ACEP Policy
Shawn McVey, Easement Restoration Specialist
ACEP Programmatic Requirements

Implementation Phases
- Application
- Acquisition
- Restoration
- Monitoring, Management, and Enforcement

[Images of people working in a field, a tablet, and a signature]
## ACEP Programmatic Requirements

### State Easement Acquisition

#### Average Time to Close by State

<table>
<thead>
<tr>
<th>State</th>
<th>Time to Close (Months)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delaware</td>
<td></td>
</tr>
<tr>
<td>Wisconsin</td>
<td>17.2</td>
</tr>
<tr>
<td>Louisiana</td>
<td>17.0</td>
</tr>
<tr>
<td>Iowa</td>
<td>16.6</td>
</tr>
<tr>
<td>Nebraska</td>
<td>16.3</td>
</tr>
<tr>
<td>Arkansas</td>
<td>15.6</td>
</tr>
<tr>
<td>Indiana</td>
<td>15.3</td>
</tr>
<tr>
<td>Florida</td>
<td>14.9</td>
</tr>
<tr>
<td>Missouri</td>
<td>14.7</td>
</tr>
</tbody>
</table>

**Note:** Many characteristics can influence the amount of time it takes to close an easement such as onsite conditions, title complexity, programmatic requirements, and other factors.

[https://www.farmers.gov/data/easements/overview](https://www.farmers.gov/data/easements/overview)

**Time to Close**

Averaging 16.3 months
ACEP Programmatic Requirements

Continuous Signup

- Same sign-up process as CSP and EQIP
- Announcement 30 days prior to cut-off date for application review
- We use a workload prioritization tool to manage workload
ACEP Programmatic Requirements

Agricultural Conservation Easement Program

ACEP
Agricultural Conservation Easement Program

Webpage Updates
Fact Sheets
Eligibility
Application Forms
Ranking Criteria
Compensation
ACEP Programmatic Requirements

CONSERVATION PROGRAM APPLICATION

Applicant (Decision Maker): Application Date:

Address: Location where assistance is requested:

Email: Receive text messages (optional):

Telephone: Assistance Requested:

Click here for instructions to complete this form or contact the local office for assistance.

1. Do you have a customer record with the Farm Service Agency (FSA)?
   - Yes  - No
ACEP Eligibility

Who is eligible?

- Only Private Landowners or acreage owned by Indian Tribes are eligible
  - Must have owned land for at least 24 months
  - Waiver possible with proper assurances that land was not acquired to enroll in ACEP-WRE.
Who is eligible?

• Must be compliant with HELC/WC provisions of the Food Security Act.

• Must be compliant with the AGI Provisions of the Food Security Act.
ACEP Eligibility

This form is available electronically.

CCC-941
Commodity Credit Corporation

U.S. DEPARTMENT OF AGRICULTURE

AVERAGE ADJUSTED GROSS INCOME (AGI) CERTIFICATION AND CONSENT TO DISCLOSURE OF TAX INFORMATION

1. Return completed form to:

(Name and address of FSA county office or USDA Service Center)

NOTE: The following statement is made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a - as amended). The authority for requesting the Information Collection Act in this form is 7 CFR Part 1930, Commodity Credit Corporation Charter Act (U.S.C. 114 et seq.), the Food Security Act of 1985 (Pub. L. 99-198), the Agricultural Act of 2014 (Pub. L. 113-79), and the Agriculture Improvement Act of 2018 (Pub. L. 115-143). The information will be used to determine eligibility for program benefits. The information collected on this form may be disclosed to Federal, State, Local government agencies, Tribal agencies, and nongovernmental entities that have been authorized access to the information to enable processing and/or as described in applicable Routine Uses identified in the System of Records Notice for USD FSA NC, Farm Records File (Automated). Providing the requested information is voluntary; however, failure to furnish the requested information will result in a determination of ineligibility for program benefits.

Paperwork Reduction Act (PRA) Statement: This information collection is exempted from the Paperwork Reduction Act as specified in 7 U.S.C. 501(c)(2)(B).

Public Burden Statement: For OMB No. 0575-0044, an estimate of the public burden for this collection is estimated to average 30 minutes per response, including reviewing instructions, gathering and maintaining the data needed, completing and submitting the information to FSA. You are not required to respond to this collection of information unless it displays a valid OMB control number. This collection is not mandatory. The time requirement does not apply to individuals, the collection of information from others. The only time this form is required for the submission of this information is when it is being submitted to the local FSA office for processing.

2. Name and Address of Individual or Legal Entity (Including Zip Code)

3. Taxpayer Identification Number (TIN) (Social Security Number for Individual; or Employer Identification Number for Legal Entity)

(Use the same name and address as used for the tax return specified in Part B.)

PART A CERTIFICATION OF AVERAGE ADJUSTED GROSS INCOME

4. The program year for payment eligibility

A. 20__ Enter the year for which program benefits are requested. The period for calculation of the average AGI will be of the three taxable years preceding the most immediately preceding complete taxable year for which benefits are requested. For example, the 3-year period for the calculation of the average AGI for 2019 would be the taxable years of 2017, 2016 and 2015.

5. I certify that the average adjusted gross income of the individual or legal entity in Item 2 (for the year included in Item 4) was:

A. □ Less than (or equal to) $900,000

B. □ More than $900,000

PART B CONSENT TO DISCLOSURE OF TAX INFORMATION

Pursuant to 26 U.S.C. §6103, I hereby authorize the Internal Revenue Service (IRS) to review the following items of “return information” (as defined by the IRS) in the possession of FSA...
ACEP Eligibility

This form is available electronically. (See Page 2 for Privacy Act Statement)

CCC-902I Short Form U.S. DEPARTMENT OF AGRICULTURE
Commodity Credit Corporation

FARM OPERATING PLAN FOR AN INDIVIDUAL

For “actively engaged in farming” and other payment eligibility and limitation determinations.

This form is to be completed by, or on behalf of, a person who is seeking benefits from the Farm Service Agency (FSA) as an individual (and not as part of an entity or joint operation) under one or more programs that are subject to the regulations at 7 CFR Part 1400. This form collects farming and other information about the person who receives program benefits directly using the social security number identified in Part A. Payment eligibility for the person is based upon the contribution level of certain inputs to a farming operation such as land, capital, equipment, labor, and management by the person identified in Part A. The information on this form will be used by FSA to determine payment eligibility and limitation of payments by direct attribution.

PART A – PRODUCER INFORMATION

1. Person’s Name and Address (Include Zip Code)

PART B – ADDITIONAL INFORMATION

1. Is this person a U.S. citizen?
   - YES. Go to Item 4
   - NO. Go to Item 2

2. Is this person an alien lawfully admitted into the U.S.?
   - YES, must present a Resident Alien Card (I-551).
   - NO

FOR COUNTY OFFICE USE ONLY

3. (Was a Resident Alien Card, I-551 shown?)
   - YES
   - NO

Minors

4. Is this person under 18 years of age as of June 1 of the program year that is specified in Item 3?
   - NO.
   - YES. Stop - Use CCC-902I

CCC-902 filled out properly at the local FSA office.
CCC-902I for individuals
CCC-902E for an entity
**ACEP Eligibility**

<table>
<thead>
<tr>
<th>SCIMS Business Type Code</th>
<th>Business Type</th>
<th>Individual or Entity</th>
<th>Entity Members</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>FTE Eligibility Required</td>
<td>AGI Eligibility Required</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Yes 1/</td>
<td>Yes 2/</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Yes 3/</td>
<td>Exempt 4/</td>
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<tr>
<td></td>
<td></td>
<td>Members Required 5/</td>
<td>Member’s AGI Affect Payment 6/</td>
</tr>
<tr>
<td>00</td>
<td>Individual</td>
<td>SSN</td>
<td>Yes 7/</td>
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<tr>
<td>02</td>
<td>General Partnership</td>
<td>EIN</td>
<td>Yes 11/</td>
</tr>
<tr>
<td>03</td>
<td>Joint Venture 15/</td>
<td>EIN</td>
<td>Yes 16/</td>
</tr>
<tr>
<td>04</td>
<td>Corporation</td>
<td>EIN</td>
<td>Yes 20/</td>
</tr>
<tr>
<td>05</td>
<td>Limited Partnership</td>
<td>EIN</td>
<td>Yes 25/</td>
</tr>
<tr>
<td>06</td>
<td>Estate</td>
<td>EIN</td>
<td>Yes 30/</td>
</tr>
<tr>
<td>07</td>
<td>Trust - Revocable</td>
<td>SSN 8/</td>
<td>Yes 35/</td>
</tr>
<tr>
<td>07</td>
<td>Trust - Revocable</td>
<td>EIN</td>
<td>Yes 40/</td>
</tr>
<tr>
<td>10</td>
<td>Churches, Charities, &amp; Nonprofit Organizations</td>
<td>EIN</td>
<td>Yes 45/</td>
</tr>
<tr>
<td>17</td>
<td>Trust - Irrevocable</td>
<td>EIN</td>
<td>Yes 50/</td>
</tr>
</tbody>
</table>

Landowner Matrix tells us who needs to meet eligibility for the business type of applicant/landowner.

Full Matrix is attached to NE-300-21-14 LTP – FY2022 ACEP Guidance.
# ACEP Eligibility

<table>
<thead>
<tr>
<th>Eligibility Category</th>
<th>2022 Status</th>
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<tbody>
<tr>
<td>AD-1026 First Time Producer Filing AD-1026</td>
<td>Certified</td>
</tr>
<tr>
<td>Date First Time Filing AD-1026</td>
<td>No</td>
</tr>
<tr>
<td>Affiliate Violation for RMA</td>
<td>No</td>
</tr>
<tr>
<td>Actively Engaged Determination</td>
<td>Actively Engaged</td>
</tr>
<tr>
<td>Actively Engaged - 2002 Farm Bill</td>
<td>Not Filed</td>
</tr>
<tr>
<td>AGI - 75% Rule</td>
<td>No</td>
</tr>
<tr>
<td>AGI - 2020</td>
<td></td>
</tr>
<tr>
<td>AGI - 2014 and 2018 Farm Bills</td>
<td>Compliant - Producer</td>
</tr>
<tr>
<td>AGI - 2008 Farm Bill - Commodity</td>
<td></td>
</tr>
<tr>
<td>AGI - 2008 Farm Bill - Direct $750,000</td>
<td></td>
</tr>
<tr>
<td>AGI - 2008 Farm Bill - Direct $1 Million</td>
<td></td>
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<tr>
<td>AGI - 2008 Farm Bill - Conservation</td>
<td>Not Filed</td>
</tr>
<tr>
<td>AGI - 2002 Farm Bill</td>
<td>Not Filed</td>
</tr>
<tr>
<td>Beginning Farmer or Rancher</td>
<td>No</td>
</tr>
<tr>
<td>Cash Rent Tenant Determination</td>
<td>Not Applicable</td>
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<tr>
<td>Cropland Factor</td>
<td>1.0000</td>
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<tr>
<td>Conservation Compliance-Farm/Tract</td>
<td>In Compliance</td>
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<tr>
<td>Highly Erodible Land Conservation</td>
<td>Compliant</td>
</tr>
<tr>
<td>Planted Converted Wetland</td>
<td>Compliant</td>
</tr>
<tr>
<td>Converted Wetland</td>
<td>Compliant</td>
</tr>
</tbody>
</table>

Subsidiary Print showing compliant landowner
**ACEP Eligibility**

### Business File Information

<table>
<thead>
<tr>
<th></th>
<th>2022</th>
</tr>
</thead>
</table>

### Farm Operating Plan Information

<table>
<thead>
<tr>
<th>Status</th>
<th>Date Documentation Filed</th>
<th>COC Determination Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Determined</td>
<td>05/16/2013</td>
<td>06/11/2013</td>
</tr>
</tbody>
</table>

**Eligibility**

Subsidiary Print showing Determined status

No payment can be made without “Determined” status
ACEP WRE Eligibility

Land eligibility.

- Capable of having wetland hydrology and hydrophytic vegetation restored
  - Farmed or Prior Converted Wetlands
  - Former or Degraded Wetlands
  - Land Substantially Altered by Flooding
  - Other eligible land criteria from ACEP manual (528.105 Subpart K)
Any NRCS staff can do items 1-9

*1. Current application form (NRCS-CPA-1200, dated 10/2021) completed and signed by current landowner(s).

*2. Copy of current recorded property deed showing ownership. If entity ownership, include: power of attorney, signature authority documents, trust docs, CCC901/902, and Nebraska certificate of good standing.

*3. For ALL landowners on deed, FSA subsidiary print showing that all landowners listed on the deed have certified 1026 and are compliant with AGI/HEL/WC for FY2023. AGI must be one of the following: "Compliant-Producer" or "Compliant less than 3 years" or "Mismatch Verified" to be compliant. "Filed CCC-941" is not considered compliant. Also, a CCC-902 must be in "determined" status for FY 2023.

*4. 24-month ownership waiver request letter from landowner(s), if applicable (528.103B).

*5. Completed Form SF-1199A (Direct Deposit Sign-Up Form & voided check) for all landowners.

*6. Aerial photograph clearly identifying entire owned property and WRE easement area (round acres up to the next whole number). Label access route from public road to all individual parcels, include the location and name of public road. Include written permission if access crosses land of different ownership.

*7. Map showing location of easement within the county.

*8. Legal description of WRE easement area, confirming the area is covered within property deed.

*9. Submit all completed items 1-8 to Area Easement Specialist for further processing.
## ACEP – WRE Application Checklist

<table>
<thead>
<tr>
<th>ITEMS 10-12 – ITEMS COMPLETED BY AREA EASEMENT SPECIALIST PRIOR TO SITE VISIT</th>
</tr>
</thead>
<tbody>
<tr>
<td>10. Enter application into NEST.</td>
</tr>
<tr>
<td>10a. Enter appropriate Initiative or RCPP, if applicable.</td>
</tr>
<tr>
<td>10b. Complete NEST screens moving application to &quot;eligible&quot; status, unless a waiver is required.</td>
</tr>
<tr>
<td>10c. Confirm applicant contact information, including physical address.</td>
</tr>
<tr>
<td>11. Create CD Folder once NEST application number has been communicated to CD from NEST.</td>
</tr>
<tr>
<td>12. Documentation of financial contribution from landowners and/or partners.</td>
</tr>
</tbody>
</table>

---

**Application Checklist**

**Area Easement Specialists complete items 10-12**
ACEP – WRE Application Checklist

**ITEMS 13-22 -- ITEMS COMPLETED BASED ON B-TEAM SITE VISIT**

13. Delineate land eligibility types (528.105C-H), Adjacent Lands (528.105i), and land use on aerial photo, citing determination of eligible land types from ACEP Manual (528.105A4). Identify parcels within 5 miles of an airport runway as ineligible.

   13a. Include adjacent land eligibility waiver request, if applicable (528.105i2).

14. Preliminary Restoration Plan (528.134C) including:

   14a. Easement area with access highlighted on plan map.

   14b. Soils map of the easement area, with hydric soils identified and brief generated soil descriptions.

   14c. Listing of practices, quantities, and estimated costs.

   14d. Restoration practices and locations labeled on plan map.

15. Completed Current Workload Prioritization Tool (528.105Bii).

   15a. Copy of workload prioritization tool showing threshold score being met.

   15b. Printout of final ranking from CART.

16. Completed NE-CPA-52 for NEPA Requirements & all applicable sheets; including CPA-55 or CPA-56 (528.105Bvi).


18. Completed HazMat Field Inspection Worksheet (528.105Biv).

19. Completed HazMat Landowner Interview (528.105Bv).

20. Copies of any written leases or other agreements the landowner identifies during the landowner interview.

21. Delineate land use categories within the proposed easement area.

22. Completed and signed Estimated Easement Compensation Land Use Spreadsheet (based on 2022 NE Farm Real Estate Report).
ACEP

- Landowner
- Local NRCS Field Office Staff
- Area Easement Specialist
- Area Engineers and CET's
- Biologists
- Soil Scientists
- State Office Easement Staff
- GIS Specialist
- Other wildlife organizations and agencies

Implementation Partners

- Appraisers
- Realty Specialists
- Financial Mgt.
- Title Company
- Surveyors
- NEST Support
- Internal Controls
- Attorneys (OGC)
- Closing Agent
Current Nebraska NRCS Operations & Area Easement Teams

West Area
- Brian Dierberger - Area Easement Specialist
  - North Platte Area Office
- Stephen Smith - Game and Parks
  - North Platte Area Office

State Office
- Roger Yerdos - Easement Program Manager
- Shawn McCoy - Easement Restoration Specialist
- Bryan Eulse - ACEs Easement Restoration Specialist
- Thomas Schieff - ACEs Easement Restoration Specialist

Central Area
- Vacant - Area Easement Specialist
  - Restoration Monitoring
- Kristi Schieff - Area Easement Specialist
  - Cecelia Field Office
- Michelle Steffen - Program Assistant
  - Grand Island Area Office
- Krystal Church - Partner Habitat Specialist

East Area
- Vacant - Area Easement Specialist
  - Field Office
- Eric Hoppes - Area Easement Specialist
  - Syracuse Field Office
- Theresa Smidt - Area Easement Specialist
  - Bloomfield Field Office
- Don Doty - ACEs Easement Employee
  - Blair Field Office
  
Date: 10/2022

0 15 30 60 90 120 Miles

Roles
- Program Manager
- Easement Restoration Specialist
- Area Easement Specialist
- Habitat Specialist

Partners

Natural Resources Conservation Service
nrcs.usda.gov/
Area Easement Specialist Duties

Some of the steps completed by the Area Easement Specialists

- Necessary onsite visits
- Land eligibility determinations
- Certificates of inspection and possession
- Landowner interviews
- NRCS hazardous materials field inspection checklist
- NRCS hazardous materials landowner interview
- Any other required documents
ACEP Compensation

2022 Nebraska Agricultural Land Values

For the third consecutive year, the all-land average value in Nebraska for the year ending February 1, 2022, averaged about 16% higher than the prior year. Figure 2 summarizes these figures and trends along with the percent changes over the prior year’s all-land average for the eight districts in the state.

Figure 2. Average Value of Nebraska Farmland, February 1, 2022 and Percent Change from Year Earlier

- The statewide all-land average value for the year ending February 1, 2022 averaged $3,360 per acre, or about a 16% ($465 per acre) increase to the prior year’s value of $2,895 per acre (Figure 2).
- Rates of increase were the highest in the Northwest, Northeast, East, South, and Southeast Districts as these areas averaged 15% to 21% higher for the all-land average. These Districts trended in-line with the rate of increase of 16% for the state.

Source: UNL Nebraska Farm Real Estate Market Surveys, 2021 and 2022.
### 1. Wetland Hydrology

- Existing Wetland Manipulations
  - Wetland has hydrologic modification on the offer area (fill/sediment, ditches, pits, tile, pumping, etc.) and will have the hydrology restored to the extent determined technically feasible resulting in a significant increase in the functions and values of the wetland. Restoration practices (657,659) will affect 50% or greater of the wetland acres. Includes land partially restored under other programs. **172**
  - Wetland has hydrologic modification on the offer area (fill/sediment, ditches, pits, tile, pumping, etc.) and will have the hydrology restored to the extent determined technically feasible resulting in some increase in the functions and values of the wetland. Restoration practices (657,659) will affect less than 50% of the wetland acres. Includes land partially restored under other programs. **108**
  - Wetland has hydrologic modification on the offer area (fill/sediment, ditches, pits, tile, pumping, etc.) plus artificial increases in hydrology (raised water table, surface water increases, etc.) and will have additional hydrology restored to the extent determined technically feasible resulting in some increase in the functions and values of the wetland. **36**
  - Wetland has no significant hydrologic modification (includes naturally wooded areas that had been cleared and cropped) or will not be restored to the extent technically feasible. **12**

### 2. Wetland Vegetation Composition
ACEP Programmatic Requirements

Once an application moves to an agreement we begin the process of getting the easement closed and recorded.
Governor's Executive Order No. 21-08
Stop 30x30 – Protect Our Land & Water

"... Work to identify existing conservation easements across the state and maintain an inventory to assist county assessors in accurately determining land values for the purpose of assessment and taxation..."
ACEP Programmatic Requirements

U.S. Department of Agriculture
Natural Resources Conservation Service

NRCS-LTP-31
12/2020

Clear Form

Agreement Number:
(NRCS Use)

AGREEMENT FOR THE PURCHASE
OF CONSERVATION EASEMENT

THIS AGREEMENT is made by and between ____________________________

(“Landowner”), and the UNITED STATES OF AMERICA, by and through the Secretary of Agriculture (“United States”), on behalf of the Commodity Credit Corporation (“CCC”). Landowner and the United States are collectively referred to as “the Parties.” The Natural Resources Conservation Service (“NRCS”) is the administering agency on behalf of the United States.
This will be a quick overview of the steps to get to a closed and recorded easement.

- Survey the boundary after a meeting between our area easement specialist, the landowner and the surveyor.
- An updated title review will be completed following certification of the survey.
ACEP Programmatic Requirements

• A Preliminary Title Opinion (PTO) will be requested from the Office of General Counsel.

• PTO is returned and then we send closing instructions to the closing agent.

• Request Internal Controls review of all prepayment documents.
ACEP Programmatic Requirements

• Once approved notify closing agent and they will work to get landowners signature on the Warranty Easement Deed (WED).

• State Conservationist signs the WED to execute the deed.

• Process payment for easement acquisition to the closing agent to pay the landowners.
ACEP Programmatic Requirements

• Closing agent will then record the deed at the county courthouse the land lies in.

• Once we receive all recorded documents we notify the Farm Service Agency (FSA) that an easement deed has been recorded.

• We request a Final Title Opinion from OGC.
March 23, 2021

Dear Landowner,

The sign-up period for the Natural Resources Conservation Service’s (NRCS) Agricult Conservation Easement Program (ACEP) Wetlands Reserve Enhancement Partnership set for April 30, 2021. In an effort to ensure we wanted to provide you an overview of the program.

New Conservation Programs for Flood-Prone Acres

Registration for the Wetland Reserve Enhancement Partnership is currently open. An application cut-off date for rankings will be announced soon.
ACEP Marketing
ACEP Marketing

Easement Field Days?

Courtesy cropwatch.unl.edu
ACEP Restoration Requirements

Perpetual
- NRCS pays up to 100% of the restoration costs
  - Applicants can choose to pay a portion of costs and improve their ranking score

30-year easements
- NRCS pays up to 75% of the restoration costs
ACEP Restoration Options

Landowner Conservation Program Contract
Partner Agreement
Federal Contract
National Cooperative Agreement

How The Work Gets Done
Landowner CPC most common
RWBJV agreement
Federal contract when work can be bundled
American Conservation Experience (ACE)
ACEP Monitoring and Violations

Implementation Phases
Monitoring, Management, and Enforcement
# ACEP Monitoring

## ANNUAL MONITORING WORKSHEET

<table>
<thead>
<tr>
<th>Select the Appropriate Program:</th>
<th>County:</th>
</tr>
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<tbody>
<tr>
<td>Landowner(s):</td>
<td>Phone:</td>
</tr>
<tr>
<td>NEST Agreement &amp; Parcel Number:</td>
<td></td>
</tr>
<tr>
<td>Other identifying name or number (Legacy #):</td>
<td></td>
</tr>
<tr>
<td>Monitoring Date:</td>
<td></td>
</tr>
<tr>
<td>Monitor(s):</td>
<td></td>
</tr>
</tbody>
</table>

**Affiliation if other than NRCS:**

The purpose of monitoring is to ensure compliance with program policy, the terms of easement deeds, evaluate restoration progress, determine restoration repairs or enhancements needed to ensure maximum environmental benefits, and to maintain contact with landowners or partners. Staff with applicable expertise should collect the monitoring information. Partners with the appropriate technical expertise may be authorized to conduct monitoring reviews. The landowner or decision maker should be offered the opportunity to participate in monitoring reviews.

Photographs from designated points are required when conducting onsite monitoring.
ACEP Monitoring

### Stewardship Lands Monitoring Schedule

<table>
<thead>
<tr>
<th>Program</th>
<th>Year of Acquisition</th>
<th>Pre-rest</th>
<th>Post-rest</th>
<th>Yr 1</th>
<th>Yr 2</th>
<th>Yr 3</th>
<th>Yr 4</th>
<th>Yr 5</th>
<th>Yr 6</th>
<th>Yr 7</th>
<th>Yr 8</th>
<th>Yr 9</th>
<th>Yr 10+</th>
</tr>
</thead>
<tbody>
<tr>
<td>WBD/EWPH/PPE/EWMP</td>
<td>Automatic Baseline</td>
<td>Summary Review</td>
<td>Onsite</td>
<td>Onsite</td>
<td>Ownership Review</td>
<td>Offsite</td>
<td>Offsite</td>
<td>Offsite</td>
<td>Offsite</td>
<td>Onsite</td>
<td>Ownership Review</td>
<td>Repeat 5 Year Cycle</td>
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</tr>
<tr>
<td>Acquisition</td>
<td>Year 1</td>
<td>Year 2</td>
<td>Year 3</td>
<td>Yr 4</td>
<td>Yr 5</td>
<td>Yr 6</td>
<td>Yr 7</td>
<td>Yr 8</td>
<td>Yr 9+</td>
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<tr>
<td>GRP/HFRP/FRPP</td>
<td>Automatic Baseline</td>
<td>Onsite</td>
<td>Ownership Review</td>
<td>Offsite</td>
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<td>Ownership Review</td>
<td>Repeat 5 Year Cycle</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

**NOTES:**
- **Participants:** employees of the US Forest Service, natural resources professionals, and other interested individuals.
- **Objectives:**
  1. To monitor and assess vegetation, wildlife, and water quality changes on lands under ACEP.
  2. To evaluate the effectiveness of ACEP projects and programs.

**Site Visits Required**
- **Automatic Baseline:** 1 x per year, based on recorded data.
- **Summary Review:** Site visit, landowner contact, and answer to questions number 1, 2, 3 & 4 on the Annual Monitoring Worksheet.
- **Onsite Review:** Landowner contact and answer to questions number 1, 2, 3 & 4 on the Annual Monitoring Worksheet.
- **Offsite monitoring required:** Review of most recent aerial photography (remote sensing), landowner contact, and answer to questions number 1, 2, 3 & 4 on the Annual Monitoring Worksheet.

**Landowner Contact (excepted) is required in all years.

The monitoring schedule is based on the fiscal year.

**Easement Monitoring**

**5 year cycle**

**Natural Resources Conservation Service**

[link to nrcs.usda.gov]
ACEP Monitoring

• Onsite
  • Walk the easement perimeter.
  • Verify boundary signage.
  • Walk the interior of the easement property, focusing on roads, trails, or other easily accessed areas or other areas of concern.
  • Verify physical and legal access.
  • Inspect any conservation practices, such as water control structures or other restoration infrastructure to determine if management, repairs, or replacement are needed.
ACEP Monitoring

- Confirm compliance with any existing CUAs.
- Review easement, restoration, and landowner objectives to determine if other CUAs.
- Determine if potential violations exist.
- Delineate ownership on a map.
- Take photographs and GPS locations of items documented on worksheet.
Violations are those actions that are not allowed within the recorded Warranty Easement Deed

Examples of Possible Violations:
• During a regular onsite monitoring event an old tire and a few scraps of sheet metal are discovered within the easement area.
• The easement area is 30 percent infested with Canada Thistle (State-listed noxious weed) and the landowner is required by the deed terms and State law to control noxious weeds.
• Four years after the implementation of a tree planting, the landowner is provided a CUA for grazing that includes a requirement for the area planted to trees to be protected. The landowner does not control the cattle and the grazing results in damage or mortality to the trees.
• Farming Encroachment onto Easement
• Unauthorized grazing or haying
ACEP Violations

Violations and Terminations

Natural Resources Conservation Service
nrcs.usda.gov/
Informal –
Try to talk to the landowner about the deed restrictions and why there is a violation
May instead write an informal letter

Formal –
1st violation letter with violation remediation plan (ASTC-PRGM)
• 14 days to contact us and discuss
• Reasonable time to resolve

2nd violation letter (STC)
• Contact NRCS
• Cancel CUA(s)
• Referral to attorney at OGC and potentially DOJ to enforce easement via court judgement
ACEP Programmatic Requirements