

Department of Agricultural Resources
AGRICULTURAL LANDS PRESERVATION COMMITTEE
MINUTES OF MEETING
March 29, 2017
Department of Fishery and Wildlife
Field Headquarters
Westborough, MA

MEMBERS PRESENT:

- John Lebeaux
Department of Agricultural Resources
- Phillip DeMartino, Designee for Chrystal Kornegay
Department of Housing & Community Development
- Robert O'Connor, Designee of Matthew A. Beaton
Executive Office of Energy & Environmental Affairs
- Laura Abrams
Board of Agriculture
- George Beebe
Public Member
- Warren Shaw, Jr.
Public Member
- Fred Dabney
Public Member
- Stephen Verrill
Public Member
- Daniel Wright
Natural Resources Conservation Service, Non-Voting Member

MEMBERS ABSENT:

- Patricia Vittum
Interim Director of Center for Agriculture, UMass, Amherst

ALSO PRESENT:

Gerard Kennedy, Department of Agricultural Resources
Chris Chisholm, Department of Agricultural Resources
Barbara Hopson, Department of Agricultural Resources
Ron Hall, Department of Agricultural Resources
Michele Padula, Department of Agricultural Resources
Michelle Kopelson, Department of Agricultural Resources
Taylor Arsenault, Department of Agricultural Resources

GUESTS:

Jesse Robertson-DuBois – American Farmland Trust
Kathy Orlando – Sheffield Land Trust

Chairperson of the Agricultural Lands Preservation Committee ("ALPC"), John Lebeaux and Commissioner of the Massachusetts Department of Agricultural Resources (the "Department"), called the meeting to order at 10:04 A.M. Commissioner Lebeaux welcomed Laura Abrams to the ALPC and asked the ALPC members and other attendees to introduce themselves

I. APR UPDATE

Chairperson John Lebeaux gave notice that Tara Zadeh, formerly MDAR's General Counsel, had left the Department at the end of December 2016 and Jessica Burgess was Acting General Counsel, while the Department is conducting a search. The plan is to identify someone by April 2017, who will fill the position of General Counsel.

Commissioner Lebeaux provide an update on the APR Regulations (**330 CMR 22.00**) and that progress was being made to finalize the program's regulations. The Commissioner and Director Gerard Kennedy explained that there were hearings on the APR regulations and APR listening sessions which provided an opportunity for comments on the program. Counsel Michelle Bodian described the steps that remained before promulgation of 330 CMR 22.00

In addition, Commissioner Lebeaux spoke on the **APR Report Summary** dated March 29, 2017. The Environmental Bond allocation for FY 17 is \$3,600,000 and the federal funding is \$3,170,500, bringing the combined total of State Bond funds and Federal funds for APR acquisition and associated land costs to \$7,320,500. For the year to date in FY17 the APR program had closed 6 projects, while protecting 239.7 acres of farmland, with an APR value of \$2,945,000, at cost to DAR of approximately \$2,638,389 with a Local Contribution of \$169,750 and Landowner Bargain Sale of \$90,831. There are 9 pending Vote of Interest (Nominated) projects, with **890.6** acres, and there are 23 pending Final Voted projects with 904.39 acres at an APR value of \$11.285 million with a DAR cost of \$8.703 million, a potential local contribution of over \$1.395 million and landowner Bargain Sales of roughly \$1.328 million. Unresolved projects to date are 12 farms involving 681.3 acres.

Stewardship funds were provided to the Department through the Environmental Bond this year and are anticipated to be \$339,000 (+/-). The funding will be used for monitoring, baseline document reports, some surveys and grant funding through the Stewardship Assistance and Restoration (SARA) program to improve the overall utilization of APR land resources for commercial agriculture.

The Department's ALE application for the 2017 agreement includes five farm projects involving 472 acres, with an APR value of roughly 5.037 million to be submitted for the Federal review process. The potential federal level of reimbursements dollars is \$2,536,500.

II. APPROVAL OF MINUTES

a. October 26, 2016

It was moved, seconded and

VOTED: To approve of the minutes.

III. VOTE

a. Application Pre-screening Process

Commissioner Lebeaux presented to the ALPC members the necessity to authorize Department staff to pre-screen new APR application.

It was moved, seconded and

VOTED: To authorize Department's staff to pre-screen new APR applications based upon the APR evaluation form to be approved at a future meeting of the ALPC.

IV. DISCUSSION TOPICS

a. APR Evaluation Form

APR staff presented a draft APR evaluation form for the ALPC members to consider endorsing. Staff went over the various criteria, thresholds and attributes of the APR Parcel Eligibility Worksheet. The evaluation form was designed with the purpose to guide staff in evaluating projects that will score well and meet both state and federal farmland protection requirements.

ALPC members had discussion on the evaluation form as it related to defining land use, weighing Intensity/ Productivity of a parcel, and other criteria in the form. The members provided their comments and expressed that the evaluation form was progressing in the right direction. The staff will incorporate comments and present for a vote at the next ALPC meeting.

b. Process for Reviewing New Applications

Director Gerard Kennedy discussed the need for a revised process to review APR applications. Due to a steady reduction over the years in the APR program budget, the program needs to prioritize projects for funding.. The process involves setting a deadline of June 30 for applications to be received by MDAR for review in anticipation of submitting projects to the federal NRCS for funding in February. Subsequent field inspections will be followed by a staff review meeting resulting in a shortlist of farms for presentation to the ALPC for a Vote of Interest in September. Projects receiving a Vote

of Interest will have due diligence performed leading to potential offers and advancement into Federal ACEP/ALE Program.

Committee members discuss the pre-screening process and expressed concern with a cut-off or deadline for applications, and expressed that it would make the process too rigid and less flexible to review a project in a timely manner. It was suggested that an exception rule may be necessary when there is a project that meets extraordinary circumstance(s) and which is supported by a funding source other than through the NRCS process. There was further discussion on final votes and providing certainty to landowners for their projects to be funding.

The APR program will move forward with its process for reviewing new applications, and will continue to assess the procedure with the ALPC.

c. Update on Hearings for Appeals of APR Program Decisions

Gerard Kennedy reported to the committee that two requests for a hearing before the ALPC had been withdrawn. No hearings were schedule for today.

d. ALPC Procedures

Director Kennedy provided a handout to members on ALPC procedures and indicated that the members will need to decide on any modification and the process for setting or calling for an ALPC meeting.

Members discuss the process for setting ALPC meetings, and at this time they did not have any modifications to the current guidance document.

e. APR Listening Session

Director Kennedy updated the ALPC on listening sessions held for the APR regulations. The three sessions held included Brigham Hill Farm in Grafton, Massachusetts Farm Bureau's Annual Meeting in Peabody and Franklin County Regional Agricultural Commission Meeting in Deerfield

Committee discussion included comments on the Massachusetts Farm Bureau Annual meeting and how there were several comments on the regulations and that agricultural tourism was a topic of interest. Members asked about the Massachusetts Farm Bureau Survey on the APR program and if results from the survey had highlighted any issues; at this time nothing had been shared on the results.

f. Other Comments

There was a stewardship question on an APR in Sandwich and the matter is still ongoing with no further information available.

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Commissioner Lebeaux announced that December 1st will mark the 40th Anniversary of the passing of Chapter 780: An Act Providing for the Acquisition of Agricultural Preservation Restrictions by the Commonwealth. An event to commemorate the passing of the legislation is being planned for the late Fall.

The next meeting is to be determined by necessity, with a time and location to be determined.

It was moved, seconded and

VOTED: To adjourn the meeting at 12:34 PM.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ronald A. Hall".

Ronald A. Hall,
APR Program Coordinator