

New Hampshire NRCS Fiscal Year (FY) 2024 ACEP-ALE PARCEL Application Workbook

This Parcel Application Workbook collects required information on proposed parcels from Eligible Entities interested in applying for easement funding under the Agricultural Conservation Easement Program (ACEP) for an Agricultural Land Easement (ALE). Entity Parcel applications for ACEP-ALE should be developed in accordance with the following guidance. All requested information on the following pages must be provided, including all documentation outlined in this Parcel Application Workbook. If you are applying for a 2018 Farm Bill RCPP easement, please contact the easement team for application materials. ACEP applications are accepted on a continuous basis. Complete and eligible applications are evaluated and considered for funding either at an announced application batching date or by meeting a minimum ranking threshold score. Applications that don't meet the threshold score will be evaluated at an announced application cutoff date and tentative funding offers made according to the Conservation Assessment and Ranking Tool (CART) ranking score and funds availability.

For FY 2024, NH NRCS has established application a cutoff date of DECEMBER 1, 2023.

For more information or assistance on completing the Parcel Application Workbook or associated materials, please contact: tracey.boisvert@usda.gov

Submit Completed Application Packages to:

NRCS & Entity Shared BOX Folder * PREFERRED*****

Establish a shared NRCS/Entity Box Folder via email to: tracey.boisvert@usda.gov
(with cc: to helen.castles@usda.gov).

NRCS will send an invite to accept access to a BOX folder specific to your organization. After you have accepted the NRCS invitation to the Shared BOX folder, drop all application documents into the appropriately named project folder.

Send a follow up email to tracey.boisvert@usda.gov with cc: to helen.castles@usda.gov, indicating a dropped application. NRCS will send an acknowledgement of received application.

OR

Via Email:

To: Tracey.boisvert@usda.gov

Cc: Helen.castles@usda.gov

Subject: Entity Name – Landowner Name – FY24 Parcel Application – 1 of X

Note that application documents and file sizes are usually too large to send via email as one package. Please reduce/ZIP files and send within smaller packages of documents.

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

Eligible Entity Contact Information

Eligible Entity Name: _____
Entity Address: _____
Entity Point of Contact: _____
POC Telephone: _____
POC Email: _____

Eligible Entity Program Agreement Status

My organization is an ELIGIBLE ENTITY and has a current and valid ACEP ALE Program Agreement.
Program Agreement Number: _____ Expiration Date: _____

OR

- My entity has submitted, or is concurrently submitting, an Eligible Entity Application Workbook, Form (NRCS-CPA-41), and supporting documentation. My entity understands that individual Parcel Contracts cannot be executed until my entity has been determined eligible and a Program Agreement has been executed with NRCS.
- If you are not able to check either option above, please contact the NH NRCS Easement Team for further assistance.

Landowner and Parcel Contact Information

Parcel/Farm Name: _____
Landowner Name(s): _____
Landowner POC: _____
Parcel Location (Street, Town, State, and Zip): _____

Mailing Address (if different than Parcel Location): _____

Phone (s): _____
Email(s): _____

PARCEL APPLICATION CHECKLIST

A properly completed and executed application is one that is submitted on the appropriate forms, accompanied by all required supporting documentation, and signed by all required applicants. Only properly completed and eligible applications will be considered for funding in FY 2024.

Use this checklist to 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 New Hampshire ACEP-ALE webpage.
- Step 2: Provide supplemental information for all items as applicable.
- Step 3: Submit completed forms and supplemental information with application packet.

A COMPLETE Parcel Application must include the following:

- Completed and signed NRCS-CPA-41A Form (dated 2/2020 or later)
- Direct Deposit Form (SF-1199A, dated 2/2020 or later) for the Eligible Entity
- Evidence of current SAM.gov registration for Eligible Entity and any co-holders
- Signature authority for the Eligible Entity and any co-holders
- Completed Parcel Workbook
- All maps should have an accurate and appropriate scale, North arrow, and heading. Maps must show the proposed easement boundary, # of offered acres, and landowner/legal entity name as shown on application paperwork. This information should be consistent across all maps.
- Location/Access map(s) of the offered acreage identifying CE boundary, exclusion area(s), and building envelope(s) as applicable. Map should show legal/physical access points, public road name(s)/location(s) and where third-party lands are crossed, if applicable.
- Farmland soils classification map with legend and % acres table (should match the soils information listed in Part 3).
- Aerial map showing land cover, uses, and acres of each type of land use (should match land cover types listed in Part 3).
- GIS shapefiles of proposed easement boundary.
- Recorded ownership deed(s) covering the entire offered parcel area.
- Town tax maps and assessor's card information covering the entire offered parcel area.
- Narrative or annotated map explaining which deed(s) and tax maps cover each part of the offered parcel area.
- Verify with landowner that Landowner eligibility documents for all landowners of record – AD-1026, CCC-941, CCC-901 (if applicable), and CCC-902 for all landowners (including members if the land is owned by a legal entity, such as a Trust or LLC) have been filed with the local Farm Services Agency (FSA). See Part 1 below for more information.
- If landowner is legal entity (trust, LLC, etc.) include a copy of the entity paperwork (articles of incorporation, trust documents, bylaws, etc.) and, if not specifically stated in the entity paperwork, properly executed signature authority documentation is required.

- Documentation to support ranking criteria – This may include maps, evidence of conservation plans/practices being implemented, etc. See Part 5 below and the NH NRCS ALE website for ranking criteria. **It is the responsibility of the eligible entity to provide documentation to support meeting ranking criteria.**
- Written Pending Offer
- A Narrative Statement and/or map(s) showing the threat of conversion or fragmentation (either from nonagricultural development or conversion of grassland to nongrassland uses) for the parcel.
- Waiver requests (sugarbush waiver, impervious surface, etc.), as applicable.
- Preliminary Title Commitment & exception documents for initial NRCS review (note: submission of this at the time of application is not mandatory for FY24 but the entity should be working on this by the deadline).

When available, please include the following with the application package:

- An application narrative describing the current operation, landowner objectives, etc.
- Legal Boundary Survey
- Phase I Environmental Assessment
- Appraisal Report or Appraisal Summary
- Succession Plan (may be used for ranking)

PART 1: LANDOWNER ELIGIBILITY DOCUMENTATION

Under ACEP-ALE, the landowners of record for the offered easement area are considered the beneficiaries of payment. Therefore, all landowners of record must meet the payment eligibility criteria required to participate in USDA programs in order for the land trust (or other eligible entity) to submit an ALE application on their behalf. Entities should direct Landowners to work with their local [Farm Services Agency \(FSA\) office](#) to establish/update farm records, file a Farm Operating Plan (CCC-902), and complete the required landowner eligibility forms (e.g. CCC-941, AD-1026, CCC-901) for all landowners of record **as listed on the ownership deed**, including members if land is owned by a trust, corporation, etc. **prior** to submitting an ALE application. Certain landowner eligibility requirements require an external review to determine compliance with program requirements, so it is imperative to begin the process early in the fiscal year. NRCS strongly advises Eligible Entities to route potential landowner(s) to FSA immediately after the beginning of the federal fiscal year that the application is submitted, by the 2nd week of October, to complete their FSA eligibility.

Individuals and landowner entities (such as Trusts or Limited Liability Corporations, etc.) will complete different forms, in different ways, depending upon how the land ownership is attributed in the deed (ex: Trust, LLC, etc.). The most up-to-date versions of these forms can be found on the [USDA eForms website](#) or at the [local FSA office](#). Please contact your local FSA office for assistance in completing these forms. Be sure to provide a copy of your ownership deed, applicable trust documents, articles of incorporation, and signature authority if applicable, to both the NRCS and FSA office.

Forms to be Provided to Local FSA Office by Landowner:

- AD-1026** –Highly Erodible Land Conservation (HELC) & Wetland Conservation (WC) Certification. The landowner must file an AD-1026 and show in FSA records as Compliant. Members of a landowner entity only need to file an AD-1026 if they are listed as affiliates on the landowner entity’s AD-1026 and have separate farming interests. Payment eligibility for USDA program benefits is contingent upon maintaining compliance with HELC/WC provisions – please see the AD-1026 Appendix for more information. **NOTE:** If the parcel contains highly erodible cropland or if agricultural activities have altered wetlands, an HEL Conservation Plan will be required in order to maintain compliance. NRCS will work with the landowner to develop or update an HEL Conservation Plan as needed. The ALE deed must include terms that ensure compliance with the HEL conservation plan.

- CCC-941** –Average Adjusted Gross Income (AGI) Certification and Consent to Disclosure of Tax Information. All landowners of record, including members if the landowner is a legal entity, must file a CCC-941 form and must clear the IRS review process. The IRS review can take up to 60 days to process.

- CCC-901** – Member’s Information (if directed to file by the Farm Service Agency). A CCC-901 may be required for all non-individual landowners (trust, LLC, corporation, etc.). Legal entity documentation (trust document, articles of incorporation, bylaws, etc.) and signature authority must be included in the application package..

- CCC-902** – Farm Operating Plan. The landowner(s) must file a CCC-902 and must have a status of Determined in FSA records in order for NRCS to obligate funds. FSA may require additional documentation (e.g. trust document, articles of incorporation, bylaws, signature authority, copy of ownership deed, etc.) to complete the customer or farm records.

PART 2: ENTITY ELIGIBILITY

All Eligible Entities named as Holders or Co-holders to be on the ALE deed must have an active registration in the System for Award Management (www.SAM.gov) at the time of application. An active SAM registration must be maintained through the payment phase of the easement acquisition (www.sam.gov). Third-Party Interest Holders do not need to have an active registration in SAM.

I certify that I have read and meet the definition of an Eligible Entity in the [ACEP manual Section 528.32](#).

Yes No

PART 3: PARCEL INFORMATION

If there are no acres for a particular category, enter a zero (0).

	Easement Acres	Percentage of Easement
A. Total Easement Acres		100%
Soils Information		
B. Prime Soil Acres		
C. Statewide Important Soil Acres		
D. Locally Important Soil Acres		
E. Other Unique Soil Acres		
F. Total Important Ag. Soils Acres		100%
Land Cover Type		
G. Cropland/Hayland Acres		
H. Pastureland Acres		
I. Grassland		
J. Forestland Acres (MAX of 66%)		
K. Wetland Acres		
L. Other Land Cover Type (please specify)		
M. Sum of all Land Cover types listed above		100%

If the offered parcel contains cropland, which types of crops are grown? Hayland should be included here.

If the offered parcel is a livestock operation, which type(s) of livestock are present?

PART 4: LAND ELIGIBILITY QUALIFYING CRITERIA

Check which Land Eligibility Qualifying Criterion applies. Only one of the qualifying criteria is required for ALE enrollment. If the parcel qualifies under the Historic/Cultural Resources or Furthers Local Policy criteria, please provide appropriate information to document the qualification.

≥ 50% Prime, Unique, Statewide or Locally Important Agricultural Soils

Provide a map and table of the prime, unique, statewide, and locally important soils within the offered area. Exclusion areas must be clearly delineated, and the area within the exclusion cannot be included in the calculation of eligible agricultural soils. Amounts shown in the table should correspond with those shown in Part 3.

Historical or Archaeological Resources

For the farm or ranch to be eligible under this criterion, historic or archaeological sites must be within the offered easement, and must be (check all that apply):

- Listed in the National Register of Historic Places (established under the National Historic Preservation Act (54 U.S.C. Section 302101 et seq.)) including traditional cultural properties as defined in National Register Bulletin 38.

- Formally determined eligible for listing in the National Register of Historic Places by the State historic preservation officer (SHPO), Tribal historic preservation officer (THPO), or the Keeper of the National Register.
- Formally listed in the State or Tribal register of historic places.
- Included in the SHPO or THPO's inventory with written justification as to why it is eligible for the National Register of Historic Places.

For parcels determined eligible under this category, the ALE deed must address the Historic/Cultural resources to be protected, and the measures required for their preservation.

Protection of Grazing Uses and Related Conservation Values

To meet this land eligibility criterion, the enrollment of such land must result in the protection of grazing uses and related conservation values by restoring or conserving eligible land. Such land must be 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

For parcels determined eligible based on protecting grazing uses and related conservation values, the agricultural land easement deed must address the protection of those grazing uses or grassland values.

Further a State or Local Policy Consistent with the Purposes of ACEP-ALE

Protection of the offered land by an ALE will further a state or local policy (such as a town master plan that identifies protection of important agricultural soils/land through conservation easements as a priority) whose objectives are similar to that of the ALE. Provide documentation listing the state or local policy and how it is consistent with the purposes of ALE. For parcels determined eligible under this category, the ALE deed must include the ACEP-ALE purposes that are being supported by the state or local policy.

PART 5: ADDITIONAL ATTACHMENTS

Some of the criteria listed below will be used to calculate the parcel ranking score. See [NH NRCS ALE website](#) for FY 2024 ranking criteria. **Appropriate documentation must be provided by the eligible entity applying for ALE for ranking points to be awarded.** Be sure all maps are in color, include a map legend, map scale, and north arrow, and identify offered acres boundary and # of offered acres.

Check all that are being submitted in support of this application:

- Map of the parcel showing the proximity to other permanently protected agricultural lands.
- Map of the parcel showing the proximity to other permanently protected non-agricultural lands, such as those under a WRE/WRP easement, town/state-owned lands, national forest land, etc.

- Map of the parcel showing the proximity to other agricultural operations and/or infrastructure such as: retail stores (Tractor Supply, Agway or Blue Seal Feed stores); tractor and equipment dealerships or repair facilities; CSA or Farmer’s Markets; or other working farmlands.
- Map of the parcel showing the proximity to any of the 4 Food Desert categories
- Map of the parcel showing Highest Ranked Habitat Tier 1 and 2 from NH Wildlife Action Plan, including percentage of Tier 1 and Tier 2 acres of total offered acres.
- Conservation Practices – Attach a description of any conservation/stewardship practices currently being implemented or maintained on the offered parcel (if applicable), including but not limited to:
 - Riparian Forested Buffers
 - Soil Health Assessments (soil analysis, plantings to increase soil organic matter, crop rotations to minimize pest management, etc,
 - Nutrient/Grazing/Integrated Pest Management Plans (being ACTIVELY applied)
 - Stormwater Runoff (such as roof/ground gutters)
 - Erosion Control (such as contour farming, no till seeding, cover crops, water bars, vegetated forest trails and log landings, etc.)
 - Maintenance of agricultural drainage systems (grassed waterways, drainage ditches, etc.) allowing land to continue to be actively managed as cropland or pastureland.
 - Other (including wildlife practices)

This description will inform NRCS of conservation practices that may exist on the property so they can be verified and documented during the NRCS site visit.

PART 6: IMPORTANT QUESTIONS

1. Will the land be sold in fee prior to closing on the conservation easement deed?
 Yes No

If yes, the land can only be sold to private landowners, as publicly owned lands are not eligible for ALE enrollment. If land is transferred prior to closing, the new landowners will need to submit landowner eligibility documents and the most current proof of ownership document. The new landowner eligibility needs to clear FSA prior to closing on the easement.

2. Does the Entity plan to purchase the land in fee post-closing?
 Yes No

If the entity will be future owner of the ALE parcel, a separate eligible qualified entity must be named as Grantee on the Cooperative/Program Agreement prior to closing. Entities cannot hold easement enforcement rights on land that they own (unless part of an approved Buy-Protect-Sell Transaction).

3. Are there exceptions on the preliminary title commitment that would hinder the furtherance of the ALE program objectives (e.g. land use restrictions, the right to expand the footprint of an existing utility right of way, surface or sub-surface mineral rights owned or leased by a third party, etc.)?
 Yes No

If yes, explain:

4. How will NRCS Minimum Deed Terms be addressed in the ALE deed for this parcel?

- Attach as addendum Incorporate in body of ALE deed Submit a template

5. Will an Agricultural Land Easement Plan (ALEP) covered in Conservation Program Manual 440, Part [528.63](#) be developed by the Eligible Entity?

- Yes No

An ALEP may include a general agricultural land easement plan, a grassland/forestland management plan, an HEL conservation plan, or any combination thereof. An HEL conservation plan is required on any parcel that contains highly erodible cropland and the ALE deed must include terms that ensure compliance with the HEL conservation plan. NRCS is responsible for the development of the HEL conservation plan. If the parcel does not contain highly erodible cropland, the development of an ALEP plan is not required unless agreed to by the eligible entity. If the eligible entity agrees to develop an ALEP, including any component plans, the eligible entity is responsible for the development and maintenance of such plans, and the ALE deed must contain language requiring the development and maintenance of the ALE plan as a condition of selection and funding. Choosing to develop an optional ALEP plan may result in additional ranking points.

6. Is there a mortgage, loan, or lien on the offered property?

- Yes No

If the easement purchase price will not be sufficient to discharge a mortgage or lien, or if the easement proceeds won't be used to pay off a mortgage/lien, the landowner must obtain a subordination or release of the loan or mortgage on the offered area before the easement can be closed.

7. Is there sufficient and transferrable physical and legal access to the offered area from a public road, access easement, right of way, or another recorded instrument?

- Yes No

8. Are there any known or suspected areas of contamination, hazardous materials spills/dumps, mining activities, or any type of other pollution on the offered area?

- Yes No

9. Does the parcel contain greater than 66% forestland? If so, and land is an active sugarbush operation, a waiver may be requested. Please include a map showing active sugarbush area, with identified acres.

- Yes No

PART 7: ADDITIONAL MANDATORY PROGRAM REQUIREMENTS (FYI)

- NRCS staff will conduct a hazardous materials record search and site visit prior to signing the ALE parcel contract with the entity. If an ALE program agreement doesn't already exist with the entity, this will be completed prior to a site visit.

- NRCS staff will conduct an interview with the landowner and eligible entity to complete the Landowner Disclosure worksheet and Hazardous Materials Landowner Interview forms, and to clarify policy and funding requirements prior to the obligation of ALE funds.
- The building envelope, which is the designated area for future structures within the easement area, shall be identified in the easement deed language and recorded on the boundary survey map or attached as an appendix prior to closing. The allowable building envelope size is recommended to be three to five times the total allowable impervious surface area.
- All obligations and closings/payments require review and approval from the national Internal Controls (IC) team. These reviews can take up to 30 days. Additional requirements may result from these reviews.
- All draft ALE deeds that incorporate the ALE Minimum Deed Terms (MDT) require national deed review. These reviews can take up to 60 days depending on the workload of the reviewers.
- Generally, all documents required for the Pre-Closing/Pre-Payment IC review and all documents necessary to make payment **MUST** be submitted by the eligible entity at least 90 days prior to the anticipated closing date.
- Easement closing timelines vary and are subject to change. Anticipate 12-16 months from parcel contract obligation for the closing to occur. Many factors impact how quickly an easement closes.

Certification Statements

COOPERATING ENTITY(ies) SIGNATURE

The undersigned agrees to the Mandatory Program Requirements in Part 7 of this parcel workbook and certifies that the above information accurately represents the applicant, land and agricultural operation associated with this application for the ACEP – ALE.

Primary Cooperating Entity: _____

Printed Name: _____ Title: _____

(Signature) Date: _____

When Applicable

Secondary Cooperating Entity Name: _____

Printed Name: _____ Title: _____

(Signature) Date: _____

LANDOWNER(S) SIGNATURE

The undersigned agrees to the Mandatory Program Requirements in Part 7 of this parcel workbook and certifies that the above information accurately represents the applicant, land and agricultural operation associated with this application for the ACEP – ALE.

Printed Name: _____

(Signature) (Date) _____

Printed Name: _____

(Signature) (Date) _____

Printed Name: _____

(Signature) (Date) _____