



United States Department of Agriculture



Rhode Island

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## RI NRCS Regional Conservation Partnership Program *Rhode Island Forest Health Works Project*

Nov 2022 Brunilda Velez and Joseph Bachand

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# Approved Project Details:

**Project Name:**

*Rhode Island Forest Health Works Project*

**RCPP Type:**

*RCPP Classic*

**Primary Purpose:**

*Long term protection of Rhode Island Forests*

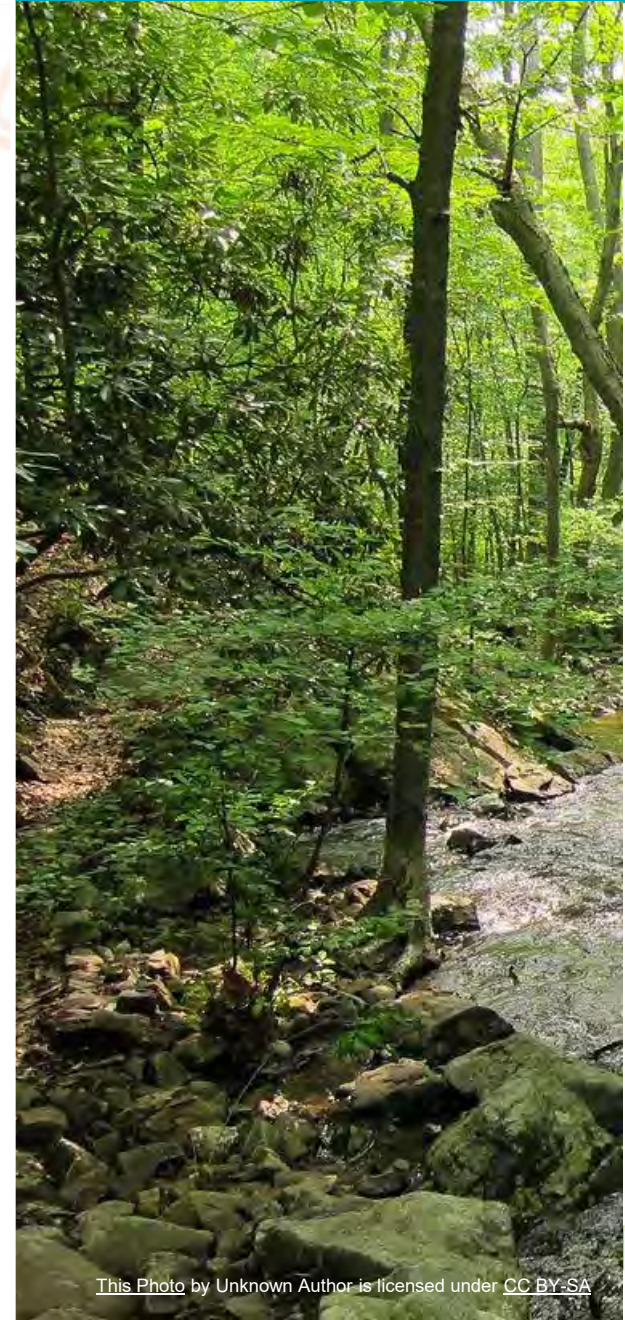
**Lead Partner:**

[RIDEM-Division of Forest Environment](#)

**Total Funds Allocated:** \$2,898,033.61

**Entity-Held Easements:** \$1,100,000.00 US

**Held Easements:** \$1,798,033.61



What are the paths for protecting land in this project?



US HELD

ENTITY-HELD



# What is the difference?



## US held

*\$1,798,033.61*

- Acquired and **held by the US**
- Must use one of the three easement Deeds (Highly Restrictive, Moderately Restrictive, Minimally Restrictive)
- Easements are **Perpetual**
- Mostly Agricultural **Forest Lands**
- RCPP funds **pay landowner**
- Easement values are determined by **appraisals**
- **No match required**

## Entity-held

*\$1,100,000.00*

- Entities must apply for a RCPP Program Agreement
- Easement are **acquired and held** by eligible entities
- **Must** attach the minimum deed terms to the eligible entity's own conservation easement deeds
- Easements are **Perpetual**
- Mostly Agricultural **Forest Lands**
- **Cost Share is Required**
- Easement value determined by **appraisal**



# US HELD

# US Held Details

## Protection Level

- **Permanent Protected** Forest Land that meets the project “Conservation Values”
- Interest conveyed by the **Easement Deed to the United States**

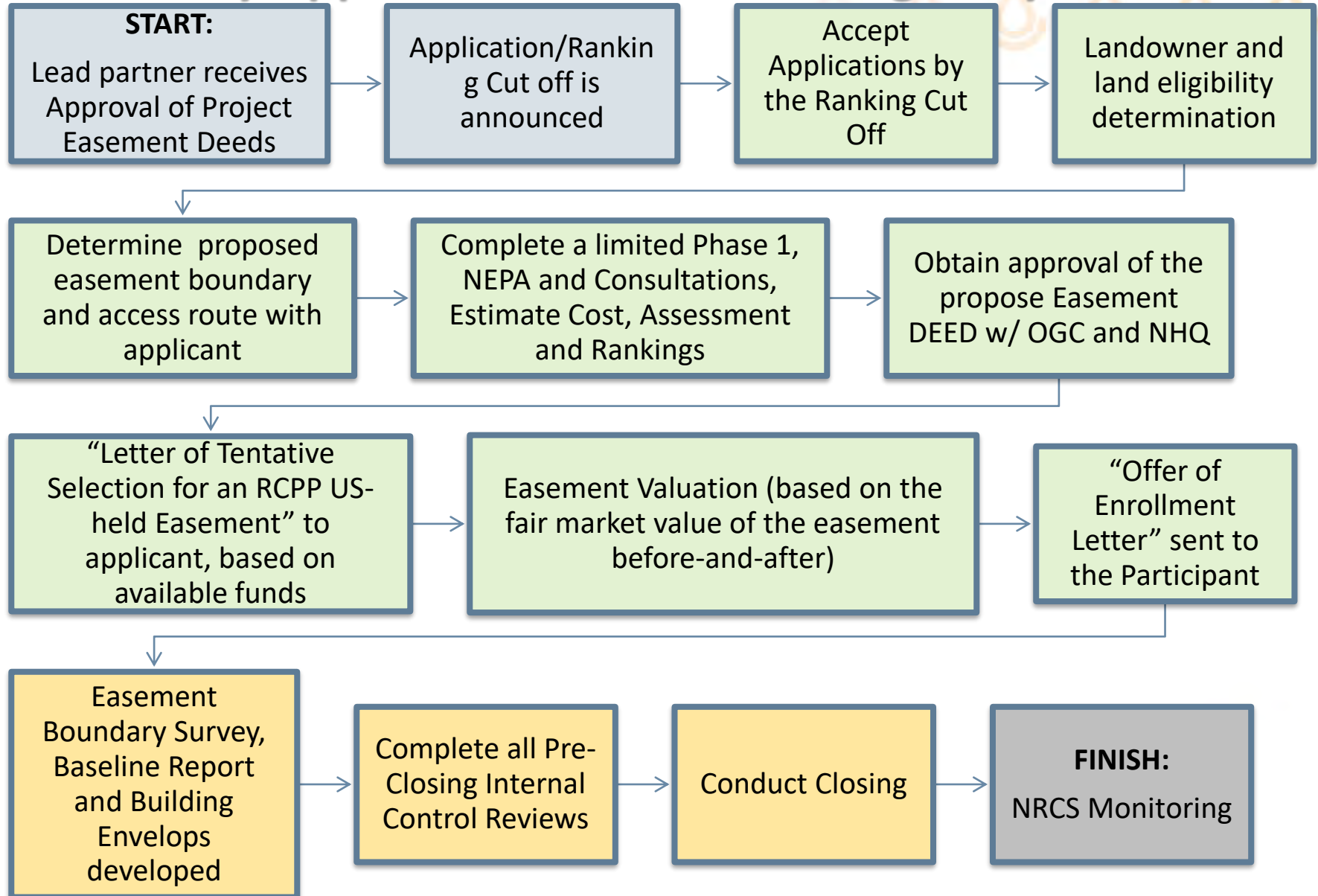
## Key takeaways

- **Directly** with eligible producers on eligible land
- Must use one of the **standards deeds**
- **The most restrictive** deed allows participant to retain these rights:
  - *title,*
  - *quiet enjoyment,*
  - *control of access,*
  - *undeveloped recreational uses,*
  - *subsurface resources, and*
  - *water rights*



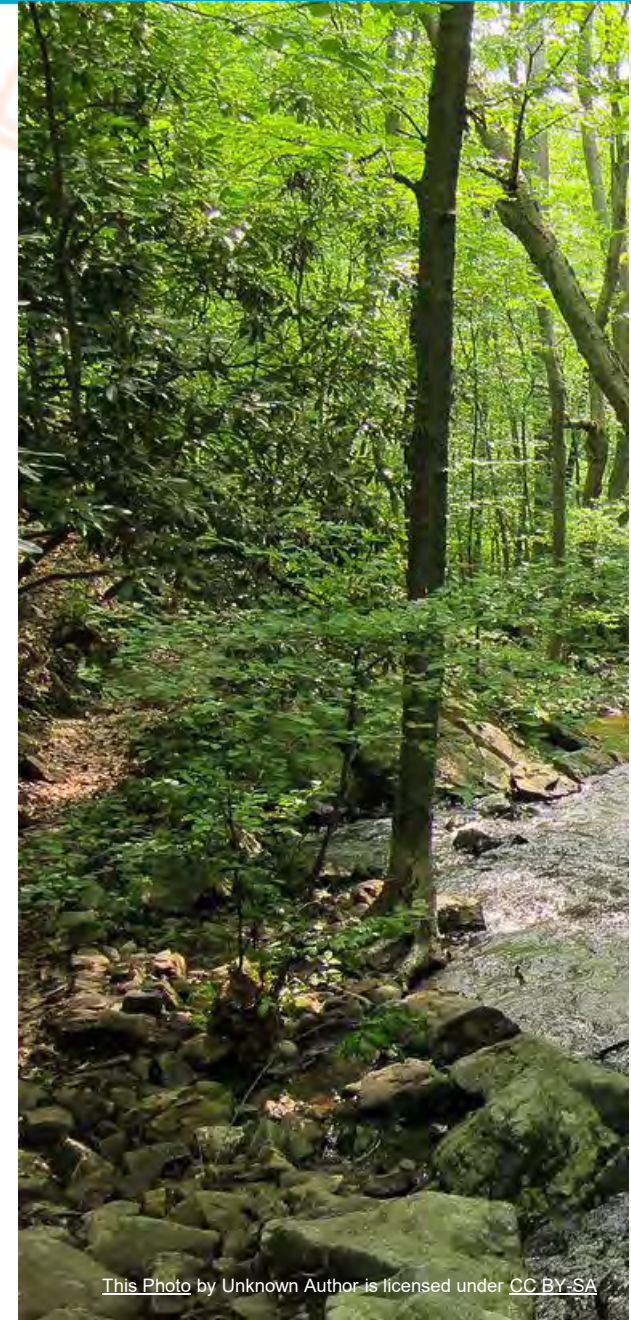


# Voluntary Application Process and Eligibility Overview



# How can I apply for the US Held Easements?

- We will develop an internal process and guidance for the administration of this leg of the program with our partners.
- The SOP will be shared with those partners that will be providing outreach and education as well as technical assistance.
- US held signup TBD







**ENTITY-HELD**

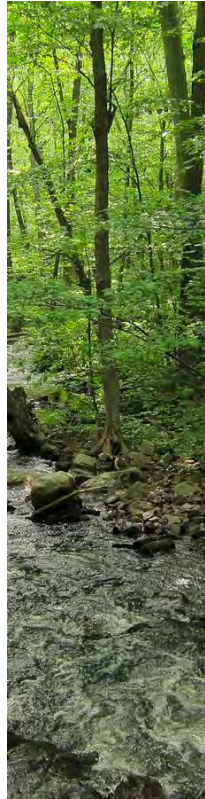
# Key Points RCPP Entity-Held Easements

- **Types of land**
  - Private and tribal ag land, nonindustrial private forest land or associated land (e.g., riparian areas, floodplains, seasonal or flooded wetlands)
- **Easement Holder**
  - Eligible entity
- **Purchase Agreement**
  - Type IV Supplemental agreement to PPA (RCPP Program Agreement)
- **Deed Terms**
  - Eligible entity deed – attach or incorporate NRCS minimum deed terms (Highly restrictive, moderately restrictive, minimally restrictive)
- **Easement value**
  - Based on before/after appraisal
- **Easement Stewardship**
  - Eligible entity responsible for long-term stewardship of easements
  - US may have right of enforcement
- **Easement Term**
  - Perpetual (or maximum duration allowed under State law)



# How are Entity-Held Easements Different?

- NRCS will work directly with **eligible entities** not participants
- **Entities will** hold, manage and monitor the easements in perpetuity
- Entities must first apply for an RCPP Program Agreement
- Entities must request funding by submitting the “Parcel Sheet for Entity Application for a RCPP Entity Held Easement Program Agreement
- **Entities ARE responsible acquisition cost including:**
  - Eligible entity cost for appraisals
  - Legal surveys
  - Access routes
  - Title clearance or title insurance
  - Legal fees
  - Phase I environmental site assessments (if applicable)
  - Closing services
  - Development of RCPP plans
  - Costs of easement monitoring
  - Other related administrative and transaction costs incurred by the eligible entity
- Entities must submit their draft conservation easement deeds for approval



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# RCPP Entity-Held Easement Eligibility

- **Entity Eligibility**
- Mirrors Agricultural Land Easement (ALE) entity eligibility – (528.32B)
  - State or local government
  - NGO that qualifies under Section 170(h)(4)(A) of the Internal Revenue Code
- **Must have**
  - **Authority** to purchase conservation easements
  - An **established** land protection program
  - Demonstrated commitment to the long term conservation of the types of land to be conserved
  - Capability and **staff capacity** to acquire, manage, monitor and enforce easements.

# Types of Eligible Entities (ALE+RCPP)

## State Agency

- Department of Agriculture
- Department of Natural Resources
- Farmland Preservation Board
- Land Resource Council

## Local Government

- Soil and Water Conservation District
- Preservation Authority

## Indian Tribe

- Federally recognized Indian Tribe
- Non-federally recognized Indian Tribe that meets the NGO criteria

## Nongovernmental Organization

- Meet specific NGO criteria



# RCPP Entity-Held Easements

## Minimum Deed Terms (MDT)

- There are three sets of MDTs; each with a version with or without a US Right of Enforcement
- Easement will be selected according to the most appropriate way to achieve project purposes
  1. Minimum Deed Terms for Agricultural Use (minimally restrictive)
  2. Minimum Deed Terms for Conservation Use with Compatible Agricultural Use Moderately restrictive (Moderately Restrictive)
  3. Minimum Deed Terms for Uses Limited for Protection of Conservation Values (Highly restrictive)

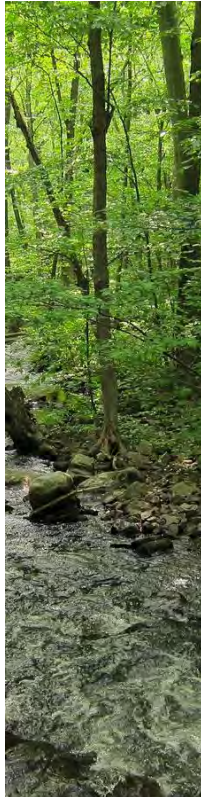




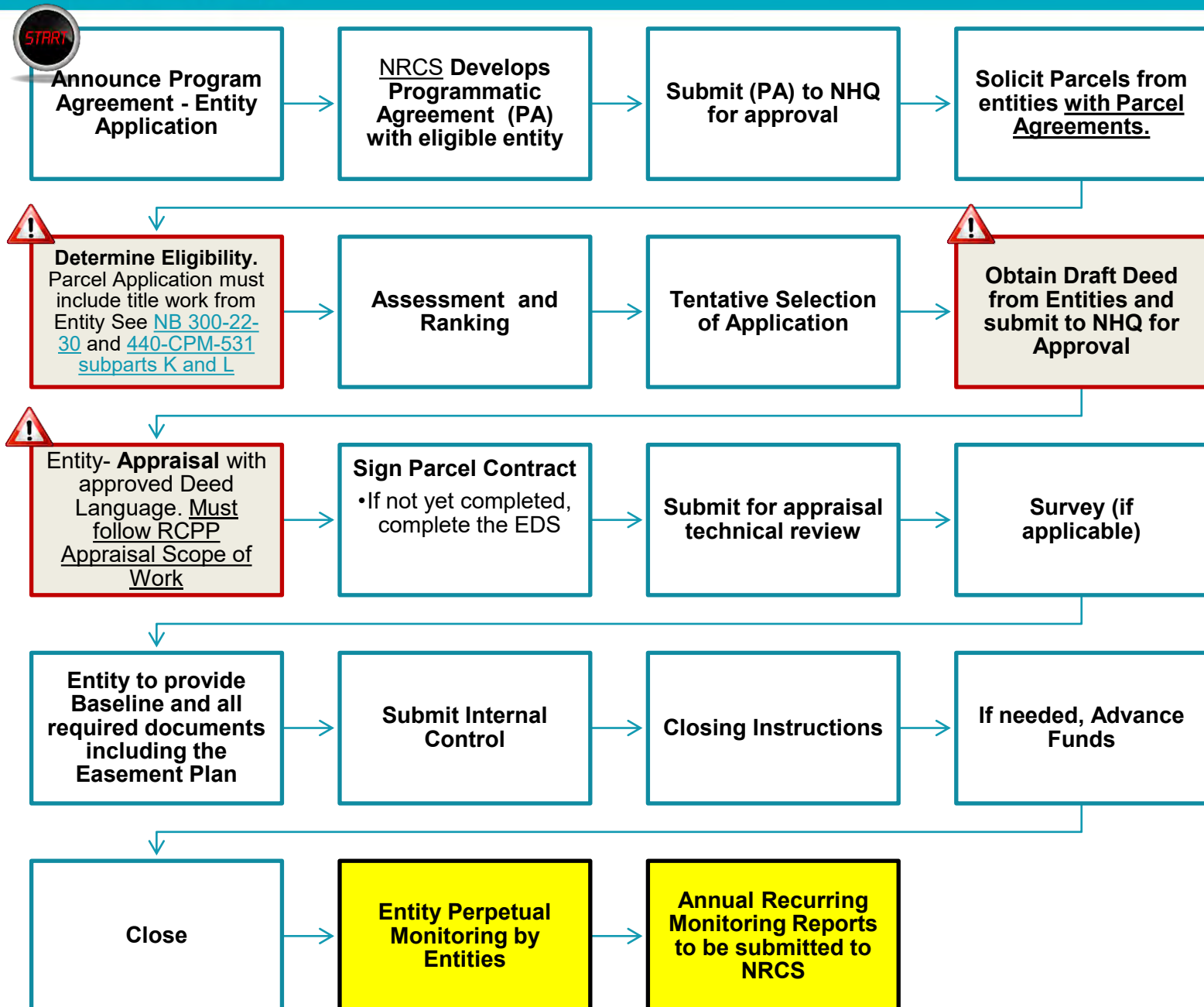
# RCPP Entity-Held Easements

## Valuation, Federal Share, Contribution

- **Easement value is based on a before & after appraisal obtained by the Eligible entity**
- **Federal share = NRCS maximum contribution**
  - 50% of Easement Value – for conservation easements with US ROE
  - 25% of Easement Value – for conservation easements without US ROE
- **Non-Federal Share**
  - Remainder of Easement Value
  - May be comprised of:
    - Eligible Entity cash for easement payment to landowner
    - Landowner donation or qualified contribution that reduces easement purchase price



# RCPP Entity-Held Process



# RCPP Entity-Held Easements

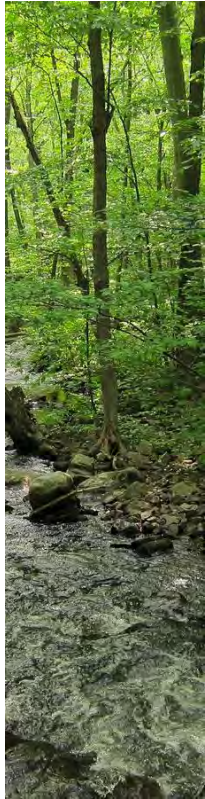
## Pre-closing

### NRCS WILL

- **Title Review and Certificate of Use and Consent (LTP-23)**
- **Preliminary Certificate of Inspection and Possession (LTP-27)**
  - Must be dated within one year of closing
- **Environmental Records Search and review**
  - Must be dated within one year of closing

### Entities Will

- **Baseline Documentation Report**
  - Must be submitted by entity no later than 90 days prior to closing
- **RCPP Easement Plan (optional for minimally restrictive)**
  - Must be completed no later than 90 days prior to closing
- **Survey of parcel (if applicable – same standard as ALE)**



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# Thank You



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