



Date:

SUBJECT: State Land Eligibility Approval for Agricultural Conservation Easement Program – Agricultural Land Easements (ACEP-ALE) Parcel Application _____

To: _____

File Code: _____

(Mark One):

_____ **First Level Review**

_____ **Second Level Review**

Conservation Program Manual (CPM), Title 440, Section 528.33 policy states that to be eligible for ACEP-ALE, land must meet each of the following criteria:

1. Is private or Tribal land that is agricultural land, including land on a farm or ranch.
2. Is subject to a written pending offer for purchase of an agricultural land easement by an eligible entity, or for buy-protect-sell transactions evidence that the land is owned by or in the process of being purchased by the eligible entity.
3. Land that meets at least one of the following criteria:
 - a. Has prime, unique, or other productive soil;
 - b. Contains historical or archaeological resources;
 - c. Enrolling the land would protect grazing uses and related conservation values by restoring or conserving eligible land; or
 - d. Protecting the land will further a State or local policy consistent with the purposes of ACEP.
4. Land that is at least one of the following:
 - a. Cropland;
 - b. Rangeland;
 - c. Grassland or land that contains forbs or shrubland for which grazing is the predominant use;
 - d. 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;
 - e. Pastureland; or
 - f. Nonindustrial private forest land that contributes to the economic viability of an offered parcel or serves as a buffer to protect such land from development.
5. Land that is in an area that has access to agricultural markets for its products, infrastructure appropriate for supporting agricultural production, and other support services.
6. Agricultural land that faces development pressure from nonagricultural use or grassland that faces pressure of conversion to non-grassland uses.



CPM, Title, 440, Section 528.34 policy further states that lands are not eligible for cost-share assistance under ACEP-ALE if subject to any of the following:

1. Lands owned by an agency of the United States, other than land held in trust for Indian Tribes.
2. Lands owned in fee title by a State, including an agency or a subdivision of a State, or unit of local government.
3. Land owned by a nongovernmental organization whose purpose is to protect agricultural use and related conservation values unless the land is owned on a transitional basis as part of a buy-protect-sell transaction.
4. Land subject to an easement or deed restriction which, as determined by NRCS, provides similar restoration and protection as would be provided by enrollment in the ACEP-ALE program.
5. Land where the purposes of the program would be undermined due to onsite or offsite conditions, such as risk of hazardous materials, permitted or existing rights-of-way, infrastructure development, or adjacent land uses.
6. Land that NRCS determines to have unacceptable exceptions to clear title or insufficient legal access.
7. Land on which gas, oil, earth, or mineral rights exploration has been leased or is owned by someone other than the landowner unless NRCS determines that the third-party rights will not harm or interfere with achieving the ACEP-ALE purposes.

I certify that I have reviewed the application materials provided by the eligible entity for the proposed _____ parcel (parcel application _____) and all the CPM 440, Section 528.33 requirements for land eligibility have been met.

I further certify that:

- The parcel does not contain unacceptable issues per CPM440.528.34B.
- The parcel does not have mineral rights on which gas, oil, earth, hard rock, stone, gravel, geothermal, or mineral rights exploration has been leased or is owned by someone other than the listed name(s), or, the parcel does contain such rights but meets all exception criteria under CPM440.528.34B(7)(i-iii).
- All landowners on the deed exist in the FSA subsidiary report.
- All landowners meet the acceptable compliance status for the AD-1026, FTE, AGI, and 902 requirements on the subsidiary report.
- The eligible entity exists in the FSA subsidiary report and have satisfied the FSA eligibility requirements.
- The eligible entity has a current/active Unique Entity ID registered in the System for Award Management (SAM.gov).
- The application package submitted by the eligible entity is complete per CPM440.528.40A(4)(5).



United States Department of Agriculture

Sincerely,

CC:

Enclosures:

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Notes: