

Application for 1-d-1 (Open-Space) Agricultural Use Appraisal

Form 50-129

Tax Year _____

Appraisal District's Name _____

Appraisal District Account Number (if known) _____

GENERAL INFORMATION: Texas Constitution, Article VIII, Section 1-d-1, and Tax Code, Chapter 23, Subchapter D, provide for appraisal of open-space land.

FILING INSTRUCTIONS: This form must be filed with the appraisal district office in each county in which the property is located. **Do not file this document with the Texas Comptroller of Public Accounts.**

SECTION 1: Property Owner/Applicant

The applicant is the following type of property owner:

Individual Partnership Corporation Other (specify): _____

Name of Property Owner _____

Date of Birth _____

Physical Address, City, State, ZIP Code _____

Primary Phone Number (area code and number) _____

Email Address* _____

Mailing Address, City, State, ZIP Code (if different from the physical address provided above) _____

SECTION 2: Authorized Representative

If you are an individual property owner filing this application on your own behalf, skip to Section 3; all other applicants are required to complete Section 2.

Please indicate the basis for your authority to represent the property owner in filing this application:

Officer of the company General Partner of the company Attorney for property owner

Agent for tax matters appointed under Tax Code Section 1.111 with completed and signed Form 50-162

Other and explain basis: _____

Name of Authorized Representative _____

Title of Authorized Representative _____

Primary Phone Number (area code and number) _____

Email Address* _____

Mailing Address, City, State, ZIP Code _____

SECTION 3: Property Description and Information

Provide the descriptive information requested below for the property that is the subject of this application or attach last year's tax statement, notice of appraised value or other correspondence identifying the property.

Number of Acres (subject to this application) _____

Legal Description, abstract numbers, field numbers and/or plat numbers:

SECTION 3: Property Description and Information (concluded)

Select the appropriate box in response to each question below.

1. Has the ownership of the property changed since Jan. 1 of last year or since the last application was submitted? Yes No If yes, the new owner must complete all applicable questions and, if the land is used to manage wildlife, sections 4 and 5 must be completed.

2. Last year, was 1-d-1 appraisal allowed on this property by the chief appraiser of this appraisal district? Yes No If no, all applicable questions must be completed and, if the land is used to manage wildlife, sections 4 and 5 must be completed.

If yes, complete only those parts of sections 4 and 5 that have changed since the earlier application or any information in sections 4 and 5 requested by the chief appraiser.

3. Is this property located within the corporate limits of a city or town? Yes No

SECTION 4: Property Use

Provide complete answers to the following questions. List the agricultural use of the property according to the agricultural land categories listed in the important information section of this form. Divide the total acreage according to individual uses to which the land is principally devoted.

1. Describe the current and past agricultural uses of this property as described in Section 3, starting with the current year and working back 5 years or until 5 out of 7 years of agricultural use is shown. Five years of continuous agricultural use may be required if the land is located within the corporate limits of a city or town.

Year	Agricultural Use Category of Land (Lists all that apply)	Acres Principally Devoted to Agricultural Use
Current		
1		
2		
3		
4		
5		
6		
7		

2. (a) List the livestock, exotic animals or exotic fowl raised or the type of wildlife managed on the property and the number of acres used for each activity. Attach a list if the space is not sufficient.

Livestock, Exotic or Wildlife	Number of Acres

(b) How many head of livestock or exotic animals are raised on the property (average per year)?

Livestock or Exotics	Number of Head

3. List the crops grown (including ornamental plants, flowers or grapevines) and the number of acres devoted to each crop. Attach a list if the space is not sufficient.

Type of Crop	Number of Acres

SECTION 4: Property Use (concluded)

4. List the participation in any government programs for planting cover crops or land lying idle and the number of acres devoted to each program. Attach a list if the space is not sufficient.

Program Name	Number of Acres

5. If the property is now used for any nonagricultural activities, list all nonagricultural uses and the number of acres devoted to each use. Attach a list if the space is not sufficient.

Nonagricultural Use	Number of Acres

SECTION 5: Wildlife Management Use

Complete this section only if the land is used for wildlife management. If the land is not used for wildlife management, do not complete this section.

1. If the land is used to manage wildlife, list at least three of the wildlife management practices being used (listed and described in the important information section of this form).

- A. _____
- B. _____
- C. _____

2. Indicate the property's agricultural land use category (described in the important information section of this form) for the tax year preceding the land's conversion to wildlife management use. For example, if the land was categorized as native pasture before conversion to wildlife management, native pasture would be the response to this request as it is the category of use prior to conversion.

3. Attach the wildlife management plan for the property using the appropriate Texas Parks & Wildlife Department form (obtained at www.tpwd.texas.gov/landwater/land/private/agricultural_land/).

4. Was the land subject to wildlife management a part of a larger tract of land qualified for 1-d-1 or timberland appraisal on Jan. 1 of the previous year? Yes No

5. Is any part of the land subject to wildlife management managed through a wildlife management property association? Yes No If yes, attach a written agreement obligating the owners in the association to perform wildlife management practices necessary to qualify wildlife management land for 1-d-1 appraisal.

6. Is any part of the land located in an area designated by Texas Parks and Wildlife Department as a habitat for an endangered species, a threatened species or a candidate species for listing by as threatened or endangered? Yes No

7. (a) Is the land that is the subject of this application subject to a permit issued under Federal Endangered Species Act Section 7 or 10(a)? Yes No

(b) If yes, is the land included in a habitat preserve and subject to a conservation easement created under Texas Natural Resources Code Chapter 183 or part of a conservation development under a federally approved habitat conservation plan? Yes No

If yes to questions 7(a) and (b), provide evidence of the permit and of the conservation easement or habitat conservation plan. Your application cannot be approved without this evidence.

8. Is the land that is the subject of this application actively used for a conservation or restoration project providing compensation for natural resources damage under one or more of the following laws:

Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. Section 9601 et seq.) Yes No

Oil Pollution Act (33 U.S.C. Section 2701 et seq.) Yes No

Federal Water Pollution Control Act (33 U.S.C. Section 1251 et seq.) Yes No

Texas Natural Resources Code Chapter 40 Yes No

If yes to any of the above, provide evidence of the conservation easement, deed restriction or settlement agreement with the Texas Commission on Environmental Quality. Applications without this evidence cannot be approved.

SECTION 6: Conversion to Timber Production

- 1. Was the land subject to this application converted to timber production after Sept. 1, 1997? Yes No If
 yes, on what date was it converted to timber production? _____
- 2. Does the property owner wish to have the land subject to this application continue to be appraised as 1-d-1 land? Yes No

SECTION 7: Certification and Signature

NOTICE REGARDING PENALTIES FOR MAKING OR FILING AN APPLICATION CONTAINING A FALSE STATEMENT: If you make a false statement on this form, you could be found guilty of a Class A misdemeanor or a state jail felony under Penal Code Section 37.10.

"I, _____, swear or affirm the following:
Printed Name of Property Owner or Authorized Representative

- 1. that each fact contained in this application is true and correct;
- 2. that the property described in this application meets the qualifications under Texas law for the special appraisal claimed;
- 3. that I have read and understand the *Notice Regarding Penalties for Making or Filing an Application Containing a False Statement.*"

sign here ▶

Signature of Property Owner or Authorized Representative

Date

* An email address of a member of the public could be confidential under Government Code Section 552.137; however, by including the email address on this form, you are affirmatively consenting to its release under the Public Information Act.



Agricultural Use Questionnaire for 1-d-1 Agricultural Land

THE BRAZORIA COUNTY APPRAISAL DISTRICT
500 N CHENANGO ST
ANGLETON TX 77515-4650

Tel. (979) 849-7792

Fax. (979) 849-7984

<http://www.brazoriacad.org>

To assist us in timely verifying your eligibility for agricultural productivity valuation, please complete and return this questionnaire along with your application (Form 50-129). If you have any questions concerning the requested information, please contact the Brazoria County Appraisal District at the phone number listed above.

STEP 1: Fencing and livestock.

If used for grazing, was the land fenced on January 1st?..... YES NO

Is the land fenced now? YES NO

List the type of livestock grazed:Number of cattle: _____ Number of horses: _____

Number of goats/sheep: _____ Other (specify): _____

STEP 2: Pasture type.

How many acres are:Improved pasture: _____

Native pasture: _____

Type of grass:

STEP 3: If you produce one of the following, please provide the information requested in the space(s) below.

Hay..... Number of acres: _____ **Complete the "Hay Supplement" at the end of this form.**

Turf grass..... Number of acres: _____

Corn..... Number of acres: _____ Average yield per acre in bushels: _____

Cotton..... Number of acres: _____ Average yield per acre in bales: _____

Rice..... Number of acres: _____ Average yield per acre in CWT: _____

Soybeans..... Number of acres: _____ Average yield per acre in bushels: _____

Milo..... Number of acres: _____ Average yield per acre in CWT: _____

Nuts, Fruits, etc..... Number of acres: _____ Average yield per acre: _____

Aquaculture..... Number of acres: _____

Other (as listed on application)..... Number of acres: _____ Average yield per acre: _____

STEP 4: FSA program participation.

Is this land currently in a FSA program, or do you plan to participate in a FSA program during the next 12 months? YES NO

If your answer is "YES," indicate your FSA farm number: _____

STEP 5: Residency.

Do you live on the property? YES NO

STEP 6: Property access.

What type of access road does the property have? COUNTY ROAD FARM ROAD PRIVATE ROAD OTHER

Road name: _____

STEP 7: Land use.

Do you use your land yourself or lease it to a tenant? SELF LEASE HAY PRODUCER

If your answer is "LEASE or HAY PRODUCER," please provide the following information. Also, attach a copy of the lease (if available).

This property is leased to: _____

Address: _____

City, State & ZIP code: _____

Telephone number: _____

STEP 8: Lease agreements.

If there is no written lease, what are the lease agreements?

(SKIP THIS QUESTION if you are submitting or have already submitted a copy of your current lease agreement(s).)

A. Cash: _____ (Amount per acre: _____)

B. Number of years: _____

C. Other terms: _____

STEP 9: Hunting use.

Is the property leased for hunting? YES NO

If your answer is "YES," please provide a copy of the lease or lease agreement.

STEP 10: Additional acreage.

Do you or your tenant lease or use additional acreage for the same agricultural purpose? YES NO

If your answer is "YES," please provide the size, location, and property owner's name of this additional acreage.

Property size: _____

Property location: _____

Property owner's name: _____

STEP 11: Land sales activity.

Have you sold or purchased any land in the past year? YES NO

If your answer is "YES," please provide the following information:

Acres sold: _____ Sales price: _____ Purchaser's name: _____

Acres purchased: _____ Sales price: _____

STEP 12: Signature and affirmation.

ANY PERSON WHO MAKES A FALSE ENTRY UPON THE FOREGOING RECORD SHALL BE SUBJECT TO THE PENALTIES SET FORTH IN SECTION 10 OF THE TEXAS PENAL CODE.

I CERTIFY THAT THE INFORMATION GIVEN ON THIS QUESTIONNAIRE IS TRUE AND CORRECT.

Applicant's Signature _____

Date _____

Printed Name _____

Telephone Number (including area code) _____



Hay Production Supplement

If you are applying to qualify land for open-space agricultural appraisal on the basis of hay production, you must complete this supplement. Generally, your haying operation must meet these standards for degree of intensity:

- A. Minimum Level of Production:** A minimum of 3000 pounds of dry forage per cutting per acre must be cut and baled annually. This is roughly equivalent to two 1,500 pound bales or fifty 60 pound square bales per acre.
- B. Weed & Brush Control:** For all forage species, both native and introduced, the producer must be engaging in weed and brush control practices sufficient to prevent an economic infestation of non-palatable plants including weeds, vines, and woody brush. If our inspection of the tract finds it to be relatively free of invader species, your weed and brush control practices will be deemed sufficient for the year of inspection. Tract on which weed and brush control are insufficient will not be approved for agricultural productivity valuation.
- C. Frequency of Harvest:** If native grasses are the predominant forage, the producer must cut and bale hay at least once each year. If the predominant forage species is an introduced grass, including Bahia or Bermuda grass, hay must be cut and baled at least twice each year unless the producer can establish to the district's satisfaction that growing conditions prevented a second cutting. Regardless of forage type, if the hay field is also being used to graze cattle with the stock removed only during the hay season, only one annual cutting is required.
- D. Fertilization:** Hay fields require periodic fertilization. An appropriate amount of fertilizer must be applied to the hay field at least once each spring. If hay fields are also used for livestock grazing and management practices are used to recycle nutrients, no fertilization is required. Receipts for the purchase and application of fertilizer should be available for inspection if requested by the appraisal district. Hay fertilization suggestions may be obtained from the Texas Agricultural Extension Service.

SUPPLEMENTAL QUESTIONS: Please answer all that apply.

1.) What is the predominant type of forage grass on this tract? _____

2.) How many times was hay cut and baled on this tract last year? _____

If only one (1) cutting was made, please explain why:

3.) How many pounds of dry hay were produced on this tract last year? _____

This production consisted of _____ Round Bales and/or _____ Square Bales

4.) Do you certify compliance with the above listed standards for weed & brush control and fertilization? YES NO

If your answer is "NO", please explain why:

5.) Do you produce hay on any other property? YES NO

If your answer is "YES", please give the location(s):



Bee Supplement

If you are applying to qualify land for open-space agricultural appraisal on the basis of bee production, you must complete this supplement. Generally, your bee operation must meet these standards for degree of intensity:

- A. Minimum/Maximum Acreage Requirements:** A minimum of 5 acres and a maximum of 20 acres is required for the bee agricultural special use. If improvements are located on the property you will need to have more than 5 acres to qualify. Any questions about minimum and maximum acreage should be address with the appraisal district.
- B. Minimum Level of Production:** A minimum of 6 colonies is required for 5 acres then 1 additional colony for each additional 2 1/2 acres. For example 12 acres would require 8 colonies and 13 acres would require 9 colonies etc... If a colony dies or swarms it is expected that the colony will be replaced as soon as possible. Having bee boxes without active colonies does not constitute an agricultural use.
- C. Minimum Frequency of Harvest:** At a minimum each colony should be harvested once a year when the last major nectar flow of the season is complete. A record of all harvesting activities should be kept and a copy provided for any applications submitted for bees. Use as a food source or other tangible products is a requirement to get the agricultural use designation.
- D. Bee Boxes:** All bee boxes should be accessible with the area around the boxes mowed regularly. A new picture of the bee boxes should be turned in whenever an application is submitted. All bee boxes should be maintained in good working order.
- E. Map:** All applications should include a map of the property (Google map is acceptable) showing the location of the bee boxes. If the boxes are moved the map should be updated and turned into the appraisal district.

SUPPLEMENTAL QUESTIONS: Please answer all that apply.

1.) How many acres in bees are you currently applying for? _____

2.) How many colonies do you currently have on the property? _____

If you have less colonies than required, please explain why:

3.) How many times were the frames harvested in the last year? _____

This production consisted of _____ Pounds of Honey _____ # Frames

4.) Besides honey is their other tangible products that were harvested during this season? YES NO

If your answer is "YES", please give examples including quantities:

5.) Do you have bee hives on another property? YES NO

If your answer is "YES", please give the location(s):

Important Information

GENERAL INFORMATION

Agricultural use includes, but is not limited to, the following activities: (1) cultivating the soil; (2) producing crops for human food, animal feed, or planting seed or for the production of fibers; (3) floriculture, viticulture and horticulture; (4) raising or keeping livestock; (5) raising or keeping exotic animals or fowl for the production of human food or fiber, leather, pelts or other tangible products having a commercial value; (6) planting cover crops or leaving land idle for the purpose of participating in a governmental program provided the land is not used for residential purposes or a purpose inconsistent with agricultural use or leaving the land idle in conjunction with normal crop or livestock rotation procedures; (7) producing or harvesting logs and posts used for construction or repair of fences, pens, barns or other agricultural improvements on adjacent open-space land having the same owner and devoted to a different agricultural use; (8) wildlife management; and (9) beekeeping.

Wildlife management is defined as actively using land that at the time the wildlife-management use began, was appraised as qualified open-space or timberland under Tax Code, Chapter 23, Subchapter D or E, to propagate a sustaining breeding, migrating or wintering population of indigenous wild animals for human use, including food, medicine or recreation, in at least three of the following ways: (1) habitat control; (2) erosion control; (3) predator control; (4) providing supplemental supplies of water; (5) providing supplement supplies of food; (6) providing shelters; and (7) making census counts to determine population.

Wildlife management is defined as actively using land to protect federally listed endangered species under a federal permit if the land is included in a habitat preserve subject to a conservation easement created under Natural Resources Code Chapter 183 or part of a conservation development under a federally approved habitat conservation plan restricting the use of the land to protect federally listed endangered species or actively using land for a conservation or restoration project under certain federal and state statutes. These two types of wildlife management uses do not require showing a history of agricultural use but do require evidence identified in section 6, questions 7 and 8.

Agricultural land use categories include: (1) irrigated cropland; (2) dry cropland; (3) improved pastureland; (4) native pastureland; (5) orchard; (6) wasteland; (7) timber production; (8) wildlife management; and (9) other categories of land that are typical in the area.

APPLICATION DEADLINES

The completed application must be filed with the chief appraiser before May 1 of the year for which agricultural appraisal is requested. If the application is approved, a new application is not required in later years unless the land ownership changes, eligibility ends or the chief appraiser requests a new application.

A late application may be filed up to midnight the day before the appraisal review board approves appraisal records for the year, which usually occurs in July. If a late application is approved, a penalty will be applied in an amount equal to 10 percent of the difference between the amount of tax imposed on the property and the amount that would be imposed if the property were taxed at market value.

DUTY TO NOTIFY AND PENALTIES:

The property owner must notify the chief appraiser no later than the April 30 following the change in use or eligibility. A change of land use for all or part of the property will trigger substantial additional tax plus interest (a rollback tax). Payment of a penalty may also be required for failure to notify the chief appraiser of a change in agricultural use or qualification. Notice must be delivered to the chief appraiser if:

- the property stops being used for agriculture (e.g., voluntarily stopped farming);
- category of land use changes (e.g., from dry cropland to irrigated cropland);
- level of use changes (e.g., a substantial increase or decrease the number of cattle raised);
- nature of use changes (e.g., a switch from growing corn to growing ornamental plants);
- property owner enters, leaves or changes governmental programs (e.g., 100 acres placed in a conservation reserve program); or
- the land is used for something other than agriculture (e.g., to build a shopping center on most of the land).

DUTY TO NOTIFY FOR CERTAIN LANDOWNERS:

If land ceases to be devoted principally to agricultural use to the degree of intensity generally accepted in the area, open-space appraisal may be retained if the chief appraiser is notified as required and the property owner:

- is a member of the armed services who is deployed or stationed outside of Texas who intends to return the land to the manner and to the degree of intensity that is generally accepted in the area not later than the 180th day after being deployed or stationed outside this state ceases;
- owns land that has previously been under open-space appraisal primarily based on its citrus production; the land is located in a pest management zone; and an agreement was executed to destroy, remove or treat all the citrus trees located on the land that are or could become infested with pests with one of the following: Texas Citrus Pest and Disease Management Corporation, Inc., the Texas Commissioner of Agriculture or the U.S. Department of Agriculture; or
- owns land that has previously been under open-space appraisal primarily on the basis of livestock; the land is located in a temporary quarantine area established during the tax year by the Texas Animal Health Commission for the purpose of regulating the handling of livestock and eradicating ticks or exposure to ticks under Chapter 167, Agriculture Code.

OTHER IMPORTANT INFORMATION

If the initial application form does not contain all essential information, the chief appraiser may request additional information that is necessary to determine whether the land qualifies for 1-d-1 appraisal. The chief appraiser may disapprove the application and request additional information. The chief appraiser may deny the application and that determination may be protested to the county appraisal review board in a timely manner. If the chief appraiser requests additional information from an applicant, the information must be furnished within 30 days after the date of the request, or the application is denied. For good cause shown, the chief appraiser may extend the deadline for furnishing the information by written order for a single 15 day period.