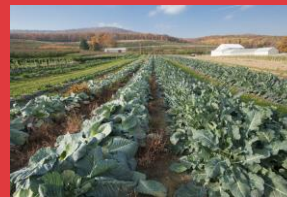




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Perspectives on Conservation and Leased Farmland

Sarah Everhart, Esq.
Managing Director
Agriculture Law Education
Initiative
Maryland Carey Law



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Agriculture Law Education Initiative



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The Agriculture Law Education Initiative (ALEI) is a partnership of the Francis King Carey School of Law at the University of Maryland, Baltimore (UMB); the College of Agriculture & Natural Resources at the University of Maryland (UMCP); and the School of Agriculture and Natural Sciences at the University of Maryland Eastern Shore. ALEI is an initiative of the University of Maryland: *MPowering the State*, a strategic alliance between UMB and UMCP created in 2012 to significantly expand research collaboration, business development, and student opportunities at both universities.

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Conservation Practices on Leased Farmland



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- More than 40 % of farmland both nationwide and in MD is leased.
- Conservation practices are less prevalent on leased acres.
- Complex problem with same causes nationwide

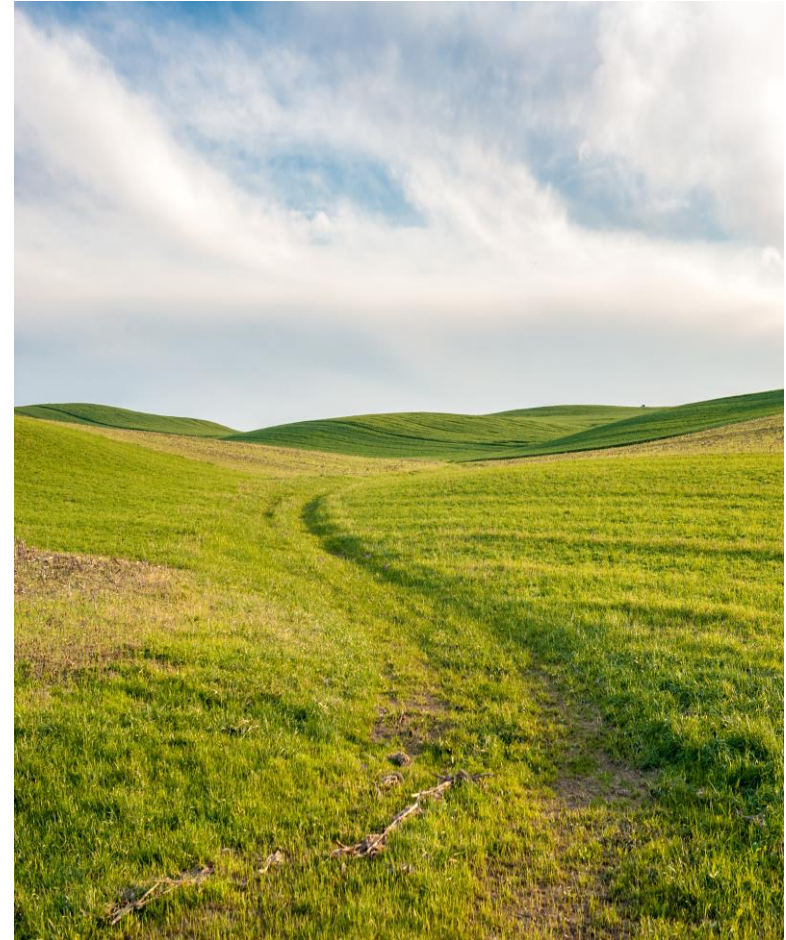


Photo credit for presentation Edwin Remsberg

Value of Conservation Practices



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- Practices can lead to improved:
 - soil health;
 - water quality; and
 - farm property value
- Practices on leased acres can help the agricultural sector meet the Phase III WIP goals.



Leasing as a tool



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- Think of a lease as a tool
- Start with communication
- Consensus on conservation goals/priorities
- A Soil and Water Conservation Plan creation/update can start the process



Communication Resources



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EXTENSION BULLETIN

SEPT. 2018 | EB-434



Available for
download at
umaglaw.org

Agricultural Conservation Leasing Guide

This work is supported by the National Institute of Food and Agriculture, U.S. Department of Agriculture, through the Northeast Sustainable Agriculture Research and Education program under subaward number ENE18-151.

Structuring a Lease for Conservation



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- Lease Options:
 - Think beyond cash rent
 - Term matters
 - Rent should reflect investment and impact on yield
 - Share in the cost-share love

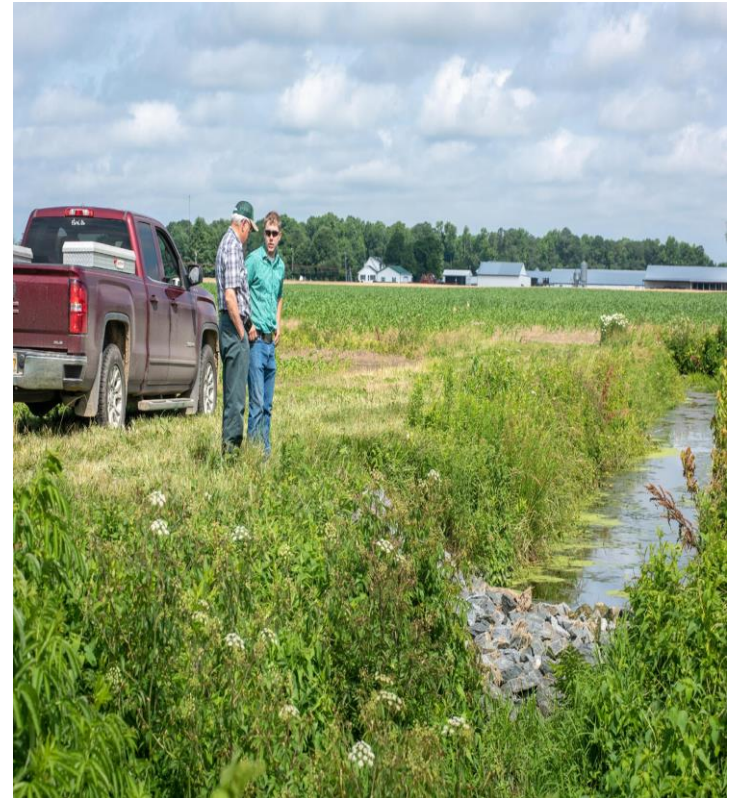


What are the Standards?



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- What is good husbandry?
 - Friends don't let friends rely on an implied covenant
- Is a Conservation Plan referenced?



Specific Practice Provisions



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Sample riparian buffer provision:

- *Tenant shall not plant, harvest, plow, disc or use fertilizers or pesticides within the vegetative buffer area(s).*



Specific Practice Provisions



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Sample riparian buffer provision:

- *Tenant shall maintain the vegetative buffer, in accordance with SCD and NRCS standards, by mowing and/ or applying recommended herbicides to control noxious weeds and/or invasive species.*

Specific Practice Provisions



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Sample riparian buffer provision:

- *To compensate Tenant for the buffer maintenance, Tenant shall receive ____ % of the annual CRP rental payment received by Landlord.*



Troubleshooting



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- Trust but verify
 - Reserve right to inspect and take soil samples
 - Right to review Nutrient Management Plan



Troubleshooting



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- Maintenance
 - Who?
 - What?
 - Buffers tend to shrink over time
 - Include restrictions in practice area
- How much?
- Agree to meet annually to verify practices
- Amend as needed!

Agricultural Conservation Leasing Workshop Series



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Informational Webinar

11/15/18 12:00 -1:00 p.m.

Lower Shore Workshop

12/10/18 8:00 am -3:00 p.m.
Salisbury

Mid-Shore Workshop

1/8/19 8:00 am - 3:00 p.m.
Wye Mills

Southern MD Workshop

1/17/19, 8:00 a.m. - 3:00 p.m.
Waldorf

Western MD Workshop

1/23/19 8:00 am -3:00 p.m.
Frederick

Central MD Workshop

1/28/2019 8:00 am-3:00 p.m.,
Cockeysville

Agricultural Conservation Leasing Project



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- For additional information and/or to register go to <https://agresearch.umd.edu/agroecol>.
- Anyone with questions, translation assistance, and/or special accommodations may contact Nancy Nunn at 410-827-8056 or nnunn@umd.edu



Thanks



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Sarah Everhart
severhart@law.umaryland.edu
410-458-2475