



EXTENSION

FARMLAND LEASING CHECKLIST

FOR LAND TRUSTS, MUNICIPALITIES & INSTITUTIONS

Information to Gather, Decisions to Make, & Actions to Take¹

Assess your properties/land for farming

- **What land do you own/manage that could be used for agriculture?**
- **What features of the property make it suitable for farming?**
- **What features of the property could be constraints to farming?**

Be creative! Land needed for agriculture can have diverse characteristics. Maybe a property is well suited for some bee hives. Maybe it is a forest that would provide the perfect location for a mushroom grower to place their cultivation logs.

_____ Identify your properties that are available and suitable for agriculture
(parcel maps are very helpful here)

- _____ Open fields suitable for pasture, hay or cultivation (acreage of each)
- _____ Properties suitable for other agriculture production such as mushrooms, honey, compost, perennial crops such as berries, fruit and nut trees

_____ Gather information on the suitability of each property you are considering leasing

- _____ Soils (are they prime farm soils with no or few constraints? or soils with significant constraints such as wetlands, drainage problems, stoniness, or ledge?)
- _____ Topography (level, moderate or steep slopes)
- _____ Land orientation, micro-climates such as frost pockets

¹ This checklist borrows heavily from the excellent work of the Rhode Island Land Trust Council: the original RI version of the handbook was revised for Rhode Island and edited by Rupert Friday at RI Land Trust Council in collaboration with Pete Westover and Land for Good's Land Access Project. Much of the text in this handbook is adapted from the Connecticut handbook: *Farmland Connections: A Guide to Leasing Farmland for Municipalities and Land Trusts in Connecticut* written by Ben Howell and Cris Coffin at American Farmland Trust and Jiff Martin at University of Connecticut Cooperative Extension System with expertise on specific content provided by Jude Boucher of University of Connecticut Cooperative Extension, Kip Kolesinskas of USDA Natural Resources Conservation Services, Richard Roberts of Halloran & Sage, LLP, and Kathy Ruhf of Land for Good.

Other text in the handbook draws from *The Drake University Landowners Guide to Sustainable Farm Leasing* and from *Holding Ground: A Guide to Northeast Farmland Tenure and Stewardship* (New England Small Farm Institute), and other publications.

- _____ Current management (open fields mowed, recently tilled, hay, pasture, berries, orchard, tree, farm, forested)
- _____ Past management (history of agricultural use of the site)
- _____ Invasive species or other aggressive vegetation that creates management issues
- _____ Water source (existing supply, spring/creek that could be developed)
- _____ Drainage
- _____ Existing fences and stone walls
- _____ Existing buildings (permanent & temporary) and their condition (barn, house, storage facility, green house, hoop house, pad/foundation without structure)
- _____ Access for the farmer (good road, driveway, unimpeded, or with constraints)
- _____ Neighbors (farmers or suburban residents) - how many abutting properties are there and how supportive are the neighbors of agriculture?
- _____ Current public access and use for recreation?
- _____ Non-agricultural resources (wildlife habitat, wetlands, vernal pools, drinking water supplies, etc.) and their compatibility with agriculture

- **Are there legal constraints to leasing these properties for agriculture? Leasing or some agricultural uses and activities may be limited by:**

- _____ A conservation easement on the property – details for each easement are different
- _____ Donor intent, if the property was donated
- _____ Deed restrictions
- _____ Restrictions tied to funding used to acquire the property (bond’s purpose, grant provisions, federal funding purposes; especially true for open space funding)
- _____ Municipal zoning regulations
- _____ (for municipalities) Municipal leasing process and requirements

Identify how agriculture best meshes with your organization

- **What are your organization’s purposes and interests related to agriculture?**
- **What are your organization’s specific goals for leasing farmland?**
- **Identify and rank your interests on the following list and give numbers to rank the most important priorities (1st, 2nd, 3rd)**

- _____ Advancing your organization’s mission
- _____ Sustaining agriculture and working farms in your community
- _____ Addressing stewardship for your property
- _____ Promoting/increasing sustainability in your community
- _____ Protecting the environment (protect water quality, provide/protect habitat, etc.)
- _____ Providing outdoor recreation opportunities – encouraging agri-tourism
- _____ Providing education opportunities
- _____ Engaging the community (or your members)
- _____ Protecting/improving the scenic character of your community or a vista
- _____ Protecting a historic or culturally important landscape
- _____ Economic development – supporting/growing the agriculture industry in your community
- _____ Maintaining and increasing local food production – food security
- _____ Encouraging, assisting, and supporting beginning farmers
- _____ Helping existing farmers expand their operation

- _____ Partnering with a well established, knowledgeable farmer with a good reputation so as to minimize potential problems, your organization’s management requirements, and risks to your

- organization's public perception
- ___ Maintaining/improving your organization's relationship with the community's farmers
- ___ Maintaining/enhancing the quality of life in your community
- ___ Growing food for the food bank or your schools
- ___ Cost savings due to maintaining the property (e.g. mowing, invasive species control)
- ___ (others) _____

- **How do you imagine the farm being used in 10 or 20 years?**
- **What types of farming activities are appropriate for the property & meet your goals?**
- **What agricultural activities will you permit on your property?**

Tip: Agriculture is diverse. Various crops require land with different characteristics, have varying intensities of agricultural management and, thus, have varying impacts on land and the visual landscape. For example, mature forests can provide shade for mushroom culture with minimal impacts; nuts, blueberries and other long-term and perennial crops require little soil disturbance after planting; fields may be used for pasture or hay; vegetables and row crops require tilling each year and continuous cultivation until harvest; and high tunnels or hoop houses enable farmers to extend their growing season.

- ___ Decide what level of cultivation/intensity of agricultural management and activity your organization would prefer on your property.
- ___ Can the farmer raise and/or pasture animals on your property? If so, what types of animals and how many? (i.e. chickens, turkeys, sheep, cattle, pigs)
- ___ Are there any certification or management practices that you want to require?
- ___ Integrated Pest Management (promoted as a method to achieve high quality pest control while reducing pesticide impacts; pesticides tend to be synthetic)
- ___ Organic (requires three years of organic management of land and extensive record keeping to become USDA certified)
- ___ Good Agricultural Practices (New food safety standard for growers that involve substantial investment in equipment. This standard is not required by law but increasingly common for wholesale growers.)
- ___ Determine what sustainable farming practices your organization would prefer (See Sustainable Farming Chart in *Farmland Connections* guide for ideas.)
- ___ Can the farmer erect any (temporary or permanent) structures on the property for season extension (e.g. tunnels, greenhouses) or to provide shelter for animals?
- ___ Can the farmer bring the public onto your property as part of a CSA (Community Supported Agriculture), Pick-Your-Own operation, or corn maize?
- ___ Can the farmer have retail sales or a farm stand on your property?

- **Who needs to be involved in the decision to lease your land?**
- **What is the process for involving them?**
 - ___ Land Trust Executive Director/Town Manager
 - ___ Board of Directors/Town Council
 - ___ Land Trust Steward or Project Manager/Town Planner
 - ___ Legal Counsel for your organization
 - ___ Committees/Commissions/Boards (land trust's property or stewardship committee; municipal conservation, agricultural, parks, or open space commission/committee)
- **Who needs to be informed and/or consulted about the decision/process/plans?**
 - ___ Boards or Committees not already involved

- _____ Organization(s) that holds the conservation easement (if any)
- _____ Neighbors
- _____ Land trust members/town residents

- **How will your organization inform and maintain strong communications with these decision makers and constituents about your agricultural plans and activities?**

Tip: Proactive communication can prevent many problems and complaints from the community when land is leased for agriculture and put in production.

- _____ Email communications (create a distribution list)
- _____ Newsletter article
- _____ Reports at Board/Committee/Council meetings
- _____ Meetings with key individuals
- _____ Local newspaper article

- **What role does your organization want to play in the farming operation?**

There are many variations and options including:

- _____ Leasing the land to a farmer and remaining uninvolved in the farming operation
- _____ Leasing the land to a farmer with provisions for your organization to have outings on the farm or education programs related to the farming operation
- _____ Owner/operator establishing a community farm or community gardens
- _____ Your organization hires or contracts with a farmer to operate the farm

- **How will you find and select a farmer for your property?**

- _____ Clearly establish selection criteria
- _____ Draft and distribute the Request for Proposals (RFP) – be sure it asks for the information you want in proposals from farmers
- _____ Schedule a time when prospective farmers can visit the property and ask you questions
- _____ Schedule follow-up meetings with top prospects. Do you understand the farmer’s perspective? What are his/her needs, interests and plans for farming?
- _____ Plan how your organization will maintain strong communications with applicants

Considerations in leasing your property for farming

- **What will you require or desire in a lease?**
 - Length of lease term; permitted and prohibited farming activities on the property; and expectations for stewardship, maintenance, and improvements
- **How will you maintain communications with the farmer?**

Tip: Case studies document the importance of **good communications** between the landowner and farmer for preventing problems as well as establishing and maintaining a positive lease relationship.

- **What is the length of term for the lease?**

- _____ Annual renewal
- _____ Short term 2-5 years with provisions for renewal
- _____ Long term (more than 5 years) _____ years
- _____ Rolling leases: a lease for “x” years that annually renews itself
- _____ Very long-term ground lease (see *Farmland ConneCTions* guide for explanation)

- **What compensation do you want for leasing the farmland? Determine lease values.**

- _____ In-kind exchange for stewardship activities (mowing fields, maintaining fences, managing invasive species, conducting programs for your members or the public)

- _____ Cash payment
- _____ Share of agricultural product (perhaps donated to a food bank or local school)

- **What maintenance and sustainability practices are you requiring from the farmer?**

- **Can the farmer improve the property?**

- _____ Soil improvements (fertilizer, lime, other)
- _____ Mowing, hedge row and fence maintenance
- _____ Control of invasive weeds
- _____ Other sustainability practices (see the Sustainable Farming Practices chart in the *FC* guide)
- _____ Fencing (to keep animals in or to protect crops from predators/wildlife damage)
- _____ Water (well, spring development, other)
- _____ Temporary structures such as hoop houses, high tunnels to extend the growing season or an animal shelter (chicken coop, etc.)
- _____ Planting perennial or long lifecycle crops (nut trees, fruit trees, berries)
- _____ Drainage improvements
- _____ Access road improvements
- _____ Does your organization have a clear process for reviewing and approving improvements to the property that are proposed or requested by the farmer?
- _____ What is your organization's ability and willingness to share the stewardship costs such as maintaining soil fertility and/or other improvements?
- _____ Does your organization want to provide the farmer with some equity if he or she makes improvements to your property?

- **How will you handle communications with the farmer, monitoring, and the reporting you want to require?**

- _____ Identify the person in your organization who will be the primary contact for communications with the farmer.
- _____ How will you communicate with the farmer? Do you want the farmer to report specific activities or will you schedule communications at benchmarks for the farm operation during the year (e.g. plowing, planting, pest control and harvest)
- _____ How will you monitor activity on the property?
- _____ Do you have a clear process in place for addressing issues and questions that arise, and solving problems that arise?

- **Do you have a written lease?**

- See the *Farmland ConneCTions* guide for 18 elements of a good lease.
- _____ Draft the written lease with the farmer
- _____ Lease is reviewed by legal counsel
- _____ Signed by both parties (your organization and the farmer)
- _____ Lease is recorded with town clerk

Once you are ready to prepare a written lease, please refer to "[Farmland ConneCTions: A Guide for Connecticut Towns, Institutions and Land Trusts Using or Leasing Farmland,](http://www.extension.uconn.edu/documents/CT_Farmland_Connections_FINAL.pdf)" which is available at: http://www.extension.uconn.edu/documents/CT_Farmland_Connections_FINAL.pdf

The text below is excerpted and adapted from "The Landowner's Guide to Sustainable Farm Leasing," a publication of Drake University available here: <http://sustainablefarmlease.org/the-landowners-guide-to-sustainable-farm-leases/>

Typical Conservation Provisions

Below are conservation provisions commonly found in long-term lease agreements:

- Keep the lease premises neat and orderly.
- Prevent noxious weeds from going to seed on said premises, destroy the same and keep the weeds and grass cut.
- Prevent all unnecessary waste, loss, and/or damage to the property of the landlord.
- Keep the buildings, fences and other improvements in good repair and condition as they are when the tenant takes possession or in as good repair and condition as they may be put by the landlord during the term of the lease, ordinary wear, loss by fire or unavoidable destruction excepted.
- Comply with pollution control and environmental protection requirements as required by local, state, and federal agencies.
- Implement water conservation and soil erosion control practices to comply with the soil loss standards mandated by local, state and federal agencies.
- Generally follow Natural Resource Conservation Service and Farm Service Agency recommendations and maintain all other requirements necessary to qualify current and future farm operators to participate in federal farm programs.
- Haul and spread manure on appropriate fields at times and in quantities consistent with environmental protection requirements.
- Take proper care of all trees, vines and shrubs, and prevent injury to the same.
- Do not plow permanent pasture or meadowland.

Visit the website listed above for more specific conservation provisions that involve conservation in general, crop residue, nutrient management, pest management and livestock.

Thoughts on Helping Beginning Farmers

Some landowners are especially motivated by the idea of offering an opportunity to a beginning farmer. One of the biggest needs facing new farmers is gaining the capital to start farming. Leasing can provide a way to gain access to land, learn valuable lessons about running a farming operation, and perhaps even save the needed capital to become a landowner down the road.

Helping a beginning farmer can contribute to sustainability in a number of ways. It can help pass the art of farming to a new generation, revitalize the rural social structure and economy, provide a more flexible tenant willing to provide customized stewardship for the land, and produce economic returns through diverse markets and government programs.

Providing secure tenure is especially important when leasing to a new farmer. Unlike an established farmer who may own land as well as rent from other landowners, a new farmer may depend completely on access to your leased farmland. Therefore, secure tenure is crucial to his/her ability to access capital and purchase needed equipment and supplies.