

## Vermont Housing & Conservation Board Farmland Stewardship Principles

### History and Introduction

The Vermont Housing and Conservation Board was established by the Legislature in 1987, in response to rapidly rising housing prices and escalating development pressure on the state's agricultural and natural lands. Since then, partnering with the Vermont Land Trust, the Upper Valley Land Trust, the Vermont Agency of Agriculture, Food & Markets, and the federal Natural Resources Conservation Service, VHCB has funded the protection of approximately 165,000 acres of farmland, comprising over 700 farms.

VHCB's enabling statute, as amended over the years, includes this language (excerpted from 10 VSA Chapter 15, boldface added):

*In the best interests of all its citizens and in order to improve the quality of life for Vermonters and to maintain for the benefit of future generations the essential characteristics of the Vermont countryside, and to support farm, forest, and related enterprises, Vermont should encourage and assist in creating affordable housing and in **preserving** the State's **agricultural land**, forestland, historic properties, important natural areas and recreational lands, and **in keeping conserved agricultural land in production and affordable for future generations of farmers.***

VHCB's Conservation of Agricultural Lands policy focuses on protecting the state's quality agricultural land base in strong farming regions of the state. The policy requires that the farm be in active operation (or have a sound plan for coming into operation). The VHCB Farmland Conservation Program has always focused on protecting working farmland, and keeping it in the ownership of farmers.

In 2018, Vermont's agricultural future is uncertain—as it has been at other times during the past two centuries. Vermont farmers of all types are facing serious, multiple threats, and Vermont's agricultural economy may be at a dramatic turning point. Dairy farms remain the dominant force in Vermont's agricultural economy, contributing almost 80% of Vermont's farm sales, and controlling about 75% of the state's agricultural land. Dairies also comprise the majority of Vermont's conserved farms. While Vermont's dairy industry has weathered many ups and downs over the decades, the past four years of low prices and rising costs have resulted in tight or negative margins and decreasing net worth on many farms. Farms of all types and sizes are facing challenges and changes in the agricultural economy, the regulatory environment, and the climate. While support for local food in Vermont is strong, so is the competition among farmers for CSA and farm market customers. Stronger regulations to protect water quality are driving up costs and, in some cases, contributing to farmers' decisions to stop production. Another challenge is finding successors interested and able to own and manage increasingly large and complicated agricultural operations.

As farmers work to find viable ways to make a living from their conserved lands, VHCB and its farmland conservation partners have a responsibility to both protect and uphold our easement investment, while also supporting new production methods, crops, types of operations, value-added enterprises, and diversification. We will never be able to anticipate all the possible future agricultural and related uses when drafting conservation easements at a given point in time. The principles below are intended to guide farmland easement stewardship decisions as we collectively strive to achieve the appropriate balance of allowing flexibility in the context of a permanent legal restriction.

Easement holders have a responsibility to see that the overall purpose of each conservation easement is upheld. This includes ensuring that each conserved property has a Baseline Documentation Report (BDR), and monitoring each property annually (Standard 11, Land Trust Alliance Standards and Practices, revised 2017). Easement stewards (i.e., stewardship staff charged with the day-to-day management of farmland conservation easements) explain to landowners that the conservation easement is a binding legal document that limits how their land may be used.

Beyond these basic requirements, VHCB and its primary farmland protection partners adopt the following stewardship principles.

### **Stewardship Principles:**

- Good relationships with owners of conserved land are the best immediate and long-term method to help guarantee that the integrity of conservation easements is preserved.
- Owners of conserved land are partners in conservation, who must be treated in a forthright, ethical, congenial and helpful manner in order to establish and maintain a mutually trusting relationship that furthers the purposes of land conservation.
- Resource protection is a critical part of all farm easements. In some cases, the easement purpose of protecting agricultural soils may compete or conflict with the easement purpose of keeping land in active, economically viable production (e.g., erecting a farm building on rated agricultural soils). Easement holders recognize that the economic, operational, market access, regulatory environment, and enterprise characteristics of conserved farms will continue to change over time. Without compromising easement purposes, easement holders will make good faith efforts to administer farmland easements in a manner that allows conserved farms to adapt to their changing environment. This means responding to landowner needs—particularly those related to the viability of the farm—whenever possible, provided that they are consistent with the conservation easement purposes and terms, and legally permissible. In some cases, the immediate interests of the landowner may conflict with the easement holders' long-term interests and the landowner request may be denied or adapted.
- Easement stewards are a valuable source of information for owners of conserved lands, and strive to be helpful and responsive to the needs and concerns of landowners. This may include providing technical assistance and/or referrals to partners on resource management and other questions, as well as guidance on how easement stewardship issues may interact with local, state and federal regulations. However, easement stewards cannot know every aspect of resources, laws and needs. Landowners are ultimately responsible for meeting the local, state and federal laws and regulations that pertain to their property, and its use. However, Easement Stewards will endeavor to stay current on state and federal regulations and share information with landowners as much as possible.
- The co-holders strive to resolve easement violations voluntarily with the landowner, working in a cooperative manner in accordance with adopted Stewardship Memoranda of Understanding (MOUs). The co-holders treat landowners as partners, with an assumption of good faith by all involved. When this approach fails to resolve a violation, and/or a landowner repeatedly ignores easement restrictions, the easement holders work together to enforce the terms of the easement.

- Recognizing the challenging economic and regulatory environment facing Vermont farmers, easement co-holders work collaboratively with local, state, federal, non-profit and public entities to help support landowners as they innovate, adapt, diversify, and transition in or out of farming. This may include exploring new easement terms and/or other tools that enhance the environmental stewardship of conserved farms and provide benefits to landowners. Examples include but are not limited to: approving overlay river corridor, riparian buffer or wetlands protection easements, or approving minor easement amendments that add this type of additional protection; and supporting payments to landowners for ecosystem services, carbon sequestration, and other environmental benefits.