

Saving agricultural land for growing food Two Nova Scotia farms protected by conservation easements

by Jennifer Scott

We are now experiencing two major challenges to our ability to feed ourselves. One is to have knowledgeable, caring, committed people who are willing to be farmers. The other is to have decent land – close to markets, with the right mix of buildings, fields, forest, water, and community.

Even in Nova Scotia, good farmland is a scarce resource. Good farmland close to markets, that is not divided up and interrupted by building lots, is even scarcer. It is worth protecting that kind of land if we want to continue to be able to grow our own food. Because farming is such an economically tricky endeavor, it is tempting for farmers to sell acreage in order to finance part of the farming operation, or to finance retirement. Good land always goes to the highest bidder, and new farmers wanting to get established find it difficult to pay the per-acre price demanded by the speculative real estate market.

So how can we save good farmland for farming? One way is to use a conservation easement. Most people are familiar with wilderness conservation, where land of particular ecological significance is protected from development, subdivision, or resource extraction (mining or forestry). The land can be made into a park, or simply kept wild. It may be conserved by outright purchase, or by a conservation easement – a legal document that is attached to the deed, placing restrictions on the use of the land even if the property is sold. The easement is negotiated with the landowner, then registered with the province. A designated “eligible body” takes on the responsibility of ensuring the landowner adheres to the terms.

The Ecology Action Centre (EAC), based in Halifax, has recently been added to the Eligible Body list under Nova Scotia’s Conservation Easement Act. Through its agriculture-oriented sub-group called HelioTrust, the EAC now holds easements with two farms in Hants County: Avonmouth Farm and Red Fox Co-op. EAC does not own the farms, but as the easement holder, it has an interest in ensuring the 300 acres are managed according to the terms of the agreements. To that end, a community-based monitoring system will be developed.

These two conservation easements are structured to protect the farm and woodland from subdivision and development, but they are for “working” land, as opposed to “wild” land. This is an important distinction, as it recognizes the stewardship responsibility of the farmer. The land must be managed in an ecological manner, no matter who owns it. In signing the conservation easement, the farmer gives up some of the real estate value of the farmland, because it cannot be sold for non-farm purposes. This makes the land more affordable for the next person who wants to purchase it for farming.

The real estate value of a farm is a function of what people would be willing to pay for it. This makes farms closest to urban centers, and those with particularly beautiful attributes, the most vulnerable to speculative hikes in value. Theoretically, the value of the conservation easement is roughly equivalent to the difference between the market value of the land and its productive value as a working farm. In negotiating what it would pay the owners of Avonmouth Farm and Red Fox Co-op, the EAC obtained independent appraisals from a farm economist and a real estate professional.

At the moment, neither farm provides a full income for its owners, though both have plenty of potential for increased food production. The owners of Red Fox have been living on the farm for 14 years, growing just enough variety and quantity to keep five or six people well fed. Rupert Jannasch took over Avonmouth in 2003, and has been developing various horticultural and forestry enterprises. He says he is pleased with the easement agreement, but he points out that an agricultural landowner who trades away development rights is assuming a degree of risk.

“Consider a scenario in the future when a landowner, a farmer, no longer wishes to or is unable to farm,” says Jannasch. “He still owns the land, but sold a conservation easement 20 years earlier prohibiting other uses. No young farmers are waiting to fill his shoes. Perhaps new food safety regulations make it impossible to produce food, or there is no longer a willing labor force. . . . What does the landowner do?”

Such uncertainties must be weighed against the benefits of protecting the land. A government program or a larger charitable organization with significant financial resources would be able to achieve the same objective by purchasing agricultural acreage and leasing it to farmers, but in the near future there are no prospects for this in Nova Scotia.

For now, the protection of farmland depends to a large extent on landowners’ commitment to the principle. HelioTrust has set up a special conservation fund, with the interest to be used for monitoring conserved land and covering any legal fees that may be necessary to ensure compliance with the terms of easements in the future. The EAC hopes to increase the fund in order to protect more agricultural land.

There are vulnerable farms all over the Nova Scotia. The new Wal-Mart near Bridgewater was built on a mixed dairy farm. Near Windsor, farmland has been taken out of production to make way for Superstore, McDonald’s, and Tim Horton’s. It is increasingly difficult to farm in Kings County due to urban land demands. In Halifax Regional Municipality, Spryfield used to be primarily agricultural, and the Urban Farm Museum there is an effort to save the last little bit of that farmland for food production. As farmers are forced on to more marginal land, farther from people who want to buy their products, the cost of production rises. If this results in an erosion of the province’s agricultural base, we all pay the cost of reduced food security.

Charitable receipts are issued by EAC for donations. To contribute to the working land conservation effort, specify that the donation is for HelioTrust’s farmland conservation fund.

Ecology Action Centre (EAC) www.ecologyaction.ca

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