

P400.6
T312we
#3



Texas Wetlands

Government Publications
Texas State Documents

Plan Update

Issue 3

March 1996

Depository
Dallas Public Library

Regional Advisory Group Update

The last few months have been busy ones for members of the Regional Advisory Groups. The East Texas and Panhandle groups have met on several occasions, and the Coastal Group recently met for the first time. All groups have discussed and identified the important regional wetlands issues to be addressed in the State Wetlands Conservation Plan. Wetland issues in all regions have fallen into five general categories, including **conservation, education, economic incentives, private ownership issues, and governmental relations.** East Texas and the Panhandle groups have already begun developing strategies to address the regional wetland issues. Julie Anderson, TPWD's Wetlands Planner who has facilitated the meetings, notes, "It has been interesting to observe that, while many of the issues have been similar across the regions, the proposed strategies to resolve those issues have been different. Different regions of the state require different solutions to problems."



Julie Anderson, TPWD's Wetlands Planner who has facilitated the Regional Advisory Group meetings, notes, "It has been interesting to observe that, while many of the issues have been similar across the regions, the proposed strategies to resolve those issues have been different. Different regions of the state require different solutions to problems."

In December, the East Texas Regional Advisory Group met to discuss wetlands education. Members met most recently on January 11, 1996, in Nacogdoches to formulate strategies related to economic incentives issues outlined in previous meetings. The recent passage of Proposition 11 goes a long way toward providing landowners with an incentive to manage their lands for wildlife habitat (see accompanying article on Proposition 11). Additionally, participants expressed a strong interest in exploring the possibility of a tiered tax incentive that would offer different tax rates depending on the landowner's conservation efforts. The East Texas group will meet again on March 4 to discuss private ownership issues and governmental relations.

The December 14, 1995, meeting of the Panhandle Regional Advisory Group in Canyon resulted in the identification of a full complement of ideas, venues and methods that would most effectively educate landowners and others on specific wetlands topics, including the benefits of wetlands, increasing wildlife habitat, and wetlands regulations and identification. The Panhandle group will discuss economic incentives at their next meeting on March 7.

The Coastal Regional Advisory Group met for the first time January 18 in Victoria to identify regional wetland issues. There were 22 Group members in attendance. The Coastal group will meet again on March 12 to develop strategies for conservation issues.

On January 30, 1996, the State Coordination Group met in Austin to receive a progress report for the Regional Advisory Groups and to provide suggestions and feedback on future planning strategies.

Advisory groups will continue to meet every couple of months to identify strategies to address various wetlands issues. This process will probably last another year or so.

Conservation Easement Conference Scheduled

A conference entitled "Maintaining Private Lands Through Conservation Easements" has been set for April 11-12, 1996 in Austin.

Scheduled speakers include Andy Sansom, Executive Director of Texas Parks and Wildlife Department; Andrew Zepp, Vice-President for Land Trust Alliance; and Dr. William Hutton, Professor of Law at the University of California Hastings College of Law, tax counsel for the Trust for Public Land.

The conference will be divided into two concurrent sessions: one for landowners/land managers, and the second for landowner advisors, such as accountants, tax attorneys, and appraisers.

Topics to be covered include the benefits of conservation easements, financial and management considerations, and liabilities and responsibilities.

For more information concerning this two day conference, contact Carolyn Scheffer, Land Conservation Program, TPWD, at (512)389-4779.

Marsh MALLOW Project

by Will E. Cohen, Ph.D., Assistant Professor and Extension Wildlife Specialist
 Department of Wildlife and Fisheries Science (College Station)
 Department of Animal and Wildlife Sciences (Kingsville), Texas A&M University
 Texas Agricultural Extension Service

One of the most effective methods for changing the behavior of society is to educate its young people. Two primary approaches are used to educate our nation's youth: formal and informal education. Formal education is the structured process for teaching individuals in a classroom setting. Informal education is the process where youths voluntarily educate themselves through self-study and participation in hands-on activities. One of the oldest and most effective ways of educating youth informally is through the 4-H program that exists in every state in the United States.

The Texas Agricultural Extension Service and Texas A&M University-Corpus Christi have been awarded a contract by the U.S. Fish and Wildlife Service to develop, implement, and evaluate a hands-on educational project that will educate rural and urban youth and adults about the importance of wildlife and wetlands. Interested youths and volunteer leaders will form a Marsh M.A.L.L.O.W. (Management Activities for Learning the Lifestyles of Wildlife) club to learn about wildlife habitat management and wetland values, functions, management, and restoration. Youth in the club will communicate with local agricultural and industrial landowners to locate a wetland on their property that needs to be restored, enhanced, or managed for wildlife. The club will adopt the wetland as a demonstration project.

Adult volunteer leaders will learn about wildlife and the values and functions of wetlands. They will also learn how to manage or enhance an existing wetland, or restore a converted wetland. Volunteer leaders will be

given a manual of lesson plans specifically developed to educate young people about wildlife and wetlands. The manual will contain lesson plans that deal with subjects such as wildlife management, water quality, wetland function, club management, insects, and plants.

Marsh MALLOW clubs will apply to participate in the 4-H wetland educational project by submitting a Marsh MALLOW plan. Youth and volunteer leaders will use the volunteer leader training manual as a guide to write the plan. Each year \$750 grants will be given to 15 qualifying Marsh MALLOW clubs. After the grants are awarded, clubs implement their plan on the landowner's property. Six months later the club will submit a management report detailing their efforts to manage, restore, or enhance their wetland for wildlife. Clubs will be established and coordinated by a volunteer leader called a Marsh MALLOW coordinator. Assisting each county Marsh MALLOW coordinator will be a county Marsh MALLOW advisory board and county Marsh MALLOW training team.

The project will be piloted in the coastal bend counties of Texas for 2 years. If the project is determined to be effective in educating rural and urban youth and adults about wildlife and wetlands, and pending available funding, the project may be expanded regionally and then nationally.

If you would like more information on this program, please contact your county extension agent or Dr. Will Cohen at the Texas Agricultural Extension Service at (512)265-9203.

Management
Activities for
Learning the
Lifestyles
Of
Wildlife





LANDOWNER



profile:

Mr. L.H. Webb ♦ Pampa, Texas

Three white-tailed deer bounded out from the creek bottom and ran down the draw. A covey of bobwhite quail flushed from beneath a nearby tree, a belted kingfisher perched on an overhanging limb as he hunted for food, and evidence of Rio Grande turkey and porcupine was everywhere. Wetland vegetation including willow, buttonbush, cottonwood, hackberry, sedges and black locust flourished. Groundwater formed small pools in the creek bottom, which are replaced by a swift flowing stream during spring rains.

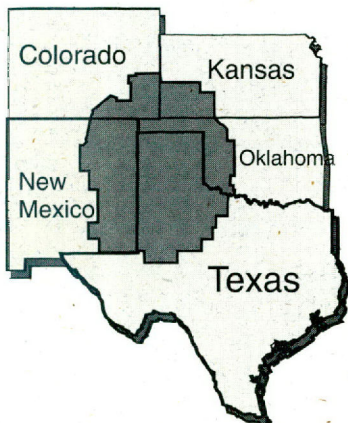
It is easy to imagine that this creek bottom is part of a park, but in fact, it is on L.H. Webb's 9,000 acre cattle ranch in the Rolling Plains near Amarillo. This riparian area has benefited from a 4-strand barbed-wire fence built around 4.5 acres of creek bottom, which enhances the landowner's ability to manage the site. Since the fence was built in the summer of 1993, native vegetation beneficial to wildlife has been reestablished. The cost of the barbed-wire fence was shared by Mr. Webb and the Texas Parks and Wildlife Department through the Private Lands Initiative, a state program that provides technical and financial assistance to landowners for wildlife enhancement projects.

Mr. Webb had previously considered controlled grazing on the bottom, when he was contacted by TPWD biologists Jim Ray and Gene Miller. Mr. Webb was interested but reluctant to invite government involvement on his land. After assurances from Jim and Gene that the program was voluntary, Mr. Webb agreed to participate, and has been pleased with the results.

The Private Lands Initiative project involved installing one-half mile of fence around 4.5 acres of creek bottom. Four wood duck boxes, provided by TPWD, will be installed in the fenced riparian area. Under the agreement, Mr. Webb can graze cattle for short durations. Short duration grazing can be beneficial to plants by stimulating the growth of native

vegetation. Hoof action loosens the soil and works seeds into it, and sunlight penetrates where feeding cattle have removed some of the thick vegetation. Fencing key wildlife areas like this prevents overgrazing and protects native vegetation

The riparian area found on Mr. Webb's ranch is located in the Playa Lakes Region which includes the High and Rolling plains of the Texas Panhandle.



Through the Private Lands Initiative Program, one-half mile of fence around 4.5 acres of creek bottom was cost shared with Mr. Webb and installed on his 9,000 acre cattle ranch near Amarillo.

that stabilizes stream banks and provides wildlife cover. Often, water quality and erosion problems are improved.

Mr. Webb has seen the benefits of controlled grazing on his property. Eastern gamma grass, a native grass that provides food, cover and nesting for wildlife, has returned to the areas where grazing has been controlled. "You don't see it when the area is continuously grazed because it's like ice-cream to cows - it's the first thing they go for. It only comes in when cows are fenced out and rest periods are provided," observes Mr. Webb.

While fencing provides benefits to the land and the wildlife that live on it, the Private Lands Initiative project provides perhaps the biggest benefit to the cattle. Controlled grazing allows some of the more preferable grasses, such as eastern gamma grass, to re-establish. When this area is grazed, cattle feed on a higher quality forage, and more of it. This translates into direct benefits to the landowner by producing a healthier stock. "Cattle are the best tool a landowner has to maintain land in good condition," asserts Mr. Webb. "Controlled grazing through the use of fencing provides a win-win situation for the landowner, cattle, and the wildlife."

Fencing areas for wildlife on sites that are near each other provides a travel corridor for plains wildlife and could result in local population increases. Jim Ray of TPWD states that, "As more landowners understand the value of fencing riparian areas and playas to manage livestock grazing, Panhandle water, wetlands and wildlife will benefit. If enough people managed riparian areas and playas for wildlife, the affect would be significant."

Conservation Easements: An Option for Private Landowners

Private landowners enjoy an array of rights and privileges associated with land ownership. In many cases, generations have depended upon the land for its plant and wildlife resources, its aesthetic value, and most important, for earning livelihood.

With such an investment in caring for their land, it's important for landowners to consider the future of their properties. Federal estate taxes, which may be as high as 55% of a property's fair market value, may force heirs to sell all or part of the land to pay the taxes. Future owners may also be driven to sell the land as a result of increasing property values.

For landowners desiring to keep their land intact for their heirs and to ensure the conservation of its resources for future generations, numerous methods are available that offer financial options and tax incentives. One of these methods, conservation easements, may be the most effective, flexible tool for this purpose.

A conservation easement is a perpetual legal agreement between a private property owner and a qualified conservation organization to voluntarily place restrictions on the types of activities that may take place on a piece of property and to protect significant natural features including wildlife or wildlife habitat. Under the Conservation Easement Act, a landowner or designated individual can write a legal document (an easement) restricting the use of a part or all of the property. The Act provides for easements to protect the productive, recreational, natural, scenic, archeological, historical, architectural, and cultural resource values of real property. The landowner decides which values are to be protected and to what degree and under what circumstances development will be allowed. As a stewardship tool, conservation easements may aid landowners in realizing economic and aesthetic benefits, as well as improving the quality of habitat and maximizing wildlife potential without giving up ownership.

Conservation easements offer several advantages:

- Retain ownership. Property owners retain ownership of the land and may continue to live

on it, sell it, or pass it on to heirs.

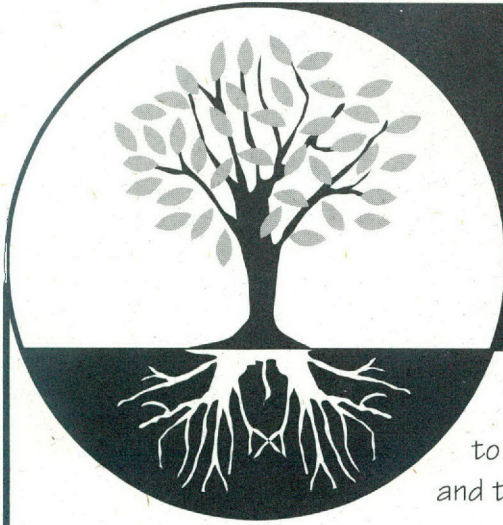
- Flexibility. Easements may be tailored to meet the particular personal and financial needs of the landowner while maintaining the property's resources.
- Tax incentives. In addition to reducing estate taxes, conservation easements may provide the landowner income tax and property tax benefits.
- Permanent protection. Conservation easements remain in force even when the land changes hands, ensuring conservation of valuable or sensitive habitats such as wetlands.

Conservation easements are used to maintain a variety of land types, including farms, forests, and ranches. Easements must be held by a land trust (a charitable organization empowered to retain or protect the aspects of real property) or a governmental body empowered to hold an interest in real property. This means that the land that a landowner wishes to protect will be under the protection of the organization or agency, but the title to the property stays with the landowner.

For example, a landowner may wish to protect a natural area from any future land altering activity. With the help of legal counsel, the landowner may draw up an easement stipulating that the specified property cannot be disturbed for purposes other than non-destructive land management activities. This may mean restricting or halting development on the property or limiting management activities such as animal grazing. Future owners will be held to those terms. The land trust or government agency that is granted the conservation easement is permanently responsible for enforcing the terms of the easement. The easement holder may inspect the land regularly and communicate with the landowner about future plans in order to avoid easement conflicts.

For more information on conservation easements and other landowner options, please contact Carolyn Scheffer, Land Conservation Program, TPWD, 4200 Smith School Road, Austin, Texas 78744 or at (512)389-4779.





Working with Conservation Easements

A conservation easement is a flexible tool that may be designed to meet the unique financial and personal needs of each landowner and the specific conservation needs of the land.

- An easement may cover all or part of a tract.
- Easements are perpetual.
- Easements may be as restrictive as the landowner chooses.
- Easements may be given to the qualified organization or agency of the landowner's choice.
- Easements may be used as the basis for tax deductions.
- Conservation easements can accomplish the landowner's wishes for the conservation of any or all of the productive, environmental, historical, cultural, scenic, or archeological features of the property.

Private, Non-Profit Land Trusts in Texas

Armand Bayou Nature Center
8500 Bay Area Boulevard
P.O. Box 58828
Houston, Texas 77258
(wetlands, prairies, forests)

Bayou Preservation Association
P.O. Box 980863
Houston, Texas 77098
(river corridors, recreation/public access, ecological)

Committee for Wild Basin Wilderness
805 N. Capitol of Texas Hwy.
Austin, Texas 78746
(ecological, recreation/public access, trails)

Connemara Conservancy
3712 Beverly Drive
Dallas, Texas 75205
(ecological, recreation/public access, trails)

Dallas Nature Center
7171 Mountain Creek Parkway
Dallas, Texas 75249
(wildlife habitat, recreation/public access, trails)

Katy Prairie Land Conservancy
P.O. Box 61313
Houston, Texas 77208-1313
(ecological wetlands)

Natural Area Preservation Association
4144 Cochran Chapel Road
Dallas, Texas 75209
(ecological wetlands, wildlife habitat)

Parks for Brazoria County
1800 C.R. 171
Angleton, Texas 77515
(recreation/public access, wetlands, historical/cultural sites or landscapes)

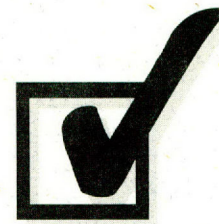
Save Open Space
P.O. Box 670407
Dallas, Texas 75367
(river corridors, wetlands, general open space)

Valley Land fund
P.O. Box 2891
McAllen, Texas 78502
(ecological, river corridors, deserts)

For a complete list of Texas land trusts, please contact Carolyn Scheffer, TPWD, at (512) 389-4779.

Proposition 11 Benefits Landowners and Wildlife

by Kirby Brown



On November 7, voters approved an amendment to the Texas Constitution, **Proposition 11**, that allows "open-space land used for wildlife management to qualify for tax appraisal in the same manner as open-space agricultural land subject to eligibility limitations provided by the legislature." This amendment will allow landowners to retain an agricultural tax valuation on property currently appraised for agriculture but provides the use may be changed to active wildlife management.

Regional guidelines for "active wildlife management" have been developed by the Comptroller in association with Texas Parks and Wildlife Department and the Texas Agricultural Extension Service. Eligible land must be managed to propagate a sustaining breeding, migrating, or wintering population of indigenous (native) wild animals for human use in at least 3 of the following 7 ways to qualify:

1. habitat control (management planning)
2. erosion control
3. predator control
4. providing supplemental supplies of water
5. providing supplemental supplies of food
6. providing shelters
7. making census counts to determine populations

Guidelines are currently being designed to define wildlife management activities. Although the legislature has defined broad categories, they clearly establish intent that practices will be based on regional wildlife population needs and important limiting factors (bird feeders and bird baths will not come close to qualifying). For example,

water is not a critical limiting factor to most wildlife populations in the eastern part of the state, but wetlands are important. Wetland management, restoration or creation would qualify as providing supplemental supplies of water important to wildlife.

The system, guidelines, and paperwork are being designed for ease in implementation, review, and report by tax appraisers. Only lands having an existing agricultural valuation will qualify. The legislature clearly intended for the existing agricultural tax value roll directly over to the wildlife value, rather than a burdensome reassessment of wildlife production levels. This guarantees no change in values and no loss of tax revenue, and a reduced work load on appraisers. Lands in urban areas will be treated as critically under these guidelines as they currently are for agricultural valuations.

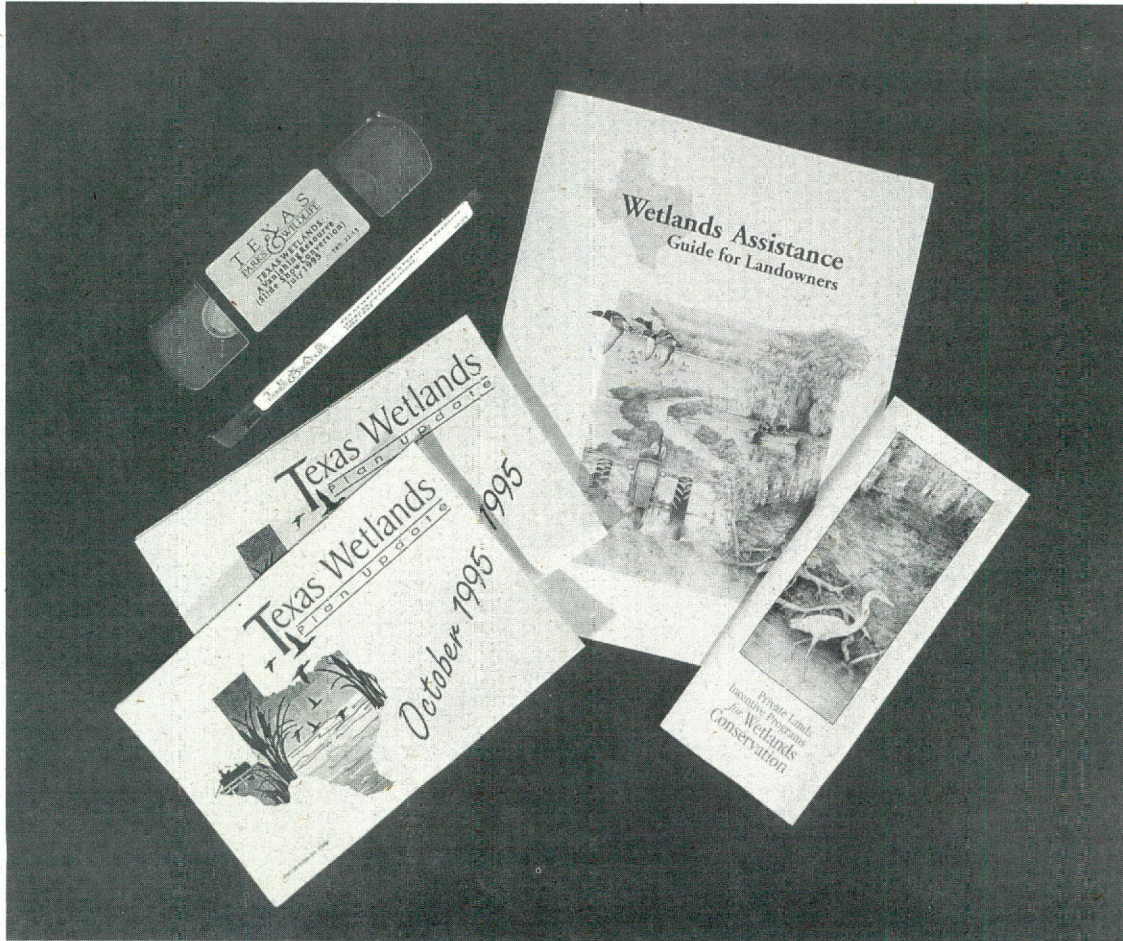


This constitutional amendment and the companion legislation from HB 1358 could provide significant landowner flexibility in how they manage their properties for both agriculture and wildlife, and unquestionably could enhance wildlife populations and habitats in Texas. There is broad support across the political spectrum, and the possibility now exists for land managers to adjust priorities in management to include wildlife considerations without jeopardizing their current agricultural valuation status.

Article written by Kirby Brown, Program Director, Private Lands Enhancement, TPWD. For more information, you may contact him at TPWD, Wildlife Division, 4200 Smith School Road, Austin, Texas 78744, or call (512)389-4395.



Texas Wetlands Materials



In addition to the Wetlands Materials featured above, The Texas Wetlands Plan is now available. The Texas Wetlands Plan is a revision of the 1988 addendum to the Texas Outdoor Recreation Plan (TORP), the State's Comprehensive Outdoor Recreation Plan. This document is an interim report on the development of the statewide planning effort, the SWCP. *Please refer to the request form below for a copy.*

To receive any of the following Wetland Materials, please check the appropriate box and return to: Resource Protection Division, State Wetlands Plan Update, 4200 Smith School Rd., Austin, Texas 78744.

Name: _____

Mailing Address: _____

City/State/Zip: _____

- Yes, please add my name to the mailing list.
- No, please remove my name from the mailing list.
- Wetlands Assistance Guide for Landowners
- Wetlands Video
- Private Lands Incentives Brochure
- The Texas Wetlands Plan Addendum to the 1995 Texas Outdoor Recreation Plan

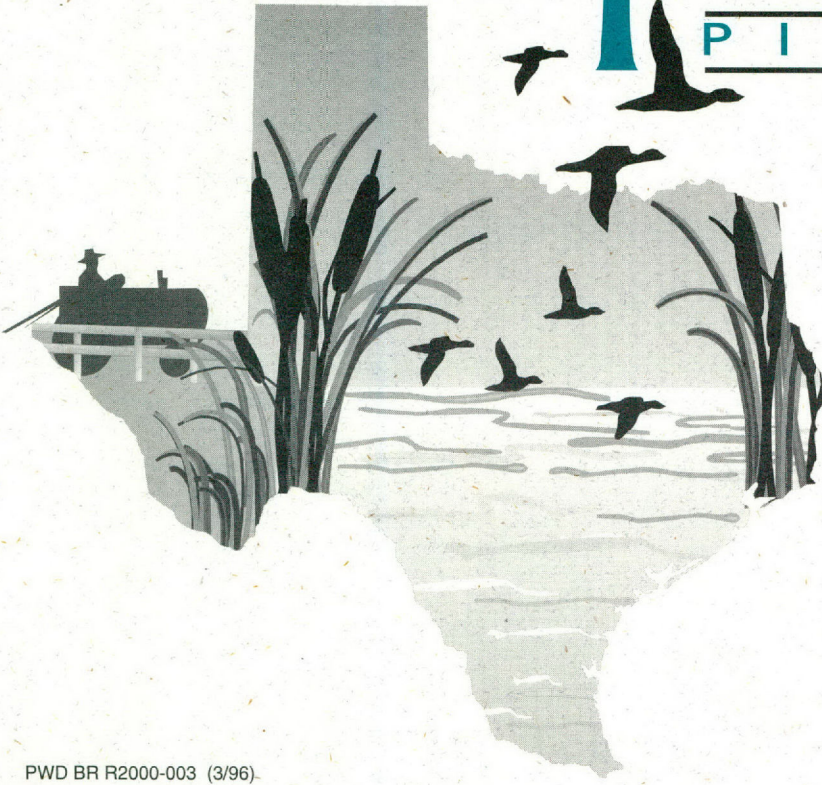
Texas Wetlands Plan Update is produced by the Texas Parks and Wildlife Department's Resource Protection Division. ***We welcome short articles or notices of coming events concerning wetlands or wetlands related activities.*** Address submissions to Resource Protection Division, Texas Wetlands Plan Update, 4200 Smith School Rd., Austin, Texas, 78744; or telephone (512) 389-8196.

Julie Anderson State Wetlands Planner
 Bob Spain Branch Chief, Habitat Assessment
 Margot A. McMurry Wetlands Admin. Assistant

Larry McKinney Division Director,
 Resource Protection
 Andrew Sansom Executive Director, TPWD

Texas Wetlands

Plan Update



March 1996

PWD BR R2000-003 (3/96)



Texas Parks and Wildlife Department
4200 Smith School Road
Austin, TX 78744