

COMPARISON: FOREST CONSERVATION EASEMENT PROGRAM (FCEP) & OTHER FEDERAL FOREST EASEMENT PROGRAMS

May 2023

	Forest Conservation Easement Program (FCEP):		Agricultural Conservation Easement Program (ACEP):			
	Forest Land Easement (FLE)	Forest Reserve Easement (FRE)	Agricultural Land Easement (ALE)	Wetland Reserve Easement (WRE)	Healthy Forests Reserve Program (HFRP)	Forest Legacy Program (FLP)
Administering Agency & Purpose	Would be administered by NRCS to protect the viability and sustainability of forest land and related ecological and human conservation values of eligible land by limiting the negative impacts of non-forest land uses.	Would be administered by NRCS to restore, protect, and enhance forest ecosystems to promote the recovery of threatened and endangered species and other at-risk species	Administered by NRCS to protect the agricultural and grazing use and conservation values of eligible land by limiting nonagricultural uses that negatively affect those uses and values.	Administered by NRCS to restore, protect, and enhance wetlands	Administered by NRCS to restore, protect, and enhance forest ecosystems to promote the recovery of threatened and endangered species and other at-risk species	Administered by USFS to conserve environmentally important private working forest areas that are threatened by conversion to non-forest uses, and provide the opportunity for continuation of traditional forest uses.
Easement Holder	Any Eligible Entity	US (NRCS)	Any Eligible Entity	United States (NRCS)	United States (NRCS)	State agency (can acquire either easement or fee title). Nonprofits may hold the title or conservation easement only for fully donated tracts.
Eligible Entity (to enter into agreement with federal agency)	<ul style="list-style-type: none"> Indian Tribe State government local government nongovernmental organization that has a conservation purpose 	N/A	<ul style="list-style-type: none"> Indian Tribe State government local government nongovernmental organization that has a farmland or grassland protection program 	N/A for standard WRE For Wetland Reserve Enhancement Partnerships: <ul style="list-style-type: none"> Indian Tribe State government local government nongovernmental organization 	N/A	State forestry agencies or equivalent state lead agencies. Federal- or State-recognized tribes can participate, outside of trust lands, in partnership with the State Lead Agency.
Eligible Land	Private or Tribal forest land, or land being restored to forest land, the enrollment of which would protect forest uses and related conservation values or further a state or local policy	Private or Tribal forest land, or land being restored to forest land, the enrollment of which would maintain, restore, enhance or increase the likelihood of recovery, or the wellbeing of a threatened or endangered species listed under the ESA or improve the well-being of an at-risk species.	<ul style="list-style-type: none"> Private or Tribal agricultural land Must be less than 2/3 nonindustrial private forest Cannot be owned by a conservation NGO unless utilizing a buy-protect-sell transaction. 	Private or Tribal land that is: <ul style="list-style-type: none"> farmed or converted wetlands (unless converted after 1985) cropland or grassland that was used for farming prior to flooding farmed wetlands and adjoining lands enrolled in CRP riparian areas that link protected wetlands 	Private or Tribal forest land, or land being restored to forest land, the enrollment of which would maintain, restore, enhance or increase the likelihood of recovery, or the wellbeing of a threatened or endangered species listed under the ESA or improve the well-being of an at-risk species.	Non-industrial and industrial private forest land
Federal Cost Share or Contribution	<ul style="list-style-type: none"> 50% of fair market value 75% of fair market value for forests of special environmental significance or underserved forest landowners 	<ul style="list-style-type: none"> Permanent easement: 100% of fair market value and up to 100% of restoration cost 30-year contract, 30-year easement, or max duration allowed under State law: 50-75% of the fair market value; and 50-75% of restoration cost 	<ul style="list-style-type: none"> Up to 50% of fair market value Up to 75% of fair market value for grasslands of special environmental significance 	<ul style="list-style-type: none"> Permanent easements: up to 100% of fair market value and 75%-100% of restoration cost; 30-year easements (or maximum under state law), and 30-year contracts (Indian tribes only): 50%-75% of fair market value; and 50%-75% of restoration cost 	<ul style="list-style-type: none"> Permanent easement, or easement for max duration allowed under State law: 75%-100% of fair market value; and 75%-100% of conservation practices costs 30-year easement or contract (Indian tribes only): up to 75% of fair market value; and up to 75% of conservation practices costs 10-year conservation practices agreement: up to 50% of costs 	Up to 75% of fair market value
Permissible Forms of Non-federal Cost Share	Cash, charitable or landowner donation, transaction costs	No non-federal cost-share requirement.	Cash, charitable or landowner donation, transaction costs	No non-federal cost-share requirement.	Any non-Federal funds	Cash, in-kind services, donation of land or interest in land

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Criteria and Prioritization	<p>Priority:</p> <ul style="list-style-type: none"> maintaining viability of working forest land forests with a management plan <p>Emphasis:</p> <ul style="list-style-type: none"> protecting forest uses and related conservation values of eligible land reducing fragmentation maximizing the areas protected from conversion to non-forest uses 	<p>Priority for projects that provide the greatest conservation benefit to:</p> <ul style="list-style-type: none"> threatened and endangered species listed under ESA candidate species for listing under ESA, a state-listed species or species of concern. <p>Additional considerations:</p> <ul style="list-style-type: none"> improving biological diversity restoring native ecosystems conserving habitat reducing fragmentation increasing carbon sequestration 	<p>Priority:</p> <ul style="list-style-type: none"> maintaining agricultural viability <p>Emphasis:</p> <ul style="list-style-type: none"> protecting agricultural uses and related conservation values of the land maximizing the protection of areas devoted to agricultural use 	<p>Priority:</p> <ul style="list-style-type: none"> protecting and enhancing habitat for migratory birds and other wildlife, or improving water quality <p>Considerations:</p> <ul style="list-style-type: none"> conservation benefits of easement, including potential environmental benefits if land removed from agricultural production cost effectiveness availability of financial contribution from landowner or other entity to leverage federal funds 	<p>Priority for projects that provide the greatest conservation benefit to:</p> <ul style="list-style-type: none"> threatened and endangered species listed under ESA candidate species for listing under ESA, a state-listed species or species of concern. <p>Additional considerations:</p> <ul style="list-style-type: none"> improving biological diversity conserving habitat increasing carbon sequestration 	<p>National project evaluation and ranking is based on:</p> <ul style="list-style-type: none"> Environmental, economic, and social benefits gained from the protection and management of the property Conversion to non-forest uses is imminent or likely Contributes to larger conservation plans, complements existing protected areas, and enhances previous conservation investments
Plan Required	Yes	Yes	No	Yes	Yes	Yes (State Forest Action Plan)
Restoration Required	No	Yes	No	Yes	Yes	Yes (if restoration is needed)
Easement Lengths	Permanent or maximum term allowed by state law	Permanent easements; 30-year easements or term easement (max under state law); or 30-year contracts (available to Indian tribes only)	Permanent or maximum term allowed by state law	Permanent easements; 30-year easements or term easement (max under state law); or 30-year contracts (available to Indian tribes only)	Permanent easements; 30-year easements or term easement (max under state law); or 30-year contracts (available to Indian tribes only)	Permanent easements (or fee title acquisition)
Funding Authority	Goal for FCEP is 2023 Farm Bill authorization of \$100 million/year in mandatory funding	Goal for FCEP is 2023 Farm Bill authorization of \$100 million/year in mandatory funding	2018 Farm Bill: \$450 million/year in mandatory funding for ACEP.	2018 Farm Bill: \$450 million/year in mandatory funding for ACEP.	2018 Farm Bill: \$12 million/year discretionary funding authorization. Recent Funding Levels: <ul style="list-style-type: none"> FY23 = \$7 million FY22 = \$7 million 	LWCF: \$900 million/year mandatory funding for 10 LWCF sub-programs, including FLP, which receives an annual allocation by Congress. Recent Funding Levels: <ul style="list-style-type: none"> FY23 = \$77.94 million FY22 = \$88.9 million [IRA: \$700 million for FLP]
Set Aside for Historically Underserved Landowners	Yes	Yes	State NRCS office can decide to set aside	No	No	No
Geographic Scope	National	National	National	National	National, but limited to certain states in 2022 due to limited funding availability	National, but only within state-defined Forest Legacy Areas
Adjusted Gross Income (AGI) Limitation applies	No	No	Yes (can be waived)	Yes (can be waived)	No	No