



PECONIC LAND TRUST

30

years conserving Long Island's working farms, natural lands,
and heritage for our communities now and in the future.

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Local Food and the Greater Good

If we as a community do not change the status quo, we will have very few farmers producing food on the South Fork within a generation. And what happens here, will likely happen elsewhere (the North Fork, the Hudson Valley, and beyond). If we want local food and the farmers who produce it to endure, all sectors of our community, public, private, and not-for-profit alike, must work together to make it happen. We must also recognize that each sector has unique roles to play, and assets to bring to the table. Government cannot do everything – it is one of the reasons why we have such a vibrant not-for-profit sector in this country.

In the early 1970s, Suffolk County Executive John V.N. Klein began to work with the agricultural community on the purchase of development rights (PDR) on farmland. He recognized the value of farming to our local economy, the tourist industry, and our heritage. In 1973, the County's PDR program, the first of its kind in the country, was established. Through the sale of development rights, farmers were able to access the equity in their land while retaining ownership, thereby also reducing its value for property and inheritance tax purposes. Farmers have used this equity for operating capital, income-producing investments for retirement, or even the purchase of additional farmland. Their land is their bond. Between the efforts of the County and the East End Towns, over 10,000 acres of farmland have been protected through PDR programs... but protected for what?

In 1974, inspired by rising real estate prices and concern over the future of farming in Southampton and beyond, the South Fork Land Foundation (SFLF) was incorporated. Soon thereafter, the fledgling organization began to acquire land and conservation easements from a number of individuals, including Ronald S. Lauder, who generously donated nearly 50 acres of farmland, with all

of its development rights intact, and the late Jim Trees, one of the first on Long Island to protect farmland through the donation of conservation easements. In 1998, in order to assure its continued public charity status, the SFLF became a supporting organization of the Peconic Land Trust (Trust). As such, its purpose is to support the Trust's mission to conserve Long Island's working farms, natural lands, and heritage for our communities now and in the future.

A lot has changed since the 1970s when the County, Towns, and the SFLF began their efforts to protect farmland. We have all seen too many acres of productive fields sprout houses where food was once grown. Perhaps the most shocking, however, has been the tremendous increase in the value of protected farmland, over \$100,000/acre on the South Fork, well beyond what most farmers can afford to buy, or even keep given federal and state inheritance taxes. As it turns out, neither the County nor the Town anticipated that non-farmers would want to purchase protected farmland at exorbitant prices including enterprising builders who incorporate it into development projects as broad lawns or similar amenities. Is this why millions of dollars have been spent by the County and the Town to purchase development rights? Does this reality not undermine public confidence in acquisition programs like the Community Preservation Fund (CPF)?

If we want local food to be grown on the South Fork for generations to come, we have to make sure that a significant amount of protected farmland is accessible and affordable to the farmers who grow food. It is not enough to simply keep productive farmland from growing houses – we must assure that some of it is in food production. This is not an easy task, one that the public sector cannot do alone. It will require the participation of the agricultural community as well as those within the not-for-profit sector that share this common goal.

For starters, the Town must recognize the shortcomings of its existing PDR program through the CPF. It can learn, as we have, how Massachusetts and Vermont have incorporated Options to Purchase at Agricultural Value (OPAV) into their farmland protection programs, and how they work with their not-for-profit partners to assure that farmers have access to protected farmland. The Town must also recognize its limitations. For example, if the Town acquires farmland using the CPF, it cannot be sold to farmers without overcoming significant legal hurdles. Nor is the Town the best owner of farmland – given their capabilities and pride of ownership, farmers will always be the better stewards.

Both the SFLF and the Peconic Land Trust are dedicated to conserving working farms, natural lands, and our heritage, all for the public benefit. We do not have the same constraints that the Town has – we can resell farmland, we can define more parameters of use than the Town, and we can leverage the Town’s funds. The financial resources that both organizations raise through fund raising and, yes, the sale of assets, are plowed right back into conservation for the greater good of our community.

So, it should come as no surprise that several SFLF properties, those received in the 1970s with all of their development rights intact, were included in the Town’s CPF Priority List updated in 2011. As a not-for-profit charitable organization, the SFLF is obligated to consider all possibilities regarding its assets – including market sales – in meeting its duty to provide public benefits. Just like a farmer, however, the sale of development rights to Southampton Town through the CPF will enable the SFLF to access the equity in its land while retaining ownership, so that it can acquire and protect more farmland. One of its parcels, 14 acres of farmland on Highland Terrace in Bridgehampton, is currently being appraised by the Town Board. Assuming the purchase goes forward, the SFLF will use the funds, in partnership with the Trust and the CPF, to make far more farmland available to farmers at affordable prices to grow food, as it did with the Hopping acquisition and its subsequent resale to farmers Jim & Jennifer Pike in Sagaponack.

At the end of the day, we must change perceptions that do not conform with reality. If thousands of acres protected by the County and Towns through their PDR programs may not, in fact, be available to farmers in the long run, the public needs to know and changes must be made to these programs. If not-for-profit charities have assets that can be sold legitimately to meet their public benefit obligations, the public should know. If such assets qualify for protection under the CPF, whether a religious order, a scouting organization, or the SFLF, the Town should consider them as they would any other owner, and the public should know. It is through transparency and facts that we can maintain public confidence in the CPF and our work as conservation organizations. And it is through respect, innovation, and collaboration among all sectors of our community, public, private, and not-for-profit alike, that we can assure a future that includes local food as we strive to attain the greater good.

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