

RCPP Minimum Deed Term Template Descriptions

All entity-held easements entered into under a RCPP project must use one of the six sets of minimum deed terms (MDT) below. The MDT establish one of three levels of restrictiveness of the easement (categorized as highly, moderately, or minimally restrictive) by identifying the easement purposes, the allowable uses, the limitations on use, and prohibitions. The availability of these options allows the RCPP partners, in consultation with NRCS, to determine which of level of restrictiveness is most appropriate to achieve the identified RCPP project purposes on a particular property. These determinations will take place during project negotiations after a proposals is selected for funding.

There are two versions of each set of MDTs, one that includes a U.S. Right of Enforcement (ROE) and associated terms requiring future coordination with NRCS, and one that does not include U.S. Right of Enforcement and requires limited future coordination with NRCS. The maximum percentage of the Federal share that may be provided through RCPP financial assistance is limited as follows:

- Use of one of the three sets of MDTs (high, moderate, or minimally restrictive) that **INCLUDES** a U.S. Right of Enforcement—**maximum Federal share is 50 percent of easement value.**
- Use of one of the three sets of MDTs (high, moderate, or minimally restrictive) that **DOES NOT INCLUDE** a U.S. Right of Enforcement—**maximum Federal share is 25 percent of easement value.**

Selection of the minimum deed terms that will be used is a foundational component of landowner application, evaluation, ranking, and determining valuation through an appraisal. The eligible entity must attach the selected set of RCPP minimum deed terms to the entity's own conservation easement deed terms. RCPP financial assistance that may be provided for the easement itself is based on the value of the easement as determined by a before-and-after appraisal via a methodology to be determined by NRCS. In order to determine the value of the easement, the appraisal will take into consideration the terms of the conservation easement, including the level of restrictiveness of the easement. Generally, the more restrictive the easement, the greater the value difference between the before (unencumbered) and after (encumbered) condition of the land, resulting in a higher easement value than a less restrictive easement on the same piece of land.