



Massachusetts

Department of Agricultural Resources



Division of Agricultural Conservation and Technical Assistance

provides funding and delivers services to preserve working agricultural lands and improve agricultural stewardship and use of natural resources; promote energy efficiency and use of renewable energy; and ensure **economic competitiveness and profitability**.





Agricultural Land Protection



Farm Viability Enhancement



Organics Recycling



Environmental Protection

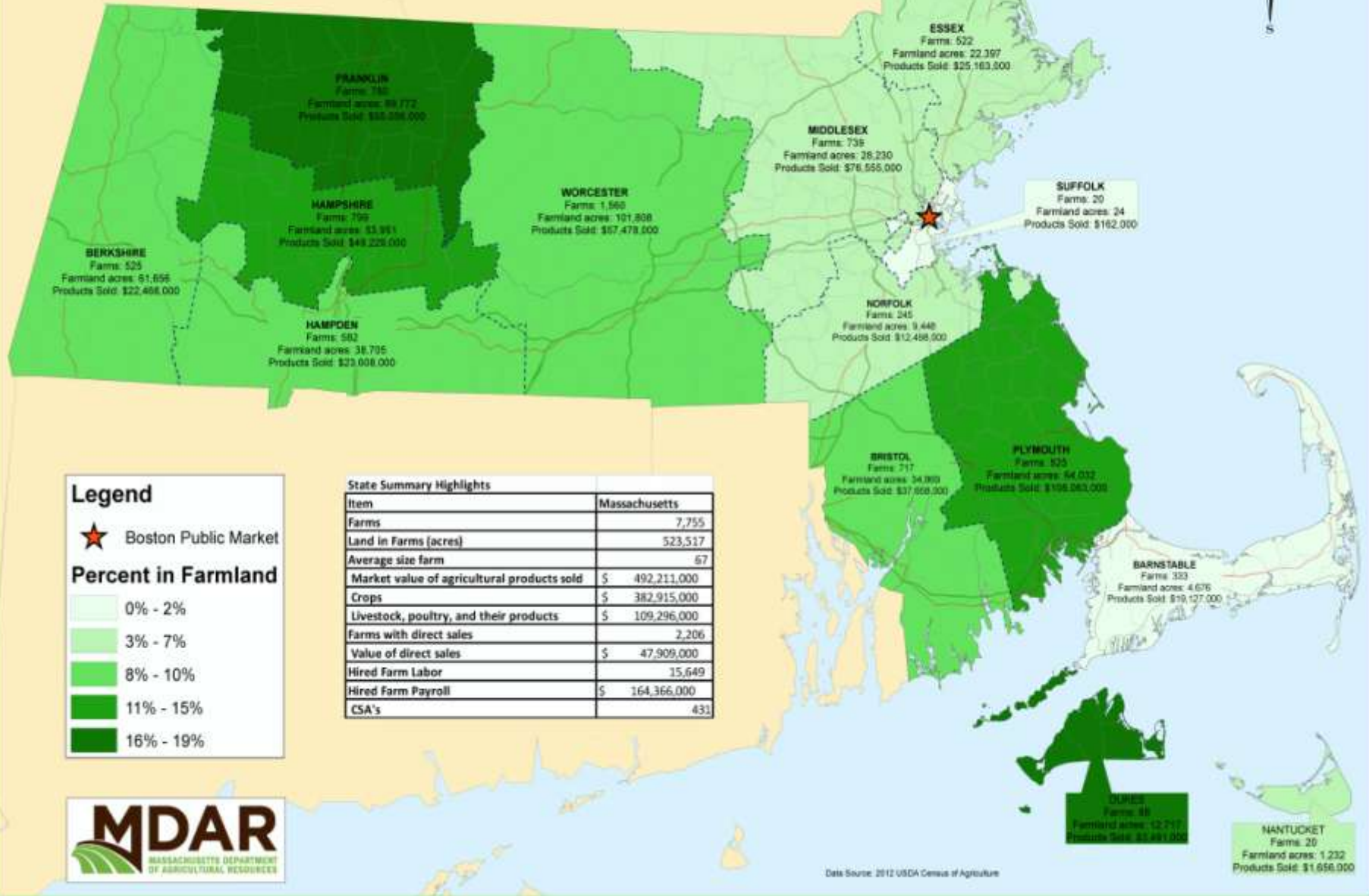


Renewable Energy and Energy Efficiency



Aquaculture and Food Safety

Snapshot of Massachusetts Agriculture



Legend

★ Boston Public Market

Percent in Farmland

- 0% - 2%
- 3% - 7%
- 8% - 10%
- 11% - 15%
- 16% - 19%

State Summary Highlights

Item	Massachusetts
Farms	7,755
Land in Farms (acres)	523,517
Average size farm	67
Market value of agricultural products sold	\$ 492,211,000
Crops	\$ 382,915,000
Livestock, poultry, and their products	\$ 109,296,000
Farms with direct sales	2,206
Value of direct sales	\$ 47,909,000
Hired Farm Labor	15,649
Hired Farm Payroll	\$ 164,366,000
CSA's	431



Data Source: 2012 USDA Census of Agriculture



Agricultural Land Use Protection

Agricultural Preservation Restriction Program

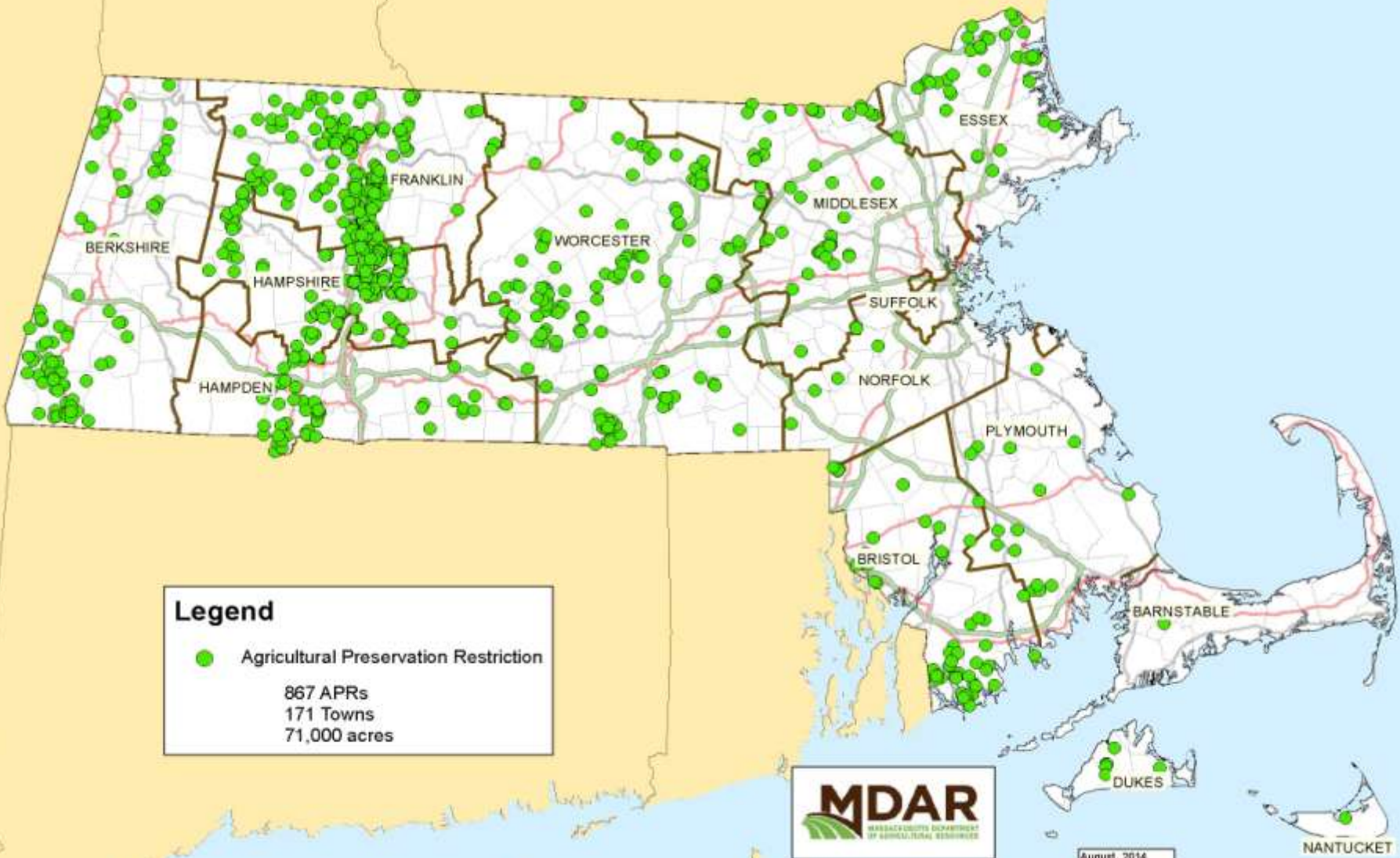


- **PURPOSE:**

The primary purpose of the APR program is to preserve and protect agricultural land, including soils, as a finite natural resource, from being built upon for non-agricultural purposes or used for any activity detrimental to agriculture.

- Further, the program is designed to keep APR land values to a level that can be supported by the land's agricultural uses and potential .

Agricultural Preservation Restrictions in Massachusetts



Legend

- Agricultural Preservation Restriction

867 APRs
171 Towns
71,000 acres



August, 2014

NANTUCKET

- Established in 1977 - one of the first volunteer Farmland Preservation Programs in the United States.
- State, in partnership with USDA FRPP/ALE, local Land Trusts and many municipalities purchases **all value except the agricultural value**.
- As of 2014, 869 APRs acquired, with 71,109 acres protected in approximately 171 (out of 351) cities and towns
- The APR Restriction exists in perpetuity, runs with the land, binds all future owners of the APR Parcel, and is recorded at the appropriate Registry of Deeds. **It requires continuous active agricultural use.**
- Agricultural Lands Preservation Committee (ALPC) approves acquisitions at Public Meetings (*4 Public voting members/farmers and 5 State voting members: Ag Commissioner, Secretary of Environmental Affairs, Director of Housing and Community Development, Board of Agriculture Chair, Director UMass Center for Agriculture* - Also requires participation of NRCS and welcomes land trusts.

- **The acquisition** of agricultural preservation restrictions as defined in section 31 of chapter 184, for land actively devoted to agricultural or horticultural uses as defined in sections 1 to 5 of chapter 61A. *(M.G.L. Chapter 20 Section 23)*
- **Land shall be deemed to be in agricultural use** when primarily and directly used in raising animals, including but not limited to dairy cattle, beef cattle, poultry...for the purpose of selling such animals or a product derived from such animals in the regular course of business; or when primarily and directly used in a related manner which is incidental thereto and represents a customary and necessary use in raising such animals and preparing them or the products derived thereupon for market *(M.G.L. **Chapter 61A**, Section 1)*
- **Land in APR is protected from conversion/removal** by the provisions of Article 97, a 1972 amendment to the State Constitution recognizing the rights of residents to a clean environment and providing for acquisition by the Commonwealth of conservation easements. Key among the provisions of this law is the following:
 - *“Lands and easements taken or acquired for such purposes shall not be used for other purposes or otherwise disposed of except by laws enacted by a two thirds vote, taken by yeas and nays, of each branch of the general court. “*

1.

- **Baseline Monitoring:** a snapshot in time of the restricted farm parcel for the landowner and Department.
- **FRPP Monitoring:** Annually monitor 255 + farms through partnership with MACD
- **Compliance & Enforcement:** sometimes necessary
- **Department Approvals (Uses, Acts, Structures):**
 - Waivers, ROFR & Option to Purchase at Ag. Value
 - Special Permits (Non- agricultural activities)
 - Certificates of Approval (COA)/ Certificates of Compliance (COC)

New in 2012 – Prioritizes APRs in new ownership that did not receive the benefit of the original payment. Recognizes that new or significantly changed enterprises on older APR land may need access to funds for redirection or expansion, and no longer have access to sale of land or rights. Can also assist with eligibility for credit by enhancing on-farm infrastructure.

Phase I – Business Planning

Phase II – Contract and Grant Award (\$25,000 - \$100,000)

Phase III – Receipts, Reporting and Evaluation (high percentage of additional owner investment)

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Top Uses of AIP Funds

- **Farmstand/ Retail**
- **Kitchen/Value Added Processing**
- **Hay/Equipment Barn**
- **Livestock Housing**
- **Vegetable Storage/Washing/Packing**
- **Establishing Perennial Crops**
- **Dairy Processing**
- **Irrigation/Wells/Drainage**



Agricultural Energy Grant Program

to improve energy efficiency and implement clean energy technologies on farms

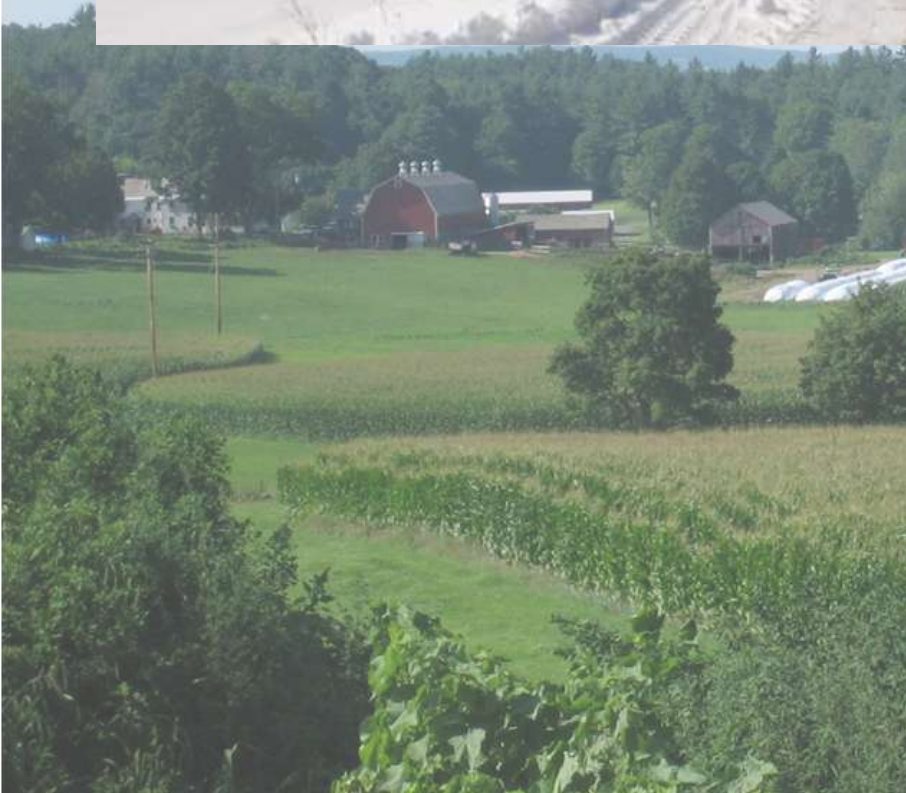
APR farms are limited to net metered systems that have a production capacity no greater than 2 times the documented or planned on-farm use

Organics Recycling





MDEP policy requires removing organic solid waste from the disposal stream. Farms have many opportunities in this effort to become processing sites based on varied licenses and exemptions. APR farms receive extra scrutiny on the land use and its relationship to “regular” agricultural farm income.



Farm Composting has been capped for MDAR licensing exemptions at 50% of source material and/or 50% of finished product coming from or used on the farm. New MDEP licensing may expand this, but how it fits with APR land remains a question.



Single point administration within state agency

- Reliable staff funding and long term experience from position stability
- Overhead costs for program budgeted (title, survey, baseline, monitoring, appraisal, USDA review deductions)
- Integration with other State Programs (LPP projects, DEP, DFG, DCR)
- Access to State funds under a larger land use umbrella – bond bills, tax credits, standard practices
- Centralized Baseline and Monitoring
- One point contact with USDA land programs – potential certification
- Legislation, Regulation and Policy integration and evolution (in MA, Article 97 protection)
- Standard and consistent documents - simpler review, consistent transfer protocols
- Organization succession less of a concern
- Expedited relations with municipalities
- Single value decision making by owner – no debate
- Standardized Legal process (intake, approvals, violations, resolution)

Better handled by outside organizations

- Customized Restriction types/terms – negotiable and modifiable including eligibility and land uses
- Multiple tools within same organization
- Bridge financing (pre-acquisition)
- Personal attention/counseling
- Private attorneys
- Individually strong town relationships
- Multiple owners of contiguous parcels
- Owner financing options
- Mission fit
- Less bureaucratic – no “government”, unless they need USDA match
- Faster – especially in emergencies

Agricultural Preservation Restriction (APR) Program
Summary as of September, 2014

Sources of Program Funding:

1. 2008 Environmental Bond (5 year) at 1.7 Billion Total, including energy)		
• Authorized for MDAR/APR		\$67,750,000
• Appropriated Spent to date:		
FY09:	(\$ 9,500,000-spent)	(\$2,456,557)
FY10		(\$7,825,319)
FY11		(\$8,674,322)
FY12		(\$6,577,892)
FY13		(\$6,850,000)
FY14		(\$5,938,500)
• Balance Remaining in 2008 Bond:		\$28,056,032
• Budgeted Allocation (FY15):		\$ 5,000,000
2. Expected Federal Funding (FY15):		
		\$ 5,180,000
3. Mitigation Trust Fund ¹ : (Rough Est.)		
		\$ 130,000
4. Stewardship – APR Monitoring (Preliminary)		
		\$ 30,000
5. Apportionment (FY14) State + Federal Funds		
• Land Acquisition		\$ 9,800,000
• Associated Land Costs & Baseline Reports		\$ 680,000
• Total Funds		\$ 10,340,000

Total Acquisitions – Year End (FY14)²

Farms	Acres	Total APR Value	MDAR Contribution	Local Contribution ³	Bargain Contribution	Comments
18	1736	\$10,042,600	\$7,243,375	\$767,130	\$1,373,095	Other Contribution: \$1,061,901 - EEA ⁴

Note: Federal and State Fiscal Year differences as well as carryovers of unclosed federal partnership projects on previous Cooperative Agreements allow some flex in budget compared to spending in any given year. Also, once MDAR is reimbursed by FRPP/ALE, those funds may be used for related land priorities that are not actual new APR acquisitions. MDAR uses some of these funds to help support the Farm Viability Enhancement Program, APR Improvement Program, Matching Enterprise Grant Program (new farmers) and the Agricultural Business Training Program.

¹ To be added to amount appropriated as part of the new 2014 \$2.2 Billion Bond Bill

² No net loss of farmland policy on land use conversion – MEPA process (does not include solar)

³ State funds (new for 2014) for non-federal projects, to be augmented by joint funding with NRCS through the MA Association of Conservation Districts (MACD) for monitoring federally funded APRs (@\$100,000). MACD funds also support NRCS services such as soils mapping and form completion on new pending applications for APR.

⁴ Somewhat less than normal due to slowdowns associated with implementation of the new federal Farm Bill

⁵ Mostly Municipal funds toward MDAR's goal of 20% average match, which is adjustable based on certain non-monetary town actions to support agriculture (Right to Farm Bylaw, Agricultural Commission, Permit Tracking)

⁶ Amount is actual spending of State funds plus NRCS reimbursement on eligible projects

⁷ Special transfer to MDAR budget for large Landscape Partnership Project with APR component not eligible for federal reimbursement

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