

**Environment and Natural Resources Trust Fund
2011-2012 Request for Proposals (RFP)**

LCCMR ID: 099-C3+4

Project Title: Farmland and Resource Conservation: Making "Green Acres" Work

Category: C3+4. Technical Assistance and Community-Based Planning

Total Project Budget: \$ \$125,125

Proposed Project Time Period for the Funding Requested: 1 yr, July 2011 - June 2012

Other Non-State Funds: \$ 0

Summary:

This project will promote conservation, and preserve Minnesota's farmland and adjacent forest and wetlands, through an accessible publication advancing effective and uniform implementation of the newly revised "Green Acres" law.

Name: Jennifer Jambor-Delgado

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

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Location

Region: Statewide

Ecological Section: Statewide

County Name: Statewide

City / Township:

<input type="checkbox"/> Funding Priorities	<input type="checkbox"/> Multiple Benefits	<input type="checkbox"/> Outcomes	<input type="checkbox"/> Knowledge Base
<input type="checkbox"/> Extent of Impact	<input type="checkbox"/> Innovation	<input type="checkbox"/> Scientific/Tech Basis	<input type="checkbox"/> Urgency
<input type="checkbox"/> Capacity Readiness	<input type="checkbox"/> Leverage	<input type="checkbox"/> Employment	<input type="checkbox"/> TOTAL _____%

MAIN PROPOSAL

PROJECT TITLE:

Farmland and Resource Conservation: Making "Green Acres" Work

I. PROJECT STATEMENT

Minnesota's Statewide Conservation and Preservation Plan's Targeted Policy and Action Recommendations included this goal: "Invest in farm and forest preservation to prevent fragmentation due to development." This recommendation was included because the Plan's authors noted that preserving farmland would have a "critical impact" on the state's terrestrial habitat quality and soil/land quality; as well as a "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 and wetlands, and promote attendant ecological, conservation, and public benefits on a statewide basis, by creating educational tools that will promote the effective and uniform implementation of the state's newly revised "Green Acres" law to preserve precious agricultural land—both in production and in other conservation programs—from development.

Minnesota's Green Acres law was enacted some three decades ago in order to equalize the tax burdens on agricultural property, particularly for agricultural land owners in areas where development pressures may make it difficult to continue to keep land in agricultural use. Minn. Stat. § 273.111, subd. 2. The Green Acres program is one of the state's few existing tools to keep open spaces in production or preserved in conservation status. About 13 percent of the state's 29.5 million acres of agricultural lands are enrolled in the Green Acres program.

The Minnesota Legislature changed Green Acres law substantially in 2008, and then revised it again in 2009. Many of the changes are beginning to be implemented, but with much confusion. For example, recent revisions to Minnesota's Green Acres law created a complex set of circumstances within which wetlands, woodlands, and other so-called "rural vacant land" may qualify for tax protection along with farmed land. However, we already are seeing indications that this new provision is being implemented differently from county to county.

FLAG resubmits this proposal because, with another year of experience, the confusion surrounding the Green Acres law has not subsided, and indeed may have intensified as deadlines for reclassification approach. Most of the changes in the program affect so-called unproductive acres—forest, rough pasture, and wetlands that are central to the long-term conservation of natural resources and the reduction in the fragmentation of natural habitat. As the Preservation Plan noted, the loss of such rural open spaces "results from both the direct conversion of agricultural land to development and the fragmentation of agricultural areas by suburban and exurban sprawl." Without a clear, concise guide for landowners and assessors to explain how the changes to the law should be implemented consistently, the state risks losing considerable habitat to development.

FLAG proposes the production of a 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. This guide will find ready audiences among farmers, assessors, and others who occupy or oversee the management of open spaces on the edge of development.

It will be vital that FLAG undertake this work in 2011 and 2012. First, landowners and county officials will have at least one year of experience with the law since it was amended a second

time. These practical perspectives will be enormously valuable in the guide's production. Second, some of the Green Acres program's most sweeping changes—those defining "productive" land—go into effect in 2013.

II. DESCRIPTION OF PROJECT RESULTS

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

Budget: \$125,125

To complete this proposal, FLAG's legal staff will review and analyze applicable laws; interview assessors, farmers, and landowners; produce a guide that will assist assessors and landowners in having a consistent interpretation of Minnesota's Green Acres law in order for it to achieve its intent of helping to keep agricultural land from being further fractionated or developed.

Deliverable

Completion Date

- | | |
|--|---------------|
| 1. Analysis of the Green Acres program on the preservation of Minnesota farmland. | December 2011 |
| 2. Interviews of landowners and assessors. | February 2012 |
| 3. "Guide to Minnesota's Green Acres Program," a comprehensive, accessible guide in paper and electronic form. | June 2012 |
| 4. A communication plan to promote knowledge and distribution of the guide. | June 2012 |

III. PROJECT STRATEGY

A. Project Team/Partners

FLAG's Project Team, led by Staff Attorney Jennifer Jambor-Delgado, is among the most experienced agricultural law resources in the country, with decades of work on behalf of farmers and helping them understand the complex laws that govern their livelihoods. 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, extension agents, and lawmakers. Ms. Jambor-Delgado will oversee the management and production of the Project's deliverables, with the support of Senior Staff Attorneys Stephen Carpenter and Jill Krueger, and Program Director Lynn Hayes.

B. Timeline Requirements

The "Guide to Minnesota's Green Acres Program" will take roughly one year to produce, the first six months devoted to research and interviews, the next six months to writing, production, and distribution.

C. Long-Term Strategy

This proposal is intended to assist the state in optimizing one of the few tools it currently has to preserve the open spaces that farmland creates, and prevent further fractionation and development of Minnesota's invaluable and finite resource—its farmland.

**PROJECT TITLE: Farmland and Resource Conservation: Making "Green Acres" Work
FLAG's LCCMR Project Budget**

IV. TOTAL PROJECT REQUEST BUDGET: \$125,125 over 12 months

<u>BUDGET ITEM</u> <i>(See list of Eligible & Non-Eligible Costs, p. 13)</i>	<u>AMOUNT</u>
Personnel:	
Jennifer Jambor-Delgado, J.D. (.40 FTE over 12 months)	\$ 43,100
Lynn A. Hayes, J.D. (.25 FTE over 12 months)	\$ 39,375
Stephen Carpenter, J.D. (.20 FTE over 12 months)	\$ 31,400
Graduate Student	\$ 3,750
Contracts:	\$ -
Equipment/Tools/Supplies:	\$ -
Phone, Printing, and Postage	
Design and Publication	\$ 4,750
Computer Research (LexisNexis)	\$ 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	\$ 125,125

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

**Farmland and Resource Conservation: Making "Green Acres" Work
Project Manager Qualifications and Organization Description**

JENNIFER JAMBOR-DELGADO

Staff Attorney, Farmers' Legal Action Group, Inc.

EDUCATION

J.D., Summa Cum Laude, May 2001, Golden Gate University School of Law, San Francisco, CA
B.A., May 1995, Mills College, Oakland, CA; admitted to practice in Minnesota and California.

RECENT EXPERIENCE

Staff Attorney, Farmers' Legal Action Group, Inc., Saint Paul, MN (July '07-present)

Provide legal services to family farmers and farm organizations in agricultural, debtor-creditor, administrative law, and land use issues. 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. Provide backup support on agricultural law issues to attorneys and advocates nationwide.

Associate and Contract Attorney, Leonard Carder, LLP, Oakland, CA (June '03-July '07)

Successfully litigated and mediated wrongful termination and contract interpretation cases before arbitrators and the National Labor Relations Board (NLRB). Secured injunctions from the NLRB, won the reinstatement of terminated employees, and mediated a settlement preserving jobs slated for elimination; analyzed a wide range of legal issues and designed organizing campaign strategies in union organizing cases, including strategies for growing worker support for the union; prosecuting and publicizing employer violations of workers' rights; making strategic partnerships and alliances within the community; and communicating with the public and the press concerning organizing campaigns. Oversaw implementation of organizing strategies through collaboration with union representatives, employees, and community organizations; developed training materials and facilitated group trainings for clients and workers regarding workers' rights.

RECENT TRAININGS

- *Land Use; Farmland Preservation*, Sustainable Farming Assn, 21-Feb-09, Northfield, MN
- *Local Foods Marketing*, MN Fruit and Vegetable Growers Assn, 23-Jan-09, St. Cloud, MN
- *Wind Energy*, 06-Oct-08, Goodhue, MN
- *Feedlot Rules; On-Farm Processing and Sales*, MN Ag Extension & Land Stewardship Project, 07-Mar-08, Winona, MN
- *Wind Energy*, MN Fruit and Vegetable Growers Assn, 19-Feb-08, St. Cloud, MN

Farmers' Legal Action Group, Inc. (FLAG), a 24-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, provides: *Education* - seminars, as well as producing 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. Since the farm crisis of the 1980s, FLAG's work has broadened from legal assistance to farmers facing foreclosure to many other important farm issues, including contract farming, race discrimination and land loss faced by minority farmers, organic and sustainable farming, and support of the infrastructure of the growing local foods movement.

