

**Farm and Ranch Lands Protection Program**  
**USDA – Natural Resources Conservation Service – Wisconsin**

**Easement Terms Summary**

Please work with the landowner to complete and sign this Easement Terms Summary. Complete one Summary for each proposed easement. The Summary, with all items completed, and signed and dated by both the applicant and at least one landowner (Grantor), is required for eligibility determination and ranking.

Indicate agreed-upon easement terms where possible, or describe remaining issues and areas of negotiation. Add supplemental maps and pages as needed.

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Applicant name: \_\_\_\_\_

Proposed easement acreage: \_\_\_\_\_ County: \_\_\_\_\_

Landowner name(s): \_\_\_\_\_

*(List all Grantors who will sign the easement)*

Easement Partner(s): \_\_\_\_\_

*(List all partners. Indicate for each partner if they will provide funding for the easement acquisition (F), will sign the easement (S), will be listed as an easement Grantee (G); or describe other role(s).*

Is any person with an ownership or financial interest in the property, including the Grantors listed above, an employee, board member, or immediate family member of an employee or board member of the applicant or of any other Grantee or easement partner? NO \_\_\_\_ YES \_\_\_\_ . If yes, please provide details: \_\_\_\_\_

1) Describe the intended future use and ownership of the property \_\_\_\_\_

2) Has the landowner filed forms CCC-526 (Adjusted Gross Income) and AD-1026 (Conservation Compliance) at the local FSA office? \_\_\_\_\_

3) Will the easement specifically prohibit or restrict agricultural use on any part of the Property? \_\_\_\_\_  
If so, describe the location and nature of the proposed restrictions on a separate page. Include a map.

4) FRPP policy requires that agricultural activities be conducted according to a conservation plan developed using FOTG standards and approved by the local LCC or NRCS. Further approvals or restrictions are generally not permitted. Does the easement comply with this policy? \_\_\_\_\_ If not, please explain on a separate page.

5) Will an existing farmstead be included in the easement? \_\_\_\_\_

6) How many residential dwellings, including existing dwellings, will be permitted within the easement area, and where will they be located? \_\_\_\_\_

7) Does the easement area border a public road? \_\_\_\_\_. If not, describe access for agricultural use: \_\_\_\_\_

- 8) Describe existing commercial uses within the easement area (eg: commercial riding stables, cell towers, wind turbines, small business): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- 9) Describe public access planned for this easement: \_\_\_\_\_  
 \_\_\_\_\_
- 10) Are any subsurface mineral rights owned by third parties? \_\_\_\_\_ Describe plans to ensure these rights do not conflict with the easement purposes, eg: subordinate or conduct a mineral remoteness test: \_\_\_\_\_  
 \_\_\_\_\_
- 11) Does the Grantor or a third party intend to retain the right to explore for or extract oil or gas? \_\_\_\_\_ Describe how this right will be exercised (eg: underground extraction only from outside the easement area)  
 \_\_\_\_\_
- 12) Describe any special or unusual landowner or easement holder reserved rights: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- 13) Describe any known large dumps, mining areas, chemical spills, or other potential hazardous materials issues on the property: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- 14) Describe any past non-agricultural land uses on the property: \_\_\_\_\_  
 \_\_\_\_\_
- 15) Describe any present land uses, not directly supporting agricultural use of the property (eg: mining, public access, small businesses, cell towers, wind turbines, water impoundments, commercial riding stables): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- 16) Unless an exception is granted, FRPP policy permits impervious surface (rooftops and paved areas) on no more than 2% of the easement area. What is the maximum impervious surface (% or sq ft) the easement will permit:  
     Within the easement area (total): \_\_\_\_\_  
     Outside the farmstead area: \_\_\_\_\_  
     For the permitted dwelling(s): \_\_\_\_\_
- 17) Unless an exception is granted, FRPP requires that the entire easement be sold or conveyed as one indivisible parcel. Do you plan to request an exception? If so, please describe the boundaries and size of the proposed separate parcels within the easement. Attach graphics, as needed: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- 18) Do you plan an escrow closing?: \_\_\_\_\_ Yes, FRPP funds will be needed at closing.  
 \_\_\_\_\_ No, we will pay the entire amount at closing and request FRPP reimbursement after closing.
- 19) Do you plan for installment payments?: \_\_\_\_\_ Yes, \_\_\_\_\_ (#) payments, last payment (date): \_\_\_\_\_.  
 \_\_\_\_\_ No, the entire payment will be made at closing.

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**Easement Terms Summary**  
**Signature Page**

I certify that, to the best of my knowledge and belief, the Easement Terms Summary Information on the attached pages is true, correct, and complete on the date of my signature. I understand that FRPP funding eligibility and ranking will be based on the above information, and that substantial changes after funding is approved may result in withdrawal of funding.

I believe this easement is eligible for FRPP funding under the requirements of forms CCC-526 and AD-1026.

(FRPP applicant printed name)	(applicant signature)	(date)
(Landowner printed name)	(Landowner signature)	(date)
(Landowner printed name)	(Landowner signature)	(date)
(Landowner printed name)	(Landowner signature)	(date)

**USDA, NRCS – Farm and Ranch Lands Protection Program - Wisconsin**

**Optional Pending Offer Form**

A qualified pending offer is required for FRPP funding eligibility. See the Application Guidelines for more information. This Optional Pending Offer Form may be used to meet the requirements of FRPP policy, and may be modified as needed. Other pending offers meeting FRPP requirements may be submitted instead of this form.

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Our signatures below constitute a good-faith, non-binding agreement to proceed with closing an agricultural conservation easement on the property described below. We have discussed easement terms and price and the role of the USDA in this easement acquisition. This agreement is subject to the conditions listed in this Pending Offer and in the attached Easement Terms Summary. *(attach maps or other documents as needed)*

Property acreage and location: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Easement value: \_\_\_\_\_ Based on: \_\_\_\_\_

Purchase price: \_\_\_\_\_ Landowner donation: \_\_\_\_\_

Conditions / notes: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Entity Representative:**

\_\_\_\_\_

Printed name

Official title

\_\_\_\_\_

Signature

Date

**Landowner(s):**

\_\_\_\_\_

Printed name

Signature

Date

\_\_\_\_\_

Printed name

Signature

Date

\_\_\_\_\_

Printed name

Signature

Date

# Farm and Ranch Lands Protection Program

## USDA – Natural Resources Conservation Service – Wisconsin

### Easement Terms Details

The following information provides details about FRPP policies for some easement terms, effective on the date of this document. This is not a comprehensive list of policies or terms. Unclosed easements are subject to new or changed requirements that may be established in response to legislation, program audits, USDA legal opinions, and national policy directives. Please contact the FRPP Coordinator for details, or to discuss specific questions.

Peggie James, USDA, NRCS  
Wisconsin FRPP Coordinator  
608-662-4422 ext 238  
[carl.wacker@wi.usda.gov](mailto:carl.wacker@wi.usda.gov)

**Agricultural Use** – FRPP easements require agricultural use of the Property to be conducted according to a conservation plan. The plan must be approved by the local Land Conservation Committee and NRCS, or by NRCS; and developed according to USDA, NRCS Field Office Technical Guide standards: <http://www.nrcs.usda.gov/technical/efotg> (see Section IIIA).

Further restrictions on agricultural use, or additional approval authorities for land management, are generally not permitted. The FRPP Coordinator can help identify how this general rule is applied for your specific easement.

Requirements include a statement in the Purpose section of the Easement:

*The Purpose of this Easement is to protect the agricultural use and related conservation values of land by limiting nonagricultural uses of the land.*

The following section must also be included, with no substantial modification:

*All agricultural operations on the Property shall be conducted in accordance with a conservation plan that adequately addresses all resource concerns identified through the Conservation Planning Process, as defined in the NRCS National Planning Procedures Handbook or successor document. Examples of such resource concerns include soil erosion, water quality, air quality, plant management, animal habitat, and human considerations. The conservation plan shall be developed using the standards and specifications of the NRCS Field Office Technical Guide and shall be approved by the local Land Conservation Committee and NRCS, or by NRCS.*

**Responsibilities** – The easement identifies the FRPP funded entity as the primary steward of the easement, responsible for annual monitoring and enforcement. The Secretary of Agriculture holds the right of enforcement.

## USDA, NRCS – Farm and Ranch Lands Protection Program - Wisconsin

### Easement Terms Details

**Commercial activities** – Generally, commercial activities, other than agricultural or timber production, are prohibited. This includes agricultural support businesses, equestrian stables, mining, commercial recreation, game farms, wind power primarily supporting off-site needs, cell phone towers, and similar activities. Small home-based businesses, small non-ag businesses located in the farmstead area, hunting leases, limited mining or wind-power for on-site needs, timber harvesting, oil and gas exploration and extraction that does not conflict with easement purposes, and similar uses are permitted.

**Dwellings** – A dwelling within the Farmstead Area is permitted. Construction or inclusion of one additional dwelling may be permitted, in some cases. The dwellings may not be separated from the easement area, and may not be sold separately from the rest of the easement area. The permitted impervious surface area of dwellings may be limited.

Reserved homesites which can be sold separately, may not be included in the easement area.

**Farmstead** – An existing farmstead that is part of the ownership and adjacent to the easement area should be included within the easement. A “Farmstead Area”, usually about 5 to 15 acres in size, should be delineated around the existing buildings, and should be large enough to accommodate anticipated future agricultural construction needs. The Farmstead Area should be depicted on an exhibit. It can be surveyed, described using bearings and distance, or delineated by GPS coordinates.

Most additional construction for agricultural purposes should be within the Farmstead Area. Agricultural construction outside the Farmstead Area should be limited in impervious surface and located to minimize impact on agricultural use and Prime soils.

**First right of refusal** – The easement holder may include a “first right of refusal” to purchase the property if it is sold. The value of this right must be included in the appraisal. If the easement holder acquires the property, the easement must first be transferred to a holder approved by the USA.

**Impervious surface** – Impervious surface, defined as permanent, non-seasonal rooftops, and concrete and asphalt surfaces, must generally be limited to no more than 2% of the entire easement area. In rare cases, an exception may be requested. Most impervious surface is expected to be within the defined Farmstead Area. The easement should specify total square feet of impervious surface permitted within the entire easement and outside the Farmstead Area. Entities may choose to limit the impervious surface allowed for dwellings. FRPP easements generally require that a small amount of impervious surface be permitted to support agricultural use. The baseline documentation or easement should include information and a map showing current square feet of impervious surface.

**Mining, dumping, water areas** – Mining is permitted only if not in conflict with the easement purposes. Subsurface mineral rights owned by third parties must be subordinated or a mineral remoteness test must be approved by the USDA. Exploration and extraction of oil and gas is negotiable if easement purposes are also met.

Excavation of earth materials is permitted for on-site use, and is generally limited to one acre or less. Dumping is prohibited. Small existing dumps, that contain only non-toxic materials such as cement, steel, and lumber may be present on the easement area at the time of closing. Other dumps must be cleaned up before closing. The total area of constructed water impoundments is limited. The restoration of natural wetlands on hydric soils to enhance wetland values is permitted.

## USDA, NRCS – Farm and Ranch Lands Protection Program - Wisconsin

### Easement Terms Details

**Public Access** –In some cases, public access for low impact, non-developed, non-motorized, non-commercial recreational use can be permitted on FRPP easements, if it does not interfere significantly with agricultural use of the land. The value of public access rights must be appraised and cannot be included in determining the FRPP share of the easement cost.

**Subdivision** – Easements must generally remain as a single, indivisible tract. If subdivision of the easement into more than one parcel is desired, this should be requested at the time of application for FRPP funding. Subdivision will only be approved if the subdivided parcels independently meet all FRPP eligibility requirements. If subdivision is approved, it may be most efficient to record a separate easement document for each subdivided part of the farm.

**Survey / legal description** – A legal survey of the easement area is not currently required if the easement boundaries follow easily identified physical boundaries such as roads, streams, or section lines. A legal survey may be required if boundaries are unclear, or if the easement covers only part of the ownership. The legal description must be included in the easement and must match exactly the legal description on the title insurance. Entities are encouraged to acquire GPS coordinates to identify the easement boundaries, if a survey is not completed.

**Zones** – Zones, or sub-areas within the easement, may be described and must be shown on an Exhibit. The land management requirements for zones may generally not prohibit agricultural use or otherwise conflict with FRPP goals and purposes. In some cases, agricultural use may be restricted in small zones, such as an area of special ecological significance, if the zone is separately appraised, and the value is not included in the FRPP share of the easement cost. Specific plans should be discussed with the FRPP Coordinator.