

### **United States Department of Agriculture**

## **Mapping the Easement Process**

# A Guide to Funding Your Agricultural Land Easement with Washington State Recreation & Conservation Office and the Natural Resources Conservation Service

The Washington State Recreation and Conservation Office (RCO) offers farmland preservation grants through the Washington Wildlife and Recreation Program (WWRP-Farmland). Farmland preservation grants are offered biannually in conjunction with the state budget. The grant process, from application to grant award, spans 18 months with applications accepted in even-numbered years and awards announced in odd-numbered years.

The Washington Natural Resources Conservation Service (NRCS) offers financial assistance for agricultural conservation easements through the Agricultural Conservation Easement Program – Agricultural Land Easements (ACEP-ALE). Financial assistance is typically offered on an annual basis. The award process, from application to financial obligation, spans 7 months.

Washington entities implementing agricultural land easements commonly seek funding for the purchase price of an agricultural land easement through RCO's WWRP-Farmland grant program and NRCS's ACEP-ALE financial assistance program. Independently, both programs may provide up to 50% of the easement purchase value. The remaining 50% must come from landowner donation, entity cash, a separate grant program, or some combination of the aforementioned. Both programs require evidence of matching funds to be eligible for assistance.

This document is designed as a timeline guide for eligible entities seeking both WWRP-Farmland and ACEP-ALE funding to complete an easement transaction.

#### Things to Consider:

NRCS requires evidence of matching funds at the time of application. Therefore, entities should focus efforts on securing a WWRP-Farmland grant first. Entities will disclose the estimated fair market value of the easement, along with the estimated non-Federal share provided by the entity on CPA-41A, sections D & E. Although match does not have to be secured at time of application, it must be secured before NRCS obligates their share. Entities will provide proof of secured match on form CPA 230 during the acquisition

- process. Match requirements are described in detail in section 528.43 of the NRCS ACEP-ALE manual available on NRCS e-Directives.
- RCO requires evidence of matching funds after application for funding but before grants are awarded to selected projects (i.e., before funds are obligated). Washington's administrative rule (WAC 286-13-040) requires applicants to provide assurance that they have matching resources at least 30 days before grants are awarded. This is achieved through the Certification of Applicant Match form administered to entities with projects on the legislature's approved ranked list. Awardees may substitute another source of match should any pending non-RCO grant/financial assistance request be denied.
- Entities should develop milestones for project implementation that ensures timely completion of the easement project. Entities should allow at least 24 months after awarded financial assistance for acquisition projects and up to 3 or more years for combination or complex projects. Both RCO and NRCS provide tools and resources to aid entities in project management.
- Both RCO and NRCS may terminate projects that do not meet critical
  milestones established in the grant/program agreement. Communicate
  frequently with your RCO grant manager and the NRCS Easement Program
  Manager to ensure that milestones are being met.
- Entities should begin project implementation quickly to show measurable progress towards meeting project milestones.
- Progress reports should be submitted at intervals designated by RCO and NRCS to demonstrate efforts in closing, managing, and stewarding the easement.
- Any ground disturbing activities (e.g., restoration, weed control, or sign placement) should be avoided on the easement until agreements and/or contracts are executed.
- NRCS fiscal year begins October 1 and runs through September 30. RCO fiscal year begins July 1 and runs through June 30. Entities should incorporate these dates into their project timeline and work plan.



## **Agricultural Land Easement Funding Timeline**

Year 1 (even-numbered year)

	Task	Responsible Entity	Notes	Resource
Jan.	Landowner Outreach & Project Solicitation	Land Trust		
	Site Visit & Project Selection	Land Trust		
Feb.	Board Resolution to pursue Easement	Land Trust		
	Landowner & Entity FSA Due Diligence	Landowner/Land Trust	Work with local USDA-FSA Service Center.	Landowner Eligibility Checklist
	Read WWRP-Farmland Manual & resources	Landowner/Land Trust	Available <u>here</u> .	LRCO Farmland Website
	Begin WWRP-Farmland application in PRISM	Land Trust	RCO opens PRISM to applicants	PRISM Login
March	Attend RCO Webinar	Land Trust		
	Meet with RCO Grants Manager	Land Trust/RCO		
April	Project site visit with RCO Grants Manager	Land Trust/RCO		
	Complete WWRP-Farmland application in PRISM	Land Trust		
May	Submit WWRP-Farmland application in PRISM	Land Trust	Applications are typically due on May 1. RCO recommends submitting applications prior to application deadline.	Presentation Tips
	Develop WWRP-Farmland Project Presentation	Land Trust		
June	Preliminary WWRP-Farmland Project Presentation	Land Trust	Presented to RCO Technical Review Committee	
July	Correct applications as advised by RCO	Land Trust		
Aug.	Re-submit WWRP-Farmland application in PRISM	Land Trust	Complete all changes requested by RCO Technical Review Committee and resubmit application by technical completion deadline as specified by RCO.	
	Final WWRP-Farmland Project Presentation	Land Trust	Presented to RCO Evaluation Committee	
Sept.	WWRP-Farmland project evaluation and ranking	RCO		
	WWRP-Farmland ranked project list shared with applicants	RCO	Preliminary ranked list of projects shared with applicants and posted to RCO website.	
Oct.	USDA FSA Eligibility	Landowner	Advise landowners to meet with FSA manager to complete eligibility.	
	RCO Board approves preliminary WWRP-Farmland ranked project list	RCO	Generally, occurs in the fall.	
Nov.	RCO Board submits WWRP-Farmland ranked project list to Governor	RCO	Generally, occurs in the fall.	
Dec.	Projects preliminary approved by Governor	Congress		
	Review ACEP-ALE Manual & resources	Landowner/Land Trust	Understand program benefits, limitations, and expectations.	NRCS-WA ACEP-ALE Website
	Attend NRCS FY ACEP-ALE Kickoff Workshop	Land Trust	Information on new fiscal year guidance and program requirements.	

## Year 2 (odd-numbered year)

	Task	Responsible Entity	Notes
Jan.	Read ACEP-ALE funding announcement	Land Trust	Posted to NRCS-WA ACEP-ALE Webpage.
	Begin ACEP-ALE application	Land Trust	Posted to NRCS-WA ACEP-ALE Webpage.
Feb.	Legislature approves WWRP-Farmland projects	Congress	
	Attend NRCS ACEP-ALE midway application Q&A	Land Trust	
	Submit ACEP-ALE application to NRCS	Land Trust	A signed grant agreement from RCO is not needed to apply for ACEP-ALE. Applicants will need to provide estimates for match funds at time of application. Applicants will provide proof of match on NRCS form CPA-230 during acquisition process, if selected for Federal funding.
March	Capital budget revealed for biennium	Congress	Land Trust will have a sense of whether the project will be funded through WWRP-Farmland Program based on the release of this information.
	NRCS State Office screens ACEP-ALE applications	NRCS	Screening worksheet posted to NRCS-WA ACEP-ALE Webpage.
April	NRCS State Office ranks ACEP-ALE applications	NRCS	Ranking worksheet posted to NRCS-WA ACEP-ALE Webpage
May	Proof of matching funds submitted to RCO	Land Trust	Land Trust completes <u>Certification of Applicant Match form</u> provided by RCO.
	Estimated ACEP-ALE awards announced via pre-approval letters to land trust	NRCS	
June .	Capital Budget approved	Congress	
	WWRP-Farmland grant awards approved by RCO Funding Board	RCO	
	Execute pre-agreement documents for WWRP-Farmland grant	Land Trust/RCO	RCO agreements are written for a length of 2.5 to 3 years.
	Project site visit	Landowner/NRCS	Site visit occurs to complete pre-acquisition due diligence (HEL compliance; Environmental review; Hazardous Materials Checklist; etc.). Land Trust staff may attend.
	End of State Fiscal Year - June 30	RCO	
July	Issue & Sign grant agreement for WWRP-Farmland grant	RCO	Preferred that this occurs before NRCS agreement executed.
	Issue & Sign Program Agreement for ACEP-ALE	Land Trust/NRCS	Only for entities that do not have an established Program Agreement.
	Conduct State-level IC review for individual Parcel Contracts	NRCS	NRCS-WA must complete state-level IC review prior to executing parcel contracts.
	Catch-up on previous tasks if delayed	Land Trust/RCO/NRCS	
Aug.	Begin WWRP-Farmland project due diligence	Land Trust	In accordance with the WWRP-Farmland grant agreement.
	Submit Parcel Contract packages to NRCS NHQ for national-level review	NRCS	Individual Parcel Contracts are subject to national-level pre-obligation IC review.
	Issue & Sign Parcel Contract for ACEP-ALE	Land Trust/NRCS	Preferred to occur after RCO WWRP-Farmland agreement executed.
	Begin ACEP-ALE project due diligence	Land Trust	In accordance with the ACEP-ALE grant agreement (e.g. Baseline Documentation Report; Appraisals; etc.). If ordered now, appraisal will not expire with NRCS.
Sept.	On-going project implementation	Land Trust/RCO/NRCS	
	End of Federal Fiscal Year - September 30	NRCS	
Oct.	FSA & AGI Eligibility	Landowner	FSA eligibility must occur annually until easement closes.
	On-going project implementation	Land Trust/RCO/NRCS	
Nov.	On-going project implementation	Land Trust/RCO/NRCS	Posted to NRCS-WA ACEP-ALE Webpage.
Dec.	On-going project implementation	Land Trust/RCO/NRCS	Posted to NRCS-WA ACEP-ALE Webpage.