

# Easement deed language VHCB/VLT

### A. Purposes of the Grant

1. Consistent with the goals set forth in 10 V.S.A. §~ 821 and 6301, the Grantor, Grantees and the United States acknowledge that this Grant is acquired with its primary purpose being to protect in perpetuity the agricultural use and future viability of the Protected Property. The primary purpose includes the purpose of promoting the sustainable management of soil resources in order to facilitate active and economically viable farm use of the Protected Property now and in the future.



# Easement deed language

### **AFT**

**Conservation Purposes.** The current and continued use of the Protected Property for agricultural purposes (as defined and permitted herein) and any permitted agricultural improvements are consistent with preserving and protecting in perpetuity the open space, scenic, natural habitat, shoreland, wetland, and other Conservation Values of the Protected Property. In furtherance of the preservation and protection of the agricultural and other Conservation Values, it is the mutual intention of Owner and Land Trust that the Protected Property be used and managed pursuant to a holistic, systems approach to agricultural production which protects and promotes the health of the agricultural and natural resources of the Protected Property (such as soil health, air and water quality, biodiversity, and habitat) and endeavors to maximize the environmental benefits from agricultural systems, rather than just reducing harms.

## Easement deed language

### **Whiterock Conservancy**

WHEREAS, more specifically, the Property has been farmed with no-till methods for decades and with cover crops continuously since 2013 and has maintained continuously-vegetated waterways, headlands, contour buffers, terraces, tiled drainage along waterways, and other erosion control structures for decades, and whereas all of these conservation practices have greatly enhanced the health of the soil and reduced erosion and other factors deleterious to water quality, and the Easement will protect and preserve lowa's natural resources by promoting and protecting the soil health and enhancing water quality, thereby advancing clearly delineated Federal, State, and county conservation policies and yielding a significant public benefit; and



# Easement deed language

1. Purpose. It is the purpose of this Easement to preserve the Property as sustainable, scenic, open-space agricultural land by protecting it from soil erosion and by maintaining or enhancing soil health and by permitting the erection of buildings and other structures only within the delineated Building Envelopes. This Easement exists to prevent any use of the Property that would significantly impair or interfere with its Conservation Values. The primary Conservation Values intended to be preserved on these scenic, open space lowa farms are healthy agricultural soils with healthy soil properties (particularly soil water aggregate stability and soil organic matter) and with minimal farminginduced and maintenance-induced soil erosion.

# **Management Plans**

**Issue:** How to ensure farming practice standards in ACEs while providing farmers with flexibility to adopt new, better practices in the future?

**AFT's Solution:** General requirements within ACEs for protected land to be farmed according to a *Regenerative Management Plan* 

- AFT does <u>not</u> prescribe specific farming practices in its easement.
- Plans are flexible and can/should be modified to address changes in agricultural production on the property or include new methods or that emerge.
- Landowner and AFT review the plan *regularly* (10 years) and with significant changes to the property's use or changes to ownership.
- Can be more or less complex depending on AFT's capacity to monitor the plan.



### **Management Plan Details**

#### Purpose of the plan:

- enhance soil health, conserve soils, and sequester carbon;
- conserve and promote the efficient use of water and energy;
- minimize waste;
- improve air quality;
- support biodiversity;
- minimize adverse impacts of chemicals to agricultural resources;
- increase resilience to climate and environmental stressors; and
- produce abundant healthy food.

#### Plans Must Address (min. rqmts):

- agricultural soils management and enhancement;
- non-productive land e.g. field edges, wetlands, land under and around structures, access roads;
- weed/invasive and pest management;
- water resources, including soil water retention, irrigation water management, drainage management and improvement;
- wildlife habitat;
- crop placement and rotation;
- grazing management;
- forested areas.



# **Management Plans**

#### **Plan Baseline**

Additional Minimum Standards or Practices. Any revised Plan shall endeavor to result in equal or greater protection and preservation of the Conservation Values of the Protected Property and equal or greater ecosystem services than provided under any previous Plan. However, Owner and Land Trust recognize that changes in economic conditions, climate conditions, evolution of the Conservation Values, or other circumstances may warrant a temporary change in practices. Land Trust may, at the written request of Owner [and agricultural operator] temporarily suspend provisions of the Plan or approve less favorable practices which do not significantly impair the long-term protection of the Conservation Values to the extent such less favorable practices are necessary to maintain the economic and functional viability of the Protected Property for agricultural uses.



### **Stacked Conservation Approach**







AGRICULTURAL PRACTICES MANAGEMENT PLAN



AGRICULTURAL
PRACTICES
MANAGEMENT
PLAN CONTRACT



### **Stacked Conservation Approach**

### **Contract Language (DRAFT):**

WHEREAS, the Property is encumbered by that certain Conservation Ease	ement
dated and recorded in the land records of Coun	ity on
in Doc. No. and held by MLT (the "Easement"). The Easement pr	otects
the open space, scenic, agricultural, natural habitat, shoreland, wetland, and	other
conservation values [modify accordingly] of the Property and requires agrical	ultural
activities on the Property to be conducted in accordance with an agricular	ultural
practices management plan (the "Plan"). The purpose of the Plan is to enco	ourage
the implementation of a holistic, ecosystems approach to the agricultural us	ses for
the Property, in order to, among other things, achieve certain d	esired
environmental outcomes. The current Plan for the Property is dated	_; and

### **Stacked Conservation Approach**

WHEREAS, consistent with the Plan, Participant desires to implement specific agricultural management practices (the "**Practices**") which are intended to produce or realize certain desired ecosystem services (the "**Ecosystem Services**"). Ecosystem Services include the reduction in nitrogen, phosphorus, and sediment in water, the reduction in total GHG emissions, and other benefits; and

WHEREAS, MLT desires to compensate Participant for the estimated Ecosystem Services to be produced or realized in connection with implementation of the Practices;



### **QUESTIONS?**