

AGRICULTURAL CONSERVATION EASEMENTS: THE ROLE OF NON-GOVERNMENTAL ORGANIZATIONS¹

This report is the first in a series of reports to the Natural Resources Conservation Service, U.S. Department of Agriculture, regarding various farmland protection policy options

I.) Background and Introduction

One of the most valuable “sticks” in the fee simple bundle of rights commonly known as “private property” is the right to develop that land (Lindstrom, 2000). A conservation easement is a legal instrument designed to temporarily or perpetually remove the right to develop from other rights in the bundle (Gustanski and Squires, 2000). That right is typically severed from other ownership rights and conveyed to a unit of government or a qualified non-profit conservation organization for the public benefits linked to open or undeveloped land. The right to develop cannot be exercised by the easement holder absent the other user rights, so the development right is effectively “shelved” while the easement is in effect.

Ohio Revised code is fairly typical in its definition of an agricultural conservation easement:

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...an incorporeal right or interest in land that is held for the public purpose of retaining the use of land predominantly in agriculture; that imposes any limitations on the use or development of the land that are appropriate at the time of creation of the easement to achieve that purpose; that is in the form of articles of dedication, easement, covenant, restriction, or condition; and that includes appropriate provisions for the holder to enter the property subject to the easement at reasonable times to ensure compliance with its provisions. O.R.C. § 5301.67.

Thus, by acquiring conservation easements, agricultural land trusts can work with landowners to create permanent limitations on future non-agricultural development of land (Medvitz, Sokolow, and Lemp, 1999). Private land trusts, holding conservation easements on farmland, thereby obtain both the right and responsibility to preclude future development of the land (American Farmland Trust, 1997). The easement holder has the responsibility to assure that the public's interest in that farmland is protected. Although conservation easements are designed to protect a wide spectrum of land uses and traits, agricultural conservation easements are the private sector's most commonly used legal tool for preserving farmland (Gustanski and Squires, 2000).

According to recent figures of the Land Trust Census, almost 2.6 million acres of land in the United States have been preserved using conservation easements (Land Trust Alliance, 2001). No specific data were available from this census as to how many of these easements were for working farmland. The efficacy of conservation easements is partly due to their purely voluntary nature. Further, outright ownership of land by the public is an unattractive alternative because of the high costs of both buying

and managing the land. With easements, farmland stays in private hands with all of the economic incentives for sound management as farms (Lindstrom, 2000).

Conservation easements are either donated or sold by a willing landowner to a qualified holder. In return, a landowner receives a direct economic gain in either tax benefits or cash (Rilla and Sokolow, 2000). In practice, most land trusts will seek to acquire an easement on a property through a purchase and donation combination. A land trust will often propose a “bargain sale”, in which part of the easement is acquired for cash, and the remainder is acquired via charitable donation (Daniels and Bowers, 1997).

Tax advantages to the easement donor include both income and estate tax deductions. Section 170(h) of the U.S. Tax Code, which became law in 1980, allows a taxpayer to claim an income tax deduction for the charitable donation of a conservation easement to a qualified donee (Gustanski and Squires, 2000, p.56). An individual donor can reach an income tax deduction of up to 30 per cent of one’s adjusted gross income, and a corporate donor can realize an income tax deduction of up to 10 % of taxable income (Lindstrom, 2000).

The second tax advantage available to donors of conservation easements is estate tax deductions. U.S. Internal Revenue Code 2055(f) allows the estate to deduct the value of the conservation easement from the estate’s taxable value (Lindstrom, 2000). Additionally, section 2031(c) permits an estate’s “executor to exclude up to 40% of the value of land (not

structures) that is subject to a conservation easement from a decedent's estate for federal estate tax purposes" (p.61, Gustanski and Squires, 2000).

To qualify for such tax advantages under the Internal Revenue Code, easements must be perpetual in term, and must be donated to a qualified entity. Eligible entities include federal, state, or local governments, as well as 501(c)(3)-qualified non-governmental organizations (NGOs) with the ability to enforce easements (Lindstrom, 2000). Further, there must be clear evidence that the public interest will be served by the easement transfer. Purposes for the acquisition must be clearly spelled out in the enabling law.

An agricultural landowner's economic gains may be cash, rather than simply tax benefits, when a landowner sells rather than donates the development rights. In fact, private trusts that have the financial means to purchase conservation easements tend to be more successful than trusts that only have the means to accept donated easements (Medvitz, Sokolow, and Lemp, 1999).

Funds come from an assortment of state, local, and non-public sources (see Rilla and Sokolow, 2000). A survey of private land trusts was conducted as part of this NRCS project in August, 2001 (see Appendix I). The states of Pennsylvania, Maryland, New Jersey, New York, Wisconsin, Florida, California and North Carolina were selected from the list of 20 receiving federal funds under the Farmland Protection Program, with mailed surveys going to all private land trusts within those states, a total of 647 trusts. 170 completed surveys were returned, though not all of the respondents had

farmland in their easement portfolio. Of those surveyed land trusts that do preserve agricultural lands, the majority received multiple sources of funding, with state and local governments being the largest sources. The majority of government funding for these trusts was derived through specific income taxes, sales taxes, property taxes, or sale of bonds.

After state and local governments, the most common funding sources for the survey respondents were membership dues and private contributions, including corporate foundations and endowments. Additionally, four respondents specifically cited the federal Farmland Protection Program as a source of funds.

The fact that those trusts that can purchase easements are more successful suggests that landowners prefer to sell rather than donate, or at least have some cash component to the transaction. A primary motivator for selling easements may appear obvious, in that high easement prices tend to establish rather pleasant incentives for agricultural landowners to sell their development rights (American Farmland Trust, 1997).

The need for cash is not the solitary motivator for farmers to sell conservation easements. In a Pennsylvania study, the top three reasons farmers cited for selling easements were to save farmland, improve farm finances, and fund retirement (Maynard, Kelsey, and Lembeck, 1995). A California study substantiates these results, citing agricultural preservation as the single most important factor considered by landowners when selling easements (Rilla and Sokolow, 2000). In both studies, agricultural

landowners were motivated to sell conservation easements by both ideological and economic incentives.

II.) Extent of NGOs involvement in farmland protection

Although conservation easements can be used by the government and private-sector alike, it is private land trusts that “have capitalized on the strength and flexibility ” of conservation easements (Gustanski and Squires, 2000, p.14). Land trusts are established for a variety of reasons (Fairfax and Guenzler, 2001). Hence, there is a very broad range of objectives, motivations, and governing philosophies amongst private land trusts. Many trusts have no specific involvement in agricultural land at all, and others have minor interests in preserving agricultural lands. Still, others exist for the sole purpose of preserving farmland. Those differ from other trusts by the specific by-laws of their organization, as well as the major presence of farmers on boards of directors (Medvitz, Sokolow, and Lemp 1997).

This diversity among land trusts is apparent from the survey noted above. Of the 170 trusts responding to the survey, almost 53 % reported having no interest in preserving agricultural lands at all. The bulk of the remaining 47 % of responding trusts were only partially interested in preserving working agricultural lands.

Those that do have working farmland in their portfolio tend to collaborate extensively with the public sector. There are many examples of state farmland protection programs that heavily collaborate with non-

governmental organizations. The reasons for the status and effectiveness of public-private partnerships are further discussed in Section IV.

In the state of Vermont, for example, private land trusts are significantly integrated into the state government's farmland protection efforts. The Vermont Land Trust presents farmland preservation projects to the public Vermont Housing and Conservation Board, which then channels state funding back to the Vermont Land Trust to acquire conservation easements on agricultural lands (Daniels and Bowers, 1997).

The Vermont Land Trust will receive approximately two dollars in private contributions for every dollar received from the VHCB (American Farmland Trust, 1997). Such a strong public-private partnership has enabled The Vermont Land Trust to preserve 50,000 acres of farmland since 1978, either solely or in partnership with other entities (Gustanski and Squires, 2000; Daniels and Bowers, 1997).

In New Jersey, the State's Agricultural Development Committee explicitly appropriates funds to private trusts within the state. Cost-sharing funds of up to 50 per cent are allocated to assist NGOs in acquiring conservation easements on farms (New Jersey SADC, 2000). Out of the program's \$80 million budget in fiscal year 2000, \$2 million was specifically allocated to private land trusts (New Jersey SADC, 2000).

The state of North Carolina relies heavily upon private trusts in the state's farmland preservation efforts. In fact, The North Carolina Department of Agriculture and Consumer Services authorizes The Conservation Trust for

North Carolina to administer the funds of the state's farmland preservation program (Conservation Trust for North Carolina, 2001). Not only does a NGO administer the state's funding, but some of the primary recipients of the program's \$2 million reserves include non-profit land trusts (Conservation Trust for North Carolina, 2001).

The state of Michigan has an ideal working relationship with a notable private trust, the Conservation Fund (Kohring, 2001). The Conservation Fund is a national conservation organization based in Washington D.C., with 19 additional offices located across the country, from Vermont to Alaska (The Conservation Fund, 2001). The Conservation Fund's association with Michigan is based out of the trust's Midwest office, located in Chicago.

The Conservation Fund contacts the landowner, takes him/her through the paperwork, and negotiates the easement purchase price with the farmland owner. If the deal comes together, then the state of Michigan pays the Conservation Fund a fee equal to 1 % of the purchase price of the easement at the time of the contract closing (MacDougall, 2001).

Under a separate and additional contract, the Conservation Fund then monitors the conservation easements for \$150 per monitoring visit per easement (Kohring, 2001). Although the Conservation Fund has no enforcement powers, staff monitor the easement once per year, and report any problems and recommendations to the Michigan Department of Agriculture.

The partnership between private trusts and the public sector is not limited to the state level of government. A prominent example of a more local

collaboration is the alliance between Lancaster County, Pennsylvania and the Lancaster Farmland Trust. The public-private partnership resulted in the holding of joint easements, as well as each acquiring adjacent properties to achieve common goals (Daniels and Bowers, 1997).

III) Treatment and accommodation of farming by NGOs

There is often a strong correlation between the agricultural restrictions that a land trust specifies within a conservation easement, and the price paid for the easement (American Farmland Trust, 1997). Hence, as more agricultural production restrictions are placed upon a given property by the easement to assure that the public's interest in that land is protected, the more expensive the easement purchase becomes.

As both government agencies and private trusts are investing extensive funds to preserve agricultural land, they may want some assurance that their investment will be meaningful. Collectively, conservation easement laws recognize "the ability of the easement to impose restrictions and limitations on the activities of the landowners" (Gustanski and Squires, 2000, p.34). Although the majority of conservation easements do not restrict agricultural production operations, primary survey data collected found that approximately 60 % of survey respondents with agricultural easements required some limitations to farming practices. The most frequent limitations seek to prohibit farming within riparian zones, and require establishing Best Management

Practice plans, soil conservation plans, and plans to enhance water quality on the easement-protected property.

Taken as a whole, surveyed land trusts tend to require a rather extensive continuum of farming restrictions, reflecting the differing objectives and philosophies of various trusts. Seven trusts restricted logging and required forest management plans, and seven others restricted herbicide, pesticide, or chemical fertilizer use. Three other surveyed trusts prohibited the construction of additional agricultural structures, and another trust explicitly forbade “concentrated animal husbandry.” One trust prohibited the making of hay between May 10th and July 15th to protect field nesting birds, and another trust required that fencing be limited so as to ensure that deer have access to the property.

Even among those trusts that value the preservation of farmland, there are other competing interests. Such competing interests include environmental enhancement, wildlife accommodation, and scenic protection.

IV) Easement Monitoring

The pillars of any successful agricultural easement program are the easement holder’s effectiveness in monitoring the easement and motivation to enforce the easement (Gustanski and Squires, 2000). That is, conservation easements are only as useful as are the efforts to monitor and enforce easement restrictions.

The monitoring and compliance of an easement are typically up to the entity holding the easement. Hence, the need to effectively monitor

conservation easements might burden land trusts with a large and expensive responsibility (Gustanski and Squires, 2000). Critics of private trusts often question the ability of small organizations to adequately monitor large easements with small budgets and limited staff. Proponents of private trusts, on the other hand, submit that highly motivated volunteers, who often live in close proximity to protected properties, can and do effectively monitor easements.

Most easement monitoring is conducted on an annual basis. The continuum of responses ranged from daily and monthly monitoring to inspecting a property once every three years. In most cases, supplemental monitoring occurred as needed. A California study also found that trusts annually inspected easement properties (Rilla and Sokolow, 2000). Surveyed trusts indicated that their preferred monitoring method is an on-site visit, with a walk around the property. Still, some trusts preferred flyovers and aerial photography.

Regardless of the frequency or method used, it is important in most cases that monitoring be a less intrusive and more informative process than is currently the case (Rilla and Sokolow, 2000). Active cooperation with the landowners is often the most efficient, and least costly, method to achieving land stewardship objectives.

V.) Strengths and weaknesses of NGOs

Non-governmental organizations have inherent strengths and weaknesses relative to government in the securing and managing of agricultural conservation easements. Private trusts have the strength of responding more quickly and with more flexibility than public agencies, but have constricted finances, and therefore are seldom able to protect a critical mass of agricultural lands (Daniels and Bowers, 1997).

In the 2001 survey of private land trusts in selected states, respondents were asked their views on whether the private sector or public sector is better equipped to prepare, hold, and monitor conservation easements on farmland. The most commonly cited strength of non-governmental organizations was that land trusts have closer relationships with landowners, and hence agricultural landowners are more trusting of private groups than governmental entities. In California, farmers and ranchers are becoming increasingly supportive of the efforts of private trusts (Medvitz, Sokolow, and Lemp, 1999). One state's farmland preservation program director commended private trusts for having closer ties to the local communities, and for not being hindered by state rules of procedure, personnel constraints, and political pressures. In fact, taken as a whole, private trusts are noted for their ability to adapt to almost any circumstance when the property in question has important open-land qualities (Fairfax and Guenzler, 2001).

The most commonly cited weakness of NGOs as easement holders was that private trusts do not have the permanence or sufficient financial

support to adequately protect lands. The single greatest constraint of California's private sector conservation easement efforts is sufficient funding (Medvitz, Sokolow, and Lemp, 1999).

Fairfax and Guenzler (2001) address other faults of conservation trusts. First, a large percentage of trusts perform poorly, because of the relative ease with which one can establish a trust. Secondly, trust accountability procedures may not always harmonize with conservation objectives (p.36).

The end of section II mentioned many successful collaborative efforts between the public and private sectors in preserving farmland through conservation easements. The success in farmland preservation through a public and private sector synergy is by no means accidental. Each entity's forte can serve to mitigate the weakness of the other (Daniels and Bowers 1997). Thus, the intrinsic strengths of private trusts (confidence of landowners, speed and flexibility in structuring easements) match well with the inherent strengths of the public sector (substantial funding, more resources, legal strength to enforce easements).

VI.) Brief Conclusions

The pivotal role that non-governmental organizations play in U.S. farmland protection is beyond dispute. However, the degree to which private trusts should be integrated into federal farmland protection programs, and thereby become eligible for federal dollars, does generate more discussion.

As witnessed by the successful stories of Vermont, North Carolina, Michigan, New Jersey, and Pennsylvania, a strong public-private partnership can clearly work.

The demand of agricultural landowners for conservation easements typically exceeds available funds (Medvitz, Sokolow, and Lemp, 1999). One of the biggest limitations to the success of conservation easement programs is the relatively high public cost of such programs. For this reason, the integration of private trusts into governmental easement acquisition efforts is advantageous. Private trusts can often match public funds, thereby opening doors for additional monies to preserve agricultural lands (Marshall, 2001). Furthermore, research suggests that the general public places a very high degree of confidence in private conservation trusts (Gustanski and Squires, 2000). Among surveyed trusts, the most frequently mentioned need with the Farmland Protection Program was for more funds, and public/private partnerships may be part of the answer.

One state program director recommended that as long as the easement acquisition process is transparent and accountable, the private sector NGOs should be an important part of any farmland protection initiative.

The Agricultural Risk Protection Act of 2000 (H.R. 2559) expanded the role of land trusts in the Farmland Protection Program. Under section 211(a), the Secretary of Agriculture was permitted to use Commodity Credit Corporation funds in making payments to:

- (1) any agency of any State or local government, or federally recognized Indian tribe, including farmland

protection boards and land resource councils established under State law; and

(2) any organization that--

(A) is organized for, and at all times since the formation of the organization has been operated principally for, one or more of the conservation purposes specified in clause (i), (ii), or (iii) of section 170(h)(4)(A) of the Internal Revenue Code of 1986;

(B) is an organization described in section 501(c)(3) of that Code that is exempt from taxation under section 501(a) of that Code;

(C) is described in section 509(a)(2) of that Code; or

(D) is described in section 509(a)(3) of that Code and is controlled by an organization described in section 509(a)(2) of that Code (H.R. 2559).

After the enactment of the Agricultural Risk Protection Act 2000, the political environment has begun to favor strengthening the role of NGOs in farmland protection. At the time of this writing, both the House and Senate Farm Bills have language explicitly allowing for the funding of land trusts in the Farmland Protection Program. A conference committee has been established to reconcile differences between House and Senate versions, with a vote expected early in 2002.

The current Senate version of the next Farm Bill (at the time of this writing) allows for federal cost sharing with NGOs under Section 217 “Farmland Protection Program”. The House version of the Farm Bill, already approved as H.R. 2646, also qualifies non-governmental organizations as “eligible entities” in the Farmland Protection Program, on pages 157 and 158 (H.R. 2646, 2001).

As evidenced by the Farm Bill developments, the wheels are already in motion for the increased involvement of private trusts in government programs. With the optimal mix of public funding and private expertise, joint efforts to utilize easements in farmland protection can continue to accomplish conservation objectives.

The flourishing operational relationship that the state of Michigan has with the Conservation Fund serves as an excellent example in underscoring the potential of public and private sector collaboration. The state of Michigan provides the mandate and the money, and the Conservation Fund provides the highly skilled people to set up the conservation easement program and implement it (Kohring, 2001).

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**APPENDIX I:
AGRICULTURAL EASEMENTS SURVEY INSTRUMENT
AND SUMMARY OF RESULTS**

**AGRICULTURAL EASEMENTS SURVEY
AUGUST 2001**

I. GENERAL INFORMATION

1.) For how many years has your organization been in operation?

2.) How many total people are on your organization's staff?

_____ Full-time employed

_____ Part-time employed

_____ Volunteer staff

3.) In your easement acquisition program(s), does your organization currently rely on funding from:

Please check all that apply

_____ Local Government

_____ State Government

_____ Other:

If your organization does receive government dollars for your easement acquisition programs, what are the specific sources of those government dollars?

II. EASEMENT BACKGROUND

1.) Does your organization currently hold any active farmland under agricultural conservation easement?

Yes

No

If yes, then please check all agricultural land uses apply to your organization's easements:

Crops

Pasture

Woodlot

Horticulture

Other

2.) How many TOTAL acres of active farmland are held under easement by your organization?

Crop acres

Pasture acres

Woodlot acres

Horticulture acres

Other acres

3.) For how many years has your organization been holding easements on any active farmland ?

4.) What proportion of your total land portfolio consists of farmland that is actively farmed?

5.) Are any active farmlands held under a TEMPORARY easement?

____ Yes

____ No

If yes, what is the specified length of time for such a TEMPORARY easement?

III. EASEMENT USAGE

1.) In accordance with your easement agreements, are there any general limitations placed upon farming practices to assure that other land use objectives are achieved?

____ Yes

____ No

If yes, briefly describe:

2.) Does your organization require a conservation plan with farmland easements?

____ Yes

____ No.

3.) If your organization does require a conservation plan with easements, who bears the financial responsibility for compliance with such conservation measures?

- Farmland owner pays full costs
- Your organization pays full costs
- Government cost-share (local, state, federal)
- Other

If a government cost-share plan is used to aid in financing conservation measures, what percentage of the total cost does the government incur? ____%

4.) Once farmland is placed under easement, how does your organization monitor that easement?

5.) How often does your organization monitor that easement?

6.) Is any of the farmland that your organization holds under easement also located in one of your state's Environmental Quality Incentives Program (EQIP) geographic priority areas?

- Yes
- No
- Do not know

IV. EASEMENT ACQUISITIONS

- 1.) In your experience, have you found farmland owners to be more willing or less willing to sell conservation easements than owners of other land types?

____ More willing

____ Less willing

____ No difference

Please briefly explain answer:

- 2.) From the following list, please rank the **four** most important land characteristics that your organization uses in setting land purchase priorities.

That is, if two parcels have the same per-acre price, which of these traits would be most important?

Please rank in order of importance, with the top

trait =1, and the fourth most important trait =4

____ Open space quality

____ Soil Type

____ Proximity to urbanized or developed areas

____ Proximity to viable agricultural area

____ Ownership characteristics of land (family, corporate, etc.)

____ Proximity to natural or environmentally sensitive areas

____ Proximity to streams, rivers, lakes, or other water sources

____ Other:

3.) What changes to the federal farmland protection program would aid in making active farmland a larger part of your easement portfolio?

4.) Are private land trusts better equipped to structure, hold, and monitor conservation easements on farmland than governmental entities?

____ Yes

____ No

Please briefly explain answer:

SUMMARY OF KEY SURVEY RESULTS

74 out of 170 Survey Respondents specifically involved in preserving active farmland through donated easements, purchased easements, or fee simple title

Average age of responding trust: 15.5 years

(Range: Less than 1 year to 46 years)

Average staffing of respondents: 3 full time staffers, 1 part-time, 3 volunteers

(Range:0-24 Full time staffers, 0-13 part-time, and 0-25 volunteers)

[] indicates the number of respondents associated with given response

FUNDING SOURCES

- [35] State government (income tax, sales tax, or bonds)
- [20] Local government (property tax, sales tax, or bonds)
- [9] Membership dues/private contributions
- [6] Foundations/endowments 6
- [4] USDA Farmland Protection Program 1
- [3] California State Coastal Conservancy
- [4] Federal Government
- California Department of Forestry
- California Department of Transportation
- State Department of Environment, Fisheries, and Wildlife
- National Fish and Wildlife Foundation
- New York City Department of Environmental Protection
- Offshore Oil Royalty Revenue

The majority of groups receive several sources of funding, with state governments and local governments being the largest sources, respectively.

MONITORING OF EASEMENTS

[52] Annual monitoring**

- Semi-annual
- Every three years
- daily/monthly/quarterly
- sporadically/variably

[42] On-site inspection/walk over**

- Walk land / On-site inspection,
- fly-over
- photos
- Each parcel is assigned stewards, who live near the property so that unusual activities can be checked out
- One written report per year/several oral reports
- Pre-logging and post-logging inspections

The majority of monitoring is scheduled for once per year, with an on-site visit. Supplemental monitoring occurs as needed.

LIMITATIONS TO FARMING PRACTICES?

- [31] No
- [39] Yes*
 - [9] No agriculture within riparian zone/vegetative buffers of waterways
 - [7] Whole farm plan/good practices/conservation plan
 - [9] Soil conservation plan/Water quality
 - [7] Restricted logging/forest management plans
 - [7] Restricted herbicide/pesticide/chemical fertilizers
 - [3] Prohibition of agricultural related structures
 - Haying must occur before May 10th and after July 15th to protect field nesting birds
 - Exclusion of concentrated animal husbandry
 - Fencing limitations to ensure use by deer
 - Scenic protection

Plans that limit farming practices to some degree are generally required by the trusts

SUGGESTED CHANGES TO FPP

- [33] More funds allocated to the program***
- [4] More incentives to encourage the donation of easements (tax credits, property tax reductions)
- [2] Funding specifically for easement monitoring, stewardship
- [2] Make more information available about the Farmland Protection Program
- Make sales proceeds from a conservation easement tax exempt/reduce capital gains for PDRs
- Block grants to private trusts, to cut through red tape
- Outright grants, not necessarily matching funds
- More funding to staff state PDR agencies
- Recognition that rangeland is different from, but just as important as traditional agricultural lands
- Principal problem is the wait for funding
- Allow the 50% match requirement for easement acquisition to met by using donated land value by the landowner
- Broader interpretation of “agriculture”
- ITC- Investment Tax Credit, Extended carry forward
- Pass all money to states rather than maintain federal bureaucracy
- Grants to 501(c)3 Land trusts based upon TEA-21 type procedures

ARE LAND TRUSTS BETTER THAN GOVERNMENT ENTITIES?

[46] Yes**:

- [12] Land trusts have closer relationships with landowners/landowners more trusting of private groups
- It's all land trusts do, it's the core competency of land trusts
- Land trusts explicitly set aside funds for monitoring and defense of easements
- Land trusts are community members, thus increased monitoring
- Land trusts are not subject to political whims
- Private trusts are flexible- can tailor specific easement agreements to specific properties
- Generally, govt. agencies do not adequately monitor their easements
- Most discretionary, professional activities are more efficient, more economical, and less expensive privatized
- Government entities lack the capacity to monitor easements on a regular basis

- Government entities are subject to broader agency directives and mission
- Municipalities are always tempted to look at preserved land under their control for other municipal uses (schools, DPW, etc.)

[16] Maybe:

- Needs to be a partnership between both: Government for administration, land trust for nonpolitical continuity
- Needs to be a collaborative effort: Land trusts and state agencies
- Depends on size and budget of land trust
- Depends on commitment of organization
- Depends on political will in both cases. It's the variance process that softens everything
- Depends if private trust has adequate legal resources
- Private trusts have access to broader funds (public and private), but that may not translate into overall better easement holding
- Private trusts are better equipped to monitor and negotiate, but not to structure and hold

[5] No:

- Agricultural easement programs are well administered by counties
- Local conservation commission has more staff, and can better monitor easements
- Government agencies are more permanent
- Too many land trusts are ephemeral in nature
- Government funding is extensive, while private groups can usually only handle small, localized tracts and parcels
- Private trusts are poorly funded and minimally staffed to carry out adequate monitoring

Government entities have more resources to structure, enforce, and defend easements. However, landowners are typically more trusting of land trusts than government agencies.

ARE FARMLAND OWNERS MORE OR LESS WILLING TO SELL EASEMENTS THAN OWNERS OF OTHER LAND TYPES?

[23] No difference

- Varies case by case
- Farmland owners are equally interested in conservation easements
- We preserve farmland and natural lands, and have not seen a significant difference
- Farmland in our area is owned by gentleman farmers; same motivations as other land owners

[15] Less willing

- Extremely high land values make placing an easement on farmland not the most economically viable option
- Reluctant to give up rights which can be passed on to heirs
- Farmers are weary of any offer sounding too good to be true
- Active farmers need more financial certainty; investors who rent out property more likely to participate
- Many true ranchers/farmers are suspicious of local/state/fed agencies that provide grant funds. Fear of strings attached to government money
- Some farmers want to farm until they no longer can farm, and then sell the property for development

[13] More willing

- Receive cash and still have their land to farm and retire on
- Selling easements allows farmers to reinvest in agricultural enterprises
- Other landowners more likely to donate easements; farmers more likely to sell easements as they need cash
- Farmers have a deep appreciation of land and want to see it stay in agriculture
- Farmland owners are more interested in the options afforded by conservation easements