

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

**Ohio Department of Agriculture  
Reynoldsburg, Ohio  
November 9, 2016**

**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; Alan Anderson; Lucille Hastings; Dean LaRue; Timothy Lynch; Jay Rausch; Roger Rhonemus; Bill Westbrook.

**ODA Staff Members present:** Howard Wise, Assistant Director, Ohio Department of Agriculture; Jody Bowen, Office of Farmland Preservation (OFP); Amanda Bennett, OFP; Jessi Morehouse, OFP; Jamie Broz, ODA Legal Counsel; Timothy Schirmer, Senior Staff Legal Counsel.

**Visitors:** Jonathan Ferbrache

**Welcome and Introductions**

The Meeting was called to order at 10:00 a.m. by John Schlichter, Chair and Deputy Director of the Ohio Department of Agriculture (ODA). John welcomed attendees to the meeting, and everyone introduced themselves and the organizations/interests they represent.

John also explained that he would have to leave the meeting early. The Director has appointed Howard Wise, Assistant Director of ODA, to serve as Chairman when he leaves.

John also introduced Jamie Broz, ODA Legal Counsel, recently brought on to focus on title reviews.

**Approval of June 8, 2016 Advisory Board Minutes**

John asked if there were any questions or amendments to the Minutes. Minutes stand as approved.

**MOTION:** Timothy Lynch moved to approve the June 8, 2016 Minutes of the Ohio Farmland Preservation Advisory Board meeting as presented. Lucille Hastings seconded; Vote 7-0; motion carried.

## **Presentation on results of the Local Agricultural Easement Purchase Program (LAEPP) 2017 Local Sponsor Certification and funding allocations**

Jody Bowen presented the results of the LAEPP 2017 Local Sponsor Certification Application:

- 25 Local Sponsors applied, including four new Local Sponsors: Darke Soil and Water Conservation District (SWCD), Geauga County Commissioners, Munson Township, and Muskingum SWCD.
- LAEPP 2017 Local Sponsors represent 58 counties with two new counties now represented
  - Darke
  - Muskingum (ODA does hold a multi-county Ag Easement in Muskingum with Licking SWCD).
- The available funds for LAEPP 2017 is \$8.0 million

Jody then directed the Board to the LAEPP 2017 Local Sponsor Certification Funding Summary (Exhibit A to these Minutes).

Alan Anderson asked how the funding is provided and determined. John said that ODA is a part of several organizations utilizing Clean Ohio bond funds, and sometimes they need funds at different times than the Farmland Preservation program. At this time ODA has been experiencing accelerated sales of the bonds and have \$8.0 million ODA knows it can provide. There may be additional dollars to come, as there was for LAEPP 2016. If more funds become available for LAEPP 2017, the distribution would go to Local Sponsors in the same ratios as presented in Exhibit A.

### **Board Discussion and Recommendation – Certified Local Sponsors and Allocations**

Alan asked if all 25 applicant Local Sponsors received funding. John said yes, ODA wants to spread the funds around as the localized AEPP takes farmland preservation into more areas. Some of the Local Sponsors represented here would not have had their farms rank high enough to compete under the centralized AEPP. The current system tiers and ranks the Local Sponsors by experience and other criteria. Although they may not rank the highest amongst Certified Local Sponsors, all Local Sponsors at this time are given an opportunity to participate and preserve farmland.

Alan asked how long it takes for a new Local Sponsor to get up and running. John acknowledged that even the newest Local Sponsors have a lot of work ahead (including the landowner application period). Jody also mentioned that sometimes participation as a Local Sponsor is prompted by landowner interest – a landowner will go to their County, their Township, their SWCD, and ask the organization to apply for certification.

Jay Rausch mentioned that Western Reserve Land Conservancy has several counties, but the allocation doesn't seem as high as other Local Sponsors with far fewer counties. Jody said there is a cap of four counties for the funding allocation's base amount. John added that there are other Local Sponsors covering some of the same counties as Western Reserve Land Conservancy.

Alan noticed that there are multiple Local Sponsors covering Geauga County, and asked if those entities will be encouraged to work together. John said that at this point in the process, it is not known which landowners have approached which entity or which landowners these organizations are targeting for applications. Now that the various entities have been certified, ODA can encourage the organizations to work together, not unlike what Owl Creek Conservancy and Philander Chase Conservancy (both of Knox County) do now under a Memorandum of Understanding. Lucille added that the point for all of these organizations is to preserve farmland.

MOTION: Bill Westbrook moved that the Ohio Farmland Preservation Advisory Board recommend approval of the Applications for Local Sponsor Certification and funding amounts for the 25 Local Sponsors as presented at the November 9, 2016 meeting. Lucille Hastings seconded; Vote 7-0; motion carried.

John left at 10:16 a.m., Howard Wise now serving as Chair of the Advisory Board.

Howard began by saying how pleased he is with how the Local AEPP has developed, and the support the Office of Farmland Preservation receives from the Director and Deputy Director Schlichter. He said the one thing that became problematic for the transition to a localized program is the title work. He knows that Tim and Jamie of the Legal Division are addressing this issue. Alan asked how ODA handles the title work. Timothy Schirmer said that the Local Sponsor chooses and hires the title agent. That title agent then submits the title search and documents, along with a title commitment, to ODA for review by the Legal Division. Local Sponsors and title agents will then work through Amanda to get everything that Legal needs to complete the title review. Howard said the one-size fits all centralized program allowed some areas of the state to be stronger than others, so now the competition and some of the responsibility has been shifted to the local level. A lot of that has happened, but other things such as title are still being addressed. Howard thanked the staff of the Legal Division and Office of Farmland Preservation for their efficiency and effectiveness in continuing to implement the LAEPP.

### **Pilot Application Process Reduction Plan (APRP) for LAEPP 2017**

Jody shared with the Board the new pilot APRP, which is being added to the LAEPP 2017 as a way of reducing paperwork for both Local Sponsors and the OFP. Around 25% of landowner applications are reapplied each year. With the APRP, Local Sponsors can request to move up to one-third of their LAEPP 2017 allocations to fund previously-approved, already ranked LAEPP 2016 farms, or to make partially funded properties be "made whole" with a full Points-Based Appraisal (PBA) offer. This pilot program could also help the LAEPP more closely align with

the United States Department of Agriculture-Natural Resources Conservation Service (USDA-NRCS)'s Agricultural Conservation Easement Program-Agricultural Land Easement (ACEP-ALE) funding timeline.

Jody stressed that it is a pilot program. There are policies and parameters in place, and a Local Sponsor interested in the APRP will have to be a Certified Local Sponsor under both LAEPP 2016 and LAEPP 2017 to participate. At this time, about half of the contingent (approved but not funded) farms would be eligible for the APRP, and about half of the Local Sponsors could benefit from this pilot program in the upcoming funding round.

### **Update on Status of 2013 – 2016 Easement Purchases**

Amanda Bennett provided an update on the OFP's Easement closings:

Seven LAEPP Agricultural Easements closed since the last Board meeting in June, representing 658 acres –

- Appalachia Ohio Alliance
  - 1 Easement, Pickaway County, 92.42 acres
- Black Swamp Conservancy
  - 2 Easements, Seneca and Sandusky Counties, 164.864 acres
- Board of Fairfield County Commissioners
  - 1 Easement, Fairfield County, 98.83 acres
- Killbuck Watershed Land Trust
  - 1 Easement, Wayne County, 126.787 acre
- Montgomery Soil and Water Conservation District
  - 2 Easements (first of LAEPP 2015), Montgomery County, 175.326 acres

Amanda said the OFP expects to close an additional 9 Agricultural Easements by the end of the year (980+ acres), including the first ODA Ag Easements in Fayette County, Medina County, and Stark County.

LAEPP 2013: 4 remaining projects, 23 closed (85%)

LAEPP 2014: 8 remaining projects, 30 closed (79%)

LAEPP 2015: 41 remaining projects, 3 closed (7%)

LAEPP 2016: All projects still in title review/title clearing process (67 pending at this time).

Alan asked why the 2013 projects are not closed. Jody explained that while the OFP wants to close them, the Local Sponsors on these projects are mostly volunteer-driven organizations or that the farms themselves have unique situations that have caused them to take longer to complete. Alan suggested and Jody agreed that organizations should continue to mentor each other and help volunteer-led or new Local Sponsors hit the ground running.

### **Next Board Meeting Date**

Members present selected Wednesday, June 7, 2017 as the next Board meeting date. The purpose of the meeting will be to review and recommend approval for the landowner applications submitted to LAEPP 2017.

### **Other Business**

Howard asked the Board for their thoughts regarding how far behind some Agricultural Easements appear to be (such as those still open from LAEPP 2013). With regard to volunteer organizations, Howard has advocated for smaller groups or counties to come together to build capacity and hire professional staff. He asked the Board to consider how ODA can incentivize Local Sponsors to work together to professionalize themselves. Perhaps a study committee should be formed for that purpose. Jay added that he imagines the landowners on these projects are eager to complete their Agricultural Easements and receive their purchase funds. Lucille said that having these projects hanging out there affects the program's reputation. Roger Rhonemus said he knew of the Cardinal Land Conservancy merger that combined Southern Ohio Farmland Preservation Association, Clinton County Open Lands, and Citizens Land Conservancy of Hamilton County, and asked how that was going. Jody said they have had some staffing transitions, but that the merger appears to have given the organizations strength. Howard said that prior to localizing the AEPP, the organizations that make up Cardinal Land Conservancy were not successful because of the regional competition, and now under the LAEPP more farmland is being preserved in southern and southeastern Ohio.

Howard asked if anyone present wishes the program was still localized. Jay said he does not miss scoring essays, while they were informative and he appreciated the estate planning component. Lucille added that the essays under the centralized program did contain a lot of great information, but there were just too many to score. She believes the localized program gives everyone throughout Ohio a better opportunity to participate.

### **Public Comments**

Jonathan Ferbrache said the new Pilot APRP has great interest from Local Sponsors looking to match their ODA funds with NRCS federal program funds. He's not sure it will be something that all Local Sponsors will participate in, but it is great for stretching the ODA dollars. He believes the localized program has allowed new places (such as Belmont SWCD) to participate in farmland preservation. Belmont SWCD applied for Certification last year but had issues

around oil and gas and landowner interest. He is happy to see they are back at it not giving up and applying again this year. Other organizations such as Delaware County Commissioners (represented by their SWCD) are up and running as a result of the localized program.

Howard asked Jonathan if landowners are generally satisfied with ODA's position on oil and gas. ODA has recommendations regarding size of the footprint, and that when drilling is done the land is "put back together again" as much as possible. ODA cannot have as much impact when it comes to interstate pipelines, but ODA does as much as possible to minimize the impact on the land. Jonathan said that ODA does allow fracking when it is being done from an adjacent property ("under not on"). Smaller vertical wells are allowed by ODA on the Agricultural Easement property provided the impact is minimized to a smaller area. Howard said that he has heard that some Auditors are taking larger footprint fracking areas out of CAUV, and ODA's program requires the farm to stay in CAUV.

### **Adjournment**

MOTION: Jay Rausch moved to adjourn the Board meeting at 10:47 a.m. Timothy Lynch seconded; Vote 7-0; motion carried.