

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

THE SUSTAINABILITY INSTITUTE, et al.,

Plaintiffs,

v.

DONALD TRUMP, IN HIS OFFICIAL CAPACITY  
AS PRESIDENT OF THE UNITED STATES, et al.,

Defendants.

**DECLARATION OF AGRARIAN TRUST**

I, Jean Theron Willoughby, declare as follows:

1. My name is Jean Theron Willoughby. This declaration is based on my personal knowledge, professional education and experience, and personal belief. I am over the age of eighteen and suffer from no legal incapacity. I submit this declaration on behalf of Agrarian Land Trust, (“Agrarian Trust”), a nonprofit organization affected by the federal funding pause.

2. Agrarian Trust is a 501(c)(3) nonprofit established in 2014 and incorporated in California in 2016, with a physical address of 4 Leighton Point Road, Pembroke, Maine 04666. Our mailing address is PO Box 86362, Portland, Oregon 97286. Agrarian Trust is dedicated to farmland conservation and secure land tenure for next-generation farmers. Agrarian Trust accomplishes this through its Agrarian Commons initiative, a unique community-led approach to land ownership and stewardship that aims to ensure farmland remains available for regenerative agriculture, thriving farm businesses, and food security by fundraising to purchase farms, holding land, and offering affordable, long-term leases to new farmers (typically for 99 years or as long as state law allows). Agrarian Trust is active in 15 states and has also received donations of farms from retiring farmers

and landowners. Agrarian Trust holds title to farm properties in multiple states, with four land acquisitions planned in 2025. This approach makes farmland more affordable for new farmers and ensures that retiring farmers' land and legacy is passed on to a new generation, solving one of the biggest bottlenecks in farms transitioning to new generations due to the skyrocketing cost of land, development pressure, lack of access to capital, and significant socioeconomic barriers.

3. Agrarian Trust has seven full-time employees with experience in farming and roots in agricultural communities across the United States. Its employees provide access to specialized legal services related to land trusts, farmland conservation planning, fundraising and grant writing, administrative support, educational resources for landowners and farmers, and real estate expertise.

4. I serve as Agrarian Trust's Executive Director. I have worked with Agrarian Trust since 2014 to support organizational development and strategic initiatives. I was among its first-hired employees, and later worked as a management consultant for Agrarian Trust before joining the staff in my current role as Executive Director in November 2024. I have extensive federal grant management experience and have served as Project Director for several previous federal grants.

5. Agrarian Trust hired four employees to assist with projects that are dependent on federal grant funding. The team brings over 70 years of combined experience to Agrarian Trust's farm real estate transactions, technical assistance to farmers, and farmland conservation projects.

6. Agrarian Trust also has experience managing federal and private grants, including as the primary awardee of grants from the Sustainable Agriculture Research and Education program for both the North Central and Northeast regions.

7. Agrarian Trust is a recipient of the Increasing Land, Capital, and Market Access Program ("ILA Program") through the U.S. Department of Agriculture's Farm Service Agency ("USDA"). The ILA Program funds 50 projects that improve access to land, capital, and markets

for underserved farmers, ranchers, and forest landowners by increasing access to farm ownership, supporting farmland succession, conserving farmland, and assisting with farm business planning.

8. On June 24, 2024, Agrarian Trust received an executed award agreement for \$12,966,593.00 through the ILA Program. The contract term is November 18, 2023, through November 30, 2028.

9. Under the ILA Program, Agrarian Trust has 18 partners across the United States, which includes farmer-led groups and educational partners. Agrarian Trust is the primary awardee responsible for the grant project, but the majority of the award supports farmers and community-based nonprofit organizations. Nebraska, Texas, and New York are the three states where farmland acquisitions are to take place in collaboration with four subaward partners. Agrarian Trust also has critical work related to this project in West Virginia, Virginia, Washington, Maine, Vermont, New Hampshire, California, New Mexico, and Montana. Our national technical assistance partner is based in Massachusetts, with the grant supporting six employees there, including two full-time employees hired to work on this federally-funded grant project.

10. Our projects take place across the U.S. and have far-reaching socioeconomic and environmental impacts. Because of their large scale, these projects represent major economic development opportunities and positive impacts for area residents in terms of increased food security, improved air and water quality, and expanded job opportunities. Regenerative agricultural practices are integrated into all of our work. We develop land stewardship agreements for every farm in collaboration with farmers and our partners.

11. We have not received reimbursement for project expenses from USDA since the processing of an overdue request from October 2024, which means that the reimbursement and advance requests we have submitted (and that were logged by USDA staff) in November and December 2024, and January and February 2025 have not yet been paid.

12. Per the terms of our grant agreement, Agrarian Trust can proceed with its land acquisition work by submitting all required documentation and requests for advances from USDA. Agrarian Trust is unable to honor its commitment of acquiring farmland without prior approval from USDA. The only information we have received from USDA regarding the status of our project was an email on March 12, 2025 informing us of a change in our USDA program contact. Beyond this, we have not received any updates from USDA regarding the status of funding since the funding was frozen in January 2025.

13. Lack of communication from USDA and lack of reimbursement for costs incurred during the months of November and December 2024 and lack of USDA processing for advances for the months of January and February 2025 has undermined our ability to carry out our work.

14. The funding freeze has also affected our operations. While approximately 85% of the ILA grant benefits farmers, about 15% covers Agrarian Trust's operating costs and accounts for a majority of our funding. Without access to these federal funds since January 2025, we have been forced to start depleting Agrarian Trust's savings to sustain operations and programs.

15. The ongoing delays and uncertainty are causing extreme distress to Agrarian Trust staff members, farmers, and community partners. Agrarian Trust is in the middle of four farm purchases to support farm transition to the next generation of farmers and create hubs for rural community development. After years of hard work to identify these farm properties and develop relationships with their owners and retiring farmers, Agrarian Trust finds itself unable to follow through on these and future transactions due to the funding freeze. These four farm purchases are currently in limbo. Delays risk the future not only of these projects, but the farmers' livelihoods and Agrarian Trust's ability to function.

16. Agrarian Trust's inability to acquire this land due to the funding freeze also puts the surrounding communities at risk. Two farms are located near Buffalo, New York, the third is near

Omaha, Nebraska, and a fourth will be in Houston, Texas. These farms are largely in low-income communities, with most suffering from population loss, declining tax bases, and food insecurity. The success of these projects provides much-needed economic development, access to fresh food, and an increase in economic opportunities for hundreds of farmers and their families as the farms will be held in perpetuity for agriculture.

17. Agrarian Trust's inability to access funds and the uncertainty about when these funds will become available and reliably accessed again has caused the organization to have to adjust its engagements with partners and those who rely on the agreement. Agrarian Trust has been forced to put contracts on hold, alter workplans, and consider reducing hours, furloughing, or laying off staff if this uncertainty continues. Agrarian Trust continues to remain in compliance and do everything possible to move its projects forward, but the planned farm acquisitions are virtually stalled as we await access to the funding needed to pay for real estate due diligence procedures (including title searches and surveys) and earnest money deposits as required by purchase and sales agreements. Additionally, training and technical assistance for farmers has been stymied as Agrarian Trust and our educational partners are unable to plan for meetings, workshops, webinars, conferences, and other educational events while our funding is in limbo.

18. Agrarian Trust is at risk of losing at least four employees hired to work on the ILA Program grant whose salaries are supported by federal funding, reduced hours for the remainder of employees, and potentially the shuttering of Agrarian Trust due to lack of funding. This is all not to forget the huge loss for the farming communities and partners relying on Agrarian Trust for the properties that will have to be transferred if the Agrarian Commons initiative does not continue.

19. As of March 14, 2025, Agrarian Trust is owed \$567,968.00 in federal funds, a significant sum for a small, hardworking organization. This amount includes two reimbursement requests, two advance requests, and a subaward invoice.

20. Agrarian Trust has subaward agreements with partner organizations and contractual obligations it can no longer honor or renew unless funding resumes, including agreements with farm service providers, educational partners, as well experts and attorneys providing local counsel to farmers and community partners engaged in farm acquisitions and starting new businesses.

21. Due to the funding freeze, Agrarian Trust is losing trust with farmers and subaward partners that have taken years of dedicated effort to establish through outreach, collaboration and consistent support. The disruption has not only jeopardized ongoing projects but weakened trust in Agrarian Trust's ability to fulfil its commitments, eroding the foundation of trust we have so carefully built over the years.

22. All of this uncertainty and a lack of reliable access to awarded funds has negatively impacted farming communities across the United States, including in the 15 states where Agrarian Trust and its farming partners have embarked on projects supported by federal funding. Farmers, their families, and communities will be further imperiled if this funding continues to be withheld.

23. Overall, Agrarian Trust stands to lose more than \$12,000,000.00 in awarded funds. This amount does not reflect the extensive hours that employees, farmers, partners, and community members have dedicated to developing the opportunities this funding would have supported, nor the numerous economic prospects, and advancement in their farming careers and businesses.

24. The relief requested by Plaintiffs will redress Agrarian Trust's concerns and injuries resulting from our frozen USDA grant.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States, the foregoing is true and correct.

A handwritten signature in black ink, appearing to read "Jean-Pierre Wilberforce". The signature is fluid and cursive, written in a professional style.

Executed this 14th day of March 2025

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Jean Theron Willoughby