



Commonwealth of Massachusetts  
Office of the State Auditor  
Suzanne M. Bump

*Making government work better*

Official Audit Report – Issued August 22, 2018

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## Massachusetts Department of Agricultural Resources

For the period July 1, 2015 through June 30, 2017





Commonwealth of Massachusetts  
Office of the State Auditor  
Suzanne M. Bump

*Making government work better*

August 22, 2018

Mr. Matthew A. Beaton, Secretary  
Executive Office of Energy and Environmental Affairs  
100 Cambridge Street, Suite 900  
Boston, MA 02114

Dear Secretary Beaton:

I am pleased to provide this performance audit of the Massachusetts Department of Agricultural Resources. This report details the audit objective, scope, methodology, findings, and recommendations for the audit period, July 1, 2015 through June 30, 2017. My audit staff discussed the contents of this report with management of the agency, whose comments are reflected in this report.

I would also like to express my appreciation to the Massachusetts Department of Agricultural Resources for the cooperation and assistance provided to my staff during the audit.

Sincerely,

A handwritten signature in blue ink, appearing to read "SMB", written over a light blue circular background.

Suzanne M. Bump  
Auditor of the Commonwealth

cc: John Lebeaux, Commissioner, Massachusetts Department of Agricultural Resources

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## LIST OF ABBREVIATIONS

ACTA	Agricultural Conservation and Technical Assistance
ALE	Agricultural Land Easements
ALPC	Agricultural Lands Preservation Committee
APR	Agricultural Preservation Restriction
BMR	baseline monitoring report
CMR	Code of Massachusetts Regulations
COA	certificate of approval
EOEEA	Executive Office of Energy and Environmental Affairs
MDAR	Massachusetts Department of Agricultural Resources
NRCS	Natural Resources Conservation Service
OPAV	Option to Purchase at Agricultural Value
ROFR	Right of First Refusal
USDA	United States Department of Agriculture

## EXECUTIVE SUMMARY

In accordance with Section 12 of Chapter 11 of the Massachusetts General Laws, the Office of the State Auditor has conducted a performance audit of the Massachusetts Department of Agricultural Resources (MDAR) for the period July 1, 2015 through June 30, 2017. In this performance audit, we examined MDAR's activities related to its administration of the Agricultural Preservation Restriction (APR) Program.

Below is a summary of our findings and recommendations, with links to each page listed.

<b>Finding 1</b> <b>Page <a href="#">10</a></b>	MDAR is not effectively monitoring the use of APR Program farmland.
<b>Recommendation</b> <b>Page <a href="#">11</a></b>	MDAR should develop policies and procedures that require the annual monitoring of APR Program parcels. Depending on MDAR's available resources, this could include such things as a combination of farm visits, telephone calls, email inquiries, and satellite tracking of farmland use.
<b>Finding 2a</b> <b>Page <a href="#">12</a></b>	MDAR lacks an effective education component for current and potential APR Program participants.
<b>Finding 2b</b> <b>Page <a href="#">14</a></b>	Transactions related to the sale of APR Program farmland lack sufficient farmer input and transparency.
<b>Recommendations</b> <b>Page <a href="#">17</a></b>	<ol style="list-style-type: none"><li>1. MDAR should seek the funding and other resources necessary to establish a formal training component that covers all aspects of the APR Program for both potential and current APR Program farmland owners. It should also review, and update as necessary, all APR Program information and documents to ensure that they are current and understandable and detail all aspects of the program, including different scenarios that could occur in the sale of property.</li><li>2. MDAR should amend its guidelines to include when and under what conditions it will exercise its option to use the "Option to Purchase at Agricultural Value" provision and also to allow losing bidders to obtain information about why their bids were not accepted.</li><li>3. The Agricultural Lands Preservation Committee should consider taking the measures necessary to allow APR Program farmland owners to appeal sales of their property that have been denied by MDAR.</li><li>4. MDAR should take whatever measures it deems appropriate to address the issue of allowing a farmer to withdraw from the sale of an APR Program farmland parcel if MDAR assigns the option to purchase to someone other than the farmer's preferred purchaser.</li></ol>

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## OVERVIEW OF AUDITED ENTITY

The Massachusetts Department of Agricultural Resources (MDAR), an agency within the Executive Office of Energy and Environmental Affairs (EOEEA), was established under Section 1 of Chapter 20 of the Massachusetts General Laws. Chapter 20 also established a Board of Agriculture to oversee MDAR's operations that consists of 13 members, appointed by the Governor, who represent diverse agricultural operations within the Commonwealth. At least nine of the board's members must be farmers. According to MDAR's website, "The Department's mission is to help keep the Massachusetts food supply safe and secure, and work to keep Massachusetts agriculture economically and environmentally sound." MDAR's day-to-day operations are administered by a commissioner who is appointed by the Secretary of EOEEA. MDAR had annual appropriations of \$32,448,025 and \$32,622,854 for fiscal years 2015 and 2016, respectively, and approximately 82 employees. MDAR is headquartered at 251 Causeway Street in Boston.

During our audit period, MDAR had six operating divisions: Administration, Agricultural Markets, Animal Health, Crop and Pest Services, Legal Services, and Agricultural Conservation and Technical Assistance (ACTA). Under its ACTA Division, MDAR operates its Agricultural Preservation Restriction (APR) Program, which was the subject of our audit.

### APR Program

MDAR's APR Program was established by the state Legislature in 1977 and is a key component of the Commonwealth's farmland protection efforts. This program is designed to protect the most productive agricultural lands in the Commonwealth and establishes permanent deed restrictions on agricultural lands, protecting them from any use that might diminish the area's agricultural potential. Under this voluntary program, in accordance with Chapter 780 of the Acts of 1977, the Commonwealth and a farmer whose application to participate in the program has been approved enter into a contract under which the Commonwealth agrees to pay the farmer the non-agricultural value<sup>1</sup> of the farmland in exchange for a permanent deed restriction that prevents uses of, and activities on, the property that

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1. Non-agricultural value is the difference between fair market value and fair market agricultural value. Section 22.02 of Title 330 of the Code of Massachusetts Regulations defines "fair market value" as "the most probable price that a parcel would bring in a competitive and open market under all conditions requisite to a fair sale," including selling the farm to commercial interests. It describes "fair market agricultural value" as the combined total value of the agricultural land; the agricultural business, including buildings, infrastructure, and other elements; and any residences on the APR Program farmland.

might affect its present or future agricultural use and viability. In return for this payment, the farmer agrees to abide by an APR Program contract provision in perpetuity on the designated farmland. The provision states that the farmer must obtain approval from MDAR for any future construction of buildings or other structures, excavation of farm soils, or non-agricultural events to be held on the APR Program farmland. Additionally, the provision spells out the process a farmer must follow when s/he wants to sell APR Program farmland.

Since the inception of the APR Program, MDAR has modified its standard APR Program contract twice. In 1987, MDAR included a “Right of First Refusal” (ROFR) clause, which gave the Commonwealth the option to purchase farmland at the same price offered by an independent buyer. Subsequently, in early 1994, MDAR amended the standard contract by replacing the ROFR clause with an “Option to Purchase at Agricultural Value” clause, which established the Commonwealth’s right to purchase a property if a participating farmer receives a purchase offer for the land at its agricultural value as opposed to its fair market value or the purchase price offered by an independent buyer. The sale price is determined through appraisal or by adjusting the original purchase price based on the interim change in the Consumer Price Index.<sup>2</sup> In these cases, MDAR, as an agent for the Commonwealth, may approve the farmer’s selection of an independent buyer and waive its option to buy the APR Program farmland; exercise its option to buy the farmland at fair market value or the price offered by the farmer’s selected buyer; or send the property out to bid, if MDAR determines that the original potential buyer does not meet the qualifications for purchasing APR Program farmland, such as demonstrating an ability to pay or having a résumé that indicates agricultural experience. For cases in which multiple qualified bids are received, MDAR has developed, and made available to all APR Program parcel sellers and bidders, a scoring form titled Internal Evaluation—Statement of Interest that MDAR uses to assign points based on the bidders’ farming histories and their proximity to the APR Program parcel being sold. MDAR subsequently informs the bidders of the evaluation outcome and gives them copies of their evaluations, detailing the points assigned to their bids. The winning bidder then completes the property transfer and owns the APR Program farmland, subject to the APR Program contract signed with the original holder of the APR Program farmland. In cases where multiple qualified bids are not received, MDAR can either purchase the land or allow the property to be sold to the original bidder.

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2. According to the US Bureau of Labor Statistics, the Consumer Price Index is “a measure of the average change over time in the prices paid by urban consumers for a market basket of consumer goods and services. Indexes are available for the U.S. and various geographic areas.”

Since 1995, MDAR has partnered with the United States Department of Agriculture's (USDA's) Natural Resources Conservation Service (NRCS) to help fund the purchase of farmlands such as those in its APR Program. The Agricultural Land Easements (ALE) Program administered by NRCS provides financial assistance to state and local governments and nongovernmental organizations that have farmland protection programs. The main goal of this program is to protect the long-term sustainability of the nation's food supply by preventing farmland from being used for non-agricultural purposes. Farmers who want to preserve a parcel of farmland work with both MDAR and NRCS to complete applications to be accepted into the APR and ALE Programs. Once NRCS approves an application, MDAR funds the farmland purchase fully. MDAR then seeks reimbursement from NRCS. NRCS may contribute up to 50% of the fair market value of the cost of the farmland.

As of the end of our audit period, MDAR had entered into 909 APR Program contracts, each representing a specific parcel of land, in 13 of the 14 Massachusetts counties. Of the 909 farmlands, 298 (33%) were funded with NRCS resources. NRCS requires MDAR to monitor farmland that the ALE Program has helped subsidize to ensure that the APR Program farmland owner complies with the APR/ALE Program agreement and that the farmland is still suitable for agriculture.

The Agricultural Lands Preservation Committee (ALPC) within MDAR is responsible for evaluating APR Program applications and deciding whether to approve them. State officials on the committee include the commissioner of MDAR, who is its chair; EOEEA's Secretary or a designee from that agency; representatives from the Department of Housing and Community Development and from the Center for Agriculture at the University of Massachusetts Amherst; and the chair of the Massachusetts Board of Agriculture. Four other members are appointed by the Governor; two of these must be farmers. The committee makes its decisions based on MDAR's recommendation regarding each parcel's suitability for agricultural use. ALPC also reviews both a parcel's fair market value in an open, competitive sale and the value of the land when used for agricultural purposes only, as determined by independent appraisals. Additionally, ALPC has the authority to hold adjudicatory hearings to hear grievances from farmers who have been denied approval from MDAR for conducting certain agricultural activities, building structures, or conducting non-farming activities on APR Program farmland. (Such approval is required before an APR Program farmland owner can construct buildings or hold non-agricultural events on APR Program farmland.) ALPC has the final authority to grant APR Program participants certificates of approval for such activities if they have been denied. Finally, ALPC may advise MDAR and make policy



recommendations or changes to the agency. ALPC does not hold regularly scheduled meetings but rather meets at the request of the chair, who is also required to schedule a meeting upon the request of any five owners of APR Program parcels.

Since the APR Program's inception, the Commonwealth has spent approximately \$353 million to purchase 73,000 acres of farmland. However, the program has seen a decline in funding from both the Commonwealth and NRCS (see Other Matters). For example, in fiscal year 2011, MDAR spent \$14,330,360 securing APR Program restrictions on 27 farms, consisting of 1,496 acres, but in fiscal year 2017, it spent only \$5,044,372 for 14 farms with 532 acres. The table below shows the number of APR Program applications that were approved during our audit period.

Period	APR Program Farmland Contracts Approved
July–December 2015	4
January–June 2016	5
July–December 2016	6
January–June 2017	8

During our audit period, there were 7,755 farms in Massachusetts covering more than 523,000 acres. Approximately 14% of this farmland was involved in the APR Program. The number of farms and what they produce have dramatically changed since the inception of the APR Program. For example, the number of farms producing dairy and milk products in Massachusetts has decreased, from a high of more than 900 in 1978 to just 147 during our audit period. The table below compares the types of farms operating in the Commonwealth around the time the APR Program was established with those operating in calendar year 2012, the most recent year for which USDA has published data.

Type of Farming	Number of Farms in 1978	Number of Farms in 2012	Percentage Change
Vegetables and Melons	968	923	(5%)
Fruits, Nuts, and Berries	907	779	(14%)
Nursery and Greenhouse	749	968	29%
Tobacco	44	11	(75%)
Hay, Silage, and Feed	1,090	1,097	0%
Cattle and Calves	1,803	628	(65%)
Dairy and Milk Products	902	147	(84%)
Poultry and Eggs	458	380	(17%)
Hogs and Pigs	435	135	(69%)
Sheep, Lambs, and Wool	280	365	30%

## AUDIT OBJECTIVES, SCOPE, AND METHODOLOGY

In accordance with Section 12 of Chapter 11 of the Massachusetts General Laws, the Office of the State Auditor has conducted a performance audit of certain activities of the Massachusetts Department of Agricultural Resources (MDAR) for the period July 1, 2015 through June 30, 2017.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Below is our audit objective, indicating the question we intended our audit to answer, the conclusion we reached regarding the audit objective, and where the objective is discussed in the audit findings.

Objective	Conclusion
1. Does MDAR administer the Agricultural Preservation Restriction (APR) Program in accordance with applicable laws, rules, regulations, and best practices in addition to its own internal policies and procedures?	No; see <b>Finding 1</b> , <b>Finding 2</b> , and <b>Other Matters</b>

To achieve our audit objectives, we gained an understanding of MDAR's internal control environment related to the administration of the APR Program. We also reviewed applicable laws, regulations, and agency policies and procedures, as well as MDAR's 2016 internal control plan, the most recent one available. We tested a sample of baseline monitoring reports (BMRs)<sup>3</sup> and verified that they were signed by property owners and monitoring agents (independent contractors hired by MDAR to produce BMRs). We also reviewed the frequency of MDAR inspections of APR Program farmland after initial BMRs were produced.

To assess the reliability of the data we received from MDAR related to the 909 farmland parcels in the APR Program, we obtained from MDAR a Microsoft Excel spreadsheet that contained the relevant parcel information from emails and source documents. We tested the spreadsheet for duplicates and for missing and hidden data fields. We believe this list was substantially complete, based on the control test

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3. A BMR includes photographs, maps, and narratives meant to explain the state of a restricted property and establish a baseline from which alterations can be assessed.

as well as the visits to farms, but could not validate that the spreadsheet contained all APR farms. We believe the data to be sufficiently reliable for the purpose of this audit.

We reviewed APR Program contracts to identify the procedures farmers must follow to obtain approval from MDAR before constructing buildings or other structures or holding non-agricultural events on APR Program farmland. We met with legislative leaders, Board of Agriculture members, former MDAR senior managers, Massachusetts Farm Bureau Federation officers, farmers, representatives from land conservation organizations, and an attorney who represents many farmers on APR Program issues, in order to gain an understanding of their experiences with the APR Program. Our intent was to determine whether MDAR administered the APR Program in accordance with established laws, regulations, and agency policies and procedures. We conducted further audit testing as described below.

To gain an understanding of MDAR's process of evaluating applications to participate in the APR Program, perform construction, obtain special permits for non-agricultural events, or sell existing APR Program parcels, we interviewed MDAR management about the agency's process for approving or denying the applications. We also met with officials from the United States Department of Agriculture's Natural Resources Conservation Service (NRCS) and representatives from other states' agricultural departments, including the Connecticut Department of Agriculture and the Vermont Agency of Agriculture, to understand their perspectives on the processing of applications to bring farmland into the Agricultural Land Easements (ALE) Program. We reviewed an MDAR website for farmers that contains guidelines on bringing farmland into the APR Program and applying for approval to build structures or conduct non-farming activities on APR Program farmland.

### **APR Program Farmland Monitoring**

We interviewed MDAR management to determine whether routine monitoring was performed on APR Program farmland. To test whether MDAR monitored the ongoing use of APR Program farmland, we visited farms to observe the upkeep of APR Program farmland and to determine whether the farmers had been visited by MDAR representatives in the past two years to assess their compliance with the APR Program contract. We randomly selected a statistical sample of 60 farmland parcels (see Appendix B) from a population of 409 farms that were not part of the ALE program and had more than 30 acres.

## Education

We met with legislators, management at the Massachusetts Farm Bureau Federation, land trust representatives,<sup>4</sup> and individual farmers and gathered evidence through interviews to assess whether farmers understood how approvals were granted for special permits and certificates of approval, as well as the subsequent sale of APR parcels using “Right of First Refusal” (ROFR) clauses or “Option to Purchase at Agricultural Value” (OPAV) clauses, to assess whether MDAR’s education of farmers was adequate.

We interviewed MDAR management to gain an understanding of APR farmer training and how MDAR educates non-APR Program farmers who have expressed an interest in participating in the program.

## Selection Process for Multiple Bids

We reviewed the two versions of the APR Program contracts—those that contain an ROFR clause and those that include an OPAV clause—to determine what documentation was needed from owners of APR Program farmland in order for the Commonwealth to exercise, assign, or waive its right or option in the sale of APR Program farmland. Additionally, we reviewed published sale and bidding guidelines for farmland owners and bidders, including information about MDAR’s options regarding the sale of APR Program farmland and its procedures for assessing multiple bids.

We interviewed MDAR personnel and reviewed documents related to the sale of farmland to determine whether the documents supported each MDAR decision to assign the option to a different bidder.

We used a binomial statistical sample of 60 farmland parcels to test whether farms were monitored by MDAR annually, and we were able to project the results to the population of 409 farms that were not part of the ALE program and had more than 30 acres with a 95% confidence level and a sampling error of +/- 10.8%.

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4. These are residents who help preserve and protect open space in their cities or towns.

## **DETAILED AUDIT FINDINGS WITH AUDITEE'S RESPONSE**

### **1. The Massachusetts Department of Agricultural Resources does not effectively monitor the use of Agricultural Preservation Restriction Program farmland.**

The Massachusetts Department of Agricultural Resources (MDAR) does not routinely monitor Agricultural Preservation Restriction (APR) Program farmland to ensure that it is operated in accordance with APR Program contract requirements. Specifically, out of a statistical sample of 60 parcels that we visited, 42 (70%) of the parcel owners said that they had had no contact with MDAR, including monitoring visits, for periods ranging from 2 to 25 years. Those who said they had had contact with MDAR stated that they were contacted regarding baseline monitoring reports (BMRs) or in response to applications for grants to make capital improvements. Based on our sampling method, with a 95% confidence, we concluded that between 237 and 328 farms of more than 30 acres that were not part of the Agricultural Land Easements (ALE) program were not sufficiently monitored by MDAR. Without routinely monitoring these farmland parcels, MDAR cannot ensure that APR Program farmland is properly used for agricultural purposes, and the agency forgoes opportunities to meet with participating farmers to share information. Further, this lack of monitoring could result in significant abuses going undetected, such as illegal dumping, vandalizing of the infrastructure and buildings, and other activities that may damage the soil and make the land no longer suitable for agricultural use.

### **Authoritative Guidance**

Section F of the APR/ALE Program agreement entered into by MDAR, the United States Department of Agriculture's (USDA's) Natural Resources Conservation Service (NRCS), and farmers states that MDAR "will . . . annually monitor the Premises ensuring that active farm operations are in compliance with the NRCS conservation plan and in compliance with this Restriction." Although MDAR is only required to annually monitor the 298 parcels that were purchased using NRCS funds, this requirement represents a best practice that we believe MDAR should follow for all parcels in the APR Program. MDAR's standard APR Program contract gives MDAR the authority to enter APR Program parcels, including buildings and other structures, with prior notice, to determine whether farmers comply with the APR Program contract, and its regulations allow it to impose financial penalties if violations are identified.

## Reasons for Issues

MDAR personnel stated that because of a lack of resources, they cannot regularly monitor all APR Program farmland and can only visit farms if they are contacted by a farmland owner for a specific purpose, such as to alter a provision of an APR Program contract. In many cases, BMRs produced when farmers are first accepted into the APR Program are MDAR's only source of information about the state of an APR Program farmland parcel. MDAR has not developed policies and procedures for monitoring the state-financed farmland parcels.

## Recommendation

MDAR should develop policies and procedures that require the annual monitoring of APR Program parcels. Depending on MDAR's available resources, this could include such things as a combination of farm visits, telephone calls, email inquiries, and satellite tracking of farmland use.

## Auditee's Response

*As the audit report indicates, annual monitoring of APR land is mandatory only under federally funded APRs, pursuant to terms required by the United States Department of Agriculture's (USDA's) Natural Resources Conservation Service (NRCS). Nevertheless, MDAR acknowledges that adequate monitoring is a key component of ensuring the continued agricultural viability of APR land and preventing abandonment or other issues that could lead to enforcement actions.*

*MDAR's monitoring efforts to date have focused on conducting site visits in the course of responding to and processing requests for grant funding, certificates of approvals or special permits, developing a routine monitoring schedule for all federally funded APRs and completing the baseline monitoring for all 909 APR properties. Of the 60 APR farms sampled as part of the audit the majority have had contact with the APR program through these types of requests. Of the 60 farms sampled as part of the audit, all of the APR farms have had an APR baseline report completed. By the end of FY2018 we anticipate that all 909 APRs will have had a baseline document created. Because baseline monitoring reports will provide solid documentation of a farm's baseline conditions, MDAR will now shift its focus to conducting regular monitoring of APRs without a Federal component (i.e., state-funded APRs). In the Spring of 2018, MDAR contracted to monitor 51 non-federally funded APRs that had closed between 1980 and 1987. These monitoring reports are due by the end of FY 2018 and will provide a formal update on any changes to the APR property since the completion of the baseline monitoring report. The intent moving forward is to reallocate stewardship funds that were being spent on the baseline monitoring reports to focus on monitoring non-federally co-held APRs.*

## **2. MDAR's APR Program lacks an effective farmer education component and a transparent sale process for APR Program property.**

Certain aspects of MDAR's administration of the APR Program could be improved. Specifically, the process MDAR uses to execute the sale of some APR Program farmland lacks sufficient transparency and can create complexities that may hinder APR Program farmland owners' ability to derive the maximum benefit from the sale. Also, the process and information that MDAR uses to educate farmers about the APR Program could be enhanced to ensure that participating farmers are fully aware of program requirements and processes and all of their options when it comes to the use and sale of their property. Program administration issues such as these could result in participating farmers unknowingly violating program requirements and/or being unfairly financially penalized.

### **a. MDAR lacks an effective education component for current and potential APR Program participants.**

The process that MDAR has established to educate farmers about the APR Program does not appear to be adequate. MDAR operates under APR Program-related regulations established under Section 22 of Title 330 of the Code of Massachusetts Regulations (CMR) that are intended "to provide guidance and clarification for present and future APR Parcel Owners regarding their rights and responsibilities and the Department's responsibilities," as well as other policies, procedures, and program guidelines. However, although MDAR makes this information available to farmers, it does not provide any type of formal training and/or hold informational workshops that would provide an understandable overview of all APR Program requirements and an opportunity for farmers who are considering or currently participating in the program to ask questions. According to a number of farmers with whom we spoke, the APR Program information that MDAR makes available to farmers is sometimes unclear, too technical, and/or inadequate. For example, there is minimal guidance on how farmers can use natural resources such as solar energy or newly discovered water on their APR Program parcels; no information on a number of special-permitting options that are available to farmers; and minimal information regarding farmland-related resource use thresholds and restrictions that may apply to activities on APR Program parcels, such as the amount of resources that have to be produced on the APR Program farmland in support of a business activity. A number of APR Program farmers with whom we spoke expressed frustration over their lack of understanding of how certain aspects of the program work (see Appendix A for examples). As a result, these farmers may not fully understand the limitations on the use of their APR Program farmland when



developing their business plans for their parcels, which may result in lower-than-expected revenue and financial stress. Further, a lack of understanding about program requirements and processes may result in APR Program farmers unknowingly conducting activities on their farmland that may conflict with MDAR's APR Program requirements.

### **Authoritative Guidance**

USDA has issued education and assistance resources for new farmers, emphasizing the importance of providing education and technical support for farmers and farm programs both to encourage participation and to ensure that participants understand how these programs operate and can thus receive the full benefits of participating. According to its website,

*USDA offers a wealth of information and services for new farmers and ranchers. Such services include providing cutting-edge agricultural research, collecting and sharing information on markets, providing technical assistance for common challenges or issues on the farm, and offering programs to help support new farmers and ranchers in local communities.*

Providing such services and support, with a focus on educating farmers about the mission of the program and acceptable farmland improvements and activities, is a best practice MDAR should follow.

Land for Good, a nonprofit organization located in Keene, New Hampshire, whose mission is similar to the APR Program's, has developed a farm education program that involves providing program participants with "educational and planning materials, workshops and training, technical assistance and support on farmland tenure [holding rights], access, affordability, lease or purchase, and related topics." Land for Good's educational programs represent a model that MDAR could follow.

### **Reasons for Issues**

MDAR stated that it has not had the resources necessary to develop a farmer education program and instead relies on the information on its website and in the original APR Program contract to inform farmers of how to join and participate in the APR Program and/or how to perform activities that need prior approval from the agency.

**b. Transactions related to the sale of APR Program farmland lack sufficient farmer input and transparency.**

As previously noted, in 1994 MDAR amended its standard APR Program contract by requiring farmers who want to participate in the program to agree to an "Option to Purchase at Agricultural Value" (OPAV) clause. The "Right of First Refusal" and OPAV clauses are both MDAR policies and are not codified in laws or regulations, which are permanent and require transparency and public input in their creation. MDAR's authority for instituting these policies is derived from a broad clause in Section 31 of Chapter 184 of the Massachusetts General Laws that gives its commissioner the power to do what s/he believes is in the best interest of the APR Program. The OPAV clause establishes the right of the Commonwealth to buy the APR Program farmland when a farmer decides to sell his/her parcel; assign the option to buy the land to another purchaser, including the potential buyer that the APR Program farmland owner originally identified; or send the property out to bid, if MDAR determines that the original potential buyer does not meet the qualifications for purchasing APR Program farmland. Under current MDAR procedures, when there are multiple bids on an APR Program property, MDAR uses a scoring system to select the winning bidder. Under this system, potential buyers are first evaluated on a yes-or-no basis using four specific criteria, such as their demonstrated ability to pay the fair market agricultural value for the land and whether they submitted acceptable farm plans. If more than one potential bidder satisfies the initial criteria, the qualified bidders are further evaluated on the basis of four additional criteria, such as whether they have previously participated in the APR Program, under a point-based scoring system where an applicant can achieve a maximum of 14 points.

During our audit, we found problems with this process in terms of transparency. First, there are no specific details in MDAR guidelines regarding when the agency should exercise its option to use OPAV, which could result in an inconsistent application of this authority. Second, according to MDAR officials, when a bidder is rejected, MDAR does not formally provide the reasons for the rejection, even if the bidder submitted the highest bid.

Further, we found that the process that MDAR uses for the sale of APR Program parcels sometimes creates complexities that can frustrate farmers and may result in a farmer not being able to derive the maximum possible benefits from the sale of his/her parcel. For example, when MDAR sends a property out to bid, a bidder who already owns or leases other APR Program farmland is awarded

three points under the scoring system; MDAR does not award those points to bidders who do not already own APR Program farmland, and thus it effectively limits the number of potential buyers. Because it does not allocate points to otherwise qualified buyers who do not own APR Program farmland, the bid process is biased and may result in the seller not being able to select the highest bidder for his/her parcel.

We also saw instances where MDAR complicated the sale of APR Program farmland when farmers owned both APR Program and non-APR Program farmland. For example, in one instance, a farmer was selling his farm, which consisted of both an APR Program parcel and a farmhouse that was located on a non-APR Program parcel. MDAR rejected the highest bid that included the purchase of both the APR Program parcel and the farmhouse and instead awarded the bid to a bidder who only agreed to buy the APR Program parcel. As a result, the selling farmer had to look for another buyer to purchase just the farmhouse without the farmland attached to it.

In another instance, MDAR stopped the sale of an APR Program farmland parcel located in western Massachusetts because the potential buyer wanted to use the parcel to grow native plants to use in a landscaping business. MDAR exercised its OPAV authority because it believed that the land would not be used for its best agricultural purpose, even though the farmer selling the property had received permission from MDAR to use the land for this purpose and been doing so for the past 13 years. MDAR ultimately sold the parcel to a neighboring farmer who planned to graze his cattle on the farmland.

Additionally, a number of APR Program farmers we met with expressed concerns about not being able to withdraw from the sale and bidding process if the option to purchase was assigned by MDAR to someone other than their preferred purchasers, as they would be able to do with any other real-estate transaction. Several also complained about their inability to appeal MDAR's decision to sell their parcel to a particular buyer to the Agricultural Lands Preservation Committee (ALPC).

Finally, according to some APR Program participants with whom we spoke, there has also been a shift in how farmers choose to operate their APR Program farmland, with more farmers looking for alternative enterprises, such as operating breweries or wineries or conducting agritourism, to generate badly needed income. However, they indicated that the way MDAR administers the program creates obstacles that discourage farmers from pursuing these types of activities.

## Authoritative Guidance

Other states' agricultural agencies that oversee APR programs similar to MDAR's operate their programs in a less-restrictive and less-complicated manner.

For example, the State of Connecticut's Department of Agriculture has published a document titled "Conservation Options for Connecticut Farmland" that states that "landowners can transfer or sell their property to anyone they choose" as long as the buyer agrees to abide by the terms of the agricultural conservation easement.

Similarly, Chapter 138e.227 of the Pennsylvania Code (the state's official published rules and regulations) addresses the state's Agricultural Conservation Easement Purchase Program and landowners' duties with respect to change of ownership by establishing the following simple process regarding the sale of program property:

*A deed conveying an interest in the restricted land shall set forth the language of the easement restrictions verbatim.*

*Within 30 days of a change in ownership of the restricted land, the prior owner shall notify the county board and the Department of the name and address of the new owner, provide each a copy of the deed, provide a statement of the price per acre or portion thereof involved in the transfer and a reference to the volume and page in which the transfer has been recorded by the county recorder of deeds.*

In terms of transparency, the Office of the State Comptroller of New Jersey report "Best Practices for Awarding Service Contracts," dated March 4, 2010, states,

*The process of actually scoring competing proposals should be understandable to those who evaluate the proposals, explainable to vendors before and after the award process, and capable of withstanding scrutiny in the event of any bid protest. A scoring process that is not explainable by, or understandable to, those who evaluate competing proposals can prove embarrassing when a contracting unit finds itself having to defend its decision-making.*

Regarding notifying losing bidders, the New York State Office of General Services Contract Award Notification states,

*Unsuccessful Bidders shall be notified upon Notification of Award to the winning Contractor(s). A Bidder shall be accorded fair and equal treatment with respect to its opportunity for debriefing. Requests for debriefings may be made both prior to and after Contracts are awarded.*

Massachusetts's Operational Services Division, the agency charged with regulating procurements by state agencies, states in 801 CMR 21.06(4) that each rejected bidder should be provided with a reason it was not selected and afforded an opportunity for a debriefing.

### **Reasons for Lack of Transparency**

MDAR officials stated that they think it is in the best interest of the APR Program to give preference to bidders who have owned or leased other APR Program parcels, since they already have experience with the program's requirements. They also stated that the agency denies or modifies sales when it believes that is in the best interest of the preservation of the farmland. Finally, they indicated that they feel that the OPAV provisions of the APR Program contract would become useless if APR Program parcel owners were given the option to back out of the sale agreements on APR Program parcels in which the buyer is selected by MDAR.

### **Recommendations**

1. MDAR should seek the funding and other resources necessary to establish a formal training component that covers all aspects of the APR Program for both potential and current APR Program farmland owners. It should also review, and update as necessary, all APR Program information and documents to ensure that they are current and understandable and detail all aspects of the program, including different scenarios that could occur in the sale of property.
2. MDAR should amend its guidelines to include when and under what conditions it will exercise its option to use the OPAV provision and also to allow losing bidders to obtain information about why their bids were not accepted.
3. ALPC should consider taking the measures necessary to allow APR Program farmland owners to appeal sales of their property that have been denied by MDAR.
4. MDAR should take whatever measures it deems appropriate to address the issue of allowing a farmer to withdraw from the sale of APR Program farmland parcels if MDAR assigns the option to purchase to someone other than their preferred purchasers.

### **Auditee's Response**

*MDAR agrees that effective education and outreach are crucial components of the APR program, and is committed to continuing a strong partnership with Massachusetts farmers to maintain the viability of agricultural land. We have already taken significant steps to make process improvements based on feedback received from affected stakeholders.*

*Specifically, MDAR conducted four public listening sessions over the Winter and early Spring of 2018 to solicit public comments on the APR Program from a wide variety of constituencies. The sessions were attended by 165 people and 70 comments were received through the sessions and*

*a specially created web-portal called "The APR Program Looking Forward." The comments have been posted to the MDAR website. Given the success of these listening sessions, MDAR intends to hold similar outreach sessions on a more regular basis. Based upon the input from the community the Department is actively considering ways to improve farmer education and increase outreach to the public regarding the APR program. MDAR has discussed posting FAQs on MDAR's website related to various aspects of the APR program—acquisition, certificate of approvals, waivers, etc. In addition, MDAR has discussed preparing an informational packet of materials that would contain contact information, the FAQs, and other helpful information that MDAR would provide to all farmers upon initial acquisition of an APR and that field staff would provide to APR landowners when conducting a monitoring visit. MDAR also intends to publish its APR Prime Newsletter on a more regular basis and include articles aimed at helping and educating the APR landowner community. MDAR intends to launch these new outreach efforts by the end of 2018.*

*MDAR believes that it is important for farmers to meet face to face with MDAR staff to fully understand all parties' rights and obligations set forth in the APR document. Field agents meet with landowners to review the terms of the APR as part of the initial acquisition process. As further discussed below, in the event the landowner intends to sell the land subject to the APR, the Department would also require the landowner, prior to accepting an offer from a proposed purchaser of the subject land, to participate in a meeting with the proposed purchaser and the Department to discuss the requirements for the sale and for any requests for waivers of the Department's right to exercise or assign a right of first refusal ("ROFR") or option to purchase at agricultural value ("OPAV"). While these changes would require MDAR to formally amend its APR template and obtain federal approval for federally held APRs moving forward, MDAR intends, at a minimum, to offer these types of meetings and technical assistance on a voluntary basis. . . .*

*MDAR appreciates the auditor's comments and suggestions with regard to ROFR and OPAV procedures, which we acknowledge have sparked some controversy in recent months. While we disagree with certain statements and findings in the draft audit report, we agree with the overall sentiment that MDAR should work to promote greater transparency in its decision-making in these areas. To that end, we have already begun to make process improvements as discussed below.*

*As an initial matter, we think it is important to note that the APR program originally introduced the OPAV and ROFR processes to address the concern of the Agricultural Land Preservation Committee (ALPC) that an estate market had developed in Massachusetts around protected farmland in certain parts of the state. The purpose of these processes is to ensure first and foremost that land transfers to farmers. The OPAV was added to further ensure that land will transfer at its "agricultural value," not a higher "estate" or other market value, so that the land will remain affordable for future generations of farmers. The Department buys the right for an OPAV or ROFR as part of the APR acquisition. This additional right has value, and the Department pays a higher price for an APR that has an OPAV or ROFR than for an APR that is merely a restriction on use. Generally, the Department exercises these rights when it is reasonably clear that the proposed purchaser is not a farmer or has no intention to farm the land, or when the proposed price is above agricultural value without sufficient justification. The program does not make these decisions lightly as can be shown by the fact that the Department has exercised and*

*assigned OPAVs/ROFRs only four times over the course of the 40 years the program has been in existence. In all cases, the APR program has followed its guidelines and made its recommendations to the Commissioner based upon a careful and thoughtful evaluation of the facts presented and the criteria developed by the Department. MDAR believes the specific cases cited [in Finding 1b] were decided in accordance with the above criteria. While the Department understands that any exercise of rights that may impede the seller's ability to complete the transaction with a preferred purchaser will be controversial, the Department notes that these rights were purchased with public funds as part of arms-length transactions.*

*To enhance transparency in the decision-making process for ROFRs and OPAVs, MDAR has been working on revisions to the OPAV and ROFR process for several months including systemic fixes and revisions to the existing policies and procedures. The goal of these revisions is to streamline the waiver process, more clearly define what documentation is required to be submitted, introduce more flexibility into the process and update the circumstances under which MDAR will exercise its right to purchase. The following process improvements are being considered:*

- As noted above, the Department is considering requiring, as a condition of newly acquired APRs, that the property owner engage in a "pre-submittal" meeting with the Department, prior to accepting an offer from a proposed purchaser, to discuss the requirements for a request to waive the Department's ROFR and OPAV rights. While the Department's guidelines, policies and scoring sheets for OPAVs and ROFRs are currently posted to the Department's website, we believe that entering into discussions with the seller (and proposed purchaser) much earlier in the process will avoid any confusion or misunderstanding about the requirements, timing, and process.*
- MDAR is committed to providing an opportunity for public comment on any significant regulatory changes to procedures or substantive requirements. MDAR will consult with the ALPC in promulgating any changes.*
- For any policy changes that MDAR will make without regulation, MDAR will make it a consistent practice to post any draft policies on its website and solicit comment for at least a two week period.*

*With respect to the auditor's further recommendations to allow for an appeal process for ROFR/OPAV appeals and provisions to withdraw from proposed sales, MDAR is currently reviewing these issues.*

*In addition to the points above, we offer the following points of clarification on specific statements made in the draft audit report.*

- In the "Authoritative Guidance" section, the audit report refers to how other states administer their programs, quoting from various out of state documents and one out of state statute. MDAR is committed to administering its program in accordance with Massachusetts law. While we regularly consult with our colleagues in other states regarding best practices, we do not regard other states' statutes or programs as authoritative. In particular, if another state's program has not spent public money on OPAVs or ROFRs, that program may not be a good comparison to the Massachusetts program.*

- *According to the audit report "there are no specific details in MDAR guidelines regarding when the agency should exercise its option to use OPAV, which could result in an inconsistent application of this authority." In fact, the Department's guidelines titled "Requests for a Waiver of an Option to Purchase at Agricultural Value" outline the four specific pre-requisites that an applicant must satisfy in order for the Department to waive its option to purchase the APR. If the pre-requisites are not satisfied, the recommendation is made to the Commissioner to exercise the Department's option to purchase the APR. This is intended to ensure transparency and consistency in how all applicants are evaluated.*
- *The audit report also states that "MDAR does not formally provide the reasons for the rejection, even if the bidder submitted the highest bid." In fact, when MDAR exercises its right to purchase MDAR includes in the notice of exercise the internal ranking form so that the seller knows the specific criteria that were not met. . . .*

*Further, the points system was developed to reflect Department priorities but also to allow farmers who have already invested into the APR Program, and who are familiar with the program requirements, an opportunity to acquire APR land. The points system also awards additional points to farmers that are currently leasing land to give them an opportunity to actually purchase APR land over a farmer who currently owns land. Regardless of the ultimate purchaser of the land, the OPAV process is not an auction and the sale price will ultimately be at agricultural value offered at the time that the Department exercises its option to acquire the property.*

## **Auditor's Reply**

MDAR is correct in pointing out that the information in our report regarding similar agricultural programs and program requirements in other states is not presented as authoritative. Rather, it is presented as examples of best practices that, in the Office of the State Auditor's opinion, demonstrate that it is possible to use a program model that is somewhat less restrictive, less complicated, and more transparent for the purpose of preserving farmland, which might better serve both the Commonwealth and the farmers participating in the program.

We do not dispute that MDAR's "Requests for Waiver of an Option to Purchase at Agricultural Value" program guidelines outline the four specific prerequisites that an applicant must satisfy in order for the department to waive its option to purchase APR Program farmland. As noted above, our primary issue with this process is that policies are not codified in laws or regulations, which are permanent and require transparency and public input in their creation. Further, under these guidelines, MDAR has the right to assign the option to buy land to another purchaser, including the potential buyer that the APR Program farmland owner originally identified, or to send the property out to bid, if MDAR determines that the original potential buyer does not meet the qualifications for purchasing APR Program farmland.



The guidelines are unclear about why MDAR would assign the option to a bidder other than the one the APR Program parcel owner felt was qualified.

Although MDAR provides each rejected bidder with the internal ranking form that conveys the points the bidder accumulated, the scoring process is not explained; as a result, a bidder that submitted the highest bid but was not sold the parcel might not understand why this occurred. Further, by the agency's own admission, the point system MDAR has established to evaluate multiple bids on APR Program farmland is biased in favor of farmers who have already invested in the program. While one could argue the merits of this bias, it does result in otherwise qualified buyers being penalized, effectively limiting the number of potential buyers, and it also could prevent sellers from selecting the highest qualified bidders for their parcel.

Based on its response, MDAR is taking measures to address our concerns about the APR Program.

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## OTHER MATTERS

### **Massachusetts Department of Agricultural Resources Purchases of Farmland Parcels Funded by the Natural Resources Conservation Service**

As previously mentioned, the United States Department of Agriculture's Natural Resources Conservation Service (NRCS) partners with the Massachusetts Department of Agricultural Resources (MDAR) to help fund the purchase of some farmland in its Agricultural Preservation Restriction (APR) Program. The Agricultural Land Easements (ALE) Program administered by NRCS provides financial assistance to MDAR for the APR Program, financing up to 50% of fair market value of the cost of a farmland parcel. A farmer who wants to preserve a parcel of farmland works with both MDAR and NRCS to complete an application to be accepted into the program.

According to NRCS personnel, MDAR does not complete purchases of farmland parcels in the APR/ALE Program in a timely manner; some take almost three years to complete because they lack required documentation to support the farmland applications under consideration. In comparison, NRCS staff members indicated that a farmland purchase should typically be possible to complete within about eight months from the date of application. NRCS personnel indicated that MDAR's staff may lack the skills and training necessary to effectively manage the application process, including setting proper priorities and ensuring that all required program forms are completed and that information is submitted within the required federal deadlines.

As a result, the Commonwealth may be losing the opportunity to take full advantage of federal funding for farmland purchases. In fact, NRCS officials told the Office of the State Auditor that over a five-year period, it had to return more than \$3 million in federal funding that could have been used in the Massachusetts APR Program because MDAR could not process applications in a timely manner. We believe that MDAR should work with NRCS on improving its processing of APR Program applications.

### **Auditee's Response**

In its response to our report, MDAR provided the following comments:

*MDAR applies to NRCS for more projects than NRCS ultimately funds. While MDAR was prepared to close all the projects on our 2013 federal Cooperative Agreements, and worked very closely with NRCS staff on these projects, a number of projects that were added to a series of amendments did not close due to factors beyond its control. Furthermore, in the interest of ensuring that the maximum number of applicants was added to the agreement, the Department*

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*was allowed to submit estimated values to the agreement which subsequently changed following appraisals. Family dynamics, local issues, access matters, last minute changes made by the landowner are all examples of factors which can cause a land protection project which has been added to an agreement to not close.*

*A timeframe of 8 months for MDAR to close a project from the time of application is unrealistic. The timeframe appears to be based upon the performance of a single land trust working on a single project funded cooperatively with NRCS. As a state agency, MDAR works on multiple projects (new applications and existing projects), and has to follow statutory, regulatory and state procurement requirements for appraisals, title work and surveys, an annual budget process and two rounds of approval votes from the ALPC.*

*However, the Department has recognized a need to increase the pace of closings and continues to work to revise its APR process. Most recently MDAR developed an annual application process with the goal of selecting the best farmland in the state, ensuring accurate appraised values, securing landowner agreements before moving forward and expediting the process and increasing the probability that the project will close.*

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## **APPENDIX A**

### **Examples of Farmer Complaints about the Agricultural Preservation Restriction Program**

During our audit, we held discussions with officials from the Massachusetts Department of Agricultural Resources' (MDAR's) Agricultural Preservation Restriction (APR) Program and with program participants. Although many of the participants expressed satisfaction with the program, several brought to our attention problems they had experienced with obtaining certificates of approval (COAs).

In one instance, a farmer received a COA from MDAR to build a farm stand on APR Program farmland. As construction neared completion, a utility company needed an easement to gain access to the utility pole next to the farm stand. However, MDAR was reluctant to grant the easement. As a result, there was a delay in getting electricity to the completed farm stand, and the farmer had to engage an attorney to help settle the matter.

Farmers participating in the APR Program who want to construct renewable energy systems on their APR Program properties must obtain a COA from MDAR. Output capacity of a system cannot be greater than two times the documented historical or projected annual agricultural electricity use on the APR Program farmland. Many farmers with whom we spoke voiced displeasure about MDAR's limit on energy output and the agency's restrictions on where systems can be located on APR Program property. One farmer who spoke with MDAR about building renewable systems on two different occasions experienced resistance from MDAR, which would not allow the proposed construction to proceed. The first situation occurred when the farmer had been approached by an energy company to construct a system on a five-acre wooded parcel of the APR Program farmland that would never be used for agricultural purposes. The farmer planned to use the system for his own farming needs and to sell any additional energy to the energy company. The energy company was willing to pay the farmer \$25,000 per year for 25 years. Recently, the same farmer wanted to build a renewable energy system on top of the existing farmhouse and nearby barn structures. Because the estimated output would exceed 200% of the documented or projected farmland electricity use, MDAR was not willing to approve that plan and instead suggested a scaled-back version of the system that would keep it within the 200% threshold and would have a better chance of being approved. Because of the delay and the onset of the spring farming season, the farmer was reluctant to go forward with the proposal.

Many farmers also stated that they believed MDAR had been unnecessarily hostile to proposals to host agritourism activities on APR Program farmland, such as weddings and farm-to-table dinners, which the farmers believe provide important opportunities to help them sustain the financial viability of their farms.

Some APR Program farmland owners complained that through its COA process, MDAR has limited their ability to use their farmland to generate other revenue that would help keep their farms financially viable. For example, one APR Program farmland parcel owner started a brewery on the non-APR Program portion of his farm in 2011. As his brewing operation grew, he wanted to construct a building that would eventually include the brewery on the APR Program parcel because of the parcel's proximity to an existing farm stand. However, MDAR denied the farmer's COA request to construct the new building because of an MDAR policy that would require that at least 50% of the products used to produce the beer come from the farm, which, according to the farmer, was not possible. The farmer then tried to negotiate with MDAR to do a land swap in which he would put another non-APR Program parcel into the APR Program and have the land where he wanted to locate the building removed from the APR Program contract. However, according to the farmer, MDAR took too long approve the land swap, and because the delay was putting his brewery business in jeopardy, the farmer ultimately decided to construct the building in another location.

## **Auditee's Response**

MDAR provided the following comments regarding this appendix:

*We note that the APR Program is a regulatory program and that it is the Department's responsibility to ensure that the Commonwealth's and the taxpayers' interests are implemented and addressed. In addition, because many APRs are jointly financed with the federal government, the Department is obligated to ensure that the federal government's requirements are also followed. The comments reported in this section are provided without any context; the data on Department activities show denials of requests for approvals to be rare. However, the Department remains committed to working with APR program participants to find solutions and implement continuous improvements to the program.*

## **Auditor's Reply**

This appendix was intended to further illustrate the issues some farmers have encountered in obtaining approval from MDAR to build structures or conduct agritourism events and activities on APR Program farmland. We support MDAR's efforts to bring greater transparency to the COA and special-permit

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process, as evidenced by the listening sessions it has recently held. We concur with MDAR's stated commitment to improve farmer education, which will help strengthen MDAR's and farmers' understanding of the goals of the APR Program.

## APPENDIX B

### Sixty Agricultural Preservation Restriction Program Farms Visited

Farm	Town
Adamsville Road Farm	Westport
Almeida Dairy Farm	Rehoboth
Antes Farm	Conway
Beagle Nest Farm	Berkley
Belkin Family Lookout Farm	Natick
Borden Colony	Raynham
Cervelli Farm	Rochester
Crabapple Farm	Chesterfield
Crescent Farms	Haverhill
Crestview Farm	Amherst
Cricket Creek Farm	Williamstown
Cummings Farm	Westport
D'Allesandro Farm	Swansea
Dartmoor Farm	Dartmouth
Davenport Maple Farm	Shelburne
Davis Farm	Plainfield
Devine Farm 1	Hadley
Devine Farm 2	Hadley
Dresser Hill Farm	Charlton
East Over Reservation	Rochester
Elmartin Farm	Cheshire
Elmhurst Dairy Farms	Millbury
Fairview Inc.	Groton
The Food Bank Farm	Hadley
Foppema's Farm	Northbridge
Fowles Farm	Southampton
Grandview Farm	Middlefield
Hay Ray's Farm and Feed	Westport
Heifer Farm	Rutland
High Hill Farms	Dartmouth

<b>Farm</b>	<b>Town</b>
<b>Holiday Brook Farm</b>	Dalton
<b>Hubbard Farm</b>	Dudley
<b>Jordan Dairy Farms</b>	Rutland
<b>Kaszowski Farm</b>	Charlton
<b>Kerr Farm</b>	Agawam
<b>Kimball Farm</b>	Haverhill
<b>Lazy Day Farm</b>	Rutland
<b>Lilac Hedge Farm</b>	Holden
<b>Majdalany Farm</b>	Great Barrington
<b>Maplebrook Farmstead</b>	Sterling
<b>Moran Farm</b>	Harvard
<b>Motha Farm</b>	Dartmouth
<b>Noquochoke Orchards</b>	Westport
<b>Pine Island Farm</b>	Sheffield
<b>Rocky Acres Farm</b>	Warren
<b>Savage Farms</b>	Northfield
<b>Schmidt Farm</b>	Dudley
<b>Schultz Farm</b>	Rutland
<b>Sibley Farm</b>	Spencer
<b>Signal Rock Farm</b>	Charlton
<b>Splendor View Farms</b>	Cummington
<b>Stillman's Farm</b>	New Braintree
<b>Streeter Farm 1</b>	Cummington
<b>Streeter Farm 2</b>	Cummington
<b>Upinngil</b>	Gill
<b>Wagner Farm</b>	Amherst
<b>Waugh Farm</b>	New Braintree
<b>West Parish Orchards</b>	Westfield
<b>Windstar Farm</b>	Sandwich
<b>Yarrows Farm</b>	Hadley