



United States Department of Agriculture



# ACEP Agricultural Conservation Easement Program

Kaycee Zuschlag, Central Area Easement Specialist

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# ACEP – Currently

## ALE & GSS

Protect the long-term viability of working lands from non-agricultural uses.

## WRE & WREP

A restoration program. Provide habitat for migratory birds and wildlife, improve water quality, reduce flooding, and recharge groundwater.



## Conservation Easements

ALE & GSS – Working Lands

WRE & WREP – Migratory Bird Habitat

Other/Old Programs

EWPP-FPE  
EWRP  
FRPP / FPP  
GRP  
OSL  
RCPP  
WRP

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# 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



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# 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

#### HEL/WC provisions

#### AGI Provisions



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# ACEP WRE Eligibility

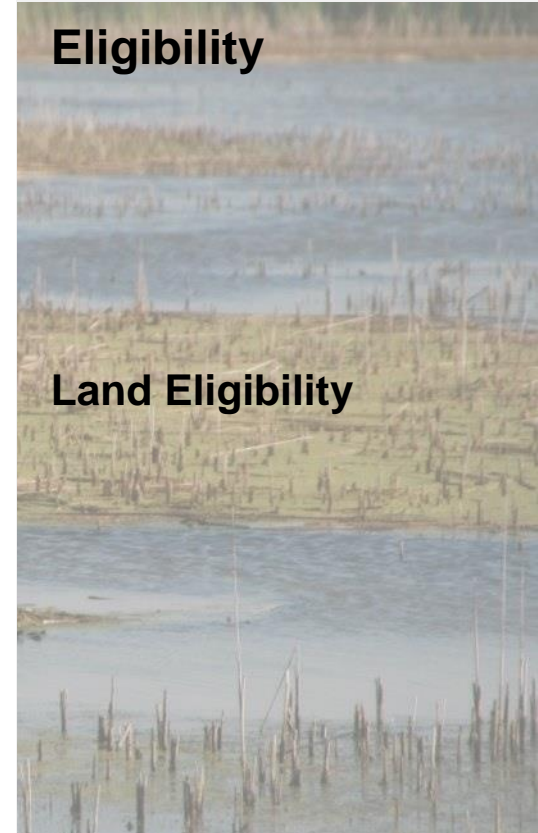


## Land eligibility.

- 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**



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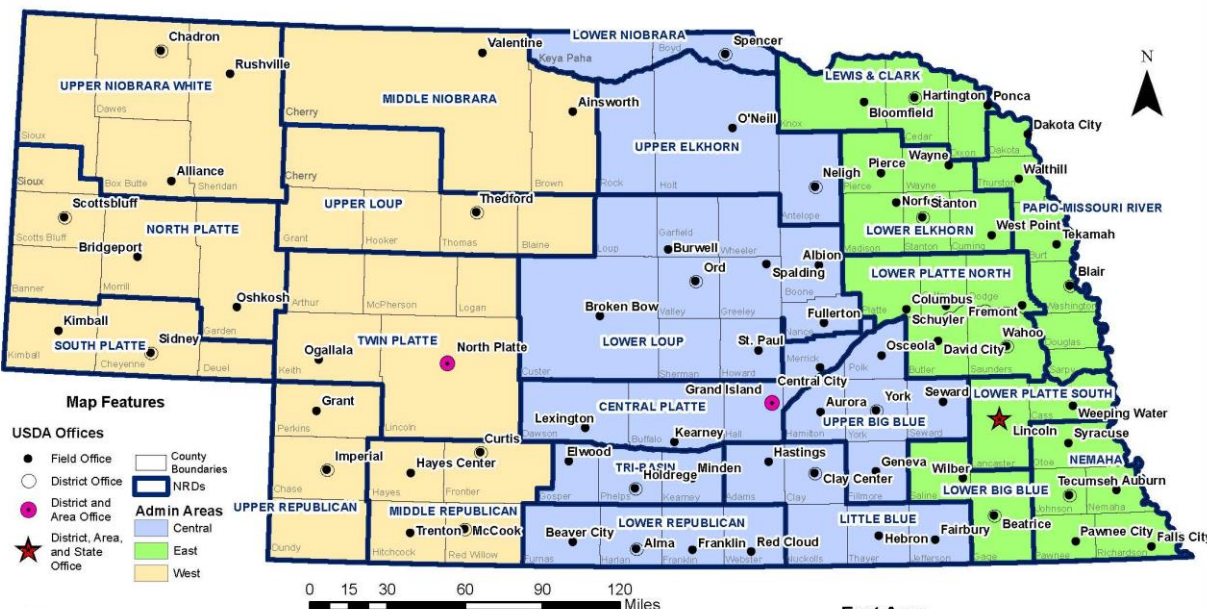
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# ACEP Contacts in Nebraska



## Current Nebraska NRCS Operations & Area Easement Teams



### West Area

Brian Dierberger - Area Easement Specialist  
 - North Platte Area Office  
 Vacant - Game and Parks  
 - North Platte Area Office

### State Office

Roger Yerdon - Easement Program Manager  
 Shawn McVey - Easement Restoration Specialist  
 Bryan Euse - Contract Easement Employee  
 Thomas Schleif - Contract Easement Employee

### Central Area

Kaycee Zuschlag - Area Easement Specialist  
 - Grand Island Area Office  
 Kristi Schleif - Area Easement Specialist  
 - Osceola Field Office  
 Michelle Steffen - Program Assistant  
 - Grand Island Area Office  
 Vacant - Partner Habitat Specialist

### East Area

Patrick Lantis - Area Easement Specialist  
 - Wahoo Field Office  
 Eric Hopps - Area Easement Specialist  
 - Syracuse Field Office  
 Theresa Smydra - Area Easement Specialist  
 - Bloomfield Field Office  
 Don Doty - Contract Easement Employee  
 - Blair Field Office  
 Dave Bichlmeier - Contract Easement Employee  
 - Columbus Field Office

Date: 3/2023

## Who Works on Easements

- Landowner
- Appraiser
- Surveyor
- Realty Specialists
- Financial Mgmt
- Title Company
- Attorney (OGC)
- Internal Controls
- Wildlife Organizations and Agencies



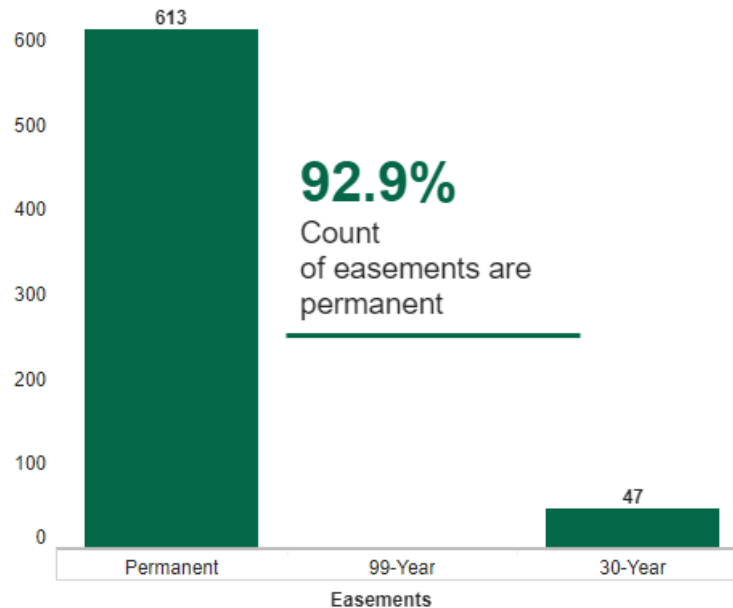
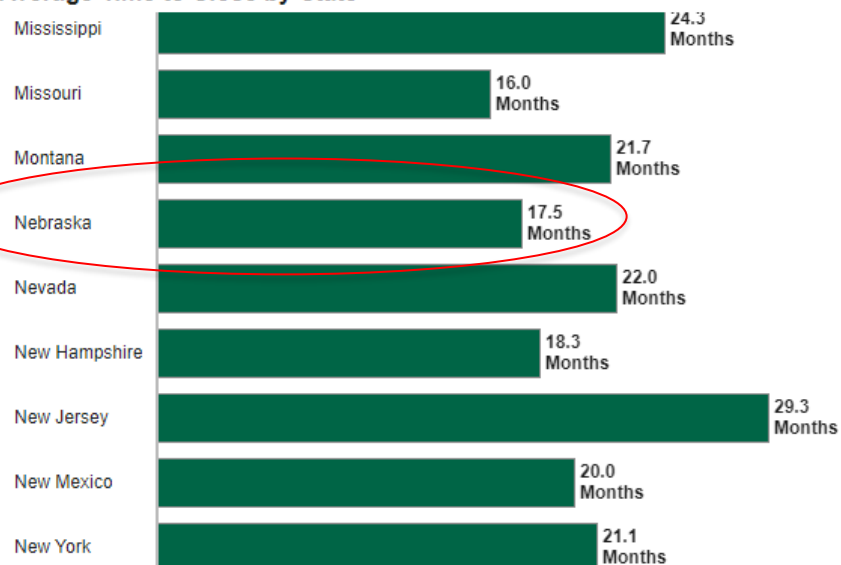
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# ACEP Time to Close Metrics & Percentages

Average Time to Close by State



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

## Time to Close

Averaging 17.5 months

This includes 82 closed easements.

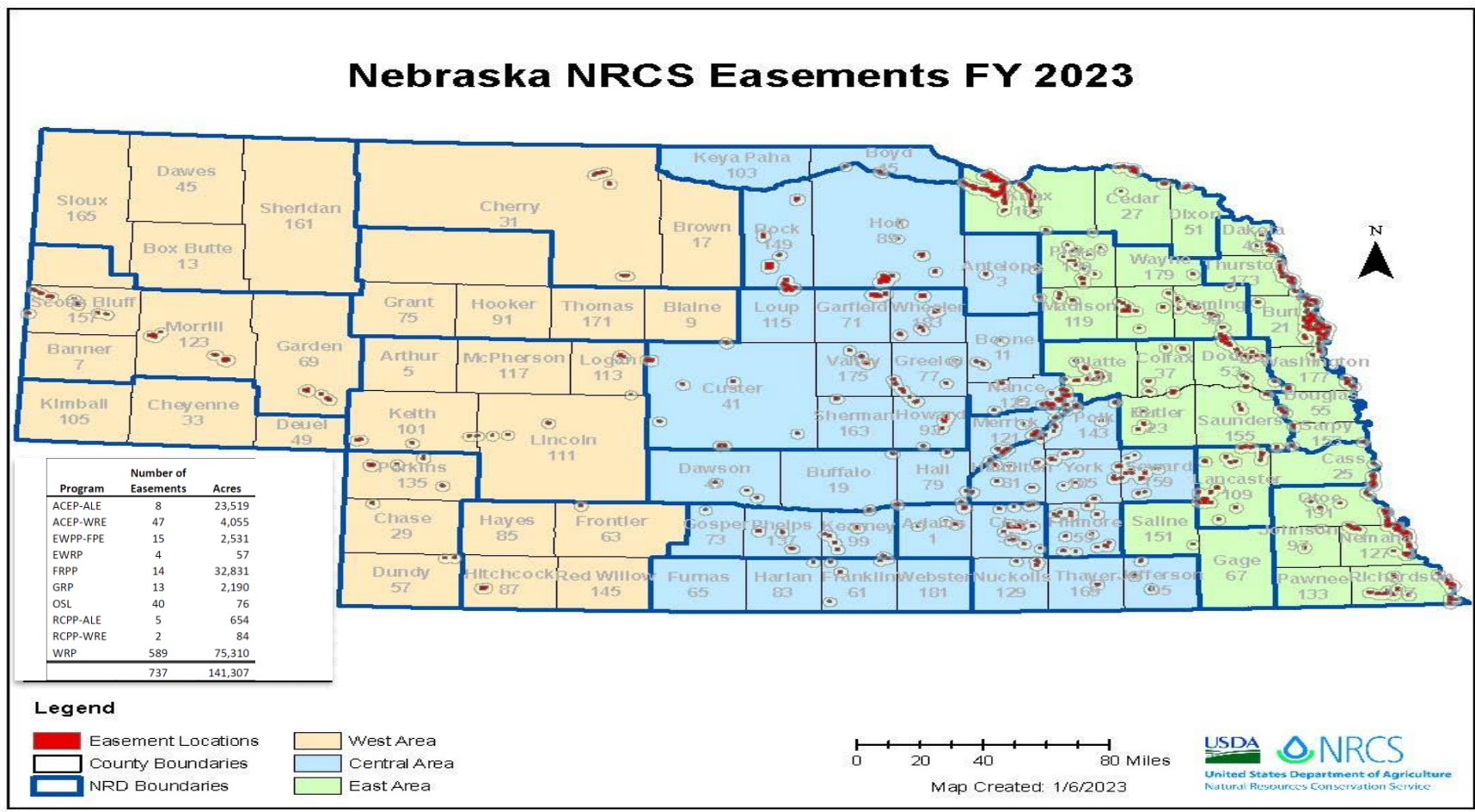


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# 30 Years of NRCS Easement Programs



## Nebraska



**737 easements**

**141,307 acres**

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# 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

## CPC – Conservation Plan Contract

- Schedule of operations to complete restoration, along with future maintenance and repair work.

## Implementation Phases

### Restoration

Begin within 1 year of closing

Complete within 3 years

Must meet NRCS standards and specifications

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# ACEP Compatible Use Authorization (CUA)

Authorizes an easement management

- Change in operation
- Hydrology or vegetation is affected
- New landowner
- Unauthorized use found during onsite or offsite monitoring
- CUA has expired



**Legend**

- Boundary 181.9 acres
- Section Line
- Forage Harvest Management (511) 98 acres
- Brush Management (314) 153 acres
- Wildlife Food Plot (LTPWFP) 4.7 acres

0 0.1 0.21 0.42 Miles

N

NRCS  
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## Easement Management

### CUA Opportunities

- Haying/mowing
- Grazing
- Wildlife food plots
- Hunting blinds
- Trails
- Prescribed fire
- Spraying weeds
- And Others



# ACEP Compatible Use Authorization (CUA)

## Process

- Landowner request
- CUA created with updated paperwork
- CUA review by partners and SO
  - CPA-52, 54, 56
- Landowner signs
- ASTC-P signs (official start date)
- Final copies in folder and to producer



### Legend

- Boundary 181.9 acres
- Section Line
- Forage Harvest Management (S11) 58 acres
- Brush Management (S14) 153 acres
- Wildlife Food Plot (LTPWFP) 4.7 acres



## Easement Management

### Incompatible CUAs

- Equipment Storage
- Roads
- Shooting Ranges
- Landscaping
- Fishing Ponds
- Harvesting Crops
- Prohibited Structures
- Never > 10yrs

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# 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



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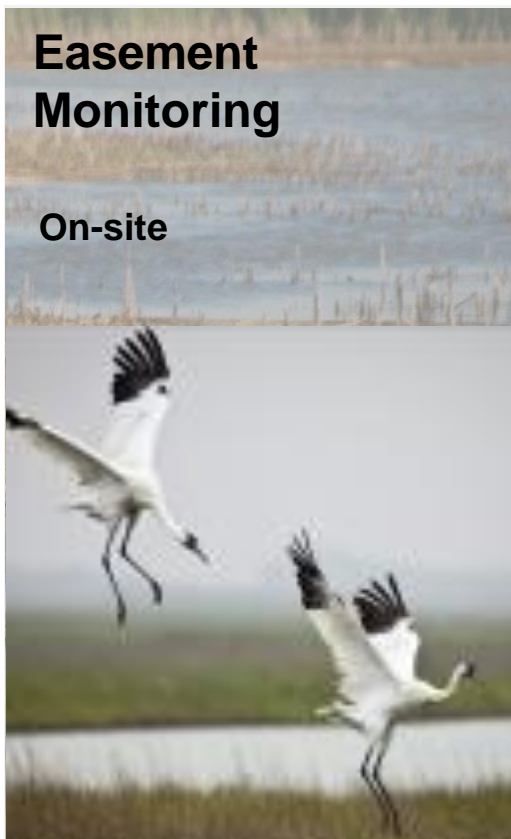
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# ACEP Monitoring



- Confirm compliance with any existing CUAs.
- Review easement, restoration, and landowner objectives to determine if other CUAs are needed.
- Determine if potential violations exist.
- Delineate grasses and other items on a boundary map.



## Easement Monitoring

On-site

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# ACEP Violations



## Violations and Terminations



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# ACEP Violations



## Violations and Terminations



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# 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 –

1<sup>st</sup> violation letter with violation remediation plan (ASTC-PRGM)

- 14 days to contact us and discuss
- Reasonable time to resolve

2<sup>nd</sup> 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

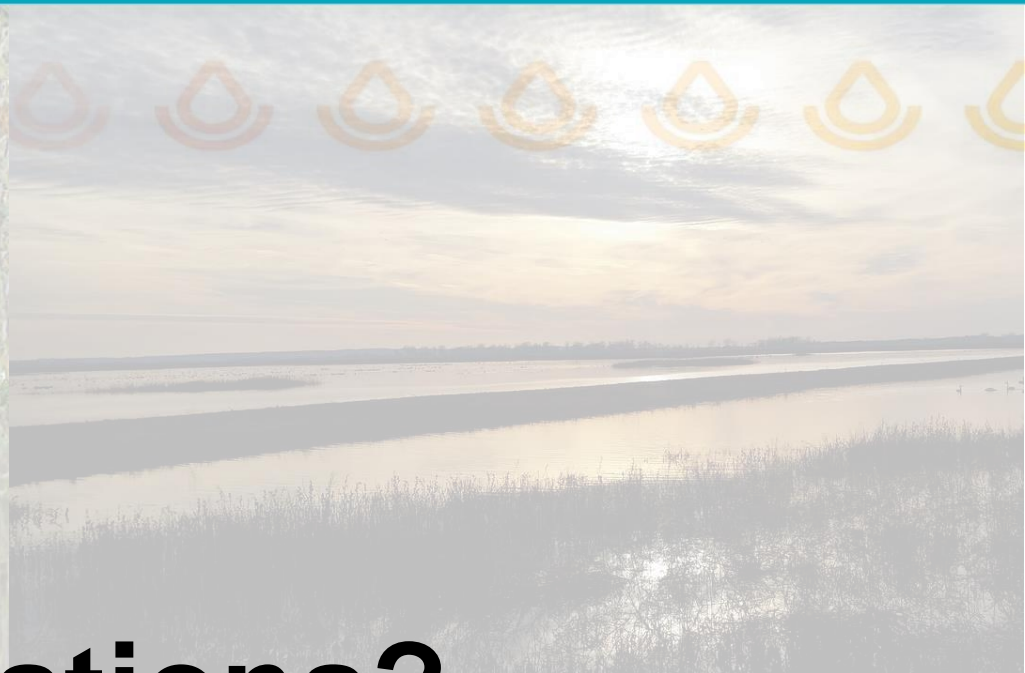
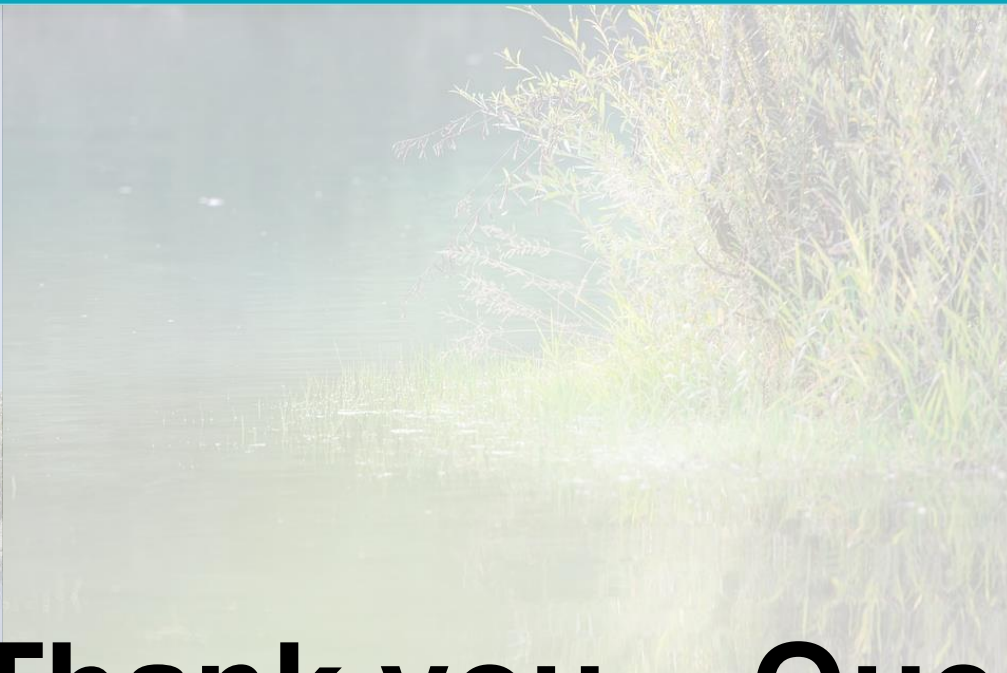


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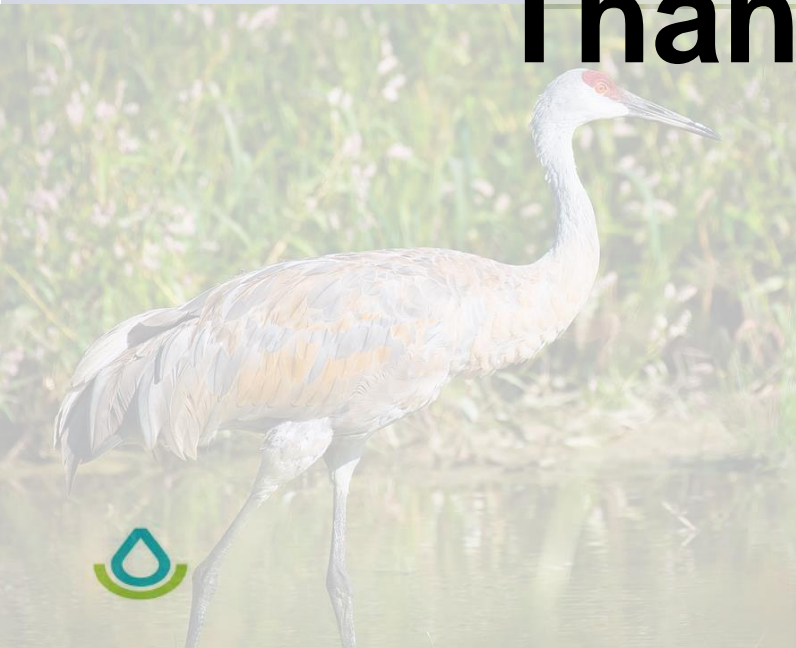
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# Thank you – Questions?



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