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LAND TRUSTS AND AGRICULTURAL LAND

PROTECTING FARMLAND OR FARMING?

A REPORT FROM
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ABOUT THIS REPORT

Land Trusts and Agricultural Land report is part of a broader Glynwood Center initiative designed to ensure that farmland remains in or returns to active production. Glynwood works directly with landowners to help them bring their land back into more active agricultural use, as well as with thought leaders to identify best practices and innovative financial techniques that can be shared with landowners, land trusts, and others interested in regional food systems, land protection, and land use planning.

Land trust leaders from across the country contributed to this report by participating in interviews, attending a convening held at Glynwood Center in June of 2007, and taking part in a workshop at the Land Trust Alliance National Rally that fall. Participants in the interviews and the Glynwood convening are noted in Appendices A and B.

This project was undertaken with the assistance of Deborah Meyer Dewan, research consultant. This report was authored by Judith LaBelle, President of Glynwood Center, with the assistance of Jill Rubin, Program Manager at Glynwood Center. The support of the Claneil Foundation and Joan K. Davidson (The J. M. Kaplan Fund) are gratefully acknowledged.

Look for this symbol throughout the report to refer you to further information at Glynwood's website **www.glynwood.org**

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PROTECTING FARMLAND OR FARMING?

INTRODUCTION

Agricultural land presents unique challenges and opportunities to the land conservation community. This report explores some of the innovative approaches to farmland protection employed by leading land trusts from across the country. The aim of this report is to help land trusts develop farmland conservation programs that are appropriate to their own regions and circumstances and to encourage the evolution of best practices within the land trust community. A central question for land trusts working on farmland protection and a theme of this report is whether and how to go beyond the protection of farm*land* to support the viability of farm*ing*.

In many communities across the United States, farmland defines the rural landscape, provides wildlife habitat, and protects natural resources.[1] Like many components of open space, agricultural land has been disappearing at an alarming rate. Between 1992 and 1997, the United States lost 6 million acres of farmland to development—an area the size of Maryland.[2] In recent years, many land trusts have begun to recognize that farmland is a critical component of open space and a growing number have begun active farmland protection programs. At the same time, the importance of protecting farmland has been rising in the public conscious as a result of the ballooning interest in buying local food and the resurgence of farmers' markets across the country.

Although land trusts have given farmland protection more attention in recent years, agriculture has some distinct qualities that require special consideration.[3] Farmland

is often protected as part of an effort to preserve open space and retain the bucolic viewsheds of a community. Yet farmland is part of a working landscape. Understanding what drives and sustains farming as an economic activity and supporting the local food economy may be critical to preserving the character of the farmland itself.

CONCERNS EXTENDING ACROSS THE LANDSCAPE

SEVERAL SHARED CONCERNS EMERGED IN INTERVIEWS OF LAND TRUST LEADERS FROM ACROSS THE COUNTRY:

- Development pressure has created a huge spike in land values and a dramatic rate of change in the landscape.
- Even land subject to a conservation easement is often too expensive for a farmer to purchase.
- Protected agricultural land is often purchased by "estate owners" who do not rely on agriculture for their income and may not keep the land in production.
- Second home owners or residents new to a farming community often know little about agricultural practices and may be less supportive of active farming on nearby protected land.
- There is growing concern about succession within farm families and who will be the "next generation" of farmers.
- Some within the farm community are distrustful of conservation easement programs believing that "open space protection is for rich people."

[1] The impact of agriculture on the landscape drastically varies by the production method and often by region. Highly intensive "industrial" operations may be incompatible with ecological and scenic values promoted by land trusts and generally would not be targeted for preservation.

[2] Farming on the Edge Report, American Farmland Trust. Available at: *http://www.farmland.org/resources/fote/default.asp*

[3] Managing the protection of fisheries, land used for forestry, and other resource-based activities may raise similar concerns but are beyond the scope of this report.

WHY AGRICULTURAL LAND PRESENTS UNIQUE CHALLENGES TO THE LAND TRUST COMMUNITY[4]

PROTECTING A DYNAMIC, WORKING LANDSCAPE

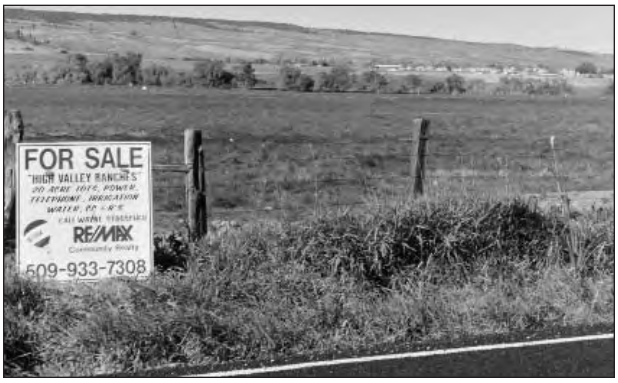
Conservation easements[5] have long been one of the land trust community's primary tools of choice. Easements generally restrict human-made change and the ways land can be used in the future in order to protect scenic, wildlife, and other public benefits. As the land trust movement has matured, many land trusts have evolved from a single focus on "saving" land by precluding change, to encouraging better stewardship of the land through management practices that enhance ecological values. Some have begun to recognize that active agricultural use, if conducted responsibly, not only contributes to those values but may be essential to them. This reflects a growing emphasis on natural resource protection among farmers, as well as the recognition that many of the benefits that make agricultural land worth "conserving" will erode over time if the land is not actively farmed.

At the same time, farmers are business people who must be able to be innovative and adapt to market forces. There is an inherent tension between the basic thrust of a

conservation easement —which is to restrain change—and a farmer's need to change and expand products, techniques, and farm structures, in order to remain financially viable in a dynamic marketplace.

This situation is reflected in the national trend toward larger and smaller farms. Some agricultural researchers have recognized this as an on-going "hollowing out" of the middle, with mid-size farms disappearing across the country.[6] Farms that sell standard commodity products have generally become bigger to take advantage of economies of scale. The number of small farms has increased due to the success of specialty products and direct marketing. Many of the remaining mid-sized farms are transitioning to new types of production (such as organic and grass-fed), creating value-added products (such as cheese), or engaging in shared marketing ventures. To be competitive, small and mid-sized farmers need flexibility as they diversify or transition to new production, processing, and marketing methods.

There is an inherent tension between the basic thrust of a conservation easement — which is to restrain change—and a farmer's need to change and expand products, techniques, and farm structures, in order to remain financially viable in a dynamic marketplace.



Land trusts are increasingly recognizing that farmland is a critical element of open space. This farm for sale in Kittitas County, Washington, illustrates the risk of fundamental changes in the landscape if farms are not protected.

Farmers' need for flexibility creates challenges to the standard conservation easement. Gil Livingston, President of the Vermont Land Trust, notes that the need to change the size of a farm over time can pose difficult questions. For example, the conservation easement on a large farm may allow only one primary residence and one "farm labor housing unit." But then, where might other farmers live if the farm could be more viable if divided and used for two or three separate farm units? Or how could new infrastructure be sited efficiently if two or three protected farms, each with its own fixed "development envelope," are aggregated for a new venture?

In addition, new forms of agriculture and agriculturally-related activities are emerging. For example, permanent greenhouses are often used to grow nursery plants and temporary greenhouses[7] are being more widely used in northern climates to extend the growing season for vegetables and other specialty products. While these developments enhance the farmer's financial viability, they raise concerns relating to the scenic quality of the landscape and the impact of extensive impermeable surfaces on ecological values.

John v.H. Halsey, President of the Peconic Land Trust (left) and Mark Ackelson, President of the Iowa Natural Heritage Foundation at Glynwood convening.

"Our romanticized views of agriculture must mature. It's not grandma and grandpa's farm any more."

—Mark Ackelson, President of the Iowa Natural Heritage Foundation

Agritourism is also being promoted as part of regional economic development strategies that support farmers. In some cases, agritourism projects have expanded from farm stands to corn mazes to wineries viewed by some as "farming Disneylands" that may attract hundreds of people for special events. In such cases, how should a land trust determine what is acceptable?

Energy policies are also driving changes on agricultural land. Windmills contribute to "clean energy" and a farm's bottom line, but may impact scenic landscapes. The demand for corn for ethanol production is encouraging farmers to take land out of conservation reserve programs and regular crop rotations. Some farmers are now planting corn boundary to boundary, profoundly changing the landscape and diminishing ecological values. As Mark Ackelson, President of the Iowa Natural Heritage Foundation notes, "Our romanticized views of agriculture must mature. It's not grandma and grandpa's farm any more." The challenge of working with this new and evolving reality has been accepted by organizations such as the Franklin Land Trust, which Rich Hubbard, Executive Director, says is "working to keep true working landscapes, not create a museum of agriculture."

"How can we assure the public values associated with agricultural land, while respecting the importance of private property ownership and viable farming?"

—Greg Romano, Assistant Director and Director of Statewide Land Acquisition of the New Jersey Conservation Foundation

All of these changes complicate the question for a land trust: what agricultural activities is it willing to allow or facilitate? How should it balance the needs of the farmer with those of the public that has invested in the protection of the land, whether through the purchase of an easement or title to the land, or the tax advantages related to its donation? The question, as posed by Greg Romano, Assistant Director and Director of Statewide Land Acquisition of the New Jersey Conservation Foundation, is: "How can we assure the public values associated with agricultural land, while respecting the importance of private property ownership and viable farming?"

THE UNINTENDED CONSEQUENCES OF CONSERVATION

A land trust's efforts to protect agricultural land may have unintended consequences. The beauty of an intact agricultural landscape may create what the British call a "honey pot"—a beautiful place that attracts people who love the scenery. This can result in

what some term the "estate market", a real estate market increasingly dominated by new residents with substantial financial resources who can support conservation efforts, but whose presence causes land values to increase to the point that they are out of reach for beginning or expanding farmers. The rise in property values will impact the property taxes paid by farmers, further stressing their bottom line and the future of the farm. Moreover, the newcomers may not understand farming and may object to the equipment traffic, smells or noise it generates. As a result, "the most profitable farm may be the last one," as it is sold into the estate market.

After conservation easements are imposed, land prices may still be so high that beginning or expanding farmers cannot afford to purchase a farm. John v.H. Halsey, President of the Peconic Land Trust, has noted that a number of second home owners on Eastern Long Island have paid as much as $150,000 per acre for protected farmland, over ten times the amount a farmer could contemplate for the same property. Similarly, in New Jersey, preserved farmland has sold for as high as $70,000 per acre with numerous properties selling in excess of $25,000 per acre. Beginning in 2006, Vermont instituted a practice of appraising both the farm's "conservation value" and its "agricultural production value" when acquiring new easements on farmland. The difference between these two values sometimes exceeds $100,000 demonstrating that farms subject to conservation easements may still be worth more than a farmer can afford.

Despite these challenges, numerous land trusts around the country have created innovative programs to protect agricultural land and retain active farming on the land. The next section highlights some of these approaches.

[4] "Land trusts," private non-profit organizations that protect land primarily through purchase or gift of land or easements to protect conservation values, were quietly in evidence through much of the 20th century, but the land trust "movement" gained great momentum during the 1980s, when governmental land protection programs languished and development pressures increased in much of the country. Today there are more than 1,600 land trusts that have protected more than 37 million acres of land. For more information visit the Land Trust Alliance website at: *www.lta.org*.

[5] "A conservation easement (or conservation restriction) is a legal agreement between a landowner and a land trust or government agency that permanently limits uses of the land in order to protect its conservation values. It allows you to continue to own and use your land and to sell it or pass it on to heirs." The Land Trust Alliance website. Available at: *http://www.lta.org/faq/#ce_head*

[6] Fred Kirschenmann, Steve Stevenson, Fred Buttel, Tom Lyson and Mike Duffy. *Why Worry About Ag of the Middle.* Available at: *http://www.agofthemiddle.org/papers/whitepaper2.pdf*

[7] Temporary greenhouses are also known as hoop houses and high tunnels.

[8] Duel assessments are required when farmland is purchased with funds from the Vermont Housing and Conservation Board, a state entity. Vermont Land Trust has made it a standard practice for all farmland acquisitions.

LEARNING FROM THE INNOVATORS

Several land trusts from around the country have been developing innovative approaches to protecting farmland. Although even the most experienced land trust professionals are quick to note that they are learning as they go, there are several areas in which their experience is especially instructive:

- developing a clear mission;
- adapting conservation easements to accommodate change;
- encouraging continuing agricultural use;
- working at larger scales and through broad public processes;
- encouraging the economic viability of regional farming; and
- expanding the constituency that supports this work.

DEVELOPING A CLEAR MISSION

The need for a clear mission is especially important for land trusts that work with agricultural land. Farmland is often protected for its scenic value, a core mission of many land trusts. However, the land will likely change in appearance if it is not actively farmed or at least mowed on a regular basis. Therefore, a land trust must clearly understand its own goals for protecting farmland in order to determine easement terms, the types of properties protected, and the supporting programs developed.

For example, the mission of the Peconic Land Trust in New York calls for it to "conserve Long Island's working farms, natural lands, and heritage for our communities now and in the future."[9] For organizations that take this approach, the economic viability of farms is as important as the protection of agricultural resources and rural heritage.

When considering the scope of its mission, a land trust must consider whether it has, or can develop, the competency to work effectively with this new set of issues. Is it willing and able to vary its standard approaches to allow the flexibility needed to sustain farming? Can it develop new partnerships with the farm community, state agencies, and others to support this work? Is it willing to take the risk entailed in working in a dynamic environment where there may be no clear or simple answers? These are especially important questions for young and small land trusts that work hard to support a standard land protection program. These land trusts may well decide to focus on protecting the land base and, at most, encourage the work of other organizations that promote agricultural viability.

Land trusts that have decided to work with farmland protection have found it essential to have direct connections and good communication with farmers. Many have farmers and ranchers on their boards.

ADAPTING CONSERVATION EASEMENTS TO ACCOMMODATE CHANGE

If conservation easements are more "farmer friendly," the land is more likely to remain in active production and owned by a farmer. Some land trusts are adapting their standard conservation easement approach to respect the requirements of an active farm operation. They are balancing the desire for consistency in their conservation easements, which allows the organization to be more efficient, with the need to engage in negotiations specific to each property, which entails greater stewardship responsibility over time.

If conservation easements are more "farmer friendly," the land is more likely to remain in active production and owned by a farmer.

When the Scenic Hudson Land Trust began its farmland program, it recognized the need to build trust within the farm community and avoid any perception that it was an elitist environmental group "trying to protect rich people's views" or dictate land management practices. Dedicated program staff spent two years meeting with local farmers, Farm Credit, and the county Farm Bureau representatives to help them understand Scenic Hudson's motives. They also established direct and ongoing relationships with local farmers in the communities that are the focus of Scenic Hudson's work.

Visit Glynwood Center's website **www.glynwood.org** for Scenic Hudson's standard farmland easement.

Scenic Hudson created an advisory committee, including regional farmers, to help adapt its standard conservation easement to allow the flexibility needed for active agriculture. It also removed some of its standard language about scenic protection.

Scenic Hudson's basic farm easement divides the farm into three areas:

- the farmstead complex (the nerve center of the farm, including most or all of the buildings);
- the farm area (planting fields, grazing areas, paddocks, etc.); and
- natural resources and associated buffer areas, including more fragile ecosystems appropriate to restrict from active farm use (e.g. wetlands, riparian buffers, and unique habitats).

The easement also provides that after twenty years the farmer and the land trust may review the size and configuration of the farmstead complex. If the farmer provides compelling evidence that changes are necessary for the farm to remain viable, Scenic Hudson will amend the easement to change the size and/or configuration of the farmstead complex. (If New York State funding supported acquisition of the easement, this review must be undertaken at ten year intervals.)

Seth McKee of Scenic Hudson Land Trust discusses the aspects of their farmer friendly easements.

Scenic Hudson's farmland easement also allows the farmer flexibility within the farmstead complex and the farm area, provided that the farmer follows sound agricultural practices as determined by the New York State Department of Agriculture and Markets. According to the Department: "the practice should be legal, should not cause bodily harm or property damage off the farm, should achieve its intended results in a reasonable and supportable way, and should be necessary."[10] The Vermont Land Trust also relies on state determinations, referencing "acceptable management practices" as defined by its state Department of Agriculture.

Some land trusts rely on management plans, often prepared by the Natural Resources Conservation Service, which are referenced in the easement. Using management plans allows the land trust and the farmer to negotiate the changes in land use and practices needed to adapt to external changes such as climate, regulations, and the economy. Reviewing the management plan and negotiating revisions requires time and resources—it becomes "where the rubber meets the road"—but these land trusts regard it as being similar to the on-going attention and commitment required of any business.

New York City's Department of Environmental Protection is responsible for a major land protection program in the New York City watershed, which is designed to protect drinking water while avoiding the need for a major water filtration system. David Tobias, NYC DEP's Director of Land Acquisition Program, stated that: "We believe that with the right

programming, drinking water quality can be protected in the context of working farms and forests." To this end, it has allocated $579 million over 20 years to acquire fee title or easements within its watershed. Of the 84,000 acres protected as of February 2008, roughly 15,000 acres are under farm easements acquired by the City's 501(c)3 partner, the Watershed Agricultural Council. All farms in the watershed that enter the Farm Easement Program are required to have a Whole Farm Plan (a land management plan and set of best management practices) that is developed with the assistance of Cornell Cooperative Extensive and WAC. Using such plans to deal with needed changes over time is intended to offer some flexibility to the farmer while avoiding the need to amend the easement itself.

"We believe that with the right programming, drinking water quality can be protected in the context of working farms and forests."

—David Tobias, NYC DEP's Director of Land Acquisition Program

Visit Glynwood Center's website **www.glynwood.org** for WAC's standard farmland conservation easement.

There are various approaches land trusts may consider for allowing flexibility in farm operations. The approaches developed by land trusts in the northeast may not translate to other regions of the country. In the northwest, for example, some foresters and farmers object to recording their management plans on the grounds that they contain proprietary information.

ENCOURAGING CONTINUING AGRICULTURAL USE

A farm is a volatile business enterprise that may be impacted by everything from a local storm to global trade agreements. While land trusts cannot address every problem a farm faces, they can adopt techniques to encourage protected farmland to be used productively.

Affirmative Obligations in Conservation Easements

Visit Glynwood Center's website **www.glynwood.org** for a copy of Vermont Land Trust's standard easement

Easements on agricultural land often contain provisions intended to retain the possibility of agricultural production. For example, they may require that fields be kept open and not allowed to return to forest, which would be expensive to remove if farming were to resume. The farmland easement employed in Vermont (by the state program and the Vermont Land Trust) requires the farmland owner/grantor to cooperate with the easement holder/grantee "to maintain the fallow land in an open condition (meaning without trees and brush) and in active agricultural use. For example, Grantor shall permit access to the fallow land by Grantee and Grantee's contractors to crop, mow or brush-hog."

Land trust easements generally do not contain an affirmative obligation to keep the land in active production. In many regions the farm community has objected to affirmative requirements and some land trusts are cautious about the oversight and enforcement responsibilities they create.

Nevertheless, the Marin Agricultural Land Trust's standard easement states: "Grantor and Holder intend: that the Property be maintained in agricultural production by the maintenance of the agricultural values thereof; that the open space and scenic values of the Property be preserved by the continuation of the agricultural and ranching uses, which have proven historically compatible with such values."[11] Similarly, the Massachusetts Department of Agricultural Resources' Agricultural Preservation Restriction (APR) Program includes an "Affirmative Covenant" in all of its APRs requiring that the protected farmland remain in active, commercial agriculture. Since this covenant is part of a state issued contract, it can be enforced by the state Attorney General.

Right of First Refusal

Scenic Hudson's agricultural easements include a right of first refusal, essentially a means for the Land Trust to match an offer to purchase the farm. Scenic Hudson has the right to purchase the property at an amount matching a bona fide offer, as provided in a contract of sale or a binder. The right requires that the land trust be notified if the owner intends to sell and gives the land trust the opportunity to exercise the right or waive it. Even if the right of first refusal is not exercised, it provides the land trust with an early alert to a possible change in ownership.

Visit Glynwood Center's website **www.glynwood.org** for the standard easements used by Marin Agricultural Land Trust and Scenic Hudson and a sample of Massachusetts' standard APR easement

Option to Purchase at Agricultural Value (OPAV)

The Option to Purchase at Agricultural Value was developed by the Commonwealth of Massachusetts' Department of Agricultural Resources for its Agricultural Preservation Restriction Program. The APR Program's legislative purpose is not only to ensure the protection of farmland, but also to guarantee that it remain available at a price that can be sustained by its agricultural use. This option was established in response to the sale of APR protected farms to "estate buyers" for prices far in excess of what farmers could afford.

"Agricultural value" is based upon commercial agriculture and is set by appraisal at the time the easement is created. At the time that an APR property is being sold, the "agricultural value" is determined either by applying a cost of living formula to the original value or by having the property re-appraised. The market may also determine the agricultural value at the time of sale if a buyer is able to prove that his or her purchase price is clearly based upon the agricultural potential of the APR property. In any case, the value to a non-farmer buyer or a neighboring landowner seeking to protect a view cannot be considered.

When the farmer who owns APR land decides to sell, he/she must notify the APR Program, which has thirty days to respond and exercise its option. If it appears that the

buyer is not a bona fide farmer, or the proposed purchase price is excessive and not based upon agricultural potential, the APR Program may assign its option to a qualified farmer, who agrees to adhere to the agricultural restrictions on the property, for a purchase price based upon the property's true agricultural value. With the OPAV, conserved farmland which otherwise may have fallen into an estate use is transferred from farmer to farmer and remains in active agricultural ownership and use.

Visit Glynwood Center's website **www.glynwood.org** for a sample of Massachusetts' standard APR easement and Vermont Land Trust's Standard Easement with OPAV.

Since the early 1990s, all agricultural land protected by the Commonwealth has been subject to the OPAV. This program is funded and run by the state, but to facilitate and accelerate preservation of agricultural land when there is a lag in revenue for the program, private land trusts may pre-acquire APRs that are ultimately conveyed to the Commonwealth with the OPAV.

Vermont has adapted the Massachusetts OPAV, and has included it in the vast majority of farmland easement purchases since 2006. The OPAV is used both in situations where no farm residence is permitted, and where one or more residences exist or are permitted under the easement. The OPAV is an innovative technique that is attracting interest across the country. The Peconic Land Trust, for example, is assessing the OPAV programs in Massachusetts and Vermont to determine its potential application to Long Island, New York.

With the OPAV, conserved farmland which otherwise may have fallen into an estate use is transferred from farmer to farmer and remains in active agricultural ownership and use.

Leases or Sales to Farmers

Some land trusts have begun to ensure the productive use of agricultural land by leasing or selling land to farmers. This has resulted, in part, from their recognition that many new farmers do not have the funds needed to acquire land (especially at market prices) in addition to equipment, supplies, and other necessities to run a farm. Greg Romano of New Jersey Conservation Foundation noted that in New Jersey many young farmers have expressed a preference for stable, long-term leases. While some New Jersey communities have made protected land available through five year leases, there is a growing recognition that farmers need longer leases if they are to invest in soil fertility and other improvements.

Vermont Land Trust uses several approaches to help new farmers access land. VLT works with farmers to obtain financing for farm purchases (using PDR or other conservation tools). It also identifies and purchases farms suitable for diversified farm operations. Conserved farms are then made available to qualified farmers at affordable prices by reselling them, or entering into a lease-purchase option or long-term lease arrangements.

For example, after purchasing a historic farm, VLT used a Request for Proposals to solicite applications from non-dairy, diversified, community-focused operators. Forty interested parties attended two open houses. Seven qualified proposals were reviewed by VLT along with a local farm committee. The couple selected had started an organic bean and grain business at the Intervale Center, a farm business incubator project in Burlington, Vermont.[12] They were seeking to move their business to their own land and add a CSA.[13] After an evaluation of the couple's business plan, they were allowed to purchase the farm at its "agricultural value" of $240,000. Provisions in the purchase agreement included:

- a farmland conservation restriction;
- an Option to Purchase at Ag Value; and
- a public trail right-of-way.

Vermont Land Trust bought this historic farm and resold it at its agricultural value to Jennifer and Spencer Blackwell, a farm couple.

According to Gil Livingston, "VLT will be experimenting. Our goal is to do this type of transaction two to three times a year, look at lease option arrangements or long term leases—allowing farmers to build equity over time—or experimenting with the traditional farmland easement purchase." In another past project, VLT helped the Intervale Center purchase and conserve 325 acres of farmland to expand the Center's ability to serve as an incubator for new farm enterprises such as the one described above. The plots of land are leased for several years to beginning farmers so that they can build their farm business and equity before starting an independent venture. The Center also provides access to equipment, farm business planning assistance, farmer-mentors, and marketing assistance to enrolled farmers.

The Peconic Land Trust owns farmland, including a vineyard, a horse farm, and cropland that it intends to lease or sell to farmers identified through a variety of methods, including advertising, New York Farm-Link,[14] and other networks.

New York City's Department of Environmental Protection is implementing a program to lease agricultural land under its ownership for productive use. Lessees are selected through an RFP process designed to ensure that the agricultural uses will not impair water quality. The Watershed Agricultural Council has been granted $47 million to purchase agricultural conservation easements in the City's watershed. On occasion, other land trusts assist WAC with purchasing farm easements; in one such case, the Open Space Institute is purchasing a farm and conveying a farm easement to WAC, after which OSI will sell the encumbered property to a farmer at a reduced price.

There are many ways that leases and transfers between land trusts and a farmer can be structured, including leases of various durations, which might include an option to purchase at a set agricultural price and/or through an installment sale with the lease payments credited to the purchase price. Sale of farmland to a farmer can include a conservation easement and Option to Purchase at Agricultural Value to ensure continued availability for farm use after future transfers.

Allowing Additional Housing

When considering easements, farmers may express an interest in being able to create future housing. Farmers often hope that one or more of their children will want to live and work on the farm, or may anticipate building housing for farm workers or that sale of a house lot may provide an opportunity for an infusion of cash at some future point. Land trusts have responded to these concerns by writing additional flexibility into farm easements.

The Maryland Agricultural Land Preservation Foundation, which is part of the state's Department of Agriculture, allows farm owners several options for building housing lots on their properties for themselves and their children.[15] Other programs allow subdivision for agricultural purposes. For example, in New Jersey, subdivisions are permitted if they are for an agricultural purpose and if both parcels result in agriculturally viable units. Since the future affordability of protected farms as well as their viability can be impacted by dwellings, the number and location of future houses are important considerations.

Visit Glynwood Center's website **www.glynwood.org** for a copy of the standard easement used by Maryland Agriculture Land Preservation Foundation

Purchasing Additional Restrictions

Some land trusts are considering negotiating and paying for restrictions beyond those contained in the standard easement. For example, the land trust might pay for a restriction that would preclude a use (such as an equestrian stable) that might be deemed agricultural, but is not considered compatible with the land trust's effort to encourage food production. Alternatively, a land trust might pay more for an additional limitation on the nature and scale of improvements in order to reduce the potential for escalation of the property's value.

ENHANCING STEWARDSHIP OF PROTECTED LAND

For some land trusts, encouraging active agriculture reflects the expansion of their focus from the stewardship of particular parcels to encouraging stewardship at the landscape level. A broader stewardship agenda quickly raises issues relating to economic and other community concerns, not typically central to the land trust's work, that both enrich and complicate it.

The Iowa Natural Heritage Foundation (INHF) is creating models of stewardship on farmland it owns, both to protect natural resources and demonstrate good conservation practices. Mark Ackelson, president of INHF has found that more and more people want to become good stewards of their land, but don't know how. In response, INHF helps draft stewardship management plans, runs an internship program, and offers public education opportunities. INHF regards stewardship planning and education as an invaluable way to interact with landowners – including those whose land is not yet subject to restrictions. By building relationships with landowners interested in stewardship, INHF is often alerted to potential land sales even "before the for sale sign sprouts."

INHF has also found that the investment of a small amount of money can sometimes reap important conservation benefits. For example, in one instance INHF convinced a farmer to fence cows out of a sensitive stream by providing an inexpensive, off-stream "nose-pump" watering device. Other land trusts are considering low interest or no interest loan funds for farmers who need to improve fencing and other infrastructure in order to diversify or transition their production.

By building relationships with landowners interested in stewardship, INHF is often alerted to potential land sales even "before the for sale sign sprouts."

To finance its stewardship work, INHF typically includes a transfer fee in each easement. The fee, payable by the seller, goes into the INHF stewardship fund. Intra-family transfers may be exempt from this fee, which generally ranges from one to three percent of the sale price. Some other land trusts have similar fees, which may be determined with reference to estimated long-term costs of stewardship. The Cascade Land Conservancy, which often works with developments designed to maximize open space, includes a transfer fee as an obligation in the agreements for the home owners associations that assume overall responsibility for the developments.

Land trusts may be able to negotiate creative incentives to encourage farmers to engage in conservation practices. For example, if natural resource protection requires that certain land not be used for active production, the land trust may be able to replace lost income by leasing the farmer land owned by the land trust at nominal rent.

WORKING AT LARGER SCALES AND THROUGH BROAD, PUBLIC PROCESSES

Land trusts, which have traditionally focused on individual transactions, are increasingly finding it important to work at a larger scale and move into the public policy arena.

Critical Mass Approach

Scenic Hudson Land Trust has developed a "critical mass approach" that has several goals, including having a demonstrable impact on land use and retaining sufficient active farming to support needed agricultural infrastructure. Scenic Hudson performed

a feasibility study to determine the parts of the Hudson Valley at greatest risk of losing farmland and where there is the best opportunity to protect a critical mass of farmland.

In ten years, Scenic Hudson has secured almost 7,000 acres of working farmland and has established two "critical masses" in the Towns of Red Hook (1,400 acres) and Stuyvesant (2,600 acres). A third project is underway. Scenic Hudson does not insist on strict contiguity of protected farms. Its focus is on protecting farmland with good soils throughout the community. Scenic Hudson also sees this program as a way of building community awareness about the importance of protecting farms and engaging the community to take action. Seth McKee, Land Conservation Director at Scenic Hudson, commented that: "We recognize that critical mass is a regional question as much as, or more so, than it is a local one. It will take time to determine whether we have truly achieved our goals."

Land Use Planning

It can take five years to obtain subdivision approval under the cumbersome process characteristic of the Northeast. This daunting and expensive process can discourage farmers from making appropriate plans for the future use of their land.

Visit Glynwood Center's website **www.glynwood.org** for Conservation Subdivision text from Southampton's municipal code.

The Peconic Land Trust promotes the use of "conservation subdivisions" as a land-use planning tool that gives farmers an option beyond either selling their land for development or forcing their heirs to deal with it later. For example, in the Town of Southampton, a "Conservation Opportunities Subdivision" requires that at least eighty percent of the property be protected and at least fifty percent of its allowable density be reduced through the sale or donation of a conservation easement (represented by a Purchase of Development Rights, a Transfer of Development Rights or some combination). The subdivision plan that defines how development will be sited on the remaining twenty percent is eligible for a landowner-friendly approval process with one step instead of three, saving a great deal of time and expense.

The Peconic Land Trust has also worked with local municipalities to develop an Agricultural Planned Development District, an incentive-based planning approach that respects the economic needs and property rights of farmers. In 2000, a proposal for an eighty percent mandatory cluster law that would have reduced density in Southampton Town had begun to create battle lines between environmentalists and farmers; the latter felt that the proposed regulations would significantly diminish their equity. The Ag PDD legislation ultimately adopted protects a farmer's equity through incentive zoning—the farmer agrees to a zoning change that limits development to twenty percent of the property (consistent with a Conservation Opportunities Subdivision) for a minimum term of ten years; once expired, this term can be extended by the farmer. The town, not the land trust, holds a term easement that protects eighty percent of the land and provides the

town with an option to purchase the development rights at the end of the term. If the town and the farmer fail to negotiate a mutually agreeable purchase price, the farmer is released from the Ag PDD and the property reverts to its previous zoning.

Broader Public Processes

The Cascade Land Conservancy (CLC) has led an effort to create The Cascade Agenda —a 100 year vision for the Central Cascades and Puget Sound region of Washington State. Developed through a multi-stakeholder, collaborative process, it has become the Conservancy's flagship project. Given the scale of the development challenge in the region, CLC realized that it must "spark others" to take action. The Agenda advocates a market-based, non-regulatory approach to promoting the dual goals of economic vitality and environmental protection. It provides a vision for the future and strategies for preserving working lands, such as wetlands mitigation banking, encouraging the business of farming, and promoting farm markets and river farming (through a salmon restoration project).

Michelle Connor of Cascade Land Conservancy explains her work with the Cascade Agenda, a 100 year vision for the Central Cascades and Puget Sound region of Washington State.

Visit Glynwood Center's website **www.glynwood.org** for Ag PDD text from Southampton's municipal code and a copy of the Cascade Agenda Summary

The project was launched after the City of Seattle celebrated the centennial of the Olmstead Park Plan, which had laid out a plan to save special and distinctive places. Inspired by the celebration and concerned with dramatic population growth and development pressure, more than 3,500 elected officials, scientists, business leaders, loggers, timber companies, students and private citizens in a four-county region took part in the process. They identified shared goals—large-scale conservation of working forests and farms and the preservation of treasured recreation and habitat lands—and the means to achieve these goals. Strategies include Transfer of Development Rights, compact Rural Village developments, a Cascade Conservation Timber Investment Fund for active forestland management, revenue-backed financing, Community Forest bonds, and a Public Development Authority for Conservation. The Agenda identifies benchmarks to achieve its objectives in near-, mid- and long-term timeframes.

Given the scale of the development challenge in the region, CLC realized that it must "spark others" to take action.

The Cascade Agenda includes a specific "Agenda for Action for Farms" to address the unique challenges facing farming and farmers. The short-term objective is conserving the land base. The mid and long-term objectives relate to supporting farmers' efforts to remain in farming.

Working with State and Regional Partners

Land trusts, like all organizations, have limited resources and can only support so many programs and initiatives. Several land trusts have created innovative partnerships to offer additional services to farmers and landowners. For example, the Vermont Land Trust works in partnership with the Vermont Housing and Conservation Board, a unique state agency that combines the multiple goals of farmland protection, affordable housing, natural resource protection, and historic preservation. The VHCB staff and its Agricultural Advisory Committee perform detailed reviews of easement applications and run a state easement program that is well-funded by a combination of state funds matched by the federal Farm and Ranchland Protection Program. VLT, VHCB, and the state's Agency of Agriculture hold easements jointly on numerous farm properties and all three are named as option holders in easements with Option to Purchase at Agricultural Value provisions.

Visit Glynwood Center's website **www.glynwood.org** for a copy of the Farm Access Program brochure.

VLT has also created the "Farm Access Program" in conjunction with the University of Vermont Center for Sustainable Agriculture. The program, intended to support new farmers and help diversify Vermont's farm economy, is referred to as "a matchmaking service with a little technical assistance thrown in." Farms and farmers are matched through the UVM LandLink Vermont "farm seller-farm seeker" database and VLT links farm seekers with business planning services. 

In Colorado, the Mesa Land Trust has a formal partnership with Mesa County, which has a goal of protecting buffer areas between three growing municipalities in western Colorado's Grand Valley. The County currently funds a land trust staff person to negotiate open space acquisition projects. The County has found that many landowners are more comfortable working with the land trust than a government agency and that the land trust staff is skilled in the negotiation of appropriate terms. To help purchase conservation easements, the municipalities provide money to leverage grants from the NRCS Farm and Ranch Protection Program, Great Outdoors Colorado (which is funded through the Colorado Lottery), and other sources. The land trust has also partnered with the State Division of Wildlife on conservation easement acquisitions that include management plans for working ranchlands. These plans, created in consultation with the Division, provide for economically viable agricultural production and ecologically viable habitat protection.

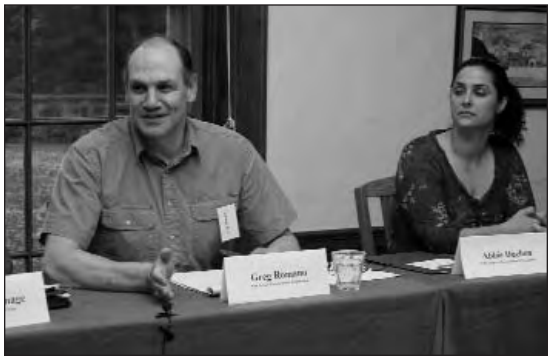
Marin Agricultural Land Trust partners with other non-profits, the state extension service, and other experts to offer education opportunities to landowners, members, and the general public. For example, since 1999, MALT has co-organized an annual Taste of Marin to promote and feature local foods and farms. MALT also organizes farm tours, hikes, and cooking classes centered on protected farms and ranches and co-sponsors workshops on production diversification and range management geared towards producers.

ENCOURAGING THE ECONOMIC VIABILITY OF REGIONAL FARMING

Agricultural Enterprise District

The New Jersey Conservation Foundation is working on a multifaceted initiative aimed at saving farming in the tri-county area of southern New Jersey comprising Salem, Cumberland, and Gloucester counties. This area is considered the state's "breadbasket" and agriculture is still the leading industry. The Foundation's initiative involves nearly seventy participants in a Tri-County Agriculture Retention Partnership. About half of TARP's partners are prominent farmers; other members represent the federal government (USDA), counties, and Rutgers University Cooperative Extension. The State Farm Bureau also participates.

Working through TARP, the Foundation is developing a cutting-edge strategy involving the creation of a Pilot Agricultural Enterprise District patterned after the Urban Enterprise Zone model for community revitalization. This program would give tax incentives, grants, and other financial aid to farmers and agri-businesses in designated Agricultural Development Areas. A suite of benefits would be offered to farmers in exchange for limited-term (15 year) easements restricting development on the farmland, and an Option to Purchase held by the State Farmland Preservation Program. TARP is currently working to secure adequate funding from the state legislature for a pilot program. By early 2008, the four leading county agricultural boards in Salem and Cumberland counties endorsed the concept of the Agricultural Enterprise District and authorized the Foundation to draft legislation. Gloucester County expressed reservations about the proposal, fearing that it may lead to regional planning.



Greg Romano of the New Jersey Conservation Foundation shares their innovative effort to create Agricultural Enterprise Districts (pictured with Abbie Duchon of NYC Department of Environmental Protection).

Visit Glynwood Center's website **www.glynwood.org** for a draft of the Pilot Agricultural Enterprise District proposal.

Processing and Marketing Support

Several land trusts are taking an active role in helping farmers get their products to market. For many small and mid-sized livestock farmers, slaughtering capacity is a major constraint. Lopez Community Land Trust[16] helped address this need in the San Juan Islands of Washington State. By leveraging grants and community support, LCLT was able to build a mobile slaughterhouse which it leases it to a farmers' cooperative for one dollar a year.

Vermont Land Trust is involved in innovative product marketing and niche product promotion. For example, VLT and Vermont Family Forests, a sustainable forestry nonprofit, are working with small woodlot owners to produce high quality flooring that allows customers to support the health of the Vermont economy and its forests. The enterprise, Family Forest® Flooring, produces flooring harvested from forests certified by VFF and the Forest Stewardship Council. VLT developed a statement of management goals for forest land that it includes in conservation easements where forest management is a permitted use.

Peconic Land Trust owns Quail Hill Farm, which it operates as a CSA serving over 200 families and providing fresh, local food to schools, restaurants, a farmers' market, and food pantries.

Peconic Land Trust is actively pursuing the acquisition of a farm market in Amagansett. Once acquired, the market would be reorganized and managed to support the sale of value added local products, helping local farmers and the local economy.

Providing New Sources of Income

Farmers might also be given the opportunity to diversify their income by managing mitigation projects on public and land trust lands. Farmers have a wide range of know-how, own and can operate varied equipment, and work seasonally, which might make them ideal contractors. For example, farmers could be given the opportunity to undertake stewardship maintenance on estuary sites on a part-time basis. One source of support might be mitigation funds from private development projects.

Other Forms of Economic Support for Farmers

Vermont Land Trust is very focused on the economics of farming and farmland, especially enterprise-specific economics on conserved farms. While dairy is still the dominant form of agriculture in the state, many farmers are transitioning to new products and methods of production, including organic. VLT uses a range of direct, hands-on approaches to encourage diversification and to assist new farmers including helping farmers obtain business planning services from several qualified agencies. Other land trusts seek to encourage farm viability through information and training of land managers.

EXPANDING THE CONSTITUENCY FOR FARMING AND FARMLAND PROTECTION

Many people in the United States have had little or no direct experience with farming. In order to build a broad constituency for farmland protection, some land trusts actively work to engage and educate their members and the public. For example, Peconic Land Trust owns Quail Hill Farm, which it operates as a CSA serving over 200

families and providing fresh, local food to schools, restaurants, a farmers' market, and food pantries. While the farm provides delicious food for local residents, it also informs them about the value of protecting farmland and eating locally.

The Franklin Land Trust in Massachusetts organizes a very popular annual "Farm and Garden Tour" to promote local agriculture and farmland preservation.

Other land trusts have worked with local producers to create logos and branding programs that identify products as being produced on protected land and with sustainable methods. Scenic Hudson Land Trust has made an undeveloped property it owns in a commercial area near several large educational institutions and tourist destinations available for a farmers' market.

The New Jersey Conservation Foundation sponsors a public program entitled "Support Our Local Farmers," which explains the benefits of purchasing local farm-fresh produce, supporting small family farms and local economies, saving New Jersey farmland, promoting a sense of community, and increasing awareness of land stewardship and food security. Similarly, the Franklin Land Trust in Massachusetts organizes a very popular annual "Farm and Garden Tour" to promote local agriculture and farmland preservation.

Peconic Land Trust on Long Island, New York owns and operates Quail Hill Farm. The farm engages the community in agriculture and helps fulfill PLT's mission to protect working farms.

The Cascade Land Conservancy, recognizing a huge gap between local food supply and underserved populations, is taking a creative approach to connecting low-income families and farmers with regional CSAs. Michelle Connor, Vice President of CLC explained, "An entrepreneurial person on our staff is working on getting food to people with low incomes by working with local financial experts, angel investors, and entrepreneurs to create a non-profit CSA." The CSA uses profits from market-rate sales to reduce food prices for low income residents who would otherwise not have ready access to high quality produce in the city of Tacoma. Local farmers donate twenty percent of the food distributed by Emergency Food Network of Tacoma, yet those same farmers are struggling to stay in business. To enhance their financial viability CLC worked with Emergency Food Network

to create a business plan and CLC is now in the process of buying trucks and securing capital to pay staff for the first few years, to ensure positive cashflows that will carry the CSA to financial sustainability.

Projects like these help build good will in the community and demonstrate the importance of protecting farmland in a tangible way.

9 Peconic Land Trust mission statement. Available at: *http://www.peconiclandtrust.org/about/mission/*

10 Sound Agricultural Practices, New York State Department of Agriculture & Markets. Available at: *http://www.agmkt.state.ny.us/AP/agservices/sapo.html*

11 Sample Agricultural Conservation Easement, Marin Agricultural Land Trust. Available at: *http://malt.org/about/easements.html*

12 For more information on the Intervale Center, visit www.intervale.org

13 CSA stands for Community Supported Agriculture, a farm marketing arrangement in which customers pay a fee at the beginning of the season and in return receive a share of the farm's bounty for set number of weeks.

14 An increasing number of land trusts are working with FarmLink programs around the country which match the farm seeker to the farm owner often via a data base run through a Cooperative Extension or state agency.

15 For more information on Maryland's Agriculture Land Preservation Program and on the housing options offered through their easements, visit *http://www.malpf.info/facts/fact3.html*

16 Community land trusts differ somewhat from other land trusts in their mission and approach to protecting land. According to LCLT's website (http://www.lopezclt.org/faq/main.html): "A community land trust is a private non-profit corporation created to acquire and hold land for the benefit of a community and provide secure affordable access to land and housing for community residents. CLTs prohibit speculation of land and housing, promote ecologically sound land-use practices, and preserve the long-term affordability of improvements on the land."

EMERGING ISSUES

WORKING IN A DYNAMIC GLOBAL CONTEXT

While nothing could be more local and place-based than agriculture, agricultural issues are increasingly influenced by dynamic economic, trade, energy, and environmental developments that are national and even global in scope. As Mark Ackelson put it, to work in this arena you need to be "thinking outside the box, when the box is moving."

IMPACT OF GLOBAL ENVIRONMENTAL AND ECONOMIC ISSUES

…you need to be "thinking outside the box, when the box is moving."

—Mark Ackelson , President, Iowa Natural Heritage Foundtion

Agriculture is now about food, fiber and fuel. Looking to our land base to provide fuel security as well as food security is driving up the value of agricultural land in many regions in unanticipated and unprecedented ways, making the acquisition of land or easements more expensive and difficult.

At the same time, the growing concern about climate change and the need to adapt to and mitigate its impacts raises many issues that may affect conservation planning for agricultural land. At the very least, rising temperatures and changes in precipitation patterns will impact the length of growing seasons and plant hardiness zones, raising questions about the need for adaptation to achieve goals in the future. Farmers may have to begin to deal with invasive species and pests that are new or more intense and

require different management techniques. Severe weather events such as floods and droughts are expected to increase in frequency and intensity and may require restoration or mitigation activities not anticipated in old conservation easements. On the positive side, the need to increase and pay for carbon sequestration may provide a new income stream for some farmers and landowners.

Similarly, a growing focus on farm and community scale food and energy provision may provide important new markets. Other resource issues—most particularly protection of water and biodiversity—may also grow in importance and result in new economic incentives for good stewardship. Conservation easements as currently conceived and shaped may be only a "holding pattern" to protect the land base as these broad trends reshape societal values and economic policies.

WHAT TO DO IF FARMING BECOMES AN INCOMPATIBLE LAND USE

A more immediate concern for some land trusts is what to do if local land use patterns change so dramatically that farming becomes an incompatible land use. While there is no easy answer, several considerations have been proposed. First, many values that supported the protection of the land may remain even if the land is not actively farmed. Second, if the values sought to be protected are too compromised in one place, it might be possible to exchange that parcel for another elsewhere so that there is no net loss of protected land.

Rich Hubbard of the Franklin Land Trust discusses his experience with protecting agricultural land.

PROTECTING CONSERVATION EASEMENTS

The land conservation community is always vigilant in protecting conservation easements from legal challenge and maintaining public support for their use. Many recognize that this will become increasingly important over time. At some point in the future, all open land in some communities may come under severe development pressure including land that is protected by easements. When there is the need for a ball field or firehouse or other active public use it will be increasingly important to be able to articulate—and to the extent possible, quantify and value—the benefits provided by the conserved land. This will be true of land protected for agricultural purposes as well as more general conservation parcels.

Some land trusts already report instances where communities have wanted to put soccer fields on turf farms ("why not grow our children there?") or argued that golf courses should replace turf farms ("turf grows on the course, after all"). Maintaining

open land is particularly challenging when the conservation effort was funded by a state or municipality, which may be more subject to political pressures. A new concern has arisen as the drive to create more sources of "clean energy" has led to suggestions that state laws be amended to allow the extinguishment of easements if necessary to site new generation facilities such as wind farms.

Some land trust professionals have suggested that this makes it ever more important to ensure that all public purposes are cited in the purposes clauses. Then if agricultural use is interrupted or stops, it will be harder for those who want to make other use of the land to argue that public benefits are no longer being provided.

In any event, it is important for land trusts to help the landowners meet their objectives, since "discontented landowners are an invitation for trouble." Landowners who are enthusiastic about their partnership with the land trust and the results of their stewardship of the land are the best possible ambassadors.

ENGAGING IN PUBLIC POLICY

Working with agricultural land has led several land trusts to broaden the scope of their work relating to land use and other public policies. As noted earlier, the Peconic Land Trust is promoting Conservation Opportunities Subdivision with town boards to create incentive-based strategies to protect farmland. In recent years, the Cascade Land Conservancy has devoted considerable time and staff to creating a regional policy framework to promote livable communities and protect farm, forest, and natural resources.

IMPROVING PRACTICE WITHIN LAND TRUST COMMUNITY—POSSIBLE FUTURE STEPS

Some in the land trust community feel that there is a great deal more to be learned about how to work effectively with the farm community. The flexibility required to steward a working landscape requires significant trust, understanding, and communication. The land trust community sometimes finds it difficult to go beyond a "legalistic" approach to transactions and act on the belief that farmers may care about land as much as the land trust does. Accordingly, the farm community often remains skeptical of the land trust community.

The land trust community sometimes finds it difficult to go beyond a "legalistic" approach to transactions and act on the belief that farmers may care about land as much as the land trust does.

Therefore improving relationships is key, regardless of the details of the transaction. Some suggest that land trusts need to reframe this work as more of a partnership approach—the need for "confidence, stability, and flexibility" all come into play. The land trust must be able to assure its supporters and the public that it is respecting their interests, while it convinces farmers that the organization will be responsible in dealing with needed change over time.

Several responses that would improve practice within the land trust community have been suggested, including:

- Increasing awareness of the special issues and opportunities that pertain to conservation efforts with working lands through reports such as this;
- Developing ways to share experience with working lands among land trusts across the country to facilitate "cross-pollination," which might include:
    - Workshops and presentations at Land Trust Alliance national and regional conferences;
    - An evolving catalog of land trust practices and policies regarding protection of working lands; and
    - Case studies as an educational tool (including an in-depth analysis of the legal and political setting, the techniques used, financing, what worked and, perhaps most importantly, what didn't, and why); and
- Becoming more future oriented and creative in exploring land conservation opportunities in new developments relating to alternative fuels—especially at the farm and community scale. For example, a convening to explore the state of the art energy solutions, especially with reference to German initiatives, might spur a new level of thinking.

APPENDIX A: PARTICIPANTS FROM "MATURE LAND TRUST CONVENING," GLYNWOOD CENTER, JUNE 12- 13 2007.

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[17] David Tobias, Director of Land Acquisition Program, was also interviewed for this report.

18 Steven Rosenberg, Executive Director of Scenic Hudson, was also interviewed for this report

GLYNWOOD CENTER STAFF:

Judith LaBelle,
President

Virginia Kasinki, Director,
Community-Based Programs

Jill Rubin,
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Eve Berry,
Facilitator

Deborah Meyer Dewan,
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APPENDIX B: ADDITIONAL PEOPLE INTERVIEWED (PARTICIPANTS IN THE LAND TRUST CONVENING WERE ALSO INTERVIEWED—SEE APPENDIX A).

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APPENDIX C: ADDITIONAL RESOURCES AVAILABLE ON GLYNWOOD CENTER'S WEBSITE

Listed in order of appearance in this report

Look for this symbol throughout the report to refer you to further information at Glynwood's website **www.glynwood.org**

1. **Standard Farmland Conservation Easement**
   Scenic Hudson Land Trust
2. **Standard Farmland Conservation Easement**
   Watershed Agricultural Council
3. **Standard Easement with Option to Purchase at Agricultural Value**
   Vermont Land Trust
4. **Standard Agricultural Easement**
   Marin Agricultural Land Trust
5. **Agricultural Preservation Restriction with Option to Purchase at Agricultural Value**
   Commonwealth of Massachusetts
   Related to the work of Franklin Land Trust
6. **Sample Deed of Easement**
   Maryland Agricultural Land Preservation Foundation
7. **Planned Conservation Development**
   Language from the municipal code of Southampton, NY
   Related to the work of Peconic Land Trust
8. **Agricultural Purchase of Development Rights**
   Language from the municipal code of Southampton, NY
   Related to the work of Peconic Land Trust
9. **Cascade Agenda Summary**
   Cascade Land Conservancy
10. **Farm Access Program Brochure**
    Vermont Land Trust
11. **Pilot Agricultural Enterprise District Proposal**
    Tri-County Agricultural Retention Partnership
    New Jersey Conservation Foundation

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pp.2, 13: Caleb Kenna, courtesy of the Vermont Land Trust ,
p. 4: Jill Arango, courtesy of Cascade Land Conservancy, p. 21: Peconic Land Trust
pp. 5,9,17,19,24: Jill Rubin

This report of the efforts of other land trusts nationally will be extremely useful to us. I am currently (very much inspired by the Glynnwood Gathering) engaging in a number of intriguing conversations with farmers right now on how to help them stay in farming (and state wide policies to support)

—Michelle Connor, Senior Vice President, Cascade Land Conservancy

Land trust leaders from across the country at a convening held at Glynwood Center in June 2007. (see Appendix A for a list of land trust professionals and Glynwood staff in attendance).

Glynwood Center works with communities, and those who serve them, to address change in ways that conserve local culture and natural resources, while strengthening economic well-being. Glynwood Center does this by gathering, developing, testing and sharing ideas and initiatives from the United States and abroad.

Glynwood's Agricultural Initiative is helping to connect communities, farmers and food. The overall goal is to help sustain small and mid-size farmers whose work generates many public benefits including fresh, healthful food, scenic landscapes, wildlife habitat and sound local economies.

For more information about Glynwood Center and its Agricultural Initiative visit www.glynwood.org.

GLYNWOOD CENTER

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