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Landowner Resources for Sustainable Farm Leasing

Drake Agricultural Law Center

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Landowner Resources for Sustainable Farm Leasing

Abstract

This trifold brochure explains the Sustainable Agricultural Land Tenure (SALT) Initiative, a collaboration of the Drake Agricultural Law Center and the Leopold Center. A number of resources have been created as part of this initiative including The Landowner's Guide to Sustainable Farm Leasing, The Landowner's Decision Tool, videos, podcasts, sample leases and other organizations.

Keywords

Agronomy, Land Use

Disciplines

Agricultural Science | Agriculture | Agronomy and Crop Sciences | Sustainability



WE'D LIKE TO HEAR FROM YOU

The resources provided to landowners and others through this initiative are only valuable so long as they address actual landowner needs and values. Just as the landscape of each farm is different, so to are the characteristics of each landowner. For this reason, it is one of the goals of this initiative to obtain and incorporate the diverse concerns possessed by individual landowners.

If you are willing to share your thoughts, we are thankful for the opportunity to listen. We are interested in hearing about your experiences and concerns as a landowner, as well as your opinions on the usefulness of the resources provided by the initiative.

You can contact Ed Cox, the principal author of these materials, at the email address listed below. You can also visit the Sustainable Agricultural Land Tenure Website (www.sustainablefarmlease.org) for additional resources and to take a short survey.



LEOPOLD CENTER

SUPPORT

This project was funded in part by the Leopold Center for Sustainable Agriculture. Established by the 1987 Iowa Groundwater Protection Act, the Leopold Center supports the development of profitable farming systems that conserve natural resources.



The Drake Agricultural Law Center is internationally recognized for providing opportunities to study how the legal system shapes our food system and influences the ability of the agricultural sector to produce, market and utilize agricultural products.

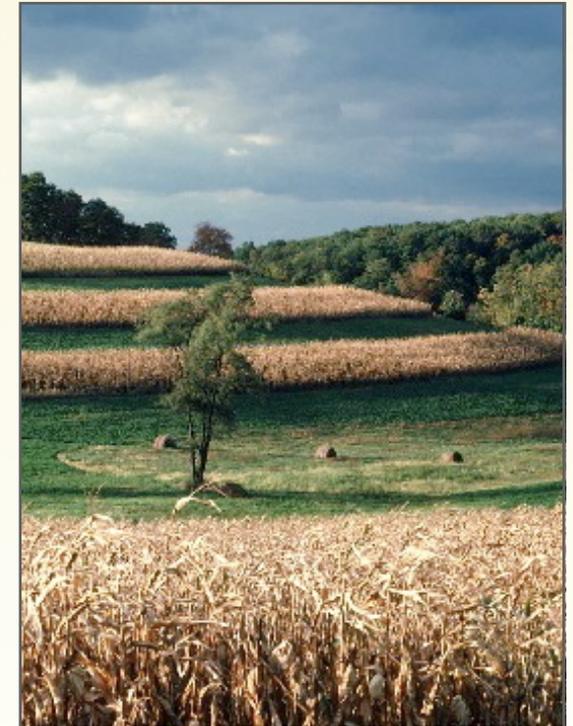
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Photos Courtesy of USDA NRCS

LANDOWNER RESOURCES FOR SUSTAINABLE FARM LEASING

DRAKE AGRICULTURAL LAW CENTER



WWW.SUSTAINABLEFARMLEASE.ORG

The Sustainable Agricultural Land Tenure (SALT) Initiative has developed the tools described in this brochure to assist owners of leased farmland in ensuring the stewardship and long-term productivity of their land, while creating secure landlord-tenant relationships that are productive and economically beneficial.



Sustainable Agricultural Land Tenure Initiative

AS THE LANDOWNER

No one has a greater interest in the sustainability of the land than you. After all, it is the owner of the land who will retain the property after the lease term expires. As a landowner, you also have the most control of your land. Although your tenant operator is given possession and control of the property for a period of time, you have the ability, and the duty, to protect the land's natural resources and ensure its long-term productivity. A written lease agreement is a valuable tool for achieving your goals as the ultimate steward of the land.

A lease can place certain limits and requirements on how your tenant farms the land, as well as provide ways to encourage your tenant to adopt sustainable farm practices on their own accord. The latter method not only motivates your tenant to protect the farm's resources but also aids in establishing a long and cooperative relationship between you and your tenant.

The SALT Initiative has developed a few resources to aid landowners in farm lease decision-making. These tools are available at www.sustainablefarmlease.org.

THE LANDOWNER'S GUIDE TO SUSTAINABLE FARM LEASING

There is no single sustainable way to farm, and likewise there is no single sustainable farm lease. However, there are some consistent issues to consider in reaching an arrangement that is sustainable for you, your tenant, and the land. Hopefully, you will find this guide helpful in addressing some of these issues. If viewed online, the guide provides helpful links you can click on along the way for more detailed information.

The guide includes chapters on a variety of topics important to developing a sustainable farm lease. Topics include an introduction to

sustainable agriculture and the basics of a farm lease; the importance of establishing your priorities, along with important questions to ask yourself; talking with prospective tenants; the interaction of farm leases and the law; and key considerations for a sustainable farm lease. The key considerations include:

- ▶ the term of the lease
- ▶ reimbursement for improvements
- ▶ cost-sharing
- ▶ risk-sharing
- ▶ landlord-tenant communication
- ▶ conservation provisions

Additional considerations discussed in the guide include recreational uses on leased farmland, environmental services contracts, conservation easements, and assisting new farmers.

THE LANDOWNER'S DECISION TOOL

Because there is no single method or form lease that can be used to promote conservation while also meeting the different priorities of landowner and tenant, one of the goals of the initiative is to promote creative lease agreements that take landowner and tenant needs into consideration while encouraging tenant's to conserve farm resources. This creates what can be an overwhelming amount of information.

The Landowner Decision Tool is designed to lead interested landowners and others through information on conserving farm resources as it relates to their circumstances and concerns. This is accomplished through a series of interactive questions and answers.

LINKS, VIDEOS, SAMPLE PROVISIONS AND MORE

You'll also find:

- ▶ Definitions of important conservation and farm lease terminology

- ▶ Videos and Podcasts from landowners, farmers, and experts providing additional commentary on sustainable farm leasing.
- ▶ Links to other organizations and agencies that contain valuable information on sustainable agriculture and farmland leasing
- ▶ Sample provisions (these are provided for general information and should be used with the advice of a licensed attorney)
- ▶ Analysis of select farm tenancy laws as they relate to sustainable farm leasing.

ADDITIONAL RESOURCES

Drake Agricultural Law Center

- ▶ Provides links to publications on beginning farmers, food policy, rural development, sustainable land tenure, and more.
- ▶ <http://www.law.drake.edu/agLaw>

Leopold Center for Sustainable Agriculture

- ▶ Provides information on ecology, marketing, and policy issues related to sustainable agriculture.
- ▶ <http://www.leopold.iastate.edu>

Iowa State University Extension's Ag Decision Maker

- ▶ Provides information on farm ownership and management topics, including leases.
- ▶ <http://www.extension.iastate.edu/agdm/?src=text>

USDA's Natural Resources Conservation Service

- ▶ Provides financial and technical support to help landowners and farmers protect the country's natural resources.
- ▶ <http://www.ia.nrcs.usda.gov>