

**OHIO FARMLAND PRESERVATION ADVISORY BOARD
MINUTES OF BOARD MEETING**

**Stratford Ecological Center
Delaware, Ohio
June 5, 2014**

Minutes taken by Amanda Bennett

*Disclaimer: Many individual opinions have been captured by the recorder but do not necessarily reflect the opinions of the entire Advisory Board.

Advisory Board Members present: John Schlichter, Chair; Brian Williams, Vice-Chair (arrived at 10:29 a.m.); John Detrick; Lucille Hastings; Joe Logan; Timothy Lynch; Thom Mazur; Jay Rausch; Roger Rhonemus; John Watkins; Bill Westbrook.

ODA Staff Members present: Denise Franz King, Executive Director, Office of Farmland Preservation (OFP); Julie Phillips, Assistant Chief Legal Counsel; Amanda Bennett, OFP; Jody Bowen, OFP; Jake Parkinson, OFP Intern; Gracie Wolford, OFP Intern.

Guests: David T. Daniels, Director of the Ohio Department of Agriculture; Martha Jones; Brenda Schluter; Clyde Gosnell; Louise Warner.

Visitors: Cathy Jerbic and Steve Goodwin, Appalachia Ohio Alliance; Mike Powell, Black Swamp Conservancy; Jonathan Ferbrache, Fairfield Soil and Water Conservation District (SWCD); Doug Ritchey and Bob Stoll, Logan County Land Trust; Julia Cumming, Madison SWCD; Michelle Mattix, Marion SWCD; Vicki Mountz, Owl Creek Conservancy; Michele Burns and Julia Cady, Tecumseh Land Trust; Megan Chapman, Three Valley Conservation Trust; Bill Roshak, West Central Ohio Land Conservancy.

Opening Remarks

The Meeting was called to order at 10:04 a.m. by John Schlichter, Chair and Deputy Director of the Ohio Department of Agriculture (ODA). John thanked the staff of Stratford Ecological Center for hosting the meeting, as it is the site of the first ODA agricultural easement in central Ohio. He explained the thought behind taking the Board meetings offsite, to see some of ODA's easements and to visit with our local sponsors throughout the state. John S. then introduced and welcomed the Board's newest member, William "Bill" Westbrook, representing development interests. John S. then asked Amanda Bennett to call roll of Board members present.

John S. introduced the Director of the Ohio Department of Agriculture (ODA), David T. Daniels. Director Daniels thanked the Board for their service, as well as a special thanks to Office of Farmland Preservation (OFP) Executive Director Denise Franz King, for whom he recognized that farmland preservation is a labor of love. Director Daniels then presented Ohio Farmland Preservation Ambassador Awards to landowners of three agricultural easements:

- Louise Warner and Clyde Gosnell, Delaware County. Louise donated the first ODA agricultural easement in central Ohio, the home of the Stratford Ecological Center.

The Director noted that the Stratford Ecological Center had 10,000 visitors in the past year, and the volunteer-driven organization logged 9,000 volunteer hours. There has been some development pressure around the property in the past year, and the Director appreciated the efforts of the staff at ODA and Stratford Ecological Center for standing firm in upholding the agricultural easement placed in its trust by Ms. Warner.

- Martha Jones, Marion County. Ms. Jones donated two agricultural easements on her 80 and 136 acre farms at the end of 2013. They are the first donated agricultural easements in Marion County. Ms. Jones was accompanied by Brenda Schluter, her accountant, an invaluable resource to the OFP during the easement donation process.

Director Daniels also noted and congratulated Board member John Watkins, who will be inducted into the Ohio State Fair Hall of Fame later this summer.

After the awards were presented, John S. asked if the awardees had any comments. Clyde said that his and Louise's conservation work has been very rewarding. He encouraged everyone in attendance to build relationships with local elected officials to advocate for and educate others about the importance of farmland preservation. Louise expanded on their accomplishments in preserving her land in partnership with ODA, ODNR, and the Appalachia Ohio Alliance.

John S. added a note of thanks to Julie Phillips, ODA Assistant Chief Legal Counsel, on her division's efforts in protecting ODA's agricultural easement from development pressure in recent months.

Martha shared her thanks to Brenda for her assistance in preserving her family farms, which she did not want to see it subdivided in the future. She now feels confident in the land's future in agriculture when passing it on to her great-nephew.

John S. then asked for the Board's thoughts on having the Advisory Board meetings away from ODA. The next Board meeting in November is tentatively scheduled to be held in Tecumseh Land Trust's service area. John Detrick said he appreciated the change and that it provides Board members with new experiences.

Approval of December 5, 2013 Advisory Board Minutes

MOTION: Timothy Lynch moved to approve the December 5, 2013 Advisory Board meeting minutes as presented. Jay Rausch seconded; Vote 9-0 (Brian Williams not yet in attendance); motion carried.

Travel Expense Reports

Jody Bowen reminded Advisory Board members about Travel Expense Reports and provided information about the day's lunch at Stratford Ecological Center.

Local Agricultural Easement Purchase Program (LAEPP) 2014 Landowner Applications Recommended by Local Sponsors

Denise began the review of 2014 LAEPP landowner applications by asking the Local Sponsors to introduce themselves. Denise explained that as the landowner application period progressed, the OFP became aware of two organizations that received funding through the Local Sponsor Certification process that were not going to be submitting landowner applications – Darke County Land Trust Alliance and Ohio Valley Conservation Coalition. The OFP has reached out to Darke County Land Trust Alliance but has not received word back; the Ohio Valley Conservation Coalition indicated that development values were so low in their service area that they have had difficulty in attracting landowners to the program.

The Board then reviewed the service-area map provided by the OFP showing counties with certified local sponsors, 46, but applications were not received from all counties. The localized program is reaching into more counties than in the past, but outreach will continue. General trends that emerged throughout the landowner application process are that there is more involvement and effort required of local sponsors. There was also a trend away from middle-of-the-road agricultural easement value donations by landowners, with most landowner applicants donating either at the low end of 25% of the agricultural easement value or the highest (60% or more).

Denise then referred the Board to two handouts: the PowerPoint presentation of potentially funded farms and a summary Exhibit "D," which breaks down each local sponsor's funded, alternate, and electronic-only applications. The summary exhibit (Exhibit A to these Minutes) shows not only the ODA points-based appraisal value of the agricultural easement, but the local sponsor's planned payment to the landowner, including ODA's contribution, the local sponsor's contribution (if applicable), and proposed matching dollars from the United States Department of Agriculture-Natural Resources Conservation Service (USDA-NRCS)'s new Agricultural Conservation Easement Program (ACEP), formerly known as the Federal Farm and Ranch Lands Protection Program (FRPP). On the last page of the summary, Denise noted that there are 51 applications expected to be funded in part by the Clean Ohio LAEPP. The average percent of donation by landowners was 45%. Monies not able to be allocated by local sponsors (including those awards made to Darke County Land Trust Alliance and Ohio Valley Conservation Coalition) will go into the next funding round.

Board Discussion and Recommendations on 2014 LAEPP Landowner Applications

Jay asked if the Fairfield County church application would be preserved. Jonathan Ferbrache, local sponsor for that application, first explained that he is a Trustee of that church and that another staff member completed the application on the Fairfield County Commissioners' behalf.

It is the intention of the Trustees to preserve it, recognizing the community's connection to agriculture.

Lucille noted that the statistics provided in the Board's packets were stunning and very helpful. She still has concerns about the areas of the service-area map without representation by certified local sponsors. Denise agreed with Lucille, and offered that if there are particular areas the Board wants to work on with the OFP, they would be happy to speak to local elected officials or landowner groups. Lucille noted that there may be potential local sponsors in her area of the state with a hesitancy to participate, and the Board should look into why that is, perhaps it is a lack of understanding. John S. noted the continued efforts of several local sponsors and Board members, such as John Watkins or Jonathan in Fairfield County, in educating local elected officials about the program.

Michelle Mattix of Marion SWCD shared that their organization has not yet been able to apply for Certification due to budget constraints. Their organization (and perhaps others like them), has had to take on other projects like engineering work to become more self-sufficient. Her County Commissioners are in support of the program but there simply isn't the staff to do the work. Thom Mazur said his county would not have come into the fold without the help of the local land trust in the area and perhaps it boils down to the involvement of nonprofits.

Mike Powell said that the reason there are lot of counties in their service area not certified is because those farms cannot compete with the counties containing established blocks of farmland. It would be helpful if the local sponsor could divide their funding between areas continuing with established blocks of preserved property and areas where local sponsors want to start new blocks. Denise thanked Mike for his comment, and the matter should be balanced between what is allowable by policy and what may or may not be allowable by the program's law.

John S. noted new challenges to the program in some counties where individuals are advocating against farmland preservation because of a view of the program as a "government take." However, there are positive developments like possible new funding specific to various regions like the Great Lakes that may allow the program to reach counties not yet involved in farmland preservation. John D. said that there may be some challenges to preservation in counties like Delaware, Warren, and Medina – the fastest growing counties in Ohio – because of urban sprawl and the high development values.

Denise shared the list of farms likely to be funded. She congratulated local sponsors such as Three Valley Conservation Trust and Tecumseh Land Trust for applying for special waivers through the federal program, which has the potential to increase the number of farms they are able to fund with LAEPP dollars.

MOTION: Lucille Hastings moved that the Ohio Farmland Preservation Board recommend approval of the purchase of easements on farms recommended by local sponsors as presented. Joe Logan seconded; Joe asked before the vote if the Motion would be for all funded (yellow on summary Exhibit) and alternate (orange) farms. Denise answered yes. Vote 10-0; motion carried.

John S. said the recommendation would be made to the Director later today. He asked for input on the packets provided to the Board for review prior to the meeting. Thom said it is nice to see the photos and written summaries of the easements the Board is voting on, although he would like more consistency with the descriptions presented. John D. would like to see the farm's address added, and Joe recommended more uniformity in pictures (aerial vs. pictures of individuals). Lucille noted that it was nice to receive something less formal and more "fun" in her Advisory Board packet. Brian Williams agreed that more continuity with descriptions and pictures would be appreciated, but that the packet was a great idea. Jay would like more information about estate planning; it is something he always looked forward to reading in the former Tier II essays. John S. all of the Board's ideas would be discussed before the next funding round.

John S. then asked the Board for consideration of another motion regarding those local sponsors (such as Madison County and Black Swamp Conservancy) who have enough funding to fund multiple farms by the same landowner(s).

MOTION: John Detrick moved that the Ohio Farmland Preservation Board recommend the policy that more than one easement may be purchased from the same family in a single year when all applicants have one farm funded and additional easements are purchased in order of scoring (Madison County and Black Swamp Conservancy). Tim Lynch seconded; Discussion: Lucille felt that this motion encourages the concentration of funding in certain areas instead of passing it around. [Note: Distribution of funds around the state is determined by 1) local sponsors applying to participate from around the state; 2) how well each local sponsor scores on the application for certification; and 3) total funds available]. John S. noted that under the local program, the local sponsors are doing the best they can to pass the funding around the best way they know how in meeting their local needs. Denise offered a suggestion to look into ways to incentivize being the only farm in a certain area, etc. Jay asked for clarification on the motion. Mike Powell explained that one landowner applied several farms during the application round, and subsequent farms allow the land conservancy to move out further and potentially start new blocks. Brian wants the OFP to look into awarding for new counties, but said he felt strongly that by localizing the AEPP, the Board and the OFP need to give flexibility to local sponsors to determine what is most important to preserve in their service areas. If that includes farms with similar ownership, it may be the best choice for that local sponsor's preservation program. Roger Rhonemus added that the Board passed a similar motion during LAEPP 2013 and that it may be too much micromanaging to take away the local sponsor's ability to make these decisions themselves. Although he sees both sides of the argument, he would rather not change course from how the Board voted last funding round. Denise said the matter should and would be discussed further by the local sponsors at the next Technical Meeting. John S. continued the vote. Vote 9-1; motion carried.

Julie reminded the Board that recommendations being provided regarding edits to points in the landowner application would need to be weighed with what is allowed by the program's law.

Programs Update

Amanda Bennett provided an update on the OFP's pending easements:

AEPP 2011

- One remaining farm – Wayne County, 196 acres (ownership interests being rectified). Farm should close later this summer.

LAEPP 2013

- 28 pending farms, title work reviewed or under review for all. A few Purchase Agreements have gone out the door to landowners, with many to follow in the coming weeks along with draft Deeds of Agricultural Easement. Of the 28, more than half of them will be purchased in partnership with NRCS-FRPP. A few more may even be submitted during the 2014 NRCS-ACEP funding round ending tomorrow.

Agricultural Easement Donation Partnership Program

- Still working on the four agricultural easements in Hancock and Wood Counties with West Central Ohio Land Conservancy (WCOLC) as sponsor. WCOLC will be receiving \$3,000/easement for handling the administration of the easement acquisition process.

Agricultural Easement Donation Program

- Two (2) pending agricultural easements – Delaware and Miami counties.

Agricultural Security Areas (ASA)

- Based upon 2014 LAEPP landowner application reviews, it appears there are two new ASAs put in place recently in Madison and Clark counties.

2015 Local Agricultural Easement Purchase Program (LAEPP) Application for Local Sponsor Certification and Timeline

Denise shared with the Board the expected 2015 Certification application for local sponsors and timeline. Denise said that with changes in recent years to both the State and Federal preservation programs, it was the goal of the OFP to make as little change as possible to the application. The only edits were to the dates – October 15, 2014 deadline for the Application for Local Sponsor Certification, and the elimination of the question asking if local sponsors would be conducting a 30, 60, or 90 day application period. That question was necessary during the launch of the LAEPP to allow local sponsors to have more control over applying to the federal program. Hopefully this issue has been resolved, but if it becomes necessary in the future it could be considered to be re-inserted.

Bob Stoll asked about the part of the local sponsor application asking about localized Step 14 (other factors) – is it being utilized. Mike said that they are not seeing any great impact either way from localizing their Step 14 questions. Julia Cumming said that the Madison County

Commissioners appreciated being able to provide input into the landowner application. She utilized Black Swamp Conservancy's localized questions as a template for her own, and found it very helpful.

Michele Burns of Tecumseh Land Trust added that her organization may look to localize Step 14 in the future despite not doing so in the past, as they are finding that some of their highest-ranking farms under LAEPP end up not as highly ranked with the federal program. Bob Stoll asked if the Deed of Agricultural Easement for the LAEPP 2014 farms was available. Amanda said work would probably begin on a template after the application period closes for ACEP.

MOTION: Lucille Hastings moved that the Ohio Farmland Preservation Board recommend approval of the 2015 LAEPP Local Sponsor Application for Certification as presented. Thom Mazur seconded; Vote 10-0; motion carried.

Public Comments

Michele thanked ODA for being flexible in helping local sponsors meet their signature requirements on their federal program applications; it allows them to perhaps double the amount of farms they are able to preserve with LAEPP funding alone.

Bob thanked ODA for the packet of information provided to the public today; it was very helpful and they look forward to sharing all of it with their organization's members. They would love to host a Board meeting in Logan County.

Clyde wanted to expand on the importance of educational programs like that of Stratford Ecological Center. There are several groups of children that come to learn about the relationships between the earth and agriculture. It is important to get children interested in these topics.

Jonathan thanked ODA for working with NRCS on indemnification language in the FRPP Cooperative Agreement – it allowed them and other government agencies to participate and he believes it became a nationwide model for FRPP. He wanted to also share that the church that applied to LAEPP was able to successfully negotiate new oil and gas lease terms that allow production to continue while staying in line with Deed of Agricultural Easement terms. He hopes ODA and NRCS will review it and consider it as a way to find mutual consent between oil and gas producers and farmland preservation efforts. Finally, he shared that due to the new Farm Bill, several programs were merged, including the former FRPP program with Grasslands Reserve Program (GRP). As a result, there are items within the NRCS Cooperative Agreement that are causing challenges for their landowners with Highly Erodible Land (HEL) in participating in the federal program. One would be that the Secretary of USDA can require the landowner to convert cropland to less intensive uses. Another is a requirement than landowners seek approval from NRCS before clearing fence rows. Jonathan recognized that while an issue for his service area, this language will not prohibit other organizations throughout the state from participating in the federal program.

Announcements

John S. asked the Board to introduce themselves to its newest member, Bill Westbrook, and for Bill to introduce himself.

Jeff Dickerson of Stratford Ecological Center was then introduced and spoke about the facility hosting the Board Meeting today. Jeff said that Stratford Ecological Center is a private nonprofit open to public. It sits on 236 acres thanks to Louise Warner and her family. Jeff farms 60 acres in a rotation including corn, spelt, hay, and oats. There are vegetables and a couple of green houses. There is nearly every animal you can think of, including llamas, cattle, goats, sheep, and pigs. About 6,500 children visited last year, and the question asked of all of them is, “where does your food come from?” When groups visit, they are organized into small groups for sensory, hands-on activities designed to cultivate an appreciation for the relationship between food and nature. Stratford only has four full-time staff, resulting in a largely volunteer-driven organization. Stratford Ecological Center is open Monday-Friday 9:00 a.m. – 5:00 p.m., and Saturday 9:00 a.m. – 1:00 p.m. Stratford Ecological Center is funded by individuals, including the ongoing generosity of Louise Warner’s family. At the end of the month, there will be a honeybee festival, which has received a lot of “buzz.” The event will include honey extraction that morning, and then later a pairing with cheeses and fruits for a tasting event. Finally, the Stratford Ecological Center produces a few thousand pounds of food every year. When not experienced directly by visitors, the food is sold on-site or provided to local food banks.

Adjournment

MOTION: Roger Rhonemus moved to adjourn the Board meeting at 11:46 a.m. John Detrick seconded; Vote 10-0; motion carried.

From 12:40 – 2:00 PM the board toured the farm, led by Jeff Dickerson, Farm Manager