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)**
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.
Who Can Apply to NRCS?
Who can Apply for ACEP-ALE?

ELIGIBLE ENTITIES

• State and Local Governments
• Indian Tribes
• Certain non-governmental organizations
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
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
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
FARM BILL 2018 ALE CHANGES

- Entity Contribution Requirements
- ALE Deed
- ALE Plan Requirement
- ALE Agreement Type
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)
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
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.
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
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
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.
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
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
Discussion and Questions

Thank You!

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