



STATE OF CONNECTICUT

DEPARTMENT OF AGRICULTURE



Testimony Regarding, proposed House Bill No. 5002, *An Act Concerning the State Acquisition of Agricultural Development Rights Program*, Before the Environment Committee, February 23, 2009.

Senator Meyer, Representative Roy, members of the Environment Committee, my name is F. Philip Prelli, Commissioner of Agriculture. Thank you for the opportunity to speak in **opposition** to pHB 5002 because it is not necessary. This bill would amend the State Farmland Preservation Program which is administered by the Department of Agriculture.

The Farmland Preservation Program was established in 1978 to purchase the development rights to farms with a high percentage of excellent soils. Since the program's inception in 1978, development rights on farms have been acquired to 254 farms for a total of 34,500 acres. Objective criteria were established to evaluate applications including farm size, soil quality, location, productivity, availability of agricultural support services and the likelihood that the land would remain in active production. The state's goal is and remains to permanently protect 130,000 acres of which 85,000 acres should be classified by the United States Department of Agriculture (USDA) as prime or statewide important agricultural soils. State statutes, state regulations and the deeds conveying development rights to the state all speak to the protection of the soil as the program's primary mission and place severe limitations on soil use and removal. There is a clear prohibition of mining or removing soil from the land in the Farmland Preservation Program.

Greenhouses and nurseries are not prohibited from applying to the program. However, the maintenance of the land as agricultural land in perpetuity is a requirement if the farm grants a farmland preservation deed restriction to the state.

All agricultural activities on preserved farmland by statute must be conducted in a manner consistent with a conservation plan prepared in consultation with the USDA, Natural Resources Conservation Service (NRCS) and approved by the Commissioner of Agriculture. This would include a soil restoration and preservation plan.

Consequently, the removal or extraction of soil, gravel and/or like natural elements from preserved land is prohibited.

Certain nursery uses have been found to deplete prime farmland soils, and there is no soil restoration process that can return the land to prime farmland.

The agency has conducted studies of farm properties that use ball and burlap nursery practices, and has found that this farming method removes topsoil at the rate of ½ inch to 1 inch per year. This activity does not promote sustainable agriculture, because most of the state has a topsoil horizon of less than 6 inches.



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It is the Department of Agriculture's responsibility to ensure that the agricultural uses of preserved farmland soils will be sustainable. That is why owners and lessees of preserved land are not permitted to use the land in ways that are or may be inconsistent with the perpetual protection and preservation of the land as agricultural land, and no activity can be permitted or conducted which is detrimental to the actual or potential agricultural use of the preserved land. This includes practices detrimental to soil conservation, or soil depletion.

Here's how the process works:

An application is received, reviewed and evaluated by the agency according to program regulation scoring criteria (Sec 22-26gg-4c. scoring values). Minimum criteria must be met for program consideration by the Commissioner. The factors considered are:

- Acres of cropland
- Crop yields per acre
- Quantity of land classified as having prime and important farmland soils
- Percentage of cropland that contains prime and important farmland soils
- Methods of marketing commodities produced on the farm
- Amount of other active farmland located in proximity to the farm
- Agricultural support services available in proximity to the farm
- Area of application identified in the State Conservation and Development Plan as rural and an area of environmental concern
- Intensive development near the farm and an excessive cost of development rights acquisition negatively affect the score.

To qualify for preservation, farms must score a minimum of 65 points. To reach this score, farms must generally (1) be in active food and/or fiber production; (2) contain a high percentage of prime and important farmland soils as evaluated by USDA; (3) be at least 30 acres in size; and (4) be located in or near agricultural communities.

A deed covenant is recorded, after which the land can only be used for agricultural purposes. The land can not be subdivided or developed. The farmland must be maintained in such a way so that it will not be rendered "no longer agricultural land."

Greenhouses are allowed on preserved farms. Agricultural development (greenhouses, barns, farm stands necessary for the business of agriculture) is limited to 5% of the prime farmland soils, typically the cropland.

The State Farmland Preservation Program is a voluntary program to which any farmland owner can apply. It is not an entitlement program, and applications must meet minimum regulation scoring criteria in order to be eligible. Greenhouses and nurseries are not prohibited from applying. Again, thank you for the opportunity to comment.

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