Municipal Official Continuing Education Series for 2016-2017

MUNICIPAL FARMLAND LEASING AND PROTECTION

THURSDAY December 8, 2016 6:00 – 8:00 p.m.
Presentation outline

Context: Farmland and farmers
   FRCOG

Leasing land to farmers
   Land for Good

Preserving farmland and other land
   Mount Grace Land Conservation Trust

Case Studies
   FRCOG

Questions/Discussion
   All

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Mary Chicoine, Franklin Regional Council of Governments
Context: Farmland and farmers
FRCOG
Quick Facts

Of the state’s 523,000 acres of farmland, only about 1/7 is permanently protected.

And from 2005 to 2013, an average 13 acres of farmland per day was developed, resulting in a loss of 38,000 acres in less than a decade.

Even as the local food movement has been gaining steam, farmland continues to be lost to development.
Of the state’s 523,000 acres of farmland, farmers age 65+ own or manage almost one-third of it.

And over 90% of farmers age 65+ do not have a young (under 45) farm operator working with them.

86% of farmers are age 45 or older.

And the number of farmers 45 or younger has declined 16% since 2002.

This may be due in part to the high cost of land – 4th highest in the nation!

Across New England, 30% of farmers are likely to exit farming over the next 10-20 years.

And the 1.4 million acres they manage will change hands one way or another.
The MA Local Food Action Plan calls for:

- Increased food production in the State
- Increased access to affordable and secure farmland
- Increased rate of farmland protection

But lack of affordable land is one of the biggest challenges to starting and expanding farms – and increasing production

**Strategies:**

- Leasing suitable publicly-owned land for farming, including municipal land.
- Increasing technical assistance for municipalities on leasing land
- Increasing availability of model leases and other tools for towns
- Keeping more conserved farmland in active agricultural use

Source: Massachusetts Local Food Action Plan 2015
Leasing land to farmers

Land for Good
The Farmland Access Challenge

• Access to land is a top challenge for farmers – especially beginning farmers
• Culture and myths around land ownership
• About 40% of US farmland is rented
• 80% of farm landlords are not farmers
• Competition for land
• Traditional methods no longer adequate
The Farmland Access Challenge

Land needs to be:
- Available
- Appropriate
- Affordable
- Secure
- Equitable
- Findable
Why Lease Public Land?

- Active use; management
- Resource stewardship (multiple)
- Rural amenity
- Support local food systems
- Education
- Income / services
Considerations

• Inventory
  • Available
  • Suitable: scale, location, features

• Goals, preferences & constraints

• Risk management

• Capacity

• Legal aspects
Who needs to be involved?

• Conservation Commission
• Agriculture Commission
• Planning Department
• Board of Selectmen
• Land trust
• Neighbors

• Open Space Committee/advocates
• Farmers
• Farm support organizations
• Consultants
• Town Council
What do You Want?

- Type of operation (Organic? Livestock? Perennials?)
- Practices
- Type of farmer
- Education and/or other services
- Resource protection?
- Multiple use? Public access?
- Infrastructure?
What about...

• Monitoring
• The process: application, selection
  • Bid?
  • Renewal?
  • Transparency
• Drafting the agreement
• Lease versus license
What’s in a Good Agreement?

• The term: implications
• The premises
• The rent: determining and paying
• Maintenance and repairs
• Improvements: who owns? Who decides?
• Liability and insurance: tenant, town

• Permitted and prohibited uses
• Stewardship/conservation plan: attached
• Termination and default
• Right of entry
• Communication and dispute management
What Else You Can Do

• Encourage transfer planning
• Host landowner-farmer mixers
• Integrate farming into town plans
• Ensure friendly zoning
• Refer landowners to assistance to making land available for farming
• Protect valuable farmland
Resources

• Land For Good: www.landforgood.org
  • Toolboxes
  • Guide for Land Trusts and Municipalities
  • Technical assistance
  • Educational programming
  • Lease templates and Build-a-Lease tool (Spring 2017)

• Land trusts with agricultural land leasing expertise

• New Entry Sustainable Farming Project www.nesfp.org

• MAGIC Comprehensive Agricultural Planning Program www.mapc.org/magic
Thank you.

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Preserving farmland and other land
Mount Grace Land Conservation Trust
Sprawling Development Threatens America's Best Farmland
Massachusetts

Legend:
- Red: High-Quality Farmland & High Development
- Green: High-Quality Farmland & Low Development
- Beige: Federal & Indian Lands
- Gray: Urban Areas
- White: Other Lands

American Farmland Trust
www.farmland.org
Our mission is to protect significant natural, agricultural, and scenic areas, and encourage land stewardship in Massachusetts for the benefit of the environment, the economy, and future generations.

Since 1986, Mount Grace has helped protect more than 31,000 acres, including over 50 farms.
What is a Land Trust?

A non-profit, charitable organization that works to conserve, acquire, or steward land.

- 150+ in Massachusetts
- Many are small, all-volunteer LTs
- Some are larger, regional land trusts with greater capacity
What do most Land Trusts do?

• Protect and/or acquire land (forest, farms, trails, parks, etc) & Promote sound stewardship
  • **some, but not all, protect farms**
• Educate the general public, especially kids
• Provide technical assistance and added capacity to landowners and local organizations
• Build long-term relationships with landowners, towns, community groups, planning agencies, and other regional organizations.
• Many have been around for ±30 years.

Murdock Dairy Farm, Winchendon, 172 Acres
Protected in 2009
Mount Grace Land Conservation Trust
Conservation Projects 1986 to 2016

23 Conservation Areas..........................1,732 acres
69 Conservation Restrictions......................5,136 acres
8 Facilitated Projects with
Stewardship Assists................................1,935 acres

Acres Managed & Monitored by Mount Grace...8,803
223 Facilitated Projects............................22,936 acres
22 Project Assists.....................................1,755 acres

Acres Protected by Mount Grace.................31,559

North Quabbin Community Co-Op: Quabbin Harvest
Other Protected Land..............................172,594 acres
Total Protected Land.............................204,153 acres
Total Land in Mount Grace Region..............510,640 acres
Conservation Goals
How can land trusts help towns achieve their conservation goals?

1. Fundraising & Applying for Grants
2. Managing & Facilitating Conservation Deals/Land Acquisition Deals
3. Capacity Building
I. Fundraising & Applying for Grants
I. Fundraising & Applying for Grants

Types of Grants for Conservation & Land Acquisition:

- Town
- State
- Federal
- Private/Local Foundations
- Community Fundraising
Town Funds

◆ **Community Preservation Act**
  ◆ For Open Space, Affordable Housing, & Historic Preservation
  ◆ Adopted by 171 towns and cities in MA
  ◆ Initiative placed on ballot either by: vote of Town Meeting or by 5% of population signing a petition
  ◆ The legislative body must accept CPA (M.G.L. Chapter 44B, Sections 3 through 7, inclusive, along with a surcharge amount and optional exemptions) –with simple majority

◆ **Other town funds**
  ◆ Towns may have other funds, such as a “slush fund” or “fire truck fund” it could use to support land initiatives.

http://www.communitypreservation.org/content/adoption-overview
State Grants

- **Massachusetts Department of Agriculture Resources**
  - Agricultural Preservation Restriction Program (APR)

- **Executive Office of Energy & Environmental Affairs (EEA)**
  - Conservation Appraisals and OSRPs for Small Communities Grant
  - Local Acquisition for Natural Diversity (LAND) grant
  - Parkland Acquisitions and Renovations for Communities (PARC) grant
  - Conservation Partnership Grant
  - Landscape Partnership Grant

- **Department of Conservation & Recreation (DCR)**
  - Recreational Trails Grant

Federal Grants

◆ USDA Forest Legacy Program grant
  ◆ Must be 75% in forest cover
  ◆ Need 1,500 or more acres—good to partner with land trusts

◆ USFWS: North American Wetlands Conservation Act (NAWCA) grant
  ◆ Wetland habitats for birds

◆ Community Forest Grant
  ◆ Can be a one-off project—great for towns
Private/Local Foundation Grants
Community Fundraising

Discover Mount Grace

CELEBRATE WARWICK & Arthur Iversen Conservation Area

LOCAL FOOD:
FEATURING THE COPPER ANGEL

MUSIC:
WITH MICHAEL HUMPHRIES

HERDING DEMONSTRATION:
BLUE ROCK FARM'S TRAINED COLLIES

GUIDED HIKES:
LED BY EXPERT NATURALISTS

RAFFLE:
CORD WOOD

Warwick Common
Saturday August 6th
Hikes: 10 a.m — 12 p.m  Fair: 12 p.m — 2 p.m

To RSVP to the hike and Questions:
Marcela Maldonado • maldonado@mountgrace.org • 978-248-2055 x12
II. Managing & Facilitating Conservation Deals/
Land Acquisition Deals
II. Managing & Facilitating Conservation Deals/Land Acquisition Deals

◆ Working with landowners
◆ Working with town boards & committees (Con Com, Planning Board, Open Space Committee, Finance Committee, Selectboards, Recreation Committees, etc.)
◆ Working with grant administrators
◆ Building Town Support
  ◆ Helping to build the case for a “Yes” vote!
◆ Bringing the deal from start to finish (budgets, writing Conservation Restrictions, bringing in appropriate partners—attorneys, tax advisors, Land for Good, etc.)
III. Capacity Building

- Stewardship & Monitoring of Town-held or Co-held Conservation Restrictions (or Conservation Areas)
- Building trails, community gardens, holding trail easements
- Meeting facilitation
- Education—training Con Com members, providing educational workshops, etc.
- Farmland Inventory & OSRP support
- Finding a farmer
- MassLIFT-Americops members—community gardens, soup kitchens
Partnering with Service Providers to Provide Educational Workshops
Estate Planning Workshops
Farmland Inventory
Forest Management Education
Building Trails
Meeting Facilitation
Creative Partnerships

Greater Quabbin Food Alliance
SPONSORED BY MOUNT GRACE LAND CONSERVATION TRUST
Building school gardens
Supporting the Creation of Community Gardens
Just Roots Community Farm
Greenfield
Town of Greenfield
Greenfield Town Farm
31.057 Acres Proposed for APR
Leyden Road, Greenfield, MA
Partners

◆ Mount Grace, MassLIFT-AmeriCorps, Town of Greenfield, MA Dept. of Agricultural Resources, Community members

Benefits of Partnerships

◆ Support for community to gain access to affordable land for farmers & gardeners

◆ Land permanently protected—will always pass to farmers at an agricultural value

◆ Town gains technical assistance from land trust with applying for APR and managing the APR process

◆ Town achieves farmland protection goals—high quality agricultural resource protected and kept in farming & earns money through APR proceeds

◆ MassLIFT-AmeriCorps members continue to support Just Roots through an annual service day
Mt. Jefferson Conservation Area
Mt. Jefferson Conservation Area
Hubbardston

- 317-acres total—CR on 250-acres

- 2002: DCR purchased a CR on 250-acre portion—Town acquired land through town CPA funds & LAND grant funds

- 2008: Town later acquired an additional 67 acres, the Malone Road Conservation Area through a LAND grant

- Governed by a Land Management Plan—Allowed uses are public access, passive recreation, timber management, farming, water supply protection
Partners

- DCR, Hubbardston Conservation Commission & Open Space Committee, EEA LAND grant program, Community members, North Quabbin Regional Landscape Partnership

Benefits of Partnerships

- New Conservation Areas for the town
- Land permanently protected for the public for hiking, snowmobiling, hunting, fishing, etc. Protection of public water supply.
- Old farm fields revived and leased to working farmers. Proceeds from lease go toward costs of managing the conservation area.
King Farm
Petersham

- Historical farm—sellers who wanted to see it go to a farmer—had farmer buyer who could not afford the farm

- EQLT & Petersham Con Com applied for LAND grant to protect the farm and bring down cost for the farmer
Partners

- East Quabbin Land Trust, Petersham Conservation Commission, EEA LAND grant program, thoughtful seller and realtor

Benefits of Partnerships

- Young farm family, Tyson Neukirch & Emily Anderson now own and operate the farm with sustainable practices
- Land permanently protected—goals of land trust, landowner, town, and farmer-buyer were met!
Gross Farm
Petersham

- 235-acre historical farm went up on the market

- EQLT stepped in and bought the farm and worked with the Petersham Con Com to write a LAND grant to protect the farm and bring down cost for a farmer. Both raised additional funds to make the deal possible.

- EQLT and the Con Com put out a Request for Proposal for a farmer to buy the land (also put on New England Farmland Finder)
Partners

- East Quabbin Land Trust, Petersham Conservation Commission, EEA LAND grant program, Quabbin-to-Cardigan Partnership (Land Conservation Grant)

Benefits of Partnerships

- Young farmer, Connor Rice of Rice’s Roots Farm was selected to be the farmer—his proposed operation was best suited to the sensitive conservation values on the property and nearby rivers (Organic production)

- Town will require a farm plan and ensure sustainable practices are undertaken

- Land permanently protected—goals of land trust, town, and farmer buyer were met!
Thank you for protecting land!

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Case Studies

FRCOG
Spring Hill Farms
Chester, NH
Spring Hill Farms, Chester, NH

- Farm established in 1850 with lumber for the house was cut from the site. The barn was raised in 1851 and was the last "barn raising " event in Chester.
- Farm acquired by the Church Family in 1905
- In 1995 Murial Church set up Spring Hill Farm Trust that contains her almost 600 acre farm, buildings and home, donating the property to the Town of Chester to remain forever a working farm and nature preserve.
- In 2013 new tenants, Sweet Valley Farm, began leasing the property where they are actively farming and raising hay, horses, vegetables, maple and other products.

Chester is a small, semi-rural bedroom community of 4,900. It is home to several equine facilities as well as farms and maple sugaring operations.
Spring Hill Farms, Chester, NH

Benefits
• The land remains permanently protected
• The Trust manages the property, alleviating the Town of that responsibility

Challenges
• No revenues go directly to the Town – rent goes to the trust for operations
• The trust documentation does not specify who must maintain the buildings
• Townspeople have voted for the Town to maintain the buildings but the Select Board does not agree

Lessons Learned
• Understand the terms of any agreements and their long-term implications for the town and the farmers
City of Bainbridge Island, WA

- Since the **1960s**, Bainbridge Island has become an increasingly affluent bedroom community and has been experiencing rapid suburbanization. It’s population is about 23,000.
- The City was criticized when it began purchasing the best farmland available in **2001** with no infrastructure and no management plan.
- Friends of the Farms began assisting the Town in **2005** and is currently under contract with Bainbridge Island to manage municipal farmland.
- In **2013** Bainbridge Island granted Friends of the Farms a 30-year lease of city-owned farmland.
- In **2013** four farms signed 25-year leases, and another signed a 12-year lease.
- As of **2013**, the land was being leased for between $290 to $334/ acres.
City of Bainbridge Island, WA and Friends of the Farms

Benefits
- Friends of the Farms oversees all elements of the land management and farm leases
- 80% of the lease revenue must go back into maintenance and improvements of the public farmland
- All building maintenance has been paid for by donations made to Friends of the Farms

Challenges
- None of the land is permanently protected. This is why Friends of the Farms pushed for the 30-year lease with the Bainbridge Island
• About 2,000 acres of town-owned land under APRs
• About 120 acres are licensed for use by about 6 farmers
• Farms include two large horse farms and other smaller farms.
Amherst, MA

License information/terms:

• Amherst offers one-year trials, three years and even ten years
• About $125/acre annually
• Required management plan
• Required liability insurance
• Agricultural land use policy outlines specifics such as fencing, irrigation, maintenance and other elements
Agricultural License Opportunities

NEW! 2016 Farming Opportunity at Wentworth Farm Conservation Area

The Town of Amherst Conservation Commission is pleased to offer a new farming opportunity for the 2016 growing season. An advertisement was issued on November 6, 2015 for proposals to obtain a license to farm a three acre parcel at Wentworth Farm Conservation Area. See the links below for parcel location and description. Proposals will be accepted until 4:30 pm on Friday, December 4, 2015. Electronic and/or hard copies of the advertisement may be obtained by contacting Beth Willison, Wetlands Administrator, at willson@amherstma.gov or at the Amherst Conservation Department, 4 Boltwood Avenue, Amherst, MA 01002, 413-259-3045.

Parcel Location
Parcel Surroundings
Site Description
USDA Soil Report
Benefits
• Land is actively farmed and maintained
• Provides equitable/affordable access
• Preserves open spaces

Challenges
• Making sure the farm operation can co-exist with other uses, such as hiking trails and dog walking
• Water access is the biggest hurdle for the farmers and the town – controlling demand on rivers
• Staffing for field work such as conducting visits to ensure farmers and operating within their license agreements

Amherst, MA
Sweet Valley Farm
Amherst, MA

Fort River Farm Conservation Area
This 20-acre parcel is being developed as an area where new farmers and incubator farms could locate. This meets a need to help new farmers gain access to land.

- Funded through CPA funds and a grant from Massachusetts Executive Office of Energy and Environmental Affairs
- Collaboration with Grow Food Amherst
Questions / Discussion
Thank you

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