10. **Ducks Unlimited**

1620 FM 2218
Richmond, TX 77469
(832) 595-0663

<http://www.ducks.org>

Contact Ed Ritter, State Director
eritter@ducks.org

Ducks Unlimited ensures wetland restoration, and its enhancement and protection.

11. **Guadalupe-Blanco River Trust**

P.O. Box 709
Seguin, TX 78156
(830) 372-5077

<http://www.gbrtrust.org>

Contact Todd Votteler, Executive Director
tvotteler@gbra.org

GBRT promotes and encourages the conservation, stewardship, and enjoyment of the land and water resources of the Guadalupe River Basin, while maintaining its unique and irreplaceable natural heritage.

12. **Gulf Coast Bird Observatory**

103 W. Hwy 332
Lake Jackson, TX 77566
(979) 480-0999
<http://www.gcbo.org>

Contact Cecilia Riley, Executive Director
criley@gcbo.org

GCBO studies and works to conserve the birds and their habitats in and around the Gulf of Mexico.

13. **Hill Country Conservancy**

P.O. Box 163125
Austin, TX 78716-3125
(512) 328-2481
<http://www.hillcountryconservancy.org>

Contact George Cofer, Executive Director
george@hillcountryconservancy.org

HCC works to ensure a healthy environment and economy in the Barton Springs Edwards Aquifer region by preserving open space and the rural heritage of the Texas Hill Country for generations to come.

14. **Hill Country Land Trust**

P.O. Box 1724
Fredericksburg, TX 78624
(830) 997-0027

Contact Bart English, President
landtrust@fbg.net

HCLT is dedicated to the preservation of ranch and farm land, wildlife habitat, and watersheds, thus conserving traditional agriculture and open space for the benefit of present and future generations.

15. **Humane Society of the United States Wildlife Land Trust**

2100 L. Street NW
Washington, DC 20037
(301) 548-7735
<http://www.hsus.org>

Contact Steve Swartz'
sswartz@hsus.org

The Humane Society seeks to protect wild animals by preserving their natural habitats and by providing them true sanctuary within those habitats.

16. **National Wild Turkey Federation**

P.O. Box 530

Edgefield, SC 29824
(803) 637-3106
<http://www.nwtf.org>

Contact Joel Pedersen,
jpetersen@nwtf.net

The NWTF is dedicated to the conservation of the wild turkey and the preservation of the hunting tradition.

17. **Native Prairies Association of Texas**

1157 C.R. 2001
Glen Rose, TX 76043
(254) 897-3646
<http://www.texasprairie.org>

Contact John Picket, President
jpgick@charter.net

The mission of NPAT is to educate Texans about the value of prairies, encourage good management of and restoration of prairies, and, as a land trust, to be a good stewards of the land.

18. **Natural Area Preservation Association**

P.O. Box 162481
Austin, TX 78716
(512) 804-1981
or (972) 234-5768
<http://www.napa-texas.org>

Contact David Bezanson, Executive Director
napa@texas.net

NAPA aims to preserve and conserve wildlife and native ecosystems.

19. **Nature Conservancy of Texas (Headquarters)**

P.O. Box 1440
San Antonio, TX 78925
(210) 224-8774
Fax: (210) 228-9805
<http://www.nature.org>

Contact: Carter Smith - State Director

Email: carter_smith@tnc.org

or Gary Amaon - Central Texas Program Manager

NCT works to preserve the plants, animals, and natural communities that represent the diversity of life on Earth by protecting the land and waters they need to survive.

20. **Pines and Prairies Land Trust**

P.O. Box 1526
Bastrop, TX 78602
(512) 308-1911
<http://www.pinesandprairieslandtrust.org>

Contact Tom Dureka, Executive Director
tdureka@juno.com

PPLT works to protect significant open space and natural, historic, and cultural resources, and to preserve the quality of life for current and future generations, through educational programs and through owning and protecting easements and land.

21. **Texas Cave Conservancy**

1800 West Park
Cedar Creek, TX 78613
(512) 249-2283

Contact Mike Walsh, Executive Director

TCC works to conserve and/or manage all lands with caves, karst, or recharge features within Texas.

22. **Texas Cave Management Association**

P.O. Box 202853
Austin, TX 78720
(210) 699-1388
or (512) 832-1965
<http://www.tcmacaves.org>

Contact Linda Palit, President
lpali009@neisd.net

TCMA works to preserve Texas caves and cave resources through purchase, conservation easements or other means; promote cave conservation and study; and support educational and scientific programs for the resource.

23. **Texas Land Trust Council**

P.O. Box 26801
Austin, TX 78731-6801
(512) 389-4779
or (512) 389-4961
<http://www.tpwd.state.tx.us/conservetlrc/>

Contact Carolyn Vogel, Coordinator
Carolyn.vogel@tpwd.state.tx.us

Promotes and sustains the conservation efforts of Texas land trusts.

24. **Texas Ornithological Society**

111 Welch Street, Apt. B
Houston, TX 77006
(713) 743-0590
<http://www.texasbirds.org>

Contact David Sarkozi, President
david@sarkozi.net

Conserves, studies and observes birds in Texas.

25. **Texas Parks and Recreation Foundation**

2100 E. Campbell Rd., Ste. 100

Richardson, TX 75082
(972) 744-4595

Contact Al Johnson, Treasurer
Al.Johnson@cor.gov

Takes temporary ownership of real property that is planned for parks or open space use while the future owners arrange grants, governing board approval or other necessary business matters.

26. **Texas Parks and Wildlife Foundation**

P.O. Box 191207
Dallas, TX 75219
(214) 720-1478
<http://www.tpwf.org>

Contact Dick Davis, Executive Director
elaird@tpwf.org

Takes temporary ownership of real property that is planned for parks or open space use while the future owners arrange grants, governing board approval or other necessary business matters.

27. **Trust for Public Land (Austin)**

816 Congress Avenue, Suite 1515
Austin, TX 78701
(512) 478-4644
<http://www.tpl.org>

Contact Anjali Kaul, Associate State Director
Anjali.kaul@tpl.org

The TPL conserves land for people to improve the quality of life in our communities and to protect our natural and historic resources for future generations.

28. **Westcave Preserve**

24814 Hamilton Pool Road
Round Mountain, TX 78662
(830) 825-3442
<http://www.westcave.org>

Contact John Ahrns, Manager
Robert@westcave.org

Westcave works on conservation and environmental education.

29. **Wetland Habitat Alliance of Texas**

118 E. Hospital, Suite 208
Nacogdoches, TX 75961
(936) 569-9428
<http://www.whatduck.org>

Contact Eric Frasier, Executive Director
efrasier@whatduck.org

The Wetland Habitat is dedicated to the preservation, reclamation, and enhancement of wetland habitat in the state of Texas in a manner that promotes the wise use of our natural resources and progress of our society.

30. **Wimberley Valley Watershed Association**

P.O. Box 2534
Wimberley, TX 78676
(512) 847-1582
<http://www.visitwimberley.org/water/>

Contact David Baker, Executive Director
jawell@aol.com

WVWA's mission is to protect water resources and promote sustainable watershed management through community education and action.

Organizational Resources:

- 1 Land Trust Alliance, www.lta.org
2. Texas Land Trust Council, www.tpwd.state.tx.us/conserve/tltc
3. Bureau of Land Management, www.blm.gov/nhp/index.htm
4. The Nature Conservancy, www.nature.org
5. The Conservation Fund, www.conservationfund.org

SECTION 3

Sustainable Agriculture as a Preservation Method

Farms and ranches do more than add beauty to the Texas landscape. They add jobs, generate tax revenues to support state and local infrastructure, sustain habitat for wildlife populations, act as groundwater recharge zones and filterstrips for waterways. Nationwide, agricultural lands are being broken up and converted to urban uses, but nowhere faster than in Texas¹. The Blackland Prairie cities of Austin and College Station, and the Rio Grande cities of Brownsville and McAllen have experienced triple digit population increases. Collin County, north of Dallas, and Williamson County, north of Austin, are ranked among the 50 most rapidly growing counties in the U.S². Yet, agricultural land is a bargain for the tax rolls. Unlike much of the development replacing them, agricultural land uses only 37 cents in services for every dollar paid in taxes. Sprawling subdivisions by contrast will require \$1.37 in services for every dollar paid in taxes³.

The five counties making up the Envision Central Texas region are all in the top ten percent of counties in the state with the most land fragmentation. Key strategies to preserve our farms and ranches in Central Texas are developing growth with agriculture as a key industrial component and encourage the development markets for local farmers and ranchers, thus increasing their incomes. Agriculture is a viable economic resource. As an example; Texas is the US leader in the production of beef. With a state herd of over 15 million head, the cattle industry generates over 6.5 billion dollars annually into the Texas economy⁴. Texas farms and ranches are businesses that hold economic capability to expand job growth, increase sales and tax revenue and improve quality of life for both the farmers and ranchers and for all the other citizens in their respective communities.

Additionally, if we are to reshape our views of agricultural land as an asset to communities, then we must work toward a different economic structure for food development and distribution. In many ways this new perception is timely. Locally grown and sold produce is both healthier and more secure. Organic agriculture is one of the fastest growing segments of agriculture in the United States of America. The demand for produce grown without toxic chemicals has increased to the extent that many supermarkets

now carry certified organic produce. Growth in this market has increased over 130 percent since 1999, and does not show any signs of slowing⁵. When organic agriculture is coupled with local growers, it can offer a significant increase in income for local growers, increased sales revenues and taxes for local communities, and healthier, tastier food for consumers without added costs.

This increase in revenue for farmers and ranchers can represent the difference in staying on the land and selling the same land to developers. Encouraging organic or natural agriculture on a local or regional level is another means of encouraging open spaces. By encouraging farmers and ranchers to “value add” to their produce, family incomes increase and ancillary industries (processing, packaging, service jobs, sales and marketing, research, web development, etc.) can be created around the local agriculture market.

Footnotes:

¹ Texas Parks and Wildlife Department, Land and Water Resources Conservation Plan, (Austin, October 2002).

² Ibid.

³ John L. Crompton, The Impact of Parks and Open Space on Property Values and the Property Tax Base (Ashburn, VA.: National Recreation & Park Association, 2000), pp. 75-77.

⁴ National Cattlemen’s Beef Association, Economic Importance of Texas Beef Production, 2005 economic statistics.

⁵ United States Department of Agriculture, Recent Growth Patterns in the U.S. Organic Foods Market, Carolyn Dimitri and Catherine Green, Agriculture Information Bulletin (AIB777), September 2002.

Ideas for Encouragement of Local Agriculture Industry and Markets

1. Food to Schools
2. Farmers Markets
3. Farmer/Rancher Cooperatives
4. Community and School Gardens
5. Identification of niche markets for “value added” produce
6. Specialty crops (designer fruits and vegetables, organic flowers, etc.)
7. Agriculture use tax exemptions
8. Wildlife tax exemptions.
9. Development planning with agriculture in mind.

Organizational Resources:

1. Texas Organic Farmers and Gardeners Association, www.tofga.org
2. National Sustainable Agriculture Information Service USDA, <http://attra.ncat.gov>
3. U.S. Department of Agriculture, Rural Development, www.rurdev.usda.gov
4. Organic Kitchen, www.organickitchen.com
5. American Farmland Trust, www.farmland.org
6. Sustainable Agriculture Research and Education, www.sare.org
7. Prairie View A&M Agricultural Extension, <http://sustainable.tamu.edu>

SECTION FOUR

Additional Resources

Conservation Funding for Public Lands

Federal

1. Section 6, U.S. Fish and Wildlife Service – Endangered Species Act
2. Land and Water Conservation Funds
3. Forest Legacy Program – Pending Texas entry into Program
4. Farm and Ranchland Protection Program, USDA – Natural Resources

Conservation Services

5. Transportation Enhancements
6. Department of Interior

State

1. Land and Water Conservation Funds
2. Regional Park Grants
3. Local Park Grants
4. State Bond Funds

Local

1. General Obligation Bonds
2. Certificates of Obligation

Organizational Resources:

1. Trust for Public Land, www.tpl.org
2. U.S. Fish and Wildlife, www.fws.org
Endangered Species Program, www.endangered.fws.org
3. National Wetlands Inventory, www.nwi.fws.org
4. National Fish and Wildlife Foundation, www.nfwf.org
5. U.S. Department of Agriculture, www.usda.gov
6. USDA Forest Service, www.fs.fed.us
7. National Park Service, www.nps.gov
8. Bureau of Land Management, www.blm.gov
9. Texas Parks and Wildlife Department, www.tpwd.state.tx.us
10. Wild Texas, www.wildtexas.com