



ACEP News Flashes

From the NRCS Easement Program
Division (EPD)



Land Transfer Program

Working in partnership, the American Farmland Trust (AFT) and NRCS have announced the “Land Transfer Navigators” program that will help retiring farmers and landowners pass the country’s farm and ranch lands with confidence and help new, beginning, and underserved farmers gain secure, equitable land access. For aspiring and incoming farmers, particularly those who do not come from farming or ranching families, accessing affordable land is their biggest barrier.

Land Transfer Navigators will build bridges between these two groups, leveraging land protection as a strategy to facilitate successful, affordable land transfer.



AFT has begun training three dozen land protection organizations, their staffs, and is engaging its own staff to serve as “Navigators” in communities across the country to aid exiting and entering farmers in the land transfer process. With this new training, Navigators will connect with one another and gain additional skills, tools, and resources to bring unprecedented support to help transfer farmland. For more information, visit farmland.org/land-transfer-navigators.

NRCS Partnership with the Land Trust Alliance is Expanding

This year, the Land Trust Alliance will add five new staff members to provide training, resources, and direct support to land trusts on both ACEP-ALE and the Regional Conservation Partnership Program (RCPP). By expanding available resources for land trust partners, the Alliance aims to get more applications submitted, conserving more working lands across the country.

As part of a brand-new agreement, NRCS has provided support for the Alliance to hire a senior project manager, Justin Merrifield. Justin will lead a team of specialists who will provide easement program technical assistance to land trusts. This resource will offer application development and submission assistance, provide capacity for enhanced coordination with NRCS, and will assist with project movement through acquisition to closing, as needed. In other words, supporting both eligible entities and NRCS in bringing projects to completion. The team will also have an emphasis on supporting the submission of applications from historically underrepresented landowners.

In addition, as part of NRCS’s ongoing long-term agreement with the Alliance, they have hired an RCPP program manager, Jeremy Lougee. Jeremy will work to expand training and resources available to assist with participation in the program. The RCPP role is a counterpart to the senior manager for NRCS programs, Nikki Nesbary, which has existed at the Alliance since 2020. NRCS is happy to be working with the Alliance on this effort, which will provide more critical resources to partners by assisting them with easement program participation.

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.





NRCS Funds Inflation Reduction Act Priorities through Agricultural Conservation Easement Program

[NRCS has tentatively selected 33 applications for approximately \\$55.6 million in ACEP-ALE](#) that meet the priorities set in the [Inflation Reduction Act](#). Selected ACEP-ALE applications align with the IRA statute which requires prioritization of land that will most reduce, capture, avoid, or sequester carbon dioxide, methane, or nitrous oxide emissions.

NRCS has tentatively selected 33 projects for funding including:

- 18 ACEP-ALE applications in seven states, Arizona, California, Montana, South Dakota, Texas, Utah, and Wisconsin, prioritizing grasslands where NRCS has identified a high threat of conversion to a non-grassland use.
- 15 ACEP-ALE applications in eight states, Idaho, Illinois, Kentucky, North Carolina, Texas, Utah, West Virginia, and Wisconsin, prioritizing agricultural lands where NRCS has identified a high threat of conversion to a nonagricultural use.

Heirs' Property Toolkit

An [Heirs' Property Toolkit](#) was developed through an agreement between NRCS and the Land Trust Alliance to help entities, including land trusts and state and local government partners, understand challenges related to easement enrollment on land that includes heirs' property. The toolkit is a starting point for exploring heirs' property – what it is, who it affects, what resources are available, and what role entities can play in helping landowners manage or resolve heirs' property issues and participate in easement programs. A link to the toolkit is posted on the [USDA farmers.gov](#) website.



Regular Communication is Key to Success

To improve project awareness, effectiveness, and efficiency in ACEP-ALE closings, NRCS encourages entities to meet with their respective state NRCS easement specialist monthly or at least on a frequent basis.

Those entities whose projects are supported by NRCS' Easement Acquisition Branch (EAB) in addition to a state NRCS easement specialist should include the applicable EAB realty specialist whenever there are questions about the ACEP-ALE deed, title, access, boundary configuration, or appraisal.

Just as regular communication between an easement holder and a landowner is critical to ensure that activities on the land are consistent with an easement's conservation purpose, regular communication between the eligible entity and NRCS will increase closing efficiency and conservation value.

State Easement Program Managers can be found at:

www.nrcs.usda.gov/conservation-basics/conservation-by-state/state-offices, selecting your specific state, employee directory, programs.



NRCS, Partners Close First Buy-Protect-Sell Easement in the Country

A Buy-Protect-Sell transaction is an option for certain eligible entities if they own or are purchasing land on a transitional basis for the purposes of securing the agricultural land easement and timely transfer of the ownership of the land to a qualified farmer or rancher.

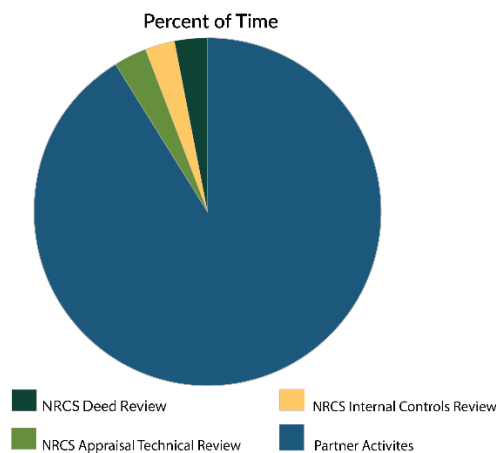


NRCS closed its first Buy-Protect-Sell Agricultural Land Easement in the country on January 18, 2024. The Vermont Land Trust and NRCS executed a parcel contract to fund the Buy-Protect-Sell in September 2022. The Trust provided the final deliverable in November 2023 followed by NRCS approving the Trust to close under the terms of the Parcel Contract in December 2023. Closing such a novel and complex project far faster than the national average took significant work by the landowner, eligible entity, NRCS' Vermont easement specialist, and NRCS' EAB realty specialist.

The DeFreest Farm is a part of a multi-faceted conservation project with diverse of conservation values including protection of high-quality farmland soils and improved water resource protection. It also provided Mad River corridor easements with guaranteed public access and a farmland access component which enabled dairy farmer Dave Defreest to now own the property. Easement partners included the Vermont Housing and Conservation Board and the Vermont Land Trust.

Working with NRCS to Improve Timelines

The average time to close an Agricultural Conservation Easement Program-Agricultural Land Easement (ACEP-ALE) is approximately 23 months. This includes the time the eligible entity spends drafting or procuring ALE parcel contract deliverables like the ACEP-ALE deed, appraisal, title commitment, or baseline documentation report. This also includes the time the eligible entity sometimes has to spend correcting deliverables to meet the requirements of the parcel contract.



While good ACEP-ALE project management is to plan for longer, the average time for NRCS National Headquarters deed reviews are about 19 days while NHQ internal controls review is about 20 days. NRCS's third-party appraisal technical reviewers are provided up to 21 days to complete their reviews and supply feedback to the partner's appraiser, but oftentimes these reviews move quicker—especially when industry standards coupled with the NRCS specifications and scope of work have been met on the initial iteration.

Despite the average speed of these reviews NRCS suggests that eligible entities plan to close on the ACEP-ALE no sooner than 120 days after providing NRCS with the last of the

deliverables. This allows time for corrections and resolution of unforeseen complications.

When eligible entities provide deliverables shortly after signing the parcel contract, and unacceptable title encumbrances and other due diligences matters needing addressed are resolved in a timely fashion, the national average of 23 months for closing can be reduced significantly.

Closing averages by state can be found at: www.farmers.gov/data/easements-acquisition.

Entity Success Stories from Across the Country

Hubbard Family Farm

At the top of the Idaho Panhandle, 1,040 acres of rich farmland and wildlife habitat will remain in agricultural production for generations to come after the Hubbard family and the Vital Ground Foundation completed a voluntary conservation easement for the family's farm along the Kootenai River.



The Hubbard farm's working landscape also serves as a habitat link for wildlife traversing the Kootenai Valley between the Selkirk and Purcell mountains. The farm is adjacent to the Kootenai River, spanning much of the valley bottom and abutting other conserved lands that combine to form a viable intermountain corridor for wildlife. Providing corridor for grizzlies and other species make it a key project in Vital Ground's One Landscape Initiative, placing conservation on private lands that connect wildlife habitat of the Northern Rockies.



"This is what I want my legacy to be and what I know my dad would want, for this to stay the way it is now," said Wes Hubbard, whose family has lived and farmed on the property since his early childhood. "We'll always know that it will be farmed."

With major support from NRCS's ACEP-ALE program, the easement maintains the Hubbard farm's working landscape that also serves as a habitat link for wildlife traversing the Kootenai Valley.



Charles and Renate Jaquette Farm

In January 2024, Charles and Renate Jaquette placed their 497-acre farm just east of Kalispell, Montana, under an ACEP-ALE with NRCS and the Flathead Land Trust. Containing some of the richest topsoil in the valley, the easement adds to a growing network of conserved farms in the highly productive Creston area. Safeguarding these fertile farming grounds is vital to preserving the Flathead Valley's agricultural heritage and way of life. The protected lands also protect scenic vistas and open space that is valuable to the public.



Charles' grandfather settled on the land in 1907 and it has been passed down through the generations. The family farm has raised everything from wheat, canola, potatoes, barley, peas, corn, soybeans, mint, hay, and hogs. They have also had a few dairy cows and some beef cattle.



Encompassing more than a mile of Egan Slough, a 249-acre lake in Flathead County, the Jaquette property provides excellent bird habitat and is strategically located for both birds and wildlife at a landscape scale. Lying within a major bird flyway, the Jaquette easement provides critical stopover habitat for birds to rest and refuel on their long migrations.

It also affords nesting habitat for many birds including the bald eagle. More than 150 species of birds have been chronicled in the area, of which 24 are sensitive or species of concern. The conservation network also provides vital habitat and an important travel corridor for wildlife, including the grizzly bear.

Record Investment in Private Lands Conservation

Due to resources made available by the Inflation Reduction Act (IRA) in fiscal year 2023, USDA funded more than 45,000 conservation contracts, more than any year before, for more than \$2.8 billion in financial assistance to producers for conservation. With a focus on climate-smart agriculture and forestry mitigation activities, NRCS provided \$100 million in IRA funding to landowners through ACEP-ALE and WRE. NRCS funded 27 ACEP-ALEs on 53,476 acres of grasslands. Learn more on the [NRCS Inflation Reduction Act Data Visualization Tool](#).

