

1980

## Farmland Preservation In Massachusetts and Rhode Island

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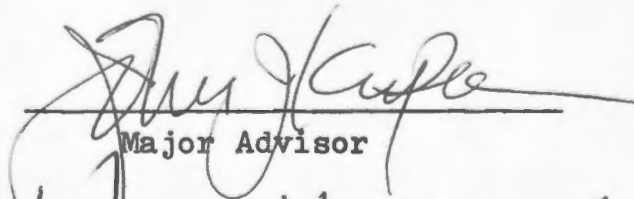
Master of Community Planning

Thesis Project

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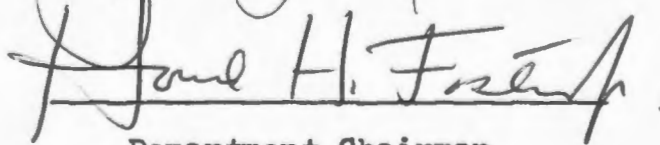
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1980

**Farmland Preservation In  
Massachusetts and Rhode Island**

**by**

**Michael L. Mancuso**

**A Thesis Project submitted in Partial  
Fulfillment of the Requirements for  
the Degree of Master of Community  
Planning.**

**University of Rhode Island**

**1980**

## PREFACE

This study investigates the issues and problems surrounding the decline of farms and farmland in Rhode Island and Massachusetts. A major portion of this project deals with the present legislative remedies for the agricultural decline. The forms of legislation are strongly addressed because the laws bring out the issues and problems of attempts to preserve agricultural lands. This study also makes recommendations on how preservation legislation can be improved and used beneficially in local communities. The state and local planner's role in the preservation process is also discussed.

It should be noted that in this study, the loss of agricultural lands will be viewed in relation to urban sprawl and the rising costs of farming. Farmland loss to due wind and water erosion will not be addressed. Farmland loss through erosion is an important issue, but is not considered a greater problem than urban sprawl and inflation in New England.

In order to avoid redundancy, the terms, "agricultural lands", "farms", and "farmland" will be used synonymously since their meanings are essentially the same.

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"The United States is losing one million acres of the world's best and flattest agricultural land each year to urban sprawl. In my lifetime, we've paved over the equivalent of all the cropland in Ohio. Before this century is out, we will have paved over an area the size of Indiana."

Bob Bergland

United States Secretary of Agriculture

In 1979, the National Conference of State Legislatures performed a study on United States agricultural lands.<sup>1</sup> The results of the survey were startling. Between 1967 and 1975, 48.7 million acres of land were newly placed into agricultural uses. However, 79.2 million acres of land were taken out of agricultural uses. Thus, the net loss of agricultural land was 30.5 million acres.

Of the total, 16.6 million acres went to urban, built-up uses. Another 6.7 million were converted to water. The result is that nearly 3 million acres per year, over the 1967-1975 period, were converted from agriculture to essentially other permanent uses. Further, 60 percent of the acreage was converted to urban uses, and 40 percent of that put under water were soil classes termed by the U.S.D.A. as the best agricultural land.

The fact that the "best" agricultural land is being lost is a major point to note since many people believe that the United States has an overabundance of fertile, well cared for cropland. There is plenty of farmland left in the nation; however, this farmland is not all the high classed type, nor is the farmland equally distributed among this country's regions.

It is also interesting to note that through irrigation, land clearing, drainage, and dryland farming

about one million acres of farmland are being added each year.<sup>2</sup>

Again, this land is not of the best quality for crops or animals. Plus, this new farmland is the most costly when it comes to pesticides, fertilizers, labor, energy, and other expenditures. Despite the "additional" farmland, there are regions of the nation that are losing their farmland dramatically. In those areas, New England included, loss of farmland could spell many problems.

Loss of jobs and increased prices for imported food create negative economic effects on the area. Environmentally, the loss of farmland can create many hydrological problems. Farmland and pastures help to support local water supplies by absorbing precipitation and spring snow thaw. This water is transferred to both the above and below ground water systems. Farmland also can serve as an excellent floodplain guarding against excessive water runoff. "Open land protects the hydrologic integrity of watersheds by controlling stormwater runoff and sediment damage, and they protect aquifer re-charge areas, and serve as buffers for water supply and other natural areas."<sup>3</sup>

Another environmental concern is farmland's natural setting for wildlife. Many birds and other small



animals depend on agricultural areas for food, lodging, and natural protection. Up setting the "balance of nature" could consequently have negative effects on the local environment. The absence of a human and ecological beneficial creature could produce an abundance of an environmentally injurious animal or insect.

Lastly, the aesthetic, pastoral, and emotional reasons for preserving farmland cannot be ignored. Rolling, waving fields of pastureland often compliment many areas, especially New England communities. The aesthetic motive may be a less tangible reason to preserve farmland; however, one could conclude that areas like New England would lose their distinctive visual and environmental character if their agricultural lands were to become——shopping malls, housing projects, airports, or industrial parks.

The farmland loss can be attributed to several factors; however, this report centers on those factors which are most common to the New England states of Massachusetts and Rhode Island. This is not to imply that the factors to be discussed are not national concerns. Actually, the factors are nationwide, but for the purpose of this paper the factors will be addressed in the New England context.

Today's New England farmer finds it difficult to maintain agricultural pursuits while attempting to make a respectable, worth while-living profit.

The rising costs of labor, taxes, farm materials, and expensive innovative farm techniques discourage some farmers from continuing and expanding their trade. Although New England farmers have generally been given a fair price for their food, recent energy costs have prevented any real profits. "... farmers were particularly hard hit by increased petroleum costs, because they use oil to run their machinery and because the price hikes drove up the cost of the mostly petroleum-based fertilizers."<sup>4</sup>

The farmers hardest hit by the recent energy costs were the relatively small acreage farmers. These farmers do not sell in great volume which prevents them from compensating for the rising energy costs. Most of these farmers could obtain government loans to help them, but most of the farmers do not see their farms continuing. The reason for this being that children of small acreage farmers generally do not view farming as a worth while way of life in American society. The rewards for farming's hard work are not as attractive as less strenuous employment in the cities.

The result of it all was reported in 1978 by Rhode Island Resources Magazine:

The census of Agriculture reports that the number of farms with a gross sales of under \$20,000 dropped from 2.2 to 1.7 million between 1969 and 1974. At the same time the total farm numbers fell from 2.7

million to 2.5 million. The relative decline in small farm numbers was therefore much sharper than the average for all farms. 5

Perhaps the greatest incentive to farmers to give up farming are the top property prices often offered for their land. Land developers and large corporations are greatly attracted to farmland plats. R. Neil Sampson noted that in New England, farmland is usually located near urban areas which makes the land very attractive concerning non-agricultural uses. Also, "... the land is flat, or nearly so. The soils are deep, generally well drained, and free of stones."<sup>6</sup> Sampson proceeds to mention that the land is usually clear of trees and other costly to remove obstructions. Furthermore, unlike fifty years ago, prime farmland is located near urban centers. The nearby urban areas have transportation systems and other "modern" systems of electricity and communication. Moreover, gas pipelines and major water and sewer facilities are beginning to surround outlying agricultural areas. As urban systems move closer to the farmland, the farmland becomes more valuable. As the land value rises the farmer is often tempted and pressured into selling his farmland——land that once sold, will probably never return to an agricultural producing entity.

## SUMMARY TO INTRODUCTION

In recent decades, the United States has witnessed dramatic declines in its prime farmland reserves. Although the country may have enough land to feed its population, this land is not distributed equally throughout the nation. Those areas which are losing farms and farmland, notably New England, run the risk of grave problems in the areas of economics, environment, and aesthetics.

This study will now proceed with individual state case studies concerning farmland loss and the issues surrounding the phenomenon. Because of this author's personal interests, the states of Massachusetts and Rhode Island will be centered on.

FOOTNOTES

<sup>1</sup>Bob Davies. A Survey of State Programs to Preserve Farmland, National Conference of State Legislatures, Washington, D.C., April 1979.

<sup>2</sup>Leon E. Danielson and Frank J. Humenik, "Rural Land Use Planning," in Agricultural Engineering, May 1979.

<sup>3</sup>Environmental Quality, Council on Environmental Quality, (annual publication) 1978, p. 272.

<sup>4</sup>John Appleton, "High Food Prices Not Enough to Help Region's Farmers," The Sunday Springfield Republican, Springfield, Mass., January 27, 1980, p. G-35.

<sup>5</sup>"The Small Farm: A Surviving Enterprise", Rhode Island Resources Magazine, Winter 1978, p. 9.

<sup>6</sup>R. Neil Sampson, "Development of Prime Farmland", Environmental Comment, January 1978, p. 4.

## The Massachusetts Case

The Environmental Protection Agency has stated that since 1935, farms and farmland in Massachusetts have decreased by two-thirds.<sup>1</sup> Until the last decade, the loss of farmland was not considered a major problem by most of the residents and legislators. Since the 1970's, however, the importance of preserving prime agricultural lands has gained much attention in the Bay State.

Concerns over farmland loss involve economics and food supply. Massachusetts imports about 85 percent of its food. A large percentage of the food is expensively imported from southern and western states. "The economic impact of this loss is staggering. Of the more than \$3 billion the people of Massachusetts spend on food, \$2.8 billion leaves the state."<sup>2</sup> Further, farming directly employs about 15,000 people in the state. The agriculture business generates thousands of jobs in food processing and storage, farm supply equipment, sales, and other off-the-farm support industries.<sup>3</sup>

There are several reasons why Massachusetts must import most of its food supply. First, many foods consumed in the state cannot be grown within its borders. Citrus fruits, rice, sugar, peanuts, and other similiar food stuffs cannot be grown well in the New England climate. Secondly, Massachusetts has a much shorter growing season compared to Florida and California. Thirdly, Massachusetts is not utilizing its potential

farmland acreage to its fullest.

A break down of the state's land use can be seen below in Table I:

Table I

Massachusetts Land Use Data

Forest & Wetland-----	62%
Developed Land -----	16%
Active Farmland -----	9%
Forest Suitable for Farming -----	9%
Abandoned Farmland -----	4%

---

(Source: Marta Bariterman et. al., "The Agricultural Land Resource Base of Massachusetts." Massachusetts Agricultural Station Bulletin, No. 639, May 1976, pp. 5, 15.)

The total land area in Massachusetts is about 5,100,000 acres. Of this total, about 459,000 acres are active farmland. Since the data in Table I is about four years old, one can assume that the acreage is probably closer to 411,000. It has been estimated that Massachusetts loses about 12,000 acres of active farmland per year, but only 40 percent of the acres are being developed while 60 percent begins to return to forest land.<sup>4</sup>

What the above data suggests is that Massachusetts has about 1,102,800 acres of land that could possibly

be used for some type of farmland. Of course, some forests would have to be cleared which might be to the dismay of many forestland preservationists. Actually, it does not seem likely that Massachusetts will clear large parcels of land for agriculture. In reality, the state could use recently abandoned farmland to meet the food needs of its people, but if this land is not protected it could become a victim of urban sprawl. If the land disappears, so may the potential to produce more food, create more jobs and income, and to keep Massachusetts' self-sufficient.

Fortunately, Massachusetts legislators have listened to the pleas of environmentalists, economists, and farmers. Within the last thirteen years, the state has put into law two major pieces of legislation that will hopefully aid the state in retaining its farms and farmland.

The first legislative move came in November of 1973 with the passing of the Massachusetts Farmland Assessment Act, known as Chapter 61A. The Act's full title is: "An Act Providing for the Assessment of Agricultural or Horticultural Uses". Basically, this act lowers the property tax of farmers who use the land as a working farm. Sarah Peskin further explains:

The idea is to recognize the unique role of farmland. Instead of being assessed for its potential value as house lots, the land is assessed at current agricultural land value which is considerably lower



If a farmer can keep his expenses low, and his profits acceptable, it is reasoned he will not be so apt to sell his land.<sup>5</sup>

The internal structure of the Act is quite interesting and helps to explain the underlying issues in special assessment legislation. In order to avoid confusion and conflict, the Act begins with rather complete definitions of what land qualifies for this voluntary act. Sections one and two proceed as follows:

Land shall be deemed to be agricultural land use when primarily and directly used in raising animals, including, but not limited to dairy cattle, beef cattle, poultry, sheep, swine, horses, ponies, mules, goats, bees, and fur-bearing animals, for the purpose of selling such animals or a product derived from such animals in the regular course of business; or when primarily and directly used in a related manner which is incidental thereto and represents a customary and necessary use in raising such animals and preparing them or products derived therefrom for market. (Section 1) 6

Land shall be deemed to be horticultural use when primarily and directly used in raising fruits, vegetables, berries, nuts, and other foods for human consumption, feed for animals, tobacco, flowers, sod, tress, nursesey or greenhouse products, and ornamental plants and shurbs for the purpose of selling such products in the regular course of business; or when primarily and directly used in raising forest products under a program certified by the state forester to be a planned program to improve the quantity and quality of a continuous crop for the purpose of selling such products in the regular course of business; or when primarily and directly used in a related manner which is incidental thereto and represents a customary and necessary use in raising such products and preparing them for market. (Section 2) 7

The comprehensiveness of the definitions serve to prove a point. Although the definitions are tedious, their completeness will help to avoid conflict that might result in a long, drawn-out, expensive court battle. Also, the definitions may prevent swindlers from taking advantage of the law.

Section Three presents the guidelines for application procedure. It should be remembered that the use of 61A is purely voluntary. In order for a farmer to qualify, his land must be at least five acres in area. Products from the land must total at \$500.00 per year. When the parcel is more than 5 acres, the \$500.00 sales income must be increased by the rate of \$5.00 per acre except in the case of woodlands or wetland when the increase is reduced to \$.50 per acre.

The land must have been in agricultural or horticultural use for two years preceeding the application for 61A. The land must be under the same owner and must be contiguous. The land can be claimed contiguous despite separation by connecting public or private ways or waterways.

To further prevent fraud, eligibility for the program must be renewed each year. This means that the land must be valued and assessed each year it is under the special taxation.

The application must be submitted to the local board of assessors no later than October 1 of the year preceding each tax year. This gives the local assessor enough time to review and judge each application. If the land changes use between October 1 and December 31<sup>st</sup> of the pretax year, the local assessor has the power to disallow or nulify the submitted application.

Section nine of the Act provides a method of appeal in the case that the farmer feels the local assessor has erred in the valuation, or has refused the application. In this event, the farmer can have his case heard by the Massachusetts Appellate Tax Board. The board can overrule the local tax board, or uphold the board's decision. This section of the Act helps prevent any attempts of evading payment of full and proper taxes. It also aids the law abiding farmer in his attempts to obtain all his rights under the law.

In order to prevent unfair and arbitrary determination of values for different types of land based on land use, the Act provides for the creation of the state Farmland Valuation Advisory Commission. This commission annually publishes land value guidelines. The local assessor is urged to use this provided data in addition to his personal judgement, local farming practices, and local land values.

While assessing a parcel of land for special

taxation, the local board must also determine the land's have without the use value assessment. This record of the full value must be performed annually because the land could change use at any moment and cause the land to become ineligible for the special, reduced tax.

Perhaps the central features in the Act, surround the penalty clauses which "lay the law" concerning if the land under the Act is converted to a non-agricultural use. In the event of a change of use, the land owner must pay either a conveyance tax, or a roll-back tax, which ever is more.

A conveyance tax is due on any land valued under 61A which is sold or converted to another use within a period of ten years from the date of its acquisition or its uninterrupted use by the current owner, whichever is earlier.

The conveyance tax is based on the total number of years the land has been in agricultural use valued under 61A. A 10 percent tax is levied on the total sales price of the land if the land is sold within the first year of ownership. If sold in the second year of use, then 9 percent of the sale is taxed. If sold in the third year an 8 percent tax, and so on until a ten year period elapses. After the tenth year, "no conveyance tax shall be imposed under the provisions" of the Act.

A land owner is exempt from the conveyance tax if, (1) the land is sold for continued agricultural or horticultural uses, (2) if eminent domain was declared on the land, (3) if the land is sold to the town, and (4) the land is sold after ten years under 61A.

Another penalty contained in 61A is the roll-back tax which is only applicable if it exceeds the amount due under the conveyance tax. This deferred tax is determined by the difference between taxes paid under the provisions of 61A, and the taxes that would have been paid if the Act had not been enacted. Under Massachusetts law, the land owner must pay the taxes deferred for the year in which the land no longer qualifies for 61A and the five preceding tax years that the land had been assessed under the use value legislation. As mentioned earlier, in order to keep complete, up-to-date records, 61A requires that "before and after" land values be taken.

From studying the conveyance tax and roll-back tax, one discovers that the taxes have a two-fold purpose. First, they function to discourage farm owners under 61A from converting or selling their land. Secondly, the taxes are a means of providing the locality with devices to recover part of the full value of taxes reduced under 61A. Further, the conveyance tax is also designed to help prevent land developers

from purchasing farmland in order to receive a tax break and then , in a short time, sell or develop the land for a large profit. On the other hand, this tax could hurt land owners who have to sell due to some unfortunate circumstances.

The roll-back tax applies where a person has owned farmland for longer than ten years under the Act. The roll-back does not consider years of ownership but acts upon the difference between the development value and the agricultural value of the land. The amount of the roll-back taxes are determined by following procedures for each of the five roll-back tax years:

- (a) The full and fair value of such land under the valuation standard applicable to other land in the city or town;
- (b) The amount of the land assessment for the particular tax year.
- (c) The amount of additional assessment on the land for the particular tax year by deducting the amount of the actual assessment on the land for that year from the amount of the land assessment determined under subsection (a);and
- (d) The amount of the roll-back tax for that tax year by multiplying the amount of the additional assessment determined under subsection(c) by the general property tax rate of the city or town applicable for that tax year.<sup>8</sup>

One could term this tax a "back-up" recovery tax for funds lost under the use value assessment.

Another main feature of the Act is a provision that states that at notification of intent to sell the land by the owner, "...for a period of sixty days subsequent to such a notification, said city or town shall have, in

the case of intended sale, a first refusal option to meet a bona fide offer to purchase said land, or, in the case of intended conversion not involving sale, an option to purchase said land at full and fair market value to be determined by impartial appraisal."<sup>9</sup>

The above provision applies to intent of sale for residential, commercial or industrial use. Sale for continued agricultural use does not apply. The problem with this "first option to buy" clause is that the local towns or conservation commissions may not have the financial means to buy the farmland. This problem is directly addressed by Massachusetts' latest farmland preservation legislation which will be discussed later.

Table II, is an example of what valuation are used by the Farmland Assessment Act looks like with figures. The various values are those suggested by the Massachusetts Farmland Assessment Valuation committee. These figures apply to the fiscal year beginning July 1, 1970 and ending June 30, 1980 . Column "A" illustrates how the farm would be valuated at 100% valuation. One can see that the land acres are valued as a whole. There are only a few land uses that are separated.

In column "B", the farm is assessed under 61A. Here, each farm use is taxed per thousand according to the provided values. The valuation under 61A is \$1000 less than the 100% rate.

MASSACHUSETTS FARM BUREAU FEDERATION, Inc.

WORK SHEET FOR CHAPTER 61-A

RECOMMENDED VALUES FOR FARM PROPERTIES FOR FISCAL 1979-80

<u>LAND CATEGORY</u>	<u>RECOMMENDED VALUE</u>
	\$
Cranberry bog	700-1000
Tobacco, sod	500- 800
Nursery	240- 360
Vegetables	210- 310
Orchards, vineyards	280- 420
Forage cropland	110- 170
Improved pasture	50- 70
Productive woodland	40- 60
Christmas tree plantation	40- 70
Necessary related land	30- 40
Non-productive land	10- 20

___ Acres Cranberry bog	x\$ ___/Acre = \$ ___
___ Acres tobacco, sod	x\$ ___/Acre = \$ ___
___ Acres Nursey	x\$ ___/Acre = \$ ___
___ Acres Vegetables	x\$ ___/Acre = \$ ___
___ Acres Orchards, Vineyards	x\$ ___/Acre = \$ ___
___ Forage cropland	x\$ ___/Acre = \$ ___
___ Acres Improved pasture	x\$ ___/Acre = \$ ___
___ Acres Prod. woodland	x\$ ___/Acre = \$ ___
___ Acres Christmas tree	x\$ ___/Acre = \$ ___
___ Acres related land	x\$ ___/Acre = \$ ___
___ Non-productive land	x\$ ___/Acre = \$ ___

TOTAL LAND VALUE UNDER CHAPTER 61-A \$ \_\_\_\_\_



TABLE II

EXAMPLE OF FARMLAND ASSESSMENT

Column "A"	Column "B"
<u>VALUATION OF REAL PROPERTY AFTER REVALUATION (100%)</u>	<u>VALUATION UNDER CHAPTER 61A FARMLAND ASSESSMENT</u>
House \$18,000	House \$18,000
Barn 6,000	Barn 6,000
Hen House 2,000	Hen House 2,000
Garage 4,000	Garage 4,000
Pig Shed 2,000	Pig Shed 2,000
Silo 2,000	Silo 2,000
Pump House 400	Pump House 400
<u>\$34,400</u>	<u>\$34,400</u>
 <u>LAND</u>	 <u>LAND</u>
1 acre House Lot \$3,000	1 acre House Lot \$3,000
2 acre Highway 12,000	5 acre-vegetable (@ 310.) \$1,550
20 acre Forest 2,000	10 acre Permanent Pasture (@ 60.) 600
28 acre Farm 28,000	10 acre Productive Forest (@ 40.) 400
	15 acre Cropland (@ 150) 2,250
	5 acre Nursey (@ 300) 1,500
	5 acre Swamp (@ 30) 150
<u>TOTAL \$45,000</u>	<u>TOTAL \$9,450</u>
 Total Valuation \$79,400	 Total Valuation \$43,850
<u>tax rate x30/thousand</u>	<u>tax rate x30/thousand</u>
Tax Bill \$2,382	Tax Bill \$1315.50

## THE USE OF CHAPTER 61-A

The Massachusetts Farmland Assessment program has received mixed reviews from farm experts. Rutherford H. Platt, a Massachusetts agricultural educator, discovered that in the Massachusetts Connecticut River Valley, the assessment act did not slow the decline of farm abandonment.<sup>10</sup> It seems that the assessment act could not entirely combat the high cost of maintaining a profitable farm. The Council on Environmental Quality, in a national survey, discovered similar findings.

Tax policy alone may not work. In, Untaxing Open Space, (1976), a study for the Council on Environmental Quality, it was found that a differential tax assessment by itself is an expensive, ineffective tool for preserving prime farmland; a farmer's decision about whether to sell his land is more complex than the single issue of tax burden.<sup>11</sup>

In addition, Platt noted that many farmers were puzzled about the assessment procedure and consequently mistrusted local assessors who were responsible for setting property rates.

Warren K. Colby, a chief administrator for the Massachusetts Department of Food and Agriculture, feels that 61A has been a success despite strong evidence of farmland loss. He feels that without 61A, farmland on the borders of major cities would be gone forever<sup>12</sup>. He also noted that 61A would probably be used more in the future as 100% valuations continue.

Statistical information concerning 61A is not

collected by any Massachusetts state agency. Each locality keeps its own records and those records are not readily available. However, according to the Colby, a study in 1977 discovered that about 58,000 acres on 735 farms were being taxed under 61A. A great deal of the farms were located in towns that had recently revalued property to or near 100%. These farms were in those areas where growth had inflated land values to a point where assessors were no longer permitted to assess farmland at its traditional rate. Rural towns, and those towns assessing at the lower percentages of market values were in effect using "defacto current use" assessment and employing values in line with 61A.<sup>13</sup>

#### SUMMARY OF 61A

According to the limited data, Chapter 61A does seem to be saving farmland, but its success is limited. Like most special assessment legislation, 61A does have some problems. First, a farmer may need more than a tax break to continue farming. Inflation has caused many rising prices that a farmer may find difficult to fight. Secondly, many local assessors are not well informed concerning farmland values. This problem is eased by the Farmland Valuation Advisory Commission's suggested farm use values, but other considerations like land types, cropping practices, and the personal discretion of the local board of assessors could cause friction between

farmers and assessors. This problem increases when a locality boosts evaluations near or to 100%. In the fall 1979, the town of Amherst, Massachusetts performed a revaluation that increased taxes on farmland to 300%, and on farm buildings 50%. The utilization of 61A only decreased taxes about 20% which is almost useless when applied to the 300% revaluation.<sup>14</sup>

In **conclusion**, it is evident that 61A does have a potential for saving farmland, but this potential diminishes as land values and farm costs increase. Farms located near large urban centers need more than a tax break to combat the pressures of development. Chapter 61A alone cannot stop farmland abandonment which has prompted Massachusetts law makers to devise other forms of legislation to preserve cropland. This study continues with the discussion of the Bay State's recent "Purchase of Developmental Rights" program, a program that could possibly save Massachusetts farmland and farms.

## FOOTNOTES

<sup>1</sup>Environmental News, (October 1977), p. 2.

<sup>2</sup>Ibid., p. 2.

<sup>3</sup>Massachusetts Department of Food and Agriculture et. al., The Agricultural Preservation Restriction Act Why is it important to You, Massachusetts Department of Food Agricultural et. al., (1978), p.3.

<sup>4</sup>University of Massachusetts Cooperative Extension Service et. al., Foodland Preservation in Massachusetts: Private Property & Public Resource, (1976), p. 4.

<sup>5</sup>Sarah Peskin, Guiding Growth and Change: A Handbook for the Massachusetts Citizen, Appalachian Mountain Club, (1978), p. 93.

<sup>6</sup>Commonwealth of Massachusetts, Massachusetts Farmland Assessment Act, (Massachusetts General Laws, Chapter 61A, 1973), section 1.

<sup>7</sup>Ibid., section 2.

<sup>8</sup>Ibid., section 13.

<sup>9</sup>Ibid., section 14

<sup>10</sup>Rutherford H. Platt, "The Loss of Farmland: Evolution of Public Response," The Geographical Review, (January 1977) p. 93.

<sup>11</sup>Council on Environmental Quality, Environmental Quality, (annual publication 1977), p. 273.

<sup>12</sup>Warren K. Colby, telephone interview, March 18, 1980.

<sup>13</sup>Warren K. Colby, personal letter, March 18, 1980.

<sup>14</sup>Amherst Bulletin, Amherst, Massachusetts,  
Wednesday 5 September 1979, p. 35.

THE MASSACHUSETTS  
AGRICULTURAL PRESERVATION RESTRICTION ACT

Due to the limited success of the Farmland Assessment Act, and in response to farmers, conservation groups, environmentalists, and those concerned with farm issues, the 1977 Massachusetts legislature enacted the The Massachusetts Agricultural Preservation Act(Chapter 780 of the Acts of 1977). Basically, "the Act provides for the public purchase of Agricultural Preservation Restrictions, often called "development rights".<sup>1</sup>

The Act is a voluntary program through which qualifying farmers or land owners can sell the rights to develop their land for non-agricultural uses. Once the land owner qualifies, the state will pay the land owner the difference between the appraised value of the land and its appraised commercial market value. The land owner sells the "development rights", but the land remains in the owner's possession. The owner can receive return on the land's development value while the land remains a farm or open space. Further:

The farmer is in effect accepting an agricultural preservation restriction on the deed wherein it is agreed that the land be restricted in perpetuity to farming purposes. The farmer will retain all rights of ownership, privacy, and the right to sell or pass on the land to heirs. 2

The Act is essentially a "purchase of development rights" (PDR) program. This PDR project begins when an applicant submits an application to the town's designated official handling such applications. This official may be the director of the local Conservation Commission, director of the Board of Selectmen, the mayor or town manager. This document must include several forms of data:

- a. A full description of the agriculture carried out on the project land including type and quantity of crops, number and kind of livestock, acreage rented from others for agriculture, acreage leased to others for agriculture.
- b. A U.S.D.A. Soil Conservation Service soil map and farm plan or their equivalents.
- c. Current assessed valuation of the land covered by the project and any other contiguous land owned by the applicant.
- d. A statement by the applicant of any contingencies which may affect the retention of the land in agriculture, such as death or retirement of the owner, foreclosure, financial stress, estate settlement, or other circumstances which may require expeditious processing of the project.
- e. A statement by the applicant agreeing not to sell or commit to sell the land covered by the project and to permit inspection and appraisal thereof within a period of one hundred and twenty days from the date of receipt of a copy of the application by the Commissioner (Massachusetts Department of Food and Agriculture) or until the date on which the project has been disapproved by the Committee (Massachusetts Agricultural Lands Preservation Committee), whichever comes first.<sup>3</sup>

Once a locality has reviewed an application, it has sixty days to provide the Commissioner of Food and Agriculture with information concerning the "compatibility



of the project with zoning by-laws, planned public works, local ordinances, and other significant considerations." Once the Commissioner receives the necessary material, the Commissioner may authorize the following:

- a. A field inspection of the land and agriculture.
- b. A preliminary estimate of the probable value of the agricultural preservation restriction.
- c. Referral of the project to the Office of State Planning and appropriate Regional Planning Agency for an opinion of the project's compatibility with planning objectives.
- d. Submit the project to the Agricultural Lands Preservation Committee who will review the application and give professional approval or disapproval. The applicant must be notified within 120 days of the Commission's decision. If a project is approved, a final appraisal of the land is performed. The appraisal is carried out for both the full market value and value of the land under agricultural preservation restriction. With an approval, funds are appropriated for the project. If the project is approved and there is no funds available, the application is held, with agreement of the owner, until funds are available.<sup>4</sup>

The initial funding appropriation for the PDR legislation was \$5 million. Another \$10 million has since been added. "The first phase of the program is expected to cover 19 farms containing 1,695 acres in 11 counties."<sup>5</sup> There's also about 10,330 proposed acres with a price tag of around \$24,600,000.<sup>6</sup>

Early data on the PDR program shows that farmers are generally interested in participating in the program. There are problems with the program, however. First, funding for the program is not permanent, and what funding is available is extremely limited. A farmer wishing to participate in the program may not want to

wait until money is allotted by the state. Instead, the farmer or land owner might sell out to a developer. Secondly, a locality may not like the state to own large parcels of open space that might reduce tax revenues. There are methods, however, through which the locality can purchase the land by itself or with assistance of the state. Thirdly, the PDR process is slow and costly with "miles of red tape". Land owners may become weary of the process and seek other means of return on their land. Lastly, this program helps to preserve farmland, but that is not a solid guarantee that the land will be used for the producing of farm products. The state cannot force a land owner to farm if the owner chooses not to.

Despite the problems with the Massachusetts PDR, the program appears to be making headway, however, the program will only survive with public support and money. To help insure public support Massachusetts has devised a state food policy and promotion program. This program attempts to "sell" Massachusetts home-grown farm products. And according to a well known Massachusetts agriculturist, this program of promotion is working. "Buy Massachusetts promotions, newspaper articles, and legislative attention are undoubtedly causing some in our agricultural community to look more optimistically on the future of agriculture in Massachusetts."

## SUMMARY: THE MASSACHUSETTS CASE

Over the last forty years, farms and farmland in Massachusetts have decreased drastically. This decrease has jeopardize many jobs and has caused the residents of Massachusetts to import 85 percent of their food from other states. The money leaving the state approaches 2.8 billion dollars per year. This economic loss combined with environmental concerns has generated public concern that has resulted in two major pieces of farmland preservation legislation. The first, a farmland assessment act, seeks to reduce the taxes a farmer has to pay relating to his farmland. This legislation has had limited success but has helped some farmers combat the rising costs of farming.

The second legislative response has been in the form of a "purchase of development rights" program, (PDR). Under this law, the state can purchase the land owner's right to develop his land. The land owner agrees to keep the land undeveloped which adds to the potential farmland stock. There has been a good response to this program, but unless money is permanently appropriated this program will not be effective in stopping farmland abandonment.

In the latest session of the Massachusetts legislature, the House of Representatives submitted a bill to create an agricultural land trust in the state. A form of land banking, this land trust would acquire

land solely for agricultural uses. At the time of this writing, the bill's outcome was undecided. This additional legislative move illustrates the continued importance the Commonwealth places on agricultural preservation. This importance may be a little late in coming, but hopefully it will not be too late. Lastly, the state's promotion program to push Massachusetts agriculture may educate the state's residents in the importance of agriculture in their state.

## FOOTNOTES

<sup>1</sup>Massachusetts Department of Food and Agriculture et. al., The Agricultural Preservation Act: Why is it Important to You, Massachusetts Department of Agriculture et. al., (1978), p. 3.

<sup>2</sup>Ibid., p. 3.

<sup>3</sup>Commonwealth of Massachusetts, The Agricultural Preservation Act, (chapter 780 of the Acts of 1977), section 19.03.

<sup>4</sup>Ibid., section 19.04.

<sup>5</sup>George Latanzio, "State farm program facing scrutiny," Springfield Union, 7 April 1980, p. 7

<sup>6</sup>Arlene M. Wilson, editor, Massachusetts Association of Conservation Commissions Newsletter, (February-March 1980), p. 1.

<sup>7</sup>Robert M. August, "Preservation of Massachusetts Foodland," Technical Guidance Center for Environmental Quality Bulletin, University of Massachusetts at Amherst, (Spring 1978), p.3.

SECTION II: THE RHODE ISLAND SITUATION, PART I

Rhode Island, like all the New England states, has a long history of agriculture. Dr. Thomas Weaver, professor of resource economics at the University of Rhode Island, has determined that in the year 1850, 80 percent of the total acres of land in the state were used for farms. This 80 percent amounted to over one-half million acres of land. But since the mid 1800's, farms and farmland have continued to decline.<sup>1</sup> The table below indicates the decline:

TABLE III, The Decline of Rhode Island Farmland: 1850-1970<sup>2</sup>

<u>YEAR</u>	<u>ACREAGE IN FARMS (000)</u>	<u>ABSOLUTE CHANGE (000)</u>	<u>% CHANGE BETWEEN DECADES</u>
1850	554	.	.
1860	521	-33	-6%
1870	502	-19	-4%
1880	515	+13	+3%
1890	469	-46	-9%
1900	456	-13	-3%
1910	443	-13	-3%
1920	351	-92	-21%
1925	309		
1930	279	-72	-23%
1935	307		
1940	223	-56	-18%
1945	264		
1950	191	-31	-12%
1955	154		
1960	137	-54	-35%
1970	69	-68	-50%
1974	61	- 7	

Source: L.W. Griffins, One Hundred Years of Rhode Island Agriculture, Bull. 37S, January 1965, U.R.I. Agricultural Expt. Station p. 77; U.S. Bureau of Census, 1974 Census of Agriculture, Vol. I, State Reports part 39, Rhode Island.

Despite the continued decline, an U.S.D.A statistical bulletin shows that Rhode Island has a recognizable agricultural industry. The publication reports that the state's agricultural commodities totaled \$26 million in 1977.<sup>3</sup> In addition, Professor Weaver noted that: "The multimillion dollar farm production industry of the state utilized land, buildings, and equipment valued at approximately \$103 million dollars. Estimating an annual increase in real estate values of 6%, the 1979 value of land and buildings alone is likely to exceed \$120 million dollars."<sup>4</sup>

A break down of the 1977 cash receipts is provided in the table below:

TABLE IV<sup>5</sup>

1977 Rhode Island Agricultural Cash Receipts

<u>Livestock, Poultry</u>		<u>Crops</u>	
Cattle	\$ 500,000	Hay	\$ 200,000
Hogs	900,000	Potatoes	3,700,000
Sheep	20,000	Vegatables	1,000,000
Milk	6,100,000	Apples	700,000
Eggs	3,000,000	Fruits	80,000
Chickens	90,000	Forests	60,000
Turkey	100,000	Nursey greenhouses	8,600,000
Other	500,000	Other	40,000
TOTAL	\$11,210,000	TOTAL	\$15,180,000

Combined total: \$26,300,000

Recent agricultural statistics show that only 10 percent of the state's land is used for agricultural purposes. This 10 percent represents about 61,068 acres

of area. This is a sharp reduction from 130 years ago when 80 percent of the land was used for farming. It is interesting to note that 43 percent of the agricultural land is used for dairy, livestock, and poultry. Another 33 percent of the whole is used for nursesey and greenhouse businesses.<sup>7</sup>

William P. MacConnel<sup>8</sup> reported that only 6.5 percent of the state's land was engaged in intensive agriculture: cranberry bogs, tilled cropland, and orchards. Further, only a small fraction of this land is suitable to produce any real agricultural profits. This could suggest that farming is not a large or profitable industry in the Ocean State. Staple crops, except potatoes and some corn, are not prevalent enough to make a present impact on Rhode Island's economy, or the state's capability to feed itself. Like Massachusetts, Rhode Island imports a large percentage of its food. The state has over 3000 acres of land in the form of cranberry bogs which do not face reductions since the bogs are protected by the state's wetlands legislation.<sup>9</sup> But a state population cannot survive on cranberries.

It should be mentioned at this point that Rhode Island, like New England and the rest of nation, is losing farms and farmland because of urban sprawl and the rising costs of maintaining farm. The loss of farmland is more noticable in Rhode Island because of the state's small size in area and because of the state's rapid



urban, built-up development. However, like Massachusetts, abandoned farmland in Rhode Island does not automatically mean black-top and cement.

The 1960 and 1974 Census of Agriculture for Rhode Island lends some interesting data:

TABLE V: Rhode Island Farms and Farmland Uses<sup>10</sup>

<u>Resources</u>	1960	1969	1970 <sup>H</sup>	1978
Number of Farms	1,400	700	597	865
Land in farms	138,000	68,720	61,068	75,791
a. Cropland (acres)	53,000	31,840	29,078	36,632
1. used for crops	35,000	21,553	21,422	25,141
2. all other cropland	3,000	1,579	2,331	3,722
3. pasture only	15,000	8,708	5,325	7,999
b. Woodland	64,000	26,093	22,219	27,571
c. Other land (includes permanent pasture)	22,000	10,787	9,771	3,160

With the above census data and a special land use class (Table VI, page 37), Professor Weaver came to some interesting conclusions. Weaver discovered that between 1960 and 1974 approximately 11,500 acres of non-forest land in Rhode Island was converted to built-up areas. Also, most of this land was woodland brush and Class II agricultural land. Moreover:

Some 4,362 acres (46%) was woodland brush, land which had gone out of agriculture prior to 1960 and was in transition towards a forest cover. Compared to the total loss of farmland of approximately 77 thousand acres during the 1960-74 period, it is apparent that most of the farmland<sup>11</sup> lost, about 91%, had not been developed by 1974.

TABLE VI: Rhode Island Farmland Soil Suitability Classes

<u>ECONOMIC LAND CLASSES</u>		
<u>LAND CLASS</u>	<u>TYPE OF LAND</u>	<u>CHANCES OF AGRICULTURAL SUCCESS</u>
CLASS I	Rough, rocky land, swamps, woodland or brush, infertile and sandy	Extremely low
CLASS II	Low suitability of land for agriculture. Poor drainage, rocks, low soil moisture holding capacity or rough and broken topography	Too small to expect full-time commercial operations. Some small scale farming.
Class III	Farms small to medium in size. Fields small and awkward. Areas rough and broken. Buildings maintained at minimal levels. Crop yields limited by adverse soil.	Income expectancy generally low. Farm bussinesses small to medium.
Class IV	Better agricultural area. Soil good. Operations medium to large. Well maintained Land resource base good enough to support a well adjusted agriculture	Medium income to good income expectancy.

Source: Arthur Jeffrey, Unpublished, 1975 Rhode Island Land Use Survey.

One can safely assume that Weaver's analysis, that most abandoned farmland has not been developed, is the case in Rhode Island. His 91 percent figure may be a little high, but the fact remains that Rhode Island does have farmland worth saving for the future. And according to Jeffrey's study, in 1975, there are about 14,000 Class III acres and about 5,600 acres of Class IV type. (See above table.)<sup>12</sup>

The total 19,000 suitable acres for farming may have been reduced over the last five years. However, there is evidence that farms recently out of production may add to the 19,000 acre figure. A problem the state has is that no agency accounts for the farmland. Steve Morin, of the Rhode Island Department of Environmental Management has been quoted saying, ".... Rhode Island has taken agriculture so much for granted in recent years that no one has kept adequate statistics about the amount of good farmland being taken out of production for development."<sup>13</sup>

If Rhode Island wishes to preserve its remaining in and out of production farmland, the state will have to respond with more effective legislation. Past legislation has not slowed farmers from leaving their trade. Rhode Island may not have the land to feed all its population, but with the land available, the state may be able to reduce its 90 percent reliance on imported food, food that becomes more costly to import every day. Also, Rhode Island's delicate environmental balance might be hurt if open space is converted to built-up development.

In summary, Rhode Island's agricultural tradition is fading with each passing decade. There is evidence that Rhode Island does have open space land that could be used for cropland if the land is preserved. If present farmers are expected to continue producing their commodities, then some legislative help is needed.

FOOTNOTES: THE RHODE ISLAND SITUATION, PART I

<sup>1</sup>Thomas F. Weaver, Land Use and Agriculture in Rhode Island, Department of Resource Economics, University of Rhode Island, (April 1979), p. 2.

<sup>2</sup>L.W. Griffins, One Hundred Years of Rhode Island Agriculture, Bulletin 37S, University of Rhode Island Agricultural Experiment Station, (January 1965), p. 77.

<sup>3</sup>United States Department of Agriculture, Supplement to Statistical Bulletin No. 609, (September 1978), pp. 80-81.

<sup>4</sup>Weaver, p. 4.

<sup>5</sup>Rhode Island Department of Economic Development, Rhode Island Basic Economic Statistics 1979-1980, (Providence: Rhode Island Department of Economic Development, 1979), p. 182.

<sup>6</sup>Weaver, p. 2.

<sup>7</sup>Rhode Island Basic Economic Statistics, p. 181.

<sup>8</sup>William P. MacConnel, Remote Sensing Land Use and Vegetative Cover in Rhode Island, (Kingston: Cooperative Extension Service, Bulletin No. 200, University of Rhode Island, 1974), p. 24.

<sup>9</sup>Ibid., p. 49.

<sup>10</sup>United States Bureau of the Census, 1960 and 1970 Census of Agriculture, United States Government Printing Office.

<sup>11</sup>Weaver, p. 8.

<sup>12</sup>Arthur Jeffrey, 1975 Rhode Island Land Use Survey, unpublished, (1975).

<sup>13</sup>"Can the farms be saved", Narragansett Times, (6 March 1980), p. 1.

PART II: RHODE ISLAND'S RESPONSE TO PRESERVATION

Rhode Island's first attempt to preserve farmland came in 1964 with the passing of the, Green Acres Land Acquisition Act(General Laws of Rhode Island, 32-4-1-15.) This act was an indirect method since its purpose was to obtain land for public recreation and conservation efforts. In the Act, agricultural lands were covered under land that might be valuable for conservation.

The premise of the Act was that it was the state government's responsibility to "provide land for public recreation and conservation of natural resources" in order to "promote public health, prosperity, and general welfare."<sup>1</sup>

With the Act's passing came Chapter 169 of the Rhode Island Public Laws. This chapter authorized the state to use \$5 million for the purchase of recreation and conservation lands.

William G. Leshar discovered that by 1975, 5,000 acres of land, primarily woodland, was acquired under the Act. Leshar further notes:

The Green Acres Land Acquisition Program has been a small success. Of the state's approximately 650,000 acres, 5,000 acres have been preserved. To increase the program's activity, a \$7 million bond issue was presented in the 1968 referendum—but lacked 4,000 votes for approval.<sup>2</sup>

In the event the program was funded to preserve open space for farmland, problems could arise. First, there are no assurances that the land would be

used for agricultural purposes. Secondly, if the state owned land is leased back to farmers, a fair lease price might be difficult to determine. It is quite conceivable that localities might be opposed to having large tracts of land not producing tax revenues. Also, it is not known whether Rhode Island farmers would accept the idea of leasing land from the state. This could be especially evident if the land was originally owned by the farmer.

In sum, the 1964 Green Acres Act was not an effective device for preserving farmland. The Act could conserve tracts of open space, but it is doubtful that the land would be used for farmland. Also, the Act has the inherent problems of funding, leaseback agreements, tax complexities, and issues and values relating to private ownership of land for farming.

Rhode Island's next attempt for preservation was in 1968 with the Farm, Forest, and Open Space Act(G.L.R.I. 44-27-1-6). This controversial act was Rhode Island's version of the use value assessment. The Rhode Island act, like the Massachusetts Chapter 61A act, values land at its present use and not at its potential land use value.

According to some critics, this Act has had a minimum effect on preserving farmland. Glenn Seavey,<sup>3</sup> a retired Rhode Island farmer and tax assessor, feels that the legislation has not worked because of

(1) tax assessors are not skilled enough in valuing the present value of farmland, (2) local towns are not always willing to give farm owners a tax break that would reduce local tax money. This is strongly the case in communities that have large parcels of open space and active farmland. In the case where development has begun, it would mean that the developed properties in the town would have to bear the burden of the tax break. Owners of small lots of land, and businessmen may not like paying the slack of lost tax revenues. These people could place pressure on the local tax board to deny farmers the special assessment. Lastly, farmers need more than a tax reduction to help them meet rising expenses. This is especially the case with farmers who have limited resources and relatively small acreage farm operations.<sup>4</sup>

An early study of the Act found that definitions of certain types of land were too broad for clear interpretations. Open space is defined as almost any parcel of land that does not have a major structure on its surface. The same study discovered that the legislation was not widely promoted as a farmland preservation tool. Most of the state's population were not that well informed concerning the Act's purpose.<sup>5</sup>

A major difficulty with the Act is its limited roll-back penalties. As previously mentioned, the Massachusetts use value law has a five year roll-back

provision plus a conveyance tax. The Rhode Island legislation has only a two-year roll-back tax that enables land developers to hold large parcels for the purpose of development and not for preservation.

Another major problem with the Act is explained by William Leshner:

Most of the planning board chairmen expressed an interest in preserving farmland and open space in their towns. However, it was fairly obvious that most were doing little to achieve these goals. They seemed to be mainly involved in the details of immediated development plans such as road widths, drainage, specifications and lot sizes. Their planning horizons could be measured in terms of days and weeks.<sup>6</sup>

It seems that the Act came in a time when apathy to save farmland was high. The Act does have internal problems, but the problems are intensified when public support wanes.

#### SUMMARY OF PAST RHODE ISLAND LEGISLATION

Since the enactment of the Green Acres and Farm, Forest, and Open Space Acts, farmland in the state has decreased, which is an indicator that the Acts have been essentially ineffective. Problems with funding, tax revenues, land speculation, roll-back penalties, and limited public involvement have all caused the Acts to be under used and not improved. The legislation has failed to stop large farmland loss, however, it is not too late for the state to save its remaining foodland resource. This study continues with recent attempts to keep farming a viable and attractive industry.



FOOTNOTES

<sup>1</sup>State of Rhode Island, Green Acres Acquisition Act, (General Laws of Rhode Island Title 32, chapter 4, 1964), section 1.

<sup>2</sup>William G. Leshner, Land Use Legislation in the Northeast: Rhode Island, A Northeast Regional Research Project 90 Report, (Ithaca: Cornell University Agricultural Experiment Station, Northeast Regional Center for Rural Development, November 1975), p. 26.

<sup>3</sup>Glenn Seavey, interview, March 19, 1980.

<sup>4</sup>Ibid.

<sup>5</sup>Leslie C. Hyde, "Analysis of Deferred Taxation in Selected Rhode Island Towns," unpublished master's thesis, University of Massachusetts, (September 1973), pp. 103-109.

<sup>6</sup>Leshner, p. 24.

PART III: PROPOSED ATTEMPTS TO PRESERVE FARMS AND FARMLAND  
IN RHODE ISLAND

In 1979, Rhode Island Governor J. Joseph Garrahy appointed the "Task Force on Agricultural Preservation." With the director of Rhode Island Statewide Planning at its head, the Task Force was ordered to study various methods by which the state could help Rhode Island farmers remain in agricultural pursuits. It was also the job of the Task Force to review proposed agricultural preservation legislation and subsequently comment on its feasibility.

In December of 1979, the Task Force submitted its first recommendation report to Rhode Island's chief executive. The report dealt with the possible exemption of farm machinery and equipment from the state's general sales and use tax. The report revealed that Rhode Island, unlike the other New England states, places a 6 percent general sales and use tax on farm machinery and equipment.

In fiscal 1979, the total general sales and use tax yielded \$158,578,590. This source:

...typically provides about 18 percent of the total state general fund revenues and about one-third of those taxes collected from state sources. Consequently, exemption of any category of goods or services from sales and use taxes must be considered in light of its impact on the tax revenues that the state receives.<sup>1</sup>

Since no direct tabulation is made of general sales and use tax collected on farm machinery and equipment, information was collected by the type of facility

collecting the tax rather than by the type of goods or services being taxed. The types of facility can be divided into three categories:

Category (1) Farm and dairy equipment dealers

Category (2) Feed, seed, grain, and fertilizer dealers

Category (3) Hatcheries and livestock dealers

It should be noted that the above categories are not "exactly" what one could call farm machinery and equipment, but the categories do represent the closest measure of the farms implements.

The following represents the tax collected in each of the last three fiscal years by category:

Category	1977	1978	1979
(1)	\$213,906	\$254,576	\$259,015
(2)	\$152,610	\$161,828	\$166,909
(3)	\$189,108	\$221,106	\$225,199

While further calculating the taxes paid, the Task Force used an arbitrary assumption that 90 percent of the taxes paid in the first (1) category and 10 percent of each of the other categories are actually related to farm machinery and equipment. With the use of the assumption, the approximate total taxes paid for the three categories would be:(see next page).

TABLE VII  
ESTIMATED SALES AND USE TAX ON FARM MACHINERY AND EQUIPMENT<sup>2</sup>

<u>Fiscal Year</u>	
1977	\$227,000
1978	\$267,000
1979	\$272,000

The above figures compare to the total state revenues show that this source of taxes makes a relatively small contribution to the state's fiscal resources.

<u>FISCAL YEAR</u>	<u>SALES AND USE TAX</u>		<u>ALL STATE REVENUES<sup>3</sup></u>	
	Total receipts	Farm machinery %	Total receipts	Farm machinery
1977	\$139,285,472	0.16%	\$728,191,718	0.03%
1978	\$147,842,620	0.18%	\$775,043,457	0.03%
1979	\$158,578,590	0.17%	N/A	N/A

"This relatively minor impact on state revenues reflects the fact that investment in land is far more important to agricultural production than investments in machinery and equipment."<sup>4</sup> What this means is that total land value investments in the state far exceed the value of money placed into machinery. The Task Force estimates that in 1979, the approximate total investment in machinery and equipment was \$4,530,000. The Task Force's estimate of the value of agricultural land runs from \$60 million to \$150 million. This is based on an estimate that per acre value runs from \$2,000 to \$5,000.

When all the statistics all pulled together, some important conclusions can be made. First, Rhode Island farmers have large investments in both land and machinery. The continued investments in machinery and equipment show that farmers are somewhat willing to stay in agriculture. Secondly, although the general sales and use taxes represent only a small part of the total state tax revenues, the taxes represent money from agricultural support businesses. These businesses could be lost if agriculture continues to decline in the state. Related to this is that although agriculture directly only employs about 1 percent of the state's labor force<sup>5</sup>, the industry does support jobs in other sectors. Again, these jobs could be jeopardized if the agricultural industry in the state further declines.

Lastly, as the Task Force's report notes, the state should exempt farmers from paying general sales and use taxes on farm machinery and equipment. These taxes would not hurt the state's revenues and would help farmers balance their financial books. Moreover, recognizing this exemption could demonstrate a state commitment to preserve farms and farmland. This commitment could bring better relations between farmers and state officials. Better relations between these two groups could aid in cooperative efforts to promote agriculture and preserve agricultural lands.

The Task Force's next report was sent to the governor in February of 1980. This report centered on recommendations for the Farm, Forest, and Open Space Act. The Task Force isolated three major problems with the Act. First, the definitions of each classification of land were not clear. Actually, the classifications were essentially left to the discretion of the local tax assessor. According to Daniel W. Varin, chairman of the Task Force, "... absence of precise definitions has caused many problems between farmers and local assessors. These problems are partly responsible for the often distrust of the Act by farmers."<sup>6</sup>

Secondly, another problem identified was the time consuming and expensive process that farmers had to proceed through to appeal an assessor's land value determination. Unlike Massachusetts, Rhode Island's value use law does not have an effective appeals process.

Lastly, the roll-back provision was cited as being, "... difficult to administer, unfair to the local community and discouraging to the prospective client."<sup>7</sup>

The Task Force addressed these issues because of the, "... potential impact of the Property Tax and Fiscal Disclosure Act, Chapter 298 of the Public Laws of 1979 on farmland."<sup>8</sup> This is significant because this Act calls for the revaluation of the state's real property every ten years. More than twenty cities and towns will be required to revalue by December 31, 1983. This

evaluation will have profound impact on farmland adjacent to built-up urban areas. A "preview" of the Act's effects were dramatically illustrated in the City of Cranston when in 1979, the city revalued its farmland according to its potential use value. Incredibly, but believable, the value of some actively used farmland increased up to sixty (60) times!<sup>9</sup> Subsequently, this revaluation was invalidated by the Rhode Island Superior Court because of incorrect valuation procedures. Despite the Court's ruling, the Cranston revaluation paints a somber picture of what the future might hold for the state's farmland.

To vivify the Farm, Forest, and Open Space Act, the Task Force explained the proposed improvements of a new version of the legislation:

1. All three categories of land affected are more carefully defined.
2. Farmland and forest land would be classified as such by the Director of Environmental Management, not at the discretion of the local tax assessor.
3. An administrative appeal process is instituted.
4. The present two-year roll-back of property taxes is replaced by a land use change tax. As its name implies, this tax would be imposed on land that is being taxed at its use value at the time that its use is changed to a more intensive type. This tax would be levied at a rate of ten percent of the fair market value of the land, but this rate would decline by one percent each year from the seventh year to the fifteenth year of classification and would not be imposed thereafter on the same owner. Land that had been farmed for the preceeding five years would not be subject to the initial five-year period in which the land-use change tax remains constant at ten percent. 10

The new proposed version of the Farm, Forest, and Open Space Act has other features that are lacking in the present Act. The proposed Act greatly involves the Rhode Island Department of Environmental Management (DEM) in some of the Act's procedures. As mentioned in the Task Force's report, the DEM is responsible for designating the three classifications of land. Also, the DEM is responsible for handling applications for the designation procedure.

In order to prevent conflicts over land values, the proposed Act requires that the director of the Department of Community Affairs (DCA) annually publish a list of suggested land values for the different types of farmland, forest, and open space land.

The proposed new draft is much like the 1973 Massachusetts use value legislation. It is a much better written law than the present legislation. And it possibly could save good amounts of farmland, however, its outcome is doubtful. South Kingstown Representative, James Auckerman believes that no farmland preservation legislation will become law because there is a general lack of interest concerning farming among the majority of Rhode Island's law makers.<sup>11</sup> Auckerman has proposed several preservation bills that have met with failure. In fact, farmland legislation has been defeated every year since the original Farm, Forest, and Open Space Act was enacted in 1968.

The Task Force is presently working on two



studies that should help any future preservation projects. One study deals with the facilities and support systems needed for productive, profitable farming. These facilities and support systems include farm machinery dealers and food processing plants. In order for these facilities and systems to remain in business, farming must be kept viable. On the reverse side, if inexpensive food processing is lost, farmers might be better off to sell their land for profits. The Task Force is studying ways through which farmers and support systems may help each other.

The other study concerns a possible agricultural education program for the state's population. This program would hopefully inform Rhode Islanders of agriculture's importance within the state.

Despite the work and recommendations of the Task Force, Daniel Varin feels that the effort to save Rhode Island agriculture might be wasted unless public support for farm preservation increases to the point where public officials take notice. Most people want land developed for jobs not related to agriculture.<sup>12</sup> This supports the premise that most people take food producing for granted. If some popular food stuffs began to disappear from supermarkets, then some public response might be heard.

THE POSSIBLE EFFECT OF THE STATE-LOCAL LAND  
MANAGEMENT BILL

In 1977, the Rhode Island House of Representatives submitted a piece of legislation called the State-Local Land Management Bill. This proposed bill, yet to be passed, seeks to designate and regulate "critical land areas" in the state. The reasoning behind this bill is that the state has a limited amount of land area. In order to insure the best use of this land and to prevent haphazard development, the bill will hopefully provide a system through which proper land development can take place.

As stated in the legislation:

...the objectives of this title are to establish a state-local land management program based on the state land use policies and plan that will:

- (1) establish minimum standards and essential procedures for the management of land as a natural resource.
- (2) allow the state to express its interest in the limited number of land use issues that are of concern to more than one community.
- (3) assure that state agencies' development decisions are consistent with the state land use policies and standards.
- (4) assist and guide cities and towns in preparing land management plans and ordinances.
- (5) provide cities and towns with enabling legislation for planning and land management that gives them authority to deal with the full range of land use problems and that allows for diversity and choice of methods;  
and

(6) establish a mechanism whereby citizens, groups, and public bodies affected by development of regional impact in another city or town can have their advice considered in the decision. 13

The revised 1979 edition of the proposed bill identifies three areas of critical concern: (1) areas of limited development potential. These areas include **unusually fragile lands** where development could cause irreversible development damage. Included here are water bodies, wildlife **habitats**, and rare ecosystems. Also included are flood plains and other natural hazard land that protect the state from adverse weather conditions. Also included are renewable resource lands which incorporates agricultural lands.

The second (2) area of public concern are areas of public investment which includes: highways, public water supply resources, rail stations, and airports.

Thirdly (3), areas of major economic development potential which include proposed industrial, commercial, and residential development.

Ideally, this bill seems to be a great device to manage land in a coordinated effort between the state and local governments. The regional approach to planning is also notable in is bill. Citizen participation is urged in the bill which could aid the planning process.

In regards to farmland, the land management bill lacks an effective preservation measure. The bill calls for the designation of agricultural lands as possibly being a "critical area". This may preserve farmland for the future, but what about farmers today? The bill does not provide any financial help to hard-pressed farmers. There are no provisions in the bill that give land owners a tax break for not developing their "critical areas". If the state attempted to force a land owner not to develop or sell his land, the owner could bring the state to court for not allowing him to use his private property in a reasonable manner.

In summary, if the land management bill was enacted, it would have a minimum effect on farmland preservation. It could be used as a tool for preserving land for the future, but farmers need some help now. Moreover, the bill could be a political "hot-cake". The state may designate critical areas that local towns might want to develop for tax revenues. Also, the regional approach might place various towns at odds with each other concerning development and conservation.

#### SUMMARY OF RECENT ATTEMPTS TO PRESERVE FARMLAND

Within the last year, Rhode Island has attempted to improve its agricultural land preservation policies. The special "Task Force" and some proposed

legislation shows that the state is interested in farmland conservation, but this interest is not strong enough to bring forth effective policies. Both James Auckerman and Daniel Varin feel that there is not enough support in the Rhode Island legislature to bring about strong preservation legislation.<sup>14</sup>

The revised and newly proposed Farm, Forest and Open Space Act, may help, but this aid might not meet high expectations. Studies have shown that even well-written and publicly supported use value legislation has limited effect on preventing farmland loss.<sup>15</sup>

Proponets of agricultural land preservation can only hope that new devices might be tried that will slow the land losses. However, other preservation techniques can be costly, politically unfeasible, or unconstitutional. This study continues with a discussion of various other methods of farmland preservation.

## FOOTNOTES

<sup>1</sup>Governor's Task Force on Agricultural Preservation, Daniel W. Varin, chairman, Report to the Governor, I, (14 December 1979), p. 1.

<sup>2</sup>Ibid., p. 2.

<sup>3</sup>Ibid., p. 3.

<sup>4</sup>Ibid., p. 4.

<sup>5</sup>Rhode Island Department of Economic Development, Rhode Island Basic Economic Statistics 1979-80, (Providence: Rhode Island Department of Economic Development, 1979), p. 181.

<sup>6</sup>Daniel W. Varin, interview, March 6, 1980.

<sup>7</sup>Governor's Task Force on Agricultural Preservation, Daniel W. Varin, chairman, Report to the Governor II, (18 February 1980), p. 1.

<sup>8</sup>Ibid., p. 2.

<sup>9</sup>Frederick Vincent, interview, March 6, 1980.

<sup>10</sup>Report to the Governor II, p. 2.

<sup>11</sup>Representative James Auckerman, interview, March 18, 1980.

<sup>12</sup>Daniel W. Varin, interview, March 6, 1980.

<sup>13</sup>State of Rhode Island, proposed State-Local Land Management Act, (1979) chapter 28, section 1-1-2.

<sup>14</sup>Auckerman and Varin, interviews March 6 and 18, 1980.

<sup>15</sup>Henke, J. T., Preferential Property Tax Assessment for Farmland, 53 Oregon Law Review 177-230, (Winter 1974).

POSSIBLE FARMLAND PRESERVATION TECHNIQUES  
FOR RHODE ISLAND

I. Exclusive Agricultural Zoning

Exclusive agricultural zoning is the process of zoning areas of land for agricultural uses only. This process would be performed by local towns, however, the proposed State-Local Land Management Bill could give the state some influence in designating agricultural zones. This could be a relatively inexpensive tool for preservation, but it does put restrictions on private property. The agricultural restriction could lower a private owner's property value which could lead to political and legal battles. It might be feasible if the land owner has a commitment to agriculture and agrees with such a restriction.

In Rhode Island, this technique might work in rural areas where it probably would be accepted. However, land owners might want the restriction lifted when they want to develop or sell their property.

This technique would probably be rejected in urban areas since land owners would lose considerable potential value on their land.

In sum, exclusive agricultural zoning is an inexpensive method of farmland preservation, but it does place a restriction on the land that a land owner might not accept. This would particularly be the case in urban areas where high land values would be

threatened. Local support would also be necessary for zoning of this type. Gregory A. Lyman et. al. state, "... the importance of citizen involvement in the development of zoning ordinances cannot be overstressed. Before undertaking the use of zoning to retain agricultural lands, there should be strong public support for pursuing this goal."<sup>1</sup> As previously stated, support for agriculture is not strong in the state which could eliminate any hopes for exclusive agricultural zoning.

## II. Agricultural Districts

Basically, agricultural districting is the grouping of large parcels of agricultural land into a designated region. This technique has been used successfully in New York State. In order for New York farmers to participate in this program, individual owners or a group of owners must first petition the state for a declaration of a district. The proposed district must consist of at least five hundred acres of land that is actively used for agricultural purposes.<sup>2</sup>

Once a district has been established, surrounding cities are restricted from encroaching on the area. The districts are protected by a provision that requires alternate site selection in the event that the district is in the line of development. Further, the extension of public utilities for the



purpose of activating urban sprawl is prohibited.

The New York program has worked well. It is estimated that approximately one-fourth of New York farmland is under this type of program. The farmland is predominately located in rural areas not threatened by urban development. It is a program that requires coordinated efforts among farmers and state officials.

Agricultural districting in Rhode Island would not be workable. Rhode Island's active farmland is not in large supply and is not grouped in a manner that could be termed a district. Any districting in the state would be reduced to zoning, which would be unpopular. Also, agricultural districts are taxed at a lower rate which may reduce local property taxes. Lastly, there are no guarantees that Rhode Island farmers would volunteer to group their land into districts. In the final analysis, agricultural districting in Rhode Island would closely resemble exclusive agricultural zoning, a technique that would not be accepted.

### III. Transfer of Development Rights

In its simplest terms, transfer of development rights (TDR) is a technique that allows a land owner to separate the development potential of his land from the land itself. The right to develop the land is "transferred" to another area of land that is more suited for development.

A farmer debating whether to sell or continue his farm might choose this technique since it would grant him an opportunity to "cash-in" on the potential value of his land while allowing him to continue his farm. The farmer would sell his rights to develop the land to a developer who wants to build something on another parcel of land. "The second area could then be developed more intensively than before, but the development rights on the first (farmland) would be foregone."<sup>3</sup>

TDR's seem uncomplicated on face, but in order for the method to function well there must be a well devised system of management. First, a responsible and well knowledged staff must be formed to insure that the TDR process works correctly. Secondly, areas of development and preservation must be established for the purpose of knowing what land and development rights are avialable. This may call for the entire rezoning of a city or town. Local master plans must also be modified so that an orderly process of development might follow. Thirdly, before a TDR program is launched, there should be a market for land in the area designated for development. Without a demand, or potential demand for land, a farmer might not want to put up his rights to develop for sale. Lastly, a land value mechanism must be established so that both the farmer and developer receive a fair deal through the TDR program.

The TDR process is a much talked about, but

sparsely used farmland preservation technique. Except for administrative costs, a TDR program would be relatively inexpensive to implement. Some of Rhode Island's developing cities, such as Cranston, might be able to use the TDR program in order to save farmland while managing continued growth. However, according to Cranston's chief planner, Fred Vincent, TDR is a program that has not been widely used or proven as a land use device. It would be difficult to convince farmers to participate in the program. In fact, not one Cranston farmer can be convinced to use the Farm, Forest, and Open Space Act.<sup>4</sup>

One major problem with TDR is that it requires a town to prepare a land market for developmental right buyers. This land market could only be used with transferred development rights, which may be a requirement that exceeds the town's police power. Also, the transferred rights would probably be more expensive to developers which would drive up the cost of development projects. A possible result could be an increase in low and moderate income housing.<sup>5</sup>

In sum, a TDR program in Rhode Island might work, but there is not enough evidence to support the program as an effective farmland preservation tool. It might be difficult to convince Rhode Island farmers to participate in a preservation program that is virtually unknown to their majority. Despite the stated drawbacks, a TDR experiment could provide some

informative and interesting answers for Rhode Island.

#### IV. Government Acquisition Through Purchase

Government purchase of developmental rights, popularly called public purchase of development rights—(PDR), is essentially the same as transfer of developments rights except that the rights are purchased by a governmental body. This program was outlined in length in "Section I" of "The Massachusetts Case." In short, this is a voluntary program in which farmers sell their development rights to the state with an agreement that the land will remain undeveloped. Of all the farmland preservation techniques, a PDR program seems to be the best except for its costs. Total farmland value estimates for Rhode Island range from \$60 to \$120 million dollars.<sup>6</sup> These estimates are staggering indeed, but with a permanent funding formula, a great deal of farmland might be saved. However, chances for effective PDR funding are slim in Rhode Island. Without funds, a PDR program is useless for saving farmland.

In sum, PDR's could save Rhode Island farmland but permanent means of funding are not available at this time. Like all farmland preservation techniques, PDR's could not work alone. A system of programs would be needed to support a PDR process. These programs would have to have public and legislative backing.

V. CONCLUSION: POSSIBLE FARMLAND PRESERVATION TECHNIQUES  
FOR RHODE ISLAND

Besides the Farm, Forest, and Open Space Act, Rhode Island could experiment with other farmland preservation techniques. First, exclusive agricultural zoning might be attempted, but conflicts over property rights and the state's police power will indeed develop. Plus, there is a chance that if the state declares such a land use tool, then property owners might sell their land at first notice. If the state was to place a "freeze" on selling agricultural land, land owners would have the right to declare the "freeze" unconstitutional.<sup>7</sup> Public agreement and support would have to back such a preservation technique, but it seems doubtful that any support would evolve in Rhode Island.

Secondly, agricultural districting might be tried, but this device would also find difficulty. Rhode Island's farmland is limited, and declaring an agricultural district would appear too much like agricultural zoning. Also, farmland in the state is too dispersed to be placed in what could be called a "district." Finally, there are no assurances that Rhode Island farmers would volunteer to pool their land in a district area.

Thirdly, a program of transferred development rights (TRD) could be tried. This might have a chance if

cities and towns in the state are willing to revamp their development strategies. TDR's would be inappropriate in towns where development is not prevalent. Also, TDR's may cause the price of low and income housing to rise since the developer would most likely pay a higher price for transferred development rights. Although TDR's may seem unworkable, the TDR concept should be attempted for the purpose of experimenting with novel land use devices.

Lastly, a public purchase of development rights program (PDR) would probably work well if enough funding could be found. Without adequate financial appropriations, a PDR program would fall into ineffectiveness.

Any preservation device must have legislative backing and public support. Some programs require substantial financial backing which could prove to be a barrier if public support is absent. No one technique can adequately preserve the state's farmland. What is needed is a balance of techniques working where each would be the most effective. For example,

Recent studies have indicated that public acquisition of development rights for agricultural land is better suited for rural communities and that "transfer" is more useful in suburban and urban settings where growth pressures are more intense and where the transfer of development to areas able to accommodate growth at higher densities is more appropriate. 8

FOOTNOTES

<sup>1</sup>Gregory A. Lyman et. al., "Can Zoning Preserve Farmland," Practicing Planner, (September 1977), p. 19.

<sup>2</sup>William Leshner, Land Use Legislation in the Northeast: New York, (Ithaca: Cornell University Agricultural Experiment Station; Northeast Center for Rural Development, December 1975), p. 27-28.

<sup>3</sup>Charles E. Roe, "Innovative Techniques to Preserve Rural Resources," Environmental Law Review 1977, (New York: Clark Boardman Company, 1977), p. 570.

<sup>4</sup>Fred Vincent, interview, March 6, 1980.

<sup>5</sup>John C. Keene, "Transferrable Development Rights: An Evaluation," in Land Use : Tough Choices in Today's World, (Ankeney, Iowa: Soil Conservation Service of America, March 1977), p. 254.

<sup>6</sup>Thomas F. Weaver, Land Use and Agriculture in Rhode Island, p. p. 4.

<sup>7</sup>Daniel W. Varin, interview, March 6, 1980.

<sup>8</sup>The Massachusetts Office of State Planning, City and Town Centers: A Program for Growth, (The Massachusetts Office of State Planning, 1977), p. 74.



## CONCLUSION OF SECTIONS I and II

Farms and farmland in the states of Rhode Island and Massachusetts have been on a steady decline for the last century. The rising costs of farming, the lure of the city bringing farmers to other employment, the development pressure of urban sprawl, and the reluctance of people to enter farming have all caused the decline.

The decline of farms and farmland in these two states has, for the most part, gone unnoticed by the states' residents. However, in the last decade, there has been growing interest over agricultural declines regarding economic and environmental concerns. This concern has surfaced in the form of farmland preservation legislation which has had mixed results. In Massachusetts, the state's use value legislation for farmland has had some success but the state's law makers have added a public purchase of develop rights program (PDR) in order to preserve farmland for the future. It is too early to see how the Massachusetts PDR program will work, but the program is a major step in the state's renewed attempt to save its agricultural lands.

Rhode Island's major effort to preserve farmland has been with a use value law pertaining to agricultural lands. This legislation has had minimum results which has prompted the state to revise its present legislation in hopes that the new version will attract more support and



participation from both Rhode Island farmers and citizens. In the future, Rhode Island might try new methods of farmland preservation but money, public support and interest are needed before any new efforts come to fruition.

RECOMMENDATIONS CONCERNING AGRICULTURAL PRESERVATION PROGRAMS.

In states where there are agricultural lands that are actively being used for farmland and where there are abandoned fields of farmland not being developed, there are certain measures that can be taken to preserve the land for future use. Two states that qualify under the last statement are Massachusetts and Rhode Island.

Usually, preservation programs begin with a public or private organization's concern over the loss or possible loss of a valuable resource. The organization then proceeds to inform the general public and political officials about the issue at hand. If a consensus of support can be achieved between government officials and community or state residents, then preservation programs can possibly be implemented.

The Commonwealth of Massachusetts, responding to the problem of agricultural land losses, has sponsored state-wide "workshops" for the purpose of informing state residents and leaders about the problem of farmland loss. Rhode Island has had similar programs

sponsored by the Rhode Island Cooperative Extension Service and other concerned organizations. In all New England states, there are organizations that are concerned with farm and farmland loss. A few are; environmental management departments, agricultural experiment stations, farm bureaus, food and agricultural departments, state university resources, public and private conservation commissions, farmers associations, and other organizations interested in agricultural preservation.

Perhaps the main objective of these organizations, regarding farmland preservation, is to illicit legislative response. Depending on public support and law maker concern, the legislative response can be either great or minimal. In the United States, the case has been minimal, especially in Rhode Island. If organizational lobbying is strong enough to obtain preservation laws, then certain state, local, and regional planning must take place. This planning can take several forms.

First, planners dealing with farmland issues must acquaint themselves with all the issues and concerns related to the preservation program. This should be done through a comprehensive approach utilizing a coordinated effort with community and state organizations associated with agricultural issues.

Secondly, the planners should gather and organize certain baseline community data. This

includes information on preservation legislation, U.S. Census of Agriculture data, employment data, local zoning and land use regulations, environmental protection information, and potential growth plans for the community.

Thirdly, planners should develop a series of maps and aerial photographs denoting agricultural areas. Maps that could be included are: prime soil maps, active and abandoned farmland, sensitive land maps, ground water maps, flood plain maps, and maps showing future subdivision and development schemes. These maps will help planners manage a preservation program by lending information concerning the possible effects of farmland disappearance. For example, an asphalt covered farmland may cause flooding or a reduction of important ground water.

Fourthly, planners should be willing to listen to farmers who may have trouble maintaining their farms. Planners could be good information people for farmers wishing to take part in preservation programs. Planners might be able to help farmers "cut through" bureaucratic red tape in the farmer's attempt to participate in government programs.

Lastly, state planners could develop state-wide programs that promote state agricultural products. A full media campaign utilizing newspapers, billboards, television, and radio could be used to make state

residents aware of the importance of state agriculture. Also, state and local planners, in coordination with agricultural organizations could sponsor workshops on the role agriculture plays in the state.

The above recommendations could help to establish and promote agricultural preservation policies on the state, regional, and local level. Planners could serve as main components in helping a preservation program succeed in a particular city or town. On the state level, state-wide planners could help in coordinating various state policies that would help farmland preservation. All in all, farmland preservation programs depend on many actors for success. Success will be denied if those involved with the programs let the programs stagnate and become unknown. Also, new programs of preservation are continually being devised. State and local planning departments should make attempts to discover whether new preservation techniques are workable in their respective areas. In the final analysis, the success of future preservation policies depends on work performed in the present.

## NATIONAL AGRICULTURAL LANDS STUDY

In the summer of 1979, President Jimmy Carter signed a directive that brought together over ten federal agencies for the purpose of studying the nation's agricultural lands. The eighteen month study, to be completed by January 1981, was given a \$2 million dollar budget. The main thrusts of the study are to:

- a. determine the nature, rate, extent, and causes of reductions in the land base of American agriculture;
- b. evaluate the economic, environmental, and social consequences of agricultural land conversion and of various measures intended to prevent or retard this conversion; and,
- c. recommend administrative and legislative actions, if found necessary, to reduce the losses suffered by the nation as a result of farmland conversions.<sup>1</sup>

The study will center on several areas of interest:<sup>2</sup>

1. Agricultural Lands in National and International Perspective.

This area concerns America's agricultural land base as a resource used by the entire world. The study will investigate ways through which America might improve the resource for both domestic and international benefit.

2. America's Agricultural Land

In this area, the study will focus on the nation's existing agricultural land. Information in this area will cover baseline data on the quantity, quality, location

and ownership of the land considered suitable and available for agricultural uses.

### 3. Demands on Agricultural Lands.

This portion of the study will identify non-agricultural uses that compete for agricultural land. Included here are: urbanization, transportation networks, water resource development, and recreation facilities.

### 4. The Allocation of Agricultural Lands Among Competing Uses.

This section of the study will address the problems surrounding the competition for agricultural land on the private land market. Recommendations will be made regarding whether more government intervention is needed to manage the allocation of agricultural land for competing uses.

### 5. State and Local Actions Affecting Agricultural Land Availability.

Under this part of the study, the various agricultural preservation techniques will be investigated. The techniques will be evaluated in terms of their successes and failures, costs versus benefits, administrative difficulties, political concerns, and land owner equity. Also to be addressed are the social and economic impacts these techniques have on communities that employ the techniques. The results of this section will be specially published for state and local officials.



6. Impacts of Federal Programs and Policies on Agricultural Land Availability.

This section will study the federal programs and policies that affect the use and availability of America's farmland. The programs and policies to be covered are highway projects, sewage treatment, and other public works projects that contribute to the loss of agricultural land. Tax policies concerning agricultural land will also be analyzed.

7. Consequences for the Infrastructure of United States Agriculture.

This section will study the effects of farmland conversion on agricultural support industries.

The study will conclude with an appraisal of whether federal legislative or administrative initiatives are needed either to assure effective detection of and response to changes in land quality, use, and ownership which significantly affect land availability for agricultural, or to enhance the efficiency and effectiveness of agricultural land allocation.<sup>3</sup>

The National Agricultural Lands Study is the first major, coordinated study performed by the federal government in quite some time. It does show a willingness by the federal government to address the agricultural land issue. The federal government has never issued a national land use plan for the United States. The same is true for agricultural lands. Political and regional problems combined with the plurality of agricultural land use issues has made it difficult

for national law makers to agree upon a set of national land use policies.<sup>4</sup> Also, most individual states have taken land use legislation in their own hands. Presently, forty-eight states have enacted some type of agricultural preservation legislation. The most popular preservation measure is the "preferential property tax assessment."<sup>5</sup>

The first data releases of the National Agricultural Lands Study (NALS) present a grim picture of farmland loss. The NALS study has deduced that by the year 2000 the United States will have squandered virtually all its best agricultural land. The study stressed that loss of farmland could greatly upset the nation's position in international economic circles. The United States earned \$33 billion dollars on agricultural exports in 1979. This multi-billion export helped offset the large payments the nation spends on expensive oil imports.<sup>6</sup> The study also found that some states have lost the ability to feed themselves. "Massachusetts, for example, considers itself the Bangladish of the East," said Robert Gray NALS executive director. "They've got seven days of food on the shelves and that's all that's between them and hunger."<sup>7</sup> One could conclude that as Massachusetts goes, so does Rhode Island in regards to the ability to feed itself.

The NALS study made projected percentages of prime agricultural land to be lost through the year 2000. The land is prime land which, among things, means it is



land that can be used for agricultural at a relatively low cost. Other lower classes of agricultural land are less fertile which means that more money for fertilizer, diesel fuel, oil, electricity, and labor is needed to bring forth farm products. In many cases, farming land other than prime land is not cost-efficient which causes many farmers to sell their land to developers. The Table below illustrates the projected losses of prime farmland.

Table VIII

Projected percentage (%) of prime farmland lost through the year 2000.

Alabama	8%	* <u>Massachusetts</u>	51%
Alaska	-	Michigan	11%
Arizona	19%	Minnesota	2%
Arkansas	2%	Mississippi	5%
California	15%	Missouri	2%
Colorado	19%	Montana	23%
Connecticut	70%	Nebraska	1%
Delaware	13%	Nevada	0%
Florida	100%	New Hampshire	100%
Georgia	14%	New Jersey	9%
Hawaii	20%	New Mexico	50%
Idaho	4%	New York	16%
Illinois	4%	North Carolina	17%
Indiana	4%	North Dakota	2%
Iowa	2%	Ohio	9%
Kansas	0%	Oklahoma	1%
Kentucky	10%	Oregon	9%
Louisiana	2%	Pennsylvania	21%
Maine	0%	* <u>Rhode Island</u>	100%
Maryland	44%		

South Carolina	20%	Virginia	24%
South Dakota	8%	Washington	23%
Tennessee	9%	W. Virginia	73%
Texas	5%	Wisconsin	1%
Utah	35%	Wyoming	0%
Vermont	43%		

Source: Boston Globe, April 14, 1980, p. 3.

The NALS projections show that New England will probably lose considerable amounts of prime farmland as the next century approaches. Rhode Island, Massachusetts, Vermont, Connecticut, and New Hampshire are projected to have very high losses. Other notable losses can be seen in Florida, West Virginia, Utah, Maryland, and New Mexico. Both the high costs of farming and the pressures of urbanization will be contributing factors in the losses. There is dim hope however, that public awareness and public support might be able to reduce the high projections. Government officials on every level must begin to address the farmland issue before this nation's farmland turns into black-top or dense forests. Our national power and security could depend on the agricultural land resources our country holds. The fight to save America's farmland must begin NOW!

#### FOOTNOTES

<sup>1</sup>Dallas D. Miner, "Coastal Zone Management and Farmland Preservation: Two Issues of Continuing Interest," Environmental Comment, (September 1979), pp. 6-7.

<sup>2</sup>Darwyn Briggs and E. Yurman, "Disappearing Farmland: A National Concern", Soil Conservation, (January 1980), p. 7.

<sup>3</sup>Dallas D. Miner, p. 7.

<sup>4</sup>Ibid., p. 7.

<sup>5</sup>Council on Environmental Quality, Environmental Quality-1979, (Washington: Council on Environmental Quality, 1979), p. 397.

<sup>6</sup>Rick Atkinson, "Farmland in U.S. is disappearing," Boston Globe, ( 14 April 1980), p. 3.

<sup>7</sup>Ibid., p. 3.

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