



Agricultural Commission

Remote Meeting Minutes

2/15/23

7:00 - 9:00 PM

Meeting came to order at 7:08 PM

Present: Lucy McKain, Eric Piper, David Sears, Sherrill Rosoff

Guests: Tony Beattie, Chuck Walkovitch, Renee D'Argento, Paula Terrasi

Rita Thibodeau, Assistant State Conservationist for USDA, NRCS.

Minutes were approved for 9/27/2022 and 11/29/22.

Ms Thibodeau presented information regarding the NRCS ACEP-ALE program. The Agricultural Conservation Easement Program has two parts: the Agriculture Land Easement Program and the Wetlands Reserve Easement Program. Her presentation focused on the ALE program.

The ALE program is administered by the NRCS, a division of the USDA. NRCS provides free technical services to farmers regarding resource concerns: water run-off, energy audits, greenhouses, irrigation systems, and forestry projects. This is the largest part of what NRCS does; the easement programs are a small part of their scope.

The easement programs are geared toward active farms but Ms. Thibodeau acknowledged that the definition of an active farm is somewhat discretionary. As an example, if an organic farmer decides to rest his/her fields for a couple of years, NRCS would still consider the land in active farm use. She noted that every federal Farm Bill tweaks the regulatory language and that currently, language about "actively farmed" appears to have been dropped from the legislation. This appears to be a gray area and therefore, at the discretion of the NRCS.

The Federal Government may also have a different definition of farming (required \$\$ of sales per year) than the Commonwealth. She noted that \$1,000 of annual sales was a requirement but that's gone. It was determined to be discriminatory to socially disadvantaged farmers so the 2018 Farm Bill does not contain that requirement.

Regarding acreage limitation, Ms. Thibodeau again expressed latitude regarding acreage (APR currently requires 5 acres). Forest lands can be considered if forests are important to the preservation of farmland.

If a farmer has an ALE easement, other federal programs are available:

- a. AMA (Agriculture Management Assistance Program);
- b. RCPP (Regional Conservation Partnership Program) - here is where you can include forestland if it accompanies farmland;
- c. CSP (Conservation Stewardship Program) helps provide farmers with a small annual stipend for 5 years to do small projects on their farms;
- d. EQIP (Environmental Quality Incentives Program) - this is one of their largest programs with a \$6 million budget. Covers livestock watering systems, fencing, manure storage structures, irrigation systems, and other facility improvements.

Like the Commonwealth's APR program, the ALE program is a land easement in perpetuity. NRCS assumes the role of steward of the conserved land. NRCS provides 50% of the fair market value of the farmland, but the collaborating entity must come up with the other 50%. The collaborating entity can be a partnership of groups. That's the biggest challenge to the program - the other entity must have fairly deep pockets. NRCS uses the "yellow book" for appraisals. Ms. Thibodeau noted that if a farmer has plans to set aside acreage to build on, that land should not be part of the ALE easement. There is a limit on how much you can build once the land is in agricultural easement but she noted that, with climate change, they have some flexibility regarding the 2% impervious surfaces restriction. Currently ALE does not allow solar panels (while APR does) but she thinks that will be changing so that farmers can graze or farm under the panels.

Ms. Thibodeau believes that one advantage of the ALE program compared with the APR program is that the ALE approval process is faster. The APR program must do all the paperwork and then submit to the NRCS which provides 50% of the money to MDAR. The ALE program is more directly funded.

A holder of the easement can be a land trust, municipality, tribe, Agricultural Commission (on behalf of the municipality). The entity must have the authority and capability to acquire, manage and enforce agricultural land easements or their equivalent, demonstrate a commitment to the long-term conservation of ag lands, and have an established farmland protection protection (right to farm bylaw qualifies, and open space and recreation plan - local policy consistent with purposes of ACEP-ALE)

- a. Legal and administrative
- b. Pay procurement costs
- c. Hold title
- d. Meet ALE requirements
- e. Meet performance deadlines
- f. Complete monitoring
- g. And enforce terms of the deed and plan

- b. Land determination eligibility
 - a. Hazardous materials field inspection (oil barrels, etc; underground fuels)
 - a. Soils
 - b. Historic or archaeological resources like an old burial ground
 - c. Croplands
 - d. Pasturelands
 - e. Private forest land
 - f. Unique land that provides habitat for animal or plant populations of significant ecological value.
 - a. Chapter 61 land can have an ALE easement on it but the Chapter 61 would have to drop off because the federal government cannot be subordinate.
 - g. All liens and all taxes have to be paid off prior to an ALE closing.
 - h. Lands must have public access.

The landowner still owns the land once the ALE easement has been approved. The landowner will have received payment to place his/her land into conservation.

Sherrill Rosoff then gave the Commission an update regarding the 2022 Stakeholder Engagement Report which was presented to the Planning Board in May/June of 2022. Holly Fowler will be presenting to the Planning Board Monday next week. Holly has also drafted a Phase 2 report which Sherrill will circulate to the Commission. Phase 2 will build on the Stakeholder Engagement Report to determine if a food hub is viable and, if so, will proceed with development of a 3 year business plan. We must have Planning Board approval for funds from the earmark to be used for Phase 2. Tony Beattie and Sherrill Rosoff also spoke with Rose Arruda of the Food Ventures Program (MDAR). Rose Arruda noted that they do not look kindly on mixed use commercial kitchens as they are looking at volume propositions, which community users of a commercial kitchen do not commonly do. MDAR insists on a memorandum of understanding regarding space utilization so that food producers can use the kitchen spaces to scale up their businesses.

Lucy McKain is making progress on the Right to Farm signs design. The town has a Signs and Safety committee that can help with this effort.

Motion to adjourn: Lucy McKain and seconded by Eric Piper. Meeting adjourned at 8:47 PM.