Land Trust Alliance
Together, conserving the places you love

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William Hohenstein, Director
Office of Energy and Environmental Policy
U.S. Department of Agriculture
1400 Independence Avenue, SW
Washington, DC 20250

RE: Comments of the Land Trust Alliance on the Executive Order on Tackling the Climate Crisis at Home and Abroad

Director Hohenstein:

Thank you for seeking stakeholder input on the USDA's strategy for climate change mitigation and resilience. The Land Trust Alliance appreciates the opportunity to submit comments on behalf of our nearly 1,000 member land trusts.

Founded in 1982, the Land Trust Alliance (the Alliance) is a nonprofit corporation and national land conservation organization based in Washington, D.C., that works to save the places people need and love by strengthening land conservation across America. We are the voice of private land conservation, unifying the American ideals premised on personal initiative, landowner empowerment and individual private property rights. Our members have worked with enthusiastic landowners, including farmers, ranchers and foresters, in their communities to conserve well over 56 million acres of land across our country, simultaneously boosting rural economies by helping to keep working lands in working hands.

The Alliance recognizes that climate change poses a serious threat to these protected lands *and* these lands are an integral part of the solution to climate change. Natural and working lands can sequester large amounts of carbon, potentially contributing up to one-third of the total emissions reductions needed to meet our nation's climate goals.[1] As some of America's most committed and experienced conservationists, the land trust community – and the landowners, farmers, ranchers and foresters with whom they work — stand ready to bring natural climate solutions to scale.

[1] Griscom et al. "Natural climate solutions," Proceedings of the National Academy of Sciences, Oct 2017, 114 (44) 11645-11650. https://www.pnas.org/content/114/44/11645

We commend USDA on undertaking this important step to bring all voices to the discussion on how to best respond to and prepare for a changing climate. Below, we outline several ambitious strategies the Department could take to bolster the role of natural and working lands in combating climate change.

Protect the Land Base

In order to utilize our natural and working lands to support climate change mitigation and resilience, we must first ensure these lands can continue to provide critical ecosystem services. Land conservation reliably produces myriad benefits by providing carbon sequestration, clean air and water, habitat for plants and animals, local and secure food supplies, and places to come together as a community to recreate and recharge. These benefits are lost when lands are converted to other uses such as energy infrastructure or housing subdivisions. For the U.S. to tackle today's climate change, biodiversity and other environmental crises, it must take full advantage of solutions offered only by the land conservation sector***.***

We recommend the Administration adopt the following principles as part of its strategy to address climate change.

1. **Accelerate the pace and scale of conservation**

The Alliance is supportive of the goal to conserve 30% of our nation's lands and waters in the next decade in order to preserve biodiversity, save America's farms, ranches and forests, and avoid the worst impacts of climate change. We appreciate the Administration's commitment to a national 30x30 goal as outlined in the Executive Order on Tackling the Climate Crisis at Home and Abroad, as well as the recognition of the role private land conservation must play in achieving it. With 60% of land in the U.S. under private ownership*,* voluntary private land conservation – such as that supported by existing Farm Bill conservation programs – is critical to conserving the more than 400 million additional acres needed to reach the 30x30 goal.

Land trusts are our country's primary drivers of voluntary private land conservation, and they are committed to dramatically accelerating the pace of conservation in support of the 30x30 goal. Operating in most communities across the country, land trusts are uniquely qualified to respond to local needs by conserving lands that provide clean air and water, natural climate solutions, sustainable food and fiber, biodiversity preservation, as well as equitable access to open spaces for respite, recreation and sustenance.

In short, the opportunities that can be seized through land conservation — and the losses that can be stemmed — are most readily found on private lands. As such, the federal government must redouble its efforts to ensure that land conservation policies, programs and funding sources prioritize private land conservation and catalyze a dramatic increase in the rate of private land protection through the following actions:

- **Dramatically increase funding for programs that fund conservation easements.**

  - **Agricultural Conservation Easement Program –** Working with willing landowners through programs like ACEP-ALE to slow the conversion of farm and ranchlands is critical. It also helps to retain stored soil carbon in support of climate goals. Demand for this program, however, regularly exceeds available resources. We estimate that current funding levels are only meeting one-third of demand. Drastically increasing funding, removing administrative barriers to participation, and enhancing opportunities for disadvantaged farmers and ranchers would maximize outcomes of this existing program.
  - **Regional Conservation Partnership Program –** This program, targeted towards innovation and partnership, has had impressive results. In particular, the Alternative Funding Arrangements create an incentive for innovation in conservation mechanisms. Importantly, these funds go directly to eligible partners, which streamlines getting funding on the ground for conservation.
  - **Healthy Forests Reserve Program –** As the only forestland easement program administered through NRCS, this program has much room to grow. HFRP is currently authorized for $12 million a year, but because this funding is not mandatory, the program is often underfunded or not funded at all. Boosting funding and expanding this program to allow for easements held by third parties would help ensure our nation's carbon-rich forests are protected.
  - **Forest Conservation Easement Program (proposed program) –** This envisioned sister program to the Agricultural Conservation Easement Program would build from the current Healthy Forests Reserve Program to allow for entity-held forestland conservation easements, similar to the ACEP-ALE program.
  - **Community Forest Program –** This program smartly leverages local funds to center public access and community participation in forest management. However, it is currently authorized at only $4 million annually. Increasing resources for CFP presents a straightforward opportunity to greatly expand locally led conservation that protects carbon-rich forests.

- **Reduce bureaucratic barriers for easement programs.**

  - Eliminate cash match as part of national ranking criteria. Projects with a cash match should not have priority over projects using landowner donation and expense as part of the matching funds requirement.
  - Remove conservation plans as part of state ranking criteria and give funding priority for Environmental Quality Incentives Program and Conservation Stewardship Program to lands currently protected by NRCS easements. This would build on existing conservation efforts and deliver additional environmental benefits such as carbon storage.
  - Implement buy-protect-sell provisions as authorized in the 2018 Farm Bill.

- **Move dollars directly to accredited land trusts.**
    - USDA should consider developing streamlined processes for accredited land trusts to get funding on the ground more efficiently for conservation and working lands programs. Accredited land trusts are high-functioning organizations that meet rigorous stewardship and leadership standards as determined by the Land Trust Accreditation Commission, an independent program of the Alliance. These 446 land trusts hold approximately 80% of all lands stewarded by land trusts and are primed for expansion due to their adherence to exacting standards and overall excellence.
    - Funds for easement programs could be regranted through the Alliance to eligible land trusts.

2. Focus on permanence

In the context of climate goals, permanently protected lands offer longer-lasting carbon sequestration benefits while protecting against emissions from future development. USDA should prioritize funding through ACEP and RCPP for projects with easements in perpetuity. While term easements may play a role in the protection of important ecosystems by fostering a relationship with landowners to build trust in easements, they should not be viewed as a primary tool toward lasting protection of working lands. USDA should prioritize programs that focus on permanence for a better return on investment. It should incentivize new pathways to permanent conservation for programs with short-term lease options, such as the Conservation Reserve Program, by offering financial incentives to producers to transition into permanent easements at the expiration of their lease terms.

3. Safeguard existing conservation investments

Even while in protected status, many conservation lands remain vulnerable to development, particularly through condemnation for energy infrastructure. Ambitious renewable energy targets can put pressure on undeveloped landscapes, many of which have high conservation, carbon sequestration and agricultural value. Without proper planning, these potentially competing priorities can create conflict between our clean energy and conservation goals, even as both are crucial for mitigating the impacts of climate change. One recent report from Princeton University estimates the acreage required to meet our nation's future renewable energy needs as larger than the land area of Colorado and Wyoming combined.[2]

We urge the USDA to consider policies that will direct energy infrastructure away from conservation, silvicultural and agricultural sites, and landscapes with high carbon sequestration potential. To this end, USDA should staunchly defend existing conservation easements from energy infrastructure development. We must ensure that new federal investments in an

[2] E. Larson et al., "Net-Zero America: Potential Pathways, Infrastructure, and Impacts, interim report", Princeton University, Princeton, NJ, December 15, 2020. https://netzeroamerica.princeton.edu/the-report

advanced power grid do not undercut previous federal investments in conservation, and studies suggest that there is a plethora of low-impact, non-conservation land available for renewable energy development.

4. **Secure multiple ecosystem services through strategic land conservation**

In developing a 30x30 strategy, the Administration should prioritize lands that provide gains in multiple benefit categories. For example, focusing on natural areas that offer high carbon sequestration value and are also hotspots for biodiversity or that provide improved water quality while simultaneously increasing access to nature for urban populations would maximize outcomes. Quantifying and mapping these types of ecosystem services will be critical to this effort, and a broad suite of such values should be represented in the strategic prioritization of lands to achieve 30x30 goals.

Encourage Climate-Smart Land Management

Improved management of conserved (and non-conserved) working lands can be a powerful, low-cost tool for climate change mitigation. We recommend the following updates to *existing* USDA land management programs to enhance climate benefits:

- **Conservation Reserve Program –** In order to maximize climate outcomes of this popular program, USDA should better incentivize pathways to permanent easements and consider expanding the CLEAR30 pilot program to include more landscapes.
- **Environmental Quality Incentive Program** and **Conservation Stewardship Program –** Funding for these programs should be increased and enhanced to better reward climate smart agriculture practices and for lands with a perpetual conservation easement.

USDA's existing conservation investment has had a sizable impact on our nation's natural resources and rural economies. In light of the magnitude of climate change impacts we face, though, more must be done to enhance resilience and the mitigation potential of natural and working lands. We recommend the following *new* programs and policies:

- **Direct payments to landowners and producers for nature-based carbon sequestration.** This could be achieved in myriad ways, but we must bring these practices to scale. One approach could be to create a transferable tax credit, similar to the 45Q tax credit for carbon capture and storage, for carbon sequestration on natural and working lands. This credit could be practice or performance-based and thoughtfully designed to ensure equitable access for small or socially disadvantaged landowners.
- **Policies that support the emerging voluntary carbon market and reduce barriers to participation.**
    - Certify and help producers connect with technical assistance providers to reduce technical barriers to entry as proposed in the Growing Climate Solutions Act.
    - Provide loan guarantees to catalyze private investment in the voluntary carbon

market, similar to the proposed Rural Forest Markets Act.
  - Support innovation in forest and soil carbon measurement/verification to reduce cost and time barriers for small and disadvantaged landowners.
    - Increase funding for the Conservation Innovation Grants program and create a new sub-program focused on carbon methodology innovation.
    - Create a regrant program to help land trusts pilot new technologies and practices, such as remote sensing technologies, through the Alliance.

These programs should also be bolstered by data and tools developed by USDA, including:

- **National carbon inventory.** USDA could build on existing work from conservation scientists to help identify a matrix of lands that should be prioritized for protection through voluntary conservation programs by assessing and mapping lands for carbon storage potential. In this same effort, USDA could establish goals for increasing the net carbon stock of our natural and working lands.
- **Conservation easement database.** At a fundamental level, we need to know how much land is protected. This is critically important for both developing a strategy and measuring progress toward a national 30x30 goal. USDA should provide resources to update and enhance the national database for conservation easements to better reflect the contributions of private lands toward conservation goals.

Address Historical Inequities and Assist Disadvantaged Communities

We applaud the appointment of an Equity Commission at USDA to address the legacy of systemic racism within the Department and its programs. This is an important first step and we eagerly anticipate findings and recommendations from the Commission. However, more can be done now to expand access to existing USDA programs for minority and disadvantaged communities, such as:

- Reduce barriers and complexity of applications for voluntary conservation programs such as ACEP-ALE or provide free technical assistance to help landowners develop conservation and/or management plans.
- Increase or establish a percentage of funds set aside for minority and underserved landowners and communities in Farm Bill conservation programs.
- Reduce cost-share requirements for minority and underserved landowners and communities in Farm Bill conservation programs.
- Increase funding for and expand the Urban and Community Forest Program, which currently serves 200 million Americans in both underserved rural and urban communities and includes a diversity, equity and inclusion program component.
- Expand on provisions in the American Rescue Plan Act that support socially disadvantaged farmers and ranchers by providing debt forgiveness, grants and loans to address heirs' property issues, fostering new opportunities for minority and underserved farmers to thrive.

Lastly, in order to provide equitable outreach and technical assistance, USDA must ensure that it is operating at full staffing levels. NRCS, one of the main bureaus to interface with producers and landowners, is chronically understaffed and although its existing conservationists work hard to ensure that our nation's natural resources are stewarded for the benefit of all Americans, the agency has been too slow to fill critical roles. In addition, the advent of a Civilian Conservation or Climate Corps could help to fill stewardship gaps within the resource management agencies and their nonprofit partners in conservation. This 21st century CCC would also provide employment opportunities for emerging conservation leaders and should be designed to create employment opportunities for a diverse workforce that reflects America.

We applaud the Administration's commitment to engaging important local stakeholders in this process and we look forward to continuing a dialogue with USDA on making bold investments in permanent private land conservation and smart land management practices as part of a broad and balanced climate strategy.

Sincerely,

Lori Faeth
Director of Government Relations
Land Trust Alliance