

ACEP-ALE LANDOWNER ELIGIBILITY CHECKLIST

A necessary first step in the Agricultural Land Easement (ALE) application process is for you to go to your local Farm Service Agency (FSA) office to update or establish records and complete the required forms that determine landowner* eligibility for the program. NRCS staff determine your eligibility using the information obtained from FSA.

This checklist can help you determine if you meet the program eligibility criteria before going to the FSA office to complete the required forms. We list key requirements and forms you may be filling out, suggest documents to help verify your eligibility, and provide some examples to prepare you.

This program is **different** than other programs that FSA works with where the person who completes the forms is typically a farm operator. **The person who completes FSA forms for ACEP-ALE is the agricultural landowner who may or may not be an operator.**

Land ownership by an individual, entity, or Indian tribe or a current written purchase agreement to buy land

 Provide a copy of the deed(s) that covers the entire parcel or an executed purchase agreement for the parcel. If the land is owned by one or more individuals, you will work with FSA staff to complete form CCC-902I "Farm Operating Plan for Individuals." If the land is owned by an entity, such as a trust, LLC, or partnership, form CCC-902E "Farm Operating Plan for Entities" and form CCC-901 "Member Information" will be completed to disclose all members and ownership shares for the entity and designate signature authority. Employer ID Number and Social Security Numbers, ownership shares, and mailing addresses for all members with an interest in the entity are required. Gather any legal documents related to signature authority and other entity organizational documents necessary to execute forms or answer ownership questions.

 See: [Sample Property Deed](#)

 See: [Sample Purchase Agreement](#)

 See: [Sample Signature Authority Form](#)

Established farm records in FSA's Service Center Information Management System (SCIMS)

 Identify parcels, farming activities, and all farmers associated with farming activities on your land. Provide tax parcel numbers or a map of the property as a reference for establishing new USDA records. If you have participated in USDA programs before, these records will already be established at FSA, but you will need to ensure they are updated. The resulting report from establishing these records is a Subsidiary Print. The print is a document that summarizes key eligibility information. It shows whether you meet adjusted gross income (AGI) and compliance requirements for highly erodible land and wetlands on any land you own or farm.

 See: [Sample Subsidiary Print for an Individual Landowner](#)

 See: [Sample Subsidiary Print for an Entity Landowner](#)

KEY



SUGGESTED
DOCUMENTATION



EXAMPLE

Compliance with Highly Erodible Land and Wetland Conservation requirements



NRCS will have access to your Subsidiary Print(s) when reviewing applications, which will show that you are compliant. Ahead of this, landowner(s), including all members of an entity landowner, must work with FSA staff to complete form AD-1026 Highly Erodible Land Conservation (HELCS) and Wetland Conservation (WC) Certification. This form is applicable to all land owned and/or operated by the landowner(s) nationwide, even if not all landowners or members are actively engaged in farming. Special conservation provisions apply to land considered highly erodible or a wetland that is owned or farmed by persons voluntarily participating in USDA programs.



See: [Sample Subsidiary Print for an Individual Landowner](#)



See: [Sample Subsidiary Print for an Entity Landowner](#)

Compliance with the Adjusted Gross Income (AGI) limits



NRCS will have access to your Subsidiary Print(s) when reviewing applications, which will show that you are compliant. Ahead of this, landowner(s), including all members of an entity landowner, must work with FSA staff to complete form CCC-941 Average Adjusted Gross Income (AGI) Certification and Consent to Disclosure of Tax Information. This form certifies that your average AGI is less than \$900,000 for the three preceding tax years. FSA will electronically file the information on this form with the Internal Revenue Service (IRS) for review and certification. Ideally, this documentation should be filed at least 2 to 3 months before applying. You could file as early as the start of the new federal fiscal year (October 1). You will not be eligible to receive parcel funding until the AGI of each landowner is certified.



See: [Sample Subsidiary Print for an Individual Landowner](#)



See: [Sample Subsidiary Print for an Entity Landowner](#)

*** For Buy-Protect-Sell (BPS) Transactions Only** For BPS transactions, the timing of the transfer of ownership determines who the landowner is for the purposes of ACEP-ALE participation. For a pre-closing transfer, the landowner is the qualified farmer or rancher, identified by the entity, who ultimately will own the land prior to or at the ALE closing. For a post-closing transfer, the landowner is the BPS-eligible entity or the interim landowner identified to help facilitate the land transfer, depending on who will be the landowner during the ALE closing.

See [ACEP-ALE Buy-Protect-Sell Transactions Fact Sheet](#).

KEY



SUGGESTED DOCUMENTATION



EXAMPLE