



State Conservationist Decision Template

Subject: Issuance of State Supplement 440_16_2 ACEP-ALE Soils Waiver Criteria

Date: August 31, 2016

I agree with the issuance and distribution of this supplement Yes No

Signature: Vicky M. Drew
VICKY DREW – State Conservationist

ACEP-ALE Soils Waiver Criteria

- Purpose:** To distribute Vermont NRCS Soil Waiver Policy under the Agricultural Conservation Easement Program's (ACEP) Agricultural Land Easement (ALE) Component.
- Background:** 440-528.33(B)(1)(i), Land Eligibility, requires that for ACEP-ALE parcels being enrolled under the Soils category consist of at least 50 percent combination of prime, unique, or statewide important soils in order to be eligible for participation in the program. 440-528.33(B)(1)(ii) allows for the State Conservationist, with the advice of the State Technical Committee, to increase or decrease the required percentage of prime, unique, or statewide important soils for a specific area or region of the state.
- Explanation:** This State Supplement details the soil requirements and additional documentation that applicants must provide in order to receive a soils waiver. In general, ACEP-ALE parcels being enrolled in Major Land Resource Area (MLRA) 142 and 145 will be required to meet the 50 percent soils criteria. In all other regions of the State, the prime soil limit is being reduced to 35 percent. This reduction is due to scarcity of prime, local, or statewide important soils. In areas with reduced soils percentage there must be a written explanation in the file from the State Conservationist or appropriate designee (Assistant State Conservationist – Programs) briefly describing the conservation values of the parcel that warrant protection. Such values may include the agricultural viability of the farm and the contributions to the agricultural industry.

NRCS Vermont Waiver Areas for Soils:

The majority of Vermont’s prime and statewide important soils are located in the Lake Champlain and Connecticut River Valley Major Land Resource Areas MLRA 142 and 145 (For more information on MLRA locations see <http://soils.usda.gov/survey/geography/mlra/>). Vermont’s soils distribution on its topography and historically small farms have made meeting the 50 percent requirement challenging. Landowners and their productive farms outside these MLRA areas are at a competitive disadvantage for participation in ACEP-ALE under Criteria 1. For farmland located outside these MLRA’s to be eligible under the Vermont NRCS General Waiver, parcels submitted for consideration must contain no less than **35 percent** prime, unique, statewide or locally important soils and must include an explanation regarding one or more of the following factors:

- Viability of the farm due to size and access to market infrastructure,
- Contributions of the farm to the state’s agricultural industry, or
- Conservation of compatible natural resources.

Applicants are encouraged to provide additional information for Vermont NRCS State Conservationist to consider when reviewing requests for soils waivers, specifically whether the application:

- Provides a significant environmental benefit beyond what is normally provided by these projects (ecosystem services, carbon sequestration, etc.).
- Leverages a much larger conservation project than what is specific to the application (contiguous habitat or state important lands, etc.).
- Adds a significant amount of land to an already conserved block of land.

Figure 142-1 and 145-1 – MLRA Locations in Vermont

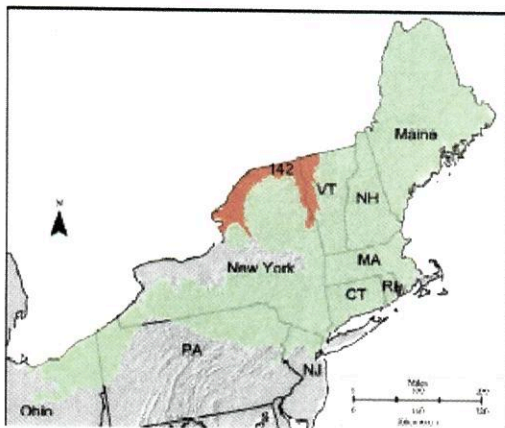


Figure 142-1: Location of MLRA 142 in Land Resource Region R.

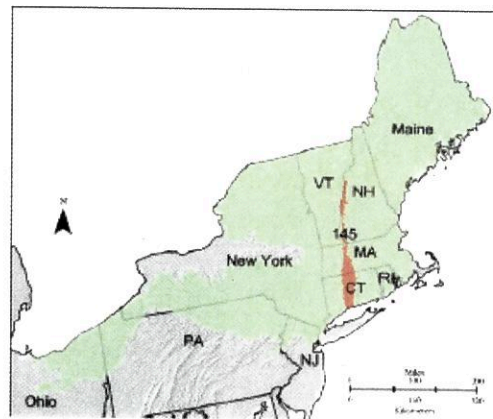


Figure 145-1: Location of MLRA 145 in Land Resource Region R.

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