

**Environment and Natural Resources Trust Fund
2010 Request for Proposals (RFP)**

LCCMR ID: 133-E1

Project Title:

"Green Acres" and Farmland Conservation in Minnesota

LCCMR 2010 Funding Priority:

E. Natural Resource Conservation Planning and Implementation

Total Project Budget: \$ \$224,950

Proposed Project Time Period for the Funding Requested: 2 years, 2010 - 2012

Other Non-State Funds: \$ N/A

Summary:

This proposal will preserve farmland and forest land through the state's "Green Acres" law; and develop statewide policy and zoning tools to preserve agricultural lands, especially in the metro region.

Name: Susan E. Stokes

Sponsoring Organization: Farmers Legal Action Group, Inc. (FLAG)

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St. Paul MN 55101

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Web Address: www.flaginc.org

Location:

Region: Statewide

County Name: Statewide

City / Township:

_____ Knowledge Base	_____ Broad App.	_____ Innovation
_____ Leverage	_____ Outcomes	
_____ Partnerships	_____ Urgency	_____ TOTAL

MAIN PROPOSAL

PROJECT TITLE: "Green Acres" and Farmland Conservation in Minnesota

I. PROJECT STATEMENT

When Minnesota's Statewide Conservation and Preservation Plan was released last year, one of its Targeted Policy and Action Recommendations was: "Invest in farm and forest preservation to prevent fragmentation due to development." This recommendation was cited for its "critical impact" on the state's terrestrial habitat quality and soil/land quality; and the "significant impact" on Minnesota's water quality/quantity, biodiversity, aquatic community health, economic health, recreational/cultural/spiritual/aesthetic value, and climate change mitigation/adaptation.

The overall goals of this proposal are to preserve farmland and adjacent forest land, and promote attendant ecological and public benefits on a statewide basis, by (1) creating educational tools that will promote the broad and uniform impact of the state's newly revised "Green Acres" law to preserve precious agricultural land – both in production and in conservation reserve – from development; and (2) develop statewide policy and zoning tools, and convene stakeholders across interest areas, to preserve agricultural lands, especially in the metro region.

As the Preservation Plan noted, the loss of farmland "results from both the direct conversion of agricultural land to development and the fragmentation of agricultural areas by suburban and exurban sprawl." The Green Acres program, which values farmland for tax purposes based on its agricultural value rather than its future development potential, is one of the state's most powerful tools to keep open spaces in production or preserved in conservation status. But the program, as extensively amended in both 2008 and 2009, is enormously complex and, according to the Legislative Auditor, has been administered inconsistently on the county level and had not been offered to many eligible landowners.

At the same time, Minnesota needs a thorough, independent set of policy recommendations to preserve the natural resource – and natural resource protection – that is our farmland. The laws that affect farmland preservation are now a patchwork of local, county, and state laws. As some of the most experienced agricultural lawyers in the state, FLAG views as necessary the production of a proposed model legal framework and zoning tools to create a consistent and effective plan to make sure that agricultural lands remain an important component of a healthy environment and precious natural resources of Minnesota.

II. DESCRIPTION OF PROJECT RESULTS

Result 1: "Guide to Minnesota's Green Acres Program"

Budget: \$124,950

To complete this proposal, FLAG's legal staff will review and analyze applicable laws; interview assessors, farmers, and experts knowledgeable about preservation of Minnesota farmland; and produce educational materials that will assist stakeholders to conserve the ecological resource that is Minnesota's farmland.

Deliverable

Completion Date

- | | |
|---|----------------|
| 1. Legal and policy analysis of the Green Acres program on the preservation of Minnesota farmland. | December 2010 |
| 2. Interviews of landowners and assessors. | March 2011 |
| 3. "Land Owners' Guide to Minnesota's Green Acres Program," a comprehensive, accessible guide in paper and electronic form. | June 2011 |
| 4. A communication plan to promote knowledge and distribution of the guide. | September 2011 |

Result 2: Preserving Minnesota Agricultural Land: Proposed Policy Solutions Budget: \$100,000

To complete this portion of the proposal, FLAG's legal staff will review and analyze applicable laws; interview farmers and solicit their experiences and input; convene meetings of stakeholders and experts who are knowledgeable about and can speak to challenges to preservation of Minnesota farmland; and produce proposed policy solutions that promote a more comprehensive and systematic approach to preserving Minnesota's farmland.

<u>Deliverable</u>	<u>Completion Date</u>
1. Legal and policy analysis of the local and state policies, laws, and regulations that affect the preservation of Minnesota farmland.	January 2011
2. Convening and soliciting input from stakeholders regarding a comprehensive approach to farmland preservation.	December 2011
3. "Preserving Minnesota Agricultural Land: Proposed Policy Solutions," report and recommendations.	June 2012

III. PROJECT STRATEGY

A. Project Team/Partners

FLAG's Project Team, led by Executive Director Susan Stokes, is among the most experienced agricultural law resources in the country, with decades of work on behalf of farmers and the public policy that governs them. Over the last two decades, FLAG has written, published, and distributed more than 100,000 copies of numerous accurate, reliable and accessible guides and reports, including "*Farmers' Guide to Minnesota Lending Law*," "*Farmers' Guide to FmHA*," "*Farmers' Guide to Disaster Assistance*," "*Farmers' Guide to GMOs*," and "*Farmers' Guide to Wind Energy*," all of which are used not only by farmers, but also local, state, and federal officials; agri-business managers; extension agents; and lawmakers. Ms. Stokes will oversee the management and production of the Project's deliverables, with the support of Senior Staff Attorneys Stephen Carpenter and Jill Krueger, Staff Attorney Jennifer Jambor-Delgado, and Program Director Lynn Hayes.

B. Timeline Requirements

The first segment of the Project, the production of the "*Land Owners' Guide to Minnesota's Green Acres Program*," will take roughly one year to produce, the first half devoted to research and interviews, the second half to writing and production. The distribution of the Guide will take place over the three months subsequent to publication. The second segment of the Project will require a longer-term investment in order to do research and then convene the necessary stakeholders for their critical input. The research and stakeholder input stage is expected to take a year and a half, with the analysis and recommendations to follow six months later.

C. Long-Term Strategy

This proposal is intended to assist the state in considering and devising a broader policy strategy to preserve Minnesota's rapidly diminishing farmland, particularly in the regions surrounding the state's urban areas.

**PROJECT TITLE: "Green Acres" and Farmland Conservation in Minnesota
FLAG's LCCMR Project Budget**

IV. TOTAL PROJECT REQUEST BUDGET: \$224,950 over two (2) years

<u>BUDGET ITEM</u> (See list of Eligible & Non-Eligible Costs, p. 13)	<u>AMOUNT</u>
Personnel:	
Susan E. Stokes (Results 1 & 2) .15 FTE over 2 years	\$ 39,800
Jennifer Jambor-Delgado (Results 1 & 2) .40 FTE over 2 years	\$ 61,100
Lynn A. Hayes (Results 1 & 2) .10 FTE over 2 years	\$ 20,500
Stephen Carpenter (Results 1 & 2) .40 FTE over 2 years	\$ 87,800
Graduate Student (Results 1 & 2)	\$ 7,500
Contracts:	\$ -
Equipment/Tools/Supplies:	\$ -
Phone, Printing, and Postage	\$ 750
Design and Publication	\$ 4,750
Computer Research	\$ 1,950
Acquisition (Fee Title or Permanent Easements):	\$ -
Travel: In-state, Mileage, and/or Car Rental	\$ 800
Additional Budget Items:	\$ -
TOTAL PROJECT BUDGET REQUEST TO LCCMR	\$ 224,950

V. OTHER FUNDS

<u>SOURCE OF FUNDS</u>	<u>AMOUNT</u>	<u>Status</u>
Other Non-State \$ Being Applied to Project During Project Period:	\$ -	N/A
Other State \$ Being Applied to Project During Project Period:	\$ -	N/A
In-kind Services During Project Period:	\$ -	N/A
Remaining \$ from Current Trust Fund Appropriation (if applicable):	\$ -	N/A
Funding History:	\$ -	N/A

**PROJECT TITLE: "Green Acres" and Farmland Conservation in Minnesota
Project Manager Qualifications and Organization Description**

SUSAN E. STOKES

Executive Director/Attorney at Law – Farmers' Legal Action Group, Inc.

EDUCATION

University of Minnesota Law School, J.D., cum laude, 1989

St. Olaf College, B.A., cum laude, 1984

QUALIFICATIONS

Farmers' Legal Action Group – St. Paul, MN (January 2002 - Present)

Executive Director, November 2005 to present. Legal Director, June 2002 to September 2006. Supervise all FLAG litigation. Provide legal services to family farmers and farm organizations in agricultural, debtor-creditor, and administrative law. Design, research, and write legal education materials for family farmers and their advocates and attorneys. Write and edit FLAG publications. Speak at training events, legal education seminars, and community meetings on agricultural law issues. Lead counsel for the Campaign for Family Farms in *Michigan Pork Producers Association v. Campaign for Family Farms*, 348 F.3d 157 (6th Cir. 2003), *vacated and remanded by Johanns v. Campaign for Family Farms*, 544 U.S. 1058 (2005).

Sprenger & Lang – Minneapolis, MN and Washington, D.C. (February 1994 - January 2002)

Associate, 1994-1996. Partner, 1997-2002. Litigated civil rights class actions. Lead counsel in *Beckmann v. CBS*, 192 F.R.D. 608 (D. Minn. 2000), and *Kosen v. American Express Financial Advisors*.

Pillsbury Madison & Sutro – San Francisco, CA (October 1989 - February 1994)

Performed all aspects of litigation, including depositions, hearings, briefs, and trials at the San Francisco law firm of Pillsbury Madison & Sutro (now Pillsbury Winthrop).

Admitted to practice in numerous district and appellate courts, including the United States Supreme Court.

Farmers' Legal Action Group, Inc. (FLAG), is a 23-year-old nonprofit Minnesota law center dedicated to providing legal services to family farmers and their rural communities in order to help keep family farmers on the land. FLAG provides these services: Education - seminars, as well as producing an extensive range of books and articles on issues facing family farmers and producers; Backup Support - a broad range of support services to legal services programs, farmers, attorneys, advocates, and farm organizations; Impact Litigation - strategic litigation to change important areas of law that will have an effect on a large number of family farmers; Administrative and Legislative Technical Assistance - submitting formal comments on proposed agency regulations, and testifying by invitation of legislators before federal and state legislative bodies.

FLAG has written and distributed more than 100,000 copies of numerous accurate, reliable, and accessible publications, including *Farmers' Guide to Minnesota Lending Law*, *Farmers' Guide to FmHA*, *Farmers' Guide to Disaster Assistance*, *Farmers' Guide to GMOs*, and *Farmers' Guide to Wind Energy*. FLAG attorneys have conducted more than 604 training events in 39 states, attended by more than 31,500 farmers, lawyers, and farm advocates.

