

Texas Farm Bureau

To whom do you trust your land?

Preserving rural Texas through conservation easements...

By Amanda Hill
Assistant Editor

The Lone Star State is famous for its wide open spaces. Generations of Texans have cared for, cultivated and protected millions of acres of rural Texas land with a strong sense of pride.

Rural living is part of Texas' charm. In fact, 84 percent of the state is made up of privately-owned farms, ranches and forests that are home to crops, livestock, wildlife and other natural resources.

Yet in recent years, that way of life has been challenged. According to a study by Texas A&M University, 2.1 million acres of Texas farms, ranches and forest land were lost to development between 1997 and 2007. Fragmentation has threatened Texas' sweeping pastures and fields as land is sold and divided into smaller lots for homes and businesses. Not only are Texas landowners surrendering to developers, but the state also is losing vital conservation land, leading to decline of wildlife habitat and water quality from erosion and runoff.

In order to preserve these rural lands, a group of leaders from Texas agricultural organizations collaborated to form the Texas Agricultural Land Trust (TALT) in December 2006. For nearly five years, TALT has worked with Texas landowners to draft conservation easements, which ensure the land is preserved for agricultural and conservation purposes into perpetuity.

"We're about keeping people and families on the land," said TALT

Executive Director Blair Calvert Fitzsimons. "This is just as much about keeping people on the land as it is protecting that land and keeping it big and full and open. We really focus on trying to help families protect, serve and pass down those lands that they cherish and want to keep in the family."

A conservation easement is an agreement between a landowner and a qualified land trust, conservation group or government agency to protect the land from development and preserve it for agricultural and conservation purposes.

The landowner and the easement holder work together to draft a mutually agreed upon document that outlines what activities will be permitted under the conservation easement. The landowner retains the right to exclude public access, manage the land and to sell or lease the property. The landowner also retains all rights not specifically prohibited or limited by the conservation easement agreement.

"We start to shape a document that becomes the conservation easement that reflects [the landowner's] wishes and goals for their farm or ranch. It's very much a negotiated process," Fitzsimons said. "The land trust is charged with ensuring that the easement donor's wishes are upheld into perpetuity."

After agreeing upon a conservation easement, the landowner then either donates or sells the easement and may use the value of the easement as a tax deduction. Particularly when facing looming estate taxes, the conservation easement is one way a rural family can reduce the value of their land in order to minimize taxes that might otherwise threaten their family's livelihood. Most conservation easement values typically range from 35-65 percent of the property's total market value.

"The benefit of a conservation easement to a landowner is that it can help reduce the value of the land,

which makes it easier to transfer it to the next generation, as well as protect and conserve agricultural land that person may want to see continue on into perpetuity," she said.

However, Fitzsimons urged landowners to carefully consider if a conservation easement is the right long-term choice for their operations. "Don't do it just for tax reasons.

Do it because you love the land and you can't stand to see that land cut up or lost to development fragmentation forever," Fitzsimons said. "The tax considerations are nice, but they shouldn't be the only reason someone does this."

Conservation easements are permanent legal documents and trade the landowners' ability to develop or sell the land for commercial use in the future. Therefore, landowners are strongly encouraged to seek experienced legal counsel before entering into the conservation easement process.

TALT is one of nearly 50 land trusts in Texas, but it is the only trust that specifically focuses on preserving agricultural land. To date, TALT has helped to preserve more than 98,000 acres of rural Texas.

"The big difference in the Texas Agricultural Land Trust and other trusts is that we do not get involved in management. We figure that the landowner knows best how to manage his or her own farm or ranch," Fitzsimons said.

For more information about conservation easements in Texas, visit www.texaslandtrustcouncil.org. Additional information about the conservation easement process, particularly for agricultural producers, can be found on TALT's website at www.txaglandtrust.org.

"In agriculture, the way we realize value from our stewardship of the land typically is when we sell crops or when we sell cattle," Fitzsimons said. "This gives landowners another way to realize value for taking care of their land."



Nature's water filter – land – is disappearing

As the population increases so does the demand for water. Our reliance on water for agriculture and household use has been very prevalent during the severe drought across the state this year.

Texas has more than 191,000 miles of rivers and almost 2 million acres of lakes. The state's rangelands play an important role in the quality of the water we depend on.

Rangelands, grasslands, shrub lands, marshes, deserts and woodlands account for about 60 percent of Texas' land. These rangelands support livestock production as well as habitat for native wildlife, but most importantly they serve as the state's watershed.

Most of Texas' water supply comes from captured surface sources such as lakes and ponds or is pumped from underground aquifers, both are dependent on precipitation that falls on rangeland so that



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recharging can take place. These areas have an impact on the quantity and quality of water on which we depend.

It is estimated that in an average year:

- about 42 percent of rainfall evaporates into the atmosphere,
- 47 percent is lost through plant transpiration,
- 1 percent recharges the aquifers, and
- 10 percent runs downstream.

Rangeland influences the amount of water that evaporates, infiltrates and runs off. Researchers have found that with 60 percent ground cover,

runoff can be kept to 5 percent, thus protecting water quality. Ground vegetation filters sediment particles in which pesticides, nutrients and other pollutants bind to, therefore increasing water quality.

As human populations grow so do the number of homes and roads to reach them, reducing the amount of land available to absorb precious rainfall and limiting nature's filtering system and avenues to recharge our aquifers. Fortunately, because of the efforts of our forefathers, there are millions of acres of rangeland protected from development and misuse. But is it really enough to sustain us with the quality of life we've become accustomed to — or will we need to act soon to save our precious resources?

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