

# Agricultural Conservation Easement Program (ACEP) – Agricultural Land Easements (ALE)

## **FY 2023 California NRCS Parcel Application Packet for:**

### **ACEP-ALE Classic**

**OR**

### **ACEP-ALE Buy-Protect-Sell**

Parcel applications for ACEP-ALE should be developed in accordance with the following format and guidance. A completed parcel application includes all requested information detailed in this packet. Please submit completed applications to:

USPS, UPS, or FedEx:

USDA NRCS

Attn: Easement Programs

430 G Street, #4164

Davis, CA 95616

EMAIL:

[Elizabeth.Palmer@usda.gov](mailto:Elizabeth.Palmer@usda.gov)

Subject: Entity Name\_FY23 Parcel

Application\_1 of X

**Parcel applications must be received by 5:00 PM PST on the application batching date to be considered for funding in FY 2023.  
1<sup>ST</sup> Batching date cutoff December 16, 2022**

The following application packet collects required information on proposed parcels from eligible entities interested in applying for easement funding under **ACEP-ALE Classic (aka General)** and **ACEP-ALE Buy-Protect-Sell**. If you are interested in applying for ACEP-ALE GSS (grassland of special significance), please complete the ACEP-ALE GSS Parcel Application. If you are applying for a 2018 Farm Bill RCPP easement, please contact the State Easement Program Manager for application materials.

Entities submitting parcel applications must be eligible themselves. Entities must submit an Entity Application to establish eligibility with NRCS. Entity eligibility requirements are detailed in the NRCS Conservation Program Manual 440.528.32, which may be accessed through the NRCS e-Directives website at <https://directives.sc.egov.usda.gov/Default.aspx>. Please review the California State ACEP- ALE Entity Application for more information on entity eligibility requirements.

Applicants should answer all questions contained within this document and provide all supporting documentation requested to ensure the application packet is complete (unless otherwise noted). The narratives and supporting documentation may be inserted under the applicable question or provided as an exhibit or attachment to the application packet. NRCS strongly suggests that the order and format of this packet is followed to ensure consistency and equality among all applicants. The appendices to this application packet should not be included in the application submission.

**An incomplete or ineligible application will be marked accordingly by NRCS per the California NRCS Workload Prioritization Tool and the NRCS Conservation Application Ranking Tool (CART), and may not be considered for funding.** The ranking criteria is available on the California NRCS ACEP-ALE webpage for reference.

Eligible and complete applications received by the advertised application batching date are considered for funding through a competitive process. It is the responsibility of the applying entity to ensure the application is complete and accurate. Identification of eligibility within the questionnaire is only to be used as a guide; NRCS determines eligibility at its discretion upon review of a complete and accurate application. **If a question is answered that indicates parcel ineligibility, contact NRCS [elizabeth.palmer@usda.gov](mailto:elizabeth.palmer@usda.gov) before continuing with the application.** If the issue cannot be rectified, the application may not be considered for funding.

To be eligible for USDA-NRCS program funds, everyone involved in the application and listed on the ownership deed(s) must have records with USDA's Farm Service Agency (FSA) and meet ACEP program eligibility requirements. This includes the applicant organization, landowners, and landowner entity members. Establishing USDA records with FSA may take a significant amount of time (>120 days). Therefore, applicants are encouraged to begin this process as soon as possible. USDA records may be established at any time, except for Adjusted Gross Income (AGI) compliance. AGI compliance documents may be established as early as October 1 for the following fiscal year (e.g., AGI compliance documents for 2023 may be executed as early as October 1, 2022). All individuals or entities on the deed must be compliant as determined by the Internal Revenue Service (IRS) when obligating federal funds to the easement acquisition (contract signing) and at least 90 days prior to closing of the easement. USDA records may be established at the local USDA-FSA Service Center. **NRCS is not responsible for USDA-FSA forms and recording of forms for eligibility requirements.**

Entities interested in applying for ACEP-ALE Buy-Protect-Sell (ACEP-ALE BPS) must meet both National and State-specific eligibility criteria. National ACEP-ALE BPS requirements are detailed in NRCS National Instruction 300-308, which may be accessed through the NRCS e-Directives website at <https://directives.sc.egov.usda.gov/Default.aspx>. Entities applying for ACEP-ALE BPS may be asked to submit additional information at the time of application. Please contact the California State Easement Program Manager if you are interested in applying for ACEP-ALE BPS for further guidance on completing a comprehensive parcel application.

Instructions for application packet submission are found on page 26. Please adhere to all instructions. Failure to comply may result in an ineligible application.

For more information or assistance on completing the Parcel Application, please contact the CA NRCS ALE Easement Program Manager –Elizabeth Palmer– at [elizabeth.palmer@usda.gov](mailto:elizabeth.palmer@usda.gov) or the CA NRCS State Easement Program Manager – Dean Kwasny – at [Dean.Kwasny@usda.gov](mailto:Dean.Kwasny@usda.gov).

Thank you for your interest in applying for NRCS conservation easement programs!

## Table of Contents

PART I – PARCEL APPLICATION CHECKLIST & NAMING CONVENTION.....	4
PART II – PARCEL QUESTIONNAIRE .....	6
Eligible Entity Information .....	6
Landowner Applicant Information .....	7
Basic Information .....	7
Farm Service Agency (FSA) Eligibility .....	7
Parcel Information .....	8
Ownership & Parcel Accuracy.....	8
Agricultural Operation.....	8
Land Eligibility .....	11
Land Eligibility Categories.....	11
Land Use .....	15
Access.....	18
Water Availability .....	18
At-Risk Species.....	19
Sub-surface/Mineral Rights.....	20
Title and On- or Off-site Conditions.....	21
Impervious Surface.....	21
Building Envelopes .....	22
Subdivision .....	22
Buy-Protect-Sell .....	23
Minimum Deed Terms (MDT) .....	24
Certification Statement.....	25
PART III – APPLICATION SUBMISSION INSTRUCTIONS.....	26
PART IV – APPENDICES .....	29
Appendix 1: Definitions.....	29
Appendix 2: Cost Share Match Requirements for 2018 Farm Bill Enrollments .....	37
Appendix 3: Description of Application Forms.....	39
Appendix 4: Web Soil Survey Instructions .....	40
Appendix 5: Title Exception Guide for NRCS Conservation Easement Programs .....	48

## PART I – PARCEL APPLICATION CHECKLIST & NAMING CONVENTION

Use this checklist and the following steps to guide you through the application process:

- ☐ Step 1: Download and complete all required forms. Forms may be downloaded from the [California NRCS ACEP-ALE webpage](#).
- ☐ Step 2: Gather supplemental information for all items as applicable.
- ☐ Step 3: Save each item as an individual, separate document. Name each document following the naming convention in **red** next to each item. This helps expedite the application processing.
- ☐ Step 4: Submit completed forms and supplemental information with application packet. Refer to page 26 for submission instructions.

<b>Application Requirements</b> Items listed are required for all parcel applications. Omission of these items may result in an ineligible application. Insert or append supporting documentation, as necessary.	<b>Supplemental Information - Required</b> Items listed are required, if applicable to the parcel. Omission of these items, if applicable to the parcel, may result in an ineligible application. Insert or append supporting documentation, as necessary.
<div data-bbox="256 877 743 976"> <input type="checkbox"/> FY 2023 CA NRCS Parcel Application Packet. A complete application packet includes the following: </div> <div data-bbox="203 976 284 1003"> <b>FORMS:</b> </div> <div data-bbox="256 1012 669 1081"> <input type="checkbox"/> Parcel Questionnaire (pp 6-25) [<b>Parcel Questionnaire</b>] </div> <div data-bbox="256 1092 763 1159"> <input type="checkbox"/> NRCS CPA-41A dated 02/2020 or later [<b>2_NRCS-CPA-41A</b>] </div> <div data-bbox="203 1161 354 1188"> <b>INFORMATION:</b> </div> <div data-bbox="256 1197 734 1266"> <input type="checkbox"/> Recorded vesting deed(s) covering the entire offered area [<b>3A_Recorded deed</b>] </div> <div data-bbox="256 1274 779 1400"> <input type="checkbox"/> Evidence of active SAM UEI registration for each entity applicant and/or co-holder (if registration will expire before 9/30/2023, update accordingly) [<b>SAM ID Verification</b>] </div> <div data-bbox="256 1411 693 1478"> <input type="checkbox"/> Title Commitment &amp; underlying exception documents [<b>5A_Title Commitment</b>] </div> <div data-bbox="256 1488 758 1581"> <input type="checkbox"/> Written pending offer for the ALE or equivalent such as a letter of intent. Both entity and landowner must sign. [<b>3B_Written Offer</b>] </div> <div data-bbox="256 1591 734 1684"> <input type="checkbox"/> County tax maps and assessor's information covering entire offered area [<b>3C_Tax map &amp; assessment</b>] </div> <div data-bbox="256 1694 768 1820"> <input type="checkbox"/> Maps (aerial/topographic) with an accurate and appropriate scale, North arrow, and title. <b>Map titles must include "Offer"</b> (e.g., Proposed Boundary Offer). Maps must show the proposed </div>	<div data-bbox="824 871 906 898"> <b>FORMS:</b> </div> <div data-bbox="873 909 1401 976"> <input type="checkbox"/> NRCS CPA-41A BPS Supplement dated 04/2021 or later [<b>2_NRCS-CPA-41A_BPS Supplement</b>] </div> <div data-bbox="824 976 976 1003"> <b>INFORMATION:</b> </div> <div data-bbox="873 1012 1401 1169"> <input type="checkbox"/> Legal access easement over private land or access confirmation/determination over Federal land to the offered easement area [<b>Access Sufficiency_Public Lands/Private Lands/Federal Lands</b>] </div> <div data-bbox="873 1176 1286 1215"> <input type="checkbox"/> Waiver request letter(s) [<b>11_Waivers</b>] </div> <div data-bbox="873 1226 1401 1323"> <input type="checkbox"/> <b>COPY</b> – Existing easement or deed restriction that prevents conversion to non-agricultural and/or non-grassland/grazing uses [<b>Existing Easement</b>] </div> <div data-bbox="873 1333 1401 1457"> <input type="checkbox"/> Evidence of matching funds OR evidence of entity ability to steward and monitor parcel if entity match is &lt;10% of FMV (attach to CPA-41A) [<b>Matching Funds</b>] </div> <div data-bbox="873 1465 1187 1505"> <input type="checkbox"/> Water rights [<b>Water Rights</b>] </div> <div data-bbox="873 1516 1425 1556"> <input type="checkbox"/> <b>COPY</b> – if applicable Mineral lease(s) [<b>Mineral Lease</b>] </div> <div data-bbox="873 1566 1373 1719"> <input type="checkbox"/> If applicable Excerpts from state/local policies highlighting supporting passages (e.g., state/local policy land eligibility category). DO NOT submit entire document. [<b>13D_Land Eligibility Determination_State/Local Policy</b>] </div> <div data-bbox="873 1728 1406 1822"> <input type="checkbox"/> GIS shapefiles of proposed easement boundary. Ensure that shapefile data is defined in ESRI GIS software. [<b>Parcel Shapefiles</b>] </div>

<p>easement boundary and total acreage. Landowner names used on maps must be in accordance with name(s) on deed.</p> <p><input type="checkbox"/> Map showing proposed easement boundary; Township, Range, and Section; Legal/physical access points <u>indicated by red dot</u> and route to all parts of the easement (ingress, egress), public road location(s) and names, and notation where third-party lands are crossed; and total acreage of the parcel, including acreage of each noncontiguous parcel and subdivision if applicable. [3D_Proposed Boundary, Location, and Access Map]</p> <p><input type="checkbox"/> Farmland classification with legend and % acres table (Web Soil Survey) [13B_Soils Map]</p> <p><input type="checkbox"/> Land use/cover type location with % acres of each land use and identified grazing areas [13D_Land Eligibility Determination Map_Land Use]</p> <p><input type="checkbox"/> Viable agricultural operations including access to markets and infrastructure [13D_Land Eligibility Determination Map_Ag Operations]</p> <p><input type="checkbox"/> Nearby agricultural and/or protected lands [13D_Land Eligibility Determination Map_Adjacent Lands]</p> <p><input type="checkbox"/> Development pressure (approx. 1:24,000) [13D_Land Eligibility Determination Map_Development Pressure]</p> <p><input type="checkbox"/> At-risk species [13D_Land Eligibility Determination Map_At-risk Species]</p>	<p><input type="checkbox"/> Evidence of farm sales within the last two calendar years demonstrating sales to local markets [Farm Sales]</p> <p><input type="checkbox"/> Maps (aerial/topographic) with an accurate and appropriate scale, North arrow, and heading. Maps must show the proposed easement boundary and acreage. Supporting GIS shapefiles are appreciated for each map submitted.</p> <p><input type="checkbox"/> Proposed building envelopes showing existing or proposed access to each [13D_Land Eligibility Determination_Building Envelope Map]</p> <p><input type="checkbox"/> Allowable subdivision [13D_Land Eligibility Determination_Subdivision Map]</p> <p><input type="checkbox"/> Irrigated land footprint with location of source [13D_Land Eligibility Determination_Irrigation Map]</p> <p><input type="checkbox"/> Location, number, and acres of historical/archaeological sites [13D_Land Eligibility Determination_Historical/Archaeological Site Map]</p> <p><b><u>Supplemental Information - Optional</u></b></p> <p>Items listed are optional, if available, but recommended. Submission of these items will streamline the acquisition process if application is funded.</p> <p><input type="checkbox"/> NRCS CPA-1270 [NRCS-CPA-1270]</p> <p><input type="checkbox"/> Legal Boundary Survey [Legal Boundary Survey]</p> <p><input type="checkbox"/> Phase I Environmental Assessment [13Ei_Environmental Assessment]</p> <p><input type="checkbox"/> Minerals Assessment [Minerals Assessment]</p> <p><input type="checkbox"/> Appraisal Report [14Bi_Full Appraisal]</p> <p><input type="checkbox"/> If available Draft deed of conservation easement. Entity and landowner agree to use NRCS ALE minimum deed terms, see application CPA-41a [Draft Conservation Easement]</p> <p><input type="checkbox"/> <b>Letters of Support</b> (letter needs to reference specific project. Does not need to be addressed to NRCS)</p>
<p>Refer to Appendix 3 for the description and purpose of each form.</p>	

## PART II – PARCEL QUESTIONNAIRE

All questions in this section must be answered with adequate detail and supporting documentation as required. If any questions are left unanswered, the application may be considered ineligible.

### Eligible Entity Information

1. Please indicate the transaction type for the offered parcel [*NOTE: do not complete this application if applying for ACEP-ALE GSS or RCPP entity-held easements*]:

☐ ALE Classic

☐ ALE Buy-Protect-Sell

2. Name of Eligible Entity applying for parcel funding:

3. Eligible Entity Point of Contact for Project [Name, Phone Number, Email]:

4. Does the Eligible Entity meet **one** of the following:

☐ Has an active, executed Program Agreement covering ACEP-ALE [must match the enrollment type selected on CPA-41A].

Program Agreement Number: \_\_\_\_\_

☐ Has a current Fiscal Year (10/1 – 9/30) Entity Application packet (CPA-41) already on file with NRCS.

☐ Will submit an Entity Application packet with this Parcel Application.

☐ Does not meet any of the above. [**INELIGIBLE**]

5. Do all eligible entity applicants and all prospective co-holders have an active Unique Entity ID SAM registration (UEI) obtained through SAM.gov?

☐ YES.

☐ NO. Please specify and describe in 1-2 sentences [*NOTE: any entity without an active Unique Entity ID SAM registration is **ineligible** for this program*]:

## Landowner Applicant Information

### Basic Information

1. Provide the following information for each landowner of record (i.e., individual or legal entity subject to the deed and title). All landowners must match landowners included on the CPA-41A form. May attached separate page.

Full Legal Name	Farm/Ranch or Property Common Name	Farm Number(s)	Tract Number(s)	County of Property Location	Is a limited-resource, beginning, socially disadvantaged, or veteran farmer/rancher?
					Choose an item
					Choose an item
					Choose an item

### Farm Service Agency (FSA) Eligibility

1. Does the landowner(s) appearing on the vesting deed and title commitment have Farm & Tract Eligibility (FTE) established for the offered parcel? [NOTE: FTE means that an established farm and tract generally covers the easement area and that all landowners of record are associated with the established farm and tract. Consult with FSA to ensure that records exist and are current].

☐

YES

☐

NO [INELIGIBLE]

2. Have all landowners of record filed Form CCC-941 "Adjusted Gross Income" with FSA? [NOTE: Landowners must complete CCC-941 with the exact name, address, and tax ID on file with the IRS. AGI must be determined compliant by the IRS for the landowner to be eligible. If an AGI limitation waiver or AGI applicability waiver have been approved, you may skip this question].

☐

YES

☐

NO [INELIGIBLE]

☐

Other: \_\_\_\_\_

3. Have all landowners of record filed or updated Form AD-1026 "Highly Erodible Land Conservation and Wetland Conservation Certification" with FSA?

☐

YES

☐

NO [INELIGIBLE]

☐

Other: \_\_\_\_\_

4. Do the landowners and eligible entity understand that FSA and NRCS together will determine a) the status of highly erodible land (HEL) on the Farm and Tract(s) associated with the offered easement area, and b) the necessity of an HEL Conservation Plan as a condition of funding?

☐ YES

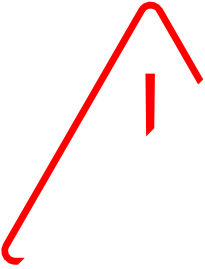
☐ NO

5. Have all individuals, entities or trust landowners of record filed and have a determined status on Form CCC-902-E or CCC-902-I (and Form CCC-901 as required) with FSA?

☐ YES

☐ NO [INELIGIBLE]

☐



If any answers under the "Farm Service Agency (FSA) Eligibility" section are marked "NO [ineligible]" OR if NRCS finds upon review of the application that the answers should be marked "NO [ineligible]" OR if any other required FSA payment eligibility criteria for any landowner of record is not met by February 10, 2023, the application will be considered ineligible for program funding. All entities on the deed must be compliant per IRS when obligating federal funds to the easement acquisition and at least 90 days prior to closing the easement. Consult the California State Easement Program Manager before you apply if you are unsure who and what should establish eligibility with FSA.

## Parcel Information

### Ownership & Parcel Accuracy

1. Do the landowners of record **and** the offered easement acres of the parcel match across application documentation (i.e., landowners of record and acreage match CPA-41A, FSA records, information on the vesting deed, county tax records, title commitment, written pending offer, and all supporting documentation)?

☐ YES

☐ NO

If No, please specify and briefly describe:

2. Did an authorized signatory for at least one landowner of record sign CPA-41A and the written pending offer? [NOTE: obtaining all landowner signatures is preferred].

☐ YES

☐ NO [INELIGIBLE]

☐ N/A – this is a buy-protect-sell transaction

3. Is the legal description of the parcel and the physical description on CPA-41A, Section C, Questions 1 and 2 accurate as reflected in the title commitment and other supporting documentation?

☐ YES

☐ NO [INELIGIBLE]



## Agricultural Operation

1. In a few sentences, describe the current agricultural operation. Please include information on the types of products produced/grown/raised, accessibility to markets, labor/staffing needs, on-site infrastructure, water use, proximity to other agricultural land, proximity to protected land, and other important or pertinent information to the operation.

2. In a few sentences, describe the parcel's long-term viability for agricultural use. State if there has been recent significant capital investment(s) that enhance the long-term agricultural viability of the parcel and if the conservation easement will further the investment. [*NOTE: Submit documentation of investments with application*].

3. Does the landowner currently work with, or have they previously worked with, NRCS for the parcel being offered?

☐ YES

☐ NO

If yes, briefly describe, if known:

4. Is the parcel, or any portion of the parcel, currently enrolled in the Conservation Reserve Program (CRP) or Conservation Reserve Enhancement Program (CREP)?

☐ YES – CRP

☐ YES – CREP

☐ NO

5. If the parcel, or any portion of the parcel, is currently enrolled in CRP or CREP, will the contract expire within one year of the application submittal date?

☐ YES

☐ NO

☐ N/A. Does not apply.

6. If the CRP or CREP contract will expire within one year, describe in 1-2 sentences how the easement will assist in the protection of the land coming out of CRP or CREP enrollment. If not applicable, write "N/A" in the space provided.

7. Indicate the type and number of grazing animals if present on the parcel. If not applicable, write "N/A" in the space provided.

8. In 1-2 sentences, describe the development pressure from non-agricultural use and/or the conversion threats affecting the parcel and region.

9. Does protection of the parcel have long term social and economic benefits towards supporting access to local markets? *[NOTE: This question is applicable to small scale farms. Attach documentation of farm sales within the last two calendar years demonstrating sales to local markets].*

- ☐ YES – Sales are within 10 miles of parcel      ☐ YES – Sales are within 11-50 miles of parcel  
☐ YES – Sales are within 50-150 miles of parcel      ☐ NO – Sales occur 151+ miles from parcel  
☐ N/A. Does not apply.

10. Does the farm or ranch have an established succession plan, or similar plan, that addresses farm viability for the parcel of interest?

- ☐ YES      ☐ NO

11. If there is an established succession plan, please indicate whether the plan is formal or informal. *[NOTE: A succession plan often consists of legal documents, written agreements, and/or financial statements that meet [planning standards outlined by the American Farmland Trust \(AFT\)](#). A formal plan is written by an industry professional (e.g., Cooperative Extension) that compiles such documentation. An informal plan compiles such documentation but is not written by an industry professional].*

- ☐ Formal      ☐ Informal      ☐ N/A. Does not apply.

12. Will the landowner and eligible entity elect to complete any of the following plans for the parcel if funded? Select all that apply. [NOTE: The following plans are not recognized as the Baseline Documentation Report (BDR). **The BDR is a separate required document for funded parcels**].

- |   |  |
|---|--|
| <input type="checkbox"/> Basic Agricultural Land Easement Plan (ALEP) | <input type="checkbox"/> Grassland Management Plan |
| <input type="checkbox"/> Forest Management Plan                       | <input type="checkbox"/> Other: _____              |
| <input type="checkbox"/> Succession Plan                              | <input type="checkbox"/> None                      |

13. Select the most appropriate item that describes the parcel's ability to enhance the protection of contiguous or proximal agricultural lands.

- ☐ Parcel increases acreage of protected agricultural land.
- ☐ Parcel is a contiguous or proximal expansion of protected agricultural land.
- ☐ Parcel links two non-contiguous corridors of protected agricultural land.

## Land Eligibility

### Land Eligibility Categories

To be eligible for ACEP-ALE, the offered land must meet **one of the four** following land eligibility categories: 1) Prime, Unique, or Other Productive Soil; 2) Historical or Archaeological Resources; 3) Protection of Grazing Uses and Related Conservation Values; 4) Land that Furthers a State or Local Policy. For application purposes, an applicant must select the category for the parcel of interest that best meets the goals of the landowner and applying entity applicant(s). The category selected on this application must match the category selected on CPA-41A. **Only complete the sub-section below for the selected category.**

### *Prime, Unique, or Other Productive Soils*

Only complete this sub-section if you selected “Has Prime, Unique, or Other Productive Soils” on CPA-41A. To be eligible for this category, at least 50% of the parcel must contain “prime,” “prime if,” “unique,” or “statewide or locally important” soil on the Web Soil Survey’s Farmland Classification report. Refer to Appendix 4 for instructions on how to use the Web Soil Survey. Once this section is complete, skip to the Land Use section on page 15, do not complete any of the other land eligibility category sections.

1. Does the parcel contain at least 50% prime, unique, or other productive soil type?

- ☐ YES ☐ NO. Select a different land eligibility category.

2. Select the eligible farmland classification for the parcel:

- ☐ Prime ☐ Unique  
☐ Prime if irrigated ☐ Statewide or locally important  
☐ Prime if drained ☐ Other: \_\_\_\_\_

3. If the farmland classification is “Prime if irrigated” OR “Prime if drained” describe in 1-2 sentences how the soils are actively irrigated/drained as demonstrated in the *Water Availability* section of the Web Soil Survey. Please submit a map with the application showing where irrigation/drainage occurs. If not applicable, write “N/A” in the space provided.

### *Historical or Archaeological Resources*

Only complete this sub-section if you selected “Contains Historical or Archaeological Resources” on CPA-41A. To be eligible for this category, the parcel must be recognized as containing historical or archaeological resources by either the National Register of Historic Places or the State or Tribal register. Once this section is complete, skip to the Land Use section on page 15, do not complete any of the other land eligibility category sections.

1. The parcel meets one or more of the following:

- ☐ Currently listed or formally determined eligible for listing in the National Register of Historic places.
- ☐ Formally listed in a State or Tribal register of historic places.
- ☐ Included in the State historic preservation officer (SHPO) or Tribal historic preservation officer (THPO) inventory with written justification as to why it is eligible for the National Register of Historic Places.
- ☐ None of the above. Select a different land eligibility category.

2. What evidence supports the criterion/ia selected for the previous question (#1 above)? Please submit a copy of the supporting evidence with the application.

3. In 1-2 sentences, describe the site's significance.

4. In 1-2 sentences, describe how the easement deed will address the protection of the historical and/or archaeological resource(s).

5. Identify at least one grantee or third-party to the deed that will have designated monitoring responsibilities that has experience in managing, monitoring, and enforcing historical or archaeological resources.

*Protects Grazing Uses and Related Conservation Values*

Only complete this sub-section if you selected "Protects Grazing Uses and Related Conservation Values" on CPA-41A. To be eligible for this category, upon enrollment the parcel must result in the protection of grazing uses and the related conservation values by restoring or conserving grassland, rangeland, pastureland, forb/shrubland land, or land located in an area historically dominated by grassland, forbs,

or shrubland. Once this section is complete, skip to the Land Use section on page 15, do not complete any of the other land eligibility category sections. [NOTE: Technical and financial assistance funding for restoration is not available under ACEP-ALE. If the parcel contains 51% or more of NRCS designated grassland of special environmental significance, please complete the Parcel Application for ACEP-ALE GSS].

1. What type of qualifying land use(s) does the parcel contain? Select all that apply and provide map depicting identified land uses and acreage.

- ☐ Grassland
- ☐ Rangeland
- ☐ Pastureland
- ☐ Land that contains forbs
- ☐ Shrubland for which grazing is the predominant use
- ☐ Land located in an area historically dominated by grassland, forbs, or shrubs
- ☐ Non-industrial private forestland
- ☐ None. Select a different land eligibility category.

2. Does at least 90% of the qualifying land use(s) selected for the previous question (#1 above) cover the parcel?

- ☐ YES
- ☐ NO

3. A parcel enrolled under the “Protects Grazing Uses and Related Conservation Values” land eligibility category is considered **a grassland enrollment for the purposes of the NRCS Minimum Deed Terms**. This applies to grassland parcels enrolled in ALE Classic (i.e., non-GSS grassland enrollments). Are the eligible entity and landowner(s) prepared to accept the restrictions and limitations of a grassland enrollment as described in the February 2020 Minimum Deed Terms?

- ☐ YES
- ☐ NO. Select a different land eligibility category.

4. In a few sentences, describe how the easement deed will address the protection of the grazing uses and associated conservation values.

5. In 1-2 sentences, describe how the current and planned activities of the agricultural operation further the protection of the grazing uses and related conservation values.

*Furtherers a State or Local Government Policy*

Only complete this sub-section if you selected "Furtherers a State or Local Government Policy consistent with the purposes of the ACEP" on CPA-41A. To be eligible for this category, the State or local policy must be consistent with the purposes of ACEP-ALE and the protection of such land must further the State or local policy. Once complete, skip to the Land Use section on page 15.

1. Is there a State or local government policy applicable to the parcel that aligns with the purposes of ACEP-ALE? [NOTE: the purposes of ACEP-ALE are to protect the agricultural viability and related conservation values of eligible land by limiting nonagricultural uses of that land and/or to protect grazing uses and related conservation values by restoring and conserving eligible land].

☐ YES

☐ NO. Select a different land eligibility category.

2. What State or local policy does enrollment of the parcel further? Please submit a copy of the applicable pages of the policy with the application.

3. Please indicate the applicable policy citation(s).

4. Briefly describe how each policy citation is consistent with the purposes of ACEP-ALE.

5. In 1-2 sentences, describe how preservation of the parcel furthers the policy identified in question #2 above.

6. In 1-2 sentences, describe how the easement deed will address the policies of the identified plan.

**Land Use (answer for ALL parcel applications)**

1. What eligible land use(s) pertain to the offered parcel? Select all that apply. [NOTE: Selected land use(s) must match the land use(s) selected on CPA-41A. Map with land uses identified with acres].

- ☐ Cropland
- ☐ Rangeland
- ☐ Pastureland
- ☐ Grassland or land that contains forbs
- ☐ Shrubland for which grazing is the predominant use
- ☐ Land located in an area that has been historically dominated by grassland, forbs, or shrubs and could provide habitat for animal or plant populations of significant ecological value
- ☐ Non-industrial private forest land that contributes to the economic viability of the offered parcel or serves as a buffer to protect such land from development

2. If “non-industrial private forest land” was selected as a land use type, describe in 1-2 sentences how that land contributes to the economic viability of the offered easement area or serves as a buffer to protect such land from development. If this land use type was not selected, write “N/A” in the space provided.

3. If “non-industrial private forest land” was selected as a land use type, **indicate the percent of non-industrial private forest land** that covers the parcel. If this land use type was not selected, write “N/A” in the space provided. [NOTE: If the non-industrial private forest land exceeds two-thirds of contiguous portions of the offered easement area, the parcel is ineligible per CPM 440.528.33(C)(2)(i)].

\_\_\_\_\_ %

4. If “land located in an area that has been historically dominated by grassland, forbs, or shrubs and could provide habitat for animal or plant populations of significant ecological value” was selected as a land use type, describe in 1-2 sentences how the land is compatible with grazing uses and related conservation values. If this land type was not selected, write “N/A” in the space provided.



5. If “land located in an area that has been historically dominated by grassland, forbs, or shrubs and could provide habitat for animal or plant populations of significant ecological value” was selected as a land use type, describe in 1-2 sentences whether the vegetative communities historically found on the site have been restored OR if the applicant has a plan for restoration that occurs prior to the easement closing. If this land type was not selected, write “N/A” in the space provided.

6. If “land located in an area that has been historically dominated by grassland, forbs, or shrubs and could provide habitat for animal or plant populations of significant ecological value” was selected as a land use type, please indicate if any of the following apply:

☐ The land could or does provide habitat for animal or plant populations of significant ecological value if the land is retained in grazing uses and related conservation values.

☐ The land enrolled would address State, regional, or national conservation priorities.

☐ Neither apply.

Briefly describe your answer:

7. Is the parcel zoned for agricultural use or is the land consistent with agriculture for counties without zoning?

☐ YES

☐ NO

Briefly describe your answer (if applicable, include zoning classification and evidence to support zoning classification):

8. Is the parcel already subject to an easement or other deed restriction that prevents land conversion to non-agricultural uses?

☐ YES

☐ NO

If yes, describe in 1-2 sentences and submit a copy of the restriction document with the application:

9. Is the parcel located in a region where enrollment achieves landscape, regional, or other agricultural or conservation goals and objectives identified in a state plan?

☐ YES

☐ NO

If yes, reference/cite the plan and describe the goals and objectives being met. Provide attachments if applicable:

#### Access

1. Is there legal and physical access to the parcel? Select all that apply,

☐ YES. Direct access from public roadway.

☐ YES. Over and across private lands. Provide underlying recorded access agreement.

☐ NO. However, the land is accessible by Forest Service Road(s) or Bureau of Land Management Road(s). [NOTE: If selected, please include supporting documentation describing how such roads may be used in perpetuity. If roads are not accessible in perpetuity, the parcel is **ineligible**.]

☐ NO. There is no current legal or physical access to the land but both legal and physical access will be obtained prior to closing the easement. Explain in detail the proposed access option.

☐ NO. There is no legal or physical access to the land, nor will such access be obtained prior to closing the easement. [**INELIGIBLE**]

#### Water Availability

1. Does the landowner hold water rights associated with the parcel?

☐ YES - total cfs: \_\_\_\_\_

☐ NO

2. Will water rights be conveyed with the conservation easement?

☐ YES - cfs conveyed: \_\_\_\_\_

☐ NO

3. If water rights will be conveyed, are they sufficient to support the related conservation values?

☐ YES

☐ NO

☐ N/A. Does not apply.

4. In 1-2 sentences, describe how the conveyance or lack of conveyance of water rights with the conservation easement will affect the conservation values of the parcel.

5. Is the parcel irrigated?

☐

YES

☐

NO

6. If the land is grazed or will be grazed, briefly describe the water distribution system supporting grazing. If not applicable, write "N/A" in the space provided.

7. Is there an adequate water distribution system on the parcel to support effective and sustainable grazing uses?

☐

YES

☐

NO

☐

N/A. Does not apply.

### At-Risk Species

In California State, parcels may receive ranking points for at-risk species or habitat presence. At-risk species include Federal or State-listed Threatened species, Federal or State-listed Endangered species, or Federal or State candidate species. At-risk habitat includes any USFWS or NMFS designated critical habitat. For consideration such species or habitat must be located on, or within ¼ mile of, the parcel. The on-site agricultural operation may not have a negative effect on the species or habitat as determined by NRCS. If the conservation easement and planned activities **will not directly benefit** the species/habitat, or if such activities negatively affect the species/habitat, ranking points will not be granted.

1. Provide the following information for each identified at-risk species or habitat located on, or within ¼ mile of, the parcel. Include a reference to supporting documentation for the species/habitat of interest in the *reference citation* column.

Name of species/habitat	Onsite or within ¼ mile of site?	Listing status	Reference citation
	Choose an item	Choose an item	
	Choose an item	Choose an item	
	Choose an item	Choose an item	
	Choose an item	Choose an item	
	Choose an item	Choose an item	
	Choose an item	Choose an item	

2. If the parcel contains a Federal or state-listed species/habitat, describe in 1-2 sentences how the conservation easement and the activities of the agricultural operation will directly support the species/habitat. Include map/picture documentation for suitable on site habitat. If not applicable, write "N/A" in the space provided.

### Sub-surface/Mineral Rights

1. Does the landowner own the entire sub-surface/mineral estate?

☐ YES

☐ NO

2. Will the landowner's discretion with respect to third-party mineral rights be limited as described in the February 2020 NRCS Minimum Deed Terms?

☐ YES

☐ NO

☐ N/A. Does not apply.

3. In 1-2 sentences, describe any sub-surface/mineral rights subject to recorded or unrecorded leases. If not applicable, write "N/A" in the space provided.

4. Will a mineral remoteness assessment or equivalent be developed for the parcel?

☐ YES

☐ NO

☐ N/A. Does not apply.

5. Describe the circumstances of the mineral estate. Include any past or current activity and whether there is risk to the parcel from exploration and development activities under the subsurface estate.

### Title and On- or Off-site Conditions

Refer to Appendix 8 for guidance on how common title exceptions should be handled for NRCS conservation easement programs. ACEP-ALE applicants should refer to the "Non-NRCS-Held Easements" column for guidance.

1. Describe any identified exceptions to title coverage. If not applicable, write "N/A" in the space provided.

2. Describe any unrecorded exceptions to title coverage, leases, or other unrecorded use of the parcel. This includes written and verbal leases. If not applicable, write "N/A" in the space provided.

3. Describe any hazardous material present on or nearby the parcel (within 5 miles of parcel). If not applicable, write "N/A" in the space provided.

4. Describe existing or permitted rights-of-way for utilities or other infrastructure on the parcel. If not applicable, write "N/A" in the space provided.

5. Will the applicant complete a limited or full phase-I environmental assessment of the parcel before closing the easement?

☐ YES

☐ NO

#### Impervious Surface

1. How much impervious surface is present on the parcel? [NOTE: An estimate of the percent impervious surface may be obtained through measuring the surface area on an aerial photo or other mapping means. Per CPM 440.528.60(F), NRCS defines impervious surface as material that does not allow water to percolate into the soil on the parcel; this includes, but is not limited to, buildings with or without flooring, paved areas, and any other surfaces that are covered by asphalt, concrete, or roofs. This limitation does not include public roads or other roads owned and controlled by parties with rights superior to the agricultural land easement].

☐ 2% or less of the total acres.

☐ Greater than 2% of the total acres. Parcels with more than 2% impervious surface are **ineligible unless a waiver is granted**. Submit a waiver request with the application.

#### Building Envelopes

1. Will the landowner reserve any building rights on the parcel?

☐ YES

☐ NO

If yes, provide a map and briefly describe why the building rights and associated building envelope are necessary to support the conservation values:

2. If building rights are reserved, is there existing access directly to the proposed or existing building envelope via a paved, gravel, or two-track road?

☐ YES

☐ NO

☐ N/A. Does not apply.

3. If there is existing access to the building envelope, is the access sufficient in providing access for future development and use within the building envelope?

☐ YES

☐ NO

☐ N/A. Does not apply.

4. Are there plans to construct new roads on the parcel?

☐ YES

☐ NO

5. Does the landowner understand that any changes to the building envelope after obligation of funds are subject to NRCS approval?

☐ YES

☐ NO

☐ N/A. Does not apply.

#### Subdivision

Applicants are advised to submit individual parcel applications for each proposed subdivision if the landowner would like to retain subdivision rights. Applying in this manner is advisable if the entity and landowner wish to guarantee subdivision approval during the application process rather than wait for the outcome of subdivision approval pre-closing for funded parcels. Approved parcels will be treated as separate easements. If the applicant elects to submit one parcel application that includes subdivision rights, **approval of subdivisions or changes to subdivisions after obligation is not guaranteed.**

1. Will the landowner reserve the right to subdivide the parcel? *[NOTE: If yes, a farmland classification map, land use/land type map, proposed subdivision map with acreage of each division, soils map, and an impervious surface map with percentage must be submitted for each division].*

☐ YES. Additional maps that are required are included with the application as stated above.

☐ NO

### Minimum Deed Terms (MDT)

1. Does the eligible entity accept the NRCS Minimum Deed Terms for the transaction type?

☐ YES ☐ NO **[INELIGIBLE]**

2. Does the landowner accept the NRCS Minimum Deed Terms for the transaction type?

☐ YES ☐ NO **[INELIGIBLE]**

3. Please indicate how the applicant entity plans to address NRCS MDTs for the parcel in the easement deed. *[NOTE: An applicant will score higher by opting to append the MDT. If the MDT is incorporated, the document is subject to additional review at the national level].*

☐ The applicable MDT version will be appended to the easement deed. **[PREFERRED. Does not require national NRCS review and approval]**

☐ The applicable MDT version will be incorporated verbatim into the easement deed.

☐ The eligible entity will use its own NRCS-approved deed template that incorporates the appropriate MDT version.

☐ The eligible entity will use another entity's NRCS-approved deed template that incorporates the appropriate MDT version.

☐ Other: \_\_\_\_\_

### Buy-Protect-Sell

Only complete this section if you are applying for an ACEP-ALE Buy-Protect-Sell transaction.

1. Select the BPS transaction type for the offered land.

☐ **Pre-Closing Transfer.** The eligible entity intends to transfer ownership of the land to a qualified farmer or rancher at or prior to closing on the agricultural land easement and the eligible entity will hold the easement prior to receiving the Federal share.

☐ **Post-Closing Transfer.** The eligible entity intends to transfer the ownership of the land to a qualified farmer or rancher no later than 3 years after the closing on the agricultural land easement, unless an extension of such time has been authorized by NRCS subject to specific requirements.

2. The eligible entity:

☐ Currently owns the land being offered.

☐ Is in the process of actively purchasing the land. Please provide evidence, which may include a valid purchase agreement, a statement from the existing landowner that they are unwilling or unable to sell a conservation easement themselves, or sufficient funds to complete the purchase of the land.



3. If the entity intends on a post-closing transaction, identify whether the transfer will occur via the following:

☐ Via an interim landowner scenario. Prior to closing on the easement, the eligible entity will transfer ownership of the parcel to a legal entity that will temporarily hold such ownership from the time the easement is initially conveyed until the ownership of the parcel is transferred to the qualified farmer or rancher.

☐ Via an interim easement holder scenario. The eligible entity will retain ownership of the parcel and a separate eligible entity will hold the easement from the time it is initially conveyed until the ownership of the parcel subject to the easement is transferred to the qualified farmer or rancher.

4. Entities applying for BPS must demonstrate that the offered land is subject to conditions that necessitate ownership of the parcel by the eligible entity on a transitional basis. Please identify the most appropriate condition necessitating transitional ownership:

☐ Option 1. There is imminent threat of development or fragmentation into parcels below the median size of farms or ranches in the county as determined by the USDA's most recent National Agricultural Statistical Survey (NASS).

☐ Option 2. There is planned or approved conversion of land to developed uses or to more intensive agricultural uses.

☐ Option 3. The offered land is part of a documented eligible entity program to transition ownership of land to historically underserved (HU) clients.

5. If option 3 was selected, please specify the type of HU client:

☐ Limited Resource Farmer or Rancher. Please submit a copy of the Self-Determination report, which may be completed online at <https://lrftool.sc.egov.usda.gov/>.

☐ Beginning Farmer or Rancher. Please submit a copy of IRS Form 1040 from the last 10 years showing that the client did not file an IRS Form 1040 Schedule F **OR** submit a letter from a certified public accountant or attorney certifying that the client meets the eligibility requirements for a beginning farmer or rancher.

☐ Veteran Farmer or Rancher. Please submit a copy of IRS Form 1040 from the last 10 years showing that the client did not file an IRS Form 1040 Schedule F **OR** submit a letter from a certified public accountant or attorney certifying that the client meets the eligibility requirements for a beginning farmer or rancher **and** Form DD214.

☐ Socially Disadvantaged Farmer or Rancher. Please explain below:

6. Briefly describe the proposed timeline of the BPS transaction.

### Certification Statement

By signing below, I certify that the information provided in this Parcel Application for the parcel offered for enrollment is true, correct, and complete. I understand that NRCS must follow all statute, regulations, and policies governing ACEP in the decision and determination of both landowner and land eligibility for the offered parcel. I also understand that NRCS will perform a site visit and landowner interview to determine land eligibility before funding determination.

---

**Eligible Entity Signature (*OneSpan e-signature or wet ink signature*)**

---

**Date**

---

**Primary Applicant Signatory Name & Title (Printed)**

---

**Eligible Entity Name**

## PART III – APPLICATION SUBMISSION INSTRUCTIONS

ACEP-ALE applicants must submit a complete application packet to the California NRCS easement program manager on or before the application batching date. Applications received after the application batching date are ineligible for FY23 program funding and will be deferred to the next funding cycle likely federal Fiscal Year 2024. Mailed application packets post-marked by the application batching date are still eligible for program funding. To be considered for program funding, applications must be submitted in the following manner:

### **Option 1 of 2, Mail:**

1. Print the completed Parcel Application and all applicable forms. Ensure documents are signed, dated, and in order. Do not print or include application appendices in application submission.
2. Print any supplemental documents and include with application packet. Be sure to reference the applicability of each additional document in the Parcel Application.
3. If you are submitting along with an Entity Application, please separate or distinguish the Entity Application and supporting documentation from the Parcel Application and supporting documentation.
4. Do not fold or crease applications. NRCS recommends that applications be mailed using a manila envelope, or similar, to prevent creased or damaged applications.
5. Applications must be mailed to:  
USDA NRCS  
Attn: Easement Programs  
430 G Street, #4164  
Davis, CA 95616
6. Applications must be received or post-marked by the application batching date to be considered for FY23 program funding.
7. NRCS will notify via email the Primary Entity Point of Contact listed for question 3 on page 6 upon receipt of the mailed application.

### **Option 2 of 2, Email:**

1. Download and complete the Parcel Application and all applicable forms. Ensure documents are signed, dated, and in order. Do not include application appendices in application submission.
2. Download any supplemental documents. Be sure to reference the applicability of each additional document in the Parcel Application.
3. Separate the completed application packet by document type (i.e., do not combine Parcel Application with forms or supplemental documents). Each document must be attached to email as an independent file and named according to the naming convention in the application checklist (pages 4-5).
4. NRCS suggests the following naming scheme for each attached document:  
Entity Name\_Item Code\_Document Name\_FY23 Parcel Application  
(e.g., Happy Land Trust\_2\_NRCS-CPA-41a\_FY23 Parcel Application)
5. Compose email.
  - a. Subject Title: NRCS suggests the following subject title for each composed email:

Entity Name\_FY23 Parcel Application\_1 of X  
(e.g., Happy Land Trust\_FY23 Parcel Application\_1 of 2)

*NOTE: NRCS recognizes that the application includes large file types and that an entity may need to send multiple emails when submitting a digital application. It is important for these entities to denote the total number of emails and the order of the current email in the subject line.*

- b. Email Body: In email body, include entity name and your request that the attached application be considered for FY23 ACEP-ALE program funding. Also include a list of the attached documents so that the recipient may cross-reference the list with the received attachments to ensure all documentation is accounted for.
6. Applications must be emailed to:  
Elizabeth Palmer –  
[elizabeth.palmer@usda.gov](mailto:elizabeth.palmer@usda.gov)
7. Applications must be received on or before the application batching date to be considered for FY23 program funding.
8. NRCS will reply to each email to confirm receipt of the application materials.

## PART IV – APPENDICES

**\*\*\* DO NOT INCLUDE APPENDIX SECTIONS IN THE APPLICATION PACKET FOR SUBMISSION. APPENDIX SECTIONS ARE INCLUDED FOR APPLICANT INFORMATION ONLY. \*\*\***

### Appendix 1: Definitions

*Access:* Legal and physical ingress and egress to the entire easement area over adjacent or contiguous lands for the exercise of any of the rights or interests under the easement for the duration of its term for the purposes of the program. Access for easement enrollments must be described in the easement deed.

*AD-1026, Highly Erodible Land and Wetland Conservation Certification:* A form administered by the USDA Farm Service Agency (FSA) that NRCS uses to in part determine eligibility for ACEP-ALE and other programs. All landowners, including any members of landowner entities, must be in compliance with the highly erodible land and wetland conservation provisions—on all land persons have an interest in, anywhere in the United States—in order to be eligible to receive USDA payments (including ACEP-ALE). If the form has been submitted before and there has been no change in ownership or land use, the form does not need to be resubmitted. If a person is determined to be out of compliance—on any land in any state—all USDA payments are in jeopardy for that crop year and all subsequent crop years the person remains out of compliance. Submit a copy of this form with your application package.

*Agricultural land:* Real property is considered to be agricultural land or land in agricultural use, including land on a farm or ranch, if it is consistent with the State’s program to purchase agricultural conservation easements. If there is no State program, the definitions of a farm, ranch, or agricultural use in the State’s agricultural use tax assessment program will be used to define agricultural land. The definition must not be so broad as to lead to the degradation of the soils.

*Agricultural land easement (ACEP-ALE):* An easement or other interest in eligible land that is conveyed under ACEP-ALE for the purposes of protecting natural resources and the agricultural nature of the land, and of promoting agricultural viability for future generations, and permits the landowner the right to continue agricultural production and related uses subject as applicable, to an agricultural land easement plan.

*Agricultural land easement plan (ALE plan):* A document developed by the eligible entity that describes the activities which promote the long-term viability of the land to meet the purposes for which the easement was acquired. An agricultural land easement plan includes a description of the farm or ranch management system and the natural resource concerns on the land, describes the conservation measures and practices that may be implemented to address applicable resource concerns for which the easement was enrolled, and incorporates by reference any component plans such as a grasslands management plan, forest management plan, or HEL conservation plan as defined in this part.

*Agricultural uses:* Those activities defined by a State’s farm or ranch land protection program, or, where no program exists, by the State agricultural use tax assessment program.

*Associated agriculture lands:* An official NRCS land use from the National Planning Procedures Handbook. It is land associated with farms and ranches that are not purposefully managed for food, forage, or fiber and are typically associated with nearby production or conservation lands. This could include incidental

areas, such as idle center pivot corners, odd areas, ditches and watercourses, riparian areas, field edges, seasonal and permanent wetlands, and other similar areas.

*At-risk species:* Any plant or animal species listed as threatened or endangered; proposed or candidate for listing under the Endangered Species Act; a species listed as threatened or endangered under State law or Tribal law on Tribal land; State or Tribal land species of conservation concern; or other plant or animal species or community, as determined by the State conservationist, with advice from the State technical committee or Tribal conservation advisory council, that has undergone, or is likely to undergo, population decline and may become imperiled without direct intervention.

*Beginner farmer or rancher:* A person, Indian Tribe, Tribal corporation, or legal entity who—

(i) Has not operated a farm or ranch or nonindustrial private forest land (NIPF), or who has operated a farm or ranch or NIPF for not more than 10-consecutive years. This requirement applies to all members of an entity who will materially and substantially participate in the operation of the farm or ranch or NIPF.

(ii) In the case of an individual, individually or with the immediate family, material and substantial participation requires that the individual provide substantial day-to-day labor and management of the farm or ranch consistent with the practices in the county or State where the farm is located.

(iii) In the case of a legal entity or joint operation, all members must materially and substantially participate in the operation of the farm or ranch. Material and substantial participation requires that each of the members provide some amount of the management or labor and management necessary for day-to-day activities, such that if each of the members did not provide these inputs, operation of the farm or ranch would be seriously impaired.

*Building envelope:* An area within which the structures on the farm or ranch are located and within which building may occur on an ACEP-ALE easement.

*Buy-Protect-Sell transaction:* A legal arrangement between an eligible entity and NRCS relating to land owned or being purchased by an eligible entity on a transitional basis during which an agricultural land easement will be secured on eligible private or Tribal land, and ownership of the land transferred to a qualified farmer or rancher following conditions specified by NRCS.

*CCC-902, Farm Operating Plan form (902-I for individuals or 902-E for entities):* A form administered by the USDA Farm Service Agency (FSA) that collects information about persons (individuals) or entities to determine eligibility for payments. The 902-E form is used for general partnerships, joint ventures, tribes, corporations, limited partnerships, LLCs, trusts, estates, etc. (i.e., entity owning farm). The 902-I form is used for individual persons. A CCC-902 form is required for participation in NRCS programs.

*CCC-941, Average Adjusted Gross Income form:* A form administered by the USDA Farm Service Agency (FSA) that NRCS uses to in part determine eligibility for ACEP-ALE and other programs. Landowner(s) must certify to having an average annual adjusted gross income (AGI) equal to or less than \$900,000.00 for the previous three tax years for both on-farm and off-farm income. Landowners should address this immediately to avoid delays in processing this application. If the landowner is an entity, additional forms may be needed by FSA to verify AGI status at the individual level—e.g., “CCC-901” or “CCC-902E.” Check with FSA. Submit a copy of these form(s) with your application package.

*Co-holder:* A legal entity that will be identified in the agricultural land easement deed as a grantee but is not the applicant and does not have to meet the requirements of being an eligible entity. However, a co-holder is required to maintain an active SAM registration and must agree to and comply with the terms of the ALE agreement. A co-holder may not receive direct payment of the Federal share provided by NRCS but is considered a beneficiary of the Federal funds. All prospective co-holders must be listed on the CPA-41.

*Conservation Reserve Program (CRP):* The program administered by the Commodity Credit Corporation by and through the Farm Service Agency (FSA) as required by 16 U.S.C. Sections 3831–3836.

*Cropland:* An official NRCS land use from the National Planning Procedures Handbook. It is land used primarily for the production and harvest of annual or perennial field, forage, food, fiber, horticultural, orchard, vineyard, or energy crops.

*Developed land:* An official NRCS land use from the National Planning Procedures Handbook. It is land occupied by buildings and related facilities used for residences, commercial sites, public highways, airports, and open space associated with towns and cities.

*Entity applicant (also, Eligible entity):* An Indian Tribe, State Government, local government, or a nongovernmental organization that has a farmland or grassland protection program that purchases agricultural land easements for the purpose of protecting: (i) The agriculture use and future viability, and related conservation values, of eligible land by limiting non-agricultural uses of that land that negatively affect the agricultural uses and conservation values; or (ii) grazing uses and related conservation values by restoring or conserving eligible land. Any entity applicants must meet all the requirements of an eligible entity, must be listed as such on the CPA-41, and must accept all the terms and responsibilities of the ALE agreement.

*Farm or Ranch Land of State and Local Importance:* As identified on [Web Soil Survey](#) or in the Field Office Technical Guide. Land in addition to prime or unique farmland, that is of statewide or local importance for the production of food, feed, fiber, forage, biofuels, or oilseed crops. The appropriate State or local government agency determines statewide or locally important farmland with concurrence from the State conservationist. Generally, these farmlands are nearly prime farmland that economically produce high yields of crops when treated and managed in accordance with acceptable farming methods. Some may produce as high a yield as prime farmland. In some States and localities, farmlands of statewide and local importance may include tracts of land that have been designated for agriculture by State law or local ordinance in accordance with 7 CFR Part 657.

*Farm or ranch succession plan:* A general plan to address the continuation of some type of agricultural business on the enrolled land. The farm or ranch succession plan may include specific intrafamily succession agreements or business asset transfer strategies to create opportunities for new or beginning farmers or ranchers, veteran farmers or ranchers, or other historically underserved landowners.

*Farmstead:* An official NRCS land use from the National Planning Procedures Handbook. It is land used for facilities and supporting infrastructure where farming, forestry, animal husbandry, and ranching activities are often initiated. This may include dwellings, equipment storage, plus farm input and output storage and handling facilities. Also includes land dedicated to the facilitation and production of high-intensity animal agriculture in a containment facility where daily nutritional requirements are obtained from other lands or feed sources.

*Forest land, or non-industrial private forest land:* Land on which the historic and/or introduced vegetation is predominantly tree cover managed for the production of wood products or non-timber forest products. Specifically, non-industrial private forest land is rural land, as determined by the NRCS, that has existing tree cover or is suitable for growing trees; and is owned by any nonindustrial private individual, group, association, corporation, Indian Tribe, or other private legal entity that has definitive decision-making authority over the land. Even more specifically for the purposes of ACEP-ALE, non-industrial private forest land is land that contributes to the economic viability of an offered parcel or serves as a buffer to protect such land from development and does not consist of more than two-thirds of contiguous portions of the offered area (unless a waiver is granted). If using this land cover or use category, the land is considered at least 10-percent stocked by single-stemmed woody species of any size that will be at least 13-feet tall at maturity and/or there is land-bearing evidence of natural regeneration of tree cover (cutover forest or abandoned farmland) that is not currently developed for non-forest use. 10-percent stocked, when viewed from a vertical direction, equates to an aerial canopy cover of leaves and branches of 25 percent or greater. The minimum area for classification as forest land is 1 acre, and the area must be at least 100 feet wide. It should be noted that ACEP-ALE considers land covered by trees as cropland when the trees are not native species (orange groves, fruit and nut tree orchards) or native species that are cultivated (planted in rows, fertilized, and cultivated).

*Forest management plan:* Site-specific plan that describes management practices that conserve, protect, and enhance the viability of the forest land. Forest management plans may include a forest stewardship plan, as specified in section 5 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. Section 2103a) or other plan approved by the State forester.

*“Furthers a State or local policy” land eligibility category:* The protection of the land offered for enrollment must be consistent with a State or local policy that is consistent with the purposes of ACEP-ALE and the protection of such land must further the State or local policy.

*Future viability:* The legal, physical, and financial conditions under which the land itself will remain capable and available for continued sustained productive agricultural or grassland uses while protecting related conservation values such as management of the agricultural land easement area consistent with an agricultural land easement plan.

*Grassland:* Land on which the vegetation is dominated by grasses, grass-like plants, shrubs, or forbs, including shrubland, land that contains forbs, pastureland, and rangeland, and improved pastureland and rangeland.

*Grasslands of special environmental significance (GSS):* Grasslands that contain little or no noxious or invasive species, as designated or defined by State or Federal law; are subject to the threat of conversion to non-grassland uses or fragmentation; and the land meet both of the following —

- Is rangeland, pastureland, shrubland, or wet meadows on which the vegetation is dominated by native grasses, grass-like plants, shrubs, or forbs, or is improved, naturalized pastureland, rangeland, or wet meadows.
- Provides, or could provide, habitat for threatened or endangered species or at-risk species, protects sensitive or declining native prairie or grassland types or grasslands buffering wetlands, or provides protection of highly sensitive natural resources as identified by the State conservationist, in consultation with the State technical committee.



*Grasslands management plan:* The site-specific plan that describes the grassland resources, the management system and practices that conserve, protect, or enhance the viability of the grassland, and as applicable, the habitat, species, or sensitive natural resources.

*Historical and archaeological resources:* Resources that meet any of the following criteria:

- (i) Listed in the National Register of Historic Places (established under the National Historic Preservation Act (NHPA), 54 U.S.C. Section 300101 et seq.).
- (ii) Formally determined eligible for listing in the National Register of Historic Places (by the State historic preservation officer (SHPO) or Tribal historic preservation officer (THPO) and the Keeper of the National Register in accordance with section 106 of the NHPA.
- (iii) Formally listed in the State or Tribal register of historic places of the SHPO (designated under section 101(b)(1)(B) of the NHPA) or the THPO (designated under section 101(d)(1)(C) of the NHPA).
- (iv) Included in the SHPO or THPO inventory with written justification as to why it meets National Register of Historic Places criteria.

*HEL Conservation Plan:* The document that applies to highly erodible cropland as designated by the Farm Service Agency (FSA) and describes the conservation system applicable to the highly erodible cropland and describes the decisions of the person with respect to location, land use, tillage systems, and conservation treatment measures and schedules and, where appropriate, may include conversion of highly erodible cropland to less-intensive uses. The plan can only be developed by the NRCS.

*Historically underserved landowner:* A beginning, limited-resource, or socially disadvantaged farmer or rancher, or veteran farmer or rancher.

*Impervious surfaces:* Material that does not allow water to percolate into the soil on the parcel; this includes, but is not limited to, buildings with or without flooring, paved areas, and any other surfaces that are covered by asphalt, concrete, or roofs. This limitation does not include public roads or other roads owned and controlled by parties with rights superior to the agricultural land easement.

*Invasive species:* An alien species whose introduction does or is likely to cause economic or environmental harm or harm to human health.

*Land Eligibility Determination:* A determination made by NRCS after review of the application package, an onsite review, and interview with the landowner(s), concluding whether the offered easement area and its attributes meet the established land eligibility criteria applicable to the application. Determinations are made after application submission but before funding selection. Review includes an Environmental Database Records Search paid for by NRCS, which may also occur post-obligation for funded parcels.

*Landowner:* A person, legal entity, or Indian Tribe having legal ownership of eligible land and those who may be buying eligible land under a purchase agreement. The term landowner may include all forms of collective ownership including joint tenants and tenants-in-common, and includes heirs, successors, assigns, and anyone claiming under them. The term landowner also includes both the owners of a life estate interest in land and the owners of a remainder interest in land that is subject to a life estate, and includes both the purchasers and sellers under an active contract for deed, contract for sale, land contract or other similar "lease to own" land purchase financing arrangement. State governments and local governments are not eligible as landowners. For ACEP-ALE, nongovernmental organizations and

Indian tribes that qualify as eligible entities are not eligible as landowners unless otherwise determined by NRCS following an approved buy-protect-sell transaction.

*Legal entity:* Means an entity created under Federal or State law that meets either of the following criteria:

- (i) Owns land or an agricultural commodity, product, or livestock
- (ii) Produces an agricultural commodity, product, or livestock

*Limited-resource farmer or rancher:* Means either of the following –

- (i) A person who meets both of the following criteria:
  - With direct or indirect gross farm sales not more than the current indexed value in each of the previous 2 fiscal years (adjusted for inflation using Prices Paid by Farmer Index as compiled by National Agricultural Statistical Service)
  - Has a total household income at or below the national poverty level for a family of four, or less than 50 percent of county median household income in each of the previous 2 years (to be determined annually using the U.S. Department of Commerce Data)
- (ii) A legal entity or joint operation if all individual members independently qualify under paragraph (i) above.

*Noxious weed:* Any plant or plant product that can directly or indirectly injure or cause damage to crops (including nursery stock or plant products), livestock, poultry, or other interests of agriculture, irrigation, navigation, the natural resources of the United States, the public health, or the environment. Noxious weeds will generally possess one or more of the characteristics of being aggressive and difficult to manage, parasitic, a carrier or host of deleterious insects or disease, and being non-native, new to, or not common to the United States or parts thereof.

*Other productive soils:* Includes prime farmland soils, unique farmland, or farm and ranch land of State and local importance as defined in this section.

*Parcel:* The defined area of land and may be a portion or all of the area of land that is owned by the landowner.

*Pastureland:* Land composed of introduced or domesticated native forage species that is used primarily for the production of livestock. Pastures receive periodic renovation and cultural treatments, such as tillage, fertilization, mowing, weed control, and may be irrigated. Pastures are not in rotation with crops.

*Pending offer:* A pending offer is a written bid, contract, or option to convey a conservation easement for any of the four land eligibility categories allowable under ACEP-ALE. A written pending offer may take the form of a signed option-to-purchase agreement or other type of purchasing agreement, a letter of intent to sell the easement, an offer letter from the landowner to the eligible entity, or other similar documentation. A pending offer may document a landowner's intent to sell the easement without a commitment to a purchase price as many offers are made before the appraisals are completed. The offer must be for the acquisition of an agricultural conservation easement in perpetuity, or for the maximum duration allowed under State law. The written pending offer may be extended by the eligible entity to the landowner to acquire the conservation easement or may be from the landowner to the eligible entity to sell the conservation easement.

*Prime farmland:* As identified on [Web Soil Survey](#) or in the Field Office Technical Guide. Land that has the best combination of physical and chemical characteristics for producing food, feed, fiber, forage, oilseed, and other agricultural crops with minimum inputs of fuel, fertilizer, pesticides, and labor, without intolerable soil erosion, as determined by NRCS. Soils that are prime if irrigated or prime if drained may be considered to meet this eligibility criterion if they are currently in the condition required to be prime and the management and maintenance of the necessary irrigation or drainage rights and capabilities are addressed in the conservation easement deed, baseline documentation report, and as applicable, the agricultural land easement plan.

*Program:* Only for the purposes of determining the necessity of a new Program Agreement entity application package, *program* means ACEP-ALE or different Regional Conservation Partnership Program (RCPP) overarching projects. Grasslands of special significance or other initiative do not count as a separate program for the purposes of a Program Agreement.

*“Protects grazing uses” land eligibility category:* Land that is one of the following –

- (i) Grassland, rangeland, pastureland, land that contains forbs, or shrubland for which grazing is the predominant use.
- (ii) Located in an area historically dominated by grassland, forbs, or shrubland, and the State conservationist, with advice from the State technical committee, determines to be compatible with grazing uses and related conservation values, and the grassland, forb, or shrubland vegetative communities historically found on the site have been restored or the eligible entity has a valid, funded plan for the restoration of such vegetative communities in place prior to closing, and either of the following apply to the enrollment of such land:
  - Could or does provide habitat for animal or plant populations of significant ecological value if the land is retained in grazing uses and related conservation values
  - Would address State, regional, or national conservation priorities

*Purchase price:* The appraised fair market value of the agricultural land easement minus the landowner donation.

*Rangeland:* An official NRCS land use from the National Planning Procedures Handbook. It is land on which the historic and/or introduced vegetation is predominantly grasses, grass-like plants, forbs or shrubs managed as natural ecosystem. Range land may include natural grasslands, savannas, shrublands, tundra, alpine communities, marshes and meadows.

*Third-party right holder:* A legal entity that will be identified in the agricultural land easement deed as having specific rights or responsibilities but is not listed as grantee. A third-party right holder is not the applicant, does not have to be party to the ALE-agreement, may not receive direct payment of the Federal share provided by NRCS, is not considered a beneficiary of Federal funds, and is not required to be registered in SAM. All prospective third-party right holders must be listed on the CPA-41.

*Unique Farmland:* As identified on [Web Soil Survey](#) or in the Field Office Technical Guide. Land other than prime farmland that is used for the production of specific high-value food and fiber crops, as determined by NRCS. It has a special combination of soil quality, location, growing season, and moisture supply needed to economically produce sustained high quality or high yields of specific crops when treated and managed in accordance with acceptable farming methods. Examples of such crops include

citrus, tree nuts, olives, cranberries, fruits, and vegetables. Additional information on the definition of prime, unique, or other productive soil can be found in 7 CFR Parts 657 and 658.

*Shrubland:* Land predominantly composed of shrubs and for which grazing is the predominant use.

*Socially disadvantaged farmer or rancher:* A producer who is a member of a group whose members have been subjected to racial or ethnic prejudices without regard to its members' individual qualities. For a legal entity, at least 50-percent ownership in the legal entity must be held by socially disadvantaged individuals.

*Veteran farmer or rancher:* A producer who meets the definition in section 2501(a) of the Food, Agriculture, Conservation, and Trade Act of 1990, as amended (7 U.S.C. Section 2279(a)).

*Water:* An official NRCS land use from the National Planning Procedures Handbook. It is a geographic area whose dominant characteristic is open water or permanent ice or snow. May include intermingled land, including tidal-influenced coastal marsh lands.

## Appendix 2: Cost Share Match Requirements for 2018 Farm Bill Enrollments

### General Information

There are two types of enrollments available under the ACEP-ALE: General (i.e., Classic) and Grasslands of Special Significance (GSS). Each enrollment type has specific requirements for cost-share and matching funds. These requirements are based on the fair market value (FMV) of the easement as determined by an appraisal or other means of easement valuation and as accepted by the NRCS. The determination of FMV cannot not include any amounts for other costs for acquisition or management. The eligible entity must provide information on the estimated FMV and all contribution sources at the time of application. If funded and before closing, the eligible entity will provide a final listing of sources on the applicable “Statement to Confirm Matching Funds” form and will provide supporting invoices or receipts as applicable.

### Federal v. Non-Federal Share

Table 1. Federal and Non-Federal Share Requirements.

	Federal Share (max. % of FMV)	Non-Federal Share (min. % of FMV)
General ALE Enrollment	50%	50%
ALE-GSS Enrollment	75%	25%†

†Estimation. The Non-Federal Share for GSS must be at least equivalent to the Federal share or satisfy the remainder of the easement FMV, whichever is less.

To be eligible for up to 75% Federal Share, the parcel must meet the established qualifications of GSS and the GSS option must be selected on the CPA-41A form. The GSS definition and other criteria can be found in the applicable section of the GSS Parcel Application Parcel Questionnaire. There are no longer cash contribution waivers available for GSS or any other enrollment.

### Non-Federal Share Requirements

The Non-Federal Share may be comprised of various sources. The allowable sources are listed below and should be considered in the order they appear (#1-4). No other sources will be considered.

1. The eligible entity's own cash resources for payment of easement compensation to the landowner. The resources may be in-hand or committed. If these resources are less than 10% of the easement FMV, the eligible entity must attach to the CPA-41A specific evidence of funding or capacity available to manage, monitor, and enforce the easement.
2. A landowner donation toward the easement value in the form of a charitable donation or qualified conservation contribution (section 170(h) of IRC of 1986). No other form of donation is acceptable. *ACEP-ALE does not require the landowner to donate any part of the easement FMV.*
3. The procured costs paid by the eligible entity from sources other than the landowner (directly or indirectly) to a third-party for *ONLY* the items listed below. If not listed here, the procured cost is not acceptable for the Non-Federal Share. If the cost of any one of the items listed below is counted toward the Non-Federal Share, the report or service *must* meet the standards or requirement as identified in the ALE agreement or other NRCS-provided documentation.
  - a. Appraisal

- b. Legal boundary survey of the easement area
  - c. Full phase-I environmental site assessment that meets the requirement of 40 CFR Part 312
  - d. Title commitment or report
  - e. Title insurance
  - f. Closing costs
4. Up to 2% of the easement FMV toward stewardship and monitoring costs contributed by the eligible entity from sources other than the landowner (directly or indirectly). Any amount over 2% will not be counted.

#### Examples

Example 1: Determination of the Amount of the Federal Share for General-ALE Enrollments:

<b>FMV of ALE</b>	<b>\$500,000</b>	<b>\$500,000</b>	<b>\$500,000</b>	<b>\$500,000</b>
Eligible Entity Cash (item (2)(i))	100,000	20,000	70,000	200,000
Landowner Donation (item (2)(ii))	150,000	200,000	100,000	200,000
Procured Costs Paid by Entity (item (2)(iii))	Not included	30,000	20,000	Not Included
Stewardship/Monitoring Costs (item (2)(iv))	Not included	Not Included	10,000	Not Included
<b>Total Non-Federal Share</b>	<b>250,000</b>	<b>250,000</b>	<b>200,000</b>	<b>400,000</b>
<b>Total Federal Share for General ALE</b>	<b>250,000</b>	<b>250,000</b>	<b>200,000</b>	<b>100,000</b>
Eligible Entity Cash Contribution as Percentage of FMV	20%	4%*	14%	40%

Example 2: Determination of the Amount of the Federal Share for ALE-GSS Enrollments:

<b>FMV of ALE</b>	<b>\$500,000</b>	<b>\$500,000</b>	<b>\$500,000</b>	<b>\$500,000</b>
Eligible Entity Cash (item (2)(i))	62,500	25,000	120,000	150,000
Landowner Donation (item (2)(ii))	62,500	70,000	100,000	150,000
Procured Costs Paid by Entity (item (2)(iii))	Not included	30,000	20,000	Not Included
Stewardship/Monitoring Costs (item (2)(iv))	Not included	Not Included	10,000	Not Included
<b>Total Non-Federal Share</b>	<b>125,000</b>	<b>125,000</b>	<b>250,000</b>	<b>300,000</b>
<b>Total Federal Share for ALE-GSS</b>	<b>375,000</b>	<b>375,000</b>	<b>250,000</b>	<b>200,000</b>
Eligible Entity Cash Contribution as Percentage of FMV	13%	5%*	24%	40%

\*See requirements in #1 of the "Non-Federal Share Requirements" section for cash contributions less than 10%.

## Appendix 3: Description of Application Forms

The following forms are required (**unless otherwise noted**) to establish parcel eligibility for ACEP-ALE Classic and ACEP-ALE BPS. Forms are listed in alphabetical order. All forms are accessible on the California State NRCS ACEP-ALE webpage:

[California | Natural Resources Conservation Service \(usda.gov\)](https://www.usda.gov/nrcs/acep-a-le)

### **NRCS CPA-41A “Parcel Sheet for Entity Application for an Agricultural Land Easement (ALE) Agreement”**

CPA-41A is used to determine the eligibility status of the parcel and parcel landowner(s) for the ACEP-ALE program. Information disclosed on this form is also used to assess how the parcel ranks using national and state criteria. The term “parcel” refers to the portion of the property that is proposed for an ALE. This form can be submitted simultaneously with an Entity Application (NRCS-CPA-41). Alternatively, one or more CPA-41A forms can be submitted any time after the applicant entity has an executed Program Agreement with NRCS. However, this form must be submitted by the advertised application batching date to be considered for funding in the upcoming FY funding cycle.

### **NRCS CPA-41A BPS Supplement “Buy-Protect-Sell Transaction Supplement to the Parcel Sheet for Entity Application for an Agricultural Land Easement (ALE) Agreement”**

CPA-41A BPS Supplement is used to determine the eligibility status of the applying entity and parcel of interest for a buy-protect-sell transaction under ACEP-ALE. This form must be submitted in conjunction with an associated CPA-41A form.

### **NRCS CPA-1270 “Consent to release or receive information for NRCS Program Participation”**

CPA-1270 is used to grant permission to NRCS to release or receive information to/from applicable sources to aid NRCS in the applicant’s participation in NRCS conservation programs. For example, this form will permit NRCS to communicate with other project funders (e.g., California State Recreation & Conservation Office) to discuss elements of the project to streamline the application and/or acquisition process.

## Appendix 4: Web Soil Survey Instructions

This document provides instructions for accessing Web Soil Survey (WSS) to obtain proper documentation for ACEP-ALE applications. Included are instructions for general access to the website, creation of a custom soil resource report for basic soils information, and creation of a farmland classification (prime soils) map and table. Entity applicant may also reference California Department of Conservation FMMP soils mapping inventory.

### **General Access Instructions**

1. Visit <http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm>. If this link does not work, visit the NRCS home page (<http://www.nrcs.usda.gov/>), select “Soils” on the right under “Popular Topics,” and select “Web Soil Survey” in the middle of the page under “Helping People Understand Soils and Plants.”
2. Select the big green button, “START WSS.”



3. On the left under “Quick Navigation,” select the appropriate search method. Using “Address” or “State and County” will yield the best results. You can also select “Import AOI” under “Area of Interest;” in this selection, you can upload a singular or multi-part (“zipped”) shapefile for the parcel.

4. Enter the address for the parcel (Option A), select “California” and the county where the parcel is located (Option B), or import your singular or multi-part shapefiles (Option C). See next step for specific instructions.

#### Option A






OR

#### Option B

OR

#### Option C



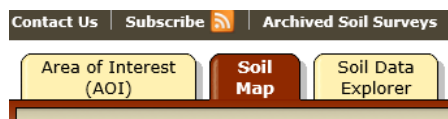
5. **Option A and B:** After entering the parcel address or selecting the parcel's county/state and selecting "View," use the icons on the "Area of Interest Interactive Map" to zoom   or pan  to the parcel. Use the AOI ("Area of Interest") buttons   to draw the boundaries of the parcel using single clicks. Double click when finished drawing; the final polygon will appear with blue cross-hatching. Repeat this process for any additional polygons needed.

**Option C:** Open either "Create AOI from Shapefile" or "Create AOI from Zipped Shapefile" depending on your goal and shapefile data makeup. Select "Browse," navigate to the location of your shapefiles, select the shapefiles as appropriate, and select "Open." The file location should appear in the box next to "Browse." Select the "Set AOI" button. Your parcel boundaries will appear in the "Area of Interest Interactive Map" in blue cross-hatching.

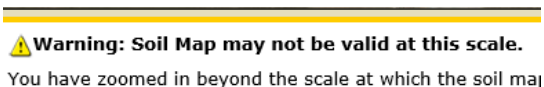
**Note:** Using any option, the boundaries must match all other maps provided in the application package. Any polygons created must be for the entire parcel offered area. If there are planned subdivisions or non-contiguous parcels, this process must be repeated for each area.

### **Custom Soils Resource Report Instructions (for basic soils information)**

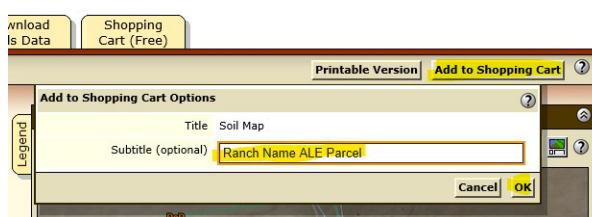
1. Follow "General Access Instructions."
2. Select the "Soil Map" tab near the top of the page to view the soils map and soils table.



3. You may see "Warning: Soil Map may not be valid at this scale" under the map. This is just for your information. Proceed with the next step.



4. Select "Add to Shopping Cart" near the top right of the page. A new window will pop up. Enter a subtitle that will properly identify the parcel. Select "OK."



5. Navigate to the "Shopping Cart (Free)" by selecting the last tab near the top of the page.



6. Under "Report Properties," select or enter a subtitle selection that will properly identify the parcel and review the other information.

- Under “Table of Contents,” ensure all the “Soil Map” and all sub-groups are checked at a minimum. Note: Some fields automatically populate and cannot be removed.

- Select “Check Out” near the top right of the page. A window will appear; select “Get Now” and then “OK.”

- A message box may appear at the bottom of the window indicating the report is downloading. A PDF of a Custom Soil Resource Report will pop up. (Note: If this does not occur, you may have to check your downloads or other location on your computer.) Save and/or print this report for the record.

### **Farmland Classification Instructions (a.k.a., “prime soils”)**

- Follow “General Access Instructions.”
- Select the “Soil Data Explorer” tab near the top of the page. Then, select the “Suitabilities and Limitations for Use” sub-tab.

- On the left of the page, find “Land Classifications” in the list and select the two down arrows to expand. Once expanded, select the two down arrows next to “Farmland Classification” to expand.

Suitabilities and Limitations Ratings	
	Open All Close All ?
Building Site Development	? ?
Construction Materials	? ?
Disaster Recovery Planning	? ?
<b>Land Classifications</b>	? ?
Conservation Tree and Shrub Group	?
Ecological Site ID	?
Ecological Site Name	?
<b>Farmland Classification</b>	?
Hydric Rating by Map Unit	?
Irrigated Capability Class	?
Irrigated Capability Subclass	?
National Commodity Crop Productivity Index	?
NH Forest Soil Group	?
Nonirrigated Capability Class	?
Nonirrigated Capability Subclass	?
Order of Soil Survey	?
Soil Taxonomy Classification	?
Land Management	? ?

10. Select either “View Rating” button in the expanded window. An interpretive soils map and table appears to the right. You may see “Warning: Soil Map may not be valid at this scale” under the map. This is just for your information. Proceed with the next step.

**Warning: Soil Map may not be valid at this scale.**

You have zoomed in beyond the scale at which the soil map

4. Click on the “Printable Version” button located near the top right of the screen. A new window appears. Select or enter a subtitle selection that will properly identify the parcel and review the other information. Select the “View” button.

ta   Cart (Free)	
Printable Version Add to Shopping C	
Printable Version Options ?	
Report Options	
Title	Farmland Classification; Chaffee-Lake Area, Colorado, Parts of Chaffee and Lake Counties
Subtitle (optional)	<input checked="" type="radio"/> Area of Interest Name: "ALE Parcel Boundary" <input type="radio"/> Custom Subtitle <input type="radio"/> Ranch Name Farmland Classification Map <input type="radio"/> None
Map Options	
Map Scale	Fit to page
Printed Sheet Size	A portrait (8.5" x 11") — 1 sheet
Show UTM Coordinate Ticks	<input checked="" type="checkbox"/>
Cancel View	

5. A message box may appear at the bottom of the window indicating the report is downloading. A PDF of a Custom Soil Resource Report will pop up. (Note: If this does not occur, you may have to check your downloads or other location on your computer.) Save and/or print this report for the record.

## Appendix 5: Title Exception Guide for NRCS Conservation Easement Programs

Following is a general guide of how common title exceptions should be handled for NRCS conservation easement programs. The following is only intended as a guide and does not supersede any advice from the USDA Office of the General Counsel (OGC) or instructions from NRCS or otherwise take into account special circumstances that may result in handling a particular exception in a different manner as each transaction is case-specific. Any exceptions not determined to be acceptable must be removed or subordinated. For some complex transactions, obtaining a revised title commitment that details the additional requirements needed for the title company to address unacceptable exceptions is recommended in order to facilitate their removal.

Description of Title Exception	Non-NRCS-Held Easements	NRCS-Held Easements
General or Preprinted Exceptions. (i.e., parties in possession, unrecorded easements, and encumbrances not of record; matters that an accurate survey would disclose; unrecorded liens for services and materials by mechanics and materialmen)	Generally acceptable if such exceptions deemed acceptable through the completion of Certificate of Inspection and Possession and Certificate of Use and Consent processes. Execution of owners' affidavit or surveyor affidavit may be needed have the title company remove the exception or to fully document the rationale for accepting the exception.	Generally acceptable if such exceptions deemed acceptable through the completion of Certificate of Inspection and Possession and Certificate of Use and Consent processes. Execution of owners' affidavit or surveyor affidavit may be needed have the title company remove the exception or to fully document the rationale for accepting the exception.
Lack of Right of Access	Generally must be removed unless alternative access has been approved by NRCS (440-CPM Part 528, Subpart G, Section 528.62B).	Must be removed.
Access Subject to Terms and Conditions of xxxx	Generally must be removed; review referenced document to determine whether conditions of access are acceptable to United States.	Generally must be removed; review referenced document to determine whether conditions of access are acceptable to United States.
Taxes for Current Year, Due But Not Yet Payable	Generally acceptable.	Acceptable, unless OGC requests to place taxes in escrow until payable.
Outstanding Taxes for a Previous Year or Rights of Purchaser at Tax Sale	Must be removed.	Must be removed.
Liens and Judgments	Must be removed.	Must be removed.
Lis Pendens	Must be removed.	Must be removed.
Mortgage or Deed of Trust	Must be removed or subordinated.	Must be removed or subordinated.
Utility Right of Way	Generally acceptable subject to determination that inclusion will not impact the purposes of the easement.	Generally acceptable if the right of way does not allow improvement (such as paving, mowing, etc.) and subject to determination that inclusion will not impact the purposes of the easement.
Public Road (e.g., county road, State highway, etc.)	Public road should not be within boundaries of easement – therefore should be removed.	Public road should not be within boundaries of easement – therefore should be removed. Ensure public road is not within easement boundary description.
Change in Boundary Due to Accretion or Avulsion of Waterway	Generally acceptable.	Generally acceptable. Consult with OGC if portions of the offered land were acquired as a result of accretion/avulsion.
Public Road Right-of-Way (no existing road in right-of-way)	Generally acceptable.	If held in fee, right-of-way should not be within boundaries of easement – therefore should be removed. Subject to OGC approval, if held as an easement, generally

		acceptable subject to determination that inclusion will not impact the purposes of the easement.
General Public Right to Body of Water	Generally acceptable.	Generally acceptable.
General Exception for Mineral Interests	Generally must be removed, refer to mineral matrix for additional guidance.	Generally must be removed, refer to mineral matrix and consult with OGC for additional guidance.
Reserved Mineral Rights	Generally must be removed or subordinated, refer to mineral matrix for additional guidance.	Generally must be removed or subordinated, refer to mineral matrix and consult with OGC for additional guidance.
Mineral Leases or Deed	Oil/gas lease, generally must be removed or subordinated. Surface mining leases, must be removed.	Must be removed.
Life Estate	Must be removed and life estate and remaindermen holder must sign the deed.	Must be removed and life estate and remaindermen holder must sign the deed.
Rights of heirs	Must be removed.	Must be removed.
Terms and Conditions of NRCS Conservation Easement Deed	Only acceptable if it excepts from coverage the terms and conditions that limit the rights of the grantee.	Generally removed, only acceptable if specific OGC language is used.
Existing Conservation Easement	Only acceptable if the terms of the existing easement offer less protection than the proposed NRCS easement and the terms are compatible.	Only acceptable if the terms of the existing easement offer less protection than the proposed NRCS easement and the terms are compatible.
Within Boundaries of Irrigation or Diking District; Drainage Easements; Levee Easements	Generally acceptable if it does not interfere with the purposes of the conservation easement.	Only acceptable if determination is made that rights of irrigation or diking district or drainage or levee easement will not interfere with the purposes of the conservation easement.
Flowage Easement	Generally acceptable if it does not interfere with agricultural viability.	Only acceptable if the flowage easement does not allow for the removal or manipulation of soil or vegetation or otherwise limit or interfere with the restoration and management of the easement.
Leases or Easements for Wind or Solar Energy Development	Must be removed or subordinated unless determined compatible with agricultural uses of the land.	Must be removed or subordinated.
Leases for Cellular Towers or Billboards	Must be removed or subordinated, if includes the right of first refusal or determined incompatible with the purposes of the conservation easement.	Must be removed or subordinated if includes the right of first refusal or determined incompatible with the purposes of the conservation easement. Consult with OGC regarding issues or questions regarding the impacts of the lease on the project as designed.
Agricultural Leases	Must be subordinated.	Must be terminated prior to acquisition, or subordinated to the conservation easement if it is an acceptable grazing lease on a grazing reserved rights WRE or an HFRP easement.
Public Access Easements or Hunting Leases	Generally acceptable unless use levels interfere with easement purposes.	Generally acceptable unless use exceeds levels authorized in the deed.
Bankruptcy	Consult with OGC or an EPD realty specialist before proceeding. Must have bankruptcy court approval prior to closing the easement.	Consult with OGC or an EPD realty specialist before proceeding. Must have bankruptcy court approval prior to closing the easement.
Existing Covenants or Restrictions	Must be released and removed if the existing covenant or restriction would frustrate the purposes of or provides similar protections to the conservation easement.	Must be released and removed if the existing covenant or restriction would frustrate the purposes of or provides similar protections to the conservation easement. Consult with OGC on the impacts of these restrictions/covenants on title as laid out in DOJ Title Regulation

		6.2.1.
Contracts for Sale	Consult with an EPD realty specialist before proceeding.	Consult with an EPD realty specialist before proceeding.
Options to Purchase	Must be terminated or subordinated.	Must be terminated and removed.
Rights of First Refusal	Must be terminated and removed.	Must be terminated and removed.
Previously Reserved Rights	Review reserved right; determine impact; accept or require subordination or release.	Review reserved right; determine impact; accept or require subordination or release.
Unrecorded Leases and Tenancies	Generally acceptable for the title commitment but must addressed in the certificate of use and consent. Tenants are identified on Certificate of Inspection Possession and may need to execute disclaimer.	Attempt to remove through affidavit by landowner. Generally acceptable for the title commitment but must addressed in the certificate of use and consent. Tenants are identified on Certificate of Inspection Possession and may need to execute a DOJ disclaimer.
Private Right-of-Way	Generally acceptable as long as the scope and location of the private right of way is fully described; treat this similar to a road.	Generally acceptable as long as the scope and location of the private right of way is fully described; treat this similar to a road.
Other Encumbrances or Exceptions of Record	Must be removed.	Must be removed
Other Exceptions Not of Record	Generally acceptable.	Generally acceptable, but should try to remove with owner's affidavit.
Gap Check (i.e., items appearing after the date of the title commitment but prior to closing)	Must be removed.	Must be removed.
Other Federal Agency Interests	Consult with an EPD realty specialist before proceeding.	Consult with OGC. Must be resolved in accordance with DOJ Title Regulation 6.2.3, which identifies that the later arriving agency must initiate communications with the agency holding the pre-existing interest before proceeding. If the pre-existing use is compatible with the intended use of the land, agreement should be reached to document the respective rights of each agency in a memorandum of understanding or other appropriate document. If the existing Federal interest is incompatible with the new intended use, the two agencies must determine how to proceed. The second acquisition should not take place until the conflict is resolved.

- END -