

How the West Can Be Won: Protecting Rocky Mountain Ranchland

Conservation organizations that used to focus almost exclusively on federal lands are realizing the critical importance of privately owned lands. As rural “ranchettes” replace working ranches and ecologists more fully understand the damage of fragmenting the western landscape, people across the Rocky Mountains are building the community support, organizational capacity, financing and trust required to protect one of the region’s greatest natural resources—its privately held rangeland.

Public purchase of agricultural conservation easement (PACE) programs in Montana, Colorado and Arizona, and private conservation organizations are devoting increased resources to obtaining conservation easements on ranchland. Moreover, mainstream agricultural organizations such as the Colorado Cattlemen’s Association have spun off new land trusts explicitly devoted to protecting working ranches. Since 1995, the Colorado Cattlemen’s Agricultural Land Trust (CCALT) has protected more than 129,000 acres. And the momentum is building. In just 18 months, the Wyoming Stock Growers Agricultural Land Trust (WSGALT) protected nearly 13,000 acres.

“A lot of people have worked long and hard to get positive, concise information out there to landowners,” says CCALT Executive Director Lynne Sherrod. “Now there are some success stories. It’s not just organizations, but landowners who are saying this is what I did and this is how it benefited me.”

Fourteen of the nation’s fastest-growing counties are in the intermountain West, and low-density residential development threatens more than 25 million acres of strategic farmland in Arizona, Colorado, Idaho, Montana, New Mexico, Utah and Wyoming, according to AFT’s recent study “Strategic Ranchland at Risk in the Rocky Mountains.”

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The Little Land Trust that Could

Despite limited staff and a slender operating budget, Vermont’s South Hero Land Trust (SHLT) was uniquely positioned to act when 300 acres of lakeside farmland and natural areas went up for sale. Although SHLT doesn’t hold easements, working in partnership with other organizations, it pulled off an ambitious conservation project and helped a young farm couple gain access to land.

The Landon Farm and Round Pond project was a high priority for SHLT because of its natural, agricultural and community value. “Not only is it good farmland, but the property has an amazing wetland complex, rare wildlife and views to die for,” says SHLT Executive Director Minner Hobbs. “It’s a property the community really cherishes.” *continued on page 4*

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American Farmland Trust is a 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 www.farmland.org

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Keeping Protected Land Healthy: Conservation versus Organic Practices

In December 2002, the Kansas Land Trust (KLT) accepted a donated easement containing an unusual—and controversial—provision. It obligates the owner of a 60-acre Douglas County property to follow a management contract limiting agricultural use on 15 acres to organic practices.

In recent years, as the public profile and market share of organic products have grown (see chart on page 5), land protection organizations increasingly receive requests—from landowners, board members, funders or the public—to incorporate organic standards in easements as a way of ensuring environmental stewardship on land that is permanently protected from development. However, only a handful of land trusts have done so, and most agricultural easement holders recommend against it. Says KLT Executive Director Roxanne Miller, “The majority of the input we received from other land trusts was that putting organic farming restrictions in the easement was not advisable.”

The reasons for caution are varied, reflecting reluctance to link easements to any specific set of management practices and wariness about reducing producers' flexibility. Some warn against encumbering easements with potentially unenforceable requirements and about the potential impact such restrictions could have on the future sale value of the property. Many suggest there are better ways to ensure particular environmental goals on protected land.

KLT created the organic management contract to meet landowner James W. Hillesheim's request without imposing easement conditions that could be problematic for the land trust to enforce. “The management contract is more easily amended, so we can change it as the organic standards evolve,” says Miller.

Even organic proponents have concerns about the direction of the National Organic Program (NOP), which was fully implemented in October 2002 after more than a decade of rulemaking and controversy. The early version of the U.S. Department of Agriculture (USDA) rules would have allowed genetic engineering and land application of sewage sludge, neither of which were acceptable under preceding private and state organic certification standards. “My worry would be that in the future organic might not be the best standard,” says Liana Hoodes, organic consultant for the National Campaign for Sustainable Agriculture. Still, some say, the NOP offers a comprehensive, clear set of ecologically based production standards, with the added advantage of third-party verification through the certification process.



Thus far, reports from the few who have incorporated organic restrictions into easements are positive. The PCC Farmland Fund was created in 1999 to ensure a supply of local organic produce. Its mission is to protect threatened farmland in Washington state and move it into organic production. To date, it has protected three farms and enjoys broad community support. The implementation of the NOP has had little impact on the Fund, says President Jody Aliesan, other than reminding organic advocates to be vigilant in protecting integrity of the standards. “The Farmland Fund will continue to require organic practices. This is why the Fund was created. This is what our supporters want. This is what we do,” she says.

Stephen Decater insisted that the easement on his Covelo, California, farm require organic or biodynamic practices (see *Connection* story, Spring 2002). “Our view is to try to create permanent farmland that could last as a food-producing resource for generations,” he says. “In order for land to last that way, its culture is going to have to fit with the natural system.” Decater's easement, implemented in 1995 and held

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How the West Can Be Won *continued from page 1*

The study showed that the most vulnerable ranchlands are concentrated in high mountain valleys and the mixed grassland areas surrounding the region's major mountain ranges. These areas are among the most biologically and agriculturally productive, and provide critical, seasonal habitat for many wildlife species. Recent studies show that fragmentation of the landscape can be devastating to rangeland ecosystems and native species. These trends in ownership and land use also pose challenges for ranchers when new neighbors don't know or understand the demands of ranching.

Just as the region's unique topography, arid climate and prevalence of public lands have shaped its agricultural operations, so too do they influence land protection efforts. Easements often incorporate language about water rights or grazing allotments. The recent drought, years of low beef prices, anti-grazing initiatives and ranchers' devotion to private property rights also figure into the land protection equation.

Like producers elsewhere, many ranch owners are approaching retirement age and are planning for the succession of their ranches. "A conservation easement can facilitate that," says WSGALT Director Glenn Pauley. Ranchers, particularly in areas where development pressure and land values are high, want to sell easements to "reduce debt, buy land or equipment, equalize their estate among ranch and non-ranch heirs, or to provide retirement income," he says.

However, for fledgling land trusts, particularly in states like Wyoming that have no public funding mechanism for land protection, securing the financial resources to purchase agricultural conservation easements can be a significant challenge. "Ranchers who are dependent on agricultural incomes do not have tax problems. They have income problems. It doesn't make sense for them to donate easements," Pauley says.

Even when public funding is available, easement costs can quickly outpace funds. Gallatin County, Montana, will spend nearly \$1 million of the \$10 million bond that voters approved in 2000 to buy an easement on 900 acres of working rangeland. "Ten million dollars isn't a lot of money when you're purchasing easements," says Gallatin Open Lands Coordinator Mike Harris.



photo by John Felder

Ranchland protection must address other concerns particular to the West, including:

- **Public Lands and Grazing Allotments.** Rangeland covers almost 336 million acres in the seven Rocky Mountain states. About half is privately owned; federal and state agencies manage the rest. Many ranchers do not have capacity on their deeded land to support livestock year-round and depend on public grazing allotments, which are not guaranteed. "If a landowner is protecting his headquarters, but his operation is completely dependent on a government lease, that's a consideration the land trust and the landowner need to work through carefully," says Sherrod.

Grazing allotments also can affect a property's rank in an easement selection process. "A 300-acre ranch that depends on a 30,000-acre grazing allotment might not rank as high as a 3,000- to 4,000-acre ranch that might be viable without allotments," says AFT's Rocky Mountain Regional Director Ben Way. *continued on page 8*

"What good have you done if you protect the land but not the water that's necessary to keep it productive...?"

—Lynne Sherrod, Colorado Cattlemen's Agricultural Land Trust

“We’ve gone out of our way to have an identity of being very pro-farming and pro-working landscape, instead of being anti-growth.”

—Charlie Tipper, SHLT President

The property, however, was unlikely to receive state farmland protection funds. Vermont’s strategy focuses on conserving contiguous blocks of high-quality farmland in traditional farming communities. Criteria include soils, infrastructure, location, management and other values. Landon Farm’s variable soils and lack of farm improvements, as well as its proximity to suburbanizing areas north of Burlington, would likely have given it a lower ranking than farms already in the pipeline for protection. But SHLT’s leadership, coordination and local fundraising made it happen, says Darby Bradley, president of the Vermont Land Trust (VLT), one of several collaborating organizations. “Its presence was absolutely essential,” he says. In 14 months, SHLT and its partners raised approximately \$1.7 million to purchase the property. The partners then established a state park on 125 acres and placed an agricultural conservation easement on the remaining 170 acres when it was sold this spring.

The Landon Farm project highlights the big impact that small, local land trusts can have. Credibility in the local agricultural community, partnerships with other organizations, and the organizational flexibility to respond swiftly as opportunities arise contribute significantly to their effectiveness, says University of California Professor Al Sokolow, who has studied the evolution of the land trust movement. “Success is also the result of the skill and persistence of program staff in working with landowners and putting together the resources to complete deals,” he says.

Building the Right Identity

From its beginnings in 1997, SHLT has received broad-based community support. “We’ve gone out of our way to have an identity of being very pro-farming and pro-working landscape, instead of being anti-growth,” says SHLT President Charlie Tipper. While South Hero voters repeatedly rejected regulatory initiatives designed to curb sprawl, it was clear that they “embraced the concept of the willing buyer, willing seller.”

For SHLT, community involvement is a priority. Its affordable membership structure—\$10 a year for an individual—encourages wide participation and avoids elitist stereotypes that can undermine land trust efforts. The result: in a town of 1,600 people, after five years SHLT has about 500 members, a mix of year-round and summer residents. Similarly, the land trust’s ten-member board represents a cross section of the community.

South Hero Land Trust	
Landon Farm Project Funds	
Individual Contributions	\$655,000
Private Foundations	\$555,000
Vt. Housing and Conservation Board	\$327,100
Other State and Federal Funds	\$150,000

Partnerships

Because SHLT does not hold easements, partnerships with other organizations are pivotal. So far, about 1,250 acres have been protected in easements held by partnering organizations, including VLT, Lake Champlain Land Trust and The Nature Conservancy.

“We’re the eyes and ears in the local community,” says Hobbs. We evaluate whether there’s potential for a project,” she says. “Projects that we have completed wouldn’t necessarily have been on the radar screen of the Vermont Land Trust, but they’re incredibly important.” Bradley agrees. “There is more conservation work to be done than any single organization can handle,” he says. “VLT has experience, contacts with foundations, stewardship staff and attorneys that can be matched with local knowledge of what’s important.”

Collaboration is a cornerstone of SHLT’s approach. When it needed to recruit and select a farmer for the Landon property, it turned to the local community for help. It established an advisory committee of local farmers and other citizens who developed a Request for Proposals with evaluation criteria to select the farmer. The University of Vermont Landlink Program and the Natural Organic Farming Association of Vermont provided technical advice and helped advertise the opportunity. Several committee members had farmed the property.

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For more information:

Vermont Land Trust
www.vlt.org

South Hero Land Trust
mnvt.aol.com

Keeping Protected Land Healthy *continued from page 2*

by Connecticut-based Equity Trust (ET), offers some flexibility—and limited negotiation between farmer and easement holder—in terms of the certifier. ET’s primary interest “is in getting the land protected and protecting its affordability,” says Acting Director Ellie Kastenopolous. But because ET frequently works with farmers and communities that are committed to organic and other ecological production methods, it is developing lease and easement language to incorporate such standards. A model document is expected in 2003.

Yet most easement holders who focus on agricultural land protection are wary of such restrictions. “You can always go organic if you want. But once you write it into the easement, you’re bound by that language,” says AFT Stewardship Manager Kristina Ely. “We’re more concerned about the viability of the farm than its organic status.”

There are other, more flexible mechanisms to ensure environmental stewardship on permanently protected land, Ely and others say. Most agricultural conservation easements now require farm practices to follow a USDA Natural Resources Conservation Service (NRCS) conservation plan. These site-specific plans outline how producers will prevent erosion, protect ground and surface water from pollution, enhance wildlife habitat and maintain other conservation values on the farm. “While organic farm plans are also site-specific, the standards themselves dictate practices in a way that a conservation planning requirement doesn’t,” says AFT’s Senior Information Specialist Jesse Robertson-DuBois. “The land is forever. The easement will be forever. But the definition of ‘organic,’ the certification programs, the economic and social context—these are pretty much certain to change.” He points to a last-minute rider (Section 771) that was attached to the Omnibus Appropriations Bill of 2003.

Passed by Congress on February 13 and signed by the president, the rider effectively eliminated organic feed requirements from organic livestock production. Section 771 was repealed on April 23 after organic advocates mounted a successful grassroots campaign. Robertson-DuBois says the controversy highlights the risks of adding organic requirements to easements. “With the USDA program and large food-industry players entering the market, organic farming will depend on consumer confidence in the integrity of the standards. It just doesn’t make sense to permanently tie the land to a label.”

In contrast, change is the strong suit of the conservation planning process. “A conservation plan is a dynamic document. It’s always changing,” agrees Mary Bender, director of Pennsylvania’s Bureau of Farmland Preservation, which requires conservation planning on all protected farms. “We’ve invested a great deal of public resources in these farms, and they’re going to be farmed forever, so they should have the very best conservation practices. It’s critical for maintaining the soil and the farm.”

Bender considers organic farms an important part of Pennsylvania’s agricultural mix, but she would resist organic restrictions in any easement created through the state’s purchase of development rights (PDR) program. “Our program is about protecting the soil so that it is capable of producing food forever. Our program has never talked about a certain kind of agriculture needing to go on a particular piece of land.”

Yet conservation planning requirements also affect participation because federal conservation compliance standards, like organic rules, will likely evolve over time. “From a farmer’s perspective, it’s hard to sign a perpetual document when you don’t know what you’re signing on for,” says Vermont Housing and Conservation Board Agricultural Program Director Nancy Everhart. “I’m an organic farmer myself and wholeheartedly believe in organic farming. But to farm organically, just like to sell a conservation easement, is voluntary. To require a farmer to farm organically doesn’t make a lot of sense.”  B.H.

“A conservation plan is a dynamic document....We’ve invested a great deal of public resources in these farms, and they’re going to be farmed forever, so they should have the very best conservation practices.”

—Mary Bender, Pennsylvania Bureau of Farmland Preservation

Organic Farming Grows

Topping \$11 billion a year, organic is the fastest growing sector of American agriculture.

- 1997-2001, organic cropland, pasture and rangeland grew 74% to 2.34 million acres.
- The market for organic food products grew 20-24% annually in the 1990s.
- 1992-1997, number of certified organic farms and ranches increased 40%.
- 1992-1997, total number of farms and ranches (conventional and organic) decreased 1%.*

Sources: USDA, Economic Research Service

*USDA, National Agricultural Statistics Service 1997 Census of Agriculture

For more information:

Equity Trust
www.equitytrust.org

PCC Farmland Fund
www.pccnaturalmarkets.com/info/farmland.html

Kansas Land Trust
roxanne.miller@klt.org

American Farmland Trust
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LAY OF THE LAND

1996-2001

Farm subsidies paid to California recipients	\$2.8 billion
Conservation payments to California farmers and ranchers	\$50 million
Farm subsidy payments to Los Angeles residents	\$52 million

Source:

Environmental Working Group, Farm Subsidy Database

“We’ve already seen some concerns over whether the federal government will live up to its part. That’s always the big challenge.”

**—Norm Berg
AFT Senior Advisor**

Conservation in the Farm Bill: New and Expanded Programs

The 2002 Farm Bill authorizes an array of new and expanded programs aimed at improving land stewardship, addressing urban-influenced agriculture and keeping farmers and ranchers on the land. But the Farm Security and Rural Reinvestment Act of 2002 also contains billions of dollars in commodity subsidies that critics say reinforce the status quo—overproduction and depressed crop prices that force family farms to fold and spur further concentration of farm ownership.

“Conservation programs are in effect competing with commodity programs,” observes AFT President Ralph Grossi. Over the life of this farm bill, approximately \$125 billion is earmarked for commodity payments compared to about \$40 billion for conservation programs. “If you were offered \$1.25 to do one thing and 40 cents to do another, which one would you choose?” With no caps on the amount an individual can receive, commodity payments encourage overproduction and drive up land values.

Still, Grossi and others note that conservation funding is up 80 percent over the previous farm bill, and the new funding supports programs whose objectives—protecting soils, water, wildlife habitat and wetlands—complement conservation easements and other farmland protection tools. The farm bill creates, renews or expands the Environmental Quality Incentives Program (EQIP), Wildlife Habitat Incentives Program (WHIP), the Conservation Grasslands and Wetlands Reserve programs and the Conservation Security Program (CSP)—that if fully funded will provide billions of dollars in cost share, easement, rental and other incentive payments to farmers to implement conservation measures on private land. While they are available to all producers, these provisions frequently contain acreage and spending caps, as well as payment limitations per recipient.

Two programs with particularly important implications are:

- **The Conservation Security Program (CSP)** A new \$2 billion program, CSP is designed to reward producers who practice good stewardship and provide incentives for those who want to do more. CSP could help producers who historically haven’t participated in most farm programs, says Chris Campany, policy coordinator for the National Campaign for Sustainable Agriculture. Structured as an entitlement program, CSP is available for all cropland, grassland, prairie, improved pasture and rangeland in the U.S.

“It’s the first conservation program that’s on par with the commodity programs,” says Campany. “It should be available to a much broader range of farmers because it is not dependent on a crop or livestock, and it’s particularly relevant to farmers on the urban edge because they can get cash for being a good neighbor.” The program establishes three tiers of participation, depending on how comprehensively the producer implements conservation measures. Maximum annual payments range from \$20,000 to \$45,000.

However, because so many of the details will be determined through the rule-making process, it is uncertain whether payments will in fact benefit small farmers in urbanizing areas or will flow to producers already receiving commodity subsidies. "People who want CSP payments to go to a more diverse group of farmers and to see additional environmental benefits will have to be very involved in the [rule-making] process," says Suzanne Fleek, a legislative assistant to Vermont Senator Patrick Leahy.

- **The Environmental Quality Incentives Program (EQIP)** The nation's primary agricultural water quality protection program, EQIP will expand from \$200 million a year to an average of about \$1 billion a year. EQIP helps crop and livestock producers implement conservation practices, including building manure storage facilities. "It complements farmland protection efforts because it helps farmers reduce the cost of doing business and allows them to protect water quality and meet other conservation goals," says Fleek. "It's a federal program that actually has enough money to do something now," she says. But environmentalists warn that some EQIP provisions could further subsidize large, corporate farms whose practices take a toll on the environment. Sixty percent of EQIP funding will go to livestock producers, with a cap of \$450,000 to an individual over the life of the farm bill. Confined Animal Feeding Operations (CAFOs) are eligible for funding.

Indeed, whether any of the conservation programs in the 2002 Farm Bill live up their promise will hinge on how they are implemented—both in terms of U.S. Department of Agriculture (USDA) rulemaking and the annual appropriations process.

"We've already seen some concerns over whether the federal government will live up to its part," says AFT Senior Advisor Norm Berg, noting that while the farm bill authorizes programs and spending, many programs require an annual appropriation. "That's always the big challenge. For years we've had good legislation in terms of what's written, but some of it is still sitting around waiting for funding," he says.

Furthermore, conservation groups say continued advocacy is needed to make sure the USDA rules meet the intent of the law. "Everyone better be engaged in the rulemaking for every single conservation program," says Campany. 🚜 B.H.

The Little Land Trust that Could *continued from page 4*

"It was so valuable to have their input," says Hobbs, "They knew the property better than we did from an agricultural point of view." Ultimately, SHLT selected a young farm couple with a successful history of raising organic, pastured poultry. "They really matched well with our criteria. They had a good business plan and they farmed organically, so that was appealing in terms of the impact on the [adjacent natural areas]. They have a really diversified, innovative operation," Hobbs says.

Beyond Dollars and Acres

Success, says Sokolow, is sometimes a function of being at the right place at the right time. Tipper agrees. "Like most local land trusts, we really just responded to project opportunities as they arose. But I think it's clear from our success that South Hero really wanted this. It was just waiting to happen." 🚜 B.H.



photo courtesy of SHLT

For more information:

USDA NRCS

www.nrcs.usda.gov/programs/farmland/2002/

National Campaign for Sustainable Agriculture

www.sustainableagriculture.net

Senator Patrick Leahy's Summary of Farm Bill Provisions

<http://leahy.senate.gov>

Minner Hobbs, Executive Director of SHLT, presenting Annette Burger and Erik Wells (new owners of Landon Farm) with a closing gift.

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For more information:

Gallatin County Open
Lands Board
www.montanaopenlands.org

AFT's Rocky Mountain
Regional Office
[www.farmland.org/
rocky_mountain/index.htm](http://www.farmland.org/rocky_mountain/index.htm)

Colorado Cattlemen's
Agricultural Land Trust
www.ccalt.org

Wyoming Stock Growers
Agricultural Land Trust
(307) 638-3942

• **Water Rights.** Access to water is critical to the viability of a ranching operation, and in some places competition for water—among agricultural, environmental and municipal interests—has made water rights more valuable than land rights. Plus, water law is complex and varies from state to state. In Colorado, for example, water rights can be separated from the land; in other states, like Wyoming, they cannot. Prospective easement holders have an interest in ensuring that the property retains water rights sufficient to sustain an agricultural operation. “What good have you done if you protect the land but not the water that’s necessary to keep it productive or to preserve the conservation values you protected for,” asks Sherrod.

• **Misconceptions about Easement Programs.** “With an abundance of land held in the public trust, the notion of protecting private working lands came late in the West,” says Way. “Historical mistrust of government coupled with a rugged individualist ethic means we have to work harder on community education.” In Wyoming, Pauley has encountered concern about government and environmental group intrusion into day-to-day management decisions; people also are concerned about easements reducing the agricultural viability of land and about their impact on the tax base.

• **Addressing Ranchers’ Concerns about Easement Restrictions.** “The West is full of extremely independent individuals,” says Sherrod. “When you’re dealing with people whose business is directly tied to the landscape they live on and when you ask them to make a perpetual commitment, you really want to think about the kind of restrictions you want on that landscape. You can’t just think of what’s in the land’s best interest. You have to give them room to stay in business.”

Perhaps the biggest challenge to ranchland protection is broadening the ways ranchers are compensated for the values they provide that aren’t reflected in their product, says Way. “Instead of just focusing on stabilizing the land base, we need to stabilize the business of ranching.”  B.H.

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