

GROUP EFFORT SAVES NATION'S FIRST CSA FARM

by Susan Witt

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Elizabeth Keen and Alex Thorp farmed at Indian Line Farm for two seasons with the dream of turning a temporary arrangement into a permanent responsibility. The 16.69-acre farm on Jug End Road in South Egremont, Massachusetts, has rich silt loam, ideal for growing vegetables and small fruits. A white house, large red barn, and several sheds overlook the fields. Jug End Mountain on the Appalachian Trail rises in the south and beautiful mountain views are found to the east. The farm fields abut 82 acres of preserved wetlands, a critical part of the Karner Brook ecosystem. Water quality in the brook and wetlands is sustained by public and private efforts that, over the past five years, have protected more than 1,300 acres in the watershed.

Keen and Thorp grew organic vegetables to sell at the nearby Great Barrington Farmers' Market and built up a core group of shareholders who came each week to the farm for their part of the harvest. But the right to farm was dependent on the good will of the owner at the time. When the farm came up for sale, the two could not afford to purchase both the high-priced Berkshire land and the buildings. If the farm were to stay in active vegetable production, it would take community effort.

With the help of the E. F. Schumacher Society, the farmers joined the Community Land Trust in the Southern Berkshires and the Berkshire Taconic Landscape Program of The Nature Conservancy in a partnership to purchase Indian Line and maintain it as an organic farm. In the process they established a model for community involvement in providing small-scale market farmers affordable access to farmland.

History of Indian Line

Indian Line Farm is located at the northern boundary of a mile-wide strip of land stretching from the Hudson River in Kinderhook, New York, to the Housatonic River in Sheffield, Massachusetts. The corridor was originally deeded to the Housatunnuck Nation in 1736, securing access to both rivers for the tribe. Later the tribe sold the land and for much of the 1900s the farm was an active 125-acre dairy farm.

The late Robyn Van En, farmer and activist, moved there in 1983. Searching for ways to create an economically viable organic farm, Robyn joined with members of her neighborhood and Jan Vandertuin, who had learned about community farming in Switzerland, to create the first Community Supported Agriculture (CSA) farm in North America. Until her sudden death in 1997, Robyn was a passionate advocate of CSA as

a way of maintaining viable small-scale farms and strengthening rural communities. Today there are over 1,000 CSA farms in North America.

Van En's son David inherited the farm and encouraged Keen and Thorp to keep it in active vegetable production. But after two years of trying to maintain an old house and make mortgage and tax payments, he realized he would have to sell his mother's farm. That reluctant decision put the community initiative in motion.

The offices and library of the E. F. Schumacher Society are only a mile's walk from Indian Line. Over the years Robyn Van En spent much time discussing land ownership questions with the Society's president, Robert Swann, founder of the community land trust movement. One of the key questions was: With the high price of land, how could young farmers enter into farming?

In 1990 the Schumacher Society published a concept paper titled "A New Lease on Farmland for the Northeast." The paper argued for a partnership between community land trusts and conservation land trusts to ensure a method for passing on farmland and farm homes in an affordable manner from generation to generation of farmers. Through the careful crafting of a long-term lease, the farmer would have positive incentives for working the land sustainably, improving the soil and adding perennial stock.

Frank Lowenstein, director of the Berkshire Taconic Landscape Program of The Nature Conservancy, read "A New Lease on Farmland" after The Conservancy purchased open fields on Jug End Mountain behind the Schumacher Library. Lowenstein suggested forming the partnership to save Indian Line Farm, which abuts fragile calcium-rich wetlands that are home to more than a dozen rare species. Such wetlands were once more common up and down the eastern seaboard before development consumed so many acres of productive land. Similar wetlands in three nearby towns form one of The Nature Conservancy's national focus areas in an effort to protect our natural heritage. Lowenstein was interested in maintaining the quality of these wetlands through the continued use of wise stewardship practices on the farm.

The Community Land Trust in the Southern Berkshires was a natural ally for the project. The Trust owned two properties with a total of twenty-three leaseholds. Its ten acre Jug End Road site includes the Schumacher Library, four residences, and an apple orchard. The basic achievement of the community land trust legal documentation is to separate the value of the land from the value of buildings and other improvements on the land such as fences, soil fertility, and perennial stock. Land, a limited natural resource, is removed from the market and held in trust by the community land trust while the value created from labor applied to land (buildings, agricultural crops) is the private equity of the person creating the value (the lessee of the land) and is exchangeable in the market place.

The first step of the partnership was to obtain several professional appraisals of Indian Line, which showed a land value of \$100,000 and a building value of \$55,000. Though the farm has less than 17 acres, a building lot on Jug End Road is considered a

prime location for vacation home owners from New York City. Since the buildings at Indian Line Farm were all in poor condition, they would probably be taken down by a vacation home owner and a new house built to take in the view down the valley. But to farmers, they were worth repairing. David Van En entered a contract to sell the farm for the \$155,000 appraised value. Fundraising could begin.

After lengthy inspection of the house, barn, and sheds and a careful examination of potential farm income, Keen and Thorp agreed to purchase the buildings on the site for \$55,000. They planned to spend an additional \$20,000 and a lot of sweat equity to bring the house into reasonable repair. Family and friends signed up for work parties and a local bank approved the mortgage.

The Nature Conservancy staff could justify spending up to \$50,000 for conservation restrictions on the property to assure that building and farming practices did not adversely affect the wetland area. That left \$50,000 for the fee simple title to the land. The Community Land Trust raised it through a general appeal to the local community.

In June of 1999 the Community Land Trust in the Southern Berkshires purchased Indian Line Farm, simultaneously selling the buildings to Keen and Thorp and conservation restrictions to The Nature Conservancy.

Lease Terms

As a result of the purchase, the Community Land Trust holds title to the land and leases it to Keen and Thorp on a 99-year basis, providing security of tenure. The lease guarantees the lessees ownership of the house, barn, other out-buildings, and farm improvements, enabling the farmers to build equity as a direct result of their work.

In order to raise the \$50,000 the private citizens who donated to the project needed to know that the Community Land Trust would not be coming back next year to refinance the same farm — that their one donation would keep the farm affordable for future farmers and actively farmed. The lease is an effective tool for protecting agreed upon ecological, economic, and social objectives.

The lease requires that the buildings remain owner-occupied and not become rental property or vacation homes. It stipulates that the land be farmed, requiring minimum yearly commercial crop production over and above household self-sufficiency levels. The selection of the crops is left to the farmers, based on their evaluation of local markets.

The lease also ensures that the buildings remain affordable at resale to the next farmer. The Community Land Trust's policy is to retain an option to purchase the buildings and improvements at no more than their replacement cost and to resell them

at the same price to another farmer. This provision ensures that the value of the land, purchased with community donations, is not included in any sale price.

In addition the farmers must employ organic practices according to standards developed by the Northeast Organic Farmers Association. Although the farmers are not required to be NOFA-certified, an inspection clause is included if there is any doubt regarding compliance.

Because the community, working through the Community Land Trust and The Nature Conservancy, has assumed responsibility for financing the land, Keen and Thorp will not be burdened with land debt. They can continue managing the farm business – building soil fertility, planting, cultivating, harvesting, and marketing – without forcing crop production to pay for a mortgage on the land itself. Under such an arrangement, Indian Line Farm remains an economically viable entity and an important part of a network of small regional enterprises.

Each farm is different; the characteristics of the land and the culture of the community require individual considerations when writing the lease and developing a land use plan. At Indian Line Farm, because of the abutting wetlands, The Nature Conservancy wanted the buildings to be limited to their current footprints to prevent more intense use of the site. Lowenstein, a consummate scientist, was also concerned about placing farm animals on the land because of proximity to wetlands. Keen and Thorp argued that as organic farmers they would need to use manure and that it was best to have a source of it on the farm. Swayed by the argument of farm viability, The Nature Conservancy agreed to animals, with limits.

And so began an interesting discussion. Should the lease restrict the number of animals to four sheep and two cows? What if the farmers later wanted one pig and eight sheep? It would be cumbersome to renegotiate with every change of season. The problem was resolved by placing a limit on the number of animal units in pounds.

Another negotiation dealt with aesthetics. Indian Line Farm is in a vacation-home neighborhood. The neighbors who donated to the farm's purchase would like to see the exterior of the house painted to meet neighborhood standards; however, painting the house is low on the farmers' list of things to do. The falling ceiling, plumbing, sagging porch, and interior walls all take priority. The Community Land Trust was able to accommodate the donors because the fundraising appeal brought in enough extra money for painting.

Since then, the farm couple has worked hard to clean, repair, and renovate the main house, clear brush on the land, dig a new well, repair the roof of the barn, improve the driveway, and do all the many tasks necessary to raise organic vegetables for local sale. The small CSA group grows as word of the high quality produce spreads around the area. The lease on the land provides all the security and incentives of ownership including the right to pass on the farm to heirs through transfer of the lease. By taking away the burden of land debt, the community land trust arrangement

has given Keen and Thorp the opportunity to ply their craft in a manner responsible to the ecological conditions of the site.

The success of this effort has meant that the Berkshire community was able to honor the first Community Supported Agriculture farm in North America, to preserve Indian Line Farm as a working farm, to encourage and make it possible for young people to enter agriculture in the Berkshires, and to serve as a model of community support for small-scale, organic farming.

In October the community of individuals and organizations that worked so hard to save Indian Line will gather together again on the farm, in sight of Jug End Mountain, this time to celebrate the wedding of Elizabeth Keen and Alex Thorp.

Susan Witt is executive director of the E. F. Schumacher Society. Model legal documents for this partnership are available from the E. F. Schumacher Society, 140 Jug End Road, Great Barrington, MA 01230, (413) 528-1737, www.schumachersociety.org