

Agricultural easement programs.

Saving agriculture or saving the environment?

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About 34 land trusts and open space districts in California have been pursuing agricultural conservation easements, which prevent development and keep land available for farming or ranching in perpetuity. This is a relatively new use of easements, which have traditionally targeted natural resources such as wilderness or wildlife habitat.

California has 34 local conservation organizations, land trusts and open space districts that seek to protect farmland through conservation easements. In an examination of their mission statements and interviews with managers, we found variations in the extent to which the same easements protect both agricultural production and natural resources. Because they frequently protect farm operations that involve intense cultivation, cropland easements tend to be seen as incompatible with natural resource purposes such as riparian areas, habitat, wetlands and recreational trails.

Using conservation easements to protect farmland from urbanization is a relatively new application of a technique that has been used in land preservation programs in the United States for about a century. Landowners who voluntarily sell easements or donate them for tax benefits, in effect give up development rights on their land in perpetuity while still retaining basic ownership (AFT 1997). Only in the past 20 years in California, and slightly longer in several other states, have state and local programs employed easements for the express purpose of keeping farmland in production. The more traditional uses have been for preserving land with natural resource or recreational values, such as riparian areas, wetlands, habitat and trails.

Thousands of agricultural acres — primarily grazing land — have been covered by environmentally oriented easements over the years. In part this is because farmland is a form of open space, a passive environmental amenity. But protecting agricultural production with easements intended to protect more specific natural resources,

such as habitat and riparian areas, is more difficult for much of California's farmland, because orchards, vineyards, vegetable cultivation and other intensive crop production constitute a "working" rather than "natural" landscape. While sustainable agriculture offers considerable promise for minimizing the impacts of farming on natural resources, intensive crop production still generally involves chemical applications, the use of heavy machinery and other industrial-like activities.

The issue of compatibility between farming and natural resource protection is broad. We address it only in the context of conservation easements, by examining the agendas of local organizations with land conservation objectives. We identify 34 California organizations that emphasize farmland protection to varying degrees, and examine the mix of agricultural and other conservation purposes in their missions, drawing primarily from open-ended phone and personal interviews with program managers and from mission statements.

Selecting 34 programs

The 34 California programs that fit our standards for having an interest in farmland protection include 30 non-profit land trusts and four open space districts. Land trusts are nonprofit, community organizations founded and run by volunteers and small staffs, while open space districts are local government entities governed by publicly elected boards (Vink 1999).

All four of the state's open space districts are included on this list. But the 30 land trusts are only a small portion of the more than 130 land trusts that operate throughout California, according to the 1998 directory of the national Land Trust Alliance (LTA) (1998). Among 20 different types of resource conservation purposes noted in the directory for individual California trusts (with multiple objectives cited in most cases), farmland/ranches ranked eighth in the frequency of mention. The top mentions were (1) watersheds/water quality, (2) rare species habitat, (3) scenic views, (4)



Since its founding in 1980, Marin Agricultural Land Trust (MALT) has put easements on more than 30,000 acres on 45 ranches and family farms. The former rangeland property, left, is located at the western edge of Novato's urban growth boundary.

wetlands, (5) river corridors, (6) trails and (7) forests/timberlands.

To select 30 farmland-oriented land trusts, we first identified 37 organizations that cited a farmland or ranch purpose in the LTA directory. Next, we added about 10 other trusts identified as having an agricultural orientation by other sources such as state and foundation programs, the American Farmland Trust and our own files. Finally, after speaking with program managers and reviewing mission statements, we narrowed the list down to 30 trusts. The final list does not include land trusts that acquired easements on grazing acres or other

farmland primarily for environmental, rather than agricultural purposes. The two essential selection criteria were (1) an expressed interest in the preservation of farmland as an agricultural resource and (2) the intention to use conservation easements.

For our purposes the farmland criterion encompasses both cropland and rangeland. The few California trusts that have forestry or growing of trees as their only "agricultural" activity were not included. Otherwise, we defined "farmland" and "agriculture" broadly. For example, one manager for a coastal land trust described the scope of his agricultural program as

TABLE 1. California conservation organizations with a farmland orientation

Principal county (other counties of operation)	Organization	Founded	Principal county (other counties of operation)	Organization	Founded
Alameda	South Livermore Valley Agricultural Land Trust	1994	San Benito	San Benito Agricultural Land Trust	1993
Amador (Calaveras, El Dorado)	Amador Land Trust	1990	San Bernardino	Southern California Agricultural Land Foundation	1988
Butte (Tehama)	Northern California Regional Land Trust	1990	San Luis Obispo	Land Conservancy of San Luis Obispo County	1984
Contra Costa	Agricultural Trust of Contra Costa County	1997	San Mateo (Santa Clara)	Peninsula Open Space Trust	1977
	Muir Heritage Land Trust	1988	San Mateo (Santa Clara, Santa Cruz)	Mid-Peninsula Regional Open Space District*	1972
El Dorado	American River Conservancy	1989	Santa Barbara	Land Trust for Santa Barbara County	1985
Fresno (Madera)	San Joaquin River Parkway and Conservation Trust	1988	Santa Clara	Land Trust of Santa Clara County	1997
Fresno (Madera, Mariposa, Tulare)	Sierra Foothill Conservancy	1995		Santa Clara County Open Space Authority*	1993
Marin	Marin Agricultural Land Trust	1980	Santa Cruz	Land Trust of Santa Cruz County	1978
	Marin County Open Space District*	1972	Solano	Solano County Farmland and Open Space Foundation	1986
Mendocino	Mendocino Land Trust	1976		Sonoma County Agricultural Preservation and Open Space District*	1990
	Anderson Valley Land Trust	1990		Bodega Land Trust	1992
Merced	Merced County Farmland and Open Space Trust	1993	Sonoma (Mendocino)	Sonoma County Land Trust	1976
Monterey	Monterey County Agricultural and Historical Land Conservancy	1984	Tulare	Sierra Los Tulares Land Trust	1993
Napa	Napa County Land Trust	1976	Ventura	Ventura County Agricultural Land Trust	1992
Sacramento	North Delta Conservancy	1991	Yolo	Yolo Land Trust	1988
	Sacramento Valley Open Space Conservancy	1990	Statewide	California Rangeland Trust	1998

* Public agencies. All others are nonprofit organizations.

including, "all agricultural uses in accordance with sound and generally accepted agricultural management practices, such as breeding, raising, pasturing and grazing of livestock; production of food and fiber; breeding, raising and boarding horses, bees, poultry and other fowl; and planting, raising, harvesting other agricultural, horticultural and forestry crops."

In applying the second selection standard, use of easements, we emphasized intention rather than accomplishment. It was not necessary for an organization to have actually acquired specific easements. Rather, we deemed it sufficient to express an intention to acquire easements for farmland protection in the future. One justification for this liberal approach was recognition of how difficult it is for a new land trust to complete its first easement transaction, primarily due to funding limitations and landowner resistance (Faber 1999).

The trusts we identified are located in 29 of California's 58 counties (table 1). A few operate in more than one county, and the California Rangeland Trust has a statewide orientation with an emphasis on the Sierra foothills and Central Coast hillsides. (We left two Central Valley land trusts off our list that have potentially relevant activities: the Stanislaus Farmland Trust, which was formed in late 2000, shortly after the conclusion of our data collection, and the San Joaquin Open Space and Farmlands Trust, which has not been functioning for several years.)

Twenty-one of the 34 programs are concentrated in coastal areas, with 14 in the Bay Area alone (fig. 1). The Central Valley has nine and Sierra foothill counties have two. Least represented in relation to area and population, Southern California has only two organizations on our list, in Ventura and San Bernardino counties. No such programs are located in the major counties of Los Angeles, Orange, Riverside and San Diego.

Two types of organizations

Both nonprofit organizations and public agencies are legally able to ac-

quire and hold conservation easements on private properties that restrict their future use. The key is their noncommercial and public interest character, which under federal law allows them to accept contributions of money or land interests as tax deductions. Nonprofit land trusts specifically qualify under section 501(c)(3) of the Internal Revenue Code.

But the California land trusts and public agencies (primarily open space districts) have distinctly different forms and operational procedures. Land trusts are independent, nongovernmental entities with no formal accountability to the community or its political bodies. Volunteer boards of directors, who fill their own vacancies, govern them and a number have small staffs and membership or donor rolls. Because of their grassroots origins,

flexibility, citizen participation and conservation credentials, land trusts are an attractive alternative to local government as the major mechanism for acquiring and holding easements (Daniels and Bowers 1997; Vink 1999).

No California county and city governments directly operate agricultural easement programs, although they frequently require the donation of easements as mitigation for approving development projects. The open space districts and several regional conservancies organized by state government are the only public agencies in California with active easement programs. Unlike the nonprofits, the districts are accountable to their communities via separately elected governing boards or are extensions of county government and the elected board of supervisors.



Fig. 1. California land trusts and open space districts with agricultural programs. Counties shown have one program, unless otherwise indicated by a number in parentheses.

Source: Al Sokolow, Cathy Lemp and Jeff Woled.

TABLE 2. Local easement programs by degree of agricultural interest

Exclusively or primarily agricultural

Agricultural Trust of Contra Costa County
 Amador Land Trust
 Marin Agricultural Land Trust
 Merced County Farmland and Open Space Trust
 Monterey County Agricultural and Historical Land Conservancy
 San Benito Agricultural Land Trust
 Southern California Agricultural Land Foundation
 South Livermore Valley Agricultural Land Trust
 Ventura County Agricultural Land Trust
 Yolo Land Trust
 California Rangeland Trust

Equal emphasis to agricultural/other resources

Anderson Valley Land Trust
 Bodega Land Trust
 Land Conservancy of San Luis Obispo County
 Land Trust for Santa Barbara County
 Land Trust of Santa Clara County
 Land Trust of Santa Cruz County
 Mendocino Land Trust
 Muir Heritage Land Trust
 Napa County Land Trust
 North Delta Conservancy
 Northern California Regional Land Trust
 Peninsula Open Space Trust
 San Joaquin River Parkway and Conservation Trust
 Sierra Foothill Conservancy
 Solano County Farmland and Open Space Foundation
 Sonoma County Land Trust
 Mid-Peninsula Regional Open Space District*
 Sonoma County Agricultural Preservation and Open Space District*

Primarily other resources with significant agricultural interest

American River Conservancy
 Sacramento Valley Open Space Conservancy
 Sierra Los Tulares Land Trust
 Marin County Open Space District*
 Santa Clara County Open Space Authority*

* Open space districts: all others are nonprofit land trusts.

Agricultural emphasis

While each of the 34 organizations identifies farmland protection as an important objective, the degree of emphasis often varies. The names of land trusts and open space districts suggest this variation; the terms "agriculture," "farmland" or "rangeland" are found in only 11 names, sometimes in combination with "open space" or other designations. Based on our review of mission statements and interview comments, we sorted the 34 organiza-



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In 1999, Napa County Land Trust made farmlands such as vineyards a top priority, in part to support a county-supported agricultural preserve on the Napa Valley floor.

tions into three categories, according to differing agricultural emphases (table 2).

Only a third of the 34 organizations are unwavering in their exclusive or primary focus on farmland. We included some trusts that focus on grazing (ranch) cropland properties and others that are primarily interested in cropland. The California Rangeland Trust and Amador Land Trust concentrate on foothill ranch land, while the Monterey, South Livermore Valley and Yolo trusts focus almost entirely on orchards, vineyards, vegetable-growing parcels and other croplands.

In recent years, some organizations with broad or multiple conservation objectives have begun to emphasize farmland protection, perhaps motivated by new funding opportunities for farmland easements created by state government and other agencies. Some land trusts have also reassessed their conservation objectives to reflect community concern about farmland loss and increased landowner interest in easements.

Two such programs are the Napa County Land Trust and the Mid-Peninsula Regional Open Space District (south of San Francisco), neither of which emphasized farmland protection in their original missions. Following a planning exercise conducted by its board, the Napa trust in 1999 established agricultural lands as

its top conservation priority, partly to support the agricultural preserve created for the Napa Valley floor by county government policy. As a result of an advisory voter referendum and the encouragement of other conservation groups, in 2000 the Mid-Peninsula district extended its boundaries to an area of prime farmland along the San Mateo coast.

Agriculture-resources compatibility

Interviewees frequently commented on the connection between protecting agricultural activity and preserving natural resources such as habitat, wetlands and scenic views. The same easements, some said, could accommodate both purposes. Others, however, discussed serious limitations, citing conflicts between cultivation and other aspects of commercial agricultural production, and the preservation of natural resources.

At its most general level, the argument for compatibility simply views farmland as additional open space, a landscape free from human congestion and an antidote to urbanization. Farmland is the only or principal form of nonurban land in many California communities and regions. "If you are not working with ranchers and farmers, you are not going to get any open space," noted the manager of a Bay Area program. Emphasizing the open

Williamson Act also protects farmland

space values of agricultural easements appeals to urban residents and helps build communitywide support. "We realized that in order to appeal to more people, we have to recognize that agricultural land is also open space under private ownership," the Bay Area manager said.

It is a step further to focus on the compatibility of agricultural activity with specific plant and animal resources and landscape features (Anderson 1995). According to some managers of programs that concentrate on ranch land, cattle grazing has beneficial effects on local habitats. They note that controlled grazing helps to cut back nonnative grasses and reduce the possibility of wildfires.

One land trust manager who works with ranchers said:

"Our primary objective is to provide alternative ways to address the economic viability of rangeland agriculture and to conserve the natural balance of the ecosystem. We see the two as being intertwined. And so we try to provide services and education to ranchers about how they can integrate their economic needs with the environmental and ecological needs of their rangeland. I think there's been a shift in the way the cattle industry looks at these issues. Many people are beginning to see that they've got assets on their ranch that are not necessarily related to the commodity that they produce, whether that's open space, or recreational opportunities or watershed values" (April 16, 1999).

There is far less compatibility for farm operations that involve intensive cultivation and chemical applications, including orchards, vineyards and vegetables and parcels devoted to confined animal production (Daniels and Bowers 1997). While the potential for protecting natural resource lands is ever present in the easement priorities of organizations that focus on cropland, this clearly takes a back seat to their emphasis on protecting commercial agriculture. The Yolo Land Trust makes a sharp distinction between two types of easements: "A farmland con-

California's Williamson Act is another program that compensates landowners for keeping their properties in agricultural use. For more than 30 years, the program has allowed farmland owners to enter into contracts with county or city governments to lower their property taxes, in exchange for giving up the option to develop the land for urban uses in 10, 20 or more years. The contracts are renewed automatically every year unless either party seeks nonrenewal, or a cancellation is approved under rigorous standards.

Easements and Williamson Act contracts are similar in that both protect farmland from urbanization, rely on voluntary landowner action, run for long periods of time and compensate landowners. The California Department of Conservation's Division of Land Resource Protection administers both.

There are, however, several major differences. With their perpetual restrictions on development, easements last for generations rather than decades, making the landowner's decision to sell an easement by nature more difficult. At the same time, easements generate considerably greater immediate economic benefits for landowners, typically several thousand dollars per acre in purchase price, as compared to the more modest tax benefits available to Williamson Act contract holders.

In a different fiscal area, Williamson Act contracts reduce property tax revenues to local governments, although they are partially compensated by state grants (subventions). Placing an easement on a farm, on the other hand, has little immediate impact on the property taxes paid on the parcel, although the county assessor may eventually reduce the land's assessed value due to the elimination of speculative or development value. Finally, many more California agricultural acres are covered by Williamson Act contracts than are under easement, almost 16 million versus an estimated 120,000 acres, respectively.

As of the beginning of 2000, the basic Williamson Act program had enrolled 15.4 million acres (about one-third on cropland and two-thirds on grazing land), and 51 counties actively offered contracts. An additional 400,000 acres in 17 counties were enrolled under Farmland Security Zone (or "super" Williamson Act) contracts, a new option for landowners created by state legislation in 1998. This program provides a bonus 35% in property tax reductions beyond the basic benefit, but eligibility is generally limited to cropland and contracts run for 20 years or more. For the Williamson Act program as a whole, the state annually spends about \$36 million to compensate participating counties (and a few cities) for a portion of their lost property taxes.

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servation easement contains restrictions to keep the land in agriculture. A habitat conservation easement is written to protect the habitat value of the land" (www.virtual-markets.net/go/yololand).

By these standards, intensive farming conflicts with efforts to preserve highly sensitive habitat, such as vernal pools, other wetlands and riparian corridors — conditions that also restrict cattle grazing in particular areas. A related but separate issue is the possibility of opening easement-protected properties to public access. Most farmers interested in selling an easement explicitly reject such use, citing liability problems and interference with farm operations. This severely limits the use of easement-protected farmland for trails and other recreational purposes, highly desired open space amenities for urban populations.

Despite these incompatibilities, program managers we interviewed identified a number of examples of easements created primarily for the protection of agricultural operations, including crop production, that also serve habitat preservation purposes. Some cover sizable parcels that allow for the geographic separation of the different uses. For example, the Mendocino Land Trust acquired a 430-acre easement with 60% devoted to agriculture and 40% in preserved oak woodlands. Several easements

held by the Yolo Land Trust are used mainly for crop production but are traversed by streams with riparian corridors closed to cultivation.

Some interviewees suggested that easements are not the best option for preserving sensitive habitat and providing public recreation, because of the complications generated by private ownership. The better approach, instead, would be outright purchase and ownership by public or nonprofit agencies, simplifying management and perhaps allowing low-intensity agricultural operations on a lease basis. One land trust manager noted that government agencies and foundations that fund environmental easements usually prefer to support fee purchases, especially in areas removed from urban pressures where easement prices per acre tend to be relatively low. Indeed, several organizations in our study with significant nonagricultural goals both hold easements and own and manage large parcels as nature preserves or recreational sites.

Broad conservation agendas

Thirty-four local conservation organizations in California seek to protect farmland via the acquisition of conservation easements. About a third focus exclusively or primarily on farmland, while the greater number fit this objective into broader conservation agendas that include the preservation of lands

with natural resource values. The degree to which programs seek individual easements to achieve both farmland and resource protection varies. The objectives are compatible or incompatible, depending on the agricultural commodities that are grown, cultivation practices and the natural resources to be protected. The smaller number of programs expressly focused on farmland, especially those concerned with protecting cropland, tend to make a sharp distinction between different conservation purposes, but on occasion they also recognize secondary resource values in some of their agricultural easements.

Concerned primarily with identifying California's agricultural conservation programs and their missions, we did not thoroughly examine issues of compatibility. A broader research approach is needed to for this purpose, one that examines in detail agricultural practices and impacts in different environmental settings and the application of sustainable agricultural techniques.

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Sonoma County Agricultural Preservation & Open Space District



Wetlands and vernal pools of the Laguna de Santa Rosa area are a high priority for natural resource protection in Sonoma County. The line between natural areas and farmland is often blurry; while some easements cover both, this is not always possible because of incompatible conservation purposes.