

Comparison of U.S.-Held and Entity Held Easements

| | U.S.-Held Easements | Entity-Held Easements |
|--|---|---|
| Easement Holder | Acquired and held by the United States by and through USDA NRCS | Acquired and held by an eligible entity (7 CFR Section 1468.3)* <i>*See FAQs Q7 for eligible entity definition</i> |
| Easement Deed Requirements | Must use one of three standard easement deeds provided by NRCS: 1. Highly restrictive; 2. Moderately restrictive; 3. Minimally restrictive | Must attach the minimum deed terms provided by NRCS to the eligible entity's own conservation easement deed terms. NRCS minimum deed terms available: 1. Highly restrictive; 2. Moderately restrictive; 3. Minimally restrictive. NOTE: Two versions of each set of the above-listed deed terms are available, one with and one without the terms related to a U.S. right-of-enforcement. |
| Right of Enforcement | | Entity Held Easements can have deed terms with a U.S. right of enforcement or without |
| Duration | Easements are perpetual or maximum duration allowed under State law | Easements are perpetual or maximum duration allowed under State law |
| Potential Eligible Land Types | Private agricultural land, nonindustrial private forest land or associated lands (e.g., riparian areas, grasslands, floodplains, seasonal or flooded wetlands). | |
| Basis for RCPP Compensation Cap | Landowner is paid a percentage of the value of the easement. 1. Up to 100% of easement value for a high level of landowner restriction 2. Up to 75% of easement value for a moderate level of landowner restriction 3. Up to 50% of easement value for a low level of landowner restriction | Cost-share provided to the entity for their purchase of an easement based on a percentage of the value of the easement. 1. Up to 50% —with U.S. right of enforcement 2. Up to 25% —without U.S right of enforcement |

| | | |
|--|--|---|
| Valuation Methodology | Easement value determined via appraisal. | Easement value determined via appraisal of before- and after fair market value of the offered acres |
| Partner Match | <p>Matching funds provided by partners are not required but contributions are encouraged to further RCPP project objectives.</p> <p>Any landowner donation associated with U.S.-held easements cannot count as partner contribution for the project.</p> | <p>Partner match is required and may consist of any combination of landowner donation toward easement value or partner cash contribution toward payment of easement compensation to the landowner</p> |
| RCPP award type for easement purchase | Producer contract entered into directly with eligible landowners. | Supplemental agreement entered into with an eligible entity that will hold the easement on eligible land. |
| Allowed uses of RCPP Financial Assistance | Cost of easement itself, acquisition-related costs (e.g., appraisal, survey, due diligence, title and closing services), restoration implementation costs. | <p>Cost of easement itself, costs for NRCS technical appraisal review, and NRCS environmental database search.</p> <p>RCPP financial assistance funds awarded for an entity-held easement may not be used for any other purposes.</p> |