

Boulder County Parks & Open Space Cropland Policy

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Chair, Board of County Commissioners

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Boulder County Parks & Open Space Cropland Policy

We are indebted to the members of the community who served on the original Cropland Policy Advisory Group for their time, effort, and willingness to engage in the discussions that formed this policy.

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Boulder County Parks & Open Space Mission

To conserve natural, cultural and agricultural resources and provide public uses that reflect sound resource management and community values

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Cropland Policy Vision

Boulder County Parks & Open Space's vision is to be a national leader in sustainable agriculture.

Purpose Statement:

The policy directs Boulder County Parks & Open Space (BCPOS) management of cropland on agricultural properties owned by the public and leased to tenant farmers. The policy supports the sustainable stewardship of the lands by the department's tenant partners who reflect a diversity of agricultural producer systems. The policy frames and defines the BCPOS programs for conducting this work.

Scope:

The policy applies to BCPOS and the tenant farmers managing croplands on county open space.

Agricultural properties and operations covered by this policy include dryland and irrigated crop production, irrigated pasture and irrigated forage, and infrastructure supporting these operations.

Rangeland and dryland pasture for grazing is covered under the Grassland Management Policy.

Accountability:

The responsibility for compliance with the policy lies with both BCPOS staff, particularly the Agricultural and Water Resources Division which administers and oversees lease agreements, and tenant farmers.

Review of the policy and program will focus on the achievement of outcomes set out in the policy.

Sustainability:

Sustainability is one of Boulder County's Guiding Values. The county defines sustainability as the, "use, development and protection of resources in a way that enables Boulder County residents to meet their needs and maintain a high quality of life, without compromising the ability of future residents to do the same."

Boulder County values balancing a strong economy, protection of the environment and social equity and is committed to environmental, social, and economic sustainability and to building partnerships to help make the broader community more sustainable.

The Cropland Policy represents the practical application of sustainability to BCPOS agricultural properties, with a particular emphasis on considering long-term implications of agricultural management choices.

Cropland Policy Advisory Group:

The original Cropland Policy was developed in 2011 by an advisory group comprised of nine citizens representing a variety of agricultural and public stakeholder perspectives.

A link to the revisions and history of the Cropland Policy, as well as, former versions of the Policy can be found in the Appendix.

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1. Program Priorities

Fundamental to the administration of the agricultural open space program is an understanding of the priorities and values that guide the program. The following principles set forth both statements of priorities and ways in which they will be applied by BCPOS.

General

- 1.1. Boulder County shall promote and encourage diversity in cropping systems, crops, and practices, to balance risks associated with factors beyond farmers' control, such as weather events, price fluctuations, federal price supports, etc.
- 1.2. Boulder County supports operators willing to explore and adopt new farming practices and new markets that embody the department's and the community's long-term goals while also practicing sound management.
- 1.3. Boulder County supports self-sufficient and economically viable agricultural operations and recognizes they are essential to the overall viability of the agricultural program.
- 1.4. Boulder County shall administer a program to support and encourage small acreage farms on BCPOS land.
- 1.5. Boulder County shall adopt Good Neighbor Guidelines. All agricultural tenants shall be provided, and comply with, the expectations of the Good Neighbor Guidelines.
- 1.6. BCPOS shall establish Good Neighbor Guidelines as a means to prevent and address concerns among tenants and between tenants and the larger Boulder County community. Boulder County shall share information on the policies for farming on open space and shall act as a communication hub for addressing agricultural management concerns on BCPOS properties of both tenants and the community.
- 1.7. Boulder County shall work with County Extension and other organizations to foster communication and coordination among growers to proactively address co-existence issues, such as cross-pollination and chemical trespass.
- 1.8. Food safety regulations for producers on Boulder County cropland are enforced through governmental entities, which include but are not limited to: Boulder County Health Department, Colorado Department of Public Health and the Environment, and Federal regulators. Farmers must abide by these regulations.
- 1.9. Boulder County recognizes the contributions that multi-generational farmers have made to the quality of life in Boulder County. Boulder County will continue to work with these farmers to help ensure the economic viability of these operations and to support these families as they continue to employ sustainable farming practices.

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Markets

- 1.10. Boulder County will prioritize the expansion of food crops on open space land for local markets.
- 1.11. Boulder County works with tenant farmers, resource providers, local businesses, and organizations to encourage development of necessary infrastructure and relationships to support existing markets and explore new markets for agricultural products produced on BCPOS properties.
- 1.12. Boulder County shall work with local and regional economic development, business and community organizations to integrate agricultural economic development into overall community and economic development strategies and to promote strategies to strengthen and expand existing farm and agri-businesses and attract activities complementary to agriculture to Boulder County.
- 1.13. Boulder County shall work collaboratively with farmers' markets and other marketing opportunities to support the use of open space products in providing local foods.
- 1.14. Boulder County supports the development of direct-to-market operations, such as on-site sales and shall consider facilities and structures, subject to land use code, necessary for such operations as described in the Administrative Section of the Cropland Policy.

2. Program Administration

The success of the department's cropland agriculture program depends on a clear communication with BCPOS staff, current and prospective tenants, and the public about the manner in which the program is administered. The bid process and lease agreements are the foundation of the agriculture program and informed by the following set of guidelines.

General

- 2.1. Revenue obtained through the lease of agriculturally designated land should first be used to fund the Agricultural Resources Program and the capital and maintenance activities of the Program.

Bid Process and Lease Administration

- 2.2. Most leases shall be bid competitively, and the selection criteria shall be publicly available. In some cases, properties are not competitively bid in order to respect a specific purchase agreement or to recognize the efficiencies gained by combining adjacent parcels for improved land management, including irrigation management.
- 2.3. Leases are negotiated based on a standard form at market rates but reflect conditions at each property, the type of operation proposed, and the goals of sustainable agriculture as stated in the Cropland Policy.
- 2.4. BCPOS uses both cash rent and crop share methods to tailor leases to the character of the land and the type of operation.

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- 2.5. Leases are awarded to farmers who employ environmentally and economically sustainable practices and who demonstrate a commitment to investing in innovative practices through education and skills development.
- 2.6. Boulder County supports creating lease terms that encourage tenant investment in infrastructure to enhance productivity.
- 2.7. Boulder County supports farmer succession planning. Boulder County considers succession plans as one of many factors evaluated in the lease bid process.
- 2.8. Boulder County reviews economic viability of agricultural operations on BCPOS land when assessing lease bids. The Agricultural Resources Division shall work with tenant farmers to improve productivity when and where possible.
- 2.9. Boulder County recognizes the value of forage production to the local livestock industry and will prioritize forage production operations in the lease bid process for certain appropriate BCPOS agricultural properties.
- 2.10. Lessees seeking USDA organic certification, under an approved organic-certifier plan, shall receive a 50% reduction in rent during the three-year transition.
- 2.11. Lease applications and lease consideration shall be available to individuals, non-profits, or community groups who wish to lease an agricultural parcel for the purpose of rebuilding soil and ecosystem health of the parcel, transitioning the parcel to organic certification and production, or farming the parcel for public and community benefit.
- 2.12. Boulder County recognizes the importance of exploration and testing of farming practices by tenant farmers. Boulder County shall consider adjustments to property lease rates for prospective tenant bids that incorporate agricultural testing and experimentation. For property leases with adjusted lease rates because of agricultural testing and experimentation, Boulder County will provide the public with resulting raw data and reports. Formal research and biological inventories on BCPOS properties are possible through a permit process. Permit applications and research reports are available on the BCPOS website.
- 2.13. At the beginning or at the renewal of a lease, lease terms may be modified to protect natural resources. If during a lease term, measures, approved by Boulder County, to protect a natural resource affect the terms of the lease, Boulder County shall compensate for the losses at the tenant's share of an average crop insurance claim.

3. Operations on BCPOS Agricultural Properties

Agricultural operations are complex enterprises combining science, art, business, and lifestyle. The following guidelines set expectations of communication and planning and address property infrastructure and genetic technology.

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General

- 3.1. Structures, facilities, and special uses for agricultural properties may be allowed but must first be approved by BCPOS, allowed under County Land Use Code, and not remove cropland from productive use. Such structures, facilities, and uses shall be of a scale such that they do not affect the predominate nature of open space as open land. BCPOS approval shall consider neighborhood compatibility and other potential impacts.
- 3.2. Tenants shall operate in accordance with Soil and Water Conservation Plans approved by the Natural Resources Conservation Service.
- 3.3. Tenants shall operate in accordance with operating plans developed in collaboration with BCPOS.
- 3.4. Boulder County shall maintain relationships with partner agencies, organizations, and consultants that provide guidance to tenant farmers and facilitate communication between those organizations and tenant farmers. Boulder County shall encourage the exploration of a variety of practices to address management concerns.
- 3.5. Boulder County maintains current infrastructure and invests strategically in capital improvement projects to attract a larger pool of agricultural producers.

Genetically Engineered (GE) Crops

- 3.6. Boulder County will allow only the planting of GE crops on BCPOS cropland when the likely, demonstrable benefits from the planting of the GE crop will surpass the costs and credibly verified scientifically documented risks associated with adoption of the GE technology.

Approval Process:

- 3.7. Application evaluations shall be made by BCPOS staff in consultation with representatives from the University of Colorado (CU), Colorado State University (CSU), CSU Extension, tenant farmers, and other agricultural organizations.
- 3.8. There shall be a waiting period of at least three years between approval for use in the United States by federal agencies of a GE crop variety and that GE crop variety being approved for planting on BCPOS agricultural properties
- 3.9. Boulder County shall consider GE trait claims and specific potential impacts of a GE crop in assessing any application for the planting of a GE crop on BCPOS agricultural properties. No new GE crop shall be approved unless it is compatible with 3.9.1 and 3.9.2. In addition, one or more of the following specific potential impacts are to be used in the evaluation for each GE crop application and shall be determined by alignment of the considered impact with the trait claim made by the manufacturer.
 - 3.9.1. **Integrated Pest Management and Resistance Management:** The GE technology shall be compatible with the BCPOS Strategic Integrated Pest Management Program.
 - 3.9.2. **Conservation:** The GE technology shall be compatible with BCPOS Soil Health Program and the BCPOS Water Policy.

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- 3.9.3. **Pest Control:** The GE cultivar shall allow farmers to reduce the environmental impacts of pesticides through a shift to reduced-risk pesticides and/or a reduction in pesticide use on a per acre basis.
- 3.9.4. **Yield and Quality Management:** The GE technology shall increase crop yield, crop quality, and/or profitability compared to levels in Boulder County at the time of assessment.
- 3.9.5. **Human Nutrition:** The GE technology shall enhance the nutritional quality and content of the harvested crop.
- 3.9.6. **Allergens and Toxicity:** The GE technology shall substantially reduce the levels of known or expected human allergens or toxins compared to standard varieties of the crop.

Use of BCPOS-Approved GE Crop Varieties:

- 3.10. The terms and restrictions imposed as a condition of planting BCPOS-approved GE crop should not abridge the ability of tenants to choose the crop varieties most suited to their agricultural operation or otherwise limit management discretion.

GE Crop Planting and Use Protocol:

- 3.11. Boulder County shall develop a protocol for the use of each approved GE crop variety on BCPOS agricultural properties. Protocols must address the following:
 - **Gene Flow:** Practices to minimize opportunities for the genetic material of the GE crop variety to move into the local non-GE crop population.
 - **Notification:** Notification of the public of the approval of the GE crop variety and communication with property neighbors.
 - **Resistance management:** Practices to minimize the development of pesticide resistance for GE crop varieties with pesticide-related GE traits.
 - **GE Crop Monitoring:** Boulder County shall develop a monitoring program for each approved GE crop variety in cooperation with tenant farmers, CSU Extension, and other partner agencies. The monitoring program will track indicators associated with the expected benefits of the GE crop variety. The monitoring program will additionally document any adverse impacts of the GE crop variety.

Three Year Assessment:

- 3.12. Three years after approval of a GE crop variety, BCPOS Agriculture and Water Resources Division staff will evaluate the monitoring data collected for the crop variety. The evaluation will include assessments of the quality and consistency of the GE benefits and any adverse impacts. Approval of the GE crop variety can be renewed for another three years. After two consecutive review cycles of approvals, the three-year assessment is no longer required.

Currently Approved GE Crop Varieties:

Glyphosate-resistant crops are currently planted on BCPOS agricultural properties.

The glyphosate-resistant crops currently permitted on BCPOS agricultural properties are corn and sugar beets.

Protocols for glyphosate-resistant corn and sugar beets include a requirement for tenant farmers to annually rotate glyphosate-resistant varieties with non-glyphosate-resistant varieties.

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In the event that annual rotations are not possible, a two-year consecutive planting of glyphosate-resistant crop varieties must be followed by a two-year rotation of non-glyphosate-resistant crop varieties.

If Boulder County approves a glyphosate-resistant wheat in the future, it would be allowed following existing GE rotations restrictions.

Bt corn is also approved for planting on BCPOS agricultural properties. Protocols for the planting and use of Bt corn include pesticide resistance management.

4. Management and Programs

BCPOS prioritizes sustainable management of open space properties. To that end, programs are developed to be resources for tenant farmers and to ensure that management aligns with community goals and values. The following policies establish two major programs, Strategic Integrated Pest Management and Soil Health Initiative as the foundation for addressing long-term conservation concerns. The management of livestock on cropland acres, prairies dogs, and organic production are also included in this section.

Strategic Integrated Pest Management

- 4.1. Boulder County recognizes the importance of pest management to viable agricultural operations.
- 4.2. Boulder County, in collaboration with representatives from the University of Colorado (CU), Colorado State University (CSU), CSU Extension, tenant farmers, and other agricultural organizations, shall develop a Strategic Integrated Pest Management Program for use on BCPOS Agricultural properties incorporating the principles of Integrated Pest Management. The Integrated Pest Management Program will be strategic by incorporating a long-term, multi-year approach to pest management decisions and by providing recommendations and/or resources for selecting site-specific practices on leased BCPOS agricultural properties.
- 4.3. Boulder County shall work collaboratively with producers, technical advisors and researchers to determine the best and most effective tools for managing pests on open space Agricultural properties.
- 4.4. Boulder County recognizes that Strategic Integrated Pest Management principles include the use of diverse methods of pest control and minimizing the application of pesticides. Pesticide use on BCPOS agricultural properties by tenant farmers is to be kept to the minimum necessary for effective pest control and in compliance with the Strategic Integrated Pest Management Program. Boulder County shall implement monitoring programs to track pesticide usage on BCPOS agricultural properties.
- 4.5. Any pesticide application on open space agricultural lands shall be completed in compliance with the Agricultural Division's application protocols.
- 4.6. Signage shall be posted on any fee-owned county properties along trails where pesticide spraying will take place adjacent to trails. Signage will be posted prior to pesticide spraying.

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The signage will include the spray date (or range of dates), type of pesticide being sprayed, and trail closures, if necessary.

- 4.7. Boulder County allows tenants of BCPOS agricultural properties to use any legal method of pest control that is in compliance with the Strategic Integrated Pest Management Program and other Boulder County regulations and policies. BCPOS reserves the right to restrict specific pesticides and/or application practices.
- 4.8. The use of neonicotinoid pesticides on BCPOS agricultural properties will be restricted within the framework of the BCPOS Strategic Integrated Pest Management Program. Approval from BCPOS staff for the use of neonicotinoid pesticides by tenant farmers on BCPOS agricultural properties will be granted on a case-by-case basis under limited conditions. It will be subject to an evaluation of environmental and economic sustainability considerations, including but not limited to, when justified by pest pressure or when other pesticides would be ineffective or have a disproportional environmental impact relative to neonicotinoid pesticides.

Tenant farmers who operate under a current Shareholder Agreement with Western Sugar Cooperative are excluded from the above-mentioned approval process and are allowed to plant the sugar beet seed with neonicotinoid seed coatings required pursuant to their shareholder agreement.

- 4.9. Agricultural tenants shall be provided and comply with clear expectations of Strategic Integrated Pest Management goals.

Soil Health Initiative

- 4.10. Boulder County recognizes the value and function of soil ecosystem services to both agricultural production and the local and global environment. Boulder County, in collaboration with representatives from the University of Colorado (CU), Colorado State University (CSU), CSU Extension, tenant farmers, and other agricultural organizations, shall develop a soil health program for use on BCPOS agricultural properties incorporating the principles of soil health and providing recommendations for site-specific practices on leased BCPOS agricultural properties.
- 4.11. Boulder County prioritizes the arrest and reversal of soil degradation and the improvement of soil quality on BCPOS agricultural properties. Boulder County shall implement monitoring programs to track soil quality indicators. Data resulting from the monitoring programs shall be made available when requested.
- 4.12. Boulder County shall encourage the exploration of a variety of practices by BCPOS tenants to address soil fertility.
- 4.13. Boulder County shall assure compliance with all federal, state and local health department requirements, as well as implement all BCPOS requirements for the use of biosolids on Boulder County lands.

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Livestock management

- 4.14. Livestock operations are permitted on properties suitable for livestock.
- 4.15. Livestock operations are recognized as a valuable tool in management programs, such as Strategic Integrated Pest Management and Soil Health. Livestock operations shall be encouraged both as a rotational phase in diversified operations and as a primary agricultural operation on appropriate BCPOS agricultural properties.
- 4.16. Boulder County shall collaborate with tenants, federal, state, local agencies, and others to develop physical infrastructure to support viable livestock operations on BCPOS agricultural properties.
- 4.17. Animal Feeding Operations (AFOs), as defined by the EPA, are permitted on BCPOS property on agricultural properties only with specific permission
<https://www.epa.gov/npdes/animal-feeding-operations-afos>
- 4.18. Animal Feeding Operations (AFOs) shall be sited according to federal, state and county laws, in appropriate areas with consideration given for appropriate buffers for natural resources and neighbors.
- 4.19. AFOs shall employ Best Management Practices for manure management to maximize the use and preservation of manure nutrients in local crop production and shall minimize the release of environmental air and water emissions.

Prairie Dogs

- 4.20. All BCPOS cropland shall be defined as a No Prairie Dog Area as outlined in the Prairie Dog Element of the Grassland Management Policy. <https://assets.bouldercounty.org/wp-content/uploads/2017/04/prairie-dog-habitat-element-grassland-policy.pdf>
- 4.21. Boulder County shall prioritize preventing prairie dog encroachment onto BCPOS cropland. Lethal control of prairie dogs will be in accordance with the Prairie Dog Element of the Grassland Management Plan.
- 4.22. After training and with approval from BCPOS, lease holders may perform lethal control of prairie dogs on their leased cropland.

Organic Production

- 4.23. Boulder County shall prioritize opportunities for organic operations on BCPOS land and continue expansion of certified organic agriculture on open space land with the goal of maintaining a growth rate in acres leased for organic agriculture that meets or exceeds the national growth rate of organic acres in each year, if market forces allow. Boulder County will work with producers, the natural foods industry, and other stakeholders to explore and expand market opportunities.

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Genetically Engineered (GE) Crops

- 4.24. GE Crop Monitoring: Boulder County shall develop a monitoring program for each approved GE crop variety in cooperation with tenant farmers, CSU Extension, and other partner agencies. The monitoring program will track indicators associated with the expected benefits of the GE crop variety. The monitoring program will additionally document any adverse impacts of the GE crop variety.

5. Education and Outreach

Sustainability of agricultural open space is not limited to agricultural management. Communication with the public allows for a greater understanding of local food systems and connects the community to the landscape and to those who produce the food, fuel, and fiber they encounter every day.

The Vision of the Agricultural and Water Resources Division is “Thriving agricultural lands for generations to come.” Part of ensuring the long-term viability of local agriculture is stewarding not just the land but the people who will care for it.

General

- 5.1. Staff shall develop methods for creating public awareness of the role of public open space in crop and local food production.
- 5.2. BCPOS shall develop educational material demonstrating the value and importance of livestock and grazing for the agricultural economy of Boulder County and as a cropland management tool.
- 5.3. Boulder County works with a variety of organizations including CSU Extension, to support educational programs that promote farming as a career, enrich farming practices, and encourage engagement with farmers.

Generations to Come

- 5.4. Boulder County recognizes the importance of developing farmers interested in many different forms of farming. Boulder County shall continue to support beginning farmers through youth in agriculture programs, working with CSU Extension, and providing competitive lease rates. Boulder County shall develop programs to foster the development of beginning farmers on Boulder County open space.
- 5.5. Boulder County shall develop and maintain a program to help beginning farmers to develop skills and practices while sharing land management responsibilities with other farmers.

6. Associated Resource Values

Agriculture intersects with a diverse array of activities and resources. The following guidelines set expectations for the interaction of BCPOS agricultural properties and tenants with commonly encountered situations.

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Water

- 6.1. Boulder County shall fully use county-owned water in an effective and efficient manner. BCPOS and tenant farmers will review and abide by the BCPOS Water Policy <https://assets.bouldercounty.org/wp-content/uploads/2017/03/water-policy.pdf>

Cultural Resources

- 6.2. Standard operating procedures shall be developed to protect cultural resources on cropland.

Recreation

- 6.3. Trails shall be developed on agricultural land only with appropriate considerations for agricultural value. Trails shall be:
 - 6.3.1. Designed to minimize loss of cropland, irrigation interference, and impact on agricultural operations.
 - 6.3.2. Sited to reduce the possibility of weed transfer to ditches or fields.
 - 6.3.3. Closed to the public if/when pesticide application is in progress.

Natural Resources

- 6.4. Boulder County and its agricultural tenants shall abide by all federal and state laws governing wetlands, wildlife, and plant species.
- 6.5. The County Comprehensive Plan Critical Wildlife habitats shall be considered a priority for protection when leases and agricultural operating plans are developed.
- 6.6. For any wildlife designated as State Threatened or Species of County or State Concern, BCPOS staff shall work with tenants to develop best management practices and site-specific plans to manage them.
- 6.7. If a new occurrence of a protected species occurs on BCPOS land, no additional disturbance within the recommended US Fish and Wildlife Service or Colorado Department of Parks and Wildlife buffer shall occur. Existing operations can continue except where prohibited by these agencies.
- 6.8. To the extent possible, BCPOS shall preserve wildlife corridors through agricultural land:
 - 6.8.1 Highest priority corridors to preserve are natural streams – BCPOS shall develop Best Management Practices (BMPs) and appropriate site-specific buffers to protect these areas.
 - 6.8.2 Ditches often serve as corridors and, to the extent possible, these riparian-like habitats shall be maintained.

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- 6.9. Boulder County shall preserve wetlands and Comprehensive Plan-designated Critical Wildlife Habitat by developing site-specific best management practices and buffers to protect these areas.
- 6.10. Where feasible, Boulder County shall enhance wildlife habitat on agricultural properties (drainages, grassed waterways, corners of pivot systems, and non-productive land).
- 6.11. Boulder County recognizes the importance of pollinators to agricultural production and functional ecosystems. Boulder County shall encourage cooperation and facilitate dialog among tenant farmers and other parties interested in the conservation of pollinator populations. Boulder County shall consider the impacts on pollinator populations in the design of a Strategic Integrated Pest Management program.

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Appendix

The history and amendments to the Cropland Policy can be found here:

<https://www.bouldercounty.org/open-space/management/cropland-policy/>