

Land Trust Alliance
Comparison of Alliance Farm Bill Recommendations to the Agriculture Improvement Act of 2018
December 2018

Recommendation	Land Trust Alliance	H.R. 2 Agriculture Improvement Act of 2018
ACEP Funding	Authorize at \$500 million/year	Authorizes at \$450 million/year
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. Allows for flexibility or regional nuances to address local and regional matters more effectively. 2. Removes ALE Plan requirement except for highly erodible lands. 3. Clarifies that contingent right of enforcement should not extend to right of inspection unless easement holder fails to provide inspection reports in timely manner or the Secretary has a reasonable belief that the easement terms have been violated.
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. Recognize Accredited Land Trusts with a minimum five acquisitions using program funds as certified entities. 	<ol style="list-style-type: none"> 1. Allows <u>certified entities</u> to write their own minimum deed terms. 2. Recognizes Accredited Land Trusts with a minimum ten acquisitions using program funds as certified entities.
Matching Funds	<ol style="list-style-type: none"> 1. Allow for landowner donation and expenses related to the conservation easement transaction to satisfy matching requirements. 	<ol style="list-style-type: none"> 1. Allows landowner donation and expenses related to conservation easement transaction to satisfy matching 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. Grants the Secretary waiver authority for the Conservation Title for lands of special environmental significance
Buy-Protect-Sell	<ol style="list-style-type: none"> 1. Specifically allow "buy-protect-sell" transactions to allow an eligible entity to buy agricultural land, protect it from conversion and sell it at the agricultural value to a farmer or rancher 	<ol style="list-style-type: none"> 1. Allows buy-protect-sell transactions to allow an eligible entity to buy agricultural land, protect it from conversion and sell it at the agricultural value to a farmer or rancher.
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. Clarifies that subsurface mineral rights can be developed as long as the development has i) limited and localized effects; ii) does not harm the agricultural use or conservation values of the land subject to the easement; iii) does not materially alter or affect the existing topography; and iv) complies with a subsurface mineral development plan.
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. Administration section on environmental markets.

Improve Forest Land Participation in ALE	<ol style="list-style-type: none"> 1. Allow ALE easements to be on up to 100% forested land with a Secretarial waiver. 2. Create a “forests of special environmental significance” category to allow projects to receive up to 70% cost-share, similar to “grasslands of special environmental significance” cost share. 	<ol style="list-style-type: none"> 1. No changes to forest land participation. 2. No provision for forests of special environmental significance.
Ranking Criteria and Eligibility	<ol style="list-style-type: none"> 1. Allow the Secretary to adjust evaluation and ranking criteria to account for geographic nuances as long as such adjustments meet the purposes of the program and continue to maximize the benefit of the Federal investment in the program. 	<ol style="list-style-type: none"> 1. Allows the Secretary to adjust 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	<ol style="list-style-type: none"> 1. Modernize language for the subordination, exchange, modification or termination of an ALE easement to 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. 	<ol style="list-style-type: none"> 1. Modernizes language for the subordination, exchange, modification or termination of an ALE easement to explicitly permit amendments 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 the Secretary may approve terminations .when they address a compelling public need for which there is no other practicable alternative even with avoidance and minimization and the United States will be fully compensated for the fair market value of the interest in land. 3. Report language clarifies that any termination of a qualified contribution by the Secretary shall be in accordance with the requirements of the Department of Treasury Regulations.
Violations	<ol style="list-style-type: none"> 1. Limit when the Secretary should require a refund plus interest from an eligible entity. 	<ol style="list-style-type: none"> 1. No changes to violations provisions.
Increase Overall Conservation Title Funding	<ol style="list-style-type: none"> 1. Supports an increase in overall conservation title funding 	<ol style="list-style-type: none"> 1. NO CUTS to Conservation Title Funding
Increase Regional Conservation Partnership Program (RCPP) Funding	<ol style="list-style-type: none"> 1. Support greater funding for RCPP 	<ol style="list-style-type: none"> 1. Funds RCPP at \$300 million/year from FY19 – FY23. 2. Removes allocation of 7% funding from donor programs including ACEP. 3. Establishes new grant program

Forestry Title Recommendations	<ol style="list-style-type: none"> 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) 	<ol style="list-style-type: none"> 1. \$12 million discretionary authorization maintained (no mandatory funding). 2. Expands eligibility for working forests. 3. Allows Tribes to sell permanent conservation easements on lands they own in fee.
Farmers Market and Local Food Promotion Program (FMLFPP)	<ol style="list-style-type: none"> 1. Reauthorize mandatory funding for farmers market and local food promotion program at \$33 million/year. 	<ol style="list-style-type: none"> 1. Combines the Farmers Market and Local Food Promotion Program with value added grants to make the Local Agriculture Market Program (LAMP) which will be funded at \$50 million/year.
Food Insecurity Nutrition Incentive Grant Program (FINI)	<ol style="list-style-type: none"> 1. Provide \$100 million in mandatory funding for FINI. 	<ol style="list-style-type: none"> 1. Provides \$45 million for FY19, \$48 million for FY20 and FY21; \$53 million for FY22 and \$56 million for FY23 and each fiscal year thereafter.