

# Aquidneck Island Farmland Conservation Plan

Preserving farmland and supporting farming on Aquidneck Island: Current conditions, challenges, solutions, resources, and land acquisition priorities.



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Prepared by:

**Aquidneck  
Land Trust**





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## EXECUTIVE SUMMARY

Aquidneck Land Trust (“ALT”), a 501c3 land conservation non-profit on Aquidneck Island developed a farmland conservation plan for its work on Aquidneck Island. Once primarily farmland, many of the farms on the Island have been lost to development, and many challenges exist for today’s farmers on the island. ALT has recognized that protecting farmland goes beyond simply putting conservation easements on the land, but also must include making farming more viable on the island through outreach, planning, and sound policy.

The following plan:

- Assesses current conditions of farming and farmland on the island
- Uses a combination of literature research, farmer surveys, farmer interviews, on-the-ground knowledge, and spatial data to inform its findings
- Presents the current challenges to farming locally, including real estate development, land access and affordability, an aging farming class, regulation limiting innovation in farming, and infrastructural difficulties of running a farm business
- Presents possible solutions ALT could use or partner with other organizations to use to address those challenges
- Creates a farmland protection plan including goals, strategies, and objectives for ALT’s future work on farm conservation that relates back to its recently updated Strategic Plan
- Creates an Advocacy Policy to help guide advocacy on farm-related issues
- Lists partners and possible funders for the work
- Creates a full criteria-based land prioritization plan for all remaining farmland parcels on Aquidneck Island
- Compiles resources and references on topics such as succession planning and business planning

The intent of the following plan is to help guide ALT’s work on farm conservation, from land acquisition to outreach to farmers, to policy advocacy. By using this plan moving forward, ALT hopes to save the island’s remaining farms from development while helping to make Aquidneck Island a farm-friendly environment for farmers of every type, whether it be a large acreage farmer with 50 years’ experience, or a new farmer looking to start leasing 2 acres to farm.

## ACKNOWLEDGEMENTS

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## ABOUT THE AQUIDNECK LAND TRUST

Founded on January 10, 1990 by a committed band of Aquidneck Island residents, including the current Executive Director, Charles “Chuck” Allott, and led by Kathy Irving, President-Emeritus, the Aquidneck Land Trust (“ALT”) focused its inaugural efforts on building community awareness of the imperative to

permanently conserve important ecological lands. On December 8, 1993, the Land Trust secured its first conservation easement on 2.4 acres of the estate of John J. Slocum on Bellevue Avenue.

In 1998, four visionaries joined forces to dramatically accelerate the Land Trust's ability to conserve land. The Board President, Peter Merritt, convinced the leaders of the Prince Charitable Trusts, the van Beuren Charitable Foundation, and the Alletta Morris McBean Charitable Trust to make an unprecedented grant of \$8.15 million over five years -- \$7.5 million to purchase conservation easements and \$650,000 to support operating costs.

Today, in its 27th anniversary year, ALT has permanently protected more than 2550 acres across the island, over 10% of the land here. ALT's current mission is to *preserve and steward Aquidneck Island's open spaces for the lasting benefit of the community while connecting people with the lands that define the Island's natural character.*

Our diverse collection of preserved properties includes parks from Newport to Portsmouth; over 1200 acres of prime farmland, most of it still in active production; over 1300 acres of drinking watershed protections lands; golf courses, soccer fields, and meadowlands; cultural estates; and

acres of pristine wildlife habitat in each of the three communities on the island. With the help of partners ALT also created and continues to manage over 10 miles of free publically accessible hiking trails in its Sakonnet Greenway Trail and Oakland Forest Trail. ALT works to connect island residents to the land with various outreach activities throughout the year from nature walks to workshops and speaker series, and collaborates with various non-profits and the community to achieve its mission. As stated in our most recent Strategic Direction Plan (November 2016):

"Aquidneck Land Trust is working toward a very different future twenty years from today, to protect what's best about this place and make it available to everyone who lives here. We bring a social lens to conservation, taking an inclusive approach through listening and working to address community needs. Through our conservation work, we seek to connect people to the land; protect the sources of this island's drinking water; ensure that food is as real, natural, and local as possible; and provide places for people of all ages and backgrounds to play, from field to sea. This means working with new and even unusual partners, and defining success in terms of the difference we make for the natural and human communities on this island."

From its very beginning ALT has been deeply concerned about protection of farmland on Aquidneck Island. In 2012 ALT embarked upon a new "Conserve Aquidneck Now" ("CAN") initiative to accelerate the pace of farmland protection in our communities and create a more farm-friendly Aquidneck Island.



*Figure 1: Conserved farmland in Portsmouth running alongside ALT's Sakonnet Greenway Trail*



The farmland protection goal is to use a landscape-scale approach to view whole corridors for protection rather than a simple parcel-by-parcel approach. As part of this initiative, ALT also recognizes farm conservation goes beyond simple acquisition, and is working on ways (as outlined in the following plan) to help make farming more viable on Aquidneck Island.

## PURPOSE OF THE FARMLAND CONSERVATION PLAN

**The purpose of this Farmland Conservation Plan (“Farm Plan”) is to provide direction and develop a strategic approach for Aquidneck Land Trust’s farmland protection and conservation efforts on Aquidneck Island.**

Working farms and farmland on Aquidneck Island are threatened in various ways especially (1) pressure from real estate development; (2) lack of accessible farmland for new and existing farmers; (3) the extremely high cost of land; (4) an aging farming class with a lack of a next generation of family farmers or succession plans in place (5) regulations and public policy that treat farming as a community nuisance rather than one that could incentivize innovation in farming; and (6) an artificially low price structure for local food production that thwarts the viability of farming as a profitable business in today’s economy. Despite these threats, most seem to clearly understand that our agricultural heritage is integral to the character of this island and should be preserved as a way of life.

**There are a number of reasons why farmland is so important to conserve on Aquidneck Island. These include:**

- Farming is a significant economic power both in the state and on Aquidneck Island. Sproul (2015) estimates plant-based industry (which includes landscaping) and agriculture account for \$2.5 billion in sales and 15,826 jobs in the state, making it the 9<sup>th</sup> largest industry sector with 4.9% of gross state product. Agriculture, agricultural related business, and landscaping suppliers like nurseries account for 6,765 of those jobs and \$1.47 billion in annual sales.
- In comparison to residential subdivisions, farms require far less in municipal services and the costs associated. Farms require less than 50 cents in services for every dollar in taxes they pay while residential subdivisions costs more than \$1 in services for every dollar in new tax revenue generated (American Farmland Trust, 2016).
- The carbon footprint of eating local is general significantly less than the carbon footprint associated with shipping foods across the county and world. Simply put, local food tastes better and is often of higher quality. In an RI Agricultural Partnership (2014) study, 93% of people visiting farmers markets in the state cited the primary reason for going was for the increased quality and freshness of the products.
- As open space, farmland on Aquidneck Island and in the state does not just provide food. It also can provide wildlife habitat, increase scenic value, provide educational opportunities, and further contribute to the rural landscape of towns.
- Local food hubs and community gardens create capacity for people of all communities to eat healthier and live healthier lifestyles. For lower income community members, many farmers markets accept SNAP, and in RI these markets often offer discounts to lower the cost of healthy food and increase access.

- Buying local food from local farmers supports members of the community and keeps money in the local economy.
- Many of the farms on the Island abut surface water reservoirs or are within drinking supply watersheds. Conservation of farms within these areas improves water quality by preventing conversion from natural ground surface to impervious surface. It also provides the opportunity to establish better relationships with farmers with the potential work with them to implement best management practices related to farm run-off into water supplies.

There are many reasons to conserve farmland and promote local food on Aquidneck Island, from promoting healthier lifestyles, to protecting multi-pronged conservation values of farmland as open space. Strategies must involve a combination of physical land conservation, policy change, and community outreach to maintain current working farms and create an environment of success for future farmers.

This Farm Plan begins by first outlining the multiple methods of research used in this Plan. Next, we provide information about the existing conditions of agriculture on the Island to help paint a picture of the Island's diverse farming landscape and food economy. The next section explores the various challenges that threaten farms and farming and the possible solutions to help overcome these challenges. Challenges are organized into five topics: (1) real estate development; (2) land access and affordability; (3) an aging farming class; (4) regulations limiting innovation in farming and treating it like a nuisance land use; and (5) viability of the infrastructure within a farm business. Each topic or section includes a possible set of solutions to address the challenges and concludes with a number of action steps that ALT plans to take to address, and ideally to help overcome, the challenges presented. These action steps are aggregated in the next section where the Farm Plan is outlined in connection with ALT's Strategic Plan. This section articulates the long-term and short-term goals for ALT's farm conservation work, and defines the steps and strategies that will lead ALT to achieve these goals. Since ALT cannot accomplish these goals alone, this Farm Plan also identifies the various partners and funding opportunities available to ALT. Also included in the plan is a full land prioritization analysis of all the remaining unprotected farmland on Aquidneck Island and multiple pages of resources and references related to topics such as succession planning and business planning.

A significant amount of work still needs to be done on our Island to protect the future of agriculture and a strong food system for future generations. This Farm Plan serves as a strategy for ALT and any willing partners moving forward to protect our dwindling farmland and agriculture on Aquidneck Island.

## METHODS

ALT collected data for this analysis in a number of ways. An extensive literature review of farmland protection strategies was performed both in and out of Rhode Island that examined studies done by land trusts, other non-profits supporting agriculture, and government agencies. ALT also conducted a mailed farmer survey to all known farmers in Newport County and interviewed farmers in-person formally and informally. ALT also performed a farmland parcel prioritization analysis using its existing datasets and State of RI GIS data. Finally, ALT often consulted and discussed farmland conservation with partner groups that work on farm issues in the state, which provide valuable information and advice.

### Literature Review:

ALT conducted an extensive review of resources made available by various governmental and non-governmental entities, for-profit and non-profit groups, and other organizations and individuals who

have carried out their own research and developed programs related to farms and farmland protection. Their findings helped ALT to discern the options available for a successful farmland protection plan. Notably, we consistently looked to various resources provided by the RI Department of Environmental Management, USDA, American Farmland Trust, and Land for Good.

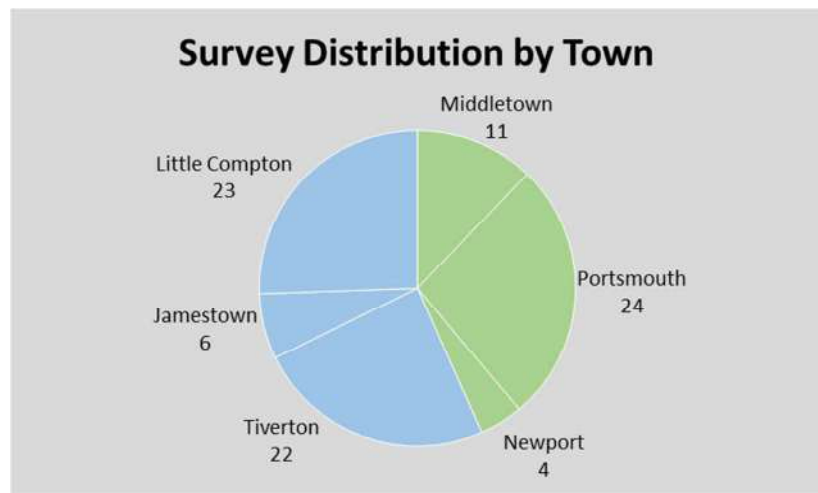
## Survey:

To inform this CAN Farm Plan, ALT created and distributed the Newport County Farmer Survey to farmers across Newport County. Newport County includes ALT’s typical service boundary of the Aquidneck Island community of Newport, Middletown, and Portsmouth, as well as Little Compton, Tiverton, and Jamestown. We opted to include all Newport County farmers in our survey reach so that any tangible tools created as a result of this initiative may be applicable to and used by a wider audience of farmers. This also gave us a larger sample size on which to draw answers and evidence.

The Newport County Farmer Survey asked 35 questions that attempted to collect objective and subjective data to understand the barriers and challenges that threaten the viability of farming in Newport County (Survey Attached: APPENDIX A; Methods Table 1). The goal of the survey was to inform the CAN Farm Plan with what the farmers themselves thought was necessary to help protect farmland and the livelihoods of fellow farmers. Types of questions asked include multiple choice, ordinal scale, Likert scale, ratio scale, multiple response, and open-ended response questions. Some questions had multiple parts. The survey asked questions about farm demographics, farm type, farm business structure, transition and succession planning, networking and

access to information, conservation easements, infrastructure and equipment, farmer values, and other questions related to existing and future potential farmland protection programs. The survey responses were anonymous, but respondents were given the option to voluntarily provide their name. Consulting with stakeholders throughout various stages of survey design gave us the opportunity to repeatedly refine and focus the survey questions.

The survey was sent to 90 farms and farm operators in Newport County (Figure 2). It is highly probable that this list is not inclusive of all Newport County farms. ALT defines a farm as any place where agricultural goods are produced as a source of unbounded primary income, supplemental income, community benefit and/or pleasure, inclusive of hobby farms, community gardens, and horse farms. The list of Newport County farms was created using Farm Fresh Rhode Island’s “Local Food Guide”, and further augmented using ALT’s existing knowledge and further research. Notably, the 2012 USDA Census



**Figure 2:** Number of Farmers Who Received the Newport County Farmers Survey (by town). The Newport County Farmers Survey was sent to 90 farmers across 6 towns (Middletown, Portsmouth, Newport, Jamestown, Little Compton, and Tiverton) in Newport County. Aquidneck Island towns are shown in green.



of Agriculture identifies 214 farm operations in Newport County, comprising of full owners who operate only land they own (141), part owners who operate land they own and also land they rent from others (55), and tenants who operate only land rented from others (18) (USDA, 2012). For the purposes of the 2012 census, the USDA defines a farm as being, “any place from which \$1,000 or more of agricultural products were produced and sold, or normally would have been sold, during a given year” (USDA, Farm Numbers). The difference in the definition of “farm” might explain, but does not completely justify, the difference in farm numbers. Another explanation for a small margin of difference may be the sale and purchase of farms from 2012 to 2015. There was a 30% response rate, totaling 27 survey responses.

**The complete survey can be found in Appendix A.**

**Table 1 - Full Survey Methods**

A full description of the Survey Methods is as follows:

1. A full list of Newport County Farms was assembled using a variety of sources including Farm Fresh RI’s “Local Food Guide,” web research, and existing staff and board knowledge. The list was updated with further research to reflect all known farms in Newport County.
2. The survey instrument was designed from August to November 2015 in consultation with Rupert Friday (Rhode Island Land Trust Council), Bevan Linsley (Aquidneck Community Table), Karen Menezes (Rhode Island Department of Environmental Management and ALT Board Member), Simona Trandafir (University of Rhode Island), and Emi Uchia (University of Rhode Island). These five stakeholders come from various backgrounds, representing the non-profit sector, government, and academia. Consulting with stakeholders throughout various stages of survey design gave us the opportunity to constantly clarify, refine, and focus the survey questions.
3. A pre-survey notification letter was sent out to the list of Newport County farmers on November 12, 2015, two weeks prior to the survey mailing to alert farmers that the survey would be arriving shortly thereafter. This was done in hopes that the survey would not be disregarded as junk mail, therefore increasing the response rate. We also reached out to other land trusts with territory in Newport County to notify them that the survey was being conducted as part of a farmland protection initiative, invite them into a partnership with developing farmland protection tools, and to connect them with farmers inquiring about farmland protection.
4. On November 30, 2015, two weeks after mailing the pre-survey notification letter, we sent a survey package that included: 1) a cover letter; 2) the survey; 3) a pre-stamped return envelope for the survey; 4) a self-mailer insert giving participants the option to be put on a list for future workshops or resources; and (5) a pre-stamped return envelope for the self-mailer. We chose to pay for the return envelope postage as a convenience for survey participants. We also gave participants the options to send the survey and the self-mailer in separate envelopes to maintain anonymity by separating the survey results from the self-identifying self-mailer.
5. Approximately one month later at the end of December, a second identical survey was sent to all participants (unless they already responded) in a hope to improve response rate.
6. Surveys were compiled into an excel sheet and analyzed to inform the Farm Plan.

## GIS Analysis – Aquidneck Island Farmland Prioritization

ALT used ArcGISv.10.4 to perform spatial analysis of farmland on Aquidneck Island. Farmland data was used from Aquidneck Island Planning Commission’s Open Space Mapping Project (2012) and accuracy

checked through aerial imagery, on-the-ground site visit, staff knowledge, and internet research. The result was a comprehensive list of all farmland parcels on Aquidneck Island. ArcGIS was then used to calculate relevant current condition data like acres of farmland on the island, conserved acreage, remaining unprotected lands, farmland in the watersheds, and so forth.

After background conditions were established, ALT then performed a parcel prioritization study of farmland on Aquidneck Island. A total of 250 farmland parcels were scored across the following criteria: (1) size; (2) prime soils; (3) percent farm land use; (4) water resources; (5) connectivity to conservation lands; (6) working farm designation and connectivity to working farms; and (7) ownership of multiple parcels. Parcels were scored and mapped across each criterion and summed to show the highest priority farmland parcels on Aquidneck Island for land acquisition. Maps, scoring tables, and compiled information will be used to both measure future acquisition projects and proactively contact the landowners of high scoring parcels.

**The comprehensive report (“Aquidneck Island Farmland Prioritization”) with detailed methods, data sources, results, and maps is found as a separate independent document in Appendix C.**

### Interviews:

To supplement the survey, ALT interviewed 4 anonymous farmers for approximately 45 minutes to 1 hour each to go more in-depth on the presented survey questions. Guidelines for the interviewer and a list of interview questions are included in Appendix B. These questions touched on four topics: (1) Farmland preservation and conservation easements; (2) Succession and transition planning; (3) Farmland access and affordability; and (4) Markets, infrastructure, zoning, and equipment. Interviews were recorded but kept anonymous at the farmers’ request.



*Figure 3: Horse in pasture at an ALT-conserved 9 acre horse farm in Middletown.*

Notably, the interviews did not always touch on all the questions presented due to time considerations or discussion diversions. Interviews help to provide more in-depth discussion than can be obtained in a survey, and help tell the story of local farming as a supplement to survey forms. ALT staff also often discussed farm issues in short bursts during the last two years during annual monitoring visits or in passing at events to help inform staff knowledge of local farm issues. A full list of interview questions can be seen in Table 2.

**The interview guidelines and questions are outlined in Appendix B.** These one-page documents will serve as a tool for ALT to continually gauge farmers’ thoughts on these pertinent issues, should they agree to be interviewed.

**Table 2 - Full List of Interview Questions**

1. Should farmland be preserved in Newport County? Why?
2. Describe any interest in farmland preservation that you may have. What benefits, burdens, or critiques do you see in farmland preservation?
3. What is your opinion on using conservation easements as a tool for preserving farmland?
4. Describe any planning you have done for transition or succession of your farmland.
5. When do you feel it is appropriate to begin thinking about succession and transition planning?
6. What are some obstacles to succession planning that you face?
7. What approaches to farm transfer would you consider? (give a set of options – e.g. lease to own, gradual transfer)
8. What qualities/experience do you look for in a successor? (e.g., family vs. non-family, beginning vs. experienced farmer)
9. How do you think information can best be passed down to a successor in a timely manner?
10. What type of assistance would help you identify the right successor?
11. What is your experience with buying, selling, or leasing farmland?
12. Are you looking to buy, sell, or lease land in the future? What factors contribute to this decision?
13. How would you perceive a land-link program?
14. If leasing, how do lease restrictions and lease periods affect your business, if at all?
15. What are some challenges that young farmers may face in the future of farming?
16. Are there any major barriers that limit how you sell your products, and/or how much product you sell? What are they?
17. How have zoning regulations impacted your operation, if at all?
18. What types of policies and regulations would be helpful to your operation?
19. How is the growth of your business impacted by existing infrastructure and access to equipment?

## FARMING ON AQUIDNECK ISLAND

### Aquidneck Island Background:

Aquidneck Island is located in Newport County, Rhode Island. The Island consists of three municipalities (Middletown, Newport, and Portsmouth) that span a total land area of 24,000 acres, or roughly 38.3 mi<sup>2</sup>, and have a cumulative population of 58,211 residents as of 2010 (Rhode Island Census Data, 2010). Greater Newport County includes the towns of Jamestown, Little Compton and Tiverton. Newport is the largest and most densely populated city that serves as a scenic and historic tourist destination, primarily in the summer. Middletown and Portsmouth contain substantial open space, including farmland, although Middletown has an urban center of significant size. Aquidneck Island is located 45 minutes from Providence, 1 ½ hours from Boston, and 3 ½ hours from New York City.

### History of Farming on Aquidneck Island:

Agriculture has a long history on Aquidneck Island, beginning in the 1630s with the founding of Portsmouth and Newport where settlers farmed for subsistence as well as commercially. By 1885, there were 97 farms in Newport, 192 in Middletown, and 270 in Portsmouth covering a total 11,636 acres of combined plowed land and pasture. At this time, nearly one out of every 6 people living on the island



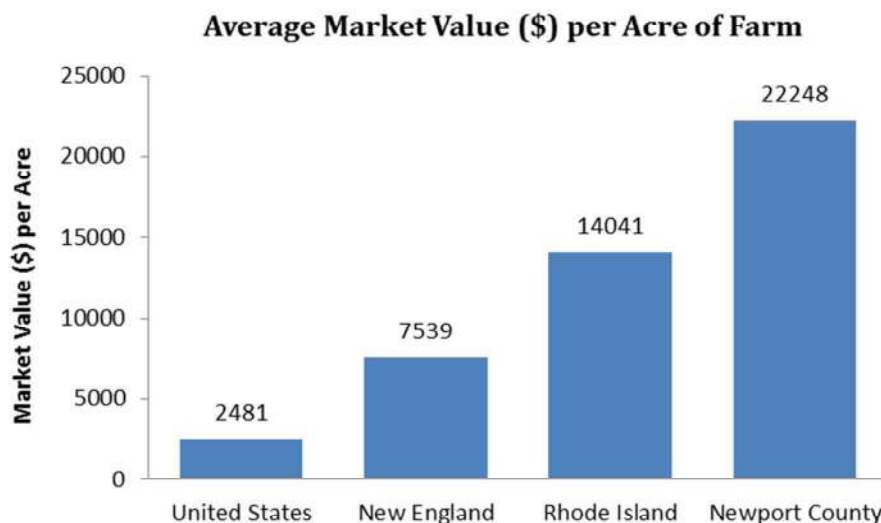
was a farmer. At the end of the 19th century and early 20th century, Newport's use as a Navy base increased the pace of development, reducing the amount of farmland on the Island. During the Great Depression of the 1930s, many farms were foreclosed upon, and the industrial boom of the mid-1900s further urbanized the Island. Development booms steadily reduced farmland and working farms on the Island, and in the state overall, to present conditions (Garman, 2010). Today, much of the remaining agricultural land is in Middletown and Portsmouth, and lies on the eastern side of the Island represented through a variety of nurseries, vineyards, dairy/cattle hay pastures, horse farms, and vegetable farms. While development slowed during the housing recession in 2008, ALT has observed an increase in development, including on farmlands, in the last few years.

### Current Conditions of Farming on Aquidneck Island:

Rhode Island has lost over 80% of its productive farmland from development and forest succession on abandoned pastures and fields (RIDEM Division of Agriculture, 2008). As of 2012, approximately 69,600 acres of land in the state was in farming across 1243 farms (USDA, 2012, pp. 210-211) (Table 3). The average age of farmers in the state is in the mid-50s, and in 2007, more than one in four farmers in the state was older than 65 years (USDA, 2012, p. 558). The cost of land in the state is extremely high. In fact, according to USDA, the state of RI has the highest market value per acre of farmland out of any state in the country at over \$14,000 per acre, and the average value of one acre of farm in Newport County (Portsmouth, Middletown, Newport, Jamestown, Tiverton, Little Compton) specifically is \$22,248 (USDA, 2012, pp. 210-211) (Figure 4).

	Number Farms	Farm Acreage	Median Size (acres)	Avg Size (acres)
Newport County	214	11,559	20	54
RI	1243	69,589	20	56

**Table 3:** Number of Farms in Newport County and Rhode Island. Newport County is the third of 5 counties in number of total farms and farmland in the state, but has the highest number of cattle. The USDA defines a farm as “any place that produced and sold, or normally would have sold, \$1000 worth of agricultural products in the year.” Notably, ALT only identified 90 farms in Newport County to send farmer surveys too.



**Figure 4:** Average Market Value (\$) per Acre of Farmland. The average market value of an acre of farm in Newport County is over 9 times higher than the national average, according to the USDA. The county is nearly double the average value of the state overall, which is already the highest in the nation. Newport County includes the Island towns as well as Tiverton, Little Compton, and Jamestown. Source: (USDA, 2012).



On Aquidneck Island recent appraisals ALT has done have shown much higher values for farmland (Table 4). An average of the last 5 appraisals of farmland between Middletown and Portsmouth has shown full market value at \$53,638 per acre, and \$64,283 per lot. The value of farmland with restrictions prohibiting development averaged \$8,214, and an appraiser on the island indicated his average for restricted farmland is \$7,500. Note, this is not an appraisal analysis and simply an average of the last 5 farmland parcels ALT has appraised without consideration of year, appreciation, and other factors.

Recent Appraisals of Farmland for Aquidneck Land Trust Deals										
Property Name	Before Value (Full Value)	After Value (Restricted)	Conservation Easement Value	% of Total Value	Acres	Conceptual # House Lots	Year Appraised	Price per Acre	Price per Conserved Acre	Price per Full Value Lot
St Marys - Young	\$1,340,000	\$140,000	\$1,200,000	89.6	24.7	28	2014	\$54,251	\$5,668	\$47,857
Ports. Faria	\$564,300	\$125,000	\$439,300	77.8	11.6	7	2013	\$48,688	\$10,785	\$80,614
Wicks	\$2,330,000	\$285,000	\$2,045,000	87.8	38.0	41	2010	\$61,315	\$7,500	\$56,829
Corey- Sears	\$665,000	\$195,587	\$470,000	70.7	20.3	13	2011	\$32,694	\$9,615	\$51,153
Spruce Acres	\$1,610,000	\$169,500	\$1,440,500	89.5	22.6	19	2016	\$71,238	\$7,500	\$84,736
AVERAGE				83.1				\$53,638	\$8,214	\$64,238

**Table 4:** Values of Farmland from recent ALT appraisals. The last five properties ALT has appraised for conservation easements have shown full market value as high as \$71,000 per acre. However, there is significant variability between parcels depending on site conditions.

Furthermore, two notable farmland parcels have sold at high values, both over \$75,000 per acre (Table 5). Market value varies on a number of factors including location, parcel size, dimensions, infrastructure, and so forth. However, USDA values and recent sales show Aquidneck Island farmland at extremely high values in comparison to the state, region, and country.

Recent Well Known Farmland Sales			
Property	Purchase Price	Acres	Full Value per Acre
Old Farm - RI Nurseries	\$5,350,000	71	\$75,352
Middle Rd/Schoolhouse Ln	\$750,000	9.26	\$80,994

**Table 5:** *Recent Farm Sales to Developers.* Two well farm known properties sold to developers at prices over \$75,000 per acre.

## Farms on Aquidneck Island:

There are a variety of farm types on Aquidneck Island, from large scale nurseries to 1 acre vegetable plots. Some farms cater exclusively to restaurants while others participate in the local farmers markets. There are two major CSAs, large and small scale cattle and dairy operations, two vineyards, large nurseries, and small vegetable farms. Some farms have expanded their businesses beyond farming, such as Sweet Berry Farm and Newport Vineyards, which have their own restaurants attached and host a number of events, or Escobar's Farm which creates an annual corn maze through its fields. Simply put, beyond the large agro-farm or CAFO style operations common outside of the northeast, the Island has a diversity of farm types currently in operation. There are also many acres of vacant or fallow land that could be farmed on existing farms and privately owned parcel.

Farm Fresh RI, the organization that organizes farms and distribution of local food in the state, identifies 34 different farms or nurseries on the Island that sell products either wholesale or to the public. However, this list does not represent all farms on the Island. For example, it does not include farms that are not registered with Farm Fresh RI, such as Cousens Farm, Corey-Sears Farm, and Webster Farm, all known farms already conserved by ALT. There are also a number of small scale farmers who may grow as hobbyists or simply for sustenance not included in the 34 member list, as well as farms not producing food, such as Prescott Farm owned by the Newport Restoration Foundation, which add to the Island's scenic and tourism industry.

Beginning with data from a study by the Aquidneck Island Planning Commission (AIPC 2012) as a baseline, ALT accuracy checked this data and identified over 4100 acres of farmland parcels on the Island, which includes parcels of working farms, vacant farmland, and mixed use farms that may have a combination of land covers. Of these 4133 acres, over 1450 acres have been conserved, with over 1100 of those acres conserved by ALT (Table 6, Figure 5). The attached *Farmland Prioritization Plan* (Appendix C) shows Aquidneck Island has nearly 2700 acres of land is in working farm or vacant farmland that lies unprotected. The open space on the Island is also quite fertile for farming purposes, with over 6800 acres of open space consisting of USDA prime soils. Over 4400 acres of that open space is currently unprotected from development (Table 6). A full account of farmland parcels can be found in Appendix C. Summary maps and charts are included in Figure 5 and Table 7 below.

	Total on Island; Total Undeveloped/Open Space	Total Conserved	Total Conserved by ALT	Total currently Undeveloped and Unprotected
<b>Farmland Parcels (Acres)</b>	4133	1463	1101	2670
<b>USDA Prime Soils (Acres)</b>	12082; (6809)	2348	1406	4461
<b>USDA Statewide Important Soils (Acres)</b>	3463; (2445)	1018	622	1427
<b>Total Open Space Parcels on Island (Acres)</b>	13587	5162	2553	8431

**Table 6: Aquidneck Island Farmland Parcels and Soils.** Farmland and pasture is the most abundant open space on Aquidneck Island, consisting of over 30% of the remaining open space on the Island. Much of the Island is USDA prime soils. Numbers in parentheses are soils that have not yet been developed.

## Parcels with Farmland Aquidneck Island

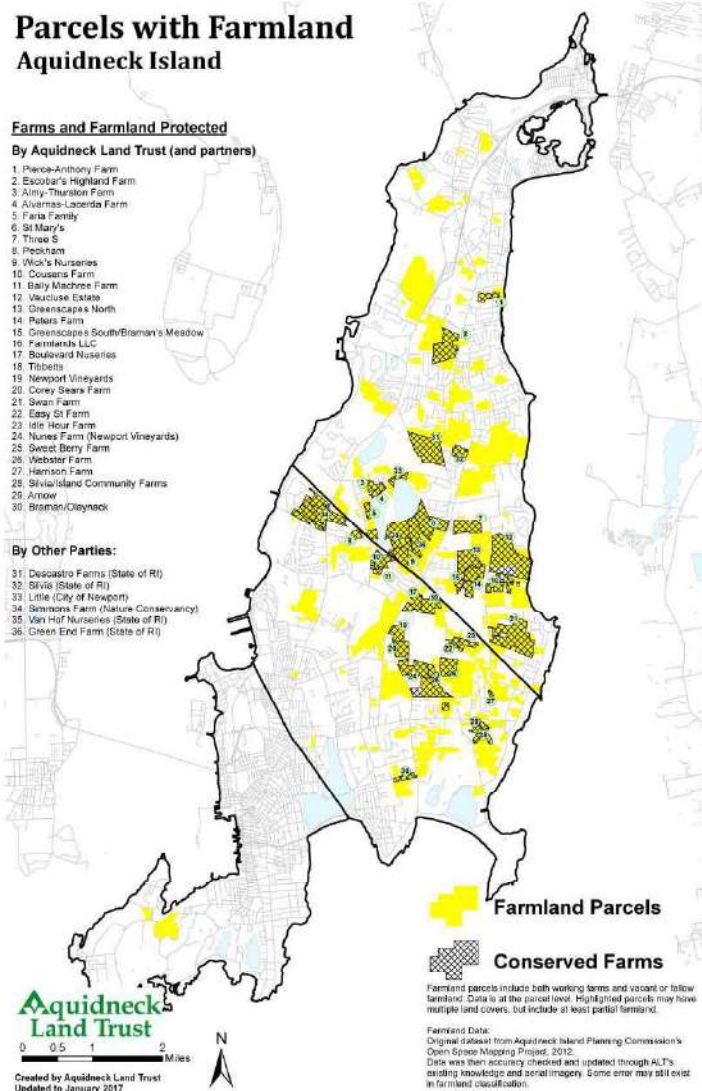
### Farms and Farmland Protected

#### By Aquidneck Land Trust (and partners)

1. Pierce-Anthony Farm
2. Escobar's Highland Farm
3. Almy-Thurston Farm
4. Avornes-Laenda Farm
5. Faria Family
6. St Mary's
7. Thine S
8. Peckham
9. Wick's Nurseries
10. Cousens Farm
11. Bally Machine Farm
12. Vaucluse Estate
13. Greenscapes North
14. Putters Farm
15. Greenscapes South/Brisman's Meadow
16. Farmlands LLC
17. Boulevard Nurseries
18. Tibbels
19. Newport Vineyards
20. Corey Sears Farm
21. Swan Farm
22. Easy St Farm
23. Idle Hour Farm
24. Nunes Farm (Newport Vineyards)
25. Swift Berry Farm
26. Webster Farm
27. Hamson Farm
28. Skivia Island Community Farms
29. Arnow
30. Brisman/Oleynack

#### By Other Parties:

31. Decastro Farms (State of RI)
32. Bivis (State of RI)
33. Little (City of Newport)
34. Bismora Farm (Nature Conservancy)
35. Van Hout Nurseries (State of RI)
36. Green End Farm (State of RI)



**Figure 5: Farmland Parcels on Aquidneck Island.**

ALT has protected a significant amount of farmland on the Island with the help of partners, and other parties have conserved 6 other farms listed in the map here and in Appendix C. However, 2670 acres of unprotected farmland are still at risk of development across 250 parcels.



**Figure 6: Arnow Property.** Conserved in 2015, the Arnow property is a perfect example of a property currently not farmed that could one day be farmed in the future. The parcel is open fields and has prime soils. While not in current production, future owners may want to farm it or lease to farmers.

Conserved Farms and Farmlands on Aquidneck Island				
Farm Name	Acres	Year	Town	Easement Co-Holder
Sweet Berry Farm (multiple parcels)	83.95	1996	M	
Newport Vineyards	27.07	1998	M	
Tibbetts	33.25	1999	M	
Nunes Farm (Newport Vineyards)	51.00	2000	M	
Braman (Olaynack) Farm	12.52	2000	M	
Bally Machree Farm	8.16	2001	M	
Webster Farm	38.22	2001	M	
Idle Hour Farm	17.00	2004	M	
Harrison Farm	2.62	2005	M	
Silvia/Island Community Farms	15.30	2005	M	
Boulevard Nurseries	29.46	2008	M	
Peckham	11.59	2008	M	Town of Middletown
Easy Street Farm	8.67	2009	M	
Corey Sears Farm	28.69	2012	M	Town of Middletown
Arnaw Property	12.49	2016	M	
Pierce-Anthony Farm	16.37	1995	P	
Farmlands	43.17	2000	P	
Peters Farm	49.65	2000	P	State of RI
Greenscape, LLC/Bramans Meadow	10.55	2001	P	
Cousens Farm	34.97	2001	P/M	
Almy-Thurston Farm	16.34	2002	P	
Alvarnas-Lacerda Farm	6.48	2003	P	
Greenscape LLC/North	47.21	2003	P	
Three S	48.07	2005	P	
Escobars Highland Farm	74.98	2005	P	State of RI; Town of Portsmouth
Vaucluse East	128.79	2006	P	
Swan Farm	124.38	2008	P	Town of Portsmouth
Wicks Nursery	37.59	2011	P	USDA-NRCS, State of RI, Town of Portsmouth
Faria Family	10.51	2014	P	Town of Portsmouth
St Mary's/Gibbs Parcel	47.48	2014	P	State of RI; Town of Portsmouth
St Mary's/Young Parcel	24.70	2014	P	USDA-NRCS, State of RI, Town of Portsmouth
Descastro Farms	91		P	State of RI
Silvia	18		P	State of RI
Little	12		P	City of Newport
Simmons Farm	120		M	The Nature Conservancy
Van Hof Nurseries	73.3		P	State of RI
Green End Farm	47		P	State of RI

**Table 7:** ALT has worked with partners to conserve 30 farms and farmland parcels. Other parties have protected 6 more on Aquidneck Island (shown in green). Many more are still risk of development.



## Farm Size:

The majority of working farms in Rhode Island and in Newport County are smaller scale operations, totaling less than 50 acres. In fact, in Newport County, which includes the Island and 3 neighboring towns, 73% of the USDA defined farms are less than 50 acres (USDA 2012, p. 210-211).

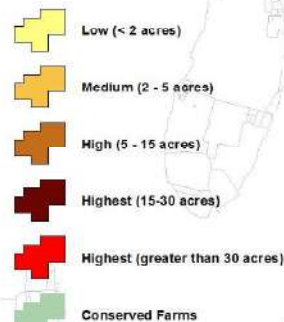
	1 – 9 acres	10 – 49 acres	50 – 179 acres	180 + acres
<b>Newport County (#, %)</b>	74; 35%	81; 38%	44; 21%	15; 7%
<b>Rhode Island (#, %)</b>	433; 35%	451; 36%	278; 22%	81; 7%

**Table 8:** Size of USDA defined farms in Newport County in Rhode Island. Over 70% of working farms in the state and in Newport County are less than 50 acres. For a full distribution in area of farmland parcels, see Appendix C.

## Farmland Prioritization Parcel Area Scoring

### Aquidneck Island

#### Total Parcel Area Scores



#### Largest Non-Conserved Farmlands (≥ 30 acres)

Portsmouth Abbey - 170 acres  
 Rhode Island Nurseries (Bakemist River) - 141 acres  
 Rhode Island Nurseries (E. Main Rd) - 105 acres  
 Rhode Island Nurseries (north of Glen) - 95 acres  
 Rhode Island Nurseries (Old Farm) - 71 acres  
 Geronimo Vineyards - 67 acres  
 Hoggendorn Nurseries - 66 acres  
 SVF Foundation - 66 acres  
 Rhode Island Nurseries (Wapping Rd) - 64 acres  
 Aquidneck Farms - 64 acres  
 Portsmouth Nurseries - 51 acres  
 Homersmith Farm - 47 acres  
 Quinset View Farm (W Main Rd) - 46 acres  
 DeCastro Farms - 42 acres  
 Chase Farms - 38 acres  
 Gibson - 38 acres  
 Van Hot Nurseries - 38 acres  
 Maplewood Farm - 37 acres  
 Quinset View (Middle Rd) - 36 acres  
 Lacerda (St Mary's Pond) - 36 acres  
 Strauss Farm - 33 acres  
 Lacerda (E Main Rd) - 32 acres  
 Prescott Farm - 30 acres

0 0.5 1 2 Miles  
 Created by Aquidneck Land Trust  
 Updated to January 2017

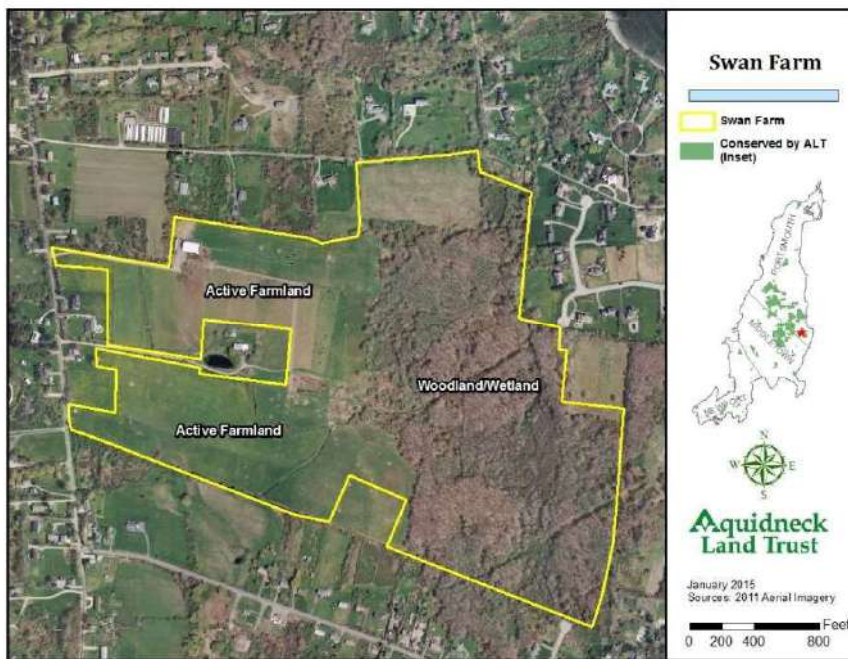
A number of the larger farms, such as Simmons Farm, Sweet Berry Farm, and Newport Vineyards have been conserved by ALT or the State. However, there are 23 remaining tracts of farmland (single parcels or contiguous parcels part of 1 farm) on the Island with parcels of farmland or mixed-land cover including farmland totaling over 30 acres that have not been conserved (Figure 7, and Appendix C). The largest farmland owner on the Island is Rhode Island Nurseries, with 4 major areas of nursery plots totaling approximately 400 acres located throughout Middletown and Portsmouth, all un-conserved.

**Figure 7:** Farmland parcels held by landowners with greater than 30 acres. A list of the largest landowners is included in the figure. Figure taken from 'Farmland Prioritization Plan,' Appendix C.

### ***Active Farms vs. Vacant Farmlands:***

Aquidneck Island farms often have multiple land covers and conservation values. An important distinction can be made between actively farmed land, land that could be farmed but currently lies vacant, and woodlands or other habitat that are located within a farm parcel, but cannot be farmed presently or in the future.

A prime example of a farm with a diversity of habitats is Swan Farm in Portsmouth (Figure 8). This ALT conserved property totals 126 acres, but has a substantial woodland swamp on the property in addition to pasture for livestock. Swan Farm is the ideal example of a farm that provides multiple conservation values. The farm has significant acreage devoted to agricultural use as well as woodland acreage providing vital wildlife habitat. Many of the farms on the island have multiple land covers, offering multiple conservation values.



**Figure 8:** Map of Swan Farm. Swan Farm is an example of farm with multiple land covers and conservation values. The 126 acre parcel includes working hayfields as well as significant acreage of woodland and forested wetlands.

### **Current Distribution Network of Local Food**

Similarly to elsewhere in the state, on Aquidneck Island, farmers are able to distribute food and goods in a number of ways. These distribution networks will need to be identified, considered, and potentially expanded and improved upon to increase access to local food and financial viability of farming as a business.

#### ***Restaurants:***

The restaurant industry posted nearly 2 billion dollars in sales in 2013 in Rhode Island (Natl. Restaurant Assoc. 2013), and Providence and Newport are known nationally for fine dining and eating. The farm-to-table movement is an opportunity for local farms to sell directly to Rhode Island restaurants. Farm-to-table is common in both Newport and Providence, but there is certainly opportunity to expand, creating broader access to local food for residents and greater opportunities for local farmers.

### **Farmers Markets and Farm Stands:**

A recent marketing study run by the RI Agricultural Partnership (2014) indicated 75% of Rhode Islanders have visited a farmers market at least once in the last year. Nationally, the number of farmers markets has increased every year since recording began by the USDA in 1994, and currently stands at 8,268 total as of 2014 (USDA Ag Marketing Service 2016). Currently, there are 55 different farmers markets throughout the state of Rhode Island, including 3 on Aquidneck Island (Aquidneck Growers Market at 2 locations and the MLK Center Market). Large farmers markets are also located in the Island's neighboring communities of Tiverton, Bristol, and Jamestown.



**Figure 9:** Wicks Nurseries Farmstand on Aquidneck Ave. Wicks Nurseries sets up a convenient farmstand during the summer at a busy Aquidneck Island intersection.

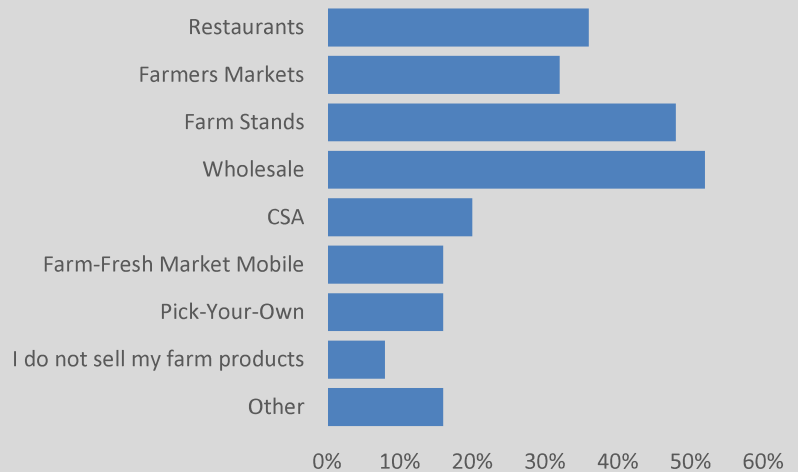
### **CSAs:**

Community Supported Agriculture (CSA) has grown rapidly in the last few decades since its introduction to the US in the 1980s, with estimates of over 12,600 CSAs in the US and 50 in the state of Rhode Island (USDA 2012, p. 558). Currently, the two largest CSAs on Aquidneck Island are Simmons Farm and Garman Organic Farm. The Local Catch is also a seafood CSA currently in business. CSAs provide a market for farmers while also connecting the local community to the land, the food they eat, and the farmers who grow it.

### **Wholesale:**

A number of farms, particularly nurseries on the Island, sell their goods exclusively wholesale or a combination of wholesale and to the public.

### **Participation Rates in Various Markets for Farm Products in Newport County (Survey Data)**



**Figure 10:** Participation Rates in Various Markets for Farm Products in Newport County. Most Newport County farmers who responded to our survey indicated that they sell their farm products through more than one market. Selling to a variety of markets provides additional security for farmers who are affected by varying crop yields, product consistency, and consumer demand, among other variables. Data is expressed as a percentage of total respondents. Percent numbers are expressed as a percent of surveys received.



### **Community Gardens:**

Community gardens are a way to connect the local community with their food, stimulate community relationships, and provide easy access to food for all socio-economic classes on the Island. A number of community gardens exist on the Island already. There are still many small acreage vacant lots in dense residential areas present in all three towns on the Island that may present opportunities for community gardens. Community gardens have also been shown to increase property values of neighboring homes (Voicu and Been, 2008), correspond with lower crime rates, and can provide development opportunities and better nutrition for young people in communities (Allen et al. 2008)

## **FARMLAND PROTECTION: CHALLENGES AND SOLUTIONS**

The following section breaks down farmland conservation challenges into 5 categories: (1) Real Estate Development; (2) Land Access and Affordability; (3) Aging Farmer Class; (4) Regulations Limiting Innovation in Farming; and (5) Viability of the Farm Business.

### **1. Real Estate Development**

New development is the greatest threat to open space in general, and farmland is no exception. As the real estate market rebounds, farmland in a densely developed state and island will be under greater threat by developers who have deeper pockets than perspective farmers or interested land trusts. Historically farmland has either been cleared and developed or abandoned to succession across the state, resulting in a decrease of over 80% of the productive farmland in the state since 1945 (RI Land Trust Council, 2010).

#### **CHALLENGES:**

##### ***Challenge 1: Appeal of Selling Land to Development***

“It’s not worth farming on a million dollars,” stated a Newport County farmer interviewed by ALT. Aquidneck Island’s scenic vistas, valuable natural resources, and proximity to major urban areas makes it a desirable place to live and visit. Real estate developers reap the benefits of highly valued properties, with the market value of land among the highest in the state. Farmland can be converted to residential subdivisions with ease, increasing the appeal of farmland to developers. Recently, 71 acres of farmland in Middletown was sold for \$5.35 million to developers, and 9.26 acres was sold in Portsmouth at \$75,000 an acre (Table 5).

Farmers value Aquidneck Island for its rich soils and accessibility to urban markets; however, farmland owners may see the immediate, financial benefits of selling land to developers as a viable alternative to operating a farm business with oftentimes low to no financial return. Developers are also often willing to pay far above the appraised price. This limits ALT, as according to accreditation standards, it is generally unable to pay over market value for development rights to the land. Development rights also do not pay full purchase value. On Aquidneck Island we find they typically represent 80-90% of the full value of the property (Table 4). The Nature Conservancy suggests a number of approximately 80% of the full market value (The Nature Conservancy, n.d.). For Newport County farmers, the land is often considered their retirement or an asset to pass on children. In our survey, the vast majority strongly

agreed farms must be conserved and protected (4.4 score on a scale from 0 [strongly disagree] to 5 [strongly agree]). However, farmers disagreed that they will only sell their land to another farmer (2.84 out of 5). Survey findings and interviews show that farmers prefer their land to remain as protected farmland, but desire the full market value being offered to them by developers. Farmers agreed the high cost of land threatens the viability of farming on Aquidneck Island (4.44 out of 5).

**“For people who have children and families, we need the money and we can’t be selling [the farm] at very low prices to the land trust”** -Farmer Interview

### ***Challenge 2: Zoning and its influence on development***

Despite a strong desire stated in comprehensive community plans in virtually every small town in New England to hold on to its rural character, traditional zoning has worked against those stated goals (NH Office of State Planning, 2000). In the 1950’s with the advent of municipal zoning, agriculture was viewed as a passé land use. Therefore, farmland was bunched into residential zoning districts with the hope and expectation that it would be converted to more economically desirable residential development. As the perceptions towards farming have changed over the last 60 years and agriculture has become the land use that could save the rural character of communities from the evils of sprawl, there are no easy ways to change the zoning back to agriculture. Any change back would significantly undermine the farmer’s land values causing an inverse condemnation taking which is unconstitutional without compensation.<sup>1</sup> Moreover, land value is the collateral on which all farm credit depends in order to remain in business. Therefore, over time, municipalities have inadvertently created positive incentives to convert farm land into residential sprawl even though the communities desire to maintain the rural character farmland provides.

Moreover, placing farming in the same zoning district as residential land uses is the equivalent of placing industrial land uses next to single family homes. Farms are industries with many nuisances. People move in next to the farms because they create a bucolic landscape, but then don’t want the dust and chemicals that goes along with that landscape. Multiple farmers in interviews mentioned dealing with neighbors complaining about farm-related activities whether it be dust or compost piles.

Lastly, since residential areas are often where larger yards and plots of land exist for the creation of urban gardens, outdated planning codes do not allow for the resurgence of backyard community farms and gardens businesses.

### **SOLUTIONS:**

#### ***Solution 1: Conservation Easements:***

A conservation easement on farmland is a perpetual legal agreement between a farmland owner and a qualified organization, such as a land trust, that restricts future activities on the land so as to protect its conservation values (e.g., important agricultural soils) while also allowing the farmer to continue farming the land. Conservation easements may be purchased at full market value by the land trust, at

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<sup>1</sup>Inverse Condemnation is the practical taking of one’s property through regulation.

bargain sale, or through a donation. The value of an easement is [full market value – value stripped of development rights]. This usually amounts to about 80-90% of the total value of the land on Aquidneck Island. Current incentives for donations include the ability to take 50% of your Adjusted Gross Income (AGI) as a tax deduction for 16 years, up to the value of the easement. In the case of farmers, it is 100% of their AGI. Placing a conservation easement on the land also lowers the overall value, which reduces taxes, and on large parcels, can drop the value below estate tax considerations. Conservation easements can either provide significant tax deductions or present a significant one-time payment to the farmer. However, this payment is still typically lower than what a developer may offer, based on ALT's experience. Conservation easements are a solution to protecting land from development, but with only ALT and the State of RI starting land protection deals on the Island, development pressures dwarf land protection abilities.

According to our survey, the primary reasons why Newport County farmers choose to have easements on their farms are to prevent development, guarantee open space, and protect the intrinsic value of the land. Respondents without a conservation easement most often chose not to place an easement on their land because they do not want to restrict options for the future. Regardless, survey results show that the majority of farmers strongly agree that farms must be conserved and protected (4.4 out of 5).

The Farmland Prioritization Plan in Appendix C outlines highest priority parcels for ALT to pursue protecting via conservation easement.

### ***Solution 2: Affirmative Agricultural Production Language***

Traditional conservation easements stipulate that the conservation values of the property be maintained in perpetuity. These easements, however, while allowing for certain uses, do not identify or mandate the specific future use of the land. With affirmative agricultural production language, the easement requires that the land remain in active agricultural use, meeting a minimum level of continued agricultural production. This language, however, does not restrict who purchases the land. For example, the buyer does not need to engage in farming, they could lease the land to a producer in order to meet the minimum requirements of the

### **Success Story – Protecting a Family Farm**

In 2011 after raising more than \$2 million in less than a year with the generous help of numerous parties, including three governmental entities, six foundations, almost 90 individuals, and a homeowners' association. Wicks Nursery, a family farm of 37.59 acres located in Portsmouth, RI, was permanently protected. The farm faced constant development threats prior to 2011, including a proposal in 2008 to convert the farm into an 108-lot subdivision that would have put immense pressures on Aquidneck Island's already burdened infrastructure and limited natural resources in the form of increased traffic and air quality degradation, public school demands, trash and waste disposal issues, storm water runoff problems, etc. With the funds from the purchase of development rights, the family has begun restoring the farm and now has a successful farm-stand and sells wholesale. Richard Wicks, speaking on behalf of the Wicks family, noted, **"My family has farmed and taken care of this beautiful land for almost 50 years. It is in our blood. However, due to the pressures and realities of the times, this land would have certainly been lost to development** if it were not for the Aquidneck Land Trust stepping up to help at a critical time. We now have hope that we can keep farming the land we love."



**Strategic Planning:** ALT's new strategic plan (2016) sets forward a 5 year goal of protecting 4 parcels with at least 3 acres of prime farmland soils, of at least 2 of those being working active farms. This lofty goal likely still will not keep up with development pressure in the coming years.



easement (National Young Farmers Coalition, Land Trust Survey 2013). This language also lowers the value of the land, making the land more affordable for farmers to sell to other farmers. Affirmative language helps ensure that large farm tracts with a farmhouse are not converted into a gentlemen's estate, compared to a working active farm. In a high income area like Aquidneck Island, conversion of farms to estates is a major danger.

Including such language in an easement does have drawbacks, however. First, landowners may be upset that they are mandated to perform an action. Second, enforcement of such language is a burden on land trust resources. The land trust must inspect the land to make sure it is being farmed, go through formal processes if the terms are being broken, and ultimately have another farmer in queue waiting to take over if the landowner defaults in its obligation to farm the land. For this reason, affirmative language should be examined in-depth before any use on ALT deals.

### Keeping Farmland Active Marin Agricultural Land Trust

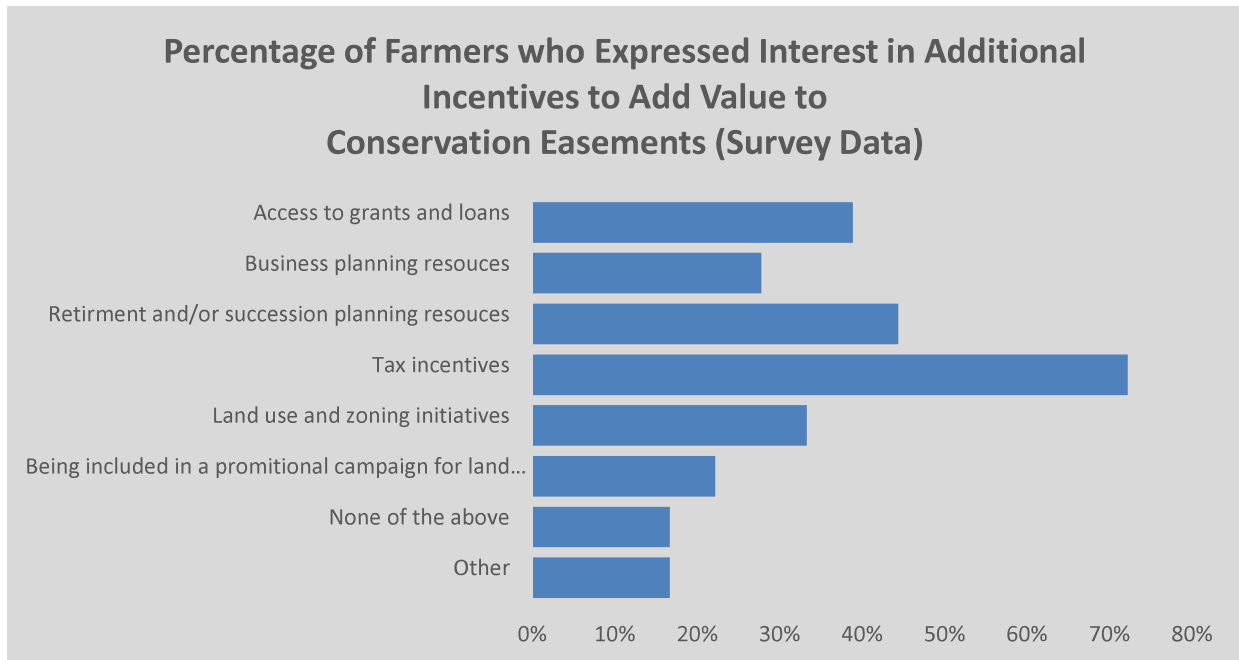
Marin Agricultural Land Trust (MALT) in California recently started offering affirmative agricultural production language amendments (Mandatory Agricultural Use or MAU) to farms with existing easements. MALT is the first land trust in the country to use affirmative agricultural production language in all of their new easements since 2011. This language requires that the land remain in agricultural production, and gives MALT the opportunity to choose someone to lease the farm from the landowner if they are failing to keep the land in production. The compensation farmers received from adding the amendment can help families address financial concerns that may put the family and the farm at risk for the future (Marin Agricultural Land Trust, 2015).

For Thornton Ranch, located in the Bay Area of California, the MAU constitutes 10% of the easement's total \$2,239,500 value for 1,013 acres of conserved land. The land's value has been reduced substantially, making it more affordable for future generations of farmers. The MAU also helped preserve the Thornton family's farming legacy by giving Marissa Thornton, a young, sixth generation farmer the chance to farm the land instead of being forced to sell the property (California FarmLink, 2015).

### ***Solution 3: Value-Added Easements***

Sometimes the intrinsic values of conservation and the financial benefits (tax benefits and one-time payouts) of a conservation easement are not favorably valued relative to the price that developers are willing to pay for farmland. In order to make conservation easements palatable to farmers, value-added easements maximize the benefits that farmers with conservation easements receive, increasing the attractiveness of an easement and the likelihood that the farm business succeeds and is passed onto the next generation. These incentives could include succession planning resources, business planning resources, stewardship and best management practice assistance, and help with promotion of products.

ALT's survey shows that farmers value a variety of different incentives that would add value to a conservation easement. Above all, Newport County farmers value additional tax incentives and resources that can aid them through the succession planning process. Only 16.7% of the respondents expressed that none of the given incentives added value to conservation easements. These results show that farmers may be more likely to place an easement on their farmland if they received additional benefits (Figure 11).



**Figure 11:** *Percentage of Farmers who Expressed Interest in Additional Incentives to Add Value to Conservation Easements.* Newport County Farmers who responded to our survey expressed interest in various incentives that could add value to conservation easements held by ALT. Above all, farmers would be more attracted to conservation easements if they offered greater tax incentives. Percent numbers are based on all surveys received.

#### ***Solution 4: Option to Purchase at Agricultural Value (OPAV)***

Vermont and Massachusetts have used the Option to Purchase at Agricultural Value (OPAV) as a tool to guarantee that farmland is sold to a qualified farmer at its Appraised Agricultural Value. Under this agreement, if a farmer wants to sell his/her parcel, but intends to sell to a non-farmer, the holder of the easement (e.g., land trust) has the option to purchase the farmland at its Appraised Agricultural Value. The easement holder would *not* use this option if the land is being sold to a family member or a farmer who plans to continue farming the land.

Because the Appraised Agricultural Value is less than the conservation value of farmland, the price of OPAV is usually about 10-40% greater than a traditional conservation easement's value per acre (National Young Farmers Coalition, 2013). Notably, the easement holder should only utilize OPAVs if the organization has sufficient funds set aside to exercise the option to purchase. An OPAV without a fund to purchase at agricultural value has little effect. In order for ALT to use this option, it will need to establish a land acquisition endowment fund it can draw from if a farm with an OPAV unexpectedly came up for sale.

#### ***Solution 5: Advocacy for Conveyance Tax***

A limiting factor for buying development rights is monetary resources for ALT, other land trusts, and the State's land protection program. A conveyance tax, or real estate transfer tax, could help raise significant funds for open space conservation. This has been used effectively in two Rhode Island communities: Little Compton and Block Island, and in many locations across the country. Any tax will have opposition, and ALT should make sure to research thoroughly and as part of its Advocacy Policy



(Advocacy Policy January 2017, Appendix F).

## ACTION STEPS – REAL ESTATE DEVELOPMENT

1. Improve relationships with existing farmers of unprotected lands so ALT is approached BEFORE the property is on the market. Maintain and improve good relationships with landowners of existing conservation lands.
2. Reach out to large donors for multi-year commitments to build an endowment bank for conservation easements, OPAVs, and future land acquisition.
3. Develop the extra incentives in value-added easements. Create partnerships with other organizations to help implement these incentives.

**“Little Compton’s transfer tax provides a reliable funding stream dedicated to local land conservation. These funds give our municipal Ag Trust the ability to leverage other funding sources, pull together creative partnerships, and have a real seat at the table when negotiating land protection deals.”** - Carol Trocki, Local Conservation Biologist



*Figure 12: Peters Farm, a former dairy farm conserved by ALT and the State of RI.*

## 2. Land Access and Affordability

Farmland in RI is the most expensive per acre in the country, and Newport County is even higher. Young farmers who may be eager to start a farming operation simply cannot find affordable land to purchase. Oftentimes the cost of land is still extremely high even if the land is held under a conservation easement that limits development rights.

### CHALLENGES

#### *Challenge 1: High Cost of Farmland*

This Plan has already established the extremely high cost of farmland, whether it be from USDA census numbers or from an investigation of recent farmland sales. According to survey results, farmers agree and strongly agree that the high price of farmland in Newport County threatens the viability of farming. The high price of land was frequently cited as being one of the biggest obstacles to financial success in farming (4.44 out of 5).

The National Young Farmers Coalition’s 2013 report *Farmland Conservation 2.0* identified the factors that contribute to farmland affordability as being:

1. Purchase price of land;
2. Farmer’s down payment capacity;
3. Interest rate and other financing terms;
4. Existing infrastructure and needed improvements; and
5. Projected capacity of the land to generate income.

Our survey showed that the purchase price of the land and the projected capacity of the land to generate income are the two most important factors that affect affordability for Newport County farmers.

### ***Challenge 2: Difficulty Finding Available Farmland***

Lack of available farmland is often cited as one of the biggest challenges facing RI agriculture. The steep price of farmland limits the amount of land made available and affordable for farmers. In addition, there are limited tools that Aquidneck Island farmers can use to find farmland. New England Farmland Finder is an online service that helps to connect farmland seekers and farmland owners (referred to as a land-link program); however, there are few listings for available farmland in Rhode Island.

There is land that is suitable for agricultural production that is held by private landowners and government. This land is often unavailable for farmers to lease and leaves farmers with few options to choose from.

ALT has fielded a number of calls from young farmers simply looking for land to farm, but has been unable to find plots for them available on Aquidneck Island.

### ***Challenge 3: Short Lease Periods***

Of our survey respondents, 44% lease the land they farm with only 15% leasing over 20 acres of land. Although lease periods range from 1 to 20 years, 70% of the farmers who lease land would prefer to have a longer lease period than they currently have. All of the beginning farmers who have been farming for less than 5 years lease farmland.

Leasing land is a good option for farmers who cannot afford to buy land; however, when lease terms expire the farmer may find him/herself without land and struggling to find affordable land once again. In

**...”the cost of owning land is unsurmountable.”**

**-Farmer Interview**



**Figure 13:** *St Mary’s Church, conserved in 2015 by ALT and partners. ALT permanently protected 72 acres of land at St Mary’s Church in Portsmouth. Much of the land is hayfields. ALT leases 25 acres to a local grass-fed beef farm.*

addition, short lease periods limit important investments that could be made to sustain the farm business (e.g., infrastructure) and/or build equity, as there is a limited sense of permanence (National Young Farmers Coalition, 2013).

Short lease periods limit stewardship of land as farm business owners that lease have less of an incentive to farm in a way that increases or maintains the long-term health and productivity of the land. A farmer who leases farmland with a conservation easement held by ALT voiced, “Leasing has its ups and downs...which I think is especially true when you’re doing organic. You’re spending all of this time [improving] soil health wondering what’s going to happen down the road.” The farmers are going into their fifth year of organic farming on the property and are only now seeing a return of soil health on the farm. While the lease will be renewed in this case, there is no guarantee this will be the case elsewhere.

**“Leasing has its ups and downs... You’re spending all of this time [improving] soil health wondering what’s going to happen down the road.” – Farmer Interview**

## SOLUTIONS

### ***Solution 1: Innovative Conservation Easements***

Incorporating the right combination of terms into a conservation easement can make the difference in whether farmland is sold off and taken out of production, or if it is available at an affordable price and kept in production by a qualified farmer. Affirmative agricultural production language is one such tool that ALT can use when writing new easements or amending older ones (See Section 1, pg 21). In addition to ensuring that farming still takes place on the land, the land is oftentimes made more affordable for future generations of farmers by decreasing the value of the land from more restrictive conservation easement prohibitions.

#### **Act Now for an Affordable Future Peconic Land Trust**

Careful crafting of conservation easements by land trusts can pay off for farmers seeking affordable land. Peconic Land Trust (PLT) has proven this with their Farms for the Future Initiative, successfully purchasing then reselling protected farmland to a qualified farmer at approximately 25% of fair market value. The terms of the conservation easement were drawn up to ensure that the land be accessible and affordable for current and future farmers. In addition to an Option to Purchase at Agricultural Value (OPAV) and restrictions on resale price, terms include a requirement that at least 60% of the land be used for the production of food and an option retained by PLT to lease the land to another qualified farmer if the land lies fallow for two years. PLT continues to use innovative methods to ensure the long-term conservation of farmland and the viability of farming on Long Island, New York, an area where farmland can cost up to \$100,000 per acre (Peconic Land Trust, n.d.)!

### ***Solution 2: Buy/Protect/Sell Program***

Another option for ALT is to buy farmland in fee at fair market value, place a conservation easement (thereby decreasing the value of the land), and resell the land at its appraised agricultural value. The





cost to ALT would be the cost of the conservation easement. There are many benefits to this action, including protecting the property and being able to select a qualified farmer to purchase the land at an affordable price.

### Affordability and Protection Maine Farmland Trust

Maine Farmland Trust (MFT) has demonstrated an avid commitment to preserving Maine's agricultural heritage. MFT seeks to purchase high-quality farmland, usually over 500 acres, and resell it at its appraised agricultural value through its Buy/Protect/Sell Program. MFT also reserves the right to be a last resort buyer if the owner is unable to find a qualified farmer to purchase the land in the future. This option ensures perpetual production on the land and protects MFT's investment in each project. The buyers of land through this program undergo an application and screening process to be considered a qualified buyer (Hamilton, Summer 2013).

The Rhode Island Department of Environmental Management (RIDEM) recently drafted a program of proposed regulations with \$3 million in funding that would give the state the ability to purchase a farm, restrict the conservation rights, and resell the land and infrastructure at agricultural value to a qualifying farmer. A prospective farmer would apply to a RIDEM Advisory Committee, who would then select a farmer based on agricultural experience, farm business experience, proposed farm plan, his or her ability to finance the farm purchase and farm business, and a demonstrated need for farmland. Although progressive, as of October 2016 the program is receiving much criticism from established farmers who see the program as a dividing force between beginning farmers and themselves. They see the application process and Advisory Committee as being biased and that the program is an attempt to control land use and raise property taxes. Young and beginning farmers assert that they want to produce in the state and further invest and pay taxes in Rhode Island, yet older farmers argue that the younger farmers do not appreciate the hard work of owning a farm business and believe that they would end up selling the farmland regardless of their economic advantage (Faulkner, 2016).

ALT must consider these various points of view when advocating for buy/protect/sell programs. In addition, it should be taken into consideration that ALT or other private organizations may be better-suited to manage such a program to avoid an overly burdensome regulatory process the association with other government programs and agendas.

#### ***Solution 3: Organizations holding Leases:***

Land trusts and other organizations may consider becoming landlords for farmers to ensure greater flexibility, affordability, and security for farmers who seek more stable lease agreements. With appropriate funds, ALT or the State of Rhode Island could buy land in fee at fair market value and then lease the land to a qualified farmer. The farmer would be selected by a lottery or an application process. ALT currently owns two properties it leases to local farmers. This includes 24.7 acres of hayfields at St. Mary's and 8.3 acres in a residential neighborhood currently leased to Aquidneck Community Table and an organic farm.

**Strategic Planning:** ALT's new strategic plan (2016) includes a provision that all ALT fee-owned farmland will be available for lease and/or actively farmed.

#### ***Solution 4: Longer Lease Periods***

Longer lease periods provide farm operators with greater security and the ability to build long-term landlord-tenant relationships that foster greater conservation and stewardship practices on the land. Federal conservation programs often require that the farm operator have control of the land for five years. Increasing the length of lease periods could increase the rates of participation in these programs.

In addition, leases that include a Purchase Option, “wherein the landowner and tenant set a purchase price up front and rent payments made over the course of the lease period can count toward a down payment,” may increase the likelihood that the farmland is conserved and remains in production (Farm Transitions: Conservation Financing - Long-Term Leases, n.d.).

#### ***Solution 5: Increasing the Amount of Available Farmland & Connecting Farmland Seekers and Owners***

There are a number of approaches that can be taken to increase the amount of available farmland on Aquidneck Island. Sometimes an existing farmer does not have all of his/her land under agricultural production. Such a farmer could benefit from leasing their fallow farmland and returning it to production. In addition, private and non-farming landowners may have significant amounts of land that could

be farmed or leased to a farmer, converting lawns into farms with economic and ecological value. Some parcels owned by the state or municipalities could also be made available to sell or lease to farmers.

Programs to connect farmland seekers and owners have been successful tools in facilitating the sale and purchase of farmland. There is an increasing demand for programs that connect farmland seekers with farmland owners who are looking to sell, lease, or establish situation-specific and goal-based tenure arrangements. Land trusts are responding by creating and managing these land-link programs, as well as taking it a step further with new and innovative programs. As of 2016, Maine Farmland Trust has

#### **ALT Leasing Land: Island Community Farms**

In 2005, ALT purchased 8.3 acres of farmland in Middletown and shortly thereafter began leasing the land to another non-profit focused on local farming. This group, Aquidneck Community Table, established community gardens, sub-leased to farmers for micro-plots, and runs a composting operation. The experience has been overall positive, but there have been some bumps in the road. Conflicts have arisen with neighbor complaints concerning farm use and debris on the farm, back-and-forth conflicts related to infrastructure installation, abandoning of farm fields in violation of the lease, and minor conflicts between sub-leasing tenants. While a positive experience, this case has shown that leasing land can involve significant amount of organizational time from lease negotiation, to fielding neighbor concerns, to ensuring land management stated in the lease is being met. In early 2017, ALT hopes to renew two new leases on the property; one for community gardens, and another with a local organic farm that runs a successful wholesale and CSA on the farm. ALT hopes to partner with both lessees in work and cross-promotion moving forward.

ALT also leases 25 acres to a local grass-fed beef operation for hay, which has proceeded smoothly.

While these two cases show this model may be important to open up land for new or existing farmers, ALT must ensure enough it has enough staff and organizational time set aside to ensure proper oversight before using this Buy/Lease model more frequently moving forward.



completed over 152 links on more than 7,340 acres of land through their Maine FarmLink program (Our Story, n.d.). Currently Rhode Island does not have a large enough database to provide an adequate service for interested farmers. According to our survey, 87% of farmers believe that a program like this would be valuable, with no farmers seeing it to be invaluable. There are initiatives in Rhode Island to create a state-specific land-link program – ALT should take part, focusing its efforts on Aquidneck Island.

### ***Solution 6: Farmland Restoration and Stewardship***

In addition to identifying vacant and fallow farmland, exhausted farmland often needs to be restored to protect the health of the soil for use by future generations. ALT can help coordinate and fund soil remediation programs, as well as encourage stewardship of farmland on conservation properties. By encouraging best management practices for farmland conservation, such as maintaining vegetative buffers around waterways and practicing conservation tillage to mitigate soil loss, ALT can increase the amount of available and productive farmland for future generations while having a positive impact on non-agricultural conservation values. USDA-NRCS is a key partner on best management projects, and will pay for the majority of the cost of various farm improvements and best management practices.

#### **Success Story – Connecting Farmers to Land**

ALT partnered with Land for Good and the RI Land Trust Council to offer a workshop to landowners on the benefits and possibilities of leasing unused land to local farmers. After sending mailers to parcel owners with 3+ acres of possible farmland, approximately 25 people attended presentations by the panel and informal discussions. These type of workshops help make connections between landowners and farmers looking to lease land while also providing resources to both parties. The information provided also included challenges to make sure any landowners know what to expect when leasing land in an attempt to prevent any issues down the line. Facilitating the conversation about leasing private land on Aquidneck Island is a valuable role that ALT can play in making farmland more available. ALT will continue to host landowner workshops and also host “mixers” that will bring farmland owners and farmland seekers together.

### **Supporting Stewardship Marin Agricultural Land Trust**

Land conservation organizations are taking action to ensure that farmland remains healthy and productive for future generations. The Marin Agricultural Land Trust (MALT) has a Stewardship Assistance Program (SAP) that provides grants (up to \$10,000) to help landowners achieve their management goals and retain conservation values on protected lands (Marin Agricultural Land Trust, n.d.). The American Farmland Trust (AFT) also recognizes the importance of the soil health to the environment, the economy, and the food we eat. They have helped more than a thousand farmers to reduce their use of pesticides on more than 90,000 acres in the Midwest. In addition, they established a training program in 2015 for “soil ambassadors” in Illinois (as part of their “From the Classroom to the Field: Advanced Soil Health Training for Illinois Ag Service Providers” program) who will provide farmers with the latest information they need to support the living ecosystems in their soil (Filipiak, 2015).

## **ACTION STEPS – LAND ACCESS AND AFFORDABILITY**

1. Continue to lease existing fee lands and lease new farm properties when/if acquired in fee.
2. Include farm incubation and leasing at Spruce Acres when acquired.
3. With partners, continue to hold resource workshops and mixers on connecting farmers and landowners.

4. Refer farmers with conservation easements or with existing relationships to NRCS programs on best management practices.
5. Be a resource for new and existing farmers looking for land, and provide resources via online site.



*Figure 14: Conserved potato farm on the shores of Sisson Pond, a drinking supply reservoir for Aquidneck Island*

### 3. Transitioning Farming Class

Aging farmers have always looked to the next generation to pick up their tools and head to the fields. Many older farmers today are either skeptical or not connecting with young and eager individuals looking to try their hand in farming and children of farmers are opting to leave the farm for more urban opportunities. Instead, farmers are concerning themselves with the fate of their farm and tempting offers from developers. Making plans for the future of the farm can be a daunting and complex process that is often delayed until it is too late to identify a successor and transition the farm business to them.

#### CHALLENGES

##### ***Challenge 1: Aging Farming Class and Difficulty for Young Farmers to get on the Land***

The average age of farmers in the state is in the mid-50s, and in 2007, more than one in four farmers in the state was older than 65 years (USDA, 2012, p. 558). While nationally the number of farms is in the decline, in RI, the number of farms in the state has increased by 50% between 2002 and 2012. And in the past 10 years, the number of young farmers under 34 has doubled in the state. In RI, 33% of farmers are beginning farmers (USDA 2012). However, still, unavailable and unaffordable farmland, high start-up costs and unstable or inadequate financing, and a lack of basic knowledge of production and business



planning are critical barriers to success for beginning farmers (American Farmland Trust, 2014). The issue appears not to be lack of farmers, but lack of land for young farmers to farm. On the other hand, most older farmers do not have succession plans for what will happen to the farm after they stop farming the land.

### ***Challenge 2: Complexity and Timing of Succession Planning***

A farm succession plan identifies when and how management, income, and ownership of a farm operation's assets are to be transferred to a succeeding operator. These plans vary in complexity, and can involve stipulation of a future farm management and/or business plan. Succession planning often, but not always, correlates with retirement. **Of our survey respondents, only 16.7% have a succession plan in place. It is of great concern that 81.3% of respondents over the age of 55 do not have a succession plan in place or are uncertain if they do.** Lack of a plan and a successor increases the chance a farm will be sold off and developed.

#### **Succession Planning Obstacles Identified by Senior Farmers without Successors Land for Good & American Farmland Trust**

Land for Good and the American Farmland Trust's *Gaining Insights, Gaining Access* project aimed to understanding the changing demographics of the farming population in New England and New York. As part of this project, focus groups were held with older farmers with no identified successors. These focus groups revealed the various obstacles to succession planning that exist for New England and New York farmers. The most significant obstacles identified were:

- 1) Difficulty financing for a smooth exit from the farm operation while ensuring financial security in retirement;
- 2) Communication and interpersonal dynamics between the retiring farmer and potential successors;
- 3) Not feeling ready or that it is not the right time to begin planning for retirement and succession;
- 4) Challenges when coordinating with third party advisors which requires significant investments of time and trust;
- 5) Planning is seen as a costly endeavor, requiring paying for costly legal fees and professional assistance/advisors; and
- 6) Finding a successor is a challenge.

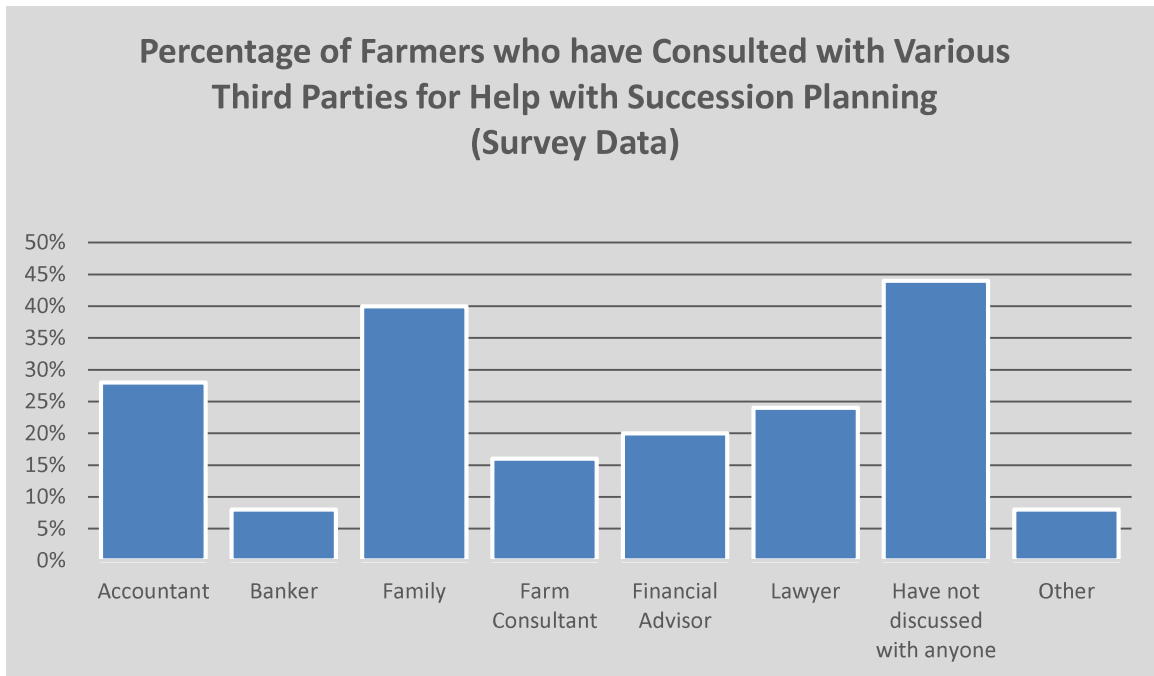
(American Farmland Trust, 2015)

There are many steps involved in creating a succession plan that works for both the farmer and their successor. Farmers should coordinate with a number of third parties while forming their plan so that farm transfers are fair for both parties and are legally sound. Notably, 44% of our survey respondents have not discussed their plans with anyone (Figure 15).

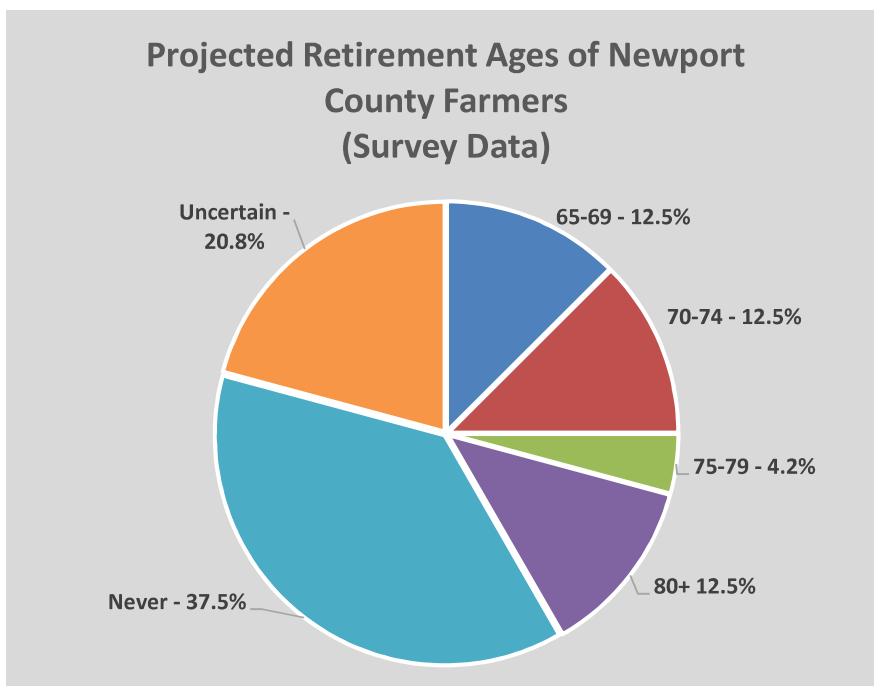
Farmers lack support when navigating this process and often times delay starting the process until they are ready to retire. Farmers are often uncertain of when they will have the opportunity to retire (20.8%) with many indicating that they never plan on retiring (37.5%) (Figure 16).

Late and uncertain retirement can lead to further delays in succession planning. **A list of resources related to succession planning can be found in Appendix D.**

**[I'll retire] "when St Peter greets me at the Pearly Gates and says that's enough!"** -Farmer Survey Response

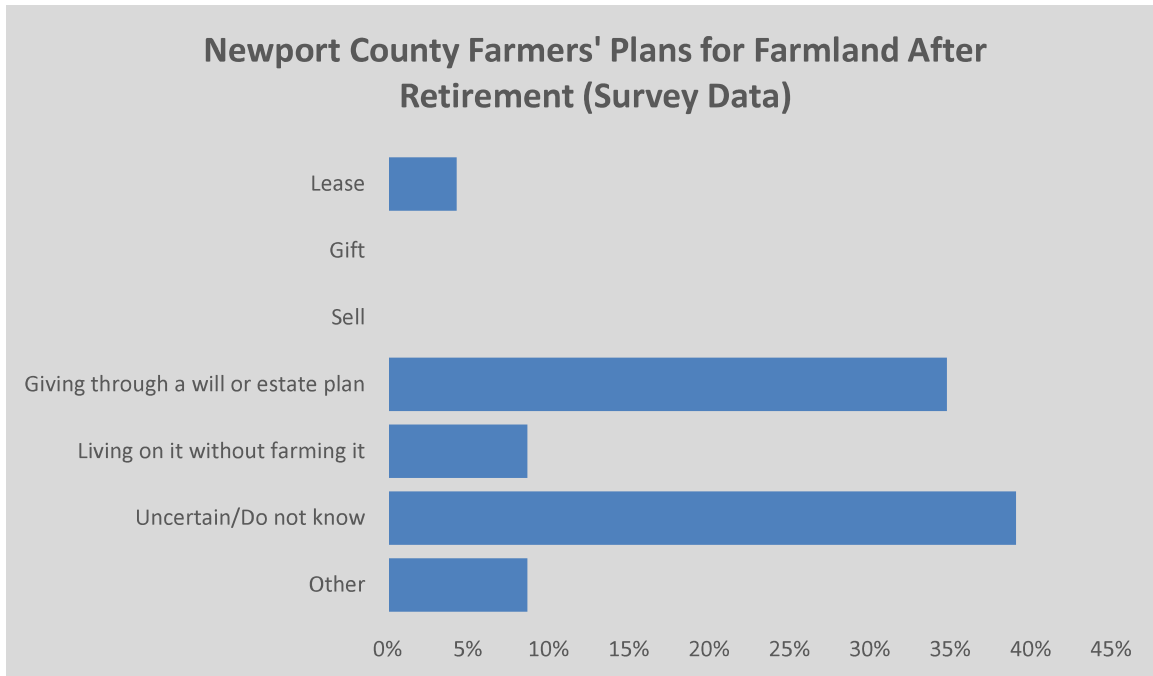


**Figure 15:** *Percentage of Farmers who have Consulted with Various Third Parties for Help with Succession Planning.* When planning for succession, farmers should consult with various third parties for professional help. Of our survey respondents, 55% have not discussed succession planning with anyone. Farmers more often consult with family than non-family professionals. Data is expressed as a percentage of total respondents.



**Figure 16:** *Projected Retirement Age of Newport County Farmers.* Our survey results indicated that Newport County farmers who returned the survey most often do not plan on retiring or expressed uncertainty about their projected retirement age. Data is expressed as a percentage of total respondents.

When asked what the farmer plans on doing with their land after they are done farming it, 39.1% expressed uncertainty and 34.8% indicated that they plan on giving through a will or estate plan (Figure 17). Uncertainty and lack of planning can make timely transitions difficult. Successors need proper mentorship and training in order to take over the farm business. From proper training in the field to business management skills, proper steps should be taken to increase the likelihood of financial success for the oncoming farmer. Oftentimes successors are identified too late and the next generation has a difficult time determining how to run the business and what to do with the farmland. This can lead to the farm being divided between family members, further fragmenting farmland in the region and increasing the chances of some or the entire farm being developed.



**Figure 17: Newport County Farmers' Plans for Farmland After Retirement.** Newport County farmers were asked about what they plan to do with their farmland after retirement. The majority of respondents were either uncertain of their plan or intended to give through a will or estate plan. Respondents did not indicate that they were planning to gift or sell the land. Data is expressed as a percentage of total respondents.

### ***Challenge 3: Difficulty Identifying Successors***

According to our survey, 56% of respondents have not identified a potential successor to transfer their farm business to after retirement. In a study by Land for Good and the American Farmland Trust (2015), it was found that financing is a major obstacle for young farmers. Young successors need to have capital and to agree with the price and financing terms of the land. Young farmers are being deterred because they are looking to invest their money in small and diverse parcels, while children of farmers are deterred from the business because they see the farm not bringing in money.

This study also found that some senior farmers believe that young farmers won't work as hard as they did. This was echoed in a handful of surveys received from ALT. Furthermore, senior farmers may disapprove of farming practices used by the young farmers. Farmers lack the time and resources to find committed successors willing to devote significant time and energy into the farm, and are aligned with

the goals and values of the senior farmer. In addition, farmers oftentimes lack trust and good communication with new farmers coming onto the land.

Land for Good and the American Farmland Trust found that seniors who are identifying a successor don't necessarily need the farm to stay in the family and are willing to mentor a new farmer who can come onto the land. Issues arise with the timing of selecting successor so that there is substantial time to pass on knowledge of farming and farm business (American Farmland Trust, 2016).

#### ***Challenge 4: Farms as Risky Retirement Investments***

According to our survey, 37.5% of farmers surveyed report that they never plan on retiring, while 12.5% plan on retiring past the age of 80.

Sometimes farmers have not saved enough money for their own retirement because they have put all of their money back into the business and plan to use the farm as their retirement savings. A Middletown farmer interviewed by ALT expressed his concern over farms that are used as retirement savings when he stated, "How do you preserve the farmers? There are plenty of people I have met along the way and [they] see their 20, 30, or 40 years of hard work on their land as their retirement account. And they don't have other generations [of farmers] coming [onto the land]."

**"There are plenty of people I have met along the way and [they] see their 20, 30, or 40 years of hard work on their land as their retirement account."**

– Farmer Interview

Farmers investing in retirement use any cash they have to make improvements instead of borrowing money, therefore building equity to cash out when they retire. Oftentimes their goal is to transfer the farm to their children or another successor. The farm may or may not be profitable enough to cover the living needs of the senior generation or the younger generation, placing a strain on the farmer's ability to retire and increasing the attractiveness of selling land at its highest use value.

## **SOLUTIONS**

#### ***Solution 1: Support for Senior and Retiring Farmers***

Senior and retiring farmers must plan for the future of their farm. This usually requires creating a succession plan that stipulates the terms on which the farm will be transferred to a next generation farmer. A successful farm transfer can take anywhere from 5 to 10 years (RI Land Trust Council, 2010). Streamlining the process is necessary to encourage more farmers to create a plan and begin implementing it early on. Out of 16 survey respondents who indicated that they do not have a succession plan in place, 7 also indicated that they value additional support and advising for succession planning.

There are many succession planning resources available on the internet, including excellent resources provided by Land for Good and others (See Appendix D and E). Aquidneck Island farmers need a local source that can disseminate this information and act as a facilitator that can guide them through the process. The Conservation Law Foundation (CLF) has established the Legal Food Hub in Rhode Island after successfully aiding farmers and food entrepreneurs through pro bono legal assistance, workshops, and training throughout New England. CLF identifies high legal fees, expensive farmland, and the



importance of legal services in growing a food business as challenges to growth in the food sector. In addition to helping to overcome barriers to success and grow a farm business, CLF attorneys can guide farmers through the succession planning process. The Legal Food Hub is one of the professional entities that ALT will refer farmers to when they are in need of legal assistance.

Succession planning can also give farmers more innovative options for the transfer of the farm, like lease-to-own and gradual transfer arrangements, or getting a third-party, like a land trust involved in creating long-term solutions. Land trusts can make farm transfers more affordable by placing a conservation easement on the land that decreases the value of the parcel (See Section 1 – Keeping Farmland Active - Marin Agricultural Land Trust).

ALT will continue to form partnerships with organizations that have expertise in farm succession to host various trainings, workshops, and events for Aquidneck Island farmers to disseminate information and resources about succession planning.

### ***Solution 2: Support for Beginning Farmers***

There is momentum growing within the younger generation to head back to the farm and reclaim pride in our nation’s food system. Individuals, especially young people, are taking up internships, apprenticeships, and volunteer opportunities to learn more about farming and the agrarian culture. Growing interest by young, inexperienced farmers is evidenced by a 42% increase in number of farms in Rhode Island from 2002 to 2007. This growth is ten times the national average and the highest increase in the same period of all New England states (RI Agricultural Partnership, 2011). Experienced farmers, land trusts, and other invested organizations are called to embrace this enthusiasm to cultivate the next generation of farmers especially as they face the challenges of high land costs and rapid loss of available farmland.

Farmers who returned surveys varied widely in their interest in providing apprenticeships or mentoring young farmers (3.67 out of 5). Responses ranged from strongly disagree, to neutral, to strongly agree. Apprenticeships may be a very case-by-case scenario according to mentor and mentee.

Support for young and beginning farmers would include sponsoring workshops on business planning, lease negotiations, and other farm issues. Connecting young farmers with landowners is perhaps the biggest method of support ALT and partners could provide.

### **ACTION STEPS – TRANSITIONING FARMING CLASS**

1. Develop website of resources and references.
2. Provide workshops and connections for succession and estate planning. Be a resource.
3. Couple succession planning with acquisition when relevant.

#### **Local Momentum Southside Community Land Trust**

In 2016, Southside Community Land Trust (SCLT) received \$595,517 in federal funding to educate approximately 425 new and beginning farmers and ranchers through workshops, mentorship, and technical assistance programs (Kuffner, 2016). SCLT aims to increase access to healthy food in Greater Providence by providing access to land, education, and other valuable resources to help increase sustainable urban food production. Their initiatives, including a Community Growers Network, a 50-acre urban farm, and a ¾-acre urban farm in the heart of Providence, RI give them excellent leverage to work and connect with aspiring farmers throughout Rhode Island. Allocation of federal funding to SCLT to support beginning farmers in Rhode Island sheds light on the momentum behind a new generation of farmers (Southside Community Land Trust, n.d.).



**Figure 18:** Newport Vineyards, a conserved farm that includes a restaurant, winery, and event space.

## **4. Regulations Limiting Innovation in Farming**

Newport County farmers who responded to our survey agree that they would like more flexibility within farming ordinances, such as allowing for commercial enterprises on farms. Zoning and regulation can severely limit land use and side businesses on farms, limiting potential extra income needed to remain profitable. Additional tax regulations may make it difficult for a farm to be transferred to the next generation due to steep real estate and inheritance tax rates. Fortunately, local property taxes are alleviated by the state’s Farm, Forest, and Open Space ACT (FFOS); however, additional tax incentives coupled with a conservation easement can further reduce the tax burden on farmers.

## CHALLENGES

### *Challenge 1: Restrictive Zoning Ordinances*

Traditional “Euclidian<sup>2</sup>” zoning ordinances are intended to preserve the character of a community and to ensure that future development is compatible with existing uses and community’s vision of itself. Zoning codes and ordinances divide the municipality into districts and define and determine which land uses are allowed in each zone. As to those that are allowed in each district uniform regulations are set to define how that use can take place. There is a long history of zoning cases in the United States where pre-existing agricultural land uses are challenged as incompatible or a nuisance uses with the more recently encroaching residential development (See: *Spur Industries, Inc. v. Del E. Webb Development Co.*, 494 P.2d 700 (Ariz. 1972)). Nuisance complaints by neighbors of farms most often relate to the sights, smells, and noises of a working farm that may cause issues for nearby residents. In order to mitigate conflict, further restrictions historically were often placed on agricultural lands and land uses. To avoid this gradual shift in land use regulation against agricultural land uses, Rhode Island has passed the Right to Farm Act, RIGL § 2-23-1.

Since Newport County has both rural and urban areas with a comparatively dense population, farming can spark conflicts of interests between agricultural uses, residential and commercial land users. A farmer interviewed by ALT stated, “I think we’re a pretty clean farm and we still get complaints about piles of equipment or things like that.” Even with the Right to Farm Act in place, land use restrictions can limit farm infrastructure improvements, impact a farm’s relationship with their neighbors, and be the basis for denying the development of other businesses on the farm which can supplement farm income.

While the Right to Farm Act protects farmers from nuisance complaints related to essential farming practices it has questionable application where the land use involved is a collateral revenue generation use that does not involve essential farming, such as wedding event facilities (See: *Greenville Vineyards*).

### *High Taxes*

Farms require less than 50 cents in municipal services for every one dollar in taxes paid. This is a huge advantage to financially strapped municipalities that often pay more than a dollar in services for every dollar in taxes paid (RI Land Trust Council, 2010). For example, two cost of community service studies have shown agriculture costing only 37 cents in municipal services for every dollar in paid compared with residential development costs of 1.11 and 1.16 for every dollar in taxes paid (UNH Cooperative Extension, n.d.; American Farmland Trust, 2016). Because of this, municipalities can benefit greatly from conserving farmland and placing more land in active agricultural production. Or put in other words, famously, “cows don’t go to school.”

Although taxes add additional expenses to a farm operation, farmers can have their farm assessed for local property taxes at agricultural value under the Farm, Forest, and Open Space Act (FFOS). This decreases the farm’s tax burden and increases the potential profitability of the farm business. FFOS must be uniformly applied across the state since there are current inconsistencies with assessment and application by municipalities. In addition, current FFOS places value on the land’s ability to produce a

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<sup>2</sup>Named after Euclid, Ohio which was one of the first municipalities to pass, and have legally challenged, a zoning ordinance. *Village of Euclid v. Ambler Realty Co.*, 272 U.S. 365 (1926).



crop which does not take into consideration a more holistic view of the land's value, including environmental, cultural, scenic, and economic values (RI Land Trust Council, 2010).

Rhode Island's estate and inheritance taxes may also make it difficult for a farm transfer to be financially feasible in the cases of high value farmlands. Valuable acres of farmland may be sold to development to satisfy or avoid high tax rates. However, these taxes are currently only applicable over \$5 million dollars.

### **Zoning Challenges: The Story of Greenvale Vineyards**

Greenvale Vineyards, a farm in Portsmouth, RI, ran a wedding facility for a number of years in the middle of the historic 56 acre vineyard in Portsmouth, Rhode Island. Neighbors had sought the town's intervention to shut down the wedding use altogether when, in 2009, the winery sought to move its wedding facility into a new building adjacent to Wapping Road. The zoning officer found that as it was presently being conducted, the wedding facility complied with the zoning ordinance. He found that under the Right to Farm Act the wedding use was a viable means of contributing to the preservation of agriculture and is not in violation of the Ordinance. An abutter appealed the zoning officer's decision to the Zoning Board of Review and that board overturned his decision finding that: (1) a wedding facility was not an accessory use to an agricultural use; (2) a wedding facility was not a listed use in the zoning ordinance and therefore by the terms of the ordinance was not permitted in any district; and (3) that the town planner's reliance on the Right to Farm Act was erroneous since it was a non-agricultural operation. Greenvale appealed this decision to the Superior Court on two occasions and in both instances the court denied the appeal to overturn the zoning board's decision. Greenvale then appealed to the Rhode Island Supreme Court and with that case pending relief came from another source.

In June, 2015, the Portsmouth Town Council passed a new ordinance to aide farmers by allowing non-farm related activities on farms as an accessory use pursuant to a special use permit if the activity "tends to support, sustain, promote, or encourage agriculture or farming activity and which contributes to revenue derived from agriculture or farming activity. . . Events may include, but are not limited to events such as harvest fairs and festivals, indoor and outdoor concerts, weddings and receptions and corporate or private functions." Greenvale then filed for a special use permit with the zoning board of review pursuant to the zoning ordinance as amended by the new farm ordinance. In January 2016, after three separate nights of standing room only hearings, with many speaking in favor of and against the proposal, the Portsmouth Zoning Board of Review approved the special use permit with conditions. Therefore, after over 6 years of land use litigation Greenvale's wedding facility was finally approved.



## SOLUTIONS

### ***Solution 1: Advocacy for Flexible Zoning Ordinances***

Community support for farms and zoning ordinances that support farm operations are essential to a thriving agricultural economy. ALT is a significant stakeholder in advocacy for flexible zoning ordinances since profitable farm businesses yield greater chances of farmland being preserved and remaining in active production. In the above story of Greenvale Vineyards, ALT advocated for the farm ordinance and Special Use Permit thereunder, and will continue to maintain a consistent track record of supporting and advocating for pro-agricultural policies and regulations, consistent with ALT’s Advocacy Policy (January, 2017, Appendix F). Middletown is currently undergoing an agricultural business overlay district zoning process as well. Since most agricultural land in Middletown is zoned residential that places inherent restrictions on the type and scale of business endeavors that agricultural landowners can pursue on their land. Unlike Portsmouth, Middletown is proposing an overlay district where such non-farm related activities would be allowed without the necessity of a special use permit. Pursuant to its strategic plan, ALT will be advocating for passage of an agriculture overlay ordinance that represents the best interest of Middletown farmers.

Influencing Local Planning Land Trust for Tennessee
<p>The Land Trust Alliance encourages land trusts to be involved in regional-scale land use planning because, “1) the outcomes of those planning processes can influence the success of long-range conservation efforts, 2) engagement at the regional scale can be a means of obtaining crucial buy-in for conservation goals from the broader community, and 3) land trusts can add value to local and regional land use planning efforts (Amundsen &amp; Culp, Winter 2013).”</p> <p>The Land Trust for Tennessee partnered with the City of Nashville to produce the city’s first open space plan, The Nashville Open Space Plan, in 2010. Being a co-convener in the public planning process gave the Land Trust for Tennessee leverage for funding and a greater ability to coordinate conservation efforts with government planning since the resulting plan became official government policy. In addition, the Land Trust for Tennessee is able to have major impacts on shaping the agenda for conservation and future development by being an immediately stakeholder in the local conservation. ALT can draw inspiration from this close and action-oriented relationship with local government when looking to advocate for conservation planning and zoning ordinances that support agriculture (Amundsen &amp; Culp, Winter 2013).</p>

### ***Solution 2: Advocacy for Improvements in Tax Policy***

Tax reform for farms must occur at the state level. The RI Land Trust Council (2010) recognizes the importance of restructuring FFOS to incentivize keeping farmland in production, since this is overlooked in the current policy. Tax incentives that should be considered are a real estate transfer tax to fund farmland conservation, incentives for large lot owners or owners with extra land to lease portions of their property to farmers, and exemptions for farmers from the inheritance tax. These tax reforms would increase the likelihood that land is kept in production and protected.

ALT will advocate for proper and consistent application of FFOS tax assessment on Aquidneck Island and in Newport County, consistent with its Advocacy Policy (January, 2017, Appendix F). In addition, ALT can push for a better way to assess the value of the land for its additional environmental, scenic, cultural, and economic values since this is how conservation easement values are determined. Farmland can also be valued for the conservation practices being applied on the land. Incorporating ALT’s expertise in



valuating properties with conservation value into government planning would be beneficial for Aquidneck Island farmers.

ALT must also work to inform the public that farms provide exceptional tax benefits, as well as scenic, cultural, and economic value. Support from non-farming neighbors can increase the likelihood of success for the farmer and the long-term preservation of working farms. By buying farm products and accepting practices of nearby farm operations, residents can alleviate pressure on municipal services and strengthen the local economy. To achieve this goal, ALT can sponsor community events, set up information tables at places such as the farmers market, and promote local farms during its various events throughout the year.

### ***Solution 3: Greater Tax Incentives with Conservation Easements***

In 2015, Congress enacted a federal tax incentive for conservation easement donations. If a conservation easement is voluntarily donated to a land trust or government agency, it can qualify as a charitable tax deduction on the donor's federal income tax return (Land Trust Alliance, n.d.). Conservation easements can also result in less taxes as restricting development rights lowers the overall property value. In addition, there may be a reduction in estate taxes if the value of the land is lowered (See full description in Section 1, pg 20)

Rhode Island does not have any state and town-specific tax incentives for conservation easements. According to our survey results, farmers in Newport County highly value tax incentives when assessing the value of a conservation easement. ALT will actively advocate for state and federal tax programs that create positive incentives for land conservation and conservation easements, consistent with ALT's Advocacy Policy (January, 2017, Appendix F). ALT will also work with farmers to identify opportunities to reduce tax liability.

#### **California's Incentive for Conserving Agricultural Lands Natural Heritage Preservation Tax Credit Program**

California aims to further its conservation efforts through the Natural Heritage Preservation Tax Credit Program that has resulted in the approval of \$54.5 million in tax credits and the donation and transfer of ownership of more than 9,407 acres of land, including lands with agricultural conservation easements. The program provides income tax credit of 55% of the fair market value for donations of qualified land and water rights. Conservation easements over agricultural land that is donated must be threatened by development and zoned for agricultural use in order to be eligible for the tax credit (State of California Wildlife Conservation Board, November 2015).

### ***Solution 4: Legal Technical Assistance***

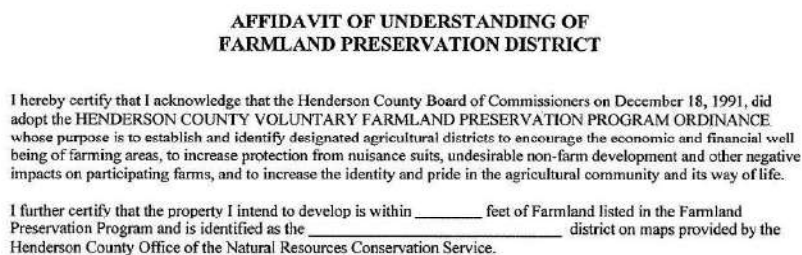
Sorting through government regulation to make the best-fit choices for a farm business can be difficult, since no two businesses or farms are alike. Farmers may need legal assistance to file applications for tax programs and zoning permits, as well as general help with state and federal income tax policy. For example, a farmer interviewed by ALT was unsure whether food donated to a food bank could be applied as a write-off on taxes. This range of information is valuable for farmers to make financial sense out of the legal implications of their business. ALT can redirect farmers to seek pro bono legal work by the Conservation Law Foundation's Legal Food Hub, as well as point farmers to the appropriate

regulatory agencies that can assist them. ALT has also developed a list of references that it will continue to grow for referrals (Appendix D and E).

A Track Record of Legal Success in New England Legal Food Hub
<p>The Conservation Law Foundation’s Legal Food Hub has a proven track record of success throughout New England, and is now extending its services to Rhode Island (See Section 3 – SOLUTIONS)</p> <p>The Legal Food Hub has helped farms and farmers overcome legal struggles that often threaten the survival of the farm operation. For example, the Hub matched Dovetail Family Farm in rural Maine with a pro bono lawyer who helped the farm become incorporated as an LLC. In planning for succession, incorporation can be valuable in facilitating a gradual transfer of a farm to a successor. Rhode Island farmers now have a local resource with a proven track record to turn to when legal help is needed (Conservation Law Foundation, n.d.).</p>

### ***Solution 5: Creation of a Voluntary Farmland Protection District***

One possible solution to address the loss of farmland to real estate development is to create a voluntary farming district whereby certain incentives are granted to registrant land owners, such as tax incentives and restrictions on non-farm development uses. It essentially shifts the rebuttable presumption from the farm being the nuisance to the non-farm use being the nuisance. In addition, at least one community in the country has mandated new residential homeowners to sign an affidavit of understanding that they live in a Farm District that could be the subject of some nuisance uses. Such an Affidavit would reduce the burden of neighbors complaining of nuisance (Figure 19).



**Figure 19:** Affidavit of Understanding from Henderson County, NC.

Incentivizing Farmland Use Voluntary Farmland Preservation District
<p>Henderson County, North Carolina passed the Henderson County Voluntary Farmland Preservation Program Ordinance (“Ordinance”) which in turn created the Farmland Preservation District (“District”). The Ordinance empowered an Agricultural Advisory Board (“Board”) to take such steps as it deemed appropriate “to encourage the formation of voluntary agricultural districts and to further their purposes and objectives, including public information programs to reasonably inform landowners of the farmland preservation program.” The Board proceeded with an interesting idea that to ALT’s knowledge hadn’t been done before or since. They mandated, through county ordinance, that any new homeowner purchasing a new home within any created District to sign an Affidavit of Understanding (attached in Appendix E). The affidavit states that the landowner understands that the county adopted the Ordinance and District with a purpose to “establish and identify designated agricultural districts to encourage the economic and financial well-being of farming areas, to increase protection from nuisance suits, undesirable non-farm development and other negative impacts on participating farms, and to increase the identity and pride of the agricultural community and its way of life.”</p>

## **ACTION STEPS – REGULATIONS LIMITING INNOVATION IN FARMING**

1. Advocate (according to ALT’s Advocacy Policy) for Middletown agricultural overlay zoning and a real estate transfer tax.
2. Develop policy plans specific to Newport, Middletown, and Portsmouth.
3. Advocate for the towns to work more closely with each other on agriculture issues.



**Figure 20:** The Three S parcel, owned by the Town of Portsmouth with an easement held by ALT, supports two farms. Aquidneck Farms leases a portion for pastured cattle and Escobar’s Highland Farm leases a portion for corn. The Sakonnet Greenway Trail surrounds the 48 acre property, demonstrating how farmland can have multiple community benefits.

## **5. Viability of the Farm Business**

Keeping farm businesses viable on Aquidneck Island is essential to protecting farmland. Farmers may close their business and/or sell their farmland if the farm business does not make them enough money to support them and their families. Farmers often lose money or find it necessary to support themselves through off-farm work. A farm owner may find that keeping the farm business is difficult when they lack business savvy, but have passion for the farm operation itself. Technical assistance, support for farm businesses, and improvements in Aquidneck Island’s agricultural support infrastructure would improve the chances of our region’s farms remaining viable.

## CHALLENGES

### ***Challenge 1: Complex Agricultural Value Chain***

There are many steps along a farm's value chain, from farm supplies to consumer, that require significant time, planning, financing, and overall hard work that make it difficult for farms, especially small farms, to succeed. Each season comes with new challenges relating to the costs of equipment and supplies, labor costs, identifying the best market opportunities, accounting, and overall business planning.

### ***Challenge 2: Lack of Support Infrastructure and High Equipment Prices***

High operational costs make it difficult for small farms to grow and succeed. Much of Rhode Island's farm support infrastructure (local suppliers for farm equipment, seed and fertilizer, and local processing facilities) has been lost in concert with the many acres of farmland that have been lost over the past 70 years. According to our survey, Newport County farmers believe that there needs to be more local suppliers of farm equipment in the area.

A number of survey respondents responded that the cost of equipment is a significant obstacle to financial success in farming on Aquidneck Island and in Newport County overall. Rhode Island farmers typically have higher costs associated with supplies and equipment than other states. In addition to the high initial costs of equipment, equipment depreciates in time and maintenance and repair continues to factor into the farmer's costs of operation. Rhode Island farms are also relatively small in size and typically unable to maximize economies of scale to reduce their costs (RI Land Trust Council, 2010).

### ***Challenge 3: Farm Wages and Finding Help***

The cost of labor and finding good help are challenges that many farmers face. Two survey respondents cited these issues as being the greatest obstacles to the financial viability of farming in Newport County. In addition, the dominance of low wages in the agriculture sector deter new farmers and prospective farm employees from farming (RI Food Policy Council, 2016).

Because of the cost of labor, work share and unpaid apprenticeships appear to be good options to help with the farm's bottom line. However, retaining good help season-to-season is difficult. Also, a farmer interviewed by ALT cited that there is a liability of having no to low-cost labor on the farm because of liabilities related to injuries. Two farmers we spoke to agree that onboarding employees and apprentices can only work if the farmer's expectations for quality of work are lowered.

According to the U.S. Bureau of Labor Statistics, in 2014 there were 214 farms in Newport County with 591 farm workers and 370 farm operators. This amounted to \$5.8 million in farm payroll and ultimately \$14.6 million worth of farm products sold. Agriculture in Newport County has a significant impact on job



**Figure 21:** Escobar's Highland Farm, a conserved farm, has diversified its business with an annual corn maze, which is extremely popular with local residents and visitors.



creation and economic contribution. It is thus important that farms continue to create jobs and pay wages in the region (RI Food Policy Council, 2016).

#### ***Challenge 4: Farmers Seeking Off-Farm Work***

Over half (54.2%) of survey respondents rely on off-farm work to bring in additional income and/or benefits to the household. In an ALT interview, one farmer said that young farmers, “have no idea what they’re getting themselves into with the amount of labor [farming requires] and the need for off-farm work as well.” Off-farm work brings in additional income, and often health coverage, but consumes time and energy that the farmer may prefer to put towards developing the farm business.

#### ***Challenge 5: Lack of Farm and Business Training***

Young and beginning farmers often lack farm experience and adequate business training to run a farm operation and market their product. According to the National Young Farmers Coalition, lack of capital and land access are the leading challenges for young and beginning farmers. However, the same survey showed that 36% of respondents identified business planning and marketing skills as being the biggest obstacles to success. In addition, 26% of farmers surveyed identified education and training as being the biggest obstacle (National Young Farmers Coalition, 2011). Over a quarter of farmers who responded to ALT’s survey results revealed that business planning resources would add value to a conservation easement, showing that there are Newport County farmers with a need for assistance in business planning.

Increasing the likelihood of success for farm businesses on Aquidneck Island would most likely help preserve, or increase, the number of acres of farmland in production.

#### **Success Story – Sweet Berry Farm**

When the opportunity arose for Jan & Michelle Eckhart to follow their dreams of creating a thriving farm, they reached out to ALT. Land had become available, and it would be the perfect place to open their roadside farm stand. They discussed the options of conservation with the land trust, and ALT and the Eckharts worked together to have the Eckharts purchase, and ALT conserve, multiple parcels totaling over 80 acres. Over the years the roadside farmstand grew to become a community gathering place that includes a retail shop, full kitchen, and event space for weddings and dinners to complement its u-pick operations. It is a perfect example of a farmer diversifying their business to be successful on Aquidneck Island.



## **SOLUTIONS**

#### ***Solution 1: Technical Assistance for Business Planning***

Business planning is essential for a farmer to succeed, especially a beginning farmer. It can help farmers to plan for economic sustainability of their new farm operation, obtain funding, and articulate the nature and operations of their farm (Beginning Farmers, n.d.). For more established farms, business plans may need to be adjusted or a farmer may be looking to expand into new markets. Aquidneck



Island farmers should have access to training programs and workshops, as well as one-on-one technical assistance to aid both beginning and established farmers through the process.

Workshops and seminars could be effective at sharing and spreading information to Aquidneck Island farmers (52% of Newport County farmers surveyed identified workshops and seminars as being one of the best ways to share information with them). ALT will continue to partner with local organizations to increase the reach and expand the number and types of topics covered by training programs (See Partners Section). Incorporating trainings as incentives for conservation and as a tool to build relationships with Aquidneck Island farmers can help foster “win-win” situations for ALT and farmers.

### ***Solution 2: Diversifying the Farm Business***

Many farmers seek off-farm work for supplemental income. Diversifying the offerings of their farm could provide them with additional income while building their business. Farmers on Aquidneck Island should be encouraged to explore value-added opportunities, such as adding agritourism activities (e.g., the Corn Maze at Escobar’s Highland Farm in Portsmouth) and processing farm products into jams, soups, and other value-added products. The owners of Sweet Berry Farm in Middletown, Jan and Michelle Eckhart, note that value-added products, such as making pies, help the farm business and that “diversity is key” to their success.

#### **Strategic Plan**

A variety of agencies, such as USDA-NRCS and non-profits like Land for Good and the RI Land Trust Council offer workshops as resources to farmers. ALT should continue to partner with these groups and sponsor relevant workshops on Aquidneck Island. ALT’s Strategic Plan states it will be a trust resource on farm support topics other than land conservation for the community.

Most of the Newport County farmers who responded to our survey have not added non-farming land uses to their business model to remain profitable. Currently, there is much interest in using portions of local farms for solar arrays, which appear to be paying high returns for 20 year leases. ALT recognizes that this could be an option to keep farmers in business. However its current policy for renewable energy is only to allow it for powering the farm, not for selling to the grid in large arrays. This reserved right is part of the conservation easement term negotiations. ALT will continue to review its renewable energy policy as conditions change and solar inquiries increase.

### ***Solution 3: Increasing the Availability of Grants and Loans***

Grants and loans can help beginning farmers start their farm operation, but can also help established farmers make infrastructure improvements that will enhance their operations and business.

#### ***Examples of Governmental Grants and Loans Available for Farmers:***

The *United States Department of Agriculture Farm Service Agency (USDA FSA)* makes farm ownership and operating loans to family-size farmers and ranchers who can’t secure credit from other sources. These loans can help to start or improve a farm’s operations, fund beginning and underrepresented farmers, contribute to value-added and specialty businesses, and support urban producers.

The *RI Department of Environmental Management (RIDEM)* supports local agriculture and food organizations and businesses through their Local Agriculture & Seafood Act Grants Program. In

2015, these grants helped farms with projects such as construction of a professional crop drying room, (Blue Skys Farm – Cranston) and purchasing an insulated freezer trailer for transport (Wild Harmony Farm – Exeter).

*The Natural Resources Conservation Service (NRCS)* offers a number of management-based grants and loans that can help farmers improve their stewardship of the land.

Aquidneck Island farmers should be encouraged to apply for these grants and facilitated through the application process. ALT can guide farmers to the appropriate lending or grant-making entities, as well as direct them to organizations to help farmers through the often lengthy application processes.

In addition, a key component to grant and loan applications is a well-constructed business plan. To increase the likelihood of being eligible and/or receiving money, farmers may need technical assistance with writing their business plan (See Section 5 - Solution 1: Technical Assistance for Business Planning).

#### ***Solution 4: Pooling Resources***

Farms need significant support from suppliers and processing facilities; however, farmers could benefit from pooling resources to access equipment and services, as well as establish purchasing power with farm suppliers.

Moderate interest in an equipment sharing network was expressed by our survey respondents. A farmer interviewed by ALT expressed that they feel as if they need bigger equipment in the beginning and at the end of the season, leaving a large gap of time in which more expensive equipment would not be worth the cost of ownership. Creating a network of farmers could give farmers access to equipment when they need it. Farmers often have relationships with one another, hiring each other’s equipment and services. They could benefit from expanding these networks to include larger farm owners with larger and more sophisticated equipment, as well as smaller farmers that are willing to rent the equipment.



**Figure 22 :** Tractor at the Arnow property in Middletown

Similarly, farmers could pool orders from farm suppliers to increase the total quantity of goods purchased and take advantage of price reductions due to economies of scale.

#### **Sharing in the Farm Economy Maine Farmland Trust**

Maine Farmland Trust (MFT) has addressed the need for an equipment sharing program by purchasing equipment that farmers can use if they become a member of their Shared-Use Farm Equipment Program for a \$100 annual fee. The equipment is owned by MFT and housed by the Maine Organic Farmers and Gardeners Association. Members sign up and enroll in an orientation that shows farmers the equipment available and how to use it. During the season, farmers can check-out the equipment for three days. The program has been a success with new farmers, and has gained greater appeal and favor with established farmers (Maine Farmland Trust, 2014).

## **ACTION STEPS – VIABILITY OF THE FARM BUSINESS**

1. Research pooled lending library of tools and equipment.
2. Hold and sponsor business planning workshops with partners.
3. Develop specific policy on renewable energies and work with the state and towns on policy that helps farmers without compromising open space conservation.



**Figure 22** : Almy-Thurston Tree Farm sells Christmas trees and u-pick blueberries in Portsmouth on conserved land.

## **FARMLAND CONSERVATION PLAN AND AQUIDNECK LAND TRUST'S STRATEGIC DIRECTION PLAN**

The Aquidneck Land Trust (“ALT”) Strategic Direction Plan 2017-2021 (“SDP”) sets out as one of its five Strategic Priorities that: “agricultural heritage is integral to the character of this Island and should be preserved as a way of life.” In order to do that ALT will have to do more than just purchase development rights through conservation easements. It will have to focus as well on the viability of the business of farming. That will require a change in the culture of the community in general. It will also require a change in the culture of the farming community. The notion of buying blemished vegetables from the farmers market or a farm stand planning menus around locally seasonal vegetables are just a few small examples of required cultural changes. Most historic farming methods and models won’t survive while other new ones will flourish. That change in culture will come through grassroots advocacy, education and outreach, and changes in policy.

### **Goals, Strategies and Measures of Success**

Relevant strategies and goals of this Farm Plan to ALT’s Strategic Plan are shown on the following page. This includes Goal 3 of the Strategic Plan as well as one strategy from Goal 5. However, ALT’s strategic plan will help guide all aspects of the Farm Plan. Following the Strategic Plan is a list of the challenges, solutions, and actions steps described in the previous section of the Farm Plan. ALT’s Land Acquisition strategy and priority parcels are further outlined in the *Farmland Prioritization Plan*, Appendix C.



### **Goal 3: Reliable, sustainable agriculture and local food sources**

A vital, sustainable agricultural economy provides islanders access to local food.

<b>What we'll do....</b>	<b>We will have success when...</b>	
<b>Strategies</b>	<b>Long term (by 2036)</b>	<b>Short term (by 2021)</b>
a. Cultivate relationships with agricultural landowners in Middletown and Portsmouth so ALT can serve as a farm conservation resource.	<ul style="list-style-type: none"><li>■ ALT is seen as a trusted partner and technical resource for farmers on the Island who want to conserve their farms.</li></ul>	<ul style="list-style-type: none"><li>■ At least two (2) agricultural landowners or farm support organizations or agencies have come to ALT as a trusted resource on farm support topics other than land conservation.</li></ul>
b. Protect active farmland and land with prime agricultural soils.	<ul style="list-style-type: none"><li>■ All major remaining farms and nurseries on the Island are protected via conservation easements with funding from a variety of partners.</li></ul>	<ul style="list-style-type: none"><li>■ Four (4) parcels with at least three acres of USDA prime farmland soils, of which two (2) are active farms, have been protected with conservation easements.</li></ul>
c. Create a farm land lease program for new farmers.	<ul style="list-style-type: none"><li>■ At least 40% of all the prime soil farmland on the Island is conserved (Baseline - 35% of undeveloped prime soil is under conservation status as of 2016).</li></ul>	<ul style="list-style-type: none"><li>■ All of ALT fee-owned farmland that ALT has made available for lease is under active farming, and the organization has linked two new farmers with land within Newport County.</li></ul>

<b>What we'll do....</b>	<b>We will have success when...</b>	
<b>Strategies</b>	<b>Long term (by 2021)</b>	<b>Short term (by 2021)</b>
d. Promote financial and land use planning incentive that encourage agriculture.	<ul style="list-style-type: none"><li>■ ALT is "go to" farm advocacy organization on Aquidneck Island.</li></ul>	<ul style="list-style-type: none"><li>■ Middletown passes a farm ordinance friendly to alternative farm use and special event permitting.</li><li>■ In part through ALT's efforts, other pro-farm state and local acts, ordinances, and policies are passed.</li></ul>

## Farm Plan Challenges, Solutions and Action Steps

Category	Challenges	Solutions	Action Steps
Real Estate Development	<ul style="list-style-type: none"> <li>• Appeal of selling land for development for maximum value</li> <li>• Zoning and its influence on development</li> </ul>	<ul style="list-style-type: none"> <li>• Conservation easements</li> <li>• Affirmative agricultural production language</li> <li>• Value-Added easements</li> <li>• Option to Purchase at Ag. Value (OPAV)]</li> <li>• Advocacy for a conveyance tax</li> </ul>	<ul style="list-style-type: none"> <li>• Reach out to large donors for multi-year commitments to build an endowment bank for conservation easements, OPAVs, and future land acquisition</li> <li>• Develop the extra incentives in value-added easements. Create partnerships with other organizations to help implement these values</li> <li>• Improve relationships with existing farmers of unprotected lands so ALT is approached before the property is on the market.</li> </ul>
Land Access and Affordability	<ul style="list-style-type: none"> <li>• High cost of farmland</li> <li>• Difficulty finding available farmland</li> <li>• Short Lease Periods</li> </ul>	<ul style="list-style-type: none"> <li>• Innovative conservation easements</li> <li>• Affirmative agricultural production language</li> <li>• Buy/Protect/Sell program</li> <li>• Organizations holding leases</li> <li>• Longer lease periods</li> <li>• Increasing the amount of available farmland and connecting farmland seekers with landowners</li> <li>• Farmland restoration and stewardship</li> </ul>	<ul style="list-style-type: none"> <li>• Continue to lease existing fee lands and lease new farm properties when/if acquired in fee.</li> <li>• Include farm incubation and leasing at Spruce Acres when acquired.</li> <li>• With partners, continue to hold resource workshops and mixers on connecting farmers and landowners.</li> <li>• Refer farmers with conservation easements or with existing relationships to NRCS programs on best management practices</li> <li>• Be a resource for new and existing farmers looking for land, and provide resources via online site.</li> </ul>
Transitioning Farming Class	<ul style="list-style-type: none"> <li>• Aging Farming Class</li> <li>• Complexity and Timing of Succession Planning</li> <li>• Difficulty identifying successors</li> <li>• Farms as risky retirement investments</li> </ul>	<ul style="list-style-type: none"> <li>• Support for senior and retiring farmers</li> <li>• Support for beginning farmers</li> </ul>	<ul style="list-style-type: none"> <li>• Develop website of resources and references</li> <li>• Provide workshops and connections for succession and estate planning. Be a resource.</li> <li>• Couple succession planning with acquisition when relevant.</li> </ul>



Category	Challenges	Solutions	Action Steps
Regulations limiting innovating in farming	<ul style="list-style-type: none"> <li>• Restrictive zoning ordinances</li> <li>• High taxes</li> </ul>	<ul style="list-style-type: none"> <li>• Advocacy for flexible zoning ordinances</li> <li>• Advocacy for improvements in tax policy</li> <li>• Greater tax incentives with conservation easements</li> <li>• Legal technical assistance</li> <li>• Creation of a Voluntary Farmland Protection District</li> </ul>	<ul style="list-style-type: none"> <li>• Advocate (according to ALT's Advocacy Policy) for Middletown agricultural overlay zoning and a real estate transfer tax</li> <li>• Develop policy plans specific to Newport, Middletown, and Portsmouth</li> <li>• Work with the towns to work more closely with each other on agriculture issues.</li> </ul>
Viability of the Farm Business	<ul style="list-style-type: none"> <li>• Complex agricultural value chain</li> <li>• Lack of infrastructure and high equipment prices</li> <li>• Farm wages and finding help</li> <li>• Farmers seeking off-farm work</li> <li>• Lack of farm and business training</li> </ul>	<ul style="list-style-type: none"> <li>• Technical assistance for business planning</li> <li>• Diversifying the farm business</li> <li>• Increasing the availability of grants and loans</li> <li>• Pooling resources</li> </ul>	<ul style="list-style-type: none"> <li>• Research pooled lending library of tools</li> <li>• Hold and sponsor business planning workshops with partners</li> <li>• Develop specific policy on renewable energies and work with the state and towns on policy that helps farmers without compromising open space conservation</li> </ul>

**Table 8:** Summary Table of Challenges, Solutions, and Corresponding Action Steps

## Farmland Acquisition Strategy

Different types of farms may require different strategies for land conservation. Land acquisition is always carried out on a case-by-case basis according to the site and the needs of the landowner, but ALT's farmland acquisition efforts should follow these general guidelines:

- Farmland owners of high priority parcels, established in the *Farmland Prioritization Plan* should be contacted proactively annually to start discussions and foster relationships with these landowners. Even if not immediately ready or willing to conserve their land, having a good relationship could set up a deal decades down the road, or at least have the farmer contact ALT for counter-offers to developers before selling their land.
- ALT should continue to maintain and improve relationships with farmers who are on already-conserved land, offering resources if desired that could be helpful to their farm's success.
- At each meeting with prospective landowners, ALT should bring its list of resources and references to assist the landowner, offering a package of materials to the landowner.
- Parcels along water features and within the drinking water supply watershed should have riparian buffer protections as part of the easement, and ALT should try to negotiate language in the easement for BMPs to limit impacts on water quality.
- If the farmer is interested, ALT should offer succession and business planning resources during conservation easement negotiations to both protect the farm and help ensure its success in the future.
- ALT is well experienced in Conservation Easements. However this Farm Plan has described multiple tools for acquisition. Prior to alternatives like Buy and Lease; Buy/Protect/Sell, Affirmative language, or OPAVs, ALT must make sure it has the necessary resources to manage these programs, oversee fee lands, and enforce these new terms well into the future.
- On vacant or fallow farmland held by a private non-farmer landowner, ALT should make a point to encourage leasing of the land, and offer resources for constructing leases, while connecting any farmers with the potential opportunity after the deal closes if amenable to the landowner.



**Figure 24:** Lacerda Farm next to the Carriage Drive subdivision and St Mary's Pond.

## PARTNERS

ALT is a small staff with limited resources. Partners are thus essential to complete its overall mission, especially in regard to the farm issues laid out in this plan. Partners such as fellow non-profits who specialize in farm planning, town councils, and RI Department of Environmental Management will be needed to conserve farmland on the island create a farm-friendly environment.

Included in this section is a list of existing and potential non-governmental and governmental organizations that have missions, resources, and programs related to farmland protection. For each potential partner, there is a list of related topics where a partnership between ALT and the organization may overlap (Table 9). ALT should find as many ways to partner with these organizations as possible to achieve the goals outlined in this plan. Some of the organizations listed ALT frequently works with while others have not been partners to this point. ALT could serve as a lead organization, or simply aid work already done by these organizations, should they like to work with Aquidneck Island farmers.

Note the list was limited to organizations who currently work in RI, but there are many organizations across the region where ALT could learn from best practices and examples. Likely, other organizations exist which ALT could partner with on farmland protection issues on the future. Also, while certain areas of partnership are highlighted, future discussion with the organizations listed may add or subtract from possible areas to partner listed.

### Table 9: Ways to Partner Key

**LAC:** *Land Acquisition in fee simple or through conservation easements on farmland.* These partnerships would include funding land acquisition projects, working with farmers to offer recommendations and/or legal advice related to conserving their farm, and/or co-holding conservation easements on farmland.

**OUTREACH:** *Outreach to share information and resources, particularly through workshops.* These partnerships could involve co-sponsoring workshops, serving on panels at workshops, helping with outreach and promotion of farm-related events and resources, and disseminating relevant resources and information to island farmers.

**PLANNING:** *Working with farmers on succession planning and business planning issues either individually or through workshops.* Partnering organizations could lead workshops and provide legal advice and related resources to farmers on these important planning issues.

**BMPS:** *Working with farmers to implement BMPs to improve land management, especially in regard to water quality issues.* BMP topics would include both working with farmers to install BMPs but also encouraging policy to incentivize BMPs on farmland at the legislative level.

**LAND:** *Connecting landowners who have land with farmers who want land to farm through leases.* Partnerships would include working together on mixers and in one-on-one conversations with landowners or prospective farmers.

**POLICY:** *Advocating for farm-friendly policy at the municipal and state level, including smart land use planning.*

**COMMUNITY:** *Advocating to the entire community on the importance of local farms and food.* Partnership topics would include co-sponsoring community events and overall promotion of farms on the island and their importance to the economy, character, and well-being.



## Possible Partner Organizations/Coalitions

### *Aquidneck Community Table (ACT)*

Aquidneck Community Table gathers together the people and organizations of Aquidneck Island that share concern for the region's food system: from access to healthy local food for all to growing more in the region, they work to foster awareness and understanding of the vital relationships between health, environment, agriculture and a thriving local economy. The programs of Aquidneck Community Table include Aquidneck Growers Market; Island Community Farm and Composting Program; and Island Community Gardens. ALT currently leases Island Community Farms to ACT on land it owns.

**Contact:** [www.aquidneckcommunitytable.org](http://www.aquidneckcommunitytable.org)

**Ways to Partner:** OUTREACH, LAND

### *Conservation Law Foundation (CLF)*

With a vision of a health, thriving New England for generations to come, CLF protects New England's environment for the benefit of the people by using law, science, and the market to create solutions that preserve natural resources, build healthy communities, and sustain a vibrant economy. Their new food and farm program in Rhode Island, Legal Food Hub, provides pro bono legal services for food entrepreneurs and farmers.

**Contact:** [www.clf.org](http://www.clf.org)

**Ways to Partner:** LAC, OUTREACH, PLANNING, BMPs, POLICY

### *Eastern Rhode Island Conservation District (ERICD)*

The Eastern Rhode Island Conservation District (ERICD) is a non-profit, quasi-public organization that functions as a facilitator for meeting the needs of the local land user in the conservation of soil, water and other related natural resources. The function of the Conservation District is to make available technical, financial and educational resources, whatever their source, and focus or coordinate these resources to meet the needs of the local land user and promote the conservation of soil, water and other natural resources. ERICD serves Newport and Bristol Counties, encouraging residents to conserve their natural resources and generate farm viability.

**Contact:** [www.easternconservation.org](http://www.easternconservation.org)

**Ways to Partner:** OUTREACH, BMPs, LAND, COMMUNITY

### *Farm Fresh RI*

Farm Fresh Rhode Island is growing a local food system that values the environment, health and quality of life of RI farmers and eaters. Objectives include preserving Rhode Island's farmland and our agricultural and culinary knowledge, building healthier communities, increasing access to fresh, tastier food, improving the impact of food production and distribution on our environment, and strengthening community-based business. They have a toolbox of programs to achieve their objectives, such as farmers markets, a farm-to-school program, a farm-to-business delivery program, a farm-to-food pantry program, and a CSA-like workplace and community center, among others. Farm Fresh RI helps cultivate our local food supply by advising on policymaking that secures a future for RI farmland and fresh food and providing resources and information for farmers and food producers.

**Contact:** [www.farmfreshri.org](http://www.farmfreshri.org)

**Ways to Partner:** OUTREACH, LAND, POLICY, COMMUNITY



### *Land for Good*

Land for Good's mission is to ensure the future of farming in New England by putting more farmers more securely on more land. They believe in making land available, affordable, appropriate, and equitable for beginning and established farmers by improving land access and tenure security. Their initiatives include the Farm Seekers Program (land linking), the Farm Legacy Program (succession and farm transfer planning), and the Working Lands Program (increasing the land available for farming).

**Contact:** [www.landforgood.org](http://www.landforgood.org)

**Ways to Partner:** OUTREACH, PLANNING, LAND, POLICY

### *Land Trust Alliance (LTA)*

The Land Trust Alliance (LTA) promotes voluntary land conservation and works with nonprofit land trusts by providing information, skills, and resources that land trusts need to conserve land for the benefit of communities and natural systems.

**Contact:** [www.landtrustalliance.org](http://www.landtrustalliance.org)

**Ways to Partner:** POLICY

### *New England Farmers Union (NEFU)*

NEFU is membership-based organization that was founded in 2006 with the mission to increase the economic viability of family farms and fishing operations, foster the development of sustainable food production in New England, invest in nutrition education and increase connections between farmers and consumers, and support the development of renewable energy resources for farm use, and from farm and forest sources. NEFU plays an active role in influencing change in food policy and a farm bill that represents the best interest of New England farmers, foresters, and fishermen.

**Contact:** [www.newenglandfarmersunion.org](http://www.newenglandfarmersunion.org)

**Ways to Partner:** POLICY

### *Newport Health Equity Zone (HEZ)*

The Newport Health Equity Zone (HEZ) is a four-year project funded by the Rhode Island Department Health with a focus on 6 areas of community life that are important to health: transportation, food access, arts and culture, physical and emotional health, open space, and education, innovation, and economic opportunity. The organization is a city-wide coalition of Newport that is mobilizing residents and resources of the Broadway and North End neighborhoods to eliminate structural, financial, and environmental barriers to health and well-being, encourage public policy that fosters the good health of all residents, and empower residents to control the health of their families and community.

**Contact:** [www.newporthealthequity.com](http://www.newporthealthequity.com)

**Ways to Partner:** COMMUNITY

### *Northeast Organic Farming Association of Rhode Island (NOFA/RI)*

NOFA/RI is an organization of farmers, gardeners, and consumers working to promote organic farming and organic land care practices by offering educational workshops and advocacy, and participation in local and regional events. They work to increase the acres of sustainably and organically managed land and to provide access to local, organic food for all Rhode Islanders.

**Contact:** [www.nofari.org](http://www.nofari.org)

**Ways to Partner:** OUTREACH, BMPs, LAND, COMMUNITY





### *RI Agricultural Council (RIAC)*

A non-profit organization formed to develop farming, forestry, and allied interests, improve rural life and rural home, and coordinate agriculture, trade, and industry.

**Contact:** [www.riagcouncil.org](http://www.riagcouncil.org)

**Ways to Partner:** OUTREACH, POLICY

### *RI Agricultural Partnership (RIAP)*

The RI Agricultural Partnership (RIAP) provides resources and information related to Rhode Island Agriculture. They have partnered with the RIDEM Division of Agriculture to assemble an Advisory Committee made up of individuals representing state, quasi-state, and federal agencies as well as independent non-profit organizations and others in an effort to ensure growth in the agriculture sector and Rhode Island's food system. The Advisory Committee has hired American Farmland Trust to assist in developing and producing a Five-Year Strategic Plan for Rhode Island's Agriculture.

**Contact:** [www.rhodyag.com](http://www.rhodyag.com)

**Ways to Partner:** OUTREACH, POLICY

### *RI Farm Bureau*

The Rhode Island Farm Bureau is an independent, non-governmental, voluntary organization of farm and ranch families united for the purpose of analyzing their problems and formulating action to achieve advancement and, thereby, to promote the national well-being.

**Contact:** [www.rifb.org](http://www.rifb.org)

**Ways to Partner:** OUTREACH, POLICY

### *RI Land Trust Council (RILTC)*

RILTC is a statewide coalition of land trusts (ALT is a member) whose mission is to promote land conservation in Rhode Island by supporting the missions and operations of land trusts, fostering collaboration, and advocating for sound land conservation policy. RILTC has a strong interest in farmland conservation having hosted discussions and publishing a report on saving Rhode Island's Working Farms, as well as handbooks for land trusts, municipalities, institutes, and individual property owners on leasing land and farming.

**Contact:** [www.rilandtrusts.org/](http://www.rilandtrusts.org/)

**Ways to Partner:** OUTREACH, PLANNING, LAND, POLICY, COMMUNITY

### *RI Nursery and Landscaping Association (RINLA)*

The purpose of the RI Nursery and Landscaping Association (RINLA) is to educate the public about the role of horticulture, agriculture and good land stewardship in contributing to landscapes that create ecologically sustainable communities. The Rhode Island Nursery and Landscape Association is the umbrella organization for the \$2.5 billion dollar agriculture and plant-based industries in the state of Rhode Island, representing nearly 500 green industry members. RINLA advances the welfare of its members through education, research, legislative representation, certification, support in the marketing of green industry goods and services, and collaboration with allied interests/associations.

**Contact:** [www.rinla.org](http://www.rinla.org)

**Ways to Partner:** OUTREACH, BMPs



### *RI Food Policy Council (RIFPC)*

The RI Food Policy Council is a statewide collaboration of stakeholders from all sectors of the food system. RIFPC creates partnerships, develops policies, and advocates for improvements to the local food system that will increase and expand its capacity, viability, and sustainability. Working groups focus on the areas of access, economy, environment, health, and production.

**Contact:** [www.rifoodcouncil.org](http://www.rifoodcouncil.org)

**Ways to Partner:** OUTREACH, PLANNING, LAND, POLICY

### *Young Farmer Network (YFN)*

Young Farmer Network (YFN) connects farmers, aspiring farmers, and farm allies from all social, racial, and economic backgrounds. The farmer-driven, regional network is accessible and open to all. YFN fosters community and cooperation, working from the production side towards strong local food systems and economies, and enduring farm businesses. Programs include Young Farmer Nights and Farmer Short Courses that increase young farmers' access to networks, technical information, and resources related to farming.

**Contact:** [www.youngfarmernetwork.org](http://www.youngfarmernetwork.org)

**Ways to Partner:** OUTREACH, LAND

## **Government and Agencies**

### *RI Department of Environmental Management (RIDEM) Division of Agriculture*

The RIDEM Division of Agriculture works to sustain, promote, and enhance Rhode Island's agricultural viability today and for generations to come. They oversee and regulate agricultural products, agricultural marketing and promotion, plat industry licensing and certifications, and dissemination of information to farmers, food business, and the public among other programs and roles.

**Contact:** [www.dem.ri.gov/programs/agriculture/](http://www.dem.ri.gov/programs/agriculture/)

**Ways to Partner:** LAC, OUTREACH, BMPs, PLANNING, LAND, POLICY

### *RIDEM Office of Water Resources*

The Office of Water Resources is a department of DEM that works to protect and support clean and healthy water resources across the state.

**Contact:** <http://www.dem.ri.gov/programs/water/>

**Ways to Partner:** BMPs

### *Agricultural Land Preservation Commission (ALPC)*

The Agricultural Land Preservation Commission is a quasi-governmental agency that works closely with the DEM. ALPC formed in 1981 for the primary purpose of acquiring the developing rights for farmland. They operate the Farmland Preservation Program which helps to ensure that farming remains viable in the state of Rhode Island. ALT has already partnered on a number of land acquisition projects with ALPC on Aquidneck Island.

**Contact:** [www.dem.ri.gov/programs/agriculture/farmpres.php](http://www.dem.ri.gov/programs/agriculture/farmpres.php)

**Ways to Partner:** LAC

*USDA Natural Resources Conservation Service (NRCS)*

NRCS provides farmers, ranchers, and forest owners with financial and technical assistance to voluntarily use conservation practices on their land. Financial assistance is provided through various Farm Bill conservation programs, including the Agricultural Conservation Easement Program and the provision of land management grants. ALT has worked with NRCS to acquire funding for multiple land acquisition projects on Aquidneck Island.

**Contact:** [www.nrcs.usds.gov](http://www.nrcs.usds.gov)

**Ways to Partner:** LAC, BMPs

*Towns of Middletown and Portsmouth*

Middletown and Portsmouth, with a couple exceptions, have all the remaining farmland on Aquidneck Island. ALT has partnered with both on open space conservation projects, including farmland acquisition. ALT should work with the Town Councils, Planning Boards, and Zoning Boards on both future land acquisition work and on crafting farm-friendly town policies.

**Contact:** <http://middletownri.com/>  
<https://www.portsmouthri.com/>

**Ways to Partner:** LAC, POLICY



***Figure 25:** Spruce Acres is the site of a former Christmas Tree farm that has laid fallow for about 5 years. ALT is in the process of attempting to purchase the property, where it could restore the farmland for local farmers and community gardeners to use while have a location to host workshops and outreach activities.*

Possible Partner Organizations Summary							
Organization	LAC	OUTREACH	PLANNING	BMPs	LAND	POLICY	COMMUNITY
Aquidneck Community Table		X			X		X
Conservation Law Foundation	X	X	X	X		X	
Eastern RI Conservation District		X		X	X		X
Farm Fresh RI		X			X	X	X
Land for Good		X	X		X		
Land Trust Alliance						X	
New England Farmers Union		X				X	
Newport Health Equity Zone							X
Northeast Organic Farming Association of RI		X		X	X		X
RI Agricultural Council		X				X	
RI Agricultural Partnership		X				X	
RI Farm Bureau		X				X	
RI Food Policy Council		X	X		X	X	
RI Land Trust Council		X	X		X	X	X
RI Nursery and Landscaping Association		X		X			
Young Farmer Network		X			X		
RIDEM – Division of Agriculture	X	X	X	X	X	X	
RIDEM – Office of Water Resources				X			
RIDEM – Agricultural Land Preservation Commission	X						
USDA Natural Resources Conservation Service	X			X			
Town of Middletown	X					X	
Town of Portsmouth	X					X	

**Table 10** : Summary sheet of partnership possibilities. A key for header categories can be found in Table 9



## FUNDING RESOURCES

ALT is dependent on private donors, members, foundations, and governmental grants for general operations and for land acquisition of farmland. The following is a list of non-governmental and governmental organizations that financially support conservation projects on Aquidneck Island. This list is not exclusive to funding for farm-related programs, but farmland acquisition programs may qualify for funding.

Organization	Website
1772 Foundation	<a href="http://www.1772foundation.org">www.1772foundation.org</a>
Alletta Morris McBean Charitable Trust	<a href="http://www.allettamcbeancharitabletrust.org">www.allettamcbeancharitabletrust.org</a>
Bafflin Foundation	
BankNewport	<a href="http://www.banknewport.com">www.banknewport.com</a>
The Champlin Foundations	<a href="http://www.champlinfoundations.org">www.champlinfoundations.org</a>
Henry P. Kendall Foundation	<a href="http://www.kendall.org">www.kendall.org</a>
Prince Charitable Trusts	<a href="http://www.princetrusts.org">www.princetrusts.org</a>
RI Foundation	<a href="http://www.rifoundation.org/">http://www.rifoundation.org/</a>
van Beuren Charitable Foundation	<a href="http://www.vbcfoundation.org">www.vbcfoundation.org</a>
USDA-NRCS Agricultural Conservation Easement Program (ACEP)	<a href="http://www.nrcs.usda.gov">www.nrcs.usda.gov</a>
USDA-NRCS Environmental Quality Incentives Program (EQIP)	
USDA-NRCS Regional Conservation Partnership Program (RCPP)	
USDA-NRCS Agricultural Management Assistance	
RIDEM – Local Agriculture and Seafood Act	<a href="http://www.dem.ri.gov/programs/agriculture/grants.php">http://www.dem.ri.gov/programs/agriculture/grants.php</a>
RIDEM - Agricultural Land Preservation Commission (ALPC)	
Town of Middletown (Open Space Acquisition)	<a href="http://www.middletownri.com">www.middletownri.com</a>
Town of Portsmouth (Open Space Acquisition)	<a href="http://www.portsmouthri.com">www.portsmouthri.com</a>

**Table 11:** Summary sheet of funding possibilities for land acquisition, land management, and farm outreach projects. This list should be updated as new opportunities arise.



**Figure 26:** The Farmlands parcel on Wapping Rd is an example of a conservation development. The property has large houses, but also orchards and hayfields under conservation easement. Conservation development can be an effective method to couple development and land conservation if done properly.



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**APPENDIX A:**  
**Farmer Survey Questionnaire**

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Q1. How many years have you been farming for (either on the current farm or elsewhere)?

- ☐ 0 – 5 years
- ☐ 6 – 10 years
- ☐ 11 – 15 years
- ☐ 16 – 20 years
- ☐ 20+ years

Q2. How much farmland do you own and/or lease (in acres)?

Own \_\_\_\_\_

Lease \_\_\_\_\_

**TOTAL** \_\_\_\_\_



Q3. If leasing land, how long is your current lease? \_\_\_\_\_ years

Q4. If leasing land, would you prefer to have a longer lease period than you currently do?

- ☐ Yes
- ☐ Maybe
- ☐ No
- ☐ Do not know/uncertain

Q5. In the most recent years, what amount of the land you are farming is dedicated to each of these land uses (in acres)?

Pasture \_\_\_\_\_

Hay \_\_\_\_\_

Row crops/small grains/corn \_\_\_\_\_

Nursery stock/flower and landscape plants \_\_\_\_\_

Wetland \_\_\_\_\_

Woodland pasture \_\_\_\_\_

Woodland not pastured \_\_\_\_\_

Vegetables/herbs \_\_\_\_\_

Fruit trees \_\_\_\_\_

Small fruits \_\_\_\_\_

Fallow \_\_\_\_\_

Other (e.g., farm buildings, greenhouse, roads, etc.) \_\_\_\_\_

**TOTAL** \_\_\_\_\_

Q6. What agricultural goods do you have on your farm? (mark all that apply)

- ☐ Vegetables
- ☐ Herbs
- ☐ Maple syrup
- ☐ Grains for human consumption
- ☐ Grains for livestock feed
- ☐ Hay
- ☐ Honey
- ☐ Fruit trees
- ☐ Small fruits and berries
- ☐ Processed fruit/vegetable products (e.g., jam, pickles)
- ☐ Bedding plants
- ☐ Nursery plants
- ☐ Cut flowers

- ☐ Eggs
- ☐ Timber
- ☐ Christmas trees
- ☐ Sod
- ☐ Beverages (mark all that apply)
  - ☐ Wine / beer / hard cider
  - ☐ Juice / cider (non-alcoholic)
- ☐ Dairy (mark all that apply)
  - ☐ Milkers
  - ☐ Heifers
  - ☐ Calves
  - ☐ Goat
  - ☐ Sheep

- ☐ Meat (mark all that apply)
  - ☐ Bulls
  - ☐ Pork
  - ☐ Chicken/fowl
  - ☐ Turkey
  - ☐ Goat
  - ☐ Lamb
  - ☐ Beef
- ☐ Fiber/wool (mark all that apply)
  - ☐ Sheep
  - ☐ Alpaca
  - ☐ Llama
- ☐ Other (please specify) \_\_\_\_\_

Q7. Is your farm certified organic?

- ☐ Yes
- ☐ No, but we follow organic practices
- ☐ No, and we produce conventional
- ☐ Other (please specify) \_\_\_\_\_

Q8. How do you sell your farm products? (mark all that apply)

- ☐ Restaurants
- ☐ Farmers' markets
- ☐ Farm stands
- ☐ Wholesale
- ☐ CSA (Community Supported Agriculture)
- ☐ Farm Fresh Market Mobile (or similar farm-to-business program)
- ☐ Pick-Your-Own
- ☐ I do not sell farm products
- ☐ Other (please specify) \_\_\_\_\_

Q9. Does your farm have any of the following enterprises? (mark all that apply)

- ☐ Community gatherings
- ☐ Educational experiences
- ☐ Event venues (e.g., weddings, group outings)
- ☐ Agritourism
- ☐ I do not have additional enterprises on my farm
- ☐ Other (please specify) \_\_\_\_\_

Q10. Does off-farm work bring in any additional income and/or benefits to your household?

- ☐ Yes
- ☐ No

Q11. Do you have children?

- ☐ Yes →
- ☐ No

Q12. If yes, are your children involved with the farm operations?

- ☐ Yes
- ☐ No
- ☐ Other (please describe) \_\_\_\_\_  
\_\_\_\_\_

Q13. Do you wish to farm more land (acreage) than you already do?

- ☐ Yes
- ☐ Maybe
- ☐ No
- ☐ Do not know/uncertain

Q14. Would you be interested in purchasing land in the future?

- ☐ Yes
- ☐ Maybe
- ☐ No
- ☐ Do not know/uncertain

Q15. Which factors affecting farmland affordability are the most important to you?  
(Please rank in order: 1 = most important, 5 = least important)

- \_\_\_\_\_ Purchase price of land
- \_\_\_\_\_ My down payment capacity
- \_\_\_\_\_ Interest rate and other financing terms
- \_\_\_\_\_ Existing infrastructure and needed improvements
- \_\_\_\_\_ Projected productive capacity of the land to generate income
- \_\_\_\_\_ Other (please specify) \_\_\_\_\_

## Succession Planning

A **farm succession plan** identifies when and how management, income and ownership of a farm operation's assets are to be transferred to a succeeding operator. These plans vary in complexity, and can involve stipulation of a future farm management and/or business plan. Succession planning often, but not always, correlates with retirement.

*If you would like more information on succession planning, please fill out the self-mailer included with this survey.*

Q16. At what age do you expect to retire?

- ☐ Under 65
- ☐ 65 – 69
- ☐ 70 – 74
- ☐ 75 – 79
- ☐ 80+
- ☐ Never
- ☐ Do not know/uncertain

Q17. Does the farm business have a farm succession or transition plan?

- ☐ Yes
- ☐ No
- ☐ Do not know/uncertain

Q18. Have you discussed retirement plans with any of the following? (mark all that apply)

- ☐ Accountant
- ☐ Banker
- ☐ Family
- ☐ Farm consultant
- ☐ Financial advisor
- ☐ Lawyer
- ☐ Have not discussed with anyone
- ☐ Other (please specify) \_\_\_\_\_

Q19. Have you identified a potential successor(s) who will eventually take over the ownership and/or management of your farm?

- ☐ Yes
- ☐ No

Q20. What do you plan on doing with your land after you are done farming it?

- ☐ Gift
- ☐ Sell
- ☐ Lease
- ☐ Giving through a will or estate plan
- ☐ Live on it without farming it
- ☐ Do not know/uncertain
- ☐ Other (please specify) \_\_\_\_\_

## Access to Information

Q21. Who do you turn to for advice and resources? (mark all that apply and identify specific entities)

- ☐ Farmer organizations (e.g., RI Farm Bureau, RINLA) \_\_\_\_\_
- ☐ Non-profits/community groups \_\_\_\_\_
- ☐ Government agencies (e.g., NRCS, RIDEM) \_\_\_\_\_
- ☐ Colleges/universities (e.g., URI, Salve Regina, URI Extension) \_\_\_\_\_
- ☐ Neighbors/other farmers \_\_\_\_\_
- ☐ Other (please specify) \_\_\_\_\_

Q22. What is the best way to share information with you? (mark all that apply)

- ☐ Website
- ☐ Site visit to farm
- ☐ Seminars/workshops
- ☐ Mailings
- ☐ Other (please specify) \_\_\_\_\_

Q23. When making a decision about practices on your farm, who has the strongest influence? (Beside you!)  
(Please rank in order: 1 = the highest amount of influence, 5 = the lowest amount of influence)

- \_\_\_\_\_ Your friends and family
- \_\_\_\_\_ Your neighbors
- \_\_\_\_\_ Other farmers
- \_\_\_\_\_ Organizations (please specify) \_\_\_\_\_
- \_\_\_\_\_ Customers
- \_\_\_\_\_ No one else

## Conservation Easements

A **conservation easement** on farmland is a perpetual legal agreement between a farmland owner and a qualified organization, such as a land trust, that restricts future activities on the land so as to protect its conservation values (e.g., important agricultural soils) while also allowing the farmer to continue farming the land. Financial benefits of a conservation easement for landowners may include a tax deduction and/or a one-time payment.

***If you would like more information on conservation easements, please fill out the self-mailer included with this survey.***

Q24. Do you have a conservation easement on your farmland?

- ☐ Yes \_\_\_\_\_
- ☐ No \_\_\_\_\_

Q25. If yes, which organization or program do you have an easement through? (mark all that apply)

- ☐ Aquidneck Land Trust
- ☐ Another land trust (please specify) \_\_\_\_\_
- ☐ NRCS (e.g., Agricultural Conservation Easement Program)
- ☐ RIDEM (e.g., Agricultural Land Preservation Commission – Farmland Preservation Program)
- ☐ Other (please specify) \_\_\_\_\_

Q26. If yes, has it been a positive or negative experience having a conservation easement on your land?  
Please comment on your experience.

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Q27. Why do you or why do you not have a conservation easement on your land? Please comment.

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Q28. In your opinion, which additional incentives would add value to a conservation easement? (mark all that apply)

- ☐ Access to grants and loans
- ☐ Business planning resources
- ☐ Retirement and/or succession planning resources
- ☐ Tax incentives
- ☐ Land use and zoning incentives
- ☐ Being included in a promotional campaign for land conservation
- ☐ None of the above
- ☐ Other (please specify) \_\_\_\_\_

## General Questions

Q29. To what extent do you agree or disagree with the following statements? (circle one per row)

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Not sure
My farm contributes to the economy.	1	2	3	4	5	-
My farm contributes to my community.	1	2	3	4	5	-
My farm helps protect the environment.	1	2	3	4	5	-
My farm is strictly business to me.	1	2	3	4	5	-
I have added other non-farming land uses to my business model to remain profitable.	1	2	3	4	5	-
Farms must be conserved and protected.	1	2	3	4	5	-
I have a hard time marketing my farm products.	1	2	3	4	5	-
The high prices of farmland in Newport County threaten the viability of farming.	1	2	3	4	5	-
I feel that it is important for farmers to adopt best management practices.	1	2	3	4	5	-
I would consider mentoring a beginning farmer (e.g., apprenticeship).	1	2	3	4	5	-
A program connecting prospective or existing farmers needing land and current landowners with available land would be valuable.	1	2	3	4	5	-
The costs associated with farm supplies and equipment are too high.	1	2	3	4	5	-
I am interested in sharing equipment with other farmers.	1	2	3	4	5	-
There needs to be more local suppliers of farm equipment.	1	2	3	4	5	-



**Q30. LANDOWNERS – To what extent do you agree or disagree with the following statements? (circle one per row)**  
 If you are not a landowner (you only lease land), please skip to Q31.

	<b>Strongly Disagree</b>	<b>Disagree</b>	<b>Neutral</b>	<b>Agree</b>	<b>Strongly Agree</b>	<b>Not sure</b>
I have thought in-depth about what to do with my land when I am done farming it.	1	2	3	4	5	-
I will only sell my land to another farmer.	1	2	3	4	5	-
I would prefer that my land remain in agriculture when I am done farming it.	1	2	3	4	5	-
Many people express interest in farming my land.	1	2	3	4	5	-
I value additional support and advising for succession planning.	1	2	3	4	5	-
I am willing to sell my land for development if the price is right.	1	2	3	4	5	-
I am willing to sell my land at a lower price as long as it remains farmland.	1	2	3	4	5	-
I would like more flexibility within farming ordinances (e.g., allowing commercial enterprises on farms).	1	2	3	4	5	-

### Open-Ended Questions

Q31. In your opinion, what are the biggest obstacles to financial success in farming on Aquidneck Island?

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Q32. In your opinion, what can be done to increase the viability of farming on Aquidneck Island (e.g., economic incentives, state statutes and farm ordinances, access to equipment, networking, increased market opportunities, etc.)?

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### Demographic Questions (optional)

Q33. Name: \_\_\_\_\_ (*\*Optional\** You may choose to remain anonymous.)

Q34. What is your age?

- ☐ Under 18
- ☐ 18 – 24
- ☐ 25 – 34
- ☐ 35 – 44
- ☐ 45 – 54
- ☐ 55 – 64
- ☐ 65+
- ☐ Prefer not to answer

Q35. What is your gender?

- ☐ Male
- ☐ Female
- ☐ Other
- ☐ Prefer not to answer



## **APPENDIX B**

### **Farmer Interview Guidelines and Questions**

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# Guidelines for Farmer Interviews

<b>ARRANGING THE INTERVIEW</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Is the interviewee comfortable with being recorded? If not, a notetaker will be present</li> <li><input type="checkbox"/> Request that the survey is filled out prior to the interview</li> <li><input type="checkbox"/> If recording the interview, choose a quiet location for the interview (the farm, farmer's house, etc.)</li> </ul>
<b>INTERVIEW</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Choose a quiet location - Make sure there are no noises or distractions to take away from the interview</li> <li><input type="checkbox"/> Set up the recorder or notetaker</li> <li><input type="checkbox"/> Introduce yourself and have the interviewee introduce themselves and their farm operation</li> <li><input type="checkbox"/> Ask interview questions only to prompt discussion – let the interviewee's answers lead the conversation more than sticking to the script (<b>while staying within topics of interest</b>)               <ul style="list-style-type: none"> <li>○ (The interviewee should be doing most of the talking which is to be encouraged by the interviewer by probing and repeating answers back to them for clarification)</li> <li>○ Encourage friendly conversation and remain neutral (try not to express approval or disapproval for what the interviewee is saying)</li> </ul> </li> <li><input type="checkbox"/> If time becomes an issue, please make sure all <b>(4)</b> topics are touched upon before concluding the interview</li> <li><input type="checkbox"/> Mark off which questions have been answered</li> <li><input type="checkbox"/> If the survey was not filled out prior to the interview, have the interviewee complete the survey at the end of the interview</li> </ul>
<b>AFTER THE INTERVIEW</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> If recorded – transcribe the interview word-for-word</li> <li><input type="checkbox"/> If a notetaker was present – if possible, compare notes with the interviewer immediately after the interview</li> <li><input type="checkbox"/> Find common themes and key words in the interviews</li> </ul>

# Questions for Farmer Interviews

<b>INTRODUCTION</b>	Introduce yourself and ask the farmer to describe their farm operation.
<b>TOPIC 1: FARMLAND PRESERVATION AND CONSERVATION EASEMENTS</b>	<ol style="list-style-type: none"> <li>1. Should farmland be preserved in Newport County? Why?</li> <li>2. Describe any interest in farmland preservation that you may have. What benefits, burdens, or critiques do you see in farmland preservation?</li> <li>3. What is your opinion on using conservation easements as a tool for preserving farmland?</li> </ol>
<b>TOPIC 2: SUCCESSION AND TRANSITION PLANNING</b>	<ol style="list-style-type: none"> <li>4. Describe any planning you have done for transition or succession of your farmland.</li> <li>5. When do you feel it is appropriate to begin thinking about succession and transition planning?</li> <li>6. What are some obstacles to succession planning that you face?</li> <li>7. What approaches to farm transfer would you consider? (give a set of options – e.g. lease to own, gradual transfer)</li> <li>8. What qualities/experience do you look for in a successor? (e.g., family vs. non-family, beginning vs. experienced farmer)</li> <li>9. How do you think information can best be passed down to a successor in a timely manner?</li> <li>10. What type of assistance would help you identify the right successor?</li> </ol>
<b>TOPIC 3: FARMLAND ACCESS AND AFFORDABILITY</b>	<ol style="list-style-type: none"> <li>11. What is your experience with buying, selling, or leasing farmland?</li> <li>12. Are you looking to buy, sell, or lease land in the future? What factors contribute to this decision?</li> <li>13. How would you perceive a land-link program?</li> <li>14. If leasing, how do lease restrictions and lease periods affect your business, if at all?</li> <li>15. What are some challenges that young farmers may face in the future of farming?</li> </ol>
<b>TOPIC 4: MARKETS, INFRASTRUCTURE, ZONING, AND EQUIPMENT (OTHER)</b>	<ol style="list-style-type: none"> <li>16. Are there any major barriers that limit how you sell your products, and/or how much product you sell? What are they?</li> <li>17. How have zoning regulations impacted your operation, if at all?</li> <li>18. What types of policies and regulations would be helpful to your operation?</li> <li>19. How is the growth of your business impacted by existing infrastructure and access to equipment?</li> </ol>



## **APPENDIX C**

### **Aquidneck Island Farmland Prioritization**

**Includes private parcel information and is intentionally omitted from this public document.**





## **APPENDIX D**

### **Professional References for Succession Planning**

**Included:**

1. Professional References for Succession Planning
2. Oregon State University, 2016. Tips for Hiring a Professional Advisor



## Professional References for Succession Planning

To help family farm businesses find the right advising team the Aquidneck Land Trust is providing this Rhode Island family farm business advisor list built solely from our experience in the community over 27 years. Please read the attached Oregon State University article "Tips for Hiring a Professional Advisor" as you preview these advisors. This appendix posting is provided as a service to family farm businesses and does not indicate an endorsement of these advisors or firms or a denouncement of other advisors or firms not listed. Some of these advisors or firms may offer a discounted fee structure for professional services based on financial need, however we are not making any representation or guaranty of that and their selection was not based upon that criteria.

### Accountant:

Robert Victor, CPA Partner, Tax Services Group KLR 97 John Clarke Road Middletown, RI 02842 Phone: (401) 846-4400, x2251 Email: <a href="mailto:rvictor@kahnlitwin.com">rvictor@kahnlitwin.com</a> Web: <a href="http://www.Kahnlitwin.com">http://www.Kahnlitwin.com</a>	Kimberly Pinkham, CPA, CFP Grippin, Donlan & Roche, PLC 3 Baldwin Avenue South Burlington, VT 05403 Phone: 802-846-2000 Fax: 802-846-2001 Email: <a href="mailto:kpinkham@gdr-cpa.com">kpinkham@gdr-cpa.com</a> Website: <a href="http://www.gdr-cpa.com">www.gdr-cpa.com</a>	Roy M. Henshaw, CPA, Business Advisor Mathias, Barnes & Henshaw P. C. 420 Bedford Street Unit 270 Lexington, MA 02420 Phone: 718-861-1590 Fax: 718-863-2438 Email: <a href="mailto:roy@m-b-h.com">roy@m-b-h.com</a> Website: <a href="http://www.m-b-h.com">www.m-b-h.com</a>
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### Legal/Estate Planning:

Stephen Haire, Esq. Moore, Virgadamo & Lynch, Ltd. 97 John Clarke Road Middletown, Rhode Island 02842 Phone: (401) 846-0120 Fax: 401-848-0234 <a href="mailto:shaire@mvlaw.com">shaire@mvlaw.com</a>	Holly C. Janney, Esq. Janney and Associates, Ltd. 65 Narragansett Avenue Jamestown, RI 02835 Phone: (401) 423-3653 Fax: (401) 423-2628 <a href="mailto:hjanney@janneylawri.com">hjanney@janneylawri.com</a>	Doris J. Licht, Esq. Hinckley Allen 100 Westminster Street, Suite 1500 Providence, RI 02903 Phone: (401) 274-2000 Fax: (401) 277-9600 <a href="mailto:dlicht@hinckleyallen.com">dlicht@hinckleyallen.com</a>
Edward D. Tarlow, Esq., Richard Breed III, Esq., Jeffrey P. Hart, Esq., William R. Rodgers, Esq., and Greg D. Peterson, Esq. Tarlow, Breed, Hart & Rodgers, P.C. 101 Huntington Ave. Suite 500 Boston, MA 02199 Phone: 617-218-2000 Emails: <a href="mailto:gpeterson@tbhr-law.com">gpeterson@tbhr-law.com</a> , <a href="mailto:etarlow@tbhr-law.com">etarlow@tbhr-law.com</a> , <a href="mailto:wrodgers@tbhr-law.com">wrodgers@tbhr-law.com</a> , <a href="mailto:jhart@tbhr-law.com">jhart@tbhr-law.com</a> , <a href="mailto:rbreed@tbhr-law.com">rbreed@tbhr-law.com</a> Website: <a href="http://www.tbhr-law.com">http://www.tbhr-law.com</a>		

## Legal/Real Estate/Conservation Law:

<p>Stephen Haire, Esq. Moore, Virgadamo &amp; Lynch, Ltd. 97 John Clarke Road Middletown, Rhode Island 02842 Phone: (401) 846-0120 Fax: 401-848-0234 <a href="mailto:shaire@mvlaw.com">shaire@mvlaw.com</a> James V. Auckerman, Esq. James V. Auckerman &amp; Associates 60 S. County Commons Way Suite G-4, Wakefield, RI 02879-2299 Phone: (401) 788-9080 Fax: (401) 788-9084 <a href="mailto:jva@aukermanlaw.com">jva@aukermanlaw.com</a></p>	<p>Peter B. Regan, Esq. Sayer Regan Thayer, LLP 130 Bellevue Avenue Newport, RI 02840 Phone: 401-324-9915 Fax: 401-849-4330 <a href="mailto:pregan@srt-law.com">pregan@srt-law.com</a> Martha Day, Esq. 71 Main Street Wakefield, RI 02879 Phone: (401) 783-6655 Fax: (401) 783-5355 <a href="mailto:martha@mdaylaw.com">martha@mdaylaw.com</a></p>	<p>John B. Murphy, Esq. Morneau &amp; Murphy 38 North Court Street Providence, RI 02903 Phone: (401) 453-0500 Fax: (401) 453-0505 <a href="mailto:jbmurphy@mmlawprov.com">jbmurphy@mmlawprov.com</a> David I. Lough, Esq. Hinckley Allen 100 Westminster Street, Suite 1500 Providence, RI 02903 Phone: (401) 274-2000 Fax: (401) 277-9600 <a href="mailto:dlough@hinckleyallen.com">dlough@hinckleyallen.com</a></p>
<p>Edward D. Tarlow, Esq., Richard Breed III, Esq., Jeffrey P. Hart, Esq., William R. Rodgers, Esq., and Greg D. Peterson, Esq. Tarlow, Breed, Hart &amp; Rodgers, P.C. 101 Huntington Ave. Suite 500 Boston, MA 02199 Phone: 617-218-2000 Emails: <a href="mailto:gpeterson@tbhr-law.com">gpeterson@tbhr-law.com</a>, <a href="mailto:etarlow@tbhr-law.com">etarlow@tbhr-law.com</a>, <a href="mailto:wroddgers@tbhr-law.com">wroddgers@tbhr-law.com</a>, <a href="mailto:jhart@tbhr-law.com">jhart@tbhr-law.com</a>, <a href="mailto:rbreed@tbhr-law.com">rbreed@tbhr-law.com</a> Website: <a href="http://www.tbhr-law.com">http://www.tbhr-law.com</a></p>		

## Mediation :

<p>Victoria Moreno-Jackson, Program Director Rhode Island Agricultural Mediation Program of the Center for Mediation and Collaboration Rhode Island 570 Broad St. Providence, RI 02907 Phone: 401.273.9999 Toll-free: 855.343.0072 Web: <a href="http://www.cmcni.org">www.cmcni.org</a> Email: <a href="mailto:vmoreno-jackson@cmcri.org">vmoreno-jackson@cmcri.org</a></p>	<p>David Specht, Consultant and Mediator 423 West Oxbow Road Shelburne Falls, MA 01370 Phone: 413-625-2685 Email: <a href="mailto:dlspecht@verizon.net">dlspecht@verizon.net</a></p>
<p>Dave Gott, LICSW, Farm Family Consultant 159 Hope St. Greenfield, MA 01301 Phone: 413-773-3568 Email: <a href="mailto:davegott13@gmail.com">davegott13@gmail.com</a></p>	

### Lending:

Jon Jaffe, Farm Business Consultant Farm Credit East 67 Bedford St, Middleborough, MA 02346 Phone: 508-946-4455 <a href="mailto:jon.jaffe@farmcrediteast.com">jon.jaffe@farmcrediteast.com</a> traditional farm credit	Northeast Farm Access, LLC 29 Center Street Keene, NH 03431 Attn.: Bob Bernstein, Managing Director Phone: 603-355-6600 <a href="http://nefarmaccess.com/inquiries/">http://nefarmaccess.com/inquiries/</a> longterm lease arrangements for new farmers
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### Farm Business Planners:

Jay Healy & Mike Lehan, Founders New England Working Landscapes P. O. Box 233 Williamsburg, MA 01096 Phone: 413-268-0077 Fax: 413-268-0078 Email: <a href="mailto:berktgrp@crocker.com">berktgrp@crocker.com</a>
--

### **Tips for Hiring a Professional Advisor for your Family Enterprise**

Hiring a professional advisor is among one of the most important decisions you can make as a business leader. There are many factors to consider and your decision can have long term effects on your family and your enterprise. It's also important to understand the complexity of managing various roles within a family business, and that usually means you will need to work with a wider variety of professional advisors beyond a general accountant and business attorney. Following are some guidelines and questions to consider when you are ready to hire a new advisor.

1. Understand which kind of advisor you need
2. Where to find advisors
3. Key questions and considerations when hiring an advisor

### **Understand which kind of advisor you need**

There are a variety of professionals that are able to help with the specific needs and issues your family business is likely to encounter. Try to put the problem you need to solve and/or specific goals down on paper so you can understand and articulate just why you are hiring an advisor. This will help to determine which kind of advisor you need, and what their general role will be as part of your advising team. Seek input from family members when formulating your needs and goals for an advising engagement.

For example, if you just need to update an estate document, then an attorney that specializes in wills would be able to perform those tasks quickly without knowing much about your situation. In contrast, if you need a facilitator to help structure a succession plan and your family has yet to have a conversation about the process, then you will likely need a professional with a wider understanding of family dynamics, facilitation, and who is able to engage over a longer period of time.

Following are brief descriptions of common family business advisors.

Accountant – Accountants provide advice and services related to the financial records of your business. Accountants can specialize in several areas including tax, auditing, investment, or public accounting.

Attorney - Attorneys may play many roles as an advisor while addressing the needs of the business; contract creation and negotiation, determining business and capital structures, assisting with labor or HR issues, helping to establish business governance policies, etc. They may also work with family members on a variety of issues including creating prenuptial agreements, estate plans, trusts, or helping plan for payment of tax obligations.



Banker – Business bankers help with financing business operations, including loans, lines of credit, and employee benefit plans like 401k and pensions.

Family Business Consultant – Experts in family and business dynamics, family business consultants may have backgrounds in another disciplines. They can help with larger overall questions about the future of the family business, such as succession planning, communication and conflict, and next generation readiness. They likely have a network of other advisors that can assist with specific needs as they arise.

Financial/Wealth Advisor – From a business perspective a financial advisor may help with planning for the liquidity needs of shareholders and capital needs of the enterprise. They may assist with implementing strategies achieve these goals, and manage them on an ongoing basis. From a personal perspective they may work with individual family members to manage retirement planning or with the next generation to understand financial commitments when becoming more involved in the business.

Insurance Advisor – Insurance experts can help a business manage risk and liabilities. They may help to identify policies that can help to address future estate taxes, or the financial security of surviving family members in the case of an accident.

Investment Advisor – An investment advisor can assist with the valuing, and sales and acquisition, of assets and businesses. They can also help identify potential investors and design dividend programs for shareholders.

Mediator – Mediators can help with dispute resolution among business or family members. They act as neutral parties to help understand problems and discover options for resolving the dispute.

Psychologist/Therapist – A trained psychologist or therapist may be able to help with a variety of issues within a family business including addiction issues, relationship conflict, transition issues (e.g. helping individuals transition into or out of the business), or improving overall family communication.

### **Where to find Advisors**

Finding qualified advisors with a deep understanding of family business can be a challenge. Here are some ideas on where to compile a list of potential candidates to interview for your next advisor engagement.

Referrals from other family businesses – Seek out other family businesses with whom you are familiar and respect. They may be willing to offer advice and referrals to professionals that have been helpful to their business.

Advisor Search – The Austin Family Business Program website hosts the Advisor Search listing. Past Excellence Award honorees have provided information on professionals that they would recommend to other family businesses. <http://business.oregonstate.edu/familybusinessonline/advisor-search>

Trade Organization members – Trade or commerce organizations to which you belong may be good sources for advisor recommendations.

Family Firm Institute – FFI educates and connects professionals that serve family enterprises. They maintain a directory of FFI members who actively consult at <http://www.ffi.org/?page=consultantsus>

Attorneys for Family-Held Enterprises (AFHE) - A non-profit organization comprised of mid to senior level attorneys with a focus on family enterprises. You can search members at their website [http://www.afhemembers.com/member\\_search.html](http://www.afhemembers.com/member_search.html)

National Association of Estate Planners and Councils – Provides an online searchable database of program-accredited estate planners. <http://www.naepc.org/designations/estate-law/search#members/AEP/OR/>

### **Key questions and considerations when hiring an advisor**

#### Competence/Qualifications/Industry knowledge

What are the advisor's professional credentials and educational background? Does the advisor have experience working with other family firms? It's also beneficial if the advisor has experience either working with businesses in, or direct knowledge, of your industry. This will reduce the amount of time it takes them to become familiar with your operations.

It's also important that advisors are willing to meet with multiple family members and other advisors that you may already have on your team in order to meet your goals. If a situation arises that is outside of the advisor's area of expertise are they willing to call in other advisors to assist? For example your attorney may need to partner with a family facilitator in order to move succession planning forward so that agreements can be signed.

Check with the advisor to see if they have ongoing training relative to family business issues, or if they have access to a family business practice group within their organization.

#### Look for alignment in values

It's important that the advisor's values are such that you and your family can have a productive working relationship together. A perfect values match may be unrealistic, but some alignment will be beneficial. Some examples include attitudes about faith, philanthropy, and education of families.

#### Disclosure of conflicts of interest/Neutrality

Will the advisor have relationships with your competitors, or other family members, that may hinder their ability to treat your engagement as neutrally as possible? It's important to determine who the client will be in the advising engagement to reduce potential misunderstandings between family members. Ask the advisor how they will engage with the family to ensure neutrality among the family members.

You should also have an understanding of the other services and products in an advisor's portfolio and be aware if they will try to sell additional products during your engagement.

#### Measuring progress/results tracking/failure to meet objectives?

How does the advisor measure their engagement and progress towards your goals? How will you know if your goals have been successfully met? What happens if the advisor fails to meet the objectives of your engagement? What is the advisor's failure rate when working with family businesses?



Refer back to your original intentions for hiring the advisor (as noted in the first section of this document), and check the engagement documents to ensure your goals are clearly specified and the billing structure accurately reflects your needs.

#### Clear and transparent fees

How will the advisor charge for the engagement? As a retainer with a standing fee, by the project, or hourly or daily? Does the advisor charge for non-scheduled time needed during the engagement, e.g. phone calls or email questions? You should come to an understanding of the fee structure in writing before finalizing the terms of the advisor's engagement. Do not base your decision solely on the advisor's fees, as it is not necessarily an accurate indicator of quality.

#### Check References

A key step in the due diligence process of hiring an advisor is checking references. Advisors should be willing to provide references from past family business advising engagements. Look for situations where the advisor worked with a problem that is similar to the reason you would like to hire the advisor. How did the family work with the advisor? Did they feel respected and engaged with the process?

#### **Resources**

Austin Family Business Program Advisor Search webpage:

<http://business.oregonstate.edu/familybusinessonline/advisor-search>

The Family Firm Institute has recommended several best practices that professional advisors should follow when working with family firm clients. These can be helpful to review when you are conducting your search for professional advisors. They can be found at:

<http://www.ffi.org/default.asp?page=BestPractices>

Family Business 360 Podcasts: The Austin Family Business Program produces a podcast series featuring interviews with professional advisors on a variety of family business topics.

<http://business.oregonstate.edu/familybusinessonline/podcasts>

Ties to the Land: This succession planning resource, which is geared towards family forest and land owners, has an article specifically dealing with finding estate planning professionals.

[http://tiestotheland.org/sites/ttl/files/page\\_files/Ties%20to%20the%20Land%20Article%208%20-%20Finding%20Estate%20Planning%20Professionals%20%282%29.pdf](http://tiestotheland.org/sites/ttl/files/page_files/Ties%20to%20the%20Land%20Article%208%20-%20Finding%20Estate%20Planning%20Professionals%20%282%29.pdf)

How to Choose and Use Advisors: Getting the Best Professional Family Business Advice (2010), Craig Aronoff and John Ward, Palgrave Macmillan



## APPENDIX E

### Additional Resources

Land for Good and American Farmland Trust have two of the most comprehensive resource libraries for farm issues. There are many great resource sites. We've highlighted some that may be useful for RI farmers below.

<b>Land for Good</b>	<a href="http://landforgood.org/resources/toolbox/">http://landforgood.org/resources/toolbox/</a>
<b>American Farmland Trust</b>	<a href="http://www.farmlandinfo.org/">http://www.farmlandinfo.org/</a>
<b>Young Farmers Coalition</b>	<a href="http://www.youngfarmers.org/practical/training-and-helpful-organizations/">http://www.youngfarmers.org/practical/training-and-helpful-organizations/</a>
<b>Farm Aid</b>	<a href="https://www.farmaid.org/our-work/resources-for-farmers/">https://www.farmaid.org/our-work/resources-for-farmers/</a>
<b>Cornell – NE Beg. Farmers</b>	<a href="http://www.nebeginningfarmers.org/">http://www.nebeginningfarmers.org/</a>
<b>Conservation Law Foundation: Legal Food Hub</b>	<a href="http://www.legalfoodhub.org/">http://www.legalfoodhub.org/</a>
<b>USDA - NRCS</b>	<a href="https://www.nrcs.usda.gov/wps/portal/nrcs/site/national/home/">https://www.nrcs.usda.gov/wps/portal/nrcs/site/national/home/</a>
<b>RI Division of Agriculture</b>	<a href="http://www.dem.ri.gov/programs/agriculture/">http://www.dem.ri.gov/programs/agriculture/</a>
<b>RI Land Trust Council</b>	<a href="http://www.rilandtrusts.org/agriculture.htm">http://www.rilandtrusts.org/agriculture.htm</a>
<b>NOFA RI</b>	<a href="http://nofari.org/resources/#.WI9mVVMrLcs">http://nofari.org/resources/#.WI9mVVMrLcs</a>



## **APPENDIX F**

### **Advocacy Policy**

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## AQUIDNECK LAND TRUST ADVOCACY POLICY

### Background:

Since its inception in 1990, advocacy has been an integral component of the strategic direction of the Aquidneck Land Trust (“ALT”), although never before specifically set out in an Advocacy Policy. ALT has advocated effectively with federal, state, and local government for the funding of conservation projects in all three communities of Aquidneck Island many times over. In addition ALT has historically advocated for policies that generally support land conservation as well as those that may specifically support a conservation value such as water quality, agriculture, or park lands.

In October 2016, ALT adopted a new Strategic Direction that specifically addresses advocacy as an important role of the organization and that an Advocacy Plan should be adopted. This is ALT’s first iteration of such an advocacy policy with the understanding that modifications will be made as we learn from our advocacy successes and failures alike.

### Goals and Objectives of Advocacy Policy:

The goals and objectives of this advocacy policy (“Advocacy Policy”) are to provide staff and the board with clarity as to which issues and types of issues ALT will advocate and/or lobby for, and what analysis and deliberation protocol will be used. The organization will review the issue from the perspective of: (a) the amount of organization resources it will take to effectively pursue an advocacy and/or lobbying campaign; (b) how central the issue is to the core of our mission; and (c) the reputational risk of advocating for an unpopular position and/or failing to succeed in the campaign versus the community benefit in proceeding with the campaign.

### Advocacy and Lobbying by a 501(c)(3) non-profit, in general:

The Land Trust Alliance Practice 2E: Public Policy states that:

***“The land trust may engage in public policy at the federal, state and/or local level (such as supporting or opposing legislation, advocating for sound land use policy, and/or endorsing public funding of conservation) provided that it complies with federal and state lobbying limitations and reporting requirements. Land trusts may not engage in political campaigns or endorse candidates for public office.”***

Advocacy is defined as the act of arguing in favor of something, such as a cause, idea, or policy that is not tied to a specific piece of legislation.

Lobbying (as defined by federal tax law) is any attempt to influence specific legislation. Lobbying can be done in two ways: (a) contacting the public to contact policy-makers for the purpose of proposing, supporting, or opposing specific legislation (“Grassroots Lobbying”); or (b) by directly contacting policy-makers and advocating for the adoption or rejection of specific legislation (“Direct Lobbying”).

While federal tax law allows non-profit tax exempt organizations to advocate to an unlimited extent there are certain limitations on lobbying.

## How much lobbying is allowed?

**1. The “no substantial part” restriction:** If a land trust does not make the lobbying election, it falls under the restriction that “no substantial part” of its activities may include lobbying. At various times it has been suggested that “no substantial part” means “less than 5 percent of expenditures.” But it could mean no substantial effort rather than substantial expenditures, for instance. An organization found to violate this “no substantial part” restriction would lose its tax-exempt status.

**2. The lobbying election:** An organization that makes the lobbying election, as ALT does every year on the advice of its accountants, can spend up to a fixed amount of money on lobbying according to the following sliding scale: 20 percent of the first \$500,000 of its total exempt-purpose expenditures; 15 percent of the next \$500,000; 10 percent of the next \$500,000; and 5 percent of anything above that. There is an absolute ceiling of \$1 million. However, no more than 25 percent of its total lobbying expenses can be for grassroots lobbying (influencing members of the general public). Thus, an electing organization with annual exempt-purpose expenses of \$100,000 can spend up to \$20,000 on total lobbying activities, but only \$5,000 of that can be for grassroots lobbying.

ALT’s Executive Director will ensure that ALT’s documented lobbying activities and expenses conducted by ALT staff and board will not exceed the above lobbying election allowable amounts and will report to the board quarterly on the extent of its activities and expenses.

ALT also understands that the Internal Revenue Code specifies that Section 501(c)(3) organizations, such as ALT, may not “participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office.” Moreover, ALT is prohibited from making any expenditures that are directly related to and support the process of influencing or attempting to influence selection, nomination, election, or appointment of any individual to public office or office in a political organization.

## Advocacy Policy Guidelines:

Listed below are general policy guidelines to assist staff and board in deciding if an issue merits ALT’s involvement and what minor issues may be advocated for without prior board approval, when necessary. A major issue is one that: (a) will require the significant investment of ALT’s staff time or other organizational resources, albeit still far less allowable limits than set forth above; and (b) could have a significant reputational consequence, positive or negative, based upon the outcome of the campaign.

ALT may take an advocacy position on an issue only if it can answer each of the following questions in the affirmative.

- ☐ Does the issue in question directly relate to the mission, goals, or strategies of ALT and its conservation efforts to help protect the significant conservation lands on Aquidneck Island?
- ☐ Does the issue impact the Island as a whole, or a municipality on the Island, as a whole, and provide major community benefit? If the issue is isolated and impacts only private interests, it is recommended that those private parties handle it.
- ☐ Is there a need for the expertise and assistance of ALT?

- ☐ Does ALT have the necessary resources and expertise to participate?
- ☐ Does the campaign have a strong likelihood of success?
- ☐ Can collaboration and community support be achieved? Have other necessary partner organizations agreed to advocate and/or lobby for the issue?
- ☐ Has ALT staff done the requisite advocacy planning for the campaign to determine that:
  - a. ALT is confident that the campaign has clear measurable goals;
  - b. ALT has extensive knowledge of what it is trying to get done, who it has to convince to get it done, what is needed to convince them, and who has to tell them to convince them. ALT also needs to have a clear idea of who is against the campaign and effective counter-arguments;
  - c. ALT has a compelling, clear and concise message that will connect with our target audience and meets the criteria of sub-paragraph b., above; and
  - d. ALT has evaluated the consequences of each of the possible outcomes of the campaign.
- ☐ Would involvement with the issue further, or at least not diminish, ALT's overall and long-range interests and credibility?
- ☐ Is the issue important in light of ALT's other strategic priorities?
- ☐ Involvement in the issue does not jeopardize ALT's 501(c) (3) non-profit tax status or its accreditation status?

### **Advocacy Position Procedures:**

- ☐ Any ALT Trustee, ALT Committee member, or ALT Executive Director or Department Director, by and through the Executive Director, should bring a policy issue invoking the above Advocacy Policy to the attention of the Executive Committee for analysis and deliberation, where possible.
- ☐ The Executive Committee makes recommendations to the Board of Trustees on advocacy issues, as to whether ALT should get involved and as to who should speak on the issue.
- ☐ ALT's Board of Trustees deliberates and votes on all major advocacy issues and campaigns.
- ☐ ALT's Executive Director and/or staff implements the Board of Trustee's advocacy position on an issue. The Executive Director will determine who should advocate or lobby (board or staff) on an issue or campaign and when to best effectuate the Board's advocacy position. If an issue is on an expedited schedule and is deemed by the Executive Director to be: (a) directly related to the mission, goals or strategies of the Strategic Direction Plan; (b) meets the above guidelines; (c) is deemed minor in scope of resources, he/she may immediately advocate or lobby for the issue prior to convening the Executive Committee and Board of Trustees. Staff, Trustees and Advisors should not conduct direct or grassroots advocacy or lobbying relating to any issue without the prior advice and consent of the Executive Director. Staff, Trustees and Advisors, are encouraged to be ambassadors and promote ALT's mission in order to reinforce the benefits of land conservation to everyone in the community.







