

NATURAL RESOURCE PRESERVATION BRIEF #4

AGRICULTURAL SPECIAL USE

The act of August 30, 1890 which established the Battlefield contains the following language:

For the purpose of surveying, locating, and preserving the lines of battle of the Army of the Potomac and the Army of Northern Virginia at Antietam....

This purpose was further clarified in an Act of April 22, 1960 with the following statement:

The Secretary of the Interior is authorized to acquire such lands.... and to enter into agreements...to assure the public a full and unimpeded view thereof, and to provide for the maintenance of the site... in, or its restoration to, substantially the condition in which it was at the time of the Battle of Antietam.

Thus one of our mandates is to preserve and restore the historic appearance (historic scene) of the Battlefield. One tool which is used to fulfill this mandate is the leasing of Battlefield land as farms.

The area surrounding Sharpsburg was agricultural during the Civil War. The Service essentially has two options for maintaining the farmland as farms. First, the Service could actually farm the land. This is not satisfactory because of the tremendous expense that the service would incur. The second option is to lease the farms to private individuals. This second option is much more satisfactory because the Service's involvement is less intense and the private sector is benefitted.

The Natural Resources Management staff spends a significant amount of time supervising these farming operations. Our job includes:

- Preparation and review of pesticide proposals
- Review of farm use plans
- Monitoring farm activities
- Maintenance of liaison with farmers
- Review of projects like tree removal and fence clearing
- Monitoring agricultural pests
- Preparation of soil and water conservation plans
- Environmental compliance

Below is a list of what we believe are common questions related to this program:

1. How many separate farms are leased at Antietam and Monocacy?

Antietam - 4 (one of these is a haying lease)
Monocacy - 2

2. What crops are grown?

Hay, Corn, Soybeans, Wheat, Barley, Oats

3. Are cattle grazed?

yes

4. How many acres are in agricultural use?

| | |
|---------------------|---------------------|
| Antietam: 555 acres | Monocacy: 213 |
| 197 acres - pasture | 51 acres - pasture |
| 358 acres - crops | 162 acres - crop ,. |

5. What is the legal basis for these agreements?

Some of our agreements are in the form of Special Use Permits, others are Memoranda of Understanding. The Special Use Permit has been a tool available to the Superintendent for many years to allow many types of special uses. It has no specific legal foundation, but it is based on implied authority as contained in 16 USC1. Memoranda of Understanding are similar to permits but are based on Title 16 - Conservation 1a-2(q) "Exhibits and Demonstrations; Sale of Products and Services; Contracts and Cooperative Agreements; Credits to Appropriation." Memoranda of Understanding are also sanctioned under the Historic Leasing Program.

6. How long do agreements last?

Usually five years, although the Superintendent can shorten that time frame and can revoke any agreements if their conditions are violated.

7. What happens to the money collected as rent?

The park now has a reimbursable account established into which all rent money is funnelled. That money is then available to the park for Natural and Cultural Resources projects on those farms.

8. How does a farmer get the opportunity to rent a farm?

Farmers that are currently renting farms from us will be given first option at renewing their agreement, provided we are satisfied with their performance.

New farmers must go through an application process and must submit a competitive bid.

9. How does the Service provide for the protection of the environment on these farms?

Environmental Quality is sought through a variety of programs:

- a. All pesticide projects are reviewed by the Service.
- b. All farms either have or are in the process of getting soil and water conservation plans. Farmers are required to follow the recommendations in these plans.

- c. Numerous conditions in the agreements elaborate on issues like Waste Management, Tree Preservation, Fire Management, and Soil Erosion.

10. How are rental rates determined?

Usually the rate is determined by a bid. The Service does, however, set a minimally acceptable rate. This rate is based on an evaluation of comparable farmland in the county and its rental rate. An average rent for private land is then established. This rate is adjusted - 1) To allow for the benefit the Service is receiving from rental of the farm and 2) To assure that farmers will be interested in renting the land. This adjustment then establishes a minimally acceptable rent.

If you have any other questions on Agricultural Special Use, please contact us.

The Natural Resources Management Staff