

**Texas Farm and Ranch Lands Conservation Program Application**

Please attach the items in the checklist below to your application and submit via email to the Texas Parks and Wildlife Department: texasfarmandranch@tpwd.texas.gov

1. **The following Application Documents must be provided upon submission:**
2. **TFRLCP Application Form**: must be complete and signed by all required parties.
3. **Budget Form**: must be complete and identify all estimated project costs.
4. **Maps and Photographs**: the required maps and photographs are as follows:
	* Area Location Map: provide an 8.5” x 11” printable Location Map showing the entire county in which the project is located with the project location identified.
	* Google Earth KMZ File: provide an accurate KMZ file of the landowner’s property and proposed easement boundary (if less than the entire property). *The KMZ file is a zipped file containing compressed Keyhole Markup Language (KML) files from Google Earth.*
	* Maps: provide maps of subject tract showing roads, buildings, and proposed building envelopes.
	* Representative Photographs: provide 4 to 12 representative photographs of project site.
5. Letter of Intent: Letter of Intent (*Appendix A*) must be signed by the Applicant and the Landowner(s).
6. **Funding Commitments**: letters of intent to provide match or leverage funding.
7. Support Letters: support letters and other supplemental documentation.
8. **Conflict of Interest**: the Conflict of Interest Certification *(Appendix B)* must be signed by the president of the Applicant’s Board of Directors.
9. Applicant’s Monitoring (Stewardship) Policy: if applicable; see Section III (C) of the TFRLCP application form for details.
10. Applicant’s Legal Defense Policy: if applicable; see Section III (D) of the TFRLCP application form for details.
11. Non-Profit Documentation: if the Applicant is a non-profit organization, the following documents must be included:
	* Articles: Articles of Incorporation and Bylaws
	* Status: Copy of Nonprofit Internal Revenue Service 501(C)(3) Status.
12. **The following Application Documents are required but can be submitted after a provisional decision of award has been made by the Council:**
	1. **Agricultural Conservation Easement Agreement\***: in general, this Agricultural Conservation Easement will be based on the applicant’s standard form of Conservation Easement with TPWD retaining third-party right of enforcement. The plan must include specifications for monitoring the property (*including a monitoring budget*) and ensuring compliance with the easement agreement, including specifications for annual reports to TPWD, certifying that the conditions of the easement are being upheld.
	2. Appraisal: must meet Uniform Standards of Professional Appraisal Practice (USPAP) standards and utilize the “before and after” method of valuation, calculating the difference between the fair market value and the agricultural value of the property. This process results in effectively two appraisals: 1) the current market value without restriction; and 2) the diminished value as though encumbered by an Agricultural Conservation Easement.
	3. Baseline Report\*: must describe and depict the current condition of the property at the time the easement is executed and the applicant’s affirmation of the report’s accuracy. The Baseline Report should include: (1) extensive photographs of the developed and natural areas of the property, including all buildings and structures, and a photo point map; (2) land use history, distinct natural features, historical features, vegetation and identification of flora and fauna (including threatened or endangered species, significant or critical habitat, breeding areas and migration routes), and aquatic areas (including waterways, wetlands, riparian areas, irrigated areas); (3) information on any easements or leases on the property; and (4) descriptions and depictions of the property’s agricultural features, including products, methods, grazing intensity, water rights, agricultural plans such as NRCS soil plans, and other information relevant to the agricultural history, plans, and uses of the property.
	4. Boundary Survey: must be current with as-builts of tract subject to the easement. As-built survey can be substituted by comparable as-built/improvement documentation as approved by TPWD.
	5. Resource Management Plan\*: may be required, or where appropriate, the terms of the conservation easement, grazing plan, timber management plan, habitat management plan or other conservation plan may substitute for the RMP.
	6. Title Commitment

***\* The Baseline Report, Resource Management Plan and the Agricultural Conservation Easement Agreement, will act as the reference points for future monitoring visits to the property.***

**PROJECT PROPOSALS WILL BE SCORED BASED ON THE INFORMATION SUBMITTED WITHIN THIS APPLICATION FORM. PLEASE BE THOROUGH WHEN COMPLETING YOUR APPLICATION.**

**DATES & REQUIREMENTS:** Applications must be received before midnight on the established deadline. All applications should be submitted electronically via the TPWD/TFRLCP web site. If the applicant is unable to submit the application electronically, please contact the Program Coordinator at least one (1) week prior to the established deadline.

**Forms and additional information can be found at** **TexasFarmAndRanch@tpwd.texas.gov** **or by contacting the Program Coordinator:** **Carla Beavers at 512-389-4911**, TPWD 4200 Smith School Road Austin, Texas 78744.

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| **TFRLCP APPLICATION FORM** |
| **Funding under the Texas Farm and Ranch Lands Conservation Program (TFRLCP) is awarded pursuant to Texas Parks and Wildlife Code Chapter 84. Accordingly, applicants must ensure that their projects are compliant.** |
| **I. GENERAL PROJECT/PROPERTY INFORMATION** |
| **A.** | **DESCRIPTION/LOCATION:** |
|  | **Project Title\***:       |
|  | ***\* Please use this project title consistently throughout the application and supporting documents.*** |
|  | **Property Name** *(if different from project title)*:       |
|  | **Property’s Physical Street Address**:       |
|  | **City**:       | **State**:       | **Zip**:       | **County**:       |
| **B.** | **ACREAGE/USE:**  |  |
|  | **Total Acreage**:       acres |
|  | **Primary Working Land Use(s)**:       |
|  | **Land description** *(example: number of acres of native grassland, improved pasture, woodland, silviculture, wetland, farming, etc.)*:       |
|  | **Are there any endangered, threatened or rare species on the property** *(If yes, please describe)*:       |
|  | **Does the subject property consist of more than one tract with separate ownerships** *(If yes, please describe)***:**       |
| **C.** | **WATER:** |
|  | **Watershed name**:       |
|  | **Does the property subject to easement include significant ground or surface water features or water rights?**       **Have any of these rights been severed** *(If yes, describe ownership and use)***:**       |
|  | **What is the source of water for agricultural and domestic use**:       |
| **D.** | **MINERAL:** |
|  | **Mineral rights owned by surface owners**:       |
|  | **Is there current mineral exploration or extraction on the property** *(If yes, please explain)*:       |
| **II. PROJECT COST INFORMATION** |
| **A.** | **VALUE:** |
|  | **Fair Market Value (FMV) of Conservation Easement:** $       |
| **B.** | **COST:** |
|  | **Purchase Price of Conservation Easement: $**  |
|  | **Total Project Cost** *(Easement acquisition cost + Associated costs)*: $       |
|  | **Total TFRLCP Funding Request**: $       |
| **III. APPLICANT / QUALIFIED EASEMENT HOLDER INFORMATION** |
| **A.**  | **APPLICANT**: |
|  | **Name of Applicant**:       |
|  | **Mailing Address**:       |
|  | **City**:       | **State**:       | **Zip**:       | **County**:       |
| **B.**  | **PROJECT LEAD:**  |
|  | **Name of Project Lead**:       | **Title:**  |
|  | **Phone** **Number**:       | **Email** **Address**:       |
| **C.** | **MONITORING (STEWARDSHIP) POLICY:** |  |
|  | **Does your organization have a monitoring (stewardship) policy that specifies the organization’s practices, policies, and anticipated financial needs for monitoring and reporting requirement of the conservation easement?** [ ]  **Yes** [ ]  **No** **If yes, please include the policy with your application.** |
| **D.**  | **LEGAL DEFENSE POLICY:** |
|  | **Does your organization have a legal defense policy that specifies the organization’s practices, policies, and anticipated financial needs for legal defense of the conservation easement?**[ ]  **Yes** [ ]  **No If yes, please include the policy with your application.** |
| **IV. LANDOWNER(S) INFORMATION** |
| **A.** | **LEGAL LANDOWNER NO. 1:** |
|  | **Name of Landowner:**       |  |
|  | **Length of Ownership**:       | **Phone:** |
|  | **Email Address:**       |
|  | **Mailing Address:**       |
|  | **City**:       | **State**:       | **Zip**:       | **County**:       |
| **B.** | **LEGAL LANDOWNER NO. 2:** |
|  | **Name of Landowner:**       |  |
|  | **Length of Ownership**:       | **Phone:** |
|  | **Email Address:**       |
|  | **Mailing Address:**       |
|  | **City**:       | **State**:       | **Zip**:       | **County**:       |
| **C.**  | **LEGAL LANDOWNER NO. 3:** |
|  | **Name of Landowner:**       |  |
|  | **Length of Ownership**:       | **Phone:** |
|  | **Email Address:**       |
|  | **Mailing Address:**       |
|  | **City**:       | **State**:       | **Zip**:       | **County**:       |
| **V. CONSERVATION EASEMENT INFORMATION** |
| **A.**  | **EASEMENT TERM:**  |
|  | **Term of Proposed Easement:** [ ]  **Perpetual** [ ]  **30 year term** |
| **B.** | **EASEMENT USE:**  |
|  | **Is entire property covered under the easement** *(If not, list acreage and characteristics of land subject to easement)***:**  |
|  | **Does easement allow for subdivision of land or sale of separate parcels covered by easement** *(If yes, under what terms)***:**  |
|  | **Number of new residential structures, additional structures, roads, other infrastructure; size and location of any building envelopes to be reserved in easement** *(if any, please describe and include on map)*:       |
|  | **Describe traditional land uses to be continued under easement and are any new uses specifically permitted under the easement:**       |
| **C.** | **REPORTS:**  |
|  | **Who will prepare the baseline report and any management plan(s) required by the easement:**        |
|  | **Who will prepare the required conservation easement:**  |
| **VI. NARRATIVE INFORMATION** |
| **A.** | **EXECUTIVE SUMMARY**: *General overview of the project, highlighting the agricultural production and natural resource values that would be protected by the project, the need for the project, the history of the project and anything you want the project review team to be specifically aware of.*       |
| **B.** | **THREATS OR DEVELOPMENT PRESSURES ON THE PROPERTY (20 points)**: *Proximity to city or population center, construction of transportation infrastructure or rapid development adjacent to or near the property, land use trends assessments, zoning, escalating land values or ad valorem taxes, purchase offers, etc.*      |
| **C.**  | **VALUE / COST EFFECTIVENESS OF THE PROJECT (20 points):** *Cost per acre requested from the TFRLCP; fair market value per acre for the easement; comparison with fair market value of easements on other lands in the area; benefit per cost ratio for the conservation of agricultural productivity and natural resources such as water, soils, and habitat.*      |
| **D.** | **WATERSHED VALUE (20 points)**: *Contributions made by this property to regional water conservation; land uses on this property that improve the quality and availability of ground and surface water; e.g. natural stormwater retention, runoff filtration and mitigation, aquifer recharge, spring conservation, etc.*      |
| **E.** | **FISH AND WILDLIFE VALUE (20 points):** *Attributes of the property and the land uses protected by the easement will provide long term benefits to fish and wildlife, including species that are listed by the USFWS or TPWD or are identified as “species of greatest conservation need” in the Texas Conservation Action Plan or that are known to be in serious decline; habitats and habitat features to be protected, e.g. mature forest, native prairie, wetlands, riparian zones, caves, etc.*      |
| **F.** | **CONTRIBUTION TO A CONSERVATION LANDSCAPE (10 points)**: *Contiguity or proximity to other conserved land; contribution to or completion of an identified conservation corridor connecting protected lands in such a way as to:*1. *Protect the watershed, viewshed, and/or landscape-scale processes (e.g. fire, predator-prey relationships, migration routes, etc.);*
2. *add complementary habitat (e.g. foraging ground or territory for target species); and/or*
3. *provide valuable buffer.*

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| **G.** | **TERMS OF THE CONSERVATION EASEMENT (10 points):** *Length of easement (30 year term vs. perpetual); prohibition or limitation of future development of the property; protection and assurance of continued productivity of the land; strength and enforceability of the easement regarding protection of water, fish and wildlife values on the subject property; experience and qualification of the applicant to monitor and enforce the easement; accreditation of applicant.*       |
| **H.** | **ADDITIONAL PROPERTY INFORMATION:** *Special attributes of the property, such as significant historic, archeological, paleontological, or aesthetic features not discussed above.*      |
| **I.** | **ADDITIONAL PROJECT INFORMATION**: *Mortgages or liens on the property or any interests held by other parties in the property that would have to be subordinated to the easement; additional information concerning the status of mineral and water interests, or past or current uses of the property, that might affect the ability of the surface owner and/or easement holder to control and manage the surface consistent with the conservation values of the easement.*      |
| **J.** | **BACKGROUND INFORMATION:** *Background information on the Applicant, including a description of the organization and its mission, narratives of representative easements, and board member and staff bios.*      |
| **K.** | **ADDITIONAL INFORMATION:** *Any additional you believe would be helpful for the Texas Farm and Ranch Lands Conservation Program to consider****.***       |
|  | **VII. AVAILABILITY OF FUNDS** |
| **Any award of funds by the TFRLC Council is subject to the availability of appropriated funds by the Texas Legislature, the continued authorization of the TFRLCP by the Texas Legislature, agreement of TPWD and the Applicant on a contract for acquisition of a conservation easement, and satisfactory completion of “due diligence” prior to closing the conservation easement transaction.** |

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| **VIII. SIGNATURE** |
| *I understand that the information provided herein will be used to determine eligibility for funding through the Texas Farm and Ranch Lands Conservation Program (TFRLCP). I further certify that the information is true and correct to the best of my knowledge and agree that any changes or edits to the application and associated documents must be made in writing on a form provided by the Department and submitted to****TexasFarmAndRanch@tpwd.texas.gov******.*** *I further understand that the information submitted in this application is subject to the requirements of the Texas Public Information Act, Texas Government Code chapter 552, and may be subject to disclosure to the public, upon request, as provided in that law; that the Texas Farm and Ranch Lands Council may consider the information provided in this application at one or more open public meetings held under the Texas Open Meetings Act, Texas Government Code chapter 551; and, that as a condition of funding under the TFRLCP, I consent to the potential public disclosure of the information in this application under the provisions of the Texas Public Information Act and the Texas Open Meetings Act.* |
|  |  |
| Signature of **Applicant’s Authorized Agent** | Date |
|  |  |
| Signature of **Landowner** or **Authorized** **Agent** | Date |
|  |  |
| Signature of **Landowner** or **Authorized** **Agent** | Date |
|  |  |
| Signature of **Landowner** or **Authorized** **Agent** | Date |

# Appendix A – LETTER OF INTENT

WHEREAS, the Texas Farm and Ranch Lands Conservation Program exists to award grants to Qualified Easement Holders for the purchase of Agricultural Conservation Easements pursuant to Texas Parks and Wildlife Code Chapter 84; and

WHEREAS, the Qualified Easement Holder and Owners pursuant to Texas Parks and Wildlife Code § 84.002; and

WHEREAS,  (the “Owner(s)”) own  in  County (the “Land”) which qualifies for a Conservation Easement pursuant to Texas Parks and Wildlife Code § 84.002(9); and

WHEREAS, the Owners desire to sell an Agricultural Conservation Easement, as that term is defined in Texas Parks and Wildlife Code § 84.002(1), to the Organization; and

WHEREAS, the Organization desires to acquire an Agricultural Conservation Easement on the Land from the Owners; and

WHEREAS, the Owners and the Organization (jointly, the “Parties”) submitted an application for a grant from the Texas Farm and Ranch Lands Conservation Program on *(DATE)*       to facilitate the purchase of an Agricultural Conservation Easement;

NOW THEREFORE, the Parties enter into this Letter of Intent and certify as follows:

**I.** **Parties**. The contact information for the Parties is as follows:

|  |  |  |
| --- | --- | --- |
| **Qualified Easement Holder** |  | **Landowner(s)** |
| Name: |       |  | **Name**: |  |
| Organization: |       |  | Phone: |       |
| Phone: |       |  | E-mail: |       |
| E-mail: |       |  | Address: |       |
| Address:  |       |  |  |  |
|  |  |  | **Name**: |  |
|  |  |  | Phone: |       |
|  |  |  | E-mail: |       |
|  |  |  | Address: |       |
|  |  |  |  |  |
|  |  |  | **Name**: |  |
|  |  |  | Phone: |       |
|  |  |  | E-mail: |       |
|  |  |  | Address: |       |

**II. Agricultural Conservation Easement**. The Owner(s) intend to sell an Agricultural Conservation Easement to the Organization under the terms set forth in the draft conservation easement agreement attached and incorporated hereto as Exhibit A.

**III.** **Grant Award**. The Parties intend to utilize any grant awarded by the Texas Farm and Ranch Lands Conservation Council in accordance with the budget included as part of the application for funding. If the Texas Farm and Ranch Lands Conservation Council awards less money than requested in the application, or if circumstances change such that the budget must be amended or the Owner(s) no longer intend to sell the Agricultural Conservation Easement to the Organization, the Parties agree to either jointly file an amendment to the application or withdraw the application, as applicable.

IN WITNESS WHEREOF, the Parties have executed this Letter of Intent upon signature of both parties in order to comply with the requirements of the Texas Farm and Ranch Conservation Program.

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| **Qualified Easement Holder***Must be signed by an authorized agent of the Organization* |  | **Landowner(s)***Must be signed by record landowner(s) of the Property.* |
|  |  |  |
| **Land Trust Representative Signature** |  | **Landowner Signature**  |
|       |  |       |
| Representative’s Printed Name |  | Landowner’s Printed Name |
|       |  |       |
| Date |  | Date |
|  |  |  |
|  |  |  |
|  |  | **Landowner Signature**  |
|  |  |       |
|  |  | Landowner’s Printed Name |
|  |  |       |
|  |  | Date |
|  |  |  |
|  |  |  |
|  |  | **Landowner Signature**  |
|  |  |       |
|  |  | Landowner’s Printed Name |
|  |  |       |
|  |  | Date |
|  |  |  |

# Appendix B – CONFLICT OF INTEREST CERTIFICATION

*To be completed by the president of the board of directors*

*of the applicant (Qualified Easement Holder)*

I, , president of the Board of Directors of  (the “Organization”), am aware of the proposed project for which the Organization has requested funding from the Texas Farm and Ranch Lands Conservation Program and am familiar with the parties involved, including the owners of the property to be placed under a conservation easement. To the best of my knowledge and belief, no member of the Board of Directors or any employee of the Organization will benefit from receipt of the requested grant from the Texas Farm and Ranch Lands Conservation Program. For the purpose of this certification, the term “benefit” includes any financial gain from the approval of the grant by the Texas Farm and Ranch Lands Conservation Council, whether direct or otherwise. I agree to immediately update this certification and notify the Texas Farm and Ranch Lands Conservation Program if changed circumstances render it inaccurate.

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|  |
| Signature |
|       |
| Printed Name |
|       |
| Organization |
|       |
| Title |
|       |
| Organization |
|  |