



**Testimony of Ellen Stern Griswold, Policy and Research Director, Maine Farmland Trust,
before the 130th Legislature’s Joint Standing Committee on Agriculture, Conservation and
Forestry**

March 18, 2021

Good morning Senator Dill, Representative O’Neil, and members of the Joint Standing Committee on Agriculture, Conservation, and Forestry. My name is Ellen Griswold, and I am testifying today on behalf of Maine Farmland Trust (MFT) in support of LD 568 – *An Act to Establish a Working Farmland Access and Protection Program within the Department of Agriculture, Conservation and Forestry and a Working Farmland Access and Protection Fund within the Land for Maine’s Future Program.*

MFT is a member-powered statewide organization that works to protect farmland, support farmers, and advance the future of farming. Since our founding in 1999, MFT has helped to permanently protect nearly 300 farms and keep over 60,000 acres of farmland in farming, while supporting over 800 farm families with a range of services. Our four main program areas are Farmland Protection, Farmland Access, Farm Viability in the form of business planning and technical assistance to help farmers become and remain economically viable, and Public Outreach and Policy to grow the future of farming in Maine.

Protecting farmland in Maine is a principal part of our mission because we believe it is vital for ensuring that agriculture remains a key component of Maine’s way of life, with farms feeding our economy, stewarding our natural resources, and nourishing our communities. In fact, agriculture in Maine contributes over \$3.6 billion in economic impact and supports over 27,000 jobs statewide according to an analysis by Farm Credit East.¹ Unfortunately, farmland – the foundation of our farm businesses – is a precious and limited resource. Between 2012 and 2017, Maine lost 10% of its farmland – that is over 145,000 acres of pastureland, cropland, woodland and other agricultural land that is no longer being used by Maine farms.² Development pressure is increasing in some parts of the state, some Maine farmers are nearing retirement age without younger operators working alongside them, and farmers face challenges in affording and accessing the land they need to grow thriving businesses. Protecting farmland is a critical tool not only for ensuring that we have the land base to support our farm economy, but for both increasing the financial security of farmers and increasing farmer access to land. Compensating farmers for protecting their land allows them to use the funds they receive to reinvest in the farm, pay off debt, or obtain some savings before passing the farm

¹ Farm Credit East, “Northeast Economic Engine: Agriculture, Forest Products and Commercial Fishing,” (2020), available at: <https://www.farmcrediteast.com/knowledge-exchange/Reports/2020%20Northeast%20Economic%20Engine>.

² In 2012, Maine had 1,454,104 acres in farmland, but by 2017 that number had dropped to 1,307,566 acres – a loss of 146,491 acres or 10% of Maine’s farmland. United States Department of Agriculture (USDA), National Agricultural Statistics Service (NASS), *U.S. Census of Agriculture for 2017*, Maine, https://www.nass.usda.gov/Publications/AgCensus/2017/Full_Report/Volume_1,_Chapter_1_State_Level/Maine/mev1.pdf.

along to the next generation. And once land is protected, it can be sold at its agricultural value, making the farmland much more affordable for other farmers to purchase. Protecting farmland is also a key natural climate solution by avoiding the greater emissions associated with developed land, by providing the land base to create greater food security for our state, and by preserving the climate benefits that can result from farmers using climate smart practices on the land.

The Land for Maine's Future (LMF) Program is an important source of public funding for protecting Maine's forests, farmlands, and working waterfronts. Since its creation in 1987, LMF has protected over 600,000 acres, including 42 farms. Although MFT is grateful for the financial support LMF has provided to protect 9,882 acres of farmland within the state, we are not keeping pace with state-funded farmland protection efforts in other states in our region. According to American Farmland Trust's most recent *Status of State PACE Programs* report,³ which I have attached to my testimony, Maine ranks second lowest in the Northeast⁴ in terms of the number of farmland acres protected with state funding. Only Rhode Island is lower than Maine with 7,979 acres protected compared to our 9,882,⁵ but Maine has roughly 1.3 million acres of farmland and Rhode Island has only about 60,000 acres total.⁶ In comparison, Vermont, which has a similar amount of farmland to Maine with 1.2 million acres, has protected 746 farms and 164,000 acres of farmland with their state program, which started at the same time as the LMF Program.

LD 568 makes important changes to the LMF Program's farmland protection process, and in doing so, will help the Program support farmland protection to a much greater degree. First, the bill would create a Working Farmland Access and Protection Fund within the LMF Program to ensure that specific funding is designated for farmland protection projects. Second, LD 568 would establish the Working Farmland Access and Protection Program within the Department of Agriculture, Conservation and Forestry to ensure that there is greater alignment between the Department's farmland protection goals and the LMF Program. Our understanding is that under this structure a staff person at the Department's Bureau of Agriculture, Food, and Rural Resources would work with the LMF Board to develop calls for proposals and to help evaluate applications. Third, LD 568 would create a review panel of experts, as exists with the Working Waterfront Access Protection Program, to evaluate applications and make approval recommendations to the LMF Board. This would ensure that the review of farmland protection applications is done by people who are knowledgeable about and have experience with farmland protection. Finally, the bill specifies particular selection criteria to be used in evaluating applications, such as the types of soils and other natural resource values that are present on the farm, the economic viability of the farm and the threat of development, the interest of the landowner in leasing the land to farmers if the land is not being cultivated, and community support for the project. These criteria will both ensure that projects are evaluated

³ See American Farmland Trust (AFT), *Status of State Pace Programs* (January 2020), available at [https://s30428.pcdn.co/wp-content/uploads/sites/2/2020/11/State Purchase of Agricultural Conservation Easement Programs 2020_AFT_FIC_.pdf](https://s30428.pcdn.co/wp-content/uploads/sites/2/2020/11/State_Purchase_of_Agricultural_Conservation_Easement_Programs_2020_AFT_FIC_.pdf) [hereinafter *Status of State Pace Programs*].

⁴ I am defining the Northeast region as New England plus New York and New Jersey.

⁵ The entry for Maine in *Status of State Pace Programs* does not reflect an LMF-funded farmland protection project that closed in December 2020.

⁶ See *Status of State Pace Programs*.

based on factors that are relevant to the farmland protection context, and that the approved projects are the best use of public funds.

Although MFT believes that the process contemplated by LD 568 would allow for more state-funded farmland protection projects in Maine, we do want to emphasize that it will be important for the staff person at the Bureau to have sufficient capacity to be able to shepherd the process along in an efficient manner. We also hope that the Program will be structured so that the use of the review panel does not create an overly burdensome or duplicative process, as significant delays in farmland protection projects and the uncertainty that creates can be extremely difficult for participating farm business owners.

MFT hopes that you will support this bill and ensure that the LMF Program can provide the same robust support as other state-funded farmland protection programs in our region, so that farmers have the land they need to continue to feed Maine's economy and people for generations to come.

STATUS OF STATE PACE PROGRAMS

OVERVIEW

As of January 2020, 28 states had active state-level purchase of agricultural conservation easement (PACE) programs. The interior table displays the status and summarizes important information about farm and ranch land protection programs in 29 states that have funded easement acquisitions. Montana's program expired in 2003 and is not an active program, but it is included in the table because it funded easement acquisitions. Three other states are not included: In 2017, Oregon authorized a program but has not yet funded any acquisitions. Georgia and Missouri have authorized PACE but do not yet have programs. For a program to be included, the protection of agricultural lands must be one of its core purposes, accomplished primarily by compensating landowners for the value of the easement.

Some programs (e.g., Delaware and Massachusetts) purchase and hold easements directly. Others have the authority to acquire and co-hold easements with partners (e.g., county governments). Some programs (e.g., New York and Virginia) only provide grants to eligible entities, such as local governments and land trusts, to buy easements.

EXPLANATION OF COLUMN HEADINGS

Year of Inception/Year of First Acquisition

"Year of Inception" is the year in which the PACE program was authorized. "Year of First Acquisition" is the year in which the program acquired its first easement.

Easements or Restrictions Acquired

Number of agricultural conservation easements or conservation restrictions acquired through the program. This number does not necessarily reflect the total number of farms/ranches protected because some programs acquire a property in stages and/or may hold multiple easements on the same farm/ranch. Some programs do not hold easements but instead provide funds for easement purchases to local governments or land trusts.

Acres Protected

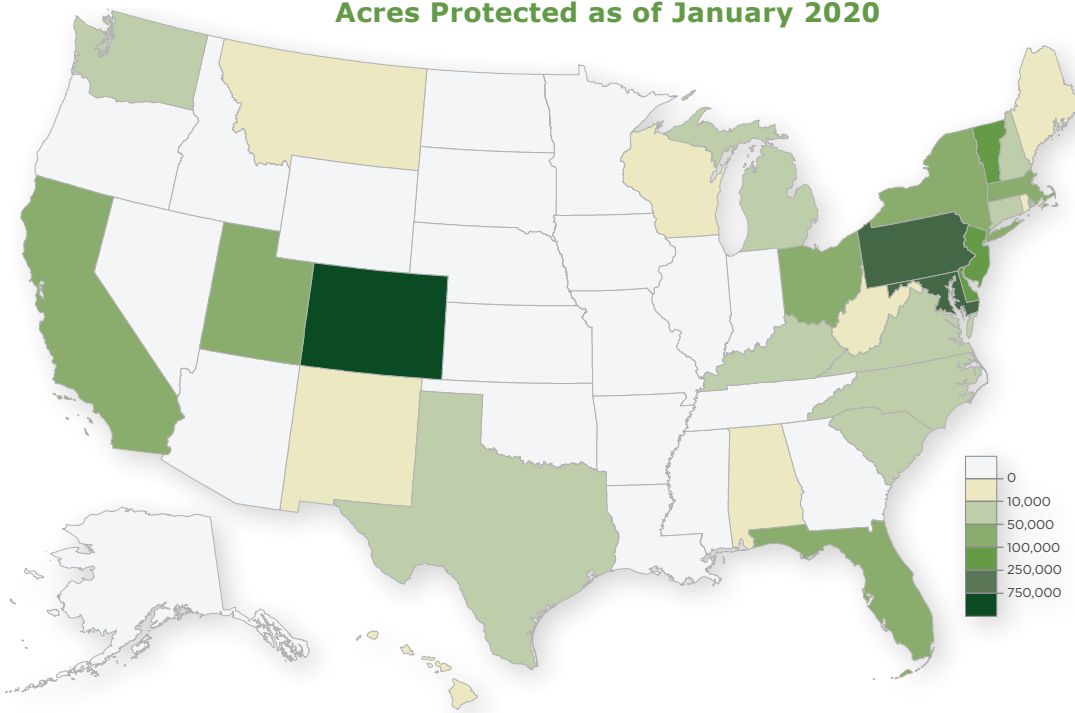
Number of acres protected by the program.

Land in Farms

Acres of land in farms as reported in the Farms and Land in Farms 2019 Summary released by the United States

Department of Agriculture's National Agricultural Statistics Service (USDA NASS). For the purposes of the Census of Agriculture, USDA NASS defines a "farm" as any place from which \$1,000 or more of agricultural products were produced and sold, or normally would have been sold, during the census year.

Acres Protected as of January 2020



PURCHASE OF AGRICULTURAL CONSERVATION EASEMENT PROGRAMS

State	Year of Inception/ Year of First Acquisition	Easements or Restrictions Acquired	Acres Protected	Land in Farms (Acres)	Program Funds Spent to Date
Alabama					
Alabama Department of Agriculture and Industries ^{v. 2009}	2004/2005	21	4,591	8,300,000	\$1,636,866
California					
Agricultural Land Mitigation Program ⁱ	2016/2017	9	1,261		\$11,677,189
California Farmland Conservancy Program ^{i, v. 2014}	1995/1997	184	59,498	24,300,000	\$88,569,039
Sustainable Agricultural Lands Conservation Program ⁱ	2014/2015	30	35,391		\$30,525,752
Colorado					
Great Outdoors Colorado ^{i, ii}	1992/1995	502	872,167	31,800,000	\$233,534,803
Connecticut					
Farmland Preservation Program ⁱ	1978/1979	373	45,127	380,000	\$125,169,203
Delaware					
Agricultural Lands Preservation Program	1991/1996	1,004	133,975	530,000	\$168,428,081
Young Farmer Loan Program	2011/2012	35	2,707		\$7,990,608
Florida					
Rural and Family Lands Protection Program ⁱ	2001/2001	47	54,385	9,700,000	\$78,219,109
Hawaii					
Legacy Land Conservation Program ^{v. 2017}	2005/2007	4	772	1,100,000	\$4,309,425
Kentucky					
Purchase of Agricultural Conservation Easements ^{v. 2018}	1994/1998	186	32,928	12,900,000	\$11,863,284
Maine					
Farmland Protection Program ^{v. 2015}	1987/1990	42	9,752	1,300,000	\$12,574,122
Maryland					
Maryland Agricultural Land Preservation Foundation	1977/1980	2,378	322,102	2,000,000	\$877,580,772
Rural Legacy Program ^{i, iii}	1997/1999	748	102,933		\$555,026,665
Massachusetts					
Agricultural Preservation Restriction Program ⁱ	1977/1980	924	73,892	500,000	\$235,493,835
Michigan					
Farmland and Open Space Preservation Program	1994/1994	146	26,239	9,800,000	\$36,827,248
Montana					
Montana Agricultural Heritage Program ^{iv}	1999/2000	8	9,923	58,000,000	\$888,000
New Hampshire					
Agricultural Lands Preservation Program ^{v. 2000}	1979/1980	31	2,864	430,000	\$19,017,345
Land Conservation Investment Program ^{iv}	1987/1988	36	6,232		\$5,349,008
Land and Community Heritage Investment Program ^{i, iii}	2000/2001	61	7,355		\$8,668,337
New Jersey					
New Jersey Farmland Preservation Program	1983/1985	2,648	236,571	750,000	\$1,137,731,430

Notes: For explanation of column headings, please see factsheet text.

i. "Program Funds Spent to Date" includes incidental land acquisition costs and/or personnel costs.

ii. Program activity includes fee simple acquisitions of agricultural land. Great Outdoors Colorado grant recipients are required to resell land acquired in fee subject to a conservation easement.

STATUS OF STATE PROGRAMS AS OF JANUARY 2020

Additional Funds Spent to Date	Program Funds Available for FY20	Program Funds Available Per Capita	Funding Sources <i>Primary state funding sources are in green.</i>	
				Alabama
\$3,273,731	\$0	\$0.00	Appropriations, ACEP-ALE	
				California
\$90,771,162	\$28,000,000	\$0.71		
\$639,353	\$20,000,000	\$0.51	Greenhouse Gas Reduction Fund (cap and trade auction proceeds) , Mitigation Fees	
\$67,971,224	\$5,000,000	\$0.13	Appropriations, bonds , mitigation fees, private contributions, ACEP-ALE	
\$22,160,585	\$3,000,000	\$0.08	Bonds, Greenhouse Gas Reduction Fund (cap and trade auction proceeds) , mitigation fees, real estate transfer tax, ACEP-ALE	
				Colorado
\$536,187,345	\$12,948,775	\$2.25	Local government contributions, lottery proceeds , ACEP-ALE	
				Connecticut
\$39,586,697	N/A	N/A	Bonds, local government contributions, private contributions, real estate transfer tax, recording fees, ACEP-ALE	
				Delaware
\$407,759,962	\$13,000,000	\$13.35		
\$407,759,962	\$10,000,000	\$10.27	Appropriations , bonds, lawsuit settlement funds, license plate revenue, local government contributions, private contributions, property tax relief program withdrawal penalties, real estate transfer tax, ACEP-ALE, federal transportation funding, REPI	
—	\$3,000,000	\$3.08	Appropriations , licence plate revenue, property tax relief program withdrawal penalties	
				Florida
\$16,566,488	\$17,100,000	\$0.80	Appropriations , bonds, local government contributions, ACEP-ALE, REPI	
				Hawaii
\$10,609,425	\$3,300,000	\$2.33	Real estate transfer tax, ACEP-ALE	
				Kentucky
\$11,597,016	\$0	\$0.00	Appropriations, bonds, tobacco settlement funds, ACEP-ALE, REPI	
				Maine
\$17,162,782	\$0	\$0.00	Appropriations, bonds, credit card royalties, local government contributions, private contributions, ACEP-ALE	
				Maryland
\$214,003,275	\$110,337,039	\$18.25		
\$211,900,349	\$80,434,884	\$13.30	Appropriations, bonds, local government contributions, private contributions, property tax relief program withdrawal penalties, real estate transfer tax , ACEP-ALE	
\$2,102,926	\$29,902,155	\$4.95	Appropriations, bonds, local government contributions, private contributions, real estate transfer tax , ACEP-ALE, REPI (ACUB)	
				Massachusetts
\$96,859,188	\$3,000,000	\$0.44	Appropriations, bonds , local government contributions, mitigation fees, municipal land fees, private contributions, ACEP-ALE, federal transportation funding	
				Michigan
\$14,532,845	\$1,900,000	\$0.19	Local government contributions, private contributions , property tax relief program withdrawal penalties, ACEP-ALE	
				Montana
\$1,420,710	\$0	\$0.00	Appropriations, ACEP-ALE	
				New Hampshire
\$31,910,747	\$3,500,000	\$2.57		
\$140,000	\$0	\$0.00	Appropriations, local government contributions, ACEP-ALE	
—	\$0	\$0.00	Bonds	
\$31,770,747	\$3,500,000	\$2.57	Appropriations, recording fees , ACEP-ALE	
				New Jersey
\$629,691,111	\$146,046,580	\$16.44	Appropriations, bonds, local government contributions, mitigation fees, private contributions, sales tax, condemnation proceeds, corporate business tax , sale of fee-simple purchased properties, ACEP-ALE	

- iii. "Program Funds Available" includes money for other land conservation purposes.
- iv. Program has terminated or is no longer acquiring agricultural conservation easements.
- v. Figures are carried forward from previous PACE tables. Information current as of year indicated.

PURCHASE OF AGRICULTURAL CONSERVATION EASEMENT PROGRAMS

State	Year of Inception/ Year of First Acquisition	Easements or Restrictions Acquired	Acres Protected	Land in Farms (Acres)	Program Funds Spent to Date
New Mexico					
New Mexico Natural Heritage Conservation Program ^{v.2015}	2010/2010	3	5,930	40,000,000	\$850,000
New York					
Agricultural and Farmland Protection Program ⁱ	1996/1998	307	79,612	6,900,000	\$196,989,132
North Carolina					
Agricultural Development and Farmland Preservation Trust Fund ⁱ	1986/1999	159	22,590	8,400,000	\$24,000,739
Ohio					
Local Agricultural Easement Purchase Program	1999/1999	496	79,741	13,600,000	\$60,671,518
Pennsylvania					
Pennsylvania Agricultural Conservation Easement Purchase Program ⁱ	1988/1989	5,636	577,092	7,300,000	\$1,032,801,415
Rhode Island					
Farmland Preservation Program	1981/1985	117	7,979	60,000	\$36,446,450
South Carolina					
South Carolina Conservation Bank	2002/2004	79	21,123	4,800,000	\$16,934,907
Texas					
Texas Farm and Ranch Lands Conservation Program ⁱ	2005/2005	13	28,019	126,500,000	\$1,648,864
Utah					
LeRay McAllister Critical Land Conservation Program (in partnership with Utah Department of Agriculture).	1999/2000	45	55,540	10,700,000	\$11,586,724
Vermont					
Vermont Housing and Conservation Board, Farmland Conservation Program ⁱ	1987/1987	746	164,250	1,200,000	\$83,800,000
Virginia					
Department of Conservation and Recreation, Virginia Land Conservation Foundation ⁱ	2000/2001	26	8,525	7,800,000	\$16,504,135
Department of Agriculture and Consumer Services, Virginia Farmland Preservation Fund ⁱ	2001/2008	105	12,190	14,600,000	\$12,106,611
Washington					
Washington Wildlife and Recreation Program, Farmland Protection Category ⁱ	2007/2008	68	12,706	14,600,000	\$19,951,193
West Virginia					
West Virginia Agricultural Land Protection Authority-Farmland Protection Program	2000/2009	30	8,027	3,500,000	\$4,683,999
Wisconsin					
Farmland Preservation Program ^{i, v. 2012}	2009/2011	17	5,124	14,300,000	\$4,824,076
STATE TOTALS		17,264	3,129,113		\$4,585,738,655

Notes: For explanation of column headings, please see factsheet text.

- i. "Program Funds Spent to Date" includes incidental land acquisition costs and/or personnel costs.
- ii. Program activity includes fee simple acquisitions of agricultural land. Great Outdoors Colorado grant recipients are required to resell land acquired in fee subject to a conservation easement.

STATUS OF STATE PROGRAMS AS OF JANUARY 2020

Additional Funds Spent to Date	Program Funds Available for FY20	Program Funds Available Per Capita	Funding Sources <i>Primary state funding sources are in green.</i>
New Mexico			
\$1,200,000	\$0	\$0.00	Appropriations, ACEP-ALE
New York			
—	\$17,910,000	\$0.92	Bonds, Environmental Protection Fund (license plate fees, real estate transfer tax, unclaimed container deposits) , local government contributions, ACEP-ALE
North Carolina			
\$75,432,171	\$4,782,073	\$0.46	Appropriations , local government contributions, private contributions, ACEP-ALE, REPI (ACUB)
Ohio			
\$23,535,319	\$6,850,000	\$0.59	Bonds , local government contributions, private contributions, Southern Ohio Tobacco Agricultural Easement Program, ACEP-ALE, NRCS-RCPP
Pennsylvania			
\$492,776,568	\$83,072,670	\$6.49	Appropriations, bonds, cigarette tax, Environmental Stewardship Fund (municipal landfill fees, unconventional gas well impact fees), interest on securities, local government contributions, real estate transfer tax , use value assessment withdrawal penalties, ACEP-ALE
Rhode Island			
\$76,915,578	\$3,000,000	\$2.83	Appropriations, bonds , local government contributions, private contributions, ACEP-ALE, federal transportation funding
South Carolina			
—	\$12,058,779	\$2.34	Appropriations , real estate transfer tax, recording fees
Texas			
\$12,365,350	\$5,450,000	\$0.19	Appropriations , private contributions, ACEP-ALE, Federal Coastal Impact Assistance Program
Utah			
\$72,390,466	\$2,000,000	\$0.62	Appropriations, local government contributions, private contributions, sales tax , ACEP-ALE
Vermont			
\$121,140,000	\$3,200,000	\$5.13	Appropriations, bonds, local government contributions, mitigation fees, private contributions, real estate transfer tax , ACEP-ALE, federal transportation funding
\$22,040,822	\$13,071,875	\$1.53	
Virginia			
—	\$421,875	\$0.05	Appropriations
\$22,040,822	\$12,650,000	\$1.48	Appropriations, local government contributions , ACEP-ALE
Washington			
\$43,525,742	\$0	\$0.00	Appropriations , bonds, development impact fees, local government contributions, private contributions, real estate transfer tax, ACEP-ALE
West Virginia			
\$110,167,449	\$4,796,913	\$2.68	Appropriations, local government contributions, real estate transfer tax, deed recording fees , ACEP-ALE
Wisconsin			
\$1,753,907	\$0	\$0.00	Bonds, private contributions, ACEP-ALE
\$3,218,942,651	\$495,324,704	\$1.51	

- iii. "Program Funds Available" includes money for other land conservation purposes.
- iv. Program has terminated or is no longer acquiring agricultural conservation easements.
- v. Figures are carried forward from previous PACE tables. Information current as of year indicated.

FARMLAND INFORMATION CENTER

Program Funds Spent

Dollars spent to date by each program to acquire easements on farms/ranches. This amount may include unspent funds dedicated for installment payments on completed projects. Unless otherwise noted, these figures do not reflect incidental land acquisition costs, such as appraisals, insurance and recording fees, or the administrative costs of running the program. These figures do not include additional funds, recording fees, or the administrative costs of running the program. These figures do not include additional funds contributed by federal programs, local governments (counties and municipalities), private land trusts, foundations, and/or individuals.

Additional Funds Spent

Funds contributed to date by federal programs, local governments, private land trusts, foundations, and/or individuals (see "Funding Sources Used").

Program Funds Available

Program funds available for the current fiscal year to acquire easements on agricultural land.

Program Funds Available Per Capita

Program funds available per capita are based on state population estimates for 2019 from the U.S. Census Bureau.

Funding Sources Used

Sources of funding to date for each program. Funding sources in blue indicate primary funding source for 2018. "Federal transportation funding" refers to money disbursed by the U.S. Department of Transportation's

Federal Highway Administration to support transportation alternatives and enhancements.

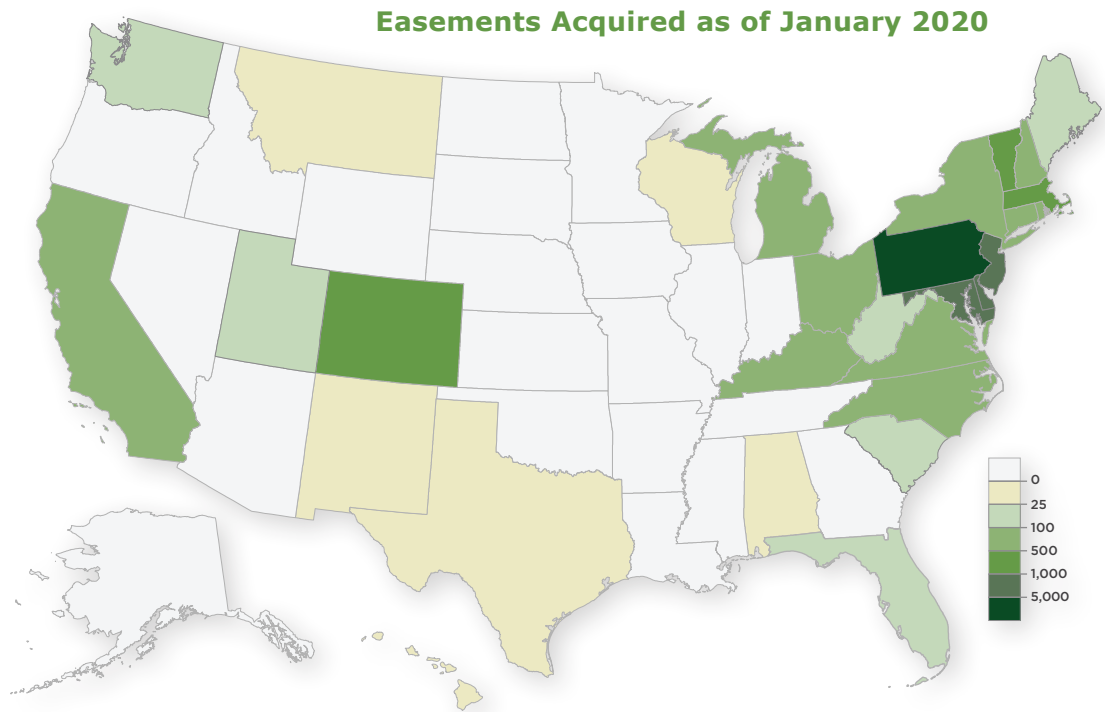
The Readiness and Environmental Protection Integration Program (REPI) provides funds to establish easement-protected buffer areas around military installations.

The federal Coastal Impact Assistance Program authorizes funds to be distributed to oil and gas producing states to mitigate the impacts of oil and gas extraction from the continental shelf.

The Agricultural Conservation Easement Program (ACEP) protects agricultural land and conserves wetlands. The Agricultural Land Easements (ALE) component of ACEP provides matching funds to eligible entities to buy conservation easements on farm and ranch land. In the table, ACEP-ALE includes FRPP.

In addition to these sources of funding, several programs reported contributions from private sources.

© 2020 American Farmland Trust



For more information on Purchase of Agricultural Conservation Easements (PACE), see the PACE fact sheet and other PACE resources on the Farmland Information Center (FIC) website. The FIC is a clearinghouse for information about farmland protection and stewardship and is a public/private partnership between the USDA Natural Resources Conservation Service and American Farmland Trust.