

## Reading Assignments:

### Day One – September 7

#### American Agricultural History and Economy:

- USDA., A Condensed History of American Agriculture 1776-1999 (infographic), available at <https://www.usda.gov/sites/default/files/documents/history-american-agriculture.pdf>
- CAROLYN DIMITRI ET AL., USDA, ECONOMIC RES. SERV., THE 20TH CENTURY TRANSFORMATION OF U.S. AGRICULTURE AND FARM POLICY (2005), [https://www.ers.usda.gov/webdocs/publications/44197/13566\\_eib3\\_1\\_.pdf](https://www.ers.usda.gov/webdocs/publications/44197/13566_eib3_1_.pdf)

#### American Agri-Environmental Policy:

- J.B. Ruhl, *Agriculture and the Environment: Three Myths, Three Themes and Three Directions*, 25 ENVIRONS 101 (2002).
- J.B. Ruhl, *Farms, Their Environmental Harms, and Environmental Law*, 27 ECOLOGY L.Q. 263, 340-42 (2000) (skim)
- Jonathan Coppess, *A Return to the Crossroads: Farming, Nutrient Loss, and Conservation*, 39 UALR L. REV. 351 (2017).

#### The Farm Bill Generally:

- Renee Johnson & Jim Monke, *What is the Farm Bill?*, CONG. RES. SERV., RS22131 (2018), <https://fas.org/sgp/crs/misc/RS22131.pdf>.
- Devin A. McGranahan et al., *A Historical Primer on the US Farm Bill: Supply Management and Conservation Policy*, J. SOIL & WATER CONSERVATION 68: 67A-73A, [https://www.researchgate.net/publication/258545508\\_A\\_historical\\_primer\\_on\\_the\\_US\\_farm\\_bill\\_Supply\\_management\\_and\\_conservation\\_policy](https://www.researchgate.net/publication/258545508_A_historical_primer_on_the_US_farm_bill_Supply_management_and_conservation_policy)
- USDA, ECON. RES. SERV., AGRICULTURE IMPROVEMENT ACT OF 2018: HIGHLIGHTS AND IMPLICATIONS, <https://www.ers.usda.gov/agriculture-improvement-act-of-2018-highlights-and-implications/>
- National Sustainable Agriculture Coalition, 2018 Farm Bill by the Numbers, <http://sustainableagriculture.net/blog/2018-farm-bill-by-the-numbers/> (skim).
- The Agricultural Improvement Act of 2018, <https://www.agriculture.senate.gov/imo/media/doc/Agriculture%20Improvement%20Act%20of%202018.pdf> (skim).
- William Eubanks, *A Rotten System: Subsidizing Environmental Degradation and Poor Public Health with our Nation's Tax Dollars*, 28 STAN. ENV'T L. J. 213 (2009) (skim).

#### The Conservation Title:

- Jess Phelps, *Conservation, Regionality and the Farm Bill*, 71 MAINE LAW REVIEW 293 (2019) (312-324).
- Zach Cain, *History and Outlook for Farm Bill Conservation Programs*, CHOICES, Winter 2014, <http://www.choicesmagazine.org/2004-4/policy/2004-4-09.htm>
- Laurie Ristino, *Congress Just Gave Big Agriculture the Pollution Green Light*, THE HILL, March 13, 2018, <https://thehill.com/opinion/energy-environment/379971-congress-just-gave-big-agriculture-the-pollution-green-light>
- National Sustainable Agriculture Coalition, 2018 Farm Bill Drilldown: Conservation, <http://sustainableagriculture.net/blog/2018-farm-bill-drilldown-conservation/>

#### Conservation Compliance:

- Megan Stubbs, *Conservation Compliance and U.S. Farm Policy*, Cong. Res. Serv., R42459 (2014), <https://nationalaglawcenter.org/wp-content/uploads/assets/crs/R42459.pdf>
- USDA, *Wetland Conservation Provisions (Swampbuster)*, <https://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/national/water/wetlands/?cid=stelprdb1043554>
- 16 U.S.C. §§ 3801-3824, with an emphasis on §§ 3811, 3812, 3821, and 3922.
- *Koshman v. Vilsack*, 865 F. Supp. 2d 1083 (E.D. Cal. 2012).
- *Barthel v. USDA*, 181 F.3d 924 (8th Cir. 1999).
- Laurie Ristino & Gabriela Steier, *Losing Ground: A Clarion Call for Farm Bill Reform to Ensure a Food Secure Future*, 42 COLUM. J. ENV'T'L. L. 59 (2016) (skim).

#### NRCS/FSA Conservation Programs:

- MEGAN STUBBS, CONG. RES. SERV., R43504, *CONSERVATION PROVISIONS IN THE 2014 FARM BILL* (2014), <http://nationalaglawcenter.org/wp-content/uploads/assets/crs/R43504.pdf>
- MEGAN STUBBS, CONG. RES. SERV., RS40763, *AGRICULTURAL CONSERVATION: A GUIDE TO PROGRAMS* (2017), <http://nationalaglawcenter.org/wp-content/uploads/assets/crs/R40763.pdf>
- USDA, NRCS, 2018 Farm Bill, <https://www.nrcs.usda.gov/wps/portal/nrcs/main/national/programs/farmbill/> (last visited June 11, 2019) (skim).
- USDA, NRCS, *Environmental Quality Incentives Program, Factsheet*, [https://www.nrcs.usda.gov/Internet/FSE\\_MEDIA/nrcseprd1429041.pdf](https://www.nrcs.usda.gov/Internet/FSE_MEDIA/nrcseprd1429041.pdf)
- USDA, NRCS, *Conservation Stewardship Program, Factsheet*, [https://www.nrcs.usda.gov/wps/PA\\_NRCSCConsumption/download?cid=nrcseprd1288534&ext=pdf](https://www.nrcs.usda.gov/wps/PA_NRCSCConsumption/download?cid=nrcseprd1288534&ext=pdf)

- USDA, NRCS, Regional Conservation Partnership Program, <https://www.nrcs.usda.gov/wps/portal/nrcs/main/national/programs/financial/rcpp/> (last visited June 11, 2019).
- USDA, FSA, Conservation Reserve Program, <https://www.fsa.usda.gov/programs-and-services/conservation-programs/conservation-reserve-program/> (last visited June 11, 2019).

## **Day Two – September 8th**

### Agricultural Conservation Easements Generally:

- American Farmland Trust, Farmland Information Center, Factsheet, Agricultural Conservation Easements, <https://www.farmlandinfo.org/agricultural-conservation-easements>
- Jess Phelps, *Defining the Role of Conservation in Agricultural Conservation Easements*, 44 ECOLOGY LAW QUARTERLY 627 (2017) (skim)
- Judy Anderson & Jerry Cosgrove, *Drafting Conservation Easements for Agriculture*, AMERICAN FARMLAND TRUST (2004), <http://farmlandinfo.org/drafting-conservation-easements-agriculture>
- Upper Valley Land Trust, Conservation Tools and Methods, <https://uvlt.org/land-conservation/> (last visited June 25, 2019) (skim).
- 10 Vermont Statutes Annotated §§ 821, 822, 823, 6301, 6303(5); and 6308(b)

### Agricultural Conservation Easement Program (NRCS):

- USDA, NRCS, ACEP Factsheet, [https://www.nrcs.usda.gov/wps/PA\\_NRCSCConsumption/download?cid=stelprdb1247880&ext=pdf](https://www.nrcs.usda.gov/wps/PA_NRCSCConsumption/download?cid=stelprdb1247880&ext=pdf)
- USDA, NRCS, Saving the Nation's Wetlands, [https://www.nrcs.usda.gov/wps/PA\\_NRCSCConsumption/download?cid=nrcseprd1398820&ext=pdf](https://www.nrcs.usda.gov/wps/PA_NRCSCConsumption/download?cid=nrcseprd1398820&ext=pdf) (skim)
- 16 USC § 3865 et seq.
- 7 CFR § 1468.
- NRCS Minimum Deed Terms, [https://www.nrcs.usda.gov/wps/PA\\_NRCSCConsumption/download?cid=nrcseprd1448972&ext=pdf](https://www.nrcs.usda.gov/wps/PA_NRCSCConsumption/download?cid=nrcseprd1448972&ext=pdf)
- VLT Conservation Easement Deed, <https://www.vtbar.org/UserFiles/Files/EventAds/1107landconservation.pdf> (beginning at page 131).
- American Farmland Trust, Farmland Info. Ctr., The Agricultural Improvement Act of 2018 (2018 Farm Bill), <https://www.farmlandinfo.org/2018-farm-bill> (skim)
- *Wetlands America Trust Inc. v. White Cloud Nine Ventures*, 291 Va. 153 (2016).

- *Larson v. United States*, 2014 WL 12539647 (D. Neb. 2014) (WRP enforcement case).

#### Tax Incentivized Conservation Easements:

- 26 U.S.C. § 170(h).
- 26 C.F.R. § 1.170A-14(a), (b), (d), (e), and (f)(1).
- Jess Phelps, *Defining the Role of Agriculture in Agricultural Conservation Easements*, 45 ECOLOGY LAW QUARTERLY 647 (2018) (skim)
- LAND TRUST ALLIANCE, LAND TRUST STANDARDS AND PRACTICES: ETHICAL AND TECHNICAL GUIDELINES FOR THE RESPONSIBLE OPERATION OF A LAND TRUST, <http://s3.amazonaws.com/landtrustalliance.org/LandTrustStandardsandPractices.pdf> (skim).

#### Enforcement:

- Adena R. Rissman, *Conservation Defense and Enforcement in the Land Trust Community*, SAVING LAND, Winter 2011, <https://www.landtrustalliance.org/news/conservation-defense-and-enforcement-land-trust-community>
- *Long Green Valley Assoc. v. Bellevale Farms, Inc.*, 46 A.3d 473 (Md. Ct. Special Appeals 2011).
- *Lyme Land Conservation Trust, Inc., v. Platner*, 159 A.3d 666 (Ct. Sup. Ct. 2017).
- Leslie Ratley-Beach, *Heroic Defense of the Land and Ethics*, SAVING LAND, <https://www.landtrustalliance.org/news/heroic-defense-land-and-ethics> (summarizing the entire Lyme litigation series and takeaway lessons).
- Jessica E. Jay, *Enforcing Perpetual Conservation Easements Against Third-Party Violators*, 32 UCLA JOURNAL OF LAW AND POLICY 80 (2014) (skim)