

DEFEND OUR FIELDS: FARMLAND PRESERVATION AND THE FUTURE OF AMERICA’S ARABLE LAND

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ABSTRACT

Between 1940 and 2020, the United States population grew by 150%, exploding from 132.2 million people to 331.4 million. Across roughly the same timeframe, the number of farms decreased by 72%, falling from 6.8 million to 1.89 million. Every hour, approximately 175 acres of farmland continue to be destroyed to pave the way for urban development and other strains brought on the natural environment by population growth. As the United States population keeps growing, the problems created by the loss of arable farmland will only become more apparent.

This Note treats farmland as a natural resource, inextricably linked to the clean air, water, and soil essential to human wellbeing. Moreover, this Note acknowledges the inherent value of farmland, offering natural scenery for humans and habitats for animals. The essential service it provides in keeping the world clean and beautiful cannot be understated.

In recognition of this value, several states have enacted farmland preservation policies aimed at preventing the unnecessary and haphazard development of these lands. This Note analyzes the farmland preservation laws of four Midwestern states—Iowa, Minnesota, Wisconsin, and Illinois—as well as the

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federal government. Each state's laws are reviewed in detail, and their respective strengths and weaknesses are weighed against one another. Drawing from the successes or inadequacies of each state's experience, the Note identifies key lessons for future lawmaking, in addition to proposing a policy of its own that builds on existing law.

I. INTRODUCTION

Among contemporary political issues, farmland preservation draws remarkably little attention. For the context of this Note, farmland preservation means policies and programs that encourage the preservation of arable land and discourage haphazard development of rural areas. Perhaps the current neglect afforded this issue is attributable to its disparate impact: those who would be most impacted by needless farmland conversion live in areas where the progress of such conversion is too slow to be fully appreciated, while those who live in areas that have already experienced dramatic transformation can no longer appreciate or remember a time when things were different.¹

The value of arable land to both people and wildlife should not be understated. It supports crops, ecosystems, and natural resources like clean air and water—not to mention the unique beauty of natural scenery. No one takes pleasure in seeing a grassy field tarred over and transformed into a parking lot. Yet relatively few seem interested in preventing such transformation from happening.² Of course, some degree of farmland conversion is necessary as the United States population continues to rise, but it is long past time for serious conversations to take place in the halls of legislatures around the country as to how to prevent, at the very least, the unnecessary development of this land.³ This Note analyzes the seriousness of this issue, where the law stands today, and what policymakers can do to address this quiet crisis.

1. See generally AM. FARMLAND TR., FARMS UNDER THREAT viii–ix, 28–29 (2018), https://farmlandinfo.org/wp-content/uploads/sites/2/2020/05/AFT_FUT_SAF_2020final.pdf [<https://perma.cc/G3ES-N4EJ>].

2. PRESTON LACY, CTR. FOR ENV'T POL'Y & MGMT., UNIV. OF LOUISVILLE, PRACTICE GUIDE NO. 16, FARMLAND PRESERVATION: THE BENEFITS OF SAVING OUR AGRICULTURAL LAND AND RESOURCES 3 (2016), <https://louisville.edu/cepm/pdf-files/newpg16> [<https://perma.cc/9SHJ-KSSP>].

3. See U.S. CENSUS BUREAU, U.S. DEP'T OF COM., CHANGE IN RESIDENT POPULATION OF THE 50 STATES, THE DISTRICT OF COLUMBIA, AND PUERTO RICO: 1910 TO 2020, at 1–3 (2021), <https://www2.census.gov/programs-surveys/decennial/2020/data/apportionment/population-change-data-table.pdf> [<https://perma.cc/3LNA-NFDS>].

In the years between 1940 and 2020, the United States population exploded from approximately 132.2 million to 331.4 million—a 150% increase.⁴ This rapid growth in population was coupled with dramatic urban expansion and a consequent decline in farmland.⁵ Between 1935 and 2023, the number of farms fell from 6.8 million to 1.89 million.⁶ Since the 1997 Census of Agriculture alone, the United States has lost over 70 million acres of farmland.⁷ The American Farmland Trust estimated that 175 acres of farm and ranch land are permanently lost to development every hour.⁸ A projected slowing of United States population growth over the present century will do little to relieve this challenge.⁹ Even a complete reversal in population growth trends cannot undo the damage done to farmland, since any land that has been developed loses its productive capabilities forever.¹⁰

The dangers posed by the loss of arable land are numerous and severe. The most glaring aspect of farmland conversion is the sheer finality of the act—once farmland is converted, it can never again be put to productive use.¹¹ Productive soil composition requires millennia to form, but human construction can destroy it in a day.¹² Many other things are also concurrently destroyed, particularly rural

4. *Id.*

5. JULIA FREEDGOOD ET AL., AM. FARMLAND TRUST, FARMS UNDER THREAT: THE STATE OF THE STATES 2–4 (2020), https://farmlandinfo.org/wp-content/uploads/sites/2/2020/09/AFT_FUT_StateoftheStates_rev.pdf [<https://perma.cc/VMT2-ACEA>].

6. Andrew Keller & Kathleen Kassel, *The Number of U.S. Farms Continues Slow Decline*, ECON. RSCH. SERV., U.S. DEP'T OF AGRIC. (Mar. 12, 2025), <https://www.ers.usda.gov/data-products/chart-gallery/gallery/chart-detail/?chartId=58268> [<https://perma.cc/Y9D4-F72L>].

7. Carl Zulauf et al., *Loss of US Farmland in the 21st Century: The National Perspective from the Census of Agriculture*, UNIV. OF ILL. URBANA-CHAMPAIGN: FARMDOC DAILY (Sept. 18, 2024), <https://farmdocdaily.illinois.edu/2024/09/loss-of-us-farmland-in-the-21st-century-the-national-perspective-from-the-census-of-agriculture.html> [<https://perma.cc/K3QF-JWBN>].

8. Dan Nosowitz, *10 Numbers That Show How Much Farmland We're Losing to Development*, MODERN FARMER (May 22, 2018), <https://modernfarmer.com/2018/05/10-numbers-that-show-how-much-farmland-were-losing-to-development/> [<https://perma.cc/Q3NP-FPFV>].

9. See JONATHAN VESPA ET AL., U.S. CENSUS BUREAU, U.S. DEP'T OF COM., DEMOGRAPHIC TURNING POINTS FOR THE UNITED STATES: POPULATION PROJECTIONS FOR 2020 TO 2060, at 13 (2020), <https://www.census.gov/content/dam/Census/library/publications/2020/demo/p25-1144.pdf> [<https://perma.cc/RB27-XP78>].

10. Jillian I. Moroney & Rebecca Som Castellano, *Farmland Loss and Concern in the Treasure Valley*, 35 AGRIC. & HUM. VALUES 529, 531 (2018).

11. *Id.*

12. Nate Lotze & Andy Loza, *Why Preserve Farmland?*, WECONSERVEPA (Jan. 31, 2025, 2:24 PM), <https://library.weconservepa.org/guides/147-why-preserve-farmland> [<https://perma.cc/CKM6-Y7C5>].

communities. While farming as a profession has been on the decline since 1935, America's rural heritage is still an integral part of its national identity.¹³ In total, 20% of citizens live in rural areas.¹⁴ Rural communities continue long after most of their residents have given up farming, but much beauty is lost once urban sprawl has destroyed its historic character. Because subdivisions and urbanization inevitably require the paving over of once-green fields, the consequence is a fundamental transformation in the character of the community.

Also damaged are the several lesser-thought-of resources that farmland provides. Clean air, water, and soil are essential to life.¹⁵ The damage done to these natural resources by destruction of the natural environment is evident—most obviously in densely-populated areas.¹⁶ City water runoff pollutes waters with inorganic sediment from construction sites, garbage, and the like, while streets and sewers prevent natural rainfall from reaching the soil.¹⁷ Emissions from an excess number of vehicles contribute to the creation of ground-level ozone, which can spread for hundreds of miles beyond the urban fringe.¹⁸ In 2023, while most of the United States was dealing with smoke from Canadian wildfires, the New York state government had to issue an air quality warning for New York City on entirely different grounds—ozone pollution exacerbated by the summer heat.¹⁹ While farmland can also contribute to pollution of natural resources when improperly

13. See Keller & Kassel, *supra* note 6.

14. Press Release, U.S. Census Bureau, Nation's Urban and Rural Populations Shift Following 2020 Census (Dec. 29, 2022), <https://www.census.gov/newsroom/press-releases/2022/urban-rural-populations.html> [<https://perma.cc/CWQ6-Z5GA>].

15. *Water, Air, and Soil*, FOREST SERV., U.S. DEP'T. OF AGRIC. (Jan. 31, 2025, 2:27 PM), <https://www.fs.usda.gov/science-technology/water-air-soil> [<https://perma.cc/3QN7-6KC4>].

16. *What Is Environmental Destruction?*, ENV'T LITERACY COUNCIL (Sept. 22, 2024), <https://enviroliteracy.org/what-is-environmental-destruction/> [<https://perma.cc/3QN7-6KC4>].

17. Am. Farmland Trust, *The Environmental Benefits of Well-Managed Farmland* 7–8 (Ctr. for Agric. in the Env't, Working Paper No. 2005-01, 2005), https://farmlandinfo.org/wp-content/uploads/sites/2/2019/09/Env_Benefits_of_Farmland_1.pdf [<https://perma.cc/WY8Q-XWAF>].

18. *Id.* at 11–12.

19. Jennifer Bisram & Jesse Zanger, *Air Quality Health Advisory Again in Effect for New York City, Northern Suburbs*, CBS NEWS (July 13, 2023, 12:12 PM), <https://www.cbsnews.com/newyork/news/air-quality-health-advisory-again-in-effect-for-new-york-city-northern-suburbs/> [<https://perma.cc/DC6Q-P48D>]; Annette Choi & Krystina Shveda, *Wildfires in Canada Led to Dangerous Air Quality in Parts of the US for the First Time. See the Affected Areas*, CNN (Sept. 17, 2023), <https://www.cnn.com/2023/09/17/us/air-quality-wildfire-pollution-allergy-dg/index.html> [<https://perma.cc/SEJ7-WEN5>].

managed, this is under circumstances of human misuse.²⁰ Unlike urban pollutants, arable land is an inherent threat to no one.²¹

Legislators in the United States began seriously addressing the threat of farmland conversion in the 1970s.²² That era saw the introduction of a number of state and federal policies aimed at protecting arable land against haphazard and unbridled development.²³ Governments approached the subject differently, often opting to incorporate citizen involvement and local control rather than top-down policy mandates.²⁴ This note analyses the approach of four Midwest states—Iowa, Minnesota, Wisconsin, and Illinois—as well as the federal government, and includes proposals for where next to take this important and often overlooked issue. Lawyers and legislators can benefit from an awareness of where the law stands today. The challenges posed by farmland conversion remain a real and present issue, one which the next generation of leaders and engaged citizens must address.

II. IOWA’S FARMLAND PRESERVATION POLICY

The State of Iowa was a fitting place for farmland protection policies to gain early traction. With some of the richest soil in the world, damage caused by farmland conversion in the state is disproportionately harmful.²⁵ Roughly 90% of Iowa’s land mass is considered farm acreage.²⁶ The Iowa legislature enacted its farmland preservation policy when it passed what is now Iowa Code Section 352 in 1982.²⁷ Its stated purpose, in part, is as follows:

20. *Nonpoint Source: Agriculture*, U.S. ENV’T PROT. AGENCY (Feb. 27, 2025), <https://www.epa.gov/nps/nonpoint-source-agriculture#Q2> [https://perma.cc/23SH-9828].

21. *See id.*

22. *Our History*, AM. FARMLAND TRUST (Mar. 14, 2025, 12:46 PM), <https://farmland.org/about/our-history/> [https://perma.cc/FCU6-RW22].

23. *Id.*

24. *See infra* Parts II–V.

25. Thomas Fenton & Gerald Miller, *Iowa Soils*, in IOWA STATE UNIV., 2015 RESEARCH AND DEMONSTRATION FARMS PROGRESS REPORTS 8, 8 (2016), <https://dr.lib.iastate.edu/server/api/core/bitstreams/db6f44a9-e042-4c24-a0f8-aafabe354105/content> [https://perma.cc/PJT9-9BD8].

26. Donnelle Eller, *Nearly 60 Percent of Iowa Farmland Owners Don’t Farm; One-Third Have No Ag Experience*, DES MOINES REG. (June 29, 2018, 8:24 AM), <https://www.desmoinesregister.com/story/money/agriculture/2018/06/28/iowa-state-isu-farmland-farm-facts-ownership-tenure-survey-owners-debt-land-rent-family-income/742159002/>. [https://perma.cc/6C9W-GGWM].

27. IOWA CODE ANN. § 352.1 (West 2025) (originally enacted as 1982 Iowa Acts, ch. 1245, § 2).

(1) It is the intent of the general assembly . . . [to] preserve the availability and use of agricultural land for agricultural production (2) The general assembly recognizes the importance of preserving the state's finite supply of agricultural land. Conversion of farmland to urban development, and other nonfarm uses, reduces future food production capabilities and may ultimately undermine agriculture as a major economic activity in Iowa. (3) It is the intent of the general assembly to provide local citizens and local governments the means by which agricultural land may be protected from nonagricultural development pressures.²⁸

Furthermore, the statute acknowledges the importance of protecting the “natural and historic resources and fragile ecosystems of this state including forests, wetlands, rivers, streams, lakes and their shorelines, aquifers, prairies, and recreational areas.”²⁹ The law establishes a land use and preservation commission in every county.³⁰ Each commission is tasked with compiling an inventory of all unincorporated land within its jurisdiction and detailing its availability and use for various purposes including agriculture, parks and recreational areas, woodland, etc.³¹ The commissions initially created cartographs detailing the use of the land at the time as opposed to the use of the same land in 1960.³² Based on this information, the commissions then presented proposals to their respective county boards for how to use the unincorporated areas.³³ Alternatively, the commissions were given the option to transmit their inventories to said boards alongside findings regarding methods to preserve agricultural land, woods, wetlands, and the like.³⁴ The statute provided that, “If the plan is approved by the county board, it shall be the land use policy of the county”³⁵

Today, owners of farmland are empowered to petition their county boards for expansion of these areas first created in 1985.³⁶ Any proposal must describe the area and keep the expanded zone compact and nearly adjacent.³⁷ No privately held land can be included in the expansion without the owner's consent.³⁸ Once an agricultural zone has been created, only previously existing residences, residences

28. *Id.*

29. *Id.* § 352.1(1).

30. *Id.* § 352.3.

31. *Id.* § 352.4.

32. *Id.* § 352.4(3).

33. *Id.* § 352.5(1).

34. *Id.*

35. *Id.* § 352.5(3)(b).

36. *Id.* § 352.6(1).

37. *Id.*

38. *Id.*

constructed for farmers, and property used for certain utilities like gas and water may exist thereon.³⁹

The law includes a notable opt-out provision for farmers or new owners who dislike the agricultural zoning classification.⁴⁰ The Iowa Code states, “At any time after three years from the date of creation of an agricultural area, an owner may withdraw from an agricultural area by filing with the county board a request for withdrawal.”⁴¹ The county board may then make a final determination as to the request.⁴² After six years, a farmer may withdraw without receiving the board’s approval.⁴³

Iowa’s farmland preservation statute is commendable for its local focus.⁴⁴ Instead of consolidating farmland zoning powers in a centralized state agency, it empowers county governments to cooperate with citizens to address the issue.⁴⁵ However, the law also lacks teeth. The withdrawal provision largely undermines its purpose.⁴⁶ With a minimum required durational period of as little as three years, it may be as if no agricultural zone existed at all.⁴⁷ A better program would ensure the agricultural zones remain in place for a more meaningful length of time—perhaps 10, 15, or 20 years. Under the current scheme, farmers might sell their land with the understanding that it is to be used for agricultural purposes, only to find the new owners reversing those intentions by filing for withdrawal. In summary, Iowa’s policy includes some meritorious provisions, but to be truly effective it requires significant changes.

III. MINNESOTA’S FARMLAND PRESERVATION POLICY

Minnesota adopted a similar statute in 1984.⁴⁸ Titled the Agricultural Land Preservation Program, the law incorporates several of the same provisions as Iowa’s legislation from the previous decade.⁴⁹ The Minnesota legislature highlighted the following key policy goals:

39. *Id.* § 352.6(2).

40. *Id.* § 352.9(1).

41. *Id.*

42. *Id.*

43. *Id.*; C. Andrew Scheiderer, *Chapter 93A: Right-To-Farm Protection for Iowa*, 35 DRAKE L. REV. 633, 644 (1985).

44. *See generally* IOWA CODE ANN. § 352.1(3).

45. *See id.* § 352.6.

46. *See id.* § 352.9(1).

47. *See id.*; Scheiderer, *supra* note 43, at 644.

48. *See* MINN. STAT. ANN. § 40A.01 (West 2025).

49. *See id.* § 40A.05.

(1) [P]reserve and conserve agricultural land, including forest land, for long-term agricultural use in order to protect the productive natural resources of the state, maintain the farm and farm-related economy of the state, and assure continued production of food and timber and agricultural uses; (2) preserve and conserve soil and water resources; and (3) encourage the orderly development of rural and urban land uses.⁵⁰

The Act empowers counties to create agricultural land preservation plans which will have the effect of law.⁵¹ The plan requires counties to identify, among other things, land currently in agricultural use, forest land, areas where development is likely in the coming years, shoreland and surface water, and “a general statement of policy as to how the county will achieve the goals of this chapter.”⁵² If adopted, counties must include plans for:

(1) [D]esignation of land suitable for long-term agricultural use and the creation of exclusive agricultural use zones, allowing for conditional, compatible uses that do not conflict with long-term agricultural use; (2) designation of urban expansion zones where limited growth and development may be allowed; (3) residential density requirements and minimum lot sizes in exclusive agricultural use zones and urban expansion zones; and (4) standards and procedures for county decisions on rezoning, subdivision, and parcel divisions.⁵³

Minnesota’s agricultural preservation policy is much more detailed than Iowa’s, accounting for planned expansion in areas where urban growth is inevitable and maintaining the general rural character of communities by prohibiting endless subdivision without limiting the lands’ use to agricultural purposes alone.⁵⁴ Municipalities within counties are empowered further to adopt provisions even more restrictive than those created by their counties.⁵⁵ Furthermore, owners of land in agricultural zones may apply for the creation of so-called agricultural preserves.⁵⁶ If a preserve is created, it is protected for at least eight years, after which only the county or the owner may submit for its expiration.⁵⁷

50. *Id.* § 40A.01.

51. *Id.* § 40A.04.

52. *Id.* § 40A.05(2).

53. *Id.* § 40A.05(3).

54. *Compare id.* § 40A.05, with IOWA CODE ANN. §§ 352.5–.6(2) (West 2025).

55. MINN. STAT. ANN. § 40A.07(2).

56. *Id.* § 40A.10.

57. *Id.* § 40A.11(1).

Critics have pointed to this latter provision as a weakness in the plan.⁵⁸ “[T]he exclusive agricultural use designations do not protect the land from development by a farm owner who may simply opt out of the zoning classification”⁵⁹ Indeed, the same withdrawal problem that plagues Iowa policy is present in Minnesota.⁶⁰ Additionally, the non-mandatory nature of Minnesota’s plan—empowering, but not requiring, counties to adopt agricultural preservation plans—is a notable deficiency.⁶¹

While Minnesota’s plan covers a broader array of agricultural preservation issues, Iowa’s is ultimately the stronger of the two.⁶² Iowa’s mandatory nature ensures every county engages in the valuable work of agricultural preservation, and it empowers citizens by allowing landowners to petition for expansion of the agricultural preserves.⁶³ But Minnesota’s law is not without unique merits, particularly with regard to its anticipation of inevitable urban expansion and prevention against unending subdivision.⁶⁴ Simply put, Minnesota recognizes that a state is not forced to pick between absolute agricultural preservation and unbridled commercial and residential development, but rather that some degree of development is necessary and inevitable, and the better route is to protect agricultural communities against endless subdivision.⁶⁵ Planned development—taking into account natural environments and agricultural needs—is a meritorious goal.

IV. WISCONSIN’S FARMLAND PRESERVATION POLICY

Wisconsin’s farmland preservation policy is the most innovative and far-reaching of the three. While much of it has been repealed, the remaining sections maintain a relatively strong preservation policy.⁶⁶ Enacted in 1977, the Farmland Preservation Act calls for each county to develop a plan that:

- (a) States the county’s policy related to farmland preservation and agricultural development
- (b) Identifies, describes, and documents other development trends, plans, or needs, that may affect farmland preservation and agricultural

58. See Teri E. Popp, *A Survey of Agricultural Zoning: State Responses to the Farmland Crisis*, 24 REAL PROP., PROB. & TR. J. 371, 401–02 (1989).

59. *Id.* at 401.

60. See *id.*; IOWA CODE ANN. § 352.9(1) (West 2025).

61. See Popp, *supra* note 58, at 401–02; MINN. STAT. ANN. § 40A.04.

62. Compare MINN. STAT. ANN. § 40A.05, with IOWA CODE ANN. §§ 352.5–.6(2).

63. IOWA CODE ANN. §§ 352.5–.6.

64. See MINN. STAT. ANN. § 40A.05.

65. See *id.*

66. See generally WIS. STAT. ANN. §§ 91.01–.82 (West 2025).

development in the county (c) Identifies, describes, and documents all of the following: 1. Agricultural uses of land in the county at the time that the farmland preservation plan is adopted 2. Key agricultural resources 3. Key infrastructure for agriculture 4. Significant trends in the county related to agricultural land use [and] agricultural production (d) Clearly identifies areas that the county plans to preserve for agricultural use and agriculture-related uses⁶⁷

Under the Act, political subdivisions of counties are given authority to institute their own farmland preservation zoning ordinances.⁶⁸ In general, land inside the zones may only be used for agriculture and certain agriculture-related activities.⁶⁹ Houses are permitted within the zones⁷⁰ if: (1) there is no more than one acre of “nonfarm residential acreage” for every 20 acres of agricultural acreage, (2) no more than five houses exist on any one of these nonfarm residential acreages, and (3) the location of the residential acreage will not unnecessarily convert cropland when there is a non-cropland parcel available, nor “[s]ignificantly impair or limit the current or future agricultural use of other protected farmland.”⁷¹

Once a zone has been created, a political subdivision may rezone land out of the ordinance only if it finds, among other things, that the “land is better suited for a use not allowed in the farmland preservation zoning district.”⁷² Furthermore, the Wisconsin Department of Agriculture, Trade and Consumer Protection is empowered to enter into farmland preservation agreements with land owners.⁷³ An agreement lasts for a term of at least 10 years and restricts the land to agricultural and undeveloped/open space uses.⁷⁴ Because the agreements expire every 10 years, the number of acres covered vary from year to year.⁷⁵ However, according to the *Wisconsin Farmland Preservation Program 2019–2021 Biennial Report*, 177,569.6 acres were added to agreements since July of 2009.⁷⁶ Finally, the Act empowers the department to identify a total of two million acres across the state

67. *Id.* § 91.10.

68. *Id.* § 91.30.

69. *Id.* §§ 91.42–46.

70. *Id.* § 91.44(d).

71. *Id.* § 91.46(1)(d)–(e), (2).

72. *Id.* § 91.48(1).

73. *Id.* § 91.62(1).

74. *Id.*

75. *See id.*

76. WIS. DEP’T OF AGRIC., TRADE & CONSUMER PROT., WISCONSIN FARMLAND PRESERVATION PROGRAM: 2019-2021 BIENNIAL REPORT 19 (2021), <https://datcp.wi.gov/Documents2/FPPBiennialReport201921.pdf> [<https://perma.cc/R25G-ZPE7>].

for “agricultural enterprise areas.”⁷⁷ An agricultural enterprise area is created when the department receives a request from the owners of eligible farmland and the farms meet certain use standards.⁷⁸ By 2025, nearly 1.6 million acres of Wisconsin farmland was included in agricultural enterprise areas.⁷⁹

Wisconsin’s law is the most innovative of the three states. It combines local planning with a citizen-driven response across diverse implementation methods.⁸⁰ The success of the Wisconsin law can be seen in the statistics: a total of 19,934.2 acres were added to farmland preservation agreements between 2019 and 2021, while only 8,297 acres were zoned out.⁸¹ Furthermore, unlike the policies of its neighbors, Wisconsin includes only limited opt-out provisions.⁸² Subsequent owners are bound by the earlier preservation agreements.⁸³ Only when all the following elements are met may an agreement be rescinded: (1) all the landowners consent; (2) the Wisconsin Department of Agriculture, Trade and Consumer Protection “finds that the termination or release will not impair or limit agricultural use of other protected farmland[;]” and (3) the owners of the land pay “a conversion fee equal to [three] times the per acre value, . . . of the highest value category of tillable cropland in the city, village, or town in which the land is located.”⁸⁴ Combining local control and landowners’ consent with durational requirements of impactful significance, Wisconsin’s model is one other states ought to emulate.

V. ILLINOIS’S RESPONSE

Around the same time as the preceding states, Illinois began addressing the problem of disappearing farmland with the Farmland Preservation Act of 1982.⁸⁵ Its legislature found:

77. WIS. STAT. ANN. § 91.84(1)(b).

78. *Id.* § 91.84(1)(e).

79. *Agricultural Enterprise Areas*, WIS. OFF. OF RURAL PROSPERITY (Jan. 31, 2025, 2:52 PM), <https://ruralwi.com/resources/agricultural-enterprise-areas/> [<https://perma.cc/7TPM-JXJ2>].

80. *See* WIS. STAT. ANN. §§ 91.36, .60, .84.

81. WIS. DEP’T OF AGRIC., *supra* note 76, at 13, 19.

82. *Compare* WIS. STAT. ANN. § 91.66, with IOWA CODE ANN. § 352.9 (West 2025), and MINN. STAT. ANN. § 40A.11 (West 2025).

83. WIS. STAT. ANN. § 91.62(5).

84. *Id.* § 91.66(1).

85. *See generally Farmland Protection*, ILL. DEP’T OF AGRIC. (Jan. 31, 2025, 2:54 PM), <https://agr.illinois.gov/resources/farmlandprotection.html> [<https://perma.cc/FJX5-Q947>].

Since World War II, the amount of Illinois land dedicated to agriculture has steadily declined at an average rate of approximately 100,000 acres per year. This substantial loss of farmlands is the equivalent of eight average-sized Illinois counties. If this trend continues, the State will lose the equivalent of another five or six counties by the end of the century.

The conversion and loss of agricultural land has diminished Illinois' cropland base and affects environmental quality. The supply of land most suitable for farming is finite. Conversion of this land to urban development and other non-farm uses reduces future food production capability and may ultimately undermine agriculture as a major economic activity in Illinois. With less prime farmland available there will tend to be greater reliance on marginally productive land, resulting in greater soil erosion, increased fertilizer requirements and increased environmental damage.⁸⁶

The statute created an "Inter-Agency Committee on Farmland Preservation" tasked with compiling a report on the status of Illinois farmland, which is to be presented to the governor and legislature every three years.⁸⁷ The agency must also research the impacts on any state-funded construction project that will lead to the conversion of agricultural land.⁸⁸ Ongoing annual reports on the volume of converted farmland must be created and delivered to the governor and the legislature.⁸⁹

With such an alarming opening chapter, one might expect Illinois's law to have more impact.⁹⁰ But the law does nothing more than require administrative reporting on farmland conversion.⁹¹ While it does draw attention to the issue, there are no tools to actually prevent its occurrence.⁹²

It is worth noting that Illinois does have an agricultural zoning act not unlike the states of Iowa, Minnesota, and Wisconsin, although it has been leveraged to only minimal success.⁹³ Today, only 100,800 acres across the state exist in agricultural zones.⁹⁴ Compared to Wisconsin's addition of 197,503.8 acres in the

86. 505 ILL. COMP. STAT. ANN. 75/2 (West 2025).

87. *Id.* at 75/4.

88. *Id.* at 75/5.

89. *Id.* at 75/6.

90. *See id.* at 75/2.

91. *See id.* at 75/1 to 75/6.

92. *See id.*

93. *See id.* at 5/5.

94. *Farmland Protection*, *supra* note 85.

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preceding decade alone, the effectiveness of Illinois's law may be called into doubt.⁹⁵

However, the basic structure of the law is not unlike those of other states.⁹⁶ The Act puts special emphasis on urban sprawl, opening with the following lines:

Agriculture in many parts of the State is under urban pressure from expanding metropolitan areas. This urban pressure takes the form of scattered development in wide belts around urban areas, brings conflicting land uses into juxtaposition, creates high costs for public services, and stimulates land speculation. When this scattered development extends into productive farm areas, ordinances inhibiting farming tend to follow, farm taxes rise, and hopes for speculative gains discourage investments in farm improvements.⁹⁷

The law requires county boards to create agricultural committees composed of four members, all of whom must be active farmers, and no more than two of whom may be of the same political party, if a petition is received to create an agricultural area.⁹⁸ These committees are tasked with reviewing proposals for the creation of agricultural zones.⁹⁹ Upon review of the agricultural committee, the county board may approve an agricultural area so long as it meets the following requirements: (1) the area is no less than 350 acres in a county of less than 600,000 and no less than 100 acres in one of more than 600,000, (2) the owner consents, (3) the land is contiguous or within 1.5 miles of the nearest other portion, and (4) the area is in general "as compact and nearly contiguous as feasible."¹⁰⁰ Once created, the agricultural areas last for a period of 10 years.¹⁰¹ As in other states, the areas restrict what activity may take place on the land.¹⁰² Per the Illinois statute, "No land within an agricultural area shall be used for other than agricultural production as described [elsewhere in] this Act."¹⁰³

Illinois's law also includes an opt-out provision.¹⁰⁴ Anyone may file a petition with the county requesting to withdraw land in the agricultural area.¹⁰⁵ The

95. See WIS. DEP'T OF AGRIC., *supra* note 76, at 19.

96. See generally 505 ILL. COMP. STAT. ANN. 5/1 to 5/20.3.

97. *Id.* at 5/2.

98. *Id.* at 5/4.

99. *Id.* at 5/4 to 5/6.

100. *Id.* at 5/4 to 5/5.

101. *Id.* at 5/5.

102. *Id.*; see, e.g., IOWA CODE ANN. § 352.6(2) (West 2025); MINN. STAT. ANN. § 40A.05(3) (West 2025); WIS. STAT. ANN. § 91.62(1) (West 2025).

103. 505 ILL. COMP. STAT. ANN. 5/5.

104. *Id.* at 5/12.

105. *Id.*

petition must contain (1) a “statement indicating the proposed alternative use of the land[.]” (2) why the change is necessary, and (3) “why land outside the agricultural area would not be suitable for [the] proposed use.”¹⁰⁶ After certain notice and hearing requirements have been met, the county board may withdraw the land from its protected designation.¹⁰⁷

Illinois’s statute deviates little from the basic structure modeled in its neighboring states. It is commendable for requiring land zoned in agricultural areas to maintain this designation for at least 10 years, but its opt-out provision exposes the statute to the same weaknesses that exist in Iowa and Minnesota.¹⁰⁸ In fact, its opt-out provision makes it an even weaker statute than Iowa’s and Minnesota’s, since anyone can petition to withdraw protected status.¹⁰⁹ The right to petition for withdrawal is limited to the landowners themselves and the county board in the other states.¹¹⁰ In summary, Illinois’s farmland protection policy, though meritorious in certain regards, has only minor differences from its neighbors and provides few unique lessons to future policymakers.

VI. THE FEDERAL GOVERNMENT’S RESPONSE

The federal government recognized the scale of this crisis even earlier than the aforementioned states.¹¹¹ As early as the 1970s, President Nixon’s own chair of the Council on Environmental Quality called land use the most pressing environmental concern still unaddressed by the federal government.¹¹² The Nixon Administration proposed a bill that would require careful planning in the construction of energy sites, airports, and larger developments so as not to carelessly use up farmland.¹¹³ Members of Congress considered urban sprawl as a threat to farmland which some—like Vermont Senator George Aiken—identified as a “scarce natural resource.”¹¹⁴

106. *Id.*

107. *Id.* at 5/13—5/15.

108. *Compare id.* at 5/5, 5/12, with IOWA CODE ANN. § 352.9(1) (West 2025), and MINN. STAT. ANN. § 40A.11 (West 2025).

109. *Compare* 505 ILL. COMP. STAT. ANN. 5/12, with IOWA CODE ANN. § 352.9(1), and MINN. STAT. ANN. § 40A.11.

110. IOWA CODE ANN. § 352.9(1); MINN. STAT. ANN. § 40A.11.

111. See Tim Lehman, *Public Values, Private Lands: Origins and Ironies of Farmland Preservation in Congress*, AGRIC. HIST., Spring 1992, at 257, 258.

112. *Id.*

113. *Id.* at 259.

114. *Id.*

The idea of federal intervention in agricultural land planning drew a cold reception from those actually involved in agriculture.¹¹⁵ The proposals were viewed as federal interventions by urban meddlers.¹¹⁶ Early legislation was defeated, but the farmland preservation movement at the federal level grew and evolved.¹¹⁷ A coalition of legislators and other staff formed in the ensuing years, eventually producing the so-called Jeffords Bill, named after Vermont Representative James Jeffords.¹¹⁸ The Jeffords Bill would have created an Agricultural Land Resources Review Commission, which would have been tasked with analyzing land use trends and proposing remedial policies.¹¹⁹ But the Jeffords Bill fell prey to perceptions that it was another overt attempt at federal intervention into the agricultural arena.¹²⁰

This fear was confirmed by the destructive congressional testimony of a member of the Sierra Club.¹²¹ The testifier told Congress that farmland protection legislation could be the springboard to broader federal land use planning.¹²² As succinctly summarized by a lobbyist for the American Farm Bureau Federation at the time, “Farmers resent[ed] the threat that bureaucrats will steal their future by regulation.”¹²³ Ultimately, the Jeffords Bill died on the House floor in a vote of 210 to 177.¹²⁴

However, just one year later in 1981, Congress passed the Farmland Protection Policy Act.¹²⁵ But the Farmland Protection Policy Act is a far cry from that proposed by Representative Jeffords.¹²⁶ Congress started by recognizing the same set of issues that inspired earlier legislation: “Congress finds that . . . each year, a large amount of the Nation’s farmland is irrevocably converted from actual or potential agricultural use to nonagricultural use.”¹²⁷ The Farmland Protection Policy Act requires the USDA to analyze how federal policy contributes to farmland conversion as well as ensure that such policies do not conflict with

115. *Id.*

116. *Id.* at 259–60.

117. *Id.* at 260–61.

118. *See id.* at 261–63.

119. *Id.* at 262.

120. *Id.* at 265.

121. *Id.*

122. *Id.*

123. *Id.* at 266.

124. *Id.* at 270.

125. *Id.* at 270–71.

126. *Id.* at 271.

127. *See id.* at 264; 7 U.S.C. § 4201(a), (a)(2).

preservation efforts of lower levels of government.¹²⁸ It also instructs the Secretary of Agriculture to provide technical assistance to other agencies and lower levels of government regarding farmland preservation.¹²⁹

Despite its ambitious title, the Act does very little to aid in farmland preservation. In fact, it includes this disclaimer: “This [chapter] does not authorize the Federal Government in any way to regulate the use of private or non-Federal land, or in any way affect the property rights of owners of such land.”¹³⁰ Individuals are expressly prohibited from bringing causes of action to enforce the chapter.¹³¹

Congress’ misadventure into the realm of farmland preservation yields more cautionary lessons than policy prescription. Key among those lessons is that preservation policy led by urban dwellers and implemented by distant bureaucrats will never be an effective way to protect rural land. Farmland preservation is a policy initiative that must be driven by rural and local interests. Local legislators and engaged citizens are better equipped to address the issue in their individual communities. While several state governments have been successful in implementing substantive policies, Congress’ role will perhaps remain limited to current law.¹³²

That is not to say that Congress lacks the constitutional authority to better address the issue. There is probably much more Congress could do. But its desire to avoid negative public perceptions, and to assuage attempts by interest groups to use farmland preservation as a springboard to unrelated federal land planning policy, are nearly insurmountable obstacles.¹³³ The Supreme Court has held that Congress’ power to regulate agriculture under the Commerce Clause is expansive.¹³⁴ In *Hodel v. Indiana*, miners challenged certain provisions of the Surface Mining Control and Reclamation Act of 1977, which mandated they obtain a permit certifying their ability to restore prime farmland before initiating a mining operation on such land.¹³⁵ The Supreme Court held that Congress’ purpose to protect “mine operators in States adhering to high performance and reclamation standards from disadvantageous competition with operators in States with less rigorous regulatory programs” was a legitimate exercise of the Commerce Clause

128. 7 U.S.C. § 4201(a)(6), (b).

129. *Id.* § 4204.

130. *Id.* § 4208(a).

131. *Id.* § 4209.

132. *See supra* Parts II–V.

133. Lehman, *supra* note 111, at 272.

134. *See Hodel v. Indiana*, 452 U.S. 314, 324–26 (1981).

135. *Id.* at 318–20.

power.¹³⁶ Surely the impact of post-mining farmland restoration is miniscule compared to the impact of urban sprawl. The Southern District of Indiana noted, “[O]nly 40,000 acres of prime farmland are projected to be disturbed by surface mining in Indiana in the next 20 years.”¹³⁷ By comparison, 144,000 acres of prime Indiana farmland were permanently converted by urban sprawl between 1992 and 1997 alone.¹³⁸

The Supreme Court has held that the preservation of agriculture is a rational basis for federal legislation.¹³⁹ Of course, Congress is limited in its power to approach the issue.¹⁴⁰ “If no enumerated power authorizes Congress to pass a certain law, that law may not be enacted”¹⁴¹ Nevertheless, Congress’ options to address the issue remain considerable. Perhaps a successful future policy could be founded in the Commerce Clause.

The experiences of Iowa, Minnesota, Wisconsin, Illinois, and the federal government leave future policymakers certain key lessons, but the federal government’s experience serves as more of a cautionary tale. Policy that is perceived to be driven by distant, urban bureaucrats will never succeed, and genuine farmland preservation policy cannot be tacked to broader land intervention laws.¹⁴² That is why state approaches have an inherent advantage—state governments are closer to the people they serve. Furthermore, state farmland preservation statutes have delegated power to local authorities and citizens.¹⁴³ Admittedly, not all states have enjoyed the same degree of success.¹⁴⁴ But each of the state statutes discussed herein provide far more tools for effective preservation than those of the federal government.¹⁴⁵ Whether future policy comes from the state or federal level, it must keep decision-making power as close as possible to the people and communities it impacts.

136. *Id.* at 326, 329.

137. *Id.* at 322 n.8.

138. Tanya J. Hall, *Has Development Occurred at the Expense of Indiana’s Prime Farmland?*, IND. BUS. REV., Spring 2010, at 3.

139. *Hodel*, 452 U.S. at 326–27.

140. *See Nat’l Fed’n of Indep. Bus. v. Sebelius*, 567 U.S. 519, 535 (2012).

141. *Id.*

142. *See Lehman*, *supra* note 111, at 266–71.

143. *See* IOWA CODE ANN. § 352.6 (West 2025); MINN. STAT. ANN. § 40A.07 (West 2025); WIS. STAT. ANN. § 91.30 (West 2025); 505 ILL. COMP. STAT. ANN. 5/4 (West 2025).

144. *See* LACY, *supra* note 2, at 3; *see also Farmland Protection*, *supra* note 85; WIS. DEP’T OF AGRIC., *supra* note 76, at 6–7.

145. *Compare* IOWA CODE ANN. § 352.6, MINN. STAT. ANN. § 40A.05, WIS. STAT. ANN. § 91.42, and 505 ILL. COMP. STAT. ANN. 5/5, with 7 U.S.C. § 4208(a).

VII. THE FUTURE OF FARMLAND PRESERVATION

Although important steps have been taken in the aforementioned states, the acts taken thus far, standing alone, are hardly sufficient to protect farmland. As noted by the American Farmland Trust, between 2001 and 2016 acreage equivalent to the entirety of that dedicated to fruit, nut, and vegetable production was either paved over or otherwise converted to non-agricultural uses.¹⁴⁶ This is decades after the various farmland protection acts were signed into law.¹⁴⁷ If destruction of farmland is to be effectively mitigated, more serious policy measures will be necessary.

Several policies may be proposed—this Note does not purport to analyze them all—but one significant blind spot in farmland preservation policy worth discussing is land lost in intestate succession. Indeed, farmland is not always lost through the conscious decision-making of the owner—sometimes the land is lost in probate.¹⁴⁸ When a farmer dies without a will, his land is passed to his descendants as tenants in common.¹⁴⁹ As tenants in common, each heir possesses an undivided share of the property.¹⁵⁰ All heirs must therefore agree how to use the farm before any action can be taken.¹⁵¹ If disagreements arise, a single heir can petition the court for partition of the land.¹⁵² Moreover, tenancies in common allow a single heir to sell his or her entire undivided interest.¹⁵³ If that sale is to a

146. AM. FARMLAND TR., STRENGTHENING THE FARMLAND PROTECTION POLICY ACT 1 (2020), https://farmland.org/wp-content/uploads/2020/11/AFT-Strengthening_the_Farmland_Protection_Policy_Act.pdf [<https://perma.cc/VTS7-VPDE>].

147. *See id.*; *supra* Parts II–V.

148. *See* Tyler Mulligan, *Safeguard Farmland for Agricultural Uses*, SCH. OF GOV'T, UNIV. OF N.C.: BLDG. ASSETS FOR THE RURAL FUTURE (June 2010), <https://www.sog.unc.edu/resources/microsites/building-assets-rural-future/safeguard-farmland-agricultural-uses> [<https://perma.cc/ZQ3E-XYDH>].

149. Kristine A. Tidgren, *When Tenants in Common Own the Farm*, CTR. FOR AGRIC. L. & TAX'N, IOWA STATE UNIV. (Apr. 29, 2016), <https://www.calt.iastate.edu/article/when-tenants-common-own-farm> [<https://perma.cc/Q3WP-LVB4>].

150. *Know How to Hold It – Pros and Cons of Certain Types of Property Ownership*, IOWA LEGAL AID (Mar. 22, 2023), <https://www.iowalegalaid.org/resource/know-how-to-hold-it-pros-and-cons-of-certain> [<https://perma.cc/QC5G-R6HT>].

151. DRAKE UNIV. AGRIC. L. CTR., TEN THINGS TO KNOW ABOUT JOINT TENANCY AND TENANTS IN COMMON 1 (2017), <https://aglawcenter.wp.drake.edu/wp-content/uploads/sites/99/2017/11/Ten-Things-to-Know-About-Joint-Tenancy-and-Tenants-in-Common.pdf> [<https://perma.cc/2P9F-RYY6>].

152. *Id.* at 2; IOWA CODE ANN. § 651.28 (West 2025).

153. Jeremy Danilson, *Exploring Tenants in Common and Joint Tenancy*, DANILSON L.: BUYING A HOUSE (Oct. 27, 2024, 12:39 AM), <https://danilsonlaw.com/tenants-in-common-and-joint-tenancy> [<https://perma.cc/KR59-RM3J>].

developer of some kind, he may have the opportunity to maneuver and force the sale of the whole property.¹⁵⁴

One solution that has been proposed is the creation of community buyback plans akin to community forestry initiatives.¹⁵⁵ These programs typically combine loans, tax credits, and public and private grants to finance the purchase of forestry.¹⁵⁶ The State of Iowa has one such initiative called the Iowa Urban and Community Forestry (IUCF) program.¹⁵⁷ The Iowa Department of Natural Resources describes it as such:

The IUCF program combines federal, state, investor-owned utility and other funds to provide support and technical assistance to over 400 Iowa communities annually. Grants are offered to communities throughout the state to increase tree canopy and improve urban forest resources. Partnerships with cities, counties and non-profit organizations enhance and broaden the impact of the IUCF program.¹⁵⁸

IUCF boasts having planted over a thousand trees across Iowa in 2024.¹⁵⁹ Conceivably, an expanded version with an eye towards rural land conservation could have an impact in reducing loss of farmland.¹⁶⁰ Rather than allow massive tracks of land to fall into the hands of farmers' children chained by the restrictions of tenancies in common—with all the complications, disagreement, and division that often comes along with it—they would be provided with the option to sell the land to the community.¹⁶¹

“Expanded” is the key word—IUCF is rather small compared to the type of program envisioned here.¹⁶² A substantial hurdle to the program's establishment is the tax burden. According to Iowa State University's annual land survey, an acre

154. Mulligan, *supra* note 148.

155. *See id.*

156. *Id.*

157. *See* IOWA DEP'T OF NAT. RES., URBAN AND COMMUNITY FORESTRY (2025), <https://www.iowadnr.gov/Portals/idnr/uploads/forestry/urban/Urban%20and%20Community%20Forestry.pdf> [<https://perma.cc/7R72-MNZ8>].

158. *Id.*

159. Gracyn Freund, *Iowa's Community Forestry Grant Program Opens Spring Applications to Rebuild Tree Canopies*, IOWA'S NEWS NOW (December 11, 2024, 5:17 PM), <https://cbs2iowa.com/news/local/iowas-community-forestry-grant-program-opens-spring-applications-to-rebuild-tree-canopies> [<https://perma.cc/C2QW-XPL7>].

160. *See id.*

161. *See* Tidgren, *supra* note 149.

162. *See generally* IOWA DEP'T OF NAT. RES., *supra* note 157; Freund, *supra* note 159.

of Iowa farmland sold for an average of \$11,467 in 2024.¹⁶³ A single, 100-acre tract of farmland would cost the average rural community in excess of \$1 million.¹⁶⁴ Seemingly, the tax burden alone is enough to dismiss the idea.

However, programs like the IUCF do not rely solely on local financing.¹⁶⁵ They also make use of federal tax dollars.¹⁶⁶ In fact, Congress recently allocated \$1.5 billion to be distributed to state forestry programs through the United States Forest Service.¹⁶⁷ Perhaps, then, a program modeled off the IUCF—utilizing the same multi-source financing scheme—could ease the burden on rural communities, making such community farmland purchasing programs financially viable.¹⁶⁸ Certainly, the IUCF is modest in comparison to the undertaking that would be required for community farmland purchasing, but it nevertheless provides a model of the type of conservation program that might be built upon.

A notable advantage of such a program is its community-driven nature. As aforementioned, earlier farmland preservation policies have failed for being perceived as driven by distant urban and bureaucratic interests.¹⁶⁹ Rather, the decision-making authority under a IUCF-type program might be instilled in a county conservation board, an existing entity in Iowa.¹⁷⁰ Under current Iowa law, citizens may petition their county's board of supervisors for creation of a conservation board.¹⁷¹ If approved by a majority vote at the next general election, a board will be created with five members appointed from the community.¹⁷² It is then entrusted with authority to purchase "suitable real estate within or without the territorial limits of the county for public museums, parks, preserves, parkways, playgrounds, recreation centers, forests, wildlife, and other conservation

163. Rabail Chandio, *2024 Iowa State University Land Value Survey: Overview 1* (Ctr. for Agric. and Rural Dev., Iowa State Univ., Working Paper No. 24-WP 667, 2024), <https://farmland.card.iastate.edu/files/inline-files/2024%20Land%20Value%20Survey%20Overview.pdf> [<https://perma.cc/C9ZB-DC2A>].

164. *See id.*

165. *Grant Funds Available for Communities Impacted by the 2020 Derecho*, IOWA DEP'T OF NAT. RES. (Feb. 7, 2023), <https://www.iowadnr.gov/disaster-response/2023-02-07/grant-funds-available-communities-impacted-2020-derecho> [<https://perma.cc/3S6H-DT38>].

166. *See id.*

167. Juanpablo Ramirez-Franco, *Trees Climb Up Cities' Priority Lists After Getting a \$1.5 Billion Boost in Federal Climate Funding*, IOWA PUB. RADIO (June 30, 2023, 9:10 AM), <https://www.iowapublicradio.org/ipr-news/2023-06-30/trees-climb-up-cities-priority-lists-after-getting-a-1-5-billion-boost-in-federal-climate-funding> [<https://perma.cc/TN34-DV48>].

168. *See* IOWA DEP'T OF NAT. RES., *supra* note 157.

169. *See* Lehman, *supra* note 111, at 259; *see also* discussion *supra* Part VI.

170. *See* IOWA CODE ANN. § 350.1 (West 2025).

171. *Id.* § 350.2(1).

172. *Id.*

purposes.”¹⁷³ The board is further charged with considering the “scenic, historic, archaeologic, recreational, or other special features” of land in making its purchases.¹⁷⁴ These conservation boards might be trusted with purchasing farmland with unique historic, scenic, or otherwise special qualities for rural communities, just as they have been entrusted with the purchase of other lands.¹⁷⁵ Such a system would keep decision-making power within rural communities, rather than lodged in distant, urban capitols.

In summary, a farmland buy-back program could be an effective response to land lost through probate. It is doubly advantageous in that it might also be used by farmers who wish to sell their land rather than apportion it through a will. If a farmer’s children are unable to manage the property, and if other farmers are unable to buy the land—which, considering the current economic condition of farming in America, is becoming increasingly common—farmers nearing retirement might decide instead to sell their land to the community.¹⁷⁶ Such a system would be another tool in the farmland preservation toolbox.

VIII. CONCLUSION

Population growth, urban expansion, and the declining economic prospects of farming in America pose significant challenges to the preservation of agricultural land and the beauty, natural resources, and environmental benefits it provides.¹⁷⁷ As the American population continues to rise, generating an ever-increasing demand for housing and related infrastructure, farmland will continue to decrease.¹⁷⁸ But this decrease need not be haphazard and disorderly, needlessly mowing over productive natural lands. There are ways to mitigate this damage without burdening rural communities and restricting the needs of human expansion.

Decades ago, this reality first became apparent to a generation of lawmakers.¹⁷⁹ The 1970s and 1980s saw a wave of farmland preservation acts

173. *Id.* § 350.4(2).

174. *Id.*

175. *See id.*

176. *See* Chandio, *supra* note 163, at 3–4; Tidgren, *supra* note 149.

177. *See* FREEDGOOD ET AL., *supra* note 5, at 4; *Why Preserve Farmland?*, LEHIGH CO. PENN. (Jan. 31, 2025, 3:27 PM), <https://www.lehighcounty.org/Departments/Agricultural-Land-Preservation/Why-Preserve-Farmland-> [<https://perma.cc/UQQ3-LB7L>].

178. VESPA ET AL., *supra* note 9, at 2; FREEDGOOD ET AL., *supra* note 5, at 26.

179. LACY, *supra* note 2, at 2.

enacted into law.¹⁸⁰ Several states have those policies in place, and some have been leveraged to great success.¹⁸¹ Many other policies have yet to be proposed.¹⁸² Yet, standing alone, the laws currently on the books are insufficient to address the challenge of disappearing farmland. It is time for this generation of lawmakers to explore next steps. Serious discourse must be had on how best to combine old laws with new ideas to generate a truly effective farmland preservation policy. Farmland is still being lost at a rate of 4.3 acres per minute.¹⁸³ Nearly 2 million acres of farmland were lost nationally in 2022.¹⁸⁴ More tools need to be provided to rural communities if anything is to be done to protect this country's golden fields and green pastures. And while policymakers of all backgrounds should unite to enact such laws, the ultimate decision on how best to use the legal tools in each community must be left to the citizens of those rural communities.

The challenges facing farmers and their land are great, but even in the midst of adversity there is reason for optimism. It is clear Americans value the role played by agriculture.¹⁸⁵ Farmers themselves still retain a remarkably high degree of respect in our culture.¹⁸⁶ According to a 2021 Maru Public Opinion poll, over 89% of Americans say they respect farmers—higher than teachers (84.3%), doctors (88.7%), engineers (83.9%), and lawyers (58.2%).¹⁸⁷ This remarkable level of trust has been tracked in other polling data as well.¹⁸⁸ And organizations such as the American Farmland Trust are calling attention to the issue for the

180. *Id.*; see IOWA CODE ANN. § 352.1 (West 2025); MINN. STAT. ANN. § 40A.01 (West 2025); WIS. STAT. ANN. § 91.01 (West 2025); 505 ILL. COMP. STAT. ANN. 5/2 (2025).

181. See *Agricultural Enterprise Areas*, *supra* note 79.

182. See Mulligan, *supra* note 148.

183. *Losing 4.3 Acres of Farmland a Minute*, FARMLAND PARTNERS (Mar. 13, 2023), <https://www.farmlandpartners.com/losing-4-3-acres-of-farmland-a-minute/> [<https://perma.cc/9HJ7-TS65>].

184. NAT'L AGRIC. STAT. SERV., U.S. DEP'T OF AGRIC., FARMS AND LAND IN FARMS 2022 SUMMARY 4 (2023), <https://downloads.usda.library.cornell.edu/usda-esmis/files/5712m6524/bk129p580/2z10z2698/fnlo0223.pdf> [<https://perma.cc/ZYJ7-RNCS>].

185. See MARU GRP., AMERICA'S MOST RESPECTED OCCUPATIONS 2021, at 1 (2021), <https://static1.squarespace.com/static/6405fa1b78abf0232468c763/t/64e4127425a86579a7278640/1692668533065/US%2BMR%2BOccupations%2BRelease.pdf> [<https://perma.cc/7WFP-KVKP>].

186. *Id.*

187. *Id.*

188. Terri Moore, *Public Attitudes About Farmers and Farming: A Golden Opportunity*, AM. FARM BUREAU FED'N (Jan. 15, 2020), <https://www.fb.org/focus-on-agriculture/public-attitudes-about-farmers-and-farming-a-golden-opportunity> [<https://perma.cc/8J7Z-RD4B>].

American public.¹⁸⁹ Others, such as the Land Assistance Fund, the Peconic Land Trust, and the Sustainable Iowa Land Trust, work to ensure current farmers can maintain their land and advocate for policy change.¹⁹⁰ Furthermore, polling data shows that Americans are sensitive to environmental issues.¹⁹¹ Through effective advocacy, the public may come to see farmland protection as an integral aspect of that more general issue.

Farmland preservation is not a lost issue; rather, it is an overlooked issue. Lawmakers have reason to believe that Americans will be receptive to reasonable policy. The future is far from clear, but policymakers might choose to approach it with a degree of cautious optimism. The country was once stirred to the threat of disappearing farmland some decades ago.¹⁹² With a little effort, it might be once again.

189. Christopher Walljasper, *Disappearing Farmland*, INVESTIGATE MIDWEST (Sept. 18, 2018), <https://investigatemidwest.org/2018/09/18/disappearing-farmland/> [<https://perma.cc/9XB9-RYSE>].

190. Maya Osman-Krinsky, *Farms for the Future: 20 Organizations Protecting Farmland*, FOODTANK (July 2020), <https://foodtank.com/news/2020/07/farms-for-the-future-19-organizations-protecting-farmland/> [<https://perma.cc/SRS9-HW2Y>].

191. *See Environment*, GALLUP: NEWS (Jan. 31, 2025, 4:15 PM), <https://news.gallup.com/poll/1615/environment.aspx> [<https://perma.cc/4H2Q-Y5DT>].

192. LACY, *supra* note 2, at 2–3.