

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

**Ohio Department of Agriculture
Reynoldsburg, Ohio
August 1, 2013**

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: Howard Wise, Chair; Brian Williams, Vice-Chair; Peggy Kirk Hall; Lucille Hastings; Dean LaRue; Timothy Lynch; Thom Mazur; Jay Rausch; Roger Rhonemus.

ODA Staff Members present: John Schlichter, Deputy Director; Julie Phillips, Assistant Chief Legal Counsel; Denise Franz King, Executive Director, Office of Farmland Preservation (OFP); Amanda Bennett, OFP; Jody Bowen, OFP; Brittani Baldner-Hill (ODA Intern); Stephanie Estell (ODA Intern); Jake Parkinson (ODA Intern).

Visitors: Krista Magaw and Michele Burns, Tecumseh Land Trust; Liz Woedl, Three Valley Conservation Trust.

Opening Remarks

Meeting called to order at 10:07a.m. by Howard Wise, Chair and Assistant Director of the Ohio Department of Agriculture (ODA). The meeting began with roll call of Advisory Board members, and introductions of the ODA Interns.

Travel Expense Reports

Jody Bowen reminded Advisory Board members about Travel Expense Reports, and thanked the ODA Interns for all of their assistance throughout the summer. Between them, they have updated documents for the OFP website, packaged and mailed farmland preservation signs to landowners, and increased the overall efficiency of the OFP. The interns briefly discussed their backgrounds in agriculture as well as their future plans.

Howard shared that the next meeting of the Farmland Preservation Advisory Board will include a new member – John Watkins of Delaware County, Ohio. He will be representing northwest Ohio farmers and is a former Marion County Commissioner.

Update on Current Programs and Projects

Amanda Bennett provided an update on current easement programs and Agricultural Security Areas (ASA).

AEPP 2011 Funding Round: 41 total easements, more than half closed, 13 remain.

Agricultural Easement Donation Program (AEDP): The OFP has started the donation process with a landowner in Marion County (216 acres). There are ongoing discussions with a Delaware County landowner (400+ acres).

Agricultural Easement Donation Partnership Program (AEDPP): ODA has finalized an agreement with West Central Ohio Land Conservancy (WCOLC) for \$3,000/donation on 3-4 farms in Hancock and Wood counties.

Agricultural Security Areas (ASA): No new ASAs.

Board By-Laws and Ethics Training

Julie Phillips, ODA Assistant Chief Legal Counsel, referred the Board to their packets for information regarding the Code of Regulations of the Ohio Farmland Preservation Advisory Board. The document sets out how the Board is to operate, including information on quorum, authority, and powers of the Board.

Julie also noted that the Board is required to complete online ethics training and she explained how the Board can access the training. Board members can contact her with any questions, and should complete the training by December 31, 2013. Denise Franz King added that Board Members are welcome to access the training here at ODA if that is easier.

MOTION: Timothy Lynch moved to adopt the Code of Regulations of the Ohio Farmland Preservation Advisory Board. Jay Rausch seconded.

Thom Mazur asked if creating an Executive Committee was possible under this Code of Regulations, and Julie answered that yes, that is allowed. Roger Rhonemus asked if the Code of Regulations can be amended as necessary. Again, yes it can.

MOTION continued; Vote 8-0; motion carried.

Approval of April 9, 2013 Advisory Board Minutes

MOTION: Roger Rhonemus moved to approve the April 9, 2013 Advisory Board meeting minutes as presented. Lucille Hastings seconded; Vote 8-0; motion carried.

Brian updated the Board regarding the recent passing of Roger Wolfe, a longtime proponent of farmland preservation. Howard noted that he and Denise attended Roger's funeral on behalf of the Department and also explained that Bob Teater, former DNR Director and Clean Ohio program proponent, passed away last week.

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

Denise brought the Board up to date on the status of landowner applications. The Board has convened today to provide the Director with a recommendation on the approval of applications from local sponsors that completed their landowner application rounds and

sent in the completed applications for approval by July 15, 2013. More applications have been arriving and the Board will have more farms to consider at the next Board meeting scheduled for August 29, 2013. Denise invited the local sponsors for today's applications to attend to answer any questions the Board may have about their selected properties. Amanda has been reviewing each landowner application as it arrives, and today three organizations come before the Board.

Denise refers the Board to the summary sheets in their packets that show information about the selected properties, including acres and purchase price. The OFP brought copies of the applications and passed them around for the Board's review.

Clinton County Open Lands (CCOL) – 2 farms for consideration. Denise mentioned that the Branstrator property is a vegetable and fruit farm, with a landowner that seems to be very interested in promoting the program. The Chamberlin property is a historic farm, and the narratives for the farms indicate they are farms ODA would want to highlight for the program. These would also be the first Clean Ohio Ag Easements for CCOL.

Montgomery County SWCD – 2 farms for consideration. Denise noted that Montgomery SWCD has a Memorandum of Understanding with Three Valley Conservation Trust (TVCT), and that Liz Woedl from TVCT is in attendance to answer any questions. With regard to the applications submitted by the local sponsor, both are livestock and grain operations.

Tecumseh Land Trust (TLT) – 5 farms for consideration. Denise explained that when reviewing the summary sheet, the Board may notice that some farms in the ranking appear to be “skipped,” but it was explained by the local sponsor that landowners turned down their offers.

Board Discussion and Recommendations

Jay asked why there was such a large discrepancy in scores between entities. Amanda attributed differences to things like soils scores, distance to public utilities, and proximity points that landowners next to already-preserved properties benefit from. These are points that are not yet available to new counties with no existing easements to build from. Jody mentioned that more seasoned local sponsors may be more experienced in assisting landowners with obtaining points for things like Agricultural Security Areas, higher landowner donation levels, etc. Krista Magaw mentioned that while TLT applicants usually donate at 60%, CCOL may have landowners that only agree to donate 25%, which would result in fewer points for those landowners.

Peggy Kirk Hall asked why there was nothing filled out in Step 16 (Narratives). Denise explained that after legal review, the narratives (former Tier II) were removed as a requirement for the application, but agreed that this information is valuable to capture because it tells the story of the farms. Amanda shared that she is asking local sponsors to voluntarily complete those questions, and many are submitting them. Brian believes the

answers to these questions – on things such as succession planning – are important to the long-term viability of the program. Howard reiterated that the section is not scored, but perhaps the OFP can require the local sponsor to complete them for selected landowners. Lucille said that she felt those narratives provided the tenor of the farm, and thinks ODA should consider putting some weight on these questions if possible.

Denise mentioned that she has talked to Julie about presenting the importance of succession planning to practitioners, and Brian shared that there was a speaker on that topic at the Farmland Preservation Summit last year. Brian added that the narratives are important in that they promote higher standards and expectations of landowners applying for the program. It promotes local leaders.

Denise asked the local sponsors to provide any comments regarding the applications before the Board. Liz of TVCT shared that she will focus on narratives in the next funding round, and that she is very excited (as are her landowners) about the selected properties. All are looking forward to investing their purchase funds back into the local community. Michele Burns of TLT liked the localizing of the landowner application round, because she knew exactly who their landowners were competing against. Krista added that it was a steep learning curve. She added that with regard to Step 16 (narratives), while much information is learned through that process about the farms, nothing substitutes for meeting and getting to know the families, especially those with which they have been working with for years. She mentioned the importance of training, and showing local sponsors what makes a good applicant for the program. She hopes that any discouraged local sponsors stick with it, because as time goes on they will be able to stretch the money further and begin to build blocks of farmland.

Howard said it was a goal of the pilot LAEPP to expand the program into new counties. That being said, there are more areas we still want to get into the game. Liz felt that it was great working with Montgomery County during the funding round, as they were closer to the base of landowners than the land trust in that particular county. They are also hopeful that another entity they assisted – Southern Ohio Farmland Preservation Association – will be successful during this funding round.

Denise noted that awards to certified local sponsors did increase, and she referred Board members again to their packets for a new allocation summary. Since the last Board meeting, Logan Land Trust and Champaign Land Preservation dropped out. Since this happened before the end of any landowner application periods, their awards were reallocated to the remaining local sponsors. Another entity – Lake SWCD – dropped out last week. Denise asked all about the possibility of reallocating to remaining entities this late in the funding round, and consensus was that it was too late given that rankings were already complete for some local sponsors. Therefore, their money will be put into the

fund for the 2014 LAEPP. Denise noted that one reason Lake County mentioned for withdrawing was the 40 acre minimum.

Brian asked if the Board should reconsider the 40 acre minimum in future funding rounds. There might be some counties like Lake, or those in Southeast Ohio, where this would be an issue. While there may be a lot of development pressure, some smaller operations have a substantial economic impact on communities. Perhaps the program should allow for this flexibility. Howard said the 40 acre minimum came about in the past due to the OFP workload. Now that the program is localized, the minimum should be revisited. Perhaps it is something the local partner should decide. Jody noted that local sponsors could be asked on their certification applications about this. Brian thought asking the local sponsors about this possibility would be a good idea. Denise said that she plans on discussing this issue with the LAEPP Technical Committee.

Jay asked if Lake's award would be pooled with other funds in the next funding round, or if it would stay with Lake County. Denise explained that it would go back into the general pool of funds. Given that the General Assembly recently authorized 12.5 million, the OFP is confident that it can look forward to an approximately \$6.25 million funding round in January.

Lucille would like an analysis of the differences between this round and previous, centrally-run funding rounds. Denise said an analysis of the results of the pilot program would be prepared. Denise mentioned that the OFP intends to have the technical committee meeting in September. There has also been ongoing outreach to new counties (she just spoke in Tuscarawas County and is reaching out to both the Ohio Federation of Soil and Water Conservation Districts and County Commissioners Association of Ohio to try and get on their annual meeting agendas).

Denise then referred the Board to the relevant sections of the Ohio Administrative Code as it pertains to the role of the Board at this point in the process. Once applications are found compliant, the Board is to submit a recommendation to the Director of Agriculture. Denise explained that the Motion needs to include not only those farms currently selected by the local sponsors for funding, but for those "back-up" farms they have submitted to ODA as well.

Peggy sought clarification on those farms not highlighted on the summary sheet. She wondered if voting for approval of the highlighted farms (for instance, in TLT's case), would have any negative implications for those farms that declined their offers. Krista reiterated that all non-highlighted farms said "no," to their offers. Thom asked why Black Swamp Conservancy did not apply any farms. Amanda explained that they have submitted one application, to be presented at the next Board meeting.

MOTION: Lucille Hastings moved that the Ohio Farmland Preservation Board recommends approval of the following named applications for funding under the Local Agricultural Easement Purchase Program until the funding for each local sponsor is exhausted:

Clinton County Open Lands: Branstrator and Chamberlin
Montgomery SWCD: Sollenberger and Ruebush
Tecumseh Land Trust: Mattinson, Dickerson, Wildman, Miller, and Boeck

Peggy Kirk Hall seconded; Vote 8-0; motion carried.

Jody and Denise asked the Board how they wish to conduct review of the next round of applications, as there will be significantly more at the August 29 meeting. Posting online or on the ODA FTP site was discussed, but there may be complications with that due to public records rules. Thom argued that the applications are already being reviewed by the OFP, and that it may not be necessary for each Advisory Board member to review every single application. Jay asked if an objection can be raised if they come across one they don't agree with, and Denise noted that yes, they could. The OFP will make hardcopies of each application available for review by the Board before the start of the meeting on August 29.

Public Comments

Krista shared an update on the Farm Bill. Two different versions were passed in the House and the Senate; now it goes to Conference Committee. Senator Sherrod Brown has been named to the Conference Committee, but it is not clear who will serve from the U.S. House of Representatives. In the Senate version, FRPP (which would then be called the Agricultural Lands Easement Program) would be able to waive the requirement for the local cash match, which could benefit Ohio and double or triple the amount of farmland that could be protected. Krista will provide more information to the OFP to share with the Board about their efforts regarding this subject.

Other Issues: Draft schedule for second LAEPP funding round

Denise provided the Board with a draft timeline for a 2014 LAEPP that would begin with local sponsor certification in October, then landowner applications opening in early-mid January. This would mean a Board meeting to approve local sponsor entities in early December. The reason for the timing on the next funding round is to align more with traditional January funding rounds, when landowners are available and local sponsors have time to apply for FRPP. After discussion the Board decided that it will meet December 5 from 10 a.m. to noon.

Other Issues: Size of upcoming funding rounds

Brian asked if the January round would be \$9 million due to the previously appropriated \$3 million plus half of the \$12.5 million approved by the General Assembly in June 2013? Denise answered no; it will most likely be a \$6.25 million funding round. Jody mentioned that the dates will need revisited, given that a technical meeting takes place in September, and the Board will need to discuss any application-related changes prior to the opening of the landowner application. Consideration must also be for the ODA IT department, especially if there are to be changes to the landowner application.

Jay asked if – regarding Lake County and the minimum acreage discussion – perhaps local sponsors could adjust minimum acreage in light of the average farm size in their county. Denise said it must be a consideration that ODA does not want to preserve land that is so small that it becomes an island. Lucille added that the purpose of the program is to preserve large blocks of land, not necessarily small operations. Brian said that while the county is small and the development pressure high in Lake County, it also has some of the best ground in the state. Farms could still be viable despite their small size. Krista suggested that there be a reverse Large Farm Exception, a small acreage exemption of sorts. Denise said the OFP would explore this. John Schlichter suggested that each local sponsor be allowed to use their “extra” funding on one smaller farm per funding round. Brian agreed that the issue needed considered so that the program can be flexible in these unique, specialized situations.

Other Issues: National Farmland Preservation Conference

Denise announced that planning is underway by Deb Bowers for a national farmland preservation conference, scheduled for May 2014 in Hershey, Pennsylvania. The planning committee is looking for suggestions on speakers and session topics. Denise has already suggested standards for pipeline installation on preserved farmland as a topic, and welcomes the Board’s ideas. Peggy asked who the audience was, and Denise said it would be farmland preservation staff and activists for farmland preservation. Howard said the Board could consider carpooling if people were interested in attending.

Other Issues: Our Ohio Farmland Forever video

Denise showed the video “Farmland Forever,” which featured the OFP, Tecumseh Land Trust, and landowner Brian Harbage.

Howard asked John and Denise to provide an update on the Stratford Ecological Center situation at US 23/SR 315. Denise has been given the indication that the Ohio Department of Transportation will select an alternative that does not impact our donated agricultural easement. John added that ODA Legal made great arguments on behalf of the

Department, and that the effort to protect the easement has been maintained throughout this process.

Adjournment

MOTION: Tim Lynch moved to adjourn the Board meeting at 11:55a.m. Brian Williams seconded; Vote 8-0; motion carried.