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Rhode Island

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NRCS Rhode Island ACEP Agricultural Lands Easement Program

March 7 2020 Joseph Bachand and Brunilda Velez

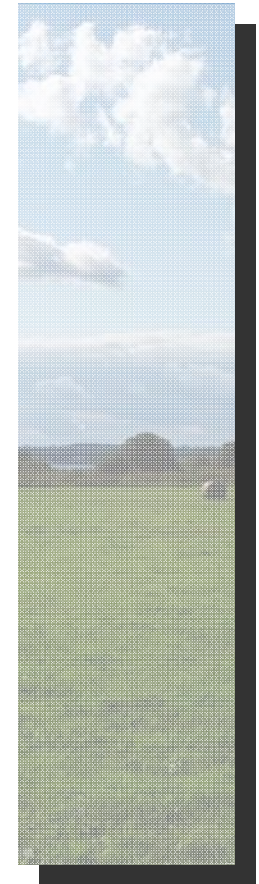
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Agenda



- **First session (20 minutes)**
 - ACEP-ALE (Farmland)
 - Who is Eligible?
 - Land Eligibility
 - FY 2018 Farm Bill ACEP-ALE Changes
 - Appraisal Process
 - Cooperative Agreement
 - Success Stories
- **Questions (20 minutes)**



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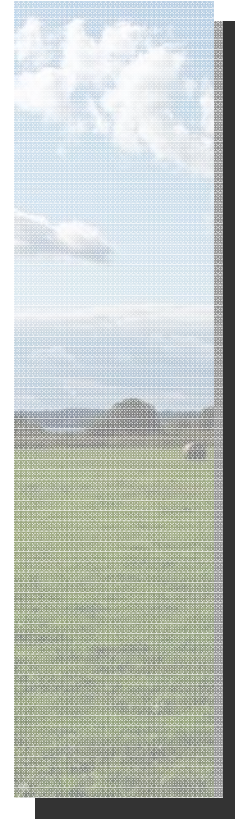
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Agricultural Conservation Easement Programs (ACEP)

Agricultural Land Easements (ACEP-ALE):

- Financial assistance for eligible partners
 - 50 percent of the fair market value of the agricultural land easement.
 - Where NRCS determines that grasslands of special environmental significance will be protected, NRCS may contribute up to 75 percent of the fair market value of the agricultural land easement



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Who Can Apply to NRCS?



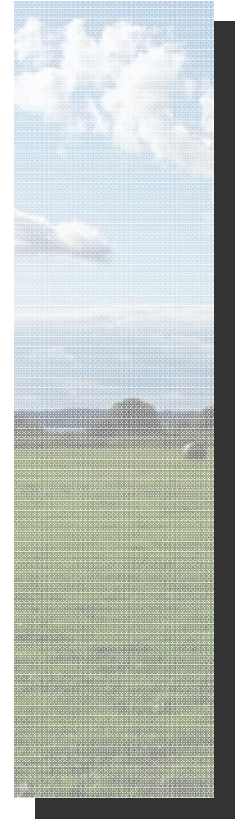
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Who can Apply for ACEP-ALE?

ELIGIBLE ENTITIES

- State and Local Governments
- Indian Tribes
- Certain non-governmental organizations



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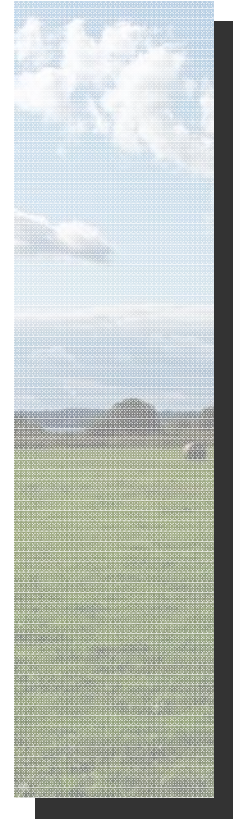
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Entity Eligibility Requirements

Provide documentation:

- Ability to meet program requirements
- Authority to purchase and hold ag easements
- Have an established farmland protection program
- Demonstrated commitment to long term conservation
- Capability to acquire, manage, and enforce
- Dedicated staff for monitoring and stewardship
- Funds to meet match requirements



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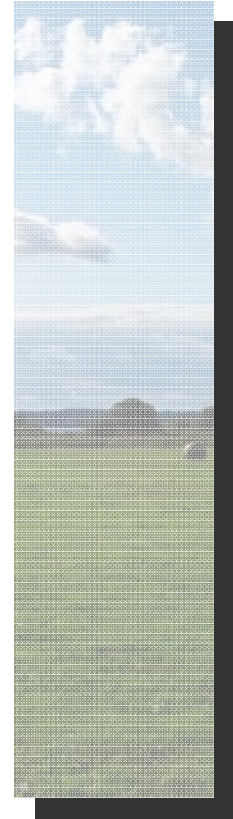
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Who are the eligible Landowner?

Eligible Landowners

- Private land owned by individuals, trust, LLCs, other corporations.
- Certain non-governmental organizations
- The landowner must be eligible under the Adjusted Gross Income (AGI) limits and the Highly Erodible Land and Wetlands Conservation Provisions



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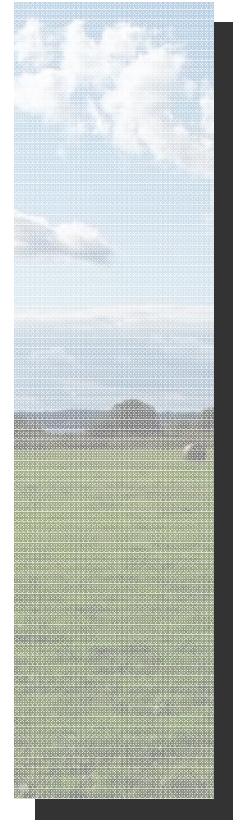
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ALE: Land Eligibility Criteria

Private Land that:

- Has prime, unique or other productive soils (Soils)
- Contains historical or archaeological resources
- Enrollment would protect grazing uses and related conservation values by restoring and conserving land (Grassland)
- Further a State or local policy consistent with the purposes of ACEP

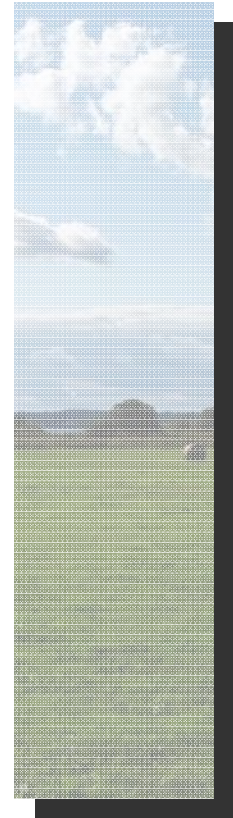


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FARM BILL 2018 ALE CHANGES

- Entity Contribution Requirements
- ALE Deed
- ALE Plan Requirement
- ALE Agreement Type



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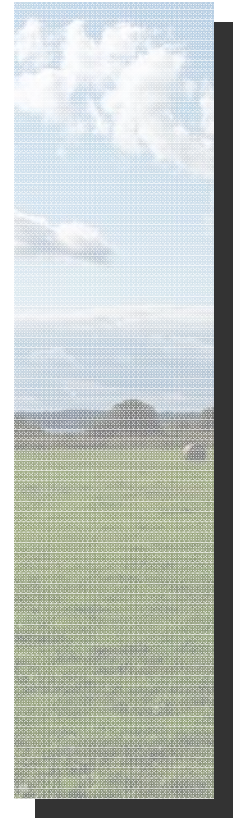
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Eligible Entity Contribution Requirements

The non-Federal share may be comprised of:

- Eligible entity's cash contribution toward easement payment to landowner
 - No longer a minimum required amount
- Landowner's donation or charitable contribution reducing easement price
- Procured costs paid by eligible entity to a third party for specific easement acquisition-related expenses
- Eligible entity costs for monitoring and stewardship (up to 2% of FMV of the easement)



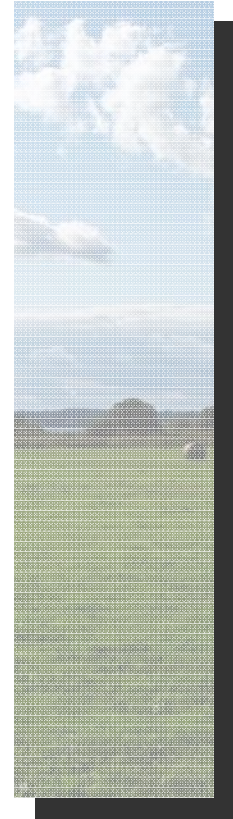
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Minimum Deed Terms Updates

Regulatory deed requirements and minimum deed terms (MDTs) updated to 2018 Farm Bill statutory changes

- Statutory mineral development language added
- U.S. Right of Enforcement revised to reflect statutory language
- Easement not required to be subject to ALE plan, but HEL conservation plan still required
- If the entity agreed to specific deed provisions or terms in order to earn ranking points or as a basis for selection, those must be included in the ACEP-ALE deed
- Allows entity-drafted terms intended to keep the property under farmer/rancher ownership



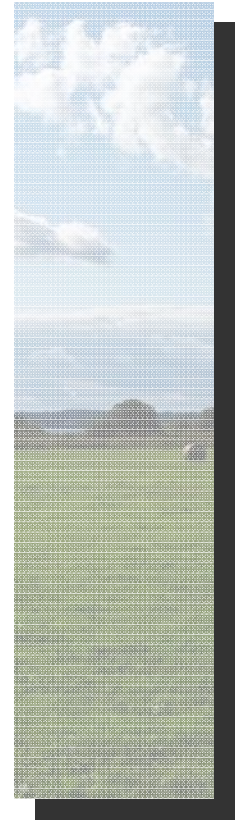
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ACEP-ALE – ALE Plan

- ACEP-ALEs enrolled under the 2018 Farm Bill ALE-agreements **are not required** to have or be subject to an ALE plan.*
- Regulatory Deed Requirements and Minimum Deed Terms have been updated to reflect this change
- HEL conservation plan still required on all Highly Erodible Cropland
- NRCS no longer provides technical assistance for the development of an ALE plan



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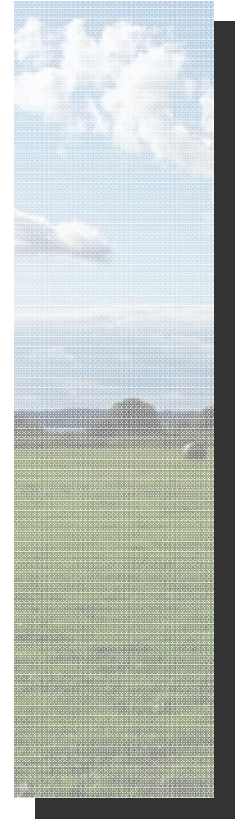
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ACEP-ALE – ALE Plan

Entity may elect to develop an ALE Plan

- ALE plan may be comprised of one or more components:
 - Comprehensive General ALE Plan
 - Grassland Management Plan
 - NOTE: GSS parcels on FY 2019 ALE-agreements must have a grassland management plan. Optional for all other 2018 Farm Bill enrollments.
- Forest Management Plan
- HEL Conservation Plan



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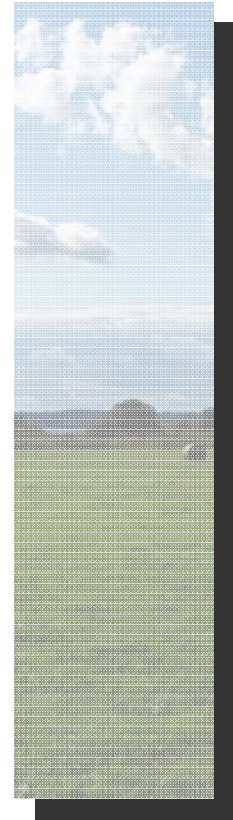
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ACEP-ALE – Agreement

Types Available Under ACEP-ALE

- **ACEP-ALE Program Agreement (new)**
 - Any Eligible Entity
- **ACEP-ALE Cooperative Agreement**
 - Any Eligible Entity
- **ACEP-ALE Grant Agreement**
 - Certified Entities Only



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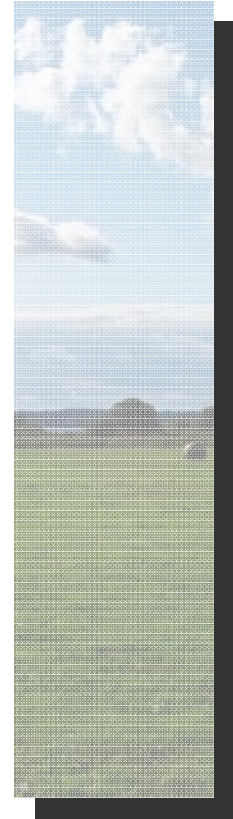
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ACEP-ALE Program Agreement

Program Agreement

- Primary purpose of ALE Program Agreement is to identify all potential parties to potential easement transactions (eligible entities, co- holders, third-party right holders) and to establish roles and responsibilities of each
- Individual parcels do NOT have to be identified at time of ALE Program Agreement execution
- Allows for streamlined processing



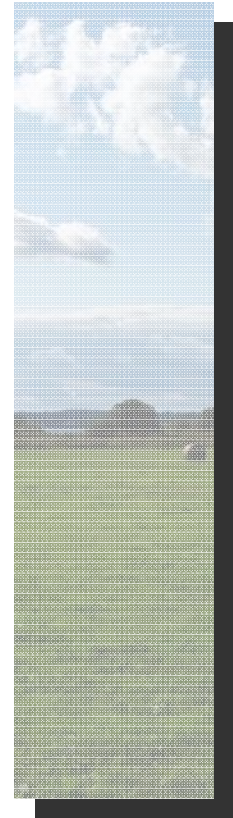
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ACEP-ALE Program Agreement

- No funds obligated through the ALE Program Agreement
- Funds are obligated at the individual parcel level through ACEP-ALE Cost-Share Contracts
- No amendments to the ALE Program Agreement for changes related to individual parcels
- ALE Program Agreements contain standard language, with the option to attach additional details



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Process Comparison at Time of Agreement Execution

ALE Cooperative/Grant Agreement

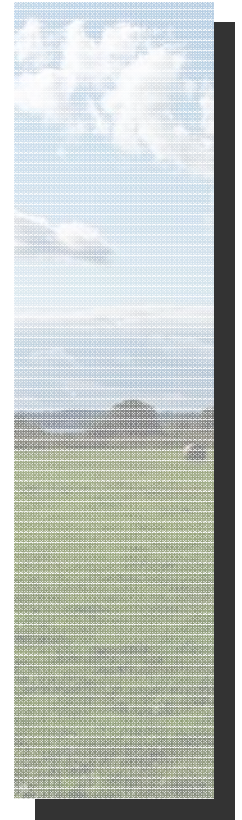
- Eligible Entity Documentation
- Designation of Program Technical Contact
- Entity application and all individual parcel applications
- Attachment to identify all parcels selected for funding and proposed substitute
- SF-424
- SF-424A
- SF-424B
- General Terms & Conditions
- Lobbying Certification
- AD-3030
- AD-3031
- Subject to Grants and Agreements regulations (2 CFR Parts 25, 170, 200, 400)

ALE Program Agreement

- Eligible Entity Documentation
- Designation of Program Technical Contact
- Entity Application only
- Attachment to list eligible entities, and potential co-holders, and third-party right holders
- Additional Provisions as negotiated between NRCS and entity
- Certification Statement

Individual Cost-Share Contracts

- Funds and parcels identified in the individual ACEP-ALE Cost-Share Contracts Minimizes the events requiring an amendment to the ALE-agreement
- Model is similar to other NRCS programs that use cost- share contracts (EQIP, CSP, AMA)
- Each cost-share contract includes the information about the specific parcel and a standard contract appendix similar to other NRCS programs
- Once parcel is acquired and payment is made, contract is completed and no action is required at the ALE- agreement level



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Discussion and Questions

Thank You!

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