Techniques for Stewardship of Preserved Farms: Three Programs

Saving America’s Farms and Farmland Conference

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- MET is a Unit of State Government (DNR), with independent Board of Trustees
- Founded 1967 by act of MD Legislature
- 1,072 Conservation Easements
- 131,755 Acres
- 45 Local Land Trust & Environmental Organization partners
Stewardship Responsibilities:

- Review requests to exercise reserved rights
- Verify conditions for permissibility of proposed actions
- Enforce restrictions and respond to violations
- Maintain communications & positive relationships with landowners
Stewardship Responsibilities (cont.):

• Interpret easement & answer questions
• Meet recent donors & successor owners
• Conduct monitoring visits
Review requests to exercise reserved rights requiring prior approval or verification e.g.

- Locations of
  - permitted new residences,
  - replacement residences, and
  - new accesses

- Subdivision of parcels and house lots
Guidelines for Home Sites and Subdivisions:

– Minimize impact to resource lands, i.e. site structures near edges of field or forest stand
– Minimize length of access and impervious surfaces
– Minimize parcelization of resource land
  o cluster minimum sized lots
  o larger remainder parcels
– Minimize visibility from scenic roadways and navigable waterways
Verify permissibility of proposed actions

– Replacement accessory residences
  o If in same location, “similar size and purpose,” or
  o maximum square footage (e.g. 2,500 sq ft)
• Verify conditions for permissability (cont.)
- Permitted business uses (e.g. home office, day care, bed & breakfast, sales of farm or forestry products) –
  o Within existing residence or accessory structure
  o No changes to external appearance (e.g. plate glass windows and lighting) to promote commerce
  o Majority of products grown onsite
Maintain communications & positive relationships with landowners

- Newsletters, email posts, annual stewardship survey
- Pre-monitoring letter, scheduling phone call, follow up letter
- Post monitoring survey
  (volunteer program only)
Interpret easement & answer questions from

- Public
- Donor family
- Realtors and appraisers
- Potential purchasers
- Non-family successors
• Meet recent donors & successor owners
  – Answer questions on easement applicability
    o e.g. stream buffer requirements
    o reserved residence rights
    o permissible commercial activities
Conduct monitoring visits
– Maintain familiarity with property and landowner
– Verify land use and absence of impermissible changes
New Uses, Policies Developed in Response, and Verification Needed

- Alternative Energy Generating Facilities
  - solar panels, wind generator, biogas generator
  - sized for onsite use only

- Sales of Ecosystem Services Credits/Banking
  - must be compatible with farming and forestry
  - must enhance conservation values
New Uses, Policies Developed in Response, and Verification Needed (cont.)

• Temporary Commercial Events and Activities e.g. concerts, weddings, family reunions
  o centered on existing developed area
  o limited area and attendance
  o no new permanent structures for permitted activities/events
  o no long-term impact to/must support traditional uses
Enforce restrictions and respond to violations

- Identify impacts and severity
- Intervene early and seek voluntary mitigation
- If necessary, file suit

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Assigned Assistant Attorneys General from DNR
Typical Stewardship Issues -
• Disposal of vehicles/construction materials
• Failure to obtain required conservation plans (forest stewardship and soil & water) and implement associated BMPs
• Conversion of accessory structures to residences
• Infrastructure projects
Typical Issues -

• Disposal of vehicles, equipment, construction materials
Typical Issues -

• Absent/expired conservation plans
• Inadequate/absent BMPs
  e.g. stream buffers, fencing, hardened crossings, off stream watering
Stewardship Challenges -

Typical Issues -

- Conversion of accessory structures to residences without prior approval
Stewardship Challenges - Infrastructure projects

- Government-sponsored road widening, bridge replacements and sewer lines
- Interstate gas pipelines and electrical transmission lines
Stewardship Challenges -

- National trends
  - Frequency of Monitoring
- Conventional versus Organic farming
Stewardship Challenges-

• Frequency of Monitoring
  – Land Trust Alliance *Standards & Practices* now call for Annual “Visual Assessment”
  – Frequency and method appropriate to risk

MET striving to meet requirement with:
  – Permanent field staff
  – Interns/Seasonal employees
  – Long term contractual staff
  – Volunteers
Stewardship Challenges - 
Methods of Monitoring:

– Complete review visit
  o Viewing as much of property as feasible
  o Documenting with photos and filling 5 page form
  o Conducted once every 6 years

– Abbreviated site visit
  o Viewing and photographing
    – Major improvements e.g. residences, farm yard
    – Readily seen features of property between entrance and curtilage
  o Filling 1 page form
  o Striving for annual frequency
Stewardship Challenges - Risk Assessment

- Staff assigned properties possibly problematic, e.g.
  - Past history of violation/unfriendly landowner, or
  - Not visited by MET staff in five years or more, due to weather, cancellation or
  - Visited by local land trust only

- Seasonals visit moderate risk properties e.g.
  - Ones coheld by land trusts that lack capacity to monitor on their own, or
  - In counties that volunteers are less interested in
Stewardship Challenges - Risk Assessment (cont.)

- Volunteers only assigned to properties with minimal risk, cooperative landowners
  - Conduct abbreviated site visit and fill simplified form
Stewardship Challenges-

MET Permanent Field Staff –
- 3 Easement Planners (~⅓ time on Stewardship)
- Stewardship Manager
- Stewardship Administrative Officer
- Together monitoring ~ 10% of MET portfolio

Interns/ Seasonal employees -
- 1 to 2 per year
- 3-8 months service period
  • Monitoring ~ 15% of MET portfolio
Stewardship Challenges-

Volunteer Coordinator (contractual) -
Managing 35+ Volunteer Easement Stewards
– Trained consistently in 1-day lecture and field exercise
– Commit to minimum 8 monitoring assignments annually
– Reimbursed mileage and postage, if requested
– Monitoring ~ 20% of MET’s portfolio
Stewardship Challenges:

- Local Land Trusts
  - Coholding ~60% of MET easements
  - Most all-volunteer (few with paid staff)
  - 15 working toward annual monitoring standard
  - 3 achieved and 5 working toward LTA accreditation
  - Monitoring approximately 40% of coheld easements, ~25% of MET portfolio
Challenges/Opportunities-
What’s the next monitoring tool/solution?
• Review of Remotely Sensed Aerial Imagery
  – MD Statewide orthophotography – 6” resolution, leaf off
    o dependent on funding, long lead time
    o half of State one season, balance the next
    o 9+ month delay
  – National Agricultural Imagery Program (NAIP) - 1 meter resolution, leaf on, biannual?
Challenges/Opportunities -

Contractor sourced orthophotos from flights over targetted properties

Flyovers with hand held camera

LandSat Land Use Change Analysis
  – Coarse (30 m) resolution; 3 pixel (¾ ac) min area

UAVs (Drones)?
Challenges/Opportunities-

• National Trends in Agriculture
  – Larger conventional farms and equipment needed to till them
Challenges/Opportunities-

- Smaller labor-intensive organic operations
  - Farm-to-Table and local organic (Locavore) movements
Challenges/Opportunities -

Interest in heritage animals & crops
Breathing life into smaller, historic, often previously marginal farms
Impact of agricultural trends on housing requirements:

- Larger equipment and farms (grains) - less labor and thus fewer residences needed

  Versus

- Smaller / labor intensive farms (organic/equine) - more residences needed
  - Manager/caretaker
  - Farm hands/laborers
  - Interns and students (e.g. CSAs)
Challenges/Opportunities

Who can predict which trend will prevail?

- IRS regulations encourage fewer residences
- USDA and many land trusts restrict total impervious area
- Current MET easement model restricts farm worker residences to bare minimum (often 1)
- Small organic operators complaining of no place to house needed labor onsite
- Zoning restricts temporary housing
- Land Trusts nationally beginning to recognize that workforce housing is a trending issue
Wrap Up and Thanks