



Land Legacy Committee (LLC) Meeting Agenda
East Multnomah Soil & Water Conservation District

(July 18, 2022)

Monday, July 25, 2022, 5:00 – 7:30 PM

To be held at EMSWCD's Mainstem Farm and Headwaters Farm Properties, directions to be provided upon RSVP'ing to Asianna Fernandez at asianna@emswcd.org. Limited remote participation also available (for agenda items 5 - 8); participate via GoToMeetings <https://meet.goto.com/993088381> or call in to United States (Toll Free): 1 877 309 2073; Access Code: 993-088-381

AGENDA

Item #	Time	Agenda Item	Purpose	Presenter	Packet
A	4:45 20 mins	OPTIONAL Walking Tour of EMSWCD's Mainstem Farm Access Project	Informational	Shipkey, Cooper	n/a
<i>Overview: For anyone interested, there will be an opportunity to tour the Mainstem Farm property (which will be discussed under Agenda Item # 3). No official business will be conducted, and this tour is optional.</i>					
1	5:00 15 mins	Arrive at Mainstem Farm Parking Area	N/A	N/A	Parking Directions
<i>Overview: Allows for adequate time to park vehicles. During this time, we will have some snacks and beverages available for folks while they settle in and casually network.</i>					
2	5:15 15 mins	Introductions, Icebreaker	Information	N/A	n/a
<i>Overview: All participants will introduce themselves, share their relationship with EMSWCD and name what first got them excited about agriculture.</i>					
3	5:30 15 mins	Mainstem Farm Access Project	Information	Shipkey, Cooper	n/a
<i>Overview: Shipkey will discuss the framework, current status and mission related outcomes of the Mainstem Farm access project – which is potential model for the proposed Gordon Creek Farm access project. The lessee/optionee will discuss their experience and what they are doing to create access opportunities at Mainstem Farm for other farmers.</i>					
4	5:45 15 mins	Transition to Headwaters Farm	N/A	N/A	n/a
<i>Overview: All participants will walk over to the Headwaters Equipment Shed (where sandwiches, snacks and beverages will be available) for the main presentation. Participants can use this travel time for any follow-up questions related to Agenda item #3.</i>					



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5	6:00 15 mins	Context, Process for Soliciting Feedback on Gordon Creek Farm Access Opportunity	Information	Shipkey/Steele	n/a
Overview: Staff will review why promoting farm access equity advances the mission of EMSWCD, the support the Board has provided to this work and overview how EMSWCD worked with the community to identify access strategies for EMSWCD's Gordon Creek Farm. There will be an opportunity for questions, as well as input from any Farm Access Equity Advisory Group members that are in attendance.					
6	6:20 20 mins	Gordon Creek Farm Access Recommendations	Information	Shipkey/Steele	Please Review Recommendations Report
Overview: Staff will review the recommendations for access at Gordon Creek, starting with the underlying "North Star" objectives. There will be an opportunity for input from any Farm Access Equity Advisory Group members that are in attendance.					
7	6:40 40 mins	Questions, Discussion, Next Steps	Discussion	Zimmer- Stucky	n/a
Overview: The LLC Chair will lead the LLC in a discussion about the Farm Access Equity Advisory Group recommendations, to take a "temperature check", identifying any key questions and potential next steps.					
8	7:20 10 mins	Closing Items: <ul style="list-style-type: none"> • Gratitude • Approval May 23, 2022 meeting minutes • Announcements and Reminders • Action Items Adjourn	Information/ Decision	Zimmer- Stucky	5/23/2022 LLC Meeting Minutes

EMSWCD Board Members, Officers and Meeting Dates:

EMSWCD Board			LLC	Year	FY22-23 Schedule	Board	LLC
Members	Positions	Officers		2022	July	6 th	25 th
Joe Rossi	Zone 1 Director		X		August	1 st	
Laura Masterson	Zone 2 Director	Secretary	X		September	x	26 th
Mike Guebert	Zone 3 Director	Chair	X		October	3 rd	
Jim Carlson	At-Large 1 Director	Treasurer	X		November	7 th	21 st
Jasmine Zimmer-Stucky	At-Large 2 Director	Vice Chair	Chair		December	5 th	



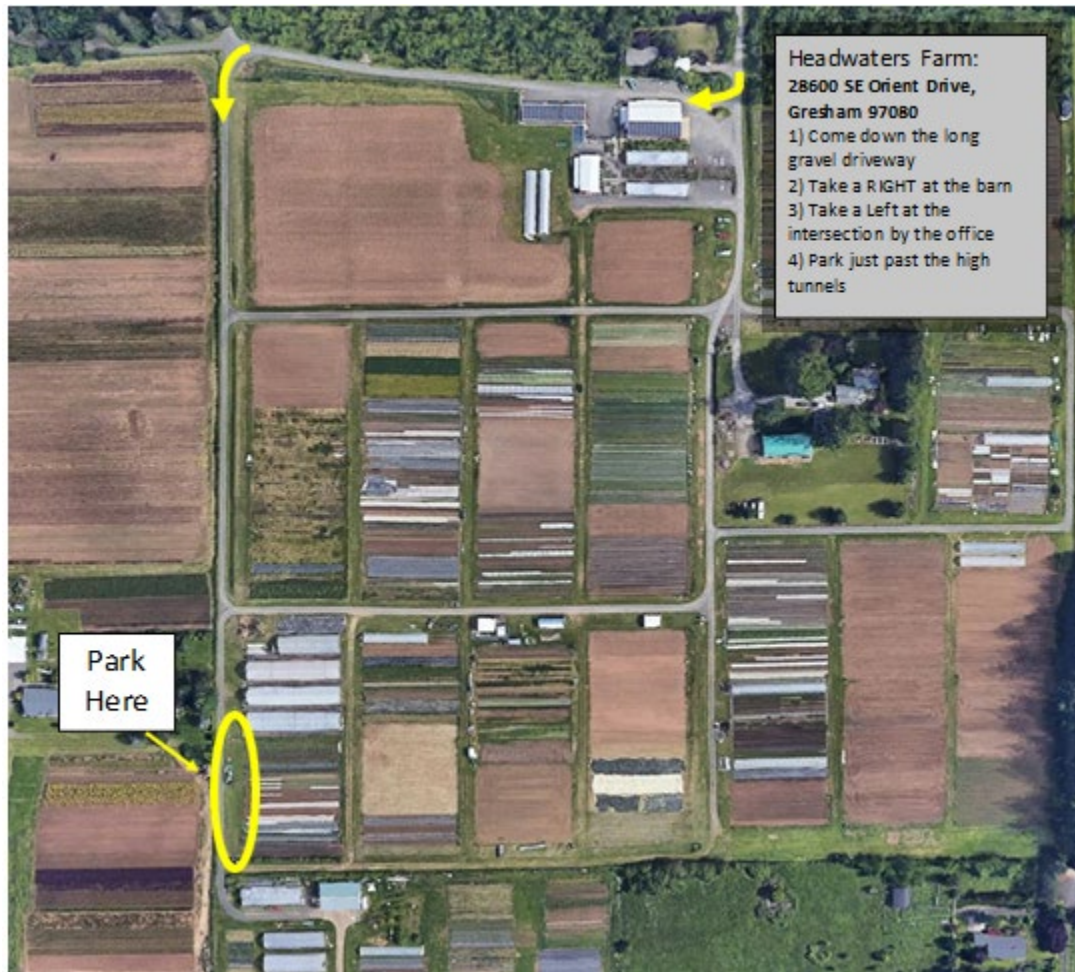
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2023	January	4 th	30 th
	February	6 th	
	March	6 th	27 th
	April	3 rd	
	May	1 st	22 nd
	June	5 th	





Farmland Access Recommendations for Gordon Creek Farm Property

Executive Summary

EMSWCD has an exciting opportunity to **advance EMSWCD's mission to help people care for land and water** by breaking down barriers to farmland access which have prevented farmers from certain communities in **partnering with EMSWCD on the stewardship of on-farm soil and water resources**.

This report outlines the actions taken by the Board, staff, and an EMSWCD-convened Farm Access Equity Advisory Group to explore and advance strategies that result in more equitable access to farmland, specifically with regard to EMSWCD's Gordon Creek Farm property (the "Farm").



The Advisory Group **unanimously concluded that the preferred means of access to the Farm would be for EMSWCD to transfer the Farm for no consideration¹ to an organization best positioned and capable of making the Farm accessible** to members of communities negatively impacted by racial discrimination and/or dispossession. Informing this recommendation, the group outlined seven 'north star' objectives; meeting many or most of these objectives will help ensure a successful transfer of the property and set future farmers up for success. These include:

1. The access opportunity should be long term.
2. The access opportunity should be affordable² and owned by the folks working the land.

¹ No consideration meaning no money paid. But, significant "consideration" would likely be received in the form of community benefits realized from the project.

² Affordable meaning that the cost to access the land does not impair the financial sustainability of the operation.

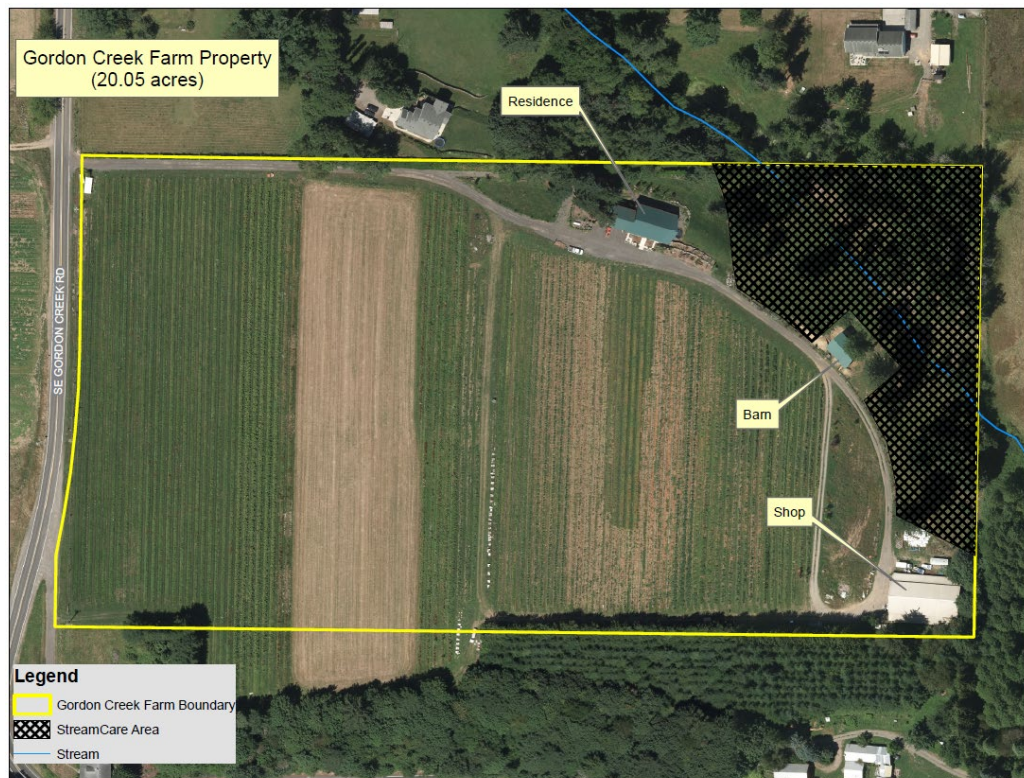


3. An access opportunity without other supports will not be sustainable or long term viable.
4. Create an opportunity for an alternative to the individualistic model of farming³.
5. The outcomes of the access opportunity should be focused on supporting communities affected by discrimination and/or dispossession instead of centering financial outcomes for EMSWCD.
6. Operations at the farm should be environmentally sustainable.
7. Centering the original, indigenous stewards of the land in the process.

As part of the arrangement, **EMSWCD would retain a working farmland easement** over the Farm which would ensure that the objectives of the transaction—**access, affordability, soil, water and habitat protection and enhancement—are guaranteed in perpetuity**. While EMSWCD would hold and manage the easement, it is suggested that EMSWCD look to partners to bring additional capacity, resources and skills to the project (e.g. for those supports beyond land access).

Recognizing that this recommendation has been developed without the knowledge of what an ultimate awardee would deem desirable, the Advisory Group identified two additional access options EMSWCD could consider pivoting to if appropriate and desired by an awardee.

The report concludes by laying out a possible critical path to an EMSWCD Board decision for access to the Farm, and the intention for continued community co-creation in the work that then follows.



Report Authors: Sara Curiel-Paez, Matt Shipkey, Rowan Steele
Farm Access Equity Group Reviewers: Malcolm Hoover, Megan Horst

³ This would likely entail EMSWCD making space for this to occur with other organizations in the lead.

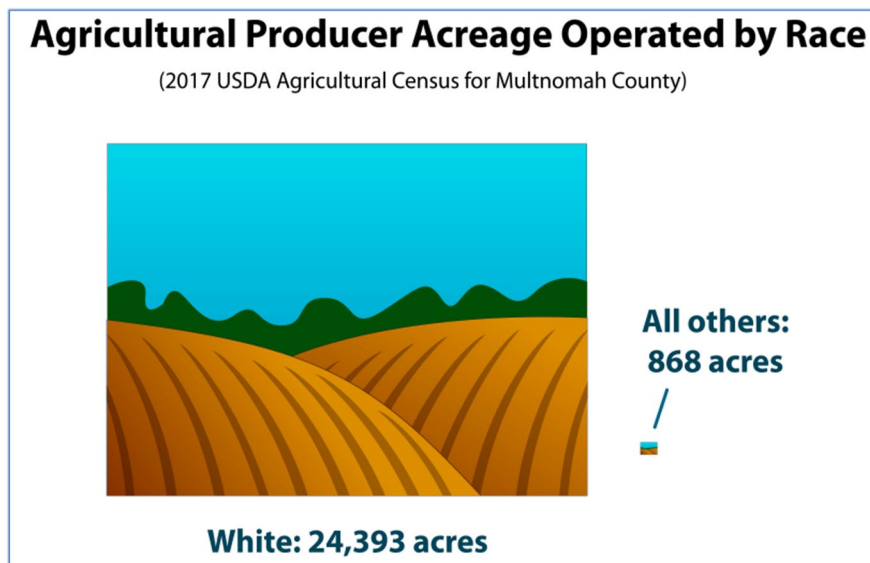


Why Farm Access Equity?

EMSWCD has long invested in efforts to help farmers access farmland, as **helping people access farmland means that we can also help people care for land and water**. We utilize a variety of techniques intended to create access opportunities for farmers of all demographics – short-term leases of EMSWCD farm properties with established farmers, mid-term leases and support services for beginning farmers via our Headwater’s Incubator Program and long-term leases / transfer of title to EMSWCD farm properties. A common thread in all this work is the **deployment of strategies that are reflective of the needs and resources of specific farmer demographics**.

EMSWCD has had limited success in providing farmland access for farmers from communities that have faced the **negative consequences of racial discrimination and dispossession**. Historic and current barriers to access for these communities (see Appendix A) require the implementation of unique and targeted strategies in order to unlock the ability of EMSWCD to **support qualified farmers who want to and are capable of farming and in so doing, help those same folks care for land and water**. Investments in creating more equitable farm access opportunities reflect the obligation of a public entity to provide services to all of its constituents. And, it also creates opportunities for EMSWCD to further the protection of our shared land and water resource by **unlocking new perspectives and approaches**. It was for the preceding reasons that the EMSWCD Board in the summer of 2020 adopted an additional goal for the Land Legacy Program of completing transactions that address farmland access inequities for farmers from communities negatively impacted by racial discrimination and dispossession (the “Focus Communities”). At the same time, the EMSWCD Land Legacy Committee approved advancing strategies to make EMSWCD’s Gordon Creek Farm (the “Farm”) property accessible for the Focus Communities.

Example evidence of farmland access disparities:





Community Engagement

In developing an access strategy for the Farm, EMSWCD understood the importance of having the Focus Communities lead on development of recommendations for use of the Farm. Accordingly, EMSWCD Staff and a consultant reached out to local organizations and individuals known to have a focus, passion and experience in tackling access to farmland challenges. From those conversations **EMSWCD was fortunate to identify and convene seven individuals with personal and professional connections to the Focus Communities and a deep passion for farm access equity.** These individuals served on EMSWCD's Farm Access Equity Advisory Group, which met eight times during the period October 2021 to June 2022. It is the recommendations of this Advisory Group that follow.



EMSWCD is grateful for the time, insight and courage contributed by the Farm Access Equity Advisory Group members:

- Rob Cato – Zenger Farm
- Malcolm Hoover – Black Food Sovereignty Coalition, Black Futures Farm
- Dr. Megan Horst – Portland State University School of Urban Studies & Planning
- Duane Lane – Headwaters Incubator Program, Oregon Native American Chamber
- Geoffrey Van – Rogue Farm Corps.
- Aaron Vargas – EcoTrust
- Mick Rose Waggoner – Native American Youth and Family Center.

Sara Curiel-Paez of Capacity Building Partnership provided facilitation services, and Allison Lugo Knapp served as a note taker and process observer. EMSWCD Board Member Jasmine Zimmer-Stucky served as a liaison to the Advisory Group. EMSWCD Staff Andrew Brown, Matt Shipkey and Rowan Steele provided staff support to the Advisory Group.



Recommendations

The specific recommendations for use of the Farm are **rooted in a suite of ‘north star’ objectives which the Advisory Group first developed and arrived at via consensus.** These ‘north star’ objectives were built off a foundation of mutual sharing and learning about what access to land meant for each Advisory Group member personally, as well as their community. There was strong alignment on the need and want to protect land, steward the land for generations to come and share the wealth that comes from it. The north star objectives are:

- **Access should be long term**—providing a sense of security, stability, and creating incentives to properly invest in the land and steward it for the future.
- **Access should be affordable and owned by the folks working the land**—wealth generation is an important aspect of a farm business and community economic development.
- **Access without other supports will not be sustainable or long term viable**—Land access is critically important, but farming is complex and many other barriers exist, especially for groups who have been historically excluded from the wealth generation elements of agriculture. Additional supports may include technical support, infrastructure development and market support.
- **Access should create an alternative to the individualistic model of farming**—An acknowledgment that the “go it alone” model of farming is exhausting, has a low rate of success and may not build community. This could be an opportunity to encourage and support a cooperative based approach to farming, and if done well, could serve as model statewide or throughout the Pacific Northwest for others to follow.
- **The outcomes of the access opportunity should be focused on supporting communities affected by discrimination and/or dispossession instead of centering financial outcomes (for EMSWCD)**—The site is more akin to a public utility that sustains our regional foodshed than a vehicle for maximizing financial return.
- **Access should ensure farm operations are environmentally sustainable**—this includes both areas under production and non-production spaces (e.g. the stream corridor).
- **Access should center the original, indigenous stewards of the land in the process**—This includes a range of possible actions, such as but not limited to return of the land (see Appendix B for project examples) and opportunities to incorporate and learn from indigenous stewardship in guiding the future of the site. A question that was raised by multiple folks was whether and how any prioritization for access might be made amongst members of communities negatively impacted by racial discrimination and/or dispossession. On this question, EMSWCD noted the intention to create additional future access opportunities; by removing scarcity from the equation (e.g. this won’t be the only farm access opportunity) this may alleviate this challenge.

The Advisory Group evaluated a variety of land access options – informed by past farmland access strategies employed by EMSWCD and other organizations (see Appendix B) – against the preceding objectives, and reached consensus on the preferred recommendation for access to Gordon Creek Farm.



Recommendation from the Advisory Group:

Convey the property for no consideration to an organization best positioned and capable of making the Farm accessible to members of communities negatively impacted by racial discrimination and/or dispossession. EMSWCD would retain a working farmland easement over the Farm which would ensure that the objectives of the transaction – access, affordability, soil, water and habitat protection and enhancement – are guaranteed in perpetuity.

Partnerships are key to the success of the project. This is not a project EMSWCD will be “going it alone” on. Rather, EMSWCD will be looking to partners to ensure the feasibility, success and relevance of the work. For example, the Advisory Group emphasized the importance of additional supports to ensure an access strategy is viable. EMSWCD Staff noted that existing EMSWCD programs could provide support in the areas of infrastructure investments, technical assistance, cost-share and grants. Partnerships could be explored to bring the following additional supports to the project: farm machinery access; Traditional Ecological Knowledge (e.g. indigenous) techniques; market/buyer access; cooperative farming structures; land use; and housing. Potential partnerships to explore include but are in no way limited to organizations such as the Northwest Cooperative Development Center, Wisdom of the Elders and Rogue Farm Corps.

The Advisory Group also recognized that as this recommendation was developed without feedback from the ultimate awardee, flexibility to be responsive to the needs of the awardee is desirable. So, if an interested organization wanted to take more of a “stepwise” approach to land access, the group recommends the following alternative:

Enter into a long-term lease (at least 10 years) and transfer option⁴ with an organization best positioned / capable of making the Farm accessible to members of communities negatively impacted by racial discrimination and/or dispossession. The consideration paid for the lease would be the community services (e.g. education, culturally specific programming) being provided by the organization. EMSWCD to consider making continued investments in infrastructure. In the event the lease ends (for reasons other than default), the organization would recoup a portion of its investments in the site, as would sublessees.

The transfer option would be at the organization’s election, and if exercised: a) the property would be conveyed for no consideration; and b) EMSWCD would retain a working farmland easement over the Farm which would ensure that the objectives of the

⁴ The transfer option could be paired with an opportunity for continued 10 year renewals (if the organization preferred not to own).



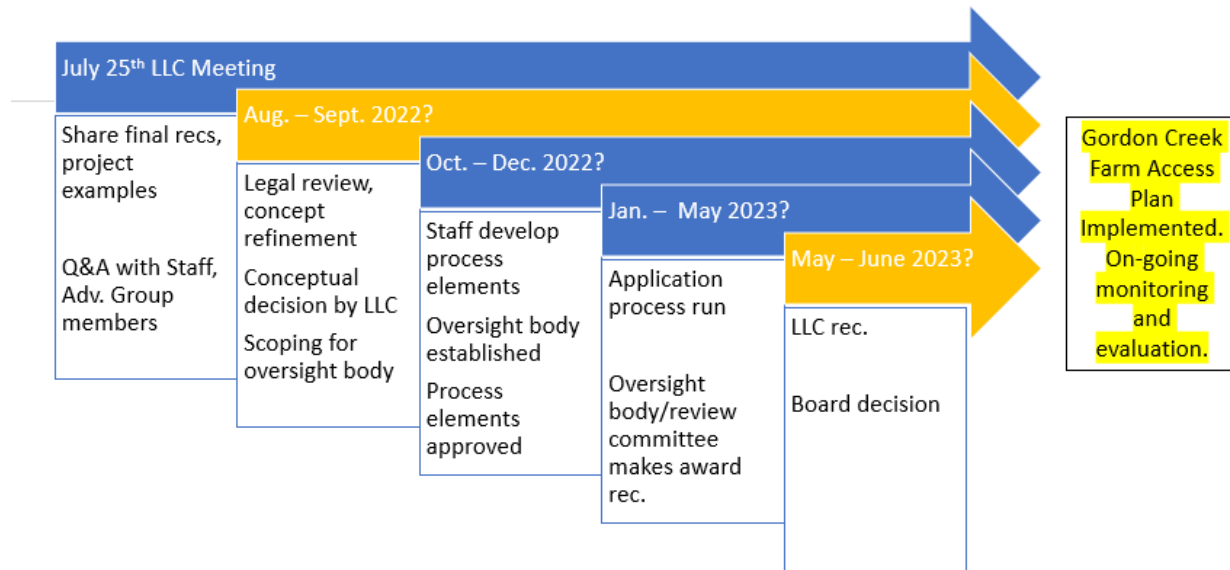
transaction – access, affordability, soil, water and habitat protection and enhancement – are guaranteed in perpetuity.

In the unlikely event that an interested organization had no interest in owning the land, then the following alternative would be recommended:

Enter into a long-term lease (at least 10 years, with possible renewal option) with an organization best positioned / capable of making the Farm accessible to members of communities negatively impacted by racial discrimination and/or dispossession. The consideration paid for the lease would be the community services being provided by the organization. EMSWCD to consider making continued investments in infrastructure. In the event the lease ends (for reasons other than default), the organization would recoup a portion of its investments in the site, as would sublessees.



Next Steps



The graphic above illustrates a potential critical path to making a decision for what organization would utilize the Farm, and the parameters around that “transaction”. Process elements leading up to that decision point include development of an application, outreach/awareness building, informational sessions and other supports for applicants, an application assessment protocol and the assessment itself.

Consistent with the approach that led to the recommendations found in this document and feedback from the Advisory Group, EMSWCD would seek to co-create the work products noted above with the Focus Communities. This would likely entail the creation of an oversight board comprised of individuals with the relevant skills and connection to the Focus Communities, as well as EMSWCD Board representation.



Appendix A

Farmland Access Equity Disparities

1. Background

About EMSWCD

The East Multnomah Soil and Water Conservation District (EMSWCD) is a unit of local government serving Northwest Oregon's Multnomah County east of the Willamette River. EMSWCD is led by an elected board of five directors. EMSWCD works with its constituents entirely on a voluntary, non-regulatory basis. EMSWCD work is geared toward keeping water clean, conserving water and keeping soil healthy.

EMSWCD's Farm Protection / Farm Access Initiatives

One of EMSWCD's initiatives is an effort to ensure a sustainable future for agriculture (generally east of the Urban Growth Boundary / Urban Reserve) through its Land Legacy Program (LLP). It does this principally by working to ensure that farmland remains available for current and future farmers. The two principal techniques the LLP uses are: a) the purchase of farm properties listed for sale and which are at risk of conversion to non-farm use and; b) the acquisition of working farmland easements which ensure farm properties remain available for and stay in active agricultural use.

EMSWCD recognizes the challenges which farmers face in accessing farmland within our service area. Farmers struggle with the high price of farmland, which has been increasing at a much faster pace than commodity prices. Competition for farmland from non-farm buyers – who are attracted to the amenity values of large lots, open space and other rural features – is a big factor underlying the scarcity and increased cost of farmland.

EMSWCD recognizes that it has an opportunity to address farmland access challenges via its farmland protection work. Some examples of the initiatives EMSWCD has / could utilize include:

- EMSWCD's Headwaters Incubator Program which provides access to land, infrastructure, equipment, knowledge and other resources to beginning farmers. Program participants pay a sliding scale amount based upon their number of years in the program.
- The sale of a farm parcel to a large commercial nursery operator subject to a working farmland easement. This easement resulted in a reduced purchase price to the buyer of ~\$200,000 - \$300,000.
- The purchase of a working farmland easement from a large commercial nursery operator. The capital from that sale then became available for use for future farmland acquisitions by the operator.
- A 3-year lease with a beginning farmer that incorporated the value of sweat equity and incentivized farm infrastructure improvements.
- A 20-year lease with a beginning farmer that incorporated the value of sweat equity and incentivized farm infrastructure improvements. This lease is twinned with a purchase option that sets a purchase price amount which the beginning farmer has deemed affordable, and



which discounted amount is “unlocked” via the imposition of a working farmland easement onto the property at closing.

- Incorporation of a provision into the immediately preceding described lease that provides for up to ½ acre of farmland to be made available for no less than 5 years to beginning farmers and/or farmers from communities negatively impacted by racial discrimination and dispossession.
- While it has yet to close any such projects, EMSWCD has explored with multiple potential purchasers of farmland the possibility of EMSWCD “buying down” the purchase price of such farmland via a purchase of a working farmland easement contemporaneous with the purchaser’s acquisition of the fee interest.

EMSWCD has and will continue to work with a diversity of farmers on farm access efforts. This diversity may include but is not limited to different producer types, ethnicities, ages, gender and sexual orientation. We also recognize that EMSWCD can only be an effective partner in this work if we acknowledge the unique circumstances of each farmer, and tailor farm access strategies that are truly reflective of and responsive to those circumstances.

In the next section of this document, we’ll explore the unique circumstances underlying Black, Indigenous and other People of Color’s access to farmland.

2. Disparities / Origins

Disparities

Of all private farmland in the US. White Americans account for 96% of the ownership, 97% of the value and 98% of the acres¹. These statistics do not align with national demographics; the 2019 US Census estimates that 60% of the US population is white (and not identified as Hispanic or Latino).

The 2017 US Census of Agriculture found that 93% of producers in Multnomah County are white, and that white producers operate 94% of the farmland acreage. These figures are not aligned with local demographics; the 2019 US Census estimates that 79% of the population of Multnomah County is white.

2017 USDA Ag Census (Mult Co.), Producer Characteristics	
Race	
American Indian/Alaska Native	7
Asian	11
Black or African American	3
Native Hawaiian/Pacific Islander	4
White	1,055
More than one race	18
Other characteristics	
Hispanic, Latino, Spanish origin	39

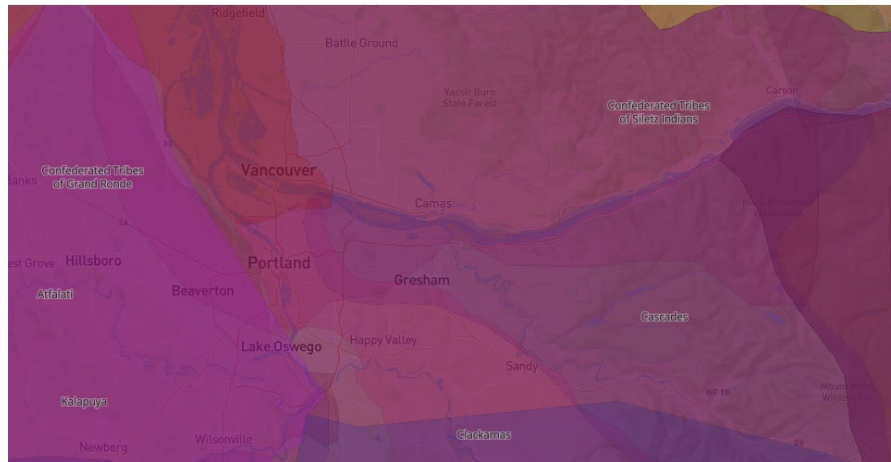
It is instructive to look not just at the current patterns of farmland ownership, but also how they have changed over time.



Indigenous Farmers

Prior to European settlement, Native Americans had access to all the land currently comprising the current day United States for agricultural use, which included such activities as cultivation, raising domesticated animals, hunting and fishingⁱⁱ. Use of these agricultural lands diminished almost immediately after European settlement via various treaties that resulted in dispossession and

governmental policies such as the Dawes Act that via forcible and other means resettled and consolidated Tribes from their ancestral homelands to increasingly smaller reservations. These lands were redistributed to white American settlers, who established their own agricultural enterprises. The 2017 USDA Census of Agriculture indicates that of all farmland area, 6% is operated by American Indian or Alaska Natives.



Source: [Native-Land.ca](https://native-land.ca) | [Our home on native land](#)

In Oregon, diseases brought by European American traders had a cataclysmic effect on the Indigenous population; beginning in 1830 between 75% - 90% of the Native population died from diseases such as malariaⁱⁱⁱ. These population shifts set the stage for virtually unopposed resettlement by white Americans, aided by formal government actions such as the Dart/Palmer treaties that forcibly removed Tribes to an area less than 1% of the size of their ancestral territories and the subsequent Dawes Act that less directly stripped ownership from even that significantly reduced allotment of land^{iv}. Consider this striking statistic – in 1854, the constituent tribes of what is now known as the Confederated Tribes of the Grand Ronde held about 14 million acres; in 1950 a 600 acre reservation was all that remained^v. In 1954, Congress removed federal recognition from the tribes of Western Oregon, which meant that the remaining diminished reservations in Western Oregon were dissolved through a process known as termination^{vi}. Tribes in Oregon bore the brunt of termination especially hard, as more than a third of the Tribes terminated nationwide were from Oregon^{vii}. While seven Oregon Tribes regained their Federal Status in the 1970's and 1980's, their land holdings remain but a fraction of their traditional territory and even the diminished area promised by various treaties. **The 2017 USDA Census of Agriculture for Multnomah County indicates a total of 7 American Indian or Alaska Native producers (.6%) operating 119 acres of farmland.**

Black Farmers

Black Americans have played an integral role in agriculture in the US since shortly after European settlement. Black Americans were brought to the US solely for the purpose of exploitation; indentured labor (later to become slave labor) that created wealth for white Americans and their farming enterprises. Millions of Black Americans died outright or prematurely, and they were excluded from any of the rights, privileges and opportunities so integral to quality of life. While the Civil War ended outright enslavement, new structures that resulted in enslavement by other names and methods developed, such as sharecropping and servitude as a result of criminal activity (actual or not). The post-Civil War policy of 40 acres and a mule whereby 400,000 acres of farmland previously owned by Confederate landowners was to be redistributed to Black former slaves lasted for less than a year before it was



rescinded^{viii}. Despite this and other barriers, Black American purchased farmland in the post-Civil War era, with Black American farmland ownership peaking in 1910 at 16 million acres^{ix}.

Black American farmland ownership has fallen precipitously since, with the 2017 USDA Census of Agriculture finding that 2,676,758 acres are owned by Black Americans (folks exclusively identifying as Black Americans or as mixed race). This dramatic decline has been well documented as stemming from federal and state governmental policies such as but not limited to^x:

- The prohibition of land ownership by persons of color;
- Dispossession via laws that provide for mandated sale of lands owned by multiple heirs;
- Homestead Act restrictions on the acquisition of land in the West to white Americans; and
- Racist USDA farm lending policies that denied Black Americans access to credit necessary to purchase and retain land, and to operate, improve and expand farming operations.

Oregon made a concerted effort to exclude Black Americans from even taking up residence. Prior to Oregon becoming a state, the territorial legislature passed the Organic Law of 1844, requiring Black Americans to leave the territory, barring which they would be subject to public whipping every 6 months^{xi}. The Oregon constitution banned new Black American residency, property ownership, suffrage and any right of access to the legal system; all of this language was not expunged from the Oregon constitution until 2002^{xii}. **The 2017 USDA Census of Agriculture for Multnomah County indicates a total of 3 Black American producers (.3%) operating 69 acres of farmland.**

Asian American Farmers

Chinese American and Japanese American farmers operated many agricultural enterprises around the turn of the 20th Century in the Portland metropolitan area; by 1920 Japanese farmers were responsible for 90% of local strawberry production, 50% of local raspberry production and 60% of local vegetable production^{xiii}. Agriculture was something many folks in this community had deep knowledge and experience with. The Bing Cherry, for example, is attributed by some to Chinese American farmer Ah Bing; he left Oregon and the US in 1889 shortly after the passage of the Chinese Exclusion Act and never returned^{xiv}. For some, this was also a profession that they could pursue when so many other professions were closed off to them.

This community of Asian American farmers was targeted by Oregon's Alien Land Law of 1923, which forbade any immigrants from owning land in their own name^{xv}. Dispossession accelerated rapidly with the Japanese internment laws of 1941 that resulted in 85% of Japanese-owned land being leased or sold by the Farm Security Administration^{xvi}. A revised version of the Oregon Alien Land Law was enacted in 1945 which continued the prohibition on Japanese American ownership of farmland and additionally prohibited leasing, working or even living on agricultural lands; while this Alien Land Law was repealed in 1949, the increased value of the farmland taken from Japanese Americans made repurchase of the land from white Americans prohibitive and ensured it remained in the ownership of white Americans^{xvii}. **The 2017 USDA Census of Agriculture for Multnomah County indicates a total of 11 Asian American producers (1%) operating 560 acres of farmland.**

Latinx American Farmers

The ceding of formerly Mexican territory subsequent to the 1846 Mexican-American War resulted in significant shifts of land access, as land ownership systems were modified to reflect the private property rights system of the US, when common land ownership has previously been the dominant model^{xviii}. In areas that have and remain majority Latinx such as the lower Rio Grande Valley, the majority of



farmland is in white ownership, a result of lack of access to capital, intimidation, complex land title processes^{xxix} and violence^{xx}. The establishment of National Forests from “unclaimed” common lands resulted in further loss or restricted access to historically operated range and farmland^{xxi}.

During WWII, the US created the Mexican Farm Labor Program (also known as the Bracero program) to fill farm labor capacity gaps. This program, which operated until 1964, offered low wages, poor conditions and little to no opportunity for advancement for farm laborers^{xxii}. The legacy of that program remains today, with over two-thirds of US farmworkers today hailing from Mexico, with many continuing to face low wages, limited legal protections, poor housing and working conditions and little opportunity for advancement^{xxiii}. Government programs that are meant to create pathways to ownership and capital serve as barriers instead due to their complexity and/or availability only in English^{xxiv}. These circumstances result in Latinx folks providing most of the labor for US agriculture – approximately 80% - while only 8% of US farmland is owned or operated by Latinx folks^{xxv}. **The 2017 USDA Census of Agriculture for Multnomah County indicates a total of 39 Hispanic, Latino or Spanish origin producers (3.5%) operating 628 acres of farmland. According to the US Census American Community Survey (2014-2018), 940 individuals of Hispanic or Latino origin (61%) are employed as farmworkers in Multnomah County.**

Legacy Barriers

While some of the laws, policies and practices described above may no longer be in effect, their impact lives on. Farmland is much easier to retain than to acquire. In 2015, the United States Department of Agriculture (USDA) estimated that less than a quarter of the 91.5 million acres expected to change hands in the next four years would be made available to non-relatives^{xxvi}. If farmland is not inherited, it must be purchased, yet white Americans hold 86% of wealth in the US while comprising only 60% of the population^{xxvii}. Consider, too that as much as 80% of wealth in the US results from inheritance^{xxviii}. Black persons in Oregon have lower median household incomes than white households; that disparity has increased over time, and in 2017 in Portland, Black median household income was less than half that of the median White household income^{xxix}. The structural legacy of past laws, policies and practices will almost certainly ensure that patterns of farmland ownership remain largely unchanged absent targeted interventions that can overcome this legacy.

3. Initiatives

EMSWCD remains committed to addressing the challenge of farmland access that spans the diversity of farmer demographics. There has never been and never will be a “one-size-fits-all” farm access template. Each farm access story is different and is driven by the specifics of a farmer’s situation and in many cases, the property they are seeking to create access to. For example, a farm family that is rich in land assets may benefit most from the sale of working farmland easements that unlock some of the capital from their existing land in order to invest in new farmland opportunities. A beginning farmer or other farmer who doesn’t currently own land would benefit from a different approach, such as access to a long-term lease with a purchase option.

EMSWCD Staff reviewed the disparities and ongoing challenges associated with farmland access specific to members of communities negatively impacted by racial discrimination and dispossession with EMSWCD’s Land Legacy Committee (LLC) and the EMSWCD Board of Directors. Surfacing of these disparities and needs resulted in the EMSWCD Board of Directors adopting an additional goal for the LLP; *to complete transactions that address farmland access inequities by prioritizing access for members of communities negatively impacted by racial discrimination and dispossession*. Additionally, EMSWCD’s



Gordon Creek Farm Access Recommendations
East Multnomah Soil and Water Conservation District

7/18/2022

LLC committed to creating farm access opportunities for members of communities negatively impacted by racial discrimination and dispossession on EMSWCD's Gordon Creek Farm property.

EMSWCD's work to develop strategies that create pathways to farm access for members of communities negatively impacted by racial discrimination and dispossession will be informed by an Advisory Group that offers recommendations on techniques and strategies that are specific to the needs of those communities. It is hoped that with implementation of those recommendations, EMSWCD can more effectively provide farm access opportunities to a more diverse set of demographics more generally representative of the population demographics of Multnomah County.

It is expected that this work will support / be done in partnership with the many passionate organizations that, while they may have a history of farmland access discrimination and/or dispossession, are working to advance bold strategies that work towards food justice and sovereignty.



Appendix B

The recommendations for access to the Gordon Creek Farm property are inspired by and built upon the examples of other land access projects and the work of EMSWCD itself. Examples include:

Alba Organic Farm Incubator; Salinas, California

The **donation of a 100-acre farm** to Alba – a non-profit organization – catalyzed this bilingual organic farm incubator. In any given year, ALBA leases over 80 acres of farmland to 36 to 40 start-up organic farms, of which 10 to 15 are newly launched. Learn more at <https://albafarmers.org/>



EMSWCD Project – Native American Youth & Family Center (NAYA)

In 2019, **EMSWCD made a \$500,000 grant to NAYA** to ensure NAYA's long-term access and ownership of their facilities site. The grant was utilized by NAYA to pay down a very high interest mortgage on the property.

Tuluwat Island; Eureka, California

200 acres of the ancestral Tribal property were given back to the Wiyot by the City of Eureka in 2019. In 1860, 250 tribal members had been murdered at the site, with the lands shortly thereafter seized from the Tribe. Learn more at <https://www.northcoastjournal.com/humboldt/were-coming-home/Content?oid=12849841>





EMSWCD Project – Mainstem Farm

In June 2022 EMSWCD entered into a 20-year lease with a purchase option for a beginning farmer. The purchase option **provides a deeply affordable path to ownership, with the purchase option representing a 70% discount over EMSWCD's purchase price.**



Tc'ih-Léh-Dûñ Forest; Mendocino, California

This 523-acre redwood forest was returned to the ownership of a group of 10 Native tribes who had used the site for hunting, fishing and ceremonies until forcible removal 175 years ago. **The Save the Redwoods League purchased the land in 2020 for \$3.5 million; the property was conveyed for no consideration to the tribes in 2022.** Learn more here: <https://www.nytimes.com/2022/01/26/us/california-redwoods-native-american-conservation.html>

Farmland Gift to Ponca Tribe; Neligh, Nebraska

Lands that were traversed by the Ponca Tribe on their "Trail of Tears" was **returned to the Tribe via a gift from a 3rd generation farm family.** The property has and will continue to grow scared ancestral Ponca corn. Learn more at <https://boldnebraska.org/in-historic-first-nebraska-farmer-returns-land-to-ponca-tribe-along-trail-of-tears/>





Garden Dreams Urban Farm & Nursery; Wilkesburg, Pennsylvania

This urban farm and plant nursery was **donated** to the Allegheny Land Trust. The Land Trust has **collaborated with Grow Pittsburgh to establish and operate an urban farm and greenhouse which provides plant starts to urban farmers, schools and community gardeners, as well as education and workforce development and a community gathering space.**

Learn more here:

<https://www.growpittsburgh.org/about-us/locations/garden-dreams/>



Pine Island; Big Lake, Maine

This 140 acre island was reacquired by its ancestral stewards – the Passamaquoddy Tribe – **thanks to funds provided by The Nature Conservancy which enabled a direct purchase by the Tribe.** Learn more here:

<https://firstlightlearningjourney.net/landback-passamaquoddy-tribe-reacquires-culturally-significant-140-acres-of-island-in-kci-monosakom-big-lake-maine/>

N'tolonapemk; Meddybemps, Maine

The State of Maine returned this ancestral village site to the Passamaquoddy Tribe for **no consideration** after a multi-year clean-up effort.

Learn more here:

<https://www.mainepublic.org/environment-and-outdoors/2021-09-22/passamaquoddy-tribe-re-acquires-land-whose-former-owner-was-called-maines-most-wanted-polluter>





Necanicum Marsh; Seaside, Oregon

In 2020 the **North Coast Land Conservancy** donated a 20-acre parcel to the **Clatsop-Nehalem Confederated Tribes**. The property was a tribal village site until the arrival of white settlers in the 19th century. The property had been purchased by the Conservancy as an alternative to a controversial residential development. The Tribe will construct a longhouse on the site and engage in stewardship activities. Learn more at <https://nclctrust.org/nclc-returns-ancient-cultural-site/>





Gordon Creek Farm Access Recommendations
East Multnomah Soil and Water Conservation District

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- i https://www.ers.usda.gov/webdocs/publications/46984/19353_ra174h_1_.pdf?v=0
- ii https://www.researchgate.net/publication/328570754_Racial_ethnic_and_gender_inequities_in_farmland_ownership_and_farming_in_the_US/link/5c913d3392851cf0ae898fe5/download
- iii <https://wmswcd.org/library/whose-land-is-our-land-spatial-exclusion-racial-segregation-and-the-history-of-the-lands-of-western-multnomah-county/>
- iv <https://wmswcd.org/library/whose-land-is-our-land-spatial-exclusion-racial-segregation-and-the-history-of-the-lands-of-western-multnomah-county/>
- v <https://www.jstor.org/stable/10.5403/oregonhistq.115.3.0414>
- vi <https://wmswcd.org/library/whose-land-is-our-land-spatial-exclusion-racial-segregation-and-the-history-of-the-lands-of-western-multnomah-county/>
- vii https://pdxscholar.library.pdx.edu/socwork_fac/91/
- viii <https://www.pbs.org/wnet/african-americans-many-rivers-to-cross/history/the-truth-behind-40-acres-and-a-mule/>
- ix <https://www.wpr.org/how-black-farmers-lost-14-million-acres-farmland-and-how-theyre-taking-it-back>
- x <https://wfpc.sanford.duke.edu/media/black-land-loss>
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- xii <https://wmswcd.org/library/whose-land-is-our-land-spatial-exclusion-racial-segregation-and-the-history-of-the-lands-of-western-multnomah-county/>
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- xiv <https://www.atlasobscura.com/articles/bing-cherry>
- xv <https://wmswcd.org/library/whose-land-is-our-land-spatial-exclusion-racial-segregation-and-the-history-of-the-lands-of-western-multnomah-county/>
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- xviii https://www.researchgate.net/publication/328570754_Racial_ethnic_and_gender_inequities_in_farmland_ownership_and_farming_in_the_US/link/5c913d3392851cf0ae898fe5/download
- xix https://www.fs.fed.us/rm/pubs_other/rmrs_2008_raish_c002.pdf
- xx <https://qz.com/1353805/how-anglo-farmers-brought-an-end-to-latino-ranching-in-the-rio-grande-valley/>
- xxi https://www.fs.fed.us/rm/pubs_other/rmrs_2008_raish_c002.pdf
- xxii <http://braceroarchive.org/about#:~:text=The%20Bracero%20Program%2C%20which%20brought,more%20than%20four%20decades%20ago.&text=The%20Bracero%20Program%20was%20created,to%20low%20paying%20agricultural%20jobs>
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- xxvi <https://www.youngfarmers.org/land/wp-content/uploads/2020/11/LandPolicyReport.pdf>
- xxvii <https://usafacts.org/articles/white-people-own-86-wealth-despite-making-60-population/>
- xxviii <https://www.youngfarmers.org/land/wp-content/uploads/2020/11/LandPolicyReport.pdf>
- xxix <https://www.portland.gov/sites/default/files/2020-04/phb-soh-2019-web.pdf>



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East Multnomah Soil and Water Conservation District Land Legacy Committee Meeting Minutes

Monday, May 23rd, 2022

4:04pm - Call to Order

Zimmer-Stucky called to order the regular meeting of the EMSWCD Land Legacy Committee at 4:04pm on Monday, May 23rd, 2022, at EMSWCD's Gordon Creek Farm.

Introductions, Review/revise agenda, Review previous action items

Zimmer-Stucky conducted introductions for the record. The following persons were present:

Land Legacy Committee: Jasmine Zimmer-Stucky (At-Large Director 2), Laura Masterson (Zone 2 Director) (4:50pm), Joe Rossi (Zone 1 Director), Mike Guebert (Zone 3 Director)

Absent: Jim Carlson (At-Large Director 1)

Staff: Nancy Hamilton (Executive Director), Dan Mitten (CFO), Matt Shipkey (Land Legacy Program Manager), Rowan Steele (Headwaters Program Manager), Jeremy Baker (Senior Rural Conservationist), Asianna Fernandez (Executive Assistant)

Guests: N/A

Changes to Agenda:

N/A

Previous Action items:

N/A

4:04pm – Introductions and Welcome Chat

Before beginning the walking tour, **Shipkey** gave a short overview of EMSWCD's Gordon Creek Farm and Big Creek Farm and the history of EMSWCD's involvement with the properties.

Zimmer-Stucky What CLIP projects are located at these sites?

Shipkey StreamCare program has happened along the perennial stream, which occurred after livestock removal. No other practice changes were identified as being needed given the good practices utilized by the previous owners and carried forward by the current lessee.

Rossi StreamCare work here seems like a great model to share out to neighboring properties where we don't see the same riparian buffers.

Zimmer-Stucky How is it being a landlord?

Shipkey Great for achieving a fuller suite of outcomes, but that control comes with more of an ask on Staff time in dealing with leases, property management, etc. On this site we're starting to move away from the model of having Lessors maintain the property to hiring landscapers. We realize rent from the lease of the residence and the farm fields. Residence is leased to a former HIP participant.

Hamilton House was rented at a below market rate as the tenant would be responsible for property management. This lease ends in September.

Shipkey The residence is a qualified farm dwelling which limits whom can reside in it.

Rossi suggested charging market rate for rent of the house and hire landscapers for property management.

4:30 pm – Walking Tour of EMSWCD's Gordon Creek Farm and Big Creek Farm

The group began the walking tour, with maps of both properties provided by Shipkey.

Baker gave an overview of the StreamCare operations on the Gordon Creek Farm. Most of the vegetation that is there today was planted in 2019 and in 10 years it is expected to be fully mixed canopy.

Hamilton We have done StreamCare on a total of 220 sites within the District.

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Zimmer-Stucky How do we encourage farmers that new and different techniques are possible even if there aren't specific examples to point to?

Rossi suggested tailoring crop plans to the opportunities/challenges of the land.

Rossi shared with the group details of the Farm Bureau's "Ask a Farmer" program that allows for farmers to pose a question and receive answers from the farming community. The group gets about 1 to 2 questions per month.

Zimmer-Stucky expressed enthusiasm for the program, and noted that for programs like that to work, there needs to be comfortability, availability, and an absence of ego to ask for help.

Guebert asked folks to think about what if any sort of agricultural practices we should be mandating via our easements and leases.

Zimmer-Stucky How do the District's easements compare to those from the USDA or other easement holders?

Shipkey The District's easements achieve many more objectives than most ag easements – in the areas of affordability, productivity, ownership, and farm practices.

Rossi How did the District come to purchase Gordon Creek? Started a dialogue about what role the District should play in purchasing properties.

Shipkey The District is selective in its purchase of farms, and typically only does that when a possible sale would limit future ag use and we are unaware of other interested farmer buyers. And that in most cases the District isn't looking to hold farm properties long term – but instead to follow the Buy-Protect-Sell model where shortly after purchase they are sold to a farmer subject to the protections of a working farmland easement.

Rossi noted another berry farmer was interested in Gordon Creek when it was first listed for sale.

Masterson noted that berry farmer had an opportunity to purchase Gordon Creek when the District listed it for sale several years ago but did not make an offer.

Rossi The easement proposed for the property was a likely barrier to purchase.

Masterson That easement would have allowed them to keep farming and to purchase the farm at a discount.

LLC members then raised the following considerations for the direction of the Land Legacy Program:

- Where is our focus: profit and largest possible income or ensuring the long-term viability of agriculture?
- How complex/ multi-objective should our easements be? Should we do fewer projects that have a richer depth of outcomes, more projects with fewer outcomes, or a bit of both?
- How do we get more farmers onto farmland? Do we place our focus on holding on to farms longer and leasing them, or do we do a "quick-turn" and sell them shortly after purchase?
- What is our role as it relates to farm housing?

Zimmer-Stucky suggested doing a temp check for each of our properties instead of having one over-arching plan for all of them. Those that are very affordable can have more restrictive easements on them. Where does each property land on the scale of buy, protect, sell to outright sale? Reminder that less restrictive easements may also increase the level of farmer participation.

5:30pm – Round Table Discussion

Approval of minutes

MOTION: Masterson moved to approve the March 28, 2022, LLC Meeting minutes.

Guebert 2nd. Motion passed unanimously (4-0 Carlson absent).

Rossi This might've been our best meeting yet thanks to the format.

Guebert & Masterson suggested "Walk and Talk" style meetings for future property decisions.

Masterson expressed a desire for the Board to stay high level and defer to Staff on the project specifics, doesn't see need to physically be on every possible project.

Masterson What is the District's goal for our farm portfolio? More available farming space or maximum return on our investment? How do we set a strategy of deciphering between the two that is easy for staff to execute? How do we ensure a balance in benefiting constituencies? A range of approaches is what resonates with her.

Zimmer-Stucky What values do we want to advance for these properties beyond economic?

Guebert Suggested that in making decisions about farmland access for District properties we consider the steps that Metro takes: first evaluate who will give us the best project, and only then negotiate the price point.

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Rossi suggested that with circulating request for proposals we could look at strategies Portland Means Progress employs. Noted importance of not being “too leading” so that people don’t just give us the answers they think we want to hear.

Hamilton reminded folks that this is why we are currently trying to establish organizational priorities or project criteria during Strategic Planning.

Masterson indicated concern with whether the Gordon Creek property has the right characteristics for a farm access project. Does this property fit the needs of the communities we’re seeking to benefit?

Hamilton Is there still a desire to focus on farm access equity?

Zimmer-Stucky posed a reminder for why we are having this conversation about Gordon Creek. Suggests that Board conversations stop being posed as thinking hypothetically about how we can help marginalized communities and instead employ actual implementation.

Steele The goal is to create opportunities that wouldn’t otherwise be here without this decision.

Hamilton and Shipkey reminded the Board that the individuals on the Farm Access Equity Advisory Group cannot actually benefit from this space (Gordon Creek Farm) that they are making recommendations for. And, that we were thinking of a model that would draw upon EMSWCD’s recently implemented Mainstem project.

Shipkey An option being explored for access to Gordon Creek is to partner with an organization on it who will lead on providing services. Staff wasn’t proposing the EMSWCD replicate the HIP model at the Gordon Creek property, this is not seen as a “go it alone” project.

Guebert The goal from this conversation and decision is to put systems in place that will help HIP and other farmers in successfully starting on their own plot of land and following through, not just to learn on this piece of land.

Masterson We have the biggest opportunity for positive impact with those farmers who already have a higher knowledge of farming.

Zimmer-Stucky suggested one approach could be having one higher level “400 level” farmer and 2 “200/300 level” farmers share the property and form a sort of mentorship between themselves. This also poses as an opportunity for creativity.

Rossi proposed breaking up into smaller opportunities, which could create more options and partnerships.

Guebert Gordon Creek also poses as an opportunity for a multi-enterprise operation like a Co-Op.

Zimmer-Stucky This is an opportunity for the District to be creative with thinking about access opportunities at the Gordon Creek Farm property.

The conversation is to be continued at the July Land Legacy Committee meeting, to be informed by the recommendations from the Farm Access Equity Advisory Group. **Guebert** asked how we would continue to stay engaged with the Advisory Group after their last formal meeting in June; **Shipkey** indicated that we would be exploring that with the Advisory Group.

6:40pm - Closing items: announcements, reminders, and action items

Action Item: LLC and Board to review the recommendations for use of the Gordon Creek Farm property at the July LLC meeting.

6:45pm - Adjournment

Rossi (in Zimmer-Stucky’s absence) adjourned the meeting at 6:45pm.