

<p>CONSERVATION ACTIVITY APPROVAL AND PAYMENT APPLICATION FOR ACQUISITION OF EASEMENTS (EASEMENT PAYMENT APPLICATION)</p> <p>To complete this form, information is needed from “ACEP-ALE Parcel Cost-Share Contract,” and Form NRCS-CPA-1266 “Schedule of Acquisition for Easements,” or the most recent Form NRCS-CPA-1267, “Modification of the Schedule of Acquisition for Easements,” or for a buy-protect-sell transaction the equivalent forms designated for buy-protect-sell transactions.</p> <p>Penalty for false statement or entities.</p>	Lead Eligible Entity (Participant)				State	
	ACEP-ALE Program Agreement Number				Parcel Contract Number	
	Easement Payment Application Number				Fund Code	
	Transaction Type <i>(Select One)</i>		Standard ALE	Pre-closing Transfer Buy-Protect Sell	Post-Closing Transfer Buy-Protect-Sell	
	Payment Type <i>(Select One)</i>	Advance <i>(Standard ALE Transactions Only)</i>	Provisions Based on Eligible Entity Status <i>(Enter selected option from most recent Schedule of Acquisitions for Easements or modification thereto)</i>		Non-Certified Eligible Entity Provisions	
Reimbursement				Certified Eligible Entity Provisions		

SECTION 1: CONSERVATION ACTIVITY PERFORMED

Contract Item	Practice Code and Name	<i>For All Non-Certified Eligible Entity Acquisitions and All Buy-Protect-Sell Transactions</i>		Completion of “Statement to Confirm Matching Funds,” NRCS-CPA-230 <i>(Enter date signed by NRCS)</i>	Closing Date <i>(For Advances: Enter Planned Closing Date For Reimbursements: Enter Date Conservation Easement Deed signed by last party to the Deed)</i>	Final Easement Acres	Federal Share Payment Amount
		Completion of “Preliminary Certificate of Inspection and Possession,” NRCS-LTP-27 <i>(Enter date signed by NRCS)</i>	“NRCS Approval Letter to Proceed with the ACEP-ALE Acquisition” <i>(Enter date of letter from NRCS)</i>				
Total						\$	

Notes:	
Conservation Activity Certification: The conservation activity performed to the extent shown above, meets program and activity requirements and all required documents have been submitted.	
Item	Description of Requirement: The following items must be attached to this Easement Payment Application.
For All ALE Transactions	
1	A copy of the final agricultural land easement deed with all exhibits; if a reimbursement is requested, then the deed must be a copy of the recorded document and include a recording receipt.
2	<p>Completed Form NRCS-CPA-230, “Statement to Confirm Matching Funds” as follows:</p> <ul style="list-style-type: none"> • Use Form NRCS-CPA-230E for General ALE parcels • Use Form NRCS-CPA-230F for ACEP-ALE-GSS parcels • Use Form NRCS-CPA-230G for Buy-Protect-Sell Transactions. <p>Additionally, copies of paid invoices or receipts, or for advance payments, outstanding invoices for procured costs paid by the eligible entity to a third-party for items identified on the Form NRCS-CPA-230 that are relied upon to meet the minimum non-Federal share requirement.</p>
3	If applicable, a copy of the agricultural land easement plan signed by the landowner and the eligible entity.
4	A copy of the baseline documentation report signed by the eligible entity.
5	If request for reimbursement of the Federal share, a copy of the American Land Title Association (ALTA) title insurance policy for the agricultural land easement transaction.
6	<p>Eligible Entity Cash Contribution Toward Payment of Easement Compensation to the Landowner:</p> <p>If the eligible entity is contributing less than 10 percent of the fair market value of the agricultural land easement in the form of a cash contribution for payment of easement compensation to the landowner, the eligible entity must provide an estimate of annual costs and staff time (minimum 10-year projection) required to conduct management, monitoring, and enforcement of the parcel (e.g., onsite visits, aerial image review, title review, completion of monitoring report, follow-up on findings) and evidence of sufficient funding or capacity (e.g., balances and projections for dedicated funds, stewardship or endowment funds, program appropriations, staffing levels, or other resources dedicated to the management, monitoring, and enforcement of the individual parcel).</p>
For Standard ALE Transactions Only	
7a	<p>If a request for an advance of the Federal share:</p> <ul style="list-style-type: none"> • A complete and signed copy of the “NRCS Closing Agent Requirements.” • A copy of the ALTA title commitment. • A signed settlement statement prepared by the closing agent. • Evidence of liability insurance coverage or indemnification in an amount at least equal to the Federal funds provided as cost share for the purchase of the agricultural land easement, providing for reimbursement to the insured party for any loss of Federal funds caused by fraud, dishonesty, negligence, or failure by the attorneys, closing agents, or closing agents’ employees to comply with the written closing instructions.

7b	<p>For Certified Eligible Entities Only: In addition to the items listed above, at the time this Easement Payment Application is submitted, the following items must also be provided to NRCS.</p> <ul style="list-style-type: none"> • A hardcopy and electronic copy of the appraisal report or other determination of the fair market value of the agricultural land easement. • A certificate of use and consent (using Form NRCS-LTP-23 or substantively similar document) with the summary of the certified eligible entity’s findings or recommendations. • Any impervious surface waiver requests and supporting documentation. • A map of any existing and proposed building envelopes.
For Buy-Protect-Sell Transactions Only	
8a	Copy of evidence recorded in the land record that Lead Eligible Entity is a holder of the agricultural land easement (e.g., original or amended agricultural land easement deed or transfer or assignment of agricultural land easement identifying Lead Eligible Entity as a holder of the agricultural land easement).
8b	For all pre-closing transfers and post-closing transfers under an interim landowner scenario: A completed “Transfer of Ownership Costs Summary Statement” (Form NRCS-CPA-1269) marked “Final,” signed by Lead Eligible Entity, with all required documents attached.
Certification By: NRCS Reviewing Official Signature	
Date	

SECTION 2. PARTICIPANT CERTIFICATION AND SIGNATURE

CERTIFICATION BY PARTICIPANT(S):

For Standard ALE Transactions: The undersigned eligible entity certifies that they have participated in the Agricultural Land Easement component of the Agricultural Conservation Easement Program (ACEP-ALE) in accordance with all program requirements and the terms and conditions of the above-referenced ACEP-ALE Program Agreement and ACEP-ALE Parcel Cost-Share Contract, and in accordance with their status as a non-certified eligible entity or certified eligible entity. The undersigned eligible entity will hereafter be referred to as the “participant.”

- For Non-Certified Eligible Entities: The participant certifies that it has received NRCS approval of the appraisal or easement value and that they are acquiring or have acquired an agricultural land easement on land with clear title using a conservation easement deed that has been reviewed and approved by NRCS.
- For Certified Eligible Entities: The participant certifies that it has obtained a determination of the fair market value of the agricultural land easement at its own cost using one of the methods set forth in 7 CFR Section 1468.24 and identified in the above-referenced ACEP-ALE program agreement and that it is acquiring or has acquired an agricultural land easement that—
 1. Addresses in the agricultural land easement deed all of the regulatory deed requirements identified at 7 CFR Section 1468.25(d) as published at the time the ACEP-ALE Program Agreement was originally executed and includes the prescribed United States right of enforcement as stated in the above-referenced ACEP-ALE Program Agreement.
 2. Is unencumbered by outstanding or reserved interests, or, if encumbered, such encumbrances are subordinated to the agricultural land easement, or, if encumbered by unsubordinated encumbrances, such encumbrances are consistent with 7 CFR Part 1468 and the above-referenced ACEP-ALE Program Agreement.
 3. Is insured through an owner’s American Land Title Association (ALTA) policy with the participant listed as the insured on the policy and the policy issued for the full amount of the agricultural land easement purchase price.

For Buy-Protect-Sell Transactions: The undersigned Lead Eligible Entity certifies that in accordance with all program requirements applicable to ACEP-ALE and the terms and conditions of the above-referenced ACEP-ALE Program Agreement and ACEP-ALE Parcel Cost-Share Contract it has acquired and holds an agricultural land easement on the identified Parcel and that the fee ownership of the Parcel has been or will be transferred to the qualified farmer or rancher, as determined by NRCS. The undersigned Lead Eligible Entity certifies that it will complete all remaining actions required to successfully complete the buy-protect-sell transaction as set forth in the ACEP-ALE Program Agreement and ACEP-ALE Parcel Cost-Share Contract which remains in effect until such time as the Lead Eligible Entity receives written notice from NRCS of buy-protect-

sell transaction compliance and completion. The undersigned legal eligible entity certifies that it understands that payment of the Federal share does not constitute NRCS notice of the buy-protect-sell transaction final compliance and completion determination.

For all ALE Transactions:
 The participant certifies that it is currently registered in the System for Award Management (SAM) and are providing a valid Dun and Bradstreet Data Universal Numbering System (DUNS) number on this Easement Payment Application. NRCS will not disburse funds for an agricultural land easement until all applicable DUNS and SAM requirements have been met.

The participant certifies that highly erodible land conservation/wetland conservation, adjusted gross income certifications, and member information for each landowner of record is current and on file with the appropriate USDA service center agency.

It is the responsibility of the participant to provide accurate information to support all items addressed in this Easement Payment Application. False certifications are subject to criminal and civil fraud statutes.

Participant certifies that the above information is true and correct. Participant further certifies that the entry in "Final Easement Acres" above shows that the conservation activity was performed in accordance with the program requirements and conservation activity specifications. Participant hereby applies for payment to the extent that the NRCS approving official has determined that the conservation activity has been performed.

Signature of Lead Eligible Entity Authorized Representative:	Date:
Signature of Eligible Entity Authorized Representative	Date:
Signature of Eligible Entity Authorized Representative	Date:

SECTION 3. NRCS APPROVING OFFICIAL CERTIFICATION

Pursuant to authority vested in me, I certify that the items listed herein are correct and hereby approved for payment from the fund designated on supporting data records.

NRCS State Conservationist Signature	Date
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SECTION 4. PAYMENT SUMMARY

Payment Amounts Owed to Individual Eligible Entities (Participants); Do not list Eligible Entities with a 0-percent share

Eligible Entity (Participants) - Enter information only for those eligible entities that will receive payment of the Federal share; - Do not enter eligible entities that have a 0% payment share		Tax Identification	DUNS Number	Payment Share Percentage - As identified in the applicable Form NRCS-CPA-1265 or as updated in Form NRCS-CPA-1267 - Total must equal 100%	Payment Amount Owed to Each Participant - Payment share applied to total Federal share payment amount identified in section 1 above
1.				%	\$
2.				%	\$
3.				%	\$
4.				%	\$
Total				%	\$

SECTION 5. PAYMENT DISTRIBUTION AND ASSIGNMENTS

Identify the distribution of the payment amount owed to each eligible entity (participant) as identified in section 4, complete one table for each eligible entity identified above. Participant may assign all or a portion of the payment amount owed as follows:

- To the closing agent as identified in the "NRCS Closing Agent Requirements," attached to this Easement Payment Application
- To an assignee as designated on a completed Form CCC-36, "Assignment of Payment," attached to this Easement Payment Application

TABLE 1	Eligible Entity (Participant) Name			Total Payment Amount Owed to Eligible Entity \$
Enter information below only if all or a portion of the payment is being issued directly to the Eligible Entity				
Eligible Entity Account				Direct Payment Amount to Eligible Entity \$
Enter information below only if all or a portion of the payment is being assigned				
Assignee Name	Assignee Tax ID Number	Source of Assignee Account, Address, and Acknowledgment <i>(Check One)</i>		Assignment Amount
		Attached NRCS Closing Agent Instructions	Attached CCC-36	
				\$
				\$

				\$
Total of Direct Payment and Assignment Amounts				\$
<i>(must equal the "Total Payment Amount Owed" to the Eligible Entity identified in this box)</i>				

TABLE 2	Eligible Entity (Participant) Name			Total Payment Amount Owed to Eligible Entity
				\$
Enter information below only if all or a portion of the payment is being issued directly to the Eligible Entity				
Eligible Entity Account				Direct Payment Amount
				\$
Enter information below only if all or a portion of the payment is being assigned				
Assignee Name	Assignee Tax ID Number	Source of Assignee Account, Address, and Acknowledgment <i>(Check One)</i>		Assignment Amount
		Attached NRCS Closing Agent Instructions	Attached CCC-36	
				\$
				\$
				\$
Total of Direct Payment and Assignment Amounts				\$
<i>(must equal the "Total Payment Amount Owed" to the Eligible Entity identified in this box)</i>				

TABLE 3	Eligible Entity (Participant) Name			Total Payment Amount Owed to Eligible Entity
				\$
Enter information below only if all or a portion of the payment is being issued directly to the Eligible Entity				
Eligible Entity Account				Direct Payment Amount
				\$
Enter information below only if all or a portion of the payment is being assigned				
Assignee Name	Assignee Tax ID Number	Source of Assignee Account, Address, and Acknowledgment <i>(Check One)</i>		Assignment Amount
		Attached NRCS Closing Agent Instructions	Attached CCC-36	
				\$

				\$
				\$
Total of Direct Payment and Assignment Amounts				\$
<i>(must equal the "Total Payment Amount Owed" to the Eligible Entity identified in this box)</i>				

PRIVACY ACT STATEMENT

The following statements are made in accordance with the Privacy Act of 1974 (U.S.C. 522a). Furnishing this information is voluntary; however, failure to furnish correct, complete information will result in the withholding or withdrawal of such technical or financial assistance. The information may be furnished to other USDA agencies, the Internal Revenue Service, the Department of Justice, or other state or federal law enforcement agencies, or in response to orders of a court, magistrate, or administrative tribunal.

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