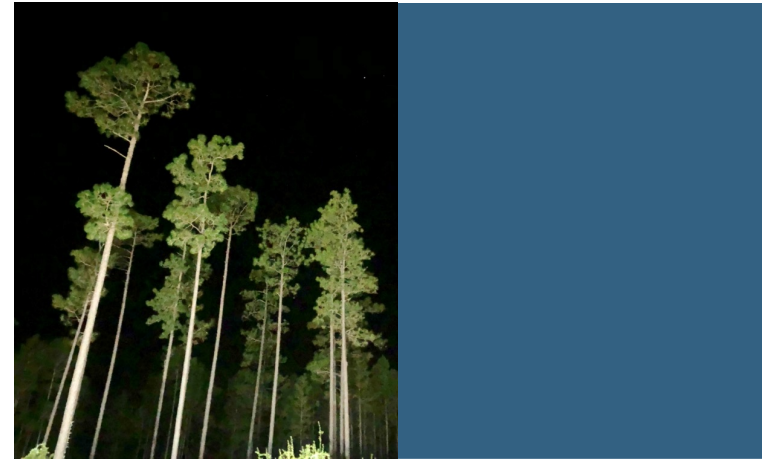




United States Department of Agriculture



Easement Program Overview

FARM PRODUCTION AND CONSERVATION
FSA | NRCS | RMA | Business Center

Land Rights

“Bundle of Sticks”

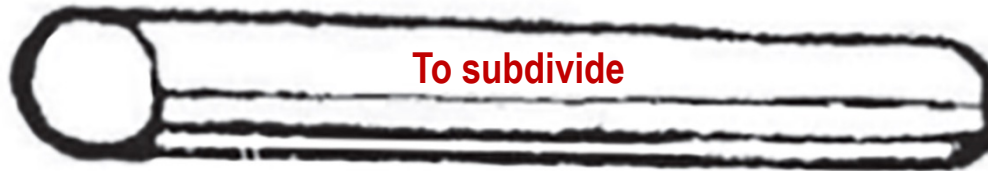


To use and enjoy

To exclude others

To possess

To transfer by sale or by gift



To subdivide

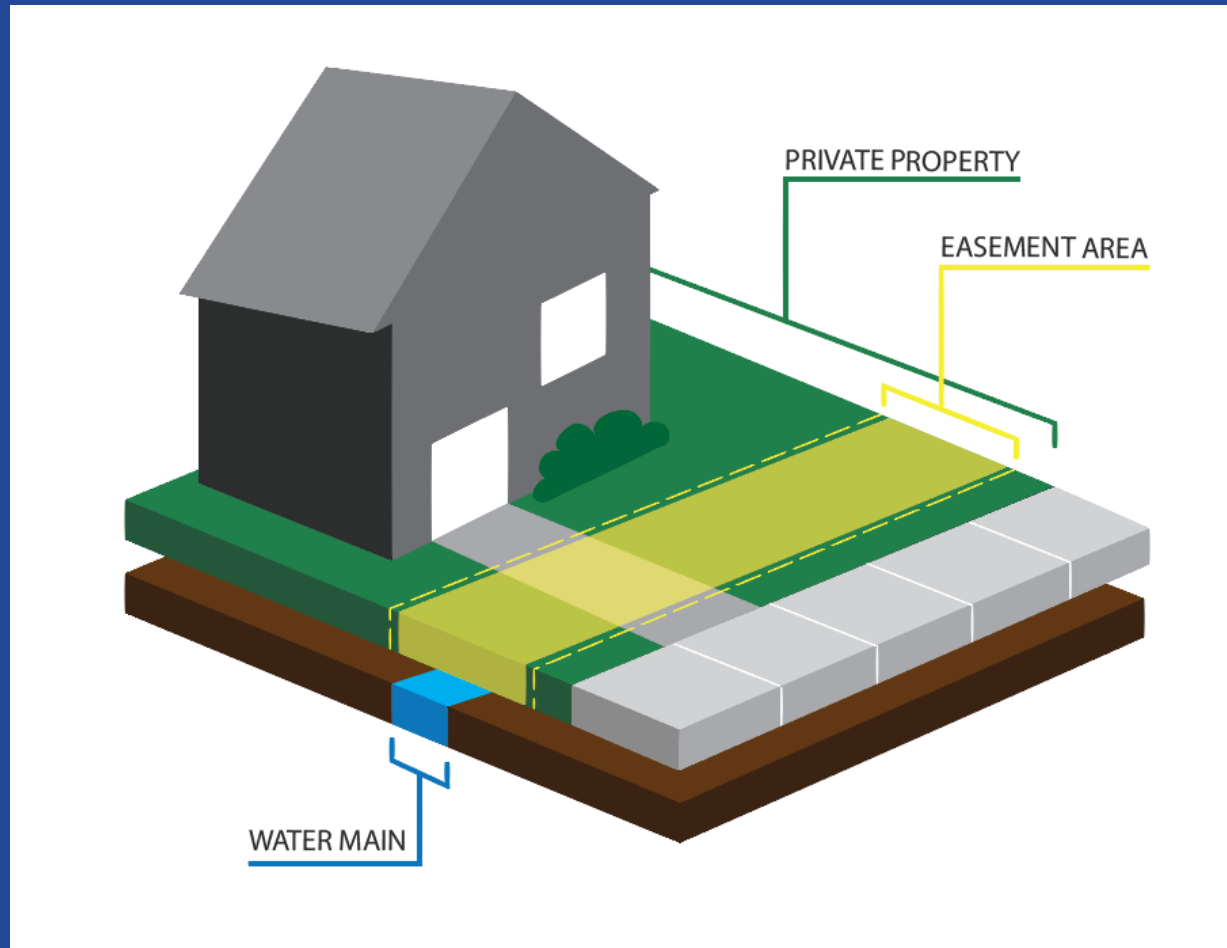


To develop



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Everyday Easements



USDA NRCS Conservation Easements

USDA NRCS conservation easements are acquired through the voluntary sale of a property right that restricts what a landowner may do on their land.

Easements run with the land:

- The restrictions attach to a parcel and apply to all subsequent landowners.

Easements have long-term conservation benefits.



Agricultural Conservation Easement Program (ACEP)

Wetland Reserve Easements (ACEP-WRE)

Objectives of ACEP-WRE are to *protect, restore and enhance* the functions and values of *wetland ecosystems* to attain:

- Habitat for birds and other wetland-dependent wildlife.
- Protection and improvement of water quality.
- Protection and enhancement of open spaces.
- Protection of native flora and fauna.
- 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 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



Project Examples

Mike Dryden – TNC

Chase Colmorgan - DU

Ditch Plugs





Woody material- logs, snags, stumps



Pollinators

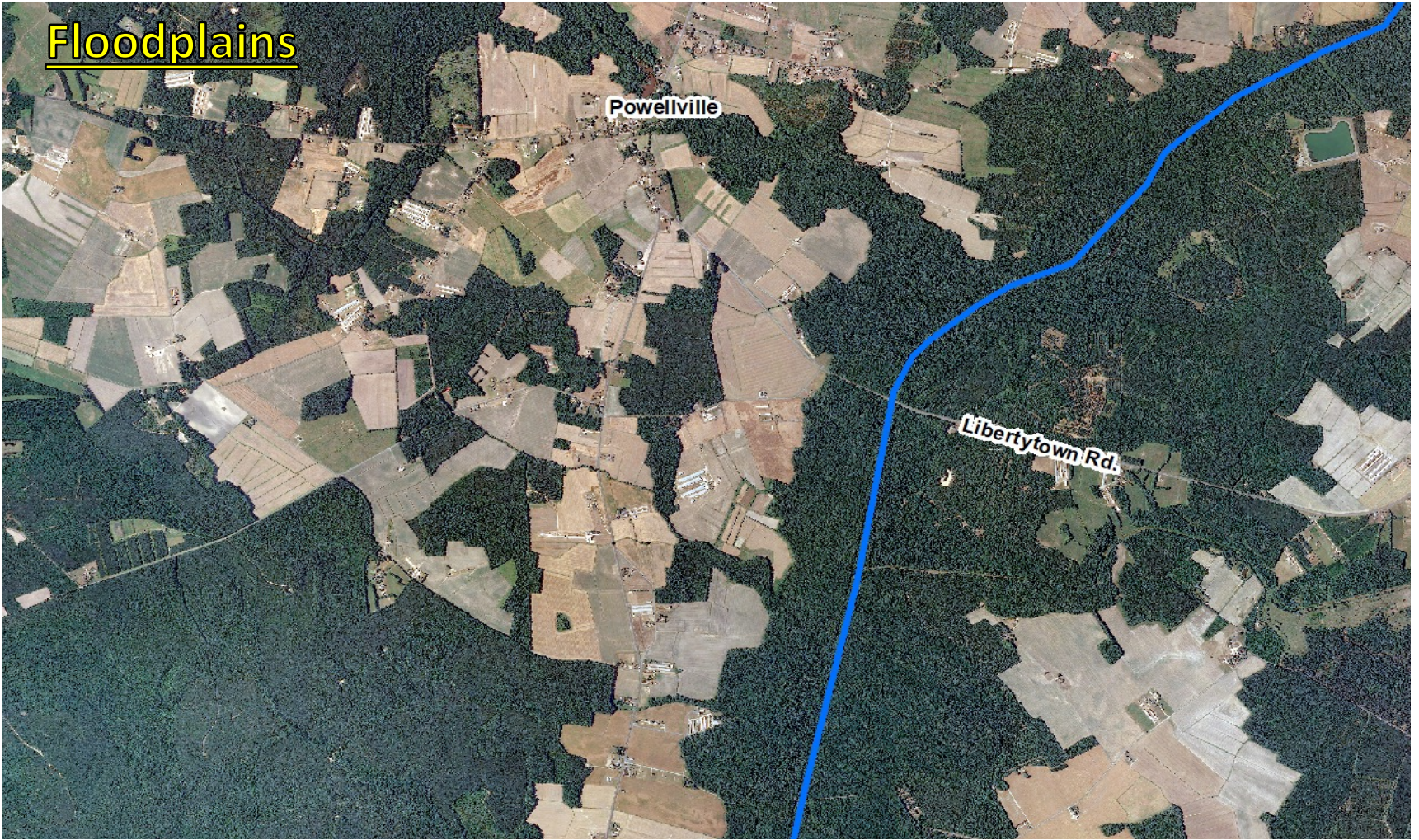




5/4/2017 7:35 AM



Floodplains









Constructed breaches in artificial levee along Pocomoke River













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ACEP WRE Landowner Eligibility



Why Eligibility Matters

- NRCS cannot enter into agreements or make payments to program participants or landowners that are not eligible
- Participant and landowner eligibility is the foundation to a valid and eligible application.

Basic Eligibility

- Basic Landowner eligibility requirements for:

All ACEP Participants



ACEP: Landowner Eligibility Adjusted Gross Income (AGI)

- All Landowners must be AGI eligible in the **year of enrollment only**

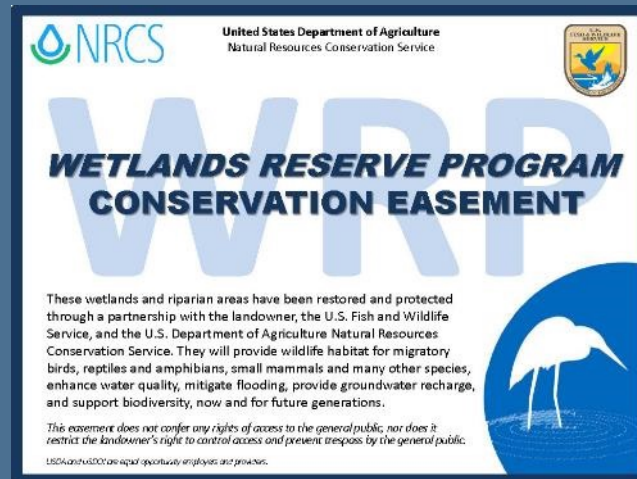
AGI – Average Adjusted Gross Income can not exceed \$900,000 for past 3 taxable years preceding.

(i.e. average AGI for 2022 = taxable years of 2020, 2019 and 2018.)

- Landowners must complete and submit form CCC-941 “AGI Certification and Consent to Disclosure of Tax Information” to FSA. FSA will receive IRS confirmation of AGI.



ACEP-WRE Land Eligibility




NRCS United States Department of Agriculture
Natural Resources Conservation Service

**WETLANDS RESERVE PROGRAM
CONSERVATION EASEMENT**

These wetlands and riparian areas have been restored and protected through a partnership with the landowner, the U.S. Fish and Wildlife Service, and the U.S. Department of Agriculture Natural Resources Conservation Service. They will provide wildlife habitat for migratory birds, reptiles and amphibians, small mammals and many other species, enhance water quality, mitigate flooding, provide groundwater recharge, and support biodiversity, now and for future generations.

This easement does not confer any rights of access to the general public, nor does it restrict the landowner's right to control access and prevent trespass by the general public.

USDA and NRCS are equal opportunity employers and providers.



Basic Land Eligibility Requirements

- Privately owned or owned by Indian Tribes
- Owned for 24 months at time of application
- Capable of having wetland hydrology and hydrophytic vegetation restored
- Properly configured boundaries that allow for sufficient management of enrolled area
- Has legal access that is transferable
- Promotes and enhances ACEP-WRE objectives
- No minimum size, but larger sites tend to rank higher

Eligible Land Types

- Farmed wetlands
- Prior converted (PC) cropland
- Former or degraded wetlands
 - Lands used for production of food or fiber where the hydrology has been significantly degraded
 - Includes woods/forest with significant ditching
- Agricultural lands substantially altered by flooding
- Riparian areas connecting protected wetlands within 1 mile of each other
- Wetlands restored or protected under a private, state, or federal program, including CRP/CREP
 - Some CRP lands established to trees may not be eligible
- Adjacent lands (next slide)

Adjacent Lands

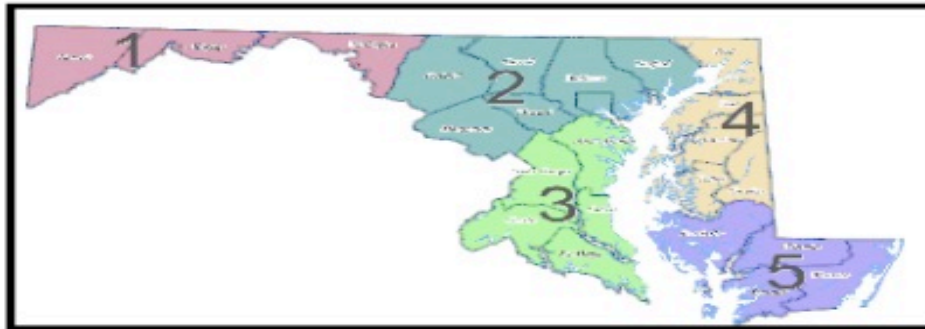
- Adjacent lands are upland areas, existing wetlands, and riparian areas that will contribute significantly to the wetland functions and values
- Generally cannot exceed the acres of the area to be restored to wetlands, except when it makes sense to maximize the functions of the restored wetlands or protect them (e.g. larger buffers)

NOTE: Including adjacent acres is not automatic and is not about maximizing the easement payment. Any adjacent acres must serve a purpose for the easement.

GARC Equation= $[(\text{Column B} * \text{Column C} - \text{Column D}) \text{ ROUNDUP}(\text{ColumnD},1)]$

Appraisal Percentage Equation = $[(\text{Add Land Type Percentages}) / \text{Number of Land Types}]$

A	B	C	D	E	F	G
Land Type	2022 Market Analysis \$/ac	Percentage Decimals	Market Analysis \$/ac * Percentage=	2022 GARC \$/ac	2021 GARC\$/ac Comparison	Appraisal Percentages (Average of Cropland and Wooded Values)
Group 1 (Counties: Allegany, Garrett, Washington)						
Cropland	\$4,051	0.80	\$3,240.80	\$3,241	\$3,188	75%
Wooded	\$1,653	0.70	\$1,157.10	\$1,157	\$1,215	
Group 2 (Counties: Frederick, Baltimore, Carroll, Harford, Howard and Montgomery)						
Cropland	\$8,025	0.80	\$6,420.00	\$6,420	\$6,384	75%
Wooded	\$5,780	0.70	\$4,046.00	\$4,046	\$4,138	
Group 3 (Anne Arundel, Calvert, Charles, Prince George's and St. Mary's)						
Cropland	\$7,210	0.80	\$5,768.00	\$5,768	\$5,288	75%
Wooded	\$3,744	0.70	\$2,620.80	\$2,621	\$2,601	
Group 4 (Counties: Caroline, Cecil, Kent, Talbot and Queen Anne's)						
Cropland	\$7,083	0.90	\$6,374.70	\$6,375	\$6,196	85%
Wooded	\$4,066	0.80	\$3,252.80	\$3,253	\$2,736	
Group 5 (Counties: Dorchester, Somerset, Wicomico and Worcester)						
Cropland	\$5,181	0.90	\$4,662.90	\$4,663	\$4,308	90%
Wooded	\$2,141	0.90	\$1,926.90	\$1,927	\$1,704	





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An aerial photograph showing a large, rectangular, flooded agricultural field. The field is divided into sections by a central canal and other smaller channels. The water is a deep blue, and the surrounding land is a mix of brown and green, indicating a winter or late autumn setting. The field is bordered by a stone wall on the right side. The overall scene is a vast, flat landscape with a complex network of waterways.

Questions?

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