

Natural Resources Conservation Service

Farm and Ranch Lands Protection Program

Indiana Program Sponsor Information

This information is intended to provide general information for sponsors on what to expect if their proposals are selected for Farm and Ranch Lands Protection Program (FRPP) funding.

Refer to the Indiana FRPP web site for more information and a link to the current Request for Proposals (RFP): <http://www.in.nrcs.usda.gov/programs/FRPP/FRPPhomepage.html>

Contact the Indiana FRPP Coordinators to discuss specific questions:

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Part 519 of the NRCS *Conservation Programs Manual* provides details on program management, eligibility, and requirements. This manual is primarily intended for use by NRCS staff, but may also be a useful reference for FRPP sponsoring organizations: http://policy.nrcs.usda.gov/scripts/lpsiis.dll/M/M_440_519.htm

General information:

- Applications for funding are based on specific parcels with pending offers to acquire development rights.
- The FRPP provides up to 50% of the appraised easement value. The sponsor match can come from cash on hand, other grants, or up to 25% landowner donation.
- Sponsor payments to landowners can be paid in a lump sum or in installment payments over a period not to exceed 5 years. FRPP funds can be provided at closing through a transfer agent's escrow account.
- Funded sponsors will sign a Cooperative Agreement with NRCS, which describes steps to be completed before FRPP funding is released.
- Easements should be closed, and the easement deed conveyed in its entirety within 2 years from the date of the Cooperative Agreement signature.
- FRPP funds will be provided only for parcels listed on Attachment A of the Cooperative Agreement. The sponsoring organization can apply to NRCS for approval of substitute parcels at any time.
- NRCS can provide technical assistance to apply any conservation plan.

Sponsoring Organization responsibilities:

- Ensure that all responsibilities listed in the Cooperative Agreement are completed
- Complete all negotiations with landowners
- Obtain an appraisal by a state licensed appraiser, meeting Uniform Appraisal Standards for Federal Land Acquisitions (UASFLA), or Uniform Standards of Professional Appraisal Practices (USPAP) standards and provide a copy to NRCS
- Ensure that proper appraisal and title reviews are conducted

- Provide the title report and evidence of American Land Title Association (ALTA) title insurance to NRCS
- Ensure that the title is unencumbered, or outstanding interests are subordinate to the easement
- Ensure that the landowner has certified 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 prior to NRCS acceptance of the easement
- Arrange for electronic funds transfer
- Close the easement and apply to NRCS for reimbursement of the FRPP amount obligated
- Provide all legal and administrative actions to ensure proper acquisition and recording of the valid easement
- Provide baseline documentation to NRCS
- Provide an original signed copy of the easement to NRCS
- Monitor easements and provide status reports to NRCS annually
- Provide all resources necessary to enforce easements
- Provide a copy of IRS form 8283 to NRCS, to document any landowner donation of easement value
- Ensure that the landowner adjusted gross income does not exceed requirements
- Ensure that all requirements on the "Steps for Funded Sponsors" document are completed

Easement requirements:

The sponsoring organization drafts the easement and NRCS and the US Office of General Counsel will review it. NRCS concurrence is required before the easement is closed.

NRCS can provide sample easements. Some easement requirements:

- Construction within the easement area should be allowed only if necessary to keep a parcel viable for agricultural production
- Easements in Indiana must be permanent
- Must prevent the land from being converted to non-agricultural uses
- Provide for the administration and management of the easement by the sponsoring organization
- Require an approved conservation plan on all highly erodible land
- Identify standards and guidelines for treatment & maintenance of historical or archaeological resources
- Include a "contingent right" clause, vesting interest in the easement with United States of America if the entity fails to enforce
- Include an NRCS "acceptance of the easement" on a separate signature page
- Commercial recreation should be generally prohibited
- Mining should be prohibited, except for small areas (1 acre or less) to extract materials used for agricultural operations on the property
- A provision for amendment, with NRCS concurrence, should be included
- Subdivision of the property should be prohibited
- Only small lot line adjustments, due to technical errors made in the survey or legal description, should be allowed (2 acres or less)
- Impervious surface area should be limited to 2 percent of the easement area, or 1 acre for easements of 50 acres or less.