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FROM THE
Wetland
Conservation
Policy Coalition

ACEP-WRE Recommendations

WHO WE ARE

The Tri-state Conservation Partnership (TCP) is a collaborative effort of 15 federal, state, private and non-governmental organizations promoting landscape-level conservation through Farm Bill programs, but with a unique focus on the Wetlands Reserve Easements (WRE), Wetlands Reserve Enhancement Partnership (WREP) and Regional Conservation Partnership Program (RCP) in the three Lower Mississippi Valley (LMV) states of Arkansas, Louisiana, and Mississippi.

Collectively, we have partnered with the Natural Resources Conservation Service (NRCS) since the inception of these programs, assisting the agency in building the Wetlands Reserve Program and its successor, WRE, into the flagship model for landscape-level ecosystem restoration in the LMV. Today, the LMV holds more than 29% of the programs acquired and restored easements nationwide.

The Lower Mississippi Valley holds more than 29% of the programs acquired and restored easements nationwide.

The science-based approach of restoring historically converted or manipulated wetlands using hydrologic restoration balanced with greater than a 3-1 ratio of hardwood buffers is tailor-made for long-term sustainable reductions in atmospheric greenhouse gasses (emissions and sequestration) and building ecosystem resiliency.

The Wetlands Conservation Policy Coalition (WCPC) is an affiliate of the TCP that focuses on Agricultural Conservation Easement Program (ACEP)-WRE policy. The conservation partners of the WCPC worked collaboratively to identify and support the following priorities aimed at further strengthening ACEP-WRE.

OPTIONS TO ENCOURAGE MINORITY LANDOWNER PARTICIPATION

Include new provisions for minority landowners including resolving Heirship Issues, separate ranking pools, and allowing for 30-year contracts.

- Addresses known program issues and barriers to minority landowner access and use of the program.
- Provides clear statutory direction and flexibility to the Secretary to operate the program in a manner that promotes opportunities for minority landowners.
- Secures an opportunity for minority landowners to receive a level of financial compensation to resolve title issues relative to heirship of the enrolled property.

WETLAND RESERVE ENHANCEMENT PARTNERSHIP

Provide no less than 15% of the total dollars allocated to ACEP-WRE financial assistance (FA) annually for Wetland Reserve Enhancement Partnership (WREP) projects.

WREP targets wetland protection and restoration in priority areas that provide greater impacts on the landscape while leveraging federal dollars through partner contributions including cost-share for restoration and staff capacity for acquisition, due diligence, and restoration activities.



RESTORING AMERICA'S WETLANDS THROUGH THE FARM BILL



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FUNDING

We advocate for an increase in overall funding to the ACEP, above the current Farm Bill level, to \$750 million per year.

To accomplish this, we request Congress maintain the total conservation funding provided through the 2022 Inflation Reduction Act for Farm Bill conservation title programs. We propose the funding be utilized by the Agriculture Committees to strengthen programs across the title. Increased ACEP funding is necessary to address rising acquisition and restoration costs, meet growing stewardship needs on existing easements, and to support the high demand for the voluntary program. Currently, program demand exceeds available funding by 9:1 in the Lower Mississippi Valley.

In addition to this funding, we advocate for the authorizing Committees and Congressional Budget Office (CBO) to capture the cost avoidance to commodity and crop insurance titles achieved through the croplands set-aside of base acres in the Conservation Reserve Program (CRP) and the permanent retirement of ACEP-WRE acres that occur during the new Farm Bill. We ask that the savings generated through cost avoidance be substantially allocated to the conservation title for use in strengthening the CRP, ACEP-WRE and other programs across the title.

AVERAGE CAPS AND ENROLLMENT LIMITATIONS

Remove the 15% percent acreage limitation for WRE and add Land Capability Class III, subclass “w” to the list of exempt acres for enrollment calculation purposes.

- Provides a voluntary off-ramp for agriculture producers to remove marginally productive crop and pasture sites from production.
- Reduces impacts on crop insurance and commodity title payments on marginal agriculture fields by permanently removing cropland base acres from enrolled fields.
- Using the “w” designation for capability class III – VIII soils limits widespread enrollment of non-wetland acres to WRE since these soils do not dominate cropland landscapes of the Great Plains, where CRP is the predominant land retirement program.

RESTORATION OF EASEMENTS AND CONTRACTS

Revise current law to remove the cost-share limitation for restoration of 30-year easements and 30-year contracts, allowing all restoration to be compensated at the same rate as perpetual easements.

- Allows easements to be fully restored without limitations based on the landowner’s ability to pay their share of restoration costs.
- Ensures that quality restoration is accomplished and maintained throughout the life of the easement and contract.
- Yields greatest flexibility for USDA to accomplish establishment and stewardship of easement restoration activities without creating fiscal hardship on the landowner.
- Does not impact the ability to enter into compatible use agreements with the landowner or stewardship agreements with partners.

ADJUSTED GROSS INCOME LIMITATION

Amend ACEP to exempt the program from the Adjusted Gross Income (AGI) requirements of section 1001D for participant eligibility.

- Different from cost-share and subsidy payments, easements are a purchase of rights from a willing landowner. The government is acquiring a right and value for the price paid.
- Creates greater opportunity to improve connectivity/continuity of restored and protected wetlands and removes a barrier for applications from high conservation value, high priority restoration projects.
- Reduces the administrative impacts and application delays associated with determining an individual’s AGI eligibility through the Farm Services Agency and the Internal Revenue Service. AGI eligibility determination is required for all applications, not just exemption requests, and typically delays the lengthy enrollment process an additional 60 – 120 days. Less than 5% of applications do not meet the AGI requirement, but all applications are delayed.
- May provide opportunities for a “lessor of” purchase price offer by the landowner creating greater value for the federal investment.
- Reduces the workload associated with Secretarial waiver requests that are rarely denied.
- By virtue of program policy, land eligibility, and the ranking and selection process, these lands uniformly fall under “the Secretary determines that environmentally sensitive land of special significance would be protected as a result of such waiver” criteria established in the law.
- Secures opportunities for ecologically land-based enrollment, instead of financial landowner-based enrollment.

EASEMENT STEWARDSHIP RESPONSIBILITY

Include language within ACEP-WRE requiring continual stewardship of enrolled WRP and WRE acres, in addition to current law requirements for acquisition and restoration.

- Language should require the Secretary to conduct an assessment of stewardship needs and develop and to execute a stewardship plan.
- Language should require a report to Congress for future needs and accomplishments.
- Include language in the WRE section of the text, rather than the Administration section, to avoid confusion in application to Agricultural Land Easements (not applicable).
- Provides clear priority for the Secretary to address stewardship of existing enrolled acres, previously not addressed in the statute.
- Does not prohibit the use of partners and landowners in addressing easement stewardship.

