

Agricultural Conservation Easement Programs

A Quick Reference Guide

Candace Lantz, Nathan Palardy, Derek Farnsworth, and Alena Poulin

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**UF/IFAS Food and
Resource Economics
Department**



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Introduction

Agricultural conservation easements provide an option for farmers and ranchers to continue agricultural operations while protecting their land in perpetuity from conversion to non-agricultural uses. Agricultural conservation easements are voluntary legal agreements that separate the development rights from the ownership of the land while keeping it in agricultural production. The development rights are sold or granted to a nonprofit land trust or government agency.

This quick reference guide provides Florida farmers and ranchers with a brief overview of the federal, state, and county agricultural conservation easement acquisition programs. This overview includes program objectives, agricultural practices allowed under each program, and insight into application evaluation and prioritization. The focus of this guide is exclusively on programs that allow for working land to remain in agriculture and silviculture.

Given that many programs require or prioritize applications that include cost sharing opportunities with an eligible third party, a list of land trusts operating in Florida that prioritize the preservation of agriculture is also provided.

Land trusts are private, 501(c)(3) nonprofit organizations that support land conservation efforts. Applications to each program undergo a competitive ranking process and funding limitations imply that there is no guarantee that an offer will be made to purchase an easement on your land. However, choosing a program that closely aligns with your desired management goals and partnering with a land trust can increase your chances of success.

Selling the development rights to your land is a significant decision. Landowners are strongly encouraged to approach conservation easements with care and seek legal and professional advice beforehand. Operations that involve intensive land use, such as concentrated animal feeding operations, are unlikely to qualify under any program. For more information on how conservation easements function as well as the potential financial benefits and limitations, please see the EDIS article titled “Conservation Easements: An Option for Preserving Current Land Uses” at <https://edis.ifas.ufl.edu/publication/FR149>.

Federal Programs

There are two main federal programs for agricultural conservation easements that are currently available, the Agricultural Conservation Easement Program – Agricultural Land Easement (ACEP - ALE) and the Regional Conservation Partnership Program (RCPP).



Regional Conservation Partnership Program (RCPP)

RCPP is a program designed to protect working agricultural lands, limit non-agricultural uses, and facilitate the restoration and enhancement of wetlands, grasslands, forestlands, and other natural resources.

Allowed Uses



Grazing or
Pasture



Hay
Production



Row
Cropping



Horse
Pasture



Fruit &
Specialty
Crops



Silviculture

Evaluation Criteria

Eligibility Requirements

(Two easement types – US-held and Entity-held)

- › Both US and Entity-held are available for any agriculturally-linked land use
- › There are three levels of US-held easements categorized based on the easement purpose and the intended land use: minimally restrictive, moderately restrictive, and highly restrictive
- › Working agricultural lands should apply for a minimally restrictive easement
- › For US-held: easement terms must be consistent with the goals of an RCPP project and be within the project's geographic area.
- › For Entity-held: must partner with eligible entities identified in the RCPP project

Priority Given To....

- › Easement terms that align with conservation benefits and resource concerns as identified in an ongoing RCPP project

For more info, visit the RCPP webpage at <https://www.nrcs.usda.gov/programs-initiatives/rcpp-regional-conservation-partnership-program>



Agricultural Conservation Easement Program

–Agricultural Land Easement (ACEP - ALE)

ACEP-ALE is a program designed to help private and tribal landowners, land trusts, and other entities such as state and local governments protect croplands and grasslands on working farms and ranches by limiting non-agricultural uses of the land through conservation easements.

Allowed Uses



Grazing or
Pasture



Hay
Production



Row
Crops



Horse
Pasture



Fruit &
Specialty
Crops



Silviculture

Evaluation Criteria

Eligibility Requirements	Priority Given To....
<p>Must meet at least <u>one</u> of the following:</p> <ul style="list-style-type: none">➤ Contain a minimum of 50% prime, unique, or other productive soil➤ Provides protection of grazing uses and related conservation values➤ Contains historical or archeological resources➤ Furthers a state or local policy consistent with the purposes of ACEP-ALE (e.g. RFLPP, see page 5) <p>Additional applicant requirements:</p> <ul style="list-style-type: none">➤ Average Adjusted Gross Income (AGI) below \$900,000 for the three preceding tax years➤ Compliance with USDA’s conservation requirements for highly erodible land and wetlands➤ Farm records established with FSA➤ Need an eligible partner (e.g. land trust or government agency) to hold the easement (list of land trusts provided below)➤ Must be subject to a written pending offer from an eligible partner or be subject to a buy-protect-sell transaction	<ul style="list-style-type: none">➤ Applicants that can demonstrate access to markets, infrastructure and other agricultural support services➤ Parcels that face development pressure from non-agricultural use or grassland that faces pressure of conversion to nongrassland uses

For more info, visit the ACEP webpage at <https://www.nrcs.usda.gov/programs-initiatives/acep-agricultural-conservation-easement-program>



State Programs

Florida has three programs designed to preserve agriculture and silviculture in the state through the acquisition of permanent conservation easements - The Rural and Family Lands Protection Program (RFLPP), the Florida Forest Legacy Program (FFLP), and Florida Forever (FF).

Florida Forest Legacy Program (FFLP)

The FFLP is a program designed to protect economically and environmentally important forest areas that are threatened by conversion to non-forest uses.

Allowed Uses



Silviculture

Evaluation Criteria

Eligibility Requirements (the Florida Forest Legacy Program is in the process of de- fining specific criteria)	Priority Given To....
<ul style="list-style-type: none">➤ Project located within a Forest Legacy Area➤ Must include at minimum 75 percent forest lands➤ May include up to 25 percent compatible non-forest lands including but not limited to: cultivated farmland, pasture, grassland, shrub-land, open water, and non-forested➤ Project has a Forest Stewardship Plan (can be developed as part of the application process)	<ul style="list-style-type: none">➤ Forest lands threatened by conversion to non-forest uses

For more info, visit the Florida Forest Legacy Program webpage at <https://www.fdacs.gov/Forest-Wildfire/Our-Forests/Land-Planning-and-Administration/Florida-Forest-Legacy-Program>



Rural and Family Lands Protection Program (RFLPP)

RFLPP is a program designed to protect important agricultural lands through the acquisition of permanent agricultural land conservation easements. The program is designed to meet three needs:

1. Protect valuable agricultural lands
2. Create easement documents that work together with agricultural production to ensure sustainable agricultural practices and reasonable protection of the environment without interfering with agricultural operations in such a way that could put the continued economic viability of these operations at risk
3. Protect natural resources, not as the primary purpose, but in conjunction with the economically viable agricultural operations

Allowed Uses



Grazing or Pasture



Hay Production



Row Cropping



Horse Pasture



Fruit & Specialty Crops



Silviculture

Evaluation Criteria

Eligibility Requirements	Priority Given To....
<p>Must meet at least <u>one</u> of the following:</p> <ul style="list-style-type: none"> ➤ Promotion and improvement of wildlife habitat ➤ Protection and enhancement of water bodies ➤ Perpetuation of open space on lands with significant natural areas ➤ Protection of agricultural lands threatened by conversion to other uses 	<ul style="list-style-type: none"> ➤ Ranch and timberlands managed using sustainable practices ➤ Parcels that perpetuate the viability of ongoing agricultural operations on the property ➤ Parcels at risk of conversion to non-agricultural use ➤ Parcels that perpetuate the protection of wildlife, water, and other natural resources ➤ Projects eligible for cost sharing with other programs

For more info, visit the RFLPP website at <https://www.fdacs.gov/Consumer-Resources/Protect-Our-Environment/Rural-and-Family-Lands-Protection-Program>



Florida Forever

Florida Forever is a program designed to fund land acquisition to address critical statewide conservation goals including the protection of water resources, sustainable forestry, the protection of biodiversity and ecological greenways, environmental restoration, provision of public outdoor recreation, public lands management and maintenance, and the protection of working landscapes through the acquisition of conservation easements.

Allowed Uses



Grazing or
Pasture



Silviculture

Evaluation Criteria

Eligibility Requirements	Priority Given To....
<p>Project meets multiple goals described in subsection (4) of Section 259.105, F.S. (listed below)</p> <ul style="list-style-type: none">➤ Enhance the coordination and completion of land acquisition projects➤ Increase the protection of Florida’s biodiversity at the species, natural community, and landscape levels➤ Protect, restore, and maintain the quality and natural functions of land, water, and wetland systems of the state➤ Ensure that sufficient quantities of water are available to meet the current and future needs of natural systems and the citizens of the state➤ Increase natural resource-based public recreational and educational opportunities➤ Preserve significant archaeological or historic sites➤ Increase the amount of forestland available for sustainable management of natural resources➤ Increase the amount of open space available in urban areas➤ Mitigate the effects of natural disasters and floods in developed areas	<ul style="list-style-type: none">➤ Projects that are part of an ongoing governmental effort to restore, protect, or develop land areas or water resources➤ Project enhances or facilitates management of properties already under public ownership➤ Project has significant archaeological or historic value➤ Project has funding sources that are identified and assured through at least the first 2 years of the project➤ Project contributes to the solution of water resource problems on a regional basis➤ Project has a significant portion of its land area in imminent danger of development, in imminent danger of losing its significant natural attributes or recreational open space, or in imminent danger of subdivision which would result in multiple ownership and make acquisition of the project costly or less likely to be accomplished➤ Project implements an element from a plan developed by an ecosystem management team➤ Project is one of the components of the Everglades restoration effort

For more info, visit the Florida Forever webpage at <https://floridadep.gov/floridaforever>



County Programs

In addition to the above federal and state programs, the programs below offer opportunities for farmers and ranchers to work directly with county governments interested in preserving agricultural land. Eligibility requirements and factors that increase the priority of applications are provided when available. County level programs vary in scale and scope. Interested landowners should reach out to the county program managers directly.

Alachua County Forever

Alachua County Forever is a program designed to acquire, improve, and manage environmentally significant lands that protect water resources, wildlife habitats and natural areas suitable for resource-based recreation.

Allowed Uses



Grazing or
Pasture



Hay
Production



Row
Cropping



Horse
Pasture



Fruit &
Specialty
Crops



Silviculture

Evaluation Criteria

Eligibility Requirements	Priority Given To....
<ul style="list-style-type: none">Proposals are scored according to the Agricultural Land Conservation Decision Matrix	<ul style="list-style-type: none">Environmental Values: Project supports environmentally significant values such as water, soil, and habitat conservationSocial Values: Owner qualifies as historically underserved, is open to succession planning, and the property is vulnerable to development and contributes to open green spaceFarm management considerations: The farm buys and sells products within Alachua and the surrounding counties, implements or is willing to implement BMPs and a farm management plan, and the project includes a significant portion of farmFinancial considerations: Eligible for cost sharing with other programs

For more info, visit the Alachua County Forever website at
[https://alachuacounty.us/Depts/LandConservation/Pages/
LandConservation.aspx](https://alachuacounty.us/Depts/LandConservation/Pages/LandConservation.aspx)



Indian River County Environmental Lands Program

Indian River County Environmental Lands Program is a program designed to protect, restore and sustain endangered ecosystems and associated rare and endangered species in Indian River County. Secondary objectives of the program include passive public recreation, preservation of open space, groundwater quality protection, flood protection, protection of historic and cultural resources, and general preservation of “quality of life.”

Allowed Uses



Grazing or
Pasture



Silviculture

Evaluation Criteria

Eligibility Requirements	Priority Given To....
<p>Must meet at least <u>one</u> of the following:</p> <ul style="list-style-type: none">➤ Project supports at least 5 acres of one or more native vegetative community types➤ Project supports less than 5 acres of native vegetative community, but is part of a larger contiguous tract of native vegetative communities (over 5 acres is size)➤ Project supports listed rare and imperiled species (flora or fauna), regardless of parcel size➤ Project has altered ecosystems with reasonable potential for restoration, and the property is within a designated corridor, greenway or blueway, regardless of property size	<ul style="list-style-type: none">➤ Agricultural protection: preserves active agricultural use lands➤ Environmental considerations: verified or expected to support rare, endangered, or threatened species, buffers natural surface waters or preserve aquifer recharge areas➤ Financial considerations: eligible for cost sharing with other programs➤ Management considerations: feasible multiple public use of the property, compatible with resource conservation

For more info, visit the Indian River County Environmental Lands Program webpage at https://indianriver.gov/services/parks_and_recreation/conservation_lands_program/index.php



Manatee County Environmental Lands Program

The Manatee County Environmental Lands Program is a program focused on the conservation of Manatee County’s environmental heritage to benefit current and future generations.

Allowed Uses



Grazing or
Pasture



Hay
Production



Row
Cropping



Horse
Pasture



Fruit &
Specialty
Crops



Silviculture

Evaluation Criteria

Eligibility Requirements	Priority Given To....
<ul style="list-style-type: none"> None, proposals are ranked based alignment with the program priorities described 	<ul style="list-style-type: none"> Agricultural protection: includes prime or unique agricultural land of local or state-wide importance Economic considerations: size, on-site farm infrastructure, proximity to off-site farm infrastructure Environmental considerations: wildlife habitat, air or water quality, hydrology, ground water recharge, scenic, historic, or other cultural features Resource values/physical features: proximity to other protected agricultural, environmental lands or wildlife corridors/greenways Social impact considerations: proximity to the urban service boundary, zoning, residential development



Nassau County Conservation Land Acquisition and Management

Nassau County Conservation Land Acquisition & Management Program is designed to preserve and conserve the county’s natural, historic, and working lands resources by identifying, ranking, and assessing conservation lands for acquisition and management.

Allowed Uses



Grazing or Pasture



Hay Production



Row Cropping



Horse Pasture



Fruit & Specialty Crops



Silviculture

Evaluation Criteria

Eligibility Requirements	Priority Given To....
<ul style="list-style-type: none"> None, proposals are ranked based alignment with the program priorities described 	<ul style="list-style-type: none"> Agricultural protection: includes sustainably managed working lands or sustainable forestry, significant farmland soils, high productivity timberland, and/or existing farms and ranches Environmental considerations: addresses water issues such as surface water buffering, sea level rise adaptation, and/or storm surge and flooding protection, contributes to species and habitat protection, is located within wildlife corridors Resource values/physical features: considers service area density, proximity to trails, parks, blueways, and historic resources, is located in an underserved areas of parks



Seminole Forever

The Seminole Forever program aims to protect and conserve lands by identifying and acquiring properties that conserve green space, provide passive recreational opportunities, and protect water resources and natural habitats.

Allowed Uses



Grazing or
Pasture



Silviculture

Evaluation Criteria

Eligibility Requirements	Priority Given To....
<ul style="list-style-type: none">None, proposals are ranked based alignment with the program priorities described	<ul style="list-style-type: none">Environmental considerations: protects threatened or endangered species, support biodiversity, protects or recharges ground water, enhances the water quality, provides flood protection, has high functioning wetlandsFinancial considerations: eligible for cost sharing with other programs, sale price below appraised valueResource values/physical features: potential use for passive recreation or environmental education, adjacent to other conservation landsSocial impact considerations: land is vulnerable to development, strong public interest

For more info, visit the Seminole Forever Program webpage at <https://www.seminolecountyfl.gov/departments-services/parks-recreation/seminole-forever.shtml>



Volusia Forever

The Volusia Forever program aims to finance the acquisition and improvement of environmentally sensitive, water resource protection, and outdoor recreation lands, and to manage these lands as conservation stewards in perpetuity.

Allowed Uses



Grazing or Pasture



Hay Production



Row Cropping



Horse Pasture



Fruit & Specialty Crops



Silviculture

Evaluation Criteria

Eligibility Requirements	Priority Given To....
<ul style="list-style-type: none">None, proposals are ranked based alignment with the program priorities described	<ul style="list-style-type: none">Agricultural protection: is a working farm, 50% or more of soils are of Capability Classes I through IV as defined by USDA-NRCS, parcel is at least 50% of cropland, pastureland, grassland, and/or rangeland, contains historical or archeological resourcesEnvironmental considerations: protects native habitat, threatened species, is within a Florida Ecological Greenway Network, has frontage on a waterbody, is within a 100-year floodplain, has been identified as high priority for protection by the Florida Wildlife Corridor Foundation development modelFinancial considerations: eligible for cost sharing with other programsManagement considerations: enrolled in best management practices or other conservation program, has a succession plan in place that addresses future farm viability, and/or is actively managedResource values/physical features: proximity to agriculture and other conservation landSocial impact considerations: land is vulnerable to development



Land Trusts

Below is a list of accredited, nonprofit land trusts that can assist with the application process and share the costs of purchasing the agricultural conservations easement with the program. Organizations designated by the Land Trust Alliance as prioritizing the conservation of agricultural land are marked with an asterisk (*).

Land Trust	Counties of Operation
Alachua Conservation Trust*	Alachua, Bradford, Citrus, Clay, Columbia, Dixie, Franklin, Gilchrist, Hamilton, Hernando, Lafayette, Lake, Levy, Madison, Marion, Monroe, Okaloosa, Pasco, Putnam, Sumter, Suwannee, Taylor, Union, Volusia, Wakulla
American Farmland Trust*	All Florida Counties
Bay County Conservancy	Bay, Calhoun, Franklin, Jackson, Walton, Washington
Conservation Foundation of the Gulf Coast*	Charlotte, Collier, Lee, Manatee, Sarasota
Conservation Florida*	All Florida Counties
Florida Conservation Group*	Alachua, Bay, Calhoun, Charlotte, Collier, De Soto, Dixie, Escambia, Franklin, Gilchrist, Glades, Gulf, Hardee, Hendry, Hernando, Highlands, Hillsborough, Holmes, Jefferson, Lafayette, Lake, Lee, Leon, Levy, Manatee, Marion, Okaloosa, Okeechobee, Osceola, Pasco, Polk, Santa Rosa, Sarasota, Sumter, Taylor, Wakulla, Walton, Washington
North Florida Land Trust*	Baker, Clay, Duval, Flagler, Nassau, Putnam, St. Johns
Putnam Land Conservancy*	Putnam
Tall Timbers Research Station and Land Conservancy*	Gadsden, Jefferson, Leon, Madison, Taylor
Tampa Bay Conservancy, Inc.	Citrus, Hernando, Hillsborough, Manatee, Paso, Pinellas, Polk
Wildlands Conservation, Inc.	Citrus, Highlands, Hillsborough, Lee, Manatee, Pasco, Polk

*** Organizations designated by the Land Trust Alliance as prioritizing the conservation of agricultural land. For more info, visit <https://landtrustalliance.org/>**



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UF/IFAS Food and Resource Economics Department, University of
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