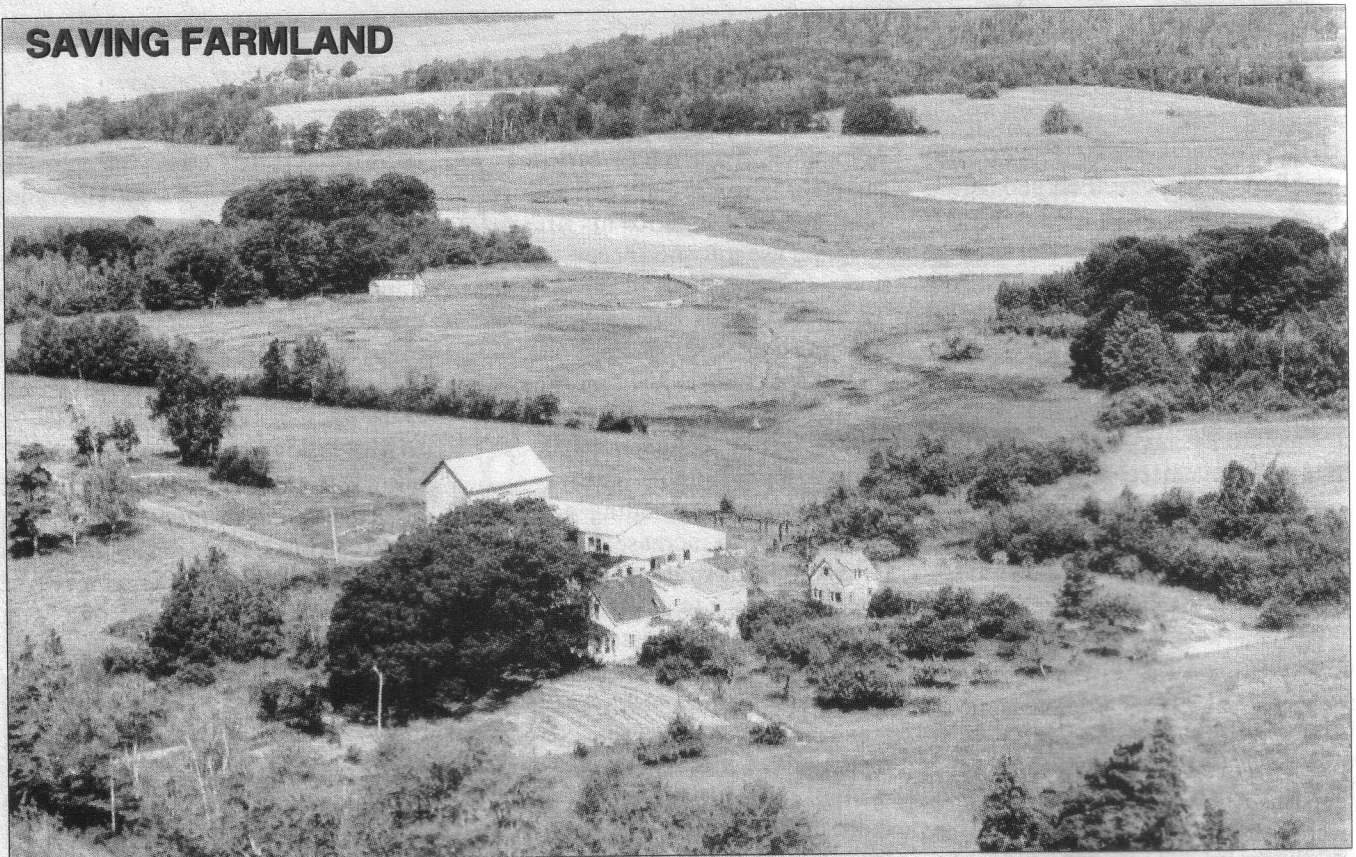


SAVING FARMLAND



An aerial view of Red Fox Farm in Hants County, Nova Scotia. This is one of two farms on which the Ecology Action Centre holds easements. (Photo courtesy of Jen Scott)

Saving agricultural land

Two Nova Scotia farms protected by conservation easements

by Jennifer Scott

We are now experiencing two major challenges to our ability to feed ourselves. One is to have knowledgeable, caring, committed people who are willing to be farmers. The other is to have decent land – close to markets, with the right mix of buildings, fields, forest, water, and community.

Even in Nova Scotia, good farmland is a scarce resource. Good farmland close to markets, that is not divided up and interrupted by building lots, is even scarcer. It is worth protecting that kind of land if we want to continue to be able to grow our own food. Because farming is such an economically-tricky endeavor, it is tempting for farmers to sell acreage in order to finance part of the farming operation, or to finance retirement. Good land always goes to the highest bidder, and new farmers wanting to get established find it difficult to pay the per-acre price demanded by the speculative real estate market.

So how can we save good farmland for

farming? One way is to use a conservation easement. Most people are familiar with wilderness conservation, where land of particular ecological significance is protected from development, subdivision, or resource extraction (mining or forestry). The land can be made into a park, or simply kept wild. It may be conserved by outright purchase, or by a conservation easement – a legal document that is attached to the deed, placing restrictions on the use of the land even if the property is sold. The easement is negotiated with the landowner, then registered with the province. A designated “eligible body” takes on the responsibility of ensuring the landowner adheres to the terms.

The Ecology Action Centre (EAC), based in Halifax, has recently been added to the Eligible Body list under Nova Scotia’s Conservation Easement Act. Through its agriculture-oriented sub-group called HelioTrust, the EAC now holds easements with two farms in Hants County: Avonmouth Farm and Red Fox Co-op. EAC

does not own the farms, but as the easement holder, it has an interest in ensuring the 300 acres are managed according to the terms of the agreements. To that end, a community-based monitoring system will be developed.

These two conservation easements are structured to protect the farm and woodland from subdivision and development, but they are for “working” land, as opposed to “wild” land. This is an important distinction, as it recognizes the stewardship responsibility of the farmer. The land must be managed in an ecological manner, no matter who owns it. In signing the conservation easement, the farmer gives up some of the real estate value of the farmland, because it cannot be sold for non-farm purposes. This makes the land more affordable for the next person who wants to purchase it for farming.

The real estate value of a farm is a function of what people would be willing to pay for it. This makes farms closest to urban centers, and those with particularly

beautiful attributes, the most vulnerable to speculative hikes in value. Theoretically, the value of the conservation easement is roughly equivalent to the difference between the market value of the land and its productive value as a working farm. In negotiating what it would pay the owners of Avonmouth Farm and Red Fox Co-op, the EAC obtained independent appraisals from a farm economist and a real estate professional.

At the moment, neither farm provides a full income for its owners, though both have plenty of potential for increased food production. The owners of Red Fox have been living on the farm for 14 years, growing just enough variety and quantity to keep five or six people well fed. Rupert Jannasch took over Avonmouth in 2003, and has been developing various horticultural and forestry enterprises. He says he is pleased with the easement agreement, but he points out that an agricultural landowner who trades away development rights is assuming a degree of risk.

“Consider a scenario in the future when

a landowner, a farmer, no longer wishes to or is unable to farm,” says Jannasch. “He still owns the land, but sold a conservation easement 20 years earlier prohibiting other uses. No young farmers are waiting to fill his shoes. Perhaps new food safety regulations make it impossible to produce food, or there is no longer a willing labor force. What does the landowner do?”

Such uncertainties must be weighed against the benefits of protecting the land. A government program or a larger charitable organization with significant financial resources would be able to achieve the same objective by purchasing agricultural acreage and leasing it to farmers, but in the near future there are no prospects for this in Nova Scotia.

For now, the protection of farmland depends to a large extent on landowners’ commitment to the principle. HelioTrust has set up a special conservation fund (for details, follow the HelioTrust link at www.countrymagazines.com), with the interest to be used for monitoring conserved land and covering any legal fees that may be

necessary to ensure compliance with the terms of easements in the future. The EAC hopes to increase the fund in order to protect more agricultural land.

There are vulnerable farms all over Nova Scotia. The new Wal-Mart near Bridgewater was built on a mixed dairy farm. Near Windsor, farmland has been taken out of production to make way for Superstore, McDonalds, and Tim Hortons. It is increasingly difficult to farm in Kings County due to urban land demands. In Halifax Regional Municipality, Spryfield used to be primarily agricultural, and the Urban Farm Museum there is an effort to save the last little bit of that farmland for food production. As farmers are forced on to more marginal land, farther from people who want to buy their products, the cost of production rises. If this results in an erosion of the province’s agricultural base, we all pay the cost of reduced food security.

(Jen Scott lives in Centre Burlington, N.S.)

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Who's protecting farmland?

by George Fullerton

The Lucy Maud Montgomery (LMM) Land Trust has been actively working to secure conservation easements on working farmlands in an area between Seaview and French River on the north shore of central Prince Edward Island. The group consists of a diverse membership including concerned citizens, tourism operators, and farmers. They are united by their concern for the Island landscape, which is in danger of disappearing through real estate development.

George Campbell, treasurer of the LMM Land Trust, said farmers in the area are caught between the financial pressure caused by a long-term downturn in the agriculture economy and an insatiable real estate demand for cottage and second home development on the picturesque coastal lands.

The LMM Land Trust is able to provide an alternative – protecting farmland and viewscapes by offering to purchase conservation easements that restrict non-agricultural development. The conservation easements ensure the farmer maintains use of the land and receives a monetary return for restricting the real estate development rights.

NON-PROFIT

The LMM Land Trust was founded as a charitable non-profit organization in 1994, specifically to conserve farmland and scenic coastal viewscapes. The Land Trust is motivated by a combination of support for family farms and respect for the land and the memory of Lucy Maud Montgomery, who captured the majesty of the land and people of Prince Edward Island through her writings.

Peter Rekovina, secretary of the LMM Land Trust, said the organization has had several successes, partly due to the fact that efforts have been focused on a specific, and relatively small, geographic area of about 3,000 acres. "If we spread our efforts across the entire province, our list of successes



A view of the barn and gate at Avonmouth Farm in Hants County, N.S. . Rupert Janasch took over Avonmouth in 2003, and has been developing various horticultural and forestry enterprises. (Photo courtesy of Jen Scott)

would not be as long simply because our energy would be spread too thin."

Rekovina said the LMM Land Trust's primary activities have been purchasing land designated for development, establishing a conservation easement that restricts non-agriculture development, and then selling the land to an active farm operation. He went on to say that the Land Trust is operating in a different climate today than when it began.

"When we started, farmland was bought and sold in the range of \$1,000 to \$1,500 per acre, and development was around \$3,000 per acre."

The Land Trust would raise funds to purchase the development land at \$3,000 and expect to recover at least a third of the land value when it was sold with an easement to a farmer.

"Today, the farming economy values farmland at the same \$1,000 to \$1,500 per acre, but development land value has jumped to the range of \$25,000 per acre." Rekovina added that one of their current projects, on a 50-acre property, has become a million dollar deal, which moves the fundraising campaign beyond

the bake sale and talent show level.

"In general, our effort to provide an alternative for farmland conservation has good support from the agriculture community. We also get support for our efforts from the general public, the tourism industry, and the provincial government. However, we face a critical challenge when we identify a piece of farmland we feel is worthy of protection, and the farmer is offered upwards of \$30,000 per acre. We struggle to secure funding to carry out our conservation work."

The LMM Land Trust uses membership fees and funds raised through an annual event to operate an office. It has relied on volunteer efforts, a modest estate donation, and donated legal work to complete conservation easements on about 400 acres of farmland.

NEW BRUNSWICK

The New Brunswick Community Land Trust (NBCLT) was established in 1995 to conserve working farmland and woodlots in sustainable production. Private woodlots had come under

increasing pressure from incidence of industrial style, boundary line to boundary line clearcuts. Landowners who had practiced less aggressive management were looking for a way to ensure their land would be maintained through a more sustainable management style. The NBCLT founders also had the foresight to incorporate the conservation of farmland into their mandate as a means to restrict non-agriculture development of farmland.

The NBCLT has carried out several land conservation projects since 2003. It secured a small property through a donation, holds working woodlot conservation easements on more than 200 acres of woodland, and is nearing completion of a conservation easement on a 200-acre farmland property near Sussex.

Marc Spence and Ghita Levin own woodland in Baie Verte near Port Elgin, N.B., and these were among the first woodlots in New Brunswick to be certified through the Forest Stewardship Council (FSC). Spence said establishing a conservation easement on a portion of their woodland was a natural step after FSC certification.

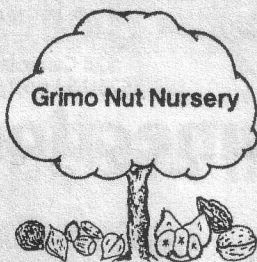
"FSC certification fit well with our personal efforts to re-establish elements of the Acadian forest which were lost due to poor harvesting and management practices. Forest restoration is a long-term project that will take years to accomplish.

"The conservation easement limits the type of management that will occur on the woodlot and ensures that practices which support our restoration objectives and FSC principles will be followed by future owner/managers of this property," he said.

PROJECTS

Spring Meadows Farm, in Head of Millstream, N.B., is a grass-fed beef operation owned by Stephanie and Jerald Coburn for more than 30 years.

"When we heard about the Community Land Trust working to protect farmland and forest land, we jumped at the chance to put the farm into an easement. We think about the way the smaller farms in New Brunswick have become part of larger and larger



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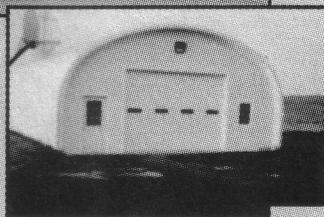
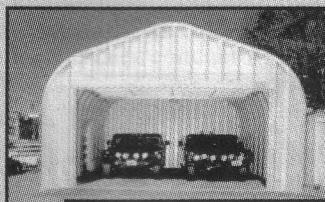
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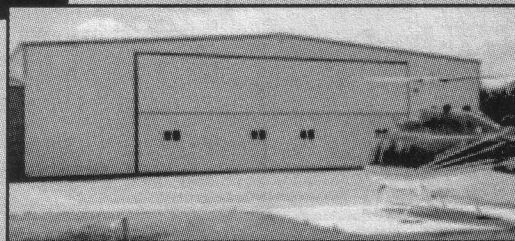
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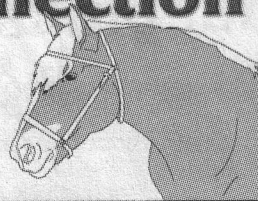
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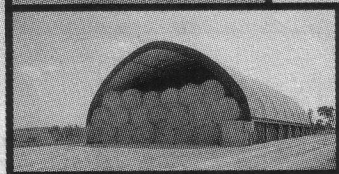
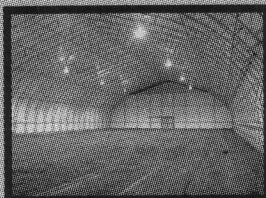
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operations. There are many factors making this so, including the low cost of food, and the government policies seemingly meant to clear the rural areas. But we would like to protect the little piece we call home, and save it as a working farm and woodlot for the future. Putting it into a conservation easement is the best way to do that," said Stephanie.

To date each of the NBCLT land conservation projects has relied on the landowner donating the conservation easement and securing additional funding to cover their expenses including land appraisal, research, and legal costs. Although the agriculture community is interested in the value of conservation easements to conserve farmland and exclude it from non-agriculture development, there are few farmers (or woodlot owners) who can afford to donate an easement that takes away a significant portion of the equity they have built in their property.

All too often those who have lived on and worked the land and enjoyed a rural lifestyle have done so without adequate return on their investment of capital and labor. They have viewed the equity built into their land as their nest egg for retirement.

The agriculture community recognizes potential in conservation easements as a means to protect working lands, but the formula requires a cash input to address the loss in land equity value. For conservation easements to meet society's goal of conserving farmland and the other values it represents, landowners must receive more than simply the philosophical satisfaction they are doing the right thing.

"There are few farmers who can afford the luxurious choice of donating a conservation easement so the land remains as farmland and continues to provide an iconic viewscape and other community benefits. We need something more than simply moral support from governments and society, which considers it important that farmland be protected for its many values," said Rekovina.

(George Fullerton lives in Long Reach, New Brunswick.)