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Agency of Agriculture Food & Markets

MEMORANDUM

TO: Senator Bobby Starr, Chair, Senate Agriculture Committee
Representative Carolyn Partridge, Chair, House Agriculture Committee

FROM: Chuck Ross, Secretary, Agency of Agriculture, Food & Markets
Diane Bothfeld, Deputy Secretary, Agency of Agriculture, Food & Markets
Gus Seelig, Executive Director, Vermont Housing & Conservation Board;

DATE: February 24, 2016

RE: MOU to assure accountability and program quality for purchase of development rights



Background

New obligations at the state and federal level for water quality compliance, and new requirements from NRCS that any co-holder also sign a cooperative agreement in order to access federal funds, has required that VHCB and the Ag Agency revisit its long-term partnership to assure the best possible service for farmers, high quality accountability amongst the partnership, and appropriate checks and balances in the purchase of development rights and management of stewardship responsibilities.

Goals

1. To avoid any potential conflicts of interest by the Agency of Agriculture in its responsibilities as a VHCB board member, easement co-holder, and its enforcement role in the implementation of Act 64 to protect the surface waters of the state.
2. To improve service to farmers as they struggle to comply with Vermont's new water quality legislation and to improve access to resources to make necessary water quality improvements.
3. To reduce liability of the Agency because of a change by NRCS requiring that co-holders co-sign and assume liability of any of the partners in a cooperative agreement to draw down ag land easement program funding or RCPP easement program funding.

Elements of a MOU

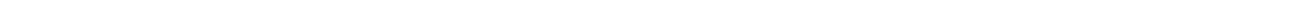
A MOU between the Ag Agency and VHCB will:

1. Assure continued financial support by VHCB to the Ag Agency. However, such support will be directed toward assisting farmers in complying with water quality guidelines.
2. VHCB will provide the Ag Agency with an executory interest in easements which will allow it to assume VHCB '5 rights, responsibilities and obligations should the board cease to exist.
3. VHCB will maintain both an Agricultural Advisory Committee and a Conservation Issues Committee. The Ag Advisory Committee will continue to be chaired by the Secretary of Agriculture. This committee's job is to help screen and evaluate the proposed farmland conservation projects, identify any issues with those projects, which may include compliance with new AAPs and actions necessary to be taken to comply specifically with water quality regulations. The Conservation Issues Committee will include the Secretaries of Agriculture and Natural Resources and generally monitors program performance, and receives bi-annual stewardship reports so that it may inform the Board of any pending policy issues that



need attention.

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4. VHCB, through its MOUs with the Vermont Land Trust, will provide monthly reports on any activity related to easements such as requests for minor approvals or amendments.
5. VHCB policy for major amendments requires that before the board can take action on any requested amendment there will be a notice period for comment and a public hearing. Further, the Secretary of Agriculture and the Secretary of Natural Resources serve on the Conservation Issues Committee which would review any such requests. Action by that committee would only be taken at a duly warned public meeting and any decisions the committee makes requires that the decision be put in writing.
6. All purchase of development right applications are reviewed at the full VHCB (Board) level with input and a vote by all board members including the Secretaries of Agriculture and Natural Resources, as well as citizens appointed by the Legislature and a farmer appointed by the Governor.
7. The Board's Annual Report to the General Assembly will list all agriculture projects awarded funds, describing the projects and the number of acres conserved.
8. The Board, the Ag Agency and its ag partners, primarily the Vermont Land Trust and the Upper Valley Land Trust, shall periodically evaluate program performance including satisfaction level of participants and the goal of assuring full access to the program by any farmer. Such evaluation will be shared with the Agency of Agriculture and reviewed at a meeting of the VHCB Conservation Issues Committee.
9. Significant technical assistance will be provided by the Agency of Agriculture and supported by the
 - Farm & Forest Viability Program to help farmers both understand appropriate technical issues that need to be addressed to comply with water quality regulations and to provide technical assistance on how any necessary improvements may be most efficiently financed.