

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 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.

▣ 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.



Agricultural Land Easement Funding Timeline

Year 1 (even-numbered year)

| | Task | Responsible Entity | Notes |
|-------|--|----------------------|---|
| 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. Related Resource: Landowner Eligibility Checklist |
| | Read WWRP-Farmland Manual & resources | Landowner/Land Trust | Available here . Related Resource: LRCO Farmland Website |
| | Begin WWRP-Farmland application in PRISM | Land Trust | RCO opens PRISM to applicants. Related Resource: 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. Related Resource: 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. FSA Adjusted Gross Income forms may not be filed earlier than Oct. |
| | RCO Board approves preliminary WWRP-Farmland ranked project list | RCO | Generally, occurs in the fall. |
| | Review ACEP-ALE Manual & resources | Landowner/Land Trust | Understand program benefits, limitations, and expectations. Related Resource: NRCS-WA ACEP-ALE Website |
| | Attend NRCS FY ACEP-ALE Kickoff Workshop | Land Trust | Information on new FY guidance and program requirements. |
| Nov. | RCO Board submits WWRP-Farmland ranked project list to Governor | RCO | Generally, occurs in the fall. |
| | 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. |
| Dec. | Projects preliminary approved by Governor | Congress | |
| | 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. |

Agricultural Land Easement Funding Timeline

Year 2 (odd-numbered year)

| | Task | Responsible Entity | Notes |
|-------|---|---------------------|---|
| Feb. | Legislature approves WWRP-Farmland projects | Congress | |
| | Attend NRCS ACEP-ALE midway application Q&A | Land Trust | |
| | NRCS State Office ranks ACEP-ALE applications | NRCS | Ranking worksheet posted to NRCS-WA ACEP-ALE Webpage |
| 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. |
| | Estimated ACEP-ALE awards announced via pre-approval letters to land trust | NRCS | |
| | Project site visit | Landowner/NRCS | Site visit occurs, weather permitting to complete pre-acquisition due diligence (HEL compliance; Environmental review; Hazardous Materials Checklist; etc.). Land Trust staff may attend. |
| April | Issue & Sign Program Agreement for ACEP-ALE | Land Trust/NRCS | Only for entities that do not have an established Program Agreement. |
| | Conduct Internal Controls Review for individual Parcel Contracts | NRCS | Reviews may take up to 30 days per NRCS policy |
| May | Proof of matching funds submitted to RCO | Land Trust | Land Trust completes Certification of Applicant Match form provided by RCO. |
| | Submit Parcel Contract packages to NRCS National Headquarters for second Internal Controls Review | NRCS | Individual Parcel Contracts are subject to national-level pre-obligation IC review. Reviews may take up to 30 days per NRCS policy. |
| 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. |
| | Issue & Sign Parcel Contract for ACEP-ALE | Land Trust/NRCS | NRCS will accept USDA OneSpan signature or wet signature only. |
| | 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. |
| | 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. |
| | 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. Begin clearing title exceptions, including any mortgage liens through subordination. |
| Sept. | On-going project implementation | Land Trust/RCO/NRCS | Set up monthly call with 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. |