



TAKING CARE OF **TEXAS**

A REPORT FROM THE GOVERNOR'S
TASK FORCE ON CONSERVATION





THE STATE OF TEXAS EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
AUSTIN, TEXAS
EXECUTIVE ORDER
GWB 00-1

Relating to Conservation

WHEREAS, the State of Texas has perhaps the most diverse natural resources of all 50 states; and these resources contribute directly to the State's economy and quality of life; and
WHEREAS, conservation and wise utilization of these resources is a continuing challenge due to many factors, including rapid population growth, the accelerating loss of natural areas, conflicts associated with species recovery and the rising demand for access to the outdoors; and
WHEREAS, ninety-seven percent of the Texas landscape is privately owned; and among the most serious conservation challenges in the state is the continued breakup of family lands; and
WHEREAS, many institutions in Texas, including private landowners, non-profit organizations, and public agencies have contributed to the general health of these resources in Texas today; and
WHEREAS, nature tourism offers exciting economic development opportunities arising from Texas' great natural diversity; and
WHEREAS, Texas has an extensive system of State and local parks that contribute directly to its quality of life, but are currently overtaxed due to increased demand, aging infrastructure, and insufficient funding; and
WHEREAS, placing tools and incentives in the hands of private landowners and partnering with local communities have been successful conservation strategies for the state; and
WHEREAS, Texas should encourage responsible stewardship and enhance outdoor recreational opportunities to ensure that future generations can enjoy the state's abundant beauty and natural resources.

NOW, THEREFORE, I, GEORGE W. BUSH, GOVERNOR OF TEXAS, under the authority vested in me, do hereby create and establish the Governor's Task Force on Conservation to serve in an advisory capacity to the Governor. This Task Force shall (i) examine the impact of fragmentation on lands in Texas and the wildlife habitat located thereon; (ii) make recommendations as to appropriate incentives and tools available to assist landowners in more effectively conserving and managing lands in their stewardship; (iii) make recommendations as to how all Texas citizens may benefit from the many forms of economic activity associated with natural resources, including hunting, fishing, other forms of outdoor recreation, and nature tourism; and (iv) provide specific recommendations as to how the state, in partnership with other government entities, private landowners and community-based groups can better meet the conservation and outdoor recreation needs of the State of Texas in the future. The Task Force shall have no final action authority.

The Governor shall appoint the members of the Task Force and he shall designate a chair. The Task Force shall include members of non-profit conservation organizations, private landowners, persons affiliated with statewide conservation efforts, and community leaders. The Task Force chair shall convene the Task Force at the earliest practicable time after appointment and shall accomplish its charge by November 1, 2000. It shall submit to the Governor a written summary of its findings and recommendations by November 1, 2000.

The Task Force shall meet as frequently as necessary upon call of the Chair. A majority of the membership shall constitute a quorum for the purpose of conducting the business of the Task Force.

The members of the Task Force shall serve without salary. Reasonable and necessary travel and per diem expenses may be reimbursed when such expenses are incurred in direct performance of official duties, but such reimbursement shall not exceed \$80 per day as permitted by Article IX, Section 33, of the Texas General Appropriations Act.

This Executive Order shall be effective immediately and shall remain in full force and effect until modified, amended, or rescinded by me.


George W. Bush
Governor

Attest:


Elton Bomer
Secretary of State



LETTER TO THE GOVERNOR



October 20, 2000

Dear Governor Bush:

Your Task Force on Conservation is pleased to submit for your consideration its report *Taking Care of Texas*. This report sets forth recommendations that we believe will protect and enhance the natural resources of the State of Texas, assure outdoor recreation opportunities for all its citizens, and further define Texas as a leader in conservation achievements.

During our deliberations, we found that conservation issues were most efficiently organized into three major categories: private lands, public lands, and water. Our recommendations are so presented, along with specific strategies and background information for each. Although water was not included specifically in the charges of the Executive Order, we found it to be integral to the conservation needs of the State.

With 97% of the land in Texas privately owned, landowners and managers are already involved in many conservation efforts. Any major conservation effort depends on their participation and cooperation. The State has already initiated a number of innovative ways to involve landowners and managers in conservation efforts. To further this essential conservation work, we recommend that Texas should:

- a. Create a statewide Purchase of Development Rights program.**
- b. Reform tax laws to support conservation.**
- c. Expand incentives for habitat management and outdoor recreation on private lands.**

Because of its growing and changing population, Texas will face increasing demands for outdoor recreation opportunities on public lands. Accordingly, the State should:

- a. Develop a comprehensive system to assess conservation and outdoor recreation needs.**
- b. Fund the repair, development, and maintenance of existing public property to meet those needs.**
- c. Acquire assets that meet criteria of statewide significance to meet those needs.**
- d. Divest inventory that does not meet those needs.**

Texas must also address the need for local communities to be involved in conservation planning and to fulfill the goal of statewide conservation and outdoor recreation.

Management of water is a critical conservation issue in Texas. As Texas faces increasing demands upon its water for municipal growth, industry, and agriculture, we must provide for conservation of our natural resources as well. To further this end, the State should:

- a. Ensure adequate quantity and quality of water to protect its land and water ecosystems.**
- b. Include the requirements of fish and wildlife in current water resource management, when a right is converted to a different use.**
- c. Promote agricultural water uses that also benefit wildlife.**
- d. Protect its springs.**

Many of our recommendations will require new or increased funding to maintain and enhance the quality of life that Texans enjoy and expect. We examined conservation in Texas in the present and identified what will be needed in the future; we leave to you and other state leaders the determination of methods for financing its achievement.

The Task Force believes that following these recommendations and implementing the strategies outlined to achieve them will position Texas as a leader in conservation and provide essential components of the quality of life that our citizens expect in the twenty-first century.

Respectfully submitted,



Carol E. Dinkins, Chair
Governor's Task Force on Conservation

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The Task Force gratefully acknowledges Coby Shorter, of the Governor's Policy Office, for his support during the development of this report.



TAKING CARE OF TEXAS

PROCESS

All meetings of the Task Force were posted and open for anyone wishing to attend. Everyone from whom oral testimony or remarks were received is acknowledged at the end of this Report. The Task Force accepted written testimony throughout its deliberations.

The first Task Force meeting, held at the State Capitol, was an introductory session in which a member of the Governor's staff explained the Governor's charges and provided direction to the Task Force. Experts in the fields of each of the charges made presentations.

At the second meeting, the Task Force received public testimony from numerous people on conservation issues of concern to them. Although written invitations were extended to constituent leaders, anyone interested in conservation issues was free to address the Task Force.

At the third meeting, the Task Force heard invited testimony on successful conservation/partnership models at both local and statewide levels that addressed the prevalent conservation concerns discussed at the previous two meetings. In addition, the Task Force engaged in its first major brainstorming session, during which members discussed what each thought were important issues to consider.

The fourth meeting was a working session over two days, during which members discussed and agreed upon the issues, solutions, recommendations, and strategies that respond to the Governor's charges.

The Chair named a working group, which met three times, to refine the narrative that develops and explains the recommendations identified by the full Task Force. The working group submitted a draft report that was reviewed by the entire Task Force.

The full Task Force (with two members absent) met at the State Capitol on October 19, 2000. After a full discussion, the Task Force unanimously approved the recommendations and the Report, recognizing that the Chair would incorporate changes agreed upon by consensus during the meeting, stylistic or format changes identified as the Report was readied for production, and eliminate any inconsistencies with the principal recommendations of the group.



EXECUTIVE SUMMARY

This Task Force Report sets forth recommendations to assure the future of conservation and outdoor recreation in Texas that reflect the State's unique history and character yet acknowledge the changes that are rapidly transforming the landscape. Ours is no longer a state whose economy and culture are defined primarily by the land. With the continuing influx of new residents and a population increasingly shifting to cities and their suburbs, Texas has become a primarily urban society. As market forces dictate changes in rural land use, the State's large, unique ecosystems are becoming increasingly fragmented. We are finding limits to the wide open spaces and the natural resources that once seemed boundless. Water is often scarce, and some of our indigenous plants and animals are losing habitat. Many of the State's residents lack easy access to outdoor recreation.

The State has already begun to address these problems with innovative solutions. Stakeholders representing all aspects of conservation are participating in this process, building productive partnerships among themselves and with the State. Programs guiding hunting and fishing provide a strong platform on which to build future conservation policies in Texas. Wildlife Management plans make bold steps in the right direction to assure long-term protection of Texas' wildlife habitats. The State's park system has established itself as an innovative, businesslike operation, but it needs additional funds to meet current and future demands.

Texas needs a more comprehensive, science-driven strategy for the conservation of its outdoor resources. We believe that enjoyment of the outdoors is a key to the quality of life for all Texans. Guided by the basic values that are part of our Texas heritage—love of the land and waters, respect for the fish and wildlife they support, reverence for our rich cultural history—this report presents a set of recommendations that can serve as practical objectives and strategies for the State's leaders to ensure the future of our cultural, historical, and natural resources. Sound science, good planning, responsible management, assessment measures, respect for landowners, local participation, and economic incentives can bolster the protection of our unique landscapes, our wildlife, and our water.



EXECUTIVE SUMMARY

PRIMARY RECOMMENDATIONS

PRIVATE LANDS: INCENTIVES, PARTNERSHIP, AND STEWARDSHIP.

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Create a statewide Purchase of Development Rights program.

Reform tax laws to support conservation.

Expand incentives and assistance to landowners for habitat management.

Encourage development for outdoor recreation opportunities on private lands, including nature tourism.

PUBLIC LANDS: PLANNING, REPAIRING, DEVELOPING, AND MEETING FUTURE NEEDS.

Page 21



Develop a comprehensive system to address conservation and outdoor recreation.

Ensure funds to repair, maintain, and develop existing public lands inventory and to fill gaps in conservation and outdoor recreation needs while divesting inventory that does not meet State needs.

Strengthen local governments' ability to address conservation and outdoor recreation needs.

WATER: ASSURING, PROTECTING, AND MANAGING FOR CONSERVATION.

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For new water uses, ensure adequate quantity and quality of water to support healthy land and water ecosystems.

Incorporate the needs of fish and wildlife into existing water resource management.

Promote agricultural water uses that also benefit wildlife.

Protect Texas springs.



ISSUES AND SOLUTIONS

PROLOGUE

Texas is extraordinarily rich in biodiversity. It has 10 distinct ecological regions, each supporting a complex collection of plants and animals. This is a priceless heritage that warrants protection. With 97 percent of Texas lands in private hands, most of the State's native plants and animals reside on private land. What's more, the locations that are most desirable for homes and developments, such as areas around springs and streams and on hills overlooking unspoiled vistas, are often the areas where habitat is most fragile and most critical. As a result, developers and conservation interests often conflict.

Today, the enjoyment of the outdoors contributes significantly to the Texas economy. Hunting, fishing, and wildlife viewing are each billion-dollar industries. Tourism and outdoor recreation, of which our parks and historic sites constitute a key component, bring more than 36 billion dollars a year into the State's economy. However, as our population continues its rapid expansion, the current inventory of easily accessible outdoor recreation opportunities will become increasingly inadequate, and sufficient availability of easy access to nature will become an ever-more challenging issue.

As a matter of basic principle as well as sheer practicality, the concerns of private landowners must be considered when addressing the growing problems of habitat fragmentation and conservation of native species. Most Texas landowners have demonstrated good management of their resources in the past and should be encouraged to continue and improve upon that work. Conservation will be best served by cooperation, sound science, incentives, partnerships, and an improved flow of information among state agencies and private individuals and groups.



ISSUES AND SOLUTIONS

PRIVATE LANDS



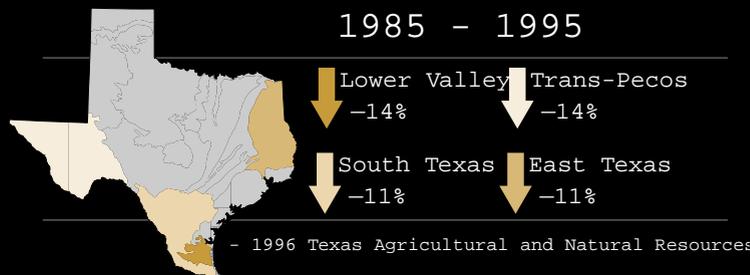
INCENTIVES, PARTNERSHIP, AND STEWARDSHIP

Texas' population is rapidly growing. Its populace has been transformed from rural to urban.

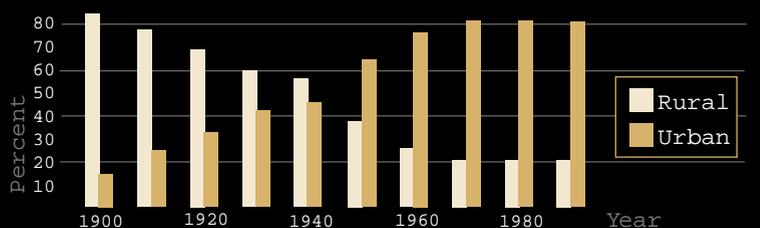
Many landowners whose families have lived on the land for generations face tremendous pressures to sell their farms and ranches for development.

As a result, Texas, like other states across the country, is in jeopardy of losing its legacy of families who live and work on the land -- the traditional stewards of our heritage.

Rural Land Parcels Decrease in Size



Rural to Urban Population Shift in Texas



- Wildlife and Fisheries Sciences Department, Texas A&M

FRAGMENTATION OF OPEN SPACE

Texas is losing its precious heritage of wide open spaces. The fragmentation of large family-owned farms and ranches poses perhaps the greatest single threat to our wildlife habitat and to the long-term viability of agriculture in Texas. As more and more traditional family farms and ranches yield to subdivision and development, the State's unique ecosystems become fragmented, and once plentiful habitats for native plants and animals are put increasingly at risk. It is crucial to find ways to keep large contiguous tracts of land together and to find ways for all landowners, including absentee owners, to participate in conservation.

From 1982 to 1992, approximately 1.4 million acres of land were developed in Texas. From 1992 to 1997, an additional 1.2 million acres were developed.

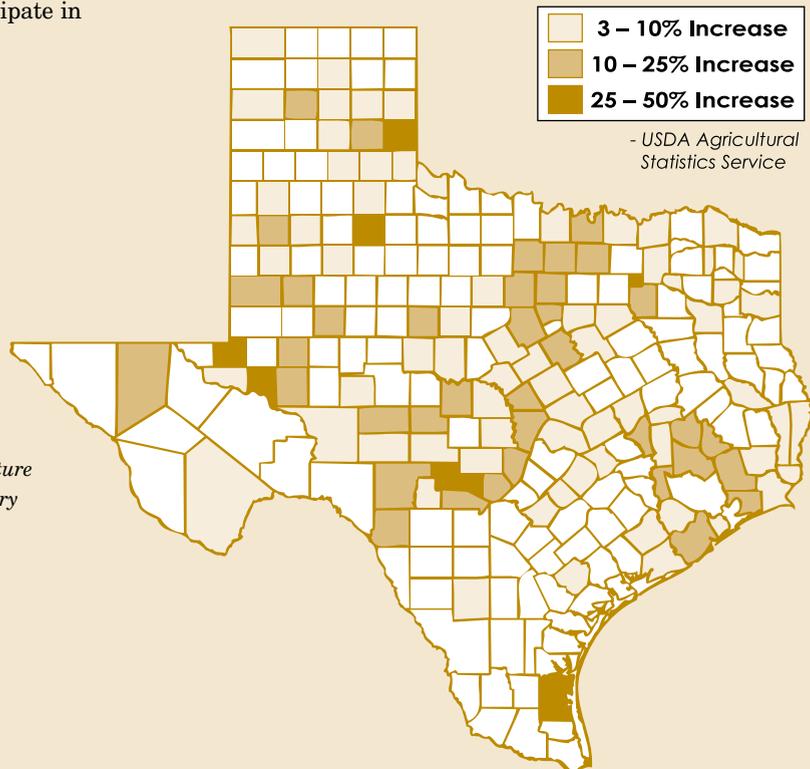
*- U.S. Department of Agriculture
National Resources Inventory*



Attention should be devoted to each of the State's natural regions to improve wildlife populations and habitat, particularly among rare and keystone species; to restore proper water hydrology on the landscape, including control of invasive brush and restoration of grasslands; to eliminate of harmful alien species; and to return the landscape to native plant communities.

Fragmentation Rates Vary Across Texas

Number of Rural Land Owners
(Increase in Fragmentation 1987 - 1997)



*- USDA Agricultural
Statistics Service*

PRIVATE LANDS INCENTIVES, PARTNERSHIP, AND STEWARDSHIP



Incentive programs generally need to be solid both in annual funding and in long-term commitment. A shortfall of resources and/or the short duration of many incentive programs tend to foster a perception that the program’s goals lack real importance and will be replaced by new “items of interest” tomorrow. Landowners will find it difficult to commit to the ideals of a program not solidly supported by the state agency or other governmental entity that administers it. Moreover, the lack of permanence causes important resources to remain at risk.



RECOMMENDATION

Create a statewide Purchase of Development Rights program.

Purchase of Development Rights (PDR) programs compensate voluntary, willing landowners for restricting development on their land. Conservation easements, a term often used interchangeably with PDRs, are typically donated or sold by landowners seeking to protect their lands from development in perpetuity and/or seeking estate-tax deductions and property-tax relief granted by the state and federal governments. Donation of conservation easements is not always practical or cost-effective for many landowners wishing to limit development on their lands, especially when it is their primary or only financial asset. A PDR program will provide funds and thus create more options for landowners who are interested in conservation. Conservation easements, whether acquired by gift or purchase, benefit the public with management and protection that avoid fragmentation and urban sprawl, retain open space and wildlife habitat, and protect farm and ranch lands, water quality, or historic features.

PRIVATE LANDS INCENTIVES, PARTNERSHIP, AND STEWARDSHIP



Purchase of Development Rights programs, which are voluntary, are based on the principle that property owners possess numerous rights, including the right to lease, sell, bequeath, or develop their land, and that they can transfer or sell all or some of these rights. PDR programs allow landowners to sell the development rights to their land by granting conservation easements to a government entity or nongovernmental conservation organization, yet retain all other rights of ownership, including the right to continue ranching, farming, hunting, and fishing.

A PDR program should be administered at the state level, but Texas' size, its varying development pressures, and its differing regional interests suggest that it should be implemented locally through local land trusts, other nongovernmental organizations, and local government.

A land trust is either a nongovernmental organization or a government entity that holds an interest in real property and is directly involved in protecting land for its natural, recreational, scenic, or historic productive value. Land trusts, which are typically self-governing, may purchase development rights or lands, accept donated easements or lands, or work in their communities to promote local conservation needs through education and planning. There are currently 34 nonprofit land trust organizations in Texas.

LAND TRUSTS

- ***Currently hold 307,717 acres of Texas land in conservation easements and fee simple***

- ***Protect 499 sites in 95 Texas counties***
- Texas Land Trust Council



PRIVATE LANDS INCENTIVES, PARTNERSHIP, AND STEWARDSHIP



SPECIFIC STRATEGIES



Establish a state fund to provide grants to local governments and qualified nongovernmental organizations to buy development rights and support the local administration of Purchase of Development Rights programs.

The Legislature should identify and create a dedicated source of funding for a statewide Purchase of Development Rights program.

Since Texas has no mechanism to implement such a program, the Legislature should create what might be called the “Texas Land Stewardship Fund,” from which grants would be made for conservation planning and purchase of development rights. Counties would determine their conservation priorities and develop local capacity to participate in the state program consistent with statewide guidelines. Local land trusts could partner with communities in the planning process and in holding the easements. This program should require that the local entity match state funds at some level to leverage the Stewardship Fund grants.



The Legislature should create a council to administer the Texas Land Stewardship Fund.

177,964 acres over 48 Texas counties were appraised for wildlife management use in 1999.



This council should include representatives of the Texas Parks and Wildlife Department and the Texas Department of Agriculture, and landowner and conservation interests appointed by state leadership. Once created, it should establish eligibility and ranking criteria for the purchase of development rights grants to ensure a clear public benefit and consistency across the State, to achieve the State’s conservation goals, and to follow a coordinated plan for conservation. Community, city, county, and regional bodies, as well as eligible nongovernmental organizations, such as land trusts, would then submit funding requests to the state program to acquire easements on properties of willing landowners that conform to their own local selection criteria. These criteria might include, for example, public access for outdoor recreation, preservation of open space (particularly lands contiguous to already protected areas), cultural or historic significance, protection of wildlife habitat, protection for water quality and aquifer recharge, and maintenance of prime agricultural land.



MODELS OF SUCCESS

PURCHASE OF DEVELOPMENT RIGHTS AND CREATIVE PARTNERSHIPS

Other states have already recognized the benefits of Purchase of Development Rights programs. Colorado, for example, has initiated the Gunnison Ranchland Conservation Legacy (GRCL) in the southern part of the state in order to address problems of development pressure and rapid land fragmentation similar to those in Texas.

Organized as a nonprofit corporation in 1996, the Gunnison Ranchland Conservation Legacy seeks to preserve more than 20,000 acres of ranchland in the Gunnison Basin through a Purchase of Development Rights program. GRCL received a planning grant from the Great Outdoors Colorado fund to investigate interest among local ranchers in land preservation. Following an extremely positive response, the organization received federal and state grant monies to purchase permanent conservation easements from interested families.

Landowners who are interested in participating can donate the value of 25% of their development rights, and GRCL purchases and places in a trust the remaining 75%. The primary role of the Gunnison Ranchland Conservation Legacy is as a facilitator, assisting families with identifying their preservation goals, helping them select a land trust, securing

funding for conservation easement compensation, and assisting with all legal and technical details required to complete a transaction. The benefits for landowners include a significantly reduced evaluation for estate taxation and keeping the land intact and available for agriculture for the next generation.

The Gunnison Ranchland Conservation Legacy has successfully completed 10 easements conserving over 6,000 acres thus far.



PRIVATE LANDS INCENTIVES, PARTNERSHIP, AND STEWARDSHIP



RECOMMENDATION

Reform tax laws to support conservation.

Tax incentives are proving to be a key tool for encouraging conservation by private landowners and achieving long-term conservation goals. One of the most promising developments in this area is the Wildlife Management Tax Valuation (Proposition 11). In 1995, Texas amended its Constitution to allow a landowner to change the primary use of land from agriculture to wildlife management for property tax purposes, at no change in the tax valuation.

A real impetus for fragmentation of the landscape is the estate tax, also known as inheritance or death taxes. Levied against property transferred from one generation to the next, these taxes often force the sale of properties or portions thereof, leading to the breakup of family lands.

SPECIFIC STRATEGIES



Develop standardized rules for county implementation to support equitable application of the Wildlife Management Tax Valuation.

Effective January 1, 1996, Texas H.B. 1358 required the Comptroller — with the assistance of the Texas Parks and Wildlife Department and the Texas Agricultural Extension Service — to issue guidelines to county appraisal districts on how to qualify for and then appraise agricultural land used to manage wildlife. The Comptroller's Property Tax Division has distributed to county appraisal districts its interim *Guidelines for Qualification of Agricultural Land in Wildlife Management Use*, which discuss the requirements that land must meet to qualify for wildlife management use, how to value this land, and each of the seven wildlife management activities mandated by state law. Although this program has generated significant landowner interest, it is not widely used because of disparity in application by each county tax office. The Comptroller's office should incorporate the guidelines and provide greater specific directions to counties on wildlife management use in the *Manual for the Appraisal of Agricultural Lands*.

PRIVATE LANDS INCENTIVES, PARTNERSHIP, AND STEWARDSHIP



Continue to support the U.S. House Bill 2880 (Portman Bill), the Conservation Tax Incentive Act of 1999.

The Portman Bill would allow capital gains tax relief by excluding from gross income half of any capital gains from the sale of land or an interest in land or water for conservation purposes. This is a fiscally conservative, market-based approach to land conservation. It achieves environmental objectives without imposing new land-use regulations. When landowners are faced with a choice of buyers, this provision will encourage them to sell for conservation purposes. We urge the Texas Congressional delegation to support this measure.



Continue to support the repeal of the federal estate tax and urge the Legislature to approve a resolution supporting reform of the state inheritance tax.

The federal government imposes an estate tax on all citizens and residents of the United States for estates valued at \$650,000 or more (in 1999). This figure rises annually until it reaches \$1 million in 2006. If the estate consists of qualified family-owned business interests (such as a family farm), the exclusion may be as much as \$1.3 million. Because many families are forced to sell their land for development just to pay the death tax, such taxes directly foster fragmentation. Thus we urge the Texas Congressional delegation to support repeal of the federal estate tax.

Texas imposes a specific inheritance tax in concert with the federal estate tax. The federal estate tax allows each estate a tax credit for the payment for any state inheritance or estate taxes, up to a maximum dollar amount. For example, if an estate owes \$1000 in state inheritance taxes, then the federal estate tax bill is reduced by \$1000. Texas exacts an inheritance tax proportional to whatever the federal maximum is for that estate. Thus, the state tax does not add to the estate's overall tax burden. It takes money that the federal government has offered to share with the State. If the estate is not large enough to owe federal estate taxes, then it also will owe no state inheritance tax. If the federal estate tax is repealed, the state inheritance tax should be reformed as well.

PRIVATE LANDS INCENTIVES, PARTNERSHIP, AND STEWARDSHIP



RECOMMENDATION

Expand incentives and assistance to landowners for habitat management.

Incentive programs are effective tools for encouraging private landowners to enhance management of natural resources under their control. Since the vast majority of the State's land is under private ownership, the willing cooperation of landowners is the key to achieving quality management of Texas' resources.

Technical assistance also promotes quality land management and conservation. The Private Lands Technical Guidance Program at the Texas Parks and Wildlife Department is the most successful program of its kind in the nation. It is a completely voluntary advisory program that allows landowners to enhance protection of wildlife and natural resources in their stewardship. Even though the Legislature last session doubled the number of available wildlife biologists to a total of 20 who now work with landowners around the State, the demand still exceeds the available personnel.

SPECIFIC STRATEGIES



Encourage and expand the use of Wildlife Management Plans.

Texas Parks and Wildlife Department has assisted landowners with 2,763 WMPs covering 12,581,784 acres in 200 counties.



The written Wildlife Management Plan (WMP) is the backbone of Texas Parks and Wildlife Department's Private Lands Technical Guidance Program. The plan is strictly voluntary on the part of the landowners, based on their goals and objectives for wildlife on their property, and delineates a strategy for managing their property to meet these objectives. Such a strategy might include, for example, adding, removing, or changing vegetation. Landowners who implement their wildlife management plans can make steady and remarkable progress over time, enhancing habitats for game, non-game and even rare species of animals and plants. Overall landscape and ecosystem functions can be restored or reinvigorated as more landowners actively pursue wildlife conservation. Funding for this program should be increased, and it should be expanded to encourage broad-based conservation objectives, including non-game species.



MODELS OF SUCCESS

LONE STAR LAND STEWARD AWARDS

Recognizing landowners for successful conservation practices is another key to effective habitat management in Texas. The Lone Star Land Steward Awards program honors 10 private landowners each year, one in each ecological region of the State, for their accomplishments in habitat management and wildlife conservation. The program is designed to educate landowners and the public and to encourage participation in habitat conservation. This program could serve as a model for other ways to recognize and reward landowners for outstanding conservation practices.



PEACH CREEK WILDLIFE MANAGEMENT CO-OP

The first-known wildlife management association in Texas was organized in Gonzales County in 1973 with the help of Texas Parks and Wildlife Department wildlife biologists. The Peach Creek Wildlife Management Co-op came together in response to landowners' desires to improve the quality of white-tailed deer on their lands. This was a new type of cooperation among Texas landowners — an educational process by which groups of landowners worked together with wildlife biologists to learn about the needs of wildlife and make improvements in the wildlife habitat.



Texas Parks and Wildlife Department provides technical assistance to more than 10,000 land managers on more than 10 million acres of land.



PRIVATE LANDS INCENTIVES, PARTNERSHIP, AND STEWARDSHIP



Encourage the formation of wildlife management associations, widely known as wildlife co-ops, by increasing technical assistance and providing information to the public of their benefits.

One of the most promising solutions to the problems of land fragmentation comes in the form of landowners working together to strategically manage their land for the benefit of wildlife. Wildlife management associations, or wildlife co-ops, are groups of private landowners voluntarily working together to improve wildlife habitats and associated wildlife populations. More than 100 wildlife management associations or co-ops operate in Texas today on more than 1.4 million acres.

Organized into these co-ops, landowners promote effective wildlife management practices and develop ways to approach wildlife management across a larger landscape, creating numerous benefits for participants. Texas Parks and Wildlife Department wildlife biologists assist participating landowners in developing their management plans. Department biologists should also publicize the benefits of using co-ops for backyard habitat improvement to homeowners in urban areas and owners of weekend homes in places such as on barrier islands and adjacent to freshwater lakes.

Co-ops have typically been based on deer management and should be expanded to improve land-use practices on a broader scale and encourage community participation. Co-ops could also evolve into local land trusts that would implement a Purchase of Development Rights program. More technical assistance and an information clearinghouse should be made available to communities that might be interested in creating their own co-ops.



Provide additional reliable wildlife conservation information.

State agencies should provide better science-based management assistance service to landowners and work with others to prevent duplication of efforts. Partnerships among the Texas Agricultural Extension Service, the U.S. Department of Agriculture's Natural Resources Conservation Service, the Texas Parks and Wildlife Department, universities, and conservation groups should be expanded to provide learning opportunities and resource materials that enhance the understanding of the natural resources of Texas. These agencies and nongovernmental organizations should coordinate their efforts and then actively promote good wildlife conservation practices by increasing the availability of information, including written reports and literature, individual management plans, workshops and symposia, field days, and the Internet, as well as media outlets such as newspapers, magazines, radio, and television.

PRIVATE LANDS INCENTIVES, PARTNERSHIP, AND STEWARDSHIP



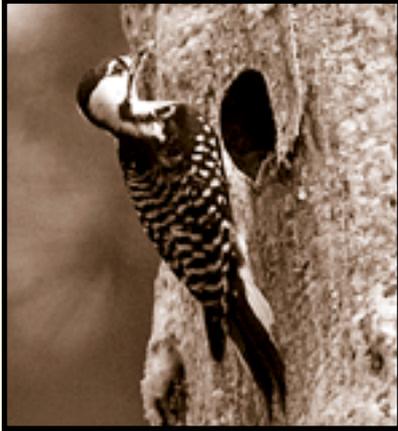
Improve and expand conservation agreements to prevent species from becoming threatened or endangered.

Current laws generally result in disincentives for most landowners to protect declining species before they are listed as endangered. The discovery of a listed species on a tract of land can trigger many regulatory restrictions on that land, and can prevent its use. Many landowners are willing to protect declining species and their habitats from being listed, if the federal government could offer them reasonable certainty with respect to future restrictions on their property.

State Conservation Agreements (SCA) and Candidate Conservation Agreements (CCA) are proactive conservation planning tools designed to preclude the need to list species under the federal Endangered Species Act (ESA). These solution-oriented agreements specify conservation actions that address species' needs without imposing federal regulations. Texas has successfully used conservation agreements to improve conditions for the swift fox, lesser prairie chicken, and black-tailed prairie dog. These formal agreements are the preferred tool for addressing the conservation needs of rare species to preclude the need for federal listing.

The Texas Parks and Wildlife Department should work with conservation organizations and other agencies to disseminate information available on the distribution and status of Texas wildlife species. By coordinating and increasing outreach to landowners and managers about the management requirements of these species and the advantages of conservation agreements, landowners and managers will become better equipped to be proactive conservationists. The Department should also cooperate with other state agencies and the U.S. Fish and Wildlife Service to establish effective guidelines and standards concerning the use of conservation agreements. The Texas Parks and Wildlife Department should identify additional species with special conservation needs before such species become rare and proactively seek to develop conservation agreements to protect them.

PRIVATE LANDS INCENTIVES, PARTNERSHIP, AND STEWARDSHIP



Where a species is already listed, promote the use of conservation agreements.

In cases where species are already listed as threatened or endangered, landowners may seek Safe Harbor Agreements that both protect the species and remove the landowners' worries about additional regulatory liability under the Endangered Species Act (ESA). Under these formal agreements with the U.S. Fish and Wildlife Service, the landowner agrees to produce additional habitat to increase the rare

species' population beyond the existing conditions. In return, the landowner is given flexibility in how to manage the new habitat and certainty that such management will not violate the ESA. The agreement thus removes the disincentive to creating new habitat. With Safe Harbor Agreements in place for the red-cockaded woodpecker, Attwater's prairie chicken, and aplomado falcon, Texas landowners already are proactively increasing habitat for several rare species. The Texas Parks and Wildlife Department should foster greater awareness of Safe Harbor Agreements and inform landowners of this conservation tool's benefits. In addition, all state natural resources agencies should seek specific opportunities to employ Safe Harbor Agreements where appropriate.

The State also should assist landowners and communities who choose to pursue Habitat Conservation Plans (HCPs) as a tool to allow development of land that could negatively impact federally listed species. These plans authorize some individuals of a listed species to be impacted so long as the species overall ultimately benefits. Because regional HCP plans can affect non-participating landowners, as with the Balcones Conservation Plan for Travis County, Texas law now requires participation with citizen advisory committees that include affected landowners. The Texas Parks and Wildlife Department should be prepared to assist with these plans.

PRIVATE LANDS INCENTIVES, PARTNERSHIP, AND STEWARDSHIP



Expand and adequately fund the Landowner Incentive Program.

LIP is currently assisting landowners to enhance or restore more than 42,000 acres of rare species habitat.



Initiated in 1997, the Landowner Incentive Program (LIP) was the first program in the nation to focus exclusively on financially assisting landowners to help conserve rare plants and animals on their property. In general, the proposed action by the landowner must contribute to the enhancement of at least one rare species or its habitat. Selection criteria are based on the extent to which the planned actions can contribute to the species recovery, or lessen threats to the species, as well as the cost effectiveness of the proposed actions.

To prevent future listing, LIP should be expanded to include all wildlife species, not just those that are declining. This preventative approach will also improve the eventual health of all species. LIP should also be expanded to include historical and cultural objectives. Technical assistance, which is vital to the success of LIP, should also be expanded through additional staff. Support needs to be increased and to be made long-term.

HELP IN THE PANHANDLE FOR THE PRAIRIE CHICKEN

The first LIP grant awarded in the State has proved to be an indicator of future success, since the original recipient has recruited four of his neighbors to participate.

Panhandle farmer James Blackwell has been conducting prescribed burns to restore prairie habitat, planting maize to provide food, and coordinating with his neighbors to undertake similar actions to help the lesser prairie chicken. Blackwell farms about 2,500 acres near Littlefield, northwest of Lubbock, and has focused on about 180 acres as habitat for the prairie chicken, a large, ground-dwelling bird whose numbers have dwindled due to loss of its prairie habitat.

Since Blackwell's grant was announced in January 1997, more than 1,200 acres of prairie habitat are now being restored or protected through LIP grants, with more in the offing.



Photo courtesy Monte M. Taylor 1995.

PRIVATE LANDS INCENTIVES, PARTNERSHIP, AND STEWARDSHIP



RECOMMENDATION

Encourage development for outdoor recreation opportunities on private lands, including nature tourism.

Nature-based tourism, including hunting and fishing, is one of the State's most effective tools for conservation on private lands. It increases the value of natural areas to the landowners, communities, and businesses who benefit from tourist dollars spent on outdoor recreation.

The 1996 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation showed that 1.4 million travelers enjoyed birding and wildlife watching in Texas and contributed \$1.2 billion to the Texas economy.



Many landowners in Texas currently derive income from wildlife-associated recreation in the form of hunting and fishing, and they are learning that they can also profit from the growing market for birdwatching, hiking, camping, mountain biking, and other forms of recreation. These types of nature-based recreation promote habitat conservation, encourage sustainable economic development, and build broad-based public support for wildlife conservation programs.

However, several barriers still exist to private landowners' developing outdoor recreation facilities on their private property, including limited financial opportunities associated with some forms of outdoor recreation; lack of investment capital and/or technical knowledge; and fear of liability associated with opening private lands to the public.

The Task Force believes that the State can and should do more to encourage private landowners to develop outdoor recreation opportunities on their property.

SPECIFIC STRATEGIES



Build partnerships between the public and private sectors.

The State should continue and enhance partnerships with organizations and landowners with shared goals concerning the promotion of nature-based tourism as a growing, viable, and economically important industry in Texas.

PRIVATE LANDS INCENTIVES, PARTNERSHIP, AND STEWARDSHIP



For example, organizations such as the Texas Agricultural Extension Service, the Texas Parks and Wildlife Department, the Texas Department of Agriculture, the Texas Department of Economic Development, the Southwest Texas State University Center for Nature and Heritage Tourism, USDA Natural Resources Conservation Service, and Texas Travel Industry Association's Nature Tourism Council have recently formed a partnership that will provide practical and easily accessible information on how to develop and market nature tourism experiences through electronic and print media. Texas should ensure the transfer of this knowledge to land stewards and others interested in nature tourism.



Provide incentives, reduce disincentives, and encourage the exchange of information between the State and landowners for private development of outdoor recreation programs and facilities and other opportunities that can profit from conservation efforts. Encourage multiple recreational uses of land.

The State should provide more financial incentives and technical assistance for landowners wishing to diversify income through nature tourism enterprises. The State should encourage and expand the use of the Texas Agriculture Finance Authority (TAFA) for nature tourism. TAFA provides financial assistance to creditworthy individuals and businesses in partnership with banks or other agricultural lending institutions through six programs available to eligible agriculture businesses, including agriculture-related rural economic development projects. Eligible businesses include those that provide recreational activities associated with the enjoyment of nature or the outdoors on agricultural land.

Tax abatement for nature tourism on private lands would provide further incentives and could encourage private entities to build and operate outdoor recreation facilities in Texas.



Examine liability issues that may inhibit private participation in recreation and conservation projects.

Landowners may be dissuaded from pursuing projects that open their land to the public, for fear of potential liability. The State should further limit liability of landowners who provide outdoor recreation opportunities. For example, the Legislature should explore options such as imposing limited liability for partners with state agencies, or legislation creating indemnity for landowners who open their lands to certain types of activities (e.g. mountain-biking, horse-riding, rock-climbing).



MODELS OF SUCCESS

THE X-BAR RANCH

The historic X-Bar Ranch near Eldorado, in the heart of West Texas ranch country, represents an example of how traditional private ranchland can also offer opportunities to the public for outdoor recreation. The Meador family, whose roots on the land extend back five generations, owns and operates this 7,100-acre ranch for raising cattle and sheep - and for offering tourists the chance to bird watch and ride mountain bikes or horses across its scenic expanses of prairie, mesquite flats,

arroyos, and live oak thickets. The ranch is home to a variety of wildlife, including Blackbuck antelope, javelina, gray and red fox, and bobcat, and visiting birders have counted dozens of species of songbirds as well as an abundance of wild turkeys, red-tailed hawks, and other familiar species. Nature tourism has benefited the owners of the ranch and their customers, as well as the indigenous plants, animals, and birds that thrive on this unfragmented stretch of Texas ranchland.

PARTNERSHIPS AND NATURE TOURISM

Nature tourism programs can bring together public and private interests in creative partnerships. The Great Texas Coastal Birding Trail (GTCBT) represents an ideal model of market-based conservation. Originally conceived by Fermata, Inc. and Texas Parks and Wildlife Department as a way to link birding spots along the Texas coast, the GTCBT has evolved into a major project to help birders discover the outstanding avian resources along the Texas coast. The GTCBT is attracting much-needed tourist dollars to economically depressed Texas coastal communities. In this case, conservation is paying for itself and giving a financial boost to local communities as well.

The project sponsors are the Texas Parks and Wildlife Department and the Texas Department of Transportation. A partnership of these two agencies secured Intermodal Surface Transportation

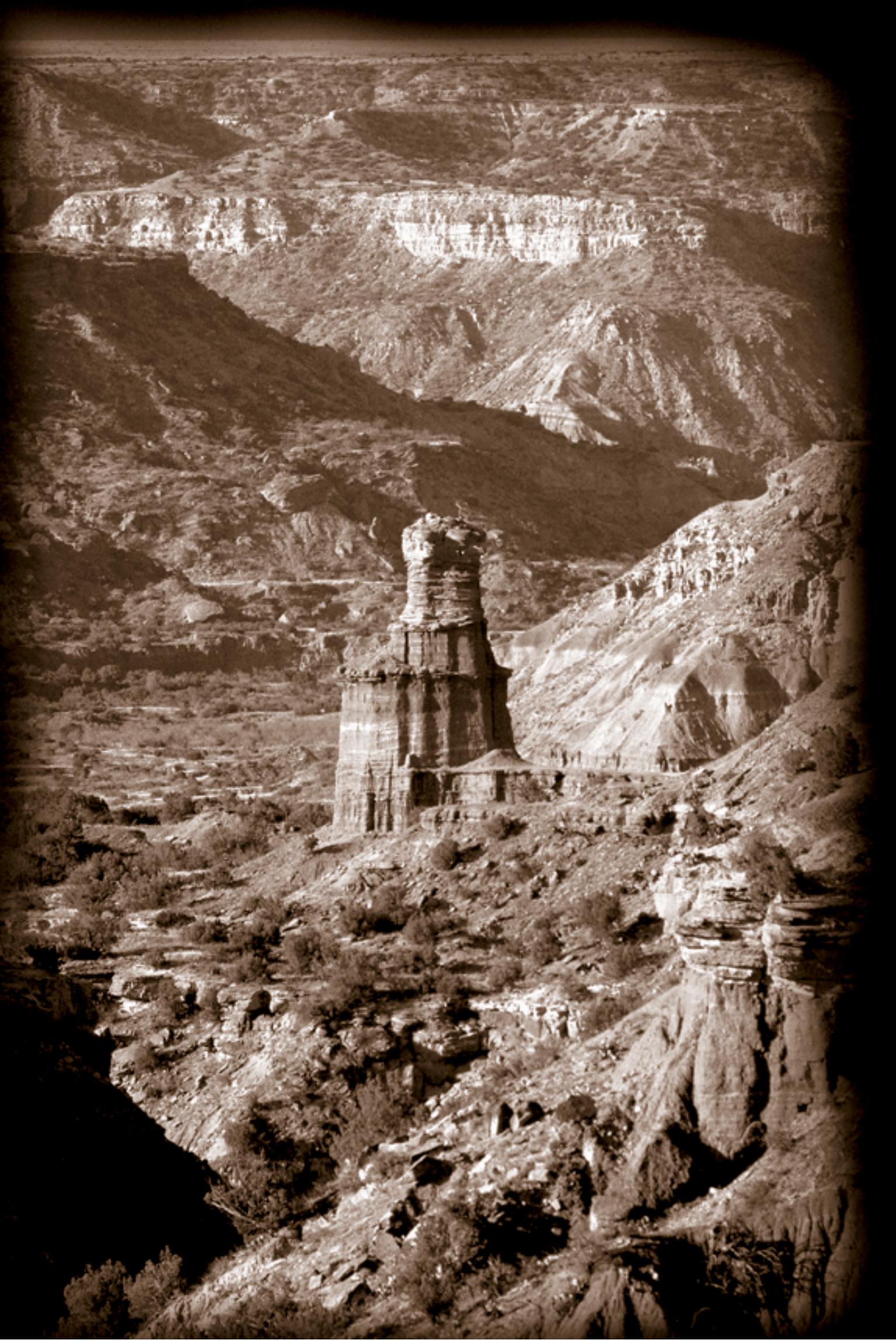
Efficiency Act funds to develop and publicize the Trail.

There were a number of obstacles to making the GTCBT, including overcoming an innate resistance among rural coastal communities to regional planning. Only through involvement in the planning efforts did the communities begin to embrace the project. Private citizens, landholders, conservation groups, businesses, governmental agencies, and communities then worked together to build the trail.



A recent survey indicated that each GTCBT visitor averaged \$2,452 during the past 12 months in direct expenditures along the trail.





ISSUES AND SOLUTIONS

PUBLIC LANDS



PLANNING, REPAIRING, DEVELOPING, AND MEETING FUTURE NEEDS

As the population and demand for recreation and conservation of our natural resources continue to grow, the State's system of parks and outdoor recreational resources will be strained for staffing and will be inadequate in size, number, and geographic distribution to accommodate the citizens of Texas.

Texas needs to develop a broad-based, comprehensive approach to managing its public resources that includes local and community level input. A major study that is now underway, coordinated by Texas Tech University, will help provide an objective, scientific basis for future conservation planning and programs. Scheduled for completion this year, the study will include an inventory of the State's current holdings, expert assessments of future needs, and surveys of public opinion among a very broad and diverse group of stakeholders in recreation and conservation in the State.

PUBLIC LANDS
PLANNING, REPAIRING, DEVELOPING, AND MEETING FUTURE NEEDS



In the previous section of this report devoted to issues affecting private lands, the Task Force recommended that the State establish and fund a Purchase of Development Rights program. Such a program will, among other objectives, assure that land that is part of a PDR program remain under private management. Conservation will be ensured and enhanced by the removal of the threat of development. Furthermore, under this program, public monies for conservation will be considerably leveraged because of the local matching share and continued stewardship commitment by landowners. On the other hand, population growth and its geographic distribution dictate the need for continued investment in public lands. Both public and private lands are important for Texas' long-term conservation and outdoor recreation needs. The Task Force recognizes that during the legislative process state leadership will weigh and prioritize these public needs.

PUBLIC LANDS
PLANNING, REPAIRING, DEVELOPING, AND MEETING FUTURE NEEDS



RECOMMENDATION

Develop a comprehensive system to address conservation and outdoor recreation.

Currently the State manages its conservation and recreation resources without an adequate basis for determining the actual conservation and recreational needs of Texans. There are no procedures in place to define or measure progress. The lack of coordinated planning efforts can result in public expenditures that are inefficient.

SPECIFIC STRATEGIES



The Texas Parks and Wildlife Department should develop a comprehensive approach to managing the State's public resources.

State Parks currently covers 628,258 acres. State-leased and owned Wildlife Management Areas include 739,413 acres.



The Sunset Commission determined that the Texas Parks and Wildlife Department should be required to develop a system to assess public conservation (including both natural and cultural) and recreational resource needs. Using the Texas Tech study as a base, this system should include, for example, proximity to population, cultural and natural significance, potential costs of stewardship, capacity to contribute to other conservation values, and lands that clearly meet statewide priorities. The Department should base all acquisition, divestiture, and major operational decisions on this assessment.

PUBLIC LANDS PLANNING, REPAIRING, DEVELOPING, AND MEETING FUTURE NEEDS



Assure a system of outdoor recreation accessible to all Texans.

Texas must address its changing demographics and problems of availability of and ease of accessibility to outdoor recreation. The State population is growing and changing. Its populace is increasingly urban and increasingly diverse. These changing demographics represent a challenge to the State's approach to parks and outdoor recreation. Much of the State's populace does not have easy access to or experience with the State's recreational facilities. Additionally, some citizens may not find their interests reflected in the State's cultural and historical facilities. As a result, we face the possibility that many Texans in the future may have little understanding of or empathy for rural life and the natural world. Consequently, we should find ways to improve the accessibility and relevance of recreation areas to urban populations and to introduce young people of all backgrounds to our historical and natural resources. This should be a principal component of the Texas Parks and Wildlife Department assessment.

BY THE YEAR 2030

Texas is expected to have a population that is roughly 36 percent Anglo, 10 percent African American, 46 percent Hispanic, and 8 percent from other ethnic groups. In 1990, the breakdown was 60 percent Anglo, 12 percent African American, 26 percent Hispanic, and 2 percent from other groups.

- *Texas Outdoors: A Vision for the Future*



PUBLIC LANDS PLANNING, REPAIRING, DEVELOPING, AND MEETING FUTURE NEEDS



Create an interagency task force to develop strategic goals and a coordinated effort for land and wildlife management projects.

Many entities are currently involved in conservation practices, including wildlife management projects, outdoor recreation, and more. These practices, however well-intended, often result in piecemeal efforts and underutilization of state lands and other conservation and recreation resources. There is limited coordination among state agencies, among state and federal agencies, and among governmental and nongovernmental organizations that work for conservation and outdoor recreation. An interagency task force should be created to coordinate the efforts of governmental and nongovernmental organizations involved in conservation and outdoor recreation.

PARTNERING WITH LANDOWNERS TO PROTECT ENDANGERED SPECIES

FORT HOOD COWBIRD PROJECT

The Central Texas Private Lands Trapping Initiative represents an innovative partnership linking public and private interests with the objective of helping endangered songbirds in the Fort Hood area. More than 30 landowners around Fort Hood are setting out traps on their land to remove brown-headed cowbirds, a parasitic species that lays eggs in the nests of other birds, putting at particular risk the endangered black capped vireo and golden cheeked warbler. This effort, coordinated by the Texas Parks and Wildlife Department, has involved diverse interests in the area, from local ranchers and conservation groups to state and federal agencies, including the U.S. Fish and Wildlife Service, the U.S. Department of the Army, the U.S. Department of Agriculture, the Texas Wildlife Association, the Farm Bureau, the Nature Conservancy, Environmental Defense, the Audubon Society, and the Central Texas Cattleman's Association. Even local schools are involved, with students from five counties building the traps.

The project allows local landowners who help the endangered songbirds on their own lands to maintain their grazing leases on the public lands of Fort Hood. These leases were granted, through the Cattleman's Association, to the landowners who had lost their lands through eminent domain during World War II to construction of the Army base. In an agreement made with the U.S. Department of the Army following the war, the land was treated as open ranchland. However, when the endangered songbirds were found on Fort Hood, the ranchers were no longer allowed to clear the cedar. Now, by helping to eradicate the cowbird from private lands, they are able to mitigate damage for ranching on public land and to protect endangered species.



PUBLIC LANDS PLANNING, REPAIRING, DEVELOPING, AND MEETING FUTURE NEEDS



State and local government entities should establish urban nature centers and outdoor recreation programs.

Providing urban populations with conservation education in their own communities will provide an invaluable benefit to them, as well as to conservation efforts in the State. Texas Parks and Wildlife Department recently expanded its program of grants to local parks to make conservation-oriented projects a priority. More of these kinds of policy changes should be considered to encourage conservation education projects being made a priority at the local level. State and local entities should create venues and programs to address interests and concerns of our diverse population in state parks, historic sites, and traditional outdoor pursuits as well. They should also create partnerships that match youngsters with outdoor opportunities, such as what the Nature Conservancy offers at Clive Runnels Family Mad Island Marsh Preserve and the Texas City Prairie Preserve.

RECREATION OPPORTUNITIES CAN PREVENT CRIME

According to *Texas Outdoors: A Vision for the Future*, a study issued by Texas A&M University, every dollar invested by the City of Fort Worth on juvenile crime prevention (including recreational opportunity enhancement) saved the people of Texas \$39 in state prison costs.





MODELS OF SUCCESS

Public Lands Near Metropolitan Areas: **GOVERNMENT CANYON STATE NATURAL AREA**

Texas' newest State Natural Area, which lies 16 miles from the City of San Antonio, fulfills three major conservation goals: It protects a major watershed; it establishes a recreation area easily accessible by an urban population; and it embodies the partnership of state agencies and private entities. One of the largest urban-area parks in the nation, Government Canyon was created in a complex series of steps that required considerable cooperation by public and private groups. Using Federal Land and Water Conservation Fund money, the Texas Parks and Wildlife Department purchased the initial core area in 1993, in cooperation with Edwards Underground Water District, San Antonio Water System, and the Trust for Public Lands.

The current Government Canyon SNA is 6,643 acres in size. Almost 90% of the property is aquifer recharge land. About 700 acres in the southern end of the SNA, which lie outside the recharge zone, will be the focus of relatively intense recreational development, while the rest will remain relatively undeveloped.

The SNA, with its scenic expanses of mossy live oaks and limestone bluffs, provides important wildlife habitat for outstanding examples of animal and plant communities. With habitat rapidly disappearing to development pressures throughout this area of Bexar County, the park will retain much needed habitat for species of all kinds. In addition, since the park is located only 45 minutes from downtown San Antonio, it will add considerable close-to-home recreational benefits for people of all ages.





MODELS OF SUCCESS

Educational Opportunities

For All Texans:

BAYTOWN NATURE CENTER

In 1999, the City of Baytown received a matching grant from the Texas Recreation and Parks account of \$402,200 to purchase land parcels that were not already owned by the City and to develop a 400-acre Nature Center. The City located a site 20 miles east of Houston in the former subdivision of Brownwood. A small peninsula largely surrounded by bays, the area had been rendered unusable for residential development because of land subsidence. Approximately half of the property is important wetland habitat, including high quality estuarine intertidal emergent marshes that are a valuable nursery habitat for a number of estuarine organisms and provide a necessary wildlife food source.

As proposed in the City's land management plan, the facilities to be developed on the site include a wetland interpretation area, trails, fishing platforms, pond and saltwater marsh observation platforms, a playground, a wildscape and butterfly

garden, an open play area, picnic facilities, horseshoe pits, a pavilion, and support facilities. These recreational facilities will provide excellent opportunities for environmental outreach activities to youth and adult groups throughout the coastal area. The Baytown Nature Center has been designated a site on the Great Texas Coastal Birding Trail and was selected as a United States Important Bird Area by the American Bird Conservancy.



PUBLIC LANDS PLANNING, REPAIRING, DEVELOPING, AND MEETING FUTURE NEEDS



RECOMMENDATION

Ensure funds to repair, maintain, and develop existing public lands inventory and to fill gaps in conservation and outdoor recreation needs while divesting inventory that does not meet State needs.

SPECIFIC STRATEGIES



Provide funding for infrastructure repairs for parks at the local and state level, develop underutilized lands now in inventory, and ensure funding for acquisition of lands that will meet outdoor recreational needs and that will represent significant examples of Texas' natural and cultural resources.

The Facility Management System that is currently being developed by the Texas Parks and Wildlife Department should be implemented. It will identify and prioritize facility needs for repair, development, management, and operations at state parks. Additionally, many local parks are recreational facilities, and they are well used, but there is no statewide funding source to support repairs at these parks. Oftentimes communities are financially unable to repair and perhaps restore their facilities to full, safe use. The Local Parks Account should be expanded to authorize grants for repair at local parks.

Acquisition of new conservation and outdoor recreation lands, which include Wildlife Management Areas, State Parks, Natural Areas and Historic Sites, should be approached thoughtfully. Land purchases should occur only with willing sellers, and only those lands that clearly meet statewide priorities should be added to the inventory of properties for which the State is responsible. Acquisition must, however, be an important component of any statewide plan in that Texas possesses a very small amount of public land and the need for access to the outdoors is acute.

PUBLIC LANDS

PLANNING, REPAIRING, DEVELOPING, AND MEETING FUTURE NEEDS



The Texas Parks and Wildlife Commission should revise and expand its policy guidelines to establish specific criteria, through a process of public input and comment, to govern acquisition. Factors to be incorporated into such criteria should include proximity to population, significance of the cultural and natural resources to be acquired, potential costs of stewardship, and the capacity to contribute to other conservation values such as watershed protection and outdoor recreation potential.



Create a blue-ribbon panel to evaluate the appropriateness of existing inventory in light of the State's current and future needs.

State leadership should create a blue-ribbon panel to establish a process to evaluate the continued viability of the State's holdings. Some holdings, for example, would be better managed at a local level and could be considered for transfer, as recently authorized by the Texas Legislature. Others may be more appropriately divested and the proceeds dedicated for reinvestment in park acquisition.

ALIGNING THE SYSTEM

Governor Hogg Shrine

Governor Hogg Shrine Historical Park, located in the City of Quitman, in Wood County, was acquired by the State Parks Board in 1949, by legislative action. It commemorates James Stephen Hogg, the first native Texan to be Governor of the State. The park contains 26.7 acres, and includes two buildings (the Honeymoon Cottage and the Stinson Home) that contain original furnishings provided by Ms. Ima Hogg.

In 1998, the City of Quitman approached the Texas Parks and Wildlife Department with a proposal to manage the site as a local park. Since the park was duplicative of two other park units (Jim Hogg State Park in Rusk, and Varner-Hogg Plantation in West Columbia) and is primarily of local interest, the Department, under Texas House Bill 2108, deemed a transfer of jurisdiction to the city to be appropriate. The Department was compensated by the City's acceptance of operation and maintenance responsibilities for the site.

San Jose Missions

National Historical Park

San Jose Missions National Historical Park (NHP) was established by Act of Congress in 1978. The legislated boundaries of the NHP included the San Jose Mission State Historical Site. Since 1983 the National Park Service (NPS) has managed the state site under a cooperative agreement with the Texas Parks and Wildlife Department. The NPS has made substantial investment of over \$12 million in site rehabilitation and visitor facilities. The NPS has long term plans to invest more federal funds into this important site.

In view of the fact that the NPS has been an excellent steward of the site and will continue to manage this important resource for the benefit of all citizens, the site was permanently transferred to the NPS. This action relieves the state of further financial responsibilities for the site and at the same assures its perpetual care.



MODELS OF SUCCESS

Leveraging State Holdings and Building Partnerships **AUSTIN'S WOODS**

The Austin's Woods Conservation Initiative embodies two important achievements in Texas conservation: It represents cooperation among state agencies and private organizations and leverages the State's holdings to maximum benefit. It protects some of the nation's most important migratory bird habitats while also facilitating responsible road building and industrial growth in the region.

Austin's Woods encompasses a variety of high quality habitats in of Brazoria, Wharton, Fort Bend, and Matagorda counties. Within its bounds are holdings representative of coastal fresh-water and intermediate marsh, bottomland hardwood forest, and tall grass prairie. The U.S. Fish and Wildlife Service has described it as one of the rarest and most threatened ecological areas in the nation. Texas Parks and Wildlife Department will eventually provide access for public hunting, wildlife viewing, and other opportunities and will enhance the wetlands and cultural, historic, and natural resources.

The project, a partnership with The DOW Chemical Co. which purchased the land and donated it to The Department, added 3,193 acres of coastal marshes for waterfowl to the Peach Point Wildlife Management Area in Brazoria County. East of Peach Point, the initiative created the Nannie M. Stringfellow Wildlife Management Area, acquiring 3,552 acres of bottomland forest, a disappearing habitat for neotropical migratory songbirds and other wildlife. Texas Parks and Wildlife Department will manage the site as a wetland mitigation bank for the Texas Department of Transportation to offset impact to wetlands and bald eagle habitat anticipated with TXDOT road and bridge construction within the Houston District over the next 20 years.



“This is a landmark achievement in conservation that preserves some of the most critically important habitat in the United States. This effort manages growth in a responsible way by balancing the benefits for wildlife and the environment with a common sense realization that roads are going to be built, and industry needs to grow so people can have jobs. Texans can take care of Texas, and this is a stunning example of what happens when communities, business and government come together.”

– Gov. George W. Bush, describing Austin's Woods

PUBLIC LANDS PLANNING, REPAIRING, DEVELOPING, AND MEETING FUTURE NEEDS



RECOMMENDATION

Strengthen local governments' ability to address conservation and outdoor recreation needs.

Texas is experiencing great population growth and sprawl. Affected counties, particularly those adjacent to the great metropolitan regions, do not have the tools to manage this growth. To protect open lands, water sources and recharge, habitat, scenic views, and the market value of real estate itself, development should consider conservation that is guided by science and consensus.

SPECIFIC STRATEGIES



Urge the Legislature to address a local option for counties to assume greater authority for planning in unincorporated areas and managing growth to benefit conservation.

Many areas of the State are experiencing tremendous growth but do not have the tools to address such growth or its impacts - diminished open space, habitat, and scenic views and increased demands for outdoor recreation and clean water. The Legislature should provide high-growth counties with better tools to address growth, such as increased authority over approval of subdivisions.

Both the development community and local governmental institutions can benefit from strengthened rules regarding growth. Developers can plan and then provide accordingly when the aspirations and needs of the community are clear; similarly, public budgets to create and maintain infrastructure can be more efficiently planned and managed.

PUBLIC LANDS PLANNING, REPAIRING, DEVELOPING, AND MEETING FUTURE NEEDS



Increase grants for local parks and community involvement in conservation while emphasizing planning and acquisition at the local level.

The prospect of additional dollars for conservation will give counties and other political subdivisions of the State additional incentive to plan for growth and investment in conservation priorities. Increased funding for the Local Parks Account would encourage counties to identify conservation priorities, develop local capacity to participate in state programs, increase locally-driven conservation, and provide greater financial means for establishing conservation projects such as urban nature centers.

Because counties presently lack capacity to reduce the advance or ameliorate the impact of sprawl, the State should provide additional funding for them from the Texas Recreation and Parks Account to plan and address conservation priorities. Currently, local governments are essentially required to provide master plans for outdoor recreation. The State should require that to qualify for additional state support for their own conservation priorities, counties and other local governmental institutions should expand these recreation plans to include conservation in order to qualify under the Texas Recreation and Parks Account grants. This concept can be broadened for local governmental entities to meet the need for regional conservation planning.

Through an expanded local park grant program, conservation will occur where it is most urgently needed, where part of the initial investment is shared, and where all operating or stewardship costs are borne at the local level.

ONE COUNTY'S CHALLENGE

Hays County, just south of Austin, is experiencing some of the State's most explosive growth. The population has nearly doubled in the last ten years, and this largely rural county is fast becoming urbanized. A study this year by the American Farmland Trust of Hays County found that for every one dollar that agricultural and open lands generated in revenue for the county, school and public service districts, those lands required only \$0.33 in services. Residential lands, however, required \$1.26 in services for

every one dollar they paid in taxes. The study concluded that unmanaged growth of residential development in Hays County has not only impacted the landscape and natural resources but also has financially burdened the county. In September 2000, the Hays County Commissioners Court unanimously adopted a resolution urging the Legislature to provide high-growth counties such as Hays County with more tools to manage growth, particularly to strengthen their subdivision development authority.



ISSUES AND SOLUTIONS

WATER



ASSURING, PROTECTING, AND MANAGING FOR CONSERVATION

Management of water is probably the single most critical conservation issue in Texas. Water is the limiting factor for all aquatic life, plants, wildlife, and much recreation.

Rivers link our land and water ecosystems. The Texas landscape has been continually sculpted by its fifteen major river systems and more than 11,000 named streams. All but four rivers eventually drain into one of the estuaries that form the Texas coast. Adequate instream flows and good water quality are essential to their health and the ecosystems they pass through.

Healthy and productive ecosystems protect the quality and reliability of the State's water and also provide direct benefits to the citizens of Texas. These ecosystems assimilate and naturally treat waste; act to recharge aquifers; and buffer hurricanes, floods and other acts of nature that erode coastal margins and valuable soils. These systems also provide direct, and increasingly valuable, commercial and recreational economic benefits. Recreational sportfishing, for example, generates \$6.4 billion annually for the Texas economy.

WATER
ASSURING, PROTECTING, AND MANAGING FOR CONSERVATION



Texas' population is expected to double within 30 years, and as the State faces increasing demands upon its water for municipal growth, industry, and agriculture, we must provide for conservation of our natural resources as well. The challenge is to work with existing water rights holders to maintain sufficient water for recreation and for adequate flows to rivers, lakes and estuaries to maintain the fish and wildlife that depend on them.

Historically, the allocation of water rights in Texas has not taken into account the needs of the State's ecosystems. Texas S.B. 137 of the 64th Legislature directed the Texas Department of Water Resources to conduct studies on the effects of freshwater inflow upon bays and estuaries and to estimate the inflows needed to maintain a suitable ecological environment. In 1985 the Legislature amended the Texas Water Code to require that instream uses and freshwater inflows must be considered in permitting any new rights. Since most water rights in the State were granted prior to 1985, many river, streams, and estuaries lack adequate protection. If these needs are not considered in the future, the ecological and the economic losses will be substantial. One significant impact will be an increased number of aquatic species on the endangered list and a corresponding increase in federal regulation.

WATER

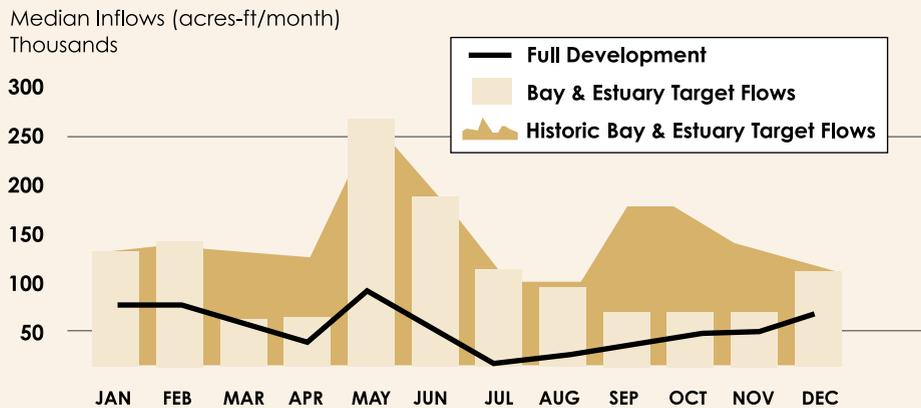
ASSURING, PROTECTING, AND MANAGING FOR CONSERVATION



Various state agencies and Texas' many river authorities already work intensively on water issues on a constant basis. Their work is essential to the future of the State's ability to meet its water needs and protect fish and wildlife. The Task Force recognizes their enormous contribution and, in the interest of overall protection of Texas' ecological systems, sets forth its recommendations in this report.

Most river basins in Texas are fully or even over-appropriated, and environmental flows in these are dependent on return flows, floods, and non-use of water rights. If everyone who has water rights to the Guadalupe River, for example, exercised those full rights, the river could possibly dry up at times.

Inflows to the Guadalupe Estuary 1995



The historic flows of the Guadalupe River show a typical pattern of spring and fall floods. The minimum flows recommended by TP&W necessary to maintain the health of the Guadalupe estuary mimics that pattern on a reduced scale. If, as shown here, all legally permitted diversions from the river were realized, the health of the estuary (San Antonio Bay) would be in jeopardy. Source: TWDB, HDR Engineering, Inc.

Estuaries, and the recreational and commercial fisheries that they produce, depend on freshwater. However, currently permitted diversions from our rivers and streams could reduce inflows below levels necessary to maintain the health of Texas bays and estuaries.

Although Texas has laws that address instream flow and freshwater inflow protection, these resources are still very much at risk because of the continually expanding needs for water for other uses.

WATER ASSURING, PROTECTING, AND MANAGING FOR CONSERVATION



RECOMMENDATION

For new water uses, ensure adequate quantity and quality of water to support both land and water ecosystems.

The State's current water statutes and regulations require that environmental needs be considered in the overall picture, but they do not assure minimal instream flows to sustain the health of rivers and estuaries. As Texas attempts to meet increased water needs, it must not impair the ecological health of these ecosystems, which form the natural infrastructure of our State.

SPECIFIC STRATEGIES



Amend the Texas Water Code to better protect the State's rivers and estuaries.

Senate Bill One (SB-1, 1997) amended the Texas Water Code to require that the impact of water projects be evaluated and considered in the development of the state water plan and in the regulatory processes of the Texas Natural Resource Conservation Commission as they pertain to water rights. Senate Bill 1 planning rules currently require that regional and state water plans only consider the impacts of water management strategies on instream flows and freshwater inflows. The Legislature should take the additional step of amending the Water Code to require that future management strategies – such as diversions, reservoirs, interbasin transfers, reuse and water rights amendments – provide water to maintain minimum instream flows and inflows to estuaries that are necessary to maintain their ecological health and productivity. Those amendments to the Water Code should also provide flexibility for water rights holders in how they address environmental concerns. In addition, the amendments should provide incentives for water rights holders such that when they do address environmental concerns, their ability to use available water for others purposes is provided the greatest possible flexibility to take those actions they deem necessary or desirable. Once environmental concerns are addressed, then interbasin transfers, reuse and conversion of water rights to other purposes should be encouraged and facilitated in state permitting processes to meet regional and statewide water development needs.

WATER

ASSURING, PROTECTING, AND MANAGING FOR CONSERVATION



Amend the Texas Water Code to better recognize instream flows as critical water for the long-term maintenance of fish and wildlife resources.

The State should recognize the needs of fish and wildlife resources as beneficial uses when appropriating state water. The Legislature should amend the Texas Water Code to codify this recognition by defining “instream uses” as currently defined under Texas administrative law (Texas Administrative Code section 297.1).



Promote the purchase and donation of existing and unused water rights to the Texas Water Trust for dedication to instream flows and inflows to bays and estuaries.

The Texas Water Trust was created under SB-1 to enable water rights holders to dedicate water rights to the protection of environmental flows. Water rights, in whole or in part, may be placed in the Trust for a period of time or in perpetuity. Water rights holders who place their rights in the Trust are exempt from cancellation for non-use and may enjoy certain tax benefits. The State should provide incentives for and promote the conversion of unused water rights from consumptive uses to protection of instream uses, including instream flows, freshwater inflows to bays and estuaries, water quality, fish and wildlife resources, aesthetics and recreation. One such incentive would be for the Legislature to exempt water rights permits from fees when those rights are designated for environmental purposes or placed in the Texas Water Trust. This exemption would not apply to Water Master fees. For basins that are not yet fully appropriated, the Texas Parks and Wildlife Department should identify river and stream segments most at risk from over-appropriation and pursue purchase or donation of water rights to the Trust to ensure minimum flows. Texas Natural Resource Conservation Commission should provide information to water rights holders targeted for cancellation about the option of placing those rights in the Texas Water Trust.

In addition, the Texas Parks and Wildlife Department should seek public and private funding for the purchase or donation of water rights to the Trust and publicize its existence and benefits.

With funding and increased awareness of the Trust’s benefits, sufficient water rights could be acquired by purchases or gifts to minimize short-term drought impacts, to create estuarine refuges that allow for quicker recovery from droughts, and to enhance fishery and recreational resources.

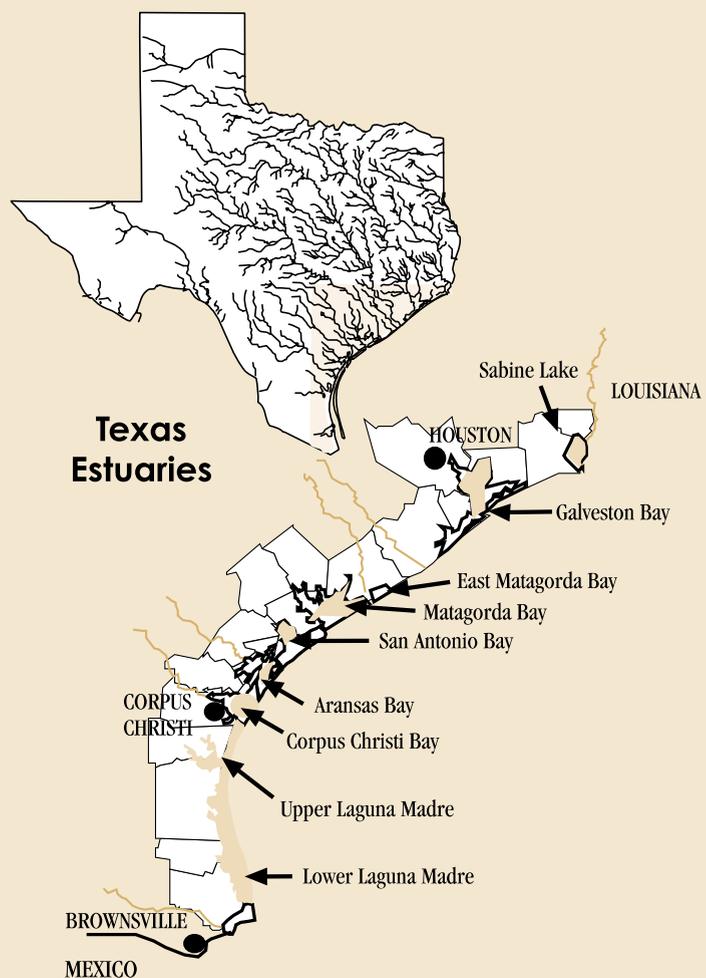


FRESHWATER INFLOWS

FRESHWATER INFLOWS FOR THE NUECES ESTUARY

The Texas Natural Resource Conservation Commission has taken significant steps already to ensure that the Nueces River has adequate stream flow and that the Nueces Estuary receives adequate freshwater inflows to maintain a healthy ecosystem. The water right for the Choke Canyon Reservoir, constructed in 1982, requires that at least 151,000 acre-feet per year of freshwater inflow proceed to the Nueces River and receiving estuaries. This general provision has been refined, through several years of computer simulations and actual use, to ensure the best possible inflows during different seasons and during times of drought. The Nueces Estuary Advisory Committee, a regionally based stakeholder group formed by the TNRCC, oversees the smooth operation of the reservoir and its critical provision of freshwater to the river and estuary.

Texas Rivers and Lakes



WATER

ASSURING, PROTECTING, AND MANAGING FOR CONSERVATION



RECOMMENDATION

Incorporate the needs of fish and wildlife into existing water resource management.

Recently granted water rights may provide for protection of fish and wildlife, but water rights granted before 1985 do not include such provisions. Because most available water in Texas is held in pre-85 rights, the burden of environmental protection falls disproportionately on post-1985 users. Over-appropriation of water in some watersheds has created the potential for serious ecological impairment or will do so in the future should all recorded rights be fully exercised. Means are needed to equitably share the responsibility for environmental protection between old and new water rights. No action should be contemplated that would arbitrarily reduce an existing water right, but when a right is converted to a different use (i.e., agriculture to municipal), sold or transferred out of basin, or amended in such a way as to significantly alter quantities or diversion points, those actions should include permit conditions to mitigate detrimental impacts to flows necessary to maintain the health of fish and wildlife resources.

SPECIFIC STRATEGIES



Promote river basin stakeholder approaches to management of instream flows and freshwater inflows to bays and estuaries.

SB-1 has brought together divergent interests as stakeholders to ensure the State's and regions' future water supply. As the State and regions move from planning to implementing and beyond, Texas' river authorities should maintain such a stakeholder process to address the ever-changing nature of these river basins. A model exists that river authorities should consider: the LCRA Water Management Plan for the lower Colorado River. This approach, first approved by the TNRCC in 1989 and reviewed regularly since, provides a vehicle to address the dynamic nature of managing water today. The management plan has a strong science base and regularly incorporates concerns of basin stakeholders to reflect new issues while maintaining the fundamental purpose of the river authority.

WATER

ASSURING, PROTECTING, AND MANAGING FOR CONSERVATION



The Texas Parks and Wildlife Department should initiate and work closely with stakeholders to develop River Conservation Plans modeled on the *Texas Wetlands Conservation Plan*, which Governor Bush endorsed in 1997.

Numerous stakeholder groups are already working with River Authorities to chart a course for their water needs in the future. The Texas Parks and Wildlife Department should work with each river authority and with river basin stakeholder groups to develop River Conservation Plans modeled on the *Texas*

Wetlands Plan, which is a non-regulatory incentive-based conservation initiative that includes private landowners as an integral part of decision-making and resource management. A river conservation plan would follow that same successful strategy. Given that most of Texas is private land, then most of Texas' 191,000 miles of streams and rivers depend upon private landowners for stewardship. As recreational and water development demands increase, the potential for conflict between users will also grow. Texas' river authorities should bring together their river basin stakeholder groups to develop River Conservation Plans. These plans would identify concerns, find solutions, and develop incentives for fish and wildlife conservation and recreation. With the Texas Parks and Wildlife Department, leaders of these groups would then develop a state river conservation plan, ensuring that it does not conflict with existing plans and that it incorporates as many conservation practices as possible. The plans would complement existing efforts like the Clean River Program, not duplicate them.

WATER

ASSURING, PROTECTING, AND MANAGING FOR CONSERVATION



RECOMMENDATION

Promote agricultural water uses that also benefit wildlife.

Many agricultural uses of water also benefit wildlife. Irrigated rice fields are often essential to over-wintering waterfowl. Construction and maintenance of stock tanks provide water for a vast array of wildlife, and during drought conditions may be their principal source of water. Most often, water rights and the ability to divert water depend on maintaining agricultural status. If agricultural activities diminish or cease altogether, the benefit also diminishes for wildlife that depend on agricultural sources of water.

SPECIFIC STRATEGIES



Develop incentives for agricultural interests to incorporate wildlife into their management and production activities.

Expand provisions of Section 11.142 of the Texas Water Code, the right to divert and store not more than 200 acre-feet of water for domestic and livestock purposes, to include wildlife management as an exempted purpose. The Texas Natural Resource Conservation Commission should account for exempted domestic and livestock use in its Water Availability Models to protect their current use. When converted to wildlife use, the exemption should continue, not lapse.



Amend the Texas Water Code to allow holders of agricultural water rights to benefit wildlife as a means of exempting those rights from cancellation and from water management fees.

When agricultural activities are reduced or curtailed, water rights holders may be subject to cancellation of those rights for non-use. Where water rights holders continue to benefit wildlife under a management plan with all or part of that water, it should be exempt from cancellation and fees.

WATER ASSURING, PROTECTING, AND MANAGING FOR CONSERVATION



RECOMMENDATION

Protect Texas springs.

Springflow is an important contributor to the baseflow of many Texas streams and rivers. For example, during drought conditions the Comal and San Marcos Springs may supply as much as 70% of the flow in the Guadalupe River, which eventually empties into San Antonio Bay. Many springs and spring runs support unique and diverse plants and wildlife for which the likelihood of federal listing as endangered increases as springflow is diminished. To ensure adequate springflows and the groundwater which supplies them, the Legislature should strengthen current laws for management of these resources.

SPECIFIC STRATEGIES



Assure that future legislation affecting groundwater also protects springs.

A persistently debated issue concerns groundwater. Sustainable management of groundwater resources should include protection of springflows. As legislation is proposed to incorporate groundwater into water supply strategies, protecting existing springflow should be included as a priority need. Mining of groundwater resources should provide for mitigation of lost springflow. Where recharge of groundwater to sustain existing aquifers is not possible, the impacts on wildlife should be evaluated and actions taken to minimize the potential for federal intervention. Legislation should encourage brush management and range management practices that promote restoration and protection of springflow. Brush management can benefit both water resources and habitat, and it must be planned and carried out in such a way as to avoid harming potential endangered species habitat, game habitat, and other diverse habitats. Where state funding is appropriated for these activities, their contribution to the restoration of wildlife resources and the habitat they depend upon should be recognized and encouraged.

ONLY TWO OF THE LARGEST REMAIN...

Approximately 281 major historical springs have been identified in Texas in the past. Of the four largest, only two remain, the Comal and San Marcos. Altogether, 63 of the State's major springs had stopped

flowing by 1973. It is estimated that the number of springs no longer flowing has doubled since that time.

- *Springs of Texas*

WATER

ASSURING, PROTECTING, AND MANAGING FOR CONSERVATION



The Texas Department of Agriculture, State Agricultural Extension Service, Texas Parks and Wildlife Department, and other state and federal resource agencies should work cooperatively to seek funding for and institute projects that are appropriate to selected ecological regions, and institute projects that will increase water yields.

The Seco Creek Water Demonstration Project, conducted by the U.S. Natural Resources Conservation Service, has demonstrated that selective hand cutting of new-growth cedar can result in greatly increased water yields. Findings from the field demonstration watershed sites revealed significant improvements in water quality and quantity through this cooperative effort to initiate soil conservation practices, reduce overgrazing, and control brush. Springs that had long since had dried up, bubbled to the surface; creeks that had been intermittent, ran with water year around; and wells once dry, held water again. Given this type of success, the State should move beyond demonstration efforts to full-fledged projects that will improve yield.

The North Concho River Watershed Project, which is in its early stages, has commendable objectives to conserve water by brush management. This project, which is a joint partnership among the Upper Colorado River Authority, Texas A&M Research and Extension Center, and the Texas State Soil & Water Conservation Board, was funded by the Texas Water Development Board. Other participants included Texas Parks and Wildlife Department, the U.S. Department of Agriculture, the Natural Resource Conservation Service, the Blacklands Research Center, and Soil and Water Conservation Districts from Tom Green, Coke, Sterling and Glasscock counties. If implemented with consideration for sensitive habitat types, the North Concho River Watershed project could benefit rivers, streams, and springs while providing much-needed additional water supplies for West Texas cities like San Angelo. The North Concho River Project refines what other projects have been doing to further increase the potential of success.



EPILOGUE



***S**ound planning, practical partnerships, and careful management of our land, water, and wildlife will allow future generations to enjoy the great outdoors and the natural resources that are part of our heritage as Texans.*

We envision a future for Texas in which conservation not only keeps pace with the growth of our economy and population, but allows us to avoid potential problems. As we grow and prosper, our population will also become more diverse and less connected to the land. And so we must ensure that all of our citizens not only have opportunities to enjoy our natural and cultural resources, but actually have a stake in improving and maintaining them.

In the future, the initiative and responsibility for conserving our natural resources and for providing outdoor recreation opportunities will be ever more shared by a broad base of stakeholders, including owners and managers of private land, local governments, nongovernmental organizations, and outdoor users as well as state and federal agencies.

With a renewed commitment to conservation by state leaders and a growing spirit of cooperation among private and public interests, Texas will continue to flourish as a special place, set apart by its unique landscape, its unique history, and its abundant native species of plants and animals.

APPENDIX

Texas has achieved some of its conservation goals in unique ways that combine gifts, acquisition by conservation-minded buyers, and management in partnerships. This creative use of multiple conservation tools has leveraged the ability to protect lands.

THE DAVIS MOUNTAINS

The Davis Mountains in far West Texas, which rise from the floor of the Chihuahuan Desert to elevations as high as 8,400 feet, form a mountain island in a desert sea, creating a rare ecological phenomenon known as a “sky island.” Much of this area, first inhabited some 9,000 years ago by Native Americans, remains as wild and rugged as the first white settlers found it in the 1840s.

In 1998, a new 12,000-acre nature preserve was created in this ecologically rare and sensitive area when The Nature Conservancy of Texas purchased a portion of the historic “U Up U Down” McIvor Ranch.

In a unique strategy involving private buyers, the Conservancy bought a total of 32,000 acres, of which about 20,000 acres were then sold in large ranch tracts to private landowners, who then donated conservation easements on their land. The remaining 12,000 acres was retained to create the Mount Livermore Preserve.

Don McIvor, whose family owned the U Up U Down for more than 100 years, retained 6,500 acres, on which he also donated a conservation easement.

This creative private solution to an ever-growing problem – the break-up of family ranches – represents a useful model for future projects. The conservation future of the land is assured, using private dollars and private ownership, and the land will continue to be an asset to the local community.

SHIELD RANCH

One of the key pieces of the Barton Creek Initiative, a plan for managing the recharge zone in the Edwards Aquifer, involved Shield Ranch. The owners of the ranch donated a 4,670-acre conservation easement to the Nature Conservancy of Texas. This is a perpetual easement, and all future owners are subject to its terms: (a) Existing land uses, including ranching, hunting, and other forms of recreation are permitted under the conservation easement. (b) Existing management practices, such as rotational grazing system and management of Ash Juniper, are required under the easement. (c) Limited development is permitted on the land for ecotourism, single family residences (one per partition; 21 maximum), and facilities for use by non-profit groups.

The benefits to the landowner in this project are manifold. On a practical level, the donation of a conservation easement is a charitable contribution. The owners were able to time the donation of the easement to lessen the tax impact of a major capital gains situation. On a broader level, the conservation values of the land are protected in perpetuity. The easement holder has become an ally and partner in protecting and managing the land and the watershed.

ACKNOWLEDGEMENTS

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