



United States Department of Agriculture

## Maryland Land Conservation Conference

# USE FEDERAL FUNDS TO PROTECT AGRICULTURAL LANDS AND AID LANDOWNERS WITH CONSERVATION STEWARDSHIP

May 16, 2019



Natural  
Resources  
Conservation  
Service

The logo for the Natural Resources Conservation Service (NRCS) is displayed on a background of dark, textured soil. It consists of the words "Natural Resources Conservation Service" stacked vertically in a white, sans-serif font. To the right of the text is a large, stylized yellow graphic element that resembles a drop or a curved shape.

M. Tiffany Davis and Mikel Williams  
Farm Bill Program Specialists  
USDA NRCS  
Maryland State Office

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United States Department of Agriculture




For 80 years, USDA NRCS has worked with farmers, ranchers and forest landowners across the country to help them boost agricultural productivity and protect our natural resources through conservation.



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A man with a beard, wearing a dark blue long-sleeved shirt, is holding a small green plant with soil in his hands. He is standing in front of an American flag that is draped over a wooden structure. The background is slightly blurred, focusing attention on the man and the plant.

**NRCS's natural resources conservation programs help people reduce soil erosion, enhance water supplies, improve water quality, increase wildlife habitat, and reduce damages caused by floods and other natural disasters.**

**SUPPORTING AMERICA'S  
WORKING LANDS**

An aerial photograph of a lush, green landscape. A winding river flows through the center, surrounded by dense green fields and forests. In the foreground, a small farm with several orange-roofed buildings is visible. The background features a large, rounded hill partially shrouded in mist or low clouds, creating a serene and scenic atmosphere.

**On average, NRCS invests upwards of \$8 million every day of the year into conservation systems that help producers stay profitable and productive.**



# Conservation Programs



# Agricultural Conservation Easement Program



Agricultural Lands



Grasslands



Wetlands

# Agricultural Conservation Easement Program

## ▶ ACEP has 2 components

- Agricultural Land Easement Component (ALE)
- Wetland Reserve Easement Component (WRE)

## ▶ The purposes of ACEP include:

- ▶ Combine the purposes and coordinate the functions of NRCS' 3 prior easement programs.
- ▶ Restore, protect, and enhance **wetland** on eligible land.
- ▶ Protect the **agricultural** use, viability, and related conservation values of eligible land by limiting non-agricultural uses.
- ▶ Protect **grazing** uses and related conservation values by restoring and conserving eligible land.

# ACEP Agricultural Land Easement (ALE)





# ACEP - Agricultural Land Easement

NRCS provides funds to NGO and State or Local Government partners for purchasing Agricultural Land Easements (ALE) that protect the agricultural use and conservation values of eligible land.

- ▶ NRCS contributes up to 50% of the fair market value of the easement.
- ▶ Partners match the 50% easement purchase price and pay all costs associated with recording the easement in the county land records office, charges for title abstracts, survey fees, appraisal fees, and title insurance.
- ▶ Partners are the Grantee
- ▶ NRCS holds third parties rights



NATURAL RESOURCES CONSERVATION SERVICE



# Entity Eligibility

Eligibility Entities are:

1. Any Agency of any State or Local Government or
2. Any nongovernmental organization that is—
  - (i) Organized for and, at all times since the formation of the organization, has been operated principally for one or more of the conservation purposes specified in clause (i), (ii), (iii), or (iv) of section 170(h)(4)(A) of the Internal Revenue Code of 1986.
  - (ii) An organization described in section 501(c)(3) of that code that is exempt from taxation under 501(a) of that code.
  - (iii) Described in paragraph (1) or (2) section 509(a) of that code or is described in section 509(a)(3) of that code and is controlled by an organization described in section 509(a)(2) of that code.

# Entity Eligibility

## Eligibility Entities must:

- (i) Have an established farmland protection program.
- (ii) Have demonstrated a commitment to the long-term conservation of agricultural lands.
- (iii) Utilize a voluntary easement purchase or other legal devices to protect farmland.
- (iv) Have the authority and demonstrate the capability to acquire, hold, manage, or enforce conservation easements or their equivalent.
- (v) Have the ability to secure title searches and title insurance, subordinate encumbrances on titles, secure appraisals, and develop conservation easement deeds.
- (vi) Have staff capacity or formal agreement with other entities dedicated to monitoring and easement stewardship.
- (vii) Have sufficient funds available for easement
- (viii) Have a pending offer signed by the landowner and a representative of the cooperating entity for each parcel.



# ACEP Eligibility Requirements: Landowner Eligibility

All Landowners on the deed must:

- Sign the Application
- Establish USDA Records with Farm Service Agency (FSA)
- Be Determined by FSA as Highly Erodible Land and Wetland Conservation Complaint
- Meet Adjusted Gross Income limitations

# ACEP-ALE Eligibility Requirements: Land Eligibility

## ▶ ACEP-ALE: Types of land eligible to be enrolled:

1. Private land that is, agricultural land, including land on a farm;
2. Subject to a pending offer for purchase of an agricultural land easement from an eligible entity;
3. Land that:
  - a. has prime, unique, or other productive soil;
  - b. contains historical or archaeological resources;
  - c. the enrollment of which would protect grazing uses and related conservation values by restoring and conserving land; **or**
  - d. the protection of which will further a State or local policy consistent with the purposes of ACEP; **and**
4. Land that is:
  - a. cropland;
  - c. grassland or land that contains forbs, or shrubland for which grazing is the predominant use;
  - d. located in an area that has been historically dominated by grass land, forbs, or shrubs and could provide habitat for animal or plant populations of significant ecological value;
  - e. pastureland; or
  - f. nonindustrial private forest land that contributes to the economic viability of an offered parcel or serves as a buffer to protect such land from development.

# ACEP Eligibility Requirements: Land Eligibility

## ► Lands Ineligible for ACEP include:

- Lands owned by the United States
- Land owned by a State or local government
- Land subject to an easement or deed restriction which, as determined by NRCS, provides similar protection as would be provided by enrollment in ACEP
- Land where the purposes of the program would be undermined due to onsite or offsite conditions such as risk of hazardous substances, proposed or existing rights of way, infrastructure development, or adjacent land uses.



# ACEP Eligibility Requirements: Land Eligibility

- ▶ Lands Ineligible for ACEP include:
  - ▶ Lands without sufficient legal access to the entire easement area are NOT ELIGIBLE
    - ▶ Sufficient legal access for ACEP = Insurable, unconditional and transferable legal right of recorded access for the duration of the easement
- ▶ It is the LANDOWNER's responsibility to provide NRCS with sufficient legal access

# ACEP Agricultural Land Easement Application Process

- ▶ Entities submit application packages directly to the Maryland State Office for consideration by the established deadline of each year
- ▶ Application Documents are posted on our website at <https://www.md.nrcs.usda.gov>
- ▶ Entities interested in the ACEP-ALE option can visit our website or contact the Easement Programs Manager for more information

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# ACEP Wetland Reserve Easement (WRE)



By pushing an earthen plug into the ditch,  
the drainage stops and water backs up in  
the wetland.

Somerset County, MD



# Benefits of ACEP WRE

## Landowner

- Receive financial and technical assistance to restore and protect wetlands
- Receive compensation for removing marginal lands from production
- Retain the right to hunt, fish, and lease their land

## Environment

- Increase fish and wildlife habitat
- Improve water quality
- Reduce flooding
- Protect groundwater
- Protect biological diversity



# ACEP – WRE

## 2 Enrollment Options

### 1. Permanent Easement

- conservation easement in perpetuity
- USDA pays 100% of the easement value and
- up to 100% of the restoration costs

### 2. 30-Year Easement

- expires after 30 years
- USDA pays 50% of the easement value and
- up to 75 % of the restoration costs

USDA pays all costs associated with recording the easement in the county land records office, charges for abstracts, survey and appraisal fees, and title insurance.

# ACEP-WRE Applicant Eligibility

Applicants must:

- Own the land for at least 24 months prior to application or request a waiver
- Be Highly Erodible Land and Wetland Conservation Complaint and Average Adjusted Gross Income (AGI) Compliant



# ACEP-WRE Land Eligibility – Eligible Land

- Privately Owned
  - Restorable
- Suitable for Wildlife Habitat



Tree planting to restore marginal cropland in Dorchester County to its natural habitat for wildlife.

# Land Eligibility - Eligible Land Types

- ▶ Forest, woodland, and other lands where the hydrology has been significantly degraded and can be restored (such as areas drained by ditches or other water conveyances)
- ▶ Farmed wetlands
- ▶ Prior converted cropland, hayland, and pasture (crop fields that were once considered wetlands but the hydrology has been altered considerably)
- ▶ Farmed wetland pasture
- ▶ Land that has been substantially altered by recent flooding or other off-site activities
- ▶ Riparian areas which link protected wetlands
- ▶ Lands previously restored through WRP or other programs
- ▶ Land adjacent to other eligible land that provides value and function for wetlands and wildlife

# Land Eligibility – Ineligible Land

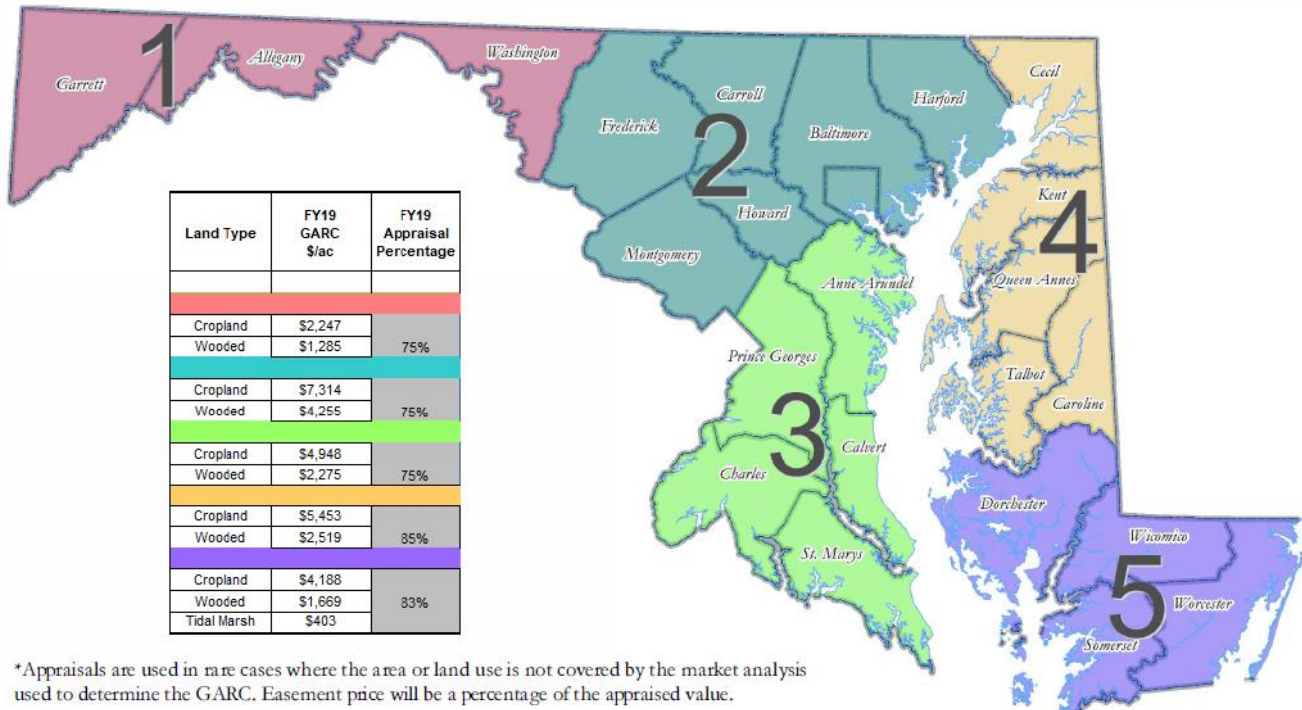
- ▶ Federal, State, or Local Government owned land
- ▶ Restoration not favorable due to on or off site conditions
- ▶ Land established to trees under CRP is ineligible for ACEP-WRE, except riparian buffers. The State Office will review each case.
- ▶ Converted wetlands (CW and CW+year), except if the CW is incidental to an otherwise eligible easement offer, and not enrolling the area would create unmanageable boundaries, and the landowner agreed to restore the CW at their own expense

Not eligible for *EASEMENTS* if:

- Currently offered similar protection as a ACEP WRE easement
- Under an easement that would be provided additional protection if enrolled in WRE, but the easement holder will not subordinate easement control to NRCS (e.g. land with a MALPF easement)

# Landowner Compensation Rates

## Geographic Area Rate Cap Regions for Wetland Reserve Easements FY2019



- Most ACEP WRE projects will use the Geographic Area Rate Cap (\$/ac).
- Appraisals will be used on complex projects where the area or land use is not covered by the market analysis to determine the fair market value for individual applications tentatively selected for funding instead of the GARC.



# Application Process

- ▶ Landowner submits an application directly to the County USDA Office
- ▶ NRCS and partners complete Field Reviews with interested landowners and complete all required application documents
- ▶ Landowner's go to the county Farm Service Agency office to submit eligibility documents
- ▶ Local NRCS Office submits Application Package by the end of the Ranking Period to the NRCS State Office
- ▶ NRCS State Office reviews the packages and extends enrollment offers to Applicants based on eligibility, ranking scores and available funding



# Wetland Easement Bog Turtle Site Restoration Carroll County, Maryland



Goats are used to reduce vegetation as an alternative to using herbicides.



The bog turtle measures about four inches. The population ranges from New York to Maryland. The bog turtle prefers to live in open canopy, unpolluted, herbaceous sedge meadows and fens bordered by wooded areas. One of the greatest threats to bog turtles include habitat degradation and fragmentation from land conversion. Most of the remaining bog turtle habitat is privately owned. Thus, USDA is placing permanent easements on private lands and restoring the habitat to protect the turtle

# 2018 Farm Bill

- The 2018 Farm Bill, like the others before it, demonstrates strong congressional support for private lands conservation.
- It will help NRCS continue its work to streamline, target and simplify our programs, and will help us fulfill the Secretary's additional goal of improving overall customer service.
- No new NRCS programs were added, and none were eliminated
- Increases funding for EQIP, ACEP, and direct funding for RCPP.

# 2018 Farm Bill – ACEP Changes

## ALE

- Provide entities who will hold easements more workability and control over land stewardship requirements and other management actions
- Increases flexibility for partners to meet cost-share matching requirements.
- Requires a conservation plan for highly erodible land that will be protected by an agricultural land easement.

## WRE

- Expands wetland types eligible for restoration and management under wetland reserve easements.
- Identifies water quality as a program purpose for enrollment of wetland reserve easements.

# Questions



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Natural Resources  
Conservation Service  
(NRCS)  
2018 Farm Bill Programs  
Highlights  
(AMA, CIG, CSP, EQIP, RCPP)

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# Agricultural Management Assistance Program (AMA)

- AMA helps agricultural producers manage financial risk through diversification, marketing or natural resource conservation practices. NRCS administers the conservation provisions while Agricultural Marketing Service and Risk Management Agency implement the production diversification and marketing provisions.
- Producers may construct or improve water management structures or irrigation structures; plant trees for windbreaks or to improve water quality; and mitigate risk through production diversification or resource conservation practices, including soil erosion control, integrated pest management, or transition to organic farming.

AMA is available in 16 states where participation in the Federal Crop Insurance Program is historically low: Connecticut, Delaware, Hawaii, Maine, Maryland, Massachusetts, Nevada, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Utah, Vermont, West Virginia, and Wyoming.

- Total AMA payments shall not exceed \$50,000 per participant for any fiscal year.
- Maryland has two funding pools for AMA, Irrigation and Seasonal High Tunnels.

# Conservation Innovation Grants (CIG)

## Overview

- CIG are competitive grants that drive public and private sector innovation in resource conservation with the purpose of stimulating the development and adoption of innovative conservation approaches and technologies.
- In FY 2019, applications will be accepted from eligible entities for projects carried out in the state of Maryland and must be submitted to grants.gov by **June 21, 2019**.
- A total of up to \$150,000 is available for CIG. All non-Federal entities (NFE) and individuals are invited to apply, with the sole exception of Federal agencies. Projects may be between one and three years in duration. The funding floor for a single award is \$37,500 and the funding ceiling for a single award is \$75,000.
- Grantees must match the CIG investment at least one to one.
- State Priorities:
  - ***Innovative Technology or Methods for Water Quality or Nutrient Management***
  - ***Environmental Health and Productivity of Grazing Land***
  - ***Soil Health and Regenerative Agriculture***

## 2018 Farm Bill Highlights

### ❖ On-Farm Conservation Innovation Trials –

- Supports more widespread adoption of innovative approaches, practices and systems on working lands. On-Farm Trials projects feature collaboration between NRCS and partners to implement on-the-ground conservation activities and then evaluate their impact.
- Incentive payments are provided to producers to offset the risk of implementing innovative approaches.
- The Soil Health Demo Trial (SHD) component of On-Farm Trials focuses exclusively on implementation of conservation practices and systems that improve soil health. Eligible entities receiving SHD awards agree to follow consistent soil health assessment protocols to evaluate the impacts of practice and system implementation.



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# Conservation Stewardship Program (CSP)

## Overview

- CSP helps producers build on their existing conservation efforts while strengthening their operation. Whether the producer is looking to improve grazing conditions, increase crop yields, or develop wildlife habitat, we can custom design a CSP plan to help them meet those goals. We can help schedule timely planting of cover crops, develop a grazing plan that will improve forage base, implement no-till to reduce erosion or manage forested areas in a way that benefits wildlife habitat. If the producer is already taking steps to improve the condition of the land, chances are CSP can help find new ways to meet those goals.

## 2018 Farm Bill Highlights

- ❖ The Farm Bill 2018, is offering the CSP Grasslands Conservation Initiative. This new initiative will assist producers in protecting grazing land uses; conserving and improving soil, water and wildlife resources; and achieving related conservation values by conserving eligible land through grassland conservation contracts.
- ❖ Expanded conservation activities to include soil health planning, and highlights building soil organic matter through the adoption of resource conserving crop rotations.
- ❖ Provides a special allocation to States based upon the extent of organic production occurring within the State.

# Environmental Quality Incentives Program (EQIP)

## Overview

- EQIP provides financial and technical assistance to agricultural producers to address natural resource concerns and deliver environmental benefits such as improved water and air quality, conserved ground and surface water, increased soil health and reduced soil erosion and sedimentation, and improved or created wildlife habitat.
- State Priorities:
  - Livestock Management
  - Grazing Management
  - Erosion Control
  - Nutrient Management
  - Pest Management
  - Wildlife Habitat Enhancement
- Financial assistance for over 100 conservation practices.
- 51 state and national Funding Pools available in Maryland.

## 2018 Farm Bill Highlights

- ❖ Increased funding nationwide.
- ❖ Applications are accepted on a continuous basis with periodic state deadlines. All applications are competitive and are ranked based on national, state and locally identified resource priorities and the overall benefit to the environment.
- ❖ Increased funding levels through EQIP for wildlife resource concerns supported through the Working Lands for Wildlife effort.
- ❖ Organic and transitioning to organic producers no longer have an annual payment limitation under EQIP and are able to receive \$140,000 over the course of the Farm Bill (2019-2023) compared to \$80,000 on a rolling 6-year period under the 2014 Farm Bill.
- Soil health and water quality and quantity are priorities
- Expanded opportunities for Conservation Activity Plans (CAPs) to include soil health planning, planning for resource conserving crop rotations, and precision conservation management planning.
- Assistance will be available for new and anticipated resource concerns.
- Improved water conservation and irrigation efficiency by allowing payments for scheduling, distribution efficiency, and soil moisture monitoring; irrigation related structural or other measures that conserve surface or ground water; and making assistance available for producers who want to transition to water conserving crops and crop rotations.



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# Regional Conservation Partnership Program (RCPP)

## Overview

- RCPP promotes coordination between NRCS and its partners to deliver conservation assistance to producers and landowners. NRCS provides assistance to producers through partnership agreements and through program contracts or easement agreements.
- Through RCPP, NRCS and its partners help producers install and maintain conservation activities in selected project areas. Partners leverage RCPP funding in project areas and report on the benefits achieved.

## 2018 Farm Bill Highlights

- ❖ Increased direct funding nationwide.
- ❖ Improvements to make it more efficient and effective, enabling NRCS and partners to better manage funding throughout the duration of projects.



## Regional Conservation Partnership Program (RCPP)

Maryland currently is offering assistance to landowners through 11 RCPP Projects.

- These projects are:
  - Accelerating for the Chesapeake Bay Watershed Implementation Plans, in partnership with Maryland Department of Agriculture.
  - Targeted Conservation Easement Acquisitions, in partnership with Department of Natural Resources.
  - Mason-Dixon Working Lands Partnership, in partnership with the Alliance for the Chesapeake Bay
  - Comprehensive Watershed Conservation in Dairy and Livestock Landscape of the Chesapeake Bay, in partnership with National Fish and Wildlife Foundation.
  - Delmarva Whole System Conservation Partnership From Field to Stream, in partnership with The Nature Conservancy.
  - DE & MD Meeting WIP Goals in the Chesapeake Bay, in partnership with Maryland Association of Conservation Districts.
  - Cerulean Warbler Appalachian Forestland Enhancement, in partnership with ABC Bird Conservancy.
  - Promoting Rotational Grazing in the Upper Potomac, in partnership with the Chesapeake Bay Foundation (CBF)
  - Engaging small AFOs operations in the Nutrient Management Process, in partnership with Sustainable Chesapeake.
  - Taking Soil Health to the Next Level
  - Chesapeake Bay Farm Stewardship and Preservation Guidance and Preservation

# 5

## Steps to Assistance

How to Get Assistance from NRCS for Farms, Ranches and Forests

1

### PLANNING

Visit your local NRCS field office to discuss your goals and work with staff on a conservation plan.

2

### APPLICATION

With the help of NRCS, complete an application for financial assistance programs.

3

### ELIGIBILITY

As part of applying, we'll file paperwork to ensure you're eligible for assistance.

4

### RANKING

NRCS ranks applications according to local resource concerns.

5

### IMPLEMENTING

Put conservation to work by signing a contract and implementing conservation practices.



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QUESTIONS??



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For questions and additional information on these Farm Bill programs, please visit our website at [www.md.nrcs.usda.gov](http://www.md.nrcs.usda.gov) and contact:

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