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OTAC Review of FY24 Geographic Area  
Rate Cap and Wetland Restoration  
Criteria Guide

 **Agricultural  
Conservation  
Easement  
Program (ACEP)**



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# ACEP UPDATES

1. **ACEP Overview of Agricultural Land Easements(ALE) and Wetland Reserve Easements(WRE)**
2. **Oregons Geographical Area Rate Cap, (GARP) for FY24**
3. **Oregons WRE Priority Areas for FY24**
4. **Oregons ALE Priority Areas and Ranking for FY24**
5. **Wetland Restoration Criteria Guide (WRCG)**
6. **Q&A's**



# ACEP - ALE Components



## Agricultural Land Easements (ACEP-ALE)

- NRCS provides Federal-Share assistance to eligible entities for the purchase of agricultural land easements on eligible land from eligible landowners. The entity holds the easement.

## Purpose of ALE

- Protect the agricultural use, viability and related conservation values of eligible land by limiting non-agricultural uses.
- Protect grazing uses and related conservation values by restoring and conserving eligible land.



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# ACEP - WRE Components



## Wetland Reserve Easements (ACEP-WRE)

- NRCS purchases easements directly from eligible landowners through a reserved interest deed for eligible land to restore, protect, and enhance wetlands and associated habitats. NRCS holds the easement.

## Purpose of WRE

- Is the restoration of wetland functions and values through the reestablishment of the hydrology and native vegetative communities that would have been found on the enrollment area prior to its manipulation or degradation.



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# Geographic Area Rate Cap- GARC for FY24



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# Geographic Area Rate Cap - GARC

## BACKGROUND

Each fiscal year the State Conservationist, in consultation with the State Technical Advisory Committee (OTAC), must establish a process to determine easement and 30-year land use contract compensation values.

In accordance with the ACEP-WRE statutes, regulations, and policy, NRCS must determine whether eligible lands may be enrolled in the WRE Program based on the likelihood of successful restoration of wetland functions and values, taking into consideration the cost of acquiring the easement and the cost of the restoration, protection, enhancement, and maintenance.

For FY 24 NRCS Oregon is proposing that the Rate Cap not be based on an Area Wide Market Analysis (AWMA) of the land uses and geographic areas. Rather, a percentage of the Fair Market Value (FMV) as determined by a Uniform Standard of Professional Appraisers Practice (USPAP) appraisal, that will include a not-to-exceed dollar value.



# Reasons for our proposal to use Professional Appraisals rather than an Area Wide Market Analysis to determine a Fair Market Value

1. Oregon has had limited WRE enrollment with less than 10 applications past few years
2. Specific areas within Oregon have limited WRE enrollment (we have higher enrollment in targeted areas but not evenly over the entire state)
3. Oregon has areas with significant complexity that do not allow for a more general evaluation—Example: property by property values may differ due to water rights or extreme variability in values over a small area due to development pressure



# Geographic Area Rate Cap for Oregon for FY 24



***Oregon proposes that the GARC values for permanent easement offers will be 85% of the fair market value for each application based on the appraised fair market value (FMV).***

***It is proposed that the GARC be set at not to exceed \$5,000/ac for all enrollment types. The exception to the \$5,000/ac GARC limit will be in the event there is an enrollment with a high likelihood of successful restoration that will provide habitat needs for federally listed Threatened and Endangered species. The NRCS will be responsible for making the determination of high likelihood of successful restoration. The GARC will be 85% of the FMV regardless of final dollar per acre valuation in the event there is potential for providing the habitat needs of T&E species.***

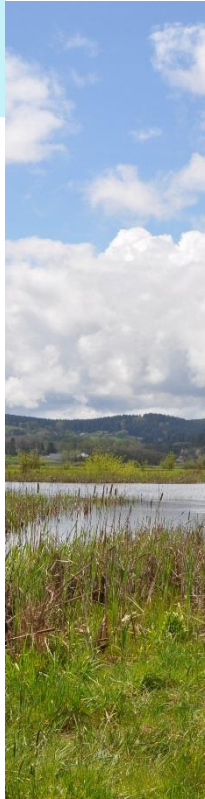
***Compensation for 30-yr easements and 30-yr tribal land-use contract easements will be set at 75% of the Rate Cap.***





# Sources and Considerations for ACEP-WRE Easement Compensation

- Our neighboring states, Washington and Idaho, are proposing the 85% FMV for their GARC for FY'24. This provides continuity for the Pacific Northwest
- Location of high priority areas that are included in Oregon's Conservation Implementation Strategies and Long-Range Plans.
- Oregon Technical Advisory Committee (OTAC) has supported the 85% FMV GARC since FY'17.



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# Easement Compensation

- **Appraised Fair Market Value (FMV)** of offered land – only the easement application’s proposed boundary is appraised
- **Geographic Area Rate Cap (GARC)** is applied to FMV as determined by a professional appraisal

Appraised FMV	GARC	Permanent Easement	30 Year Easement	30 Year Contract
\$300,000	85% FMV	\$255,000	\$225,000	\$225,000



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# ACEP-Wetland Reserve Easement Priority Areas FY24



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# WRE Priority Areas

- **Lower Columbia River Pacific Flyway and Estuaries**
- **Coastal Coho Priority Estuaries and Riparian Areas**
- **Nelson's Checkermallow Recovery Zone**
- **Areas included in local Conservation Implementation Strategies(CIS)**



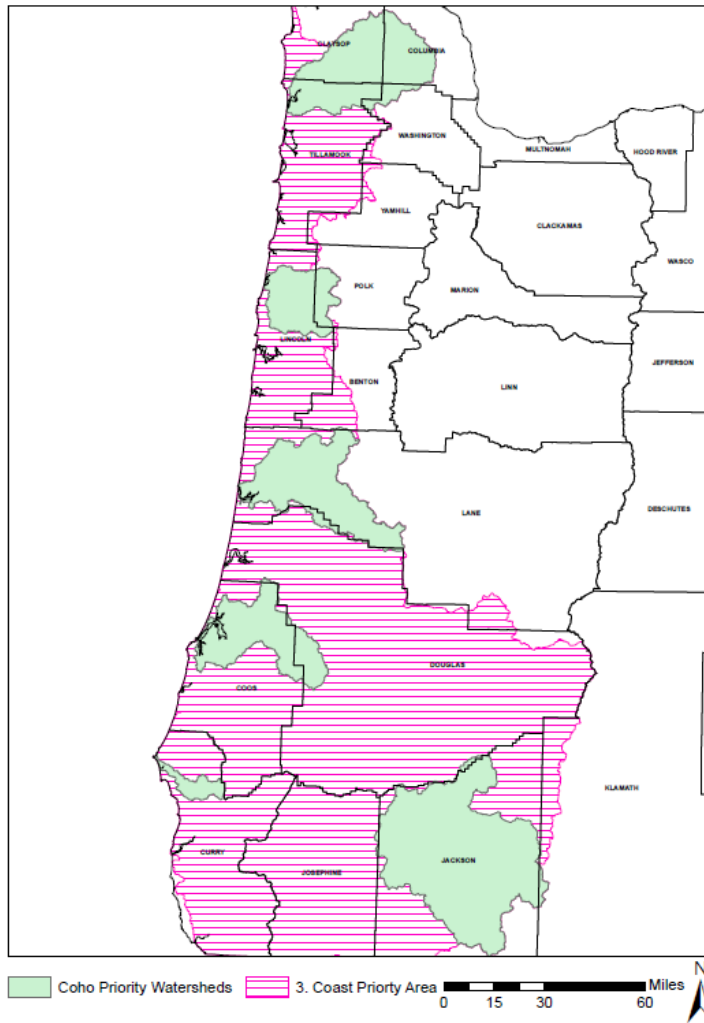
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# Coastal Coho Priority Watersheds

2024 ACEP – WRE Priority Geographic Area  
Oregon Coastal Coho Priority Area



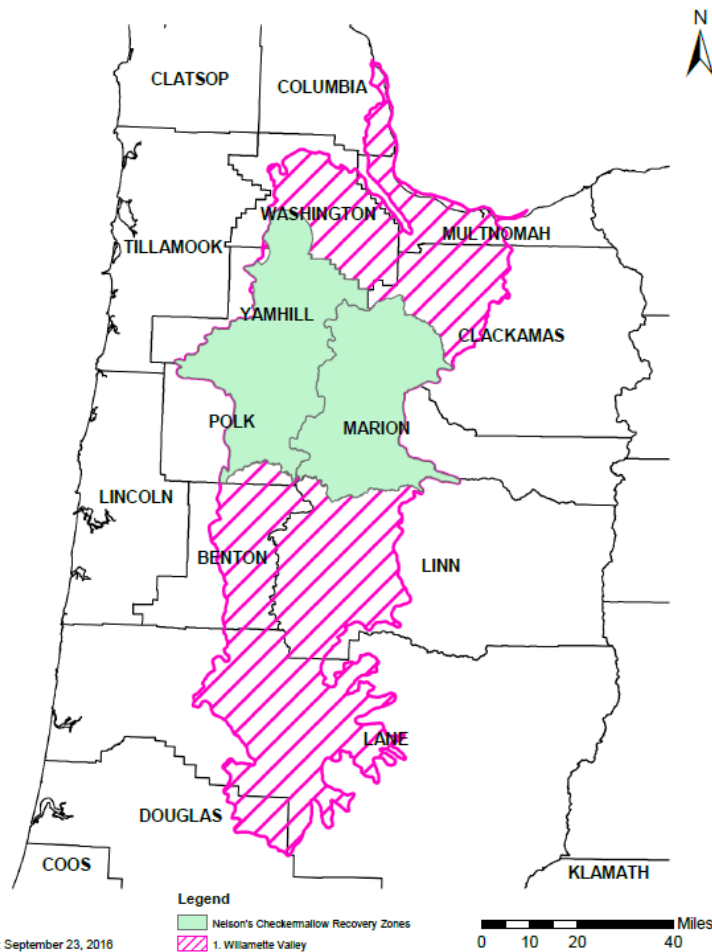
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# Nelson's Checkermallow Recovery Zones

2024 ACEP – WRE Priority Geographic Regions Nelson's Checkermallow Recovery Zones



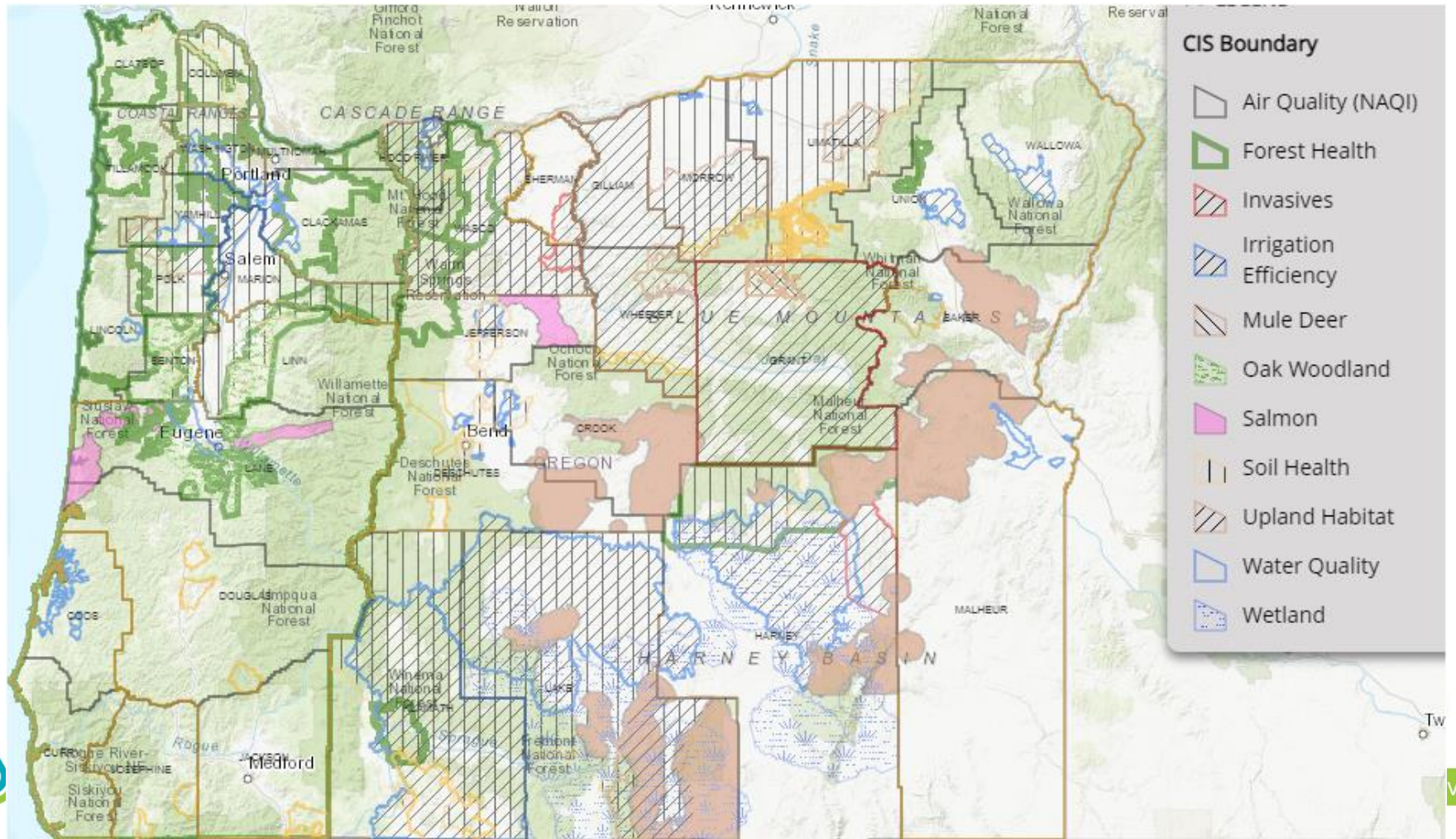
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# Oregon's Conservation Implementation Strategies (CIS)







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# ACEP-ALE Priority Areas and Ranking FY24



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# ACEP- ALE Priority Areas

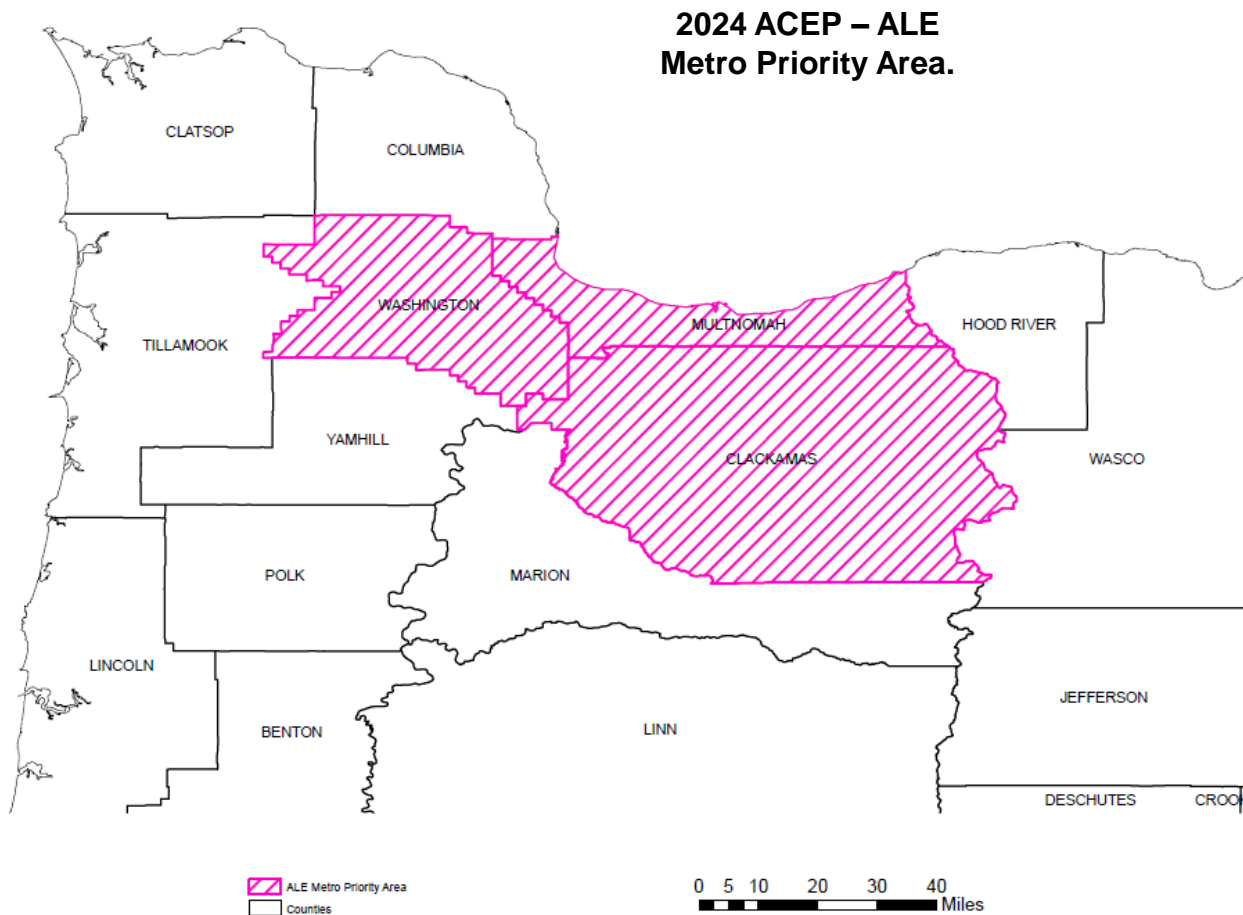
- **Portland Metro Area**
- **Mid-Columbia River Steelhead Recovery Plan Area**
- **Southern Oregon/Northeastern California Migratory Bird Habitat**
- **ODFW Priority Grasslands Conservation Strategy**
- **OWEB Oak Woodland and Priority Habitat**
- **Core Sage Grouse Habitat per Oregon Sage-Grouse Action Plan**



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# Portland Metro Priority Area



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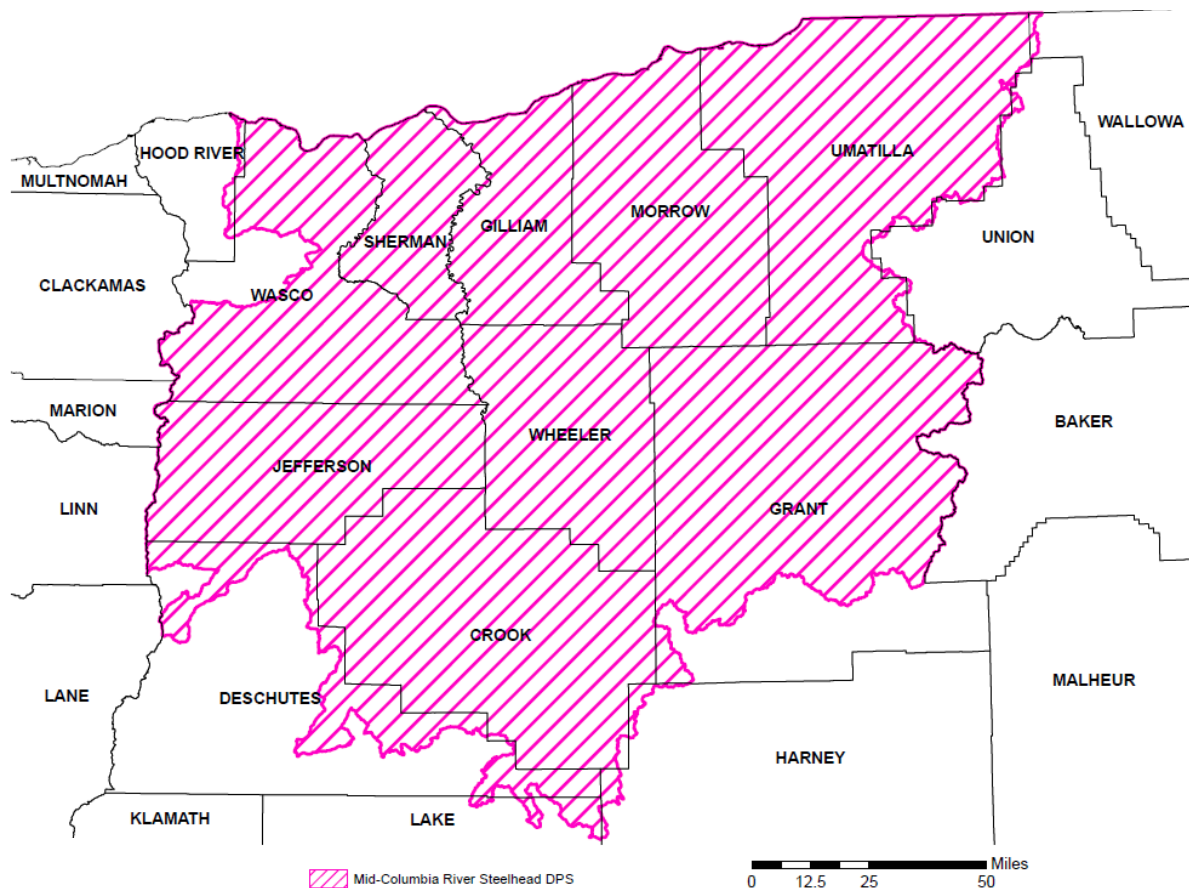
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# Mid-Columbia River Steelhead



## 2024 ACEP – ALE Priority Area. Mid-Columbia River Distinct Population Segment



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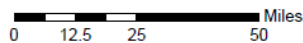
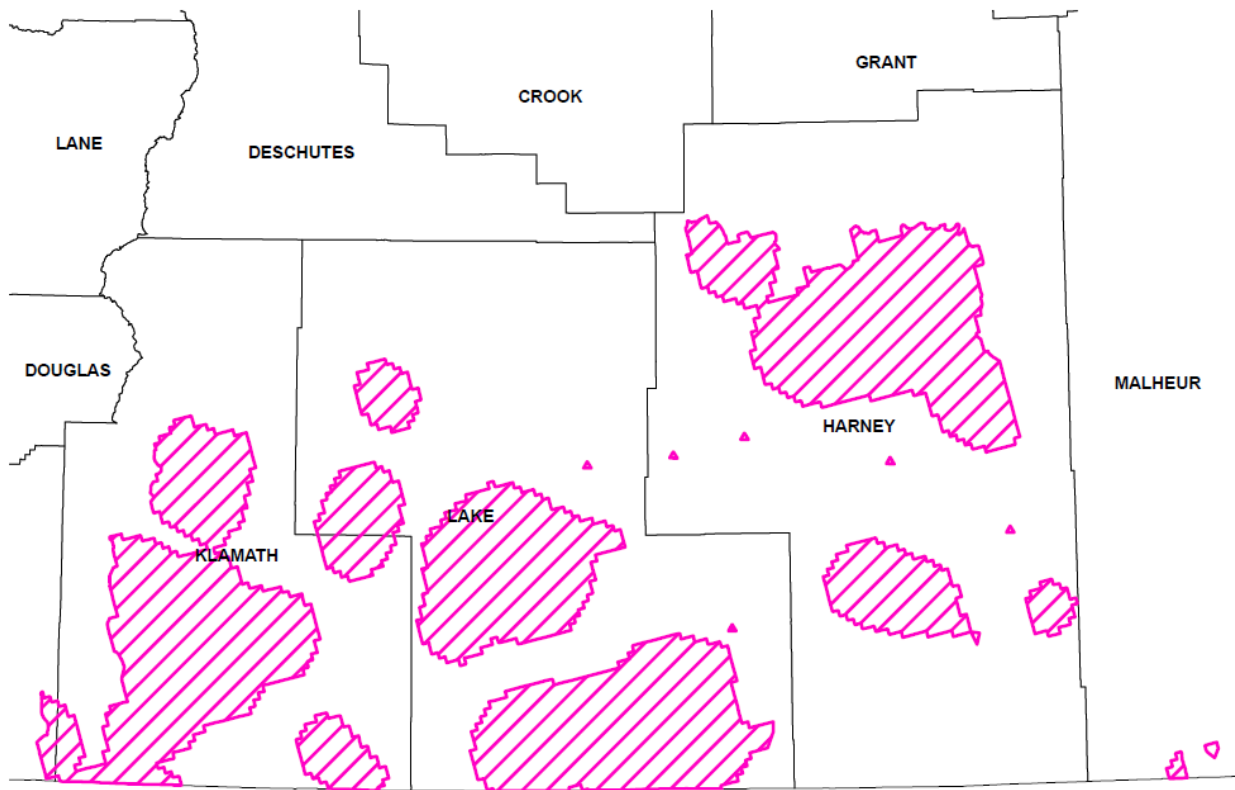
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# SONEC Migratory Waterbird Priority Areas



## 2024 ACEP –ALE Priority Areas SONEC Migratory Waterbird Priority Areas

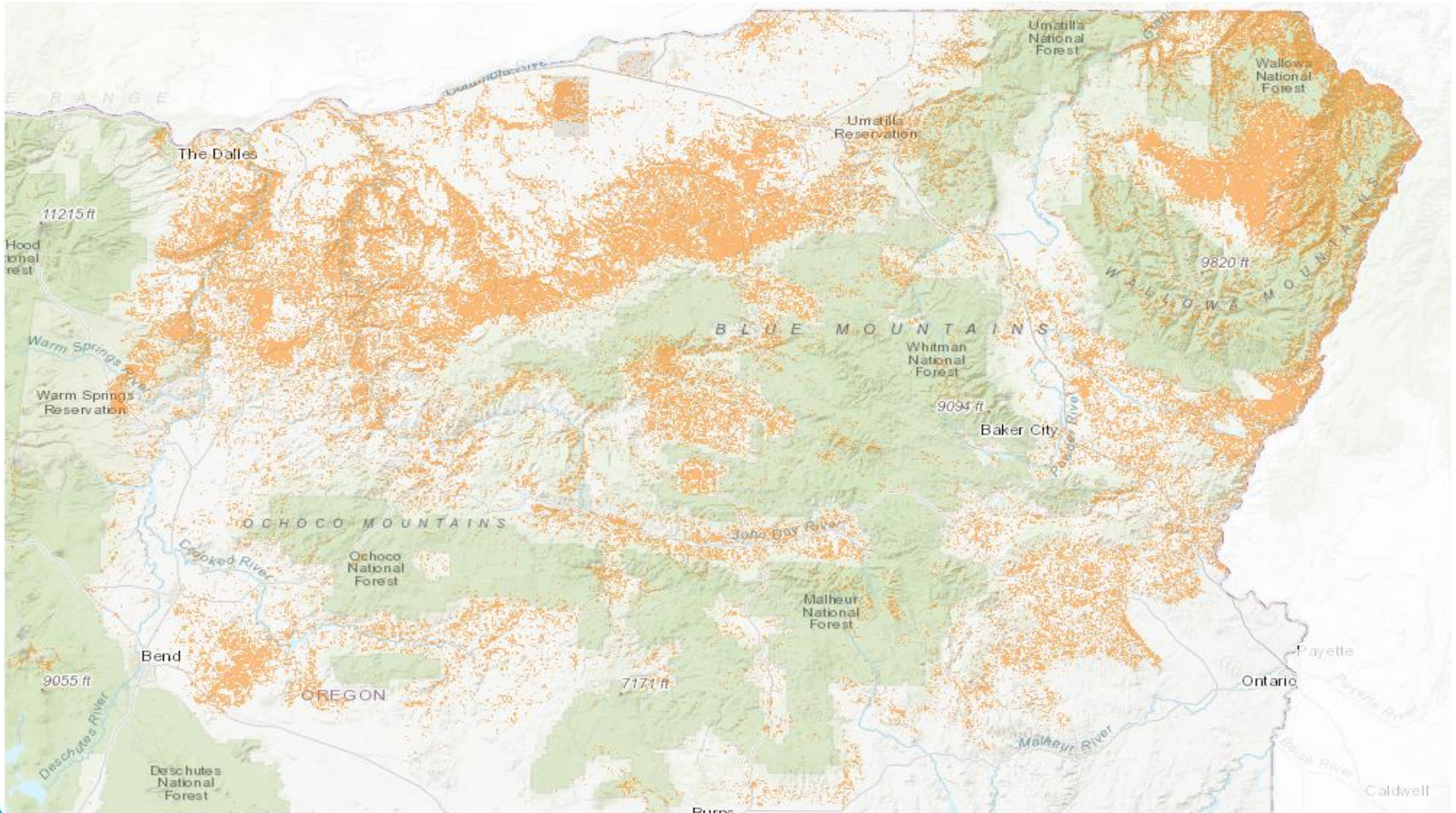


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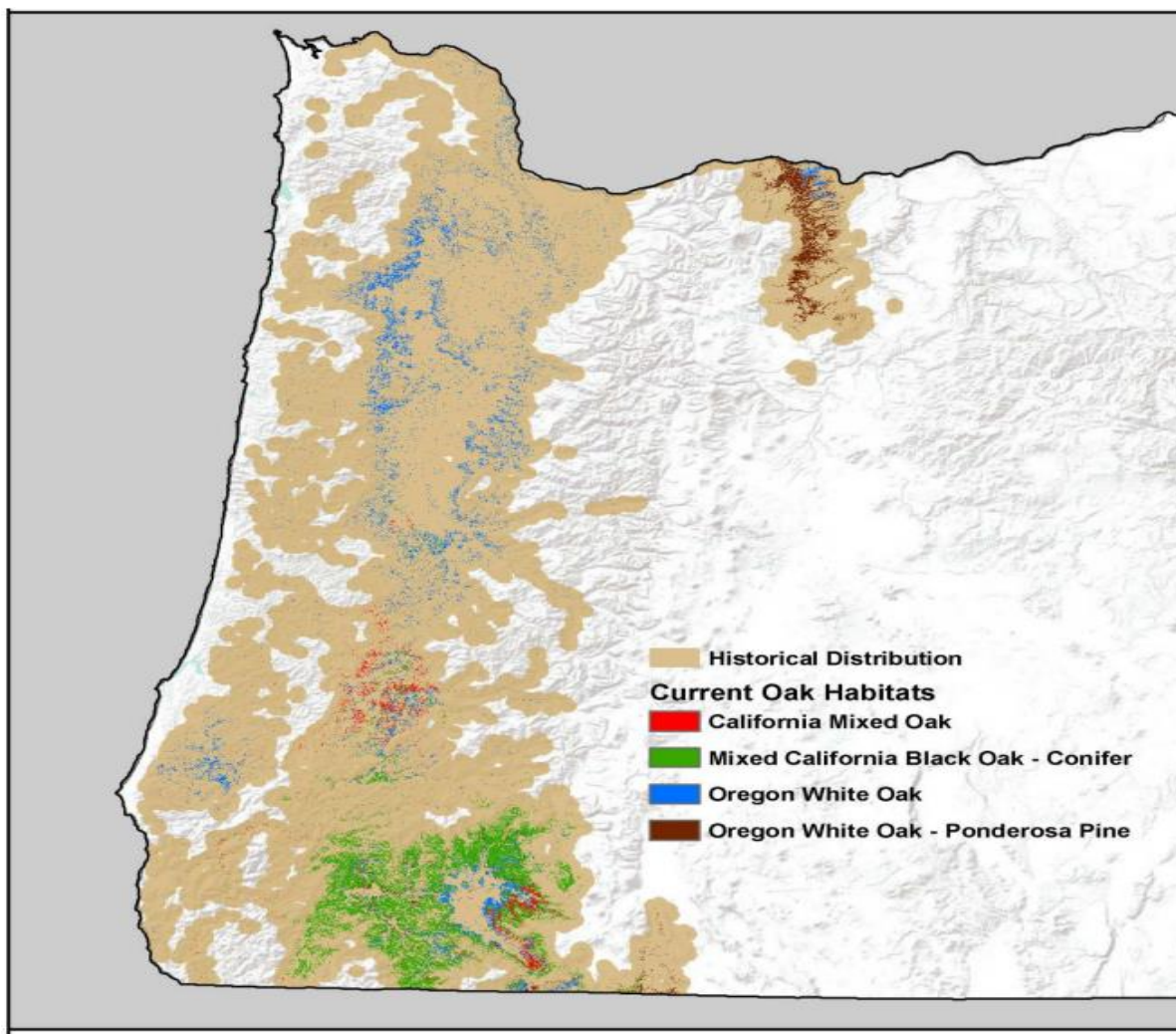
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# ODFW Priority Grasslands Conservation Strategy



# OWEB Oak Woodland and Priority Habitat

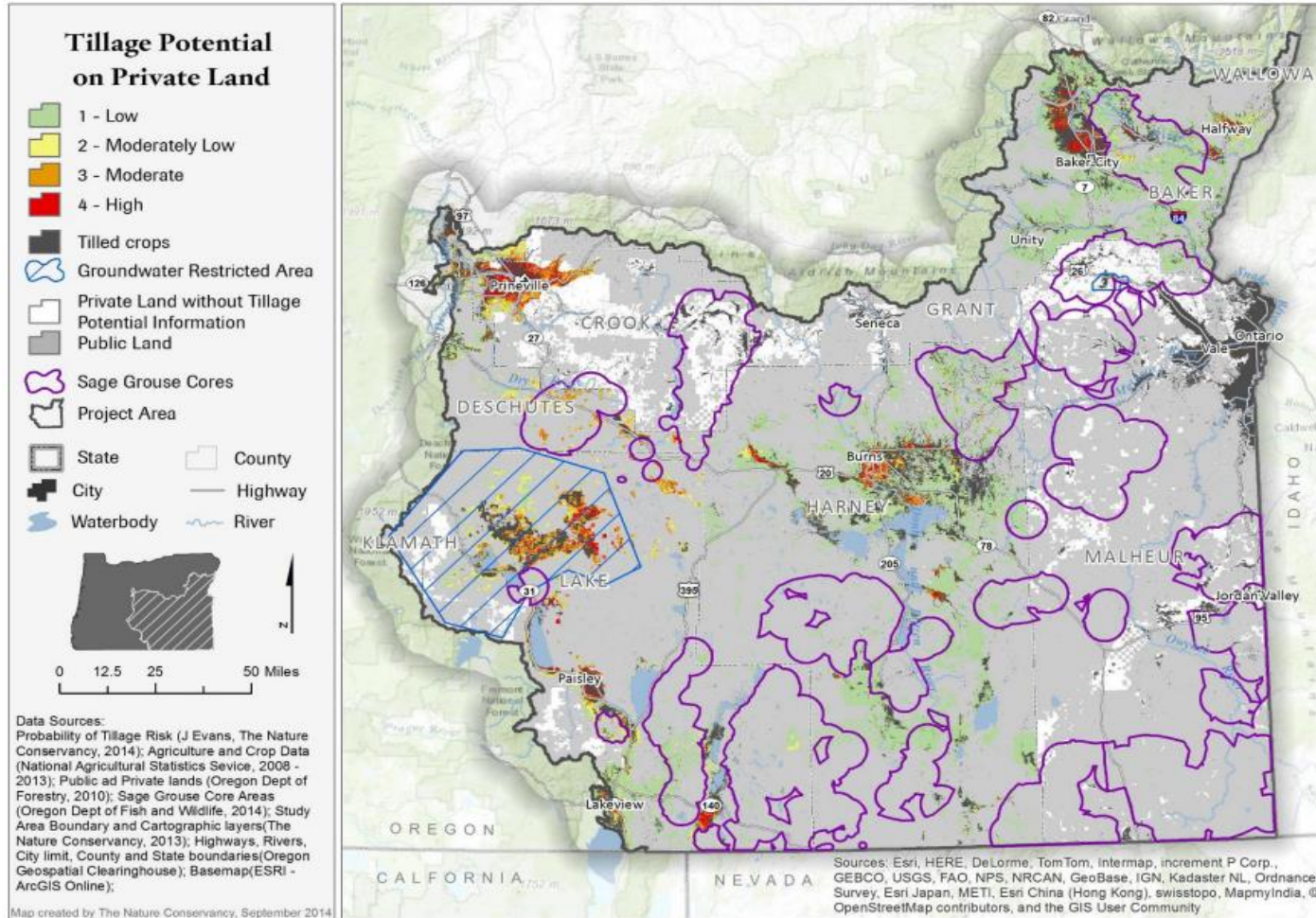


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# Core Sage Grouse Priority Areas



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# ACEP-ALE Ranking Criteria



## National Criteria:

1. Percent of prime, unique, and important farmland in the parcel.
2. Historically underserved group, small scale farmer, limited resource landowner, new or beginning farmer or rancher or veteran landowner.
3. Percent of cropland, pastureland, grassland, and rangeland in the parcel.
4. Ratio of the total acres of land in the parcel to be protected to average farm size in the county.
5. Decrease in the percentage of acreage of farm and ranch land in the county.
6. Percent population growth in the county.
7. Population density per square mile.
8. Existence of a farm or ranch succession plan or similar plan established to address farm viability for future generations.
9. Proximity of the parcel to other protected land.
10. Proximity of the parcel to other agricultural operations and agricultural infrastructure.
11. Maximizing the protection of contiguous acres devoted to agricultural use.
12. Whether the land is currently enrolled in CRP in a contract that is set to expire within 1 year.
13. Whether the land is grassland that would benefit from protection under a long-term easement.
14. Parcel contains historical or archaeological resources that will be protected by easement area



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# ACEP-ALE Ranking Criteria

## Oregon Criteria

1. The location of a parcel in an area zoned for agricultural use.
2. Eligible entity has demonstrated performance in managing and enforcing easements by monitoring 95 percent or more of its easements each year.
3. Proximity of Parcel to other permanently protected local, regional, state and federal lands such as parks, natural areas, forests, and grasslands.
4. Parcel is wholly within boundaries of NRCS OR Conservation Implementation Strategy or within NRCS OR ACEP ALE Priority Areas
5. Parcel is partially or wholly within boundaries of the SageCon Oregon Sage-Grouse Action Plan.
6. Parcel is partially or wholly within boundaries of OWEB Focused Investment Priority - Oak Woodland and Prairie Habitat.
7. Parcel is partially or wholly within boundaries of ODFW Conservation Opportunity Areas.
8. Parcel is identified as a historically or culturally significant.
9. Parcel contains historical or archaeological resources that will be protected by the easement.
10. Proximity of the parcel to other agricultural operations - access to markets and infrastructure
11. Succession plan in place or will be developed.
12. Does one or more eligible landowner(s) meet the definition as a historically underserved group?





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# Oregon's Wetland Restoration Criteria Guide (WRCG)



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## State-Specific Wetland Restoration Criteria and Guideline Development

**Changes in the 2018 Farm Bill, updated the ACEP regulation and policy to clarify principles, reflect new requirements, considerations, and procedures for conducting wetland restoration on new and existing Wetland Restoration Easements.**

- Developed in consultation with the State Technical Committee members and other State Partners
- The restoration guide provides transparent technical considerations and parameters that are specific to each State
- Not intended for administrative procedures, but rather as a living resource for technical wetland restoration



# WRCG Purpose:



**State Technical document that provides Program decision-making information to assist in:**

- Land application eligibility
- Application ranking and selections
- Wetland restoration planning, enhancement, and management





# WRCG

## Required Sections:

- Historic wetland types
- Alternative wetland communities
- Adjacent land eligibility
- Ranking and waiver criteria
- Practices for WRPO and CUA Considerations

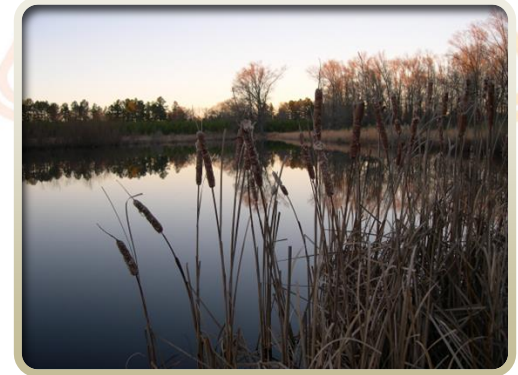


# WRCG – Historic Wetland Types

- Provides a description of historic wetland types, their distribution in Oregon, and references
- Targets hydrology and vegetative communities
- Describes common wetland restoration practices per wetland type



# Alternative Wetland Communities



- Describes alternative wetland communities, hydrology and vegetation
- Defines alternative wetland functions and value alternatives, compared to natural wetland type
- Provides considerations for authorizing alternative wetland communities(ex. at-risk wetland species or migratory waterfowl)
- Defines limit for the amount alternative wetland communities can be established per site





# WRCG – Ranking Criteria Information

- Ranking factors (Proximity to T&E species)
- Oregon Specific Geographic Priority Areas
- Special considerations (State-designated waters)
- Ranking pools (Geographic region)
- Threshold for ranking scores



## WRCG- Adjacent Lands WRCG- Eligibility:

### State Conservationist has authority for a waiver to enroll

- If- Critical wetland functions inherently depend on the adjacent lands
- If- At-risk wetland species need adjacent uplands to complete their lifecycle
- If- High wetland degradation risks need an adequate adjacent buffer to maintain functions and values



# WRCG – Conservation Practices

- WRCG can help define Conservation Practices for implementing ACEP-WRE funds
- WRCG is utilized for FY cost lists in Conservation Desktop(CD) and the development of a Wetland Restoration Plan of Operations(WRPO)
- WRCG provides a list Practices that are applied for wetland restoration



# WRCG – Common Compatible Use Authorizations Requests (CUA's)

Technical considerations for how to implement practices for specific wetland types for specific areas of state

- Mowing
- Haying
- Grazing
- Disking
- Planting
- Food plot requirements
- Prescribed burning measures
- Forest management



# WRCG

## Resource for State Wetlands Team

- Technical guidance for wetland management and decisions
- Handy, compiled technical resource for wetland restoration
- A quick resource for templates, user guides, forms, and field tools

### WRCG Status

- Provided a draft to the OTAC Easement Subcommittee in early May
- We are finalizing the document with the required items for Oregon priorities and the comments that were received
- Plan to post the official document to our website no later than September 15th, 2023



# FY 24 Oregon's ACEP Application Dates

## EASEMENT PROGRAMS - Applications for New Enrollments

Program	Application Batch Date-Priority	Secondary Application Batch Date-Tentative	Application Ranking and Approval*	Determine Eligibility for Selection
ACEP-WRE	Oct. 16 – Dec.15, 2023	N/A	TBD – By National	TBD – By National
ACEP-ALE	Oct. 16 – Dec. 15, 2023	N/A	TBD – By National	TBD – By National

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# Questions?





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