



MAINE FARMLAND TRUST

MAINE FARMLAND TRUST Requirements and Additional Considerations for Farmland Protection Projects

Adopted May 26, 2015

REQUIREMENTS

The MFT Requirements for Farmland Protection Projects, set forth below, assist the MFT Lands Committee, Board, and staff in evaluating farmland protection projects as to their eligibility for each MFT land protection program. When presenting a land project for committee or board consideration, staff must outline how each of the following requirements is met.

Donated Easements

1. The land to be protected is suitable for ag activities and is either currently a working farm (or utilized by such) or has attributes*¹ so that it could become a working farm (or be utilized by such).
2. Adequate stewardship funding is available, either from the landowner, or from other project partners (including MFT).
3. MFT staff reasonably believes that MFT's due diligence requirements (including environmental assessment and title investigation, including the discharge or subordination of any mortgage or other liens on the property) will be satisfactorily addressed before closing.

Purchased Easements (MFT)

1. The land to be protected must fall into one of the following categories: a) it is a commercial farm; b) it contains farmland that is currently used by a commercial farm; or c) it is intended to become a commercial farm or to have its farmland used by a commercial farm under a clear plan, where selling an easement under this program is part of that plan.
2. Adequate stewardship funding is available, either from the landowner, or from other project partners (including MFT).
3. MFT staff reasonably believes that MFT's due diligence requirements (including environmental assessment and title investigation, including the discharge or subordination of any mortgage or other liens on the property) will be satisfactorily addressed before closing.

Purchased Easements (Other Funders)

1. The land to be protected is either currently a working farm (or utilized by such) or has attributes* such that it could become a working farm (or be utilized by such).
2. Adequate stewardship funding is available, either from the landowner, or from other project partners (including MFT).

* Attributes include sufficient farm soils, sufficient open fields or potential for same, on-farm infrastructure, and proximity to associated agricultural enterprises and markets.

3. MFT staff reasonably believes that MFT's due diligence requirements (including environmental assessment and title investigation, including the discharge or subordination of any mortgage or other liens on the property) will be satisfactorily addressed before closing.
4. Property meets many additional criteria of funding entity.

Buy/Protect/Sell

1. The land to be protected is either currently a working farm (or utilized by such) or has attributes* such that it could become a working farm (or be utilized by such).
2. Adequate stewardship funding is available, either from the landowner, from other project partners (including MFT), or from the proceeds of resale of the property.
3. MFT staff reasonably believes that MFT's due diligence requirements (including environmental assessment and title investigation) will be satisfactorily addressed before closing.
4. Property is located in an area where there is sufficient critical mass of farms and farm infrastructure to support agriculture.
5. Property is expected to be able to support at least one viable farm operation
6. Property must be such that MFT can reasonably expect to meet its farmland protection goal and still recoup all project costs, including stewardship funding, if necessary, through resale of farm parcel(s) together with, if necessary, some combination of reconfiguration to allow limited development, fundraising, bargain sale, conservation grant programs (such as LMF or ALE) and/or other revenue enhancer or generator.

ADDITIONAL CONSIDERATIONS

In addition to outlining how a potential land protection project meets the foregoing Requirements, additional factors may bring merit to the project. Below is a list of factors that warrant consideration during staff, committee or Board evaluation of lands projects.

1. The quantity of prime and/or significant agricultural soils present on the property, or, lacking such soil resources, the property has characteristics which otherwise support its agricultural viability (i.e., forest pasture, sugarbush, blueberry ground, etc).
2. The property is close to other active and productive farms and associated agricultural enterprises.
3. The land protection effort has the potential to result in increased farm activity and/or viability on nearby or abutting farms (not an important factor for donated easements).
4. The farm is utilizing sound resource management practices, such as soil and water conservation practices, a forest management plan, NRCS conservation plan, a nutrient management plan, etc.
5. The land protection effort involves more than one farm property and farmland owner in a locality.
6. The easement will help enable the transfer of the farm to a next generation (including a beginning farmer).
7. There are other productive farm assets that contribute to the farm's viability, including availability and condition of farm infrastructure, inclusion of working forestland within the proposed easement area, and proximity to a source of irrigation.

8. The property is under current or emerging threat to conversion to non-agricultural uses, including the possibility that the land could be taken out of agriculture if it is transferred unencumbered by an easement.
9. The land protection effort has the potential to result in additional conservation opportunities.
10. There is community support for protecting the agricultural, open space, cultural or other public benefits afforded by the farm.
11. The land protection effort provides us with a desirable opportunity to partner with another entity (financial partnership/easement holder partnership, etc.)
12. The farm is near other protected property of significance, not necessarily farmland. There are additional conservation values besides agriculture, including riparian protection, recreational opportunities, and habitat value that could be protected as a result of placing an easement on the farm.
13. The farmer is interested in transitioning to sound resource management practices, such as soil and water conservation practices, a forest management plan, NRCS conservation plan, a nutrient management plan, etc.
14. Is there any apparent disagreement between the landowner's interests and our typical easement provisions?
15. What is the current number of existing development rights offered under current zoning? (i.e., the number of residences that would be permitted on an unencumbered property).
16. Consideration of the financial needs of the present landowner (relates to donated vs purchased easement, and also how easement might affect estate plan or eldercare issues).