CLEAR WORKSHEET

Landowner Checklist for Farm Service Agency (FSA) Eligibility
Agricultural Land Easements (ALE)

Under ALE, the landowners of record for the offered easement area are considered the beneficiaries of payment. Therefore, all landowners of record must meet the payment eligibility criteria required to participate in USDA programs for the land trust or other eligible entity to submit an ALE application on their behalf. Establishing payment eligibility is the first step in the process of submitting a complete ALE application and is dependent on landowner participation and cooperation. If landowners fail to file the appropriate paperwork with FSA, it may determine an ALE application ineligible for funding consideration.

Landowners and eligible entities (e.g., land trusts) should use this checklist to facilitate the customer experience with FSA and to ensure all parties understand the ALE payment eligibility requirements. All items listed are required unless otherwise noted and depending on the circumstances of each case. Generally, landowners should work with the FSA County Office where the land is located. North Carolina Natural Resource Conservation Service (NC NRCS) does not require copies of these forms unless specifically required for ALE application submission.

Farm and Tract Eligibility for the Offered Easement Area:

- ☐ Provide to FSA a copy of the property deed(s) AND corresponding map or shapefiles covering the offered easement area under ALE.
- ☐ Create or update a Farm and Tract record that covers the offered easement area under ALE.
- ☐ Associate all landowners of record to the Farm and Tract number(s) covering the easement area.
- ☐ Ensure all fields where "commodity crops" are currently being grown or will be grown before easement closing (see AD-1026 below):
  - ☐ Have a highly erodible land (HEL) determination and
  - ☐ FSA records for the Farm and Tract(s) accurately reflect the actual HEL status and field configuration of the current operation.

For Individual Landowners:

- ☐ All individual landowners of record are United States citizens or resident aliens with a valid social security number (exceptions may apply – contact NRCS immediately).
- ☐ AD-2047, Customer Data Worksheet form, for each landowner of record *only if* (1) new customer not in the system or (2) updates to an existing record must be made.
- ☐ CCC-902-I, Farm Operating Plan for an Individual form for each landowner of record for the fiscal year in which the ALE application will be submitted (no exceptions). Must result in status "determined" (can take up to 60 days). For ACEP-ALE, only Parts A, B, C, G, and I are required.
- ☐ CCC-941, Average Adjusted Gross Income (AGI) Certification and Consent to Disclosure of Tax Information form, for each landowner of record for the fiscal year in which the ALE application will be submitted (no exceptions).
- ☐ AD-1026, Highly Erodible Land (HEL) Conservation and Wetland Conservation form, for each landowner of record, *unless* all the following are true:

- An AD-1026 is currently on file that accurately reflects the current status of the operation;
- The landowner has not acquired any more land (owned or operating);
- There have not been any changes to the land or operation; and
- A new determination has not been requested.

☐ FSA-211, Power of Attorney form, *only if* someone other than the landowner of record will be signing documents. Should cover NRCS programs for the period of the ALE contract (~3 years).

For Entity or Trust Landowners:

☐ CCC-902-E, Farm Operating Plan for Entities form for each entity landowner of record for the fiscal year in which the ALE application will be submitted (no exceptions). Must result in status "determined" (can take up to 60 days). For NRCS ACEP-ALE, only Parts A, B, C, E, K, and L are required. Consult with FSA to determine if an accompanying CCC-901, Member's Information form is required. This requirement includes trusts and other entities operating using an SSN.

☐ Copies of current entity or trust establishment documents, showing membership structure and beneficiaries. Signature authority and membership structure must be verified by FSA.

☐ Roll over any existing Farm Operating Plans to the fiscal year in which the ALE application will be submitted.

☐ All entity landowners of record have a valid Tax ID number.

☐ No more than 10% of the legal entity can be held by persons who are not citizens of the United States or lawful aliens *unless* each foreign person who is a stockholder or other type of member provides a substantial amount of active personal labor in the production of crops on a farm owned or operated by the legal entity as determined by USDA. *Notify NC NRCS Easements Program Manager immediately if there is a foreign person member of an entity.*

☐ AD-2047, Customer Data Worksheet form, for each entity and each entity member *only if* (1) new customer not in the system or (2) updates to an existing record must be made.

☐ CCC-941, Average Adjusted Gross Income (AGI) Certification and Consent to Disclosure of Tax Information form, for each entity and each entity member for the fiscal year in which the ALE application will be submitted (no exceptions).

☐ AD-1026, Highly Erodible Land (HEL) Conservation and Wetland Conservation form, for each entity and each entity member as per FSA policy (some members may not require a form as determined by FSA), *unless* all the following are true:

- An AD-1026 is currently on file that accurately reflects the current status of the operation;
- The landowner has not acquired any more land (owned or operating);
- There have not been any changes to the land or operation; and
- A new determination has not been requested.

☐ Ensure each entity is legal, valid, and in "good standing" with the North Carolina Secretary of State.

You can check the status at https://businesssearch.sos.nc.gov/.