Agricultural Conservation Easement Program
Agricultural Land Easements

OVERVIEW

The Agricultural Conservation Easement Program (ACEP) is a voluntary federal conservation program implemented by the USDA Natural Resources Conservation Service (NRCS). The program protects agricultural land and conserves wetlands. There are two enrollment options: Agricultural Land Easements (ALE) and Wetland Reserve Easements (WRE).

ACEP-ALE provides matching funds to eligible entities to buy conservation easements on farm and ranch land. The purpose of the program is to "… protect the agricultural use and future viability, and related conservation values, of eligible land by limiting non-agricultural uses of that land that negatively affect the agricultural uses and conservation values; and protect grazing uses and related conservation values by restoring or conserving eligible land" (16 U.S.C. § 3865). In general, NRCS may pay up to 50 percent of the appraised fair market value of the easement, though a waiver is available to increase the cost-share for grasslands of special environmental significance. The ACEP-ALE component consolidates the Farm and Ranch Lands Protection Program (FRPP) and the Grassland Reserve Program (GRP).

This fact sheet reflects statutory changes made to the program in the 2018 Farm Bill, and the Interim Rule released by NRCS and Commodity Credit Corporation (CCC) on January 6, 2020.

ELIGIBILITY

Eligible Land

To be eligible for enrollment, the land must:

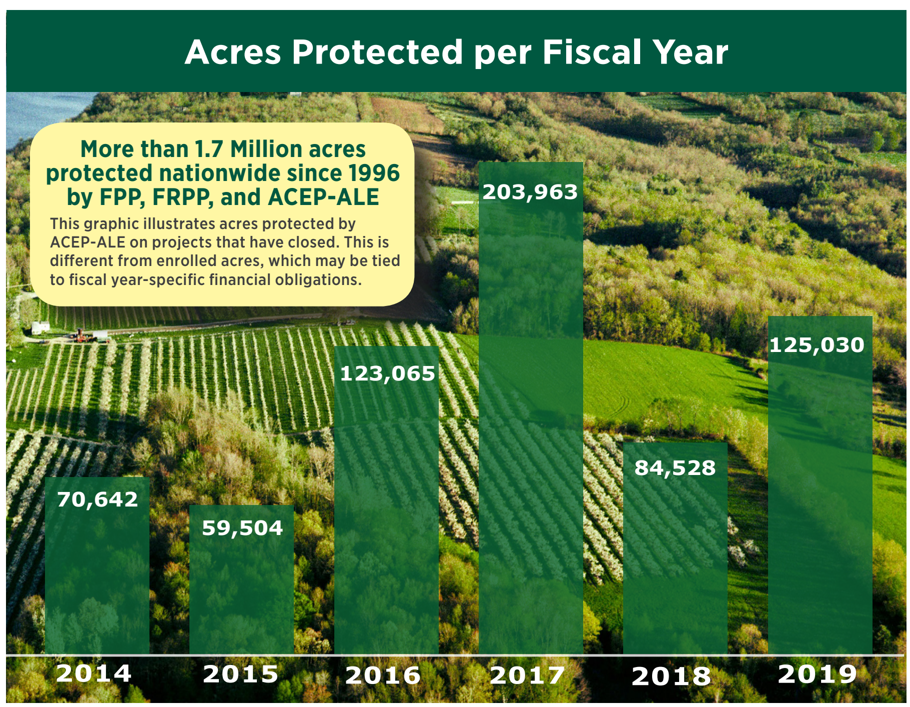
- Be privately owned or tribal agricultural land on a farm or ranch;
- Be subject to a written pending offer from an eligible entity to purchase an agricultural land, or be subject to a buy-protect-sell transaction;
- Contain at least 50 percent prime, unique, or farm or ranch land of state or local importance; contain historical or archaeological resources; protect grazing uses and related conservation values; or support a state or local policy consistent with the purpose of the program;
- Be identified as cropland, pastureland, rangeland, grassland or other grazing land, and/or nonindustrial private forest land that contributes to the economic viability of the parcel or serves as a buffer from development;
- Have access to markets, infrastructure and other agricultural support services; and
- Be experiencing development pressure.

Forest land may not make up more than two-thirds of the acreage submitted in the pending offer, but the NRCS State Conservationist can waive the limit for sugar bush acreage that contributes to the viability of the operation. NRCS requires a forest management plan for forest land in excess of 40 acres or 20 percent of the enrolled easement area. Other incidental land may be considered eligible if inclusion would help with management of the easement.

Eligible Landowners

Landowners are individuals, legal entities or Indian tribes that own land or have an agreement to purchase land. Eligible entities usually are not considered landowners unless the NRCS Chief makes an exception. Eligible landowners must:

- Comply with USDA's conservation requirements for highly erodible land and wetlands;
- Meet the Adjusted Gross Income (AGI) limits for program eligibility. Landowners that have an average AGI exceeding $900,000 for the three preceding tax years are not eligible.



The 2018 Farm Bill reauthorized an option for NRCS to waive this limit on a case-by-case basis for environmentally sensitive land of special significance;

- Agree to provide access to the property and other information to NRCS to determine eligibility; and
- Have records established in the USDA Service Center Information Management System (SCIMS)—a repository of customer information for Farm Service Agency (FSA), NRCS and Rural Development. Landowners and eligible entities can work with FSA to set up customer records.

Eligible Entities

Eligible entities are federally recognized Indian tribes, states, units of local government or nongovernmental organizations that buy agricultural land easements to protect agricultural uses, including grazing, and related conservation values. "Nongovernmental organization" means a tax-exempt organization as described in sections 501(c)(3) and 509(a)(1-3) of the Internal Revenue Code that was formed for one of the conservation purposes set forth in Internal Revenue Code Section 170(h)(4)(A). These purposes include the preservation of land areas for outdoor recreation, natural habitat, open space—including farmland and forest land—and the preservation of historic resources.

Eligible entities must demonstrate to the applicable State Conservationist:

- Authority and capacity to acquire, manage and enforce conservation easements;
- An established farmland protection program that buys conservation easements to protect agricultural use and related conservation values by limiting non-farm development;
- Commitment to long-term conservation of agricultural lands;
- Staff dedicated to easement monitoring and stewardship (in house or through agreements with other entities); and
- The ability to meet the program requirements.

CERTIFICATION

The 2008 Farm Bill established "certified entities" as a special class of eligible entities that have demonstrated a capacity to complete agricultural land easement acquisitions and an ongoing commitment to monitoring and stewardship. NRCS has streamlined procedures and clarified the certification benefits since the initial rounds.

Entities submit written requests for certification at any time to the applicable State Conservationist. Entities seeking certification in multiple states must submit their request to the State Conservationist for the state in which the entity has completed the most FPP/FRPP/ACEP-ALE projects and list all states for which it is seeking certification.

To be certified, eligible entities must have acquired and manage a minimum of 25 agricultural easements, at least 10 of which were obtained under ACEP-ALE or a predecessor federal program.

The 2018 Farm Bill established an alternative path to certification for entities that are:

- Accredited by the Land Trust Accreditation Commission (or equivalent accrediting body); or
- A state department of agriculture or other state agency with statutory authority for farmland or ranchland protection.

These entities must have acquired at least 10 agricultural easements under this or a predecessor federal program.

NRCS Regional Conservationists make final determinations based on State Conservationists' recommendations. Certified entities may enter into an ACEP-ALE grant agreement with NRCS for up to five years, use their own deed terms and conditions, and bypass NRCS review of appraisals, deeds and titles prior to closing. NRCS will review a percentage of easements closed each year to ensure that entities continue to meet certification standards.

APPLICATION AND RANKING PROCESS

NRCS accepts applications for ACEP-ALE on a continuous basis, but NRCS state offices may opt to announce one or more application rounds each fiscal year.

Landowners apply to eligible entities who then submit applications to the State Conservationist. NRCS state office staff review applications to determine eligibility and to rank projects received before the cutoff date.

The State Conservationist prioritizes parcels for funding using a combination of state and national ranking criteria. The 2018 Farm Bill also permits the NRCS to adjust criteria to account for geographic differences and allows states to adjust their criteria to give priority to applications that maintain agricultural viability. The Interim Rule released in January 2020 further states that while entities are no longer required to provide a cash contribution match, the extent of any contribution made by the entity will be considered a National ranking criterion. National criteria account for at least 50 percent of the total score and include:

- Percent of prime, unique and important soils;
- Percent of cropland, pastureland, historic grassland, grassland and rangeland, or nonindustrial private forest;
- Ratio of total acres to average farm size in the county;
- Percent decrease in the acres of farm and ranch land in the county between the last two USDA Censuses of Agriculture;
- Percent of county population growth;
- Population per square mile;
- Existence of a farm or ranch succession plan or similar plan to address future farm viability;
- Proximity to other protected land;
- Proximity to other agricultural operations and infrastructure;
- Maximizing the protection of contiguous or proximal acres devoted to agricultural use;
- CRP enrollment status (whether current contract is set to expire within one year and land is grassland that would benefit from protection under a long-term easement);
- Decrease in the percentage of permanent grassland, pasture and rangeland in the county;
- Percent of the fair market value of the easement contributed by the eligible entity's own cash resources for payment of the easement to the landowner; and
- Other criteria determined by NRCS.

State Conservationists with advice from state technical committees—advisory groups made up of representatives from state and federal agencies and the private sector—develop state criteria. State offices post the current ranking worksheet prior to an announced application deadline.

State criteria may only include:

- Location in an area zoned for agriculture;
- Entity's experience managing and enforcing easements;
- Additional values including: social, economic, historical and archaeological benefits, carbon sequestration, climate change resiliency, at risk species protection or other conservation benefits;
- Regions where enrollment may help achieve national, state and regional conservation goals or enhance existing conservation projects;
- Diversity of natural resources to be protected or improved;
- Land Evaluation and Site Assessment score or similar measure for grasslands;
- Measures that will maintain or increase agricultural viability, such as succession plans, ALE Plans, or entity deed terms that specifically address long-term viability; and
- Other criteria determined by NRCS.

ALE AGREEMENTS

When an application is approved, NRCS enters into ALE agreements with eligible entities. The agreements are the legal documents that authorize the cost-share under ACEP- ALE. They describe the transaction; the project cost, including the federal cost-share; outline the roles and responsibilities of each party; and incorporate all program requirements, including minimum deed requirements. Agreements include an attachment listing parcels tentatively selected by the State Conservationist for funding. NRCS permits entities to substitute acres within a pending easement offer and pending offers within the agreement as long as the proposed changes meet eligibility requirements, have equivalent or greater conservation value, do not exceed allocated dollars, and maintain the same number of farms overall. Given this flexibility, the attachment may also include high-ranking, unfunded, substitute parcels.

NRCS publishes an agreement template each fiscal year. Entities may submit requests to alter the template to the State Conservationist. If endorsed the request is sent to the Easement Programs Division for approval. Certified entities, in contrast, cannot request changes to the grant agreement. Acceptance of the published grant agreement is a condition of certification.

ALE agreements with a non-certified eligible entity may be executed for up to three years while the grant agreements with certified eligible entities can span up to five years. Agreements may be amended each fiscal year with a new list of parcels receiving ACEP-ALE funds that fiscal year. The amendment and new attachment serve as the "obligating documents" for the subsequent fiscal years.

AGRICULTURAL LAND EASEMENT DEEDS

The agricultural land easement deed must meet the requirements listed in the rule and the ALE agreement. Requirements include:

- A right of enforcement for NRCS, which empowers the agency to enforce the easement if the eligible entity fails to uphold it. The right of enforcement is considered a "vested property right" and cannot be condemned by state or local governments. This right of enforcement does not extend to a right of inspection unless the easement holder fails to provide monitoring reports or NRCS reasonably believes there has been a violation. The 2018 Farm Bill and Interim Rule specified the circumstances under which NRCS can exercise this right;
- A conservation plan for highly erodible cropland;
- An impervious surface area limit of 2 percent of the easement area. The State Conservationist may grant waivers up to 10 percent. Approved conservation practices, roads and parking areas with soil or gravel surfaces, or temporary greenhouses are not considered impervious surfaces;
- An indemnification clause protecting the United States from any liability that may arise related to the property;
- An amendment clause requiring that changes to the deed after it is recorded be consistent with the program purposes;
- Limits on commercial and industrial uses that are incompatible with agriculture;
- Limits on subdivision;
- Prohibition of subsurface mineral development unless specified conditions are met;
- Inclusion of protections related to the purposes for which the easement is being acquired (e.g., protection of historic resources or grasslands). The minimum terms for ALE grassland enrollments also limit the types of agricultural operations that can occur. Crop cultivation is listed as a non-agricultural use;
- Inclusion of provisions addressing the attributes for which a parcel was ranked and selected for funding;
- If required by the eligible entity, inclusion of terms that identify an intent to keep the land subject to the easement under farmer or rancher ownership; and
- Other terms specified by NRCS to ensure that the purposes of the program are met.

Entities may use their own easement documents. Noncertified entities, however, must seek review and approval by NRCS in advance. The level of review (state vs. national office) depends on how the entity chooses to meet the regulatory deed requirements. For example, wholly incorporating NRCS minimum deed terms—the specific language NRCS has determined to be effective and enforceable—only requires state review. The 2018 Farm Bill eliminated the requirement to develop an Agricultural Land Easement Plan (ALEP) as part of the minimum requirements, but provided that states may consider the development and maintenance of an ALEP in their ranking criteria as indicating a commitment to conservation planning activity and agricultural viability.

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FINAL OBLIGATIONS BY STATE AND FISCAL YEAR

	Farmland Protection Program – FPP					Farm and Ranch Lands Protection Program – FRPP						
State	**1996**	**1997**	**1998**	**2000**	**2001**	**2002**	**2003**	**2004**	**2005**	**2006**	**2007**	**2008**
Alabama	—	—	—	—	—	—	$1,188,068	$1,035,500	—	$1,622,284	$661,237	$1,000,000
Alaska	—	—	—	—	—	—	—	—	—	—	$430,000	$355,701
Arizona	—	—	—	—	—	$1,750,000	—	$663,500	—	—	—	—
Arkansas	—	—	—	—	—	—	—	—	—	$153,572	—	—
California	$2,000,000	$400,000	$1,000,000	—	$1,073,100	$2,470,500	$3,128,523	$3,611,391	$5,768,410	$2,391,200	$2,407,474	$5,929,000
Colorado	$1,000,000	—	$1,000,000	—	$518,100	$2,099,700	$3,398,953	$3,404,538	$4,370,521	$2,256,668	$2,058,150	$2,735,233
Connecticut	$1,000,000	—	$1,000,000	—	$598,200	$2,101,035	$1,980,875	$2,879,270	$3,309,177	$3,018,949	$2,826,847	$2,895,194
Delaware	$1,000,000	—	$1,330,000	—	$592,200	$1,956,500	$2,738,266	$4,084,800	$4,042,384	$3,148,328	$3,030,045	$6,273,921
Florida	$433,000	—	$600,000	—	$700,200	$1,000,000	$3,149,185	$2,772,476	$4,352,013	$1,663,103	$1,636,020	$2,210,040
Georgia	—	—	—	—	—	$1,095,900	$1,103,872	$1,399,340	$1,553,555	$785,000	$911,681	$1,100,000
Hawaii	—	—	—	—	—	—	—	—	$2,075,726	$1,839,412	$1,090,028	$1,102,500
Idaho	—	—	—	—	$204,000	$450,000	$878,600	$352,500	$50,000	$609,189	$400,000	—
Illinois	—	—	—	—	$500,000	$1,319,430	$1,404,650	$1,740,502	$1,753,291	$1,754,250	$1,414,296	$1,799,815
Indiana	—	—	—	—	—	$901,200	$98,719	—	—	—	—	—
Iowa	—	—	—	—	$278,000	$766,311	$370,500	$240,500	$1,027,000	—	—	—
Kansas	—	—	—	—	—	$165,000	$473,913	$100,000	$62,500	$485,474	$1,308,314	$1,327,641
Kentucky	$400,000	—	$700,000	—	$610,000	$2,172,700	$3,054,008	$2,785,050	$3,616,799	$2,409,934	$2,912,295	$2,471,031
Louisiana	—	—	—	—	—	—	$20,000	—	$7,000	—	—	—
Maine	—	—	$360,000	—	$636,900	$972,000	$1,111,410	$1,523,400	—	$922,136	$1,060,469	$2,183,746
Maryland	$1,500,000	$100,000	$1,399,997	—	$689,400	$2,622,400	$4,900,464	$6,535,603	$8,427,976	$2,888,651	$2,796,175	$2,638,020
Massachusetts	$1,000,000	$200,000	$1,200,000	—	$611,900	$2,304,200	$2,855,566	$4,395,945	$4,588,989	$3,670,202	$3,875,889	$5,734,994
Michigan	$1,000,000	$350,000	$1,050,000	—	$539,200	$2,238,600	$3,020,330	$2,607,555	$4,025,417	$1,748,337	$1,599,075	$2,322,550
Minnesota	—	—	—	—	—	—	$1,268,000	$1,108,928	$1,548,846	$543,731	$669,391	$2,576,103
Mississippi	—	—	—	—	—	—	—	—	—	—	—	—
Missouri	—	—	—	—	—	$408,000	$1,187,828	$642,100	$611,975	—	$1,211,975	$62,000
Montana	—	—	—	—	$99,200	$1,338,400	$1,951,000	$2,221,120	$1,204,025	$1,537,768	$901,706	$2,030,993
Nebraska	—	—	—	—	—	—	—	$518,568	—	$134,966	—	—
Nevada	—	—	—	—	—	—	—	$550,000	$1,230,293	$1,489,527	$1,895,314	—
New Hampshire	—	$100,000	$225,000	$240,000	$506,300	$1,856,467	$1,878,358	$3,119,627	$3,390,476	$3,264,569	$3,204,506	$1,195,880
New Jersey	$1,000,000	$200,000	$1,400,000	—	$734,800	$2,300,928	$4,358,652	$5,549,541	$6,221,444	$3,963,274	$4,616,447	$8,065,074
New Mexico	—	—	—	—	—	—	$1,388,055	$422,000	$657,647	$291,365	$415,765	—
New York	$400,000	$100,000	$1,400,000	—	$422,600	$1,650,782	$2,772,312	$3,224,430	$5,547,629	$2,166,297	$1,682,614	$1,330,634
North Carolina	$152,000	—	$300,000	—	$573,800	$2,193,428	$2,116,072	$2,355,124	$3,546,307	$1,707,634	$1,551,983	$2,545,606
North Dakota	—	—	—	—	—	—	$680,000	$438,300	$357,192	$406,000	—	—
Ohio	—	—	—	—	—	$1,612,800	$2,362,000	$3,257,992	$3,830,279	$1,956,488	$2,798,143	$3,296,735
Oklahoma	—	—	—	—	$25,000	—	$1,165,750	$1,350,457	$821,000	$681,259	—	—
Oregon	—	—	—	—	—	—	$1,155,000	$150,000	$667,500	—	$561,366	—
Pennsylvania	$1,600,000	$270,000	$1,400,000	—	$638,800	$2,870,316	$4,896,063	$4,155,250	$6,668,489	$2,717,102	$2,827,262	$5,975,636
Rhode Island	$500,000	—	$675,000	—	$505,700	$1,328,600	$1,251,672	$2,608,113	$3,391,069	$3,695,125	$2,794,778	$1,502,500
South Carolina	—	—	—	—	$288,000	$534,950	$1,120,000	$1,622,720	$1,566,000	$2,352,369	$1,189,345	$339,000
South Dakota	—	—	—	—	—	—	—	—	$267,900	—	—	—
Tennessee	—	—	—	—	—	—	—	$900,000	$500,000	$540,494	$737,970	$947,525
Texas	—	—	—	—	$462,000	—	$1,285,699	$1,529,023	$689,650	$1,984,424	$1,500,000	$4,000,000
Utah	—	—	—	—	$112,000	$40,500	$1,127,829	$1,166,668	$1,307,000	$455,000	$1,304,000	$500,000
Vermont	$1,000,000	$100,000	$1,200,000	—	$3,318,700	$1,859,600	$1,983,520	$3,429,410	$3,430,856	$3,014,082	$2,933,478	$2,680,636
Virginia	$100,000	—	—	—	$500,400	$1,496,131	$895,000	$1,380,300	$1,675,000	$898,289	$1,045,601	$2,100,006
Washington	$200,000	—	$450,000	—	$564,800	$2,088,422	$1,896,792	$1,669,904	$2,042,588	$1,145,581	$1,128,350	$1,889,532
West Virginia	—	—	—	—	—	$400,000	$977,536	$1,573,952	$1,978,751	$1,869,726	$2,149,592	$2,688,206
Wisconsin	$140,000	$100,000	$590,000	—	$496,700	$1,635,200	$1,757,660	$2,027,000	$3,467,574	$1,514,003	$1,610,845	$2,490,469
Wyoming	—	—	—	—	—	—	$785,000	$985,147	$1,203,502	$537,258	$723,371	$2,124,359
Pacific Basin	—	—	—	—	—	—	—	—	—	—	—	—
Puerto Rico	—	—	—	—	—	—	—	—	—	—	—	—
Total	**$14,425,000**	**$1,920,000**	**$17,279,997**	**$240,000**	**$16,800,000**	**$50,000,000**	**$75,135,700**	**$88,087,544**	**$106,853,750**	**$70,233,020**	**$69,871,797**	**$90,420,279**

Figures represent funds for financial assistance only.
There were no obligations in fiscal year 1999.
Sources: USDA Natural Resources Conservation Service Resource Economics and Analysis Division and Easement Programs Division.

FINAL OBLIGATIONS BY STATE AND FISCAL YEAR

Farm and Ranch Lands Protection Program – FRPP					Agricultural Land Easements – ALE						
2009	**2010**	**2011**	**2012**	**2013**	**2014**	**2015**	**2016**	**2017**	**2018**	**2019**	**Cumulative Totals**
$540,020	$542,670	$96,790	—	$150,000	$1,800	—	—	—	—	—	$6,838,369
$700,000	—	—	$431,500	—	$809,400	—	$801,700	$579,150	$750	—	$4,108,241
$120,000	—	—	$229,840	—	—	—	$903,353	$7,743,427	$3,478,313	$14,129,013	$29,017,446
—	—	—	—	—	—	—	—	—	$5,781,783	—	$5,935,355
$3,646,078	$5,025,748	$3,181,319	$3,778,857	$4,280,096	$6,431,460	$5,528,052	$9,577,654	$8,451,230	$3,170,506	$8,151,268	$91,401,865
$5,541,093	$6,451,882	$8,394,747	$7,134,375	$16,036,868	$3,625,912	$3,274,000	$12,948,254	$7,664,597	$4,301,438	$14,809,595	$113,024,624
$5,733,390	$6,313,020	$6,336,413	$6,423,644	$1,034,895	$3,744,711	$2,751,550	$4,362,780	$4,088,940	$1,993,675	$3,662,075	$68,054,640
$5,589,002	$4,918,598	$4,918,598	$4,762,275	$4,293,410	$3,189,124	$2,204,050	—	$1,231,766	$1,486,184	$1,936,639	$62,726,090
$1,459,160	$8,506,300	$5,096,345	$4,892,600	$2,914,298	$5,717,700	$5,688,210	$3,822,297	$9,081,234	$2,392,033	$9,664,200	$77,750,414
—	—	$791,358	$150,000	$2,000	$179,200	—	$1,127,046	$564,970	$470,000	$678,015	$11,911,937
$325,000	—	$607,413	$2,501,380	—	—	—	—	—	—	—	$9,541,459
$1,060,940	$1,334,670	$1,200,490	$1,103,149	$1,518,664	$3,160,763	$666,068	$911,701	$1,580,138	$2,779,789	$2,721,425	$20,982,086
$1,581,542	$8,250	$3,000	—	$224,400	$1,459	$301,447	$411,060	$2,400	$2,750	—	$14,222,542
—	—	—	—	—	—	—	—	—	$311,283	$875	$1,312,077
—	—	—	—	—	$733	$713,609	$448,000	$414,680	$657,477	$91,050	$5,007,860
$1,004,930	$816,014	$410,733	$1,691,462	$1,807,950	$1,320,702	$660,962	$125,741	—	$33,858	—	$11,795,194
$3,024,151	$2,439,980	$2,132,360	$339,358	$2,006,815	$1,813,113	$2,118,654	$1,835,367	$17,300	$6,974,758	$837,045	$44,670,718
—	—	—	—	—	—	$3,015	—	—	$6,734,523	—	$6,764,538
$318,114	$620,000	$2,078,880	$1,360,350	$1,152,915	$297,000	$349,500	$250,750	$378,290	$415,250	$902,100	$16,893,210
$4,021,972	$4,309,573	$2,354,660	$1,072,668	$11,010	$204,457	—	—	—	—	—	$46,473,026
$5,865,000	$8,653,800	$5,499,660	$9,151,047	$8,708,132	$3,583,223	$1,655,630	$3,539,366	$2,550,820	$2,102,416	$2,359,139	$84,105,918
$2,886,230	$6,134,428	$2,012,173	$3,201,052	$2,596,719	$1,792,084	$1,305,280	$1,750,495	$2,110,650	$1,505,058	$1,860,672	$47,655,905
$2,986,354	$1,385,800	$1,160,802	$1,118,400	$1,288,866	$764,788	$6,875	—	—	$392,425	—	$16,819,309
—	—	—	—	—	—	$83,981	$527,591	$1,631,663	$3,995,646	—	$6,238,881
—	$775	$142,000	$4,580	$42,735	—	—	—	—	$642,634	—	$4,956,602
$2,710,879	$2,588,540	$6,368,040	$4,162,160	$4,848,540	$4,899,587	$4,140,112	$13,987,101	$21,151,377	$4,839,638	$18,610,981	$99,591,167
$1,451,745	$1,120,085	$1,495,457	$1,035,820	$958,126	$641,591	$4,240	$509,720	$356,107	$2,752,924	$675,010	$11,654,359
$3,559,164	$5,292,500	$3,244	$5,402,480	$2,580	$1,470,667	$2,332,718	—	—	$1,150,335	$2,015	$24,380,837
$3,806,290	$2,506,065	$2,365,550	$1,847,660	$2,655,188	$1,159,450	$1,370,305	$2,491,700	$1,332,000	$2,300,012	$903,250	$41,718,653
$6,455,820	$8,878,894	$8,110,104	$9,651,055	$6,277,030	$4,346,525	$4,461,584	$3,394,075	$1,519,335	$3,397,227	$399,056	$95,300,865
$601,227	$600,000	$791,850	$851,200	$600,000	—	$1,560	$682,385	$1,085,000	$346,255	$214,383	$8,948,692
$2,409,381	$4,159,247	$5,591,905	$5,191,751	$4,280,918	$676,300	$1,513,545	$1,225,910	$1,784,508	$117,300	$1,462,067	$49,110,130
$2,921,333	$2,529,532	$2,410,749	$2,298,350	$1,904,270	$546,290	$511,500	$1,237,167	$1,825,813	$685,625	$1,455,540	$35,368,123
—	—	—	—	—	—	—	—	—	$818,671	—	$2,700,163
$3,218,592	$3,658,753	$11,802,166	$8,214,657	$6,689,756	$3,291,287	$2,755,230	$3,172,528	$5,138,896	$2,003,218	$2,285,568	$71,345,087
$268,045	$276,485	$270	$278	$643,570	$201,750	$1,186	$405,725	—	—	$20,675	$5,861,450
—	—	—	—	—	—	$2,396,373	$375,485	$539,490	$1,407,062	$720	$7,252,996
$5,528,462	$6,442,991	$4,008,218	$4,392,622	$3,354,818	$360,036	$679,391	$1,320,302	$1,613,063	$1,181,158	$1,885,929	$64,785,908
$5,301,184	$2,918,540	$4,127,500	$6,317,060	$2,740,000	$370,000	$278,525	$1,108,400	$613,250	$318,750	$597,700	$42,943,466
$2,742,000	$3,504,800	$2,667,490	$1,500,000	$2,090,110	$332,920	$520,450	$1,069,612	$825	$850		$23,441,441
—	—	—	—	—	—	—	—	—	$1,684,785	$595,786	$2,548,471
$1,000,000	$1,250,000	—	—	$1,187,655	$350,250	$250,750	$1,370	$1,180	$5,856,915	$850,500	$14,374,609
$2,163,240	$2,075,000	$2,900,232	$5,583,899	$4,004,525	$4,690,250	$4,906,827	$6,392,409	$6,174,714	$2,039,775	$8,255,083	$60,636,750
$893,340	$255,690	$980,260	$1,863,500	$360,170	$4,473,400	$2,788,737	$1,260,305	$10,562,950	$872,998	$4,231,722	$34,556,068
$3,104,860	$3,005,720	$2,989,595	$3,338,920	$4,191,465	$3,063,091	$122,470	$4,775,470	$2,793,880	$2,522,040	$3,340,425	$58,198,218
$1,735,371	$1,177,500	$912,940	$4,141,703	$1,731,675	$2,915	$914,550	$1,705,250	$328,635	$414,900	$1,450,425	$24,606,591
$5,785,933	$6,195,963	$1,679,108	$3,824,791	$3,143,500	$1,071,750	$7,500	$622,500	$9,385,275	$551,000	$2,697,051	$48,040,340
$5,466,147	$5,641,913	$2,463,463	$3,105,142	$3,149,198	$1,887,007	$18,578	$3,143,448	$1,030,733	$1,282,050	$1,750,519	$40,575,959
$1,406,999	$1,846,488	$753,800	$850,500	$1,007,250	$356,245	$167,757	$339,715	$463,930	$275,715	$527,523	$23,825,373
$3,782,175	$20,655,541	$52,133,959	$15,369,160	$5,508,551	$1,502,925	$719,349	$2,797,703	$3,169,755	$4,459,416	$5,296,125	$121,753,296
—	—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—
$112,715,163	**$144,041,755**	**$160,973,640**	**$138,289,245**	**$109,398,668**	**$72,331,865**	**$58,174,120**	**$95,361,433**	**$118,961,970**	**$90,901,166**	**$119,311,163**	**$1,821,727,274**

Figures represent funds for financial assistance only.
There were no obligations in fiscal year 1999.
Sources: USDA Natural Resources Conservation Service Resource Economics and Analysis Division and Easement Programs Division.

CONTINUED FROM PAGE 3

The minimum deed terms for FY19 include provisions relating to construction of new structures, granting of easements for utilities and roads, renewable energy production, surface alteration and oil, gas and mineral exploration and extraction.

COMPENSATION

In general, NRCS can pay up to 50 percent of the appraised fair market value of the agricultural land easement. The remaining 50 percent share must come from non-federal sources. The 2018 Farm Bill now allows the non-federal share to be comprised of any combination of cash resources by the eligible entity, a charitable donation by the landowner, costs associated with securing a deed (including the cost of appraisal, survey, inspection, and title), or other costs as determined by NRCS; however, the extent to which an entity contributes its own cash resources toward the purchase of an easement will be considered among the National ranking criteria. This is a change from the 2014 Farm Bill, in which the eligible entity was required to provide a cash contribution of at least 50 percent of the federal share. NRCS could then waive a portion of the entity's cash contribution for projects of "special significance", subject to a voluntary donation by a private landowner equal to the amount of the waiver.

There is an exception for lands enrolled as "grasslands of special environmental significance" (GSS). For GSS, NRCS can increase its cost-share up to 75 percent of the easement.

HISTORY

The 1990 Farm Bill set the precedent for federal funding for the acquisition of agricultural conservation easements. It authorized the Resources Conservation Demonstration Program, which provided guaranteed loans and subsidized interest payments to state and local farmland protection programs.

The 1996 Farm Bill established a Farmland Protection Program (FPP) to protect farmland from conversion to non-agricultural uses. It authorized up to $35 million in matching funds over six years to state, tribal and local programs for the purchase of agricultural conservation easements and other interests in productive farmland.

The 2002 Farm Bill changed the name of FPP to the Farm and Ranch Lands Protection Program (FRPP) and authorized the Grassland Reserve Program (GRP). It allowed nongovernmental organizations to participate, included farm and ranch land containing historical and archeological sites, and allowed landowner donations as part of entities' match.

The 2008 Farm Bill changed the purpose of FRPP from protecting topsoil to protecting "…the agricultural use and related conservation values of eligible land by limiting non-agricultural uses…." It expanded the types of eligible entities and categories of eligible land and changed the nature of the program from a federal real estate acquisition program to a federal financial assistance program.

The 2014 Farm Bill consolidated three easement programs—FRPP, GRP and WRP—into the Agricultural Conservation Easement Program. The purpose of the Agricultural Land Easement component is to, "… protect the agricultural use and future viability, and related conservation values, of eligible land by limiting non-agricultural uses of that land; and protect grazing uses and related conservation values by restoring and conserving eligible land."

The 2018 Farm Bill eliminated the requirement for an Agricultural Land Easement Plan (ALEP), but maintained the requirement for conservation plans for highly erodible cropland. The bill authorized funding for the program through 2023 at $450 million annually. It clarified that land subject to a buy-protect-sell transaction is eligible for funding, eliminated the cash contribution requirement for entities, added two new methods for achieving certification, and provided an AGI limit waiver for projects of special environmental significance.

FUNCTIONS AND PURPOSES

ACEP-ALE provides financial support to state, local and private farm and ranch land protection efforts. These programs protect agricultural land from residential and commercial development by acquiring agricultural conservation easements on productive farmland. Conservation easements allow farmers to free capital tied up in their land while still maintaining the right to use the land for agriculture. Income from the sale of conservation easements may be used to reinvest in agricultural operations, implement conservation measures, invest for retirement and/or reduce debt. By removing the speculative value of the land, these programs may also help keep agricultural land affordable for beginning farmers. ACEP-ALE also encourages good stewardship by requiring conservation plans for highly erodible cropland, encouraging the development of grassland management, forest management, and conservation plans, and favoring projects that maintain and improve long-term agricultural viability.

For more information, visit the **NRCS ACEP** Web page. To learn more about how ACEP is administered in your state, select the NRCS website link to **your state NRCS office**. On the state page, go to "programs" and select the federal Agricultural Conservation Easement Program. The program page will provide important information including application deadlines and state ranking criteria.

For information about easement purchase programs, see the **Purchase of Agricultural Easements** fact sheet on the Farmland Information Center (FIC) website. To find an eligible entity, go to the **Farmland Protection Directory** on the FIC website.

The FIC is a clearinghouse for information about farmland protection and stewardship. The FIC is a public/private partnership between the USDA Natural Resources Conservation Service and American Farmland Trust.