

## HUNTERS CAN HELP SAVE FARMLAND

Farmland loss is having a dramatic effect on hunters. According to the Izaak Walton League of America (IWLA), hunters long have relied on informal agreements with farmers to provide access to wildlife habitat for recreational hunting. Traditionally, in exchange for permission to hunt on a farm, hunters have provided labor, wildlife management, game meat and care of the land. According to IWLA's Joshua Winchell, the relationship hunters and farmers establish builds a sense of community. "As more and more land is split up for development," he says, "it is harder to establish that kind of relationship." Displaced by this development, more hunters request permission to use the remaining agricultural lands.

Although many farmers view free public hunting access on their lands as an old and respected rural tradition, others see fee hunting and hunting leases as a way to supplement their income and to sustain their farming operation. Wayne Fears edits *Rural Sportsman*, a monthly insert in *Progressive Farmer*. He says, "More and more farmers realize if they spent money on wildlife resources, they could get income in return. There is a growing trend to charge day fees or lease land for a season. It's a good investment. Hunters may not want to, but in most cases they are getting more quality and exclusive use of the property, which makes it safer. Since more than 50 percent of land in the United States is private, the future of hunting, fishing and birdwatching depends on farmland. People will need to support the farmers!"

Aware that the interests of hunters and farmers coincide, some hunting organizations are taking steps to act as allies in farmland protection. Their efforts are geared as much to sustaining agriculture economically as to increasing wildlife habitat. *continued on page 6*

## INNOVATIONS

### CONSERVATION RESERVE ENHANCEMENT PROGRAM

As market values of agricultural land escalate due to development pressure, farmers are often reluctant to place even temporary restrictions on their land. A new federal program may change their minds. The Conservation Reserve Enhancement Program (CREP) underwrites substantial improvements to water quality and wildlife habitat and gives additional incentive payments to farmers who restore former cropland into riparian buffers and wetlands. It also takes marginally productive land out of agriculture and compensates farmers for the loss in agricultural products.

CREP is a state-federal conservation partnership program targeted to address significant water quality, soil erosion and wildlife habitat issues related to agricultural use. It uses financial incentives to encourage farmers and ranchers to enroll voluntarily in contracts of 10 to 15 years to plant grass and trees along streams, restore wetlands, plant cover on highly erodible land or restore native habitat. In some cases matching state funds can be used to turn the rental into a permanent conservation easement, something not allowed otherwise with federal funding. *continued on page 2*

# LANDWORKS

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American Farmland Trust is the only private, nonprofit conservation organization dedicated to protecting the nation's strategic agricultural resources. Founded in 1980, AFT works to stop the loss of productive farmland and to promote farming practices that lead to a healthy environment.

Basic membership is \$20 per year. For membership or general information about AFT, contact the National Office at 1200 18th Street, N.W., Suite 800, Washington, DC, 20036, (202) 331-7300, or connect to our web page at <http://www.farmland.org>

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**Conservation Reserve  
Enhancement Program**  
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## **Innovations** *continued from page 1*

Initiated in Maryland in 1996, CREP is a refinement and extension of the Conservation Reserve Program (CRP) administered by the U. S. Department of Agriculture (USDA) since 1986. CREP pays a higher cost-share percentage than CRP, the Wetlands Reserve Program or other federal conservation programs. Also, USDA has created a special set of rental rates that are higher than the county-based average allowed under CRP. Federal funds are applied to the cost of planting riparian buffers or restoring wetlands, as well as annual rental payments to the farmer.

So far eight states—New York, Washington, Oregon, Illinois, Minnesota, North Carolina, Delaware and Maryland—have adopted CREP programs. Natural resource priorities vary but watershed issues figure prominently. In Illinois, the program targets 100,000 acres within the Middle Illinois River watershed on which riparian buffers and wetland restoration techniques to reduce sedimentation and soil erosion have been used. In all areas, the use of native species is emphasized.

New York has prioritized 5,000 acres within the regional New York City watershed to help reduce nutrient pathogen and sediment inputs to streams and reservoirs that supply the city's drinking water. In North Carolina, nutrient loading within the Albermarle-Pamlico Estuarine System is a primary concern because *pfisteria piscicida* is blamed on agricultural runoff. Up to 85,000 acres of riparian habitat and 15,000 acres of wetlands will be eligible for grassed filter strips, riparian buffers, wetland restoration or hardwood planting. Rare and declining habitat also is eligible. Washington and Oregon jointly focus on restoring habitat for native anadromous fish, such as salmon, using riparian buffers, filter strip conservation practices and wetland restoration. Minnesota is extending its Reinvest in Minnesota program to protect and restore native prairie to reduce sediment and nutrient loading and mitigate flood damage.

States decide how to apply their portion of this partnership funding. Minnesota makes the conservation restrictions permanent. Other states may decide to increase the percentage of their cost-share with the farmer. In Maryland, USDA pays 50 percent of the cost to plant the land in question, the state another 37.5 percent, and cooperating nonprofit organizations contribute the rest; in many cases the farmer pays nothing for seed and labor. At signing, Maryland pledged \$25 million to the USDA's \$170 million to install riparian buffers and restore wetlands. As of mid-May, 914 contracts had enrolled a total of 10,472.8 acres. Another 249 contracts are currently being negotiated to protect an additional 2,209 acres.

CREP plans often originate from a state technical committee comprised of state and local government and nonprofit agencies that focus on natural resource protection. The committee is convened by the state conservationist with Natural Resource Conservation Service to prioritize natural resource issues. CREP applications must outline the state's objectives, what techniques will be employed and how those techniques will affect the target issue or area. Proposals must provide significant non-federal funding (estimated at 20 percent of total project costs) and must demonstrate support from farmers, ranchers and other local groups. Total enrollment currently is limited to 100,000 acres per state.

Eight additional states—California, Missouri, Vermont, Pennsylvania, New Jersey, Iowa, Wisconsin and Wyoming—are in the process of completing CREP proposals. Missouri is targeting small reservoirs threatened by pesticides, while California has identified habitat for endangered species.

For up-to-date information on the CREP, contact <http://www.fsa.usda.gov/dafp/cepd/crep/crephome.htm>. 

## USING RESOURCES WISELY

### DEVELOPING ALTERNATIVES TO TOBACCO IN MARYLAND

"We can't do economic development with the agricultural community if we don't stabilize it first," says consultant Phil Gotwals, who has been working with the Tri-County Council for Southern Maryland on a landmark tobacco settlement that specifically targets farmland protection in an economic development strategy. "The state has sunk hundreds of thousands of dollars in farmland preservation without addressing the root causes of why farmers are leaving the farm. You can't do one without the other."

In April, the Maryland State Senate passed the Cigarette Restitution Fund, which allocates \$265 million for implementation of an action plan for agriculture. Of this, \$100 million is specifically earmarked for farmland protection. Funds will be appropriated from the settlement of litigation against tobacco manufacturers. The plan, initiated by the Tri-County Council, emphasizes training for farmers in marketing, workforce development and development of alternative crops. Specifically targeted are small family farms with less than 100 acres, which are not eligible for the state farmland protection program.

Tobacco is the foundation of agriculture in southern Maryland. It accounts for two-thirds of the value of the region's farms on a mere six percent of the land. Because it is so labor-intensive, virtually all tobacco is grown on small to moderate-sized family farms. According to Gotwals, "Tobacco provides very high returns per acre and generates a good income opportunity for families to be able to support themselves." But the domestic market is changing, and tobacco companies are moving production overseas.

This comes on the heels of other challenges facing family farms in southern Maryland. According to the Southern Maryland Agricultural Task Force, more than a third of all local farms have shut down operations over the last ten years. In addition to a 25-year trend of consistent production cost increases, development pressures have forced land values to skyrocket. It is the fastest growing area in the state, and Maryland is the fastest growing state in the mid-Atlantic region. Although most tobacco farmers traditionally integrate other crops in their operations, tobacco is the most lucrative. Without it, more farmers are tempted to sell out.

The agricultural implementation plan will change criteria to protect smaller farms, which is expected to stabilize the agricultural land base. The cooperators who drafted the plan include representatives from the Maryland Department of Agriculture, the University of Maryland Cooperative Extension Service, Forum for Rural Maryland, Maryland Farm Bureau and the Southern Maryland Tobacco Board.

"A wide range of perspectives made this happen," says David Jenkins, executive director of the Tri-County Council. "It was an intensive but cooperative process by the entire agricultural community of southern Maryland." The multi-faceted plan compensates farmers directly for losses due to the tobacco settlement, and offers a voluntary, lump sum buy-out of tobacco production.

The plan also implements a crop transition program to underwrite a portion of the marketing and production costs as farmers identify new niche crops. It encourages agricultural research and product development in partnership with universities, public investment in infrastructure and other public-private partnerships. The strategy promotes regional marketing, workforce development and training and model programs in economic development. Finally, the plan tackles growth management and agricultural land preservation by establishing a regional land bank to purchase, hold and transfer development rights. It creates

# Settlement

**"We can't do economic development with the agricultural community if we don't stabilize it first."**

**— Phil Gotwals**

**Developing Alternatives to Tobacco in Maryland**

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## LAND ON THE LINE: Funding PACE in the 21<sup>st</sup> Century

The federal Farmland Protection Program (FPP) has run out of money. Initially funded by the 1996 farm bill at \$35 million, this enormously popular program has helped permanently protect 127,000 acres of America's best farm and ranch lands. Currently up for reauthorization as Senate bill 333 (S.333), if passed it could provide \$55 million per year through 2002 for matching grants to purchase agricultural conservation easements. Originally available to state, local and tribal entities, S.333 expands the FPP to allow nonprofit conservation organizations—such as land trusts, wildlife organizations and civil war trusts—to apply for the matching grants.

Proponents of the bill argue that including conservation organizations in S.333 will greatly expand farmland protection nationwide. Since only 19 states have programs that qualify for the original FPP, these changes would broaden political support, enable organizations in all 50 states to participate and lead to continued funding in the future.

What do you think? How can we best fund PACE programs to provide a reliable income stream for the 21st Century? What incentives can we offer landowners to encourage them to protect their land (such as eliminating capital gains tax on easement sales)? Share your opinions and join in a discussion with LandWorks subscribers by sending an e-mail message to [landworksonline@farmland.org](mailto:landworksonline@farmland.org).

To join the Landworks list server, write "subscribe" in the subject heading, and leave the body of the message blank.

## Using Resources Wisely *continued from page 3*

more flexibility in easements to anticipate changes in agricultural practices, which can accommodate the smaller family farm.

"We want to provide an environment where people can experiment with all types of production: agronomic crops, livestock, horticulture," says Gotwals. Speaking of the Southern Maryland Agricultural Commission, the lead agency implementing the plan, Gotwals says, "We don't want to be in the driver's seat, we just want to help individual farm businesses fit their farm and management style in the best way possible." They don't want to recommend specific crops or markets, says Gotwals, to avoid flooding a newly identified market. Instead, their role would be as a "coach and support system," helping with business development, research, marketing assistance, training and education.

In addition, the commission wants to provide opportunities for young farmers to move into the area. Those farms involved in a buy-out are restricted for 10 years on a term easement, providing a substantial window for a new farmer to get established on that land. Through a "critical farms program," the Council will pay an interested buyer 75 percent of the easement value, which is repaid once that farm gets into an easement program.

The Task Force hopes to permanently dedicate 25 percent of the prime farm soils in the region to agricultural use by the year 2019. According to Jenkins, this will only happen if the coalition of players continues their momentum: "We need to recognize the cooperation among different perspectives that made this happen, and move forward together." 

## GOOD DEALS

### PRESERVING THE FRENCH KING GORGE

At the confluence of the Millers and Connecticut rivers in northwestern Massachusetts, Route 2 passes over a deeply incised gorge. Wooded hillsides plunge 300 feet to the river below; beside them fertile river terraces have been farmed for centuries. The site, with its spectacular views, was owned by a power company that at one point hoped to build a nuclear power plant on the deep alluvial soils.

According to Terry Blunt, director of the Connecticut River Valley Action program for the Massachusetts Department of Environmental Management (DEM), "Given the scenic importance as well as its ecological complex, this area has been on our priority list for some while. People assumed it was already protected."

But it wasn't. Since the late 1950s, New England Power Company (NEPCo) had been purchasing land in three towns (Erving, Northfield and Gill). They razed the old farm buildings and rented the tillable land to local farmers with an annual lease. When the site proved too unstable for the nuclear plant, NEPCo planned a coal-fired plant. But with energy deregulation in 1997, utility companies were forced to divest of "non-generating lands." Six hundred sixty acres of spectacular land—including some in agriculture for three centuries—were about to go on the real estate market.

Tim Storrow, land protection program manager for American Farmland Trust, heard the land was for sale. Quickly, he assembled a team to discuss mutual interests in preserving it. Terry Blunt represented DEM's interest in the woodlands, rare species habitat and scenic values. Richard Hubbard, assistant state commissioner of agriculture, wanted to protect the farmland.

The Nature Conservancy (TNC) was interested in a slim six acres contiguous to already-protected TNC land at Stacy Mountain, which had an extraordinary community of Gray's sedge, a state-listed rare species. Collectively they mapped out their interests and a strategy. DEM requested special project funds from the State's Open Space Bond Bill through the State Executive Office of Environmental Affairs.

Timing was critical. NEPCo wanted to deliver the deal by the end of the calendar year, only six months away. Rich Hubbard explains: "Given the magnitude of the deal and what appeared to be the urgency, we decided the best vehicle would be to have AFT contact and negotiate with NEPCo directly." Adds DEM's Blunt: "Government agencies can't move that quickly. AFT performed a tremendous service by being the quick buyer, with the intent of parceling the land back out."

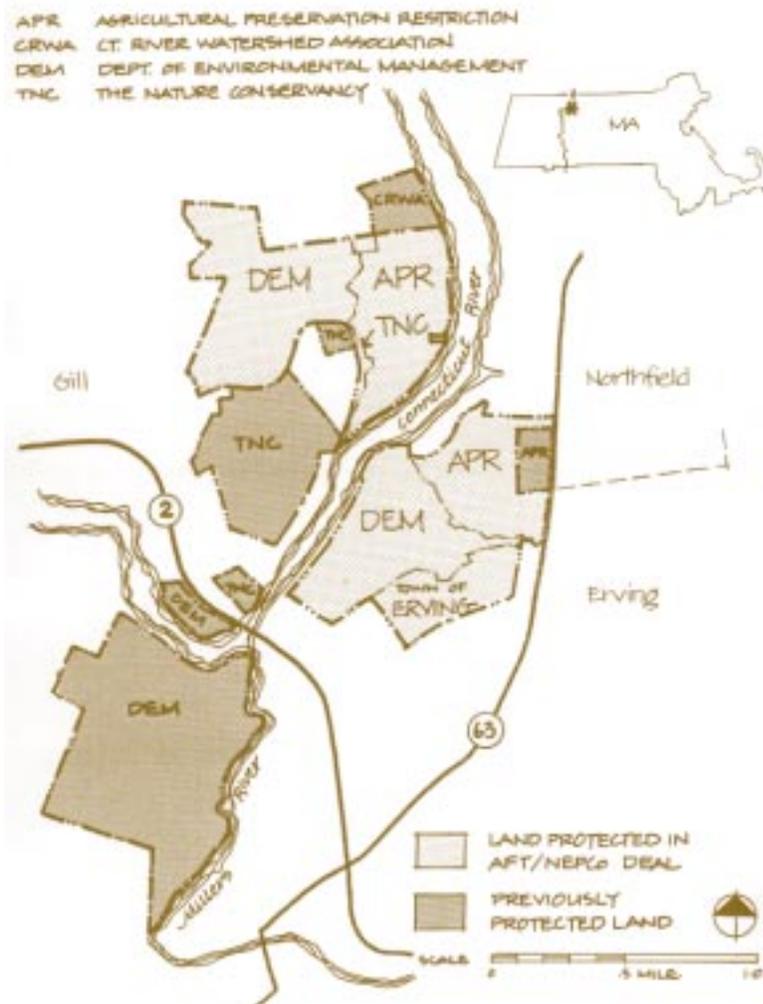
NEPCo was a willing partner in the deal. Alan Rabinowitz, NEPCo's attorney, said preserving the land in its existing condition was "the right thing to do." Nevertheless, NEPCo needed to get fair value while disposing of excess land. It wasn't until AFT came along, he says, that "someone had the horsepower to put the deal together. Each agency had a different timeline. AFT was willing to be the up-front party, who could coordinate and consolidate the fundraising efforts behind the scene."

Price was the next hurdle. NEPCo's Boston-based appraiser valued the 660 acres at \$1,750,000. AFT hired a local appraiser who did not consider one old county road viable frontage for development. This resulted in a lower value of \$1.2 million. Storrow negotiated a bargain sale with NEPCo, discounting the lower appraised value by 13 percent. "AFT brought timeliness of sale, an all cash deal, minimal contingencies and no real estate commission," says Storrow. "It would have been a two-year deal for New England Power to sell off this land for development. And there would have been public controversy." Negotiations resulted in a final price of \$1,050,000. AFT wrote the check and the deal closed on April 9.

While AFT assumed much of the substantial up-front costs, the other parties contributed as well. DEM covered the costs of a Phase I Environmental Site Assessment. The Department of Food and Agriculture (DFA) paid legal costs.

On July 6, DFA paid AFT \$387,000 for agricultural preservation restrictions on 212 acres of farmland. The farmland is slated to be sold to three local farmers whose complementary uses will rotate lands between alfalfa, corn, potatoes, and vegetables (see story in summer American Farmland).

Given the high quality of the woodland for passive recreation, DEM decided to buy 365 acres outright for \$353,000 rather than acquiring a conservation restriction and reselling the land to foresters. AFT will transfer ownership of six acres contiguous with the Stacy Mountain preserve to TNC, and the Town of Erving will acquire a 52-acre parcel with good frontage and railroad access for future industrial use. Finally, one 15-acre outparcel will be retained by AFT to eventually sell as a house lot to recover transaction-related costs.



Map: Mollie Babize

**"It wasn't until AFT came along that someone had the horsepower to put the deal together."**

**—Alan Rabinowitz, NEPCO**

**Preserving the French King Gorge**

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Photo: Jay Clark (IWLA)

## Hunters Can Help Save Farmland

*continued from page 1*

Eric Schenck is manager of agriculture and conservation policy for Ducks Unlimited (DU). While most of their farmland protection measures are indirect, he cites many examples where DU encourages and supports agricultural and silvicultural practices that benefit waterfowl needs. "Our niche is finding areas of compatibility," says Schenck.

For example, clean air standards in California preclude the burning of rice straw, which has a high silica content and doesn't decompose rapidly. As a result, costly and sensitive irrigation systems eventually become plugged up with the straw. DU works with local farmers to flood the rice fields in the winter and use rice rollers (similar to the old reel lawn mower) to chop and mix the straw with mud to accelerate decomposition. This also pro-

vides habitat for waterfowl that eat the waste seed and problem plants. In the Dakotas, DU hired an agronomist to work with local farmers in the wetland-rich eastern end of the states. Farmers are encouraged to rotate a portion of their traditional spring wheat crop with winter wheat. The result is an early crop that provides waterfowl nesting, diversifies the farmers' production and spreads out cost and time commitments. In Montana, funds from DU and the U.S. Fish and Wildlife Service have purchased grassland easements to maintain sustainable grazing operations and to restore, enhance and sometimes create wetlands.

Schenck comments, "We look for a nice marriage between what people need to make a living on the land, and also keep the habitat rich. We find that magical component to help create a sustainable practice—no till drill, barley cover crop, easements, fencing, fish screen—which also benefits waterfowl."

Pheasants Forever also works closely with farmers, primarily in the Midwest and West in the U.S., and the prairie provinces of Canada. Through acquisition and easements, Pheasants Forever has protected 41,000 acres. Joe Duggan, the St. Paul-based vice president of Development and Public Affairs, says their conservation programs must speak to the economics of farming as well. "The projects we encourage—planting trees, restoring wetlands, preventing erosion, improving water quality—are about conservation of farmland and having land management practices that will sustain the land." Local chapters also host meetings to inform farmers about various public programs to help implement conservation measures.

In Nebraska, Pheasants Forever has teamed up with the state Games and Parks Commission to provide good wildlife habitat and access for hunters on land enrolled in the Conservation Reserve Program. Landowners enrolled in the CRP-Management Access Program receive an additional incentive to provide huntable cover, if they allow unlimited walk-in hunting and trapping on those acres.

According to a recent IWLA report, at least 41 states have programs that focus on increasing public hunting opportunities on private lands and improving relations between hunters and landowners. Some train hunters on ethical practices and improving communication with landowners; others provide direct assistance in exchange for access to farmland. Assistance may be financial or technical. Several states provide assistance in controlling crop and other property damage by excessive populations of deer and geese.

**"Since over 50% of land in the United States is private, the future of hunting, fishing and bird watching depends on farmland. People will need to support the farmers!"  
—Wayne Fears**

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the Natural Resource Conservation Service in Massachusetts, Salinas sees this as a way to keep farming viable. "We've been finding a tremendous interest, among private citizens and sporting organizations, in providing recreational opportunities." He earns more in "trespass fees" for hunting on the land than he would have in beef cattle.

The growing alliance between hunters and farmers may prove to be a powerful force for protecting the future viability of both endeavors. 🚜

**Coming in the fall issue of Connection: agricultural management techniques to enhance wildlife habitat.**

## THE LAY OF THE LAND

◦ Increase in U.S. urban population 1950-1990	88%
◦ Increase in U.S. urban land area 1950-1990	255%
◦ Land-to-population growth ratio	2.9 to 1
◦ Increase in Trenton, New Jersey's urban population 1950-1990	58%
◦ Increase in Trenton's urban land area	268%
◦ Land-to-population growth ratio	4.6 to 1

*Sources: U.S. Census Bureau, U.S. Department of Agriculture as compiled by David Rusk*

◦ Amount federal Farmland Protection Program (S.333), if passed, could provide per year for purchasing agricultural conservation easements until 2002	\$55 Million
◦ Average amount New Jersey Garden State Preservation Trust Act (S.9) will provide for the next ten years for farmland protection	\$54 Million

## POLICY REPORT

### IMPLEMENTING NEW JERSEY'S AMBITIOUS OPEN SPACE MEASURE

Governor Christie Whitman signed the Garden State Preservation Trust Act (S.9) into law on June 30. Co-sponsored by Senate President Donald DiFrancesco (R), Senator Henry P. McNamara (R), Assembly Speaker Jack Collins (R) and Assemblyman Steve Corodemus (R), the act establishes a framework for implementing New Jersey's unprecedented billion-dollar open space measure.

Adopted by a two-to-one margin in a state-wide referendum last November, the measure approved a constitutional amendment:

- Dedicating \$98 million annually of the state's sales and use tax for 10 years to fund farmland, open space and historic preservation;
- Authorizing the issuance of bonds based on the dedicated revenue; and
- Earmarking \$98 million for 20 years beginning in 2009 to service the bond debt.

Over the next 10 years, this ambitious proposal is expected to protect up to a million acres of land, or half the state's unprotected open space.

The new law sets up an oversight committee, the Garden State Preservation Trust, to issue bonds and guide existing agencies—the Department of Environmental Protection (DEP), the State Agricultural Development Committee (SADC) and the New Jersey Historic Trust (NJHT)—in allocating funds. It would allocate \$6 million annually to the NJHT for historic preservation projects, with the balance of funds to be split between the DEP's Green Acres Program (60%) and the SADC for farmland protection (40%). The bill sets a cap of \$200 million for farmland protection and Green Acres projects in any fiscal year. The exact dollar amount to be dedicated to farmland is uncertain, but Rob Baumley of the New Jersey Farmland Preservation Program reports, "SADC is expected to receive an average of \$54 million each year for the next 10 years." This would make New Jersey the best-funded agricultural protection program in the nation.

While the structure and timeline for implementation are still being worked out, it is expected the SADC and DEP will accept and review applications over the summer,

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**"Working farmland is essential to the state economy, planning, growth management and more."**

**—Rob Baumley**

**Implementing New Jersey's Ambitious Open Space Measure  
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**Good Deals** *continued from page 5*

All in all, it was a win-win situation involving two state agencies, three towns, two land protection organizations, a utility company and three local farmers. "Given how complex and important a transaction this was," says Blunt, "it was a quick turnaround. We did have the foresight to get together at the beginning and strategize who wanted which parcels, lay it out, line up the farmers, and ask AFT to put a package together. It all came together fairly quickly." 

**Policy** *continued from page 7*

then submit proposed project funding lists to the Preservation Trust. The Trust could delete but not add new projects to these lists, which would then be forwarded to the governor and legislature for appropriation.

The new law allows the SADC to pay up to 80 percent of the cost of acquiring easements or fee simple title to farmland acquired by a local government, or 50 percent of the cost if acquired by a nonprofit organization. In the case of fee acquisition, the land would be resold with an easement in place. In addition, the bill expands SADC's authority, allowing the agency to buy easements. Up until now, SADC only was able to purchase land in fee.

A somewhat controversial provision stipulates that the value of lands being considered for acquisition over the next five years must be appraised based on the zoning in place as of November 3, 1998. This requirement would protect land values for farmers in communities that have down-zoned since then. However, this provision would not apply to land in the New Jersey Pinelands.

No other state has initiated such an ambitious program. According to Baumley, as states continue to experience development pressure on increasingly limited open space and farmland, "they will begin to recognize the significant public benefit to farmland preservation other than simply preserving an industry. Working farmland is essential to the state economy, planning, growth management and more." 

*American Farmland Trust*



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