

Ag Working Group – Draft Position Statement – March 5, 2024

All agricultural lands are an important and highly threatened natural resource that is crucial to Vermont's future food security and climate resilience. Since 2017 Vermont has lost 4% of its farms and 19,547 acres of farmland. High land prices have made it difficult for farmers to compete with other land uses, which contributes to farmland loss. Concerningly, between 2020 and 2021 Vermont's land values increased at the fifth highest rate in the nation at 9.9 percent. An analysis from American Farmland Trust (AFT) estimates that Vermont could lose an additional 41,200 acres by 2040 under a "Business as Usual" development scenario and 61,800 acres under a "Runaway Sprawl" scenario¹. Additionally, AFT estimates that a demographic change of farmers 65 years old and older will result in 40% of farms changing ownership within the next 15 years. As climate migration accelerates in the coming decades, the pressures on our agricultural lands will increase significantly.

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. At present, lands protected by agricultural conservation easements are 33 percent forested [GIS Data Processing is incomplete for forestland; this number is an estimate based on the acreage in pasture/annual crops and wetlands], 43 percent pasture or hay, 14 percent in annual crop production, and 10 percent wetlands. Vermont's conserved agricultural landscape includes forests, wetlands and other natural resources critical to biodiversity. When assessing new conservation projects, the conservation easement configurations always include an analysis of the ecological resources associated with a conservation project, which results in additional ecological protections beyond those required by agricultural land use regulations. Conserved agricultural lands that are in active agricultural production are farmed in a variety of ways, many of which provide important wildlife habitat. The [UVM State of Soil Health in Vermont initiative](#) provides evidence that soil health across all types of farming in Vermont is presently preserving those soils' ability to support and restore biodiversity in the future even in those cases where current agricultural practices have the potential to negatively impact biodiversity. Those agricultural 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.

One of the challenges facing this group when attempting to determine which agricultural lands support and restore biodiversity is that biodiversity is not defined in the act and could be interpreted both broadly and more narrowly. Given the time constraints the working group was operating under, we did not have sufficient time to dive into the many complexities associated with both defining "supporting and restoring biodiversity" and determining which agricultural lands do so. However, it is unnecessary to determine which agricultural lands and practices support and restore biodiversity in order to come to a conclusion about whether or not Vermont's conserved agricultural lands should be counting towards the goals of Act 59.

¹ Business as Usual: Development follows recent patterns. Poorly planned development and low-density residential sprawl continue to rapidly convert farmland and ranchland.

Runaway Sprawl: Development becomes even less efficient than in Business as Usual. Low-density housing sweeps across the countryside, displacing farmers and ranchers.

See AFT Report: [FUT2040 VT.pdf \(storage.googleapis.com\)](#)

One of the potential conflicts between biodiversity and agricultural productivity that we have received feedback on is the ability to convert forestland to farmland under agricultural conservation easements. While agricultural conservation easements allow for the conversion of forestland to agriculture, this generally requires the approval of the easement holder, which can be withheld in the easement holder's reasonable discretion if soils are unlikely to be productive, or if there is not a conversion plan that will conserve the property's natural resources. In addition to the approval requirements, there are practical limitations associated with conversion of land from forest to agriculture, including soil type, slope, hydrology, access and land use regulations. For these reasons, while the terms of agricultural easements technically open the door to the conversion of forestlands to active agricultural production, the areas where conversion is possible and practical are relatively limited.

As it relates to lands in active agricultural production, there can be both synergies and tensions between biodiversity conservation and agricultural productivity. Currently, conservation easements are also used to define and protect important niche areas that enhance biodiversity on farms, including riparian buffers, wetlands, and unique natural communities like rich fens and clayplain forests. When it comes to lands that are not subject to special ecological protections, agricultural conservation 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. This is an important aspect of agricultural conservation, and it would not be appropriate to alter the design of agricultural conservation easements in order to be more prescriptive about agricultural practices. The fact that easements do not intervene as it relates to agricultural practices means that agricultural practices on conserved farms can have positive, neutral, and in some circumstances negative impacts on biodiversity. However, based on an analysis of the current makeup of the land subject to agricultural easements in Vermont the majority of the acreage associated with agricultural conservation easements are supporting and restoring biodiversity using any reasonable definition of biodiversity.

Vermont has approximately 232,000 acres protected by agricultural conservation easements. Of those acres, 136,616 acres have agriculturally rated soils (prime, statewide or local), which represents 58 percent of the total acreage subject to agricultural easements. At present, approximately 127,000 acres are in agricultural production (crops, hay or pasture), representing around 55 percent of the land subject to agricultural easements. The breakdown of productive use according to a recent GIS analysis is 31,433 acres in crops, 94,998 acres in hay and 1,314 acres in pasture. We feel it is a relatively safe assumption that those lands that are not in active agricultural use would meet any definition of supporting and restoring biodiversity because they are for the most part forested or wetlands. Given the above described barriers to agricultural conversion, the percentage of land in agricultural production is unlikely to increase over time. Even without having a firm definition of biodiversity, we feel that it is a safe assumption that there are significant portions of land in active agricultural production that are presently supporting and restoring biodiversity. Due to the trajectory of agricultural practices and regulations we feel confident that the percentage of productive agricultural land supporting and restoring biodiversity will increase over time. Based on this analysis, we feel confident that the majority of the acreage associated with agricultural easements is presently supporting and restoring biodiversity. While the working group acknowledges that some agricultural practices can have negative impacts on biodiversity, physical, legal and economic constraints, combined with the trajectory of agricultural regulations means that it will always be the case that the majority of the land subject to agricultural easements is managed in a manner that is supporting and restoring biodiversity.

Based on the reasoning described above, even without having a firm definition for “protecting and restoring biodiversity”, the majority of the acreage associated with agricultural easements will always either be forested or otherwise utilized in a manner that supports and restores biodiversity. Furthermore, all agricultural lands are a critical resource that is increasingly under threat of development. The protection of this resource furthers Vermont’s food security, climate resilience and the Conservation Vision described in Section 2802(a) of Act 59. Section 2803(b)(1) of Act 59 provides for the ability to develop any modifications or additions to the three conservation categories defined in Section 2801 provided they maintain or complement the core concepts of the three conservation categories. On this basis, the working group recommends including an additional category for conserved agricultural lands that will be included towards the goals of Act 59 due to the fact that all conserved agricultural lands maintain or complement the three original categories. As we have described, the majority of the lands subject to agricultural conservation easements will always be managed in a manner that is supporting and restoring biodiversity, and those productive agricultural soils that are temporarily being managed in a manner that has the potential to harm biodiversity are critical natural resources that are worthy of protection for the sake of supporting food security, climate resilience, Vermont’s rural landscape, and working lands economy. Several recent reports including the Vermont Climate Action Plan, the Vermont Food Security Roadmap and the New England Feeds New England report all emphasize the need to maintain productive agricultural land to ensure Vermont’s future food security and climate resiliency. For these reasons, we feel the conservation of agricultural lands maintains or complements the three original categories and is worthy of inclusion towards the conservation goals of Act 59.

| <p>1. What existing ag conservation practices, both permanent and intermediate, are available for reaching goals of Act 59– what do they do, how do they contribute, and what metrics are available to quantify them? (2803(b)(3)</p> | <p>2. How will existing programs be used to meet the conservation goals of Act 59 and what are your recommendations for new programs, if any, that will be needed to meet the goals? (2803(b)(7)</p> | <p>3. What existing funding and recommendations for new funding sources will be needed for acquisition of land, purchase, or donation of conservation easements, staffing capacity, and long-term stewardship to meet the goals of Act 59? (2803(b)(8)</p> | <p>4. From an equity perspective, how well (or not well) are existing land protection and conservation strategies and programs meeting the needs of the BIPOC community and other marginalized groups? What changes do you recommend to improve equity around farmland access and affordability? (2803(b)(9)</p> | <p>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)</p> |
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| <p>Assuming this means conservation programs, not ag practices - River corridor easements - permanent, allow for river movement and protection of riparian corridors (and habitat)</p> <p>Wetland easements - LCBP funds, RCPP funds</p> <p>ag easements/forestry - RCPP funds -permanent protection under NRCS rules. \$6M from LCBP issued this month.</p> <p>DEC Water Infrastructure Program - WisPr -though not always long-term easements</p> <p>All provide water quality, flood resilience, habitat, biodiversity value - metrics are limited but P reductions being quantified. Flood resilience metrics are not site specific - more general.</p> | <p>Existing programs above. We don't need new programs - we need more people to implement them, to develop them, to have the relationships with landowners.</p> <p>Current programs should be sure to continue to focus on priorities and voluntary opportunities - not just adding acres for the sake of meeting a 30x30 goal. For example, where is retiring land from ag production better for water quality and biodiversity than continue to fight a challenging river area.</p> <p>In some cases, funds for conservation should be combined with funds for restoration or land management to increase value of the protection. Multi-goal projects require extensive collaboration. Continuing to build and support capacity to manage the coordination is critical for achieving the highest outcomes. We must not just focus on one goal (biodiversity) when so many co-benefits can be gained by better coordination.</p> | <p>Focus on aligning and leveraging the multiple funding sources for greater efficiencies of dollars and resources.</p> | <p>I don't feel qualified to answer this and encourage more conversations with those who are. However, it is obvious that current conservation programs are too challenging for many (time consuming as well as difficult to understand) and need simplification and/or more assistance in working with landowners.</p> | <p>Coordinate more with the Farm and forest viability program</p> |

Additional Considerations for the Inventory Report - Survey Responses - 3-5-24

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| | <p>The UVA programs have potential to be tweaked to include permanent conservation and elevated requirements for sustainable land management. UVA could also be used as another mechanism to pair beginning farmers and historically dis-enfranchised people with land owners who want their land conserved and farmed (and/or forest sustainably managed) but are not interested in doing it themselves. Reform of Act 250 to include state-wide land use planning that would place an immediate moratorium on conversion of Ag land (and logging of old forest) would be the most ecologically literate, and ultimately economically practical, way to proceed. Act 59 offers a moment to muster a review of the land management practices of all currently held public lands, including: town, municipal, state and federal holdings---to ensure that going forward they contribute to meeting the stated goals.</p> | <p>Soil health legislation (protection and recognition of soil as a "public good") can be a catalyst for the state to engage more thoroughly with the NRCS & CDs to take maximum advantage of existing programs and bundle them with state and NGO soil health and farm viability initiatives. We can anticipate an influx of federal dollars to the NRCS through the recently passed Inflation Reduction Act---funneling through next year's Farm Bill. Implementation of Act 59 should help spur inter-agency coordination to make the most effective investments for climate resilient and to support financially equitable ag & forestry sectors. Federal conservation dollars can be augmented by the passage of a State-wide Carbon Emissions Tax (to be known as the Local Food System Security Tax) A progressive carbon taxation system will be a pivotal feature of the just transition to a post-oil civilization. The tax burden will fall primarily on industrial</p> | <p>Recent studies out of the UN have documented that land under indigenous peoples' management retains 2/3rds of the world's biodiversity---even though in many cases it is "working land". Act 59 presents us with an opportunity to redress past wrongs by granting that a portion of public lands be placed under the management of the four recognized bands of the Abenaki. Additional tax revenue (see above) can be used to provide access to land, technical training services, and start-up incentives to people traditionally and currently marginalized within the agricultural sector---including indigenous, women, people of color, migrant workers, climate refugees, queer and non-binary---and the youth.</p> | <p>UVA reform could address inter-generational transfer by offering a tier of enrollment that includes permanent conservation with additional annual tax abatement. Promotion of available programs for farm team business planning and generational transfer (coordinated through VHCB, UVM, Nofa-VT & the NRCD's) could be amplified and more widely promoted to the farming community.</p> |

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| <p>https://www.franklincountynrcd.org/agproducersguide all of them.</p> | <p>This question is out of order. We are no where near being able to answer this question at this time in this process. Please read the PES working group final report.</p> | <p>New tax incentives, land use planning, Comprehensive Conservation Planning and Farm Teams for all farms</p> | <p>https://docs.google.com/document/d/1rNdvqoWfjuXdCBsoMAKvZSKOqTYM7zH7FegKM8vemlA/edit#heading=h.glznt6ogr4xt please see this document.</p> | <p>Interesting question, let's talk about it extensively, but this seems out of scope of your statute.</p> |

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| <p>This seems to be the wrong question as its convoluting the term “ag conservation practice.” 30 x 30 isn’t about agricultural practice, it’s about conservation and land use on a macro - not micro scale. The correct question should be what criteria could be set to define conserved ag land that</p> | <p>Existing Programs UVA could be made mandatory through a statewide land use plan. Discontinue tax rebates for non-farming landowners on agricultural land that’s in mandatory current use. Instead, credit the tax rebate to a newly created land access fund to subsidize land access for farmers. UVA and conservation easements could be better utilized to ensure they are incentivizing sustainable land management on the ground. Lower taxes for organic farms or those who have gone through conservation planning with the Conservation Districts and NRCS as well as further implementation of the Vermont enhancement to the Conservation Stewardship Program are all avenues to enhance support for the working lands and to incentivize sustainable land management. The Opportunity to Purchase at Agricultural Value is currently a tool that’s not available to farmers on most farmland that’s for sale - that could change. If UVA would be mandatory, a land access fund could subsidize land access for farmers and legal reform could allow any farmer with significant experience and a business plan to finance agricultural land at agricultural value. NEED, Ecosystem Services in Working Lands Practice and Policy of the U.S. Northeast is referencing in their database over 80 different support programs in Vermont agriculture. Rural Vermont keeps hearing from farmers that the privilege needed to know about and navigate existing support systems is overwhelming to them.</p> <p>New Programs Land Access Fund - tax revenue from agriculture should be used to benefit</p> | <p>Rural Vermont is not supportive of the State or Land Trusts acquiring agricultural lands but favors instead policies that allow farmers to acquire farmland. Rural Vermont is noticing when language shows implicit bias towards new outcome based measuring systems. Measuring and financing outcomes through Ecosystem Services markets, “PES” like systems are known as false solutions, relying on high administrative costs while not effectively enhancing biodiversity but instead raising red flags on equity - we need farmland access for farmers not for rich institutions. As stated above we believe that the AG Working Group needs to be explicitly rejecting carbon markets. Local zoning has also been voiced by Rural Vermont board member Earl Hatley as a feasible way to protect agricultural land from development effectively. We would like to see a life cycle analysis of any policy recommendation considered before going</p> | <p>Stop patchwork strategy of financing some farmland access, see above proposals on: UVA, OPAV, Right of First Refusal, Farmland for Farmers Act, Statement Against Carbon Markets in Agriculture. When land trusts currently sell farms over \$600k, then they’re not making equitable land access to farmers possible through their means but can only support those with inter-generational wealth and significant off-farm income - not full time careers in farming. Focusing on land access through UVA makes sense as a more equitable solution for getting onto the land is needed as much as it is needed to make sure farmers can afford their property taxes while farming moving forward.</p> <p>Adding here full support for the funding request of the BIPOC-led Land Access and Opportunity Board. Rural Vermont board member Jake Kornfeld stated at the Farm to Plate Conference in 2023 that for the Farm Upstream land access required a lot of privilege on their</p> | <p>This question is too narrow. Rural Vermont suggests that conservation of farms would be secured through mandatory current use or local zoning, a statewide land use plan. In law there could be a provision that gives farmers a right of first refusal on farms for sale. The farmland would be already conserved from development by law - no matter the transaction to come. That would mean that if no farmer puts in an offer on a farm that’s for sale a non-farming entity could buy the land and lease the farmland portion to a neighboring farmer. We further recommend that Vermont adopt the Farmland for Farmers Act.</p> |

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| <p>All Ag Lands should be included in ACT 59, work is being done to increase conservation practices across all business models. Policy should be inclusive in order to preserve farmland for future generations to help reflect the intent of this act and other work being done.</p> | <p>There is an extensive list of programs available to farmers, some include, CSP, PFP, CEAP, FAP, Current use, land trust easements and more.</p> | <p>I don't know these programs well enough, or have a clear understanding of how funds are raised to put in easements. From my viewpoint, long term commitments should require long term funding, as a way to not block pathways available to younger family members should Ag not be an option for them at some point.</p> | <p>Tough to answer, land is becoming more valuable and will likely continue to trend that way.</p> | <p>I do not know a lot about this, I do know my parents still own the original farmstead we farm on. We have purchased some of our own and rent more. They have been reluctant to transfer that piece, in fear of tax implications, lack of a solid business model that would be able to pay back the appraised value. We would need supporting income beyond farming to pay it off even at reduced rate. To make this possible there would have to be a movement to really prioritize ag in the state and trust in the farm community to not over regulate funding to meet this goal. Tough sell in today's environment, that a reason we trend towards, housing, popular trees and consolidation. Some additional program within this act might help. I remember growing up in the 80's early 90's there was movement to save family farms, a few have survived but so many factors played into not making that work. The heavy workload being the biggest, followed by low pay.. the two really went hand in hand. Going back to my parents owning the homestead, we have not looked for help, or been asked if we need help...How would we find that?</p> |