



A PATH TO CONSERVATION AND FARM VIABILITY: PURCHASE OF AGRICULTURAL CONSERVATION EASEMENTS

Community
Engagement

Farmer
Services

Agricultural
Easements

Farmland
Purchase

Farm Viability
Program

YOUNG FARMERS IDENTIFY

LAND ACCESS

AS ONE OF THEIR TOP BARRIERS TO ESTABLISHING A CAREER IN AGRICULTURE.

This series of case studies highlights ways in which land trusts can promote and protect farm viability to keep land in production and in the hands of farmers.

NYFC is working with conservation organizations across the country to scale up innovative farmland protection strategies that go beyond protecting farmland from development and aim to keep farmers on the land now and for generations to come.

PURCHASING CONSERVATION EASEMENTS

Traditional Conservation Easements: Purchasing conservation easements from farmers can help them generate cash flow to purchase land, invest in their business, or finance a land transition to the next generation. Donating an easement can provide farmers with tax benefits. However, traditional conservation easements do not ensure that farmland remains affordable and in the hands of farmers

Working Farmland Conservation Easements: Land trusts can incorporate additional provisions into conservation easements that help keep farmland at a price farmers can afford. These provisions can be written directly into new easement language or added to existing easements at a later point. Examples include:

Option to Purchase at Agricultural Value (OPAV): Option to Purchase at Agricultural Value (OPAV): This language - also referred to as a Preemptive Purchase Right - helps keep farmland in the hands of farmers by requiring that owners of protected farm properties sell their land to qualified, working farmers. If a farmer is not identified by the landowner, the land trust has the option to purchase the farmland at its agricultural value.

Affirmative Covenant: Traditional conservation easements are restrictive, meaning they prohibit certain actions by limiting property rights. In contrast, affirmative language in an easement requires that a landowner engage in specific activities, such as farming.

Other Affordability Provisions: Purchasing easements that include limitations on the housing footprint, or limitations on home value appreciation can also help keep farms affordable for future generations.

“We were able to afford the farm because a previous owner conserved the farm with Vermont Land Trust.”

—Laura Hecht

WORKING WITH CONSERVATION EASEMENTS

Land trusts can purchase traditional and innovative conservation easements in a variety of ways to help beginning farmers access affordable land or to enable aging farmers to transition their farm to the next generation:

- **Buy-Protect-Sell:** Through buy-protect-sell programs, land trusts can purchase a farm that is vulnerable to development, conserve it (ideally with an OPAV or other affordability provisions), and sell it to a beginning farmer at its new and more affordable value.
- **Farmer Buys Land, then Sells Easement:** Farmers who can finance the purchase of land, or who can receive bridge financing to purchase land, can then sell an easement to effectively reduce the purchase price of the farm.
- **Farmer Sells Easement to Land Trust:** Land-owning farmers can sell an easement and use the income to buy more land, make farm improvements, or help transition the farm to the next generation.
- **Simultaneous Purchase:** The land trust sits down at the closing table alongside a farmer to buy an easement while the farmer buys the land. This makes the land purchase cheaper and easier to finance for the farmer.
- **Lease with Option-to-Purchase:** The land trust purchases and leases land to a farmer with the option to purchase the land in the future. This gives the farmer the opportunity to build credit and their business before having to finance the purchase of a farm.

For case studies on these and other land access strategies, see California Farmlink's 2015 "Conservation and Affordability of Working Lands" report.



ABOVE: Laura Hecht and Matt Crowley of Full Plate Farm in 2015 on their leased land outside of Brattleboro, Vermont. Laura and Matt have since moved to their newly purchased VLT-conserved farm made affordable by an OPAV conservation easement.

INNOVATIVE EASEMENT HELPS YOUNG FARMERS ACCESS LAND

Laura Hecht and Matt Crowley have been farming since 2001. They moved to Marlboro, Vermont in 2012 and began a CSA on leased land near Brattleboro. As a CSA operation, they weren't looking for a large farm to buy. Small parcels were few and far between, however, and larger acreages were too expensive.

Laura and Matt thought they'd have to move out of state to buy affordable land, but in 2014 the Vermont Land Trust (VLT) announced the sale of a 150-acre OPAV-conserved farm in the Brattleboro area. The couple submitted a management proposal and were selected to buy the property through VLT's Land Access Program.

Without an OPAV included in the conservation easement, the farm was worth an estimated \$500,000. With the OPAV, Laura and Matter purchased the farm for \$200,000—making land-ownership a viable option for the young farmers.

For more information visit vlt.org



The National Young Farmers Coalition unites young farmers and ranchers to ensure a sustainable future for American agriculture.

youngfarmers.org ■ 518-643-3564



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