

Vermont Conservation Strategy Initiative – Agriculture Working Group
Meeting #5, February 21, 2024, 11 am – 1 pm on Zoom
Meeting Notes

Meeting Recording:

https://drive.google.com/file/d/1XIFvFDktzppZNfvnEx2wqqNns98Fab9s/view?usp=drive_link

Notes taken by Holly McClintock, VHCB

Co-Chair and facilitator: Stacy Cibula (VHCB)

Co-Chair: Ryan Patch (VAAF), absent

In attendance:

- Isaac Bissell (VHCB)
- Eric Clifford (Dairy Farmer, Champlain Valley Farmer Coalition) **
- Caroline Gordon (Rural Vermont)
- Stephen Leslie (Cedar Mountain Farm, Vermont Healthy Soils Coalition)
- Holly McClintock (VHCB)
- Scott Magnan (Franklin/Grand Isle Farmers Watershed Alliance) **
- Jen Miller (NOFA-VT)
- Tyler Miller (Vermont Land Trust)
- Darlene Reynolds (Dairy Farmer, Vermont Dairy Producers Alliance)
- Marli Rupe (ANR-DEC)
- Robert Zaino (VT F&W)

*** Arrived late*

Stacy opens the meeting by explaining that the group will spend the first hour discussing and suggesting edits to a pre-prepared set of statements that were drafted by Isaac Bissell and Stacy Cibula, distributed to the group in advance of the meeting. These statements are examples of talking points or explanations that may be included in the Ag Working Group (AWG)'s report back to the Science & Policy committee.

The second half of the meeting will be used for seeking feedback on other questions required in the inventory report that the AWG is being tasked to provide recommendations for.

Stacy acknowledges that there was a request in the 2/7/24 AWG meeting to present on the Payment for Ecosystem Services (PES) Working Group, with others countering that it may not be the best use of the group's limited time together. Due to the limited time, there will not be a presentation on the findings of the PES Working Group, but there is public information available online for all those who would like to know more.

One group member clarified that the request was not necessarily to do an extensive review of the goals and findings of PES, but rather, for the AWG to acknowledge and build on the results in the VCSI recommendations. This group member provided suggested language in the chat:

“The Ag Working Group of the VCSI process builds upon the findings of the PES & Soil Health Working Group and is aware that language and concepts of “measuring outcomes of agricultural practices,” “payment for ecosystem services” and “natural capital” are tied to the much larger developments related to the “financialization of nature” and the “privatization of the commons”. Big financial stakeholders from across the globe promote a new class of publicly traded assets on global financial markets. This new asset class was designed to create a new market whose assets “generate trillions of dollars in ecosystem services annually”. This development represents an alignment of banking and corporate interests around the potential to profit from putting a price on ecosystem functions. Like the PES & Soil Health WG, the VCSI Ag Working Group expresses serious concerns being tokenized to promote a dangerous trend toward the financialization of nature and the privatization of the commons, which would involve increased risks to farmers and deprivation of their agency. In response to these concerns, the group decides to focus exclusively on other ways to conserve agricultural land and to incentivize sustainable land management. For the purpose of protecting agricultural land and the autonomy of farmers to practice within the rule of law, the Working Group focuses on finding recommendations and tools available in land use planning to approach the vision and the goal to advance support for the working lands through land conservation so that all agricultural land can count.”

It was acknowledged that there may have been a miscommunication regarding the information requested about the PES Working Group, given that other group members remembered a more general inquiry about the goals and findings.

Isaac shared his screen to display the draft statements for comment. He tells the group that the statements as-written are not finalized or designed to be copied verbatim in the recommendations; they are a starting point for the group to shape and react to.

1. There can be both synergies and tensions between biodiversity conservation and agricultural productivity on lands protected by agricultural conservation easements.

- a. A group member questioned how close the working groups were to settling on a definition of biodiversity, stating that it can be difficult to make this point without that in place.
 - i. Isaac acknowledges that not having a concrete definition of biodiversity is a legitimate concern, and mentions that the Conservation Categories Working Group has not settled on a definition yet either. He mentions Bob Zaino, an expert on biodiversity in Vermont and someone who has worked a great deal on [Vermont Conservation Design](#). Bob is Chairing the Conservation Categories Working Group in addition to participating in the AWG.

2. The primary purpose of most agricultural conservation easements is to protect the agricultural use and future viability of the land subject to the easement.

- a. A group member provided some suggested language in the chat: *Currently, conservation easements are also used to define and protect important niche areas to enhance biodiversity on farms, like habitat corridors, riparian buffer zones, hedgerow plantings, wetlands, greened pathways and more. Vermont has approximately 225,000 acres protected by agricultural conservation easements.*

3. **Agricultural conservations easements are not prescriptive about agricultural practices, which allows agricultural practices to evolve and keeps the regulation of agricultural practices in the hands of state and federal policymakers.**

4. **Agricultural conservation easements usually allow for the conversion of forestland to agriculture.**
 - a. A group member suggested adding context to the statements around “conversion”, to acknowledge that converting forestland to ag land is not just a practicality consideration for the farmer. There are regulatory processes that must be adhered to in order to convert land and forest to agriculture conversions require approval under the conservation easement. In reality, there is only a limited amount of land that could be converted from forest to agricultural use, and this is only if it is a strong ag resource with a plan for its use.

5. **The terms of agricultural easements open the door to agricultural practices and land conversion that can have negative impacts on biodiversity in certain circumstances.**
 - a. Since the legislature doesn’t necessarily have a great understanding of what goes into an agricultural conservation easement, it would be helpful to provide more information about the *benefits* and protections included in easements, as opposed to only stating the negatives or constraints.
 - i. Another group member agrees, noting that many easements add additional protections beyond Vermont’s Required Agricultural Practices.
 1. Isaac agrees, but the way these additional protections have changed over time makes it difficult to make generalizations about them.
 2. To this, a group member countered that it would be appropriate to say in these statements that the expectations around adding additional protections has changed and gotten stronger over time.

 - b. Not all farms employ operational practices that negatively impact biodiversity, but the conservation easement itself does not prevent these practices from happening, so these statements are structured under the assumption that the worst case scenario is occurring (even though, Isaac acknowledges, it’s very unlikely that all farms would be doing the worst-case scenario at all times).
 - i. A group member disagrees that the “worst-case scenario” logic should be assumed if that’s not the current reality of agriculture in Vermont. She says that if the worst-case scenario is highlighted in these statements, they will not acknowledge what is at stake of being lost.

 - c. As a conventional farmer who owns conserved land, a member asked what these statements mean by “negative practices”, since it’s difficult to put into context how

those have an impact on biodiversity without stating exactly what those practices are. She remarks that her family's farm makes operational decisions carefully and thoughtfully, according to their nutrient management plan. The farm tries to do the right thing, so it's difficult to conceptualize how they may not accomplishing that by these definitions.

- i. Isaac noted that a common concern that has been expressed around agricultural practices and biodiversity is in the production of corn and the associated use of agrochemicals. Despite the important work farmers have done to improve their practices, there is still the viewpoint that those practices are in some ways detrimental.
- ii. Another group member, also a farmer, added that continuous cropping fields with corn-on-corn is a problem. Even with cover cropping, the injection of manure, vegetated buffers, and bioremediation methods to contain pollutants, continuous cropping can have harmful lasting effects. He also mentioned the growing concern with neonicotinoids, used in pesticides, suggesting that there may be incentives for farmers to rotate between corn and other crops to lessen the need for neonics.
- iii. A group member responded that that alongside the developing initiatives to limit the use of harmful pollutants in pesticides, farmers who are complying with the state's Required Agricultural Practices and working within the standard regulatory system should feel at ease with the way they are treating the land. She suggested that these statements acknowledge the human aspect to farming.
- iv. It was acknowledged that worldwide economic pressure is put on the milk market, and farmers do what they can to respond and keep up. Many of the choices that may be deemed "harmful" are in response to economic pressure to continue growing and keep up with the economy.
- v. Caroline added suggested language in the chat: *Farming families and collectives provide a labor of love to maintain or regain the cultural practice of food production while caring for livestock, land and more. At present, xx acres of land in Vermont are agricultural land, thereof xx acres are actively farmed, xx acres are protected in conservation easements, xx are certified organic. Projected impacts of climate change are estimated to affect 49% or xx acres of farmland as critical resources through floodplains, wetlands, high levels of bedrock or slopes or high elevation. Another xx acres of farmland are currently overplanned for (housing) development.*

6. There are major practical limitations associated with the conversion of the majority of land associated with Vermont's agricultural conservation easements to annual production models.

- a. One member suggested combining #6 and #7, stating in one bullet that there are potential limitations and then listing them. She also notes that it's hard to know what may happen in the future that may mitigate (or strengthen) these limitations.

- b. In response to current limitations that were not considered to be so in the past, someone mentions that there used to be highly-used hill farms using technology allowing them to be tilled, in areas that we wouldn't even consider farming on now. He also mentions the use of agroforestry; moving livestock into forested areas, which may expand in the future (and would hopefully be considered a form of regenerative agriculture).
- c. Additional examples given of types of limitations to conversion:
 - i. Infrastructure and supply accessibility
 - ii. *Lack* of land-use regulations
 - iii. Financial support to farms
 - iv. Lack of labor
 - v. Land inaccessibility
- d. A member suggested broadening agricultural conversion beyond simply "annual" production, since there are additional agricultural models beyond the standard model. The statements should be more explicit about this broader array of potential types of conversion.

7. Practical limitations associated with the conversion of lands to annual agricultural production include soil type, slope, hydrology, access and land use regulations.

- a. Isaac acknowledged an earlier comment about the limitations related to state law or regulation regarding conversion of land in and out of agricultural use.

8. Vermont has approximately 225,000 acres protected by agricultural conservation easements. Of those acres, xx percent are considered tillable lands (estimated to be less than 50 percent).

- a. Isaac stated that there is a forthcoming GIS analysis of existing agricultural land, to get a better sense of what the conserved land actually looks like (such as the proportion of land that is tillable).

9. Lands that are not tillable are very unlikely to ever be brought into annual agricultural production.

10. At present, lands protected by agricultural conservation easements are xx percent forestland [estimate is 30-40 percent], xx percent pasture/hayland, and xx percent in annual production (estimate is less than 40 percent). Statistics to be created using GIS analysis and presented to the agriculture working group at next working group meeting).

11. All lands that are not in annual agricultural production are likely helping to support and restore biodiversity, although the type and degree of biodiversity support and restoration will vary depending on the successional state and management regime.

- a. A group member suggested that this statement is black-and-white thinking. The AWG may not want to differentiate between production styles so explicitly based on their perceived contribution to biodiversity.
- 12. Given the present makeup of our conserved agricultural lands, at minimum xx percent of the land is presently supporting and restoring biodiversity (estimate is greater than 50 percent). Given the practical limitations associated with the conversion of land to annual agricultural production along with the trajectory of agricultural practices and Vermont's regulatory environment, it seems nearly certain that this percentage will either remain steady or increase over time.**
- 13. Productive agricultural lands are a critical natural resource that must be preserved and as these lands tend to be more easily developed than other types of land, they are being lost to development at a dramatic pace.**
- a. Someone suggested starting with the current amount of agricultural land, and subtracting what is likely to be lost in the future, either by being within a critical resource area (see Ryan Patch's presentation from the last meeting for details), or from development. Her interpretation of Ryan's presentation is that after the threatened agricultural lands are removed, there will be very limited areas of suitable land left for farming. Another group member agrees that this is a critical inventory to identify, but it will be difficult to provide a defensible number in such a short timeframe.
 - b. Stacy suggests the American Farmland Trust's Farms Under Threat document, which has a number of projected scenarios.
- 14. Maintaining productive agricultural lands is crucial for Vermont's future food security and preserving our working agricultural landscape is therefore a critical aspect of Vermont's climate resilience.**
- 15. Conserved farmland along waterways provide critical flood storage, which is an ever-increasing need as we grapple with the effects of stronger and more frequent storms due to climate change.**
- a. A group member noted that we cannot rely on farms within critical resource areas (such as flood areas) for our food security; they may not be food-bearing in the future. She wonders if conserved agricultural land within those critical resource areas should be counted in a different category.
- 16. The conservation of agricultural lands prevents those lands from being developed and provides the opportunity for the implementation of conservation practices that benefit biodiversity on these farms.**

17. The majority of the acreage associated with agricultural lands supports and restores biodiversity and will continue to do so indefinitely. Those lands that are not presently supporting and restoring biodiversity are an important and highly threatened natural resource that is crucial to Vermont’s future food security and climate resilience. Therefore, all land protected by agricultural conservation easements should be included towards the achievement of the conservation goals outlined in Act 59.

- a. In the chat, a group member expressed that 16 and 17 were the most comprehensive and salient of all of the statements, and would support using those two if only a limited number of statements can be included.

General comments from the group:

- A general (informal) consensus among the group seems to be that the statements read as black-and-white, and more nuance is required to accurately describe farms’ contribution to biodiversity.
- The set of statements as a whole seems to take a step back, explaining the discourse the AWG has been wrestling with, step-by-step. The member pointing this out believes it would be more effective to lead with the AWG’s findings, and then use the rest of the statements to flesh out the reasoning behind the primary finding. This would allow the statements to provide some context on how the group landed on the decision with the point already established, providing a discussion on the complexities of the tension between biodiversity and agriculture.
 - o A couple of group members agreed with this restructuring; whatever is presented to the legislature should start with a set of very strong statements about the AWG’s stance. They also believe that it is very risky to make such declarative statements without a definition of biodiversity, and it should be acknowledged that there isn’t enough time allocated to this work for the group to truly “get it right”.
- A group member stated that several statements imply that no agricultural land can benefit biodiversity. There’s a lack of acknowledgement that even on conventional farms, which are largely grasslands, there is a significant amount of critical biodiversity. She would like to see these benefits documented.
- An individual points out that these statements will need to strike a balance between adequately addressing the biodiversity focus of the Act, and acknowledging the other benefits of farmland that would be at a great risk of being lost if they are excluded from the inventory.
- There was another mention of forest management that is missing from the statements. All conserved agricultural land with more than 25 acres of forestland needs a forest management plan to manage it, which is a significant portion of agricultural land and important in the consideration of how working lands “work” and contribute.

The group took a five-minute break.

Scott Magnan joined.

Stacy opens a discussion about other questions that must be included in the inventory. These are required to be answered as per the legislation, and are summarized below:

1. What existing ag conservation practices, both permanent and intermediate, are available for reaching Act 59's goals – what do they do and what metrics are available to quantify them? (2803(b)(3))

a. Caroline shared her screen to share recommendations put forward by Rural Vermont.

These include:

- i. Mandatory Current Use, and reform in several ways to expand the program
- ii. A Land Access Fund
- iii. Option to Purchase at Agricultural Value for farmers; expanding the existing mechanism to use by all farmers transferring land, beyond just land encumbered with an easement
- iv. Right of First Refusal for farmers to buy farms
- v. VT Farmland for Farmers Act
- vi. Resistance of Carbon Markets, "Emission Trading Schemes", and the digitalization of agriculture

b. A group member states that she wouldn't feel comfortable providing a list of existing practices that enhance biodiversity (such as eligible practices that may be supported by multiple NRCS programs), with such a short timeframe to report back. She states that work has been done in the past to discuss these different programs (Future of Farming, Dairy Discussion Group), and looking into these instead of re-inventing the wheel may be more effective.

- i. Isaac clarifies that the "intermediate" existing ag conservation practices may be intended to fall within the 50% by 2050 benchmark, which has a little more flexibility in what may be considered. This question isn't necessarily asking about short-term practices, but longer-term conservation methods.

2. What existing agricultural conservation programs will be used to meet the conservation goals of this chapter, and recommendations for new programs, if any, that will be needed to meet the goals? (2803(b)(7))

a. All of our conservation programs are voluntary, and these systems are still extremely prohibitive to historically marginalized groups. Land access in the state is a matter of privilege, so enrollment in these voluntary conservation programs is a matter of privilege as well.

- i. Someone adds that small farmers may also face the same prohibiting factors or similar challenges (for example, taking a day off from farming to meet with a

land trust staff person may be far more difficult for a small farm than it is for a large farm with many employees.)

- b. The programmatic landscape in Vermont is not as supportive of diversified agriculture as it should be for the sake of the diversification of our food security.
 - c. The bureaucracy of navigating dozens of conservation programs is also difficult and prohibitive for all farmers, and especially small farms. To combat this, it's not as simple as adding additional funds to these programs or creating new programs altogether, it's also a question of adding technical assistance and capacity.
 - d. To take this further, a group member noted that it's difficult for all farmers to navigate the many programs out there to find one that suits their needs. A paradigm shift, particularly considering 50x50, may be needed for enhancing programs that allow farmers to *ask* for what they need to be more resilient.
 - e. Another member suggested another option in the chat: *Universal Base income for professional farmers---could be achieved through price supports, regional management supply, and state funded payment for ecological services----aimed to ensure that farmers and farm workers can earn a VT living wage (aprox. \$23/hr) ---participating farms enroll in soil health management systems.*
 - f. There was a suggestion to look at the Use Value Appraisal tool in different states. Stacy mentions New Hampshire as an example of a similar UVA program that provides different incentives for different levels of protection or types of land use.
- 3. What funding exists for agricultural conservation and what are recommendations for new funding sources that will be needed? (2803(b)(8))**
- a. Someone asked if this is intended to be short-term or ongoing funding sources. Stacy responds that it was left vague, so it would be better to be comprehensive in our answers; acknowledging the influx of funding at this point in time, and recognizing that it may not be this way forever.
- 4. How well are existing agricultural land protection and conservation strategies addressing the needs of historically marginalized groups? (2803(b)(9))**
- a. Isaac noted that Act 59 as enacted provided broader language as it relates to addressing equity, and put language of 2803(b)(9) in the chat: "(9) An equity assessment of existing land protection and conservation strategies and programs." He noted that the legislation allows for the group to see this more broadly than the language provided in the slides.

- b. Someone questioned if the AWG is a group with enough representation to answer the question in an appropriate way. She thinks that in order to be fair, we would need the input of people with that lived experience, and time, to get this right.
- c. In the chat, a group member suggested asking the Land Access and Opportunity Board to weigh in.

5. What opportunities exist related to intergenerational land transfer of farmland and how can the State proactively direct resources to achieve conservation at the time of transfer? (2803(b)(10))

- a. In addition to new conservation initiatives, effort should continue to be put into the conversation about how to keep conserved agricultural land in the hands of farmers who are actively contributing to the food system. A group member mentions Vermont Land Trust's "OPAV 2.0" discussions. They also mentions an alternative in Massachusetts: [Farm Viability Enhancement Program \(FVEP\) | Mass.gov](#), saying that they think that we need to be thinking outside the box in order to meet these benchmarks.
 - i. In response, Stacy mentioned that there are some options available in Vermont, such as a "Retroactive Option to Purchase at Agricultural Value", which often include additional natural resource protections, but we should be looking outside the box to achieve these permanent and intermediate goals established for 50x50.

Stacy pivots to discussing next steps for the AWG.

Recommendations must be back to the S&P group by the end of March, and by that point, all Working Groups should be finished with their work and provide their recommendations. The next AWG meeting is March 6th, and prior to the meeting, a new copy of the statements will be distributed for the group to review. Statements addressing the additional questions will also be provided for March 6th.

Stacy asks if the group would be willing to meet an additional time the week of March 11th in order to finish up the work. Isaac mentions that the public input session on the 12th is important to consider, and adding an additional meeting before this may be prudent for making sure the AWG is prepared.

One mentioned that pushing back the public comment meeting would be difficult, considering that it wouldn't leave enough time to take the suggestions into account. Someone else advocates for keeping the meeting schedule as-is, and suggested putting the five questions into a form and surveying the group, given that several members aren't here and didn't have a chance to weigh in.

The group adjourned at 1pm.