

# Natural Allies: Land Trusts and Working Farms

A Presentation to the Land Trust Alliance of BC by West Coast Environmental Law,  
and its *Growing Green* partners<sup>1</sup>

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## INTRODUCTION:

As outsiders to the land trust world, we ask Land Trust Alliance (LTA) members to grant us a small licence as we make the following pitch: for conservation reasons, invest in working farms.

By 'investing in working farms' we mean not only to preserve ecologically important spaces that are found on farms—though this will continue to be important. We mean supporting farms that already provide remarkable ecological services—but won't for long if they can't find new ways to generate farm incomes without resorting to practices that are not environmentally sustainable. We also mean supporting farmers who show commitment to high environmental standards, so we can dramatically reduce both the local and global ecological footprint of our current food system.

In this paper, we will sketch out three things for the purpose of sparking a discussion: why we think this idea is important, what needs to happen in order for the idea to work, and (assuming you're persuaded to continue) where you might begin if you'd like to investigate further.

We propose to restrict the discussion to the conservation benefits of investing in working farms. We believe, however, that it would be relatively simple to document the considerable economic and social benefits that would flow from this investment as well—not the least of

which is the production of nutritious, healthy food.

*Natural Allies* is one of ten ideas West Coast Environmental Law is investigating along with its partners FarmFolk/CityFolk and the Liu Institute for Global Issues (UBC) as part of a food law reform project called *Growing Green*.<sup>2</sup>

## INVEST FOR CONSERVATION REASONS

We understand that many LTA members already work with farmers to pursue mutual conservation objectives, and that they have produced important results. We're aware of longstanding efforts by Turtle Island Earth Stewards (TIES) and Coast Islands Conservancy, and the more recent efforts of The Land Conservancy, The Nature Conservancy, and Ducks Unlimited.<sup>3</sup>

Whether it is fair or not, however, land trusts have a reputation among farmers as being interested solely in preservation—making adversaries out of many farmers interested in conserving the land but also working it.

Regardless, we'd like to set out the potential conservation benefits that would flow from a more ambitious, or perhaps more formal, engagement between land trusts and working farms. Our inspiration for this view is the UK's National Trust, which says it *depends heavily* upon farming and its farm tenants to achieve its formidable conservation objectives (see Box 1 for more information on the National Trust).<sup>4</sup>

### Box 1: UK's National Trust

The National Trust (NT) is a 108-year-old independent charity in the UK. Thanks to gifts, legacies, and 3 million subscribing members, the NT owns some of the 'most treasured landscapes in England, Wales and Northern Ireland.'

The NT says it depends heavily upon farming and its farm tenants to achieve its conservation objectives. Over 80% of the land in the NT's care is farmed, or depends upon farming to some degree for its management.

The NT believes that agriculture can contribute to spectacular and distinctive landscapes, rich and diverse wildlife and wildlife habitat, historic features, public access, and wholesome affordable food. It says farming plays a key role in the management of important habitats, and in reducing the adverse environmental impacts of farming.

The NT attributes its success to a close working relationship between the trust and its 2000 tenant farmers—promoted in some cases through the development of 'whole farm plans'. Whole farm plans consider how best to develop the environmental and economic potential of the land to meet the objectives of the trust and the farmer.

To enable farmers to provide environmental services, the NT values the ability of farmers to make a living from the land. It encourages 'value-added' businesses (e.g. marketing 'local distinctiveness'). It promotes 'buy local, buy seasonal' opportunities. It promotes farm income from non-agricultural sources (e.g. holiday accommodation). It encourages public access for the enjoyment and 'spiritual refreshment' of millions of visitors every year.

The UK Parliament has given the NT unique statutory power to declare land 'inalienable'—meaning it can't be voluntarily sold or mortgaged. The NT also has power to object to 'compulsory purchase' orders affecting its own lands by invoking special parliamentary procedure. Legislation enacted in 1995 gives the NT new flexibility and allows it to design agreements that better suit its objectives. Until leases elapse, however, many of the NT's farms are still governed by post-war laws that give tenants a high degree of freedom to farm, and security of tenure (e.g. occupy the farm for life; pass on lease to second or third generation if conditions are met).

For more information, see Riddle, D., 'The National Trust and Agriculture—An Overview', (London: The National Trust, 2000)

<[http://www.nationaltrust.org.uk/environment/html/land\\_use/papers/agri4.htm](http://www.nationaltrust.org.uk/environment/html/land_use/papers/agri4.htm)>

### Investing in BC farms

Investing in a BC farm would help secure the remarkable ecological services provided by BC's farms today. Examples are vast green spaces, wildlife habitat, urban containment, and homes for our few remaining streams in urban areas. Some wildlife biologists believe open soil agriculture is responsible for maintaining perhaps the most important bird habitat in Canada—the Delta flyway. Farms with healthy riparian areas store exponentially more water in the

ground than farms with irrigation ditches—water that fish live in, water that we drink, and water that will not flood our basements.

We shouldn't take these services for granted. The development pressure on these farms—particularly in and around urban areas—is intense. Farmers are finding it more and more difficult to make a living off the land and/or to find a way to provide for their retirement/succession without subdividing the land. For a farmer in tight financial circumstances, there

are very few economic incentives for continuing to provide essentially free ecological services, or to expand the range and quality of those services.

### **Investing in farms committed to high environmental standards**

We must find ways to expand the quality and range of a farm's ecological services. To do so, we must find ways to make the provision of those services financially rewarding for farmers.<sup>5</sup>

By investing in BC farms showing commitment to high environmental standards, we can gain the security that as we feed ourselves we're conserving our own environment and not contributing to ecological damage in someone else's neighbourhood.

It's a small measure of control over a global food system that shows a number of troublesome trends. Ten North American scientists, including Canada's David Schindler, recently concluded that the impacts of environmental change and degradation generated by world agriculture are in many respects more tangible and worrying than global warming.<sup>6</sup>

Vast tracts of forest and grasslands have been cleared for crops, agricultural runoff is fouling drinking water, fertilizers and manure are creating marine "wastelands", pesticides are showing up in mother's milk, and common ingredients of fertilizer (nitrogen and phosphorus) are altering the chemistry of air and water. If trends continue, the authors predict "massive, irreversible environmental impacts" by 2050 when nine billion people are expected to live on the planet. Pesticide use is

expected to increase threefold, and twice as much fertilizer will be polluting the finite supply of the planet's water.<sup>7</sup>

Investing in BC's exemplary farms is also a chance to make a significant contribution to climate change. A stunning amount of energy goes into the growing, processing, packaging and transportation of food.<sup>8</sup>

Recent US and UK reports suggest the average food morsel travels 2000 – 4000 km before it is consumed.<sup>9</sup> Even the energy needed to grow food is substantial. One UK report suggests that in pre-industrial societies one calorie of energy could produce one hundred calories of food energy.<sup>10</sup> Today, ten calories of energy are used to produce one calorie of energy from fruit and vegetables. For intensive beef production, between 10 and 33 calories are needed. For winter greenhouse vegetables, the number may be 500 calories.

After adding estimates of the energy needed to also process, package and distribute the food, the UK report calculates 4 to 8 tonnes of CO<sub>2</sub> emissions are attributable to the food consumed by a family of four each year. The report also concludes, however, that local sourcing through a farmers' market could reduce the greenhouse gas emissions by a factor of 650 (and even more for box schemes and farm-gate sales).<sup>11</sup>

Finally, investing in BC sustainable agriculture is a way to ease fears about the long-term risks of certain biotech practices like genetic engineering. More and more people are alarmed because of technologies they fear are insufficiently tested and can create totally new organisms with

unforeseeable consequences for human health and the web of life.<sup>12</sup> In May of 2003, for example, the UK's National Trust banned the use of genetically modified crops on all of its lands.<sup>13</sup>

### **WHAT INVESTING MIGHT LOOK LIKE?**

Investing in working farms can and should take a variety of forms. Our brief survey turned up several models—many pioneered or being tested in BC by LTA members.

#### **Purchase and Lease-back**

The UK's National Trust has its own statutory powers and appears to use purchase and lease-back as one of its primary investment tools (it has 2000 tenant farmers, see Box 1). The Genesis Land Conservancy in Saskatchewan is also worth watching,<sup>14</sup> as are purchase and lease-back pilot projects underway in Sonoma County, California<sup>15</sup> and at the American Farmland Trust Virginia.<sup>16</sup>

Purchase and lease-back may be the most dramatic example of how land trusts can invest in working farms. The result for a farmer struggling to produce healthy food and earn a living could be remarkable: immediate capital investment, long-term security, and more capacity to earn a steady income while providing substantial ecological services (see Box 2). It could also help new farmers enter into the business, and help older farmers pass on the farm to their children or ensure that the farm is run by another farm family.

One potential downside of purchase and leaseback is the substantial amount of money involved—money that could perhaps yield more ecological benefits if spread across a number of smaller projects (e.g. conservation covenants). It would also be important to investigate—and hopefully distinguish—empirical evidence that suggests farmers who own their land practice better conservation than farmers who lease it (for any length of time).<sup>17</sup>

#### **Box 2: Purchase and Lease-back Example**

Farmer A is committed to high environmental standards, but is finding it difficult to make a living. She wants to maintain and expand the considerable ecological services her farm provides to the community, but the associated additional expense is placing her at an economic disadvantage relative to her competitors. She's also growing older and worried about how she can provide for her retirement and pass on the farm to her kids without subdividing the land.

A land trust offers her a substantial amount of money for the farm, and offers to lease it back to her on a long-term basis. The land trust sees investing in this farm and this farmer as an excellent opportunity to meet its conservation goals. To ensure the farm is managed to high environmental standards, it wants to place restrictions in the lease.

She happily accepts the offer and its conditions because it offers her an immediate capital investment in the farm. She'd like to use some of the investment to make improvements that will allow her to expand the range and quality of the ecological services her farm provides. She'd also like to invest some of it for her retirement. In addition, she believes she can now make a decent living off the land, and find a way to enable her kids to farm it after her.

### **Entire suite of conservation tools**

Purchase and lease back is but one of many legal and non-legal instruments that LTA members use on a daily basis—common ones are conservation covenant and stewardship agreements. We expect all of them could be used to make a valuable investment in working farms.<sup>18</sup> We also see promise in recent experiments by LTA members that involve accepting shares in lieu of land, or branding food that is produced by farmers who help preserve habitat.<sup>19</sup>

### **Provincial trust**

There may be some merit in pursuing a model that involves the provincial government.<sup>20</sup> We understand a land trust for farmers was contemplated at the birth of the agricultural land reserve (ALR) in the early 1970's. Creating a provincial land trust is one of the few outstanding

recommendations from Moura Quayle's 1998 investigation into the 'provincial interest' as a condition for Cabinet involvement in the decisions under the ALR.<sup>21</sup>

### **New concept of park**

One of the more interesting but challenging models involves allowing working farms in areas we traditionally define as a park. Once again, if our argument is valid you'd allow working farms in the park for conservation reasons. Home-grown examples are Ruckle Provincial Park on Saltspring Island, and the GVRD's Colony Farm—currently the site of an 'agricultural park' pilot project sponsored by the Real Estate Foundation of BC.<sup>22</sup> A foreign, but far more ambitious, example is the 'Regional Nature Park' program in France (see Box 3).

#### **Box 3: French Regional Nature Parks**

Since 1967, communities in France have been setting up Regional Nature Parks to revitalize rural areas and encourage development that preserves the environment, cultural heritage, and the landscape. There are now 40 parks that collectively cover 11% of France. Residents see the parks as an opportunity to see their countryside not only as a place of extraordinary value, beauty and leisure, but also as the source of their livelihood.

Activities in each park are guided by objectives set out in a Charter negotiated by participants in the communities—and each person that signs the Charter agrees to honour it when exercising their own authority. A federal statute gives the parks a mandate to contribute to the "quality of life of urban and rural people" in addition to traditional environmental protection. Designation under the act allows the park to access federal funding. A park coalition is responsible for administering it and setting policy. Each Charter must be renewed every 10 years.

France's regional parks view themselves as 'laboratories' for a wide variety of activities including agro-environment, renewable energy, support for small business, eco-tourism, and cultural creativity.

For more information see Sadorge, J-L, 'French Regional Nature Parks: A New Concept Emerges and Takes Root [excerpt],' (Cold Spring, N.Y.: Glynwood Center for Helping Communities Take Charge of their Future, 2002) <<http://www.glynwood.org/resource/French/FrenchIndex.htm>>

## WHAT NEEDS TO HAPPEN IN ORDER FOR THIS IDEA TO WORK?

To expand the current engagement between land trusts and farmers, we believe the following represents a partial list of what would be necessary:

- **Willing land trusts; willing farmers.**
- **Interest among land trust donors.** Create interest among potential donors to bequeath or donate land and money for investing in working farms, and (equally important) for managing the land. We understand this may present some difficulties for smaller land trusts who have limited money for management and who, as a result, look to annex land to local government parks, etc.
- **Path to ‘ethical investment’ industry.** Create opportunities for people seeking ethical investments to invest in working farms ‘trusts’.
- **Changes to land trust objects/constitutions.** Ensure land trusts are authorized to pursue perhaps broader conservation goals (e.g. protect sensitive areas and open space, urban containment, etc.), and enter into innovative arrangements (e.g. purchase and leaseback or accept shares in lieu of land).
- **Support from provincial regulators, including the ALRC.** Seek the support of provincial regulators, particularly the Agricultural Land Reserve Commission (ALRC). Design

model conservation covenants and leases that work for everybody, and agree on a set of guidelines for their use. Seek an investment from the \$5.3 billion federal/provincial Agricultural Policy Framework—particularly its ‘green cover program’ and the \$7 million it has allocated for ‘environmental farm planning’ in BC. Investigate advantages (if any) of seeking statutory authority like the UK’s National Trust.

- **Eligibility under federal Income Tax.** Ensure working farm investments qualify for ‘ecological gift’ tax incentives (e.g. ‘open space’). Design measurable criteria in clear regulatory language.
- **Address concerns of broader farm community.** Find ways to respect and address the following potential concerns of farmers:
  - Concerns about not being the owners of the land they farm (perhaps draw parallels to other businesses who don’t own the buildings they work in).
  - Nervousness about conservation interests owning the land, and about farm practices that don’t maximize the ‘food value’ produced by the land (e.g. by farming ‘clean’ down to a stream or imposing efficient rows);
  - Concerns about wildlife ‘cleaning out’ adjacent farms.<sup>23</sup>

## GETTING STARTED: TENTATIVE RECOMMENDATIONS

If there is any merit to our thesis, and you're interested in exploring the idea further, this is what we would suggest:

- **Arrange for a substantive dialogue between a small group of land trusts and a small group of farmers.** Look for interest among established regional, multi-commodity, farm organizations.<sup>24</sup>
- **Inform the discussion by bringing in speakers from successful projects in the UK and elsewhere.**
- **Identify a few pilot projects under which the concepts can be fully tested, and law and policy barriers could be identified.** Look for existing standards for agriculture that could be most easily incorporated into lease or

other formal agreements (e.g. 'organic').

- **Start in a place where there is already broad community support ('this is how we want to manage our land').**
- **Focus initially on high value riparian areas, and intensive organic or market gardening—operations that lend themselves most easily to conservation objectives.**
- **Begin discussions with credit unions about how they could collaborate and use existing 'infrastructure' to create the ability for people across BC to invest their RRSPs, etc. into working farm 'trusts'.**

## ENDNOTES:

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<sup>1</sup> *Growing Green* is a project of West Coast Environmental Law, FarmFolk / CityFolk, and the Liu Institute for Global Issues (UBC).

<sup>2</sup> For more information on *Growing Green* and its other nine projects see [www.ffcf.bc.ca/GrowingGreen.html](http://www.ffcf.bc.ca/GrowingGreen.html)

<sup>3</sup> Examples are TLC's Reynolds Ranch and 'conservation partners' programs; a Nature Conservancy ranch in the Chilcotin, and Ducks Unlimited's Farquharson Farms.

<sup>4</sup> Riddle, D., 'The National Trust and Agriculture—An Overview', (London: The National Trust, 2000)  
<[http://www.nationaltrust.org.uk/environment/html/land\\_use/papers/agri4.htm](http://www.nationaltrust.org.uk/environment/html/land_use/papers/agri4.htm)>

<sup>5</sup> See 'What Needs to Happen in Order for this Idea to Work' below. *Growing Green* is also investigating nine other sets of ideas.

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<sup>6</sup> See Munro, Margaret, "Beware the green peril: The dark side of successful revolution: Which one is more dangerous: global farming or global warming?" National Post, Page A14, April 24th 2001 and the study itself by Tilman, D., Fargione, J, Wolff, B., D'Antonio, C., Dobson, A, Howarth, R., Schindler, D., Schlesinger, W.H., Simberhoff, D., Swackhamer, D., "Forecasting Agriculturally Driven Global Environmental Change," (2001) 292 Science 281.

<sup>7</sup> For more information on agriculture's impact on water, see Gliessman, S., *Agroecology* (Chelsea: Annarbour, 1998) at p. 9: Agriculture is the world's largest source of water pollution. For North American evidence, see North American Commission for Environmental Cooperation, "The North American Mosaic: A State of the Environment Report" (Montreal: CEC, 2001): In North America, intensive farming with substantial chemical use has resulting in considerable water pollution. See also O'Connor, D., *Report of the Walkerton Inquiry: The Events of May 2000 and Related Issues*, (Toronto: Ministry of Attorney General, 2002): The Walkerton Inquiry concluded that the source of the contamination that killed 7 people and harmed 2300 others was manure that had been spread on a farm near a drinking water well. (Note: the Inquiry also concluded that the owner of the farm followed proper practices and should not be faulted). See also Motavalli, J., "Special Report: The Case Against Meat," E Magazine, Volume XIII, Number 1, January-February 2002, which reports that the US Environmental Protection Agency reports that animal waste from US farms pollutes American waterways more than all other industrial sources combined. In BC, growing concerns about the effects of agricultural practices on environmental and human health have forced the Outdoor Recreation Council of BC to add Fraser Valley farm belt waterways and aquifers to the annual list of BC's most endangered rivers [See Simpson, Scott, "Farm wastes put Fraser Valley waterways on endangered list: List of at-risk rivers influenced by Walkerton contaminated tragedy," Vancouver Sun, Monday, March 18, 2002, p. A1].

<sup>8</sup> Across BC, more energy is going into agriculture (e.g. fertilizers, fossil fuel use) than is coming out (e.g. in plants and meat): McRae, T., C.A.S. Smith, and L.J. Gregorich (eds). Environmental sustainability of Canadian agriculture: a report of the agri-environmental indicator project (Ottawa: Agriculture and Agri-Food Canada, 2000), at p. 185: "The amount and rate of energy input significantly exceeded the amount and rate of growth in energy outputs." Government and industry experts estimate that 10% of Canadian GHG emissions are attributed to agricultural production activities—and this figure does not include the use of fossil fuels or the indirect GHG emissions from fertilizer production: Canada, National Climate Change Secretariat (Canada), Agriculture and Agri-food Climate Change Table, Options report : reducing greenhouse gas emissions from Canadian agriculture / (Ottawa: Agriculture and Agri-Food Climate Change Table, 2000) at p. i.

<sup>9</sup> See Lang, T., 'Health Should be Key to New Farming and Food Policy' (January 24, 2002)). See also, Pirog, R. et al, 'Food, Fuel, and Freeways: An Iowa Perspective on How Far Food Travels, Fuel Usage, and Greenhouse Gas Emissions' (Ames, Iowa: Leopold Center for Sustainable Agriculture, 2001): <http://www.ag.iastate.edu/centers/leopold/pubinfo/papersspeeches/ppp/intro.html>. The fixings for a British Turkey dinner travel 24,000 miles, and the food system in many countries results in the 'swapping' of food: in 1997 the UK imported 33 million gallons of milk while exporting 71 million gallons. (Planet Ark, Reuters, December 11, 2001 ([www.planetark.org/dailynewsstory.cfm/newsid/13658/story](http://www.planetark.org/dailynewsstory.cfm/newsid/13658/story))). See also Hendrickson, John, "Energy Use in the US Food System: a Summary of Existing Research and Analysis," (Madison: Center for Integrated Agriculture Systems, University of Wisconsin – Madison, 1996); Halweil, B., Home Grown: The Case for Local Food in a Global Market, (Washington DC: Worldwatch Institute, 2002); and Pollan, Michael, "Behind the Organic-Industrial



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Complex" New York Times Magazine, May 13, 2001: Even some organic food involves assembly, packaging and processing that takes place over several states/provinces:. A Cascadian Farm TV dinner, for example, involves the following steps: "Fresh broccoli ... travels from a farm in the Central Valley to a plant in Sanger, Calif., where it is cut into florets, blanched and frozen. From California, the broccoli is trucked to Edmonton, Alberta, where to meet up with pieces of organic chicken that have travelled from a farm in Petaluma, Calif., with a stop at a processing plant in Salem, Ore., where they were defrosted, injected with marinade, cubed, cooked and refrozen." Unpublished estimates from Dr. Jules Pretty at the University of Essex, England reveal that a meal sourced globally produces 200 times more external costs from GHG emissions than a meal sourced within 50 miles of its consumption.

<sup>10</sup> Jones, Andy, 'Eating Oil: Food Supply in a Changing Climate', Resurgence Online Magazine, Issue 216 <<http://resurgence.gn.apc.org/home.htm>>

<sup>11</sup> See also an unpublished estimate for the City of Toronto that shows that substitution of 10% of vegetable consumption, with production from within the City's borders, would reduce GHG emissions by 38 Ktonnes CO<sub>2</sub> equivalent and save \$5.25 million in externalized costs.

<sup>12</sup> See for example Shiva, Vandana, *Stolen harvest: the hijacking of the global food supply* (Cambridge, MA: South End Press, 2000) note 5, at p. 16: 'Genetically engineered crops manufactured by corporations pose serious ecological risks. Crops such as Monsanto's Roundup Ready soybeans, designed to be resistant to herbicides, lead to the destruction of biodiversity and increased use of agrichemicals. They can also create highly invasive 'superweeds' by transferring the genes for herbicide resistance to weeds. Crops designed to be pesticide factories, genetically engineered to produce toxins and venom with genes from bacteria, scorpions, snakes, and wasps, can threaten non-pest species and can contribute to the emergence of resistance in pests and hence the creation of 'superpests.'

<sup>13</sup> Leake, J., 'National Trust bans GM crops on 2,000 farms,' The Sunday Times, May 11, 2003, p. 3G.

<sup>14</sup> See Genesis Land Conservancy Inc., <http://www.earthcare.sk.ca/Genesistext.htm>. Genesis has been incorporated since 1996, and through purchase (or donation) and lease back, it now manages 1200 acres.

<sup>15</sup> Staff at the Sonoma County Agricultural Preservation and Open Space District say they have started a pilot project, joining forces with the Community Alliance of Family Farmers and California Farm Link, to lease out two small parcels to vegetable farmers. The properties are in designated greenbelt districts. They say the project is very different than anything they have done before, but the response from farmers has been 'overwhelming,' and they hope to do more of this sort in the future. For more information on the organization, see: <http://www.sonoma-county.org/opensp/index.htm>.

<sup>16</sup> The American Farmland Trust Virginia has done a demonstration project with a young dairy farmer, where they purchased the land, put agricultural conservation easements on it, and then leased it to the young farmer with an option to purchase once he is set up. For more information on the project, see: [http://www.farmland.org/mid\\_atlantic/va\\_farm\\_transition.htm](http://www.farmland.org/mid_atlantic/va_farm_transition.htm). For more US models or US discussion, see Forbes, P., 'Whole Thinking for Land Conservationists,' Speech presented at Land Trust Alliance workshop, October 28, 2002 (The Trust for Public Land: Center for Land and People) <[http://www.tpl.org/content\\_documents/clp\\_forbes\\_2002speech.pdf](http://www.tpl.org/content_documents/clp_forbes_2002speech.pdf)>; and

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Donahue, B., *Reclaiming the Commons, Community Farms and Forests in a New England Town*, (New Haven, CT: Yale University Press, 1999).

<sup>17</sup> See, for example, Fraser, Evan, 'Land tenure and agricultural management: Soil conservation on rented and owned fields in Southwest British Columbia', unpublished paper, June 2003: 'insecure land tenure is a real obstacle to long-term soil conservation.'

<sup>18</sup> We've compiled the following list of potential legal and non-legal instruments from two recent papers by law students, Knudsen, E., 'Protection of Land with Agricultural Uses', unpublished paper for the Land Trust Alliance, April 2003, and Ghaissarnia, N., 'Conservation Trust Models,' unpublished paper for environmental law workshop (UBC), 2003: conservation covenant, contract, easement, mitigation agreements (investment or easement on land in exchange for development on other land), option to purchase, pre-emptive buying, profit a prendre, purchase and leaseback (including lease of part of the property, and purchase in instalments (which can save farmer property taxes)), purchase of development rights (PDR), right of first refusal, and stewardship agreements. Some of these instruments may have limited application in BC given provincial and federal law.

<sup>19</sup> See, for example, the Conservation Partners program at The Land Conservancy: [www.conservancy.bc.ca](http://www.conservancy.bc.ca).

<sup>20</sup> For example, the Ministry of Agriculture and Food's Resource Management Branch or the Agricultural Land Reserve Commission.

<sup>21</sup> Quayle, M., *Stakes in the Ground: Provincial Interest in Agricultural Land Commission Act*, (Victoria: The Ministry of Agriculture and Food, 1998) <http://www.agf.gov.bc.ca/polleg/quayle/stakes.htm>: The report recommended the Province establish a 'BC Lands Trust' so that a percentage of the billions of dollars of intergenerational wealth can be used to help provide reasonable returns to farmers, help the next generation of farmers, and support farmers in their roles as stewards in terms of habitat and general environmental protection.

<sup>22</sup> The project is led by FarmFolk/CityFolk, and is called the 'Multi-functionality of Agricultural Land Project' (MALP).

<sup>23</sup> We're aware of some sophisticated high-power fencing pioneered in New Zealand and in use on sheep farms (mostly) in Canada that could be used as an effective barrier to keep wildlife from neighbouring farms. Perhaps this cost could be incorporated into arrangements between the land trust and farmer.

<sup>24</sup> Vancouver Island/Gulf Islands may be a good place to start given the existence and interest of the District 'A' Farmers Alliance, and the Island Farmers Alliance.

**Additional References** (note we haven't read all of these, but we've been referred to them):

Barnes, J.C., 'An Alternative to Alternate Farm Valuation: The Conveyance of Conservation Easements to an Agricultural Land Trust,' (Summer 1981) 3 *Agricultural Law Journal* 308.

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Donahue, B., *Reclaiming the Commons, Community Farms and Forests in a New England Town*, (New Haven, CT: Yale University Press, 1999).

Fenner, R. G., 'Land Trusts: An Alternative Method of Preserving Open Space,' (1980) 33 *Vanderbilt Law Review* 1039.

Forbes, P., 'Whole Thinking for Land Conservationists,' Speech presented at Land Trust Alliance workshop, October 28, 2002 (The Trust for Public Land: Center for Land and People) <[http://www.tpl.org/content\\_documents/clp\\_forbes\\_2002speech.pdf](http://www.tpl.org/content_documents/clp_forbes_2002speech.pdf)>

McCullough, R., *The Landscapes of Community, A History of Community Forests in New England*, (Lebanon, NH: University Press of New England, 1995).

Pryde, J. P., 'Is the Land Trust Truly a Trust?—Gift Tax and Broader Implications,' (1982) 2 *University of Illinois Law Review* 503.

Rice-Osterhoudt, R.R., 'Farmland Preservation in Vermont and The Creative Use of Land Trusts,' (1986) 11 *Vermont Law Review* 603.

Rodegerdts, H.E., 'Land Trusts and Agricultural Conservation Easements,' (Summer 1998) 13 *Natural Resources and Environment* 336.