

How To Find, Assess & Secure Farmland

A PLAIN LANGUAGE GUIDE

Land Good



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This guide is presented in "plain language" to make the topic easily understandable. Plain language provides clear, straightforward, and accessible text to help readers confidently act upon what is learned. Real-life examples of people practicing the information are included.





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Purpose of This Guide

Who Should Read This Guide

This guide is written for farmers who are looking for land to start or expand a farm business in New England. Some of the information may also be helpful to homesteaders, land stewards and farmers across the United States. This guide is most useful for people with farming experience and a business plan.



If you have less than one year of experience working on or managing a farm, consider getting more experience before trying to start your own farm. Many resources exist for people who want farming jobs.

The New Entry Sustainable Farming Project has a list of job websites and organizations where you can search for jobs. Online listservs (email lists) for job postings exist, like Good Food Jobs, the Northeast Sustainable Agriculture Working Group, Beginning Farmers, the North American Food Systems Network, and Farm and Ranch jobs. You can look for volunteer opportunities around the U.S. with WWOOF USA.

Having at least one year of experience working on and/or managing a farm will help you make decisions about what kind of farm business you would like to start. Having farm experience shows other people (like



Amherst offer two and four-year degrees in sustainable agriculture.

Farm Business Planning

Business plans help farmers. Often banks or other lenders ask for a business plan before loaning you money. Part of working on your business plan includes understanding your money. This means knowing how much money you have, what kind of credit you have, and having access to your bank statements and tax records. When you make a business plan, you write

> down all of your goals and your plan to meet those goals. Consult the USDA's Your Farm's Business Plan.

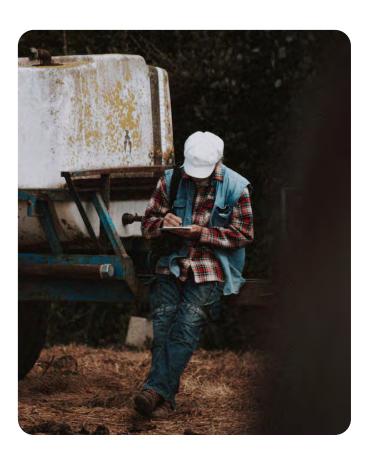
Beginning Farmers and Farm Aid offer lists of business planning resources that might help you.



The University of Minnesota provides a free online business planning tool called AgPlan that you can use to start your plan. Other organizations such as the New Entry Sustainable Farming Project, Cornell University, and many state departments of agriculture also offer business planning courses. Agriculture organizations in your state or region may offer help in finding a consultant to write your plan - ask around. See Appendix C for a list of possible business planning resources.

Next Steps

After you have farming experience and a business plan, follow the steps in this guide. The guide gives many helpful directions for your farmland search and lists useful resources and organizations.



How to Use This Guide

This guide is for you to use in any way you find helpful. Read it cover to cover. Or jump to sections that match your situation. Use the worksheets that you find helpful. To get the most out of it, we encourage you to skim all sections, explore what interests you, and share your answers with someone who is supporting your land search journey - or even do it with them. An experienced farmer, staff at an agricultural agency, or a farm link professional can offer much needed support.

This guide does not provide detailed information about purchase or lease agreements. There are additional resources that can help you learn how to purchase a farm or agree to a lease with a landowner. Always get legal advice when negotiating a land agreement.

Additional Resources & Glossary

- Glossary terms in this guide will be in red italics. You can find the full glossary of terms and a list of helpful resources at the back of this guide.
- In New England, <u>Land For Good</u> and the <u>New England Farm Link Collaborative</u> can help you with your farmland access journey and connect you to additional resources.

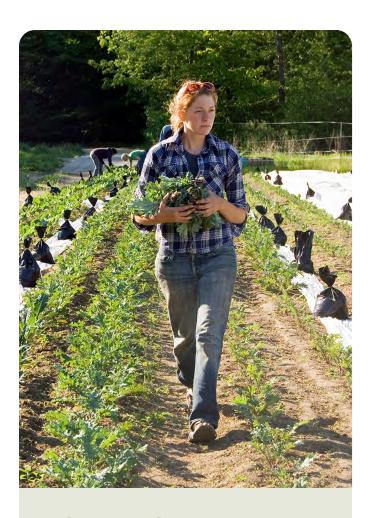
Steps in Locating Farmland

There are many steps to finding farmland for your farm business. This guide will take you through the following basic steps:

STEPS

- 1. Clarify Your Vision And Needs
- 2. Explore Land Tenure Options (leasing, owning, etc.)
- 3. Announce Your Farm Search
- 4. Visit And Evaluate The Land
- 5. Negotiate An Agreement
- 6. Begin Farming: Tips & Resources

Finding farmland that works for you is a process that takes time. For some farmers it takes months, and for others it takes years. You may find land that is good enough to get started, and then move to other locations or expand in the future. Keep an open mind, know what you need, and start as early as possible before the growing season begins. The land search can take a lot of time to find what is right for you and your business.



What is Land Tenure?

Land *tenure* describes how you have access to your land and how you control it. For instance, you can own land, lease land for a short period of time, or *lease* land for a long period of time. Explore land tenure options in Step #2.

Clarify Your Vision and Needs

STEP 1

Answer the following questions to help you start your farmland search. Your answers will help you understand your farm business needs and what you require for your farmland.

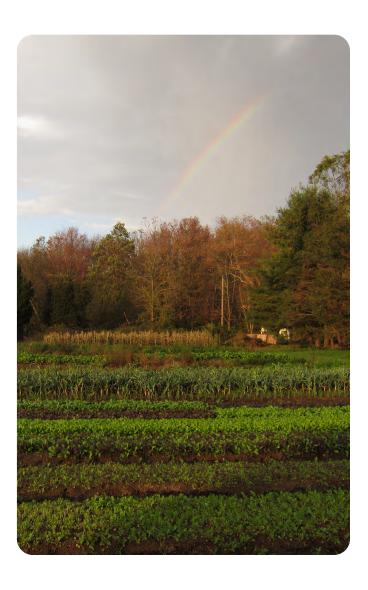
Take a minute to write the answers to these questions on a separate sheet of paper.

Acreage and Enterprises

- How many acres of land do you need in your first season?
- Do you want to be able to increase the number of acres you are farming in future seasons? If so, how many more acres do you think you might need?
- How much money can you afford to spend per acre per season?
- Do you want to produce crops or livestock or both?
- What kind of soil and terrain are you looking for?
- Do you want your farm to be certified organic?

Location and Markets

- ▶ Where do you want to farm?
- How far away can your farmland be from where you live or work?
- How much does land cost to rent or to buy in your area?
- Will you be farming in an urban, suburban, or rural community?
- ▶ How do you plan to sell your farm products?



Clarify Your Vision and Needs

STEP 1

Infrastructure

- What do you need for irrigation (to water your crops)?
- What other water access do you need (for livestock or to wash crops safely)?
- What kind of storage do you need?
- Do you need electricity?
- Do you need other equipment? If so, what?
- Do you need a greenhouse/hoop house?
- Do you need fencing?
- Do you need parking?
- Do you need housing?

We recommend working to answer these questions on page 7 and 8 before you take next steps or as you work through this guide. If you had trouble answering these questions, you may not find the next steps in this guide to be helpful. It is important to take time to make a list of all the things you might want or need for your farm.

Write a Farm Business Plan

A written plan will further clarify your vision and needs. A business plan can help you decide what kind of farmland you need for your farm business. A plan can also help you make decisions and see your dream more clearly. Your plan can change over time.

If you do not have a business plan, we suggest that you take a class or use other farm business planning resources to write a business plan. See <u>Appendix C</u> for a list of possible business planning resources.



STEP 2

There are different options for accessing farmland. Before you start your land search, it is a good idea to know a little bit about your options. For instance, do you want to lease or buy land? Or both? Do you want a long-term or short-term commitment?

Farm Ownership & Purchasing Options

- Traditional Sale
- Financing a Purchase
- Purchase with Seller Financing
- Agricultural Easements

Farm Leasing Options

- Lease length (how long can you use the land)
- Payment options
- Lease with Option to Buy

In the next sections, you will learn about different types of land tenure and some things to think about when making your decision.

For additional options and more detailed information, read the <u>Farm Access Methods: A Decision Guide</u> (Land For Good).

What is Equity?

Equity is the term used for describing your financial stake in a property. Equity is important because it is a factor that many banks and other financial institutions consider when making a loan.



STEP 2

Farm Ownership and Purchasing Options

Land ownership is a long-term commitment. It may or may not be the right fit for you, depending on your business plan, finances and farming goals. Ownership gives you more control over the property and allows you to build equity. Ownership typically has upfront costs and ongoing expenses (such as taxes and maintenance).

Some farmers choose to start on leased land and purchase in the future. You will decide if ownership works for you based on your business needs and the financial risks and benefits of each choice.

Traditional Sale

Buying land at market price is often expensive.

This may, or may not, make financial sense for you, depending on your business plan and type of farming. The market price of land is influenced by many factors. Your business plan will help you determine how much money you will have available for the initial land payment and for on-going costs such as *mortgage* payments, yearly maintenance and upkeep, insurance, and property taxes.

If you are exploring a purchase, visit the following resources for more information on the costs and steps involved (National Young Farmers Coalition):

- Finding Farmland Calculator
- Real Estate Transactions Step-By-Step
- Finding Farmland Online Course, Lesson 8: Buying Farmland



STEP 2

Financing a Purchase

Purchasing a property often requires getting financing through a *lender*. This is very common, as most buyers of farmland do not have enough money to purchase the property without borrowing money. Financing means borrowing money through a loan or mortgage, either from a bank or other lending organization, or even from friends or family. Some common financing options for farmers are listed here.

Farm Service Agency (FSA), a part of the United States Department of Agriculture, offers loans to help farmers and ranchers get the financing they need to start, expand or maintain a farm. They can help you figure out if you are a good fit for their programs, or if you are better suited to work with a traditional bank or other lender. FSA also has a special loan program to help socially disadvantaged or beginning farmers purchase a farm. Most counties have an FSA office that can help you learn more about their loan programs. You can read more in their Guide to FSA loans.

If you need help clarifying the process, visit the plain language <u>Applying for an FSA Loan</u> (New Entry), or <u>Farm Service Agency Loans: The ins and outs of growing a farm with federal loans</u>. (National Young Farmers Coalition).

Farm Credit East is also a lender for farmers in the Northeast. They are a financial cooperative with loan officers who understand farm businesses. They can help farmers submit their application to the FSA for a *guaranteed loan*. They are part of the Farm Credit System, a nationwide network providing credit and other services to farmers, and they have many programs specifically designed for beginning farmers.

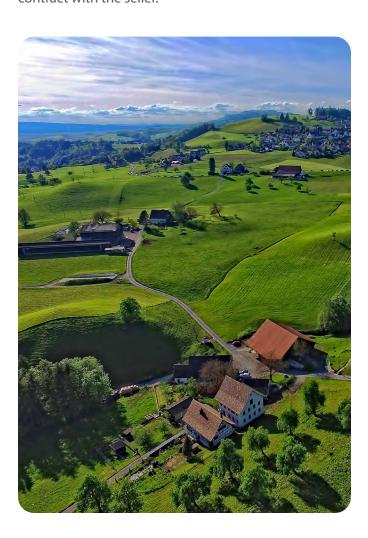
The Carrot Project is a non-profit organization supporting New England farmers by offering business planning assistance, loans, and help understanding financing options. Their mission is to support agricultural businesses by breaking down financial barriers and building their path to sustainability. Services include explanation of FSA programs, program requirements, and eligibility; help determining which programs are the best fit for your farm; help with the application process; and help with preparing applications and gathering the necessary paperwork.



STEP 2

Purchase with Seller Financing

Some sellers are willing to offer *seller financing*. Instead of getting a mortgage from the bank, you make payments directly to the seller. The payment schedule and rate are written in a contract that you and the seller sign. This way, you do not have to pay brokerage fees to the bank, and neither does the seller. This works well if you have a good relationship with the seller, and if the seller does not need to be paid in full right away. You should consult with an attorney to help draft this contract with the seller.



Agricultural Easement

Agricultural easements are used to keep farmland available for farming and restrict future building or development on the land. It is a type of conservation easement and is legally attached to the deed of a property forever. Easements are formed when the development rights to a property are sold to a land trust or the state. This reduces the cost of the land for future buyers.

If an easement is not in place on the property that you would like to purchase, you can work with a land trust to explore an agricultural easement. You might see if and how it changes the purchase price. It is recommended that you participate in the development of the easement. This way, the easement can better match your needs and future farm plans. Keep in mind that it can take a year or more to finalize an easement. Some sellers may not be able to wait that long to sell the property.

Some states operate their own farm easement programs. For example, Massachusetts has an Agricultural Preservation Restriction (APR) program run by the Massachusetts Department of Agricultural Resources. You will need to check with an advisor or search online to find your local land trusts and check if your state has an agricultural easement program.

STEP 2

Farm Leasing Options

Many farmers decide to lease land instead of buying it. Some farmers buy the farmland they need for their business, then lease additional land. Leasing land can be a good way to secure farmland that you do not own, if the lease is well written. This is a short overview of types of leases.

Lease Length

A lease term is how long the lease lasts. It is very important to think about how many years you want your farm lease to last. Do you feel comfortable making a commitment to land for a certain length of time? Or are you still testing the land, your business, or the community? Perhaps you need a long-term commitment from the *landowner* in order to make improvements and invest your time and money in the land.



▶ Short-term Lease

A short-term lease can allow you to have a trial period before making big payments or investments in the land. Short-term leases can range from one to five years. However, it can be difficult to make long-term decisions. If you invest in improving the soil or building structures and then your lease ends, you may not get the full value of the money you spent. It is common to start with a short-term lease and then change to a longer-term lease. This gives both you and the landowner time to think about what a long-term arrangement might include.

▶ Long-term Lease

Some leases have longer terms than others. Longer lease terms can range from five years to 99 years. Make sure you and the landowner are clear about what you mean when you use the term "long-term lease." Long-term leases are more secure for you as the farmer. You will know you can be on the land long enough to make longer-term decisions and improvements. However, not all landowners are willing to agree to a longer-term commitment.

Rolling Lease

A rolling lease can be a clever way to use ideas from a longer-term lease, but with a short lease term. A rolling lease means that the lease term automatically extends at the end of each year for another full term. For example, in a three-year rolling lease, at the end of each year another year will be added, and the lease term will still be three years, extending the end date of the lease. Rolling leases allow you, as the farmer, to get several years' notice if a landowner wants to end the lease. And it allows the landowner to commit the land for a shorter period of time.

STEP 2

Payment Options

Cash Lease

In a cash lease, you and the landowner agree to a set amount of money that is to be paid each year. The payment schedule can be negotiated. For example, you could agree to pay a small portion of the annual rent at the beginning, and a larger portion at the end of the season.

Crop/Livestock Share

In a crop/livestock share, instead of a set amount of money, the rent is a portion of the total (gross) income from the crop. This is a way to share risk (and benefits) between you and the landowner. A crop/livestock share needs to be well thought out to make sure you are not giving away too much of your income as rent in a good year.

See <u>Appendix B</u> for information on determining farm rental rates.



STEP 2

Lease with Option to Buy

Right of First Refusal

If the landowner wants to sell the land while you are leasing it, you get the opportunity to buy it first with a right of first refusal in your lease. If the landowner wants to sell it to someone else, you get the opportunity to buy it at the price offered by the other buyer. This way, you can have a chance to purchase the property if it ever goes up for sale while you are leasing it. However, there is no guarantee that it will ever go up for sale, that you will like the price, or that you will be financially ready to purchase it. It is a helpful option to make sure you have an opportunity to consider purchasing the property if it is ever put up for sale.



Purchase Option

With a Purchase Option (sometimes called Option to Purchase or Option Agreement) in your lease, you and the owner decide on a purchase price and a future purchase date or date range. This allows you to start out by leasing the property, with the knowledge that you can decide to buy it later (or not!). The landowner is committing to selling it to you and a price is determined. You must pay some amount for this option when you first sign the lease. The amount is often small compared to the price of the property, and it is agreed on by both parties. Sometimes, your annual rent money can count toward your initial down payment. A Purchase Option requires a landowner who is willing to commit to selling their property at a future date and who is also willing to wait some time before doing so.

For further details and additional options, see the guide entitled, <u>Farm Access Methods: A Decision Guide</u> (Land For Good), and the publication <u>Finding Land to Farm: Six Ways to Secure Farmland</u> (ATTRA Sustainable Agriculture).



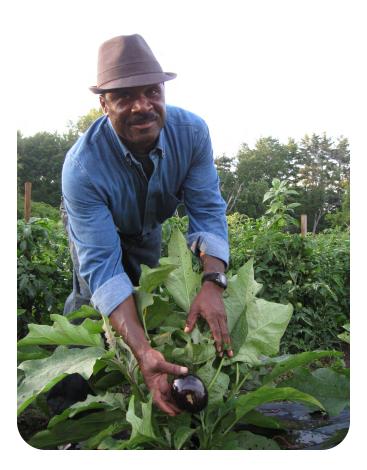
A Grower's Story

Farmer Adisson, a trained agronomist, farmed in Haiti for many years before moving to the United States. He came with a wealth of experience growing vegetables, but he needed help transitioning his experience to the Massachusetts climate and local business culture. After participating in New Entry's Farm Business Planning Course, field trainings, and farming at their incubator farm training sites for a number of years, he was ready to start farming independently.

As Adisson completed his last season at the incubator farm, he was ready to transition to his own land. He noticed a plot of land for lease that was just the right size for him and located between where he lives and works. The New Entry staff helped Adisson set up a meeting with the landowner to talk about their options.

In late January, Adisson visited the land. Addison and the landowner got along quite well. Addison could see himself farming the small plot, and the landowner was excited to have a farmer working the land. With the help of New Entry and a local attorney he connected to through the Legal Food Hub, they worked out a lease that satisfied both of them, making sure to talk about all the aspects of the farm business, including organic practices, working hours, farm guests, shed and equipment storage placement, hoop house construction, cover crop practices, parking, and even bathrooms! The two were about to sign a lease agreement when the landowner remembered that the plot of land was within close distance to a regulated wetlands area.

The Department of Environmental Protection in Massachusetts requires a 100 ft. buffer zone around wetlands in which there cannot be any disturbance to the land. However, new farming activities can apply for a special permit from the local *conservation* commission to use land within this buffer area. To prepare to go before the local conservation commission, Adisson met with a conservation planner from the Natural Resources Conservation Service (NRCS) to learn more about his farm plot. In early April, Adisson and the landowner attended a North Andover Conservation Commission meeting. Adisson presented the commission with his farm conservation practices. They approved his application with a restriction not to disturb the soil within 25 feet of the wetland, and, soon after the meeting, he signed a lease to farm in North Andover.



But securing land is just the beginning of Adisson's challenges.

Turning a field of grass into productive farmland is not easy. He called on a local farmer to plow the land for him for the first time. He will need to set up a separate water meter in order to use town water to irrigate his crops. He will need to secure a walk-behind tractor to form his vegetable beds and keep weeds down. He will also need to build a shed to store his tools on site.

Luckily, Adisson was well connected to the Merrimack Valley Small Business Center in Lowell (a Community Teamwork, Inc. program) and applied for a microloan to expand his farm business. After a season of experience on this new property under his belt, he had planned to take advantage of USDA NRCS cost-share programs to expand his farm infrastructure.

Announce Your Farm Search

STEP 3

Now that you have a good idea of what you are looking for in a piece of land, where you want to farm, and what kinds of agreements can be made to access farmland, it is time to start your land search!

Consider these tools and strategies to find farmland:

1. Post a farm seeker profile on New England **Farmland Finder.**

On this farm link website you can describe your business or experience, what kind of land you are looking for, how many acres you are seeking, and where you are looking to farm. You can also search for available properties on this farm linking site and sign up for weekly email notifications about new properties.

2. Make a flier to showcase who you are and → what kind of land you are looking for.

Post it at conferences and meetings. Tack it to bulletin boards at your co-op, suppliers, library, local farm organization or other local businesses. Hand it out! While farm linking sites are increasingly popular, some landowners are just as eager to find a farmer the old-fashioned way.

3. Use your networks.

Ask around. Put yourself out there! Inquire at your state department of agriculture, conservation district, Farm Bureau, Extension, and trade groups. Network at conferences. Check with any buy-local groups, farmer training and education programs, lenders, local town boards (such as agricultural or conservation commissions), neighbors, church members, and suppliers. Spread your word at mixers, twilight meetings, and workshops. Inform local and regional land trusts about your interests. This is where a one-page flier can really shine, both in hard copy and electronically.



Looking to sell or lease cleared land? Do you have unforested land in fallows, old fields, or abandoned pastures?

I'm a chestnut grower looking for open land And help you reduce your taxes!

I'm interested in

Background

I'm a chestnut grower working with local growers, land-owners, and allies to launch a northeast chestnut industry. We are planting chinese chestnut orchards for nut production, and planning for processing infrastructure to produce gluten free flour, psatas, paneakses, and pastriss. These trees play a vital role in adapting our farms to climate change, drawing down carbon, reducing eroselo reforms across the region. Don't hesitate to contact reme.

Announce Your Farm Search

STEP 3

4. Get assistance.

New England Farm Link Collaborative members (Connecticut Farm Link, Maine FarmLink, Vermont Land Link, and Land For Good) provide various one-on-one services to get you started and support your search. To get started, email these providers, based on your current or desired state(s). To see all that these programs offer, check out the New England Farm Link Collaborative program guide.

- Connecticut: farmlink@ctfarmland.org
- Maine: info@mainefarmlink.org
- Massachusetts, New Hampshire or Rhode Island: info@landforgood.org
- Vermont: vermontlandlink@intervale.org

5. Work with a real estate professional.

Some real estate agents and buyer brokers care about farming and farmland and will be motivated to help you, even if they don't know a lot about soils or farm infrastructure. Be clear what you are looking for, the locations, and how many acres of farmland you need.

6. Look at other posting/listing sites.

Check out MLS (Multiple Listing Service), Zillow, Trulia, and even Craigslist. In NH, take a look at NH Farms And Barns Real Estate. The classified section of the local newspaper can be a good place to find land for sale and rent, or to post an ad yourself. Reading the local paper will also give you a feel for the culture of the community.



Announce Your Farm Search

STEP 3

It is important to promote yourself in the community where you want to farm. Practice telling the story of why you want to farm and what kind of land you are looking for. The more people you talk to about your goals for your farm business, the better your chances of finding land.

Some additional organizations that may be helpful to reach out to include:

Agricultural Commissions/ Committees

These town committees represent the farming community, promote agriculture, and protect farmlands and farm businesses. Members of the commission include established and new farmers in the town. They may know about available farmland. You can find contact information by calling the town or city hall or searching for their website.

Conservation Commissions

Most towns and cities in New England have a conservation commission who may be familiar with available local land. You can find contact information by calling the town or city hall or by searching for a website.



Land Trusts

A land trust is a non-profit organization that works to conserve land. Some land trusts focus on or include agriculture. They are in touch with many landowners and might be able to connect you with available farmland.

FSA County offices

Your local USDA Farm Service Agency may know landowners in the area who have land available to rent or sell.

STEP 4

There are many things to consider when you find a potential farm property. It can be helpful to write down what is necessary for your farm operation and what might be nice to have.

If you want help assessing a potential farm property, contact <u>Land For Good</u> or a <u>farm link program</u> in your region. They may also connect you with other service providers as needed.

General Access / parking	Physical Characteristics Land orientation	
Cell phone service coverage	☐ Microclimates	
☐ Housing / residence	☐ Soil type	
Restrictions / restricted uses	Topography	
	☐ Water resources	
Land Use, Infrastructure	Vegetation	
Availability and Maintenance		
☐ Barns ☐ Equipment sheds	Cultural / Community Considerations	
Farm office Farm stands Feed storage facilities Fencing	 Current tenant relations Neighbor relations Right to farm bylaw Zoning and allowed uses 	
Food processing facilities	Market locations/opportunities	
☐ Greenhouses	☐ Farm service providers in proximity, for	
 Irrigation, well, watering systems Potable water for washing produce Product storage facilities, coolers, freezers Livestock 	example businesses that offer equipment	
Power supply		
□ Roads	Use this checklist as a guide when talking with the landowners or visiting the property. Taking detailed notes can be helpful.	

STEP 4

Soil Assessment on the Computer

When you have found a possible piece of land, it is important to assess the soil. A key characteristic of farmland is its soil type. Soil type describes important, un-changing parts of the land, including things like rockiness, slope, how well the soil drains or holds onto water, and whether or not it can be tilled or plowed easily.

It is important to note that this is different from soil *testing*. Soil type doesn't change, whereas soil nutrient levels change over time and fertilizer or other nutrients can be added.

When assessing soil type, you can use online soil survey tools and make arrangements for a farmland visit.

Online Soil Survey Tools



The <u>USDA Web Soil Survey</u> is an online website tool that can tell you valuable information about soil. The scale is sometimes not as accurate for small *parcels*.



An additional tool is <u>UC</u>
<u>Davis SoilWeb</u>. UC Davis
SoilWeb is faster and easier
to use than the USDA Web
Soil Survey, and it can
be used on a variety of
computer types (desktop,

mobile, tablet). For detailed instructions on how to use this online tool, see <u>A Resource for Farm and Land Use</u>
<u>Mapping: UC Davis SoilWeb.</u> (Land For Good)



STEP 4

Farmland Classifications Defined

Farmland classification tells you which areas are best for growing food, feed, fiber, forage, or oil seed production. Each soil has different properties that make up its classification. There are four different classifications that are explained here:

Prime Farmland

Prime Farmland has good physical and chemical characteristics and very few limits for farming. In New England, this generally means that the soil is not very rocky, drains well, and is not highly erodible. If open, this land is tillable and should be able to be used for most farming purposes.

▶ Farmland of Statewide Importance

Farmland of Statewide Importance has some limitations for growing, but it is still important land in New England. This land may be steeper, stonier, wetter, or have a shorter layer of topsoil than prime farmland. In most cases this land is often tillable, but it might require more questions to determine what types of farming can be done.

Farmland of Unique Importance

Farmland of Unique Importance is land other than prime farmland that is used for a specific high value food or fiber crop. In New England, farmland of unique importance generally refers to areas that are wet most of the year and are suited for cranberry production.



Not Prime Farmland

Not Prime Farmland may have significant limits to farming use, especially tilling (or plowing) the soil. Areas marked as not prime farmland may be rocky, steep, poorly drained (wet), or have other reasons that limit certain types of farming. However, there may still be good agricultural uses for land labeled as not prime farmland. You could have animals use pasture on this land, or it may be a productive woodlot. Some small-scale farmers establish productive vegetable plots on non-prime land, especially if they're willing to think creatively about the shape and size of their fields or how much they want to invest in the soil.

Each piece of land is different, and the best use will be determined through experience, knowledge of the landscape, and the soil. The USDA Natural Resources Conservation Service (NRCS) can also help determine the best uses for a given piece of land. They have offices serving each county. Additionally, the landowner may be able to give you helpful information about what has been successful on the land in the past.

STEP 4

Zoning for Agriculture

It is important to make sure that farming activities are allowed on the parcel of land that you find. The activities allowed are determined through zoning. *Zoning* is a process for planning how parcels of land in a city or town should be used. It is called zoning because each town is split up into zones of land use. To find out the zone of your parcel of farmland, look at the zoning map for your town. This can be found on the town's website or by contacting the town or city hall.

The zoning code describes what and how something can be built on a certain piece of land or what activities can take place. What can be built or what activities can take place is called a *use*. Uses that are allowed on a piece of land can usually be found in the table of "permitted uses" on a town's zoning website.

Often, these uses fall into three categories: uses that are always allowed, uses that are allowed if you get special permission, or uses that are forbidden. It is important to note that if a use is not listed in the table of permitted uses, then it is not allowed.

You should check with the town's zoning officer to make sure what you want to do is allowed. If you want to do something on your land that is not allowed, you can submit a request through the town's zoning board of appeals to request permission, which is a called a variance. You may or may not receive permission even if you request a variance.



Zoning Research Example

Rebecca found the perfect piece of land to rent in a nearby town. The land was privately owned and located in a family's backyard. The land had a well on site, which was enough for the family's use and to irrigate an acre of vegetables. Rebecca wanted to make sure she was allowed to farm on the parcel of land. She went to her town's website and looked at the zoning map. She located her parcel of land and saw that it was in zone "RA." She found the definition of "RA" on the map and found it stood for Residential/Agriculture. Just to make sure that agriculture was allowed on the property, she looked at the table of permitted uses and found many agricultural activities were listed.

STEP 4

A Note on Water Access

Access to water is very important for many types of farming. Water can be accessed from a well, from surface water (like a river, pond, stream, or lake), or from city water lines. All these water sources will work for most types of farming. They vary in how clean it is to keep food safe. And they have costs associated with them.

Consider these important things with water access:

Well Water

Well water comes from a well (hole) dug into the earth. Some wells are deep; water from them is clean and flows well. Other wells are shallow; the water may not be as clean, and the well may run dry more easily. If a well has already been dug on site, then this can be the cheapest, most reliable source of water. If you plan to share the well with the landowner, other residents, or farmers, it will be helpful to learn the typical amount of water (volume) that the well can supply and who will get priority access to the water.

To dig a new well often costs tens of thousands of dollars. NRCS has a cost-share program for well digging if you have secure land tenure. You will also have to check with your town's water department to see if it is legal to dig a well. Once dug, you will need a well pump. Pumps often require electricity to run. If your farm does not already have access to electricity, it will be an extra expense.

Surface Water

If the property is near a stream, river, or lake, then it may be possible to pump water for your farming needs. Generally, this water is not drinkable by humans and so should not be used to wash crops for market. Many water sources are regulated by the town's water department or conservation commission. It is important to call the town before you decide to farm a piece of land to find out if this is legal to use the water source or if it requires a permit. Pump equipment usually ranges from \$1,000-\$5,000.



STEP 4

Town or City Water

Town or City Water may be available if the town offers a public water supply that runs to the property. Towns and cities that offer public water treat it for residents' drinking and other water needs. It is clean water and can be used to wash crops for market. Town water costs money. For irrigation, a farmer only needs to pay the water cost and not the sewage cost. Some townsbut not all-have a reduced water rate for agricultural irrigation. If water is coming from a house, then a water split can be installed with a separate meter to measure just the irrigation water. To install a water split, a professional plumber needs to be called, and this process could cost between \$500-\$1,000. You only need to install a water split once but you will have to keep paying for town water every year.



Negotiate an Agreement

STEP 5

Once you have found a property that fits your needs and vision, you will need to work out, or negotiate, an agreement.

If you are moving forward with a purchase agreement, you may want a trusted advisor, real estate agent, and attorney to assist you. They will be able to advocate for you, warn you of risks, make you aware of costs and the steps involved. Exploring your financial situation and loan options will be key before pursuing a purchase as outlined in this guide.

If you are going to lease land, it is helpful to work with an advisor to support you through the negotiation process. It is recommended that you have your own lawyer, who is different from the lawyer that works for the *landlord*. The lawyer should review the final legal documents.

Clear communication with your future landowner (or landlord) is key. Frequent and clear communication can help keep the relationship working, and it gives you the chance to talk about issues as they arise. Make sure you have a clear message about the kind of farming you want to do and what activities are involved to make your business successful. For instance, do you want to install a hoop house or a storage facility on the land? How often do you need to till or tend to your animals? Your lease can outline activities that are allowed on the land, as well as ways to work out any disagreements with your landowner.

See Appendix A, Elements of a Good Farm Lease.



Legal Considerations

In New England, you can visit the <u>Legal Food Hub</u> for referrals to attorneys. If you meet the income requirements, you may be able to get a lawyer to help you for free. <u>Land For Good</u> can help you navigate issues of agreement terms, but a lawyer is necessary to ensure it is legal. Always consult a lawyer before you sign an agreement.

Liability Insurance

For your farm business, you must obtain *liability insurance* for your farming operation and products. The cost may be only a few hundred dollars per year, depending on your operation. Some landlords want to be listed as an additional party on the farmer's insurance. This is a common practice. To find liability insurance, talk to other farmers, check listservs and message boards, and ask service providers if they know of any reliable insurance companies you could try. It is helpful to find an insurance company that understands farming. Be sure to tell the insurance agent what activities you will be doing on the farm and where you will be selling your products.

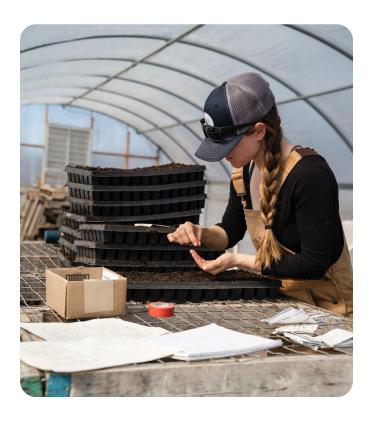
Begin Farming: Tips & Resources

STEP 6

Once you have found, assessed, and secure land for your operation, here are more tips and resources to help you get started:

Take It Slow

Keep in mind that transitioning to your new farmland can offer just as many challenges as your farmland search. Each piece of farmland is different, and every community offers its own rewards and challenges. Give yourself plenty of time to plan for your transition, ask for outside help, and start slowly. This will help make the transition run smoothly.



Start Small

Some farmers find it helpful to start small in their first year on a new piece of land. You will have to consider what works for your business plan and future vision. There will always be unexpected challenges in the farming season. And a new piece of land will probably have even more. Starting small allows you to get used to the new piece of land and learn what works and what does not work.

Do Your Research

Take time to understand and research:

- ▶ **Soil and Land Characteristics.** Where are the best spots for your farm production? What places would be most suitable for a hoop house, equipment shed, or animal housing structure?
- Water Resources. Will you have to pay for city water? Do you need to install a new pump for river water? Do you need a permit for any of these actions? What kind of irrigation system will make the most sense?
- Your Equipment Needs. Do you need to rent equipment? Where are the nearest equipment rental stores? Do you know other farmers in the area that will let you rent their equipment, or can you hire their services?
- Agricultural Inputs. Where will you get your farm supplies for the season? Can you mail order them or do you need to find a local supplier? Are there farmers in the area or farmer cooperatives that will share large orders of supplies with you? Who will you ask if you can't find what you're looking for?

Begin Farming: Tips & Resources

STEP 6

Special Permits and Regulations. Do you need to get a special permit from the conservation commission to disturb the land close to wetlands? Do you need to apply to the zoning board to build a structure? Does the board of health have special regulations you must follow?

Explore Available Services & Grants

- Conservation Planning. Your local NRCS can help you evaluate your farmland. They have information on soils, water, and the history of your land. They can help you plan what part of the land will be best to help you reach your farm goals. See the Resources section for more information.
- **Environmental Quality Incentives Program** (**EQIP**). This is a cost-share program for farmers who want to improve their farm so their business will have a better impact on the environment. EQIP money is available in New England for practices such as building high tunnels, on-farm energy projects, and conservation practices related to taking care of the soil and organic production. If you are leasing land, keep in mind that your lease term must be as long, or longer, than the requirements of the EQIP grant. The program is administered by the NRCS.
- ▶ Agricultural Management Assistance (AMA).

 This program, administered by the NRCS, offers
 a cost-share program to help farmers install new
 irrigation systems to help when the weather is dry
 (drought). This program also requires a lease term to
 be at least as long as the term of the grant.

Farm Service Agency (FSA) Loans. Loans are available from the FSA for more than just purchasing your land. There are also loans available to farmers to expand their farm business or to cover costs. These loans are given to farmers who have been denied a loan from a traditional bank. For more information, check out How to Be Ready to Apply for an FSA Loan (New Entry).



Good Luck!

Finding, assessing, and securing your land is hard work and requires dedication. This process is also rewarding and can help you to continue and grow your farm business in the way you choose. You will likely continue to update and change your business plan as you get used to your new land and adapt to the markets around you. Enjoy your new land, and good luck!

Glossary

Acre - A measurement of land, equivalent to 43,560 square feet, or 0.405 hectares.

Agricultural Commission/Committee

- Committees established by town vote. The commission's role is to represent the farming community, promote agricultural development, and protect farmlands and farm businesses.

Agricultural Easement - A specific conservation easement that protects farmland by, in part, restricting future non-farm development and subdivision.

Beginning Farmer - According to the US Department of Agriculture, someone who has farmed for fewer than 10 years is a beginning farmer. You are also considered a beginning farmer if your farm operation is fewer than 10 years old.

Conservation Commission - A committee charged with protecting open space and wetlands. Because of both of these roles, they often manage farmland and/ or know of available farmland in a given town.

Equity - A financial term describing the value a bank or financial institution considers you to have. Equity is important if you want to be eligible for bank loans and other financial benefits. Many farmers build equity by buying farmland and farm equipment, or through building and owning farm structures.

Farm service providers - Businesses and non-profit organizations that help farmers farm. These include businesses like tractor equipment or seed supply stores and non- profit organizations who help train farmers or connect them to markets.

Farmland classification - A tool used to categorize the many different kinds of soil in the US. It distinguishes whether or not agriculture is suitable for a certain type of soil. It identifies the location and extent of the soils that are best suited for growing food, feed, fiber, forage, or oil seed production.

Land Trust - A non-profit organization that actively works to conserve land. They can do this by acquiring the land itself, acquiring a conservation easement for the land, or providing oversight for the conservation easement.

Landowner - The property owner. It can be an individual, family, business, or governmental agency.

Landlord - The lessor or owner of a property that is leased to a tenant.

Lease - A legal contract between the landowner and tenant that allows the tenant to use the land for a certain period of time. See <u>Appendix A</u> for what to include in a good lease.

Lender - A person or entity that makes a loan. Traditional lenders include banks. Special lenders for agricultural purposes include the FSA and Farm Credit.

Liability Insurance - A type of insurance that protects the landowner, farmer, and/or farm business from risks of farming activities. Liability insurance is a business necessity for most farm operations. Landowners and farmers may each want to hold insurance and clearly note in any agreements who is responsible for what.

Loan - Borrowed money that will be paid back over time. The payments will include paying back the original loan and interest on the money borrowed.

▶ **Guaranteed loan** - A promise by a third party to cover the debt if a buyer cannot fulfill payments to the seller. The guarantee reduces the financial risk for sellers. This can make it easier for buyers with limited credit history or equity to make a land purchase.

Mortgage – A special loan given by a bank to a purchaser to buy a "fixed asset" like a home or farmland. Mortgages are usually repaid to the bank through monthly installments to pay down the initial loan and the interest on that loan.

Parcel - A section of land that is owned by the same person or entity.

Right to Farm - Towns can choose to adopt a "Right To Farm" bylaw to declare that the town is supportive of agriculture. A "Right To Farm" town usually has steps in place for conflict resolution between farmers and other landowners and takes steps to inform new residents about agriculture in their town. While farming in a town with a Right To Farm bylaw can be a good sign of community support, you still must adhere to all state and local laws related to farming and local zoning.

Seller financing - A loan provided by the seller of the property to the buyer. The buyer will make a down payment to the seller and then make payments over time to pay for the rest of the property. Interest is normally included in these payments.

Socially disadvantaged farmer - The US

Department of Agriculture defines socially disadvantaged farmers and ranchers as those belonging to groups that have been subject to racial or ethnic prejudice. This includes farmers who are Black or African American, American Indian or Alaska Native, Hispanic or Latino, and Asian or Pacific Islander. For some, but not all, USDA programs, the socially disadvantaged farmer and rancher category also includes women and veterans.

Tenant - Someone who occupies a building or land that is owned by someone else.

Tenure - Tenure means "to hold." In the context of this guide, tenure refers to acquiring farmland or a farm, through ownership or leasing.

Use - In the zoning code, a "use" is a type of building or activity that is allowed or forbidden on a given parcel. Zoning codes and uses vary from town to town. For example, if a parcel is zoned RA, then residential and agricultural uses are allowed on the parcel.

Wetlands - An area of land that is often saturated with water. This high water is the major factor influencing the soil, plants, and animals on that land. There are often restrictions on what is allowed on land classified as a wetland.

Zoning - A process that towns and cities use to plan how certain areas of their community should be used. Each parcel of land is located in a certain zone in the town that dictates what is allowed and what is not allowed on that parcel.

Resources

Land Link Support

Connecticut FarmLink helps connect farmers seeking farmland with retiring Connecticut farmers and other farm property holders. FarmLink also offers limited onsite consultations of properties for both farmers and farm owners. ctfarmlink.org

Land For Good offers education, advising and technical assistance on farmland access, tenure and transfer. Land For Good works with farmers seeking land, owners and managers of working lands, and other land use decision-makers across New England. landforgood.org

Maine FarmLink helps connect farmers seeking farmland with retiring Maine farmers and other farm property holder who wish to see their land farmed. mainefarmlink.org

New England Farmland Finder helps connect farmers seeking farmland with retiring farmers or other farm property holders across New England. Farm seekers can also create profiles explaining their farming experience and plans. newenglandfarmlandfinder.org

Vermont Land Link helps connect farmers seeking farmland with retiring Vermont farmers and other farm property holders. <u>vermontlandlink.org</u>

Legal

Farmers' Legal Action Group (FLAG) is a nonprofit law center dedicated to providing legal services to family farmers and their rural communities to help keep family farmers on the land. <u>flaginc.org</u>

Farm Commons provides legal workshops and trainings, resource guides about farm law and managing legal risk, and an online community for farmers, ranchers, and their service providers. farmcommons.org

Legal Food Hub provides pro-bono legal assistance and referrals. It also hosts many online legal resources. <u>legalfoodhub.org</u>

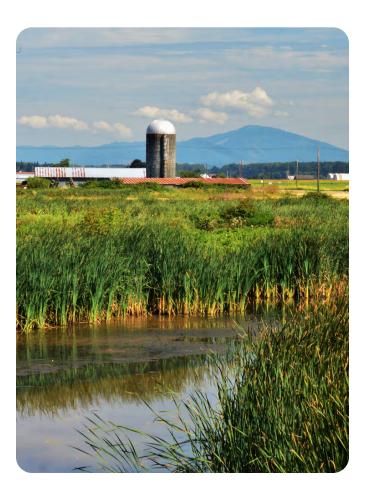


Financing

Carrot Project is a non-profit organization supporting New England farmers by offering business planning assistance, loans, and help in navigating financing options. thecarrotproject.org

Farm Credit East is a specialized lender and financial services leader committed to Northeast agriculture, commercial fishing, and forest products and industries. farmcrediteast.com

Farm Service Agency (FSA) manages commodity, disaster, credit, loan, and conservation programs for the USDA. <u>fsa.usda.gov</u>



Additional

Land Trust Alliance empowers and mobilizes land trusts to conserve land — and connect people to the land. Find information and locations of land trusts. landtrustalliance.org

Natural Resources Conservation Service (NRCS)

is an agency of the US Department of Agriculture with state and county offices across the US. NRCS staff can assist farmers and landowners in making conservation plans to improve their farm operations and protect the land's natural resources. Grants and technical assistance are available. nrcs.usda.gov

USDA Service Center Locator is designed to be a single location where customers can access the services provided by the Farm Service Agency, Natural Resources Conservation Service, and the Rural Development agencies. This locator will provide the address of a USDA Service Center and other Agency offices serving your area along with information on how to contact them.

offices.sc.egov.usda.gov/locator/app

Appendix A: Elements of a Good Farm Lease

A clear and detailed lease agreement will help you maintain a good relationship with your landlord and help you to resolve disputes that may come up. Below are common elements in a farm lease. Start out by thinking through—and writing down—what you would like for each section.

Always consult with a lawyer before signing a lease.

- **1. The Parties** Be clear about the identities of the landlord and the tenant. The lease should specify whether the party is an individual, LLC, corporation, or some other entity.
- 2. **Description of the Property** The description should be sufficient to allow a stranger to identify the location of the property. The description should include the address, a map, and relevant specifics about the parcels being leased. A description of the initial condition of the property, including any structures, should be included. Typically, a dwelling should be leased separately, with the property immediately surrounding it as part of the residential lease.
- **3. Duration of the Lease** The start and end dates, and options for extension or renewal. The lease should also state whether it stays with the property if ownership transfers. FILE at REGISTRY.
- **4. Rent** Payment (known as the "consideration") must be specified, even if it is no cost. There are various ways to calculate the rent. In a non-cash agreement, the type and frequency of services or the crop-share amount should be specified. If there are penalties (e.g., interest) for a late payment, those should be specified as well.
- **5. Taxes** –Responsibility for property and any other tax payments should be specified.
- **6. Utilities** The lease should specify who is responsible for utility bills and what entity will be named on each utility account.

A well-written farm lease doesn't have to be complicated, but it should have a solid legal foundation and reflect the interests and goals of both parties. Check out the free online <u>Build-A-Lease Tool</u> (Land For Good) that can help you draft a working version of a lease agreement that that you can share, review, and edit with your attorney and landlord. <u>You can also find a digital version of this Appendix online</u>.

- 7. **Permitted and Prohibited Uses** This is an important section. The lease should clearly define the permitted and prohibited uses of the property. What kinds of farming will be allowed? What counts as agriculture? Does a cordwood operation qualify as agriculture? Commercial composting? A corn maze? Aquaculture? Definitions and perceptions of farming evolve, so it's important to be both clear and flexible. Address whether farm-related education or non-agricultural uses such as recreation will be permitted. A landowner may also prohibit certain activities, e.g., removing trees or gravel.
 - Landowners may want to specify whether the land is to be limited to certain types of production, for example, only pasture or hay land, or to other restrictions or requirements regarding uses appropriate to the soils or topography of the farm. A map indicating where certain practices are allowed or prohibited is useful. It's recommended to include a process for the tenant to request permission or clarification regarding uses. For example, the lease may say that removing trees is prohibited except as approved by the landowner in response to a written request by the tenant.
- **8. Entry** The lease should specify whether the landowner has permission to enter the property, and if there are limitations to such entry. For example, requiring the landowner to give 24 hours notice about a visit. Can landlord's family members walk or picnic on the leased property?
- **9. Maintenance and Repairs** The lease should specify who is responsible for maintaining and making repairs to the land and any structures included in the lease, such as fences, buildings, storage structures, roads and irrigation systems. Repairs and maintenance are fertile areas for disagreements and disappointments between landowner and farm tenant. The distinctions among maintenance, repairs and improvements should be spelled out as clearly as possible. Typically, the tenant is responsible for basic maintenance and routine repairs. The landlord is usually responsible for major repairs, rehabilitation, and replacement of farm structures or systems. A process spelled out in the lease for the parties to decide when there is some question can save miscommunication and tension down the road.
- **10. Alterations and Improvements** The lease should specify who is responsible for improvements such as new structures or major alterations, along with the process for approval, and who bears the cost. It should specify whether such improvements are considered permanent fixtures and become the property of the landowner (compensating the tenant or not) or whether they may be removed by the tenant at the end of the term.
- **11. Stewardship and Conservation** In this clause, the parties can specify what practices may be required or encouraged. Often, it's good to reference a separate stewardship plan as an attachment to the lease. The plan can be reviewed and revised annually. A lease may specifically encourage or require the development of a conservation management plan, a waste management plan, or a grassland habitat management plan.

- **12. Subletting** The lease may specify whether subletting is permitted and under what conditions. Farm leases typically do not allow subletting without some controls by the landowner such as prior review and approval of the sublease terms and sub-tenant.
- **13. Termination** The lease should indicate the procedure for either party to terminate the lease. Tenants should always have a reasonable exit option. The lease should specify if and when notice must be given. On longer-term leases, the ability of the landlord to terminate without just cause should be limited, otherwise the long-term nature of the lease is undermined.
- **14. Default** The lease should specify what constitutes default by tenant or landowner. Default means that one of the parties to the lease has violated a term by failing to do something or by doing something not permitted by the lease. The lease should allow for the party to remedy the default, such as to pay the late rent or clean up a pile of trash and address any damages resulting from the default.
- **15. Monitoring and Reporting** The lease should specify how monitoring will be handled, whether there will be reporting between the farmer and landowner and what form such reporting would take. There may be a schedule of monitoring visits. The landowner may want someone familiar with farming to do the monitoring—a farming friend or a professional, for example.
- **16. Insurance and Liability** The lease should require the tenant to carry liability insurance, typically indemnifying the landowner. The landowner may carry casualty insurance on the structures. The lease should specify what will happen in the event the property is condemned or destroyed by fire or other casualty.
- **17. Dispute Resolution** A lease also may include a dispute resolution process, from a mutual commitment to engage in a facilitated conflict management process, to shared cost of formal mediation.

Appendix B: Determining Farmland Rental Rates

Land rental rates usually depend on three factors:

1. Type of Land

Rental rates are generally highest for tillable land, then hayland, and followed by pastureland.

For example:

- Tillable Land is land that is suitable for preparation and growing of crops.
- Hayland is land that is suitable for growing hay or other feed crops for livestock.
- Pastureland is land that is used for hay production or grazing livestock. Land that is very steeply sloped or has no nearby water access for livestock is not considered pastureland.

2. Use of Land

Rental rates are generally highest for land that will include intensive vegetable production versus commodity crop production. A hay farmer or a farmer with grazing livestock typically pays the least.

For example:

- Intensive Vegetable Production includes annual fruit and vegetable production where the farmer tries to harvest the most produce possible given the space.
- Commodity Crop Production includes crops that are typically grown in large volumes that are not sold directly to consumers, but to commercial markets. Examples are corn, soybeans, and wheat.



3. Buildings or Other Infrastructure on the Land

Rental rates are generally higher when there are existing buildings on the land due to the higher risk and cost of ownership.

Rental rates of buildings can be determined in several ways. For example, they could be based on capacity (i.e. how many bales of hay can the barn hold?), usefulness, repair costs, property taxes, or insurance payments. With any building, such as a barn or greenhouse, it is important to keep in mind potential maintenance and repair costs when determining rental rates.

There is also often non-productive land as part of the lease. Keep in mind that the best rental agreement comes from a conversation between the landowner and the new farmer. It can also be helpful to have a third party to facilitate these conversations.

DIRTI 5 Formula

One tool to determine appropriate rental rates for land and buildings is the DIRTI 5 formula. The formula will be different for each situation, so some items may or may not be included depending on your specific agreement.

- **D** Depreciation on the building over its useful life
- I Insurance that the owner pays
- **R** Repair costs
- T Taxes (property)
- Interest that the owner is paying on the building or an interest rate that provides a return on investment to the owner.



More on Land Rental Values

Check out this great resource, How to Determine the Right Farm Rental Rate (University of Vermont), to help you set an appropriate rental rate. It explains that the most common approach for owners and tenants to decide on a rental rate is to use area market rates, that you find by talking with other farmers or service providers in your area. Owners and tenants can set average market rates, then adjust up or down if needed by considering farm asset ownership costs, the portion of the tenant's business proceeds going towards rent, or other benefits in the lease arrangement that might discount the rental rate.

Farmland rental rates vary and are unique to each situation. After having a sense of the typical rate in the region, the rate may be adjusted based on the landowner's and farmer's needs and budget. A reference point for typical farmland rates in the region in 2022, according to Land For Good, a non-profit organization that works with farmers and landowners across New England:

- from free to \$35 per acre per year for pasture or hayland
- ▶ from \$50 to \$150 per acre per year for tillable land
- over \$150 (sometimes as high as \$200-\$400) per acre per year for prime tillable land; land that has an irrigation system may cost even more

These rates are for farmland and do not include equipment, infrastructure, buildings, or significant improvements which may make the rental rates even more expensive.

Appendix C: Business Plan Resources

Your business plan will help you decide what kind of farmland you need for your farm business. If you do not have a business plan, we suggest that you get assistance or take a class on farm business planning.

In addition to the list below, state and local non-profits, Cornell University, and many state departments of agriculture offer business planning courses. They may also offer help in finding a consultant to write your plan. Ask around to find resources local to you.

Beginning Farmers

Provides a list of many farm business planning resources.

beginningfarmers.org/farm-business-planning

Farm Aid

Provides financing and business planning resources.

farmaid.org/our-work/resources-for-farmers/farmer-resource-guides/financial-resources-farm-aid-resource-guide

New Entry Sustainable Farming Project

Offers plain language Farm Business Planning and crop production courses. Phone: 978-654-6745 nesfp.nutrition.tufts.edu/training/farmbusiness.html

SCORE

Helps small businesses start, grow and succeed. They are a national organization with local offices. They also have an online business-planning tutorial. Phone: 800-634-0245

score.org

The U.S. Small Business Association

Offers several programs and resources to help small businesses grow and succeed. They are a national organization with local offices. Phone: 800-U-ASK-SBA

sba.gov

University of Minnesota Center for Farm Financial Management

Offers free online software, "AgPlan," that provides guidance in writing your business plan. Phone: 800-234-1111 agplan.umn.edu

USDA (United States Department of Agriculture)

Provides a list of farm business planning resources.

farmers.gov/your-business/beginning-farmers/business-plan

December 2022

<u>Land For Good</u> (LFG) is a nonprofit organization with a mission to ensure the future of farming in New England by putting more farmers more securely on more land. LFG offers direct assistance, educational programs and materials, professional development and advocacy on farmland access, tenure and transfer.

New Entry Sustainable Farming Project is an initiative of Tufts University's Friedman School of Nutrition Science and Policy and works locally, regionally, and across the country to strengthen local food systems by supporting new farmers. New Entry's mission is to foster resilience in local, regional and national food systems by training a new generation of farmers to produce food that is nutritious, culturally connected and accessible to all individuals. In doing this work, New Entry develops economic opportunities for new farmers, generates new knowledge, and facilitates connections to the land to build thriving communities.

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