

Request # _____ Date Received: _____ NEST Entity Agreement # _____
NEST Parcel # _____

**Agricultural Conservation Easement Program– Agricultural Land Easement (ACEP-ALE)
Eligible Entity Cash Contribution Requirement Waiver Request Worksheet
For Projects of Special Significance**

See Attachment A for Background and Instructions

Section 1: Application Information (Required) *(List only one parcel per waiver request):*

NEST Application #: _____ NEST Parcel #: _____

Entity Name: _____

Landowner Name: _____

State: _____ County: _____ Parcel Acres: _____

Land Eligibility Category: _____

Entity Request Date: _____ Entity Application Date: _____

Yes **No** – The entity is eligible and has submitted a complete request to waive the cash contribution requirement for a parcel that meets land and landowner eligibility requirements. *Do not complete sections 2 through 5 of the worksheet if the answer to this question is No.*

Section 2: Requested Reduction in Eligible Entity Cash Contribution Requirements

Entity is requesting to reduce the eligible entity cash contribution to: *(select one of the options below)*

General ACEP-ALE Enrollment

25 percent of the Federal share

10 percent of the Federal share*

ACEP-ALE-GSS Enrollment

8.33 percent of the Federal share

3.33 percent of the Federal share*

* Must enter name of and citation to the State tax credit program. *(Note: If entity does not submit information on the State tax credit program, the maximum reduction will be to 25 percent or 8.33 percent of the Federal share based on enrollment type.)*

Section 3: Confirmation of Voluntary Contribution and Active Agricultural Production

(Both items must be confirmed to be eligible for a waiver)

NRCS has reviewed the signed letter from the landowner and confirmed that the increase in the landowner donation is voluntary

NRCS has confirmed that the land is in active agricultural production according to the definition in 7 CFR Part 1468.3. Documentation of active agricultural production was determined through _____

Section 4: ACEP-ALE Project of Special Significance Criteria

To qualify as land of special significance the land must meet one of the following criteria listed in part 1 and at least one of the criteria identified in part 2.

Part 1: Parcel's land type and threat of development: NRCS must confirm that the land is *(select one)*

- Agricultural land that—
- a) Has prime soils under a significant threat of development or fragmentation, and
 - b) Is in geographic proximity to other easements or protected areas supporting agricultural uses to help ensure future agricultural viability and resource protection on the offered parcel.

- Grassland that—
- a) Is under a significant threat of development, including incompatible energy development, conversion to nongrassland uses, or fragmentation, and
 - b) Is in geographic proximity to other easements or protected areas supporting grasslands or other compatible land uses to help ensure future agricultural viability and resource protection on the offered parcel.

Soils maps and other documentation supporting the parcel land use, the threat of development, and geographic proximity to protected areas must be attached to the waiver request.

Part 2: Criteria for Parcel's Special Significance (*check all that apply*)

The special significance of the parcel is clearly identified in an applicable plan, report, map, designation, or other operational document addressing one of the criteria identified below. Any factors identified below as contributing to the special significance of the parcel must be protected through the agricultural land easement and associated agricultural land easement plan. Protection of the special significance will be an integral component addressed in the applicable agricultural land easement plan's objectives.

- Parcel is listed on National Register of Historic Places or is a traditional cultural property (*attach map or designating document*)
- 50 percent of adjacent land is agricultural and parcel is within a micropolitan statistical area. <https://www.census.gov/population/metro/>
Name of micropolitan statistical area: _____ (*attach map*)
- Parcel is within a metropolitan statistical area. <https://www.census.gov/population/metro/>
Name of metropolitan statistical area: _____ (*attach map*)
- Is an education or demonstration farm or ranch focused on agriculture production and natural resource conservation. (*attach farm/ranch plan or mission statement*)
- Is a farm or ranch operated for the purpose of increasing participation in agriculture production and natural resource conservation by (*check all that apply*):
- Underserved Communities
 - Veterans
 - Disabled Farmers or Ranchers
 - Beginning Farmers or Ranchers
- Is the subject of a conservation buyer transaction where a member of underserved community, veteran, beginning farmer or rancher, or a disabled farmer or rancher has a valid purchase and sale agreement to acquire the property subject to an agricultural land easement.
- Officially designated as having been in same family ownership for 100+ years. (*attach evidence of designation*)
- Grasslands that provides or could provide habitat for threatened species, endangered species, or species in decline; protects sensitive or declining native prairie or grassland types; or provides protection of highly sensitive natural resources. (*Attach applicable plan or report document*)

Section 5: Description/Overview

Describe the expected positive and direct outcome (quantify as much as possible) from the agricultural land easement and associated agricultural land easement plan in addressing the significant threat of development or conversion and protecting the agricultural production and special significance of the parcel. Describe current resource baseline condition and the future condition. *(Add additional pages as needed to clearly describe project and the potential outcomes)*

Description of agricultural production on parcel:
Description of significant threat of development or conversion:
Description of special significance of parcel:

Section 6: Certification

Designated Conservationist

I have completed a review of this eligible entity cash contribution reduction waiver request package and find it to be complete and the requested agreement will protect land of special significance.

Support Do Not Support, Reason: _____

Designated Conservationist: _____ Date: _____

Name: _____ Title: _____

Second-Level Review:

I have completed a review of this eligible entity cash contribution reduction waiver request package and find it to be complete and the requested agreement will protect land of special significance.

Concur Do Not Concur, Reason: _____

Second-Level Reviewer: _____ Date: _____

Name: _____ Title: _____

State Conservationist Approval

I certify the information in this request is complete and meets the requirements. The State Conservationist must provide the eligible entity written notification of their decision, with appropriate appeal rights if denied.

Approved Not Approved, Reason: _____

State Conservationist: _____ Date: _____

Attachment A: Eligible Entity Cash Contribution Requirement Waiver Request Worksheet

ACEP-ALE Match Requirements:

1. The Federal share provided by NRCS for enrollments in the agricultural land easement component of the Agricultural Conservation Easement Program (ACEP-ALE) may not exceed—
 - a. 50 percent of the fair market value of the agricultural land easement and the eligible entity must provide an amount that is at least equivalent to the Federal share, or
 - b. 75 percent of the fair market value of the agricultural land easement for grasslands of special environmental significance (ACEP-ALE-GSS) enrollments and the eligible entity must provide an amount that is at least 33.33 percent of the Federal share.
2. An eligible entity may include as part of its share a qualified conservation contribution from the landowner if the eligible entity contributes its own cash resources in an amount that is at least—
 - a. 50 percent of the Federal share for all general ACEP-ALE enrollments, or
 - b. 33.33 percent of the Federal share for ACEP-ALE-GSS enrollment
3. NRCS may waive a portion of the eligible entity cash contribution requirement where, as determined by NRCS, the parcel is project of special significance, subject to an increase in the private landowner donation that is equal to the amount of the waiver, if the landowner donation is voluntary, and in active agricultural production.
4. The eligible entity cash contribution requirement may be adjusted to either of the following:
 - a. 25 percent or 10 percent of the Federal share for a general ACEP-ALE enrollment, or
 - b. 8.33 percent or 3.33 percent of the Federal share for an ACEP-ALE-GSS enrollment.
 - i. The reduction to 10 percent or 3.33 percent of the Federal share is only authorized in States that offer a State tax credit for a qualified conservation contribution on agricultural land.
 - ii. The entity must include the name and legal citation to the State Tax Credit program.
5. A waiver of the eligible entity cash contribution does not result in an increase in the Federal share.

Eligible Entity Cash Contribution Requirement Waiver Request Requirements and Instructions:

Waivers are considered on an individual parcel basis and eligible entities must submit one waiver request per parcel. Waiver requests will be subject to the waiver requirements in place during the fiscal year the parcel is selected for funding. The waiver of the eligible entity cash contribution requirement is not transferrable and is only applicable to the parcel for which the waiver was requested. A complete request must be received prior to State deadlines for the request to be considered in the current fiscal year.

To be considered complete, a request from an eligible entity must include—

- A signed letter from the eligible entity to the State Conservationist, identifying the requested reduction amount to be applied to the eligible entity cash contribution requirement (either 25 or 10 percent for general ACEP-ALE or either 8.33 or 3.33 percent for ACEP-ALE-GSS).
- Include the name and legal citation to the State tax credit program if 10 or 3.33 percent is requested.
- A signed letter from the landowner, or landowner's representative confirming that the landowner's donation is voluntary and describing the property's active agricultural production.
- Independent evidence of the property's active agricultural production.
- Evidence of significant threat of development or fragmentation in proximity to the parcel location, such as residential, nonagricultural commercial, industrial, or incompatible energy development, and including for grassland parcels if there is any threat of conversion to nongrassland uses.
- Evidence of geographic proximity to other easements or protected areas supporting protection of agricultural uses or grassland.
- Map of prime soils or grasslands showing land to be enrolled and proximity of other protected areas.
- Plan, report, map, mission statements, designation, or other operational document referenced in section 4 of the worksheet. (Provide copy of pertinent information from the plan or web link, if available.)
- Aerial photograph identifying the land of special significance and a map or photograph of the surrounding project area, if applicable.
- A description of the substantial positive and direct outcome (quantified as much as possible) expected from implementing the agricultural land easement and associated agricultural land easement plan on the particular parcel.