

- SUBJECT:** Texas Farm and Ranch Lands Conservation Program transfer to TPWD
- COMMITTEE:** Culture, Recreation, and Tourism — committee substitute recommended
- VOTE:** 4 ayes — Guillen, Frullo, Larson, Murr
- 0 nays
- 3 absent — Dukes, Márquez, Smith
- WITNESSES:** For — Blair Fitzsimons, Texas Agricultural Land Trust; Laura Huffman, The Nature Conservancy; (*Registered, but did not testify*: Richard Lowerre, Caddo Lake Institute; David Foster, Clean Water Action; Christy Muse, Hill Country Alliance; George Cofer and Abe Selig, Hill Country Conservancy; Jen Powis, Katy Prairie Conservancy; Robert Ayres, Land Trust Alliance; Evelyn Merz, Lone Star Chapter Sierra Club; Myron Hess, National Wildlife Federation; Travis Brown, Pines and Prairies Land Trust; Kaleb McLaurin, Texas and Southwestern Cattle Raisers Association; Ronald Hufford, Texas Forestry Association; Michael Grimes, Texas Land Conservancy; Jim Bradbury and Lori Olson, Texas Land Trust Council; David Weinberg, Texas League of Conservation Voters; Joe Morris, Texas Sheep and Goat Raisers Association; David Yeates, Texas Wildlife Association; Ed Small)
- Against — None
- On — Carter Smith, Texas Parks and Wildlife Department; (*Registered, but did not testify*: Alan McWilliams, General Land Office)
- BACKGROUND:** The Texas Farm and Ranch Lands Conservation Program was created by the Legislature in 2005 to facilitate the protection of agricultural land. The program awards grants to qualified entities for the purchase of conservation easements to prevent development, sustain agricultural production, and enhance natural resources. The state does not hold the conservation easement, but instead pairs private landowners with land trusts to establish conservation easements on the land. The program is

voluntary for landowners and the land stays in private ownership and management, subject only to the restrictions of the easement.

The commissioner of the General Land Office chairs the Texas Farm and Ranch Lands Conservation Council, a 10-member advisory council that administers the program. The advisory council consists of four ex officio members of state and federal agencies and six members appointed by the governor representing various aspects of the agriculture industry.

The advisory council evaluates and awards grant applicants based on the following criteria:

- maintenance of landscape and watershed integrity to conserve water and natural resources;
- protection of highly productive agricultural lands;
- protection of habitats for native plant and animal species, including habitats for endangered, threatened, rare, or sensitive species;
- susceptibility of the subject property to subdivision, fragmentation, or other development;
- potential for leveraging state money allocated to the program with additional public or private money;
- proximity of the subject property to other protected lands;
- the term of the proposed conservation easement; and
- a resource management plan agreed to by both parties and approved by the council.

No appropriation has ever been made to the Texas Farm and Ranch Lands Conservation Program. Currently, the program's sole source of funding to provide the grants are federal funds from the General Land Office's Coastal Impact Assistance Program, which limits project locations to the 18 counties in the Coastal Bend area.

DIGEST:

CSHB 1925 would transfer the Texas Farm and Ranch Lands Conservation Program from the General Land Office to the Texas Parks and Wildlife Department on September 1, 2016. The General Land Office and Texas Parks and Wildlife Department (TPWD) would be required to

enter into a memorandum of understanding, including a timetable and specific steps and methods for the transfer, by January 1, 2016.

The bill would increase the membership of the Texas Farm and Ranch Lands Conservation Council from 10 members to 12 members and would make various changes to the composition of the council. The governor would be required to make appointments by January 1, 2016.

When awarding grants, the bill would require the Texas Farm and Ranch Lands Conservation Council to give priority to applications that protect highly productive agricultural lands that were susceptible to development, including subdivision and fragmentation.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2015.

**SUPPORTERS
SAY:**

CSHB 1925 would move the Texas Farm and Ranch Lands Conservation Program from the General Land Office to the TPWD, a proposal supported by both agencies.

Many landowners face financial pressure to develop or subdivide their property but would prefer to avoid those outcomes if other options existed. The Texas Farm and Ranch Lands Conservation Program gives landowners an option by offering grants for the development of conservation easements. The intent of the legislation that created the program is in alignment with the mission of the TPWD, which already has a direct role in the conservation of the state's land, water, and open spaces. The bill would ensure that the most appropriate agency would be administering this program.

The millions of acres of farms, ranches, and timberlands that make up the private lands in Texas are critical to the state's water security. When open space is lost and land is paved over or divided into smaller and smaller pieces, it can have a profound effect on the recharge zones of our aquifers or the health of our rivers and streambeds. The TPWD has a vast field

network of specialists that actively work with landowners to promote the stewardship and conservation of private land. A transfer to the TPWD would provide the program with the tools to make a positive impact on the conservation of Texas' natural resources by mitigating the alarming problem of fragmentation and loss of rural property.

Over the past decade, the conversion rate of Texas' working lands to non-agricultural uses has been tremendous. Because Texas primarily is an agricultural state, it would be appropriate to prioritize applications that protect highly productive agricultural land. It was the original intent of the program to preserve the properties at greatest risk and allow them to continue to be productive farms and ranches.

OPPONENTS
SAY:

CSHB 1925 would direct the council to give priority to applications that protect highly productive agricultural land when awarding grants, elevating its importance over other considerations such as habitats of endangered species and conservation of water and natural resources. Because all conservation is important, it would be more appropriate to treat all these objectives equally.

NOTES:

According to the fiscal note, CSHB 1925 would require \$306,234 in general revenue for two full-time employee positions to administer the program and for associated equipment in the first year.

The companion bill, SB 1597 by Kolkhorst, was considered in a public hearing of the the Senate Committee on Agriculture, Water, and Rural Affairs on April 13.

CSHB 1925 differs from the bill as filed by:

- requiring the Texas Farm and Ranch Lands Conservation Council to give priority to applications that protect highly productive agricultural lands that are susceptible to development, including subdivision and fragmentation, when awarding grants;
- changing the council's membership from 11 to 12 members; and
- requiring the presiding officer of the Parks and Wildlife

Commission to be the presiding officer of the council. If that individual was not able, the position would pass to the executive director of the department.