ACEP Policy
Shawn McVey, Easement Restoration Specialist
ACEP Programmatic Requirements
## ACEP Programmatic Requirements

### State Easement Acquisition

<table>
<thead>
<tr>
<th>Average Time to Close by State</th>
<th>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)
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

U.S. Department of Agriculture
Natural Resources Conservation Service

CONSERVATION PROGRAM APPLICATION

<table>
<thead>
<tr>
<th>Applicant (Decision Maker):</th>
<th>Application Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address:</td>
<td>Location where assistance is requested:</td>
</tr>
<tr>
<td>Email:</td>
<td>Receive text messages (optional):</td>
</tr>
<tr>
<td>Telephone:</td>
<td>Assistance Requested:</td>
</tr>
</tbody>
</table>

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.
ACEP Eligibility

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
U.S. DEPARTMENT OF AGRICULTURE
Commodity Credit Corporation

1. Return completed form to: [Name and address of FSA county office or USDA Service Center]

NOTE: The information collected on this form (other than names and addresses) 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 by statute or regulation and/or as described in applicable routine uses identified in the System of Records Notice for USD FSA, 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(h)(4)(B).

Public Burden Statement: For OMB P.001 and Q.4A only, public reporting burden for this collection is estimated to average 20 minutes per response, including reviewing instructions, gathering and maintaining the data needed, and completing and reviewing the collection of information. You are not required to respond to the collection unless OMB has approved it and it displays a valid OMB control number. The collection of information is voluntary. However, failure to furnish the requested information will result in a determination of ineligibility for program benefits.

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

PART A CERTIFICATION OF AVERAGE ADJUSTED GROSS INCOME

4. The program year for payment eligibility

A. 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 in §6103(a)) in the above-mentioned collection of information: [List of items authorized to be reviewed]

Date Stamp
OMB Control Number: 0560-0297
Expiration Date: 03/31/2021
### Eligibility

**CCC-902 filled out properly at the local FSA office.**

**CCC-902I for individuals**

**CCC-902E for an entity**

---

### 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*)

2. Social Security Number (If the social security number or taxpayer ID number is on file, only the last 4 digits are required)

## 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

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
ACEP Eligibility

<table>
<thead>
<tr>
<th>SCIMS Business Type Code</th>
<th>Business Type</th>
<th>SCIMS Tax ID Type</th>
<th>FTE Eligibility Required</th>
<th>AGI Eligibility Required</th>
<th>Members Required</th>
<th>Member’s AGI Affect Payment</th>
<th>Member FTE Eligibility must be checked and documented</th>
</tr>
</thead>
<tbody>
<tr>
<td>00</td>
<td>Individual</td>
<td>SSN</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>02</td>
<td>General Partnership</td>
<td>EIN</td>
<td>Yes</td>
<td>Exempt</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>03</td>
<td>Joint Venture</td>
<td>EIN</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>04</td>
<td>Corporation</td>
<td>EIN</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>05</td>
<td>Limited Partnership</td>
<td>EIN</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>06</td>
<td>Estate</td>
<td>EIN</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>07</td>
<td>Trust - Revocable</td>
<td>SSN</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>07</td>
<td>Trust - Revocable</td>
<td>EIN</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>10</td>
<td>Churches, Charities, &amp; Nonprofit Organizations</td>
<td>EIN</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>17</td>
<td>Trust - Irrevocable</td>
<td>EIN</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</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>Name</th>
<th>2022</th>
</tr>
</thead>
<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>
</tr>
<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></td>
</tr>
<tr>
<td>Cropland Factor</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>Conservation Compliance-Farm/Tract</td>
<td>In Compliance</td>
</tr>
<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>

**Eligibility**

**Subsidiary Print showing compliant landowner**
# ACEP Eligibility

## Business File Information

<table>
<thead>
<tr>
<th>Year</th>
<th>Status</th>
<th>Date Documentation Filed</th>
<th>COC Determination Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>2022</td>
<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)
### ACEP – WRE Application Checklist

**Nebraska NRCS - Agricultural Conservation Easement Program - Wetland Reserve Easements**

**Checklist of Application Package Materials Submitted to the State Office for FY2022**

<table>
<thead>
<tr>
<th>LANDOWNER(S):</th>
<th>Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td>MAILING ADDRESS:</td>
<td>County:</td>
</tr>
<tr>
<td>APPLICATION TYPE: Circle one: Permanent / 30yr / 30yr Tribal Contract / with Grazing Rights?</td>
<td></td>
</tr>
<tr>
<td>NEST Application Number:</td>
<td>Associated with RCPP</td>
</tr>
</tbody>
</table>

*ITEMS 1-9 TO BE COMPLETED BY FIELD OFFICE OR AREA STAFF AT TIME OF APPLICATION AND PROVIDED TO AREA EASEMENT SPECIALIST PRIOR TO SITE VISIT.*


2. Copy of current recorded property deed showing ownership. If entity ownership, include: power of attorney, signature authority documents, trust docs, CCC901902, 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 FY2022. 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 2022.

4. 24-month ownership waiver request letter from landowner(s), if applicable (S28.103B).

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.

---

**Application Checklist**

Any NRCS staff can do items 1-9
## 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

<table>
<thead>
<tr>
<th>ITEMS 13-22 -- ITEMS COMPLETED BASED ON B-TEAM SITE VISIT</th>
</tr>
</thead>
<tbody>
<tr>
<td>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).</td>
</tr>
<tr>
<td>13a. Include adjacent land eligibility waiver request, if applicable (528.105I2).</td>
</tr>
<tr>
<td>14. Preliminary Restoration Plan (528.134C) including:</td>
</tr>
<tr>
<td>14a. Easement area with access highlighted on plan map.</td>
</tr>
<tr>
<td>14b. Soils map of the easement area, with hydric soils identified and brief generated soil descriptions.</td>
</tr>
<tr>
<td>14c. Listing of practices, quantities, and estimated costs.</td>
</tr>
<tr>
<td>14d. Restoration practices and locations labeled on plan map.</td>
</tr>
<tr>
<td>15. Completed Current Workload Prioritization Tool (528.105Bii).</td>
</tr>
<tr>
<td>15a. Copy of workload prioritization tool showing threshold score being met.</td>
</tr>
<tr>
<td>15b. Printout of final ranking from CART.</td>
</tr>
<tr>
<td>16. Completed NE-CPA-52 for NEPA Requirements &amp; all applicable sheets; including CPA-55 or CPA-56 (528.105Bvi).</td>
</tr>
<tr>
<td>18. Completed HazMat Field Inspection Worksheet (528.105Biv).</td>
</tr>
<tr>
<td>19. Completed HazMat Landowner Interview (528.105Biv).</td>
</tr>
<tr>
<td>20. Copies of any written leases or other agreements the landowner identifies during the landowner interview.</td>
</tr>
<tr>
<td>21. Delineate land use categories within the proposed easement area.</td>
</tr>
</tbody>
</table>
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

• Appraisers
• Realty Specialists
• Financial Mgt.
• Title Company
• Surveyors
• NEST Support
• Internal Controls
• Attorneys (OGC)
• Closing Agent
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
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.
# Workload Prioritization Tool - FY 2022

**ACEP Ranking**

**Agricultural Conservation Easement Program – Wetland Reserve Easements (ACEP-WRE) Nebraska Workload Prioritization Tool – FY 2022**

### SCORING FACTORS – Circle Appropriate Points

<table>
<thead>
<tr>
<th>1</th>
<th>Wetland Hydrology</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Existing Wetland Manipulations</td>
</tr>
<tr>
<td></td>
<td>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 <strong>significant increase in the functions and values</strong> of the wetland. Restoration practices (657,659) are planned on 50% or greater of the wetland acres.</td>
</tr>
<tr>
<td></td>
<td><strong>172</strong></td>
</tr>
<tr>
<td></td>
<td>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 <strong>some increase in the functions and values</strong> of the wetland. Restoration practices (657,659) are planned on less than 50% of the wetland acres.</td>
</tr>
<tr>
<td></td>
<td><strong>108</strong></td>
</tr>
<tr>
<td></td>
<td>Wetland has hydrologic modification on the offer area (fill/sediment, ditches, pits, tile, pumping, etc.) <strong>plus artificial increases in hydrology</strong> (raised water table, surface water increases, etc.) and will have additional hydrology restored to the extent determined technically feasible resulting in <strong>some increase in the functions and values</strong> of the wetland.</td>
</tr>
<tr>
<td></td>
<td><strong>36</strong></td>
</tr>
<tr>
<td></td>
<td>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.</td>
</tr>
<tr>
<td></td>
<td><strong>12</strong></td>
</tr>
</tbody>
</table>

| 2 | Wetland Vegetation Composition |
Once an application moves to an agreement we begin the process of getting the easement closed and recorded.
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.
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

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 to 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 wanted to provide you an overview of the p

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

Implementation Phases

Monitoring, Management, and Enforcement
ACEP Monitoring

ANNUAL MONITORING WORKSHEET

Select the Appropriate Program: ____________________________ County: ____________________________

Landowner(s): ____________________________ Phone: ____________________________

NEST Agreement & Parcel Number: ____________________________

Other identifying name or number (Legacy #): ____________________________

Monitoring Date: ____________________________

Monitor(s): ____________________________ 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

Program

<table>
<thead>
<tr>
<th>Program</th>
<th>Year of Acquisition (Easement Closed)</th>
<th>Pre-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>WRP/EWRP/FPE/FRWP</td>
<td>Automatic Baseline</td>
<td>Summary Review</td>
<td>Onsite</td>
<td>Onsite</td>
<td>Onsite</td>
<td>Onsite</td>
<td>Ownership Review</td>
<td>Offsite</td>
<td>Offsite</td>
<td>Offsite</td>
<td>Offsite</td>
<td>Ownership Review</td>
</tr>
<tr>
<td>GRP/HRPP/FRPP</td>
<td>Automatic Baseline</td>
<td>Summary Review</td>
<td>Onsite</td>
<td>Ownership Review</td>
<td>Offsite</td>
<td>Offsite</td>
<td>Offsite</td>
<td>Ownership Review</td>
<td>Repeat 5 Year Cycle</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Site Visits Required

1. Automatic Baseline - Green; Based on recorded deed
2. Summary Review = Site visit, landowner contact and answer to questions number 1, 2, 3 & 4 on the Annual Monitoring Worksheet
3. Ownership Review = Landowner contact
4. Offsite monitoring required = Review of most current aerial photography (remote sensing), landowner contact and answer to questions number 1, 3 & 4 on the Annual Monitoring Worksheet.

NOTES:

- The monitoring schedule is based on the fiscal year.

- If restoration occurs early in the growing season, that year may count as Year 1. On-site monitoring is required in all years.

- Remote imagery is acquired for all years for all stewardship lands.

- If restoration is required for HRPP, follow the WRP timing.

Site visits are required in the event of:

1. A compatible use authorization requiring close monitoring such as grazing or a food plot.
2. Post-vegetation remediation (2 consecutive years of on-site monitoring).
3. A highly-managed site requiring close supervision.
4. A significant event, such as a severe storm, that would require an inspection.
5. An ownership change (2 consecutive years of on-site monitoring).
6. A change in baseline condition (FRPP).
7. Sheet erosion; erosion from concentrated flow; runoff from heavy use areas.
8. Detection of a potential violation via off-site monitoring or other method.
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.
ACEP Violations

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 Violation Remedies

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

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