



United States Department of Agriculture



Rhode Island

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RI NRCS Regional Conservation Partnership Program *Rhode Island Forest Health Works Project*

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Approved Project Details:

Project Name:

Rhode Island Forest Health Works Project

RCPP Type:

RCPP Classic

Primary Purpose:

Long term protection of Rhode Island Forests

Lead Partner:

RIDEM-Division of Forest Environment

Total Funds Allocated: \$2,898,033.61

Entity-Held Easements: \$1,100,000.00

US Held Easements: \$1,798,033.61



What are the paths for protecting land in this project?



US HELD

ENTITY-HELD



What is the difference?



US held

\$1,798,033.61

- Acquired and **held by the US**
- Must use one of the three easement Deeds (Highly Restrictive, Moderately Restrictive, Minimally Restrictive)
- Easements are **Perpetual**
- Mostly Agricultural **Forest Lands**
- RCPP funds **pay landowner**
- Easement values are determined by **appraisals**
- **No match required**

Entity-held

\$1,100,000.00

- Entities must apply for a RCPP Program Agreement
- Easement are **acquired and held** by eligible entities
- **Must** attach the minimum deed terms to the eligible entity's own conservation easement deeds
- Easements are **Perpetual**
- Mostly Agricultural **Forest Lands**
- **Cost Share is Required**
- Easement value determined by **appraisal**



US HELD

US Held Details

Protection Level

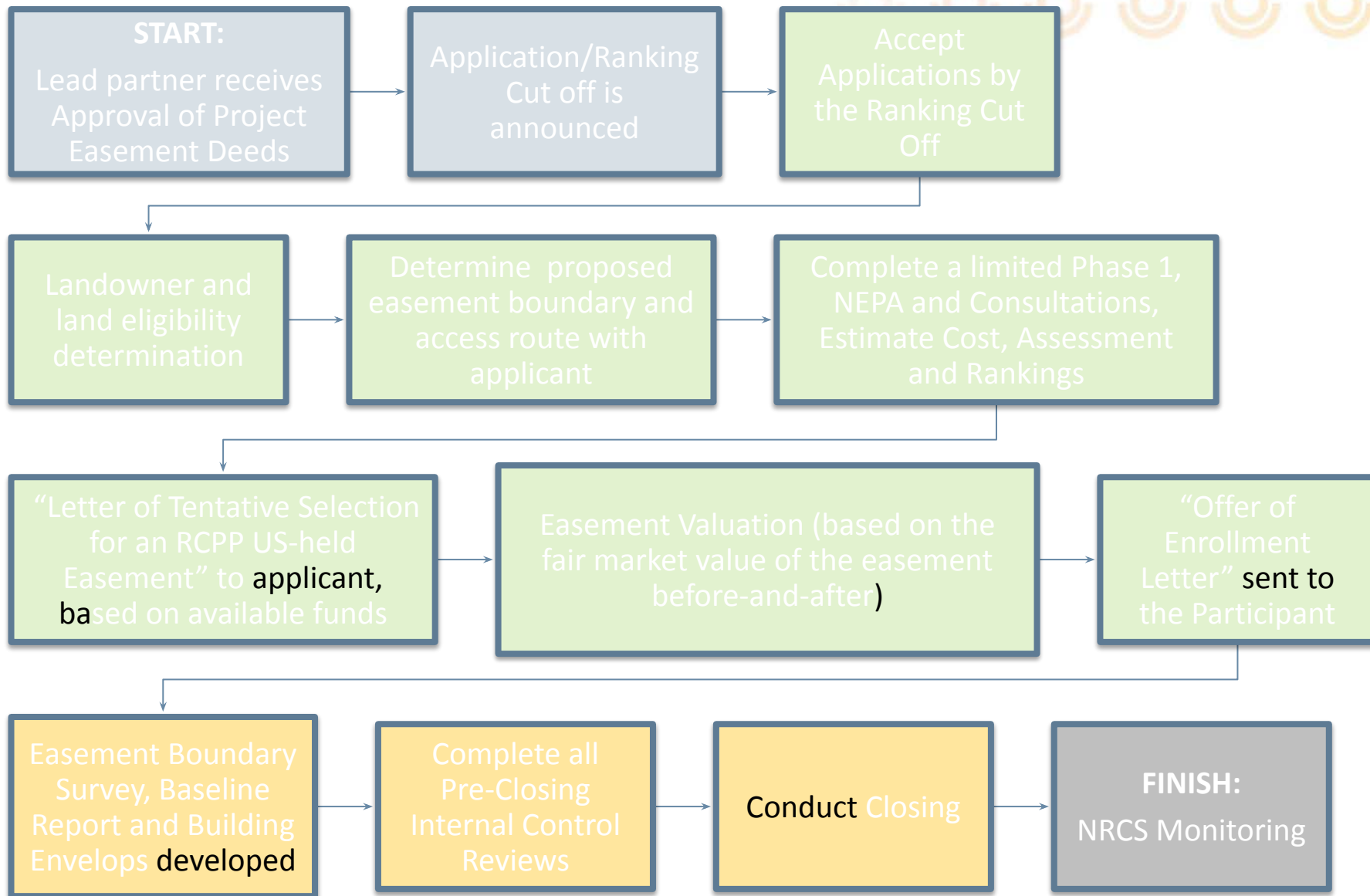
- **Permanent Protected** Forest Land that meets the project “Conservation Values”
- Interest conveyed by the **Easement Deed to the United States**

Key takeaways

- **Directly** with eligible producers on eligible land
- Must use one of the **standards deeds**
- **The most restrictive deed** allows participant to retain these rights:
 - *title,*
 - *quiet enjoyment,*
 - *control of access,*
 - *undeveloped recreational uses,*
 - *subsurface resources, and*
 - *water rights*



Voluntary Application Process and Eligibility Overview





ENTITY-HELD

Key Points

RCPP Entity-Held Easements

- **Types of land**
 - Private and tribal ag land, nonindustrial private forest land or associated land (e.g., riparian areas, floodplains, seasonal or flooded wetlands)
- **Easement Holder**
 - Eligible entity
- **Purchase Agreement**
 - Type IV Supplemental agreement to PPA (RCPP Program Agreement)
- **Deed Terms**
 - Eligible entity deed – attach or incorporate NRCS minimum deed terms (Highly restrictive, moderately restrictive, minimally restrictive)
- **Easement value**
 - Based on before/after appraisal
- **Easement Stewardship**
 - Eligible entity responsible for long-term stewardship of easements
 - US may have right of enforcement
- **Easement Term**
 - Perpetual (or maximum duration allowed under State law)



How are Entity-Held Easements Different?

- NRCS will work directly with **eligible entities** not participants
- **Entities will** hold, manage and monitor the easements in perpetuity
- Entities must first apply for an RCPP Program Agreement
- Entities must request funding by submitting the “Parcel Sheet for Entity Application for a RCPP Entity Held Easement Program Agreement
- **Entities ARE responsible acquisition cost including:**
 - Eligible entity cost for appraisals
 - Legal surveys
 - Access routes
 - Title clearance or title insurance
 - Legal fees
 - Phase I environmental site assessments (if applicable)
 - Closing services
 - Development of RCPP plans
 - Costs of easement monitoring
 - Other related administrative and transaction costs incurred by the eligible entity
- Entities must submit their draft conservation easement deeds for approval



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RCPP Entity-Held Easement Eligibility

•Entity Eligibility

- Mirrors Agricultural Land Easement (ALE) entity eligibility – (528.32B)
 - State or local government
 - NGO that qualifies under Section 170(h)(4)(A) of the Internal Revenue Code
- **Must have**
 - **Authority** to purchase conservation easements
 - An **established** land protection program
 - Demonstrated commitment to the long term conservation of the types of land to be conserved
 - Capability and **staff capacity** to acquire, manage, monitor and enforce easements.

Types of Eligible Entities (ALE+RCPP)

State Agency

- Department of Agriculture
- Department of Natural Resources
- Farmland Preservation Board
- Land Resource Council

Local Government

- Soil and Water Conservation District
- Preservation Authority

Indian Tribe

- Federally recognized Indian Tribe
- Non-federally recognized Indian Tribe that meets the NGO criteria

Nongovernmental Organization

- Meet specific NGO criteria

RCPP Entity-Held Easements Minimum Deed Terms (MDT)

- There are three sets of MDTs; each with a version with or without a US Right of Enforcement
- Easement will be selected according to the most appropriate way to achieve project purposes
 1. Minimum Deed Terms for Agricultural Use (minimally restrictive)
 2. Minimum Deed Terms for Conservation Use with Compatible Agricultural Use Moderately restrictive (Moderately Restrictive)
 3. Minimum Deed Terms for Uses Limited for Protection of Conservation Values (Highly restrictive)



RCPP Entity-Held Easements

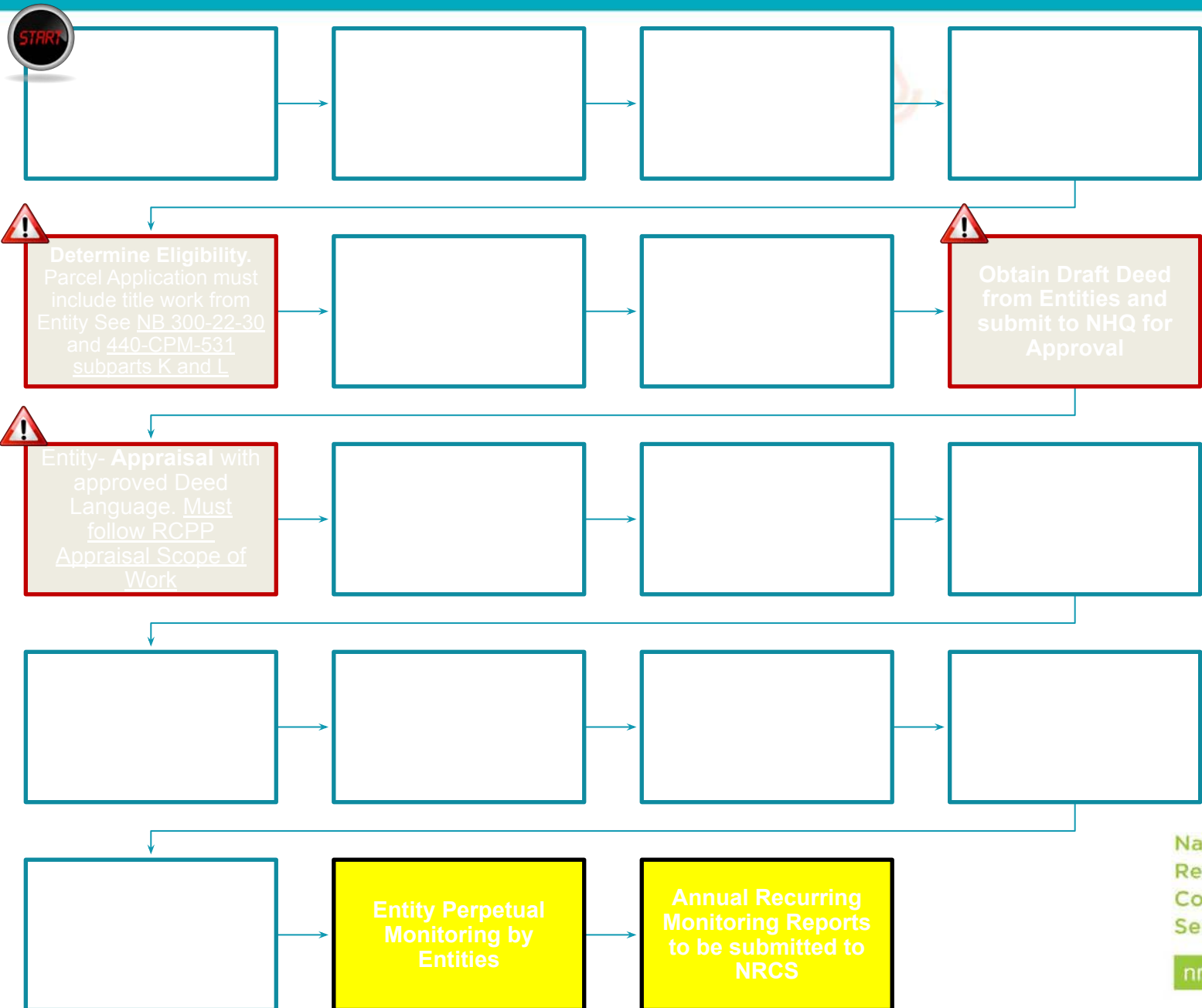
Valuation, Federal Share, Contribution

- **Easement value is based on a before & after appraisal obtained by the Eligible entity**
- **Federal share = NRCS maximum contribution**
 - 50% of Easement Value – for conservation easements with US ROE
 - 25% of Easement Value – for conservation easements without US ROE
- **Non-Federal Share**
 - Remainder of Easement Value
 - May be comprised of:
 - Eligible Entity cash for easement payment to landowner
 - Landowner donation or qualified contribution that reduces easement purchase price





RCPP Entity-Held Process



RCPP Entity-Held Easements

Pre-closing

NRCS WILL

- **Title Review and Certificate of Use and Consent (LTP-23)**
- **Preliminary Certificate of Inspection and Possession (LTP-27)**
 - Must be dated within one year of closing
- **Environmental Records Search and review**
 - Must be dated within one year of closing

Entities Will

- **Baseline Documentation Report**
 - Must be submitted by entity no later than 90 days prior to closing
- **RCPP Easement Plan (optional for minimally restrictive)**
 - Must be completed no later than 90 days prior to closing
- **Survey of parcel (if applicable – same standard as ALE)**



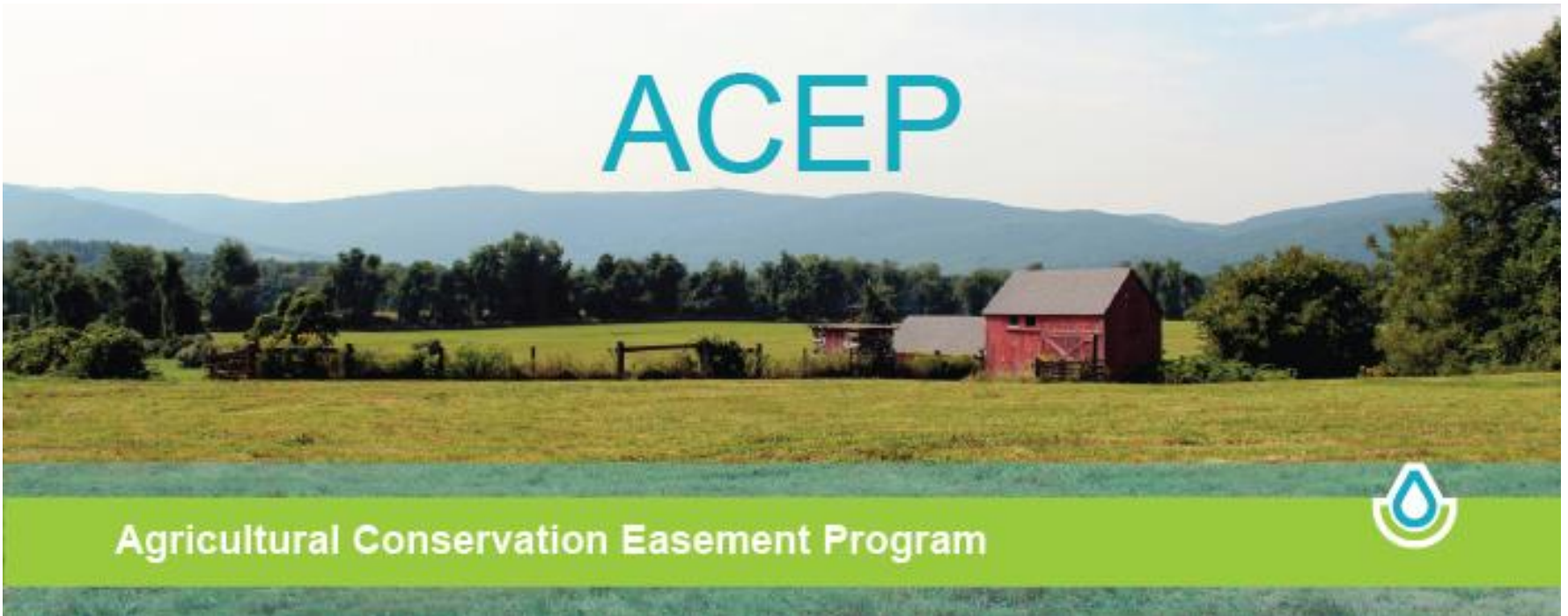
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ACEP



Agricultural Conservation Easement Program



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Wetland Reserve Easements - WRE Agricultural Conservation Easement Program



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Benefits to Different Land Types



Wetlands

Wetlands are a home to many species and benefit society by storing floodwaters, filtering pollutants, serving as a carbon sink, and providing recreation opportunities.

Wetland easements and reserves can:

- Protect and restore wetlands
- Improve habitat
- Improve water quality



Grasslands

Grasslands include rangeland, pastureland, or shrubland. Easements and reserves help farmers keep grasslands working while providing improved habitat for animals that call grasslands home.

Grasslands easements and reserves can:

- Protect native grasses and forbs
- Improve habitat
- Prevent the development of rural lands



Agricultural Lands

Whether they span 1 or 100 acres, privately owned farms across the nation provide open space and natural resources for all sorts of animals. Easements and reserves help farmers improve and maintain their lands.

Agricultural land easements and reserves can:

- Improve agricultural lands
- Prevent the development of rural lands
- Keep working lands in family hands



Forests

From New England to California, our country's diverse forests are home to songbirds, wild game, and fish.

Forest easements and reserves can:

- Improve wildlife habitat
- Enhance carbon sequestration
- Improve biodiversity



Overview of the Wetland Reserve Easements (ACEP-WRE)

Purpose:

The ACEP-WRE purpose is to restore, protect, and enhance wetlands on eligible private or Tribal lands while maximizing wildlife habitat benefits.

CPM 440 Part 528.100

528.100 Overview of the Wetland Reserve Easement (WRE) Component



Enrollment Option	Duration	Eligible Applicant
30-Year Contract	30 years	Acreage owned by Indian Tribes only
30-Year Easement	30 years or the maximum duration allowed by State law if less than perpetual	Private landowners or Indian Tribes (including Native Corporations)
Permanent Easement	Perpetuity	Private landowners or Indian Tribes (including Native Corporations)



ACEP-WRE: Objectives



To protect **private lands** to restore and enhance the functions and values of wetland ecosystems to attain:

- Habitat for migratory birds and other wetland-dependent wildlife
- Protection and improvement of water quality
- Attenuation of floodwater
- Recharge of ground water
- Protection and enhancement of open spaces
- Protection of native flora and fauna
- Contribution to educational and scientific scholarship
- Provide producers a viable option for marginal lands



WRE – Reserved Interest Deeds



What is the US buying?

- The USDA is purchasing **ALL of the development and surface rights** of the enrolled property except those specifically reserved to the landowner.
- A warranty easement deed (WED) is recorded which defines the US rights and the landowners' rights.

What does the landowner reserve?

- Convey, Transfer, or Alienate Title
- Quiet Enjoyment
- Control of Access
- Undeveloped Recreational Use
- Extract Subsurface Resources subject to the WED
- Certain Water Rights



WRE: Eligible Land Types



ACEP-Farmed/Degraded Wetland Examples



Damage by Cattle/Horses, livestock or cropping



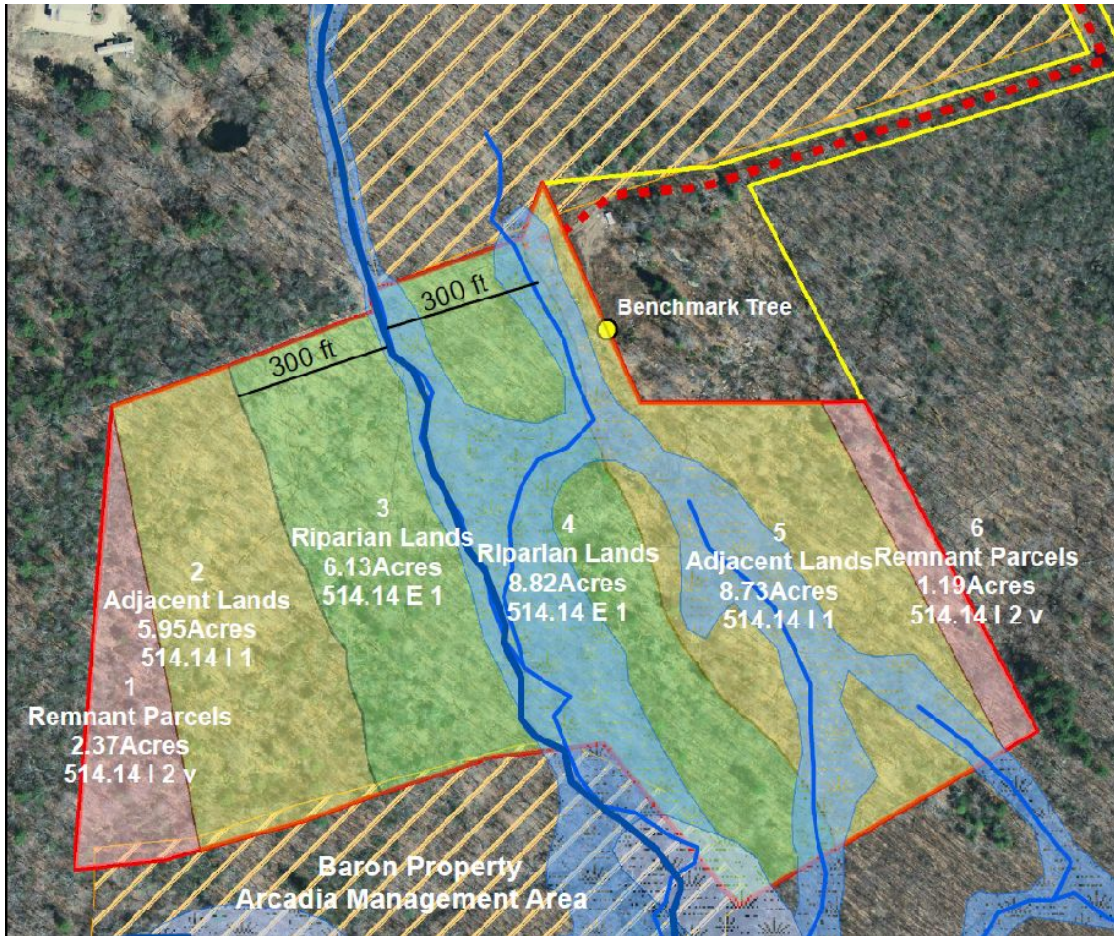
Damage or alterations on the Forest



Salt Marshes Can be degraded wetlands

ACEP-Wetland Reserve Easement

Typical Riparian Area in Rhode Island



E. Riparian Areas

(1) Riparian areas along streams or other waterways are eligible, provided that the offered riparian area links wetlands that are currently protected, such as a State or Federal wildlife management area.

I. Adjacent Lands

(1) (i) The adjacent lands will contribute significantly to the wetland functions and values or practical administration of the enrolled area. (ii) Acres must not exceed otherwise eligible land to be enrolled.

(2) State Conservationist may wave one-to-one limitation if -
(v) Strict application of the ratio would leave areas of land remaining outside enrolled area creating uneconomic or unmanageable remnant parcels for the landowner.



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Agricultural Land Easements-ALE



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ACEP – ALE Land Eligibility

- Basic ALE Land Eligibility Requirements:
 - Private or tribal land that is agricultural land
 - **Subject to a written pending offer** from an eligible entity
 - Meets one of the ALE land eligibility criteria
 - NRCS will perform an onsite review is required for land eligibility!



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ALE: Land Eligibility Criteria

- 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

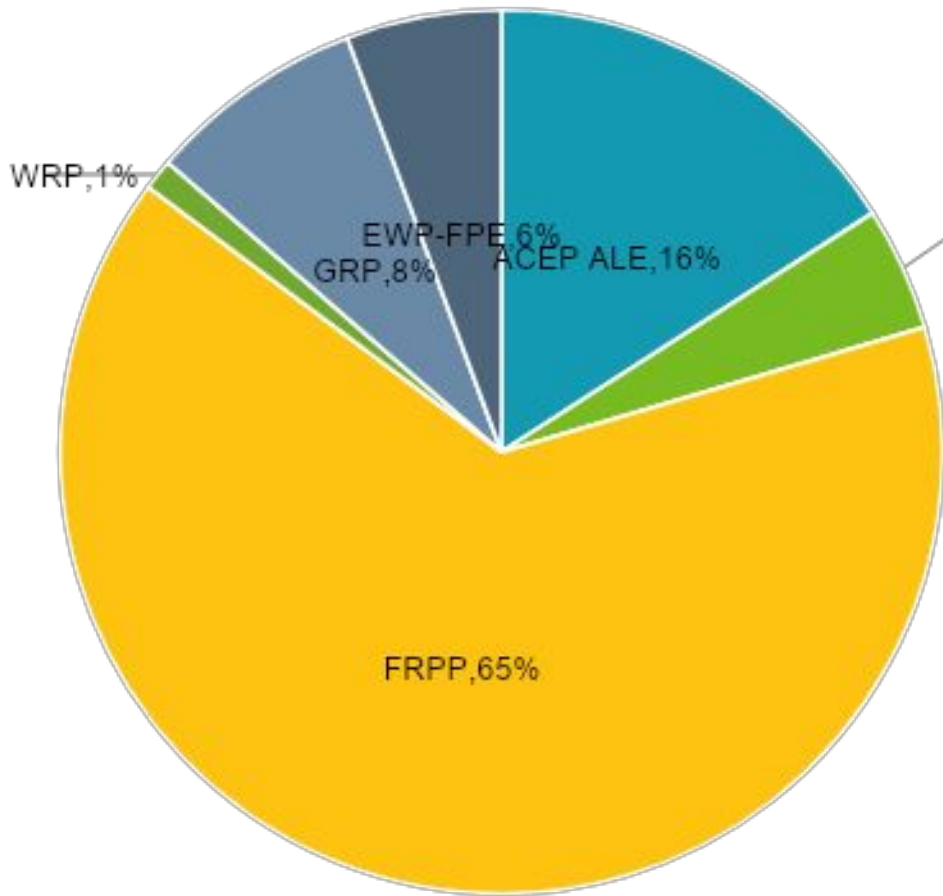


ALE: Entity Responsibilities

- Ensure proper acquisition and recordation of easements
- Pay all costs of easement valuation and procurement
- Hold title of easement
- Meet the cooperative agreement requirements
- Submitting complete and timely documents for NRCS review in accordance with performance deadlines in cooperative agreement
- Conduct monitoring annually
- Enforce terms of easement
- Carry out responsibilities in cooperative agreement
- Provide FSA SCIMS information
- Maintain DUNS and SAM registration



Rhode Island NRCS Easement Portfolio

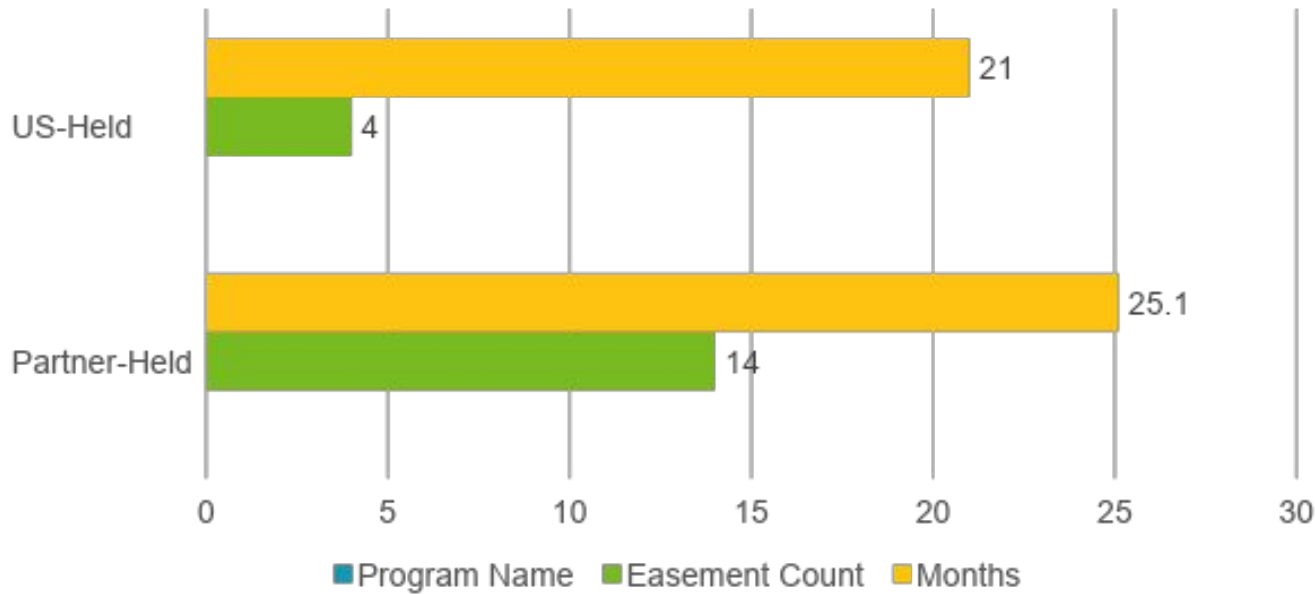


Program	Easements	Acres (ac)
ACEP ALE	15	300
ACEP WRE	7	478
FRPP	57	2866
WRP	1	30
RCPP-HFRP	1	142
GRP	7	119
EWP-FPE	5	111
Total	93	4046

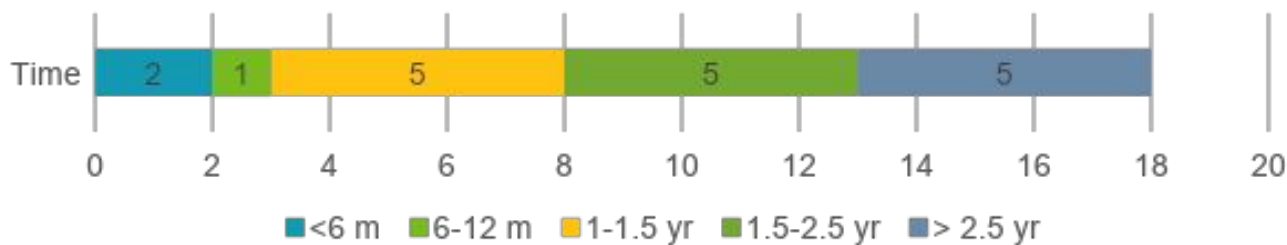


Typical “Time to Close” Comparison

Average Time To Close in Months



Distribution of Easements by “time to closing”



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Agricultural Conservation Easement Program Inflation Reduction Act Funding

<https://gis.sc.egov.usda.gov/portal/home/webmap/viewer.html?webmap=a873845634914619bcb8254df320a62f>





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Thank You



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