

AFT Creates New Service for Professionals

American Farmland Trust is proud to announce LandWorks, the most comprehensive resource on the protection and stewardship of agricultural land. LandWorks is a subscription service designed to connect professionals in agriculture, conservation, planning, government, real estate and related fields, and to help them protect agricultural land and promote responsible use of natural resources.

“The nation that destroys its soil destroys itself,” wrote Franklin D. Roosevelt, in a 1937 letter to state governors. It took the dust bowl of the 1930s to call attention to the fact that our precious soils were literally blowing away—devastating rural communities, public health and the nation’s economy and food supply.

Fifty years ago, the nation mobilized to save the soil. The Roosevelt administration created the Soil Conservation Service to research erosion and provide assistance to farmers. Farmers and ranchers organized local soil conservation districts. Soil conservationists formed the Soil and Water Conservation Society. This “conservation infrastructure” has been very effective in reducing erosion and improving stewardship of natural resources.

But our soils are still disappearing—under acres of asphalt. The nation is losing a million acres of farm and ranch land each year to non-farm development. High-quality agricultural land is being paved in every state. Some of our most productive regions—such as California’s Central Valley—are at the highest risk of being replaced by subdivisions, shopping malls and freeways. And urban sprawl not only consumes farmland—conflicts between agricultural and non-agricultural land uses also make it difficult to farm the land that remains.

It’s time to strengthen the connection between conserving resources, protecting the land and promoting smart growth of our communities. As U.S. Agriculture Secretary Dan Glickman said at a recent press conference, the nation “has been working to keep the soil on the farm for decades.” Now, he said, “it’s time to keep the farm on the soil.” Each year, taxpayers spend approximately \$3 billion on programs to reduce erosion of topsoil. Two-thirds of that is devoted to the Conservation Reserve Program, which has proved successful in preventing the loss of an estimated 700 million tons of topsoil per year from sensitive land. *continued on page 6*

INNOVATIONS

GRASSBANKS FOR SOUTHWEST RANCHERS

The Malpai Borderlands Group is giving new meaning to the term “green payments.” Usually green payments refer to voluntary programs—such as the Conservation Reserve Program—that pay farmers to provide environmental benefits. MBG is compensating ranchers who place easements on their land. But rather than cash, the ranchers receive their payments in one of the southwest’s most valuable resources—grass. MBG’s “grassbank” is a creative new tool to protect the land and promote good agricultural management. *continued on page 7*

LANDWORKS

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LANDWORKS
*Serving the people
who conserve
the land*



LandWorks is a professional subscription service of American Farmland Trust. Subscriptions are \$125 per year and include quarterly issues of *LANDWORKS Connection*, access to a private website and electronic discussion group, two free reports annually and discounts on AFT publications and conferences.

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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 1920 N Street, N.W., Suite 400, Washington, DC, 20036, (202) 659-5170, or connect to our web page at <http://www.farmland.org>.

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AFT Honors Berg with Conservation Workshop

It would be difficult to find someone more passionate about protecting America's agricultural land than Norman Berg. Norm has spent decades working to conserve soils and advocating for farmland protection. He was a staff member of the Soil Conservation Service, served as the agency's chief in the 1970s and was one of the founders of American Farmland Trust in 1980. In March of this year, Norm celebrated his 80th birthday. In honor of Norm's birthday and his lifetime of service to the land, AFT is holding a unique workshop that looks forward to the next century of conservation policy.

"Agricultural and Conservation Policies: 2002 and Beyond," will examine innovative public and private sector approaches to conserving natural resources on private agricultural land. Leading agricultural researchers, farmers, former chiefs of the Natural Resources Conservation Service and Norm's colleagues and friends will discuss opportunities to encourage conservation within the context of changing federal agricultural policy. Norm has been bringing people together to conserve the land for more than 50 years. With this workshop, AFT gives tribute to Norm's legacy and hopes to inspire others to continue his work.

The event, which will take place on July 24 in DeKalb, Ill., is sponsored by AFT in cooperation with NRCs, USDA Economic Research Service, Farm Foundation, Henry A. Wallace Institute for Alternative Agriculture, Leopold Center for Sustainable Agriculture and DeKalb, Ill., County Farm Bureau. Proceedings summarizing the presentations and discussion will be available after the workshop.

Information about the event is posted at <http://farm.fic.niu.edu/cae/2002/002.html>.

LEGISLATIVE REPORT

FARMER-FRIENDLY ESA REFORM

California's controversial Senate Bill 231 is designed to protect farmers and ranchers who voluntarily create wildlife habitat on their land. Approved in September 1997, the bill amends the California Endangered Species Act. It directs the state Department of Fish and Game to adopt regulations authorizing voluntary local programs for agricultural activities that will encourage habitat for rare, threatened and endangered species. Under the new CESA, farmers and ranchers who participate in these programs would not be prosecuted for accidentally harming or killing a protected species during the course of routine agricultural activities.

The amendment addresses a lose-lose situation for agriculture and the environment. Much of California's agricultural land is potential wildlife habitat. CESA imposes stiff penalties on anyone who harms a protected species. This creates a dilemma for farmers: Cover cropping fallow fields is a good agricultural management practice, but fallow fields could attract wildlife, and once wildlife habitat is created, the law prohibits disturbances. Rather than run the risk of losing productive land or being prosecuted for accidentally killing an animal, farmers and ranchers often disk fields that are not in active use. These farmers lose the agricultural benefits of letting fields lie fallow. Disked fields are more susceptible to erosion, and potentially valuable habitat is lost.

Senate Bill 231 grew out of American Farmland Trust's efforts to create small-scale wildlife enhancement projects on agricultural land in exchange for regulatory relief in the San Joaquin Valley. The California Farm Bureau and other agricultural interests advocated for a statewide approach, and AFT worked with a broad coalition of agricultural and environmental advocacy groups to build support for the concept. In the summer of 1997, state Senator Jim Costa stepped in to help draft new legislation to implement the program.

Greg Kirkpatrick, AFT's California field representative, believes that the bill "is a whole new way of thinking about how private lands can provide meaningful habitat for endangered species." Kirkpatrick believes that the law will create "an immediate benefit in the way that farmers handle and manage fallow lands." He also thinks that it will "open the door to a number of incentive programs that have not received a lot of interest in California—such as the Wildlife Habitat Incentive Program and the Wetlands Reserve Program—because of fear of Endangered Species Act liability."

Implementation of SB 231 is complicated because the California and federal endangered species laws protect many of the same species. Regulators need to come to an agreement on how the federal law will be applied to farmers who create voluntary programs under the new state law. While many environmental groups support SB 231, others oppose it, arguing that the new provisions could weaken existing federal protection for endangered species.

AFT is currently working with the California Department of Fish and Game and a coalition of organizations to develop regulations to implement SB 231. The text of the law is available at <http://www.leginfo.ca.gov>.

USING RESOURCES WISELY

NJ PROMOTES STEWARDSHIP, LAND PROTECTION

"If you're going to preserve farmland, you'd better take care of it," says Sam Race, Executive Secretary of the New Jersey Soil Conservation Committee. Race's philosophy is reflected in New Jersey's unique agricultural district program, which can serve as a model for other states and local governments.

The New Jersey Farmland Preservation Program allows farmers to create voluntary areas where agriculture is encouraged and protected. Farmers who participate in the agricultural district program are eligible to receive state matching grants for soil and water conservation. The state limits public investment in new infrastructure and the use of eminent domain in districts, and landowners receive extra protection from nuisance lawsuits. Enrolling land in a district restricts non-farm development for at least eight years. In return for the benefits they receive, farmers must comply with agricultural management practices recommended by the State Agriculture Development Committee.

Since 1986 New Jersey has approved more than \$6.3 million in conservation matching grants to farmers with land in agricultural districts, representing a total of 557 projects. The program has funded the installation of water-saving irrigation systems, construction of waterways and livestock waste management facilities. Farmers generally work with NRCS field staff to develop potential projects. Applications are submitted to local soil and water conservation districts. SWCDs forward approved applications to the State Soil Conservation Commission, a division of the New Jersey Department of Agriculture, which makes the final decision. Funding is distributed by the SADC, which manages the farmland protection program.

Farmers who sell agricultural conservation easements also are eligible for matching grants. In practice, however, there seems to be a regional difference in how New Jersey farmers are protecting their land. The agricultural district program is more popular in the southern half of the state, whereas farmers in northern New Jersey are more likely to sell easements. Race and other state agency staff believe that this difference is driven by land values. Where values are low, such as in southern New Jersey, farmers have less incentive to sell easements. Where land values are high, farmers want both the cash and security they can get by permanently protecting their land. This pattern suggests that *continued on page 4*

Connection

New Jersey *continued from page 3*

the two programs are complementary, giving New Jersey's farmers more than one option to protect and conserve their land.

New Jersey's experience suggests several lessons for other states. Tying grant funding to land protection helps safeguard the public investment in agricultural conservation. It also can facilitate communication between soil conservation and farmland protection agencies. Finally, giving farmers more than one option to protect their land may increase the number of farmers who choose to do so.

GOOD DEALS

FLORIDA RANCH, WILDLIFE PROTECTED

Escape Ranch is less than an hour's drive from the Disney Animal Kingdom, but the rare birds, bears and big cats on this property are native to Florida and completely wild. Thanks to the efforts of a local agency and the federal Farmland Protection Program, 12,000 acres of their habitat is protected forever.



Photo by Richard A. Hilsenbeck

The St. John's River Water Management District identified Escape Ranch as its number one priority for protection in 1996. The 15,941-acre property is in the floodplain of the St. John's River and is adjacent to one of the largest wetland restoration projects in the Southeast. The District saw the ranch as critical to flood control and maintaining water quality in the region. The ranch also provides outstanding wildlife habitat. Thirty-four threatened and

endangered species—including the Florida panther and the red-cockaded woodpecker—can be found on the property, which is located near the small town of Kenansville in Osceola County. The ranch has two miles of road frontage along U.S. 441 and six miles of frontage along a local road, and the zoning allows houses to be built on 5-acre lots.

In 1995, with the landowners' consent, the District commissioned two independent appraisals of a 12,000-acre section of the property. Full market value was approximately \$15 million. District staff negotiated an agreement to purchase an easement on the 12,000 acres for \$498 per acre, a savings of more than \$9 million over what it would have cost to buy the land in fee simple. The District then applied to the federal Farmland Protection Program to help pay for the easement.

The FPP offers matching grants to state and local governments to purchase agricultural conservation easements. The program was included in the 1996 Farm Bill, and Congress authorized \$35 million to fund it. In 1996, the Natural

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*For information on
the federal Farmland
Protection Program
visit <http://www.farmland.org/Farmland/files/policy/funding.html>*

Resources Conservation Service received 47 applications for 628 projects, totaling more than \$130.5 million. It approved \$14.325 million in grants for 203 projects, including a grant of \$962,136 for the protection of Escape Ranch. The Water Management District's use of FPP funds is a good example of how to maximize a federal farmland protection grant.

Recorded in 1996, the Escape Ranch easement encompasses active cattle and sod farming operations and protects the ranch's extraordinary biodiversity. In a report documenting the easement, staff from The Nature Conservancy wrote that "the ranch serves as one of the most outstanding examples of the compatibility of combining productive agricultural lands with the conservation of natural resources."

Escape Ranch is the anchor property in the Ranch Reserve project for Broward and Osceola counties. State Department of Environmental Protection staff say that they hope to acquire easements on a total of 4 ranches in the region. When the project is complete, the state will have created a 35,000-acre wildlife refuge, owned by private landowners and managed for both agriculture and biodiversity.

THE LAND ON THE LINE

Agricultural land is on the line. LandWorks serves as a forum to share ideas, opinions and questions about property rights, land tenure issues, farm management practices and the changing structure of agriculture. Our staff wants to know how you address controversial issues related to land use and stewardship in your community, so we can get the word out to your colleagues and develop strategies to help. So get online...to LandWorks' exclusive electronic discussion group.

In every issue of the *Connection*, we will introduce a controversy brought to us by our subscribers. We'll present different perspectives on the issue. Then, we'll wait to hear from you...on LandWorksOnline@farmland.org, our private internet discussion group. Write in and reference the topic in the subject line of your message. We'll read your responses and summarize the discussion in our next issue. AFT will investigate your ideas in new research projects and publications.

Join the debate. Use the response form included in this issue to subscribe to LandWorks. Once you become a subscriber, you can send an email message to LandWorksOnline@farmland.org, and write "subscribe" in the subject header.

Sludge: fertilizer or pollutant?

When the U.S. Department of Agriculture proposed to allow organic farmers to spread sewage sludge on their fields, the agency unleashed a firestorm of protest from consumers. Eventually, the proposal was withdrawn. Farmland protection program managers are struggling with a similar dilemma: Should farmers be permitted to use sewage sludge on land protected by agricultural conservation easements?

The U.S. Environmental Protection Agency issued regulations governing the use of sewage sludge, also known as "biosolids," in 1993, but spreading sludge on farm fields remains a contentious issue. Advocates point to studies showing that biosolids are a safe source of fertilizer and can improve crop yields. EPA and most state environmental agencies promote agricultural use of biosolids as a recycling strategy. Opponents counter that some sludge contains toxic chemicals and heavy metals that can endanger public health and the safety of the nation's food supply. *continued on page 6*

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Connection

*Which issues
would you most
like Connection
to address?*

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Sludge *continued from page 5*

The agriculture, food processing and financial communities have doubts about land application of biosolids. Ron Liebert of the California Farm Bureau Federation reports that California Farm Bureau members want to “proceed cautiously” on the issue. “Our members don’t view sludge as a widely-understood product,” he reports. “What happens if the rules get tightened in a few years?” he asks, recalling the evolution of scientific evidence and regulatory policy on DDT. “We’ve had bad experiences before.” At least one California county has banned agricultural use of biosolids. Heinz, the nation’s largest food processor, guarantees that none of its products are grown with sludge, and E Magazine reports that some Farm Credit Bureaus refuse to finance farms that use sludge on their fields.

State and local farmland protection programs and land trusts often are divided on the issue. New Jersey does not currently allow the spreading of sludge on protected farms, but state agencies are working with researchers at Rutgers University to develop a policy that might permit the practice in the future. Ray Pickering, director of the Pennsylvania Bureau of Farmland Protection, reports that his agency does not prohibit the use of sludge. “Our easement is silent on the matter,” he explains, although he acknowledges that this policy is controversial. The Massachusetts Agricultural Preservation Restriction program has permitted farmers to use sludge on protected land on a case-by-case basis. According to Assistant Commissioner of Agriculture Rich Hubbard, the state Department of Environmental Protection is involved in the approval process, and the origins and components of the material to be used must be documented.

AFT recently has begun to address the sludge issue in its easements. Some AFT easements permit land application, storage and placement of sludge “in accordance with all federal, state and local laws and regulations.” If no state or local regulations are in place, these easements allow the use of sludge subject to prior written approval by AFT. AFT land protection program manager Tim Storrow acknowledges that land application of sewage sludge “raises significant stewardship issues for land trusts. It is impossible to know exactly what is in each load of sludge that goes down on the ground. We’re not going to be standing there with little test tubes measuring it.”

Professional Service *continued from page 1*

Yet while the CRP saves topsoil by removing marginal land from agricultural production, an equivalent amount of soil is lost to development every year. LandWorks *Connection* is carefully researched and designed to give professionals new tools and information to protect the land and promote good stewardship. The Connection raises controversial issues and reports on strategies to address them, shares inspiring examples of individual and community initiatives, and generates ideas to help subscribers and their constituencies protect agricultural land and promote farming practices that lead to a healthy environment.

LandWorks’ exclusive electronic resources complement and enhance the information provided in the *Connection*. Subscribers have access to weekly policy updates, news and job listings through the LandWorks website. And they can join the debate on controversial issues and solicit new ideas from experts and colleagues through **LandWorks Online**, AFT’s private electronic discussion group (see page 5 for more information). These resources—Connection, the website and the discussion group—are available only to LandWorks subscribers. Norm Berg, former director of the Soil Conservation Service and the “senior statesman” of agricultural conservation, writes: “This new service, LandWorks, is timely. Now, as when I chaired the U.S. Department of Agriculture committee on national land use policy in the 1970s, the challenge remains—to determine if

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state and local governments, in harmony with the federal government, will adopt and implement programs to stop the loss of productive prime and unique farmland and prevent urban sprawl. LandWorks is a much-needed resource to help the agricultural and conservation communities achieve this critical goal.”

The pressures on agriculture and the threats to the land base are more complex than ever before. Staying on the cutting edge of the latest trends, research and innovations in agricultural conservation is a big job. LandWorks can make that job easier by connecting you with the people and information you need. Take advantage of AFT’s unique network, expertise and resources. Let us help you conserve the land.

For more information about LandWorks, and to receive a subscription, please complete and mail the response form included as an insert in this issue.

Grasslands *continued from page 1*

In the early 1990s, a small group of ranchers and environmentalists in southeastern Arizona and southwestern New Mexico began meeting to discuss the future of agriculture and the environment in their region. They identified two threats to their interests: Fragmentation of the landscape as a result of non-farm development, and declining productivity and biological diversity of the grassland ecosystem. Both ranchers and environmentalists agreed that they needed to do something to protect the land base and improve stewardship of rangelands.

In 1994, the ranchers formed the non-profit Malpai Borderlands Group. Their mission is “to restore and maintain the natural processes that create and protect a healthy, unfragmented landscape to support a diverse, flourishing community of human, plant and animal life in our borderlands region.” The group works with federal and state natural resource and conservation agencies and The Nature Conservancy, and has developed a comprehensive plan and a variety of programs to achieve its goals.

MBG’s grassbank provides grass on one ranch to be used by other ranchers’ cattle. It is designed to improve the range and to compensate ranchers who place agricultural conservation easements on their land. The grassbank addresses the two key challenges facing ranchers in the region: It prevents subdivision, and allows ranchers to rest and restore their land.

When ranchers express interest in grassbanking, MBG commissions appraisals to value easements on their land. The value is the difference between what the land is worth for ranching and its “highest and best” use. It is used to determine the amount of forage that the ranchers will receive. The value of grass is currently calculated at the rate of \$10 per animal unit per month. A cow or cow-calf pair counts as one animal unit, a bull or horse is 1.25 animal units, and a yearling calf averages 0.5 animal units. All grassbank transactions to date have been for a minimum of three years. Easements are intended to be permanent and to support commercial ranching operations. They include a clause for release if state and federal grazing allotments were to change in a way that would prevent the purposes and objectives of the easement from being achieved.

Once the forage value is calculated and agreements are signed, ranchers move all of their livestock to the grassbank site. The MBG grassbank is currently provided by the Gray Ranch, a 500-square mile property in New Mexico renowned for its biological diversity and its rangeland’s health.

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Subscription

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Grasslands *continued from page 7*

The nonprofit Animas Foundation purchased the Gray Ranch from The Nature Conservancy in 1993. MBG pays the Animas Foundation for the entire value of forage and water that ranchers receive. Ranchers then negotiate the exact length of their agreements directly with the Foundation according to the value of their easements.

When cattle are relocated to the grassbank, MBG and the ranchers set up monitoring plots on the property being rested. MBG is working with an NRCS district conservationist as well as a consulting scientist to assess the ecological impact of the program. Ranchers are using the resting period to restore the health of the land through controlled burns, re-seeding, repairing fences and improving water systems. Because area ranches are a patchwork of private, federal and state ownership, the public also benefits from the lands restored by the grassbank.

To date, MBG has established one grassbank and placed approximately 29,000 acres of land under five separate easements. The group has raised more than \$359,000 in grants to pay for the value of the forage that participants have received. By compensating ranchers for easements with grass instead of cash, MBG can protect the land base and restore the health of the range, thus improving the long-term viability of ranching.

The grassbanking concept is beginning to attract attention in other areas. In 1997, the Northern New Mexico Stockman's Association negotiated an agreement with The Conservation Fund, The U.S. Forest Service and the New Mexico State University Cooperative Extension Service to establish a grassbank near Santa Fe. Known as the Valle Grande Grassbank, this project is designed to rehabilitate national forest grazing allotments. The Conservation Fund purchased a base property and acquired federal grazing leases for use as a grassbank, and participating ranchers started moving their livestock to the property this spring. Because the land being rested is publicly owned, no easements are involved.

MBG's grassbank is a model of how landowners, conservation organizations and public agencies can work together to develop creative strategies to protect land, enhance agricultural productivity and conserve natural resource. The Valle Grande grassbank demonstrates the flexibility of the strategy. The concepts of trading easements for valuable agricultural resources and linking land protection to ecological restoration deserve more exploration.



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