

Land Trust Alliance 2023 Farm Bill Recommendations

The Farm Bill conservation programs taken in total are the largest single source of federal funding for private land conservation. Farm Bill programs offer significant opportunities for land trusts to protect high-priority farm and ranch lands, grasslands, wetlands and forested lands. Through stakeholder meetings with our land trust members, who work hand in hand with landowners to conserve and restore working lands, the Alliance has developed the following targeted recommendations to streamline program administration and implementation, ensuring critical conservation dollars fund good projects.

- **Robust funding for the Agricultural Conservation Easement Program (ACEP).** The Alliance's top priority is to adequately fund ACEP to meet the high demand for these programs that keep working lands in production. Farmers and ranchers who want to protect their land for future generations are often turned away because of the limited funding for this vital program. This leaves too many critical lands threatened by development pressures.
- **Maintain improvements to ACEP made in the 2018 Farm Bill.** The 2018 Farm Bill eliminated the ACEP Agricultural Land Easement (ALE) plan requirement, which did not advance conservation, but rather prevented key agricultural lands from being conserved. The ALE plan requirement should not be restored in the 2023 Farm Bill. In addition, access to the ACEP - ALE in areas with little state or local conservation funding was expanded by the addition of provisions to allow landowner donations and expenses to satisfy match requirements. These provisions, which helped get more conservation dollars on the ground, should be retained in the 2023 Farm Bill.
- **Clarify the certified entity application and enrollment process and ensure accredited land trusts have a streamlined path to become certified.** The ability to recognize exceptional land trusts as certified entities was established in the 2008 Farm Bill with the intent to streamline implementation of entity-held easements. To date, only seven entities have been certified. The Alliance recommends clarifying the certification application and enrollment process.
- **Reduce barriers faced by historically underserved landowners.** All landowners should have access to Farm Bill conservation programs. The Alliance recommends providing set-asides in ACEP and other Farm Bill programs for beginning, limited-resourced and socially disadvantaged farmers. In addition, the match requirement for land trusts working with these landowners, who were often denied participation in the past, should be reduced to create a greater incentive for entities to work with landowners who might not otherwise participate in Farm Bill programs.
- **Enhance the Healthy Forest Reserve Program to establish a Forest Conservation Easement Program.** Private forests comprise 58% of all forested land in the U.S. While the total area of forestland in the U.S. has been largely stable historically, private forests now face significant threats, mainly from conversion to housing and urban development. We recommend enhancing the Healthy Forest Reserve Program by creating a stand-alone Forest Conservation

Easement Program that ensures private forestland remains intact and in production, allowing them to continue providing numerous benefits to rural and urban communities.

- **Exempt ACEP from the Adjusted Gross Income (AGI) limitation.** Unlike financial assistance payments, compensation for the purchase of a conservation easement is not a subsidy payment but a conveyance of a private real property right. This means the landowner must give up something of value in exchange for the program payment. The Alliance encourages exemption from the AGI limitation for ACEP.
- **Ensure Regional Conservation Partnership Program (RCPP) works for easements.** The RCPP is a key tool for land trusts to help protect farm and ranch lands, grasslands, wetlands and forested lands. Land trusts want to see consistency in how easements are implemented whether through ACEP or RCPP. One way would be to ensure certified entities have the same benefits in ACEP and RCPP.
- **Make Buy-Protect-Sell (BPS) work as intended.** The 2018 Farm Bill was a step in the right direction enabling BPS transactions that can provide opportunity for those who have trouble accessing farmland. However, for these transactions to work effectively, the language needs to be refined to clarify the primary purposes of BPS, clarify eligible lands and establish realistic timelines for enrollment.