

Part 2 - Debunking the Lansing Ag Plan

by Doug Baird

The three greatest factors in the approval of the Lansing Agriculture and Farmland Protection Plan are:

1. The plan was never critically examined or allowed to be publicly questioned.
2. Lansing's rural families were unrepresented by any state, local or county agency or government representative, and prevented from having any meaningful participation in the plan themselves.
3. The lives and welfare of rural families living in the affected area of Lansing are of no importance whatsoever to the people who created and support this plan.

The lack of representation for rural residents is outlined in the blog: "The Death of Public Participation in Tompkins County." And the unimportance of rural families in the future of Lansing and Tompkins County planning will be one of the topics of the upcoming blog: "Whose Comp Plan is this anyway?"

This blog will examine the Lansing Ag Plan itself and expose a few of its misrepresentations and self serving justifications.

The only real difficulty in thoroughly debunking the Lansing Ag Plan is that its 55 pages are stuffed with so much distorted, misapplied, misrepresented, and down-right false information that it would take an even longer report just to clearly enumerate them all. A detailed, but still far from complete examination and critique was submitted to all the planning parties prior to its approval. I will select a few of the more egregious Ag Plan "errors" as approved by the Lansing Town Board and ratified by the Lansing Comprehensive Plan. [Other aspects will be dealt with in the "Comp Plan" blog.]

The Importance of Agriculture to the Local Community

"Agriculture is an immensely significant part of the Town's economy..." and *"Total farm product sales in the town are estimated to be around \$20 million per year with about \$17 million attributed to dairy farming."* — These sales are not "in town," there are no milk processing plants or wholesale businesses in Lansing, and even the milk trucking company is located in another county. Lansing farms are closed systems, with almost all the sales money recycled within the corporation or paid to outside vendors — only a trickle is leaked to the local community.

"Total tax liability paid by farmers in the Town of Lansing - \$945,407" – "burden shared by 40 businesses involved in farming." More than two thirds of this "burden" are school taxes, and most of that is returned to farmers in taxpayer funded checks through programs like the *New York State Farmer's School Tax Credit that reimburses farmers for 100% of the school taxes on acreage under 250 acres and 50% on acreage greater than 250 acres from taxes paid by New York residents* - not bad for corporations totaling \$20 million dollars in sales.

Lansing farmers end up paying less than one-half the taxes for their homes, buildings and land combined than anyone else would have to pay for the land alone, and you pay the extra taxes to subsidize them.

Lansing farmers can also take advantage of:

- The New York State Investment Credit, an investment tax credit for farmers at 4% of the purchase price of qualified real estate, equipment, livestock and other tangible business property acquired, constructed, reconstructed or erected during the tax year.
- A 10-year property tax exemption for agricultural structures and buildings that exempts them from any increase in the property's assessed value resulting from the improvement.
- Complete exemptions on silos, grain storage, bulk tanks and manure facilities, and temporary greenhouses.
- Reduced assessments on farm and forestry land.

And *New York tax law exempts certain items used in farm production from state and local sales and use taxes* include personal property used for production/operation; building materials used for farm buildings or structures; services to install, maintain or repair farm buildings or structures; motor vehicles used predominantly for production/operation; and *fuel, gas, electricity, refrigeration or steam used for production/operation.*

Of course, they can still receive all of the Star and other tax relief measures that ordinary residents are entitled to.

It's the "non-farming" residents that *pay by far the most taxes*, and are an "*immensely significant part of the Town's economy.*" [*non-farming resident* is a deliberately degrading term that describes people by what they are not, and is used to promote the 'North Lansing is, and should only be Agriculture' lie.] Just by looking around at my neighbors, I can see a BOCES teacher, a dental assistant, a UPS driver, a nurse, a school bus driver, a factory worker an automotive mechanic, and many of the blue-collar and support positions necessary to the functioning of community.

If Lansing's rural residents disappeared tomorrow, the town's economy, and that of Tompkins County, would be seriously impacted.

If all the farms in Lansing disappeared tomorrow and the fields were turned to meadows, it would scarcely cause a ripple in the local economy, and the water and air would be cleaner, the bio-diversity and health of plants and animals would be increased, the taxes would be reduced, and the quality of life uplifted.

A new version of the Lansing Comp Plan has changed the original phrase "*Agriculture is an immensely significant part of the Town's economy and land use.*" to "*Agriculture has a significant impact on the Town's economy and land use.*" And now attributes this view to the "Agricultural Committee Vision." However, at the same time as they are distancing themselves from accountability for the Ag Plan's questionable assertions, Lansing Comp planners still endorse all of Lansing agriculture's policy list and its demands for a privileged position in Lansing's future.

"*The town's farms provide a variety of jobs and thereby strengthen the local economy.*" — Once again, a statement that misrepresents the true facts. Many of these jobs are given to imported foreign labor who

live in housing provided and owned by the farmer with food provided by the farmer, and send most of their money out of the country to their families [a worst case scenario for both local and national economies.] For an interesting look at current agricultural hiring practices, Google “All You Americans Are Fired.”

Farmers are “Stewards of the Land”

The Lansing Ag Plan’s deception starts on the plan’s cover with pictures of fruit trees, rolling hills, and heifers in a grassy field with a traditional red barn and silos in the background, but something’s missing... CAFOs [Concentrated Animal Feeding Operation] and the industrial farming experience. It’s the type of farming that the comprehensive committee members and planners would never want their children to live next to, and it’s the reason why rural families have been made powerless to direct the future of their own communities.

The word CAFO is not mentioned once in the Comp Plan — which is significant considering that Lansing is home to the largest CAFO in the county and has extensive farmlands owned by even larger CAFOs in Cayuga County. It’s as if, by not mentioning it and pretending not to notice it, they don’t exist. It’s time to acknowledge the elephant dung in the room.

“Farming practices protect soil, environmental quality, natural resources, and provide scenic working landscapes that preserve the rural character and enhance the quality of life of the town.” — Influential agribusiness interests have worked hard to portray their rural neighbors as villains, while at the same time glossing over the aggressive and invasive changes in their “farming practices” that have polluted the air, land and water, and injured residents.

The October 15, 2016 “Lansing Ag Day” at the town hall included antique tractors, a family sing-a-long, and a pie judging contest — presenting a mid-century vision of farming that is a lifetime away from the realities of industrial farming in Lansing today. [A suggestion that “there should be a tent with a plastic swimming pool full of liquid manure, where parents and children could go inside, close the flap, and experience the effect of Lansing’s real ‘farming practices’ first hand” was never followed up.]

The Lansing Comp Plan deliberately ignores the massive negative impact that current “farming practices,” especially CAFOs are increasingly having on Tompkins County. The profligate use of water by CAFOs can be demonstrated in the following story — during this [2016] summer’s drought, a retired Cayuga County farmer told me that his tenant was trucking 100,000 gallons of water a day from Cayuga Lake to supplement the dairy farm’s wells [the average unrestricted water use for a family of four is 320 to 400 gallons a day], with this kind of water usage, it is easy to see how CAFOs threaten whole aquifers, and not just the wells of neighbors.

Millions of gallons of liquid manure [a fermented mixture of urine, manure, antibiotics, heavy metals like copper sulfate, and bacteria] are stored in leak-prone, under regulated containment ponds on the slopes of Cayuga Lake tributaries like Salmon Creek. Cayuga Lake is already threatened as a source of drinking water according to the DEC, primarily by farming activities, and it’s getting worse. Farmer’s tile fields, which greatly increases the speed and quantity of stormwater runoff, and the erosion of fields without cover is pervasive.

While clamping down on wood heating, the Comp Plan ignores agricultural open burning exemptions that allow farms to burn as much “agricultural waste” as they want, whenever they want. [This includes but is not limited to vines, trees and branches from orchards, leaves and stubble, paper feed bags, wood shavings used for livestock bedding, bailing twine, and other non-plastic materials]

And wetlands agricultural laws exempt farmers in “*grazing and watering livestock, making reasonable use of water resources, harvesting natural products of the wetlands, selectively cutting timber, draining land or wetlands for growing agricultural products and otherwise engaging in the use of wetlands or other land for growing agricultural products... .*”

Not only is agriculture exempted from most air, water and land pollution control measures, but compliance with much of the rest is “voluntary,” and the regulations actually in place are deliberately ineffective legislative measures that place Agribusiness profits above welfare of the community.

In a case of farming neighbors injured just a few miles north of Lansing’s border, the US Court of Appeals, Second Circuit commented: “*We recognize that limiting citizen suits in this respect can cause serious injury to persons living near environmental dangers if the DEC and other environmental regulatory agencies are unable to monitor and sanction polluters effectively before compliance deadlines. Given that Willet Dairy had more than seven years before it was required to comply fully with its permit, that means no citizen could have brought a suit over that entire time for CWA violations. Such regulatory agencies may be unable to ensure that polluters are acting in accordance with their compliance schedules, given the numerous violations likely to occur. Consequently, limiting the ability of “private attorneys general” to bring suit until after compliance deadlines **may be inadequate for ensuring the safety of our environment and for protecting citizens from serious injury. But that is the remedy that Congress has provided and to which we are bound.***” [Emphasis added] — Coon Coon v. Willet Dairy LP LLC, Decided July 30, 2008.

And although it’s widely known that today’s “agricultural practices” and “regulations” neither protect the environment from pollution nor neighbors from serious injury - agribusiness owners point out that it’s “legal,” and they are not accountable and fall back on the “victims fault” excuse — *it’s your fault for living here.*

The Comp Plan’s eco-pretentious statements and goals are almost laughable in the Ag-gag climate of fear that Comp planners have bowed to in wording “their” plan.

“Protecting” Agriculture

Far from being the victims of current planning policies and rural “neighbors,” farming is the most privileged and exempted business in New York State. And while other rural residents are in a month-to-month struggle to hang onto the homes their family has lived in for generations, Lansing’s farmers are looking forward to cutting a deal that will secure their farms [and all the Lansing Ag Zone] for themselves, their children and the future.

And when one renting landowner was able to lease a few acres of land for a solar array [at a much higher rate than farmers will pay], the response from farmers and the Comp Plan was immediate: “*Additionally, while the development of more renewable energy in the Town is certainly encouraged (see Sustainability:*

Energy and Climate Change), it is believed that the development of “solar farms” at the expense of prime agricultural land would be a misuse of a valuable resource.” Showing that, while Lansing town government and its planners routinely ignore public citizen participation, they are sensitive to the welfare of rich and important private interests.

At this point it might be relevant to note that there is no time or sympathy wasted on the people who rent nearly half of the land being farmed in Lansing. The newly formed Ag Committee has ignored proposals to help renting landowners who are burdened with high taxes and assessments, while the Ag Plan itself merely enumerates ways that farmers can, and should, get their hands on that land — at a cheap price.

The Ag Plan never says it will protect existing farms or small farms. Not even the state Dept. of Agriculture believes in this policy — NYS Agriculture and Markets law talks about a “competitive” industry and repeatedly uses the phrase “viable agriculture.” And since the largest farms have the economy of scale, the profitability and the money to put smaller farms out of business, and since their only limit to growth is the availability of land, they have both the ability and incentive to do so, and are doing so.

The policies of the Lansing Ag Plan, if anything, will only accelerate this process. By rejecting the local rural community and siding with powerful Ag interests, these small farms have lost the only long term support they have.

Those who take refuge in the sustainability and nutrition of organic products had better look to the future. The USDA has taken control and redefined organic farming. Large CAFOs are being certified as “organic” through loopholes, reinterpretations and certifications that ignore the most basic rules and intentions of what organic farming is — and the USDA has consistently ignored formal requests to investigate these farms. Farm operators who are complying with the spirit and letter of the law, and affording their animals true access to the outdoors, are being placed at a competitive disadvantage by these giant agribusinesses that are not doing so. Now who is the “viable” organic farm?

As for the small scale organic farmers in Tompkins County, where will they find the unpolluted land and clean water?

But perhaps the most telling point is also the easiest to understand: There are no examples of real communities in the Ag Plan. The idyllic, agricultural community so confidently set down in Lansing’s Ag and Comp plans does not exist in this century. There are no towns where modern farming practices have protected the soil, environmental quality and natural resources - no communities where they have preserved the rural character and enhanced the quality of life of the town. There are no examples to be shown, because the examples show just the opposite — polluted rivers and wells, sickened neighbors, struggling local economies, and unemployment. Towns dominated by CAFOs with eroded landscapes devoid of the farm animals whose shortened lives are confined to a small footprint in a giant shed.

So at the end of the Lansing Ag Plan we are left with one important question:

“What sort of an agricultural community will we turn out to be?”

While there are no current examples of success, some of the failures are really scary.

Part 3 – “Whose Comp Plan is This, Anyway?” — One voice, one choice.