



Agricultural Land Easement Summit

November 13-15, 2018

Austin, Texas

Executive Summary



CLARUS
CONSULTING GROUP

2201 5th Avenue South, Suite 100
Birmingham, AL 35233
205-254-0129 | www.clarusgroup.net

The word cloud below was created from the most common words participants used when they shared their goals for the Summit in an opening activity. The image captures this spirit of collaboration and good will that was evident throughout the Summit.



Table of Contents

| | |
|--|----|
| I. Overview | 3 |
| A. Background | 3 |
| B. Purpose of the Summit | 3 |
| C. Participants | 4 |
| D. Summary of Outcomes | 4 |
| II. Summit Goals | 5 |
| III. Summit Foundation: Themes from Online Survey | 5 |
| A. Strengths | 5 |
| B. Positive Outcomes | 5 |
| C. Challenges | 6 |
| D. Ideas and Solutions | 6 |
| E. Key Questions | 6 |
| IV. Summit Outcome: Communication | 7 |
| A. Key Stakeholders | 7 |
| B. Current Communication | 7 |
| C. Proposed Strategies for Improving Communication | 7 |
| V. Summit Outcome: Roadmap | 8 |
| VI. Summit Outcome: Proposed Solutions | 9 |
| VII. Summit Outcome: Rulemaking Process | 10 |
| VIII. Next Steps and Recommendations | 10 |
| A. Focus Areas | 10 |
| B. Consultant Recommendations | 10 |
| Attachments | 11 |
| A. Participant List | 11 |

I. Overview

A. Background

USDA's Natural Resources Conservation Service (NRCS) and the Land Trust Alliance (Alliance) held a Summit from November 13-15, 2018, in Austin, Texas, as an opportunity to build a stronger partnership and for NRCS to hear and brainstorm potential solutions regarding program challenges. Recognizing the importance of the partnership between land trusts and the NRCS in accomplishing the successful conservation of working farms and ranches through the Agricultural Land Easement (ALE) component of the Agricultural Conservation Easement Program (ACEP-ALE) program, leadership and staff members of land trusts, NRCS, and the Alliance came together with the goal of strengthening their critical collaboration. While the ALE program has been highly successful in protecting thousands of acres of working lands, the statute, rules, and policies governing the program are complex. In addition, implementation of the program varies due to state and local policies. As one participant announced at the opening session, **"We are here to make a great program even greater!"**

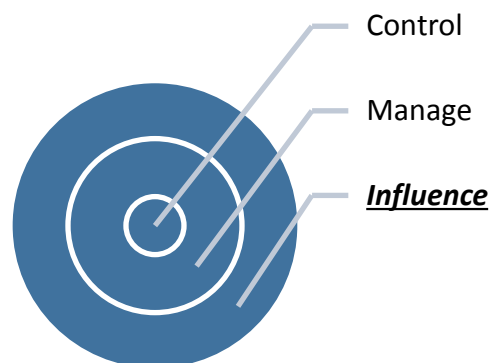
B. Purpose of the Summit

The purpose of the ALE Summit was to enhance communication and cooperation and provide an opportunity for collaborative, solutions-focused dialogue about improving the ALE program. As one Summit participant aptly described the purpose of the Summit:

"Create a road map for how NRCS and land trust staff can engage with one another to develop ideas, exchange information and best practices, and learn from each other as the rules for the next Farm Bill are written."

Additional objectives of the Summit included: 1) discussion of lessons learned from the implementation of the 2014 Farm Bill; 2) engagement on issues of regional differences which result in variations of State program implementation; 3) exploration of alternatives and improvements; and 4) offering practical solutions as the agency drafts and adopts new rules, regulations, and policies.

The Summit represented a unique opportunity for these stakeholders to come together to help build a stronger ALE program. Within the context of diverse stakeholders and a complex program, it was important to focus conversations on issues and ideas upon which participants could have impact. A well-known model and framework for having impact (shown at right) demonstrates that in many situations, particularly in large organizations/entities, there is very little an individual or group can control; there may be more that they can manage, but the greatest opportunity for impact is through the areas they can **influence**. This focus on areas of influence helped frame and focus Summit dialogue.



C. Participants

The Summit was attended by forty-six individuals representing diverse ACEP-ALE partners, all with an important stake in the success of the ALE program. Participants included representatives from:

- Land trusts from the West, Midwest, Northeast, and Southeast regions
- National conservation organizations
- USDA's Natural Resources Conservation Service
- Land Trust Alliance

Clarus Consulting Group, a management consulting firm with experience working with conservation-related organizations, provided support for the design, planning, and facilitation of the Summit.

D. Summary of Outcomes

The design of the Summit focused on building toward two dimensions of outcomes: process-focused collaboration and relationship-building activity.

Process-Focused Collaboration

- **Communication:** Participants identified opportunities to strengthen communication for the ALE program overall and within individual ALE projects.
- **Roadmap:** Participants developed a roadmap for collaboration for the ALE program by mapping the process for a typical ALE project.
- **Proposed Solutions:** Participants workshopped four key challenges with the ALE program and identified proposed solutions to those challenges.
 - Simplifying Form Completion
 - Enhancing Eligible Entity Preparation
 - Improving Timelines
 - Supporting Long-Term Stewardship
- **Rulemaking Process:** Participants shared information about the rulemaking process, timeline, and resources available.

Relationship-Building Activity

- **Building Connections:** Participants engaged in informal activities that provided opportunities for networking, getting to know one another on a personal level, and building bridges.
- **Considering Diverse Perspectives:** Participants engaged in activities that provided an opportunity to, as one participant said, “walk around in each other’s shoes.”
- **Clarifying and Checking Assumptions:** Participants engaged in activities that allowed them to ask questions and learn from one another, which helped to clarify processes.

This report summarizes the activities and discussions that led to the outcomes identified above. It closes with a summary of next steps and consultant recommendations for building on momentum and continuing the important work of the Summit.

II. Summit Goals

The Summit opened with an exercise to introduce participants to one another and develop a collective vision for success of the Summit. In this activity, each participant shared his or her name, organization, location, and answered the following question: *What could we do, discuss, or accomplish during the Summit that would leave you most excited?* Themes from participant responses included:

- Learn by listening to peers and colleagues
- Collaborate to identify solutions
- Build relationships by networking and stepping into one another's shoes (understand one another's perspectives)
- Understand the program and process to enhance collaboration and support
- Share ALE successes broadly to ensure it is a resource that remains in place for the future

It was clear from the opening activity that participants entered into the Summit with a clear desire to listen, learn, collaborate, and build relationships all in service to the common goal of building a better ALE program. This spirit of making space for one another and focusing on long-term relationship carried through the two-day Summit.

III. Summit Foundation: Themes from Online Survey

In preparation for the Summit, Clarus collected the perspectives of Summit participants via a brief online survey to provide a foundation for planning and finalizing Summit activities. Survey questions and key themes from responses are below.

A. Strengths

In your opinion, what is the one greatest strength of the Agricultural Land Easement component of the Agricultural Conservation Easement Program today?

- Funding: Provides a critical, reliable, and consistent source of funding for conservation and farm protection
- Partnerships: Partnerships at multiple levels including with federal, state, and local partners and with private organizations and the NRCS staff
- Preservation: Preservation of working farms and ranches, open space, natural resources, and historic resources
- Landowner Support: Supporting landowners who wish to protect their farms and ranches

B. Positive Outcomes

What is the most significant positive outcome of the Agricultural Land Easement component of the Agricultural Conservation Easement Program to date?

- Acres Protected: Thousands of acres of farms and ranches protected
- Conservation of Working Land: Conserving working farms and ranches and protecting them from conversion to non-agricultural use
- Funding: Provides funds to leverage state and local efforts

- Keeping Families in Agriculture: Allows families to stay in agriculture, especially in the face of development pressure

C. Challenges

In your opinion, what is the one greatest challenge for the Agricultural Land Easement component of the Agricultural Conservation Easement Program today?

- Timelines: Amount of time it takes to complete a project
- Communication: Communication and alignment among Congressional intent, participant missions, landowner expectations, program integrity, and auditing authorities
- Funding: Lack of adequate funding to meet the demand for protection and the cash match
- Process: Complexity of the application and implementation processes

D. Ideas and Solutions

In the space provided, please describe one idea for making the Agricultural Land Easement Program better than it is today.

- Ideas and solutions were offered in the areas of communication, streamlined process, training and education, easements, funding, consistency, and flexibility.

E. Key Questions

What is one key question you have related to the Agricultural Land Easement component of Agricultural Conservation Easement Program? These topics and questions below became the foundation for a panel discussion with staff from NRCS and land trusts.

The Big Picture

1. From your perspective, what is the overall goal for the ALE program?
2. Within the context of the ALE program, what are the primary roles and responsibilities of your organization? In general, are each of your organizations supportive of the others' roles and responsibilities as described? Why or why not?

Communication and Partnership

3. For land trusts: How can NRCS best communicate and partner with land trusts? For NRCS: How can land trusts best communicate and partner with NRCS? What role can the Alliance play in supporting communication and partnership?

Process

4. One of the biggest challenges and questions in the survey had to do with "reasonable" and predictable timelines. For all: What would be the ideal timeline from your perspective? For NRCS: What are the greatest challenges to achieving that timeline? What takes the most time at the federal level and why?
5. What ideas do you have for streamlining the process at the land trust level? at the NRCS level?

IV. Summit Outcome: Communication

Strong communication was a key goal and central theme of the Summit, and communication was the focus of the first breakout group session. Participants broke into three groups to discuss who the key stakeholders are in the ALE process, what communication looks like currently, and opportunities to improve communication.

A. Key Stakeholders

Participants observed that the exercise to identify key stakeholders was eye-opening in that many more stakeholders are involved than participants initially believed. Participants also observed that stakeholders vary in terms of their level of involvement, role in the ALE program, and length of engagement in any one ALE project. Participants identified ten key categories of stakeholders, each with a number of sub-categories of stakeholders to be considered: 1) Landowners, 2) NRCS, 3) Land Trusts, 4) Land Management Agencies, 5) Professional Advisors, 6) Funding Partners, 7) Local Partners, 8) Federal Agencies, 9) Elected Officials, and 10) General Public

B. Current Communication

Participants noted that it is difficult to characterize current communication because there are so many stakeholders and aspects of the program involved. The breakout groups focused on various aspects of communication including the role of land trusts, a picture of ideal communication, challenges to communication, and the importance of communication in each phase of the ALE process.

C. Proposed Strategies for Improving Communication

Participants proposed five strategies or topics for improving communication, including:

1. **Project Management (Land Trusts).** Participants emphasized the important project management role that land trusts play in ALE projects and recommended continuing to build on this role as central to supporting strong communication throughout a project.
2. **ALE Informational Website (Alliance).** Participants recommended the creation of an informational website focused on the ALE program to be hosted and updated regularly by the Alliance. Website content should include foundational information, forms and documents, landowner information, peer learning opportunities, and frequently asked questions.
3. **Integrated Data and Tracking System (NRCS).** Participants proposed development of an integrated data and tracking system for the ALE program. They acknowledged this is a long-term goal due to challenges but agreed the idea was worth exploring and identified characteristics and potential benefits of this type of system or platform.
4. **Timeline Visualization Tool.** Participants explored the idea of land trusts and NRCS coming together to create a visualization tool for describing the ALE timeline. Strong foundations were laid for this type of project in the process-focused discussion around the ALE roadmap on the following day of the Summit.
5. **Joint Training for NRCS and Land Trusts.** Participants explored the idea of holding joint trainings between land trusts and NRCS. This could help promote joint understanding of the ALE process, continue building a common language and strategies for good communication,

and understanding more technical aspects of the program, such as what categories of change require national input.

V. Summit Outcome: Roadmap

The second breakout session of the Summit focused on the ALE process and building a roadmap for strong coordination and collaboration throughout. Participants divided into four breakout groups to begin to define the steps of the ALE process in four phases. The exercise not only supported identification of key phases and benchmarks in the process, it also helped build alignment about the process and awareness of opportunities for stronger coordination and communication during the process. The draft roadmap developed by participants is summarized in the table below.

| Phase | Key Activities |
|--|---|
| Pre Application | Cultivate Landowner Explore Eligibility of Project Develop Funding Partners Coordinate with NRCS |
| Application through Cooperative Agreement | Application Review Due Diligence Forms Funding Landowner Communication Site Visits and Mapping Ranking Internal Controls |
| Cooperative Agreement through Closing | Project Communication and Coordination (Ongoing) Document Management Package Submittal to NRCS Internal Controls Review Purchase Agreement Closing |
| After Closing | Project Close Out Celebrate and Share Success Long-Term Stewardship Defend Easement |

VI. Summit Outcome: Proposed Solutions

The final breakout group session of the Summit focused on identifying key challenges and proposed solutions to those challenges that could represent some early wins for improving the ALE program.

1. Form Completion

Participants agreed that correct completion of forms is a pain point in the ALE process. They described the primary challenge as being submission of forms that are incomplete, inaccurate, and/or outdated. Potential solutions identified included:

- Immediate: Build an Alliance-hosted webpage that is easily searchable and includes a full application package with instructions and samples of complete and accurate forms.
- Long-Term: Develop a new platform for digital entry and form completion that only allows an entity to submit forms when they are complete and accurate, including a phased approach to design and implementation of the system.

2. Eligible Entity (Linking Certification and Accreditation)

Participants identified challenges with linking certification and accreditation including long-term concern about liability and risk, especially with an audit. Potential solutions identified included:

- Understand ramifications if a mistake is found in an audit, including what causes drawback of funds, and the policy around this
- After becoming a Certified Entity, provide an opportunity for NRCS to do a technical review, provide access for questions and answers from Certified Entities, and develop a dropdown menu in the cooperative agreement that creates ability to have review from NRCS
- Develop NRCS checklist for becoming a Certified Entity that ties back to statute
- Develop workshops at Rally that focus on this and include Certified Entities and NRCS
- Make this process work better in the next Farm Bill
- Long-term Certified Entity contract with outside review if complete appraisal (for example)
- Create NRCS position to liaison with Certified Entities

3. Timelines

Participants agreed the greatest challenge with timelines on ALE projects is the perceived “black box” of review timelines at the federal level. Potential solutions identified included:

- Adjust program deadlines to leverage downtimes for Grants and Agreements and ultimately expedite the process
- Provide clarity around internal controls process

4. Long-Term Stewardship

Participants identified a challenge to long-term stewardship as being transitions in land ownership over a long period of time. Potential solutions identified included:

- Change to statute
- Share best practices
- Develop tools and technology to support long-term stewardship including drones, online platform such as LOCATE to collect forms in one place, and satellite imagery

VII. Summit Outcome: Rulemaking Process

With the Farm Bill expected to be reauthorized by the end of 2018, understanding the rulemaking process was a priority for Summit participants as it plays a key role in the implementation of the ALE program. While the specifics of the 2018 Farm Bill were unknown at the time of the Summit, participants had an opportunity to learn about the rulemaking process in general. During a working lunch session, Jeremy Stone, NRCS Branch Chief – Easement Support Services, presented an overview of the rulemaking process. Summit participants were able to ask questions, and the value of this learning opportunity was apparent in the session. With new information about the rulemaking process in hand, Summit participants will be well-prepared to engage in the rulemaking process in a productive way with the goal of making the ALE program even more successful in the future.

VIII. Next Steps and Recommendations

A. Focus Areas

In the process of identifying focus areas for the final breakout session, participants also identified the following areas of focus to be considered after the Summit:

1. Timelines (communication about funding available and timelines)
2. Agreement administration/model (Business Center is important stakeholder)
3. Conservation defense and legal issues
4. Internal controls (share state level checklist, national process)
5. Modifications before and after closing
6. Buy-protect-sell
7. Two land trusts working together (co-eligible entities)
8. Proactive about next rule-making process

B. Consultant Recommendations

The following recommendations were developed by Clarus and are offered to leadership of the Alliance and NRCS as they plan next steps to continue the important work of the Summit.

1. Share Results of the Summit. As soon as possible, the executive summary report of the Summit should be shared with all participants and feedback for the Alliance should be requested in order to create a two-way communication channel and feedback loop.
2. Consider Who Else Needs to Know. An effort should be made to identify who else needs to know about the work accomplished at the Summit.
3. Follow up on Focus Areas. Outline next steps for each of the focus areas identified during the Summit, which could include webinars, Rally workshops and establishment of working groups. This should include a process for reporting on progress.
4. Continue Collaboration between Land Trusts and NRCS. Opportunities to continue building collaboration between land trusts and NRCS should be identified on an ongoing basis, for example through joint trainings by the Alliance and NRCS at the next Rally.
5. Leverage Opportunities for In-Person Communication. Looking for opportunities to continue to build relationships in person should be a priority.
6. Continue Momentum through Communication on Progress. A communication strategy should be developed to report on updates and progress on the ALE program on a regular basis.