



**Trends in Agricultural Preservation Restriction Program Acquisitions:
What Is (and Is Not) Being Protected**

Survey of Massachusetts Land Trusts

Massachusetts land trusts play a vital role in farmland protection in the Commonwealth. According to a survey AFT conducted of land trusts in 2007, land trusts have either pre-acquired or played a significant fundraising role in at least 89 APR projects involving over 10,000 acres—one-sixth of all land protected through the program.

To gain their insights on what land is, and is not, being protected through the APR program, AFT conducted an online survey of land trusts in July 2009. The survey was distributed through the Massachusetts Land Trust Coalition list serve and sent to a targeted list of land trusts especially active on APR projects.

Respondents

Fifteen individuals representing 9 land trusts responded to the survey. Land trusts represented included: Franklin Land Trust (Franklin, Hampshire and Hampden counties); Mount Grace Land Conservation Trust (the North Quabbin region); The Kestrel Trust (Amherst and eight surrounding towns); Richmond Land Trust (the town of Richmond), Boxborough Conservation Trust (the town of Boxborough); North County Land Trust (north central Massachusetts); Sheffield Land Trust (the town of Sheffield); The Compact of Cape Cod Conservation Trusts (Cape Cod); and Sudbury Valley Trustees (the Sudbury-Assabet-Concord Rivers watershed).

APR Projects

According to the MA Department of Agricultural Resources land trusts facilitate 20% to 30% of APR projects. Over the past 5 years, these 9 land trusts have helped to facilitate between 74 and 84 applications to the APR program. Of these applications, all but three have been either completed, final voted or nominated for appraisal by the Agricultural Lands Preservation Committee (ALPC); the remaining three were withdrawn by the landowners.

The survey asked for information about potential APR projects that did not result in an application. For the purposes of the survey, potential APR projects were considered projects in which the landowner expressed an interest in the APR program and land trust staff discussed with the landowner the possibility of enrolling their land in the program.

Respondents reported a total of 21 to 26 potential APR projects which did not result in an application in the last 5 years. The majority of these potential projects were deemed

ineligible for the program, largely because of the land's lack of sufficient prime and statewide important soils.

Number of projects considered ineligible for the APR program by reason:

- | | |
|--|-----|
| - Too much wooded acreage: | 3 |
| - Too small (<5 acres): | 2 |
| - Too few prime or statewide important soils: | 12+ |
| - Primary use is for equestrian boarding/recreation: | 2 |
| - Majority of land is in cranberry production: | 0 |
| - Land owned by someone else | 0 |

Insights on Why Landowners Don't Participate in APR Program

Based on their experience working with landowners, respondents were also asked to generalize about what they perceive as the reason(s) some landowners do not apply to the APR program. The most common reasons cited by respondents include:

- Program is unlikely to pay what the restriction would be worth
- Land value likely to escalate; owners want to retain option to sell at full value
- Restriction may reduce the owners' borrowing capacity
- Not ready to make decision about protecting their land
- Unable/unwilling to find local match or agree to a bargain sale

Respondents were asked to rank, from their perspective, the most important factor in landowners' decisions not to apply to the program. The following factors were cited, in order of importance:

- APR program is unlikely to pay what the restriction would be worth
- Land value likely to escalate, owners want to retain option to sell at full value
- Unable/unwilling to find local match or negotiate bargain sale
- Application process is too long

A number of factors were viewed by respondents as being unimportant in landowner decisions to protect farmland through the APR program. These include:

- Landowner fear that information about the price received for the restriction may become public
- APR rules might change or additional rules might be imposed
- Landowner does not know enough about the program
- The restriction may make it difficult to find a future buyer
- Restriction may reduce borrowing capacity
- Land is enrolled in the Farm Viability Enhancement Program and landowner would have to return the full grant amount
- Application process too complicated

Land trusts report that the enhanced federal charitable conservation tax deduction appears to be a motivating factor for some landowners. Of the 6 land trusts that responded to this

question, 4 land trusts indicated that a total of more than 16 landowners have already or intend to use the tax deduction in connection with an APR bargain sale facilitated by the land trust.