



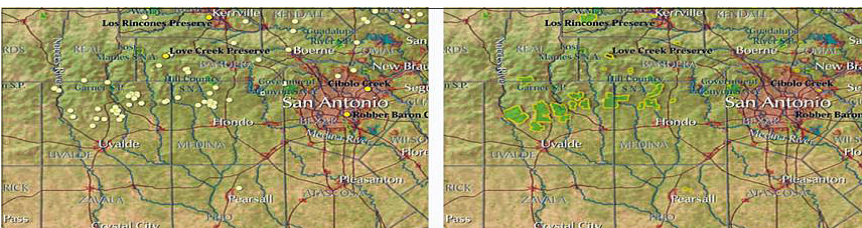
LAND CONSERVATION TRUSTS

by Bernadell Larson, HCMG

I recently had the opportunity to attend a meeting for a Texas land conservation trust organization at a property just east of Johnson City. The 400+ acre property was at the confluence of the Pedernales River and Grape Creek, and it is one of the prettiest places in Texas I have seen. It is one of three contiguous properties, comprising 970 acres on the Pedernales River that will forever remain undeveloped, because the owners have chosen to establish a conservation easement. This conservation easement ensures that it will not be subdivided and no resorts will be developed. This owner exempted two 5 acre tracts for residential housing from the conservation easement, but their family will still have recreational use of the entire 400+ acres.

Conservation easements are not new, but they are gaining momentum as people want to preserve the wide open spaces, the family ranching operations, wildlife habitats, being able to see the stars at night, and all those other things that we love about our Texas lands. Texas currently loses over 200,000 acres of open land every year to the pressures of development and our population is expected to increase 70% by 2040. A current conservation landowner in Gillespie County recently observed that his land and those of his neighbors is approaching 2,000 acres in Gillespie County alone and predicts it will become the “equivalent to Central Park in Texas” as the central Texas urban corridor expands.

A conservation easement is a legal agreement between the property owner, and a qualified conservation organization (often a “land trust”) or public agency. In this type of legal agreement, the owner voluntarily agrees to restrict the type and amount of development that may take place on his/her property. The property owner is really donating the development rights to their land, while retaining ownership. A conservation easement is a way to protect property that has a conservation value while keeping the property in its natural and undeveloped state and allowing the owner to maintain ownership of the property. The owner also keeps the right to use the property for economic gain or recreation and the right to sell or deed the property to another. A donation of a conservation easement may also reduce estate, federal income, and property taxes. There is no minimum or maximum amount of land that can have a conservation easement. One of the prominent land trust organizations owns the easement on 1.2 acres of riparian land.



Left figure shows the conservation lands west of San Antonio. Each dot represents one parcel of conserved land. Right figure shows conserved acreage with the potential to connect the parcels into a linked network.

There is an evaluation process that occurs before a conservation organization agrees to accept title to an owner’s conservation easement. This process includes a complete baseline documentation report (BDR) on the current state of what is to be conserved

and is used in annual site visits that the organization conducts to ensure the property’s state is still consistent with the BDR. The property owner can exempt some land from the easement or make some changes as long as it is consistent with the conservation easement intent. As an example, if the intent is to keep the land functioning as a dairy farm, the owner can build a new milking barn.

If you would like more information on conservation easements, contact a land conservation trust organization that is a recognized non-profit. However, not all organizations are equal. There are standards, and the industry has developed a certification process. As of November, 2010, there was only one organization in Texas that has received certification. It is anticipated that more land trusts will seek certification.



Left, conserved 970 acres of Sandyland Ranch on the Pedernales River

Right, Elam Creek Ranch, Bandera County



All photos courtesy of Texas Land Conservancy