BETTER GROUND
Sound ideas for your land
Pierce Conservation District Awarded $8 million for Farmland Conservation in Pierce County

Puyallup, Wash. – After losing nearly 10,000-acres of farmland in the last decade, organizations throughout Pierce County have been working diligently to find ways to protect this important resource. With today’s announcement that Pierce Conservation District will be awarded $8 million from the U.S. Department of Agriculture to permanently protect 1,000-acres of prime farmland, the County just got a big boost in the effort.

“The Puyallup Watershed is unique not only within Washington State, but in the country as a whole,” said Ryan Mello, Executive Director of the Pierce Conservation District. “From its headwaters at Mount Rainier’s glaciers to its terminus at Commencement Bay, one of the nation’s largest ports, the Puyallup is under severe pressure from development, climate change, and pollution. Permanently conserving over 1,000 acres of prime farmland in Pierce County not only helps farmers and local food security, but also enhances ecosystem benefits that farmland provides to water and soil quality, supporting threatened salmon populations.”

The project brings together ten different partners, including Pierce County, Forterra, PCC Farmland Trust, the Puyallup Tribe of Indians, and the Puyallup Watershed Initiative, and will leverage an additional $8 million in partnership funds to match the federal dollars.

“We very much look forward to working with our partners on-the-ground in the Puyallup Watershed to conserve working farms, improve water quality and habitat function through the strategic investment of the Regional Conservation Partnership Program,” added Mello. “The NRCS, land trust partners, state natural resource agencies and our private landowner cooperators will all benefit greatly from the work to come with this targeted, strategic investment to conserve the soil of the Puyallup farm valley for generations to come. Our existing partnerships will blossom even more under this amazing opportunity.”

The vast majority of the funds will be used to place farmland into permanent conservation easements, ensuring that the land remains farmland indefinitely. Ten percent of the funds will be used to implement conservation practices on the farms to help improve water quality in local streams and restore habitat for fish and wildlife.

Since 2009, USDA has invested more than $29 billion to help producers make conservation improvements, working with as many as 500,000 farmers, ranchers and landowners to protect over 400 million acres nationwide, boosting soil and air quality, cleaning and conserving water and enhancing wildlife habitat. For an interactive look at USDA’s work in conservation and forestry over the course of this Administration, visit http://medium.com/usda-results.

Application deadlines will be twice annually, April 30th and October 31st, until 2021. Property owners who are interested in putting Agricultural Land Easements (ALE) on their land can reach out to our partners at Forterra, PCC Farmland Trust, or Pierce County Planning and Public Works.

Property owners interested in the funding opportunities for implementation of conservation practices can contact our farm team here at the District or may apply to NRCS directly. Application cut-off periods for these projects are the same as our District cost-share program, March 1 and July 1, annually.
For more information on Agricultural Land Easements please contact:

Jordan Rash, Senior Conservation Director, Forterra
253.274.5673 or jrash@forterra.org

Diane Marcus Jones, Senior Planner, Pierce County
253.798.2616 dmarcus@co.pierce.wa.us

Kate Delavan, Conservation Manager, PCC Farmland Trust
206.777.3687 or kate.delavan@pccfarmlandtrust.org

For more information on Conservation Practices please contact:

Alison Nichols, Crop Farm Specialist, Pierce Conservation District
253.845.9770 ext 132 or alisonn@piercecd.org

Robin Buckingham, Farm Resource Specialist, Pierce Conservation District
253.845.9770 ext 128 or rbuckingham@piercecd.org

To learn more about the Regional Conservation Partnership Program visit this website: https://www.nrcs.usda.gov/wps/portal/nrcs/main/national/programs/farmbill/rcpp/

To view the announcement about this funding award from the United States Secretary of Agriculture view this link: https://www.usda.gov/wps/portal/usda/usdahome?contentid=2016/12/0269.xml&contentidonly=true
PCC Farmland Trust is a nonprofit, 501(c)(3) land trust whose mission is to secure, preserve, and steward threatened farmland in Washington, ensuring that generations of local farmers productively farm using sustainable and organic growing methods. We take our mission one step further by innovating on traditional conservation tools to provide access to affordable farmland.

From conservation to stewardship and restoration, we work with farmers every step of the way to ensure our region’s most productive soils are farmed into the future.

Learn how you can help protect local farmland at pccfarmlandtrust.org.
Volunteers play a critical role in our farmland conservation work. From habitat restoration to online ambassadorship, there are countless ways to show your support.

pccfarmlandtrust.org/volunteer

Stay up to date with news, events, and updates from the field by signing up for Your Latest Crop of News, our monthly e-newsletter.

pccfarmlandtrust.org/e-newsletter

Volunteer with us

Volunteers play a critical role in our farmland conservation work. From habitat restoration to online ambassadorship, there are countless ways to show your support.

pccfarmlandtrust.org/volunteer

Photo: Brian DalBalcon
HOW DOES THE CONSERVATION EASEMENT PROCESS WORK?
The purpose of an agricultural conservation easement is to permanently protect a farm from future development while ensuring it remains available for agricultural production. A conservation easement is a perpetual legal agreement between a landowner and a conservation organization. Landowners can sell or donate a conservation easement to a qualified conservation nonprofit or government body. In either case, it is necessary to determine the value of the easement to establish a price, or to calculate tax benefits that may be available under federal and state law. The value of an agricultural conservation easement is the fair market value of the property minus its agricultural value, as determined by a qualified appraiser. In general, more restrictive agreements and intense development pressure result in higher easement values. When property eventually changes ownership, it remains subject to the restrictions of the easement.

WHAT ARE THE BENEFITS OF AN AGRICULTURAL CONSERVATION EASEMENT?
• Permanently protects farmland to ensure that the property remains available for agricultural production forever.
• Provides a direct cash incentive for landowners who choose to sell a conservation easement.
• Enables future buyers to purchase the land at its agricultural value.
• May provide farmers with tax benefits, including income and estate tax reductions.

WHAT IS THE DIFFERENCE BETWEEN A PURCHASED AND DONATED EASEMENT?
Purchased easements generally use government or nonprofit land trust money to compensate the landowner for the difference between the appraised market value and the agricultural value. Donated easements are treated as charitable gifts. Landowners can deduct a portion of the easement value from their federal tax filings.

WHAT ARE THE TRUST’S ONGOING STEWARDSHIP RESPONSIBILITIES?
PCC Farmland Trust is responsible for ensuring the conservation values associated with each property are protected forever. To do this, the Trust monitors each farm on an annual basis and works closely with landowners to steward the soil, water and other natural resources on their properties.

For more information, contact Kate Delavan at kate.delavan@pccfarmlandtrust.org
Conserving farmland for future generations of farmers

Forterra is a non-profit conservation organization with nearly 25 years of conservation success in Pierce County. Since the organization’s founding in 1989, Forterra has protected more than 250,000 acres of farms, forests, habitat areas, parks, trails, and recreation sites across Washington State. In recent years, Forterra has lead farmland conservation efforts in the Puyallup Watershed, resulting in millions of dollars in funding from federal, state, and local grant sources to permanently protect farms from conversion.

Forterra assists farmers to not only conserve their lands, but also helps farmers to convey their lands to the next generation of farmers. Forterra accomplishes this by bringing in resources to remove development potential as well as to separate out lands unsuitable for agricultural use. These resources allow for Forterra to fairly compensate landowners for protecting their properties, while at the same time reducing the barrier to purchasing property for those interested in starting or expanding their farm businesses.

Forterra accomplishes this through the purchase of conservation easements. These are legal documents that permanently protect farmlands from conversion into residential subdivisions, warehouses, or other forms of development. However, these easements allow for farmers to continue to operate their farm businesses on their lands.

If you are interested in learning more about conservation easements, how Forterra conserves farmlands, or to discuss the process for selling your farm to the next generation of farmers, please contact Jordan Rash, Senior Conservation Director for Forterra, at (253) 254-8798 or at jrash@forterra.org.
Overview

The Agricultural Conservation Easement Program (ACEP) provides financial and technical assistance to help conserve agricultural lands and wetlands and their related benefits.

Under the Agricultural Land Easements component, NRCS helps Indian tribes, state and local governments and nongovernmental organizations protect working agricultural lands and limit non-agricultural uses of the land.

Under the Wetlands Reserve Easements component, NRCS helps to restore, protect and enhance enrolled wetlands.

Benefits

Agricultural Land Easements protect the long-term viability of the nation’s food supply by preventing conversion of productive working lands to non-agricultural uses. Land protected by agricultural land easements provides additional public benefits, including environmental quality, historic preservation, wildlife habitat and protection of open space.

Wetland Reserve Easements provide habitat for fish and wildlife, including threatened and endangered species, improve water quality by filtering sediments and chemicals, reduce flooding, recharge groundwater, protect biological diversity and provide opportunities for educational, scientific and limited recreational activities.
**Agricultural Land Easements**
NRCS provides financial assistance to eligible partners for purchasing Agricultural Land Easements that protect the agricultural use and conservation values of eligible land. In the case of working farms, the program helps farmers and ranchers keep their land in agriculture. The program also protects grazing uses and related conservation values by conserving grassland, including rangeland, pastureland and shrubland. Eligible partners include Indian tribes, state and local governments and non-governmental organizations that have farmland or grassland protection programs.

Under the Agricultural Land component, NRCS may contribute up to 50 percent of the fair market value of the agricultural land easement. Where NRCS determines that grasslands of special environmental significance will be protected, NRCS may contribute up to 75 percent of the fair market value of the agricultural land easement.

**Wetland Reserve Easements**
NRCS also provides technical and financial assistance directly to private landowners and Indian tribes to restore, protect, and enhance wetlands through the purchase of a wetland reserve easement. For acreage owned by an Indian tribe, there is an additional enrollment option of a 30-year contract.

Through the wetland reserve enrollment options, NRCS may enroll eligible land through:

- **Permanent Easements** are conservation easements in perpetuity. NRCS pays 100 percent of the easement value for the purchase of the easement, and between 75 to 100 percent of the restoration costs.

- **30-Year Easements** expire after 30 years. Under 30-year easements, NRCS pays 50 to 75 percent of the easement value for the purchase of the easement, and between 50 to 75 percent of the restoration costs.

- **Term Easements** are easements that are for the maximum duration allowed under applicable state laws. NRCS pays 50 to 75 percent of the easement value for the purchase of the term easement and between 50 to 75 percent of the restoration costs.

- **30-year Contracts** are only available to enroll acreage owned by Indian tribes. Program payment rates are commensurate with 30-year easements.

For wetland reserve easements, NRCS pays all costs associated with recording the easement in the local land records office, including recording fees, charges for abstracts, survey and appraisal fees, and title insurance.

**Eligibility**
Land eligible for agricultural easements includes cropland, rangeland, grassland, pastureland and nonindustrial private forest land. NRCS will prioritize applications that protect agricultural uses and related conservation values of the land and those that maximize the protection of contiguous acres devoted to agricultural use.

Land eligible for wetland reserve easements includes farmed or converted wetland that can be successfully and cost-effectively restored. NRCS will prioritize applications based the easement’s potential for protecting and enhancing habitat for migratory birds and other wildlife.

To enroll land through agricultural land easements, NRCS enters into cooperative agreements with eligible partners. Each easement is required to have an agricultural land easement plan that promotes the long-term viability of the land.

To enroll land through wetland reserve easements, NRCS enters into purchase agreements with eligible private landowners or Indian tribes that include the right for NRCS to develop and implement a wetland reserve restoration easement plan. This plan restores, protects, and enhances the wetland’s functions and values.

**How to apply**
- **Agricultural land easements** - eligible partners may submit
proposals to NRCS to acquire conservation easements on eligible land.

- **Wetland reserve easements** - landowners may apply at any time at a local USDA Service Center.

**More Information**
For more information visit your local USDA Service Center or the NRCS Farm Bill website at www.nrcs.usda.gov/farmbill.

**Find your local USDA Service Center**
http://offices.usda.gov

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**What’s New in ACEP**
The ACEP is a new program that consolidates three former programs -- the Wetlands Reserve Program, Grassland Reserve Program, and Farm and Ranch Lands Protection Program.

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This wetland area is used as an outdoor classroom on the Pyramid Lake Indian Reservation, Washoe County, NV.
Agricultural Conservation Easement FAQ

What is a conservation easement?
A conservation easement is a voluntary legal agreement made between a landowner and a conservation nonprofit or government body. Agricultural conservation easements permanently protect farmland from future development while ensuring it remains available for agricultural production. The easement does this by permanently removing development rights, prohibiting incompatible uses (industrial and commercial), and protecting the property’s agricultural values, including the soils, water rights, and open space.

How much is a conservation easement worth? Who is compensated for an easement?
The value of a conservation easement is determined by an appraisal, which considers the value of the property and its development rights according to the “highest and best use” of the property. The value of an agricultural conservation easement is the fair market value of the property minus its agricultural value, as determined by a qualified appraiser. In general, agreements that are more restrictive have a higher value. If the easement is being purchased by a land trust or government entity, the landowner is compensated cash through escrow for appraised value of the conservation easement. If the easement is being donated to a land trust, the appraised value of the conservation easement can be used as a basis for the landowner to claim income tax incentives on a charitable contribution. For more information on the tax incentives of donating a conservation easement, please see here - [https://www.landtrustalliance.org/topics/taxes/income-tax-incentives-land-conservation](https://www.landtrustalliance.org/topics/taxes/income-tax-incentives-land-conservation).

What is in a conservation easement? What is allowed and what is restricted?
Easements have a host of legal provisions meant to support the agricultural uses of the property. These include,

- Removing development rights
- Prohibiting development for commercial or industrial use
- Limiting impervious surfaces (to keep soil open and available for agriculture), such as compacted gravel, pavement, and other structures that impede water infiltration
- Keeping water rights intact with the property, and not allowing them to lapse
- Subdivision restrictions
- Restricting mining or large scale land alteration
- Allowing for all intended agriculture uses as defined in WA state code
- Allowing temporary ag accessory uses, as is consistent with county zoning and code
- Flexibility towards activities that can co-exist alongside ag, like habitat

Each conservation easement involves negotiation with the landowner around certain provisions and restrictions that take into account the landowner’s long-term plan for their property.

How are easements managed?
The management and stewardship of easements are a perpetual responsibility and involve additional costs to the land trust. Government agencies, which are the primary funders of easements through public grants, require certain restrictions and management. All partners in the Regional Conservation Partnership Program have high respect for private landowner rights when managing easements, and works closely with landowners and tenants. Perpetual responsibilities and costs of holding easements for the land trust include:

- Annual monitoring,
- enforcement costs of violations,
- natural resource management through stewardship planning,
- and opportunities for educational events (which are negotiated with landowners on a case-by-case basis and are not a requirement of the easement).
How are projects prioritized?

Conservation easement projects are prioritized by a number of factors. For agricultural conservation easements, most public funding sources agree on the key indicators of long-term agricultural value and viability – prime soils, water availability, on-site infrastructure, historical productivity, market access, proximity to other agricultural lands, and proximity to other protected open space, among others. In addition, projects are also prioritized by potential threat of conversion, as well as the general open space benefits (including water quality, wildlife habitat, and scenic views).

Where does funding for easements come from?

Funding for easements under the Regional Conservation Partnership Program primarily come from federal (USDA), state (RCO/Ecology), and county grants. RCPP partners also raise and leverage private contributions to support our farmland protection work.

How long does the process take?

A land trust or other conservation partner must undertake many steps before it can purchase an easement, including conducting a site assessment, securing of public funds, conducting acquisition and liability due diligence, and completing title review and baseline documentation. Because easements are primarily funded through public grants, which are available on either an annual or a biennial basis, it typically takes 2 years or more for a land trust or conservation partner to purchase an easement.

Can a landowner sell a conserved property? What happens to the easement?

Because easements are tied to the property and not the landowner, landowners can sell their conserved property and the property will continue to be protected by the conservation easement. Any future landowner is responsible for upholding the conservation easement.

Can easements change after they’ve been agreed to?

Easements are not meant to change over time. They are written to be perpetual legal agreements. There are enforcement and amendment processes described in the easement for situations when an easement needs to be amended. Anytime an easement is amended there needs to be a net conservation benefit from the amendment. An easement cannot be amended without agreement of the current landowner.

What is the value of an easement when development is restricted by zoning, like in a floodplain?

When valuing a conservation easement, an appraiser takes into account the development pressure and potential uses of a property. Depending on zoning, a limited amount of development may still be allowed, making a conservation easement hold some value. Typically greater development pressure will result in a higher easement value.

What happens if conserved farmland isn’t farmed someday?

Although RCPP partners place a strong emphasis on keeping farmland actively farmed, the public benefit test required of an easement is met by the land staying as “open space”. In general, requiring a landowner to keep a property in production is a sticky issue. Given the way that easements function legally, they are more effective as a tool to prohibit a certain activity, than to require a certain activity to happen. While it is difficult to require conserved land to be farmed, easements may incorporate a number of provisions to encourage continued agricultural use, including provisions requiring current use enrollment, maintenance of water rights and open fields, and limitations supporting long-term affordability.

Additional Resources:

PCC Farmland Trust - https://www.pccfarmlandtrust.org/conserve-land/

USDA is an equal opportunity provider, employer and lender.
WAYS WE CAN HELP

Technical assistance and farm planning

Livestock, pasture and hayfield management
- rotational grazing and soil fertility
- manure management and composting
- water and runoff management
- mud prevention

Crop production
- cover crops, reduced tillage
- and soil fertility
- pollinator and beneficial insect habitat
- sustainable growing practices
- integrated pest and disease management
- water resource management and irrigation efficiency

Natural resource management and regulatory guidance
- fish and wildlife habitat restoration
- implementing conservation easements
- navigating code and regulations

Financial assistance through cost share
We make cost share assistance available to landowners in designated Pierce County watersheds to implement best practices like these on farms.
- cross-fencing for rotational grazing
- manure and composting infrastructure
- livestock heavy use area protection
- pasture renovation
- fencing to exclude livestock from waterways
- cover crop seed purchase
- native and beneficial insect plantings
- riparian and field buffer plantings
- irrigation efficiency
- water conservation
- roof water management

Workshops and farm tours
Keep learning by attending our workshops featuring presentations by researchers and fellow landowners and farmers, and see best management practices in action on local farm tours. Current offerings are listed on the back of this page and our website.

Call us for more information or to schedule a site visit and free soil sampling.
Rene Skaggs, Farm Planning and Agricultural Assistance Program Director, ReneS@piercecd.org
Chriissy Cooley, Climate Resiliency Program Manager, ChristineC@piercecd.org
Paul Borne, KGI Farm Resource Specialist, PaulB@piercecd.org
Robin Buckingham, Livestock Farm Specialist, RobinB@piercecd.org
Alison Nichols, Crop Farm Specialist, AlisonN@piercecd.org

www.piercecd.org • 253-845-9770
Overview

The Environmental Quality Incentives Program (EQIP) provides financial and technical assistance to agricultural producers in order to address natural resource concerns and deliver environmental benefits such as improved water and air quality, conserved ground and surface water, reduced soil erosion and sedimentation or improved or created wildlife habitat.

Benefits

Eligible program participants receive financial and technical assistance to implement conservation practices, or activities like conservation planning, that address natural resource concerns on their land. Payments are made to participants after conservation practices and activities identified in an EQIP plan of operations are implemented. Contracts can last up to ten years in duration.

Eligibility

Agricultural producers and owners of non-industrial private forestland and Tribes are eligible to apply for EQIP. Eligible land includes cropland, rangeland, pasture-land, non-industrial private forestland and other farm or ranch lands.
Socially disadvantaged, beginning and limited resource farmers, Indian tribes and veterans are eligible for an increased payment rate and may receive advance payment of up to 50 percent to purchase materials and services needed to implement conservation practices included in their EQIP contract.

Applicants must:

- Control or own eligible land
- Comply with adjusted gross income limitation (AGI) provisions
- Be in compliance with the highly erodible land and wetland conservation requirements
- Develop an NRCS EQIP plan of operations

Additional restrictions and program requirements may apply.

**How to apply**
Visit your local USDA Service Center to apply or visit www.nrcs.usda.gov/getstarted.

NRCS will help eligible producers develop an EQIP plan of operations, which will become the basis of the EQIP contract.

EQIP applications will be ranked based on a number of factors, including the environmental benefits and cost effectiveness of the proposal.

**What’s New in EQIP**
- The former Wildlife Habitat Incentive Program was folded into EQIP.
- Advance payment opportunities now exist for veteran agricultural producers.
- Advance payments for socially disadvantaged, beginning and limited resource farmers, Indian tribes and veterans were raised from 30 percent to 50 percent.
- Payment limitations are set at $450,000 with no ability to waive.

This Pond provides water for livestock and wildlife.