



United States Department of Agriculture



Rhode Island

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RI NRCS Regional Conservation Partnership Program *Rhode Island Forest Health Works Project*

March 2024 - Marina Capraro (USDA-NRCS) and Joanne Riccitelli (Consultant)

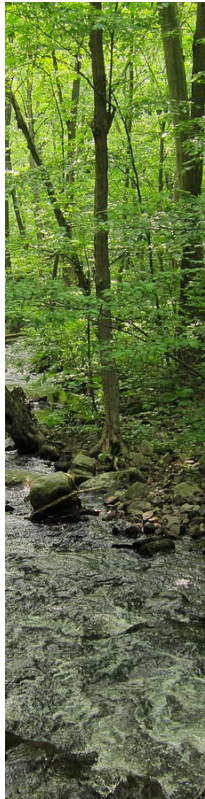
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Regional Conservation Partnership Program (RCPP)

Basics

- RCPP is now a standalone program with its own funding.
- RCPP conservation activities include projects that may be implemented through:
 - Land Management/land improvement/restoration activities
 - Land rentals
 - Entity-held easements
 - United States held easements
 - Public works/Watersheds



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Approved Project Details:

Project Name:

Rhode Island Forest Health Works Project

RCPP Type:

RCPP Classic

Primary Purpose:

Long term protection of Rhode Island Forests

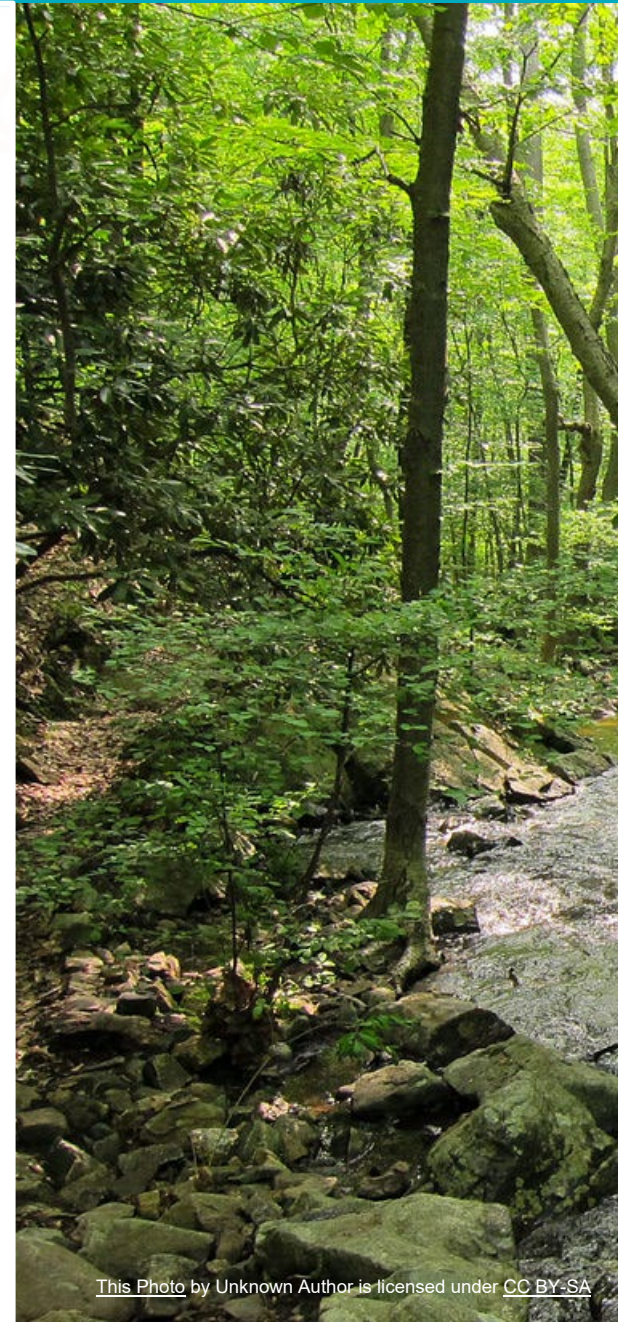
Lead Partner:

[RIDEM-Division of Forest Environment](#)

Total Funds Allocated: \$2,898,033.61

Entity-Held Easements: \$1,100,000.00

US Held Easements: \$1,798,033.61



Basics of the RI Forest Health RCPP



PROGRAM REQUIREMENTS

- Forest Land
- Perpetual Easement
- Three Deed Options: Highly Restrictive, Moderately Restrictive, Minimally Restrictive
- Easement Values are determined by appraisals
- Forest Management Plan must be in place before closing.

CONSERVATION VALUES & RANKING CRITERIA

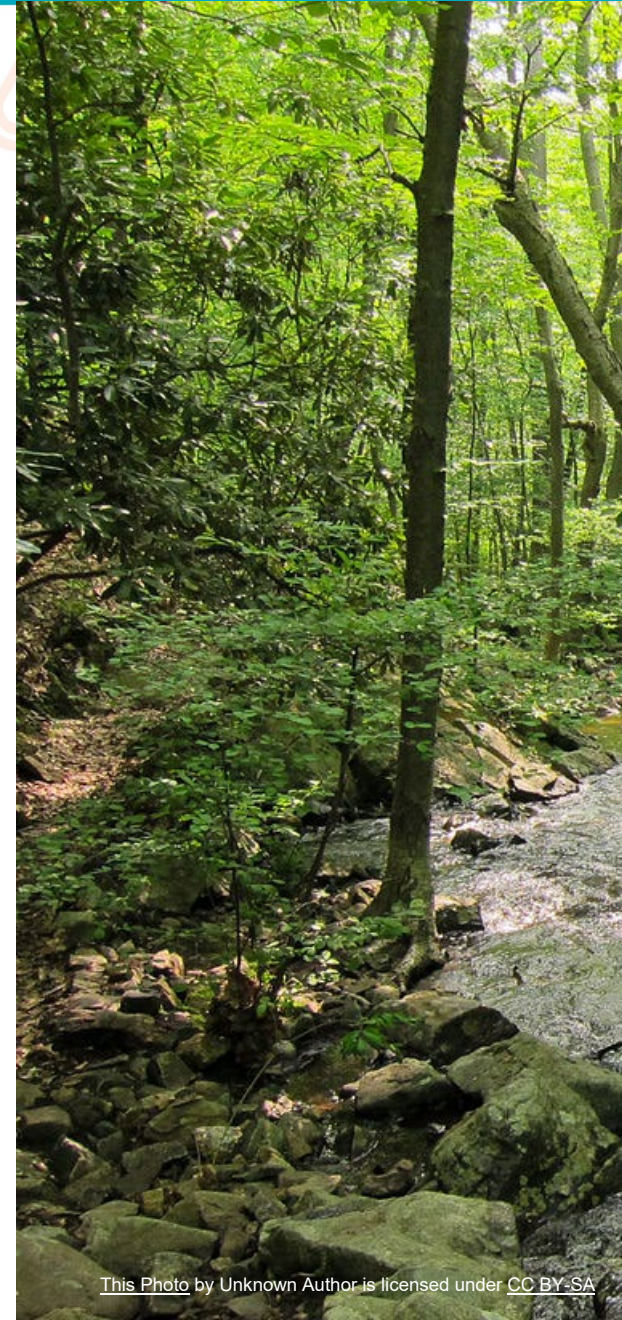
- Protect the forests' use and future viability;
- Soil types and water resources;
- Biological diversity (terrestrial and aquatic habitat);
- Watershed values including water-quality protection;
- Maintaining habitat connectivity and related values to ensure biodiversity;
- Protecting riparian areas;
- Size of parcel;
- Proximity to other conserved lands.



RCPP Easements

Minimum Deed Terms (MDT)

- There are three sets of MDTs; each with a version with or without a US Right of Enforcement
- Easement will be selected according to the most appropriate way to achieve project purposes
 1. Minimum Deed Terms for Agricultural Use (minimally restrictive)
 2. Minimum Deed Terms for Conservation Use with Compatible Agricultural Use Moderately restrictive (Moderately Restrictive)
 3. Minimum Deed Terms for Uses Limited for Protection of Conservation Values (Highly restrictive)



What are the paths for protecting land in this project?



US HELD

ENTITY-HELD



What is the difference?



US held

\$1,798,033.61

- Acquired and held by the US
- Must use one of the three easement Deeds (Highly, Moderately, or Minimally Restrictive)
- No match required
- US Government monitors easement

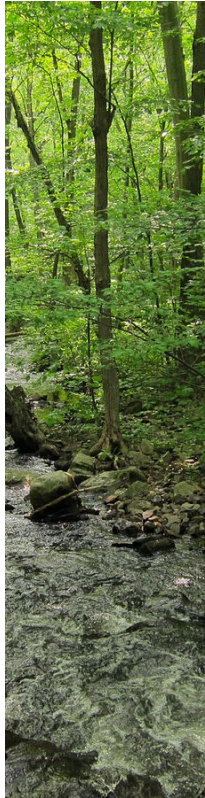
Entity-held

\$1,100,000.00

- Entities must apply for a RCPP Program Agreement
- Easement are acquired and held by eligible entities
- Must attach the minimum deed terms to the eligible entity's own conservation easement deeds
- Entity responsible for associated costs (survey, appraisal, etc.)
- Entity monitors easement

Ineligible Land for all Easement Programs with NRCS

- As determined by NRCS, the offered area must not have any conditions that would render it ineligible or as follows:
- **Adverse Onsite or Offsite Conditions**
 - Potential presence of hazardous materials
 - existing rights of way, either onsite or offsite, that will adversely affect the long-term viability
 - Adjacent land uses that could impede the protection
 - Impacts to adjacent lands
 - Unacceptable Easement Configurations
 - Unacceptable Title or Access issues
 - Other conditions as determined by NRCS



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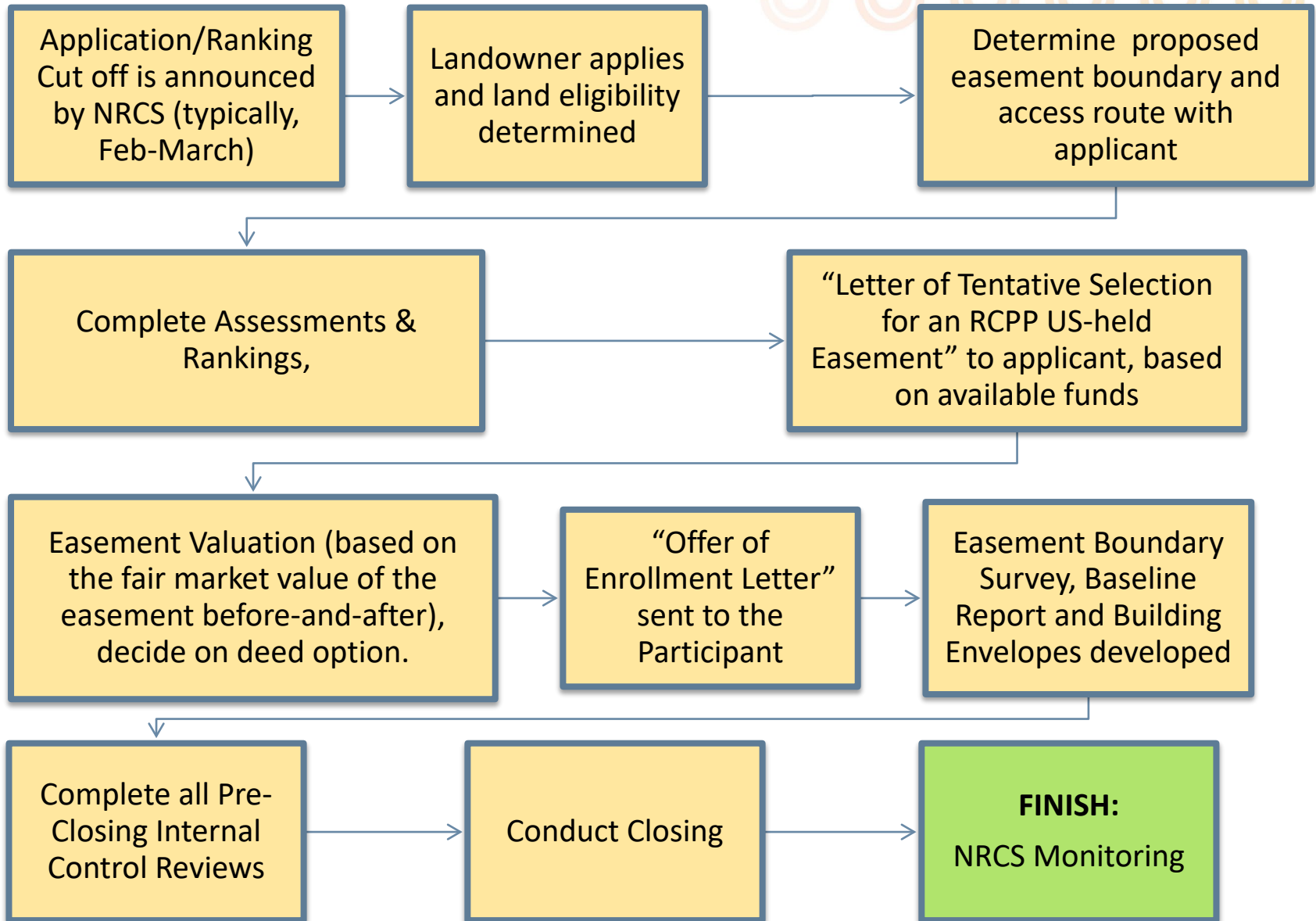
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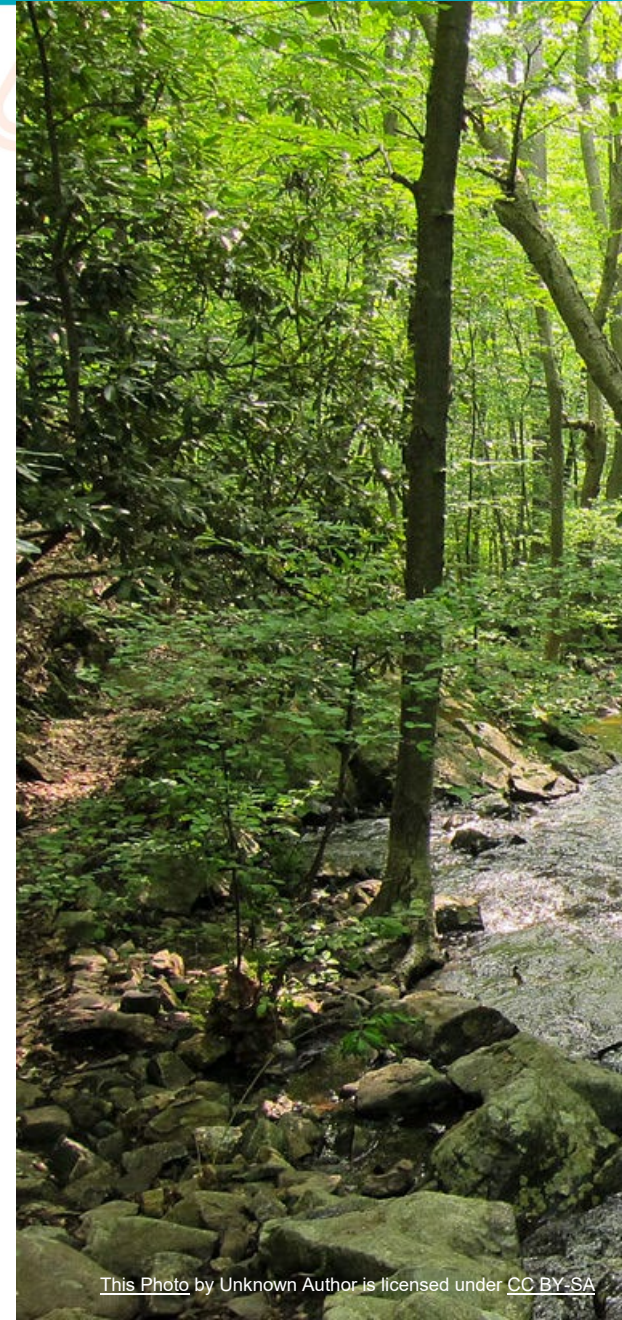
US HELD

US-Held Easement Process



How can I apply for the US Held Easements?

- NRCS and RIDEM announcement for US-Held in FY24 closed on March 1, 2024. Pending availability of funds, another application round will be announced in early 2025.
- **Interested participants can contact:**
 - Samantha Thibault
 - Samantha.Thibault@usda.gov
 - (401)934-0840 ext. 3

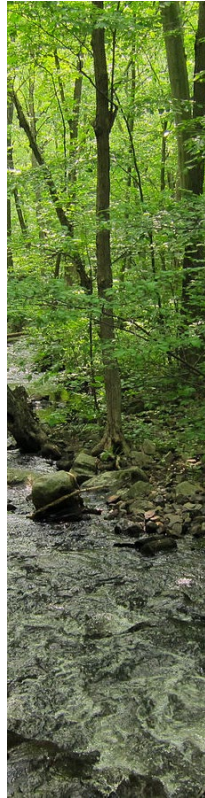




ENTITY-HELD

How are Entity-Held Easements Different?

- NRCS will work directly with **eligible entities**, not participants
- Entities must first apply for an RCPP Program Agreement (NRCS-CPA-1274)
- Entities must request funding by submitting the “Parcel Sheet for Entity Application for a RCPP Entity Held Easement Program Agreement (NRCS-CPA-1275)”
- **Entities are responsible for acquisition cost including:**
 - Appraisals
 - Legal surveys
 - Access routes
 - Title clearance or title insurance
 - Legal fees
 - Phase I environmental site assessments (if applicable)
 - Closing services
 - Development of baseline documentation and RCPP plan (as necessary)
 - Costs of easement monitoring
 - Other related administrative and transaction costs incurred by the eligible entity
- Entities must submit their draft conservation easement deeds for approval prior to authorizing appraisal



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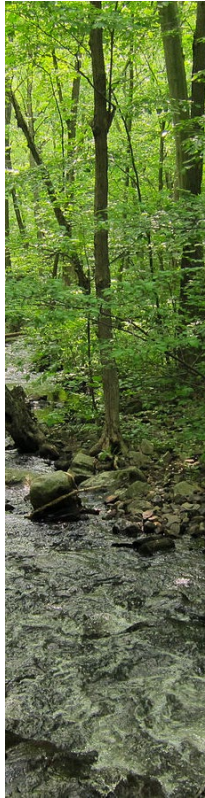
RCPP Entity Eligibility

- **Entity Eligibility**
- Mirrors Agricultural Land Easement (ALE) entity eligibility – (528.32B)
 - State or local government
 - NGO that qualifies under Section 170(h)(4)(A) of the Internal Revenue Code
- **Must have**
 - **Authority** to purchase conservation easements
 - An **established** land protection program
 - Demonstrated commitment to the long-term conservation of the types of land to be conserved
 - Capability and capacity to acquire, manage, monitor and enforce easements.

RCPP Entity-Held Easements

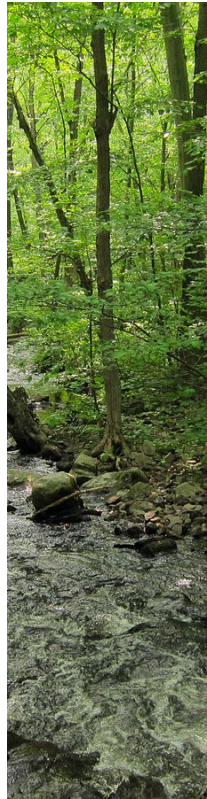
Valuation, Federal Share, Contribution

- **Easement value is based on a before & after appraisal obtained by the Eligible entity**
- **Federal share = NRCS maximum contribution**
 - 50% of Easement Value – for conservation easements with US ROE
 - 25% of Easement Value – for conservation easements without US ROE
- **Non-Federal Share**
 - Remainder of Easement Value
 - May be comprised of:
 - Eligible Entity cash for easement payment to landowner
 - Landowner donation or qualified contribution that reduces easement purchase price
 - RI DEM Match



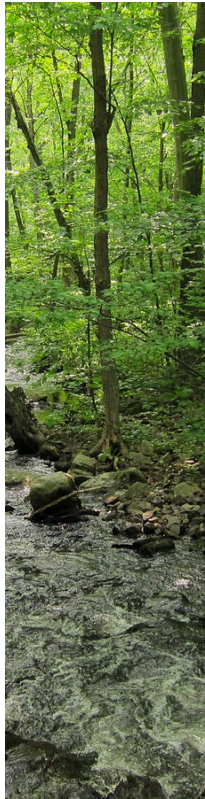
RCPP Entity-Held Easements Parcel Application

- RCPP **parcel applications** (NRCS-CPA-1275) can be accepted on a continuous basis during the life of the PPA (up to July 2026).
- Can be submitted simultaneous with Entity Application (NRCS-CPA-1274)
- Identifies the following data -
 - Associated PPA and Program Agreement
 - Landowners and proof of ownership
 - Written pending offer from eligible entity (optional)
 - Conservation values
 - Level of restriction (i.e., minimum deed terms)
 - Estimated value
 - Map showing boundaries and legal access
 - Holders, co-holders and third-party right holders



RCPP Entity-Held Easement Deed Reviews

- All deeds (attached or incorporated) must be submitted for national review
- **Deeds must be reviewed prior to commencing the appraisal**
- If the deed incorporates the minimum deed terms – the approved deed must be attached to the parcel contract either initially or after obligation through a modification.



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RCPP Entity-Held Easements

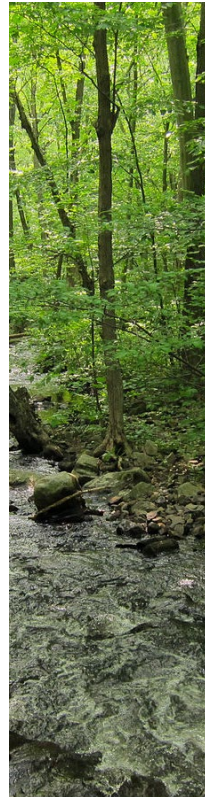
Pre-closing

NRCS will:

- **Title Review and Certificate of Use and Consent (LTP-23)**
- **Preliminary Certificate of Inspection and Possession (LTP-27)**
 - Must be dated within one year of closing
- **Environmental Records Search and review**
 - Must be dated within one year of closing

Entities will:

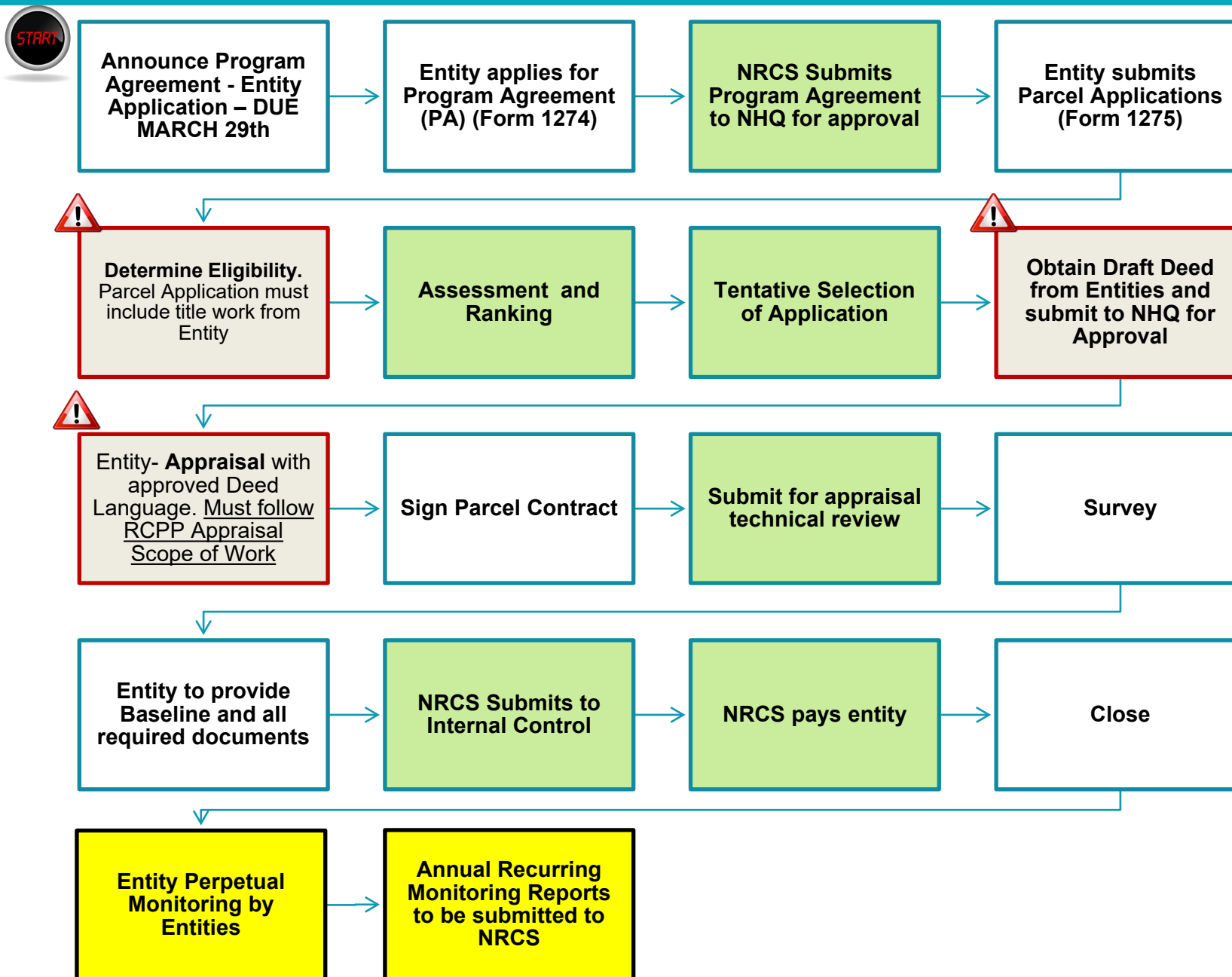
- **Baseline Documentation Report**
 - Must be submitted by entity no later than 90 days prior to closing
- **RCPP Easement Plan (optional for minimally restrictive)**
 - Must be completed no later than 90 days prior to closing
- **Survey of parcel**



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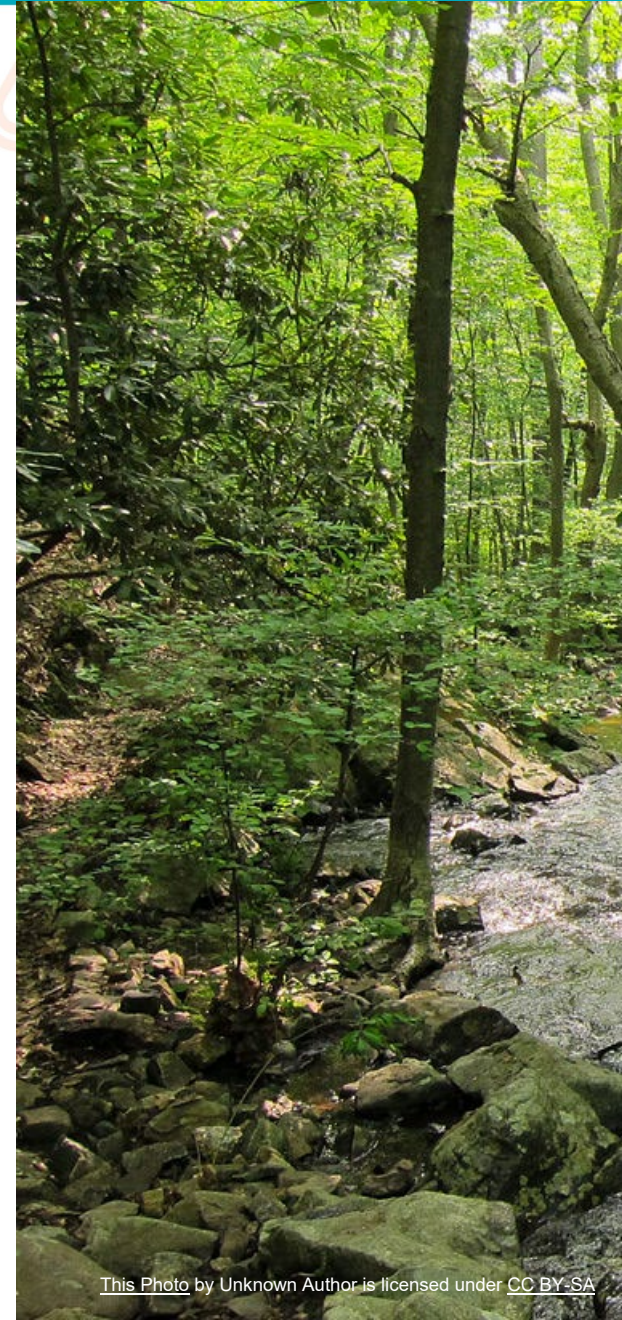
I am ready to start a Program Agreement, what should I do?

- **NRCS and RIDEM have an active application period for Entity Held Easements now through March 29, 2024.**
- **Interested participants should contact:**

Joanne Riccitelli

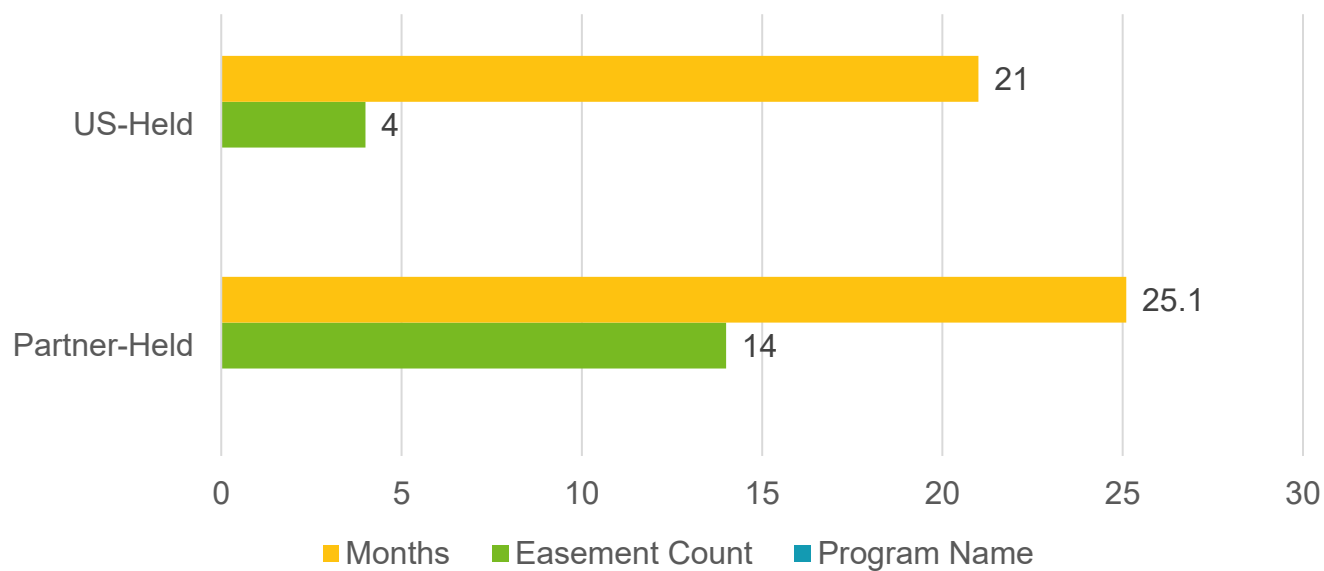
Joanne.Riccitelli@gmail.com

(401)316-7570

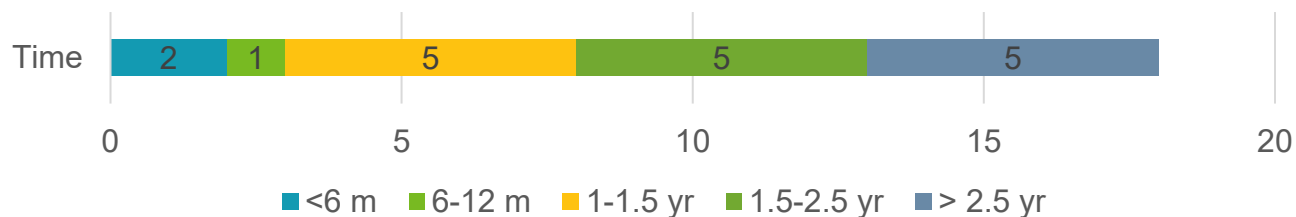


Typical “Time to Close” Comparison

Average Time To Close in Months



Distribution of Easements by “time to closing”



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Thank You



USDA NRCS
60 Quaker Lane, Suite 46
Warwick, RI 02886

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