

No. R-509. Joint resolution relating to the future of the international port of entry at Morses Line and the proposed federal acquisition of land belonging to the Rainville family farm.

(J.R.S.64)

By the Committee on Agriculture,

Whereas, Clement and Elizabeth Rainville own a dairy farm in the town of Franklin astride the United States–Canadian border at Morses Line, and

Whereas, the Rainville farm consists of 130 acres of cropland and a dairy operation with 75 milkers and approximately the same number of heifers, and

Whereas, every one of those 130 acres is integral to this Vermont farm’s economic viability, and

Whereas, the Rainville farm is exactly the type of dairy farm that is all too rapidly vanishing and that the state of Vermont is making every effort to preserve as an ongoing agricultural enterprise, and

Whereas, the state of Vermont, through the Vermont Housing and Conservation Trust Fund, has spent millions of dollars to preserve farmland for future generations, and the current use program was established to encourage the conduct of agricultural activities on Vermont land, and

Whereas, Vermont’s farmland attracts tourists who travel to the state to view the state’s picturesque open spaces, and

Whereas, according to the Vermont Agency of Agriculture, Food and Markets (VAAFMM), the total number of dairy farms in January stood at 11,206 in 1947, 9,512 in 1957, 4,729 in 1967, 3,531 in 1977, 2,771 in 1987, 1,908 in 1997, 1,168 in 2007, and 1,055 in 2010, and

Whereas, the VAAFAM has projected that Vermont may lose up to 200 farms in 2010, lowering the number to below 1,000 for the first time since the state of Vermont has conducted a farm count survey, and

Whereas, from an economic perspective, the Sustainable Agriculture Council has estimated that Vermont's agricultural worth has now grown to nearly \$3.7 billion, and

Whereas, the United States Department of Homeland Security (the Department) and United States Customs and Border Protection (CBP), which is under the Department's jurisdiction, have announced their intention to acquire land—by means of eminent domain proceedings if necessary—from the Rainville farm for use in the construction of a new international border port-of-entry facility at Morses Line, and

Whereas, the Department and CBP are justifying this project on grounds of both national security and economic stimulation, and

Whereas, the Rainville family has stated that were it to lose any of its land used for hay production, this small farm's self-sufficiency would be lost, and

Whereas, a loss in the available hay would force the Rainvilles to purchase commercial feed for their herd, adding an expense they do not currently incur, and

Whereas, in the federal Farmland Protection Policy Act of 1981 (Pub. L. 97-89) (the act), Congress found that "the Nation's farmland is a unique natural resource and provides food and fiber necessary for the continued

welfare of the people of the United States” and further stated that the law’s purpose was “to minimize the extent to which Federal programs contribute to the unnecessary and irreversible conversion of farmland to nonagricultural uses,” and

Whereas, this proposed land acquisition is clearly contrary to Congress’ express intent as stated in the act, and

Whereas, the Rainville farm is listed on the National Register of Historic Places, which is further evidence of the importance that has been attached to the farm’s continuity and integrity, and

Whereas, although the department’s proposed new border-crossing facility has been reduced in size, there remains concern that it may be larger than needed for the amount of traffic that crosses at Morses Line, and

Whereas, there have been suggestions that federal funds would be better directed at further improvements to the heavily used port of entry at nearby Highgate, and

Whereas, the Vermont congressional delegation has been closely involved with the issues related to the proposed new facility at the Morses Line port of entry and the impact it will have on the Rainville Farm, and

Whereas, on Tuesday, April 27, 2010, while testifying before the United States Senate Judiciary Committee, Homeland Security Secretary Janet Napolitano, in response to a request of Senator Leahy, committed herself to the convening of a public meeting near Morses Line before proceeding, and

Whereas, this meeting will be extremely timely, as in the past few days, the Rainville family received notice from the federal government that the condemnation process will be commenced in 60 days if the family does not agree to sell the requested land, and

Whereas, reducing the economic viability of a small Vermont dairy farm should not be equated with economic stimulation, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the General Assembly strongly urges the United States Department of Homeland Security to assess carefully the comments offered at the forthcoming public meeting on the future of the port of entry facility at Morses Line and to re-evaluate the need to condemn any land belonging to the Rainville farm in the town of Franklin, *and be it further*

Resolved: That the Secretary of State be directed to send a copy of this resolution to Secretary of Homeland Security Janet Napolitano, United States Customs and Border Protection Commissioner Alan Bersin, the Vermont congressional delegation, Vermont Secretary of Agriculture, Food and Markets Roger Allbee, and the Rainville family in Franklin.