ESSAY THREE

BY Blair Fitzsimons

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Reflections on the enduring, permanent nature of land

hen my mother-in-law passed away and we sold her house, in her kitchen sat the same fridge—in perfect working condition that was installed 40 years earlier when the house was built. As I ran my hand over the relic, I wondered how many times I have replaced my own fridge, obviously a much newer model. Three, four, five times? And not because I wanted to, but because I had to. The darn thing gave out. Same story with the dishwasher, the TV, the cell phone, you name it... Nothing is built to last anymore.

Yet building something to last is what we do as land trusts. We are all about creating permanence in a world where there is little. Through the conservation easements we negotiate, we help to protect places of great beauty or agricultural significance, lands that provide habitat for wildlife or hold critical water resources, for future generations to enjoy. And it's not just about the land. We as land trusts must tackle the challenge of creating permanence within our own organizations. Entrusted with upholding those easements, we have to ensure that we'll be around forever, too.

Starting the Texas Agricultural Land Trust (TALT) was an interesting exercise in coming to grips with this idea of permanence. In 2006, a group of us who knew each other from ranching, farming and hunting circles decided that we needed an agricultural land trust to stem the rapid loss of rural land in Texas. We had worked together on private property rights issues, and banded together to defeat a counterproductive endangered species initiative that would have shut down a large segment of the hunting and ranching industry in Texas. As a group, we were sophisticated when it came to public policy and legislative affairs. But politics are ephemeral. Conservation easements, mostly, are permanent. Some of us had started other nonprofits, but none of us knew much about creating one that would last into eternity.

We went on to create a steering committee that looked at all aspects of running a land trust. We brought in board members and staff from rangeland trusts in Colorado and Wyoming, who along with other members of the Partnership of Rangeland Trusts (PORT), served as TALT's mentors. We looked at policies and easement templates, developed a mission statement and adopted PORT's governing principles. But of all the issues we examined, the question of perpetuity was the one that stumped the group. "Perpetuity means until the next election," quipped one person. And said another, half in jest, "Forever is a long time."

Frankly, perpetuity is still an issue that many in the agricultural community can't quite get their heads around. The argument I hear most is that this generation doesn't have the right to tie the hands of future generations. But isn't that what we do when we write wills? When we sell the land? When you stop to think about it, the idea of a perpetual conservation easement shouldn't be that daunting for farmers and ranchers. Tending to the land, stewarding it for one's heirs, leaving it in better shape than you find it, is what we have done for generations. "Land is the only thing in the world worth workin' for, worth fightin' for, worth dyin' for," Gerald O'Hara tells Scarlett in Gone with the Wind, "because it's the only thing that lasts."

My husband and I have thought a lot about the issue of permanence. Home for our family, and for my sisterand brother-in-law and their children, is a cattle and hunting ranch on the Texas-Mexico border. Our anchor and touchstone, the ranch has shaped our values and principles. It has been our laboratory and our teacher. Challenged at times by drought or the cattle market or

human dynamics, we have tried to embody the Leopoldian ideal that private lands stewardship benefits the environment, and to demonstrate to our naysayers that "the man on the ground" does know best. Through

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innovative grazing practices and tough management decisions, we revived the perennial grasses, brought back the springs and boosted wildlife populations while maintaining a positive cash flow.

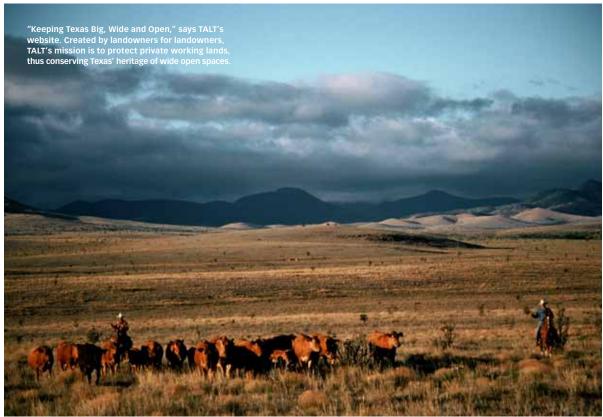
> Ensuring that this conservation ethic endures is important to us. We may have instilled a love of the land in our children, and will most likely convey that to our grandchildren as well. But long after we're gone, how do we communicate that ethic to future generations? Our answer: a conservation easement. Our family may come and go, but our little piece of heaven on earth is protected forever. Hopefully, those who come after us will realize that someone cared enough about the land to protect it forever, and will be likewise inspired.

Being involved with TALT is my way of ensuring that other families have the same opportunity to protect and pass their cherished lands down to future generations. I shepherded the steering committee discussions that gave rise to TALT, and then became the first executive director. Five years later, I wrestle, as do all land trust executive directors, with how to create an organization that is "built to last." We work to engender the trust of those landowners who choose to protect their land with a conservation easement. Now it's up to us in the land trust business to deliver on the promise.

I am always in awe of the trust that landowners place in us, and their faith that we'll be around forever. The first easement we did as TALT was on a cattle and hunting ranch in the Texas Panhandle. The landowner came calling before we had our nonprofit status. He had heard about this new land trust, run by farmers and ranchers—people who know what it means to protect land and try to make a living from that land—and knew that it would be the right fit for him. I asked him if he had any qualms about entrusting his land to a brand new startup. Not a one, he replied. Our passion matched his. We'd figure it out.

Today, we still have that passion, and about 130,000 acres under conservation easement. Thanks to the Land Trust Alliance, we also have more resources to help foster permanence. Rally and The Learning Center are premier educational opportunities, unparalleled in other segments of the nonprofit world. Accreditation, a rigorous process

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guaranteed to make any executive director reach for the aspirin, is nevertheless invaluable. And the advent of Terrafirma, the new easement defense insurance program, is a huge step toward addressing our collective "Achilles heel": the lawsuit. But as a community and a profession, we need to do more. We must keep exploring better ways to do business, to mitigate risk, to create dynamic boards. Our fundraising efforts and balance sheets must be equal to the task.

Ensuring permanence also requires that we look at our land protection agreements. Are we making conservation too expensive? In other words, can the landowner still derive income from the land? The cornerstone of the PORT philosophy that TALT adopted is that we, as rangeland trusts, don't involve ourselves in the day-to-day management of the property. Rooted in the idea that natural resource protection is best achieved through management decisions made by the person on the ground, this guiding principle also tacitly recognizes

that privately owned protected properties can't just be nonperforming assets if they are to endure.

Finally, in the whole discussion of permanence, one critical factor often gets overlooked: the need to communicate our message. Think "too important to fail." We as

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a land trust community will survive when the world around us, those people who live and work in the cities, our elected politicians and policymakers, and others fully understand that protecting natural resources benefits them. Just as important, they need to understand the role

of conservation easements and land trusts in protecting natural resources. During recent testimony to the Texas Senate agriculture committee, I addressed the committee's charge to examine the loss of agricultural lands in Texas, the subject of much of TALT's outreach work to the Legislature. The data on rural land loss is stunning, but the follow-up questions I received focused mainly

Forever is, indeed, a long time. But, as Gerald O'Hara said to Scarlett, "Land is the only thing that lasts."

A NATIVE TEXAN, RI AIR FITZSIMONS SERVES AS TALT'S FOUNDING EXECUTIVE DIRECTOR AN AVID HUNTER AND HORSEWOMAN, BLAIR'S LOVE OF THE LAND BEGAN ON HER GRAND-FATHER'S RANCH IN FRIO COUNTY. SHE WAS HONORED IN JUNE 2010 BY THE TEXAS WILDLIFE ASSOCIATION FOUNDATION AS A "WOMAN OF THE LAND."

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on the nuts and bolts of land trusts. How we work is still a bit of a mystery. Obviously, we—TALT—still have more work to do.

As land trusts become more business-like and more accountable, we must remember that it goes back to the land, and to the enduring, permanent nature of that land. TALT will have other executive directors, and its board members will come and go. But like the rest of the land trust community, we'll hopefully continue to evolve and adapt to new conditions, to new laws and to new challenges without losing sight of the fact that we've been entrusted with protecting—forever—someone else's cherished property for the benefit of future generations.

Jim Bill Anderson, with his family on the Anderson Ranch, says, "As stewards, we believe that we have a responsibility to care for the land during our time and to leave it better than we found it for future generations." He chose to work with TALT to protect the ranch. "They really understood that it is possible to make a living from the land and conserve its resources."

