

Working to Preserve Farm, Forest and Ranch Lands: A Guide for Military Installations



American Farmland Trust




American Farmland Trust



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Dear Reader:

America the Beautiful. When Katharine Lee Bates wrote the song in 1893, she could not have imagined what sprawling development just a century later would do to this nation's "fruited plains" and "amber waves of grain." When we hear those words, we still envision our beautiful land, the most fertile and productive in the world, and its wide-open spaces, rolling hills and vast forests. But for how long?

Surely, America's working landscape still provides our food and fiber, wildlife habitat, clean water and all the other environmental benefits we need. Protecting this is what American Farmland Trust (AFT) is all about. Our mission is to stop the loss of productive farmland and promote farming practices that lead to a healthy environment.

The Department of Defense manages 30 million acres of rural land. Military installations depend upon a healthy and productive landscape for training and testing, and their neighbors need a thriving land base to sustain local economies and protect natural resources.

The potential for partnership is obvious. Protecting farm, forest and ranch lands around military bases can help secure the perimeter, and good local land use policies can help direct growth away from the fence line.

We hope that AFT's primer will be useful to base commanders and communities who see the connection between protecting working landscapes and buffering military bases from incompatible land use. Together, we can maintain military readiness and save the land that sustains us.

Sincerely,

A handwritten signature in black ink that reads "Jon Scholl". The signature is written in a cursive, flowing style.

Jon Scholl
President
American Farmland Trust



Falcon and Farmlandn (U.S. Air Force photo by Staff Sgt. Eric Harris)

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Urban growth and development impact working lands, open space, infrastructure, and the environment, as well as military readiness.

INTRODUCTION

Growing populations and shifting development patterns are consuming America's land at unprecedented rates. The public pays the price for this unplanned development in the loss of working land and open space, rising property taxes, expensive infrastructure, budgetary shortfalls, and a host of issues related to dependency on automobiles, such as traffic congestion, and air and water pollution. Increasingly, the loss of agricultural land and open space is also threatening our military readiness.

According to a June 2002 Government Accountability Office (GAO) report on military training, 80% of communities surrounding military installations are growing faster than the national average. This rapid pace of urban growth into rural areas around military installations and ranges presents two sets of problems. First, as residential and commercial development increases in areas near military installations, people may experience more aircraft over-flights, dust, and noise from military activities. Second, important military training exercises may be compromised due to incompatible land use adjacent to or near installations and ranges.

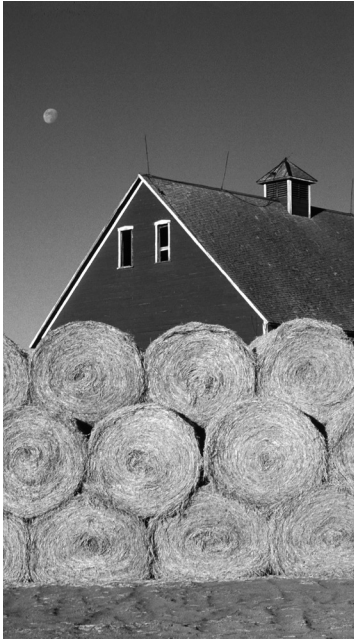
DEVELOPMENT NEAR MILITARY INSTALLATIONS CAN CAUSE RESTRICTIONS SUCH AS:

- Limitations on night exercises
- Noise restrictions on flight exercises and artillery fire
- Curtailed weapons practice

Farming, ranching, and forestry can be very compatible with military land use and make excellent "buffer" lands.

Preserving working lands on the perimeter of military installations can help sustain military training and testing by buffering them from residential development and other incompatible uses. Open space provided by these buffers allows continued access to training and testing ranges, night vision exercises, artillery practice, supply drops, and parachute jumps – crucial training to ensure our troops train as they fight. Additionally, open space maintains habitat for threatened and endangered species.

DoD is working with key stakeholders to encourage more compatible land use around military installations and ranges. Collaborative partnerships with residential and commercial growth interests, conservation organizations, and state and local governments facilitate preservation of open space, agricultural lands, and endangered and threatened species habitats.



HOW TO SAVE FARM, FOREST AND RANCH LANDS

There are a wide variety of programs to protect America's working landscapes:

Agricultural Conservation Easements

Across America, landowners are working with state and local governments, public agencies, and qualified private organizations to use agricultural conservation easements to protect farm, forest and ranch lands from development. Forty-nine states have laws allowing conservation easements; several U.S. Department of Agriculture (USDA) federal programs use easements as their primary approach to conservation.

Conservation easements are deed restrictions landowners volunteer to place on their property to protect resources such as agricultural land, ground and surface water, historic sites, productive soils, and/or wildlife habitat. They enable governments and qualified nonprofit organizations to protect land with important public purpose without compelling landowners to sell their property. They are flexible agreements that can be tailored to achieve specific purposes.

Agricultural conservation easements are specifically designed to keep land available for agriculture. They are usually permanent land preservation agreements that limit non-farm development. Some agricultural conservation easements allow housing lots to be reserved for family members. Most do not restrict farming practices, although many require conservation plans.

Landowners may donate or sell conservation easements to a public body, such as a state or local government, or to a qualified private organization, such as a land trust. Most land trusts accept donations of conservation easements from landowners. Landowners who donate easements may receive a federal income tax deduction, and many states also grant a state income tax deduction or credit. Since farmers and ranchers often do not have enough income to benefit from tax advantages associated with donating easements, many state and local governments have established Purchase of Agricultural Conservation

Conservation easements are legally binding deed restrictions landowners volunteer to place on their property to protect resources.

North Dakota is the only state that does not allow permanent conservation easements. According to the North Dakota Code (§ 47-05-02.1.2), the maximum allowable easement term is 99 years.

For more information about land trusts, refer to the Land Trust Alliance/DoD primer, "Working with Land Trusts," available at www.denix.osd.mil/SustainableRanges

Easement (PACE) programs—also known as Purchase of Development Rights (PDR) programs.

Agricultural conservation easements are win-win. They:

- Are more cost-effective for communities and conservancies than buying land outright
- Make it possible to protect more land and preserve more natural resources

AGRICULTURAL CONSERVATION EASEMENTS

Benefits vs. Drawbacks

Benefits

- Are voluntary
- Protect private property rights
- Keep land on tax rolls
- Provide financial benefits
- Help transfer land to the next generation

Drawbacks

- Process is time consuming and expensive
- Drafting easements to allow for future changes in agriculture and communities is difficult
- Monitoring and enforcement are required to ensure all current and future landowners honor the agreement

- Compensate landowners in the form of tax benefits, direct payment, or both
- Allow the landowner to continue working the land

Purchase of Agricultural Conservation Easements (PACE)

Starting with Suffolk County, New York in 1974, local and state governments began creating PACE and PDR programs. These programs pay agricultural landowners to restrict their land from future non-farm development. The federal government became involved in PACE as a result of the 1996 Farm Bill.

PACE programs are based on the concept that property owners have a bundle of rights that can be exercised jointly or individually. These include the right to use, lease, sell, and bequeath property, borrow money against it, and even protect

PACE programs allow landowners to sell the right to future development on their land to a government entity or qualified private organization, such as a land trust.

STEPS INVOLVED IN A TYPICAL PACE TRANSACTION

1. Farmers inform municipality or land trust of interest in selling easement
2. Review body:
 - Selects potential applicants, performs on-site reviews
 - Scores and ranks properties using pre-set criteria
 - Selects properties and develops contracts
3. Appraiser determines easement values
4. Selected farms decide whether or not to accept terms
5. Easements are drafted and approved
6. Landowner signs easement
7. Landowner receives payment at closing

it from development. Some or all of these rights can be transferred or sold. In exchange, the public or private agency prohibits future land use activities that would interfere with agricultural uses.

Typically, PACE programs pay a sum equivalent to the difference between full market and restricted value to protect farm, ranch, and occasionally forest lands. The easement value is determined by a certified appraisal.

When public funds are involved, easement stewardship is particularly important to ensure the public interest is served over multiple generations of landowners. While most easements purchased through PACE programs are permanent, programs generally outline a set of severe conditions under which easements may be terminated. In most cases, landowners who want to terminate an easement must demonstrate that due to urban encroachment or factors outside their control, profitable farming is no longer possible on the land. Both parties must agree in court to the termination.

State and Local PACE Programs

As of May 2010, 31 states have authorized state-level PACE programs and 25 have purchased easements. These programs are funded in various ways, ranging from bonds and appropriations to real estate transfer taxes. The amount of farmland protected by any given state program varies widely, primarily depending on how money has been allocated to implement the program and the value of easements. Pennsylvania, New Jersey, Maryland, Colorado, and Vermont are some of the states protecting farmland through PACE.

PACE—*Purchase of Agricultural Conservation Easements*

PDR—*Purchase of Development Rights*



More than 88 local governments have PACE programs in 20 states. California, Maryland, New York, Pennsylvania, Virginia, Washington, and Wisconsin are some of the states that have local-level PACE programs.

Public PACE Programs

Public PACE program managers are successfully using partnerships with private organizations to facilitate their programs. In some areas, land trusts have formed to tackle the challenges of preserving farmland and natural areas. Land trusts are nonprofit, non-governmental organizations that actively work to conserve land by undertaking or assisting in land transactions. Often, a private conservancy or land trust can bring additional resources to the table to make a project work. For more information, read *Working with Land Trusts: A Guide for Military Installations and Land Trusts* (www.denix.osd.mil/SustainableRanges).

The effectiveness of public PACE programs depends in large part on how well they address five key issues:

1. What kind of land to protect and where
2. Which uses to allow and which to restrict
3. How to raise funds and ensure ongoing support
4. How to administer the program
5. How to monitor and enforce easements

STATES WITH PACE AUTHORIZATION

Alabama	Maryland	Rhode Island
Arizona	Massachusetts	South Carolina
California	Michigan	Texas
Colorado	Montana*	Utah
Connecticut	New Hampshire	Vermont
Delaware	New Jersey	Virginia
Florida	New Mexico	Washington
Georgia	New York	West Virginia
Hawaii	North Carolina	Wisconsin
Kentucky	Ohio	
Maine	Pennsylvania	

*Has stopped acquiring easements

Private Conservation Organizations

Private conservation organizations often play a key role in:

- Assembling applications to federal, state, and local PACE programs
- Holding, monitoring, and enforcing easements
- Providing some, or all, of the local funding match needed for state PACE programs or Federal Farm and Ranch Lands Protection Programs (FRPP)

Local Land Use Options

Local governments play a key role in making and enforcing land use decisions. Most municipalities have comprehensive plans (also called master or general plans), which outline local government objectives, policies, and guidelines for development, recreation, and environmental protection.

When working outside the fence line, military commanders encounter local officials and community leaders. Typically, these include mayors, county commissioners, planning boards, city or town councils, and private interest groups. In most states, the land use planning process begins with the local governing body and/or mayor who appoints the planning board or commission.

Comprehensive plans identify areas to protect for farming, forestry, the perimeter of a military installation, and areas where development is encouraged.

Agricultural districts help stabilize the land base and support the business of farming.

This section outlines a series of local land use options available to plan for and protect natural resources and agricultural land. They can also be used to buffer military installations from incompatible development.

Agricultural Districts

Agricultural district programs support farmers who commit their lands to special areas where commercial farming is encouraged and protected. Farmers who enroll in these districts receive benefits that range from potential property tax relief to protection from private nuisance lawsuits.

Agricultural district programs are authorized by state legislatures and implemented at the local level. Enrollment is voluntary. There are a total of 19 agricultural district laws in 16 states.

Provisions vary widely, but most agricultural district laws respond to challenges facing farmers in developing communities. Agricultural districts help create a more secure climate for agriculture by preventing local government from passing laws that restrict farm practices and they also support the business of farming. Some states limit non-farm development in and around agricultural districts.

Fee Simple Acquisitions

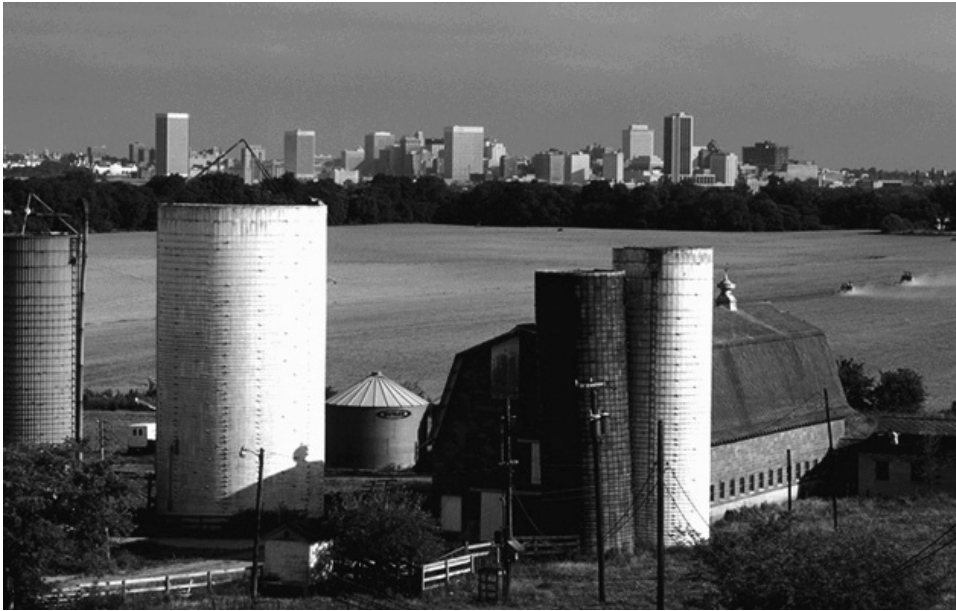
Fee simple acquisition allows an individual, government body, land trust, or other entity to buy a property outright. Acquiring full ownership of the land gives the buyer the greatest amount of control over the land's current and future use. The buyer is also responsible for taxes, insurance, and long-term property management. If the buyer only wants to hold a conservation easement, he/she can purchase the land, protect it with an easement, and resell the land with the easement in place.

Typically, fee simple acquisition occurs when a landowner sells or donates property. It may also take place when a municipality or conservation organization trades a parcel of land it owns for a more environmentally sensitive property. The municipality or organization then holds the deed and controls the land use, and is responsible for taxes, insurance, and long-term property management.

Growth Management Laws

Typically, growth management laws direct local governments to identify lands with high natural resource value and protect them from development. Some growth management laws require that public services, such as water and sewer lines, roads, and schools be put in place before a new development is approved. Others direct local governments to make decisions in accordance with plans for adjoining areas.

Growth management laws control the timing, phasing and character of urban growth.



The laws regulate the pattern and rate of development and set policies to ensure that most new construction occurs within designated areas—or urban growth boundaries (UGBs). At least 12 states have growth management statutes, but only seven—Hawaii, Maryland, Minnesota, New Jersey, Oregon, Vermont, and Washington—address the issue of farmland conversion.

Most growth management programs are established at the state level and apply to the entire state. Some focus more on high growth counties or a particular region. They regulate the pattern and rate of development and set policies to ensure that most new construction occurs within the designated UGBs.

Planning and Zoning

Most local governments use planning and zoning to control growth, foster economic development, and preserve open space and environmental resources. Occasionally, they develop planning principles and enact zoning ordinances specifically to promote and protect farm, forest, and ranch land. Most local comprehensive plans, also known as master or general plans, provide policies and guidelines identifying land use, including agricultural, forestry, residential, commercial, industrial, recreational, and sensitive environmental conservation areas.

Zoning is a more specific form of land use control used by local governments. Zoning ordinances segment counties, cities, and towns into areas devoted to specific land uses. These ordinances establish standards and densities for

development and can have a significant positive or negative effect on agriculture. Some local governments assume that farming is a residential land use, or a temporary land use waiting for non-farm development. Consequently, they often zone working lands as rural residential, which can encourage premature development. Likewise, residential zoning surrounding a military installation may lead to development patterns that will impinge upon training and testing inside the fence line.

On the other hand, zoning can be used to protect both agricultural land and military installations from sprawl. Zoning laws can help stabilize the land base by directing new development away from farms and ranches, or by encouraging compatible uses at an installation perimeter. These objectives may be achieved by:

- Maintaining lower density development
- Limiting the types of land uses permitted in “agricultural zones”
- Requiring compatible use with a military installation
- Designating various kinds of buffers, including those that limit fenceline encroachment

Zoning can also support agricultural businesses with farmer-friendly ordinances, relaxed restrictions, and allowances for signage. While local governments



have final decision-making authority on zoning, planning commissions and boards review development proposals and make recommendations on subdivisions, ordinances, and other regulations related to executing the comprehensive plan.

Agricultural Protection Zoning

Agricultural Protection Zoning ordinances designate areas where farming will be the primary land use. They restrict the density of residential development in agricultural zones, usually by requiring building on small lots rather than

dividing farms into large, equally sized tracts. Most ordinances use a fixed density allowing, for instance, one dwelling for every 40 acres. Others are based on a sliding scale, with the dwelling and acreage allowances more flexible.

Buffers

Based on the concept that “good fences make good neighbors,” buffers create physical barriers between potentially incompatible land uses. Buffers may be in the form of strips of land (from 50 to 500 feet wide), or in the form of vegetation

**ZONING FOR AGRICULTURAL BUFFERS:
NAVAL AIR STATION (NAS) LEMOORE**

Of the nearly 30,000 acres that comprise NAS Lemoore in California, 12,418 acres are designated for agricultural use. During the planning stage of NAS Lemoore, it was decided that the acreage around the installation would be outleased, creating a safety and noise zone for the installation and the public. These land-leases are re-bid on a rotating basis, and most consist of a minimum of 160 acres. As part of the outlease program, farmers are permitted to build only uninhabited farm buildings and are required to perform maintenance and preservation projects on the land.

Additionally, local county Planning Commissions have established a three-mile wide “green belt” around the installation. To control urban development and prevent problems associated with population build-up near training sites, the surrounding counties (Kings and Fresno) have zoned the green belt area for agricultural use. This effort, in conjunction with the land outlease program, has proven effective in creating a safety and noise buffer around NAS Lemoore, preserving agricultural land, curbing urban encroachment, and enabling the military mission.

such as existing hedgerows, planted trees, and shrubs. Sometimes buffers are created by local zoning ordinances, subdivision requirements, or state agricultural district laws. To be effective, buffers must be designed on a site-specific basis and adapted to address different types of agricultural or military operations.

Right-to-Farm Laws

All 50 states have some form of agricultural nuisance protection law. Right-to-farm laws:

- Protect farmers and ranchers from nuisance complaints and lawsuits
- Shield farmers from excessively restrictive local laws
- Ward off intrusive public infrastructure

Right-to-farm laws discourage neighbors from suing farmers, and help farmers who follow good management practices prevail in private nuisance lawsuits. A number of these laws limit the ability of new residents to change local rules that govern farming. Right-to-farm provisions can improve the agricultural viability with “farm-friendly” business climates that encourage farmers to invest in the future of their operations.

A growing number of counties and municipalities have passed their own nuisance protection statutes to supplement state laws.

In 2006, Churchill County, Nevada enacted a Transfer of Development Rights ordinance to provide voluntary incentives to permanently preserve rural resources and also provide buffer areas for nearby Naval Air Station Fallon. In 2011, the Beaufort County Council approved a similar ordinance to use the free market to redirect development pressures that would otherwise encroach on Marine Corps Air Station Beaufort.

EXAMPLES OF POLICIES THAT HELP PROTECT FARMLAND

- Right-to-farm laws that alleviate conflicts between farmers and non-farm neighbors
- Comprehensive/master plans that incorporate agriculture
- PACE programs that protect strategic blocks of farmland
- Buffers required between new residential development and farmland
- Agricultural districts that provide protections for farmers
- Agricultural protection zoning that discourages non-farm development in designated areas

Transfer of Development Rights (TDR) Program

TDR programs are established by local zoning ordinances to protect farm and other open lands by shifting development from agricultural areas to other areas that can support increased development. The program allows a local government to designate “receiving districts,” where higher density development can occur, in exchange for permanent agricultural conservation easements on land designated as “sending districts.”

Most TDR transactions are between private landowners and developers. Local governments generally do not have to raise taxes or borrow funds to implement TDR programs. For TDR to work, a market must exist for both the development rights (either in the private sector or via a municipal development rights bank) and the higher density development that will result.

The complexities involved in administering TDR have kept many localities from utilizing this farmland protection tool.

FEDERAL CONSERVATION PROGRAMS

DoD Readiness and Environmental Protection Initiative (REPI)

In Fiscal Year 2003, Congress granted statutory authority in the National Defense Authorization Act for DoD to work with state and local governments, conservation organizations or other partners to reduce encroachment on military test and training ranges. To implement this authority, DoD established the Readiness and Environmental Protection Initiative (REPI).

REPI funds are used to support a variety of DoD partnerships that promote compatible land use. By relieving encroachment pressures, the military is able

REPI funds are used to support a variety of DoD partnerships that promote compatible land use.

KEY POINTS OF THE REPI AUTHORITY

1. “Eligible entities” include states, municipalities, and private organizations dedicated to the conservation of land and/or natural resources
2. The agreement must entail the acquisition by the entity of all rights, title, and interest in any real property, or any lesser interest in the property—such as a conservation easement
3. Under the agreement, the United States and the eligible entity may share the acquisition costs of securing the property interest
4. The landowner must be a willing seller and consent to the acquisition of his or her property or property interests

to test and train in a more effective and efficient manner. By preserving the land surrounding military installations, habitats for plant and animal species are conserved and protected, and working landscapes are preserved.

Farm Bill

The Food, Conservation and Energy Act of 2008, also known as the Farm Bill, was signed into law on June 18, 2008. Under this legislation, agricultural producers can choose from among several voluntary conservation and environmental programs designed to protect a wide range of resources. Like the four previous bills, the 2008 Farm Bill continued the trend of increasing the size and scope of almost every agri-environmental program.

The 2008 Farm Bill governs federal farm programs until 2012. It:

- Promotes stewardship of agricultural land and water resources
- Facilitates access to American farm products at home and abroad
- Encourages continued economic and infrastructure development in rural America
- Ensures continued research to maintain an efficient and innovative agricultural and food sector
- Emphasizes on-farm environmental practices
- Emphasizes programs that support conservation on land in production
- Provides for marketing of local food products

The FRPP is a federal farmland protection program administered by the USDA Natural Resources Conservation Service.

Farm & Ranch Lands Protection Program (FRPP)

The FRPP is a federal farmland protection program administered by the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS). It supports the purchase of agricultural conservation easements on productive farm and ranch lands by contributing matching funds toward pending easement offers by state, tribal, or local farmland protection programs or land trusts.

In the 2008 Farm Bill, Congress authorized \$743 million over five years for the FRPP to expand the USDA role in securing an adequate supply of high quality farmland for future generations.

FRPP will provide up to 50% of the appraised fair market value of conservation easements. Landowners must work with state and local governments or qualified non-governmental entities to secure a pending offer with entity funding equal to at least 25% of the purchase price of the conservation easement. Participants must develop a conservation plan that outlines the management strategies they propose to use on any erodible land. Regular easement monitoring is required.

TO QUALIFY FOR FRPP, LAND MUST:

1. Be part or all of a farm or ranch
2. Contain prime, unique, or other productive soil or historical or archaeological resources
3. Be part of a pending offer from a state, tribe, or local farmland protection program or land trust
4. Be privately owned and large enough to sustain agricultural production
5. Have a conservation plan for any highly erodible land
6. Be accessible to markets for what the land produces
7. Have adequate infrastructure and agricultural support services
8. Have surrounding parcels of land that can support long-term farm production
9. Be owned by an individual or entity that does not exceed the Adjusted Gross Income (AGI) limitation

Adjusted Gross Income (AGI) limitation—Individuals or entities that have an average AGI exceeding \$2.5 million for the three tax years preceding the year the contract is approved are not eligible to receive program benefits or payments. An exemption is provided in cases where 75 percent of the AGI is derived from farming, ranching or forestry operations.

Grassland Reserve Program (GRP)

The GRP was authorized in the 2002 Farm Bill, amended by the 2008 Farm Bill, and is administered by the NRCS and Farm Service Agency (FSA). Its purpose is to protect grazing uses and to restore and conserve eligible lands. The Program

also enables the NRCS to enter into restoration agreements with landowners who have a GRP easement or rental contract.

The NRCS or FSA can compensate landowners with eligible property through permanent easements, or with 10-, 15-, 20-year rental contracts.

Wetlands Reserve Program (WRP)

The WRP, established by the 1990 Farm Bill and transferred to NRCS by the Agriculture Reorganization Act of 1994, gives landowners technical and financial assistance to protect, restore, and enhance wetlands on their property. Landowners can receive as much as 100% of the appraised fair market value of the property for permanent conservation easements, or 75% for 30-year easements or 30-year contracts with Indian Tribes. Alternatively, they can participate in restoration cost-share agreements that pay for up to 75% of the cost of wetlands restoration activities, but do not place an easement on the property. Eligible land includes wetlands cleared or drained for farming or pasture, which are also restorable and suitable for wildlife.

Conservation Reserve Program (CRP)

Authorized by the 1985 Farm Bill, the CRP is one of the nation's oldest and best funded conservation programs. The CRP is administered by the USDA Farm Service Agency (FSA) to encourage farmers to convert their highly erodible cropland and other environmentally sensitive land to vegetative cover such as wildlife-friendly cool season grasses or native grasses, wildlife plantings, trees, filter strips, habitat, and/or riparian buffers.

Participating landowners agree to take their land out of production for a period of 10 to 15 years. In exchange, they receive annual rental payments for the term of their contracts. Eligible land must have a weighted annual erosion index of eight or higher, as well as have been planted to an agricultural commodity four of the six previous years. Land can also be classified as marginal pastureland and enrolled as riparian buffers (environmentally sensitive land devoted to certain conservation practices which occur on a continuous basis). Agricultural producers may enroll all other eligible land during designated sign-up periods. The FSA ranks applications according to the **Environmental Benefits Index (EBI)** and extends offers based on an application's ranking.

Conservation Reserve Enhancement Program (CREP)

The CREP, a variation of the CRP, was implemented in 1997 to help agricultural producers protect environmentally sensitive land, decrease erosion, restore wildlife habitat, and safeguard ground and surface water in priority watersheds. The program is administered by FSA in a partnership with tribal, state, and federal governments, and private organizations. Funding for the program is provided by USDA, state and tribal governments, and other non-federal sources.

The Wetlands Reserve Program gives landowners technical and financial assistance to protect, restore, and enhance wetlands on their property.

Environmental Benefit Index (EBI)

—FSA collects data for each EBI factor based on the relative environmental benefits. EBI rankings are unique for each tract of land, and use the following factors to assess the environmental benefits:

- *Wildlife habitat benefits resulting from trees and grasses planted on contract acreage*
- *Water quality benefits from reduced erosion, runoff, and leaching*
- *On-farm benefits from reduced erosion*
- *Benefits that will likely endure beyond the contract period*
- *Air quality benefits from reduced wind erosion*
- *Cost*

The CREP requires landowners to make a 10- to 15-year commitment to keep their land out of agricultural production and pays them an annual rent. It also provides cost-share assistance of up to 50% for the introduction of certain conservation practices. Enrollment in each participating state is limited to specific geographic areas. The FSA and non-federal partners identify areas where there is a need to address particular environmental issues and goals. As in the CRP, land must have a weighted average erosion index of eight or higher, and have been planted to an agricultural commodity four of six previous years. Land can also be classified as marginal pastureland for riparian buffer enrollment only.

Forest Legacy Program

The U.S. Forest Service and the state forestry agencies jointly administer the Forest Legacy Program, established in the 1990 Farm Bill to fund the purchase of conservation easements on working forestland threatened by conversion to non-forested uses. Participation in the Forest Legacy Program is limited to private forest landowners. To qualify, landowners must prepare a multiple resource management plan. The federal government may fund up to 75% of the cost of the easement acquisition, with the remaining percentage coming from private, state, or local sources. Most Forest Legacy Program easements restrict development, require sustainable forestry practices, and protect other natural resource values.

Through the Forest Legacy Program, private forest landowners can receive funding for selling conservation easements on working forestland threatened by conversion to non-forested use.



Land and Water Conservation Fund (LWCF)

The LWCF is administered by the National Park Service (NPS) to provide matching grants to states and local governments to acquire and develop public outdoor recreation areas. It was established in 1964 to create and maintain a nationwide legacy of high-quality recreation areas. Funds are used to buy land in new forests, parks, wildlife refuges, and other recreation areas owned by the federal government. Statewide recreation plans identify needs and new opportunities for recreation improvements and guide the use of LWCF monies in the state.

Coastal Zone Management and Estuarine Research Reserves (CZM and NERRS)

The National Oceanic and Atmospheric Administration (NOAA) administers the Coastal Zone Management Estuarine Research Reserves program. Authorized in 1972, it helps states protect and study coastal zone estuaries. Coastal states, as well as those bordering the Great Lakes, can receive grants for land acquisition, research, monitoring, and education. The program has a 0% to 50% matching requirement depending in the type of project. Grant requests for land acquisition must come from the reserve lead agency or its designee.

PARTNERING WITH KEY STAKEHOLDERS

Growth management laws and agricultural districts are authorized by local governments, so it is necessary to work closely with city and county officials. DoD is working with local officials and reaching out to communities to support compatible land use consistent with military mission needs while conserving land for farming, protecting valuable habitat, and preserving historical and cultural assets. The relationships being established promote improved communication and collaboration that meet the needs of both the community and the military. By working with local agricultural groups, the military is in direct contact with rural landowners, is better able to understand community needs, and can discuss conservation and buffering objectives with the community.

Rural Landowners

Rural landowners include residents, absentee landlords, farmers, foresters, and others who use their land for economic and recreational benefits, and have multiple interests in their properties. They can sell land, donate or sell conservation easements, or work to protect land along the borders of military installations. These landowners can have significant influence on land use policy decisions.

Understanding and using the programs described in this primer can be an added tool to protect DoD ranges from urban development.

Owners of working lands (farm, forest and ranch lands) and other rural residents respond to new planning and zoning proposals based on personal and family values and priorities. For example, farmers and ranchers who believe agriculture has a strong future are more likely to support policies that limit new development in agricultural areas bordering military installations. Landowners who want to cash out are more likely to emphasize property rights and oppose policies they think may devalue their land.

POTENTIAL KEY STAKEHOLDERS

Rural Landowners	Local farmers, ranchers, foresters, rural residents, and absentee landowners
Agricultural Groups	State and local Farm Bureau leaders, Grange members, agricultural commodity groups, Cooperative Extension agencies, soil and water conservation districts, and others who work with individual landowners
Conservation Districts	Soil and Water Conservation Districts, Resource Conservation Districts, National Association of Conservation Districts, and the Natural Resources Conservation Service
Land Trusts & Private Conservation Organizations	American Farmland Trust, Ducks Unlimited, Pheasants Forever, The Conservation Fund, The Nature Conservancy, and the Trust for Public Land, National Wild Turkey Federation

The Grange
—the nation's oldest national agricultural organization provides service to agriculture and rural areas on a wide variety of issues, including economic development, education, family endeavors, and legislation designed to assure a strong and viable Rural America

Agricultural Groups

Agricultural groups represent the collective interests of farmers and ranchers. Most represent a specific farm industry or commodity, such as the Colorado Cattlemen's Association or the American Corn Growers Association. Others are more general in scope, such as the American Farm Bureau or county Farm Bureaus.

LANDOWNER CONSIDERATIONS

Since farmers have multiple interests in their property, their views on planning and land use issues will be influenced by various personal and business circumstances:

- As landowners, they are concerned about potential impacts on property values and equity
- As businesses, they are striving to keep their farm enterprises viable and profitable
- As taxpayers, they are interested in keeping taxes low
- As residents and community members, they hope to keep their communities desirable for future generations
- As family members, they are juggling a complex set of issues that involves multiple generations and extended families

Farmer groups advocate for farmers' rights and issues. The largest group representing the interests of all farmers and ranchers is the **American Farm Bureau**. This national, non-governmental organization advocates for policies and issues of concern to its five million members. There are Farm Bureaus in every state, and most states have local chapters.

Because many individual farmers and ranchers are very busy and do not have the time to be involved in land use planning and policy making, they rely on the farmer organizations to represent them. Agricultural groups often have concerns about the fairness of new land use policies and how they affect property rights, economic viability, environmental regulations, and other vital interests of the farm community, so it is important for them to be engaged early in easement programs or planning and zoning changes needed to protect military installations.

Conservation Districts and State Conservationists

Almost every county in the country has a conservation district to help local people conserve agricultural land, water, and related natural resources. Often known as "soil and water conservation districts" or "resource conservation districts," their mission is to coordinate assistance from all available public and private sources to develop local solutions to natural resource concerns. With more than 15,000 volunteers serving in elected or appointed governing boards, conservation districts reach more than two million cooperating land managers nationwide and are a valuable asset to rural communities.

Find and know your local Farm Bureau leaders!

Almost every county in the country has a conservation district to help local people conserve agricultural land, water, and related natural resources.



WORKING WITH LANDOWNERS: FORT CARSON, CO

Across the West, people are building the community support, organizational capacity, and financing necessary to protect our grasslands from suburban sprawl. In the Great Plains of Colorado, the Department of Defense (DoD), the U.S. Army, local landowners, and The Nature Conservancy (TNC) are working together to conserve natural resources in a win-win enterprise. This agreement, known as the Fort Carson Regional Partnership, is working toward the conservation of natural resources and the military mission. By collaborating with TNC and willing landowners, the Fort Carson Regional Partnership has been able to purchase conservation easements and options using funds from TNC, State government, local organizations, the Army, and the DoD Readiness and Environmental Protection Initiative (REPI).

While buffering Fort Carson from encroachment, landowners are able to maintain a way of life that might otherwise not have been viable. The purchase of these easements and leases with the help of State, DoD, and Army funds allows TNC to protect diverse and natural communities that otherwise would have been beyond its financial limits. At the same time, Fort Carson is provided with a buffer, enabling the installation to function fully without compromising its training standards and base-wide mission.

Natural Resources Conservation Service (NRCS)

NRCS provides a technical expert in almost every county in the nation, as well as a **State Conservationist** in each state. The State Conservationist can serve as a liaison to funding streams at the federal level, and can work with the technical service centers at the local level to implement conservation projects for interested private landowners.

Additionally, in November 2006, the NRCS signed a Memorandum of Understanding with the Department of Defense. The purpose of the MOU is to promote cooperative conservation between NRCS and DoD, and where appropriate, partnerships with other Federal agencies, states, local governments, non-governmental organizations and private landowners. The partners agreed to cooperate in such a manner as to raise the public understanding of the missions of both agencies, and to establish a coordination process that fosters cooperation at every level of both agencies.

Land Trusts and Private Conservation Organizations

Land trusts and private conservation organizations work to protect natural resources at the national, regional, state, and local levels. These nonprofit organizations typically rely on funding from members, private foundations, corporate and private donations, and government grants to support their work. National land trusts tend to be specialized on a particular aspect of the landscape, and have a variety of professional staff. For example, the mission of the American Farmland Trust is to protect our nation's farmland and promote environmental stewardship, while The Nature Conservancy's mission is to preserve the plants, animals, and natural communities that represent the diversity of life on earth by protecting the lands and waters they need to survive. Regional and local land trusts tend to be more generalized and vary greatly in terms of their size, scope, staffing, types of land protected, and resources available.

Land trusts often have good contacts with land owners and community leaders. As grassroots organizations, they can help with outreach to build support for an agricultural, open space, or buffer plan. The members and supporters of local land trusts may represent a vocal constituency that could help general support for conservation proposals. Land trusts with professional staff may be able to provide valuable technical expertise and services, such as:

- Raising funds to purchase conservation easements
- Mapping working lands and other open space resources
- Implementing measures to achieve the goals of an open space plan
- Educating landowners on available conservation tools

The Natural Resources Conservation Service (NRCS) is a Federal agency that works in partnership with the American people to conserve and sustain natural resources on private lands.

Get to know your State Conservationist!

National conservation organizations can increase public acceptance and exposure to your project. They have vast experience in land protection and may bring money to the table.

PUTTING IT ALL TOGETHER: CAMP RIPLEY, MN

Minnesota's Camp Ripley is America's second largest National Guard training site. Its mission is to provide the highest quality support to military and civilian training, and to add value to neighboring communities. Located in Minnesota's forest transition zone, Ripley is home to 17 protected species, including the bald eagle and timber wolf. Due to its proximity to the lakes region and the Mississippi River, Camp Ripley has seen property values and development pressures increase.

Though encroachment has not yet reached a critical level, Camp Ripley is engaged in a proactive approach to create a compatible land use buffer that will sustain both its military mission and unique natural environment. In 2003, the Minnesota Army Reserve National Guard (MNARNG) proposed implementation of an Army Compatible Use Buffer (ACUB) to ensure appropriate use adjacent to the base. The land management plan is known locally as the Prairie to Pines Partnership, and brings together 22 groups including The Conservation Fund, the Camp Ripley Citizens Committee and the Minnesota Department of Natural Resources (DNR).

CONCLUSION

Department of Defense planners and military leaders are reaching out to communities to help conserve land for farming, to protect valuable habitat to support well-planned growth, and to preserve significant historical and cultural assets while promoting development that is consistent with the military's job of ensuring America's security.

With vision and leadership, state and local governments can provide significant assistance in protecting working landscapes and achieving compatible land use around military installations. They can use planning and zoning, agricultural conservation easements, and policies such as TDR to arrive at win-win community solutions.

The future stability of rural communities and the nation's remaining large, undisturbed expanses of land depend on this vision and leadership. DoD's Readiness and Environmental Protection Initiative to engage local communities outside the fence line and DoD's partnerships to protect working landscapes and create compatible land use buffers are equally important land use tools.

For more information, contact your closest state American Farmland Trust office (see page 20) or the Sustainable Ranges Initiative, Office of the Deputy Undersecretary of Defense for Installations and Environment at www.denix.osd.mil/SustainableRanges.

With vision and leadership, state and local governments can provide significant assistance to DoD in protecting working landscapes and achieving compatible land use around military installations.

AFT RESOURCES

American Farmland Trust (AFT) is a private, nonprofit conservation organization founded in 1980 to protect our nation's strategic agricultural resources. AFT's mission is to stop the loss of productive farmland and to promote farming practices that lead to a healthy environment.

AFT's Farmland Information Center (FIC) is a clearinghouse for information about farmland protection and stewardship. A partnership with the U.S. Department of Agriculture's Natural Resources Conservation Service, the FIC includes an online collection of agricultural and land use statistics, laws, literature and technical resources. It also offers an answer service to provide direct technical assistance via phone, e-mail and fax.



NATIONAL OFFICE

1200 18th Street NW, Suite 800
Washington, DC 20036
(202) 331-7300
(202) 659-8339 FAX
www.farmland.org

FARMLAND INFORMATION CENTER

One Short Street, Suite 2
Northampton, MA 01060
(800) 370-4879
(413) 586-9332 FAX
www.farmlandinfo.org

AFT-California
(530) 753-1073

AFT-New England
(413) 586-4593, ext. 29

AFT-Pacific Northwest
(253) 446-9384

AFT-Mid-Atlantic
(202) 378-1235

AFT-New York
(518) 581-0078

AFT-All Other States
(413) 586-4593, ext. 12

OTHER RESOURCES

The Conservation Fund
(703) 525-6300
www.conservationfund.org

Ducks Unlimited
(800) 45DUCKS
www.ducks.org

Environmental Defense
(212) 505-2100
www.environmentaldefense.org

Farm Bureau
(202) 406-3600
www.fb.org

Farm Service Agency
(202) 720-7809
www.fsa.usda.gov/

Land Trust Alliance
(202) 638-4725
www.lta.org

National Association of
Conservation Districts
(202) 547-NACD
www.NACDnet.org

National Audubon Society
(212) 979-3000
www.audubon.org

National Oceanic and Atmospheric
Administration
(202) 482-6090
www.noaa.gov/

The Nature Conservancy
(800) 628-6860
www.nature.org

Pheasants Forever
(877) 773-2070
www.pheasantsforever.org/

USDA Forest Service
(202) 205-8333
Regional office locator
www.fs.fed.us/contactus/regions.shtml

USDA Natural Resources Conservation
Service
(202) 720-4527
State office locator
[www.nrcs.usda.gov/about/organization/
regions.html#state](http://www.nrcs.usda.gov/about/organization/regions.html#state)

USDA Service Centers
[http://offices.sc.egov.usda.gov/
locator/app](http://offices.sc.egov.usda.gov/locator/app)

U.S. Fish and Wildlife Service
State office locator
www.fws.gov/offices/

This primer is one of a series designed in cooperation with DoD's Sustainable Ranges Initiative. The primer series includes:

- ❖ Collaborative Land Use Planning: A Guide for Military Installations and Local Governments
- ❖ Commander's Guide to Community Involvement
- ❖ Outreach for Mission Sustainability: Working to Balance Military and Civilian Community Needs
- ❖ Partner's Guide to the Department of Defense's Readiness and Environmental Protection Initiative (REPI)
- ❖ Working to Preserve Farm, Forest and Ranch Lands: A Guide for Military Installations
- ❖ Working with Conservation Districts: A Guide for Military Installations
- ❖ Working with Land Trusts: A Guide for Military Installations and Land Trusts
- ❖ Working with Local Governments: A Practical Guide for Installations
- ❖ Working with Regional Councils: A Guide for Installations
- ❖ Working with State Legislators: A Guide for Military Installations and State Legislators

These primers are available online at <http://www.denix.osd.mil/sri/Tools/Primers.cfm>

To obtain hard copies or for more information, contact:

Sustainable Ranges Outreach Coordinator
Office of the Deputy Under Secretary of Defense
(Installations and Environment)
www.denix.osd.mil/SustainableRanges
(571) 969-6774

