

Protecting Farmland *FOR* Farming

WHAT TO EXPECT WHEN YOU'RE PROTECTING (OR BUYING)



Panelists:

- Jerry Cosgrove, New World Foundation
- LouAnna Perkins, Maine Farmland Trust
- Jon Ramsay, Vermont Land Trust
- Kathy Orlando, Sheffield (MA) Land Trust

Overview:

- Access to affordable farmland consistently cited as one of the most prevalent challenges facing both new and established farmers alike
- Increasingly, farmers and ranchers are—
 - ◆ Buying or leasing protected land
 - ◆ Involved in simultaneous purchase of land and sale of an easement

What makes easements farm-friendly?

- Primary purpose of easement=protection of agricultural soils/working farmland, current and future agricultural viability/productivity
- Allows flexibility to adjust to changing market and production conditions, now and in the future
- Avoids purposes and terms/conditions that impair use of the property for agriculture, now and in the future

Terms and Conditions

- Purposes
- Definitions
 - Agriculture
 - Other key terms
- Agriculture enterprises
 - Location of—envelopes, zones
 - Limits—impervious surfaces
 - When does something become purely commercial?

Terms and Conditions, cont.

- Ancillary or rural enterprises
 - Extent allowed
 - Where allowed
 - Energy production—farm use v commercial production
- Housing
 - Owner
 - Farm labor
- Subdivision
- Approvals
 - Sole discretion

Terms and Conditions, cont.

- Management restrictions
 - Conservation plans
 - Resource protection areas
 - Sound/normal agricultural practices
- Amendment
- Affordability
 - Affirmative covenant to farm
 - Housing limitations
 - Owner/operator limitations
 - Option to purchase at ag value

Resources

- Farmland Information Center (AFT/NRCS)
(www.farmlandinfo.org)
 - Agriculture Conservation Easement Language from Selected Farmland Protection Programs
 - Drafting Conservation Easements for Agriculture (Anderson and Cosgrove)
 - Selected Easement Documents (will post sample easements from Maine Farmland Trust and from MA and VT state PACE programs)



Saving the Land that Sustains Us



American Farmland Trust

www.farmland.org