

ACEP-ALE News Flashes

From the NRCS Easement Program Division (EPD)



Directors Corner

*Carrie Lindig,
Director
NRCS Easements
Program Division*

Reminders About Easement Access

Sufficient access is fundamental to the successful enrollment of an ACEP-ALE. Access means legal and physical ingress and egress to the entire easement area for the exercise of any rights or interests under the easement for the duration of its term. Land that NRCS determines to have unacceptable exceptions to clear title or insufficient legal access are ineligible. That is why it is critical to ensure that there is sufficient legal and physical access early in the easement acquisition process. As a best practice, confirming the sufficiency of access before NRCS selects the project for funding will increase the likelihood of success of the project and avoid potential obstacles to closing the easement. Regardless, if sufficient legal and physical access cannot be obtained prior to closing, the land is ineligible, and the ACEP-ALE easement cannot close.



There are three general ways that a landowner can provide sufficient access to a proposed easement parcel:

- (i) access directly from a public road to the easement area,
- (ii) access over other lands owned by the easement applicant landowner, or
- (iii) access via recorded access rights held by the easement applicant landowner over lands of others.

Physical access is sufficient if NRCS and the eligible entity can reliably, safely, and efficiently conduct visual and physical inspections of the entire easement area to monitor compliance and enforce the easement. Legal access is sufficient if the access is unencumbered, unrestricted, unconditional, transferrable, and insurable. The physical and legal access must be in the same location, covering the exact same area of land.

Access that meets NRCS policy must be identified at application. If this access is not yet recorded and the land will be surveyed, then the access must be recorded prior to the completion of the survey and shown on the survey and as an exhibit to the easement deed. If there will be no survey, then access must be recorded prior to sending NRCS the title commitment and supporting documents for approval. Having the written access route recorded at the time of enrollment is recommended to avoid any unforeseen issues becoming roadblocks or delays to closing.

Some other things to keep in mind when reviewing proposed access to the parcel:

- Are there maintenance obligations on the road? While most access easements include some type of maintenance obligations, sufficient access for NRCS

Agricultural Conservation Easement Program

The Agricultural Conservation Easement Program (ACEP) helps landowners, Indian tribes, land trusts, and other entities protect working farms and ranches through conservation easements. ACEP is administered by the USDA Natural Resources Conservation Service (NRCS).

Under the Agricultural Land Easement (ALE) component, NRCS helps American Indian tribes, state and local governments, and nongovernmental organizations protect working agricultural lands and limit nonagricultural uses of the land.

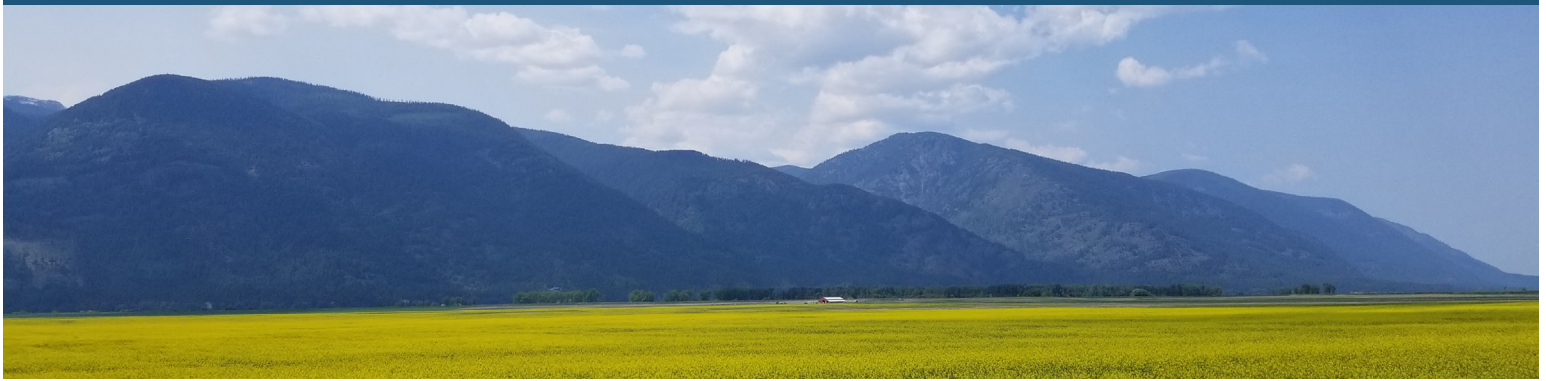
NRCS accepts program applications on a continual basis, but establishes application batching dates for evaluation, ranking, and funding selection of eligible applications. Applications received after the batching date are deferred to the next funding period.

Ranking deadlines for each state can be found on the NRCS website at www.nrcs.usda.gov/ranking-dates.

More information about ACEP can be found at www.nrcs.usda.gov.

ACEP-ALE News Flashes Edition 3





Directors Corner (cont.)

purposes cannot impose potential maintenance obligations on the United States. Additionally, failure to perform maintenance by the easement landowner cannot result in forfeiture of the access easement.

- Is use of the road limited in any way? If the access easement being used to access the proposed easement parcel is limited to use for residential and agricultural purposes, that is not sufficient access to allow the United States and the eligible entity to exercise their rights under the easement.
- Are railroads blocking access to easement property? Easement property or a portion of the easement property that is blocked by a railroad can be difficult access to acquire to meet policy requirements so should be carefully evaluated prior to considering for enrollment. If the access cannot be confirmed to meet policy, it will be considered ineligible property due to lack of access. This includes decommissioned, active, abandoned, and rails to trails railroads. Railroads blocking access may not be apparent during the onsite visit and may only arise during the title review. Proximity to railroads impact on access and potential to introduce hazardous materials should be considered during the due diligence review of the property.

NRCS has many resources to aid partners in determining proper

physical and legal access to easements. To further discuss access issues and considerations, reach out to your NRCS partner!



ACEP-ALE Customer Satisfaction Survey

The Natural Resources Conservation Service (NRCS) is seeking landowner and eligible entity participation in an upcoming survey to evaluate the ACEP-ALE customer experience. This is part of an effort led by NRCS to make continuous improvements in the delivery of the program. The questionnaire will assist NRCS in its on-going enhancements of ACEP-ALE delivery to existing partners and landowners. NRCS is seeking feedback from the full breadth of its customers to examine customer satisfaction and to collect insights on how to provide a better overall experience.

Survey respondents will include entity staff who have recently participated in the ACEP-ALE program on a regular basis and landowners who are either currently going through, or have recently completed an easement acquisition funded by the ACEP-ALE program. In the coming weeks, NRCS will be releasing the survey link via email to entities for distribution to their staff and landowners. An introductory email and survey primer

will be sent first which will be followed by a second email containing the actual survey link. NRCS highly encourages entities and landowners receiving the link to participate. NRCS will utilize the results to inform decision-making, implement program improvements, and further our streamlining efforts.

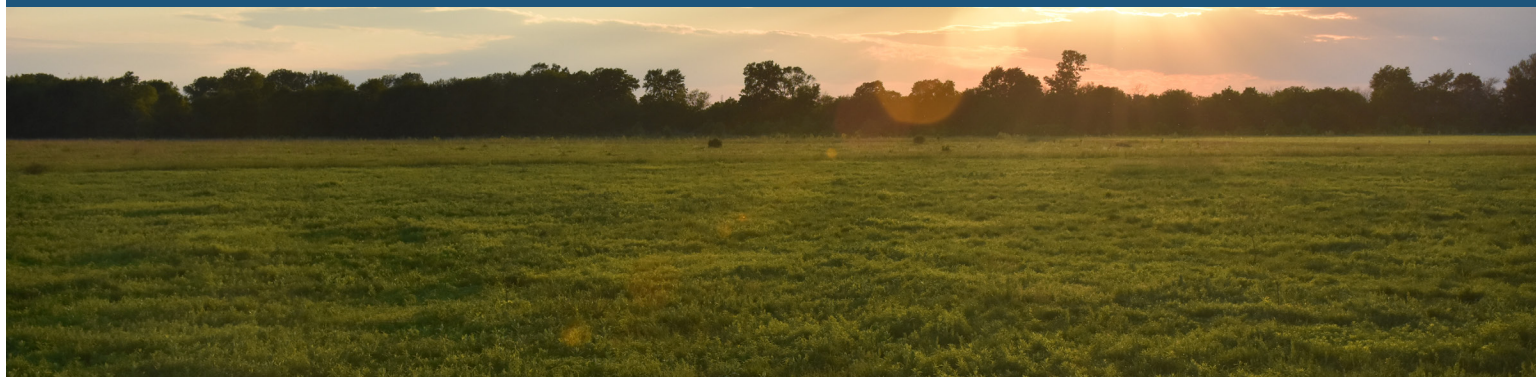
Monitoring and Verifying Land Ownership

FRIENDLY REMINDER

As holders of easements, we all know the importance of regularly monitoring the easements we administer to ensure the integrity of each easement is being maintained, to verify the goals and objectives for which the easement was purchased are being met, to identify potential actions needed and to maintain strong relationships with the landowner. Also, it is critical to ensure there have not been any changes in land ownership.

During your annual monitoring documentation, be sure to discuss this with the landowner and ensure they have provided any changes or potential changes to the structure of the ownership of his/her land, such as adding, removing, or changing members of partnerships, LLCs, or developing a trust. If there have been any changes to the ownership structure, it is critical that you inform the NRCS state office as part of your annual monitoring report so they can update information in our systems. This quick question helps all of us ensure our records are up-to-date and we have contact information for the appropriate owners.





Scholarships and Stipends Available for Rally 2024

The 2024 Land Trust Alliance Rally will be held September 25-28, 2024, in Providence, Rhode Island. To help defray the cost of participation, NRCS has partnered with the Alliance to provide support for stipends for individuals and scholarships for organizations. The deadline to apply for both the stipend and scholarship is Friday, June 28th.

Stipends are available for individuals that have historically been underrepresented at Rally and in the land conservation sector. Applicants are required to submit an application to be considered for funding. If awarded a stipend, recipients are asked to register and pay for registration and associated expenses up front. Awarded applicants will be reimbursed. For those in need of expenses in advance, a stipend pre-payment instead of reimbursement is available. Details regarding pre-payment are available in the application.

Scholarships are available for US based organizations that demonstrate the ability or potential to protect land in their communities. Submit only one scholarship application per organization. If an organization is awarded a scholarship, payment will be made out to the organization and not the individuals attending from that organization. Organizations awarded a scholarship are asked to pay for registration and associated expenses up front. The organization will be

reimbursed after the organization completes an online questionnaire about their rally experience.

Awardees will receive notification the week of July 22. Award recipients are encouraged to register for rally by August 12 to take advantage of the early-bird registration.

Additional information can be found on the Land Trust Alliance website at: Scholarships and Stipends - Rally 2024: **The National Land Conservation Conference** (alliancerally.org). Please contact Lindsay Blair at lblair@lta.org should you have additional questions

STIPEND APPLICATION



SCHOLARSHIP APPLICATION



Entity Success Stories from Across the Country

Iowa Farm Protected Through Easement

Dennis McLaughlin farms the place where he and his siblings grew up in Madison County, Iowa.

Much has changed since the land was first conveyed to John and Mary McLaughlin in 1854. Once their neighbors were only other farmers, but now new subdivisions are popping up near the property. Family members were concerned that, as surrounding communities expanded, their farm would be lost.

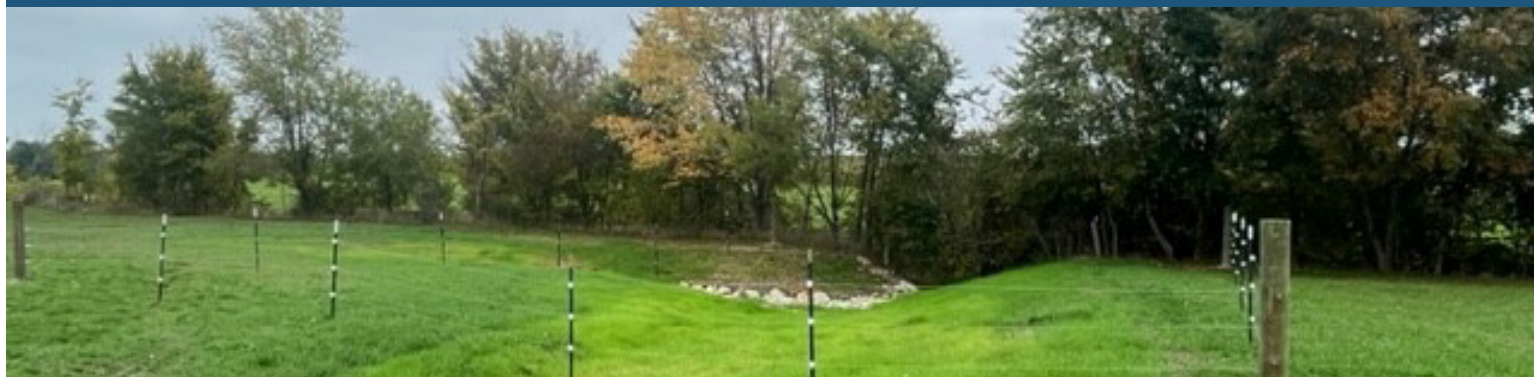
With McLaughlin eyeing retirement, and no successor interested in running the farm, the family needed to come up with a plan for the property.



Partnering with the Iowa Natural Heritage Foundation and funding from the NRCS ACEP-ALE, the McLaughlins placed an easement on 107 acres of the farm. As part of the agreement, the McLaughlin Family donated 50 percent of the easement value and agreed to contribute toward the easement monitoring fund, which helps cover the expense of ensuring land use compliance perpetually.

"I had already come to the decision that this was the only way to protect the land from the development that was happening all around us," said Dennis's sister, Sharon, about the family's choice to do the easement. "I knew it was what Dad and Mom wanted, and I know they are very happy that we made it happen."





Partners Host Trainings on NRCS Easement Programs



The Land Trust Alliance team has been busy in this first half of the year hosting NRCS-led trainings on ACEP and Regional Conservation Partnership Program (RCPP) for land trust partners. On the ACEP-ALE front, three trainings were held between January and March.

The **ACEP-ALE Opportunities** webinar featured NRCS national ACEP-ALE program manager, Matt Oliver, who gave an overview of the history of ACEP and predecessor programs, purposes and authorities of ACEP, step-by-step guidance on submitting a strong application package, and information on the acquisition phase.

In the **ACEP-ALE Peer-to-Peer training (East)** and **ACEP-ALE Peer-to-Peer training (West)** Matt provided an overview of ACEP-ALE entity certification—what it is, how partners can apply, and how to best leverage this tool to conserve more working lands.

Recordings of these sessions are available via the hotlinks for anyone to view.

Additionally, through support from an agreement with NRCS, the Alliance has taken the next steps in setting up

the new four-person conservation acquisition team that will provide direct service to land trusts to support successful participation in ACEP-ALE. The team, led by Justin Merrifield, senior program manager for the NRCS Conservation Acquisition Team, has completed hiring of the new staff and expects to be able to begin offering services very soon. **A webinar rolling out the full team and resources** is scheduled for June 24.

For more resources to learn about and participate in ACEP-ALE, visit the Alliance **ACEP-ALE toolkit**.



**American
Farmland
Trust**

NRCS and American Farmland Trust (AFT) are co-hosting a series of virtual workshops for farm and ranch land protection practitioners to explore topics related to ACEP-ALE implementation. The three sessions cover topics raised by staff administering state and local purchase of agricultural conservation easement programs who attended the 2023 NRCS ACEP-ALE Summit hosted by AFT, but the sessions and recordings are accessible to all.

NRCS and AFT have hosted two sessions to date:

ACEP-ALE Program Agreement Optional Exhibit #4—Considerations, Development and Examples

NRCS ACEP-ALE Program Manager Matt Oliver described the use of optional Exhibit #4 as part of an entity program agreement to strengthen program partnerships and clarify NRCS and partner roles and timetables.

ACEP-ALE Land Eligibility: Projects that Further a State or Local Policy

In this workshop, Matt discussed the ACEP-ALE land eligibility category for projects that further a state or local policy. This eligibility category offers an alternative to more frequently used eligibility categories including prime, unique, state or locally important soils and grazing uses.

AFT will host the final virtual workshop for FY 2024 on June 27th from 2:00 to 3:30 pm ET. It will feature an overview of the NRCS ACEP-ALE appraisal process. Use this [link](#) to register.

Workshop recordings and associated materials are disseminated to members of **AFT's National Agricultural Land Network** and posted on AFT's Farmland Information Center as part of its **ACEP-ALE Toolkit**. The toolkit supports entities and landowners through each step of program participation with fact sheets, checklists, webinars, and links to applicable policy, national instructions, bulletins, and NRCS forms.

Land Trust Alliance Website

American Farmland Trust Website





NRCS Staff Attends Land Trust Alliance Advocacy Days

The purpose of the annual Advocacy Days event is to provide land trust leaders with advocacy training and facilitate their relationships with key legislators. The Alliance advises Congress on important land trust issues including land conservation by providing first-hand stories about conserving our nation's land and waters utilizing NRCS conservation easement programs. Russell Ames, NRCS projects branch chief, spoke to the Alliance members about improvements NRCS is making to RCPP to make it more effective and easier to access for partners and producers. "RCPP is able to address critical natural resource concerns on a major scale because of our valued partnerships, and land trusts have been partnering with RCPP since the very beginning of the program."



Pictured back row (left to right): Andrew Bowman, Alliance Executive Director; Russell Ames, NRCS RCPP Branch Chief; Matt Oliver, NRCS ACEP-ALE Program Manager. Front row (left to right): Lisa McCauley, NRCS National Easement Partnerships Manager; Danielle Balduff, NRCS Implementation and Stewardship Branch Chief; Carrie Lindig, NRCS Easement Programs Division Director; Hathaway Jones-Natural Resource Specialist.

Entity Success Stories from Across the County

Fourth Generation Protects Nebraska Ranch

Last year the Nebraska Land Trust completed an easement with Les and Jan Graham on their family ranch in northeast Nebraska. Les and Jan are the 4th generation on the property, and they wanted to ensure that their family legacy of working agriculture remained intact. They also wanted to preserve the conservation value their ranch provides to the region.

"We had a desire to see our grassland stay in its native state and the ranch to be operated as it has always been," they said. "A conservation easement seemed to be the option we found to hopefully fulfill that desire. The Nebraska Land Trust shared our vision and were very helpful in guiding us through the process."



Graham Crowe Ranch is located within one of four core areas of NRCS's Great Plains Grassland Initiative. This initiative is part of a landowner-driven program conserving the remaining

grasslands in the Great Plains.

Graham Crowe Ranch is one of the largest grasslands in northeast Nebraska under one owner, with significant conservation value. It's also considered a biologically unique landscape under Nebraska's State Wildlife Action Plan. With more than 4 miles of Niobrara River frontage, this ranch is part of a network of 22 miles of protection between the ranch and the Niobrara's confluence with the Missouri River. The combination of the ranch's ecological diversity, location, and size make it significant to conservation efforts in northeast Nebraska.



Prime habitat for numerous species of conservation concern were identified on the Graham Crowe Ranch by the Nebraska Game and Parks Commission, and the following species were observed on the property: Greater Prairie Chicken Sharp-tailed Grouse, Bald Eagle, Trumpeter Swans, Wild Turkeys, Northern Bobwhite Quail, and White-tailed Deer.

This easement was made possible by the following donors and funders: Les and Jan Graham; NRCS; Plum Creek Wind, LLC; Prairie Breeze Wind Energy, LLC; and Sholes Wind, LLC.

