

TEXAS FARM AND RANCH LANDS CONSERVATION PROGRAM



TEXAS
PARKS &
WILDLIFE

**Briefing Item #3: Ethics review for returning
and new Council members**

James Murphy, TPWD Staff Attorney

**Texas Farm and Ranch Lands Conservation Council
September 11, 2019**

Requirements of the Open Meetings Law (Texas Government Code chapter 551)

- Watch the video on Attorney General's website -- Government Code section 551.005
 - <https://www.texasattorneygeneral.gov/open-government/governmental-bodies/pia-and-oma-training-resources>
- Other resource: Open Meetings Handbook
- Key points to remember:
 - Public posting required in advance of meetings of a quorum of Council members
 - Council's actions are limited to posted agenda
 - Criminal and civil sanctions for violations

Requirements of the Public Information Law (Texas Government Code chapter 552)

- Watch the video on Attorney General's website --Government Code section 552.012
 - <https://www.texasattorneygeneral.gov/open-government/governmental-bodies/pia-and-oma-training-resources>
- Other resource: Public Information Act Handbook
- Key points to remember:
 - “Document” includes any format, including electronic, recorded, and paper
 - Any written request for documents invokes the PIA
 - Documents are presumed to be public information; burden is on state agency to prove exemption from disclosure
 - Request to OAG for exemption within ten business days
 - Enforceable by criminal and civil sanctions

Requirements of the Administrative Procedure Law (Texas Government Code chapter 2001)

- Resource: Administrative Law Handbook
 - <https://www.texasattorneygeneral.gov/sites/default/files/files/divisions/general-oag/AdministrativeLawHandbook.pdf>
- “Notice and comment” procedures for formal rulemaking
- The Council has not previously adopted formal rules, although they have the authority to do so
- Rules adoption checklist
- Formally adopted rules are incorporated into Texas Administrative Code, which has the force of law
- “Contested case hearing” procedures in which a state agency acts in a judicial capacity are not a function of this Council

Other Laws Governing Conduct by Public Officials

- Ethics
- Dealings with Lobbyists
- Contracting

Ethics

- Take training on Texas Ethics Commission website
 - https://www.ethics.state.tx.us/training/Online_Ethics_Training.html
- Government Code chapter 572
- Personal financial statement required to be filed by April 30th of each year. Details on website of Texas Ethics Commission.
 - <https://www.ethics.state.tx.us/>
- Conflicts of interest prohibited (Government Code section 572.051)
- Council member must not vote on or otherwise participate in a matter in which he or she has an interest. Note on the record and publicly recuse.

Dealings with Lobbyists

- Government Code chapter 305
- Gifts that are otherwise permissible under bribery laws and ethics policy may not be permissible from a registered lobbyist
- List of registered lobbyists available on Texas Ethics Commission website
 - <https://www.ethics.state.tx.us/dfs/loblists.htm>
- Even if gift from a lobbyist is permissible, your name will appear on a lobbyist's activities report if certain thresholds are reached

Contracting

- Contracting laws and policies will apply to the Farm and Ranch Lands Program in issuance and management of grants
- Watch video required by Government Code section 656.053
 - <https://comptroller.texas.gov/purchasing/training/webinar.php>
- Comptroller provides guidance through State of Texas Procurement Manual and Contract Management Guide
- Ethics policy applies
- Selected contracting statutes in Government Code chapters 2151-2269

Miscellaneous

- State property may only be used for state purposes. Government Code section 2203.004.
- No reimbursement for travel expenses on alcoholic beverages. Government Code section 2113.101.
- State funds cannot be used to influence the passage or defeat of legislation. Government Code section 556.006.

Policies

- The Council did not adopt policies prior to January 1, 2016, according to GLO
- Applicable Texas Ethics Commission policies included in training materials
 - “Helpful Hints for Filing your Personal Financial Statement”
 - “Can I Take It? A Guide for Officers and Employees in the Executive Branch of State Government”

TEXAS

PARKS &

WILDLIFE

TEXAS FARM AND RANCH LANDS CONSERVATION PROGRAM



TEXAS
PARKS &
WILDLIFE

Briefing Item #4: Status of Texas Farm and Ranch Lands Conservation Program Projects

Chris Abernathy

**Texas Farm and Ranch Lands Conservation Council
September 11, 2019**

Project Locations Across the State



Current Project Status

Project Title	Applicant	County	Acreage	Total Project Value	TFRLCP Grant Award	Status
Albritton Ranch	The Nature Conservancy	Bandera	650	\$ 975,000	\$ 325,000	Project Completed - CLOSED
Dreamcatcher Ranch	Guadalupe Blanco River Trust	Hays	211	\$ 3,375,589	\$ 378,089	Project Completed - CLOSED
Javelina Ranch	Valley Land Fund	Hildago	280	\$ 1,315,000	\$ 400,000	Project Completed - CLOSED
Lazy Bend Ranch	Hill Country Conservancy	Hays	144	\$ 1,026,925	\$ 75,925	Project Completed - CLOSED
Puryear Ranch	Hill Country Conservancy	Travis	425	\$ 5,656,850	\$ 131,850	Project Completed - CLOSED
Pietila Ranch	The Nature Conservancy	Culberson	9,992	\$ 1,125,000	\$ 375,000	Project Completed - CLOSED
Santa Anna	Texas Agricultural Land Trust	Coleman	1,368	\$ 834,060	\$ 208,515	Pending NRCS Funding
2016 - 2017 TOTALS			13,070	\$ 14,308,424	\$ 1,894,379	
Fiscal Year 2018 - 2019 Projects						
Project Title	Applicant	County	Acreage	Total Project Value	TFRLCP Grant Award	Status
Longleaf Ridge	Texas A&M Forest Service	Jasper	5,511	\$ 2,670,000	\$ 400,000	Project Completed - CLOSED
Spread Oaks Ranch	Katie Prairie Conservancy	Matagorda	5,320	\$ 2,243,500	\$ 145,000	Project Completed - CLOSED
Inspiring Oaks	Hill Country Conservancy	Hays	1,000	\$ 5,642,500	\$ 200,000	Project Completed - CLOSED
Krause Ranch	The Nature Conservancy	Real	1,640	\$ 2,196,800	\$ 573,200	Pending NRCS Funding
Bartush Ranch	The Nature Conservancy	Cooke	1,620	\$ 1,489,000	\$ 395,500	Project In Process
Collins Ranch	The Nature Conservancy	Williamson	615	\$ 2,030,000	\$ 30,000	Project In Process
Spoonbill Farms 2	Katie Prairie Conservancy	Matagorda		\$ -	\$ -	WITHDRAWN
2017 - 2018 TOTALS			15,706	\$ 16,271,800	\$ 1,743,700	
PROGRAM TOTALS			28,776	\$ 30,580,224	\$ 3,638,079	

TEXAS

PARKS &

WILDLIFE

A photograph of a stream with four muskrats swimming in the water. The muskrats are in the center of the frame, their heads and backs visible above the water. The water is greenish and reflects the surrounding vegetation. The background is a lush, green stream bank with various plants and rocks.

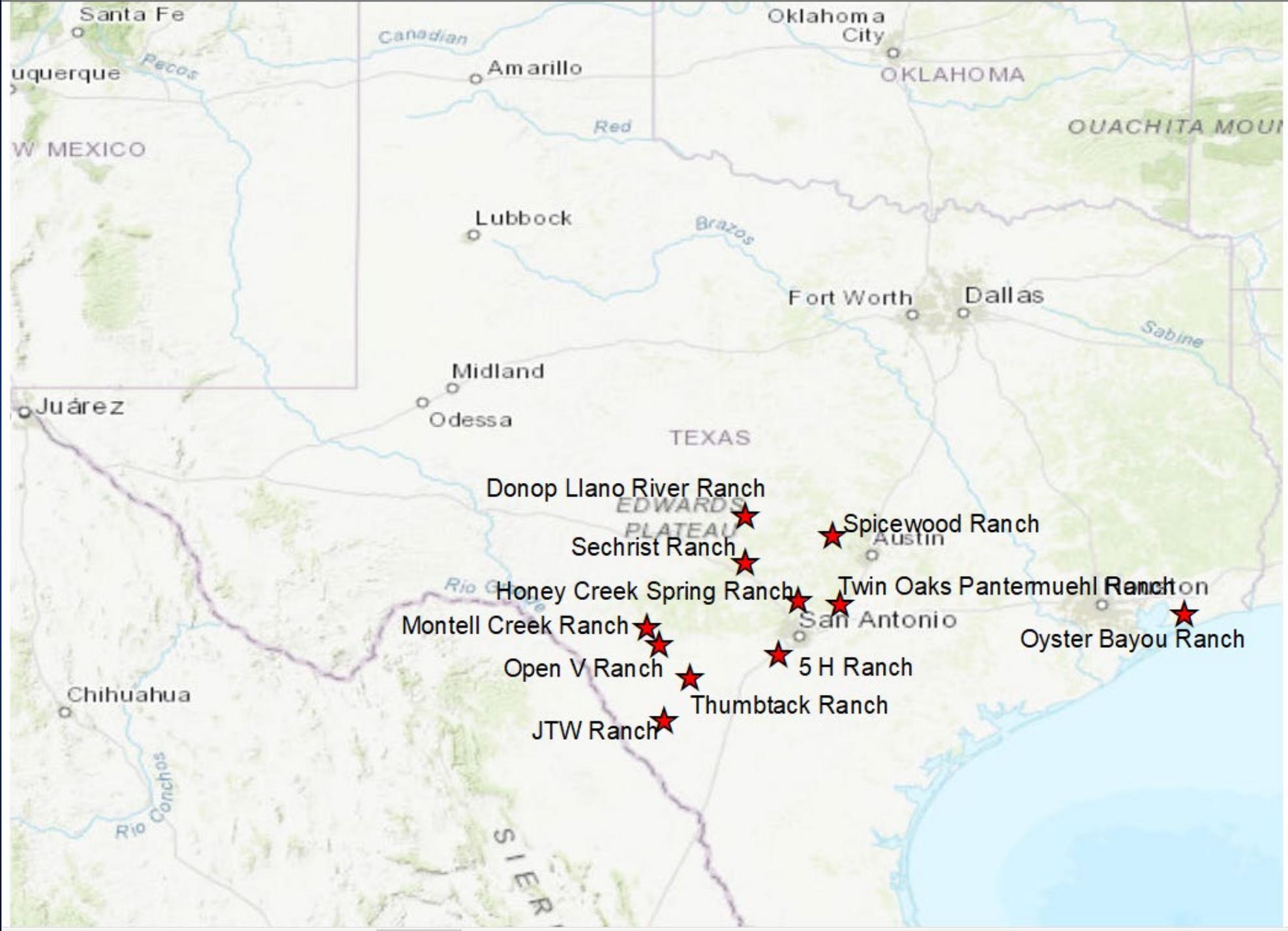
**Briefing Item #5: Presentation and discussion
of FY20-21 program applications**

**Texas Farm and Ranch Lands Conservation Council
September 11, 2019**

Overview of Applications

- Eleven (11) applications received
- Nine (9) different land trusts submitted applications
- Applications represented projects in nine (9) counties
- Projects range in size from 200 to 2,000 acres
- Applicants requested a total of \$3,086,602 to complete projects valued at \$40,213,905 that would place conservation easements on 5,899 acres
- Projects cover grazing, farming, and wildlife mgmt.
- Habitats range from the Edwards Plateau, Southern Plains, Blackland Prairie, and the Coastal Plains.

Location of Project Applications



Selection Criteria (revised)

- Threats or Development Pressures on the Property (30)
- Value / cost effectiveness of the project (20)
- Watershed value (20)
- Fish and wildlife value (15)
- Contribution to a conservation landscape (10)
- Terms of the conservation easement (5)

The Projects

A scenic landscape at sunset. The sky is a mix of blue, orange, and yellow, with scattered clouds. In the foreground, there is a lush green field with small purple flowers. A wooden fence runs across the middle ground. A large, mature tree with a thick trunk and dense green foliage stands on the right side of the frame. The sun is low on the horizon, creating a warm glow.

The following projects are presented
in order from highest to lowest as
ranked by the selection team

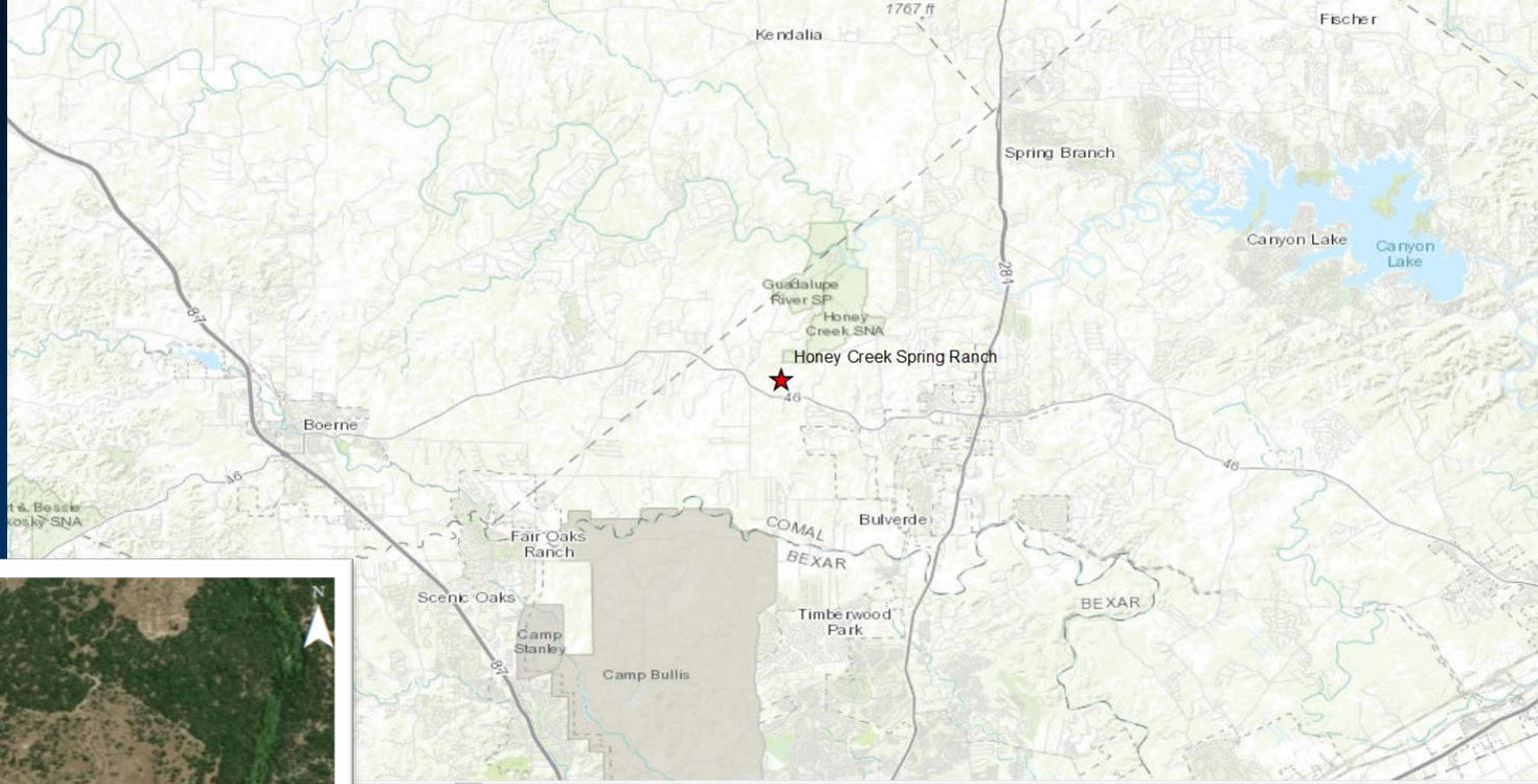
Honey Creek Spring Ranch

The Nature Conservancy

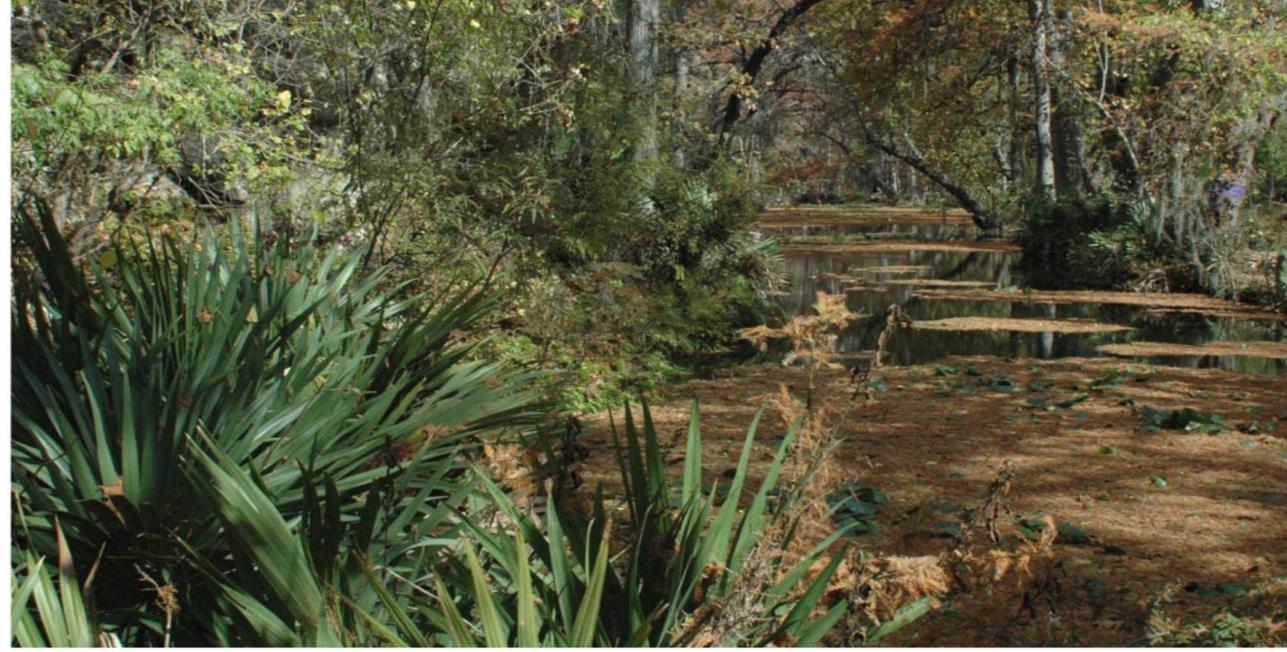
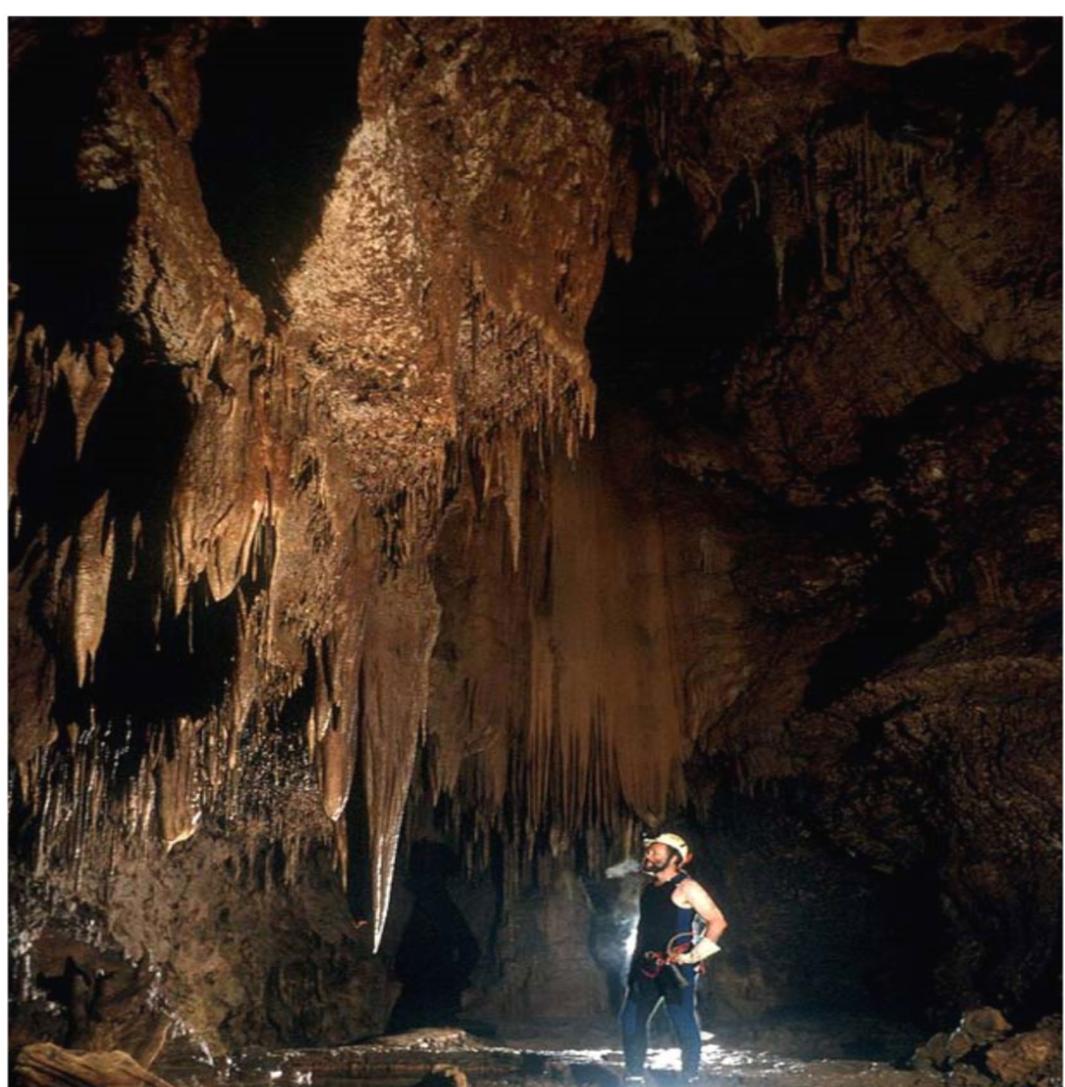
- Landowner: **Honey Creek Spring Ranch LP**
- Acres: **639** County: **Comal**
- Request: **\$572,000**
 - \$2,000,000 NRCS request
 - \$0 cash match
 - Price per acre: \$895

Estimated Market Value – **\$5,000,000**

Honey Creek Spring Ranch



Honey Creek Spring Ranch



Honey Creek Spring Ranch

- Ranked # 1 by the Selection Team
- Primary Working Land Use: Livestock grazing
- Family owned since 1871
- Adjacent to Guadalupe River State Park and Honey Creek State Natural Area
- The ranch contains most of Honey Creek Cave, the largest cave system in Texas with an underground river which flows into the Guadalupe River
- The cave system contains rare karst species

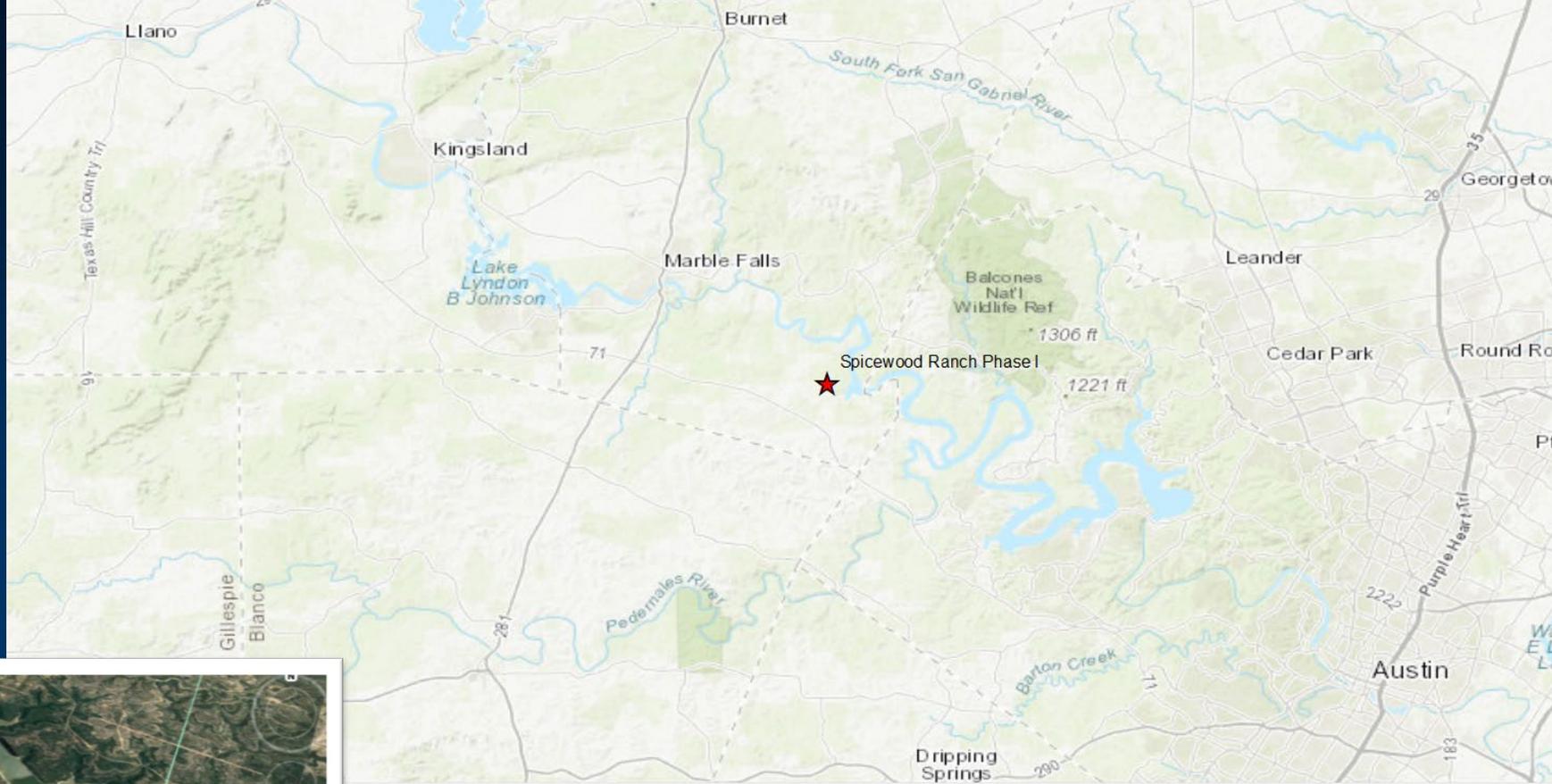
Spicewood Ranch Phase I

Hill Country Conservancy

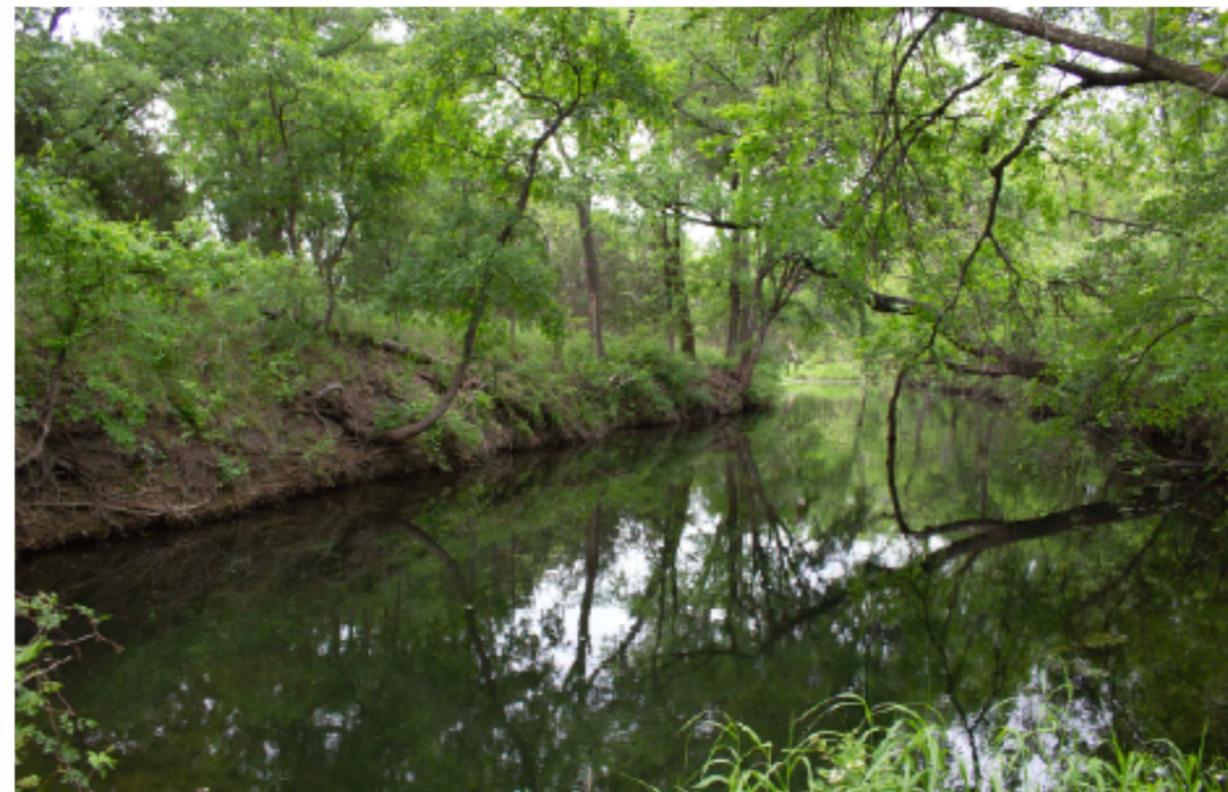
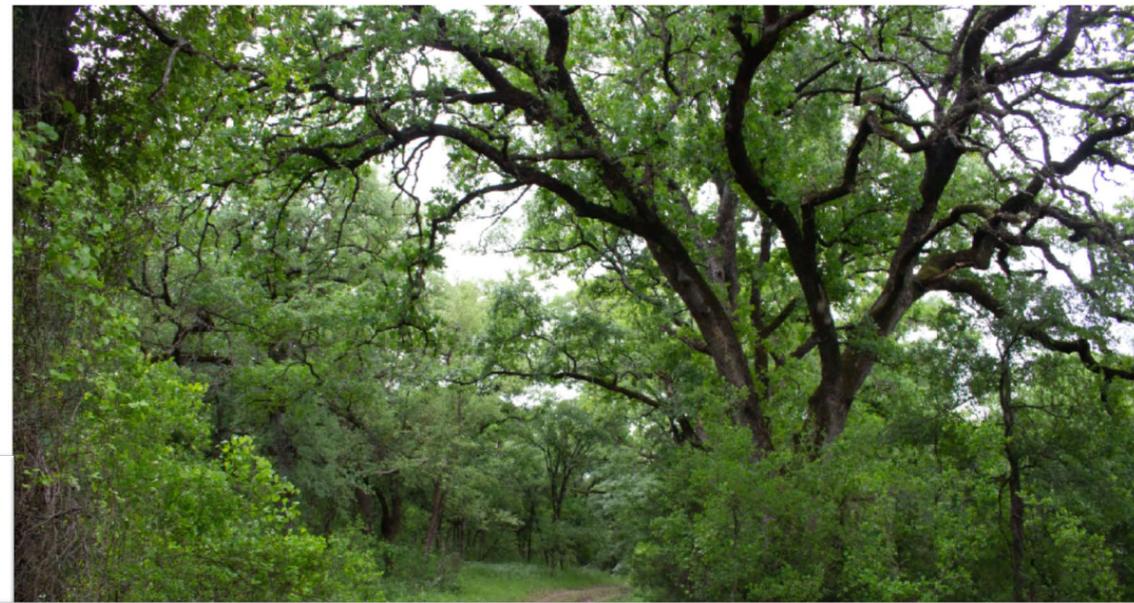
- Landowner: **Christopher Harte**
- Acres: **561** County: **Burnet**
- Request: \$212,998
 - \$ 2,315,981 NRCS request
 - \$141,225 cash match
 - Price per Acre: \$379

Estimated Market Value – \$3,087,975

Spicewood Ranch Phase I



Spicewood Ranch Phase I



Spicewood Ranch Phase I



Spicewood Ranch Phase I

- Ranked # 2 by the Selection Team
- Primary Working Land Use: Wildlife Management
- Awarded Texas Parks and Wildlife's "Lone Star Land Steward" in 2018
- 350 acres of oak/hardwood and oak/juniper woodlands; 101 acres of high quality ag land; 70 acres of grassland; and 40 acres of riparian lands
- 200 acres of Golden Cheeked Warbler habitat

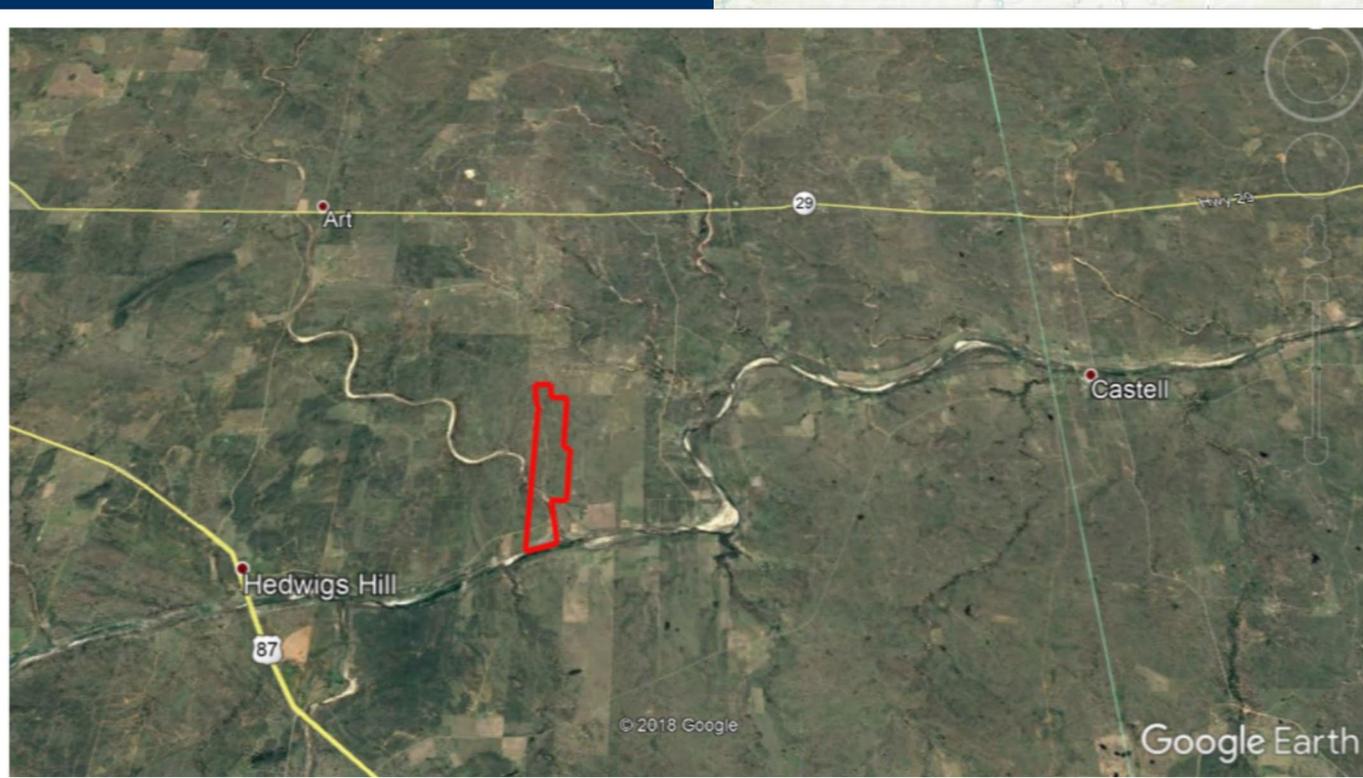
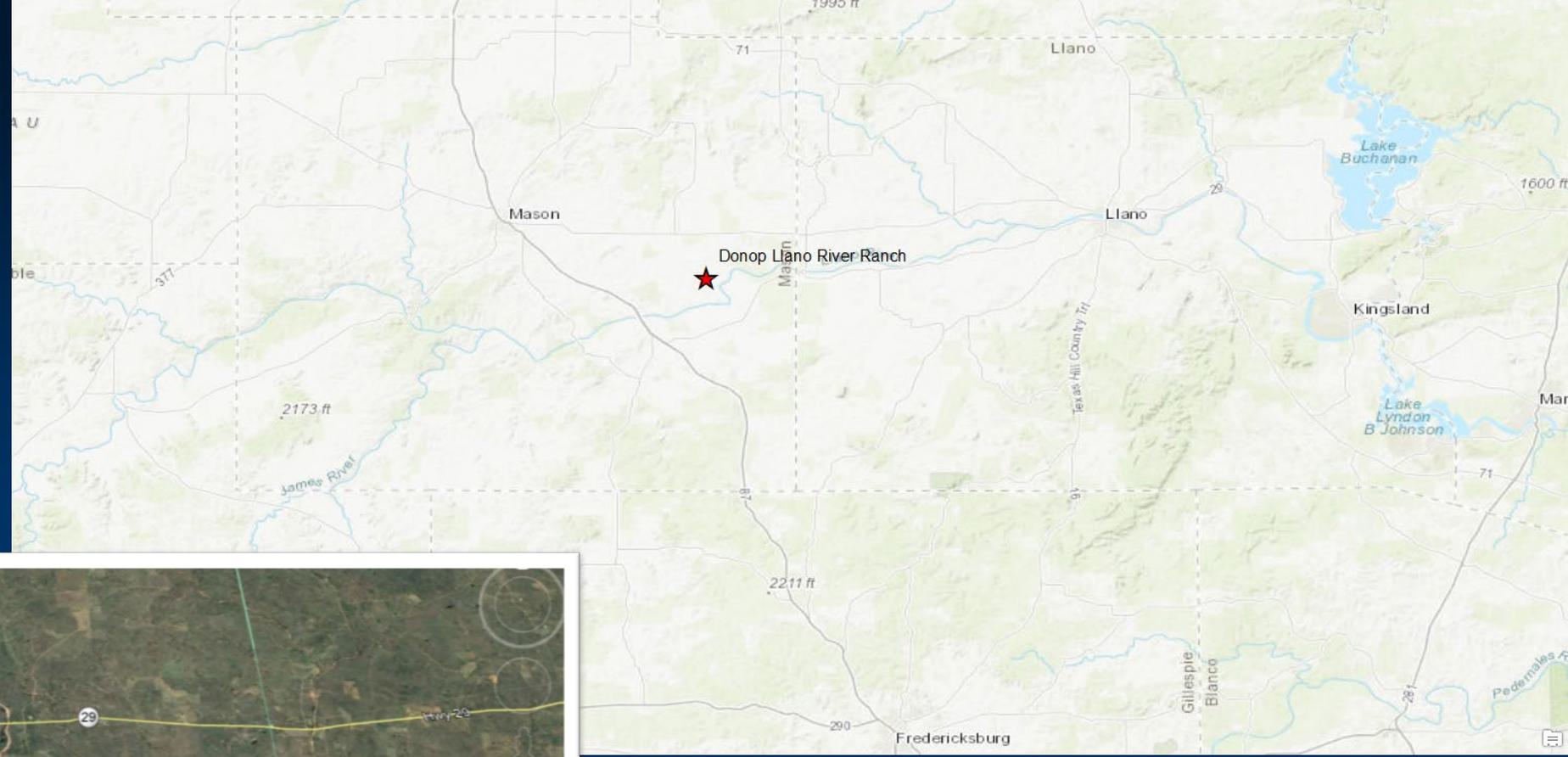
Donop Llano River Ranch

Texas Agricultural Land Trust

- Landowner: **Perry Donop Jr.**
- Acres: **423** County: **Mason**
- Request: **\$79,655**
 - \$0 NRCS request
 - \$0 cash match
 - Price per acre: \$188

Estimated Market Value – \$1,998,000

Donop Llano River Ranch



Donop Llano River Ranch



Donop Llano River Ranch



Donop Llano River Ranch

- Ranked # 3 by the Selection Team
- Primary Working Land Use: Grazing and Wildlife
- Family owned, active working ranch since 1859
- Bisected by Willow Creek
- Development threat is increasing in Mason County

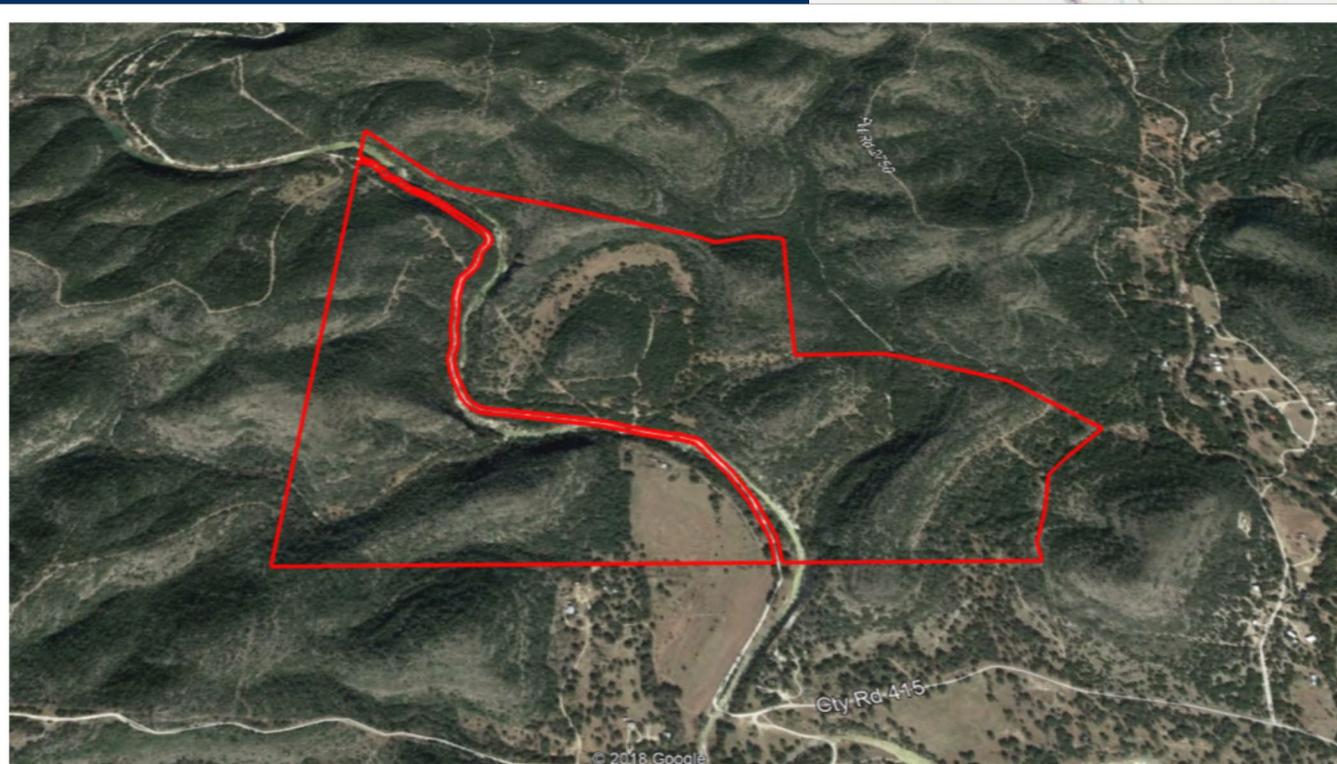
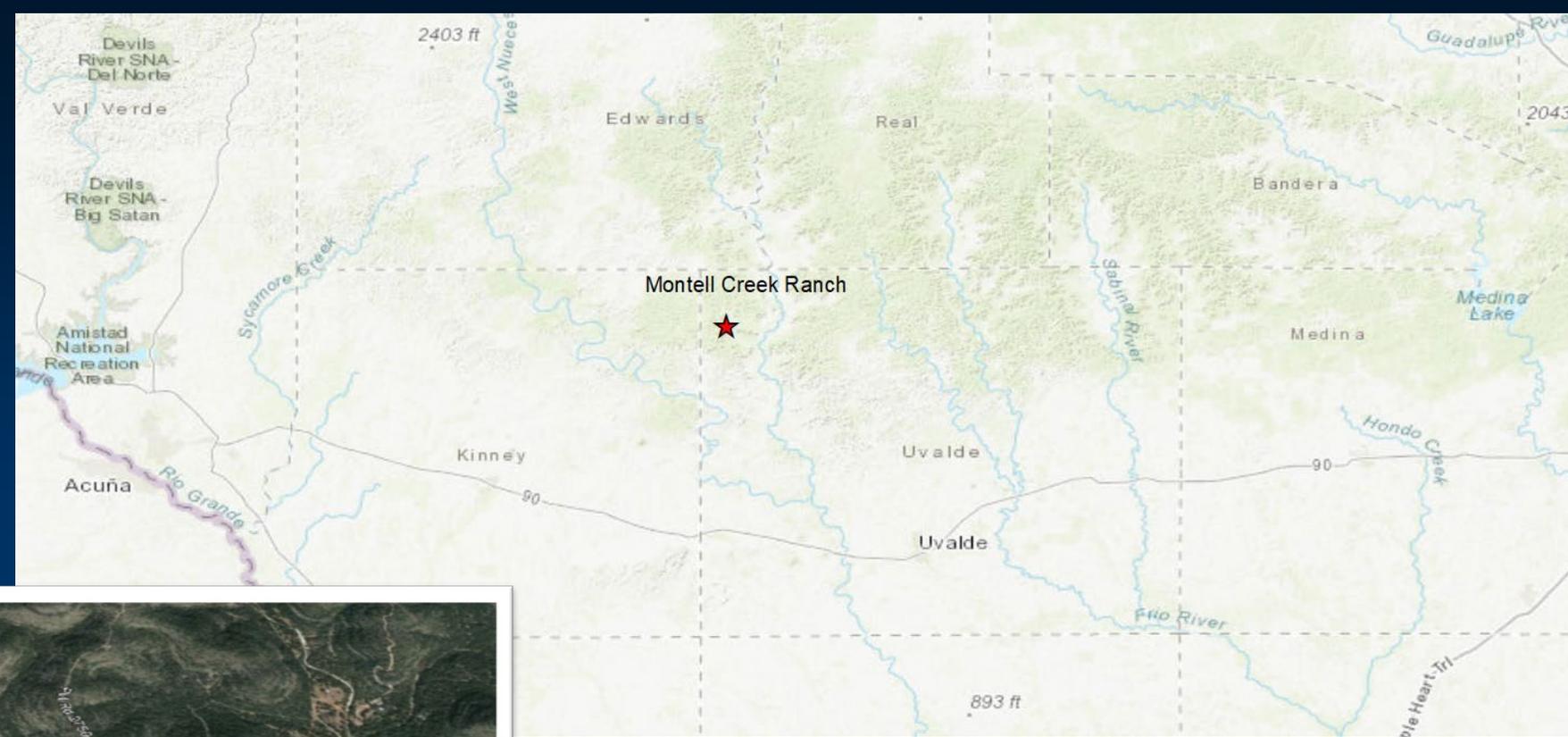
Montell Creek Ranch

Hill Country Land Trust

- Landowner: Worley Miller Land Trust
- Acres: 396 County: Uvalde
- Request: \$240,000
 - \$0 NRCS request (Original \$100k rejected)
 - \$0 cash match
 - Price per acre: \$606

Estimated Market Value – \$500,000

Montell Creek Ranch



Montell Creek Ranch



Montell Creek Ranch

- Ranked # 4 by the Selection Team
- Primary Working Land Use: Wildlife, livestock
- Family owned since 1945
- Active working ranch
- Numerous caves and springs are present
- The ranch contains 1.3 miles of Montell Creek as well as several springs, all tributary to the Nueces River

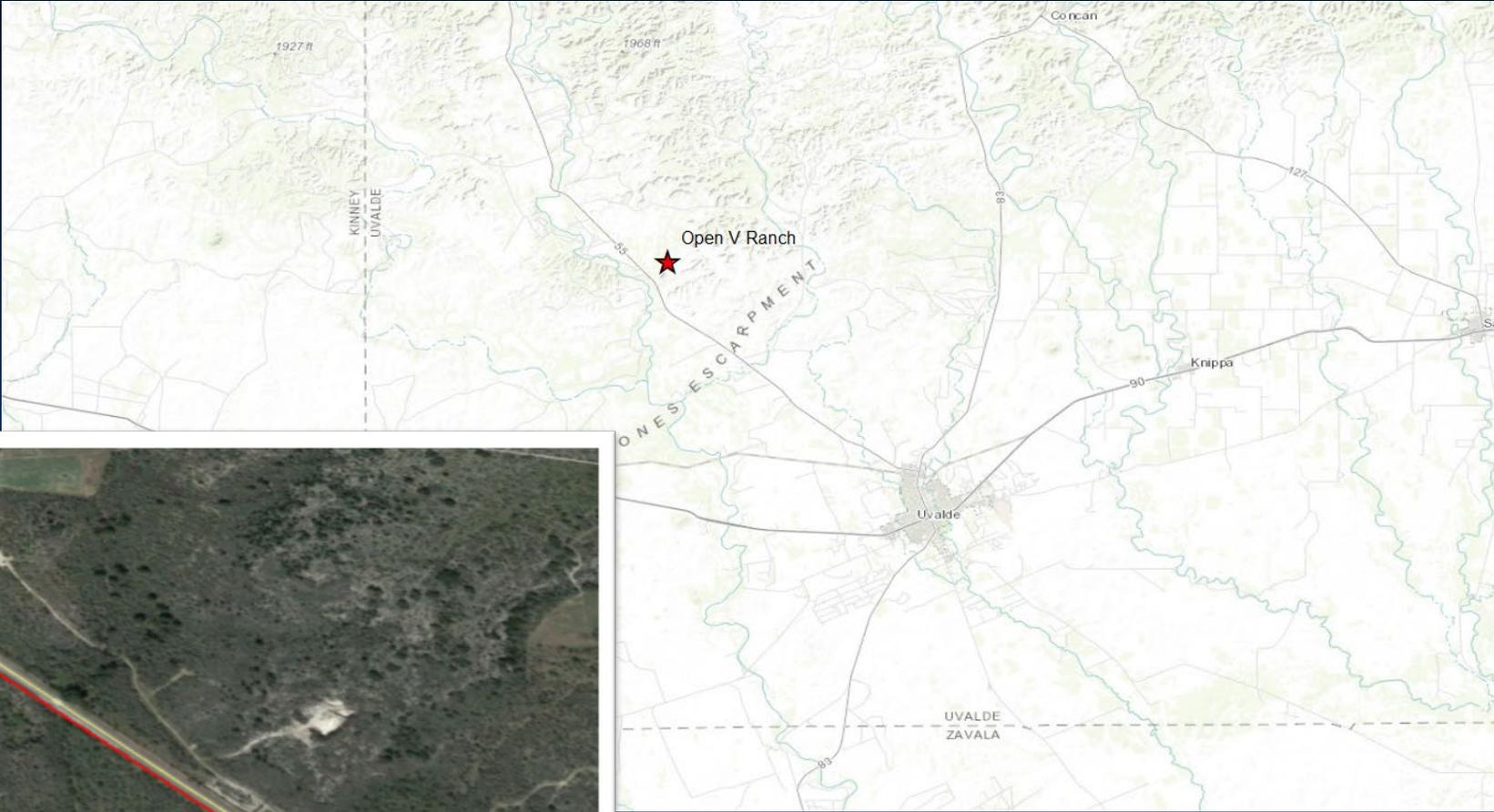
Open V Ranch

Texas Agricultural Land Trust

- Landowner: **Sky Marshall Jones-Lewey**
- Acres: **200** County: **Uvalde**
- Request: **\$317,770**
 - \$0 NRCS request
 - \$260,000 cash match

Estimated Market Value – \$520,000

Open V Ranch



Open V Ranch



Open V Ranch



Open V Ranch

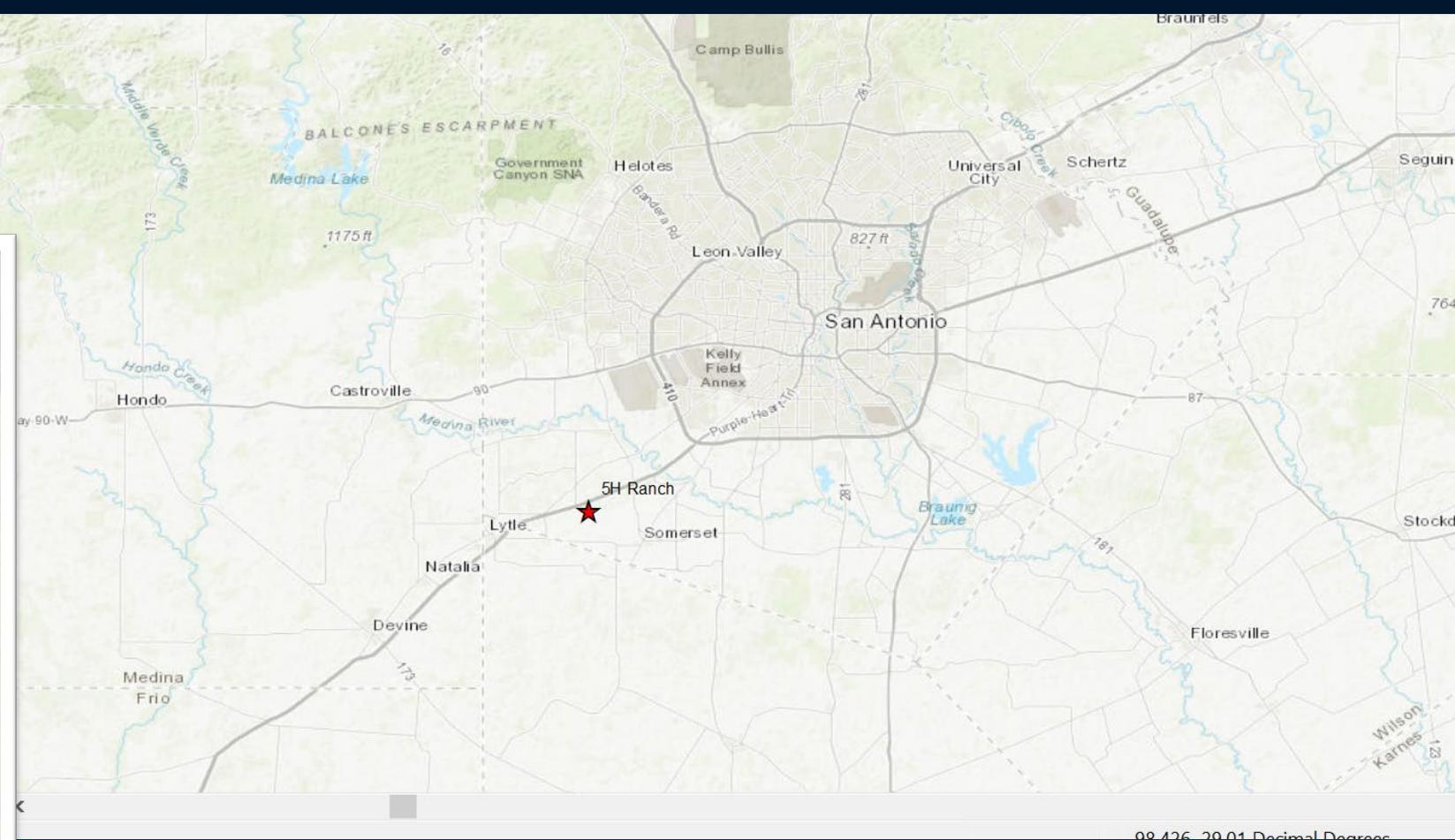
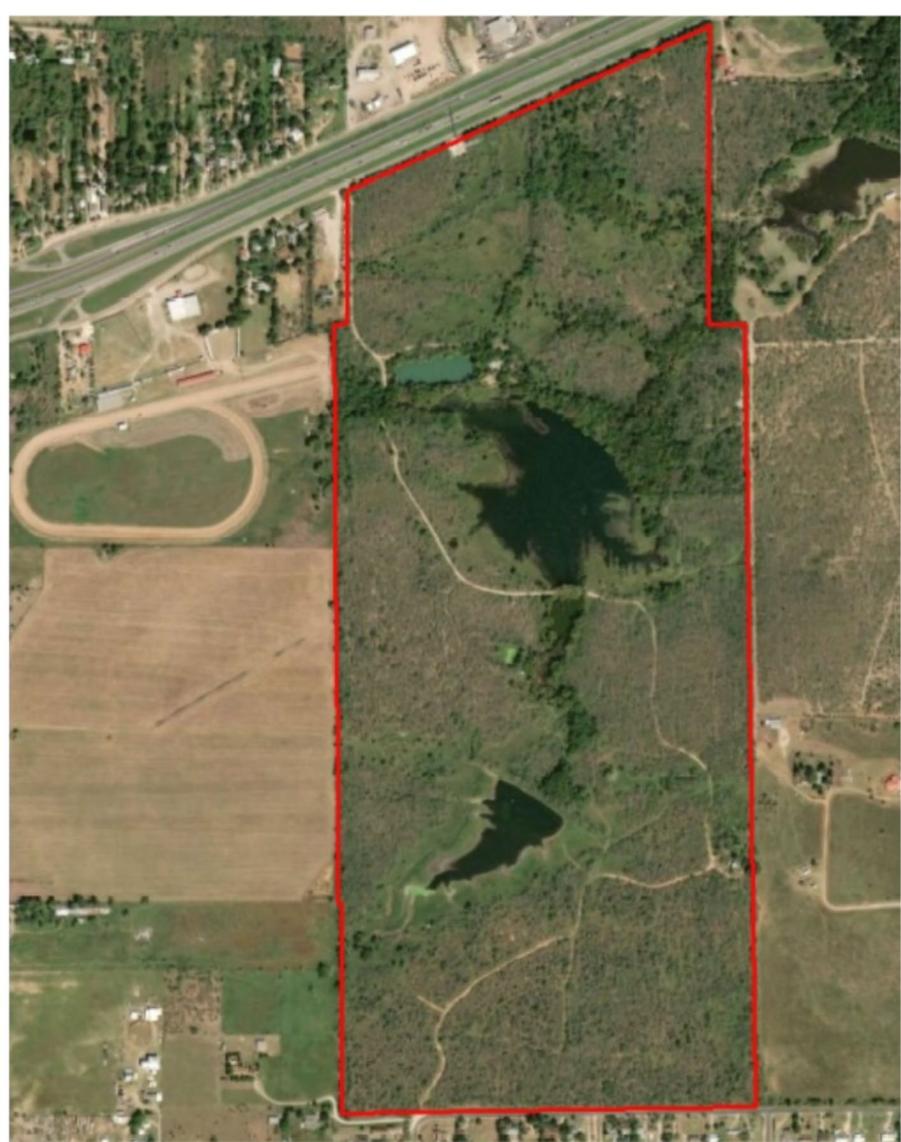
- Ranked # 5 by the Selection Team
- Primary Working Land Use: Grazing, Wildlife
- Family owned since 1965
- Lone Star Steward Award - 2014
- Active working ranch
- 108 acres of riparian forests, 41 acres of improved pasture and 51 acres of native pasture
- Several Species of Greatest Conservation Need can found on the ranch

5-H Ranch

Green Spaces Alliance

- Landowner: **5 H Ranch Corporation**
- Acres: **249** County: **Bexar**
- Request: **\$77,500**
 - \$0 NRCS request
 - \$19,700 cash match
 - Price per acre: \$311
- Estimated Market Value – \$906,000

5H Ranch

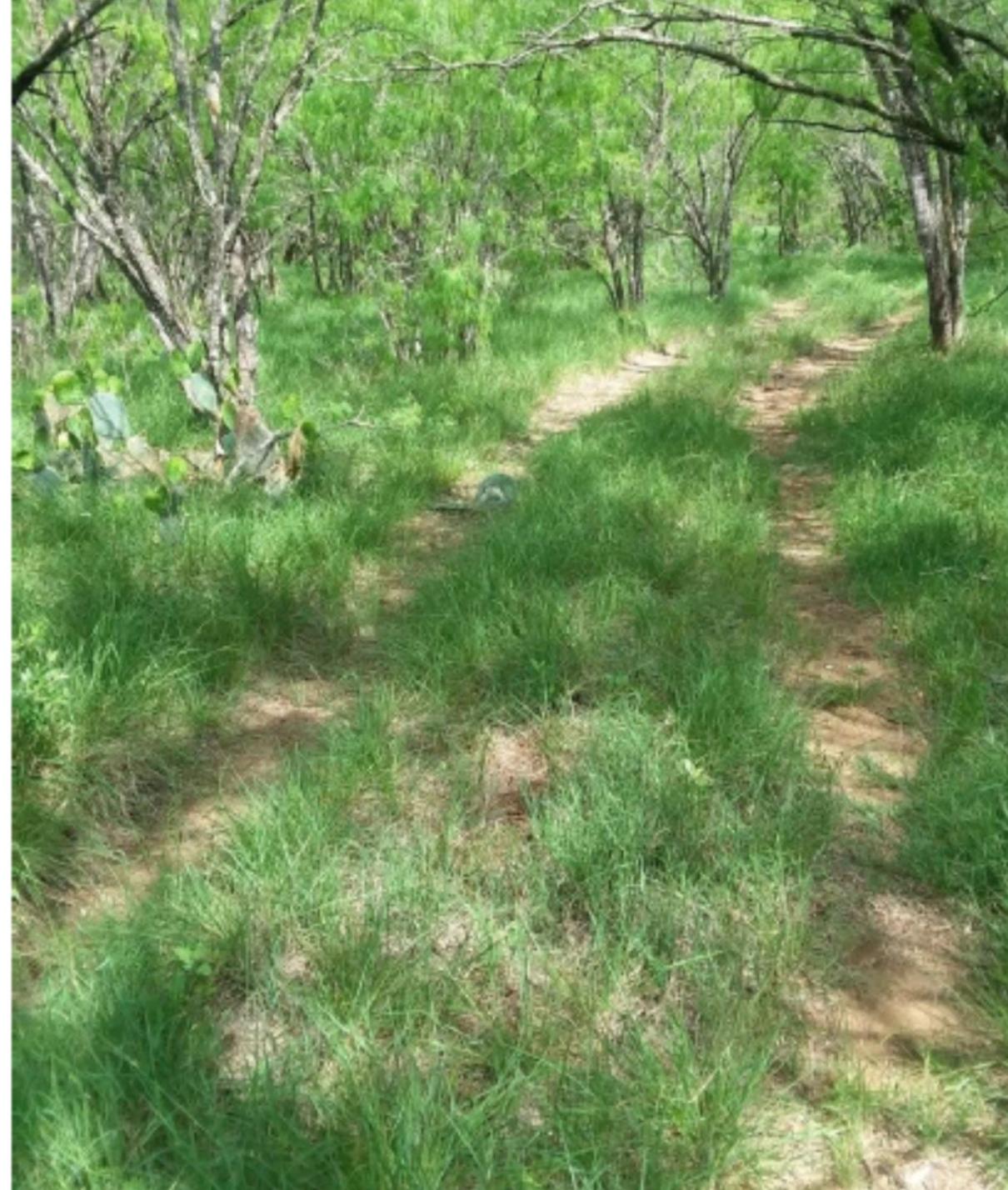
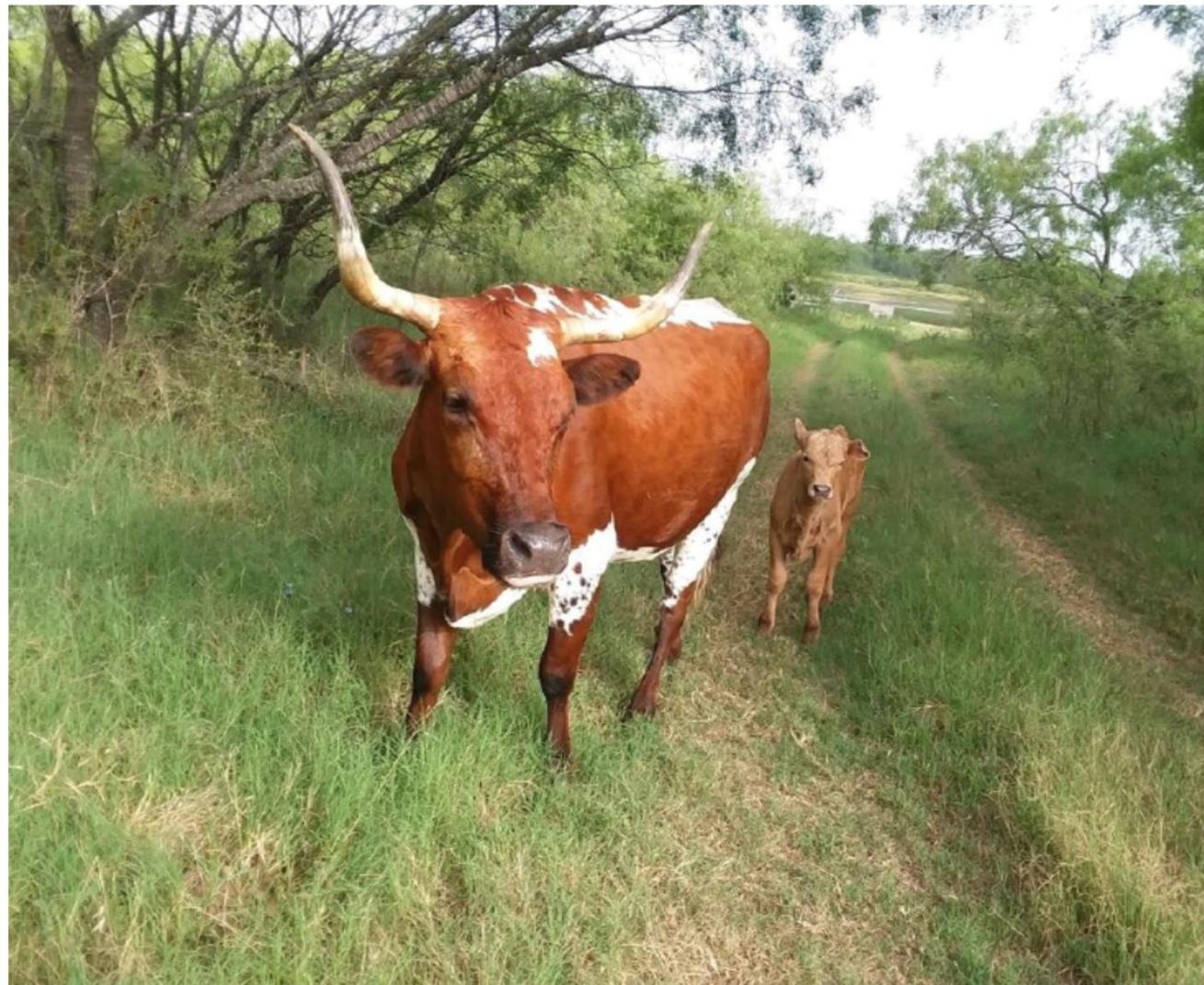


08 426 20 01 Decimal Degrees

5H Ranch



5H Ranch



5H Ranch

- Ranked # 6 by the Selection Team
- Primary Working Land Use: Grazing, fishing lease, oil, cell tower
- Family owned since 1945
- Active working ranch with 75 acres of improved pasture, 50 acres of ponds and wetlands, and approximately 30 acres of woodland
- The property has frontage on I-35 and the area is rapidly developing

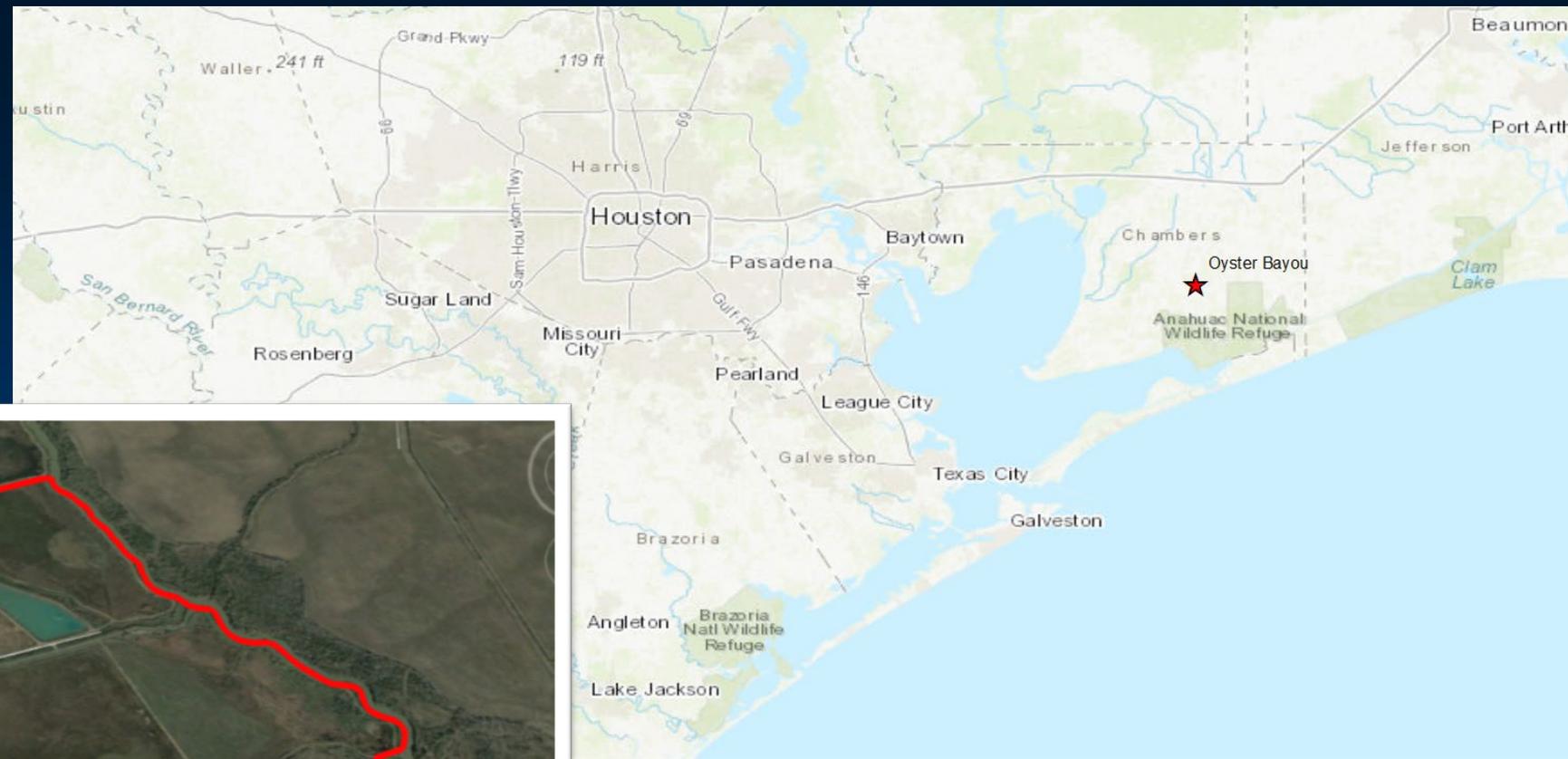
Oyster Bayou

Galveston Bay Foundation

- Landowner: **Halley Ray Moor Sr.**
- Acres: **460** County: **Chambers**
- Request: **\$230,000**
 - \$230,000 NRCS request
 - \$60,000 cash match
 - Price per acre: \$500

Estimated Market Value - \$460,000

Oyster Bayou



Oyster Bayou



Oyster Bayou



Oyster Bayou

- Ranked # 8 by the Selection Team
- Primary Working Land Use: Farming, wildlife
- Active rice farm for over 50 years with 390 acres of rotational rice farming; and 70 acres of pond and wetlands
- Enhancing wildlife habitat is a primary goal for this property. Focusing on recreational waterfowl hunting and wetland habitat management to supplement migratory bird populations

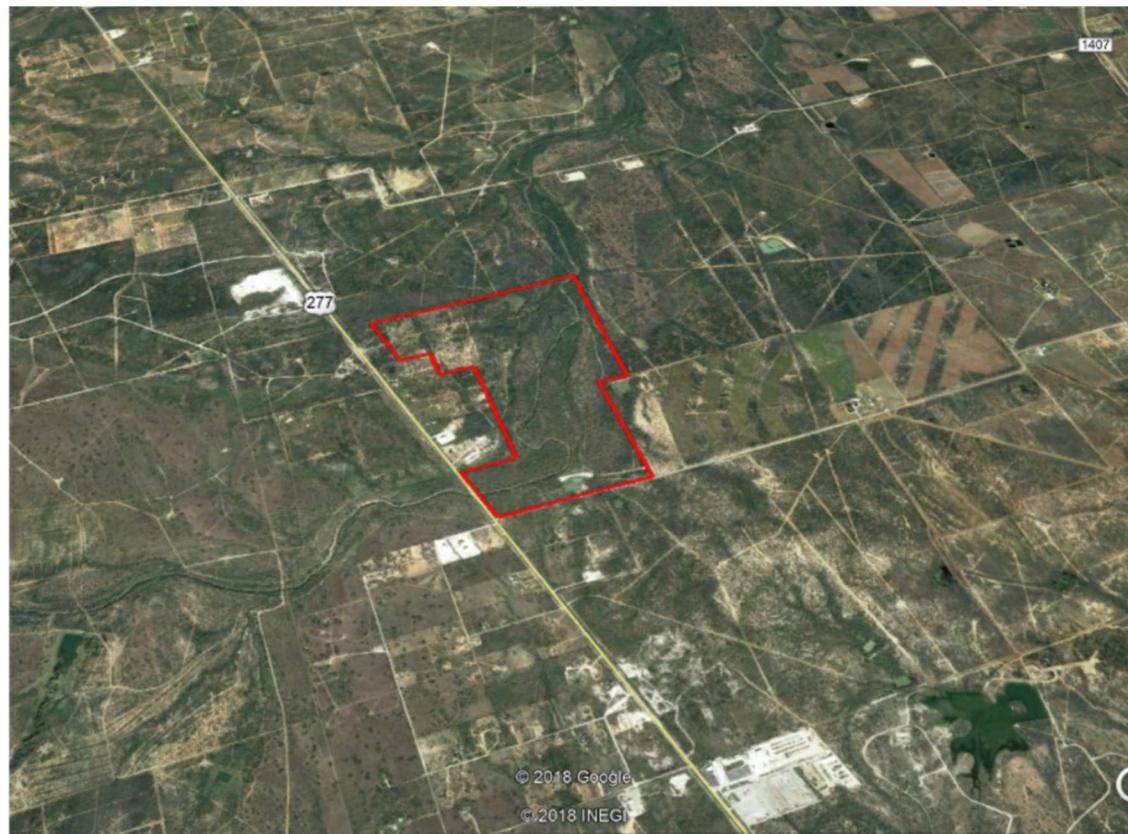
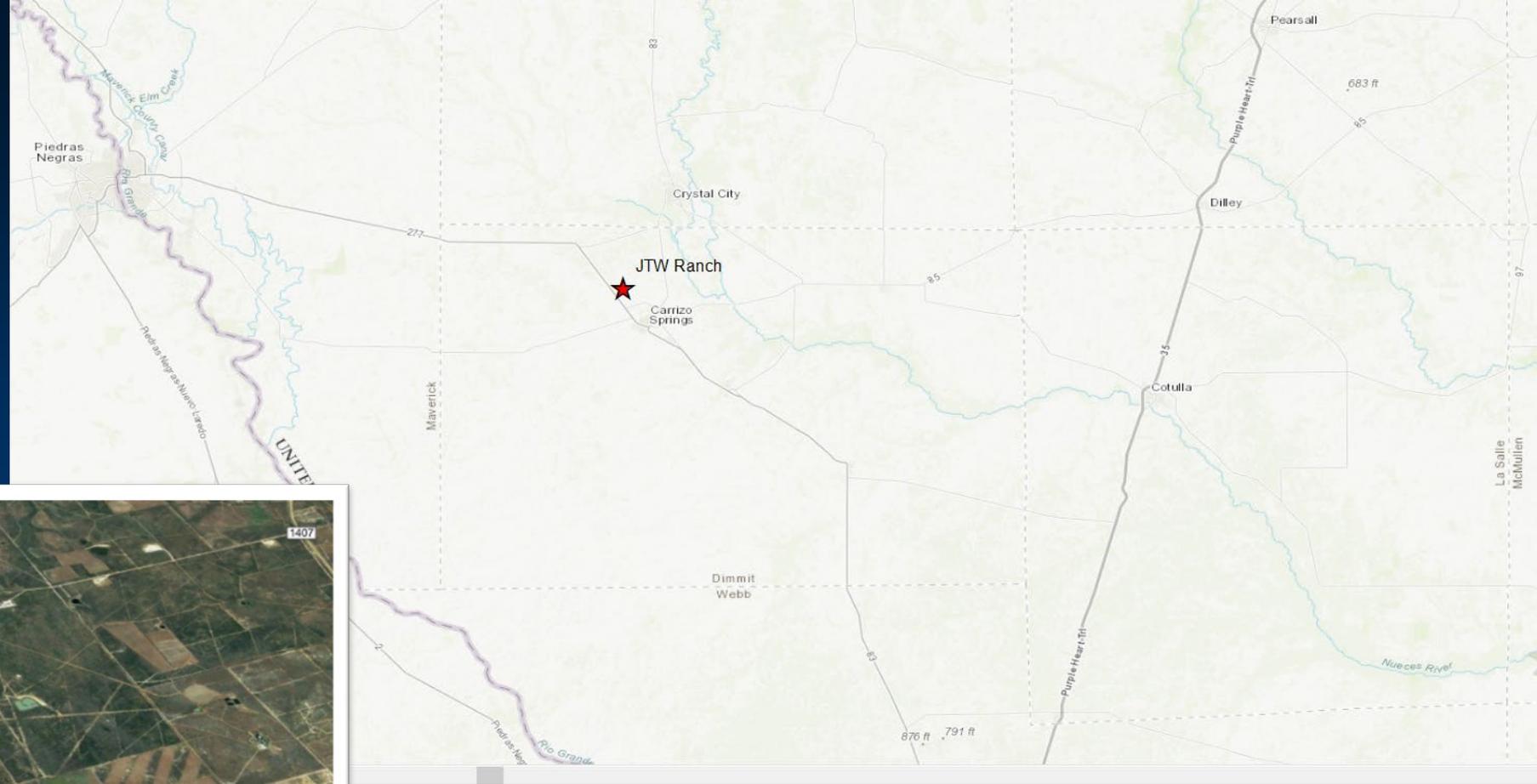
JTW Ranch

Texas Ag Land Trust

- Landowner: **Andrew T. Walker**
- Acres: **433** County: **Dimmit**
- Request: **\$125,029**
 - \$250,058 NRCS request
 - \$125,029 cash match

Estimated Market Value - \$500,115

JTW Ranch



JTW Ranch



JTW Ranch



JTW Ranch

- Ranked # 8 by the Selection Team
- Primary Working Land Use: Livestock, wildlife
- Active working ranch since the early 1900's. Current landowner took over in 1988
- 433 acres of native and improved pastures bisected by Pena Creek
- Due to the Eagle Ford Shale development, fragmentation pressure is high

Sechrist Ranch

Texas Agricultural Land Trust

- Landowner: **Richard L. Sechrist**
- Acres: **210 Acres** County: **Gillespie**
- Request: **\$281,250**
 - \$421,875 NRCS request
 - \$281,250 cash match
 - Price per acre: \$1,406

Estimated Market Value – **\$2,500,000**

Sechrist Ranch



Sechrist Ranch



Sechrist Ranch



Sechrist Ranch

- Ranked # 9 by the Selection Team
- Primary Working Land Use: Livestock, wildlife
- Active ranch for over 70 years
- White Oak Creek bisects the ranch and flows into the Pedernales River
- Located near Fredricksburg, development threat is high

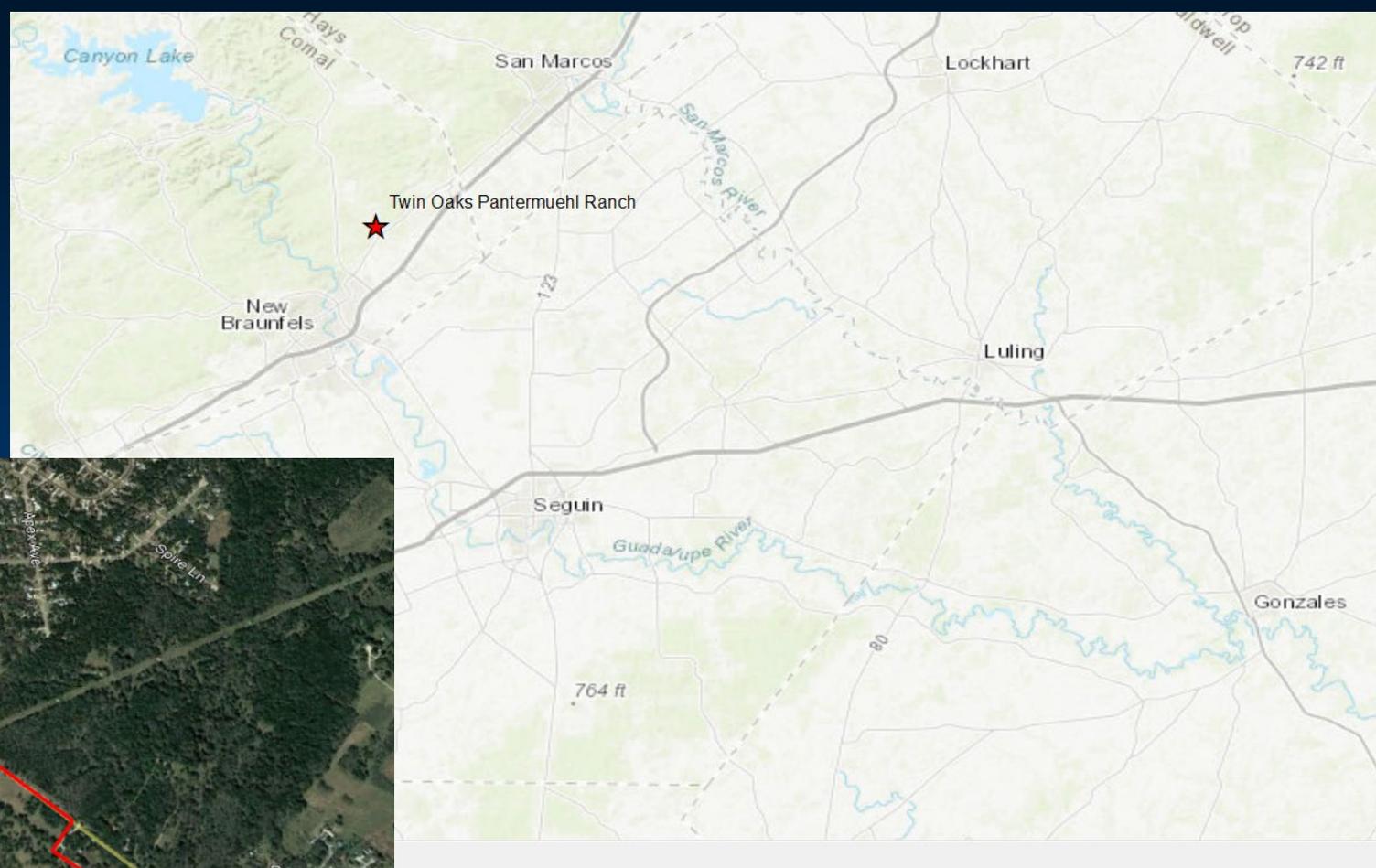
Twin Oaks Pantermuehl Ranch

Guadalupe-Blanco River Trust

- Landowner: Twin Oaks Pantermuehl, LLC.
- Acres: 338 County: Comal
- Request: \$500,400
 - \$0 NRCS request
 - \$5,000 cash match
 - Price per acre: \$1,479

Estimated Market Value – \$2,780,000

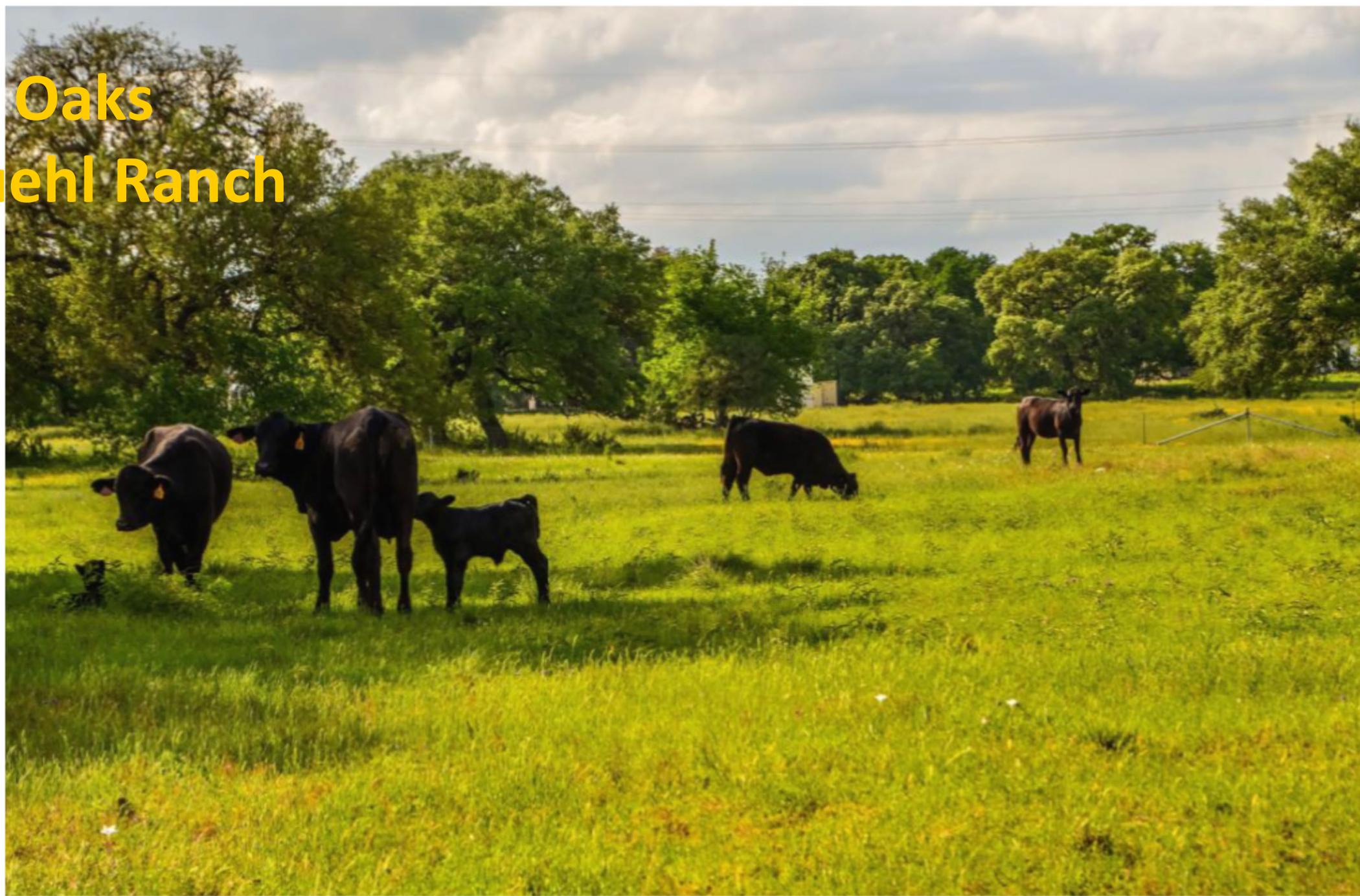
Twin Oaks Pantermuehl Ranch



Twin Oaks Pantermuehl Ranch



Twin Oaks Pantermuehl Ranch



Twin Oaks Pantermuehl Ranch



Twin Oaks Pantermuehl Ranch

- Ranked # 10 by the Selection Team
- Primary Working Land Use: Grazing
- Active ranch for over 50 years situated in the second fastest growing county in the U.S.
- 338 acres, 51 are used for crops with 29 acres in improved pastures and 22 acres in hay production or winter grazing. The remaining 287 acres are divided into 7 native grass pastures

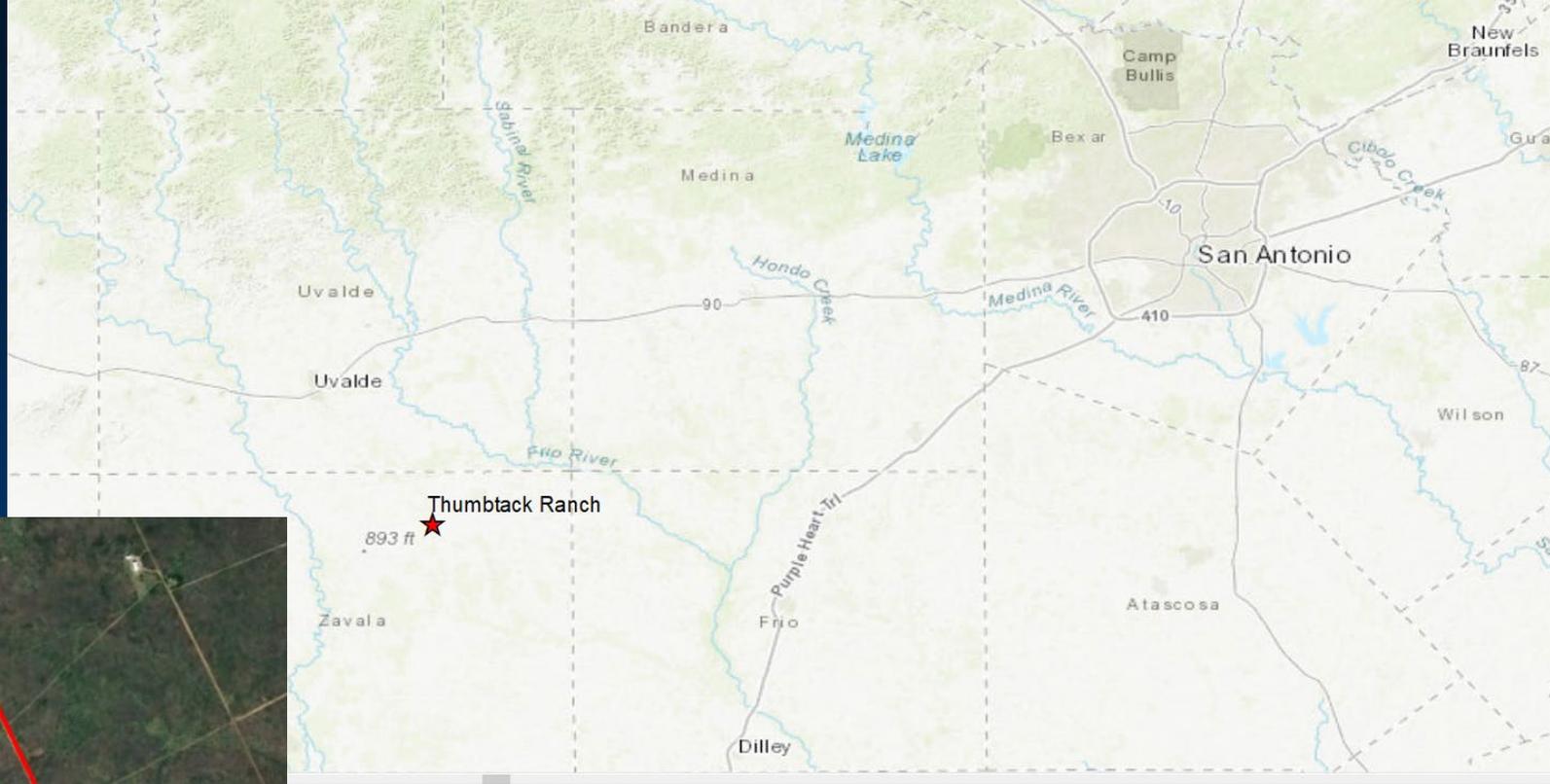
Thumbtack Ranch

Pheasants Forever

- Landowner: **Thumbtack Ranch, LLC**
- Acres: **2000** County: **Zavala**
- Request: **\$550,000**
 - \$1,000,000 NRCS request
 - \$500,000 cash match
 - Price per acre: \$275

Estimated Market Value – **\$2,000,000**

Thumbtack Ranch



Thumbtack Ranch



Thumbtack Ranch

- Ranked # 11 by the Selection Team
- Primary Working Land Use: Corporate hunting retreat. It is not being actively grazed
- The majority of ranch is in native brush with old growth pecans, oaks, and hardwoods. Improvements include a main lodge, three log cabins, foreman quarters, bunk house, equipment storage, and warehouses. A lake near the main lodge was built and is stocked with a variety of species



Questions?



Action Item #6: Consideration of staff recommendations to award grants for FY20-21 TFR LCP projects

**Texas Farm & Ranch Lands Conservation Program
Council Meeting – September 11, 2019**

Project Application Review and Ranking

- On July 9, 2019 TPWD staff and the Agricultural Industry Representative met to review and rank the project applications.
- Review team members were:
 - Justin Dreibelbis - Program Director, Private Lands & Public Hunting
 - Ted Hollingsworth – Program Director, Land Conservation Program
 - Tim Birdsong - Chief of Habitat Conservation, Inland Fisheries Division
 - Greg Creacy – Natural Resources Director, State Parks Division
 - Jason Singhurst – Plant Community Ecologist, Wildlife Division
 - Chris Abernathy – Program Coordinator, Texas Farm and Ranch Program
 - Jay Evans – Agricultural Industry Representative

Projects Recommended for Funding

PROJECT	AVG SCORE	TFRLCP GRANT REQUEST	RUNNING TOTAL		
Honey Creek Spring Ranch	96.14	\$ 572,000	\$ 572,000		
Spicewood Ranch Phase I	84.29	\$ 212,998	\$ 784,998		
Donop Llano River Ranch	78.57	\$ 79,655	\$ 864,653		
Montell Creek Ranch	71.29	\$ 240,000	\$ 1,104,653	<== \$100K NRCS request included	
Open V Ranch	70.00	\$ 317,770	\$ 1,422,423		
5 H Ranch	67.71	\$ 77,500	\$ 1,499,923		
Oyster Bayou	53.43	\$ 230,000	\$ 1,729,923		
JTW Ranch	53.29	\$ 125,029	\$ 1,854,952	<== Budget maximum of \$1,875,562	
Sechrist Ranch	53.14	\$ 281,250	\$ 2,136,202	<== Exceeded funding capabilities	
Twin Oaks Pantermuehl Ranch	48.14	\$ 500,400	\$ 2,636,602	<== Exceeded funding capabilities	
Thumbtack Ranch	33.43	\$ 550,000	\$ 3,186,602	<== Not recommended for funding	
		\$ 3,186,602			

Recommended Project Summary

- 8 projects recommended for funding
 - 7 projects for full funding; 1 project includes unfunded NRCS request of \$100,000
 - Combined project area = **3,361 acres**
 - Combined project value = **\$ 12,972,090**
- Staff recommends awarding **\$ 1,854,952**
 - TFR LCP proposed funding leverage = **7 to 1**

TFRLCP Value

- FY18-19 biennium: program appropriated \$2 million
 - Council awarded \$1.80 million to 7 projects in 6 counties protecting 16,009 acres
 - Projects valued at \$ 16.5 million for a leverage of 9:1
- FY20-21 biennium: program appropriated \$2 million
 - Staff recommends awarding \$ 1.85 million to 8 projects in 7 counties protecting 3,361 acres
 - Projects valued at \$ 16.5 million for a leverage of 7:1
- Average cost of conservation to date: \$188/acre

The staff recommends the Texas Farm and Ranch Lands Conservation Council adopt the following motion:

“The Council awards Texas Farm and Ranch Lands Conservation Program funds to the eight projects as recommended by staff”

TEXAS

PARKS &

WILDLIFE

TEXAS FARM AND RANCH LANDS CONSERVATION PROGRAM



TEXAS
PARKS &
WILDLIFE

Action Item #7: Discussion and consideration of assignment of the qualified holder for the easements on Tomlinson Farms, Stopover Ranch, and Baldpate Farms from Texas R.I.C.E. to Katy Prairie Conservancy

Chris Abernathy

**Texas Farm and Ranch Lands Conservation Council
September 11, 2019**

In 2014 and 2015, the Texas Farm and Ranch Council under the General Land Office awarded Coastal Impact Assistance Program grant funds to Texas R.I.C.E. to place conservation easements on three properties:

- Stopover Ranch**
- Baldpate Farms**
- Tomlinson Farms**

Texas R.I.C.E. wishes to transfer these easements to the Katy Prairie Conservancy (KPC) as they recognize that KPC is better able to handle the protection of these properties in perpetuity.

KPC is willing to take over as the holder of these easements.

KPC is requesting the Texas Farm and Ranch Lands Council authorize the transfer.

**Staff recommends the Texas
Farm and Ranch Lands
Conservation Council adopt the
following motion:**

“The Council authorizes the transfer of conservation easements on Stopover Ranch and, Baldpate Farms from current easement holder, Texas R.I.C.E., to the Katy Prairie Conservancy, an accredited land trust through the Land Trust Alliance”

**Staff recommends the Texas
Farm and Ranch Lands
Conservation Council adopt the
following motion:**

“Upon receipt of a signed Consent and Approval letter from the landowner, the Council conditionally authorizes the transfer of a conservation easement on Tomlinson Farms from current easement holder, Texas R.I.C.E., to the Katy Prairie Conservancy, an accredited land trust through the Land Trust Alliance ”

TEXAS

PARKS &

WILDLIFE