

Land Trust Alliance
Comparison of Alliance Farm Bill Recommendations to H.R. 2 Agriculture and Nutrition Act of 2018 and S. 3042 Agriculture Improvement Act of 2018
June 29, 2018

Recommendation	Land Trust Alliance	H.R. 2 Agriculture & Nutrition Act of 2018	S. 3042 Agriculture Improvement Act of 2018
ACEP Funding	Authorize at \$500 million/year	Authorize at \$500 million/year	Authorizes funding for ACEP at the following levels: 1. \$400 million/year FY19 – FY21 2. \$425 million/year FY22 3. \$450 million/year FY23
Streamline ALE: Minimum Deed Terms, Right of Enforcement and ALE Plans	<ol style="list-style-type: none"> 1. Allow for flexibility or regional nuances to address local and regional matters more effectively. 2. Remove ALE Plan as part of minimum deed terms. 3. Clarify that contingent right of enforcement does not extend to a right of inspection unless easement holder fails to provide inspection reports in timely manner. 	<ol style="list-style-type: none"> 1. Allow for flexibility or regional nuances to address local and regional matters more effectively. 2. Remove ALE Plan as part of minimum deed terms. 3. Clarify that contingent right of enforcement should not extend to right of inspection unless easement holder fails to provide inspection reports in timely manner. 	<ol style="list-style-type: none"> 1. Removes ALE plan requirement from minimum deed terms but requires an ALE plan as a condition for cost-share assistance that: <ol style="list-style-type: none"> a) describes natural resource concerns on the eligible land subject to easement; b) describes conservation measures and practices that the landowner of the eligible land subject to easement may employ; c) requires grasslands management plan for grasslands of special environmental significance; and d) requires implementation of conservation plan that, at the option of the Secretary, conversion of highly erodible cropland to less intensive uses for highly erodible lands.
Authorize a Robust Certification Process	<ol style="list-style-type: none"> 1. Allow <u>certified entities</u> to write their own minimum deed terms. 2. Revise certification criteria to add language that recognizes Accredited Land Trusts with a minimum five acquisitions using program funds as certified entities. 	<ol style="list-style-type: none"> 1. Allow <u>certified entities</u> to write their own minimum deed terms. 2. Revise certification criteria to add language that recognizes Accredited Land Trusts with a minimum five acquisitions using program funds as certified entities. 	<ol style="list-style-type: none"> 1. Allow <u>certified entities</u> to write their own minimum deed terms. 2. Revise certification criteria to add language that recognizes Accredited Land Trusts with a minimum of TEN acquisitions using program funds as certified entities.

Matching Funds	<ol style="list-style-type: none"> 1. Delete Section 1265B(b)(2)(B) &(C) – Matching fund requirement to allow for landowner donation and expenses related to the conservation easement transaction to satisfy matching requirements. 	<ol style="list-style-type: none"> 1. Delete Section 1265B(b)(2)(B) &(C) – Matching fund requirement to allow for landowner donation and expenses related to the conservation easement transaction to satisfy matching requirements. 2. Explicitly allows funding from a FEDERAL SOURCE other than USDA to count toward match. 	<ol style="list-style-type: none"> 1. Amends Section 1265B to allow charitable donation of easement and associated costs to secure deed as well as other costs as determined by the Secretary to satisfy ALE match requirements.
Adjusted Gross Income (AGI) Limitation	<ol style="list-style-type: none"> 1. Exempt ACEP-ALE from the AGI limitation to open up enrollment in ACEP for owners of critical and sensitive lands who don't meet AGI eligibility criteria. 	<ol style="list-style-type: none"> 1. Exempt ACEP-ALE from AGI limitation to open up enrollment in ACEP for owners of critical and sensitive lands who don't meet AGI eligibility criteria. 	<ol style="list-style-type: none"> 1. Does not include AGI exemption or waiver. 2. Reduces AGI limit to \$700,000.
Buy-Protect-Sell	<ol style="list-style-type: none"> 1. Specifically allow “buy-sell-protect” transactions to allow a party to buy agricultural land, protect it from development and sell it at the agricultural value. 	<ol style="list-style-type: none"> 1. Does not include buy-protect-sell provisions 	<ol style="list-style-type: none"> 1. Include buy-protect-sell provisions
Mineral Rights	<ol style="list-style-type: none"> 1. Explicitly state that subsurface mineral development can occur as long as it does not negatively impact the agricultural or conservation values. 	<ol style="list-style-type: none"> 1. Gives the Secretary the authority to allow development of mineral rights as long as the development has i) limited and localized effects; ii) is not irretrievably destructive of significant conservation interests; and iii) would not alter or affect the topography or landscape. 	<ol style="list-style-type: none"> 1. Does not include mineral rights.
Ecosystem Services	<ol style="list-style-type: none"> 1. Explicitly state that ALE easement holders can participate in ecosystem markets. 	<ol style="list-style-type: none"> 1. Allows ALE easement holders to participate in ecosystem markets. 	<ol style="list-style-type: none"> 1. Do not include ecosystem services language.
Improve Forest Land Participation in ALE	<ol style="list-style-type: none"> 2. Add language to allow an ALE easement to be on up to 100% forest land with a Secretarial waiver. 3. Create a “forests of special environmental significance” category to allow projects to receive up to 70% cost-share, similar to current “grasslands of special environmental significance” cost-share. 	<ol style="list-style-type: none"> 2. Allows ALE easements for up to 100% nonindustrial private forest land if Secretary determines enrolling the land is important to protect a forest to provide significant conservation benefits. 3. No reference to “forests of special environmental significance.” 	<ol style="list-style-type: none"> 2. Does not change forested land language.

Ranking Criteria and Eligibility	1. Add language to allow state priorities to be considered for establishing evaluation and ranking criterion.	1. Adjusts evaluation and ranking criteria to account for geographic nuances as long as it meets the purposes of the program and continues to maximize the benefits of the Federal investment under the program.	1. Adjusts evaluation and ranking criteria to account for geographic nuances as long as it meets the purposes of the program and continues to maximize the benefits of the Federal investment under the program.
Allow Effective Ongoing Administration of the Easement Terms	1. Add new subsection to allow for effective ongoing administration of conservation easement terms. Explicitly permit amendments that have 1) a neutral effect on or increase conservation values; 2) do not confer an impermissible private benefit; 3) are consistent with original intent of easement and 4) are agreed to by both the landowners and the entity.	1. Allows for modification of an easement that have 1) a neutral effect on or increase conservation values; 2) are consistent with original intent of easement and 3) consistent with the purposes of the program. 2. Explicitly states that modifications may not increase any payment to an eligible entity. Does 3. <u>not</u> include clarification regarding conferring impermissible private benefit.	1. Does not include language regarding modification of an easement.
Violations	1. Limit when the Secretary should require a refund plus interest from an eligible entity.	1. Limits violations to fraud and gross negligence	1. No reference to these violations
Increase Overall Conservation Title Funding	1. Supports an increase in overall conservation title funding	1. Cuts funding for the Conservation Title by close to \$800 million over ten years.	1. No cuts to overall Conservation Title funding
Increase Regional Conservation Partnership Program (RCPP) Funding	2. Support greater funding for RCPP	2. Funds RCPP at \$250 million/year from FY19 – FY23. 3. Removes allocation of 7% funding from donor programs including ACEP.	2. Funds RCPP at \$200 million annual funding 3. Retains allocation of 7% funding from donor programs including ACEP.
Forestry Title Recommendations	1. Restore mandatory funding for Healthy Forest Reserve Program (HFRP) to \$12 million/year. 2. Expand eligibility for working forests in HFRP. 3. Allow Tribes to sell permanent conservation easements on lands they own in fee (mirror authority under ACEP)	1. \$12 million discretionary funding authorization maintained (no mandatory funding). 2. Expands eligibility for working forests. Allows 3. Tribes to sell permanent conservation easements on lands they own in fee.	1. \$12 million discretionary funding authorization maintained (no mandatory funding). 2. Expands eligibility for working forests.

Farmers Market and Local Food Promotion Program (FMLFPP)	1. Reauthorize mandatory funding for farmers market and local food promotion program at \$33 million/year.	1. No mandatory funding, but authorization of appropriations of \$30 million a year	1. Combines the authority for value-added agricultural market development program grants and the farmers' market and local food promotion program and provides \$60 million annually in mandatory funding
Food Insecurity Nutrition Incentive Grant Program (FINI)	1. Provide \$100 million in mandatory funding for FINI.	1. Provides \$600 million over ten years	1. Provides \$500 million over ten years