

AGRICULTURAL LAND PROTECTION PARTNERSHIP

Summary of Farm Bill Priorities

The Farm Bill reauthorization offers Congress a singular opportunity to tackle a growing threat to American agriculture. The continued loss of land foundational to U.S. food and fiber production--over 11 million acres across the U.S. in just the first 15 years of this century--is causing increased competition for land among farmers and ranchers and developers and non-farming investors and upward pressure on land values. This in turn impacts the viability of established farms and ranches, the ability of young and undercapitalized producers to gain access to land and grow profitable farm and ranch operations, and the economic and social fabric of rural communities. American Farmland Trust's (AFT) *Farms Under Threat 2040: Choosing an Abundant Future* report projects that the U.S. will lose 18.4 million acres more by 2040.

Representing fifteen organizations and state agencies that help farmers, ranchers and landowners protect their working lands, the Partnership urges Congress to make this Farm Bill one that fosters voluntary working lands protection so future generations will have the land to sustain them.

Agricultural Conservation Easement Program (ACEP)

While an oversubscribed program, delays in easement acquisitions and administrative approvals, and high transaction costs that landowners often bear, have caused many landowners to back out of projects or to not apply at all. The program's certification process, designed to reduce delays and burdens by allowing experienced state and local partners to bear more responsibilities, has not offered sufficient incentive for entities to get certified. Only eight have been certified to date. Changes are needed to speed program delivery, encourage certification, and enable more program participation.

- ❖ Significantly increase program funding to address growing development pressure on rural land.
- ❖ Modify the federal share of the easement value to:
 - Increase the federal share to 65% for general ALE easements and 80% for ALE Grasslands of Special Significance (GSS) easements.
 - Provide a lower federal share option of 25% for easements held only by the partner entity.
- ❖ Cover transaction costs incurred by landowners and allow advanced payment on approved project costs for limited resource landowners.
- ❖ Improve program efficiency through an enhanced certification process for experienced land trusts and public Purchase of Agricultural Conservation Easement (PACE) programs that:
 - ❖ Allows automatic certification for accredited land trusts and statutorily authorized public PACE programs that have successfully completed 5 ACEP-ALE or predecessor program projects;
 - ❖ Allows a certified entity to sponsor projects in coordination with a non-certified entity;
 - ❖ Minimizes the administrative reviews required by NRCS both before and after project completion.
 - ❖ Eliminate the Adjusted Gross Income (AGI) eligibility requirement and exempt federal and state conservation program payments from future AGI calculations.
- ❖ Foster more Buy-Protect-Sell (BPS) projects by: (1) allowing multiple project partners, (2) identifying land access as a specific program purpose, (3) allowing land owned on an interim basis by a public entity to qualify, (4) clarifying that Buy-Sell-Protect projects should be treated as regular ALE projects, and (5) allowing the sales price of the protected land to be negotiated between the project partner and the purchasing farmer or rancher.

- ❖ Provide additional program clarity around easement administration actions and alternative valuation methodologies.

Decreasing Barriers for Historically Underserved Landowners

Fractionated ownership of land (heirs' property) and legal challenges to land ownership (land grants) have created hurdles for many historically underserved landowners interested in protecting their land. This change could significantly reduce these hurdles.

- ❖ Through ACEP or other USDA program, provide advanced payment for agricultural conservation easements on qualifying land for resolution of title on heirs' property and land grant property.

Regional Conservation Partnership Program (RCPP)

The 2018 Farm Bill made changes to RCPP designed to encourage innovation in working lands protection and additive conservation. However, only a handful of easement acquisitions have occurred since 2018, stymied by new program rules that require different acquisition procedures for agricultural land protection, even for experienced state and local land protection partners.

- ❖ Expand ACEP certification to RCPP, allowing entities certified under ACEP to use the same streamlined easement acquisition process as allowed through ACEP, and to use their approved conservation easement templates for RCPP, should they choose to do so.

Forest Legacy Program (FLP)

Currently, only government entities can hold easements and land acquired through FLP, which has limited the scope and impact of the program. Allowing states the option to convey FLP-funded land interests to land trusts would align FLP with other successful federal-state conservation funding programs like ACEP and USFWS Section 6, among others.

- ❖ Allow accredited land trusts to hold easements and land funded through the Forest Legacy Program.

Farmland Protection Policy Act (FPPA)

Intended to encourage federal agencies to reduce the footprint of federal projects on farmland, the FPPA could do much more to track and minimize the impact of federal development on our most productive agricultural land.

- ❖ Amend the Farmland Protection Policy Act to define permanent conversion (including conversion of federally owned agricultural land), require agencies to report on actual conversion, and prohibit conversion of permanently protected agricultural land unless there is no feasible alternative.

Other Programmatic Recommendations

- ❖ Establish a dedicated source of flexible funding that can be used by state and local partners to provide technical assistance to farmers, ranchers and landowners for business planning, land access, and farm transfer and succession planning, and financial assistance for land acquisition.
- ❖ Prioritize lands enrolled in ALE and predecessor programs for NRCS conservation planning and cost-share programs.

American Farmland Trust, California Rangeland Trust, Colorado Cattlemen's Agricultural Land Trust, Colorado Open Lands, Delaware Department of Agriculture, Grand Traverse Regional Land Conservancy, Iowa Natural Heritage Foundation, Montana Land Reliance, Oregon Agricultural Trust, Partnership of Rangeland Trusts, Pacific Forest Trust, Pennsylvania Department of Agriculture, Texas Agricultural Land Trust, Wyoming Stock Growers Land Trust, Vermont Housing and Conservation Board, and Vermont Land Trust.