



CONSERVATION EASEMENTS

A Guide for Texas Landowners

want more information?

Landowners interested in learning more about conservation easements have several additional resources to assist them.

1. Land Trust organizations in Texas can answer questions about conservation easements and talk with you about the potential of placing a conservation easement on your land. A list of TLTC member land trusts, including contact names with emails and phone numbers, can be found on the Land Trust Directory located on the Texas Land Trust Council's website.
2. The Texas Land Trust Council publishes this guide and can answer questions and offer additional resources for those interested in learning more about conservation easements, including help finding the best land trust partners to talk to. Our contact information is below.
3. The Texas Land Trust Council also hosts the annual Texas Land Conservation Conference for landowners, land trusts, and a variety of public agency and private sector professionals involved in land conservation efforts statewide. Visit texaslandconservationconference.org for more information.
4. Landowners should discuss the potential advantages and disadvantages of conservation easements with their own legal and tax advisors. The Texas Land Trust Council can also help you locate professionals in your area who are well versed in conservation easement law and estate planning implications. Visit our Partners page on the Texas Land Trust Council website to learn more.



**TEXAS
LAND TRUST
COUNCIL**

(512) 994-TLTC (8582)
info@texaslandtrustcouncil.org
texaslandtrustcouncil.org

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Many thanks to all of the contributors who donated their time and expertise to help produce this guide. A special thanks to the landowners profiled, for sharing their personal stories of conservation. We would also like to acknowledge our land trust members for sharing the narratives and photographs featured in this book, and to Mark Clune for our beautiful cover photo.

Legal consultation on this guide has been provided by Stephen J. Small, A. Ryland Howard, David Braun, Burgess Jackson, Jerry Webberman, Susan Armstrong, Allison Elder, Elisa Donovan, and Jim Bradbury.

For additional copies of
Conservation Easements: A Guide for Texas Landowners, please contact:
Texas Land Trust Council
(512) 994-TLTC (8582)
info@texaslandtrustcouncil.org



Because of its size and unique geography, Texas enjoys a rich and diverse natural heritage. From the mountains in the west, to the bottomlands and bayous in the east, from the high plains in the north, to the brush country down south, these lands make up the special fabric of our state.

But the Texas landscape is changing. Today, around 85% of all Texans live in urban areas, and as Texas cities grow, they are steadily displacing natural habitats, productive agricultural lands, and scenic open spaces.

Private landowners own and manage more than 95% of the state's land. One of the most significant factors affecting the rural Texas' countryside is the continued breakup, or fragmentation, of family-owned property. Family-owned farms, ranches and recreational lands are impacted by changing economics and the increasing tax burden of owning property. Passing on a family farm or ranch to the next generation is a time-honored tradition. For many Texas landowners, their property is much more than a financial asset; it is part of their family history, their community, and their state's natural and cultural heritage.

This guidebook is intended to help Texas landowners understand one of the most flexible and effective tools available to conserve and protect private property – the conservation

easement. A conservation easement is a voluntary legal agreement that ensures a property will be conserved and maintained for some specified conservation purpose, determined by the landowner, for generations to come.

Every conservation easement is individually crafted and reflects the special conservation values of the land protected, as well as the needs and desires of the landowner for continued management and stewardship. Conservation easements can assist landowners who wish to permanently protect their farm or ranch land, wildlife habitat, open space, water resources, scenic views, historic buildings, or archaeological sites. Some conservation easements may be purchased, while others may qualify the landowner for significant tax benefits. Each agreement is tailored to meet a landowner's specific needs, whether they own 10,000 acres in West Texas or 100 acres in the Texas Hill Country.

This guidebook profiles thirteen landowners, each of whom has used a conservation easement to protect some portion of their land. These profiles illustrate how conservation easements can help people to conserve their privately held lands for agricultural production, wildlife habitat protection, open space, and water quality protection...now, and for the benefit of future generations.

A conservation easement is a written, legal agreement between a property owner and a “holder” of the conservation easement, under which a landowner voluntarily restricts certain uses of the property in order to protect its natural, productive or cultural features. The holder of the conservation easement must be a governmental entity or a qualified conservation organization (land trust). The landowner conveys the easement to the holder similar to the conveyance of a deed, and the easement is recorded in land and title records at the county courthouse. The landowner retains legal title to the property and determines the types of land uses to continue, as well as those to restrict.

As part of the arrangement, the landowner grants the holder of the conservation easement the right to periodically assess the condition of the property to ensure that it is being maintained according to the terms of the legal agreement. A landowner who grants a conservation easement retains ownership of the land, while agreeing to abide by the terms of the conservation easement. Once in place, the conservation easement is legally binding on all future owners of the land.

Many rights come with owning property, including the rights to manage resources, change use, develop

minerals, subdivide, or develop. With a conservation easement, a landowner limits one or more of these rights. For example, a landowner donating a conservation easement could choose to limit the right to develop or subdivide a property, but keep the rights to build a house in a certain location, hunt on the land, raise cattle or other livestock, or grow crops. The landowner continues to use the property in keeping with the conservation values set forth in the easement.

Conservation easements are recognized for legal and tax purposes by the State of Texas (Chapter 183, Texas Natural Resources Code) and the Internal Revenue Service (Internal Revenue Code, Section 170(h)). This guidebook seeks to answer general questions that a landowner might have about conservation easements.

Why Use a Conservation Easement?

Conservation easements allow people to protect the land they love. Landowners interested in conservation generally have the desire to protect the natural or productive qualities of their land. The landowner may be interested in conserving special features such as fertile soil, mature forest, wildlife habitat, or a part of history – even after his or her ownership comes to an end.

Along with conservation, landowners may also be concerned about maintaining their property's economic viability and productivity. The economics associated with land ownership are complex, and Texas landowners must also contend with the increasing tax burden associated with property ownership. Various financial incentives to sell or develop are all economic factors that affect land use decisions.

Conservation easements enable landowners to conserve their land for their children and for future generations, while maintaining private ownership and use of their property. Landowners can sell or bequeath property that is encumbered by a conservation easement. In Texas, conservation easements are generally held by nonprofit conservation organizations, commonly known as "land trusts". Conservation easements can be either purchased or donated. If donated, a

conservation easement can potentially yield significant tax benefits, which are discussed later in this guidebook.

Texas' landscape and its people are incredibly diverse. Because every landowner and every property is unique, each conservation easement agreement is uniquely tailored and designed to meet the site-specific goals of the individual landowner and the conservation easement holder. However, they may not be appropriate for every situation. Conservation easements are permanent, legally-binding agreements that will encumber the property in perpetuity. Landowners considering a conservation easement should consult with family members, professional tax and legal advisors, and a representative of the prospective conservation easement holder (land trust) to determine whether this tool is the right one to accomplish one's long-term conservation, estate planning, and economic goals.

**CONSERVATION
EASEMENTS ALLOW
PEOPLE TO PROTECT THE
LAND THEY LOVE.**

Does every conservation easement qualify for an income tax deduction?

No. To qualify as a charitable contribution, conservation easement donations must:

- Be perpetual, meaning continuing forever;
- Be donated to a qualified organization (a land trust or governmental entity)
- Be donated exclusively for recognized “conservation purposes,” as set out in the Internal Revenue Code; and
- Meet other Internal Revenue Service Code requirements.

Does every conservation easement have to be perpetual?

For the donation to qualify for certain tax benefits, the conservation easement must be perpetual and legally binding on all future landowners. Some organizations, however, may be willing to purchase or otherwise accept conservation easements or deed restrictions that are designed for a set period of years, although this is rare. Some programs may pay landowners for limited-term conservation easements on lands that provide significant habitat for birds and other wildlife, or maintain lands in a desired type of vegetation. However, these limited term conservation easements do not qualify for federal tax benefits.

Can conservation easements be purchased?

Yes, conservation easements can be purchased, though funding to do so is limited. There are a handful of federal, state and local funding sources that can be utilized for this purpose. If funding is available to purchase an easement, often the amount available is less than the full value of the conservation easement. In such cases, the transaction may qualify as a “bargain sale” that may result in a potential tax benefit to the landowner. The amount of the benefit (tax deduction) generally will be the full, appraised value of the conservation easement, less the amount paid to the landowner. Conservation easements are valued by independent, qualified and licensed appraisers.

In 2005, the Texas Legislature established the Texas Farm & Ranch Lands Conservation Program. This program is intended to facilitate the purchase of conservation easements on eligible farm, ranch and timber properties, as funds are available. Some Texas cities and counties have also approved local funding programs to purchase conservation easements on private land for a variety of conservation purposes, such as water quality or endangered species habitat. At the federal level, the United States Department of Agriculture Natural Resources Conservation Service (USDA-NRCS) has several conservation easement programs through which the agency provides some portion



of funding to local governments or land trusts to secure conservation easements on farms, ranches, wetlands, and other important agricultural and natural resource lands. In addition, some private philanthropic funds may be available. Interested landowners can contact the Texas Land Trust Council or their local land trust regarding the funding status of these various programs, and which may be available to them.

What are the “conservation purposes” recognized by the Internal Revenue Code?

The Internal Revenue Service Code Section 170(h) requires that conservation easement donations meet one or more of the following conservation purposes:

- Preserves land for public outdoor recreation or education;
- Protects relatively natural habitats of fish, wildlife or plants or similar ecosystems;
- Preserves open space – including farms, ranches, pasture land or forests – either for public scenic enjoyment or in keeping with a clearly delineated federal, state, or local governmental policy; or
- Preserves historically important land or certified historic structures.

A conservation easement seeking to qualify for federal tax benefits must meet at least one, but not necessarily all, of these recognized purposes. The conservation purpose of most

conservation easement donations in Texas is derived from the protection of open space or wildlife habitat.

Can a conservation easement protecting open space within a real estate development qualify for an income tax deduction?

In some cases, the donation of a conservation easement as part of a development can qualify for certain tax benefits. The developer is encouraged to begin conservation planning as early in the development process as possible in order to preserve the voluntary or charitable aspects of donating a conservation easement and the resulting charitable tax deductions. If a donation of a conservation easement is made in exchange for a benefit that the landowner receives, the amount of the charitable donation (and resulting tax benefit) will be reduced by the value of the benefit- or may be negated entirely- depending on the nature of the benefit.

No tax deduction would be allowed if the donation is made under compulsion (e.g. required mitigation or required under local development regulations).

Does a conservation easement grant the public the right to access to my property?

No. Landowners retain control of access to their property. They may choose to allow some level of access in their conservation easement agreement, but are not required to do so.

Can I still sell my property?

Yes. Property with a conservation easement can be bought, sold and inherited. However, once the conservation easement is in place, it remains tied to the land and binds all present and future owners to its terms and restrictions.

What will a conservation easement mean for my children?

Once in place, future landowners, including family members, must abide by the terms of the conservation easement agreement and will continue the relationship with the organization that “holds” the conservation easement. Families should consider the trade-offs between immediate and long term tax or income benefits resulting from donating or selling a conservation easement and placing permanent restrictions on land use. Professional assistance from an experienced attorney and tax advisor is recommended for families considering placing a conservation easement on their land.

What if the property is owned by more than one person?

All owners or partial owners of a property must agree to the terms of the conservation easement before it can be legally granted.

Can I still build on my property?

Yes, according to the terms set forth in the conservation agreement. In most cases, the landowner retains specified development rights in a conservation

easement agreement. The areas reserved for development are generally limited in scope, in order to adequately preserve the conservation values set forth in the easement. For example, a conservation easement may have a designated building envelope to allow for limited potential future development, including additional residences and other structures compatible with agricultural operations, such as barns or stables. The building restrictions set forth in the conservation easement will remain binding on future landowners as well.

What if my property is mortgaged?

If land is encumbered by a deed of trust, mortgage or other lien, the lien must be subordinated to the terms of the conservation easement so that the conservation easement will remain in perpetuity. Subordination of liens is required in order for the donation of the conservation easement to qualify for federal tax benefit. Under a subordination agreement, the lienholder agrees to follow the terms of the conservation easement in the event of foreclosure.

What if I don't own the mineral rights to my property?

This is a complicated issue that should be discussed with professional advisors. However, a landowner who does not own the mineral rights to his or her property may still qualify for income or tax benefits if:

- The owners of the mineral rights limit or waive their right to utilize the surface of the land to develop the minerals or significantly restrict surface use through an agreement; or
- The owner proves that the probability of surface mining occurring on the property is “so remote as to be negligible.” Such proof may require a report from a qualified geologist based on an evaluation of the potential for mineral development on the land.

Is mineral development or extraction possible with a conservation easement?

This is also a complicated issue, but the short answer is yes, with the exception of surface mining. Oil and gas development and other below surface extraction can be compatible with a conservation easement agreement. The landowner would work with the easement holder to determine whether this is an allowable use, and to develop and execute surface use agreements or other requirements defining the conditions and methods of drilling as well as the restoration of the surface after resource extraction, in order to preserve the conservation values on the land. Surface mining is prohibited.

Where are conservation easements recorded?

Like a deed or other types of easements, conservation easement documents are recorded with other land records in the county in which the property exists.

Can conservation easements be amended or terminated?

Because conservation easements qualifying for federal tax benefits are required to be permanent, landowners should assume that it will not be possible to terminate a conservation easement. Perpetual conservation easements are more than just private contracts between the owner of the land and the holder of the easement. They are legal agreements and modifying them is not done lightly. Easement terminations are extremely rare and would require court approval, where the judge will weigh the conservation intent of the easement grantor and the interests of the public.

It may be possible to amend a conservation easement if certain criteria are met, such as:

- Both the conservation easement holder and the landowner agree to the terms of the change; and
- The IRS recognized “conservation purposes” of the conservation easement are not affected;
- The amendment has a net positive or neutral impact on the conservation values protected by the easement; and

- Neither the landowner, nor any other person, receives a financial benefit from the amendment.

When a federal tax deduction has been received by a landowner, special care should be taken in amending the conservation easement to ensure that the value of the conservation easement is not reduced. Otherwise, the amount of the landowner's tax deduction could be affected, requiring the filing of an amended tax return and the payment of additional taxes.

Can a conservation easement be donated by will or after the death of a landowner?

Yes. Prior to finalizing the will document, the landowner must contact the intended conservation easement holder before conveying the conservation easement by will, to ensure that the terms of the easement are agreeable and the organization will accept the donation.

Also under federal law, the executor or heirs of an estate can donate a qualified conservation easement after the death of the landowner, even if the landowner's will does not include the donation of such an easement. A landowner who might want their executor or heirs to be able to make this donation can easily clarify the intent on this matter by stating in their will that the executor and heirs have this power.

How is a conservation easement enforced?

The land trust or public entity that holds the conservation easement bears the responsibility of enforcing its terms, in perpetuity. Typically, this means that the conservation easement holder will schedule a property visit with the landowner at least once a year to document any changed uses or conditions on the property, monitor the conservation values, and to ensure that the terms of the conservation easement are being upheld. Unless the landowner and conservation easement holder specifically agree to give enforcement rights to a third party, no outside group can enforce the terms of a conservation easement (other than possibly the Attorney General).

The holder of the easement will usually request funds for a stewardship endowment at the time that the easement is executed. These funds are used for covering costs associated with monitoring and enforcement of the conservation easement in perpetuity. Landowner donated stewardship endowments made to a non-profit land trust organization will typically qualify as a charitable gift for tax purposes.

Placing a qualified conservation easement on land may provide the landowner with federal tax benefits, as well as possible property tax benefits. In addition, some federal, state or local funding may be available to purchase (or partially purchase) a conservation easement, though these funds are limited. It is important that landowners consult with legal, tax, and conservation professionals for more specific information on how currently available funding programs and tax incentives might work for them.

Federal Income Tax Implications

The federal income tax benefits of donating a conservation easement work similarly to those of making other types of charitable contributions. A landowner may be able to deduct up to the full value of the conservation easement from his or her federal income taxes. The easement value is determined by a qualified, independent appraiser. Conservation easement donations enjoy enhanced deductibility over other charitable contributions; allowing landowners to deduct a greater portion of their Adjusted Gross Income for a greater number of years (carry forward). However, as U.S. Tax Code is subject to change, consultation with legal and tax professionals is advised to determine current tax and financial implications.

A conservation easement donation can qualify as a charitable contribution under IRS regulations if:

- A. It is granted in perpetuity;
- B. It is granted to a qualified organization, either:
 1. A nonprofit, 501(c)(3) charitable organization (i.e., a land trust) with a conservation purpose and the means to enforce the conservation easement, or
 2. A local, state or federal governmental entity empowered to hold real property interests;
- C. It achieves at least one of the following conservation purposes:
 1. Preserves land for public outdoor recreation or education;
 2. Protects relatively natural habitats of fish, wildlife or plants;
 3. Preserves open space, either for scenic enjoyment or in keeping with a clearly delineated public policy (such as a local open space plan);
 4. Preserves historically important land or certified historic structures.

For a conservation easement donation to qualify for a federal income tax deduction, the following items need to be provided:

- The conservation easement document, which must include a legally sufficient description of the land;
- A baseline inventory (including photographs) and description of the property's condition at the time of donation listing man-

made structures, water resources, agricultural and ecological features; and other conservation values;

- A qualified appraisal of the conservation easement prepared by an independent real estate appraiser working for the landowner, completed no more than 60 days prior to the donation and no later than the time the tax return claiming the deduction is filed;
- A subordination agreement, which subordinates any mortgage and all other liens on the property to the terms of the conservation easement;
- A mineral remoteness report (if ownership of the surface and minerals are severed and the mineral owners do not waive their surface rights);
- IRS Form 8283 (an attachment to the federal income tax return of anyone claiming charitable contributions of more than \$5,000); and
- Letter of substantiation from the easement holder provided no later than the date of the date of the conservation easement documenting its receipt of the charitable gift.

U.S. tax law requires that the value of the conservation easement be determined by a qualified real-estate appraiser. The monetary value of the conservation easement is, generally speaking, the difference between the value of the property at the current “highest and best use” (without any

conservation restrictions) and the value of the property with the restrictions of a conservation easement in place. Often, the value of a conservation easement is greater in areas where development pressure is most intense and lower in more remote areas. Likewise, a conservation easement that prohibits development to a greater extent will have a higher value than an easement that conveys only minimal restrictions.

For example, a tract of land may be worth \$500,000 as a site for potential residential development, but only worth \$200,000 as open space or recreational property, with conservation easement in place that permanently removes that development potential. In that scenario, the conservation easement that prohibited new construction, further subdivision, and restricted its use to open space would be valued at \$300,000, and the landowner may then be eligible for up to \$300,000 in federal income tax deductions.

Under the enhanced conservation easement tax incentive, and if the conservation easement meets all IRS criteria, the landowner may deduct the full value of the conservation easement donation from his or her Adjusted Gross Income (AGI), up to 50% of the landowner’s income for the year of the gift. If the donation exceeds this amount in the year of the donation, the excess balance of the donation may be carried forward and subsequently deducted for up to fifteen (15) additional years,

subject to the same 50% limitation. For qualified farmers and ranchers, that deduction may be up to 100% of your AGI. Please note that federal regulations determining the extent and criteria for conservation easement donation deductibility are always subject to change. Please consult your tax and legal advisors for the most up to date conservation easement tax provisions and the status of current regulations regarding deductibility.

Should the value of the charitable donation exceed a landowner's ability to use the income tax deduction over the allowable period, the landowner may consider donating the conservation easement in phases over different portions of the property. So, once the value of the first phase has been deducted over the allowable period, a second phase can then be donated with a separate deductibility period.

Subject to certain limitations, some of the expenses incurred by a landowner in the donation process, including the cost for appraisals, surveys, tax advice, legal review and title insurance, may also be tax deductible. There may also be grants available to help with these costs in some cases. Consult with your local land trust to explore opportunities that may be available.

Estate Tax Implications

Conservation easements may provide some estate tax relief to landowners

and their heirs. First, the donation of an easement can provide for a significant reduction in the taxable value of the estate, thus reducing the taxes owed. To calculate the value of inherited property for estate tax purposes, federal law requires that the value of the land be based on that property's "highest and best use," instead of actual use. For example, a landowner owns a small family ranch near a growing city that might be more valuable as a residential development. When the landowner dies, taxes on the property will be based on the land's "highest and best use" value, even if the heirs do not intend to develop as such.

A conservation easement can place restrictions on the use of a property that limit its "highest and best use." When the property's "highest and best use" is restricted, its value and estate taxes are reduced accordingly. If the landowner in the example above donates a conservation easement on the family ranch that prohibits residential construction, estate taxes due on the property would be based on the land's value as a ranch, rather than as a potential residential development. This can result in significant reductions in estate tax liability.

To realize potential estate tax benefits, landowners should donate the conservation easement during their lifetime, or in a legal will, or they should specify in their will that their heirs

or estate executors have the power to donate a conservation easement after their death. Under federal law, in certain circumstances, executors or heirs can donate a conservation easement within a period after a landowner's death and qualify for land value reduction. A landowner intending to convey a conservation easement through their will should contact the potential easement holder (land trust or other qualified entity) to ensure that the organization will accept the donation.

Any potential tax benefit associated with the use of a conservation easement is unique to the terms of the agreement and the landowner's financial situation. Landowners should consult their tax and legal advisors regarding current federal estate tax law and regulations, to determine the potential impact.

Local Property Tax Implications

Conservation easements may also reduce property taxes. However, property taxes on agricultural land in Texas are often already reduced based on a property's productivity value, rather than its fair market value. So, generally speaking, a conservation easement may not further reduce property taxes on agricultural land. Conservation easements placed on land not classified as agricultural may reduce property taxes, to the extent that the appraised value of the land being taxed is reduced. It is important to remember that property taxes are determined by local, county tax

appraisers and differ from county to county. Consult with your local county appraiser and your legal counsel to determine any potential property tax implications.

National, State and Local Conservation Easement Purchase Programs

FEDERAL CONSERVATION PROGRAMS

Natural Resource Conservation Service (NRCS)

The NRCS offers several programs that provide financial assistance and funding for the purchase of conservation easements that protect the agricultural and conservation values of eligible land. NRCS works in partnership with qualified partners, like land trusts, to conserve these lands. The types of programs offered through NRCS focus on a variety of natural resources including agricultural lands, forests, wetlands, and regional conservation partnerships.

Grants awarded through NRCS typically contribute a portion of the fair market value of the conservation easement. The balance must be either donated by the landowner (in exchange for a charitable tax deduction) or secured through a secondary funding source. To apply to these NRCS programs, landowners must work with eligible, qualified partners (like land trusts) to submit proposals to the NRCS state office for ranking and consideration.

NRCS may also provide financial and technical assistance for conservation

and stewardship practices on eligible land. For more information on the current NRCS program options and eligibilities, visit: nrcs.usda.gov

TEXAS FARM AND RANCH LANDS CONSERVATION PROGRAM

Texas Parks and Wildlife Department (TPWD)

The Texas Farm and Ranch Lands Conservation Program (TFRLCP) complements Texas Parks and Wildlife Department's mission to conserve natural resources by protecting working lands from fragmentation and development. TFRLCP maintains and enhances the ecological and agricultural productivity of these lands by helping to purchase and implement conservation easements on farm and ranch lands.

The TFRLCP supports responsible stewardship and conservation of working lands, water, fish and wildlife, and agricultural production through:

- Generating interest and awareness in easement programs and other options for conserving working lands.
- Leveraging available monies to fund as many high-quality projects as possible.
- Highlighting the ecological and economic value of working lands and the opportunities to conserve working lands for the future.

The program was first established by the Texas legislature in 2005 at the General Land Office and was later transferred to TPWD in 2016. Available funding for the TFRLCP varies and is dependent on appropriations from the Texas legislature.

If you would like to contact TPWD directly for more information regarding this program, please email: TexasFarmandRanch@tpwd.texas.gov

LOCAL CONSERVATION FUNDING PROGRAMS

In addition, there are several city, county or other locally based funding programs to purchase conservation easements in Texas. Examples include the City of San Antonio Edwards Aquifer Protection Program or the Travis County Conservation Easement Program. Conversations with your local land trust can help to identify any local funding sources that may be available, depending on your property location and conservation features.



To qualify for tax benefits, conservation easements must be granted to either a governmental entity empowered to hold real property interests or a charitable organization created for one or more conservation purposes, commonly called a “land trust”.

Today there dozens of land trusts working throughout the state to conserve the best of Texas’ precious lands and waters. To date, these land trusts have helped to conserve over 2 million acres.

What is a land trust?

Land trusts are charitable organizations whose mission is land and water conservation. Land trusts protect land for many reasons, including its natural, recreational, agricultural, scenic, historical, or open space value. They conserve these areas by negotiating private, voluntary agreements with property owners, called conservation easements, or sometimes through outright land purchases. Land trusts have varying conservation objectives and work in different geographic areas of the state.

All land trusts work in partnership with and to assist Texas landowners with the long-term conservation goals they have for their own lands. Together, landowners and land trusts conserve Texas’ special lands and waters by permanently protecting them from development for the benefit of the people, economy and wildlife of our state.

A directory of active, Texas land trusts and their contact information is available online at the Texas Land Trust Council’s website. Landowners should talk with and get to know the different organizations that work in their area before placing a conservation easement on their land. Each landowner, with their unique land and conservation goals, must seek out the best fit with the right easement holding organization.

What does a land trust do?

Initially, a land trust works with a landowner to determine whether or not there are substantial conservation resources on the property to merit placing a conservation easement on the property. The land trust then works to tailor the terms of the easement to protect the land’s conservation values, as well as meet the landowner’s personal and financial goals.

Land trusts that accept conservation easements are responsible for monitoring that property and ensuring that the terms of the conservation easement are followed. Representatives from the land trust make scheduled, usually annual, visits to the property to document the condition of the property. If the terms of the conservation easement are violated, the land trust can take legal steps to stop or correct the violation.

The land trust is responsible for stewardship of the conservation easement in perpetuity. It is important that a landowner select an organization

that can demonstrate that it has the financial resources and organizational capacity to handle these responsibilities long-term. Because the stewardship obligations are perpetual, many land trusts request financial contributions to help defray some of the costs involved in administering a conservation easement agreement.

A land trust may also work with a landowner to develop a management plan as part of a conservation easement. These may include flexible goals and objectives relating to conservation of the property's natural and cultural features. Management plans can be important for productive agricultural or recreational properties, or for properties requiring ongoing invasive species management. However, not all conservation easements require such plans.

Land Trust Standards & Practices & Accreditation

Land trusts around the country have established a set of guidelines for the responsible operation and management of a land trust. These Standards & Practices, originally developed in 1989 and most recently updated in 2017, set forth sound ethical principles by which a trust should conduct itself in order to be both credible and effective. These Standards & Practices also establish guidelines for conducting a sound program of land conservation, including transactions and stewardship. For more information on Land Trust Standards & Practices visit: landtrustalliance.org.

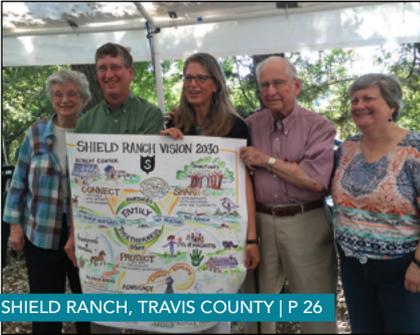
Land Trusts around the country have generally adopted these Standards & Practices, thereby agreeing to abide by them in their organizational practice. Additionally, some land trusts have chosen to go through the rigorous process of getting accredited by the national Land Trust Accreditation Commission. Voluntary accreditation provides independent verification that land trusts meet the high standards for land conservation, stewardship and nonprofit management that are set forth in the nationally recognized Land Trust Standards and Practices. Accreditation promotes excellence among land trusts, and provides the public, landowners, and donors with the confidence that these important conserved lands will be protected forever.



Texas Land Trust Directory

For more information about Texas Land Trusts, please refer to the Texas Land Trust Council's online Land Trust Directory. Landowners can search for land trust groups that are active in their region, as well as find links to land trust websites and their contact information. The directory can be found at texaslandtrustcouncil.org.

The landowners profiled in the following pages have used conservation easements to accomplish their land use objectives and conservation goals for the future. The properties described in these profiles vary widely - from an 88 acre nature preserve near Houston, to a 6,200 acre ranch in South Texas. Each landowner's property and goals are unique, as is the land trust easement holder that they selected to work with. The profiles provide examples and insight for those considering placing a conservation easement on their own land.



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GORDY MARSH | P 34



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CINDY'S REDBUD NATURE PRESERVE, MONTGOMERY COUNTY

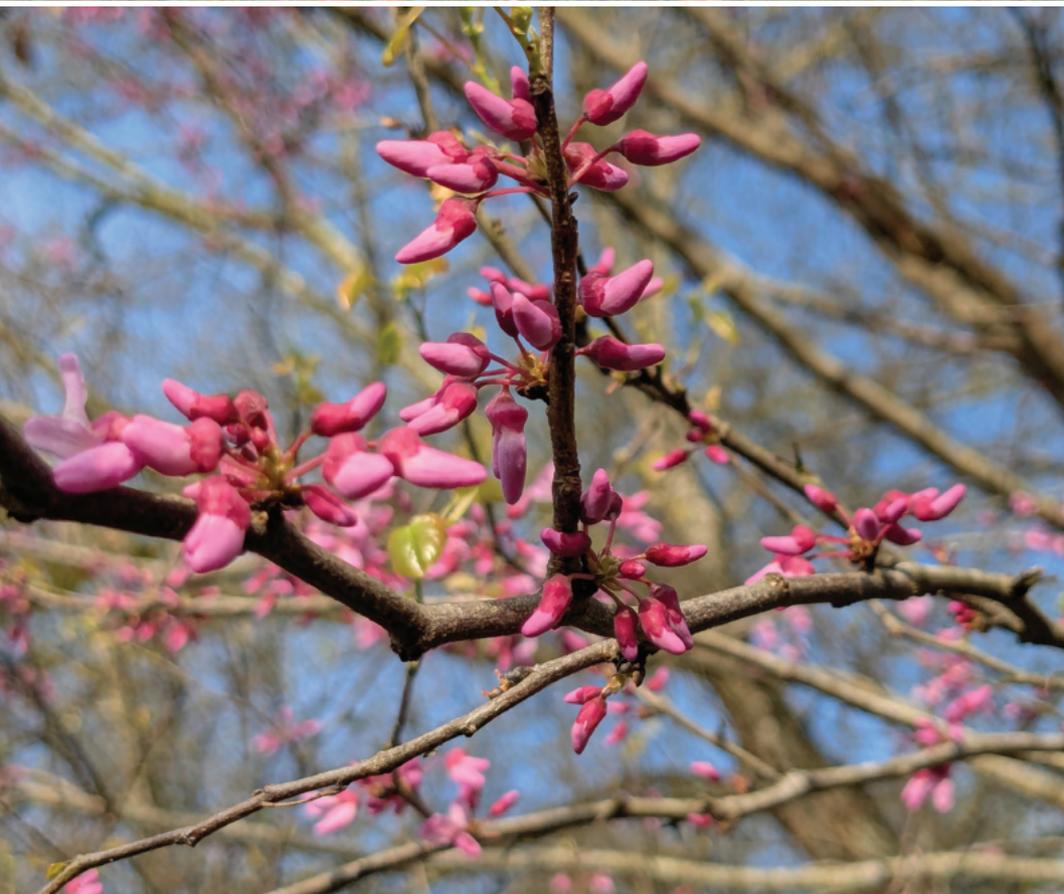
Cindy's Redbud Nature Preserve is an 88-acre preserve south of Montgomery, TX. Cindy Martin and Ray Audas lovingly care for this land that includes their family homestead. Cindy traces her Texas roots to a group of settlers who arrived in the Republic of Texas between 1835 and 1840. Her family settled near the present town of Montgomery. Eventually, the family created a successful cattle and horse operation that spanned from California to Mexico and Texas. Cindy's childhood memories of growing up on the Martin land revolve around playing in the creeks, riding horses, and accompanying her father around the property. Today, the horses and cattle are gone, but the legacy of generations of people who invested in the land lives on.

Today, less than 1% of the Texas tallgrass prairie remains due to agricultural or development conversion. For over 20 years, Cindy and Ray have turned their attention to restoring this unique habitat and stewarding it. With assistance from U.S. Fish and Wildlife Service, they developed a restoration plan to manage and restore the land to its native grassland prairie and forested riparian character. They worked with Texas Parks and Wildlife to perform management activities. Over the years, they have built permanent fire breaks, conducted numerous prescription burns, removed invasive species chemically and manually, and

restored native species through both strategic seeding and planting, and encouragement of native volunteer species. This expensive work has been funded by the landowners.

Cindy's Redbud Preserve has an extensive vegetation species inventory and plant community classification by a well-known local botanist. This land was monitored for several years by Texas Parks and Wildlife ornithologists to document populations of sparrows, which were shown to be increasing.

Bayou Land Conservancy (BLC) was introduced to the land in 2020. BLC recognized the importance of permanently conserving the land and the opportunity to work with dedicated owners who had created a special place. The landowners generously donated the conservation easement and portions of the land transaction costs to the project. BLC utilized funding from Texas Commission on Environmental Quality and Texas Land Trust Council to fund the remaining land transaction costs. BLC turned to the local community to fund the perpetual stewardship of this land, with numerous people and companies donating. Working together, BLC and the landowners have recorded a conservation easement that both protects the conservation values of the land and gives this family the ability to continue living and thriving on the preserve.





ALBERT & WILDA PECORE FARM, FAYETTE COUNTY

In 1955, Native Houstonian Albert Pecore was only 30 years old, fresh out of the University of Texas, and just beginning a lifelong career in architecture. He longed for a piece of the country to call his own, when one day, a college friend told him about a farm that was for sale. Bert remembers, "There was little grass and two hackberry trees near the house, two acres of broken down pens and out buildings, a small barn, and an abandoned house built in 1857." But even then, Bert saw what it could become.

Bert soon became the proud owner of those 85 acres in Fayette County, and in 1961, the farm was expanded to 196 acres when a neighbor sold Bert his land. Bert and his wife Wilda advocated strongly for the preservation of ecosystems and were proud to bring native grasses back to their land. Bert also recognized early on, that "good soil is everything when it comes to farming."

The farm features two pristine, never-plowed Blackland Prairie pastures that are productive in good times and bad. "In a drought, these fields keep on growing," Bert said. The 196 acre conservation easement that the Pecore's donated to the Pines and Prairies Land Trust (PPLT) strongly protects these acres of rare Texas prairie. For the preparation of the easement, the land trust assembled a great team of botanists and biologists to inventory the remnants of the vanishing native prairie ecosystem. Ribbons of forest meander through the farm, and the homestead is surrounded on all sides by massive live oaks.

The Pecore's conservation easement prohibits any subdivision of the property. They simply loved the land

too much to ever want to see it cut into 10-acre ranchettes, increasingly common as this area of Texas becomes "discovered". Their conservation easement donation also allowed them to take advantage of enhanced federal income tax incentives. Bert's goals for the land were to love it along and to leave it better than it was found. For their efforts, he and his wife Wilda, were awarded a 2016 Lone Star Land Steward Award by the Texas Parks and Wildlife Department. In his own words, "We never really own the land. We are simply stewards for a time."

The Pecore Farm changed hands after Bert Pecore's passing in 2021, but its legacy of conservation continues. The new owners, Jim and Elizabeth Murphy, were immediately captivated by the land's natural beauty, seeing it as an ideal setting for family gatherings and outdoor recreation. "Holy cow, this is gorgeous," Jim recalled a recent guest exclaiming while touring the restored grassland. They marvel in watching the native grasses and wildflowers mature, blending seamlessly with the pristine prairie, showcasing the iconic beauty of this Texas landscape.

Though new to prairie management, Jim has embraced the role of steward with enthusiasm. "Having had zero experience with caring for grasses or native prairies, the education I've received in the last few years from Pines and Prairies Land Trust, Quail Forever, Wildlife Habitat Federation, Texas A&M, and others has been incredibly rewarding," he shared. The Murphys are honored to further Bert and Wilda Pecore's vision - caring for the land, learning from it, and ensuring its natural beauty endures for generations to come.

SHIELD RANCH, TRAVIS COUNTY

Fred and Vera Shield began buying land along Barton Creek in 1938, looking for a place to run livestock, enjoy the outdoors, and create a peaceful family retreat. With six miles of Barton Creek, spectacular views, and several historic pioneer structures, the 6,700-acre Shield Ranch was a slice of heaven.

The Shields established a modest livestock operation, minimizing their impact on the land and preserving the ranch's high quality, native grasslands. But as time went by, development started to creep toward the ranch. "I remember even when I was in high school, we could see the development coming out our way," says Bob Ayres, Fred Shield's grandson who now owns and operates the property with his mother Patricia Shield Ayres, father Robert M. Ayres and his sister Vera Ayres Bowen.

The family met with land planning consultants, financial advisers, and conservation organizations, and commissioned a study of the entire ranch to catalogue all of its natural and cultural features. In their efforts, they came across the idea of a conservation easement and started talking about how one might work for their ranch. The Nature Conservancy (TNC) was very interested in helping to conserve the property, as it lies directly upstream from TNC's Barton Creek Habitat Preserve. As the largest private tract in western Travis County – and only 20 miles from downtown Austin– the ranch has excellent wildlife habitat. The City of Austin was also interested in protecting the ranch to preserve the water quality of Barton Creek. When city voters passed a bond initiative in 1998 to fund conservation in the watershed,

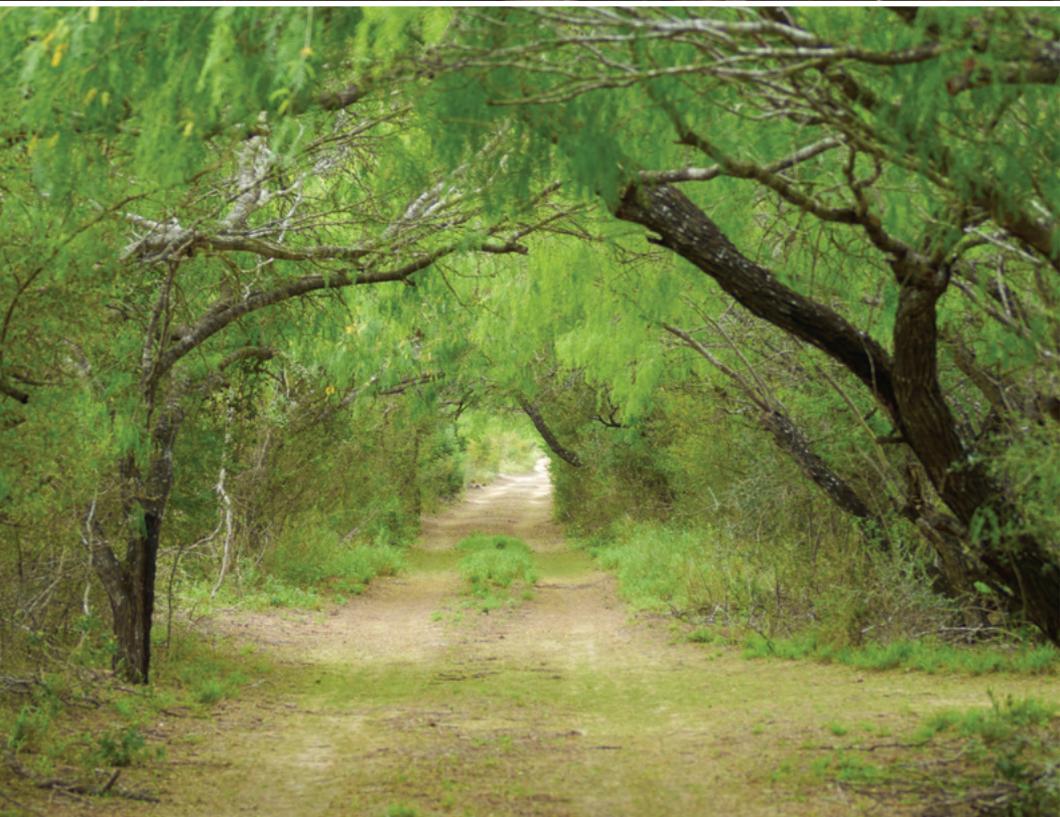
the Ayres realized that the time was right. "We knew the ranch was special to us," recalls Bob, "but we also started to realize how important the ranch was ecologically."

The family negotiated a conservation easement purchase with the City of Austin on 1,600+ acres, and donated a conservation easement to the Nature Conservancy on 4,700+ acres, retaining 300 acres along highway frontage for potential future development. By being able to sell the smaller conservation easement to the city, the family realized part of the development value of land, but without the development. The easement also helps to reduce estate taxes for future heirs, and the donation to TNC qualified as a charitable contribution for federal income tax purposes.

The family retained rights to continue operating the ranch as they had been: running cattle, operating deer leases, and using it for family recreation. They also retained limited development rights for family members to build home sites, establish a youth camp, and develop a non-profit retreat center.

Placing an easement on their ranch was not an easy decision for the family to reach and required a lot of soul searching and communication about the family's long-term desires for the ranch. "We all feel very excited, both to have it done and with how it worked out," Ayres said. "The bottom line is that we love the ranch, and really didn't want to see it developed in a traditional way, ever. We extinguished the possibility of any master-planned community, residential subdivisions, or retail development."





THE JAVELINA RANCH, HIDALGO COUNTY

John and Audrey Martin, local conservation pioneers, joined with other like-minded neighbors to launch the Valley Land Fund (VLF) in 1987 to conserve important areas of South Texas.

The Martins have personally left their mark on the landscape, working to help preserve land in this region by enacting three conservation easements, with three distinct purposes, on three different tracts of land. The Javelina Ranch is a pristine 280-acre ranch that sits on the southeast corner of a 2,200-acre habitat island of native, never-cleared South Texas brush. The ranch location, in an ecological transition zone between the eastern and western Rio Grande Valley, makes it even more unique, containing greater species diversity than the surrounding environs.

The Martin's, looking to find a spot to inspire their love of nature and wild, open spaces, searched for two years before stumbling upon the Javelina Ranch. The Martin's purchased the land after realizing that the brush habitat found there was thousands of years old. "It is an ecological heirloom that needs to be managed and conserved", said owner Audrey Martin. "Everybody looks at the responsibility that comes along with land ownership differently, but we've always approached our efforts from the perspective of doing well by doing good. We hope that our conservation efforts serve as an

example of the difference that two people can make in their corner of the world."

The Martin's wanted to enact a conservation easement to protect the biodiversity of the ranch in perpetuity, so they worked in partnership with the VLF to make it happen. The Javelina Ranch conservation easement was purchased in part with a grant from the Texas Ranch and Farm Land Conservation Program, administered by the Texas Parks & Wildlife Department, to conserve its natural resources for future generations.

The Martin's recognize there is immense value for all of us in conserving land and its wildlife. "Consider the plants that exist on the Javelina. No one has done a comprehensive study of the plant life there, much less the plants' pharmacological value. Local folklore points to many medicinal uses that were once common to native people and pioneers. If we lose the plants, we lose the opportunity to find out how they can benefit mankind." They hope that their legacy of conservation will allow for future discovery.

As they look to the future, they want the Javelina Ranch to serve as a source of inspiration and restoration for both humans and nature, protected and preserved for many generations to come. Said Audrey, "It is our joy to have had a hand in that."

T M RANCH, BLANCO COUNTY

Over forty years ago, the owners of TM Ranch set foot on an overgrown piece of land in Blanco County, envisioning something more. Through decades of dedication—clearing invasive species, restoring habitat, and carefully managing wildlife—the ranch has become a premier destination for hunters, anglers, and conservationists alike.

Today, TM Ranch offers spectacular opportunities to pursue white-tailed deer, turkey, and dove across its well-managed uplands. Cypress Creek, a vital tributary of the Pedernales River, flows for nearly half a mile through the property, sustaining a diverse range of wildlife. Springs along the creek bubble up year-round providing needed water to deep pools and waterfalls cascading over vast stretches of limestone. Each winter, in a partnership with multiple additional properties, the ranch stocks Cypress Creek with rainbow trout providing an unmatched fly-fishing experience alongside thriving populations of bass, bluegill, catfish, and sunfish.

“Protecting not only the open spaces of the Texas Hill Country, but our values as private property owners in this state, is critical to what it means to be Texan,” said Tom Martine, the owner of TM Ranch.

Many private lands provide outdoor access and benefits to Texans in a number of ways. In the case of the T M Ranch, not only does the ranch provide these diverse natural habitats, but the owners have been committed to using it as a place for teaching the next generation of outdoorsmen and conservationists about the Texas Hill Country. Today, you can meet adults across central Texas that have a personal connection to the ranch and recall taking their hunters education courses there in the 1990’s. “We view this ranch as a legacy not only for our family, but for the state of Texas,” remarked Tom.

With the rapid pace of development encroaching on the Hill Country, the owners took action to permanently protect over 200 acres of the land they worked so hard to restore. Partnering with Colorado River Land Trust, they placed a permanent conservation easement on TM Ranch, ensuring that its scenic landscapes, abundant wildlife, and sporting traditions will endure for generations.

Thanks to their foresight, TM Ranch remains not just a piece of land, but a legacy—where hunters, anglers, and nature lovers will always find a place to reconnect with the wild.





PIKE DAVIS RANCH, BLANCO & GILLESPIE COUNTIES

The permanent protection of the Pike Davis Ranch is the result of many years of careful preparation and thoughtfulness by the Hicks and Green families, ancestors of the ranch's long history. The 1,415 acres of stunningly classic Hill Country landscape is located within the Llano Uplift in the Colorado River watershed. The property was once part of a much larger estate, purchased by the Davis family back in the 1850s. Over the years, pieces have been sold off, but the Hicks and the Greens wanted to ensure that the remaining 1,415 acres can never be further broken apart.

Now permanently protected in partnership with the Texas Land Conservancy (TLC), the Pike-Davis Ranch is significant for many reasons—its sustainable ranching operation, historic value, rich water resources, abundant native plants and wildlife habitat. But, there's a larger conservation mosaic at work here, as this beautiful ranch is also adjacent to three other TLC conservation properties. Pike-Davis is a direct neighbor to the Ferguson Ranch (215 acres) and the Willow Spring Ranch (175 acres), and less than a mile up the road is the White Creek Canyon Ranch (310 acres). All told, the landowners in this area have voluntarily protected 2,115 acres of the Texas Hill Country.

The 1,415 acres of the Pike Davis Ranch still function as a working cattle ranch. Howard & Helen Hicks and Bettie & Terry Green, the two family partnerships that own the Pike Davis Ranch, began thinking about conserving the ranch years ago. They started to think seriously about what the future of the

Pike Davis Ranch might look like for the next generation. "The thing that's the most important to me about the ranch is the historical heritage. To drive around and say, 'my relatives walked right here' is like going to the Holy Land," says Bettie. Six generations of the Davis family are connected to this place, and in 2011, the Hicks and Green families made a decision to conserve it—forever—by working with TLC to place a conservation easement on the ranch.

What will the next 150 years of the Pike Davis Ranch look like? "The constant has been the land," mused Alfred Davis IV, Bettie and Howard's cousin, during his speech at the ranch's 150th anniversary celebration. The family was gathered at Walnut United Methodist Church, built by some of the 23 original settlers. "Bluebonnets and Indian Blankets return each spring. Roadrunners still dart across the road. The seasons evolve. The hills of the Coal Creek Serpentine geologic formation are more than one billion years old. Bats still inhabit Blowout Cave. But, I wonder," he said, "if any of our original ancestors ever thought that 150 years after their arrival, their descendants would gather in this church to remember and honor them and give thanks for their sacrifices, renew friendships, and look to future generations to preserve some of the heritage that has come to each of us?"

With these families to love and steward the land for generations to come, it is easy to imagine a similar celebration taking place at the Walnut Church another 150 years from now.

GORDY MARSH, CHAMBERS COUNTY

A little bit of topography goes a long way on the gulf coast. That's especially true when standing near a mima mound – small dunes of slightly higher elevation created by the forces of wind, water, and time. Although mima mounds may only be 10 inches taller than the surrounding landscape, their unique soil and drainage characteristics allow them to support a diverse, highly specialized plant community. Most mima mound-prairie wetland complexes were converted to agriculture or rangeland during settler expansion, so when Galveston Bay Foundation (GBF) had an opportunity to conserve a large prairie-wetland mosaic with intact mima mounds near Trinity Bay, they sprang into action.

The 1,736 acre property, known as Gordy Marsh, was purchased by landowner Cecil W. Parker, Jr., as part of a larger land transaction. Parker sought an investment opportunity, but he understood the habitat at Gordy Marsh was too precious to develop. As a nationally accredited land trust, GBF was a natural partner for Parker to pursue a conservation outcome for Gordy Marsh. After several meetings and lots of coffee, the parties decided that a purchased

conservation easement would recoup Parker's investment while preserving the incredible natural resources at Gordy Marsh. GBF raised over \$825,000 to purchase the conservation easement, thanks to funding awarded by a federal North American Wetlands Conservation Act (NAWCA) grant as well as private donations. Now, the sprawling wetlands and prairies of Gordy Marsh, and the unique species that call it home, are forever protected by a conservation easement held by the Galveston Bay Foundation.

"It feels good knowing that I am a part of conserving some of the best coastal habitat in the State of Texas," said Parker. "I want to make sure my descendants are able to enjoy the beauty and serenity this land possesses."

The successful establishment of the Gordy Marsh conservation easement sparked a strategic conservation initiative, which focuses on protecting critical habitat in the East Galveston Bay watershed. Now, GBF's private conservation lands in Chambers County total about 3,000, with 5,000 additional acres slated for future protection.





ESTRELLA RANCH, UVALDE COUNTY

In South Central Texas, the Edwards Aquifer provides a vital source of groundwater that supports an ever-growing population, serving agriculture and recreation, industrial and domestic uses. Recharge features allow rainwater to penetrate and gather in the porous limestone, where it is naturally filtered. The citizens of San Antonio have long recognized the value of the clean drinking water provided by the aquifer and realizing the threat that increasing development would have on aquifer recharge, created the Edwards Aquifer Protection Program (EAPP) in 2000 to conserve the sensitive recharge lands. The EAPP is a collaboration between the City of San Antonio, other governmental entities of the region, and local land trusts like Green Spaces Alliance of South Texas (GSA) and The Nature Conservancy (TNC). GSA and TNC work with landowners to place voluntary conservation easements on properties located throughout the Bexar, Medina, and Uvalde counties' portions of the Edwards Aquifer recharge and contributing zones.

In 2009 the largely unprotected Blanco Creek watershed in Uvalde County-- an important recharge area for the aquifer and residents of San Antonio -- was identified by a collaboration of area landowners and the EAPP team as an area of conservation opportunity. In all, seventeen properties were permanently protected, totaling 11,800 acres over the recharge zone via the EAPP. The project worked to secure several large faults, caves, sinkholes and outcrops of significant recharge features, along with wildlife habitats and large ranching landscapes.

One stunning property in this project area is the Estrella Ranch. The 788-acre ranch combines deep scenic valleys with rugged mountain country and a variety of plant life, providing excellent cover for species such as the Golden-cheeked warbler and White-tailed deer. Further, the ranch ties the wonderful conservation culture of the City of San Antonio through the well-funded voter-approved aquifer and water protection program into the rural areas that allow the City to thrive. The Hixon family own and manage the land for wildlife habitat. They partnered with GSA to bring the property forward for conservation via the EAPP. For landowner Bob Hixon, "the Hill Country is a very special place...with its wide-open spaces, topography, and wilderness setting." Treasuring the environment, he saw the fragmentation happening all around and wanted to do his part to preserve a piece of this beautiful landscape.

The Hixon's are thrilled that so many of their neighbors also came together to protect their lands as a perpetual open space for people and wildlife to enjoy. "It is a win-win-win situation all the way around," said Bob. "The aquifer is protected, the open space remains, parcels stay intact, and my family gets to enjoy that." The seventeen Blanco Creek watershed conservation easements held by the City of San Antonio will forever serve to protect the quality and quantity of water entering the Edwards Aquifer, while also protecting family ranches, wildlife habitat, and working lands from future development in perpetuity.

KNAPP LAND NATURE PRESERVE, EL PASO COUNTY

The City of El Paso purchased the property in early 2018 with quality-of-life, open space voter-approved bond funds, plus supplements from the El Paso Water Stormwater Fund. However, El Pasoans were not convinced that this was sufficient protection for the land. So they rallied and asked the City of El Paso to also place a conservation easement on the parcel, to preserve it in perpetuity. So, in June 2020, the El Paso City Council unanimously voted for the City to work with the Frontera Land Alliance to negotiate a conservation easement, which was completed and recorded in May 2021 to create the Knapp Land Nature Preserve.

The Preserve is in the Trans-Pecos region of West Texas in the northern portion of the Chihuahuan Desert. The 353 acres are fully a part of the Franklin Mountains, a tilted fault-block mountain range composed of mainly sedimentary rock with some igneous intrusions. The Knapp Land landscape preserves a series of ridgelines, arroyo gullies, and jagged mountain outcrops that provide wonderful views for hikers on public trails to enjoy.

The flora and fauna on the Knapp Land are representative of species found in similar elevations and substrates throughout the Franklin Mountains. Creosote bush, sotol, prickly pear, and lechuguilla are among the most widespread plants on the land. The canyon slopes harbor scrub oaks

and acacias, and within the flow paths are communities dominated by desert willow and Apache plume. Characteristic species of insects include desert tarantula, millipedes, several species of beetles, native bees and wasps, grasshoppers, and butterflies. Evidence of mammals on the preserve includes coyotes, gray foxes, rabbit species, mule deer, bobcats, and mountain lions. There are many birds found in the Franklins, which include the mourning dove, the white-winged dove, Gambel's quail, and the rock wren.

The preservation of this land, according to the Return on Conservation™ Index, shows that the preserve's 105 acres of arroyo and dry riverbeds are valued at \$1 M, as the land performs its function by protecting natural processes including water infiltration, water supply, and flood mitigation. To that can be added over \$210K ecosystem services value created by protecting habitat, genetic resources, soil stability, and biodiversity.

The Knapp Land Nature Preserve is directly below the southern border of the Castner Range National Monument and its western boundary is the Franklin Mountains State Park. It provides an important conservation connection within this West Texas desert landscape and offers over three miles of hiking trails that are open to the public.





THE LANTANA RIDGE RANCH, GOLIAD COUNTY

More than 6,200 acres of ecologically rich South Texas, protected through a conservation easement held by Guadalupe River Conservancy (GRC), represent a powerful example of what it means to steward land with intention. Known as Lantana Ranch, the property lies along seven miles of the San Antonio River in Goliad County and reflects a deep commitment by the Fuller family to protect a uniquely diverse landscape, and to keep it whole for wildlife, ranching, and future generations. The easement agreement ensures the property will remain intact and undeveloped, while allowing the Fullers to continue ranching, farming, and managing wildlife.

“We never wanted to see this place broken up into small pieces,” said owner Dr. James Fuller. “Fragmentation is devastating, not just for ranching, but for the plants, and biodiversity that make this place what it is.”

And Lantana Ranch is remarkably diverse. The property spans three distinct ecoregions — coastal plain, coastal prairie, and South Texas brush — featuring floodplain forests, native grasslands, and caliche hilltops. Native grasses thrive here, supporting a broad range of bird and wildlife species. The ranch’s mix of habitat types creates a rare and vital corridor for biodiversity in a region increasingly threatened by development, including migrating bird species along the Gulf Coast flyways.

At the same time, Lantana is a working ranch. The Fullers’ management philosophy emphasizes low-input, high-resilience practices, avoiding overgrazing, and maintaining healthy native forage without relying on synthetic fertilizers. This system has allowed them to weather extended droughts without overgrazing.

“We’ve always tried to do things a little differently,” said Fuller. “Our goal was to manage the land in a way that was productive, but not extractive. The cattle do non-selective grazing, which helps improve the range. We’re seeing stronger soil, better forage, and a more resilient operation.”

The conservation easement with GRC allowed the Fullers essential flexibility to support the operation of Lantana Ranch. It has also enabled the family to enroll in several USDA conservation programs through the Natural Resources Conservation Service, and Texas Parks and Wildlife Department, adding new revenue streams and unlocking additional technical assistance from biologists.

Dr. Fuller’s hope is that his children and grandchildren will continue the family’s legacy of caring for the land. “This place is part of our family history,” he said. “We’ve worked hard to keep it sustainable, enjoyable, and financially viable. My hope is that it stays that way, and that the next generation sees the value in preserving something so rare.”

THE SPREAD OAKS RANCH, MATAGORDA COUNTY

When Forrest Wylie first saw the Spread Oaks Ranch, he knew he had found ecological treasure. “I grew up in this part of Texas, in the outdoors,” Mr. Wylie explains, “and I wanted to share and preserve that experience with all that I could.”

Spread Oaks Ranch is a beautiful expanse of native prairie grasslands, wetlands, and woodlands. The open prairies are punctuated by live oaks, some of which are estimated to be over 100 years old. The ranch sits on the western bank of more than five miles of the Colorado River, with four resident bald eagles who nest there and fish from its waters. Mr. Wylie made his initial purchase of the Morrow Ranch in 2012, then added two nearby ranches in 2014 and 2015, combining all three to create the 5,500-acre Spread Oaks Ranch.

Mr. Wylie wanted to keep the land intact, and he knew that a conservation easement was the only way to ensure that it could never be subdivided and would remain as it has been for generations. On his first visit to the ranch, Wesley Newman, Conservation Director for the Coastal Prairie Conservancy (CPC), was wowed by the native Mima mound prairie. “There are so few acres remaining of Texas’s native coastal prairies. When we saw this undisturbed land — with abundant native grasses such as switchgrass and Indiangrass, as well as a mosaic of prairie wetlands — we knew it was land that we needed to help save.”

The ranch is used for cattle ranching, hunting, conventional and organic farming, in addition to providing areas of wetlands and wildlife habitat. The ranch also hosts a welcoming lodge for overnight visitors, which provides special hunts and a chance to see spectacular scenery, as well as diverse numbers of migratory birds. Collaborations with Texas R.I.C.E., Ducks Unlimited, U.S. Fish & Wildlife Service, National Resources Conservation Service, and Texas Parks & Wildlife Department have resulted in the enhancement of over 1,300 acres of wetlands on the ranch for improved waterfowl habitat for flocks of Mottled ducks, Northern pintail, Reddish egrets, and many others. In addition to Mr. Wylie’s generous partial donation of the conservation easement, CPC was awarded a grant from the Texas Farm and Ranch Lands Conservation Program to assist with the transaction to conserve this rare, coastal prairie ecosystem.

As Mary Anne Piacentini, CPC President & CEO explains, “The coastal prairie of Texas formerly encompassed 6.5 million acres. Today, less than 1% of these lands are in their pristine state. The opportunity to preserve coastal prairie on this scale is significant, and we are excited to protect this ecosystem.” The entire Wylie family engage in ranch operations, taking care of the free-range chicken flock and delighting in watching the kids explore the outdoors. They are proud to preserve the Spread Oaks Ranch as a legacy for future generations.





THE DAHLSTROM RANCH, HAYS COUNTY

In 2010, the Dahlstrom family completed three conservation easements on their 2,254-acre ranch on Onion Creek in Hays County, in the environmentally sensitive Edwards Aquifer recharge zone. The Dahlstroms, like many Texas families, were trying to figure out how to keep their five-generation legacy intact and avoid selling their land in order to pay taxes. Mrs. Gay Ruby Dahlstrom felt strongly about preserving the family's land for future generations, so she hired a local law firm to help guide the family through the process of creating a conservation easement.

Dahlstrom Ranch is located just west of Buda, Texas, a rapidly urbanizing area just south of Austin. Many saw the value of preserving this working ranch, which provides the community with important benefits including the protection of drinking water, native Texas wildlife, recreational opportunities, and preservation of the Hill Country's rural heritage. Numerous partners worked together to make this project a success, and each partner contributed in different ways to make the deal happen. Adding complexity, the family also wanted to provide for some public access on a portion of the property (unusual given that conservation easements do not typically include such access).

The Hill Country Conservancy (HCC) orchestrated the conservation

deal, engaging many partners and dedicating significant staff and other resources to negotiate the conservation easements. HCC is the primary holder of the easements and works closely with the Dahlstrom family on long-term stewardship. Hays County serves as a co-holder of the easement, together with the City of Austin, which has a keen interest in protecting water quality and sensitive recharge features. Also, the Natural Resources Conservation Service contributed toward the conservation easement purchase to preserve agricultural land uses and protect a State Archeological Landmark with artifacts from 3,000 to 5,000 years ago.

The Dahlstrom Ranch conservation easements are a notable example of how significant conservation can be accomplished with many partners, to achieve multiple goals. The project permanently protected 2,254 acres of open space and aquifer recharge area, while achieving both the conservation and financial goals of the Dahlstrom family.

"At the end of the day, my mother did this because she loves this land and appreciates all that it has given us," said Jack Dahlstrom, Jr. "Now, it's our family's turn to give back to the land, and we appreciate the efforts of everyone who worked so hard to help us make that happen."

PARKS RANCH, GOLIAD COUNTY

David Crow, a proud Corpus Christi native, has built a legacy with his Texas ranches, all managed with the help of his son, Matt Crow. His ranching career began in the 1970s when his wife's father passed away, and his mother-in-law asked him to help manage their family ranch. By 1988, David decided to sell his family's trucking and concrete business to dive into ranching full-time, investing in land across Goliad and Bee Counties, and eventually West Texas.

In 2000, David acquired the 4,290-acre Parks Ranch in Goliad County. This ranch, which had been leased for hunting and cattle grazing for nearly three decades, needed some tender loving care. David and his family poured their blood, sweat, and tears into revitalizing the land, tackling brush encroachment, water resources and improving the roads. Over the years, they transformed the ranch into a thriving habitat for cattle, deer, turkey, and quail.

"We've put more than 24 years into this ranch, and I don't know how to express it other than to say it almost comes alive. It's like a friend or family member that you are very fond of. When there are hard times like a drought, wildfire or hurricane, it's like seeing a friend suffer," said David. "It's been a lot of work, and

we've seen good times and bad, and no matter what, the land bounces back. In the last few years, I've been thinking a lot about how to preserve it into the future."

With the assistance of the Texas Agricultural Land Trust's land team, David worked through the details of a donated conservation easement, which closed at the end of 2024, forever protecting the land from being subdivided or developed. David's commitment to land stewardship and conservation has not only enhanced the ranch but has also created a legacy for future generations. His story is a reminder of the importance of family, stewardship, and preserving the rich agricultural heritage of Texas.

"It would be a tragedy for this historic place to turn into a housing development or a shopping center or whatever," said David. "That would be just wrong. My family has seen the fragmentation of land all around us, and we love this land and have taken this step to preserve it and its history forever."

*Parks Ranch photo credits:
Wyman Meinzer*



Parties – Grantor (landowner) and Grantee (conservation easement holder)

Date of Conveyance

Recitals (“whereas” clauses)

- Title representation (assures that grantor owns the property)
- Conservation values of the property
- Legal description of property
- Documentation of “pre-easement characteristics” of property (called a Baseline Inventory)
- Continuation of existing uses
- Conveyance of rights to protect conservation values to grantee
- Qualifications of grantee to hold the conservation easement

Grant (transfer of property interest)

- Consideration (nominal dollar amount or gift language)
- Citation of statutory authority (Texas Natural Resource Code Chapter 183)
- Duration (perpetual)

Provisions

1. Purpose: Only uses consistent with protection of conservation values are permitted.
2. Ingress and Egress: Access to property by grantee as reasonably necessary for monitoring.
3. Prohibited Land Uses and Landowner’s Reserved Rights: Any land use inconsistent with the conservation easements’ purpose is prohibited. This section describes in detail which uses are allowed and which are restricted.
4. Additional Reserved Rights: The landowner’s rights to sell, transfer, bequeath, mortgage, and use the property subject to the terms of the conservation easement.
5. Granted Rights: The conservation easement holder’s rights to inspect and monitor compliance with the conservation easement and enforce its terms.
6. Access: Outlines what may be granted, though the public is typically denied access.
7. Amendment: Rare, but if mutually agreeable between conservation easement holder and landowner at the time, defines how certain provisions of the conservation easement may be modified in the future as long as the original intent is achieved, subject to certain principles.
8. Assignment: the grantee retains the right to transfer the conservation easement to another eligible holder.
9. Subordination: States if property is mortgaged, the mortgage holder must guarantee that it will uphold the conservation easement provisions in the event of the foreclosure.
10. Subsequent Transfers or Successors: States that the conservation easement “runs with the land,” i.e., the provisions bind all future landowners in perpetuity, even if the property is sold or inherited to another owner.
11. Recordation: States that the conservation easement documents are to be recorded in the county in which the property is located.



TEXAS LAND TRUST COUNCIL

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(512) 994-TLTC (8582)

info@texaslandtrustcouncil.org

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