

# INSTRUCTION SHEET: Form NRCS-CPA-41

## Entity Application for an Agricultural Land Easement (ALE) Agreement (December 2020)

The image displays several pages of the NRCS-CPA-41 form. The top page is Section A: Agreement Information, which includes fields for Agreement Type (Conservation Agreement, Grant Agreement, or Program Agreement), Application Date, State, and ACEP-ALE Application Number. It also contains checkboxes for various program types and a section for the Applicant Eligible Entity Type (State, Local, or Tribal Government, Indian Tribe, or Non-governmental Organization). The middle page is Section B: Primary Applicant Information, which includes fields for Name, Address, Email, and Tax Identification Number (TIN). It also includes checkboxes for whether the applicant is a DUNS number holder and if they have been established with the appropriate USDA service center agency. The bottom page is Section C: Co-holder Legal Entity, which includes fields for Name, TIN, and DUNS Number for co-holder legal entities, along with signature lines for authorized representatives.

ACEP-ALE Applications are comprised of two separate forms to be completed by eligible entities – one to establish an Agreement and another to fund a Parcel Contract associated with the Agreement. First, be sure you are using the latest forms that are applicable to the program you are applying to, as older forms may still be available for similar programs. The latest forms should be available at [eForms.gov](https://efarms.gov). You can complete the forms online and submit the forms electronically by registering for [eForms.gov](https://efarms.gov) or downloading fillable forms that may be posted on your state's NRCS webpage. Test the forms to be sure they can be filled and saved. If you do not want to register for [eForms.gov](https://efarms.gov), you can still access the forms. You will be able to fill and print the forms for submission but you cannot save them.

The first form is referred to as the “Entity Application”, (Form NRCS-CPA-41) “Entity Application for an ALE Agreement”. NRCS uses the phrase “Eligible Entity” to refer to land trusts, state and local units of government and other organizations that hold agricultural conservation easements and meet all the ACEP-ALE eligibility criteria. The definitions for specific terms used on the application are located at the end of the form and should be reviewed. Eligible Entities need only submit one NRCS-CPA-41, even if applying to protect multiple parcels, except for Buy-Protect-Sell transactions, which may only have one associated Parcel Sheet (the second form) per Entity Application. Program Agreements became available in 2020 and are the preferred option as administrative tasks are streamlined because there is no funding associated with this type of agreement.

This document provides **step-by-step instructions for applying for a Program Agreement**. Completing the [ALE Entity Eligibility Checklist](#) available on the [ACEP-ALE for Entities](#) web page will prepare you for completing the “Entity Application” Form NRCS-CPA-41. NRCS staff determine your entity’s eligibility by assessing whether it can meet program requirements and responsibilities. Each Eligible Entity must prove they meet the eligibility criteria, if you have little or no experience with ACEP-ALE. **NRCS make this determination using the information you supply on the application forms together with supporting materials.** Typically, once you have successfully completed an NRCS easement agreement, there is no continuing need to provide this information with each new Entity Application.

If an Entity Application is funded, the Eligible Entity enters into a Program Agreement with NRCS for five years. It will identify the partners roles and program requirements for any agricultural land easements acquired through this agreement. It will not identify specific parcels to be protected, nor have any funding associated with the agreement.

You can find an electronic copy of this form and technical instructions for accessing and completing it on the [ACEP-ALE for Entities](#) web page.

ENTITY APPLICATION for an AGRICULTURAL LAND EASEMENT (ALE) AGREEMENT

Clear Form

Section A: Agreement Information	
1. This is an Entity Application for an ALE-Agreement through the: (Select Only One)	
<input type="radio"/> Agricultural Conservation Easement Program – Agricultural Land Easement <sup>1</sup> (ACEP-ALE) <input type="radio"/> 2014 Farm Bill Regional Conservation Partnership Program (RCPP) Agreement – ACEP-ALE	
2. Agreement Type: (Select Only One)	
COMPLETE 2a and 2b FOR COOPERATIVE OR GRANT AGREEMENTS ONLY	
<input type="radio"/> Cooperative Agreement (all eligible entity types)  <input type="radio"/> Grant Agreement (certified entities only)  <input type="radio"/> Program Agreement (all eligible entity types)	2a. Enrollment Type: (Select Only One) <input type="radio"/> General ALE <input type="radio"/> Grassland of Special Environmental Significance (GSS)  2b. Transaction Type: (Select Only One) <input type="radio"/> Standard ALE Transaction <input type="radio"/> Buy-Protect-Sell Transaction**  <small>*Entity application for buy-protect-sell transactions may only have 1 associated parcel sheet and must include all information required by the buy-protect-sell supplement to the application.</small>

## SECTION A - Agreement Information

Your answers in this section will provide general program information related to this application, including the type of agreement and transaction type you are applying for, along with the primary entity contact information.

**A BOX 1** The vast majority of applicants will select ACEP-ALE. RCPP is a different program by which to enroll agricultural land easements through partnerships at the local, state, and regional level. Prior to 2020, NRCS implemented the RCPP easement agreements through the ACEP-ALE program. This application can be used for existing RCPP projects awarded from 2014 through 2018. Beginning in 2020, RCPP became a standalone program with its own funding. Partners interested in new RCPP projects can get more information at: <https://www.nrcs.usda.gov/wps/portal/nrcs/detail-full/national/programs/financial/rcpp/?cid=stelprdb1242732>

**A BOX 2** Program Agreements became available in 2020 and were developed to streamline the administrative tasks associated with enrolling agricultural land easements. **Starting in FY2021, Program Agreements are the only allowed agreement type. The form will be updated to reflect this in future versions.** Program Agreements identify the partner roles and program requirements. Parcels to be protected through a Program Agreement are funded at the parcel level by individual contracts, not at the agreement level. Cooperative and Grant Agreements are associated with specific parcels and funding at the agreement level and therefore require extensive USDA ad-

ministrative review. Grant agreements are with NRCS-certified eligible entities only, which requires considerable experience with ACEP-ALE.

### COMPLETE 2a and 2b FOR COOPERATIVE OR GRANT AGREEMENTS ONLY

**A BOX 2a** There are two enrollment types, though **the vast majority of applicants will select General ALE.** Grassland of Special Significance would be applicable if the parcel is comprised of grasslands that contain little or no noxious or invasive species, are subject to the threat of conversion to nongrassland uses or fragmentation; and the land is rangeland, pastureland, shrubland, or wet meadows on which the vegetation is dominated by native grasses, grass-like plants, shrubs, or forbs; and provides, or could provide, habitat for threatened or endangered species or at-risk species. The ALE deed must address the protection of those grazing uses or grassland values. Selecting this land eligibility category may prevent more intensive agriculture uses from being allowed on the land in the future, since the grassland use is written into the deed and enforceable.

**A BOX 2b** The vast majority of applicants will select Standard ALE Transaction. It requires the eligible entity have a written pending offer to purchase the agricultural land easement

from the landowner or future landowner that has a current written purchase agreement for the parcel.

A “Buy-Protect-Sell” (BPS) Transaction occurs when NRCS enters into an ALE-agreement with an eligible entity to provide cost-share assistance for the purchase of an agricultural land easement on eligible land that is owned or is being purchased by the eligible entity on a transitional basis for the purposes of securing the long-term protection of the land and ensuring timely transfer of the ownership of the land to a qualified farmer or rancher.

“Pre-closing BPS” is selected when the eligible entity will transfer fee title ownership of the land to a farmer or rancher at or prior to closing on the ALE and the eligible entity will hold the agricultural land easement prior to receiving the Federal share.

“Post-closing BPS” is selected when the eligible entity will transfer fee title ownership of the land to a farmer or rancher not later than 3 years after closing on the ALE. The entity that owns the land cannot be the easement holder so an interim easement landowner or easement holder may be required. Parcels that plan to utilize “Post-closing BPS” requires NRCS approval on a case-by-case basis so contact with NRCS state program staff in advance of submission of this application is advised.

3. Application Date:	4. State:	5. ACEP-ALE Application Number: AGENCY USE
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## SECTION A: Agreement Information continued

**A BOX 3** The Application date is the date the application is submitted. The date must be on or after the final signature on pages 2 to 4 of this application.

**A BOX 4** The State is where the easement(s) associated with this application will be located.

**A BOX 5** NRCS completes this number which is generated by agency software.

Section B: Primary Applicant Information – Applying as an Eligible Entity <sup>III</sup> to Participate in ACEP-ALE			
1. Name - Applicant Eligible Entity:	2. Telephone - Applicant Eligible Entity		
3. Address - Applicant Eligible Entity:	4. Email - Applicant Eligible Entity		
5. Tax Identification Number (TIN) - Applicant Eligible Entity:	6. Applicant Eligible Entity Type:		
7. Dun and Bradstreet Data Universal Numbering System (DUNS) Number - Applicant Eligible Entity	<input type="radio"/> State Government <input type="radio"/> Local Government <input type="radio"/> Indian Tribe <input type="radio"/> Nongovernmental Organization <sup>1</sup>		
<small>If you do not have a DUNS number information is available at <a href="http://fedgov.dnb.com/webform">http://fedgov.dnb.com/webform</a>. To register with SAM, go to <a href="https://www.sam.gov/">https://www.sam.gov/</a></small>			
8. Do you have entity records established with the appropriate USDA service center agency? <small>If no, you must establish them with the appropriate USDA service center agency prior to submitting this application</small>			<input type="radio"/> Yes <input type="radio"/> No

## SECTION B: Primary Applicant Information – Applying as an Eligible Entity

Your answers in this section will provide specific information related to the Primary Eligible Entity, including Tax ID Number and proof of eligibility. The Primary Eligible Entity is the lead point of contact for the Agreement and any parcel contracts. An Eligible Entity is a State or local government, Indian Tribe, or nongovernmental organization that NRCS has determined meets the requirements of the program. An Eligible Entity must be identified as a holder (grantee) on an agricultural land easement deed acquired on any parcels that may be associated with this application.

**B BOXES 1-4** Enter the contact information for the Primary Eligible Entity

**B BOX 5** Enter the Tax ID Number for the Primary Eligible Entity. The TIN should match entity records filed with the USDA-Farm Service Agency and the Subsidiary Print.

**B BOX 6** Select the Primary Eligible Entity Type (State or Local Government, Indian Tribe, NGO)

**B BOX 7** Enter the Unique Entity Identifier (UEI) for the Primary Eligible Entity in this box. In April 2022, USDA announced the transition from DUNS numbers to UEIs. Provide a recent print from [www.sam.gov](http://www.sam.gov) verifying your SAM registration is active. If you do not have a UEI or are not registered in SAM, do not proceed with this application until all the eligible entities and co-holders meet these requirements. Information is available at <https://www.sam.gov/>.

**B BOX 8** The Primary Eligible Entity must have entity records established with USDA-Farm Service Agency (FSA) prior to submitting this application. Otherwise, do not proceed with this application until all the eligible entities and co-holders establish entity records. Establishing FSA records can be done at the start of the same fiscal year in which you hope to submit an application, starting October 1<sup>st</sup>.

9. Do you have the authority and capability to acquire, manage, and enforce agricultural land easements?	<input type="radio"/> Yes	<input type="radio"/> No
10. Are you an NRCS-Certified Eligible Entity™?	<input type="radio"/> Yes	<input type="radio"/> No
11. How many eligible entity staff are dedicated to monitoring and easement stewardship?		

## SECTION B: Primary Applicant Information – Applying as an Eligible Entity continued

**B BOX 9** The Primary Eligible Entity must have the authority and capability to acquire, manage, and enforce agricultural land easements to be eligible. Provide a copy of the statutory authority that allows your entity to purchase and hold agricultural conservation easements.

If you have little or no experience with ACEP-ALE, provide evidence that you meet these criteria:

- ▶ Provide official entity documents if available, and/or Webpage or printed public materials that describe your

program or convey your agricultural land protection policy.

- ▶ Provide an organization charter or mission statement that addresses agricultural land protection. This statement may appear in an annual report, Articles of Organization, or other official document.
- ▶ Provide an example of an agricultural conservation easement held, managed, and/or enforced by your entity by supplying a copy of a recorded easement

- ▶ Provide a list of all agricultural conservation easements held, managed, and/or enforced by your entity.

**B BOX 10** The vast majority of entities are not NRCS-Certified. It requires extensive experience with NRCS agricultural easement programs.

**B BOX 11** Identify the number of eligible entity staff dedicated to monitoring and stewardship (can include volunteers and contractors).

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<b>Section C: ADDITIONAL ELIGIBLE ENTITIES:</b> Complete for each additional Eligible Entity that will be party to the ALE Agreement <i>(attach additional pages as needed)</i>			
1. Name - Additional Eligible Entity:			
2. TIN - Additional Eligible Entity:		3. Additional Eligible Entity Type:	
4. DUNS Number - Additional Eligible Entity:		<input type="radio"/> State Government <input type="radio"/> Local Government <input type="radio"/> Indian Tribe <input type="radio"/> Nongovernmental Organization	
<small>If you do not have a DUNS number information is available at <a href="http://fedgov.dnb.com/webform">http://fedgov.dnb.com/webform</a>. To register with SAM, go to <a href="https://www.sam.gov/">https://www.sam.gov/</a></small>			
5. Do you have entity records established with the appropriate USDA service center agency? <small>If no, you must establish them with the appropriate USDA service center agency prior to submitting this application</small>		<input type="radio"/> Yes <input type="radio"/> No	

## SECTION C – Additional Eligible Entities that will be party to the ALE Agreement

*Your answers in this section will provide specific information related to each additional Eligible Entity that will be party to the ALE Agreement, including Tax ID Number and proof of eligibility. An Eligible Entity is a State or local government, Indian Tribe, or nongovernmental organization that NRCS has determined meets the requirements of the program. An Eligible Entity must be identified as a holder (grantee) on an agricultural land easement deed acquired on any parcels that may be associated with this application. Complete this section for each additional Eligible Entity. Attach additional pages if needed.*

**C BOX 1** Enter name for the Additional Eligible Entity

**C BOX 2** Enter the Tax ID Number for the Additional Eligible Entity

**C BOX 3** Select the Additional Eligible Entity Type (State or Local Government, Indian Tribe, NGO)

**C BOX 4** Enter the Unique Entity Identifier (UEI) for the Additional Eligible Entity in this box. In April 2022, USDA announced the transition from DUNS numbers to UEIs. Provide a recent print from [www.sam.gov](http://www.sam.gov) verifying your SAM registration is active. If you do not have a UEI or are not registered in SAM, do not proceed with this application until all the eligible entities and co-holders meet these requirements. Information is available at <https://www.sam.gov/>.

**C BOX 5** The Additional Eligible Entity must have entity records established with USDA-Farm Service Agency prior to submitting this application. Otherwise, do not proceed with this application until all the eligible entities and co-holders establish entity records.

6. Do you have the authority and capability to acquire, manage, and enforce agricultural land easements?	<input type="radio"/> Yes	<input type="radio"/> No
7. Are you an NRCS-Certified Eligible Entity <sup>10</sup> ?	<input type="radio"/> Yes	<input type="radio"/> No
8. How many eligible entity staff are dedicated to monitoring and easement stewardship?		
Signature of Authorized Eligible Entity Representative		

## SECTION C - Additional Eligible Entities that will be party to the ALE Agreement continued

**C BOX 6** The Additional Eligible Entity must have the authority and capability to acquire, manage, and enforce agricultural land easements to be eligible. Provide a copy of the statutory authority that allows your entity to purchase and hold agricultural conservation easements. Provide evidence that

you meet these criteria if you have little or no experience with ACEP-ALE following instructions in Section B. Box 9

**C BOX 7** The vast majority of entities are not NRCS-Certified. It requires extensive experience with NRCS agricultural easement programs.

**C BOX 8** Identify the number of eligible entity staff dedicated to monitoring and stewardship (can include volunteers and contractors)

**C SIGNATURE BOX** Signature of Authorized Eligible Entity Representative is required

Section D: CO-HOLDERS <sup>11</sup>		
Complete for each legal entity that may be identified as a co-holder (grantee) on the agricultural land easement deed for any parcels <sup>12</sup> associated with this application and is not listed in Section B or C as an eligible entity <i>(attach additional pages as needed)</i>		
1. Name - Co-holder Legal Entity:		
2. TIN - Co-holder Legal Entity:	3. DUNS Number - Co-holder Legal Entity:	
(Optional) Signature of Co-holder Legal Entity Authorized Representative		
4. Name - Co-holder Legal Entity:		
5. TIN - Co-holder Legal Entity:	6. DUNS Number - Co-holder Legal Entity:	
(Optional) Signature of Co-holder Legal Entity Authorized Representative		
7. Name - Co-holder Legal Entity:		
8. TIN - Co-holder Legal Entity:	9. DUNS Number - Co-holder Legal Entity:	
(Optional) Signature of Co-holder Legal Entity Authorized Representative		

## SECTION D: Co-Holders (Grantees)

*Your answers in this section will provide specific information related to each legal entity identified as a Co-holder (grantee) in an agricultural land easement deed held by an Eligible Entity on a parcel associated with this application. A Co-holder is not considered a participant in ACEP-ALE and may not receive a direct payment of ACEP-ALE cost-share funds; however, a co-holder is a beneficiary of such Federal funds and therefore must acknowledge their agreement to comply with the terms of an ALE-agreement.*

Each co-holder (not listed in Section B or C) that may be on the agricultural land easement deed for any parcels associated with this application must complete this section. Attach additional pages if needed.

**D BOX 1** Enter the name for the Co-Holder Entity.

**D BOX 2** Enter the Tax ID Number for the Co-Holder Entity.

**D BOX 3** Enter the Unique Entity Identifier (UEI) for the Co-Holder Entity in this box. In April 2022, USDA announced the transition from DUNS numbers to UEIs. If you do not have a UEI, do not proceed with this application until all the eligible entities and co-holders meet these requirements.

**D ADDITIONAL REQUIREMENTS** Each Co-Holder Entity must have enti-

ty records established with USDA-Farm Service Agency prior to submitting this application. Otherwise, do not proceed with this application until all the eligible entities and co-holders establish entity records.

**D SIGNATURE BOX** Signature of Co-holder Legal Entity Authorized Representative is Optional

Section E: THIRD-PARTY RIGHT HOLDERS <sup>vi</sup>	
Complete for each legal entity that will hold a third-party right, contingent right, or any other real property interest in an agricultural land easement on any parcels that may be associated with this application and is not listed in section B, C, or D. <i>(attach additional pages as needed)</i>	
1. Name – Third-Party Holder Legal Entity:	
2. TIN - Third-Party Holder Legal Entity:	3. (Optional) DUNS Number - Third-Party Holder Legal Entity:
(Optional) Signature of Third-Party Holder Legal Entity Authorized Representative	
4. Name - Third-Party Holder Legal Entity:	
5. TIN - Third-Party Holder Legal Entity:	6. (Optional) DUNS Number - Third-Party Holder Legal Entity:
(Optional) Signature of Third-Party Holder Legal Entity Authorized Representative	

## SECTION E: Third-Party Right Holders

*Your answers in this section will provide specific information related to each legal entity that will hold a third-party right, contingent right, or any other real property interest in an agricultural land easement on any parcels that may be associated with this application.*

*Each third-party right holder (not listed in Section B, C, or D) that may be on the agricultural land easement deed for any parcels associated with this application must complete this section. Attach additional pages if needed.*

**E BOX 1** Enter the name for the Third-Party Holder Entity.

**E BOX 2** Enter the Tax ID Number for the Third-Party Holder Entity.

**E BOX 3** Enter the Unique Entity Identifier (UEI) for the Third-Party Holder Entity in this box. In April 2022, USDA announced the transition from DUNS numbers to UEIs. This is optional.

**E SIGNATURE BOX** Signature of Third-Party Holder Legal Entity Authorized Representative is Optional



COMPLETE SECTIONS F and G ONLY FOR an ACEP-ALE Cooperative or Grant Agreement as identified Section A, Box 2.		
<b>Section F: Easement Value and Compensation Costs</b> Complete the table below with the sum totals for all parcels associated with this application. These values may be estimates, subject to the final values being determined by an NRCS-approved appraisal report or easement valuation methodology.		
1. Total Estimated Fair Market Value of all ALEs <i>(Sum of Item (A) in Section D on all Parcel Sheets associated with this Entity Application)</i>		\$
2. Total Estimated Entity Cash Contribution for all Parcels <i>(Sum of Item (B) in Section D on all Parcel Sheets associated with this Entity Application)</i>		\$
3. Total Estimated Total Non-Federal Share for all Parcels <i>(Sum of Item (I) in Section D on all Parcel Sheets associated with this Entity Application)</i>		\$
4. Total Requested Federal Share for ALEs <i>(Sum of Item (C) in Section D on all Parcel Sheets associated with this Entity Application)</i>		\$
<b>Section G: Roles, Contributions, and Distributions*</b> <i>(As applicable to any legal entities identified in Sections B, C, D, and E)</i>		
5. Name of Entity	6. Contribution: Estimated Entity Cash Contribution to all ALEs <ul style="list-style-type: none"> <li>• May be provided by any legal entity identified in Section B, C, D, or E above</li> <li>• Total must equal item 2 above</li> </ul>	7. Distribution: Estimated Federal Share for all ALEs <ul style="list-style-type: none"> <li>• Federal share may only be paid to an Eligible Entity identified in Section B or C above</li> <li>• Total must equal item 3 above</li> </ul>
	\$	\$
	\$	\$
	\$	\$
	\$	\$

**DO NOT COMPLETE SECTION F (Easement Value and Compensation Costs) and SECTION G (Roles, Contributions, and Distributions) FOR Program Agreement** as identified in Section A, Box 2. This information will be requested on the Form NRCS-CPA-41A Parcel Sheet for Entity Application.

**TERMS AND CERTIFICATIONS -**  
 This section describes the terms and conditions of this application including due diligence, accurate and up-to-date data to support all items addressed in this application, including Landowner eligibility requirements for conservation and Adjusted Gross Income, and member information for landowner entities.

**APPLICANT ELIBILITY CERTIFICATION AND SIGNATURES -** This box requires the Eligible Entity to check both boxes, sign, and date.

- ▶ Certification that the Applicant (Primary Eligible Entity) has the resources necessary to acquire monitor, manage, and enforce the easement being applied for and acknowledge that additional docu-

mentation to substantiate this may be required to receive Federal cost-share assistance.

- ▶ Certification the Applicant (Primary Eligible Entity) has reviewed a copy of the required ALE-Agreement and associated attachments and understands the terms of the ALE deed.