



A View of the Farm Bill Through Policy Design, Part 7: ACEP and RCPP

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Water. While there are few more vital natural resources, there is not one that presents quite the same paradox; we need water to survive, but too much water can kill. Despite its crucial role, we consume water recklessly. We too often pollute it or take it for granted, even as we rely on it for life and our myriad pursuits of happiness (see e.g., Robbins, [September 12, 2023](#); Searcy, Rojanasakul, and Guttenfelder, [September 3, 2023](#); Rojanasakul et al., [August 28, 2023](#); Moyer, [July 28, 2023](#); Robbins, [July 11, 2023](#); Christensen, [July 6, 2023](#); Zhong, [June 6, 2023](#); Einhorn, [April 3, 2023](#); Flavell and Rojanasakul, [January 31, 2023](#); Koch, [December 26, 2022](#); Rothberg, [August 4, 2022](#)). It is with water on the mind at this portentous time that this article rounds out the first stage of work on the Conservation Title of the Farm Bill (Hausfather, [October 13, 2023](#); *farmdoc daily*, [September 21, 2023](#); [May 11, 2023](#); [April 13, 2023](#)).

Background

The Agriculture Conservation Easement Program (ACEP) was created by Congress in the Agricultural Act of 2014 by combining existing easement programs into a single authorization (P.L. [113-79](#)). The combined program works through two subprograms. The first is Agricultural Land Easements (ALE), which protect natural resources and agricultural uses, allowing the landowner to continue to farm the land ([16 U.S.C. §3865b](#)). These easements are generally designed to protect farmland from development pressures, such as from sprawling suburbs and exurbs. The second subprogram is the Wetland Reserve Easement (WRE), which assists landowners with restoring or maintaining a restored wetland on the farm ([16 U.S.C. §3865c](#)). In general, a conservation easement is a permanent (or long-term) property right on the land that the landowner agrees to transfer to the government agency or a nonprofit entity. That property right is transferred in return for some financial benefit and for the purposes of achieving conservation goals, such as restoring a wetland (see e.g., Phelps, 2023). Figure 1 provides excerpts of ACEP authorities from the compilation available from the Senate Committee on Agriculture, Nutrition, and Forestry (ANF) (Senate ANF, Compilation: [Food Security Act of 1985](#)).

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Figure 1. Agricultural Conservation Easement Program (ACEP) Excerpts

Subtitle H—Agricultural Conservation Easement Program

SEC. 1265. [16 U.S.C. 3865] ESTABLISHMENT AND PURPOSES.

(a) **ESTABLISHMENT.**—The Secretary shall establish an agricultural conservation easement program for the conservation of eligible land and natural resources through easements or other interests in land.

(b) **PURPOSES.**—The purposes of the program are to—

- (1) combine the purposes and coordinate the functions of the wetlands reserve program established under section 1237, the grassland reserve program established under section 1238N, and the farmland protection program established under section 1238L, as such sections were in effect on the day before the date of enactment of the Agricultural Act of 2014;
- (2) restore, protect, and enhance wetlands on eligible land;
- (3) protect the agricultural use and future viability, and related conservation values, of eligible land by limiting non-agricultural uses of that land that negatively affect the agricultural uses and conservation values; and
- (4) protect grazing uses and related conservation values by restoring or conserving eligible land.

SEC. 1265B. [16 U.S.C. 3865b] AGRICULTURAL LAND EASEMENTS.

(a) **AVAILABILITY OF ASSISTANCE.**—The Secretary shall facilitate and provide funding for—

- (1) the purchase by eligible entities of agricultural land easements in eligible land;
- (2) technical assistance to implement the program, including technical assistance for the development of a conservation plan under subsection (b)(4)(C)(iv); and
- (3) buy-protect-sell transactions.

(b) **COST-SHARE ASSISTANCE.**—

- (1) **IN GENERAL.**—The Secretary shall protect the agricultural use, including grazing, and related conservation values of eligible land through cost-share assistance to eligible entities for purchasing agricultural land easements.
- (2) **SCOPE OF ASSISTANCE AVAILABLE.**—
 - (A) **FEDERAL SHARE.**—An agreement described in paragraph (4) shall provide for a Federal share determined by the Secretary of an amount not to exceed 50 percent of the fair market value of the agricultural land easement, as determined by the Secretary using—

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Congress created the Regional Conservation Partnership Program (RCPP) in the 2014 Farm Bill to work across different conservation program authorities, combine conservation practices and farms in a regional approach, and to bring in non-federal contributions from private partners (P.L. 113-79). Congress revised the program in the 2018 Farm Bill to improve its operation (P.L. 115-334). What distinguishes RCPP begins with the regional focus, seeking coordination of conservation efforts across multiple farms such as those in a watershed. Congress also intended for the program to use the basic conservation authorities of multiple programs, although with the changes in 2018 the program authorities are less explicit, and it incorporates a multitude of conservation practices. Most notable, however, is the fact that RCPP leverages private resources from companies, nonprofit or other entities. Private partners bring funding as well as expertise and administrative capacity with the intent that doing so will to help advance conservation efforts more effectively and efficiently (16 U.S.C. §§3871-3871f). Figure 2 presents excerpts of RCPP authorities from the Senate ANF compilation (Senate ANF, Compilation: Food Security Act of 1985).

Figure 2. Regional Conservation Partnership Program (RCPP) Excerpts

Subtitle I—Regional Conservation Partnership Program

SEC. 1271. [16 U.S.C. 3871] ESTABLISHMENT AND PURPOSES.

(a) **ESTABLISHMENT.**—The Secretary shall establish a regional conservation partnership program to implement eligible activities on eligible land through—

- (1) partnership agreements, including partnership agreements funded through alternative funding arrangements or grant agreements under section 1271C(d), with eligible partners; and
- (2) program contracts with producers.

(b) **PURPOSES.**—The purposes of the program are as follows:

- (1) To carry out eligible activities to accomplish purposes and functions similar to those of the following programs, as in effect on the day before the date of enactment of the Agricultural Act of 2014:
 - (A) The agricultural water enhancement program established under section 1240I.
 - (B) The Chesapeake Bay watershed program established under section 1240Q.
 - (C) The cooperative conservation partnership initiative established under section 1243.
 - (D) The Great Lakes basin program for soil erosion and sediment control established under section 1240P.
- (2) To further the conservation, protection, restoration, and sustainable use of soil, water (including sources of drinking water and groundwater), wildlife, agricultural land, and related natural resources on eligible land on a regional or watershed scale.
- (3) To encourage eligible partners to cooperate with producers in—
 - (A) meeting or avoiding the need for national, State, and local natural resource regulatory requirements related to production on eligible land, including through alignment of partnership projects with other national, State, and local agencies and programs addressing similar natural resource or environmental concerns; and
 - (B) implementing projects that will result in the adoption, installation, and maintenance of eligible activities that affect multiple agricultural or nonindustrial private forest operations on a local, regional, State, or multistate basis.
- (4) To encourage the flexible and streamlined delivery of conservation assistance to producers through partnership agreements.

SEC. 1271F. [16 U.S.C. 3871f] CRITICAL CONSERVATION AREAS.

(a) **DEFINITIONS.**—In this section:

- (1) **CRITICAL CONSERVATION AREA.**—The term “critical conservation area” means a geographical area that contains a critical conservation condition that can be addressed through the program.
- (2) **PRIORITY RESOURCE CONCERN.**—The term “priority resource concern” means a natural resource concern located in a critical conservation area that can be addressed through—
 - (A) water quality improvement, including through reducing erosion, promoting sediment control, and addressing nutrient management activities affecting large bodies of water of regional, national, or international significance;
 - (B) water quantity improvement, including improvement relating to—
 - (i) drought;
 - (ii) groundwater, surface water, aquifer, or other water sources; or
 - (iii) water retention and flood prevention;
 - (C) wildlife habitat restoration to address species of concern at a Federal, State, or local level; and
 - (D) other natural resource improvements, as determined by the Secretary, within the critical conservation area.

(b) **APPLICATIONS.**—In administering funds under section 1271D(d)(2), the Secretary shall select applications for partnership agreements and program contracts within critical conservation areas designated under this section that address 1 or more priority resource concerns for which the critical conservation area is designated.

(c) **CRITICAL CONSERVATION AREA DESIGNATIONS.**—

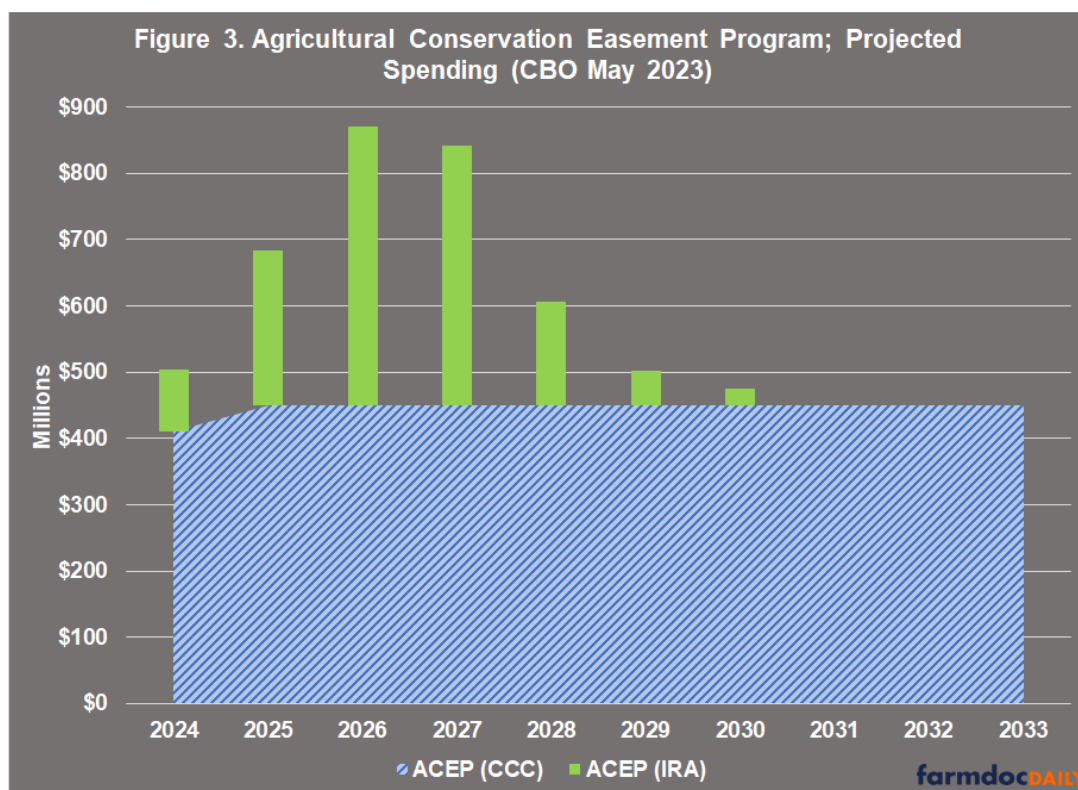
- (1) **IN GENERAL.**—The Secretary shall identify 1 or more priority resource concerns that apply to each critical conservation area designated under this section after the date of enactment of the Agricultural Act of 2014 (Public Law 113-79; 128 Stat. 649), including the conservation goals and outcomes sufficient to demonstrate that progress is being made to address the priority resource concern.

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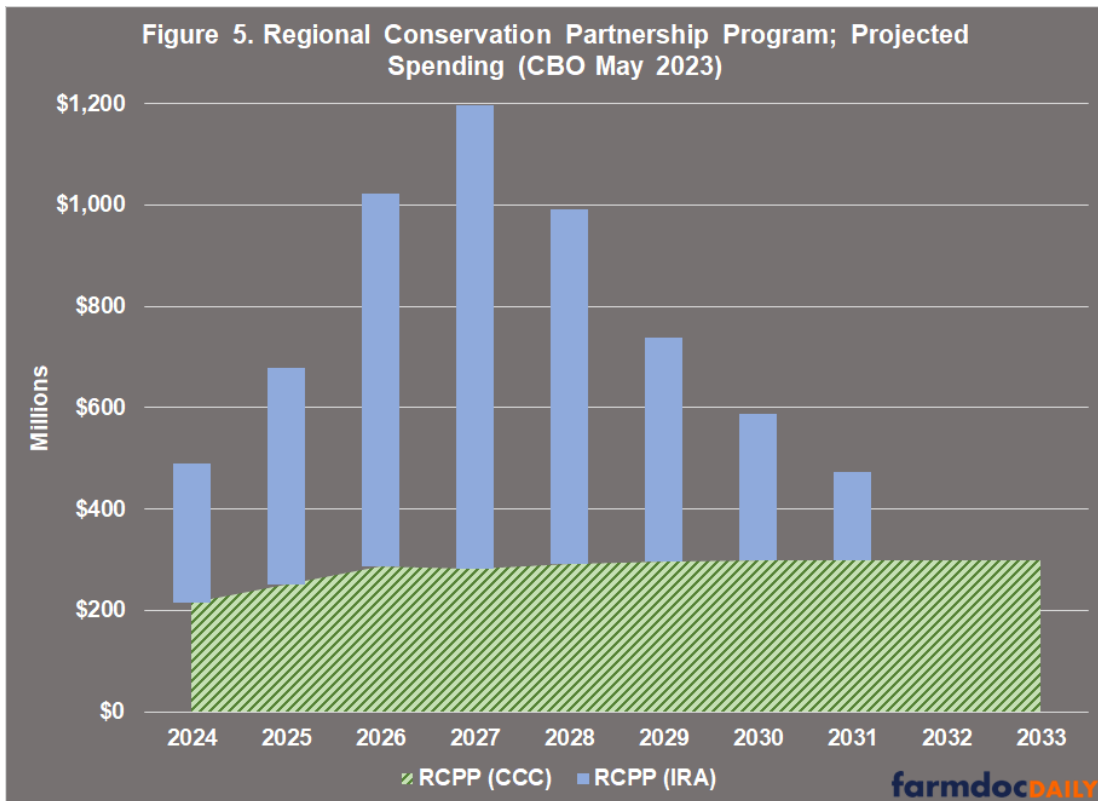
ACEP and RCPP make up roughly 7.5% and 4.7% (respectively) of total conservation spending in the Congressional Budget Office May 2023 baseline (CBO, [May 2023](#)). Both programs also received significant **additional** funding in the Inflation Reduction Act of 2022. According to CBO, ACEP received nearly 8% of the total additional appropriations for the conservation programs and is estimated to constitute nearly 9% of the total additional outlays. By comparison, RCPP received 27% of the total additional appropriation and is projected to spend nearly 25% of the total additional outlays from the Inflation Reduction Act investments in conservation programs (includes the Environmental Quality Incentives Program and the Conservation Stewardship Program).

Figure 3 illustrates the projected spending for ACEP from the Commodity Credit Corporation (CCC) funds as authorized in the Farm Bill (blue striped area) and from the Inflation Reduction Act (light green bars). The baseline for ACEP is \$450 million each fiscal year and the additional spending is projected to peak at \$421 million in fiscal year 2026 and conclude in FY 2031 with the program reverting to the baseline for the final two fiscal years.



As noted above, ACEP works through easements—permanent or long-term property rights—to protect farmland from development pressure and to restore wetlands. Arguably, the leading institutional voice on protecting farmland is the American Farmland Trust and the organization recently released a comprehensive report titled “Farms Under Threat 2040: Choosing an Abundant Future” (AFT, Farms Under Threat, [June 29, 2022](#)). The report is accompanied by an interactive mapping tool, climate and other modeling efforts, as well as webinars. The ALE portion of ACEP is a critical tool in protecting farmland.

ACEP also contains assistance to restore wetlands on farms through the WRE subprogram, which assumed the efforts originally authorized in the 1990 Farm Bill as the Wetlands Reserve Program (WRP) (P.L. [101-624](#)). Wetlands provide critical natural resource benefits, especially for water, and are considered “nature’s kidneys” (Karwowski and Skidmore, [April 2023](#)). They filter out sediments and excess nutrients, as well as helping control the flow of surface water. Wetlands can also provide habitat benefits for wildlife. Because of the benefits wetlands can provide, research has also found the potential for increases to crop yields where acreage in wetlands has been increased (Karwowski, [2022](#)).



Finally, Figure 6 is the interactive map for RCPP benefits (financial assistance) as part of the Policy Design Lab project (<https://policydesignlab.ncsa.illinois.edu/rcpp>). The total benefits for each State from FY2018 to FY2022, represents the assistance by the program as it was revised in the 2018 Farm Bill. Below the map is an interactive table of each state's performance in the 2018 version of the program. Note that both the map and the table do not include the spending from the 2014 version of RCPP and will be updated as development continues.

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