



United States Department of Agriculture



Nebraska

Natural
Resources
Conservation
Service



ACEP Policy

Shawn McVey, Easement Restoration Specialist

Natural
Resources
Conservation
Service

nrcs.usda.gov/

ACEP Programmatic Requirements

The screenshot shows the USDA Directives website at <https://directives.sc.egov.usda.gov>. The left sidebar contains a navigation menu with the following items: Handbooks, **Manuals** (selected), National Bulletins, National Instructions, Technical Notes, Technical Releases, and User Guides. The main content area displays a list of directives under the heading "Title 440 - Programs". The list includes:

- Title 390 - Project Development & Maintenance
- Title 440 - Programs
 - Part 500 - Locally Led Conservation [\[view all\]](#)
 - Part 501 - USDA Conservation Program Delivery [\[view all\]](#)
 - Part 502 - Terms and Abbreviations Common to All Programs
 - Part 503 - Commodity Credit Corporation (CCC) Procedures
 - Part 504 - Technical Service Provider Assistance
 - Part 505 - Reserved
 - Part 506 - Conservation Programs Long Term Contracting
 - Part 507 - Conservation Stewardship Program
 - Part 508 - Conservation Stewardship Program (CMT Supported Contracts)
 - Part 509 - Equitable Relief From Ineligibility for Conservation
 - Part 510 - Appeals and Mediation [\[view all\]](#)
 - Part 511 - Healthy Forests Reserve Program (HFRP) [\[view all\]](#)
 - Part 512 - Conservation Program Contracting
 - Part 514 - Wetland Reserve Program [\[view all\]](#)
 - Part 515 - Environmental Quality Incentives Program
 - Part 517 - Wildlife Habitat Incentives Program [\[view all\]](#)
 - Part 519 - Farm and Ranch Lands Protection Program [\[view all\]](#)
 - Part 520 - Forestry Incentives Program [\[view all\]](#)
 - Part 522 - Reserved
 - Part 523 - Farmland Protection Policy Act [\[view all\]](#)
 - Part 524 - Grasslands Reserve Program (Reserved)
 - Part 525 - Conservation Technical Assistance Program [\[view all\]](#)
 - Part 526 - NRCS Grants [\[view all\]](#)
 - Part 527 - Easement Common Provisions
 - Part 528 - Agricultural Conservation Easement Program (ACEP)
 - Part 529 - Regional Conservation Partnership Program (2014 Farm Bill)
 - Part 530 - Working Lands Conservation Programs Manual
 - Part 531 - Reserved

Two red arrows point to the "Part 528 - Agricultural Conservation Easement Program (ACEP)" entry in the list.

Manuals

eDirectives

Title 440 Programs

Part 527 Common Provisions

Part 528 ACEP

Natural
Resources
Conservation
Service

nrcs.usda.gov/



ACEP Programmatic Requirements



Implementation Phases

Application

Acquisition

Restoration

Monitoring, Management,
and Enforcement



Natural
Resources
Conservation
Service

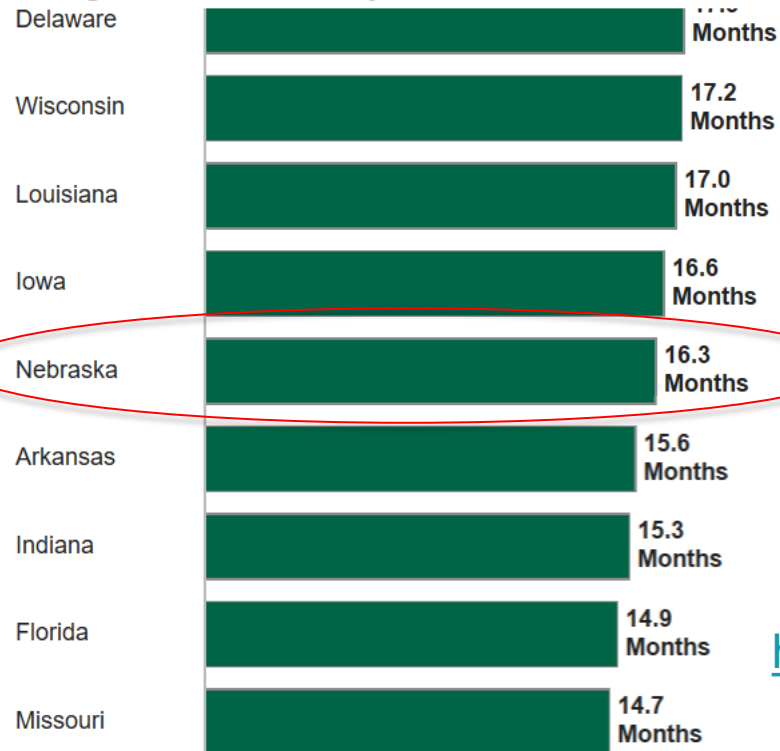
nrcs.usda.gov/



ACEP Programmatic Requirements

State Easement Acquisition

Average Time to Close by State



<https://www.farmers.gov/data/easements/overview>

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.

Time to Close

Averaging 16.3 months



Natural
Resources
Conservation
Service

nrcs.usda.gov/



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

Signup

Continuously Accept Applications

1st Quarter Funding Cut-Off Annually

Highest Ranking Eligible as Funding Allows

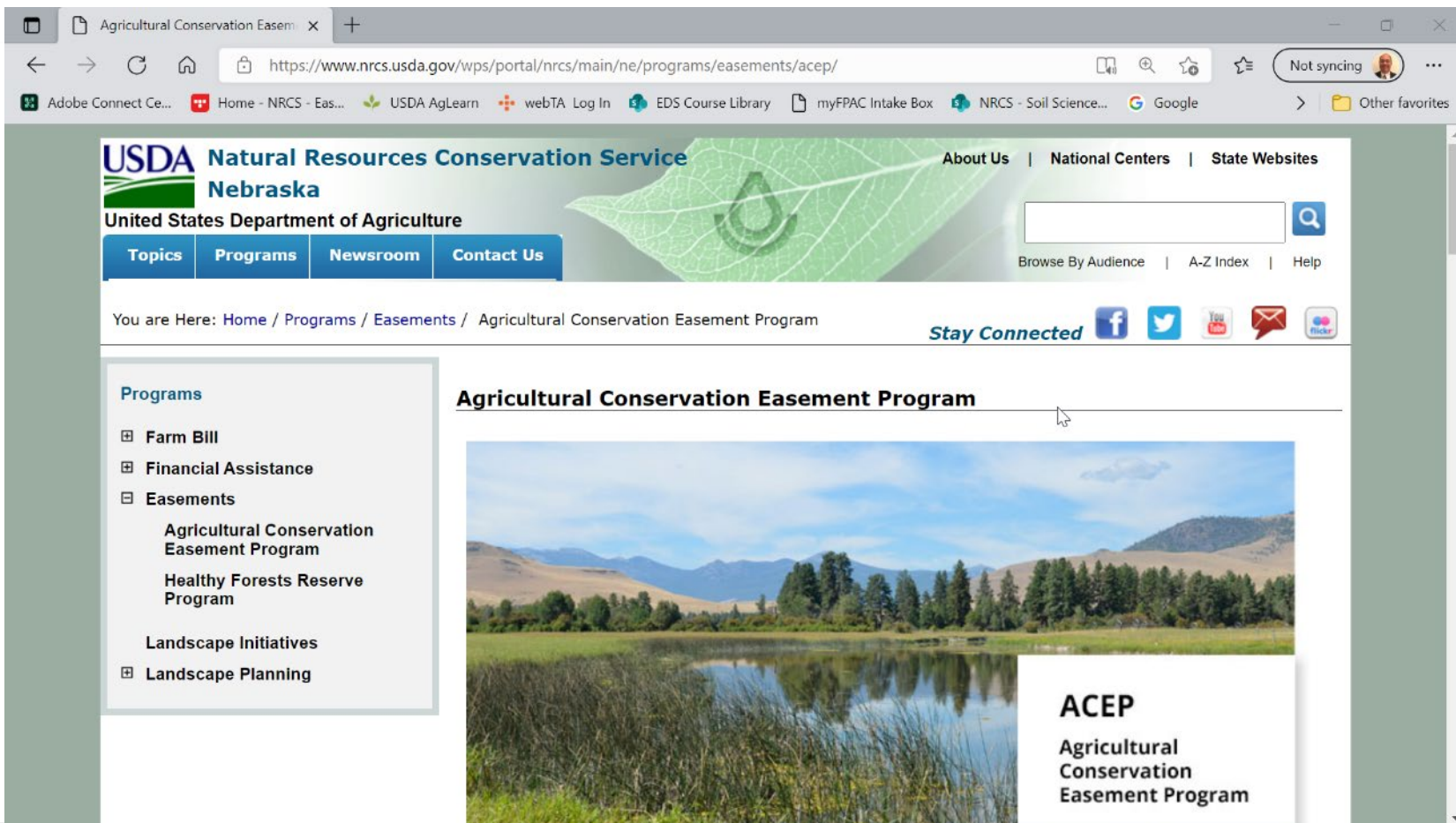
Application to Agreement in 1st year



Natural
Resources
Conservation
Service

nrcs.usda.gov/

ACEP Programmatic Requirements



Webpage Updates

Fact Sheets

Eligibility

Application Forms

Ranking Criteria

Compensation



Natural
Resources
Conservation
Service

nrcs.usda.gov/

ACEP Programmatic Requirements



U.S. Department of Agriculture
Natural Resources Conservation Service

NRCS-CPA-1200
October 2021

CONSERVATION PROGRAM APPLICATION

Applicant (Decision Maker):	Application Date:
Address:	Location where assistance is requested:
Email:	
Telephone:	Receive text messages (optional):
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

NRCS-CPA-1200

Application Decision
Maker Information

Identify all Landowners

Land Information and
other USDA Programs
participating in.

Historically underserved
qualifications

Natural
Resources
Conservation
Service

nrcs.usda.gov/





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.

Eligibility

Who is eligible

What are landowner eligibility requirements

24 months of ownership of land



Natural
Resources
Conservation
Service

nrcs.usda.gov/

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.

Eligibility

Who is eligible

What are
landowner eligibility
requirements

HELC/WC provisions

AGI Provisions



Natural
Resources
Conservation
Service

nrcs.usda.gov/

ACEP Eligibility

<div style="border: 1px solid black; width: 150px; height: 30px; margin: 0 auto;"></div> <div style="text-align: right; margin-top: 5px;"> Date Stamp OMB Control Number: 0560-0297 Expiration Date: 03/31/2021 </div>	
This form is available electronically.	
<div style="border-bottom: 1px solid black; padding-bottom: 5px;"> CCC-941 (01-07-21) </div> <div style="text-align: center; padding: 10px 0;"> U.S. DEPARTMENT OF AGRICULTURE Commodity Credit Corporation </div> <div style="text-align: center; padding: 20px 0;"> AVERAGE ADJUSTED GROSS INCOME (AGI) CERTIFICATION AND CONSENT TO DISCLOSURE OF TAX INFORMATION </div>	<div style="border-bottom: 1px solid black; padding-bottom: 5px;"> 1. Return completed form to: </div> <div style="padding: 10px 0;"> <i>(Name and address of FSA county office or USDA Service Center)</i> </div>
<small> NOTE: The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a - as amended). The authority for requesting the information identified on this form is 7 CFR Part 1400, the Commodity Credit Corporation Charter Act (15 U.S.C. 714 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. 115-334). The information will be used to determine eligibility for program benefits. The information collected on this form may be disclosed to other 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 A/FSA-2, 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. </small>	
<small> Paperwork Reduction Act (PRA) Statement: This information collection is exempted from the Paperwork Reduction Act as specified in 7 U.S.C. 9091(c)(2)(B). </small>	
<small> Public Burden Statement: For CFAP 2.0 and QLA only, public reporting burden for this collection is estimated to average 30 minutes per response, including reviewing instructions, gathering and maintaining the data needed, completing (providing the information), and reviewing the collection of information. You are not required to respond to the collection, or USDA may not conduct or sponsor a collection of information unless it displays a valid OMB control number. The provisions of criminal and civil fraud, privacy, and other statutes may be applicable to the information provided. PLEASE RETURN COMPLETED FORM TO FSA AT THE ABOVE ADDRESS. </small>	
<div style="border-bottom: 1px solid black; padding-bottom: 5px;"> 2. Name and Address of Individual or Legal Entity (Including Zip Code) </div> <div style="padding: 10px 0;"> <i>(Use the same name and address as used for the tax return specified in Part B.)</i> </div>	<div style="border-bottom: 1px solid black; padding-bottom: 5px;"> 3. Taxpayer Identification Number (TIN) (Social Security Number for Individual; or Employer Identification Number for Legal Entity) </div>
PART A CERTIFICATION OF AVERAGE ADJUSTED GROSS INCOME	
4. The program year for payment eligibility	
<div style="display: flex; align-items: flex-start;"> <div style="width: 100px;"> A. 20 </div> <div style="flex-grow: 1;"> 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. </div> </div>	
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:	
<div style="display: flex; justify-content: space-between;"> <div style="width: 40%;"> A. <input type="checkbox"/> Less than (or equal to) \$900,000 </div> <div style="width: 40%;"> B. <input type="checkbox"/> More than \$900,000 </div> </div>	
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	

Eligibility

CCC-941 completed at the local FSA office

Natural
Resources
Conservation
Service

nrcs.usda.gov/



ACEP Eligibility



This form is  available electronically.

(See Page 2 for Privacy Act Statement)

CCC-902I Short Form U.S. DEPARTMENT OF AGRICULTURE (01-07-21) Commodity Credit Corporation		1. County <div></div>	3. Program Year <div></div>
FARM OPERATING PLAN FOR AN INDIVIDUAL		2. State <div></div>	
<i>For “actively engaged in farming” and other payment eligibility and limitation determinations.</i> <i>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.</i>			
PART A – PRODUCER INFORMATION			
1. Person’s Name and Address (Include Zip Code) <div></div>		2. Social Security Number (If the social security number or taxpayer ID number is on file, only the last 4 digits are required) <div></div>	
PART B – ADDITIONAL INFORMATION		FOR COUNTY OFFICE USE ONLY	
1. Is this person a U.S. citizen? <div><input type="checkbox"/> YES. Go to Item 4 <input type="checkbox"/> NO. Go to Item 2</div>	2. Is this person an alien lawfully admitted into the U.S.? <div><input type="checkbox"/> YES, must present a Resident Alien Card (I-551). <input type="checkbox"/> NO</div>	3. (Was a Resident Alien Card, I-551 shown?) <div><input type="checkbox"/> YES <input type="checkbox"/> NO</div>	
Minors			
4. Is this person under 18 years of age as of June 1 of the program year that is specified in Item 3? <div><input type="checkbox"/> NO. <input type="checkbox"/> YES. Stop - Use CCC-902I</div>			

Eligibility

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

CCC-902I for individuals

CCC-902E for an entity

Natural
Resources
Conservation
Service

nrcs.usda.gov/



ACEP Eligibility



SCIMS Business Type Code	Business Type	SCIMS Tax ID Type	Individual or Entity		Entity Members		
			FTE Eligibility Required ^{1/}	AGI Eligibility Required ^{2/, 10/}	Members Required ^{3/}	Member's AGI Affect Payment ^{4/}	Member FTE Eligibility must be checked and documented
00	Individual	SSN	Yes	Yes	No	No	No
02	General Partnership	EIN	Yes ^{5/}	Exempt ^{6/}	Yes	Yes	Yes
03	Joint Venture ^{7/}						
04	Corporation	EIN	Yes	Yes	Yes	Yes	No
05	Limited Partnership	EIN	Yes	Yes	Yes	Yes	No
06	Estate	EIN	Yes	Yes	Yes	Yes	No
07	Trust - Revocable	SSN ^{8/}	Yes	Yes	No	No	No
07	Trust - Revocable	EIN	Yes	Yes	Yes	Yes	No
10	Churches, Charities, & Nonprofit Organizations	EIN	Yes	Yes	No	No	No
17	Trust - Irrevocable	EIN	Yes	Yes	Yes	Yes	No

Eligibility

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



Natural
Resources
Conservation
Service

nrcs.usda.gov/

ACEP Eligibility



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

8.50 x 11.00 in

Eligibility

**Subsidiary Print
showing compliant
landowner**



**Natural
Resources
Conservation
Service**

nrcs.usda.gov/



ACEP Eligibility



Business File Information

2022

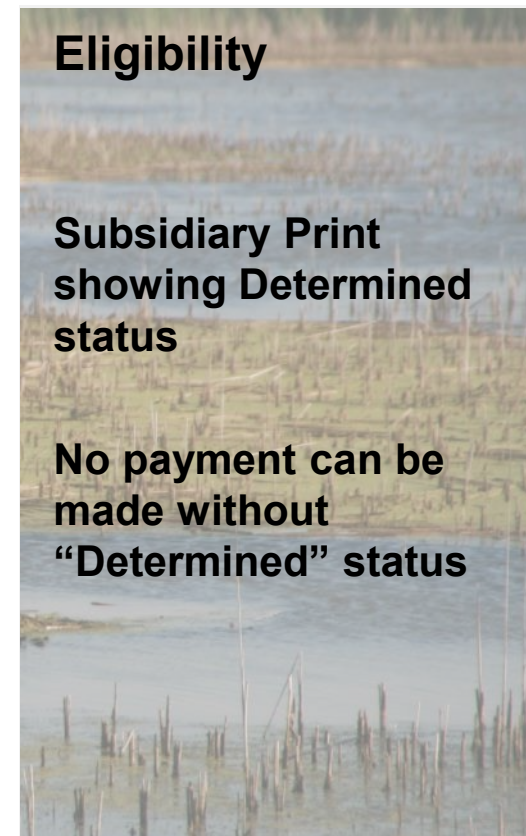
Farm Operating Plan Information

Status	Date Documentation Filed	COC Determination Date
Determined	05/16/2013	06/11/2013

Eligibility

Subsidiary Print
showing Determined
status

No payment can be
made without
“Determined” status



Natural
Resources
Conservation
Service

nrcs.usda.gov/





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)

Eligibility

Land Eligibility



Natural
Resources
Conservation
Service

nrcs.usda.gov/



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

LANDOWNER(S):

Date:

MAILING ADDRESS:

County:

APPLICATION TYPE: Circle one: Permanent / 30yr / 30yr Tribal Contract / with Grazing Rights?

NEST Application Number:

Associated with RCPP

***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.**

*1. Current application form (NRCS-CPA-1200, dated 3/2019) 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 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 (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.

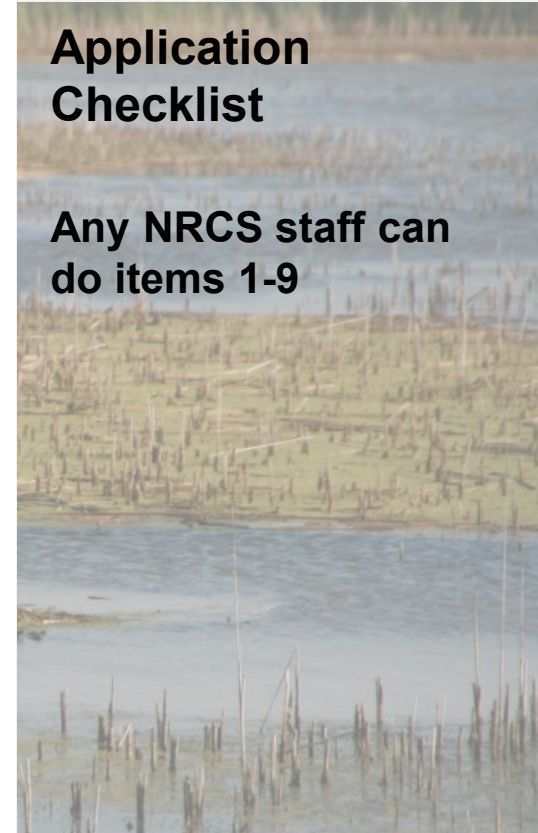
*7. Map showing location of easement within the county.

*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.

Application Checklist

Any NRCS staff can do items 1-9



**Natural
Resources
Conservation
Service**

nrcs.usda.gov/



ACEP – WRE Application Checklist

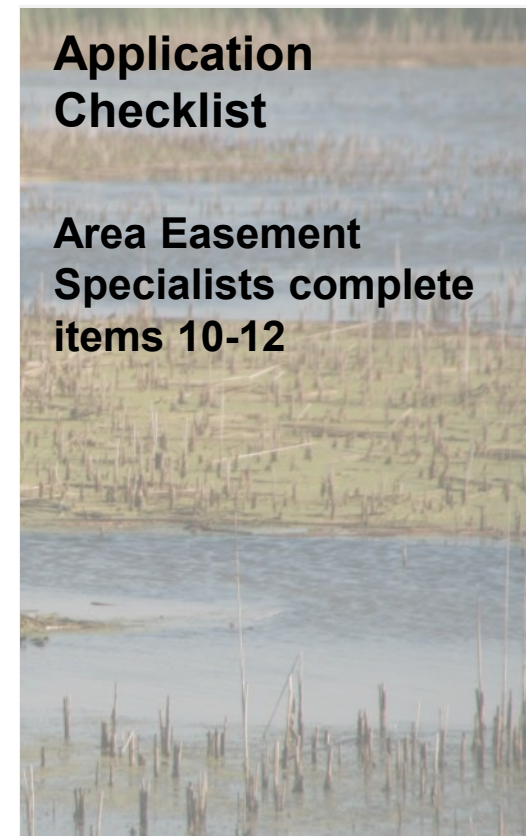


ITEMS 10-12 -- ITEMS COMPLETED BY AREA EASEMENT SPECIALIST PRIOR TO SITE VISIT

- 10. Enter application into NEST.
 - 10a. Enter appropriate Initiative or RCPP, if applicable.
 - 10b. Complete NEST screens moving application to "eligible" status, unless a waiver is required.
 - 10c. Confirm applicant contact information, including physical address.
- 11. Create CD Folder once NEST application number has been communicated to CD from NEST.
- 12. Documentation of financial contribution from landowners and/or partners.

Application Checklist

Area Easement
Specialists complete
items 10-12



Natural
Resources
Conservation
Service

nrcs.usda.gov/



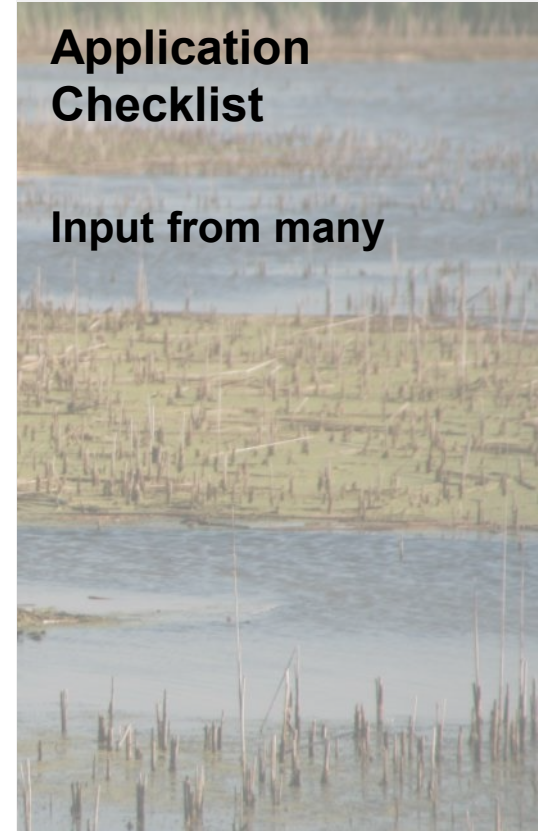
ACEP – WRE Application Checklist

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).
 - 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).
17. Completed Landowner Disclosure Worksheet (528.105Bvii).
18. Completed HazMat Field Inspection Worksheet (528.105Biv).
19. Completed HazMat Landowner Interview (528.105Biv).
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 2021 NE Farm Real Estate Report).

Application Checklist

Input from many



Natural
Resources
Conservation
Service

nrcs.usda.gov/





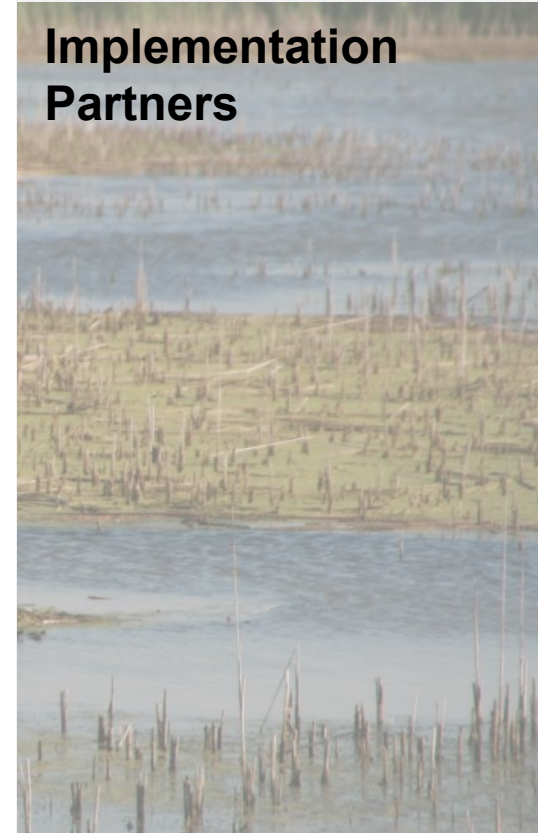
ACEP



- 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

Implementation Partners



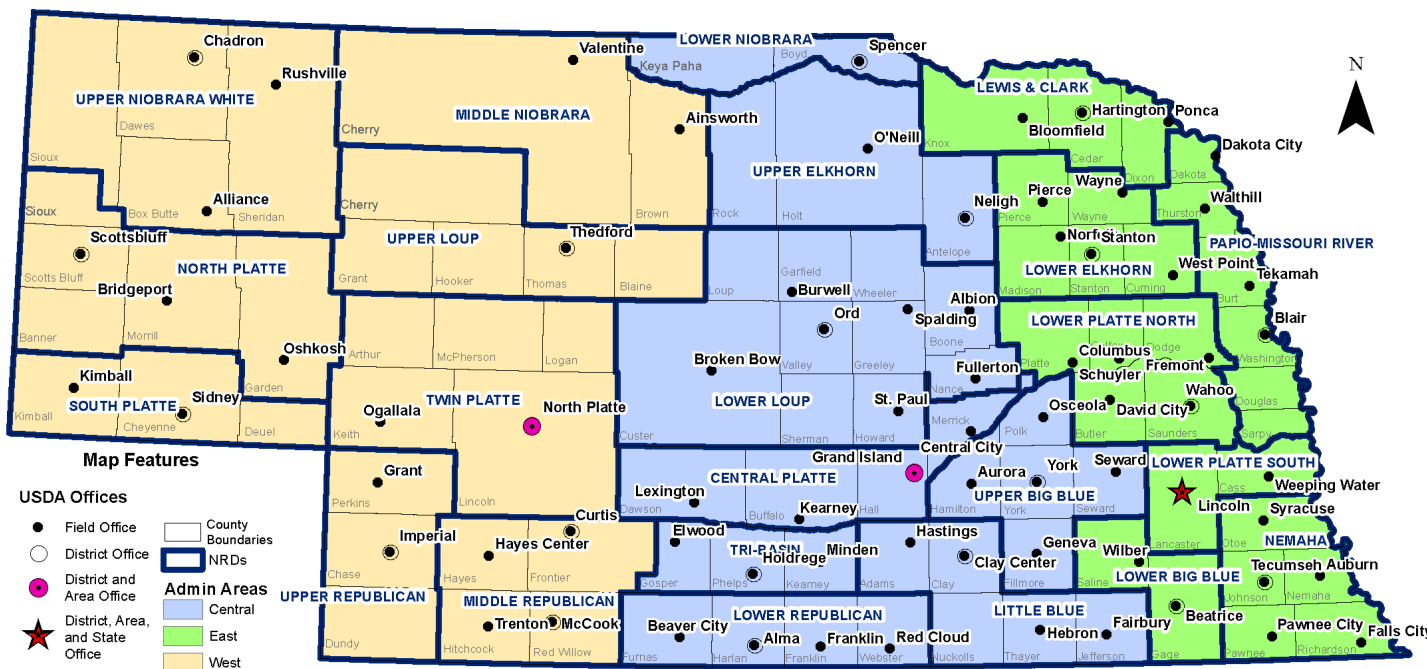
Natural
Resources
Conservation
Service

nrcs.usda.gov/



ACEP

Current Nebraska NRCS Operations & Area Easement Teams



Roles

Program Manager

Easement Restoration Specialist

Area Easement Specialist

Habitat Specialist

Partners

Natural
Resources
Conservation
Service

nrcs.usda.gov/



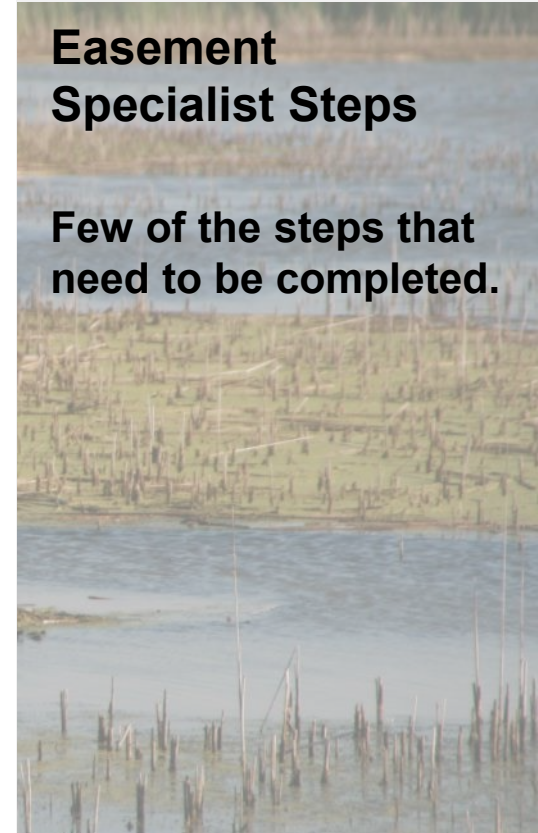
Area Easement Specialist Duties

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

Easement Specialist Steps

Few of the steps that need to be completed.



Natural
Resources
Conservation
Service

nrcs.usda.gov/



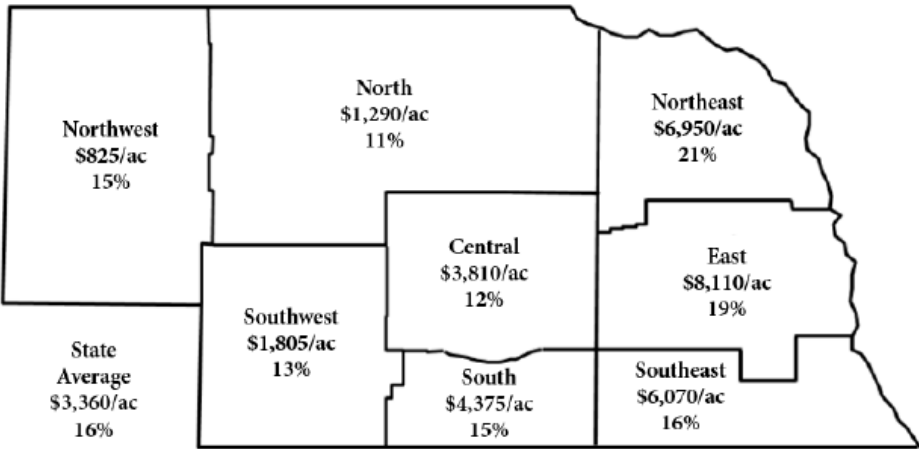
ACEP Compensation



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



Source: UNL Nebraska Farm Real Estate Market Surveys, 2021 and 2022.

- 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.

Land Use Acreage
and Costs

Estimated for
Application

Appraisals used for
Agreement

Capped by UNL
Report

3 Reductions for
GARC

Natural
Resources
Conservation
Service

nrcs.usda.gov/



ACEP Ranking



NE-LTP-WRE1

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

SCORING FACTORS – Circle Appropriate Points		POINTS
1	Existing Wetland Manipulations	
	Wetland Hydrology	
	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) are planned on 50% or greater of the wetland acres.	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) are planned on less than 50% of the wetland acres.	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	

Workload Prioritization Tool

400 Points Total

Highest ranking eligible
application selected to
advance as funding
allows

Full WPT is posted to NE
NRCS ACEP Webpage

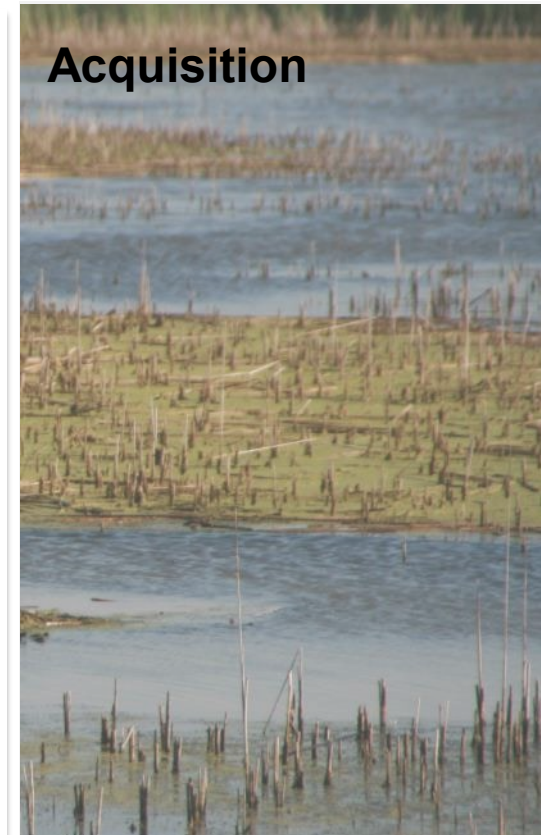
Natural
Resources
Conservation
Service

nrcs.usda.gov/



ACEP Programmatic Requirements

Once an application moves to an agreement we begin the process of getting the easement closed and recorded.



Acquisition



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.



Approvals

Contract Approval
NRCS-LTP-31

**Natural
Resources
Conservation
Service**

nrcs.usda.gov/



Nebraska Conservation Easements

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..."

Governing Body Review

Requires County Approval or Denial of CE

Approval = Automatic referral to County Assessor

Denial = No referral to Assessor

CE Recorded either way



Natural
Resources
Conservation
Service

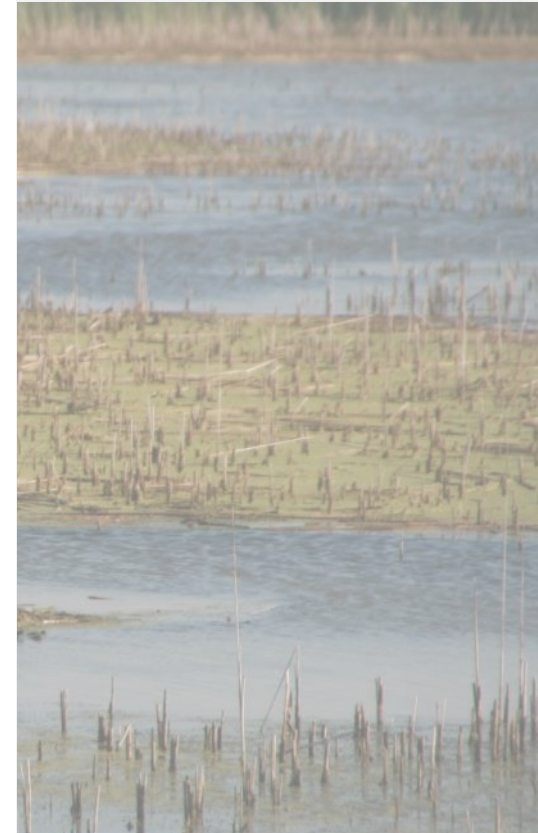
nrcs.usda.gov/



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.



Natural
Resources
Conservation
Service

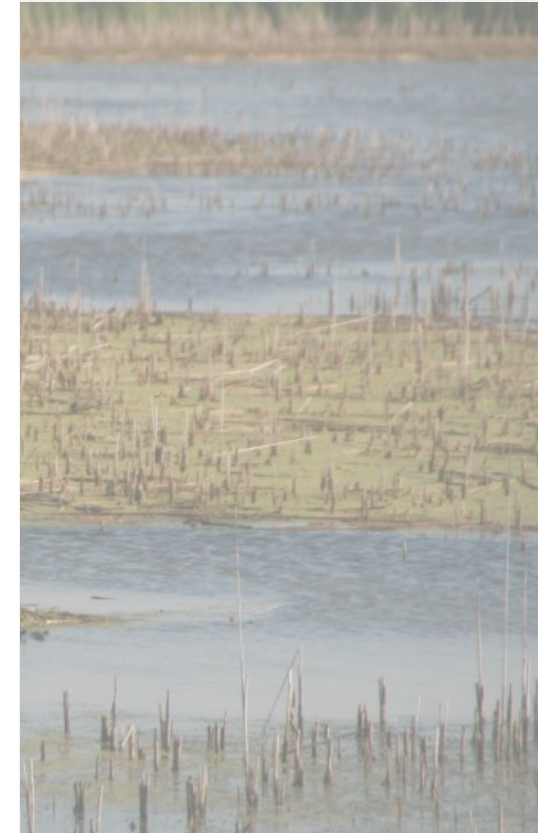
nrcs.usda.gov/





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.



Natural
Resources
Conservation
Service

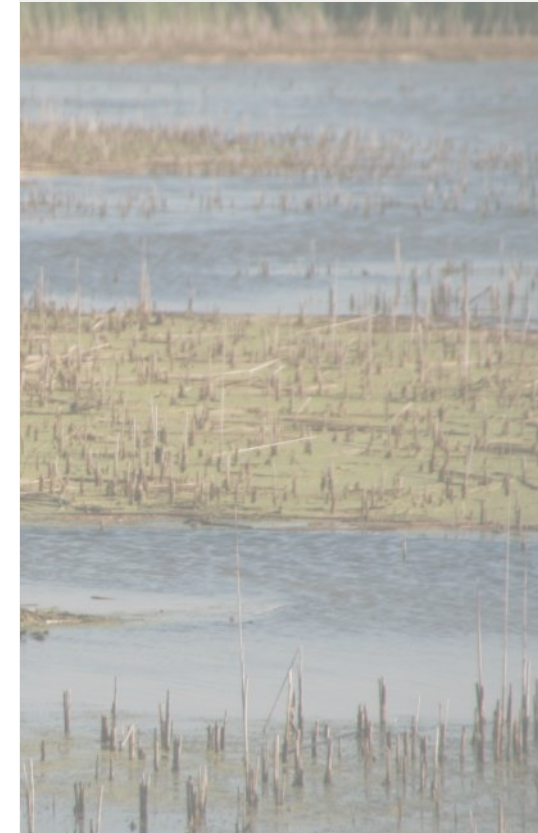
nrcs.usda.gov/





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.



Natural
Resources
Conservation
Service

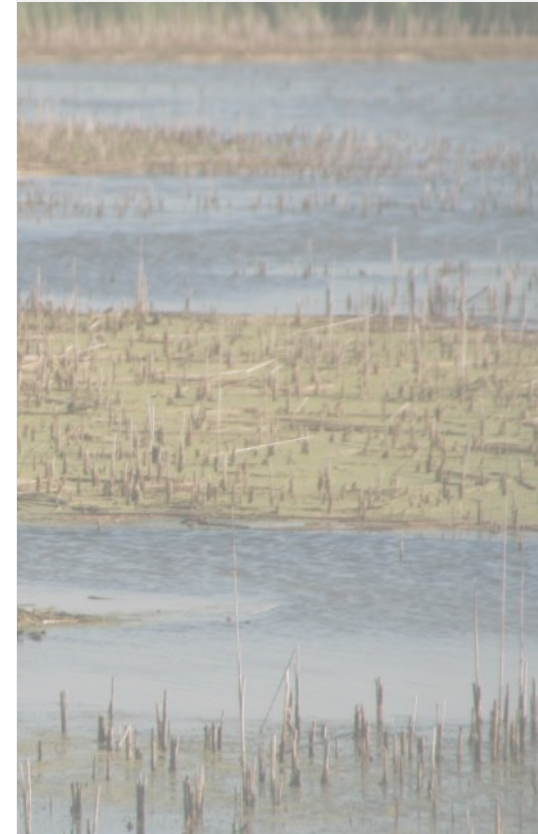
nrcs.usda.gov/





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.



Natural
Resources
Conservation
Service

nrcs.usda.gov/



ACEP Marketing

March 23, 2021

Dear Landowner,

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

The screenshot shows the NRCS Nebraska website. The header includes the USDA logo and "Natural Resources Conservation Service Nebraska". The main navigation bar has links for Topics, Programs, Newsroom, and Contact Us. The breadcrumb trail reads: "You are Here: Home / Programs / Easements / Agricultural Conservation Easement Program". A sidebar on the left lists "Programs" with sub-items: Farm Bill, Financial Assistance, and Easements. The main content area is titled "Agricultural Conservation Easement Program" and features a large image of a field under a blue sky.

The graphic features the USDA logo and "Natural Resources Conservation Service" on the left, and a "JOINT VENTURE" logo on the right. The main text reads: "New Conservation Programs for Flood-Prone Acres". Below this, a white box contains the text: "Registration for the Wetland Reserve Enhancement Partnership is currently open. An application cut-off date for rankings will be announced soon." The background is a photograph of a flooded agricultural field with a center pivot irrigation system.

Marketing

Social Media

Letters

Postcards

TV

Radio

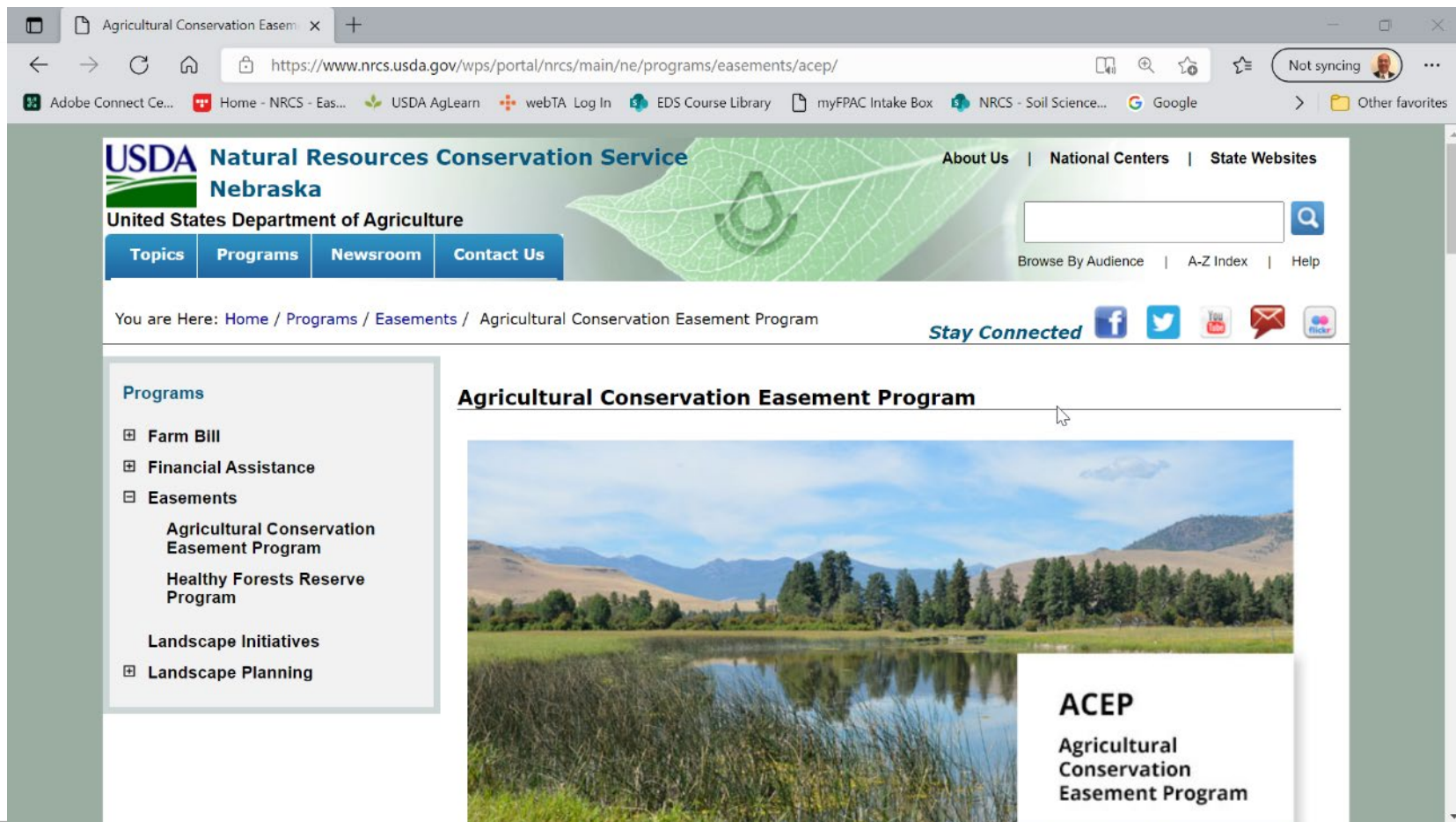
NE NRCS Webpage

Newsletter

Natural
Resources
Conservation
Service

nrcs.usda.gov/

ACEP Marketing



Webpage Updates

Fact Sheets

Eligibility

Application Forms

Ranking Criteria

Compensation



Natural
Resources
Conservation
Service

nrcs.usda.gov/



United States Department of Agriculture

ACEP Marketing

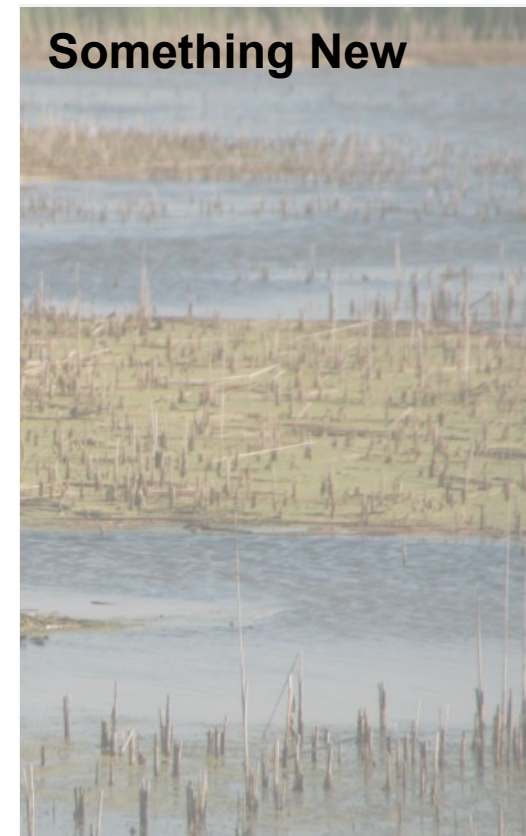


Easement Field Days?



Courtesy cropwatch.unl.edu

Something New



Natural
Resources
Conservation
Service

nrcs.usda.gov/





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

Implementation Phases

Restoration

Begin within 1 year of closing

Complete within 3 years

Must meet NRCS standards and specifications



Natural
Resources
Conservation
Service

nrcs.usda.gov/





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)



Natural
Resources
Conservation
Service

nrcs.usda.gov/



ACEP Monitoring and Violations



Implementation Phases

Monitoring, Management, and Enforcement



Natural
Resources
Conservation
Service

nrcs.usda.gov/





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:

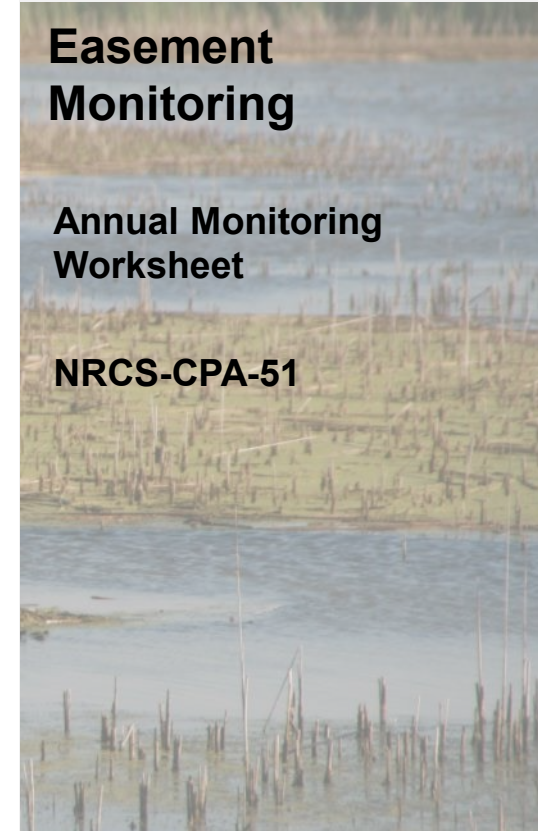
The purpose of monitoring is to ensure compliance with program policy, the terms of easement deeds, evaluate restoration progress, determine restoration repairs or enhancements needed to ensure maximum environmental benefits, and to maintain contact with landowners or partners. Staff with applicable 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.

Easement Monitoring

Annual Monitoring Worksheet

NRCS-CPA-51



Natural
Resources
Conservation
Service

nrcs.usda.gov/



ACEP Monitoring



Stewardship Lands Monitoring Schedule

Program	Year of Acquisition (Easement Closed)	Pre-rest.	Post Rest. Year 1	Yr 2	5 Year Cycle					Yr 8	Yr 9	Yr 10+
WRP/EWPP-FPE/EWRP	Automatic Baseline	Summary Review	Onsite	Onsite	Onsite	Ownership Review	Offsite	Offsite	Offsite	Onsite	Ownership Review	Repeat 5 Year Cycle
GRP/HFRP*/FRPP	Automatic Baseline	Onsite	Ownership Review	Offsite	Offsite	Offsite	Onsite	Ownership Review	Repeat 5 Year Cycle			

← Review the current prior- year photography

Site Visits Required

Automatic Baseline = Green; Based on recorded deed

Summary Review = Site visit, landowner contact and answer to questions number 1,2,3 &4 on the Annual Monitoring Worksheet

Ownership Review = Landowner contact

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

Landowner Contact (attempted) is required in all years

The monitoring schedule is based on the fiscal year

NOTES:

Restoration = the majority of the earthwork and/or planting has been completed

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

Remote Imagery is acquired for all years for all stewardship lands.

*If restoration is required for HFRP, 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-violation 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

Easement Monitoring

5 year cycle



Natural
Resources
Conservation
Service

nrcs.usda.gov/



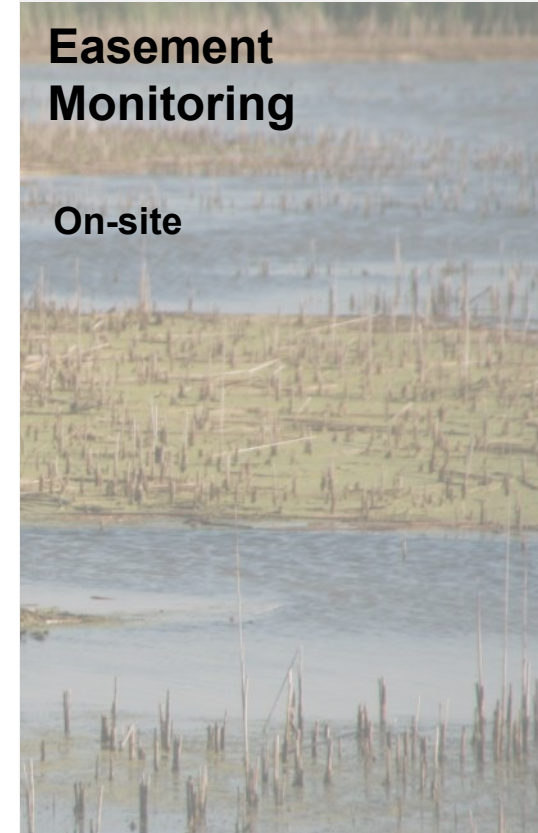
ACEP Monitoring

- 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.



Easement Monitoring

On-site



Natural
Resources
Conservation
Service

nrcs.usda.gov/





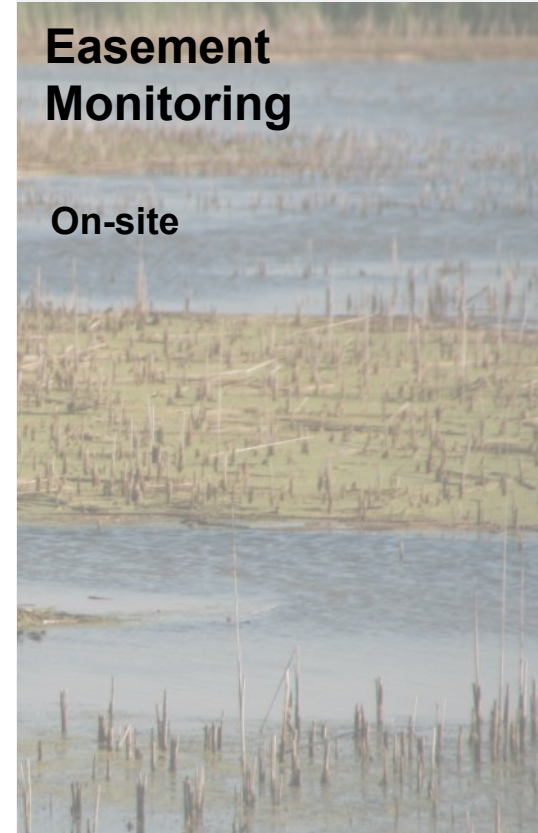
ACEP Monitoring



- 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.

Easement Monitoring

On-site



Natural
Resources
Conservation
Service

nrcs.usda.gov/





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

Violations and Terminations



Natural
Resources
Conservation
Service

nrcs.usda.gov/



ACEP Violations



Violations and Terminations



Natural
Resources
Conservation
Service

nrcs.usda.gov/





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

Violations and Terminations



Natural
Resources
Conservation
Service

nrcs.usda.gov/



ACEP Programmatic Requirements



Implementation Phases

Application

Acquisition

Restoration

Monitoring, Management,
and Enforcement



Natural
Resources
Conservation
Service

nrcs.usda.gov/