



August 2016

# Landowner Guide to Natural Resources Conservation Service Agricultural Land Easements



**Agricultural Conservation Easement Program - Agricultural Land Easements (ACEP-ALE) in Idaho**

## Frequently Asked Questions

### **What is an Agricultural Land Easement (ALE)?**

An ALE is a permanent conservation easement held by an eligible entity (land trust), not the Natural Resources Conservation Service (NRCS). The purpose of ALE is to protect the agricultural viability and related conservation values of eligible land by limiting nonagricultural uses.

### **What are landowner eligibility requirements?**

All landowners of record on the property deed must be compliant with Adjusted Gross Income, Highly Erodible Land (HEL) requirements and Wetland Conservation provisions.

### **What land is eligible for an ALE?**

Eligible land includes cropland, rangeland, grassland, pastureland and nonindustrial private forest land.

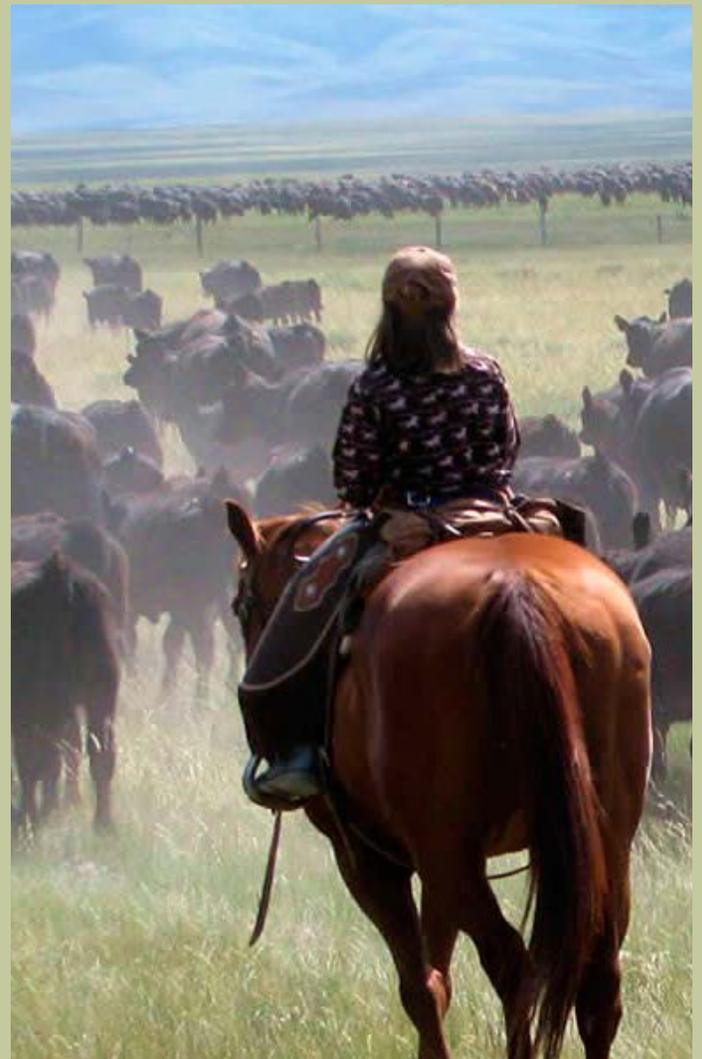
### **Can a landowner submit an application directly to NRCS for an ALE?**

No, landowners may not submit applications directly to NRCS as the easement is not held by the United States. To enroll land in an ALE, the landowner chooses a land trust partner to hold the easement. The partner then submits an application to NRCS. If selected for enrollment, the land trust enters into a cooperative agreement with NRCS.

### **Who are the eligible land trust partners in Idaho?**

Eligible partners can include Indian tribes, state and local governments and non-governmental organizations that have farmland or grassland protection programs.

For a list of Idaho's Land Trusts visit [www.idaholandtrusts.org](http://www.idaholandtrusts.org).



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### **If NRCS does not hold the easement, how is NRCS involved?**

#### EASEMENT SELECTION

Land trusts submit application packages to the NRCS State Office for funding consideration. NRCS makes the decision as to whether or not an easement is selected for funding. This decision is made based on how the project ranks relative to the other proposed easement projects for that fiscal year. The Idaho ALE ranking form is posted on the Idaho NRCS web site on the Programs-Easements page.

#### FUNDING

NRCS may contribute up to 50 percent of the fair market value for an ALE General easement. For Grasslands of Special Significance (GSS), NRCS may contribute up to 75 percent of the fair market value of the agricultural land easement.

#### ENFORCEMENT

NRCS retains a third party Right of Enforcement.

### **What are the restrictions placed on property under an ALE?**

Under an ALE, the landowner and land trust can either choose to protect the agricultural use and future viability and related conservation values of their land (General ALE) OR protect the grazing uses and related conservation values (ALE-GSS) of their land. The type of ALE chosen will determine deed restrictions. The conservation easement deed language is developed by the land trusts with specific minimum terms required by NRCS.

### **Does the landowner control access?**

Yes, but offering public access is an option.

### **Are there any tax benefits of putting an ALE on my property?**

NRCS cannot give tax advice. This is a discussion the landowner should have with the land trust that is sponsoring the application and/or the landowner's personal tax adviser.

### **Does an ALE restrict the landowner's ability to hunt and fish?**

There are no restrictions on recreational hunting and fishing if land is placed under an ALE. The producer should talk to the entity that he or she is working with regarding any permanent structures related to recreational activities.

### **How much will the landowner get paid for an ALE?**

The value of the easement will be determined by an appraisal.

### **What is an Agricultural Land Easement Plan?**

A requirement of the ALE program under the new Farm Bill is the incorporation of an Agricultural Land Easement Plan (ALEP) into the conservation easement deed which may also require component plans to address specific land uses or resource concerns on the parcel. Component plans must be developed for each land use type present on the parcel, as follows:

- A grasslands management plan is required if the parcel is enrolled under the GSS option.
- A conservation plan is required if the parcel contains HEL.
- A forest management plan is required if the parcel contains contiguous forest that exceeds the greater of 40 acres or 20 percent of the total easement area.

Helping People Help the Land



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[www.id.nrcs.usda.gov](http://www.id.nrcs.usda.gov)