

# Farm and Ranch Lands Protection Program

## USDA - Natural Resources Conservation Service - Wisconsin

### Program Participant Information

This handout provides general information for program applicants on what to expect if they are approved for FRPP funding. Refer to the Wisconsin FRPP web site for more information and a link to the current Announcement of Program Funding (APF): [www.wi.nrcs.usda.gov/programs/fpp.html](http://www.wi.nrcs.usda.gov/programs/fpp.html)

Contact the Wisconsin FRPP Coordinator to discuss specific questions:

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### General information:

- Funded entities accept the USA as a partner in the easement acquisition. NRCS staff conduct an on-site investigation, *landowner interview*, and hazardous materials report; USDA legal staff review the appraisal, easement, title, and other documents to ensure requirements of the FRPP are met. The review process and follow-up work take *at least several months*.
- Successful applicants sign a Cooperative Agreement with NRCS, which describes responsibilities, and actions to be completed before FRPP funding is released.
- After funding decisions are made, USDA will release general information about funded easements including: entity funded, amount, acres, number of easements, and general location (county or town).
- The FRPP provides up to 50% of the easement cost, up to a maximum of \$4000 in FRPP funding per acre. Easements with total appraised value over \$8000 per acre are eligible for FRPP funding, however in Wisconsin the FRPP share for these easements may not exceed \$4000 per acre. The entity match can come from cash on hand, approved grants or loans, or landowner donation. Depending on easement terms and parcel characteristics, some parcels may not be eligible for the maximum amount of FRPP cost share funding.
- Entity payments to landowners can be paid in a lump sum or in installment payments over a period not to exceed 5 years from the Cooperative Agreement date. FRPP funds can be provided after closing or through a transfer agent's escrow account. FRPP funds are provided via electronic funds transfer.
- Easements should be closed, and the easement deed conveyed in its entirety within 18 months from the date of the Cooperative Agreement signature. Funds not disbursed within 18 months will generally be returned to the US Treasury.
- NRCS and the local Land Conservation District can provide technical assistance to apply the required conservation plan.
- Grantors must certify conservation compliance under the 1985 Food Security Act by filing form AD-1026, *Highly Erodible Land and Wetland Conservation Certification*, with the local FSA office. They must also certify that they meet adjusted gross income requirements by filing form CCC-526. Entities are responsible for ensuring that this is done. FSA certification may take several weeks, and is required before FRPP can accept the conservation easement.

### Entity responsibilities:

- Ensure that all responsibilities listed in the Cooperative Agreement are completed
- Complete all negotiations with landowners
- Obtain an appraisal by a state Certified General Appraiser, meeting USPAP or UASFLA standards and other FRPP requirements. Provide a complete copy to NRCS. *The appraisal must be less than one year old on the closing date, or an update by a qualified appraiser must be provided.* USDA will complete an administrative and technical review of all appraisals. A second appraisal may be required by USDA.

- *Pay for all easement transaction costs, including surveys, appraisals, title insurance, & closing costs. Funds for these expenses may not come from the landowner.*
- Provide a copy of the draft easement to NRCS in MS-Word format, for USDA approval.
- Coordinate with NRCS to schedule an on-site investigation *and landowner interview.*
- Provide a complete copy of the Preliminary Title Commitment and the full text of all Section B2 Exceptions to NRCS. Legal sufficiency of title must be approved by USDA and all section B2 exceptions must be removed, subordinated, or approved.
- Complete on-site inspections for title approval and hazardous materials. Obtain tenant certification if required. Perform final inspection after closing. NRCS will provide guidelines.
- Arrange for electronic funds transfer (*NRCS will provide instructions*)
- Provide all legal & administrative actions to ensure proper acquisition and recording of the easement.
- Provide complete baseline documentation to NRCS.
- *Provide a certified copy of the recorded easement. NRCS will reimburse for this expense.*
- Monitor easements and provide status reports to NRCS annually.
- Provide all resources necessary to manage and enforce easements.
- Ensure that all requirements in the "Next Steps" document are met.

## **Easement requirements:**

The funded entity drafts the easement. NRCS can provide a recommended Model Easement template. NRCS and the US Office of General Counsel will review and approve. Some easement requirements:

- Construction should be allowed only if necessary to keep a parcel viable for agricultural production
- *The farmstead may or may not be included in the easement.*
- Impervious surface area should generally be limited to no more than 2 percent of the easement area
- Easements must be permanent
- Provide for the administration and management of the easement by the entity
- A conservation plan, approved by NRCS, on all highly erodible land
- Identify standards and guidelines for treatment & maintenance of historical or archaeological resources, based on the Secretary of Interior's Guidelines.
- Include an NRCS notarized signature page in the recorded easement
- Non-agricultural commercial uses must generally be prohibited.
- Subdivision of the property should generally be prohibited. If a future division is approved, it must be consistent with the terms of the easement. Divisions that are significantly lower than the average farm size in the county will not be allowed.