HOW DO CONSERVATION LAND TRUSTS COME TO EMBRACE AGRICULTURE? A CASE STUDY FROM OREGON

by

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THESIS ABSTRACT

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In part because of the state's unique land use system, Oregon's land trusts have largely focused their efforts on the protection of lands with wildlife habitat values, rather than productive agricultural land. And yet a confluence of contemporary trends – including population growth, aging farmer-landowners, and a growing regard for the conservation values embedded in well-stewarded farmland – are causing some land trusts to re-evaluate their conservation priorities. By conducting in-depth interviews with land trust staff and board members, farmers and ranchers, and land use advocates around the state, my work seeks to make transparent the network of influences underlying this shift. Making use of nonprofit management theory, I argue that land trusts change their conservation priorities through a combination of environmental assessment and managerial vision. Several predictors – willingness to innovate, agricultural representation within the organization, and community priorities – increase the likelihood that land trusts will include farmland as a conservation priority.

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CHAPTER I

INTRODUCTION

Driving south out of the community of Bandon on the southern Oregon coast, the storage facilities and motels on the town's fringe gradually give way to rolling pastures and cranberry bogs, bisected by alder and Douglas-fir lined creeks and framed by the forested foothills of the Coast Range to the east and a broad coastal plain falling away to the Pacific Ocean to the west. One of the common names for this region is the Wild Rivers Coast: a reference to the many undammed, salmon-bearing creeks and rivers – Langlois Creek, Sixes River, Elk River – that tumble down cold and clear from ancient headwater forests.

For generations, this land has been inhabited by the Kwatami band of the Tututni tribe, gathering shellfish, hunting deer and elk, and gathering berries in the temperate coastal climate. White settlers arrived in the 19th century and began colonizing Tututni lands, draining wetlands and managing the land to support an agricultural industry that continues today. Berry farms, wineries, and wool and cheese shops dot the Wild Rivers Coast Farm Trail along Highway 101, and the small natural food co-op in Port Orford features produce grown at Valley Flora Farm, a family-owned farm in Langlois operated by a team of two sisters in their late twenties.

The fishing industry also sustains the community here, operating from a unique dry dock in Port Orford and offering an innovative "community supported fishery" program which delivers monthly boxes of fresh seafood directly from boat to consumer – a marine twist on the popular community supported agriculture (CSA) model. It was fishermen who gave the area between Bandon and Port Orford another distinctive local

name: the Dark Coast. While much of the Oregon coast is dotted with the lights of towns and rural homes and businesses when viewed from the ocean, the coastal plain here is undeveloped primarily because the land – over ten thousand acres in total – is ranchland, owned by a small handful of families. A viable ranching operation in Curry County may produce a mix of sheep, cattle and cranberries: diversifying crops in order to mitigate market fluctuations.

At the southern end of the Dark Coast in downtown Port Orford, the Wild Rivers Land Trust has a small office on the town's main street with storefront posters of old growth forest ecosystems and a great blue heron in flight. Wild Rivers Land Trust, founded in the early 2000s, pursues their mission of "protecting the natural treasures and working lands on Oregon's Wild Rivers Coast in perpetuity" by working with willing landowners to provide permanent protection for lands with special conservation values; in their words: "Salmon bearing creeks, heritage forests, and oceanfront ranchlands."

As with most of Oregon's land trusts, Wild Rivers has historically concentrated their efforts on preserving fish and wildlife habitat: purchasing properties with high-quality habitat or protecting them through the use of a conservation easement, an agreement which separates development rights from a property – while keeping it in private ownership – in order to ensure that conservation values are maintained in perpetuity. The trust has an impressive catalogue of protected properties, including the Keystone Preserve on the Elk River and the Bear Creek Natural Area, both of which protect immensely valuable habitat for endangered species like the Marbeled Murrelet, as well as Chinook and Coho salmon, steelhead, and Pacific lamprey. Protecting ancient

forests and the cool, pure waters that flow through them is a critically important service that the land trust provides.

However, one of the organization's foremost concerns at present are the oceanfront ranches that comprise the Dark Coast. Mirroring national trends, ranch owners are aging and considering options for the future of their properties: in one case, converting a ranch to a golf course; in other cases, perhaps considering subdividing the land for future residential development. As multiple conversion pressures have increased on Oregon's rural farmlands statewide, land conservation organizations like the Wild Rivers Land Trust throughout the state are beginning to turn their attention to the future of Oregon's farm and ranch lands.

Understanding this shift within Oregon's land trust community, from a relatively narrow focus on fish and wildlife habitat conservation to a broader focus which includes "working lands" - particularly farms and ranches – is the driving question behind my research. What are the factors influencing this trend? How are Oregon's land trusts thinking about the conservation values embedded in agricultural land? How and why is Oregon different from other states, from a land conservation perspective? What barriers or constraints exist, which might limit the success of land trusts in protecting working lands? As with most nonprofit organizations, land trusts operate within a network of influences: available funding sources, community concerns or priorities, the personal values and aspirations of staff and board members, shifting political winds, and demand for their services from clients. Unpacking this web of influences and examining how they relate to one another, especially from the perspective of the practitioners who manage, oversee and support land trusts, is at the heart of this paper.

FRAMING THE PROBLEM

To understand the context for the contemporary shift in Oregon's land trusts, from a narrow focus on protecting fish and wildlife habitat to a broader focus which includes agricultural lands, several trends are salient: population growth in the state and related residential development pressures, a major upcoming transition of agricultural land ownership, changes to the state land use system, and volatile land values. But before turning to these issues, we can start by asking a basic question: Why conserve agricultural land in the first place?

Why Conserve Agricultural Land?

To understand why land trusts are turning their attention to farm and ranch land in Oregon, a good question to start with is: why is *anyone* concerned about farmland conservation? In an increasingly industrialized and globalized food system, little of the food on grocery store shelves is grown within the state or region most of us live in: apples from New Zealand, tuna fish from Thailand, and an abundance of processed foods made from federally subsidized commodity crops – corn, soybeans, and wheat – produced on mega-farms in the Midwest.[1] From a pure standpoint of access to desirable food products, we can ask: who cares about preserving farms in Oregon, when we can buy cheap organic produce from China at Walmart?

Furthermore, from an environmental perspective, agricultural activities arguably represent the foremost culprit for massive environmental degradation both domestically and worldwide: associated with problems including habitat elimination, soil erosion, water resources depletion, soil and water salinization, agrochemical release, animal

[1] Halweil, B. (2002). *Home Grown: The Case for Local Food in a Global Market*.

waste, and air and water pollution.[2] Labor and social justice advocates point out the embedded disparities that agricultural workers face, from pesticide exposure and abusive labor practices[3] to the enormous social impacts of free trade agreements on national food sovereignty.[4]

And yet, disparate interests – including environmental and social justice organizations[5] – are working both locally and nationally to conserve agricultural land. The motivations are varied. Rural community members may be concerned about sustaining economic activity and maintaining cultural traditions. Local food advocates believe that food grown "close to home" is healthier, tastes better, and has fewer negative environmental impacts - also placing value on a personal relationship with the farmers who grow their food. Farmland provides scenic open space and an agrarian aesthetic enjoyed by the public, a value expressed through the field of public planning. Environmental organizations recognize the ecosystem services (water filtration, carbon sequestration etc.) provided by well-stewarded farmland, or simply believe from a pragmatic standpoint that "cows are better than condos;"[6] that is, that agricultural use may be less detrimental from an environmental perspective than residential development. In some cases here in Oregon and elsewhere, tribes have invested in protecting private agricultural lands because of their historical and cultural significance as gathering spaces or hunting and fishing grounds. Finally, farmers themselves may be motivated by a desire to keep their land in production so that future generations can sustain the agricultural

[2] Ruhl, J.B. (2000). Farms, Their Environmental Harms, and Environmental Law.
[3] Schneider, S. (2016). *Food, Farming and Sustainability: Readings in Agricultural Law*.
[4] Gonzalez, C. (2014). International Economic Law and the Right to Food.
[5] As examples, the Agriculture and Land Based Training Association (ALBA) in California, and the East Multnomah Soil & Water Conservation District's Land Legacy program.
[6] Sagoff, M. (2003). Cows are Better than Condos, or How Economists Help Solve Environmental Problems.

legacy of a property. In a 2013 survey conducted by the Oregon Values and Beliefs project, a majority of nearly 4,000 respondents from across the state indicated that protecting farmland from development was a priority for them.[7] To answer the question, "Who cares about preserving farmland?," then, we can answer: Oregonians do.

Contemporary Trends in Oregon

While these general concerns have led many other states and regions to develop and utilize tools for preserving agricultural land for decades,[8] the specific issue of nonprofit land trusts working in Oregon to protect farmland is a contemporary issue, contextualized by a number of contemporary trends. Population growth is a looming concern, with the state's population projected to increase by three million people over the next 50 years.[9] As Oregon's farmer-landowners pass age 60 on average, a massive transfer of farmland ownership is anticipated in coming decades.[10] The state's vaunted and unique land use system, which has protected farmland through a regulatory approach since the 1970s, suffered a "near death experience"[11] in the early 2000s and is seen as vulnerable to further erosion. Finally, recent fluxuations in real estate valuation of farmland – due to factors including amenity purchases, investment activity, and the burgeoning marijuana industry – are disrupting the ability of farmers to stay on their land. Moderating these real estate fluxuations is an issue that land trusts in other regions of the

[7] Oregon Values & Beliefs Project. "2013 Oregon Values & Beliefs Survey." Accessed on 6/6/2017. http://oregonvaluesproject.org/findings/top-findings/
[8] As examples: Colorado's conservation tax credit program; King County, Washington's transfer of development rights program; Maryland's Agricultural Land Preservation Fund.
[9] Oregon Department of Forestry (2011). Forests, farms & people: land use change on non-federal land in Oregon 1974-2009.
[10] Brekken, C. et al. (2016). The Future of Oregon's Agricultural Lands. Oregon State University.
[11] Walker, P. & P. Hurley (2011). *Planning Paradise: Politics and Visioning of Land Use in Oregon*.

country have worked hard to address, using their unique land conservation tools in order to preserve the values already mentioned: local food economies, environmental services provided by well-stewarded farmland, scenic open space, etc. Taken in sum, these trends represent a distinct concern for land conservation interests.

Population growth and urbanization

In 2015, Oregon was the number one moving destination nationally, for the third year in a row,[12] and the state's population is expected to grow by 76% over the next 50 years.[13] The fastest-growing areas of the state are the Portland Metro area and Bend-Redmond in central Oregon.[14] With this growth comes the need for additional housing and infrastructure, and despite Goal 3 of Oregon's land use planning system, which prioritizes the preservation of high-value agricultural soils, much of the new housing development appears to be occurring on prime farmland.[15] In 2002, the American Farmland Trust, a national nonprofit which has prominently advocated for farmland preservation since the 1970s, mapped anticipated development pressure associated with population growth in Oregon in comparison with the USDA soil inventory, demonstrating a clear overlay of prime farmland with such pressure.[16]

[12] Vasel, K., "Oregon is the most popular state to move to." Cnn.com, accessed March 31, 2017. http://money.cnn.com/2016/01/04/real_estate/oregon-most-popular-moving-states-2015/
[13] Oregon Department of Forestry (2014). Forests, Farms and People: Projecting Future Conversion of Resource Land to Developed Use.
[14] Oregon Office of Economic Analysis Long-Term Demographic Forecast (2013), accessed March 31, 2017. https://www.oregon.gov/das/OEA/Pages/forecastdemographic.aspx
[15] Trust for Public Land (2015). Oregon Working Land Report.
[16] American Farmland Trust (2002). Farming on the Edge: Oregon Farmland in the Path of Development. Accessed on April 14, 2017. http://162.242.222.244/resources/fote/states/map_oregon.asp

Farmland changing hands

Compounding the pressure exerted by population growth is the trend of aging landowners in Oregon – particularly owners of forest and farmland. The average age of farmers in Oregon is nearing 60,[17] indicating the possibility that as much as two-thirds of Oregon's farmland may change hands in the next two decades.[18] As owners of working lands retire from actively managing their property, they are faced with choices that include selling their land to a third party or subdividing it into smaller parcels for their children or heirs. In both cases, this can result in the conversion of working lands to other uses, including commercial, residential and industrial development. Between 2002 and 2012, approximately one million acres of farmland in Oregon were lost to residential development.[19]

Oregon's land use system

Oregon's "working landscapes" of farms and forests have benefited greatly from protection afforded by the state's land use planning system, enacted in 1973 under Governor Tom McCall. In response to concerns about urban sprawl and the loss of productive farmland, legislators passed Senate Bill 100 to establish mechanisms – including Urban Growth Boundaries (UGBs) and Exclusive Farm Use (EFU) zoning – which have largely been successful in managing sprawl for the past four decades.[20] However, despite this success, recent developments – including the passage of property-rights initiative Measure 37 in 2004, which threatened to drastically undermine the

[17] U.S. Department of Agriculture (2012). Census of Agriculture, State Level Data, Oregon.
[18] Brekken et al.
[19] Ibid.
[20] Gosnell et al. (2009). Is Oregon's land use planning program conserving farm and forest land? A review of the evidence.

regulatory authority of the land use system – call into question whether SB 100 can continue to serve as the state's primary tool for land preservation. Furthermore, agricultural land advocates argue that the many exceptions that have been written into the exclusive farm use zoning designation over the past decades have significantly weakened the original intent of the designation, and that activities now allowed on EFU land – including golf courses and aggregate mining facilities – represent at least as great a threat to farmland as urbanization due to population growth.[21]

Increasing land values

Reflecting the trends of population in-migration to the state and changes to the land use system, agricultural land values across Oregon have risen in recent years. Between 2012 and 2016, farm real estate value on average in Oregon rose from $1,960 to $2,200 per acre.[22] However, in some counties, the market value of agricultural land reveal dramatically higher prices: $30,000 per acre in Clackamas County and $20,000 per acre in Washington County.[23] While such prices can certainly be attributed to the proximity of these counties to the Portland Metro area, land values in eastern Oregon are also increasing.[24]

While Oregon's land use system and status as a highly desirable destination for in-migration make it unique, concerns about the conversion of prime farmland for urbanization or industrial development are not unique to the state. In many states, one

[21] Comments from public listening session for Oregon Agricultural Heritage Program, and personal interviews.
[22] Brekken et al.
[23] Ibid.
[24] Ibid.

response to the loss of productive farmland has come from the nonprofit sector: the use of various conservation tools by land trusts.

Defining Terms: Land Trusts, Easements, Conservation, and Farms

Land Trusts and Conservation Easements

Land trusts, or land conservancies, are nonprofit organizations that work with willing landowners on a voluntary basis to protect lands with special conservation values: fish and wildlife habitat, scenic open space, agricultural land, or historic structures.[25] Perhaps the most well-known land trust is the international organization The Nature Conservancy, which has protected over 119 million acres of land worldwide. In their 2015 national census, the national Land Trust Alliance tallied over 16 million acres protected through easements in the U.S., 8 million acres owned by land trusts, and another 29 million protected through other means, with direct support from land trusts.[26] Here in Oregon, a mix of locally based land trusts and national organizations protect a total of 790,000 acres.[27]

Land trusts most commonly protect land either by acquiring it outright in fee title acquisition, or through the use of a *conservation easement*. A conservation easement is "a legal agreement between a landowner and an eligible organization that restricts future activities on the land to protect its conservation values."[28] In lay terms, an easement allows a landowner to sell or donate certain property rights – such as the right to construct homes, engage in resource extraction, etc. – permanently forfeiting the ability

[25] Byers, E. & K. Ponte (2005). *Conservation Easement Handbook*.
[26] Land Trust Alliance 2015 Census results. Accessed on April 14, 2017. http://www.landtrustalliance.org/census-map/#National
[27] Land Trust Alliance.
[28] Byers & Ponte.

for these rights to be exercised by all current and future owners of the property. Easements can be tailored to the specific objectives of the landowner as long as they do not harm the conservation values which the easement is designed to protect.

Easements are designed to ensure that the public benefits provided by qualified properties – as natural habitat, public open space, historic legacy, or important agricultural land[29] – are preserved in perpetuity. Landowners who choose to grant easements may receive numerous tangible and intangible benefits: the most significant being financial benefits in the form of a cash payment for the easement or an income tax deduction for a donated easement. Less tangible benefits are the values of legacy and sense of place associated with a landowner's desire to ensure the protection of the unique characteristics of their property. Land trusts, for their part, are charged with maintaining these important conservation values by monitoring – and sometimes stewarding – the property to ensure that the terms of the easement are being upheld.

In this paper, I distinguish between *accredited* land trusts and *non-accredited* land trusts. Land trust accreditation is a mechanism by which local land trusts voluntarily undergo an accreditation process that assesses their performance based on a set of guidelines developed by the Land Trust Alliance (Land Trust Standards and Practices). Essentially, accreditation confers legitimacy upon a local land trust by establishing their compliance with a set of "best practices" ranging from organizational strength to legal compliance to land stewardship. Land trust accreditation was developed in the early

[29] The four conservation purposes defined in IRS statute are: 1. Land for outdoor recreation by, or the education of, the general public; 2. Protection of relatively natural habitat; 3. Preservation of open space, including farmland; and 4. Preservation of a historically important land area or a certified historic structure.

2000's in response to questionable transactions and unfavorable coverage in the national press.

While the history of land trusts in America goes back to 19th century New England, the land trust movement gained prominence in the 1980s after the conservative Reagan administration made drastic cuts to federal programs, such as the Land and Water Conservation Fund, which had traditionally provided funding for acquiring new wild and recreation lands for public use.[30] As federal political will to protect special lands diminished, local communities began to organize nonprofit land trusts to fulfill this function. Here in Oregon, many land trusts formed in the 1980s and 1990s. While land trusts in other states evolved to meet the specific needs and conservation desires of their local communities – from historic preservation to public open space to agricultural land – Oregon's land trusts by and large were created to ensure the preservation of special natural areas, as fish and wildlife habitat.

Conservation, Farmland, Preservation

For the purposes of this paper, the term "conservation" is used to refer generally to the act of protecting land from residential, commercial or industrial development, i.e. through the use of a conservation easement or via fee title acquisition by a land trust. The terms land conservation, land protection, and land preservation are used interchangeably in literature focused on the work of land trusts. In some cases, academic literature and the land trust community itself distinguishes between "conservation" land trusts and "agricultural" land trusts; the former oriented primarily towards protecting fish and wildlife habitat or scenic natural area, the latter oriented primarily towards protecting

[30] Brewer, R. (2003). *Conservancy: The Land Trust Movement in America*.

farmland for the sake of its continued agricultural use. In the Literature Review, I introduce a descriptive typology to characterize a more nuanced distinction between the conservation priorities of various land trusts.

Conservation is also used at times to refer to land management activities which support the conservation of soil, water, and other natural resources, particularly on agricultural properties. I use the term "farms" or "farmland" to refer to both cropland and ranchland, and the term "farmer" to refer to both farmers and ranchers.

While it is not an explicit focus of this paper, a brief mention of the historical distinction between "conservation" and "preservation" as competing ideologies in approaches to natural resource management may be helpful in situating the reader. The classic presentation of this distinction comes from the late 19th century, when John Muir and Gifford Pinchot argued for different approaches to the management of federal parks and reserves. Muir's preservationist ideology viewed such natural reserves as sanctuaries that should be set aside from human economic use for their inherent aesthetic and spiritual value. Pinchot – who went on to become the first chief of the US Forest Service – represented a conservationist ideology which viewed federal lands as source of national wealth, accumulated through sustained use and harvest of natural resources such as timber and mineral resources. These conflicting – or perhaps mutually informative – views of the "best use" of protected lands provide useful context for the shifting conservation priorities of Oregon's land trusts.

CHAPTER II

LITERATURE REVIEW & METHODOLOGY

Literature Review

Existing literature provides a helpful framework for understanding contemporary shifts in Oregon's land trust community. Several studies have articulated typologies to characterize the focus of land trusts in various states, from those focused exclusively on habitat conservation, to agricultural land trusts, to various "hybrid" approaches. Understanding why land trusts may shift from a "pure" approach to a hybrid approach has also been examined, as well as why land trusts value some agricultural properties more than others. Other studies have explored the motivations and concerns among agricultural landowners, with regard to land conservation. Ecologists and wildlife biologists have examined the efficacy of easements and other conservation tools in protecting biodiversity, and literature from the field of public policy has questioned the dynamic relationship between policy approaches (i.e. zoning and regulation) and private, voluntary approaches.

In "Saving Agriculture or Saving the Environment?," (2002), Sokolow & Lemp provide a useful typology to characterize land trusts holding agricultural conservation easements in California as either: "Exclusively or primarily agricultural," "Equal emphasis to agricultural/other resources," and "Primarily other resources with significant agricultural interest." For the purposes of describing land trusts in Oregon, a fourth category, "Exclusively or primarily natural resources," will be merited. Beckett & Galt (2014) simplify this typology even further, distinguishing only between "conservation land trusts" and "agricultural land trusts" on the basis that agricultural land trusts seek to

preserve *farming* activities on a protected property, whereas conservation land trusts may preserve *farmland* for various conservation values, regardless of whether it is actively farmed. For agricultural land trusts, the active production of food or fiber is of value: farmland which is preserved but not farmed (for instance, an agricultural property purchased for its rural or scenic character) represents a loss of this value.

In their 2015 National Land Trust Census, the Land Trust Alliance (LTA) found that land trusts' top three conservation priorities, in ranked order, were: important natural areas or wildlife habitats, water quality, including wetlands, and working farms or ranchlands.[31] Sokolow's work suggests that some land trusts which originated with a focus on natural resource conservation have shifted to include farmland in their work in response to community concern and demand from agricultural landowners. Among the specific factors motivating this shift were the alignment with local (pro-farmland conservation) government policy, voter referenda expressing support for farmland conservation, recognition of the "open space" and scenic value of agricultural land, and the compatibility of agricultural activities with other conservation values of a property. Beckett & Galt identify several themes which characterize land trusts' conceptions of the merits or drawbacks of engaging with farmland protection, including that: agriculture is detrimental to conservation; rural livelihoods and family farmers are important; farmers should be valued as stewards of nature; and local food systems are important.

The *type* and *scale* of agriculture is also seen as a determining factor in establishing land trusts' orientation towards farmland conservation. Sokolow draws a distinction between the perceived conservation values of *cropland* and *rangeland*.

[31] In the 2010 National Land Trust Census, Working Farms and Ranches were ranked #4 as a conservation priority.

Cropland – including orchards, vineyards, vegetable and grain production – is intensively cultivated and often irrigated. Cropland may also have more infrastructure, such as buildings, roads, and greenhouses. For these reasons, Sokolow notes that many land trusts in California view cropland as having fewer conservation values than rangeland, which tends to be less intensively managed and more closely resembling "natural" habitat. Indeed, many of the existing studies focused on agricultural land conservation (Cropper et al. 2011, Cross et al. 2011, Rissman et al. 2006, Rissman et al. 2011) primarily involve rangeland in the American Southwest and intermountain West, suggesting that rangeland may in fact be more favored for conservation purposes by land trusts. Johnson (2008) articulates a dichotomy between small-scale agriculture and industrial agriculture, arguing that small farms provide greater social, environmental, and local economic benefits than industrial operations, and as such, efforts to preserve farmland should prioritize small-scale farms and include creative provisions for beginning farmers to afford and access land. On the other hand, Gottlieb (2014) argues that larger farms are better positioned to invest in stewardship activities on preserved farms, and that small "lifestyle" or "hobby" farms are less likely to seek farmland preservation programs or invest in conservation practices.

Miller et al. (2008) examined the motivations and concerns of agricultural landowners in Colorado and Wyoming, whose lands were *not* protected with a conservation easement, regarding easements. These landowners typically disliked the perpetual nature of easements, viewed the provision of habitat for wildlife as an important value of their land, were unfavorable towards public access on private protected properties, and were concerned about a perceived loss of managerial control

with an easement. In another study from the intermountain West, Cropper et al. (2011) found that 70% of landowners did not trust land trusts, and recommended emphasizing shared motivations based on "place attachment" between land trust staff and farmers as an important strategy for relationship building. Rilla & Sokolow (2000) similarly examined farmer motivations, for those whose properties *were* encumbered by an easement. They found that the benefit of getting a cash payment for an easement was a primary short-term motivator for farmers, whereas long-term motivators include stewardship and landscape values, maintaining the agricultural legacy of a property, and personal beliefs. Interestingly, the landowners in Rilla & Sokolow's study did *not* find widespread concerns about the perpetual nature of easements. In a separate publication, Rilla (2002) found that farmer-landowners of protected properties largely felt that the use of easements to slow urbanization and reduce farmland loss was successful; however, these landowners also expressed concerns about easement programs. These concerns included: that easement programs paid too much for particular properties, or purchased properties that were not likely to be subject to development pressure; that large economic forces were likely to overwhelm local efforts to preserve farmland; and that easement programs are "too bureaucratic" or conduct affairs in a political manner. Paolisso et al. (2013) explores farmer perspectives on conservation of agricultural land, finding that farmers believe that "all land has a best use," and that easements can best achieve conservation goals when they are structured around sustaining economically viable farming operations.

Understanding the efficacy of private land conservation transactions in supporting regional biodiversity conservation priorities is the focus of numerous articles

(Merenlender et al. 2004, Pocewicz et al. 2010, Rissman et al. 2007). Merenlender argues that the application of tools of private land conservation, including easements, is changing so rapidly in the United States that it is difficult to determine how effective such tools have been in achieving the goal of biodiversity conservation. Voluntary, incentive-based approaches to conservation are preferred by landowners, who may perceive regulatory approaches or government management of lands as cumbersome, costly and ineffective. However, such approaches are piecemeal by nature, and because they are voluntary, cannot necessarily be used to protect lands with the greatest conservation value. Pocewicz finds that, in maintaining biodiversity of sagebrush ecosystems in Wyoming, properties protected by easements in high development pressure areas had greater use by sensitive wildlife. Easement properties tended to have fewer structures and fewer or smaller roads, and landowners of protected properties were more likely to seek support for land management practices beneficial to wildlife. Rissman cautions that, while 80% of easements in a national survey were intended to provide habitat or protect wildlife species, 85% of easements allowed some residential or commercial use, subdivision, or development. This suggests that more restrictive easements may be needed in order to achieve biodiversity conservation objectives. Dayer et al. (2015) points out that a significant proportion of land trusts that refer to wildlife habitat conservation in their mission statement may not specifically prioritize or objectively measure the habitat values of the properties they protect.

Critiques of land conservation transactions pursued by land trusts largely center on the difficulty of balancing private approaches with public policy. Echeverria & Pidot (2009) argue that private, voluntary approaches to land conservation, i.e. land trusts

purchasing conservation easements or acquiring land in fee title, may effectively undermine a public policy approach to conservation based in land use planning, zoning, and regulation. Political will to establish regulatory conservation methods is diminished when landowners perceive a voluntary, compensatory approach as more fair. Both approaches have drawbacks: regulatory approaches are inflexible to individual and nuanced situations, whereas private approaches are unable to achieve uniformity or wide scale impact. Private, compensatory approaches to land conservation also represent a cost to the public, either through direct payments (e.g. via federal or state grant programs) or deferred revenue when easements are recognized as tax deductible contributions. Gerber & Rissman (2012) highlight the intertwined and mutually influential nature of public and private land conservation approaches in terms of political strategies and conservation outcomes, but describe the coherent integration of the two approaches as challenging. Land trust organizations are often focused on a "micro" level with regard to conservation planning, and may not have the resources to participate in regional planning efforts. Gerber & Rissman recommend the use of a broad, regional planning framework for prioritizing private, local efforts. Richardson & Bernard (2011) similarly argue that zoning and conservation easements can be brought into greater compatibility through concerted integration with local planning ordinances, and Stoms (2009) argues that where agricultural conservation easements are applied strategically, easements can serve as an effective growth management tool to bolster traditional planning tools. Rodegerdts (1998) argues that, regardless of scale, emphasizing continued farming operations on protected properties is essential, given that farmland represents a net gain in local tax revenue, as opposed to a net loss where land is developed for residential purposes.

With regard to Oregon specifically, academic literature has examined the efficacy of the state land use planning system in protecting agricultural land (Nelson 1992, Gosnell et al. 2009), and contemporary trends in farmland ownership (Brekken et al. 2016). While several unpublished papers or reports have focused on the adaptation of agricultural conservation easements in the state (Paulus & Orizola 2015, Trust for Public Land 2015), such easements have not been widely used in Oregon, and as such there is no formal academic literature on this topic. A gap also exists in academic research regarding land trusts themselves. With a few exceptions (Cropper et al. 2002, Beckett & Galt 2013), land trusts are largely represented as impassive actors who simply respond to the needs of landowners rather than being proactive in strategically pursuing the acquisition of easements based on organizational goals. My work seeks to fill this gap, by making use of nonprofit sector theory of organizational planning and management in order to better understand the internal and external influences which impact land trusts' orientation towards agricultural land conservation in Oregon.

Methods and Data Collection

In June through November of 2016, I conducted 22 semi-structured, in-depth interviews with research participants representing land trusts, farmers and ranchers, land advocacy groups, and quasi-governmental entities. Interviews ranged from 18 minutes to 106 minutes, averaging approximately 40 minutes. Participants were recruited initially through two "gatekeepers" who I contacted and met with in winter 2016: representatives of a statewide land trust advocacy organization and a statewide farmer advocacy organization. After developing an initial roster in consultation with these contacts, they wrote introductory emails to numerous potential participants on my behalf. In a number of cases, these participants then helped me identify and recruit additional participants through "snowball" sampling. While this approach had the benefit of connecting me with many participants with an active interest in my research topic, one pitfall was that I have only interviewed one land trust representative who is indifferent or opposed to agricultural land conservation: such perspectives were mostly related second-hand through my participants.

Twelve of the 22 interviews were with board and staff members from land trusts: eight organizations based in Oregon, and two in Washington State. I primarily concentrated on accredited land trusts; but did include two non-accredited land trusts for comparative purposes. I interviewed a variety of staff positions (executive director, conservation director, associate director) as well as board members, to triangulate multiple perspectives on the issue and compare – for instance – differences between staff and board member descriptions of an organizational position or strategy. Similarly, I conducted two interviews in Washington in order to understand differences between the

conservation "landscape" in the two states, and how this influences the experiences of land trust representatives. My interview protocol was primarily structured towards land trust participants; I used a shortened, modified protocol for my interviews with other participants. My questions were open-ended, and I frequently followed the participant's lead in conversations into subject areas that were outside of my protocol, with an objective of gaining an inclusive understanding of my research topic.

I conducted interviews in person, most often conducted either in the participant's office, home, or a public setting in their community, in order to facilitate a natural and unhurried dialogue, and also to establish the importance I placed on visiting participants in the particular community and region where they pursue their work. In part, I wanted to disrupt the dynamic of urban academics studying rural practitioners from afar: by visiting the participants' communities in person (for example, in rural northeastern Oregon and the southern coast) and sometimes making multiple trips, I hoped to demonstrate my genuine interest in and appreciation for their work in their community. Here again, asking open-ended questions and following a participant's lead in responsive dialogue created space for perspectives that may not have resulted from a written survey or scripted phone interview.

In my informed consent form, I asked participants to choose between "non-attribution" (confidential but not anonymous) participation, and "attribution," in which I would reserve the right to identify them (with stated permission) and attribute quotes from our conversation in published products. With two exceptions, all of the participants chose attribution; however, for the purposes of this paper, I have not included any attributed quotes so that my findings can be read as generalized. Although I did not

explicitly frame my research as such, participants were generally interested in the potential applied aspects of my work: many expressed curiosity to hear about any policy or programmatic developments or recommendations connected with my research topic.

My approach was informed most prominently by Rubin and Rubin (2013), who describe a responsive interviewing model based on a trusting, give-and-take relationship between researcher and participant, and a framework of interpretive constructionism, in which the experiences of participants, and their own meanings and values, are at the center of the research. My approach has elements of grounded theory (Charmaz, 2000), given that the focus of my research was in large part informed and guided by what I learned from participants during relatively open-ended interviews, and that I did not enter the field with a specific framework of extant analytical theory, but rather allowed a theoretical framework to emerge from the data through the course of my research. Rubin and Rubin's "middle ground" between grounded theory and conducting research within an extant theoretical approach was ultimately best suited to my research.

To analyze my data (interview transcriptions), I used an inductive approach based on emergent coding. I initially used an open-coding approach, and later used focused coding to hone and develop themes, categories and sub-categories. I used the Atlas TI software program for both coding exercises, and used memoing to develop codes into broader categories and themes. The themes explored in the Findings section emerged primarily from the data itself, through the coding process, more so than from extant literature or theory.

Although it was not a primary research strategy, I also conducted participant observation and took field notes at four events during my research period: two semi-

public information/listening sessions focused on the new Oregon Agricultural Heritage Program (a legislative effort to establish state funding for purchasing agricultural conservation easements and other related programs), one invitation-only tour of an agricultural conservation property, and one land trust board meeting. This mixed method approach provided a number of insights that are helpful to my research, but do not figure prominently in my analysis.

Case Background: Oregon's Land Trusts

The Coalition of Oregon Land Trusts, a statewide land trust association which serves as a "service center and central voice" for the state's land trust community, has 19 land trust member organizations, eight of which are accredited. Many cover a relatively local service area, whereas some work statewide (Figure 1). On the smaller end are organizations like the Klamath Lake Land Trust, which holds under 500 acres in easements and fee title and has a staff of four and an annual budget of under $200,000.[32] On the larger end are the McKenzie River Trust and Columbia Land Trust, which protect thousands of acres. There are also several small, non-accredited land trusts in the state not affiliated with the Coalition of Oregon Land Trusts: some of which currently hold conservation easements or own protected properties and others which do not.

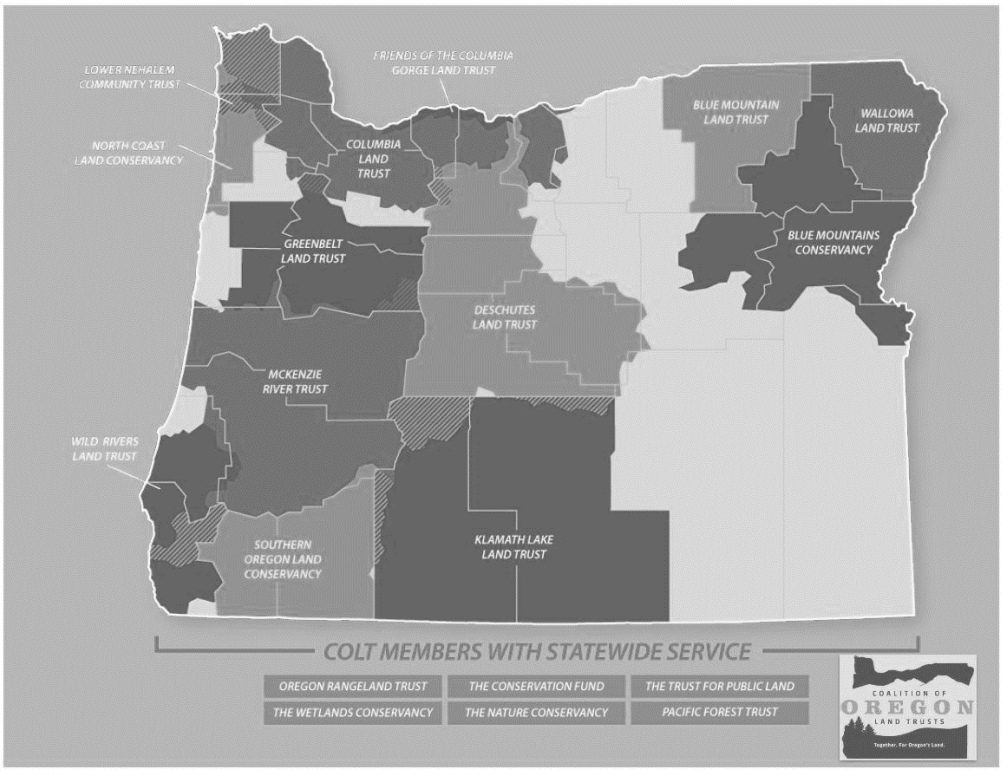

Figure 1: Map of Oregon Land Trusts (Coalition of Oregon Land Trusts)

[32] Retrieved from *GuideStar.org* on 2/28/2016.

While it is somewhat difficult to determine exactly how many acres are held by each land trust because there is no comprehensive, publicly accessible database of conservation easements, estimates in the following table (Figure 2) were gleaned from online sources including the National Conservation Easement Database, the Coalition of Oregon Land Trusts, and the public reports of the land trusts themselves. These land trusts typify the range of participant organizations in my study.

Name/location	Year 501(c)3 status granted[33]	Annual budget	Acres held in conservation (approx.)	Properties protected through conservation easements or fee title
Blue Mountains Conservancy *(La Grande)*	2009	$32,000	3,700	1
Blue Mountain Land Trust *(Walla Walla, WA)*	2003	$172,000	3,400	5
Columbia Land Trust *(Vancouver, WA)*	1998	$9.7 m	28,000 (OR & WA)	53
Deschutes Land Trust *(Bend)*	1996	$1.1 m	8,200	14
Friends of the Columbia Gorge Land Trust *(Portland)*	2007	$1.26 m	750	20
Greenbelt Land Trust *(Corvallis)*	1994	$1.5 m	2,900	18
Klamath Lake Land Trust *(Klamath Falls)*	2010	$123,000	500	3
Lower Nehalem Community Trust *(Manzanita)*	2002	$230,000	120	7
McKenzie River Trust *(Eugene)*	1995	$2.3 m	3,800	38
North Coast Land Conservancy *(Seaside)*	1992	$450,000	3,500	44
Southern Oregon Land Conservancy *(Ashland)*	1979	$420,000	9,600	134
Wallowa Land Trust *(Enterprise)*	2005	$200,000	520	4
Wild Rivers Land Trust *(Port Orford)*	2001	$150,000	350	2

Table 1: Oregon Land Trusts by age, approximate budget, and conservation holdings

[33] Retrieved from *GuideStar.org* on April 14, 2017. For some land trusts, their founding year is not the same as the year they were granted nonprofit status by the IRS; because I utilize GuideStar as the source of financial information, I refer to the date of IRS ruling listed on GuideStar for consistency.

The disparity in organizational budgets as compared to acres held in conservation can be attributed to several factors. Some land trusts have a strong focus on public education and outreach events (e.g. guided hikes, education programs for school children); the cost of conducting these activities represents a significant portion of the organizational budget. Also worth noting is the degree to which geography shapes the profile of the land trusts: on the east side of the Cascades, land trusts often hold fewer conservation easements on larger properties, while in more populous areas such as the Columbia Gorge, a larger number of easements are often held on smaller-acreage, strategically significant properties. Land trusts operating in close proximity to urban centers may also have access to larger or more diverse funding mechanisms.

In their 2015 'State of the Lands' report, the Coalition of Oregon Land Trusts estimates that 344,073 acres are conserved by land trusts in Oregon. This includes properties held in conservancy by large, national or international trusts such as The Nature Conservancy, The Trust for Public Lands, and The Conservation Fund. Oregon's accredited, locally-based land trusts (listed in Figure 2) hold approximately 51,000 acres in conservation, representing 15% of all land held by land trusts in the state. Large land trusts such as The Nature Conservancy are more suited to fund and manage the protection of large-scale properties of significant habitat value, such as southeast Oregon's Sycan Marsh Preserve, a 30,500 acre wetland and working ranch. This informal arrangement, whereby smaller, local land trusts acquire locally significant properties, and large national land trusts acquire large-scale, expensive properties, seems to be favorably regarded in the land trust community.[34] Largely mirroring national trends, the Land Trust Alliance's 2015 Census found that the top three conservation priorities for Oregon's land

[34] Land trust staff member class presentation, University of Oregon Law School, 2/29/2016.

trusts were 1) Important natural areas or fish and wildlife habitat, 2) Water quality, including wetlands, and 3) Working forest land.

Compared with other states, Oregon has made relatively little use of conservation easements to protect land. In Maine, the state holding the most acreage in easements, over 10% of the state's 22.6 million acres are held in easements; compared to less than one percent in Oregon.[35] In Marin County, California, over half the county's farmland is held in conservancy.[36] In some counties in Washington State, easements are integrated into the state's transferable development rights program, a market-based incentive to redirect growth from rural areas into urban centers. These discrepancies between the use of conservation easements in various states can be attributed to multiple factors: public policy approaches to land conservation, demand for easements from landowners, how active and visible land trusts are, and how each of these relate to residential or commercial development pressure on undeveloped land.

Understanding some of these factors, and how they relate to one another, was a central focus of my interviews with land trusts, land advocates, and farmers and ranchers in Oregon. In the Findings section, I explore the various influences described by participants, regarding agricultural land conservation efforts in Oregon.

[35] Retrieved from the National Conservation Easement Database on 4/14/17: http://www.conservationeasement.us/reports/easements.

[36] Marin Agricultural Land Trust. Retrieved on 4/14/17: http://www.malt.org.

CHAPTER III

FINDINGS

> The land trust community is at it is in Oregon in part – and I think to a large part – because of the funding that's been available… That's – in my estimation – it's one of the primary reasons why land trusts have not engaged in working land protection – in part because the funding hasn't been there.
>
> But the funding hasn't been there because it hasn't been a statewide priority. And so one of the things we are seeing is the land trust community… asking that question, seeing the challenges, seeing the pressures, seeing the opportunities, how can they change their conservation focus to include productive lands? Largely farming and ranching. But there's a reticence there because the funding isn't there yet, and more importantly, the relationship with that community isn't there yet- it's not as established.

While coding my interview data, repeated mention by participants of issues, processes or trends emerged as *themes*. The quote above, from a land trust participant, exemplifies many of the themes that arose during interviews: parameters of funding sources, stakeholder priorities, and relationships between land trusts and the agricultural community. This chapter focuses on a deeper exploration of the following themes:

i. Funding
ii. Changes to the state land use system
iii. Politics
iv. Changing communities
v. Conservation values of farmland
vi. Farmers' attitudes towards land conservation
vii. Land trust staff & board members' attitudes towards agriculture
viii. Alternate easement holders
ix. Succession planning and farm viability

Paired with each of the themes below is an illustrative quote or multiple quotes.

Funding

> Unless some new funding source comes along that isn't in existence already, I'm not really sure what more we can do with what we have [with regard to agricultural land conservation]… **In some ways, the tail wags the dog with land trusts**, because our funders in a lot of instances dictate what our priorities are. And right now, with it being [Oregon Watershed Enhancement Board] and [Bonneville Power Administration] primarily, that dictates that a lot of our time and effort is spent looking for properties that we know will score well there.

The theme of funding was predominant throughout my interviews with land trust staff and board members, with the preceding quote from a board member exemplifying a prevailing sentiment. Existing funding sources for the purchase of conservation easements or fee title acquisition by land trusts are strongly oriented towards the protection of fish and wildlife habitat. The two most often cited funding sources, Oregon Watershed Enhancement Board (OWEB) and Bonneville Power Administration (BPA), are oriented towards habitat protection because of their constitutional mandate and federal obligations, respectively.[37] As a result – at least from this board member's perspective – land trusts focus their conservation work around properties that will qualify for this funding, and are limited by the availability of funding when it comes to protecting other conservation values, such as open space or farmland.

Without exception, land trust representatives were aware of a federal funding source for the purchase of agricultural conservation easements: the Agricultural Conservation Easement Program (ACEP), administered by the USDA's Natural Resource Conservation Service (NRCS). However, this funding source requires a 1:1 "match" from a second source (or multiple sources). In other states, this match is provided by state or

[37] OWEB grants are funded from the Oregon Lottery, federal dollars, and salmon license plate revenue (http://www.oregon.gov/OWEB/pages/index.aspx). BPA is legally obligated to contribute "mitigation" funds to improve fish and wildlife habitat throughout the Columbia Basin, to offset the impact of hydroelectric dams on fish populations in the Columbia River and its tributaries.

local funds designated for agricultural land conservation. Oregon does not currently have a state match, which limits the ability for land trusts to leverage the federal ACEP program, as described in the quote below from a different land trust board member.

> Most of the dry west, our neighbors to the north and south, have major match- state match funds. We need to have that. If Oregon actually wants to hang on to some of these [agricultural] properties, we need to be ready to match. [Natural Resource Conservation Service] is interested now- it took a lot of work to get them to agree to come in to Oregon, because they were busy elsewhere, and Oregon wasn't actively pursuing that money- and they're available, and we don't have the match.

This quote also reflects the complicated relationship between local, state and federal political processes when it comes to bringing federal funds to bear: NRCS funds are not allocated on a formulaic basis state to state, but rather based on anticipated *demand*, based on input from staff at local field offices. From this participant's perspective, demonstrating demand was also a matter of collaborating with other land conservation organizations to lobby the NRCS to dedicate resources to the ACEP program:

> NRCS just wasn't dedicating staff and effort to bringing in that money out of the Farm Bill here, because it wasn't a big deal from Oregon's side. We didn't have a state match fund, there weren't applications, and there wasn't a big drive. But people are looking at this working lands issue, and saying "**This is what we should be doing**." And so, a bunch of us sort of went to NRCS together, and worked with them, and they're interested- and they have the wherewithal to do it.

Whereas the first quote in this section, from the land trust board member who stated that "Unless some new funding source comes along… I'm not really sure what more we can do," this second participant places more agency in the hands of land trusts to *shape* the funding environment, rather than being at the whim of funder priorities. This dynamic is further illustrated by the following quote, from a land trust staff member

reflecting on their efforts to "push" habitat-oriented funders to take a more nuanced view of agriculture.

> All that funding [for a property which includes active farming] was related to habitat protection. So you know, all those funders are also struggling with, how do they deal with working landscapes? Because their funding is really for habitat, but in this environment – particularly in the [Willamette] Valley – **it's so hard to separate a farm from habitat**. So they are really trying to grapple with what that looks like for their funding too. And so **I think we- and other land trusts- are trying to *push* those boundaries** to get them to look at these issues and figure things out, because I think we see a way to make both work.

In this quote, the participant calls into question whether restricting the use of habitat funding sources to protect properties that include agricultural lands is a suitable approach, particularly when it can be so hard to "separate a farm from habitat." As with the board member who convened efforts to work with the NRCS to bring more agricultural land protection funds to the state, this participant is advocating for change in the funding sources – by "pushing" funders – rather than being complacent with the status quo. Both quotes also reflect the willingness on the part of funders to respond to and "grapple" with revisions to funding parameters.

A new effort to develop a state funding source focused specifically on agriculture was also frequently mentioned. The Oregon Agricultural Heritage Program, a collaborative effort between natural resource and agriculture organizations, would provide the state "match" funding needed to leverage federal dollars for the purchase of agricultural conservation easements, among other activities. While it is unclear whether the program will receive funding in the 2017 legislative session, the creation of a state fund is seen as a positive development that may provide a new tool for those land trusts interested in protecting agricultural lands. Reflecting on a series of listening sessions

conducted around the state, to understand the demand for this new funding source, one land trust member stated that:

> One of the surprises from the listening sessions has been the enthusiasm and support. So far, I think every single session we've gone to there's been overwhelming support for this program – "*Yes*, we need this. It's wonderful that it's voluntary, it's not regulatory, it meets the needs of these landowners, it meets the pressures we see" – so stakeholders and even landowners that we are meeting with are supportive.

Among the "pressures" mentioned by this participant was one frequently cited by other participants: changes to the state land use system.

Changes to the state land use system

> It's kind of this catch-22- it's a great land use system that we have, but it also creates some barriers to do the kinds of work that other places have done... to create incentives, or reduce values through conservation. **In other states, where they don't have the land use planning system at all, then farmland is at great risk**, so you have funders that get, over time- whether it's state funding, or separate funding sources- that come and are there to provide that demand.

Contextualizing the issue of funding for agricultural land conservation efforts is the unique approach which Oregon takes, from a public policy standpoint, to protecting farmland. Goal 3 of the state land use system is "To Preserve and Maintain Agricultural Lands."[38] Concern about the loss of high-value farmland to urban sprawl – particularly in the Willamette Valley – was a central motivating factor for the legislators who passed SB 100 in 1973. Yet, while the state's system of controlling urban growth with UGBs and protecting working farms and forests through zoning has largely been successful, it has also essentially "created barriers" for other approaches to agricultural land conservation.

The leading quote in this section, from a land trust staff member, articulates Oregon's "catch-22": without a clear threat to agricultural lands on a large scale (at least

[38] Oregon Department of Land Conservation and Development. https://www.oregon.gov/LCD/Pages/goals.aspx

historically), it has been difficult to garner support for funding and other tools to pursue farmland conservation work. This sentiment is further illustrated by the quote below, from a land trust staff member relating skepticism from landowners regarding the need for private approaches (i.e. via land trusts) to land conservation.

> As a matter of fact, people have said to us from time to time "**What do we even *need* land trusts for in Oregon?**" Because we've got such strong land use laws. And of course, the bottom line is that those laws are only as strong as the current legislature and governor- they could change next session.

The specter of changes to the land use system was prevalent through my interviews, expressed succinctly in one participant's comment that "*The land use system is not **perfect**, and it's not **permanent**."* Along with the concern that the system could change "in the next session," frequently cited were the many exemptions that have been written into the land use system: for instance, allowing some types of resource extraction (e.g. aggregate mining) or development on properties zoned for exclusive farm use. Also occasionally cited were examples of landowners with financial resources finding ways to circumvent the intent of the zoning, as described in the example below from a land trust board member.

> Farmland is **not** safe- it's far from being safe... The F2 lands and EFU lands are being attacked from one position or another for development interests... Non-farm dwellings, for example, on farmland... Usually the applicant who is trying to build some sort of a dwelling on a piece of farmland- one that's zoned EFU- hires a soil expert to prove that it's not prime soils… and so justifies marginalizing it to something that would allow a non-farm associated dwelling… you know- **it's just another way to get in a mansion**, or something else.
>
> Q: So the soil expert can just choose the crappiest part of the property in order to dispute the EFU zoning?
>
> That's right. It might be an old road trace. And this is legal- we've come across this a number of times… That's where the private property rights stuff comes in too- you know, the advantage, the privilege is to the owner.

Examples like this anecdote – in which a private landowner hires a soil expert to manipulate soil test results (and thereby circumvent zoning restrictions) by taking a soil sample from an old road bed rather than an agricultural field – were not ubiquitous in my interviews, but the exemptions allowed on EFU-zoned property and the relative ease with which wealthy landowners "get around" zoning restrictions were regularly mentioned. To understand how and why such changes are occurring, we will turn briefly to the issue of politics, and how political processes also define the landscape of funding, land use laws, and agricultural land conservation efforts in Oregon.

Politics

> The land use system has been so worked over by development interests from its beginning in the early '70s that it's hardly recognizable from the ideal that it started with. And so what's happened is that you've got something that's zoned EFU, for example, will allow churches, schools, even golf courses. **Now, how did that happen? It happened from the usual sources- political pressure of one sort or another.**

For this participant, who has been active in land use advocacy for decades, the primary culprit for weakened protections for agricultural land is a political system which favors development interests. He went on to say that "*Developers… have had their sway for years, because the staff… at the land management division were in their pocket*." While several land use advocates expressed similar concerns about a pro-development political system undermining state policies for protecting farmland, most land trust participants were not as strident.

In fact, land trust participants frequently referred to the voluntary and relatively apolitical nature of their work, with the following quote typifying the view of land trust as simply responding to demands from landowners:

> I think [elected officials are] on board with [our work] because it's landowner driven. That's what we've really tried to stress with conservation easements, is that it's up to the landowner what they want the easement to look like, and it's all voluntary, not regulatory, so I think that local officials are really on board.

In a similar vein, another land trust staff member reflected on the politically neutral nature of their work:

> [Our farmland work] makes us palatable in this community. A 'greenie' land trust in this community would not get wheels. **We're pretty popular across the political spectrum** and the social spectrum because we're not really 'anti' much- we're just 'pro' what people already love about this place.

These participants see land trusts as an instrument for implementing the will of landowners in the community, including farmers and ranchers. On the other hand, several participants expressed consternation about what they perceive as unfavorable or antagonistic political advocacy on behalf of agricultural advocacy groups, directed *towards* the work of land trusts and other conservation groups.

> Agricultural interests are ***at best*** not supporting things that we want… or they're actively opposing it, or they're introducing other legislation like, we had some of the… legislation related to wetland impacts, that has potential to really cause a lot of issues for [land trusts] statewide, in doing a lot of the work we do on the ground.

In the example described above, the concern from agricultural advocacy groups is the perceived negative impacts of wetland restoration activities on adjacent farms. Another source of friction in the past has been a perception that land trusts seek to acquire agricultural properties in order to "take them out of production" (i.e. discontinue agricultural use in favor of habitat conservation) as described in the quote from a land trust staff member below.

> I remember when we went to OWEB in 2001 or 2002, to ask for money to fund [a conservation property acquisition]. And, we were expressly saying "We are buying this in order to take prime ag land out of production." That was really, really controversial... Some key legislators… were so *pissed* at [OWEB] for supporting fee

> title acquisition, because it was taking farmland out of production and property off the tax role… it was really political.

The political dimensions of relationships between land trusts and agricultural interests represent both a concern and a potential opportunity, from the perspective of participants. Whereas occasional political conflicts have placed land trusts and agricultural interests at odds, as described here, participants also recognized great potential in developing more collaborative relationships. Building goodwill between agricultural advocacy groups and land trusts was seen as a significant potential outcome of the new Oregon Agricultural Heritage Program effort.

> If we actually all come to an agreement that the [agricultural advocacy group's] priority… and the land trust's priority when it comes to ag production is all largely the same, then the current shifts, and we all can move together- right? And get a ton of work done. And this OAHP is a good example of where we think we can go, in the sense of realizing "Yeah, we're all kind of in this together, and we all have this common aspiration."

The "common aspiration" here is preventing the loss of well-managed agricultural lands to development pressure, which represents a threat to both agricultural and conservation goals. This perceived threat was often expressed in narratives about rapid changes in local communities throughout Oregon.

Changing communities

> This community is somewhat divided in terms of newcomers and old-timers… [the] area is changing, and there are more people moving here from… metropolitan areas, and I think that creates opportunities for education, and it also creates some challenges for farmers and ranchers, because there are newcomers buying up large tracts of land, and not necessarily grazing it or managing it as productively, or as sustainably, as it has been in the past.

In 1971, Governor Tom McCall famously invited visitors from other states to "Visit… but for heaven's sake, don't move here to live." In-migration to the state

continues to concern land conservation advocates, for numerous reasons: loss of productive agricultural lands to amenity[39] or hobby use, disruption of land prices, and the influence of the state's new marijuana industry. In the quote above, a land trust staff member gives voice to a common sentiment: that "newcomers" arriving from large metropolitan centers are buying up formerly agricultural properties primarily for their scenic, rural amenity values: essentially gentrifying rural landscapes. This narrative was often conveyed in the form of an anecdote – frequently involving amenity buyers from California – exemplified in the three short quotes below.

> [People are buying ranchland for] the getaway- you know, the guy who made a lot of money in Silicon [Valley] and wants to fly up to the ranch and check on the cattle, and then fly back to the country club on Monday and tell the boys he was up at the ranch. He's got a place that'll run a thousand head of mother cows, and he's got 150 cows on it… he wouldn't know a cow from a bull. But he's got money.
> ---
> You know, people sell a little house in Silicon Valley for a million and a half bucks, move here and buy a 20-acre place with twice as big a house on it, and still have three-quarters of a million dollars left over!
> ---
> [A rancher] told a story of a wealthy Texan who came up and bought the ranch next to him, and they met, and he said "He showed up in his sweats." You know, just like "Yeah, you know, I really just love this land up here- I wanted to come out and build a house." He's not a rancher- so he *is* a threat to the ranching community, even though he's acting within the market- he's a willing buyer.

Amenity buyers concern agricultural landowners for several reasons. First is the concern about the loss of economic productivity on working lands: "the place will run a thousand head of mother cows, and he's got 150 cows on it," as a board member from an agricultural land trust put it. More serious is the disruption of real estate values which occurs when amenity buyers pay premium values for agricultural land, which farmers themselves cannot afford. This phenomenon, whereby a gap exists between a property's

[39] "Amenity" refers to tangible or intangible benefits associated with a property; in this case, amenities are the scenic, rural or agrarian values associated with farmland.

agricultural value (i.e. how much money a farmer or rancher can reasonably expect to make by farming the property) and the property's *fair market* value (i.e. the highest price that a willing buyer will pay) is further illustrated in the quote below.

> [A local rancher] has said "Well my son can't find a ranch that he can purchase in this area- he's going to have to go way out into eastern Oregon or someplace to even be able to afford a ranch. And he's got some money to get started with, in a normal market," but here it's just, **the real estate prices are so jacked up because of, you know, people coming, retiring, buying a rural property, and putting big estates out there**. And so that just drives the price up. And now with the marijuana boom, it's another thing driving the price up.

Alongside concerns about amenity buyers, mentions of the marijuana industry were almost universal throughout my interviews in western Oregon. When Oregon voters legalized recreational marijuana in 2016, a new agricultural industry was instantly born in the state. According to research participants, marijuana grow operations are also disrupting farmland real estate values because some operations are backed by investors who anticipate a significant return on this high-value crop and can therefore afford to pay above-market value for farm properties. From an environmental perspective, an additional concern for a land conservation advocate was the intensive water, energy, and chemical inputs needed to raise a crop of marijuana.

> This fellow came in from Colorado, and attempted to buy- or bought- a piece of land up on the [nearby river], about 19 acres, but he paid close to a million dollars for this 19 acres. And that's extraordinary- it's out of the... He was able to do that… because he had backup from various investors. But the issue it raises for me is that, now that we've opened up the land to that kind of use, what does that entail? What does it take to get a good marijuana grow?
>
> Q: In terms of management practices.
>
> Right. So, you know, herbicide use, for example. Water use. And not least, energy use.

Like land use advocates, farmers are also concerned about the marijuana industry's impact on land values, as well as the loss of productive soil. A diversified fruit, vegetable and livestock farmer operating in southern Oregon reflected that:

> Right now, it's like the gold rush, with the pot economy. [Land values] have just gone through the roof. And I would say it's really unfortunate, because the exact pieces of land that are seeing their values skyrocket are the best places to grow food. And so it's gotten to a point where it's kind of silly, really- you know, there's big, out of state money coming in. You drove right by the place with the big giant greenhouses going in? That place just sold for $2.2 million. And it's a nice old ranch, but… you know? **To me, that place is just the poster child for idiocy, because it's great farmland, and they come in and put a gravel pad *over* the farmland**, build a giant greenhouse – but it's not even a greenhouse, because they're opaque- they block out the sun! And then they have *lights* inside, and giant fans… here in the perfect growing climate!

Finally, a number of participants shared an additional reason for population growth in the state: climate change migration. A board member from a land trust on the coast, reflecting on recent growth, shared that:

> Some of what's driving population here is climate. You can hardly go a week in [our town] without running in to somebody who is here because they can't stand the drought in California any more.

Although no participants addressed it directly, another climate-related trend is the purchase of farmland in Oregon and Washington by agricultural corporations and investors anticipating continued drought conditions in California.[40] As the balance of "newcomers and old-timers" shifts in rural communities throughout the state, land trusts are continually evaluating how their work both shapes and reflects the priorities of the community.

[40] Daniels, Jeff (7/31/2015). "Californians, Chinese Scooping Farmland in Washington State." CNBC. Retrieved 4/13/2017. http://www.nbcnews.com/business/real-estate/californians-chinese-scooping-farmland-washington-state-n401841

Community priorities

> We *are* our membership- our membership *is* us. We're doing farmland work because it's what our community wants. I would say it's not necessarily that it brings in membership- it *drives* our membership, it's what our membership is passionate about… **Considering how much farmland we've lost and are losing- this community still definitely sees itself as an ag community at its heart**. And I think that's our job, is to keep that perspective.

This quote, from a land trust staff member in Washington State, reflects the nuanced relationship between land trusts and the communities that comprise their membership and service area. For this participant, the land trust is oriented towards farmland conservation not simply because funding sources or the organization's mission statement dictates such a focus, but because the land trust understands that their community "sees itself as an ag community at its heart" and views their work as an expression of this sentiment among their members.

As land trusts in Oregon seek to define their own orientation towards farmland conservation, many are weighing similar considerations of community values. One participant told this story from a strategic planning retreat, in which a staff member posed a hypothetical scenario to the organization's board, to provoke a discussion of their organization's role in agricultural land conservation.

> So, we started to have a conversation about community conservation,[41] and I remember [he] put on the table this idea of the farms around [a large, well-known local county park]- what if those all got developed? Well, we could play a role in preventing that from happening- it's absolutely adding to another conservation area that already exists there. So thinking about real potential projects like that, I think helps people start to mull over "Well, what role *do* we play?"

[41] "Community conservation" is a relatively new term used by the land trust movement to refer to "an approach to land conservation that includes more people" (Land Trust Alliance). In this model, responding to community needs, creating public access, and connecting people with place are common characteristics.

In this case, the land trust's staff and board members are considering their role with regard to what they anticipate or understand to be a community priority: preventing the farmland around a beloved park from being converted for residential or commercial development. An even clearer example of this relationship between land trusts and their community members regarding to farmland conservation comes from a land trust staff member describing a property close to the region's urban center.

> [The farmer] retired, and he wanted to be sure the farm stayed not only as an organic farm, and open farmland, within the City urban growth boundary- because otherwise it would be developed... So you know, it'll always be there… Generally we like properties that are larger. But if it's really fertile farm ground, right next to the city limits, I mean- that was a no-brainer… Normally, when people donate conservation easements to us, we ask that they're able to donate the funding for transaction costs and… you know, the endowment. In this case, the owners weren't able to make that donation, so [our director] thought "**This is the kind of project we can raise funding for, to cover those costs.**" You know, fundraising- we can do it that way.

The key point here is that the land trust director anticipates that the organization will be able to raise funds for stewardship and monitoring costs (which are annual and ongoing) from their members and supporters, given the nature of the property: a well-known organic farm close to town. Understanding the importance of a given property or property type to the community allows land trusts to make decisions that may be out of keeping with their usual practice: in this case, forgoing the endowment typically requested of a landowner and banking on community support instead.

Where a land trust is confident that the community supports a given aspect of their work, they may feel emboldened to act accordingly. However, community input is not always uniform, particularly with regard to incorporating agricultural activities on habitat conservation properties, where habitat conservation has been the traditional focus of the land trust's work and identity. One property protected by a land trust, which mixed

habitat conservation with agricultural use, drew strong reactions – both positive and negative – from community members.

> I remember taking people out… and - whether it's private donors or grantors- their focus, their background, their forty years of work is in wildlife management or botany or something and they're like "**I don't want to see cattle out here!**" So… we would talk about the mixed values of the property- farming is one of those, we see it as a value out here. And I had *several* people- I remember one person, who loved the property, he uses it all the time, we took him out there, and he was like "**Well, I think that's ridiculous that you're even *thinking* about farming**." I don't think it was something we heard all the time- definitely not- a lot of people were really excited about this mixed values- but there were some people with really strong opinions that had preconceived notions who thought "There's not a way we can mix these two things." But, I wouldn't say that was the predominant feedback we got, it was just that there were some of those people out there.

Along with demonstrating the act of weighing input from various community members and stakeholders, this quote also highlights the "mixed" nature of some conservation properties, which may represent multiple values – agricultural, historic, and conservation – simultaneously. This shifting conception of what constitute conservation values for a given land trust at a given point in the organization's growth, and how the community's conception of conservation values informs the land trust's work, is further illustrated by the following quote:

> We had some… folks on our board who were coming at [the discussion about agricultural land conservation] from a… perspective of like, "Hey, we need to be *relatable*"… there's all these other land uses that are in our service area, and they *do* provide conservation benefits. And not to mention there are other values beyond simple fish and wildlife habitat values- you know, **there's *value* to land being productive. That's part of what makes Oregon Oregon.**

Setting aside the nebulous question of what constitutes conservation values – a question which is inherently situational because of the broad definition in IRS statute – this quote illustrates the fact that, from a pure fish and wildlife habitat conservation

standpoint, many agricultural properties in Oregon do indeed "provide conservation benefits," a significant point made in nearly every interview.

Conservation Values of Farmland

> I would submit to you that it's possible to have a ranch that's better both for the ranching side and the conservation side if you actually integrate both. And, it can work, it can be economically viable, and both sides can be stronger.

For many land trusts in Oregon, the question of working with agricultural land comes down to whether – and to what degree – a given farm property also has habitat conservation values. Indeed, given the funding sources currently available for land conservation transactions in Oregon, those existing land trust properties which feature an agricultural component almost certainly *also* have significant conservation values. In some cases, as stated in the quote in the "Funding" section above, it is simply "hard to separate a farm from habitat." Farms that provide seasonal forage for waterfowl, or large ranch properties which include significant habitat features such as wet meadows and salmon bearing streams, are *both* farms *and* habitat.

In other cases, the degree to which an agricultural property represents conservation values comes down to the farm's management practices. The lead quote for this section represents the viewpoint that integrating goals of habitat conservation and agricultural production in ranch management practices leads to better outcomes for both, a sentiment echoed by a land trust staff member in southern Oregon:

> If you are [a land trust] interested in working lands, are you really interested in supporting local agriculture *as is*, or do you want it to become more sustainable, whatever that means? What's overgrazing? That's a perfect example of that. We have an easement on a 132-acre wetland mitigation bank, and **they use grazing as the management tool to increase the health of the vernal pool habitat. But they also raise cattle, you know? They raise beef. And they make no bones about it.** It's not

> just, occasionally, with a few cows here and there- they intensively graze at times. But then they pull them off, you know, when you look at endangered plants, and fairy shrimp- you know, they try not to have them on there during periods when they'd most break down the banks of the vernal pools, etcetera.

For this land trust, and this property, the grazing management practices of the rancher are supportive of the habitat conservation goals for the property. But of course, not *all* agricultural management practices support habitat conservation goals, as the participant indicates in the rhetorical question "Are you really interesting in supporting local agriculture *as is*, or do you want it to become more sustainable?"

For their part, some farmers and ranchers express a belief that production on agricultural land is a habitat stewardship activity in and of itself. As one agricultural participant put it, "*Our motto is: You can't have production without good stewardship, and you can't have good stewardship without production*." In a similar vein, a board member from an agricultural land trust articulated this viewpoint as follows.

> Well, and see, **I think that the ranchers and farmers were the original conservationists**. My dad told me when I was just a kid, that if you don't take care of your horse, your horse can't take care of you. Well, there's no difference with the land. If you savage the soil, and desecrate the rangeland, there's nothing there- how are you going to make a living now?
>
> Q: Right- sort of a self-fulfilling consequence.
>
> Exactly. So that's why- you know- people, unfortunately, I don't think people recognize how critical it is to the success of ranchers and farmers, that they are great stewards of the land.

Along with management practices, the *size* and *context* of an agricultural property is a significant determinant of its perceived conservation values, as well as the presence or absence of outstanding habitat features (for instance, the vernal pool habitat described in the previous quote). When asked whether they would be interested in acquiring a relatively small parcel of farmland, a land trust participant replied:

> Not really. If it happened to front on a salmon stream, that would change the story, or if it had wetlands, or wetlands that were connected to a salmon stream- that would be a huge deal. You know, even an acre of something like that is significant around here. So I think the setting... you know, if it's just 5 acres of whatever- nothing special about it- no, we wouldn't be interested. It takes a lot to set up a conservation easement, including the endowment- you know, the legal defense endowment- so there's got to be quite a bit going on there to justify the burden- you know, the cost and the work.

This pragmatic response indicates a common response to similar questions, from research participants: that land trusts are not generally interested in protecting farmland for its own sake, but only if the property's size and habitat features (as well as the management practices) can justify the considerable expense required to conduct a transaction. The conservation values of farmland are also specific to geographic location in the state; while few participants reflected on this specifically, it is generally understood that agricultural properties in western Oregon are likely to be smaller and more intensively managed than large rangeland parcels on the eastern side of the state. Conservation objectives will vary depending on the specific region, watershed, or habitat type of greatest concern to land trusts and funders.

From a similarly pragmatic perspective, land trusts may recognize the threat of fragmentation of large agricultural properties, even when not all portions of the property are high-value habitat. Fragmentation may come in the form of subdividing a property, or simply by having some farms or ranches convert, thereby disrupting the contiguous, connected nature of both the agricultural and natural resource base previously maintained. This concern about the challenge of redressing fragmentation after the fact was described in the following quote from a land trust board member.

> In this area, we still have the natural resources- those are the golden egg in terms of tourism and that sort of thing, so let's find a way not to lose it. Because if you try to restore it afterwards... **You know, Humpty Dumpty's right- you *can't* put it back**

> **together. Let's do it before it goes.** That's the gem that is in this area. So, don't have it all convert out of ag- nail down keeping the ag base, and at the same time get whatever conservation you can.

Finally, to return to the question of what constitutes "conservation values," land trusts may also weigh cultural and historic values when considering working with agricultural properties. IRS statute defines "conservation values" as broadly inclusive of relatively natural areas of habitat, scenic open space, farms, and historic structures. For Oregon's land trusts, a property with special cultural and historic values, alongside habitat and compatible agricultural use, can represent a compelling combination often described by participants as a "Venn diagram," "three legged stool," or "multiple/mixed values" of land conservation. One land trust staff member described a property which represents these mixed values:

> So for [that] farm, they have frontage on the… two major rivers in our valley- two miles of river frontage with a really wide floodplain and a lot of room for the river to grow and move around. And so, important salmon habitat, and things like that- so I'd say those were our major interests in that property. It's also historically important to the [tribe]- it has a lot of cultural values- it's where there was originally a [tribal] encampment, on that property. So I think those cultural values are important to us. And it's also part of a Century Farm. So it has a dual layer of white historic value, settler values, as well as native.

In this example, the multiple values also allowed the land trust to utilize multiple funding sources to protect the property: habitat-focused funding to protect the salmon habitat, funding from the regional tribe to protect the cultural values of the encampment, and private funding to protect the agricultural land. Considering examples such as these, of how land trusts conceive of the conservation values of farmland, begs the question: How do farmers think about land trusts, and conservation more generally?

Farmers' Attitudes towards Land Conservation

> [Agricultural landowners are] completely along a spectrum- from people who 100% distrust land trusts because they think they're a tree hugger environmental group- to folks who totally understand what conservation easements are, and how flexible they are, and what a collaborative process it is to develop a conservation easement. And those are the folks who we end up working with.

While the majority of my interview participants were staff and board members of conservation-focused land trusts, I also interviewed six farmers and ranchers, representatives of agricultural advocacy groups, and – in a few cases – land trust board members who are also part of the agricultural community. The lead quote in this section is from a land trust staff member, describing the "spectrum" of opinions that exist among farmers with regard to land trusts. Numerous land trusts used the terms "tree hugger," "environmentalist," and "green" to represent their conception of a common (negative) viewpoint held by farmers towards land trusts. Others described a more collaborative relationship, particularly where agricultural interests were represented on the organization's staff or board of directors. Certainly, agriculture is not monolithic in the state, and viewpoints of farmers towards conservation and land trusts are highly variable. However, a few consistent topics emerged during conversations with farmers and ranchers.

The most significant concern for farmers in working with a land trust are typically the restrictions that come with utilizing what are now primarily habitat-focused funding sources. As one board member from a land trust focused on agricultural conservation put it:

> What we tell our landowners is "Every time you bring a funder to the table, they're coming with a satchel full of money, and a list of requirements." You want the money, you've got to accept or negotiate the requirements. If you don't like the requirements, don't take the money.
>
> Q: And in the case of OWEB, that would be restrictions around riparian areas?

> Could be. They're going to want improvement in aquatic or wildlife habitat. But that's no different than any other funder. They're all going to come with whatever their mission is. They're going to have that set of restrictions that they want as part of that easement document, and you just have to decide if you're interested in playing that game.

Land trusts readily acknowledge this concern with restrictions attached to habitat-focused funding sources on farmland. Describing the process of finding a farmer interested in leasing agricultural ground on a protected property, one land trust staff member shared this story:

> [We're] trying to constantly create a balance between all the regulations we're under with the property- we bought the property, but there's all these conservation easements from the funders, over it, so there's a lot of restrictions about what can happen- the management plan is very detailed. Finding a farmer who we can lease that to, that can work under this scrutiny of constantly like: "**You can't be here this month, you can't do that that month"- you know, so it's a lot of restriction**, and it's just (sighs) trying to find the balance has been really tricky.

In this example, the land trust is describing a property which they own, encumbered by multiple habitat-focused easements; this certainly accounts for the "tricky" nature of finding a farmer to lease the property to. On the other hand, a farmer in southern Oregon, who worked closely with a local land trust to develop an easement to protect his property (rather than leasing land already encumbered by an easement), had a strongly positive disposition towards both the easement and the land trust:

> So that's how we connected with [the land trust]- we went to them and said "Okay, this is our situation- we want to work with you guys"... they were super cool, and very into it, and real easy to work with- and have continued to be very easy to work with.
>
> Q: So, the land steward just comes out for a monitoring visit a couple times a year?
>
> Just once a year... for the last eleven years- once a year, [the land steward] would come out, she'd take pictures, we would talk- "Anything new?" Couple hours, "See you next year!" And that was *it*. Really low key... it wasn't a big regulatory hassle or anything like that.

In this case – which was relatively unique among my interviews – the partnership between the farmer and the land trust early on in drafting the easement yielded an agreement that required minimal monitoring, because the farmer had clearly articulated their planned management practices initially.

Notably, this farmer had *donated* the conservation easement to the land trust partner. For many other farmers, *selling* an easement may represent the most attractive option, so that cash can be re-invested in the farm business or used for other purposes. However, because of Oregon's land use laws, appraising the value of development rights for a farm property is notoriously challenging. Because development rights are already generally restricted through regulation, it can be difficult to put a price on these rights (i.e. to sell via a conservation easement). One participant lamented the inability for the appraisal process to capture the actual potential value of development rights on farmland.

> The problem is that, in order to establish the development right's price, you have to be *just* on the verge of- or *just* after... **The day after it sells for development is when you know what that's worth**… **you will know the development right price *right after* it's gone.**

Another concern often expressed by farmers regarding conservation easements is the perpetual nature of the agreement. Numerous agricultural participants expressed concern about "tying the hands" of future generations of farmers by granting restrictions which may ultimately undermine the viability of the farm operation. As one participant put it:

> [Conservation easements] are a little scary to me. Some of these land trust groups that are writing a check to somebody and saying "You *will* do these things, you *will* have this...," they haven't been around for very long! So what happens a hundred years down the road when this nonprofit group goes belly up? On the deed to your land, you still have this 501(c)3 that doesn't exist any more- what happens at that point?

While some land trust representatives – such as the participant quoted at the beginning of this section or the farmer quoted above – might argue that this viewpoint represents an incomplete understanding of how flexible conservation easements can be, this participant also calls into question the ability for land trusts to perform their stated purpose: to protect land in perpetuity.

In some cases, farmers see habitat-focused land conservation work as a *threat* to agricultural land. Whereas the term "conversion" was typically used by participants from land trusts to refer to the conversion of open space for residential or commercial development, one representative of an agricultural group used the term more broadly, enumerating conversion "threats" to agricultural land which included development, amenity use, and – as stated in the quote below – habitat restoration.

> One of the negatives of that [habitat conservation] model is that every place that livestock has been taken off the ranges, the big game wildlife has left. **The first thing people do in many land trusts is the same thing- they lock up the land, and they think it's going to be a wildlife sanctuary, but the wildlife leaves.** It's a jungle. You know, the grass is big and the stalks are big and they're tough... Most of the land trusts, with the exception of [a national organization], don't honestly do work on working landscapes and intend to have them remain in working landscapes. Most of them are for conversion.

This concern among farmers, about conservation properties becoming poorly managed "jungles," was mentioned during several interviews. In some cases, land trust participants expressed frustration that their current projects were being judged by the success or failure of habitat conservation projects from decades ago.

> A lot of farmers in this area especially, even still, even though they probably weren't even *alive* when [a major conservation project from the 1960s] came through, they still have all this negative feelings around that. So there is a lot of uncertainty and questioning of any kind of conservation work, because they've seen a few bad things, or one piece that has weeds, and then it's "**Oh, all conservation properties are going to be weedy**." So it's ingrained through generations (laughs).

From their perspective, land trusts are well aware of skepticism from some agricultural producers, with regard to conservation groups "taking land out of production" or protected properties becoming weedy. However, several participants, including the following land advocate quoted below, argued that this concern is overblown.

> In fact, when we talk with the farming community about, what are the factors that convert farmland into non-farm uses, they always bring up conservation, like that's one of the biggest driving factors. And we have to say "No, it's not." Yeah, it is a factor, but it's a factor that only makes sense in certain situations and areas- not an overarching theme. And so, it was interesting, because that was our- to a large degree, that was our interaction with ag [land] conservation- reversion to non-ag uses.

Despite these concerns, many farmers do share common ground with land trusts in their concern about the conversion of agricultural lands for development. The participant who was "a little scar[ed]" by perpetual nature of easements went on to say:

> I do see the positives, though. I'm originally from north Idaho, and I have seen farmland just get completely wiped out, and there's now Fred Meyer. So I do understand where these easements are a good thing- depending on how they're written.

Further complicating this dynamic are the significant differences in perspective between practitioners of relatively small-scale agricultural and larger-scale, conventional farming. When I asked a representative of a small-scale farming advocacy group if the loss of farmland to development was a common concern between their organization and a political advocacy group that represents larger-scale, conventional agriculture interests, she said:

> Yes and no. As far as development, their mantra is "no acre of farmland loss." And, we would agree- but where we differ is that… if it's… you know, [a] monoculture crop that farms to the edge of the creek- they don't have any problem with that. Or **if it's an industrial- a concentrated animal feeding operation that goes in on it, or a stock feeding lot- that's no acre lost to them. But to us, that *is* loss, because it's no longer available for diversified production, it's harming our environment**…

> it's having an impact on local air quality, local water quality. And so, the "no acre lost" is a nice catchphrase- but it doesn't really encapsulate what's happening. I think that's something our land use system doesn't necessarily address either… what *type* of farming operation actually is something we want to keep here in Oregon, what do we want our farms- our farm future- to look like.

From a conservation standpoint, this participant shares much in common with the skepticism and concerns that some land trust staff and board members have towards large-scale, monoculture or "industrial" farming. Questions about "what *type* of farming operation" is most desirable are a significant factor for land trusts in determining their interest in farmland conservation.

Land Trust Staff and Board Members' Attitudes towards Agriculture

> So, we started talking about farming and ranching, well I want to ask, what is it? Where is it? How is it going to be done? And how many acres- how many are we going to be looking at before we start having to think a lot more seriously about the impacts of farming? I mean, **there are a number of ways we can think about farming**. We can think about it in the gentlest way- you know, that everybody's a good steward, and you're all doing it organically, and everything is heavily managed- the animals that you have there are not particularly impactful, and so on. Then that's one thing. But even that, if you start adding in- it's the old theory of the commons- you know, you have one cow, and you add them in there, and pretty soon you've got- something that starts out being manageable becomes unmanageable.

This quote, from a board member of a land trust that is beginning to work with agricultural properties, sums up a viewpoint shared by many participants: questions of agricultural land conservation center largely on the *type* and *scale* of farming in question. Similar to the participant who asked the rhetorical question "Are you interested in supporting agriculture as it is, or do you want it to become more sustainable?," this board member differentiates between "gentle" agriculture with "good stewardship" and an approach whose impacts becomes "unmanageable" at a given scale. This concern about scale and a slippery slope with regards to agriculture was also expressed by a land trust

staff member, paraphrasing concerns expressed by other land trusts, with regards to agricultural land conservation efforts:

> There is some resistance [from land trusts regarding agriculture], and there is some concern. The resistance comes largely from suspicion that this could become hijacked by big industrial farming operations- you know, "What's a working landscape? **'Conservation of working landscapes'- a *clearcut* is a working landscape! How can you be involved in conserving a clearcut?" You know, all legitimate stuff. "It's just going to fund CAFOs,**[42]" you know? And we have good answers for that, but those are the concerns we're hearing.

For some land trust board members, agricultural activities are simply incongruous with their conception of the organization's mission and defining values or goals: namely, to protect valuable fish and wildlife habitat from human impacts. This preservationist viewpoint is articulated in the following quote, in which a land trust staff member reflects on a recent strategic planning discussion:

> I remember there was a *lot* of discussion at the strategic planning retreat with the board about [whether to get involved in farmland conservation]. **There's a lot of really old school conservation ethic within the land trust movement nationally,** and I think we literally saw this play out at our board retreat. We have people on our board who joined the board because they want to protect and set aside natural areas. It's like, David Brower[43] [and the] Sierra Club… You know, "**Really, what this is about is birds, and fish, and ecosystems and food chains, and keeping people out of here**."

Strategic planning was a commonly cited process for land trusts discussing their orientation towards agriculture. Another participant shared a story about mixed attitudes towards agriculture from board members, expressed during strategic planning.

> There is a diversity of opinions on our board [regarding agriculture]… when we started into our strategic planning, it was one of the first things. We do have some board members- one particularly- who are in the farming community, and so she's also interested in organic farming- so *management* of farmland... One of the questions our [strategic planning] consultant had up front was working lands… like "Where do you think [our land trust] should go?" And nobody, through that, ***nobody* said "I**

[42] Confined animal feeding operations

[43] David Brower was a prominent 20th century environmentalist, and the first executive director of the Sierra Club.

> **think [our organization] should start protecting working lands for working lands' sake- like farms for farms sake."** Nobody called that out. But, I think that's actually what one of our board members was hoping that our strategic planning would end up with.

This position, of not seeking to protect agricultural lands "for their own sake," but being willing to consider farmland that also has conservation values, was a commonly articulated position for land trusts, regarding agricultural land. Perhaps a mix of the pragmatic (no funding sources) and the ideological (habitat deserves more protection than farmland), this view largely characterizes the position taken by most of the land trusts I spoke with.

For some land trust board members, a reluctance to engage in agricultural land conservation is based in concerns that working with farmland is simply not an endeavor that the organization is well-suited to pursue, and that a shift in this new direction means additional complications and demands on the organization's time and resources. As one board member put it:

> Farming is not our expertise… so it was something we had to be convinced to do, to try. But I wouldn't say it's anything we've really embraced… just because of some of the complications that have come up with it. In terms of figuring out issues of… how to craft an easement so that a farm can still be a working farm, digging in to that detail… it's just more work, it's more resources. We don't know that we're the best entity to do that.

And yet some participants – particularly staff members – clearly express admiration for land trusts in other states and regions that do protect farmland "for its own sake," and harbor aspirations for their own organization to move in this direction. These two quotes from staff members in different areas of the state exemplify this aspiration.

> In some other land trusts, you know, East Coast or something… there's this marriage between the land trust and the farmer, and it's this very utopian, wonderful story that everybody has shared, and is a part of.
> ---

> I look at what [a land trust in Washington] is doing, and others- I would love for [our organization] one day to kind of be on the forefront of that thinking. But at this point, we have two and a half staff, and we just don't have the capacity to do much beyond what traditional land trusts do.

Here again, the latter quote exemplifies the simple pragmatism of limited resources for a land trust to "do much beyond what traditional land trusts do." In a similar vein, the following quote brings together several themes: admiration of models from other states, skepticism towards conservation groups from the farming community, and finally, the lack of tools for land trusts to effectively work with farmers.

> On the East Coast, people look at land trusts, and right away- you look at their website, you go to an event- and **you know right away that they love wildlife, rivers, habitat and *farmland*- they are part of the package. They're not separated**. Here, we have this battle between people that… have this perception that conservation and farmland are at odds with one another, or that we don't appreciate farmland for its own sake- or farm*ers*. And it couldn't be further from the truth- in fact, we *want* innovation, we *want* ideas and ways, vehicles, to incorporate… we *value* farmland and farmers- it's there, but the tools aren't there. And if we don't have the tools, it's prohibitive.

Despite not "having the tools" to move significantly towards agricultural land conservation, this participant went on to reflect on how significant the personal values of staff members within land trusts are, in terms of orienting the organization's work. When I noted how well-informed they seemed to be about issues regarding local farms, the participant stated:

> Not everybody here can rattle off all those names [of local farms]. [She] and I can, but it's also something we're really passionate about. **For any of these organizations involved, some of it depends on the people in the organization who are going to carry an idea forward, instead of being complacent with where things are at. And, maybe driving some advocacy.** Our whole organization has prioritized innovation and partnerships through the strategic plan. And, I think that's wonderful for us, to call out innovation- that we don't want to be limited to what we've done the last 27 years.

Differences of approach and opinion regarding agricultural land conservation among staff members was further evident in this quote, in which a staff member reflects on the perspective she brings to land trust work.

> I'm very interested in the human aspect of our work- it's interesting talking to… our director, because for her, **her interest is really the critters, and for me it's about the people**, and about how we can manage land in ways that benefits the natural world and the human world.

For both land trusts and agricultural producers, there clearly exist a variety of attitudes regarding the other, from skepticism or outright antagonism, to a spirit of collaboration. Interestingly, one theme which emerged from interviews was a phenomenon in which agricultural interests have begun to fill a perceived gap in services by land trusts: a lack of conservation easement holders focused specifically on protecting farmland.

Alternate easement holders

> As you've probably heard from the land trust community in Oregon, there's some concern about SWCDs[44] [holding conservation easements], just because I think the SWCDs are not knowledgeable about how to manage conservation easements, and monitor them. Doesn't mean they can't learn... And I don't think we see them as a competitor. I think maybe we could partner together. And I think part of that is that SWCDs are trusted a lot more, you know, and they have local boards. There's a lot more trust of the SWCDs than maybe there is of a local land trust.

Prevalent throughout my interviews with land trust staff and board members was the mention of new entities forming – or existing entities becoming involved – to serve as easement holders for agricultural conservation easements. Land trusts are the most prominent type of organization to hold a conservation easement, but other entities such as

[44] Soil & Water Conservation Districts. SWCDs are local "municipal corporations" enabled by state statute in the 1930s to direct programs to protect natural resources on private lands.

tribes, state government, and soil & water conservation districts (SWCDs) are also eligible to provide this service.

SWCDs were the most often-mentioned alternate easement holders, largely for two reasons. First, because SWCDs are made up of a locally elected board of directors who must be landowners in order to be eligible to serve, they tend to represent agricultural interests more so than the board of a local land trust. The lead quote in this section, from a land trust staff member, reflects this dynamic of greater trust in SWCDs by farmers. Second, some SWCDs have become involved as easement holders because there is no local land trust for a particular geographic area.

> With [that county], we don't have a local land trust that covers that area. It's always been an interesting gap in the Oregon land trust community. [Those three] counties largely have not had that representation, and so [that] SWCD has necessarily stepped in. And they're doing great work. And they just closed on their first BPA acquisition, recently. Seeing more interest in easements.

For their part, SWCDs frame their involvement in similar terms: that they are striving to respond to demands from landowners, but are simultaneously aware of their relative lack of experience with easements. As one SWCD staff member put it:

> In [our] SWCD, we don’t currently have easements, but we have a proposal before us for a very prominent 180-acre farm in our county. I know just talking to other SWCDs, that there are a handful that have already worked with conservation easements, but a lot of us are new to it. I get approached at least once a month by someone wanting to know more. So [developing those technical skills] will be key, at least for the SWCDs, in moving this forward.

Other than SWCDs, there are a number of small land trusts in the state that are currently holding, or seeking to hold, agricultural easements, or acquiring agricultural properties for protection. For the land trust community, such developments can cause consternation. Here, two land trust staff members describe the formation of such an organization, with a service area apparently overlapping their own.

> There's been some people that were upset that [our land trust] isn't taking on more farming easements, and- maybe they didn't even come to us, but just had this feeling- and so on their own, we find out third-hand, or fourth- or fifth- or sixth-hand that there's a group forming to create a working lands trust... Usually [a project like this] doesn't go anywhere, because they run into the same reasons- they start realizing why...
>
> Other respondent: They don't have any other tools we don't have.
>
> But at the same time, we're supportive, if somebody was able to make something work, and was able to work with next-generation farmers, had some mission tied to it, well- that would be great. But that should happen and be done in concert and discussion with the local land trust, and then **reducing liability of putting a bad name to land trusts through horrible easements, or not having the funding to back them up through legal defense**- or you know, all of that is a huge liability for all the other land trusts.

Here, the participants are speaking to a concern about maintaining public trust in the work of land trusts, which includes the ability to draft a strong conservation easement, and have the wherewithal to enforce the terms of the easement. From this participant's perspective, poorly executed land conservation efforts can damage the efforts of land trusts as a whole.

For their part, alternate easement holders may argue that they are addressing a desire from landowners to protect their property, where such properties do not fit the mission of an established or accredited land trust. A board member from a non-accredited trust, who has also protected their own working lands property with an easement, reflected on this dynamic:

> [A local farmer] and I both were looking around for a trust that would be able to protect our respective properties. Because they don't fit necessarily into the purview of a lot of the different trusts- either national or local- [our local accredited land trust] for example… They have a lot more restriction… let's put it this way- they have more interest in protecting areas that are not associated with farming, or are not compromised by certain kinds of activities or by context … So, [our non-accredited land trust] is able to pick up properties- working farms for example- and properties like mine.

This landowner understands the parameters which define priorities for the local accredited land trust – habitat conservation, management activities, geographic context – and yet believes that there should be an option for "properties like mine" that do not meet these criteria. In this quote, both landowners looking around for conservation options were motivated by the fact that both of them are aging, and are concerned about protecting their land from development in the future. The term used by participants to describe this process is "succession planning."

Succession planning and farm viability

> A lot of my [farmers], as we've talked about the conservation easements, and the land easements, have brought up that they would rather see someone… look into how a group can help these young, motivated people get in to agriculture. **I mean, you look at the average farmer and they're, what, 60 years old? I mean, we've got a very serious problem coming!**

A common concern uniting the agricultural community and the land conservation community is the often-cited statistic of the average age of farmer approaching or passing 60. In the case of the participant quoted above, the issue of supporting young people "get in to agriculture" is more pressing than – albeit related to – concerns about farmland conservation. Nearly every participant shared a story about a local farmer whose children are not planning to take over the farm business when they retire or die. Here is one typical example:

> Unless you're, you know, third- fourth- fifth-generation farmer... there's no chance to buy land, there's big corporations coming and buying it. You know and most people- I hear a lot from [farmers] too- that **their young family members that they'd like to take over their family place are just not interested**.
>
> Q: They're doing other things.
>
> A: Gonna go get a job, 40 hours a week, paid time off, you know- health insurance,

> clock out at five... so there's something, and I don't know what could be done- you know, to encourage those types of people that when you get these young kids that are interested in going in to some sort of agriculture, you're cutting the legs out from under them before they even have a chance! I don't know a kid who's twenty years old who can go throw a down payment on a piece of land, and have capital to get started- doesn't work.

This participant – a representative of an agricultural group – is not only concerned about the trend of aging farmers not having an heir to pass their land and operation on to. She is also concerned about those "next generation" farmers who *do* wish to own land and establish a farm business, but who are effectively priced out of the market due to the high cost of land and start-up expenses. This concern, with helping beginning farmers and ranchers to access land, was expressed on several occasions. For one agricultural advocacy group, the issue of access to land for young farmers has been a common theme for many years:

> We've had over 100 farmer listening sessions over the last ten years. One of the issues that's come up again and again is access to land for beginning farmers- land is getting far more expensive. So, even if land is never going to be developed, the ability to get in is an incredibly big obstacle. The challenges of beginning farmers- access to land- is a huge issue.

However, at least for the land trust participants who mentioned this issue, the common theme was a lack of existing tools available to Oregon's land trusts, to play a role in supporting young farmers.

A related factor to farm succession planning is farm *viability*: the ability for a farm's income to offset its operating expenses. For farmers (perhaps obviously) farm viability is *the* issue which rises above all others, as succinctly expressed by this participant at a public meeting:

> The elephant in the room is that agriculture, and ranching, is simply not profitable anymore. Development pressure- sure- but you have attractive other uses *because* it's

> not profitable enough to continue to practice on the land. If you want to say 'what's the root cause?' of a lot of this stuff… that's it.

For land trusts, viability is a concern for two reasons. First, if a farm is operating at a deficit, it may become more difficult for the operator to comply with the terms of a conservation easement (or a lease on a land trust-owned property). Second, trends of farmland fragmentation or amenity purchases may impact farm viability (e.g. by increasing property taxes, or changing the agricultural nature of a given area), further increasing such trends in a feedback cycle. Here again, geographic differences in the state are a factor, as one land trust staff member related.

> One of the interesting things I've gleaned… is the scale of what is viable in eastern Oregon is very different from the scale of what is viable in the Willamette Valley. You know, Willamette Valley you've got row crops, you've got irrigated farmland, you've got different soils, you've got alfalfa, ryegrass, whatever it may be. Eastern Oregon, it's largely cattle ranching- that's the big one. For a viable cattle ranch, you need at least something like 3,000 acres, if you want to do it all on your own. You need uplands, you need lowlands. And so if you- fragmentation- 3,000 acres is a massive amount of property for us west side folks, you know? You could take that, chunk it up into ten 300-acre lots. As soon as you do that, it's no longer a cattle ranch. Even though it's still a ton of land.

Farm viability, succession planning, and access to land for young farmers are interrelated factors which, taken as a whole, represent a distinct concern for land conservation practitioners, advocates, and farmers alike. More broadly, *all* of the themes described above can be seen as an intricately linked web of factors which influence and are influenced by one another. Understanding how land trusts respond to such influences is the central focus of my analysis.

CHAPTER IV

ANALYSIS

A typology of land trusts

To understand how these various factors – funding, community priorities, attitudes between conservation and agriculture, etc. – shape land trusts' orientation towards farmland conservation, it is helpful to return to Sokolow's typology of land trusts, with the modification already suggested: the addition of an "Exclusively Other Resources"[45] category.

Type 1: Exclusively or primarily agricultural	**Type 2**: Equal emphasis to agricultural/other resources	**Type 3**: Primarily other resources with significant agricultural interest	**Type 4**: Exclusively natural or other resources

Of the eight Oregon-based land trusts represented in interviews, two can be described as Type 1: *exclusively or primarily agricultural*; two as Type 2: *equal emphasis*; four as Type 3: p*rimarily other resources with significant agricultural interest*; and one as Type 4: *exclusively natural or other resources*. This is not intended to serve as a representation of Oregon's land trusts as a whole, but is useful in describing the sample group for this paper. Accredited land trusts were most likely to fit either #2 or #3. The two additional land trusts interviewed from Washington State can both be described as equal emphasis.

Although the interview protocol did not overtly solicit such information, several common features emerged which characterized each of these four types of land trusts. I also used publicly accessible information and second-hand descriptions of additional land

[45] Most prominently fish & wildlife habitat, but also including scenic open space and public recreational land.

trusts *not* interviewed for this study, to compile the features listed. This descriptive typology, associated characteristics, and representative sample size are summarized in the table below.

	Typology of Land Trusts in Oregon			
Type	**Type 1**: Exclusively or primarily agricultural	**Type 2**: Equal emphasis to agricultural/other resources	**Type 3**: Primarily other resources with significant agricultural interest	**Type 4**: Exclusively natural or other resources
Common features	Founded by producers, with a specific focus on agriculture Less likely to be accredited Smaller/volunteer staff Producers represented on board/staff	Likely to work with donated easements or alternative funding mechanisms Strong community-based support for agricultural land efforts	Founded by community members with a focus on habitat conservation Agricultural work is or has been primarily responsive/opportunistic Less likely to have producers on board/staff	Focus on scenic open space with special ecological or public recreation value
Number in sample	Two	Two (+ two WA state)	Four	One

Table 2: Typology of Land Trusts in Oregon

What Causes Land Trusts to Shift Along This Spectrum?

Of the land trusts interviewed from Oregon, nearly all (seven out of nine) were founded with an exclusive – or at least primary – focus on natural resources or "other" conservation (scenic open space or public recreational land). The diversification of positions now apparent can be attributed to the influence of the themes explored in the "Findings" section. Some are internal to the organization, such as the personal values or attitudes of staff and board members, expressed through strategic planning and other

processes. In many cases, composition of the staff and board has changed considerably since the organization's founding. Others factors are external, such as changes to the land use system or the growing prevalence of amenity buyers of agricultural lands. These factors can further be catalogued as either *motivations*, which propel the orientation of land trusts towards a different point on the spectrum described above, or *constraints*, which lead land trusts to retain their current position on the spectrum. The table below summarizes this concept.

	Internal	***External***
Motivations	Personal values/aspirations of staff or board members Organizational mission or strategic plan; organizational definition of conservation values (i.e. cultural, natural, scenic, productive use)	Perceived/impending threats (i.e. to farmland) Community priorities Funding opportunities Locally specific conservation values of farmland, including management practices Demand from landowners; increase of alternate easement holding entities
Constraints	Skepticism/reticence from staff or board members Organizational capacity, expertise and representation	Lack of funding for farmland conservation Lack of awareness or mistrust among agricultural landowners Lack of political support

Table 3: Motivations and Constraints that Influence Land Trusts

The process by which land trusts are influenced by these motivations and constraints, and thereby shift – or not – the framework of their conservation priorities, is the focus of the remainder of this analysis.

Who Makes Decisions in Land Trusts, and by What Processes Are They Made?

Lines of Ownership and Authority

Frumkin (2002) argues that nonprofit organizations, which serve as a vehicle for civic and community expression, exist without simple and clear lines of ownership and accountability. Whereas private sector businesses answer to shareholders, and the public sector is accountable to constituent voters, nonprofit organizations "serve many masters, none of which is ultimately able to exert complete control."[46] Therefore, the question of how decisions are made within nonprofit organizations is a complicated one. Certainly, the executive director is the most obvious and prominent decision-maker. The board of directors, tasked with governing the organization, managing the executive director, and participating in long-term planning efforts, also exerts obvious and significant influence on decision-making processes. Staff members may have decision-making authority related to specific programs or operational activities. And yet, each of these decisions occurs within a framework generally prescribed or framed by the organization's mission, vision, and strategic plan. These, in turn, are influenced by many of the external factors already described: community priorities, funding sources, and contemporary threats or opportunities. Frumkin concludes that "In the end, nonprofit and voluntary organizations are authorized to act in the public interest by the communities in which they operate."

This intricate and seemingly nebulous process by which community input and the values of those within the organization share ownership and authority in nonprofit organizations was amply evident in interviews. On the former point, regarding community input, statements such as "We *are* our membership; our membership *is* us," "We need to be *relatable*," and "The community sees that [agriculture] as a value" point

[46] Frumkin, P. (2002). *On Being Nonprofit: A Conceptual and Policy Primer.*

to the vital importance of land trusts understanding and responding to community interests. Internal authority exercised by staff and board members was demonstrated by quotes such as "For [her], it's really about the critters, and for me it's about the people," and "That's… what one of our board members was hoping that our strategic planning would end up with."

Environmental Assessment and Managerial Vision

To further understand how nonprofit organizations such as land trusts weigh the influence of various stakeholders and shifting variables in order to determine an orientation for a given strategy or desired outcome – specifically involvement in farmland conservation – I utilize Berman's (2010) descriptive framework of planning and strategy in nonprofit organizations; particularly the dynamic interplay between *environmental assessment* and *managerial vision*. Berman describes organizational planning as follows.

> Planning… is complex because it is an amalgam of facts, analysis, imagination, insight, and skill… Planning… is not a neat linear process or a single event… [it is] both linear and iterative… The goals should be for planning to be a continuous management process. To be real and meaningful, planning must become part of the fabric of the organization's culture and management character.

Strategic planning is a periodic, formal review of an organization's mission, vision, and goals, which leads to a well-defined road map of what will be accomplished, how it will be accomplished, and on what timeframe (Berman). Interview participants frequently referred to strategic planning as the process by which land trusts revised their orientation toward farmland conservation based on contemporary trends, issues, and community priorities. Berman uses the term *environmental assessment* to describe this information-gathering and analysis component of strategic planning; it is the "objective

cataloguing and measuring of the facts and conditions that exist at a point in time and which must be recognized."[47]

For Oregon's land trusts, environmental assessment is both a formal and periodic component of strategic planning, and an ongoing, informal process by which changes in the environment are noted. Berman describes both external and internal elements of environmental assessment; external elements include demographics, legislation, regulation, funding, and competition from other service providers. Participants who noted that "[During strategic planning, he] put on the table this idea of the farms around [a large, well-known local county park]- what if those all got developed?" "One of the questions our [strategic planning] consultant had up front [for stakeholders, regarding] working lands… like 'Where do you think [our land trust] should go?'," and similar statements are making overt references to environmental assessment activities (scanning external factors) as a component of formal strategic planning. Far more common were references to ongoing environmental assessment; participants who spoke about changing communities, new or missing funding sources, landowner priorities, and changes to the land use system are representing the continuous scanning of external factors impacting the land trust's work.

Environmental assessment also includes internal scanning; Berman describes internal environmental assessment as a process of reviewing the organization's existing products and services, human and financial capital, brand equity, board, and relationships. Participants who described instances of "internal advocacy" and diverse values among staff ("critters" versus "people") are indicating both formal and informal ways in which internal environmental assessment plays out. Comments regarding internal

[47] Berman, H. (2010). *Making a Difference: The Management and Governance of Nonprofit Enterprises*.

capacity and expertise – "Farming is not our expertise," "I'm not sure we're the best people to do that" – are further examples of such internal assessment.

While environmental assessment is the analytic gathering of information and cataloguing of resources, managerial vision is "the intangible, seemingly intuitive element" of planning (Berman). Organizational leadership – most prominently the executive director, but with input and discussion with the board and staff – makes decisions not only based on dispassionate analysis of information from the environmental assessment, but also on aspirations, a vision of "how the world could be," and a non-systematic understanding of current and anticipated stakeholder needs. For land trusts, managerial vision is reflected in quotes such as the staff member who stated that "our director decided… it was a no-brainer [to operate outside of typical processes]," the director who reflected on the necessity of "navigat[ing] the grey world" based on nuanced experience, and the staff member who talked about the importance of "instead of being complacent… driving some advocacy" from their leadership position. The difference between environmental assessment and managerial vision is highlighted in the difference between the board member who stated that "I'm not sure there's much else we can do [to provide farmland conservation] unless something new comes along," and the staff leader who spoke of "pushing the funders… [because] we see a way for agriculture and conservation to work together."

Through managerial vision, leaders incorporate a multitude of perspectives, information, and regional trends, as Berman puts it:

> …Absorbing the realities of their stakeholder's current needs and future preferences, combining that understanding with a recognition of the enterprise's capabilities, capacities and possibilities, and then translating it all into a statement of what can be achieved if everyone committed themselves to that end…. Vision… is the spark in the

planning process that brings clarity, passion, and excitement to the work of the enterprise.

Towards a Hierarchy of Influences

If formal and informal planning is the process by which land trusts weigh internal and external factors to determine – in a combination of environmental assessment and managerial vision – their orientation on the spectrum of conservation focus to agricultural focus, we can then ask: "Which of these factors – or which *combination* of these factors – carries the most influence?" Frumkin suggests that the answer to this question is highly variable depending on the specific nature of a given nonprofit: whereas small, grassroots organizations may be strongly influenced by the priorities of community members and supporters (for instance, a "friends of" organization forming to caretake a local natural area), large nonprofits – for instance, hospitals – are likely to be influenced by traditional market forces and national legislation.

In the case of land trusts, funding is the most obvious and significant influence shaping participation in agricultural land conservation, largely because of the scale of funding required to finance conservation transactions. Because conservation land transactions typically cost tens of thousands – if not hundreds of thousands, or millions – of dollars to complete (not to mention perpetual, ongoing stewardship costs), such transactions are difficult to fund through relatively small individual donations. 49% of nonprofit organizations in Oregon operate their programs on an annual operating budget of under $500,000,[48] an amount readily raised through a combination of individual donations, major gifts, grants, and program fees. Land trusts, on the other hand, are likely to expend $500,000 (at least) on a single transaction, aside from the "overhead" expenses

[48] Nonprofit Association of Oregon, 2016 Northwest Nonprofit Capacity Report.

of running the organization. This significant orientation towards the priorities of funders is arguably an instance of "funding capture" – a nonprofit pitfall in which organizational activities are dictated by funders rather than the organization itself – but for land trusts, it is also arguably the only practicable method for pursuing their mission. Notably, land trusts which worked with primarily or exclusively *donated* easements were more likely to engage in agricultural land conservation. In any case, land trusts in Oregon tend to be strongly oriented towards large, conservation-focused grant funding sources, even while many land trusts seek to "push" such funders towards more inclusive conservation priorities.

And yet, community priorities represent another leading influence, if for no other reason than that they *also* are connected with funding. For operational expenses – personnel, office space, etc. – land trusts do typically rely on community donations from individuals and businesses, rather than large grants. Many land trusts also rely on volunteers in various capacities, from board and committee members to monitoring, restoration and event volunteers. In a broader sense, as already discussed and frequently mentioned in interviews, community support helps orient the work of land trusts towards specific projects or focal areas, often in tandem with another leading influence: perceived or impending threats. Changes to land use system and real estate values, and – more importantly – concerns about outcomes of the impending transition of farmland ownership, are galvanizing the reorientation of many land trusts.

Internal influences – particularly the values and attitudes of staff and board members – may be most accurately seen as *preparing* a given land trust for shifting their conservation priorities in response to the external factors mentioned above. Staff

members who bring expertise and personal affinity for agriculture create value for land trusts in a number of ways. First, they may present new perspectives on how conservation and agriculture can "work together" – in the words of one participant – in internal discussions such as strategic planning sessions. Second, they may contribute expertise in the specific needs that farmers have, with regard to land conservation: for instance, what restrictions may be more or less reasonable to include in a conservation easement. Finally, this internal capacity and representation may shift perceptions among agricultural landowners about working with a given land trust: making the organization "more legit," as one participant put it.

Several of the influences represented in the Findings are secondary to those already mentioned, and are closely related to the issues of funding and community priorities. Political processes involve the appropriation of funding, based on demand and input from the community. In particular, the voices of the agricultural community are a politically potent force, seen as a crucial ally to land trusts in establishing state-side funding for agricultural conservation easements. The habitat conservation values of farmland are currently the primary "trigger" for land trusts' involvement in farmland conservation, via funding sources.

The interrelated, mutually influential and "cascading" nature of the factors explored here may be best understood by describing a set of conditions which are likely to cause a land trust to include agricultural land conservation as an organizational priority in Oregon. Such conditions are:

1. Existing funding sources focused on the preservation of "farms for farms' sake."

2. An organizational orientation towards innovation, with agricultural interests represented on the board and staff.
3. A local community environment which values the cultural, economic and aesthetic dimensions of farmland, paired with the contemporary threat of the loss of local farmland.
4. Interest from the local farming community to work with land conservation partners.
5. Local farms or ranches are economically viable operations, with successors or potential successors, operating on land which represents at least some value as habitat.

With the potential establishment of the new Oregon Agricultural Heritage Program in coming years, the serious concern expressed by land trusts and farmers alike about succession planning and farmland transitions, and the continued growth of the local food movement, many of Oregon's local land trusts may well be poised to fit these descriptive conditions over the next five, ten, or twenty years. What will Oregon's land trust community look like in 2030? It is possible that land trust models from our neighboring states may offer a "sneak preview."

CHAPTER V

CONCLUSION

Washington State's Quimper Peninsula juts out from the northeast corner of the much larger Olympic Peninsula, marking the transition between the marine bodies of the Strait of San Juan de Fuca to the north and Puget Sound to the west. Here in eastern Jefferson County, the mild climate combines with the "rain shadow" effect of the Olympic Mountains to create ideal conditions for a variety of agricultural enterprises – dairies, orchards, and vegetable farms – whose products stock the shelves of the Port Townsend Food Co-op and the weekly farmer's market. The region is a striking mix of mountains and the sea: rivers and creeks descend from steeply forested slopes to meander through long, narrow valleys – historic peat bogs long ago converted to agricultural land – and eventually into briny estuaries. From a crab boat on the Sound, the view back to Quimper Peninsula includes Victorian buildings surrounding wooden sailboats anchored in the Port Townsend harbor, long stretches of undeveloped, forested coastland, and the snowcapped peaks of the Olympics towering on the horizon.

The Jefferson Land Trust has been working to protect "Farms, Forests and Fish" in the county since 1989. The trust currently holds over 700 acres of protected agricultural land, with another 500 acres in the works, and is a leading partner in the Jefferson LandWorks Collaborative, an innovative partnership that helps young farmers access farmland and capital to launch business enterprises. However, working with farmland was not always an organizational goal, as described in an interview with a staff member this summer.

> In 2002 or 2003, we decided to amend our mission- expand our mission- to include working lands. We had really started out primarily as a habitat conservation

> organization… although we worked with people who had farmland… it wasn't really a focus of our proactive work. With that modification [to our mission], we really started to seek funding sources for preservation of ag land, beginning then… We saw a lot of conversion of farmland starting to happen, and we just really wanted to head that off. We thought that we… could accomplish multiple conservation goals by turning our focus to ag land protection.

Interestingly, 2003 was the first year of funding provided by a local county funding source for land conservation; a farm property was one of the first two projects funded. In 2005, Washington expanded the scope of a state program for outdoor recreation and wildlife conservation land acquisitions to include "preservation of significant farmland;" this is now the source of state matching funds which are so significantly absent in Oregon. In other words, the land trust's reorientation towards a more "proactive" approach to agricultural land conservation came either just before, or during, this transition in available funding sources. More recently, the land trust has acquired a parcel of land that may be utilized to provide affordable housing for young farmers who work on the agricultural properties protected by the trust. Describing this new direction for the organization – a further expansion of their mission – the participant said the land trust asked themselves: "Can we *stretch* ourselves once again, and try and do something that's outside of our box, and maybe serves a need?"

Models from other states may or may not offer a preview of what Oregon's land trusts will look like in coming decades. However, multiple participants described how well-networked, both regionally and nationally, the land trust community is. Many participants regularly attend "Rally," the Land Trust Alliance's annual national conference. As one participant put it:

> Every day we talk to somebody from another land trust. It's the most, strongest, peer to peer networking [community I've worked in]- we're all trying to build the boat for everybody. It's this very shared unison kind of community.

Whether the proverbial chicken or egg comes first in the interlocking relationship between funding, community priorities, and land trust capacity, it is likely that Oregon's land trusts will continue to diversify their positions on the spectrum of conservation priorities in the years to come.

The land trust model is not a silver bullet for contemporary challenges to agricultural land in Oregon. While – as one participant stated – "the land use system could change in the next [legislative] session," the converse may also be true: individual land trusts could also become insolvent and fail to maintain their obligations. Land trust property transactions are expensive, and must therefore be utilized with surgical precision, to protect the most valuable and threatened properties. As indicated in participant comments, the ability for land trusts to respond to land use threats is also greatly circumscribed by available funding sources, and the priorities of funders. In short, land trusts transactions can never achieve the uniform, landscape-scale protection afforded by regulatory methods, because of the inevitability of finite funding or unmotivated landowners. These dilemmas – explored in the work of Echevarria & Pidot, Gerber & Rissman, Richardson & Bernard, and Stoms – are made transparent in the Oregon case study.

The land trust model in Oregon is perhaps best conceived of as one component of a mosaic of land conservation tools and policies, all of which are necessary to achieve a broad goal of protecting the existing or potential ecological, cultural and economic values of well-stewarded farmland. Authors such as Johnson and Gottlieb – as well as interview participants – may disagree on whether small-scale agriculture or large farms provide

greater ecosystem service values, but many land conservation advocates find middle ground in the pragmatic motto that "cows are better than condos." The importance of developing land trust capacity to engage in farmland conservation in Oregon is underscored by the myriad trends explored in this paper: population growth, the marijuana industry, and the impending large-scale transition of farmland. The state will need a diverse and well-stocked "toolbox" of conservation mechanisms to respond to land use changes in the coming decades.

Understanding how land trusts make decisions – and the factors that influence their orientation towards agricultural land conservation – can help to guide land use advocates and decision-makers in setting the conditions which will allow and encourage land trusts to participate in farmland conservation. My work builds on the framework developed by Sokolow & Lemp, Beckett & Galt, and others, to contribute a qualitative and nuanced interpretation of the inner workings of nonprofit land trusts. This, in turn, complements the robust literature exploring the dynamic motivations for agricultural landowners to participate in conservation (Miller et al., Rilla & Sokolow, Paolisso).

In the broadest sense, the work of land trusts represents a unique and significant contribution to conserving values that are important for the public good. Clean water, scenic vistas, public recreational opportunities, working farms, wildlife habitat, and cultural legacy sites are recognized as critical assets for society – both in Oregon, nationally, and even internationally. In the context of a rapidly changing world, the commitment to perpetual stewardship in the land trust model is both audacious and hopeful: endowing physical spaces with a binding covenant of conservation.

APPENDIX

INTERVIEW PROTOCOL

- Do you hold easements on, or own any properties in fee that are working farms or ranches?
    - **If so**: Could you tell me a bit about what made these properties a good fit, in terms of the Trust's mission and conservation goals or priorities?
    - Were the easements donated or purchased? If purchased, what funding sources were used?
    - **If not**: would the trust be open to holding easements on, or owning, properties that are "working lands"?

- Is the conservation of agricultural lands something the Trust calls out in your mission statement, strategic plan, or other organizational plans (e.g. acquisition policies)? In other words, where does agricultural land conservation "live" in terms of organizational priorities?
    - **If so**, how and when did this become part of the organization's work?
    - Was anyone in particular an advocate for including the conservation of working lands in the Trust's mission?
    - Was there a difference between staff interest and board interest?
    - Was anyone really opposed to getting involved in working lands conservation? **If so**, why?

- Do you think Oregon's existing land trusts should get involved in agricultural lands conservation in a bigger way, or should there be a new organization or organizations, focused specifically on this issue?

- Are there specific pressures or trends you see in this area, regarding the loss or fragmentation of farms and ranches?

- Do you ever get phone calls or inquiries from landowners with farm or ranch land, looking to protect that land from development?
    - How do you typically respond?
    - If you refer them to other organizations or resources, what are they?

- Conventional wisdom is that Oregon hasn't done a lot with conservation easements because of the success of the land use planning system. Do you think this is true?

- Are conservation easements generally well-understood by landowners in this area (i.e. their function, and how they work)?
    - If not, what do you think would be needed to increase awareness of this tool?

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