

ACEP-ALE

OPTIONS FOR INTEGRATING MINIMUM DEED TERMS

The most important, lasting element of an ACEP-ALE transaction is the ALE deed. Using the Parcel Contract, you will select one of the following approaches for integrating the NRCS Minimum Deed Terms (MDTs) to meet the program's regulatory deed requirements.

ATTACH	INCORPORATE	TEMPLATE
<p>MDTs are attached verbatim as an addendum to the agricultural land easement deed.</p>	<p>MDTs will be incorporated into the body of your own conservation easement verbatim for each individual transaction.</p>	<p>MDTs are incorporated into a template easement that is pre-approved by NRCS. The template is attached to the Program Agreement and used for every transaction.</p>
<p>No additional drafting time but time is needed to ensure your easement provisions do not conflict with the MDTs.</p>	<p>Requires staff time to customize terms for each easement and ensure compatibility with MDTs.</p>	<p>Requires an upfront investment of time. When drafting, include the range of options you will offer in future transactions, including enrollment types or terms required by other funding sources. A menu of options prevents template changes that would require national NRCS staff approval and Program Agreement amendment. Once approved, templates require less time to draft for individual transactions. Templates must be renewed for future Farm Bills.</p>
<p>Requires review only by state NRCS staff. Simplest review unless there are conflicting terms in the ALE deed. Draft ALE must be provided to NRCS at least 90 days before closing and approved before finalizing the appraisal.</p>	<p>Requires review and approval by national NRCS staff, including approval by a realty specialist. Highlight where each MDT is incorporated to make review more efficient. Draft ALE must be provided to NRCS at least 90 days before closing and approved before finalizing the appraisal.</p>	<p>Requires national NRCS staff review and Easement Programs Division Director approval, which can take up to 6 months. Subsequent easements only require state NRCS staff review. Draft ALE must be provided to NRCS at least 90 days before closing and approved before finalizing the appraisal.</p>
<p>Best for new ALE entities and entities planning to complete one or two parcels each year.</p>	<p>Best for entities planning to complete one or two parcels each year.</p>	<p>Best for entities with ALE experience who plan to complete several projects each year.</p>
<p>Allows entities to tailor their easement terms to individual parcels to meet entity and landowner goals. Terms may not conflict with MDTs.</p>	<p>Allows entities to tailor their easement terms to individual parcels to meet entity and landowner goals. Terms may not conflict with MDTs.</p>	<p>Offers more flexibility because verbatim incorporation is not required for all deed terms. Allows entities to decide with NRCS in advance how to address complex provisions that are important to their program, rather than re-negotiate them each project.</p>
<p>Some state ranking criteria give points for using the attach option.</p>	<p>This option is not prioritized in state ranking.</p>	<p>Some state ranking criteria give points for using an approved template.</p>