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Farmland Preservation, Agricultural Easements and Land Access in California

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Abstract

California is a land of contradictions. It is known as the breadbasket of the nation, but farmland is disappearing with alarming speed. Crop and ranch lands are falling out of production at a rate of one square mile every four days between 1984 and 2008.¹ Urbanization and real estate development are a key factor in this conversion process, eating up an average of 38,000 acres a year between 1990 and 2004.² However, in the scramble for what crop and ranch land stays in production, large-scale agribusiness is also strong and well established throughout the state's warm valleys. The result: farmland prices have steadily risen (by 100% between 2002 and 2012 for irrigated land in California³) and in many cases surpassed the productive value of the land. In the nation's top agricultural producing state where over half of all fruits, nuts and vegetables in the country are produced, farmland is disappearing. Small-scale, new and low-income farmers, especially, are facing serious challenges with regards to accessing land in the face of competition from large-scale agribusiness and real estate development. Under the banner of farmland protection, agricultural easements have become one of the most common tools for combatting this loss of farmland. According to the American Farmland Trust's 2012 national survey, agricultural easements managed by state and local governments as well as private land trusts, have facilitated the protection of 5 million acres of land. A number of studies⁴ explore how these deals are made possible through donations, consumer funded purchases and leveraging public and private funds, but what is less clear is: who is benefitting from these easement schemes? And why? This paper begins by situating agricultural easements within the farmland preservation movement and explores the three main ideological undercurrents that fuel this effort: economic utilitarianism, progressive agrarianism, and resource conservationism. The key actors driving the use of conservation easements to protect farmland are local land trusts, therefore multiple motivations for farmland preservation co-exist within the movement, depending on the different character of each trust. Then I take up the question of what type of farmer this easement strategy benefits in hopes of shedding some light on the future generation of farmers this farmland preservation model protects. One of the main conclusions of this research is that agricultural conservation easements benefit a limited sector of farmers, predominantly those who already have family land wealth and farm near an affluent land trust donor base. And few land trusts address the serious vulnerability of small farmers (even those with land) and farmworkers in the context of California's highly industrialized agriculture system.

¹ See http://www.conservation.ca.gov/dlrp/fmmp/pubs/2006-2008/Pages/FMMP_2006-2008_FCR.aspx

² See <http://www.agalert.com/story/?id=995>

³ See http://www.nass.usda.gov/Statistics_by_State/California/Publications/Other_Files/201209Indvlscshrnts.pdf

⁴ See Zurbrugg & Sokolow, 2003, 2006a, 2006b, 2006c; Rilla & Sokolow, 2000.

Under the banner of farmland preservation, a variety of grassroots organizations, public agencies and farm groups have sounded the alarm: the loss of farmland in the US has reached crisis levels. Crop and ranch lands fell out of production at a rate of one square mile every four days between 1984 and 2008 (State of California Department of Conservation, 2011). Urbanization and real estate development are a key factor in this conversion process, eating up an average of 38,000 acres a year between 1990 and 2004 (Campbell, 2008). In large part what has coalesced into a farmland preservation movement is simply about protecting land, so that farmers can figure out the rest, but there is also an important current in this movement expressing concern over who will farm this land once protected. The average age of farmers in the U.S. is 57 and for every farmer under the age of 35, there are six over the age of 65 (US Agricultural Census, cited in Shute, 2013). As the current generation of farmers retires, the rapid rate of farmland loss has compounded the challenge of land access for the next generation of farmers. The underlying questions in the farmland preservation movement are: how will farmland conversion be combatted? And if it is preserved, who will farm the land in the future?

Conservation easements allow the subdivision or development rights to a property to be purchased by a land trust of public agency and extinguished in perpetuity. This tool has gained popularity as a strategy for slowing urban sprawl and protecting the nation's prime farmland. California is one of the US states that has used conservation easements to preserve land most extensively through non-profit land trusts and government purchasing programs (Sokolow, 2006). In terms of acreage protected, the easement model has been quite successful in the California for conservation purposes generally. And increasingly open space conservation efforts are being tailored to specifically address farmland loss through agricultural conservation easements, which have protected at least 120,000 acres of farmland (Sokolow, 2002). This paper begins by situating agricultural easements within the farmland preservation movement and explores the three main ideological undercurrents that fuel this effort: economic utilitarianism, progressive agrarianism, and resource conservationism. The key actors driving the use of conservation easements to protect farmland are local land trusts, therefore multiple motivations for farmland preservation co-exist within the movement, depending on the different character of each trust. Then I take up the question of what type of farmer this easement strategy benefits in hopes of shedding some light on the future generation of farmers this farmland preservation model protects. One of the main conclusions of this research is that agricultural conservation easements benefit a limited sector of farmers, predominantly those who already have family land wealth and farm near an affluent land trust donor base. And few land trusts address the serious vulnerability of small farmers (even those with land) and farmworkers in the context of California's highly industrialized agriculture system.

California's farm economy has created a class of what Richard Walker calls "agrarian capitalists" or "growers", who have access to capital, natural resources and political power. However, this brand of farming is essentially subsidized by cheap labor, the bulk of which is supplied by immigrant farmworkers. The small scale family farmer in contrast, or the "progressive agrarian," (Bunce, 1998) tends to be perceived as a steward of the land whose farming methods are ecologically based, and intended to provide food for his/her family and community. To be economically viable in California, these farmers often rely on access to high-end organic markets, inherited land wealth, or off-farm income. The difference between these farming ideologies has been described as the difference between "farming as a lifestyle [progressive agrarian] and farming as a way to make money [agrarian capitalist]." Both of these models prove to be problematic when analyzed in the context of food and land sovereignty, which facilitate a race and class based examination of these types of farming as well as how each group is affected by agricultural conservation easements and farmland preservation movement.

I argue that agricultural conservation easements are most useful to "progressive agrarians" in affluent counties where land trust donors fund the purchase of easements, and multi-generational farming families with existing land holdings can keep their land. In many cases easements help struggling farmers hold onto land they might otherwise be pressured to sell. In other cases a certain degree of privilege allows space for decisions to be made on the basis of a variety of things in addition to money, including social, cultural, ecological and emotional motivations. Growers, though very diverse in their preferences, have generally been much more reluctant in their engagement with the farmland preservation movement, for fear of land use regulation that may infringe on their private property rights or easements that will reduce the value of their land, should they ever want to sell. Finally, immigrant farmworkers are the most alienated from the farmland preservation movement. Faced with limited class mobility, rarely do easements offer opportunities for low-income landless farmers to gain access to land. A look at the work of the Agricultural Land Based Training Association (ALBA) in collaboration with California Farmlink demonstrates how easements are largely irrelevant to low-income landless farmers and farmworkers because land purchase, even at the lower price that an easement offers is too expensive based on farm revenues for most of California farmers in this category.

The farmland preservation movement calls attention to an important trend that threatens the agricultural fabric of the nation and in particular California: loss of the nation's agricultural land base to development. Once paved, returning to agricultural use is near impossible. However, by pitting farmland preservation against real estate development it risks obscuring the real crisis of California agriculture. Over half of all farms in California saw net losses in 2007 (USDA Ag Census, 2007). Many of the producers that do see profits rely on the exploitation of farm labor,

or off-farm income. In the words of Ken Meter, California’s farm sector is experiencing some “local gains,” amid “systemic losses.” In an attempt to form a widespread coalition against development, the farmland preservation movement avoids discussing what type of farming it seeks to protect and for whom—by nature a topic that divides the farming community in California. By not advocating for change from within, this effectively underwrites a continuation of the dominant, industrial production model, which stifles the development of a thriving and diverse family farm sector and depends on the exploitation of immigrant farmworkers. At best, food and land sovereignty are, simply not advanced by this movement. And at worst farmland preservation undermines the possibility of establishing of pro-poor land access mechanisms and farming methods by seeking the political approval of those who stand to profit from maintaining a population of poor and landless farmworkers.

The blind spots of the farmland preservation movement do not mean that agricultural conservation easements have no place in addressing land access issues and stemming farmland conversion. The question of affordability for future farmers is not well resolved by conservation easements generally, but some innovative and pioneering land trusts are exploring creative ways to tackle this issue. The final section of this paper will briefly highlight some of these efforts and some areas where future research may be fruitful.

Ideological underpinnings of the farmland preservation movement

The farmland preservation movement emerged in the context of a growing environmentalist movement in the US that coincided with what was perceived as unplanned and rapid growth of urban areas. Since it became a topic of public debate, the problem was understood in different ways: threats to land due to soil degradation from *within* the farm sector and from expanding urban areas *outside* the farm sector. Once seen as endless, US farmland was first perceived as finite and even threatened in the early 1960s. Academics began noting increasing levels of soil degradation as well as urban sprawl and calling into question the real productive capacity of US farmland (Bogue, 1956; Crerar, 1962, cited in Bunce, 1998: 233). For some it was essentially an “emotional attack on urban sprawl” (Mariola, 2010: 212) and an effort to plan urban growth better. For others in the environmental movement the land issue was a problem linked to modern, industrial agriculture, which depleted land and undermined the fabric of small-scale farming communities in rural areas. In keeping with the political mobilization strategies of the time, the farmland conversion issue was cast as a “slowly building, but ultimately uncontrollable crisis” driven by exponential resource consumption as well as population growth, in a similar way the “energy crisis” of 1973-74 was framed (Lehman, 1995: 67). The landscape of public discontent set the stage in the 1970s for the development of a policy platform to protect privately owned US farmland—another step in the path of natural resource protection (following public lands, water quality and quantity, air pollution and toxic chemicals) (Lehman,

1995: 71). Ultimately the national and state policy frameworks to address the farmland crisis would prove minimal in comparison to local initiatives. This decentralization has allowed the multiple ideological currents and motivations to coexist in the same national movement.

The way the farmland crisis was originally framed was to “address the twin threats of urban sprawl and soil erosion” (American Farmland Trust, 1983, cited in Bunce, 1998: 238). In other words, “agricultural land was under attack from within and without; from intensive agriculture and urban development” (Bunce, 1998: 238). The anti-development discourse is perhaps the strongest and most unifying within the farmland preservation movement, because it does not force conversation about the ways that some modes of farming might threaten farmland. The threat to farmland from within however is a divisive issue where ideological fissures within the agricultural and environmental community emerge. By pitting farmland against development, a broad coalition of actors with otherwise diverging ideological perspectives, from organic farmers, to wild life conservationists to the California Federation of Farm Bureaus, have been able to converge in an effort to protect the country’s agricultural land base, without really agreeing on why. I argue that this strategic move to opt for broad support, has ultimately hindered deep analysis, and obscured the true nature of the farmland crisis.

The loss of farmland was a logical consequence of the shifting trends in residential development towards low-density housing divisions. Improved transportation networks and decentralized industry had enabled a new kind of growth called “buckshot urbanization” referring to the fact that the built up area no longer had a clear center and was increasingly scattered across the rural landscape. In response to growing public concern over urban sprawl in 1970 Senator Henry Jackson proposed legislation for federal land use planning that focused mostly on resolving land use disputes. In 1971 the Nixon Administration also offered up a proposal for legislation. It wasn’t until 1973, however that these debates began to emphasize farmland as a key piece of land use planning (Lehman, 1992: 259). While environmentalists were in favor of protecting farmland and rural communities as part of a broader conservation agenda, the response from the agricultural community to this attention was varied and initially suspicious of its “urban and federal orientation” (Lehman, 1992: 259). The libertarian National Cattlemens’ Association charged that government “cannot plan for agriculture.” The liberal National Farmers’ Union advocated for stronger regulation and better support for family farms. The powerful American Farm Bureau warned of “excessive emotionalism by doomsday zealots” and joined the conservative coalition with the Chamber of Commerce, National Association of Manufacturers, National Association of Homebuilders, and the National Association of Realtors, to oppose the proposed legislation (Lehman, 1992: 260). The scope of land use issues (from the urban to the rural) the legislation attempted to deal with ultimately proved politically unfeasible. Farmland protection wasn’t taken up by the legislative agenda again until 1977

when the USDA's Soil Conservation Service published a Potential Cropland Study, stating that between 1967 and 1975, rural land in the US had been converted to urban use at a rate three times faster than the previous historical average (Dideriksen, Hidlebaugh and Schmude, 1977, cited in Mariola, 2005: 210). The statistics in this report were hotly contested and what initially had been an ideological debate over the role of the federal government in land use issues and how natural resources are dealt with in the US, became a technical debate over the accuracy of statistics. The controversial figures in the Cropland Study turned out to be exaggerated (Lehman, 1992) and this attempt at farmland preservation legislation also failed. However the debate continued into the 1980s and legislation was finally passed addressing the issue by tacking it onto a larger bill. The Farmland Protection Policy Act passed in 1981 as part of the Agriculture and Food Act, but as one legislator noted, was "a pale shadow of what we started with" (Lehman, 1992: 271).

Although ultimately it is local initiatives in both the public and private spheres that have been the most successful in protecting farmland (Alterman, 1997, cited in Bunce, 1998: 239) state level public agencies have joined the effort to some extent. In 1979 the State Coastal Conservancy adopted policy criteria to fund agricultural easement acquisitions by land trusts in coastal counties throughout California, signaling an increase in public monies for farmland conservation. Then in 1988 California voters passed proposition 70 that authorized \$63 million for farmland protection in eight counties. Public support for agricultural easements has continued with the establishment of the California Farmland Conservancy Program (CFCP) of 1996 and the Williamson Act Easement Exchange Program (1998) that allows the transfer of Williamson Act⁵ registered lands to agricultural conservation easements through the CFCP or through other state agencies that also engage in the purchase of agricultural conservation easements (Wassmer, 2008: 2).

Despite the dampened policy efforts, what began as a congressional initiative grew into a national movement, made up of members of government, non-profit organizations, farmers, ranchers and academics sounding the alarm for the farmland crisis. 1980 marked the founding of the American Farmland Trust (AFT), which became the figurehead of the farmland preservation movement, and still plays a leadership role today (Mariola, 2005: 210). However, three main ideological lenses capture the cleavages in the debate today highlighted by the AFT as the three key reasons why to protect farmland: "ensuring the ongoing production of food

⁵ According to the California Department of Conservation, "The California Land Conservation Act of 1965--commonly referred to as the Williamson Act--enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use. In return, landowners receive property tax assessments which are much lower than normal because they are based upon farming and open space uses as opposed to full market value." See: <http://www.conservation.ca.gov/dlrp/lca/Pages/Index.aspx>

and fiber [economic utilitarianism]; helping rural economies and communities survive [progressive agrarianism]; and stemming urban sprawl [resource conservationism]" (cited in Mariola, 2010: 210). The purpose, urgency and effectiveness of farmland preservation policy in the US were largely an unresolved issue, and thus not well incorporated into rural land use planning (Bunce, 1998: 233). As Bunce points out, this is in stark contrast to Western Europe where "farmland has not only been subsumed by general countryside planning, but has also been overtaken by the belief that it is modern agricultural land use itself which represents the main threat to the countryside" (e.g., Shoard, 1985, cited in Bunce, 1998: 233). This confusion still plagues the movement today.

The first motive for preserving farmland is framed as an issue of production. According to this line of thinking, loss of farmland means a threatened food supply, a threatened farm economy and loss of profits in rural areas. For Mariola (2005) this is based on what he calls economic utilitarianism and ignores the potential problems with the way humans relate to the land in an industrial agriculture system. In California, Walker calls this industrial system "agrarian capitalism" where farming is not so much a lifestyle, rather than a way to make money. Farmers become "growers" and profit is the main objective. In his words, "While there were both large and small farms in California, they almost all shared three fundamental conditions: they were businesslike, they were well capitalized, and they employed wage labor. These growers, as capitalist producers, are the linchpins of the agribusiness circuit of capital" (Walker, 2004: 266). Here, farmland is pitted against development, but largely presented as an issue of threatened productive capacity, an argument strongly influenced by what Paarlberg (1982) referred to as "scarcity syndrome", also common of environmental claims of the time (cited in Bunce, 1998: 236). Charles Little of the National Agricultural Lands Study (NALS) program argued, "It may now be asserted for the first time in this nation's history, that each new subdivision, highway, dam, factory, power plant or shopping center threatens permanently to reduce the productive capacity of American agriculture" (National Agricultural Lands Study, 1980, cited in Bunce, 1998:236).

The second reason to protect farmland taps into an agrarian American imaginary that reveres the family farmer, as captured in the writings of Thomas Jefferson, which see farming as morally virtuous and the basis of community and rural livelihood. For Bunce this manifests in the farmland preservation movement as "progressive agrarianism," that puts farmers at the center of the debate, and "supports a food system based on family farms that serve local markets" (1998:242). For Mariola (2005) this discourse is based on ethics and agrarian ideals. Anti-development discourse is not the central feature in this ideology, but it is compatible. This view would concur with Goldschmidt [As you Sow] who found that industrial agriculture, where it replaced family farming, was highly correlated with social degradation in farming

communities in California's Central Valley (cited in Johnson, 2008a: 13). Concerned with soil degradation and land stewardship this current of thinking is associated with a growing small-scale and sustainable agriculture movement in California. Many of these arguments resonate with a food sovereignty-based critique of modern agriculture. However, for progressive agrarians in California issues of exclusion based on class remain problematic. Small producers face such high costs of production, not least in land, that this kind of farming increasingly relies on off farm income, or independent wealth. In other words, progressive agrarianism often relies on privilege (St. Peter, cited by Kerksen, 2013). As I will show in the following sections, the farmland preservation movement suffers from similar challenges.

The final ideological current sees farmland largely from the outside and is driven by conservationists that see the loss of farmland as yet another component of the country's natural landscape under threat by urban sprawl. Bunce (1998) proposes a "resource management" agenda made up of two discourses: one is concerned with "amenity protection," a non-farmer driven agenda that seeks to preserve the viewscape for rural or exurban residents; and the other, "ecological conservation" is concerned with soil degradation and disappearing natural resources. This current has driven much of the work of conservation land trusts that have increasingly incorporated "working landscapes" into their preservation agenda, thus facilitating an alliance with progressive agrarianism in the effort to stem farmland conversion.

Although the link between the protection of farms and the preservation of farmland has been made explicit in the recent policies of the American Farmland Trust, this protection does not extend to all farmers in practice. In a 1990 document entitled *Saving the Farm: A Handbook for Conserving Agricultural Land*, the Trust argues for a comprehensive agenda which places the sustainability of the family farm at the center of its farmland preservation activities (American Farmland Trust, 1990). Here the progressive agrarian ideals of the movement show through, but at the same time, issues like farmworkers rights or GMOs are not brought up as part of the sustainable agriculture conversation for fear of fragmenting an already precarious coalition of ideologies. According to Ed Thompspon (2013), President of the California chapter of the AFT, "We don't have enough influence to move those issues, just makes us enemies."

Among this convergence of at times contradictory discourses it can be challenging to keep track of why farmland is being preserved and for whom? Mariola claims that the farmland preservation debate reflects a broader post WWII shift in the US in the way farming is viewed. "While agrarian writers [like Jefferson] conceived of farming as a rewarding life, a public good, and a source of moral virtue, current writers on farmland preservation speak of farming almost entirely in utilitarian terms describing its productive capacity and its economic returns" (2005:

209), thus favoring agrarian capitalists. Farm labor in this scenario becomes just another input, the cost of which has been historically kept low in California by adopting the exploitative plantation model from the south, rather than the family farm model of the northeast (Daniel, 1959). There are certainly overlap and areas of alliance between different farmland preservation discourses, but progressive agrarianism and agrarian capitalism represent two very different approaches to farming where notions of land stewardship, use of genetically modified organisms (GMOs), or the role of farm labor are major points of disagreement.

As the following sections show that local conservation land trusts are driving farmland preservation, thus allowing for these contradictory perspectives to co-exist within the broader movement. The geography of local efforts indicates that agricultural conservation easements primarily benefit progressive agrarian family farmers in affluent parts of the state. And farmworkers are noticeably left out of the farmland preservation debate, even though in many parts of the state, they are in the most direct contact with that land. Finally agrarian capitalists are also appeased by easements because they are a not aggressive and voluntary form of land policy that largely preserves existing patterns of land control from which they benefit.

Who is benefitting from agricultural easements?

The marriage of conservation land trusts and agrarianism

The use of conservation easements dates back to the late 19th century, but doesn't really gain much traction as a land preservation strategy until the modification of the tax code made it so that donations of development rights could be tax deductible (Bray, 2010: 126). In 1959 California passed legislation that served as a model for the rest of the country, which allowed counties and cities to purchase open lands through "*fee or any lesser interest or right in real property in order to preserve . . . open spaces and areas for public use enjoyment*" (Cited in Bray, 2010: 128). The ability to purchase development rights was later passed on to land trusts and public agencies in a second round of legislative activity starting in 1969. Whereas in 1965 there were only about 130 land trusts in the country, by 1996 the Director of the Sierra Club called private land trusts "the strongest arm of the conservation movement" (cited in Bray, 2010: 130). By 2010 there were over 1500 land trusts nationwide (Bray, 2010: 131).

Coinciding with the upswing in the farmland preservation movement, in the 1980s a faction of the conservation land trust community began to focus specific attention on preserving farmland. According to Bunce, the conservation movement "in large measure has highjacked the farmland preservation agenda for its own amenity ends" (1998: 239). California led the charge by establishing the first agricultural land trust in the nation – the Marin Agricultural Land Trust (MALT) in 1980 and by 1998 there were 14 agricultural land trusts in the state (Vink, 1998).

Despite the tax incentives to easement donors, those land trusts with funding that enables them to purchase easements from farmers have been most successful. Selling an easement to their property is attractive for farmers who are willing to lower the market value of their land in exchange for a lump sum that may be used to pay off debts, or facilitate retirement. Many land trusts get public funding especially from county level agencies, but the real foot soldiers of this effort are local land trusts that represent “the principal vehicle for organizing local conservation” (Elfring, 1989, cited in Bunce, 1998: 239).

By 2002, Sokolow counted 34 easement programs with a farmland focus in all of California, but they are noticeably concentrated in coastal areas and one third of the land trusts with agricultural land programs hold 90% of the state’s agricultural easement acreage (See figure below. Sokolow, 2002: 15). The explanations for why agricultural easement programs take hold in a given area are varied. Vink cites the AFT’s call to action as a key factor in the establishment of some of the central valley trusts (1998), while the strength of the Sonoma County Open Space District’s work comes from a successful ballot initiative that provides funding from a quarter percent increase in local sales tax over a 20 year period. Most commonly however, land trusts are funded by donors, therefore the ability to purchase easements and prevent development is relative to the available funds in the region. Indeed a number of studies have shown that higher per capita income is a major predictor of farmland preservation in most active states (Feather and Barnard 2003) and nationally (Poor and Brule 2007; cited in Stoms & Deangelo, 2010: 32). Land trusts are also most likely to operate in areas with high rates of direct to consumer sales of farm produce. “A county supporting a farmland preservation program would tend to be prosperous with an active local food movement, while having lots of farmland experiencing the effects of sprawl” (Stoms & Deangelo, 2010: 32). In other words, the high level of easement encumbered acreage in areas like Marin or Sonoma Counties is explained by the significant organic, local, and sustainable food culture, proximity to the expanding urban bay area, as well as a high average income per capita. These factors highlight an effective alliance between farmland preservation discourses of progressive agrarianism, and resource conservation or amenity protection. The geography of farmland conservation, therefore is strongly linked to existing patterns of wealth distribution and political ideology.

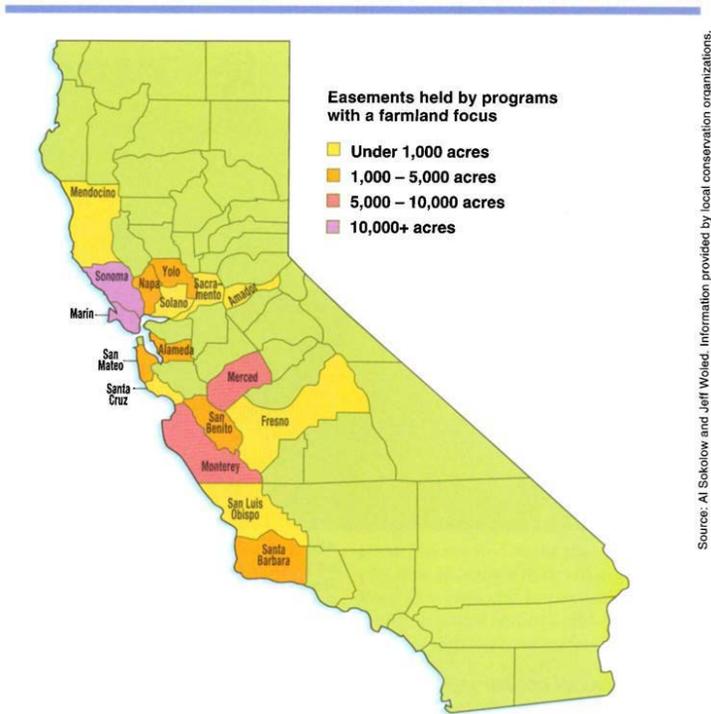


Fig. 2. Easement acres on California farmland by county, as of mid-2000. Includes about
Source: Sokolow, 2002

As numerous scholars of California's agricultural history have noted, the family farmer did not take root in California in the same way as in the northeast (Walker, 2004; Daniel, 1981). In Cletus Daniel's words, "The large-scale agriculture of California did not represent a departure from the dominant family-farming tradition in America for the simple reason that California was never part of that tradition." (Daniel, 1981: 17) The bonanza mentality that brought many out west seeking gold in effect transferred to the state's dominant form of agricultural production, which also benefitted from the newly available capital of the gold rush. Even horticulturalists on smaller parcels got caught up in the craze of agrarian capitalism (Walker, 2004). Despite this some small farmers survived and even thrived in some regions. For those family farmers lucky enough to live in a region with a strong land trust, the sale of development rights can provide needed financial support. In a study of 46 easement-encumbered parcels, the leading motivation for the 37 respondents who were the original sellers of the easements was preservation for continued farming or open space, "with cash seen as a mechanism for preservation or family goals" Most experiences with easements were positive and money from the easement sale was spent on the following in order of frequency: "(1) non-farm uses, such as retirement income and savings; (2) farm investment; (3) estate settlement; (4) reduction of farm debt" (Rilla & Sokolow, 2000: vii). Family farming in California is a challenging business. Because of the steep competition from imported goods, and industrial growers, in many cases

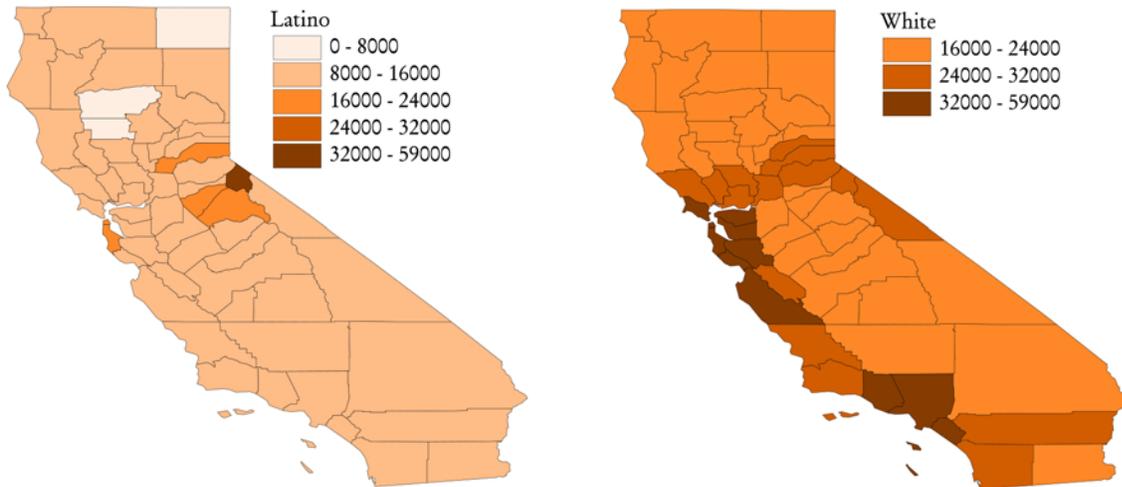
multi-generation farm families' most significant asset is their land, thus selling the development rights to a land trust decreases the market value down the road, but provides a lump sum of money without letting go of the parcel. In a climate of increasing land prices, easements serve as a tool to keep cash poor, but land-wealthy farmers on their land. They also benefit those farmers, who may not be struggling economically, but have a strong emotional or cultural desire to see a particular piece of land stay in agricultural production. As these farmers stop farming, the fate of easement encumbered properties as they begin entering into second-generation ownership (something only just beginning) remains to be seen in most areas where easement activity began no more than 20-30 years ago.

These achievements are limited geographically to areas where land trusts can raise enough funds to purchase easements. At a state level, patterns of wealth distribution between counties are not affected and at a county level land stays in control of those who already have access to it. In sum, easements represent largely non-redistributive land policy. According to Borrás and Franco (2010: 109) "The way state land laws and land policies are actually implemented results in policy processes and outcomes that affect the pre-existing land-based social relations, which can be broadly categorized as pro-poor or anti-poor. They are rarely neutral." The salient point here is that even though easements provide important protection for many family farmers, the resulting land policy does not significantly disrupt established patterns of land-based wealth and power, "i.e., status quo that is exclusionary."

Race and class in California's agricultural system

After 20 years of farmland preservation in California, the uneven distribution of farmland preservation is clear in Sokolow's helpful map shown above (2002). Compared with the maps below showing wealth distribution by race and county in the state, it becomes clear that the geography of conservation easements mirrors that of income disparities, which also have strong racial implications.

Per Capita Income (in Dollars) by Race



Source: 2000 Census SF3, cited in Lopez, 2003: 14

Source: 2000 Census, cited in Lopez, 2003: 14

Race has historically played an important role in class formation in California's farm sector and continues to be a significant factor in today's farm economy. As California Assembly Member remarked, "there are two Californias" (Eggman Talmantes, 2013). Farmland preservation is strongest in wealthy coastal counties with affluent donors and bigger markets for locally produced, high-end farm produce. For the other California, industrial agriculture reigns king, rural poverty and food insecurity are high, and farmland preservation is simply not top policy priority. This division of California, that the farmland preservation movement has not successfully overcome, was built into its agrarian structure since the development of California agriculture in the late 1800s. Although the incorporation of California into the US rapidly swept away the "vestiges of its colonial heritage," the colonial pattern of landownership remained and "was to have a profound and enduring impact on California's agricultural development" (Daniel, 1981: 18). Large landholdings were left intact until the turn of the century when the arrival of the railroad and the refrigerated boxcar facilitated a boom in specialty horticulture crops. Perhaps most importantly though, the relationship to hired labor on California's farms did not mirror the Midwestern and Northeastern model of apprenticeship as a stepping stone on the way to farm management. Rather, California farmers absorbed the flows of Chinese immigrants, who came for the gold rush, in keeping with the southern plantation model based on slave (in this case very low paid) labor (Daniel, 1981). Daniel's eloquent description of this dynamic highlights how uneven distribution of land in California has historically marginalized farmworkers, thus serving as a reminder of the exclusionary impact of non-redistributive land policy over time.

If farming on a small scale discouraged the growth of rigid class divisions between farmer and their hired laborers, the social and psychological climate on the large-scale commercial farm promoted impenetrable class and caste lines that admitted of not the slightest ambiguity. For this kind of agriculture no analogies were to be found in the bucolic world of Jefferson's noble and solitary freeholder. Rather this was the kind of agriculture for which analogies of scope and character were more readily and instructively drawn from the domain of the ante-bellum plantation master. This was the kind of agriculture that evolved easily and not unnaturally from a pattern of monopolistic landholding that dated from the earliest days of settlement. (Daniel, 1981: 19)

In recent years Chinese immigrants have mostly been replaced by Latin Americans in farmworker positions, but the dynamics of agrarian class structures remain much the same. At the state level, a quarter of jobs in agriculture are in management positions. Yet only 2.9 percent of all foreign-born workers in the sector occupy management positions while over half of all native US citizens working in agriculture are in management roles (Employment Development Department, State of California, 2008). According to data from the 2003-04 National Agricultural Workers Survey, 99% of California farmworkers were Hispanic and 95% were foreign-born. According to the California Employment Development Department "Hispanics made up more than two-thirds (67.9 percent) of California's agricultural labor force, but only one-third (33.5 percent) of the state's nonagricultural labor force in 2008" (Employment Development Department, State of California, 2008). In a survey of 2,344 farmworkers in California carried out between 2003 and 2004, 99% of respondents were Hispanic and 95% foreign born (Aguirre International, 2005). Limited class mobility among Latino farmers translates directly into lower family incomes. "In 2008, over two-fifths (43.2 percent) of foreign-born noncitizen agricultural workers reported annual family income of less than \$25,000, compared to a little over one-fifth (21.4 percent) of naturalized citizens, and one-tenth (9.8 percent) of native-born citizens (Employment Development Department, State of California, 2008).

Both the progressive agrarian and economic utilitarian discourses in the farmland preservation movement focus on the farmer as the central actor in the preservation of rural landscapes, but the progressive agrarian family farmer has proven most compatible with conservation agendas that drive most farmland preservation initiatives at the local level and thus benefits most directly. Family farmers who occupy management positions, though not necessarily wealthy imply a certain degree of privilege regarding land access or tenure and are disproportionately managed by white farmers. The difficulty landless Latino farmworkers face in accessing land means that they remain strikingly absent from the farmland preservation movement despite

the fact that they represent the majority of people actually farming in California.

Shortcomings of easements as land policy: the unsolved affordability question — low-income farmers and farmworkers still left out

The discourse around farmland preservation references the need to protect farmers and make land more affordable, but the mechanisms in place fall short. The class mobility of farmworkers and their ability to access land is very limited, coupled with a lack of interest on the part of many local land trusts in taking up the issue of affordability means that unequal race and class structures of land access are not challenged and new and low-income farmers are forced to lease land rather than buy.

Easements are often presented as a solution to the affordability problem. One AFT fact sheet states, “removing the development potential from farmland generally reduces its future market value. This may help facilitate farm transfer to the children of farmers and make the land more affordable to beginning farmers and others who want to buy it for agricultural purposes” (cited in Johnson, 2008: 25). Real estate attorney Ann Taylor Schwing, also echoes this common assumption that easements make land affordable for farmers. She states the purpose of agricultural conservation easements is: “To keep the land in agriculture, to keep the land available for farming, to make the land affordable for farmers to purchase, to keep scenic open space, to buffer protected natural resources, to enable diversification within defined limits” (Schwing 2007, p.2, cited in Johnson, 2008: 24). And indeed, easements do lower the value of the land, but not enough to make California farmland affordable for farmers, creating an “easement gap” (Johnson, 2008). The demand for rural ranchettes keeps the market value of even easement-encumbered parcels high, and indicates that in such areas the purchase of agricultural easements may have more to do with rural amenity protection than with making land accessible to farmers.

Others insist that easements do not resolve the affordability problem. As Johnson rightly points out “neither Internal Revenue Code requirements for public benefit, nor most land trusts’ criteria for holding easements, include any means to ensure that the land remains affordable to farmers—nor that it remains continuously farmed” (Johnson, 2008: 24). She goes on to assert, agricultural conservation easements were not developed explicitly as a tool for land reform—defined by Charles Geisler as “redistributive policies intended to eradicate grossly unequal landownership and oppressive tenancy patterns” (Geisler 1984a, p. 5, cited in Johnson, 2008). The California Farmland Preservation Program that supports the purchase of agricultural easements, according to the program’s director, was meant to keep farmland available, not to “engineer its affordability or the continued economic viability of agriculture” (Tyson 2007, cited in Johnson, 2008:25). Of 25 California agricultural easement programs she interviewed only five

reported that they believe land remained affordable for agricultural buyers. Seven claimed affordability to be marginal, and 12 stated farmland “clearly had become not affordable” (Johnson, 2008: 32). Historically, those farmers with land and access to capital are the predominantly white progressive agrarians and growers. In the final assessment of her excellent thesis on easements and affordability, Kendra Johnson claims, “agricultural conservation easements do not appear, as a whole, to significantly improve control of farmland by small- and medium-scale farmers” (Johnson, 2008: 28). Duane (2006) echoes this critique, claiming that agricultural easements “can disproportionately benefit wealthy landowners to the deprivation of the public tax base” (cited in Johnson, 2008: 29). Although as Merelender et. al. (2004) highlight, the use of conservation easements as land protection tools is evolving at a very rapid rate, current dynamics indicate that conservation easements do little to challenge dominant agrarian class structures.

Because the purchase price of land under easement is still higher than the productive value of most land, only farmers with existing land assets or other access to capital are benefiting from them. However, the aging population of landed farmers with easement-encumbered parcels is entering into a period of transition to the next generation of farmers. This shift will test the viability of the easement model, only 20-30 years old in most places, in new ways. In the cases studied by Alvin Sokolow (2006) in *A National View of Agricultural Easement Programs: Measuring Success in Protection Farmland*, he finds that if easement-encumbered parcels are staying in farming when sold it is often by non-farmers who engage in agriculture as a hobby or retirement activity, or by farmers who lease the land from new owners. In other cases buyers simply build homes on farmland seeking viewsapes full of fields and orchards with high rural amenity value. Monterey County Agriculture and Historic Land Conservancy Inc. (MCAHLC), for example, holds 60 easements and 40% of those easement-encumbered parcels are farmed by tenant farmers (Johnson, 2008: 30).

Tenant farming does not always imply a disadvantage. Early in California’s agricultural boom, land acquisition mainly meant finding a plot of land and some money and buying it. For those farmworkers able to shift into farm management or those excluded by race barriers, the option was to lease for cash or sharecrop. These limitations are still very much a reality for most low-income farmers or immigrant farmworkers. Growers on the other hand have been able to adapt land tenure dynamics to serve the needs of their farm businesses. By the middle of the 20th century large growers were buying up large tracts of land throughout the Pacific Northwest in order to diversify their holdings, and be able to harvest a variety of crops at different times of the year. In the post WWII era, however growers began to take up the practice of leasing, mostly short term cash leases. This offered flexibility to the operation, allowed them to try growing riskier crops or use less favorable soils without much commitment. It also saves capital,

which would otherwise be stuck in land, and avoids paying what were becoming increasingly high prices for land because of post war productivity booms (Walker, 2004: 94). This reversed the trend—whereas once small farmers predominantly leased land from larger farmers, after WWII large growers began leasing land from small farmers, assembling a patchwork of parcels to sustain a large operation. “Leasing smoothed the way for successful growers to grow larger and uncompetitive ones to exit the field gracefully. Many small growers retired on the rental income, leaving the field to the bigger and more professional operators” (Walker, 2004: 94). There is a key difference here in the way leases are used by growers vs. low-income farm operators. Growers made the decision to lease land in order to flexibilize agricultural inputs and make farm businesses more agile. Some low-income farmers leasing ALBA’s land also find leasing land to be more flexible, and less risky,⁶ but for many ALBA farmers on the other hand, “to buy land is the objective,” and they simply don’t have access to the capital to buy it, even at the lower rate of an easement property (Winders, 2013).

Racist notions of who should do farm work date back to the emergence of California’s agricultural economy. Farm work was seen as undesirable to whites, who had “expectations of upward mobility” (Daniel, 1981: 26). Immigrant farmworkers on the other hand were not afforded this hope. Despite the challenges, whether by lease, sharecropping or purchase, some immigrant farmworker communities have overcome the barriers built into California’s agrarian class structure and converted from farmworkers to farm managers, however the conditions of this conversion are not always favorable. Acquisition of farms by Mexican/Chicano farmworkers happened largely by way of cooperatives (Rochin, 1985: 176) Most of these coops relied on a sponsoring agency. Japanese farmers were particularly successful at moving from farm labor to farm operations after 1900, acquiring over 350,000 acres from San Jose to Los Angeles, some through purchase and mostly via sharecropping arrangements because of racial barriers like the Alien land law of 1913 (Walker, 2004: 81). In 2004 about one-eighth of all farms in California were owned by immigrants. (Walker, 2004: 82). In relation to the percent of the agricultural workforce these immigrant populations make up, these numbers still reflect a history of exclusion.

In some cases, like the system of sharecropping in the strawberry industry prevalent along California’s central coast, farmworkers gain access to land, but it is in exchange for unfavorable contract arrangements with larger growers. Figueroa claims,

Capitalist agriculture creates opportunities for family farmers [to access land] securing its own reproduction. Family farming provides non-wage labor as a key resource in the

⁶ The names of ALBA farmers are kept anonymous, but information in this paper is based on semi-structured interviews conducted in Spanish with the author in July and August of 2013.

production of a labor and capital-intensive crop. Family farming diminishes costs, and buffers risks associated in the cultivation of a highly perishable, yet lucrative crop (Figueroa Sanchez, 2002: 1).

Walker also notes that in many cases these arrangements were made by growers in the 1970s in order to turn wageworkers into farm managers and dodge unionization (Walker, 2004: 91). Despite the unfavorable realities many former immigrant farmworkers are faced with as new farm managers, “Many workers see themselves not as working class, but as potential members of the capitalist, or at least small-owner class” (Walker, 2004: 297). For these new farmers who do not have land wealth or privilege to leverage, the easement model is largely irrelevant.

The Agricultural Land Based Training Association (ALBA) offers a favorable arrangement for immigrant farmers to get a foothold in business of farming, followed by access to favorable loans and land access workshops provided by California Farmlink. However, even in this context, land access remains challenging and land ownership a distant dream for most program participants. Mobilizing enough funds to provide loans for land purchase is a goal for Farmlink, but so far has simply been too big a challenge (Winders, 2013). Loans for leasing land are by far the norm. Interestingly the diverse ideologies about farming within the farmland preservation movement are also present among ALBA farmers, but strong alliances have not been formed with the local conservation land trust community. The program teaches organic agricultural methods and promotes direct sales in local markets, but in this case a progressive agrarian ideology does not ensure that ALBA farmers benefit from agricultural easements, despite high levels of activity among land trusts in the region. Nor does organic production guarantee that farming will be viewed through the lens of progressive agrarianism. For some ALBA farmers the main reason to go organic is to have access to high-end markets, and a strong current of economic utilitarianism as a form of survival guides most decisions about how to farm, rather than a concern about the environmental or social consequences of industrial farming.

Monterey County is one of the most active in terms of farmland preservation by easements (Sokolow, 2002). However, exclusionary patterns of land ownership and farm management that do not reflect the county’s demographic realities persist. Monterey County is the third largest agricultural producing county in the state, but Latino farmers face barriers to land access that exclude them from management positions and the farmland preservation debate. In this county 27.2% of employment is in agriculture, supplying 45,400 jobs in 2010 (Economic Development Department, Monterey County, 2010). In 2010, over half (55.4%) of the population identified as Hispanic or Latino (US Census Bureau, 2012). However, just 19.7% of farm operators are Spanish, Hispanic or Latino and only 4% of farmland was operated by someone of Spanish, Hispanic or Latino origin (USDA, 2007). In contrast 32.9% of the population identified as white,

but some 90% of farm operators are white controlling 99% of land acreage in the county. The average farm size of a Hispanic or Latino operator was 188 acres compared to 1176 acres for white operators. The average amount of time Latino operators have been on their land (57% of farms at present location for less than 10 years) is also less than the average for white operators (39% of farms at present location for less than 10 years) (USDA, 2007). In short, Latino farmers are underrepresented in farm management positions and when they do reach these positions, their land holdings are significantly smaller and their length of land tenure shorter than white farm operators.

The case of ALBA and Monterey County in general demonstrates that regardless of what discourse or ideology farmworkers recently turned farm managers adopt, the farmland preservation movement is not reaching them and unequal land access patterns persist. Even more troubling, according to Johnson, in the majority of the Salinas Valley, where ALBA is located, agricultural production values are still high enough and surrounding residential values low enough to close the “easement gap” (Johnson, 2008: 40). This means that easements theoretically do make land affordable for farmers. Even in this situation, with support from organizations like ALBA and California Farmlink, Latino farmers on average are underrepresented in management positions, control smaller parcels and for shorter durations of time. In this matter of farmworker mobility, Monterey County Agriculture and Historic Land Conservancy Inc. does not get involved by targeting a particular group as potential beneficiaries of easements, instead it lets “the easements speak for themselves” (Johnson, 2008: 47). On the question of easements and affordability Monterey County groups also claimed they do not want to get involved in “social engineering” (Johnson, 2008: 49). In other words the local land trust movement has opted for a hands-off and effectively non-redistributive approach.

Easements: keeping growers on board with farmland preservation

Despite the centrality of farmers to the movement conceptually, maintaining support for farmland preservation from the agriculture community, particularly those that subscribe to an agrarian capitalist ideology, has not been easy. Being robbed of the option to sell at a high price to developers, many farmers have tended to be “hostile or at the very least ambivalent towards the circumscription of their property rights” (Bryant and Johnston, 1992, cited in Bunce, 1998). Voluntary in nature, easements represent a compromise that conservative farm groups are more willing to accept than regulation.

The implementation of farmland preservation policy proved unfeasible as a stand-alone agenda and ultimately was incorporated into the conservation movement, which turned to the use of conservation easements at the local level as a main strategy of land protection. And as Bray (2010) notes, such tactics are in line with broader societal and governmental shifts towards

market-based environmental initiatives. In 1965 the Internal Revenue Service (IRS) incentivized the use of conservation easements by authorizing charitable income tax deductions to landowners who donate property for scenic easements next to federal highways (Bray, 2010: 131; Gattuso, 2008:3). Between 1965 and 2001 the tax code was revised numerous times transforming conservation easements from something that offered a rare tax perk to an acceptable charitable donation whereby up to 40% of the value of the land may be considered exempt from otherwise applicable estate tax (Bray, 2010: 132).

Easements, essentially market-based voluntary agreements have proven much more agreeable to growers than a regulatory approach to land policy (Bunce, 1998: 244). Easements are the “low hanging fruit” of the farmland preservation movement that appeal to republican ideologies (Thompson, 2103) and facilitate a working relationship between the AFT and conservative organizations like the Federation of Farm Bureaus. Morris (2006: 1215) argues that, “easements are in many ways a paradigmatic neoliberal environmental policy tool,” but concedes that, “as a result of extensive public funding and management, conservation easements are not nearly as private (and thus not as neatly neoliberal) as they sometimes seem.” The adoption of conservation easements by the farmland preservation movement empowered local groups (public and private) to join the effort. This also won the support of farm lobby groups like the California Farm Bureau Federation. While the National Farm Bureau initially opposed federal farmland preservation legislation, the California Farm Bureau now strongly backs more locally driven market-based public efforts like the creation of the California Farmland Conservancy Program and the use of easements to protect farmland against development. The following quip from the Sacramento Bee alludes to this as a shift in the make-up of the movement. “Tellingly, the farmland issue is being raised not only by “hippie farmers” and left-leaning organizations like the farmland trust...Now the leading voice on this matter is the conservative California Farm Bureau Federation” (Kasler, 1998). As I have argued, progressive agrarian farmers in affluent counties with existing land holdings are benefitting most directly from agricultural easements, not highly capitalized growers. However relying on voluntary easements as a key land policy tool in California prevents widespread redistribution of land wealth and ultimately upholds the dominant agrarian capitalist system, from which many large-scale growers benefit. As the following sections show, progressive agrarians, small-scale family farmers and farmworkers are in crisis and easements are a small bandaid on a chronic and systemic problem.

The farmland preservation movement in the context of food and land sovereignty: crisis *in* the system vs. crisis *of* the system

The farmland preservation movement has done a good job of framing the loss of farmland as a crisis. Initially threats to farmland from urban areas as well as threats from within the farm

sector were highlighted. And as we have seen, different discourses co-exist within the movement to explain and respond to this crisis. The threat of real estate development paving over rural landscapes has served as a common threat that unifies three main ideological perspectives: progressive agrarianism, resource conservationism, and economic utilitarianism. The degradation of soil and rural social fabric caused by particular modes of farming has proven to be more politically divisive and has taken a backseat in the farmland crisis discussion. The result: the farmland preservation movement tiptoes around important issues like GMOs vs. organic agriculture or farm labor conditions. The fact that developers have so much capital that they are able to buy up farmland at a rapid rate is alarming, but the real cause for alarm is the fact that farmers don't have the resources to buy land, even easement encumbered parcels. The low farm labor wages prevalent throughout the industry subsidize the cost of production and create a disadvantage to those producers who insist on fair labor practices. Meanwhile California's small-scale farmers and farmworkers are struggling to survive, not from external threats, but because the agricultural system itself is in crisis. As this paper has shown, questions of race and class shape how farmers benefit from farmland preservation. Yet even those farmers who maintain control over their land through the sale of an agricultural easement face systemic challenges in California's farm economy where the majority of people growing food and tending crops are barely earning enough to survive. A food and land sovereignty based analysis digs deeper into the structural reasons behind farmland loss.

In their discussion of food sovereignty and land policy, Borras and Franco note an important distinction. "The convergence of different crises — financial, food, energy and environmental — in 2008 sharpened the divide between two perspectives: a crisis *in* the system versus a crisis *of* the system" (2010: 106). Indeed this rings true in the context of the farmland crisis in the US, which began well before 2008. Treating farmland conversion as a crisis of over-development, underplays the fact that small family farmers and farmworkers are threatened by net losses, out competition from industrial agriculture and poverty wages. Food sovereignty on the other hand proposes to "reform land-based social relations to enable the rural poor to have access to and effective control over land resources" (Borras & Franco, 2010: 107). As the uneven geography of farmland preservation and access shows, responding to the social inequalities created by the current farm system—essential to food sovereignty—is the movement's true weakness. Therefore, the chance that what farmland is preserved will remain in the hands of the majority of family farmers who are struggling economically or transfer to farmworkers with limited class mobility is slim. According to researchers at the University of Vermont, 70% of farmland in the US will change hands in the next 20 years, but given the state of land values and small farm incomes, it is not expected that it will remain in farmers' hands. Currently 88% of the nation's farm landlords are not farm operators and of those who still own and work their farms, over two-thirds of retiring farmers have not identified successors, and 90% of farm owners do

not have an exit plan or know how to develop one (UVM, 2010: 1). Landless and/or low income farmers (the majority of people tending California's fields) face near impossible odds of getting access to land, regardless of how successful agricultural easement programs are. In all fairness the expansion of development has certainly contributed to dramatic increases in farmland prices and warrants some attention. However there are structural issues within the farm economy that keep small family farmers and farmworkers at a disadvantage and thus vulnerable to loss of land or limit the chances of ever acquiring it. California's farm sector is simply not profitable for most farmers. In 2007 56.7% of farms reported net losses (USDA, 2007a) Some voices in the farmland preservation movement have recognized this indirectly, but according to Johnson it is still largely the "elephant in the room."

Easements do not address the true farmland crisis, simply captured by the following remark from a Wells Fargo Bank representative,

It was not very long ago that a beginning farmer could buy farmland and pay it off in less than ten years, solely on farm receipts. Now, most banks will not make land loans on anticipated agricultural production alone; in parts of the San Joaquin Valley, for example, even almonds—one of the State's most profitable crops—can't generate a high enough return on a land investment to pencil out (Johnson, 2008: 16).

In the 2002 Agriculture census, the average value of land and buildings per farm acre in California was \$3,526, by 2007 that same figure had jumped to \$6,408! Despite this the number of farms actually went up in California between 2002 and 2007 by 1,402. Average farm size went down from 346 acres to 314, indicating a trend away from concentration of land wealth. As Richard Walker reminds us, simple categories like large and small, corporate or family are complex. "The agrarian capitalists are not easy to pin down, of course. They are a mobile and variable target, like Heisenberg's electrons" (Walker, 2004: 267). With this complexity in mind, a deeper look at which part of the farm sector are gaining access to land and under what economic circumstances, proves instructive.

According to the USDA Agricultural Census, between 2002 and 2007 the number of acres farmed decreased by 2,224,332 acres and the actual number of family or individual owned farms dropped slightly, meaning the share of total farmland farmed by families and individuals decreased from 80.9% of farm operators farming 53.6% of land in 2002 to 79% of all farm operators farming 50.6% of California's farmland in 2007. And the percent of farms where the principal farm operator's primary occupation is farming dropped from 61.7% to 50.5%. Although the number of farms has increased and the average size has diminished, there is little evidence to suggest that small family farmers are benefitting. In fact statistics indicate that in

lower income brackets, lifestyle and retirement farming are on the rise where farmers are increasingly turning to off-farm activities to supplement their incomes. Within the family farm category, small family farms are struggling most. Categorized as farms with sales of less than \$250,000, of these farms where farming is the primary occupation, most earn what are considered “lower sales” (under \$100,000) and only 4.6% of them are in the “higher sales” category (\$100,000 - \$250,000). Meanwhile a separate 13.8% are considered “limited resource farms” where the total household income of the principal operator is less than \$20,000. According to Ken Meter, in the Sacramento region of the central valley one region where industrial agriculture is most prevalent in the state, per capita farm proprietor income was \$4,000! This is less than half of the average annual wages per capita for farmworkers (between \$13,000 and \$19,000) in the same area (Meter, 2004: 5.3). It is no surprise then that 65.7% of small family farms are either run by an operator who is considered retired (27%) or classify as residential/lifestyle farms where farming is not considered the primary occupation (38.6%) (USDA, 2007a).

This ailing food economy does not seem to fit with the cultivated image of California as the nation’s breadbasket. California Department of Food and Agriculture (CDFA) hails the 15% increase in the sales value of the state’s agricultural products in 2011, the record \$43.5 billion revenues and celebrates the state’s number one rank in cash farm receipts with 11.6% of the US total (CDFA, 2013). As Ken Meter points out both realities are true.

Because of the size of its counties, California has both the largest gainers and the largest losers. Four of the counties in the U.S. in which the farm production balance has improved since 1969 are in California. However, so are eight of the 14 counties that have suffered the largest declines. Moreover, losses outweigh gains. The four counties that gained earned \$900 million more in 2002 than they had in 1969—while the eight California counties posting losses lost \$1.4 billion (Meter, 2004: 5.3).

In his report, “Local gains, systemic losses” Meter highlights how such phenomenal gains are linked to the net losses of over half of the state’s farm owners, and the low wages of farmworkers. The prosperity of few has come at the expense of many. Despite its massive agricultural sector, California is now a net importer of food and although farm productivity has doubled, the return to farmers was cut in half (Meter, 2004).

The food sovereignty movement “has emerged as an expression of and potential solution to, the contradictions of agro-industrialization (e.g., food distribution inequity, monoculture, population redundancy, environmental degradation, fossil fuel dependence)” (McMichael, 2010: 173). The marginalization of farm labor, and the negative consequences of industrial

agriculture are part of the same agrarian capitalism that has made family farming so challenging in California. “Indeed in California the nation was afforded its first look at agriculture in truly modern dress: an enterprise that still had content in common with traditional farming, but which revealed a oneness in motives, methods and sense of unadulterated economic purpose with the burgeoning industrial order.” (Daniel, 1981: 39). This industrial order has social and ecological consequences, some of which have been outlined here. For Wittman, “This [type of] transformation of agrarian social and ecological conditions has served to disrupt agriculture as a holistic link between human culture and the environment, producing a chasm, or ‘metabolic rift,’ between humans and nature” (Foster, 1999, 2000; Moore, 2000; Wittman 2009, cited in Wittman, 2010: 94).

Mariola echoes this critique and explains how farmland preservationists caught up in the logic of economic utility create a blind spot within the movement to the real crisis,

It is widely acknowledged among contemporary observers of agriculture that the productionist mentality is, in fact, a primary source of the present farm crisis, having precipitated calamitously low crop prices and the perpetuation of a “treadmill of technology,” but preservationists cannot even enter the debate. Indeed, they condone this mentality by pegging the production of adequate supplies of food for a growing world population as the number one reason for preserving farmland (Mariola, 2010: 218)

“In most settings in the developing world today the first step towards food sovereignty must be a reform of land-based social relations that enable the rural poor to have access to and effective control over land resources” (Borras & Franco, 2010: 107). With the idea of land sovereignty Borras & Franco (2012) propose a framework that takes into consideration the question of power in land relations, and “expresses a truly pro-working poor class bias in land issues – especially the core idea of the rural working classes being *able* to exercise full and effective control over the land where they live and work” (Borras & Franco, 2012: 6, emphasis added). Land sovereignty therefore requires land access — the *ability* to benefit from land (as defined by Ribot and Peluso, 2003) — for working class farmers. The farmland preservation movement has succeeded in keeping some family farmers in control of existing land-holdings, but has failed to resolve the root causes of their vulnerability, and their limited ability to benefit from their land. Meanwhile a history of exploitation of immigrant farmworkers has created serious barriers to entry for immigrant farmworkers seeking to become farm owners. Here, the farmland preservation movement fails to deal with questions of race and class head on and renders itself irrelevant to most farmworkers. Given these shortfalls, the potential for the reform of land-based social relations that Borras and Franco outline is limited.

Pro-poor farmland preservation

Select land trusts, organizations and individuals are pioneering this work in what can be understood as an effort modify farmland preservation strategies so that they advance land sovereignty in California's fields. Johnson argues,

Easement selection, acquisition and monitoring practices are political acts. Since each easement is carried out in a process inherently loaded with human values, the [Agricultural conservation easement] can indeed be wielded as a tool for land reform. Used without care, however, this tool can have unintended or inequitable consequences. (Johnson, 2008: 25).

These political acts are yet to be the norm in the world of farmland preservation, but some innovative groups are exploring how easement language can be used to maintain affordability and promote land access for low-income farmers and farmworkers. A detailed investigation of this work exceeds the limitations of this paper, but the following list highlights some interesting concepts and organizations that warrant future research into the ways they are developing farmland preservation tools that are able to address current inequalities in the farm sector.

1. The **Community Land Trust model** while most commonly used in urban areas to provide affordable housing can also be used for agriculture. It offers long-term lease options that provide lifetime tenure and the ability to build equity in the improvements made to a parcel, which are owned and can be sold by the farmer. "Under these circumstances, a long-term "ground lease" (usually 99 years, and allowing for the farmer to own improvements) may be preferable to ownership" (Johnson, 2008: 35).
2. An **Option to Purchase at Agricultural Value (OPAV)** is a tool used to address the easement gap that is created by demand from easement-encumbered parcels for non-farm uses that drives prices above agricultural production value. An OPAV is another restriction in the easement deed that "runs with the land," that is, it lasts forever. This option gives the holder of the easement the right to step in at the transfer of land and purchase it or authorize a farmer to purchase it at the value of agricultural production (assessed by a pre-determined formula) rather than at market value. If the OPAV is not exercised the land can be purchased for non-farm uses. This strategy has not been used extensively in California yet, but the Peninsula Open Space Trust is exploring the option.
3. Typically conservation easements prohibit residential and commercial development, but do not actively require any specific action. **Affirmative easements**, on the other hand have emerged as a tool to mandate that a parcel stay under agricultural production. In California Live Power farm held the first such easement in the state, held by Equity Trust

(Lawson, 1997). The Marin Agricultural Land Trust is pushing this strategy forward in California by adding a new provision to all of its easements called Mandatory Agricultural Use (MALT, 2013). This provision requires landowners to keep farmland in commercial agricultural production as outlined in a management plan that is developed in partnership with a certified rangeland manager or other conservation professional approved by MALT, which is responsible for monitoring or taking legal action if the easement is breached.

4. The [One Farm at a Time](#) project is a campaign to raise funds from Co-op grocery store shoppers to purchase an affirmative easement on the land owned and operated by Good Hummus Farm. This fundraising effort is working in collaboration with the Equity Trust to create a model is capable of preserving one farm at a time through a portion of consumer sales. See:
5. As I have argued, non-profit land trusts are the foot soldiers of the farmland preservation movement and because of this decentralized dynamic, the creativity and character of preservation efforts varies greatly. [The Equity Trust](#) is one of the leaders in the faction of land trusts talking about and developing tools to address social inequality. With the intention of “changing the way we think about and hold property” the Equity Trust has published numerous papers and reports about new ways land trusts can protect farmland for farmers. Despite the fact that it is located in Massachusetts, it was strategic in establishing the first affirmative easement on the Live Power farm in Covelo California.
6. [The Agrarian Trust](#) was established in Jan. 2013 to help sustainable next-generation farmers access land. It is fiscally sponsored by the Schumacher Center for a New Economics and is directed by Severine von Tscarner Fleming, director of the [Greenhorns](#), a national network of new sustainable farmers; and Kendra Johnson, freelance land access consultant and heavily cited author in this paper. In its first phase this project will serve primarily as an information trust attempting to find, understand and promote successful land access models.

Conclusion

In this paper I have argued that the use of agricultural conservation easements has benefitted primarily “progressive agrarian” family farmers who already have land. This is certainly not without exception and the category of progressive agrarian is nuanced and there are many overlaps between the categories of farmers I have used in this research. This general claim, however is made based on the fact that the market value of many easement-encumbered parcels is still significantly higher than the agricultural production value, and therefore unaffordable to most farmers seeking land. The farmers that do benefit from easements tend to be located in affluent counties where the donor base for land trusts is strong. This is a key

factor because much of farmland preservation happens at the local level through the work of conservation land trusts. By drawing on food and land sovereignty tools for analysis, it becomes clear that despite the fact that farmers in wealthy coastal counties are best served by farmland preservation, at a systemic level farmland preservation is not resolving the serious challenges to economic viability that California's farmers face. The farmland preservation movement does an excellent job uniting against development, however divergent ideological underpinnings, that have shaped the movement since its inception create a blind spot over the "big elephant in the room" – the fact that over half of all farms in California are losing money. The other issue that goes largely unaddressed by the farmland preservation movement is farm labor. Farmworkers experience limited class mobility linked to the explicitly racist processes of agrarian class formation that have historically characterized California agriculture. Small-scale family farmers and farmworkers are struggling, while a small sector of primarily large-scale "agrarian capitalists" remain profitable. In this context, despite the proliferation of land trusts, the redistributive capacity of agricultural conservation easements, as they are most often used, is limited. There are some innovative examples of new ways to use easements so that they better address the issue of affordability, which I have identified as potentially fruitful for future research.

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FOOD SOVEREIGNTY: A CRITICAL DIALOGUE INTERNATIONAL CONFERENCE PAPER SERIES

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A fundamentally contested concept, food sovereignty has — as a political project and campaign, an alternative, a social movement, and an analytical framework — barged into global agrarian discourse over the last two decades. Since then, it has inspired and mobilized diverse publics: workers, scholars and public intellectuals, farmers and peasant movements, NGOs and human rights activists in the North and global South. The term has become a challenging subject for social science research, and has been interpreted and reinterpreted in a variety of ways by various groups and individuals. Indeed, it is a concept that is broadly defined as the right of peoples to democratically control or determine the shape of their food system, and to produce sufficient and healthy food in culturally appropriate and ecologically sustainable ways in and near their territory. As such it spans issues such as food politics, agroecology, land reform, biofuels, genetically modified organisms (GMOs), urban gardening, the patenting of life forms, labor migration, the feeding of volatile cities, ecological sustainability, and subsistence rights.

Sponsored by the [Program in Agrarian Studies at Yale University](#) and the [Journal of Peasant Studies](#), and co-organized by [Food First](#), [Initiatives in Critical Agrarian Studies \(ICAS\)](#) and the [International Institute of Social Studies \(ISS\)](#) in The Hague, as well as the Amsterdam-based [Transnational Institute \(TNI\)](#), the conference “Food Sovereignty: A Critical Dialogue” will be held at Yale University on September 14–15, 2013. The event will bring together leading scholars and political activists who are advocates of and sympathetic to the idea of food sovereignty, as well as those who are skeptical to the concept of food sovereignty to foster a critical and productive dialogue on the issue. The purpose of the meeting is to examine what food sovereignty might mean, how it might be variously construed, and what policies (e.g. of land use, commodity policy, and food subsidies) it implies. Moreover, such a dialogue aims at exploring whether the subject of food sovereignty has an “intellectual future” in critical agrarian studies and, if so, on what terms.

ABOUT THE AUTHOR

[Zoe Brent](#) holds an M.A. in International Relations from Universidad del Salvador in Buenos Aires where her thesis research focused on indigenous rights claims in the context of soy, mining and tourism development in Argentina. She is a Food First Fellow, where her research interests include worker and immigrant rights throughout the global food supply chain. At Food First she also began developing Food Sovereignty Tours’ in 2010, served as the first program coordinator and led the first Food Sovereignty Tour to Cuba. This more recent work on land access in California is part of her planned PhD dissertation work, to begin in 2014.