|  |
| --- |
| **ALE Application Checklist FY-2023****Documents to submit to Virginia NRCS State Office** (rev. 3-15-2023)**Agricultural Conservation Easement Program (ACEP) – Agricultural Land Easement (ALE)** |

Applicant Entity Name

Landowner/ Parcel Name(s) County

ProTracts Parcel Number (TBD, NRCS Use)

Name of Special Initiative, If Applicable

**Materials to be Completed & Submitted in Application Package are listed in this checklist.**Some items on this checklist overlap with questions in forms CPA-41, CPA-41A. There is no need to repeat this 41 and 41A info elsewhere. Brevity is appreciated.

**Submit application package** **as separate documents , not combined into one PDF.**

**Send** as either attachments or link by email to
both Diane.Dunaway@usda.gov and Leticia.Jackson@usda.gov and obtain a confirmation of receipt.

**In order to be eligible for USDA program funds, everyone** involved in the application must have current fiscal year records with USDA. This includes the applicant organization, landowners and landowner entity members, down to the individuals. This can take significant time and should be done early.

**All ACEP applicants must have records established with the USDA Farm Service Agency (FSA) for current fiscal year.** Contact your local USDA Service Center for details: <https://www.nrcs.usda.gov/wps/portal/nrcs/main/va/contact/local/>

|  |
| --- |
| **ALE Program Agreement Application – for Organization Eligibility*** Agreement may be set up for a five-year duration.
* If you already established a Program Agreement in a prior year, do not resend items # 1-8 unless there needs to be an update.
 |

[ ]  Documentation of records – ALE Applicant Organization (holder of easement, e.g. land trust) must have records established with USDA, but compliance with AGI and HELC / WC are not required.

[ ]  Entity Program Agreement application, signed (Form NRCS-CPA-**41**; see italics, footnotes.)

[ ]  Documentation of entity’s commitment to long-term conservation of agricultural lands through the use of voluntary conservation easements that protect farm or ranch lands from conversion to nonagricultural uses.
Land Trust Alliance (LTA) Accreditation documents may already contain this information and can be used for this application.

[ ]  Documentation of the entity’s capability and record of acquiring, holding, managing, and enforcing conservation easements.
Land Trust Alliance (LTA) Accreditation documents may already contain this information and can be used for this application.
 Documents must include:
- Citation to the State conservation easement enabling statute that the entity will rely on to acquire the agricultural land easement,
- If the entity is a State, local, or Tribal government, then this must include a citation to the entity’s statutory authority to acquire conservation easements consistent with the purposes of ACEP-ALE.

[ ]  Documentation of the entity’s capacity to monitor and enforce agricultural land easements (ALE or FRPP.)

[ ]  Direct deposit form for entity.

[ ]  Screen-print from SAM.gov showing active, current registration. NOTE that Registration in SAM must be maintained for the duration of the agreement and through easement closing.

[ ]  A DUNS (Dun & Bradstreet) number is required.

[ ]  Signature authority documents for Applicant Entities (e.g. articles of incorporation, LLC papers, trust documents, etc.)

|  |
| --- |
| **ALE Parcel Contract Application – for Specific Easement Land** * Need a separate Parcel Application for each individual easement area.
* Much of this can be processed concurrently with the Program Agreement application.
* HOWEVER, the Program Agreement must be executed prior to Parcel Contract full consideration.
 |

[ ]  All Landowners listed on the deed, PLUS individuals who are members of any landowner entity must have **current fiscal year** records established with USDA. Compliance is required for landowners who are entities and also members of the entities, down to each individual.
--- These include a CCC-902 FSA Form for both individual landowners and entity landowner members, and
--- Show they are in compliance with AGI and HELC / WC.

[ ]  Parcel Sheet, signed (Form NRCS-CPA-41A; including italics, footnotes.)
--- Easement compensation: ALE funds (Federal share) cannot exceed 50% of the estimated easement fair market value. The Partner organization’s “matching” 50% can be a combination of items (detailed in the Parcel Sheet CPA 41A, Section D). No cash is required to be part of this match (per 2018 Farm Bill.)

[ ]  Copy of evidence of the landowner’s current legal ownership, such as a recorded deed of ownership or a fully executed purchase agreement.

[ ]  Written pending offer to acquire agricultural land easements for the parcel (letter of intent.)

[ ]  Signature authority documents for Landowner individuals or entities as applicable (power of attorney, articles of incorporation, LLC papers, trust documents, etc.)

If an individual is signing for himself or herself, there does not need to be any other authority, so this is not applicable.  But if someone signs on behalf of someone else or an organization, there needs to be a document showing how they have that authority.
E.g. some landowners are older and have a family member as a power of attorney.  In that case, we would need a copy of that POA.

[ ]  Map showing location of parcel with roads, latitude, longitude.

[ ]  Evidence and map of legal and physical access to the parcel (ingress, egress.)

[ ]  Aerial map or image showing the proposed parcel boundaries and larger property boundaries if different from the parcel boundaries.

[ ]  A map showing **ONE** of the following, which is the Land Eligibility Category selected on the Parcel Sheet form CPA 41A Box #5.
- Location and acres of the **prime, unique, or statewide and locally important soil** in each parcel
- OR, Location and acres of lands where **grazing uses and related** conservation values would be protected
- OR, Location, number, and acres of **historical or archaeological** sites proposed to be protected
- (Not needed for the category for State or local policy.)

[ ]  **IF** the presence of **historical or archeological** sites is the basis for land eligibility, provide
narrative description of the site’s significance and documentation of the site’s formal listing on the national, Tribal, or State register or eligibility for listing in the national register.

[ ]  **IF** the protection of the parcel will **further a State or local policy consistent with ACEP**, and thisis the basis for land eligibility, provide a narrative description of how the parcel will further this.

[ ]  Map showing location of other protected land in relation to parcel, if applicable.

[ ]  Narrative statement or map showing the
- parcel’s accessibility to agricultural markets
- parcel’s access to existing agricultural infrastructure, on- and off-farm, and other support systems
- threat of conversion or fragmentation (either from non-agricultural development or cropland conversion of grassland) for each parcel.

[ ]  Narrative description of the ownership of subsurface mineral rights and any required water rights for each parcel.

[ ]  Ranking worksheet documentation – For each STATE/ Virginia ranking question, if the Entity believes they should rank highly on a ranking worksheet question, provide documentation corresponding to that question.
OR if documentation is already provided in preceding checklist items, point that out.
Numbering should correspond to Ranking worksheet questions.
NO NATIONAL ranking questions documentation is needed, as they will be researched by NRCS.

|  |
| --- |
| **AFTER Application, NRCS Field Office Staff will complete these** |

**After Application, but Needed Prior to Ranking:**

[ ]  Create a case file, a practice schedule and a Planned Land Unit (PLU) in Conservation Desktop (CD), so easement staff can assess and rank the application in the Conservation Assessment Ranking Tool (CART).

[ ]  (State Office staff will complete records in ProTracts and CART.)

[ ]  Landowner disclosure worksheet

[ ]  Hazardous materials landowner interview

[ ]  Hazardous materials field inspection (onsite)

[ ]  Environmental evaluation (Form NRCS-CPA-52); include any necessary associated documentation to comply with NEPA requirements, including date partners’ technical assistance was requested and comments received, if available. This is NOT required at application, but later in acquisition process (for Pre -Closing/Payment Internal Controls review.)

**After Ranking and Acceptance by Partner of Funding (Not required for application):**

[ ]  Conservation Plan for Highly Erodible Soils (HEL). This is NOT required at application, but later in acquisition process (for Pre -Closing/Payment Internal Controls review.)

[ ]  Form NRCS-LTP-27 – Preliminary Certificate of Inspection and Possession (for Pre -Payment Internal Controls review.) This is NOT required at application, but later in acquisition process (for Pre -Closing/Payment Internal Controls review.)

|  |
| --- |
| **After Application, Funded Applicants provide these** |

**After Application, Ranking and Acceptance by Partner of Funding, if Funded:**

[ ]  Appraisal report

[ ]  ALE deed draft

[ ]  Title commitment and supporting documents

[ ]  Conservation Plan for Highly Erodible Soils (HEL), later in acquisition process, prepared or approved by NRCS.

[ ]  Baseline documentation report

**Notes:**