

**KENTUCKY**

## Agricultural Conservation Easement Program – Agricultural Land Easements Application – 2024

### **Primary Entity Information** *(The entity that will be accepting the federal contribution)*

**An entity or combination of entities submitting multiple parcels for consideration are only required to submit entity information once.** If there is a secondary entity, that is, one that is only contributing funds or is monitoring the easement and enforcing the terms of the easement deed, they will also need to submit this information. Attach a separate sheet and title it “Secondary Entity Information.”

**Entity Name and Contact Person:** \_\_\_\_\_

Check if  
information  
is attached

### **Information Required**

*(Required attachments in bold letters. Please label attachments with item letter.)*

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#### **A. EVIDENCE OF AN ESTABLISHED AGRICULTURAL LAND PROTECTION PROGRAM**

- State or local government statute, **OR**
- Ordinance or non-governmental organization mission statement

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#### **B. EVIDENCE OF THE COMMITMENT, AUTHORITY AND DEMONSTRATED CAPABILITY TO ACQUIRE, HOLD, MANAGE, OR ENFORCE CONSERVATION EASEMENTS OR THEIR EQUIVALENT**

- State, Tribal, or local government statute or ordinance or non-governmental organization mission statement, **AND**
- List of easements acquired, held, managed, and enforced by the cooperating entity

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#### **C. EVIDENCE OF TITLE AND APPRAISAL POLICIES OR STANDARDS**

- Attach appraisal policies or standards used by the entity
- Attach a copy of the entity's policy on title standards

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#### **D. EVIDENCE OF STAFF CAPABILITY DEDICATED TO EASEMENT MONITORING AND STEWARDSHIP** *(fill in below or attach)*

- Number of easements held and managed: \_\_\_\_\_
- Current staff available *(number and position)*: \_\_\_\_\_

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- Provide evidence of signatory authority for person who will sign documents on behalf of the entity (including Cooperative Agreement and related amendments, request for reimbursement, etc.)

Entity Name: \_\_\_\_\_

Parcel Name: \_\_\_\_\_

Kentucky 2024 ACEP-ALE

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- E. EVIDENCE SUPPORTING THE TOTAL NON-FEDERAL SHARE REPORTED ON NRCS-CPA 41A SECTION D** *(required if the total amount of entity cash contribution for the parcel is less than 10 percent of the fair market value)*
- *Specific evidence of capacity to manage, monitor, and enforce the easement*

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- F. NRCS-CPS-41** *(one completed signed form per participating entity if an existing program agreement is not in place)*

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## Parcel (Farm) Information

Complete one NRCS-CPA-41A and one set of Parcel Information sheets for each parcel/farm for which you are seeking funding.

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### National and State Data Required

*(Checkbox for required attachments. Please label attachments with item number.)*

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#### 1. ENTITY OR ENTITIES ASSOCIATED WITH PROTECTING THE PARCEL:

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- 2. MAP OF PARCEL SHOWING PROPOSED PROTECTED AREA** *(attach aerial photograph with boundaries marked)*

- 3. CONTACT INFORMATION FOR PARCEL LANDOWNERS** *(name, mailing address, phone, email if available. Please list all persons who will be named as Grantors on the easement.)*. Use additional sheets if necessary.

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- 4. NRCS-CPA-41A – CONSERVATION EASEMENT APPLICATION FORM** *(completed and signed by entity and landowners)*

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- 5. LOCATION MAP OF PARCEL** *(attach map)*

- 6. TRACT AND FARM NUMBER ASSIGNED BY USDA SERVICE CENTER**

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7. SIZE OF PARCEL (in acres): \_\_\_\_\_

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8. PENDING OFFER FOR PARCEL (attach signed, written offer)

QUESTIONS 9 THROUGH 12 ARE ELIGIBILITY QUESTIONS. AT LEAST ONE OF THE CRITERIA MUST BE MET (BUT NOT ALL FOUR) (Information in Question 9 is mandatory)

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9. SOILS MAP, ACRES, DESCRIPTIVE NARRATIVE AND TABLE OF PRIME, UNIQUE, OR STATEWIDE OR LOCALLY IMPORTANT SOILS FOR PARCEL (attach map, soil description narratives and table) One of four eligibility criteria. Must be at least 50% of parcel to meet ACEP eligibility based on this criterion. Most Kentucky parcels will use this criterion to meet ACEP eligibility. No matter which of the three eligibility criteria is used, Question 9 information **must be submitted**.

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10. HISTORICAL OR ARCHAEOLOGICAL RESOURCES PROPOSED TO BE PROTECTED PROGRAM (if applicable) – One of four eligibility criteria (National or State Registered or eligible for being listed)

- Brief description of site's significance
- Documentation of site's listing on Federal or State register
- Listing document that describes significance of site (if this criteria is used for meeting ACEP eligibility, then you must include statement regarding cooperating entity's ability to manage and enforce easement for historic preservation of site) – One of three eligibility criteria (attach listing document)

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11. PROTECTION OF GRAZING USES AND RELATED CONSERVATION VALUES (if applicable) – One of four eligibility criteria

- Documentation of land use and dominant plant species
- Documentation of animal or plant populations of significant ecological value, or which address state regional and national conservation priorities
- Description of grasslands of special environmental significance (as defined in 7 CFR Section 1468.3)
- Documentation of threatened or endangered or at-risk species which occupy or which could occupy specific habitat on the site

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12. MANNER THAT THIS PARCEL SUPPORTS A STATE OR LOCAL AGRICULTURAL LAND PROTECTION PROGRAM (if applicable) – One of four eligibility criteria

- Evidence of how parcel supports the policy such as location within a focus area or statement from unit of government indicating that parcel supports the unit of government's policy (attach map and statement)

13. ACRES OF CROPLAND: \_\_\_\_\_

14. ACRES OF PASTURELAND: \_\_\_\_\_

**15. ACRES OF HAYLAND:** \_\_\_\_\_

**16. ACRES OF FOREST** (*sum of wetland and non-wetland forest*): \_\_\_\_\_

**17. ACRES OF INCIDENTAL LAND** (*including farmstead and non-forested wetland*): \_\_\_\_\_

**18. ACRES OF SHRUBLAND OR LAND DOMINATED BY FORBS** \_\_\_\_\_

**19. TOTAL ACRES OF FORESTED WETLANDS** (*forest with hydric soil*), **NON-WETLAND FOREST** (*forest without hydric soil*), **NON-FORESTED WETLAND** (*hydric soil without forest cover*): \_\_\_\_\_



**20. SITE SPECIFIC MAP SHOWING LOCATION OF OTHER PROTECTED PARCELS IN RELATION TO LAND PARCELS PROPOSED TO BE PROTECTED** (*attach map*) Identify how other parcels are protected – conservation easement, military base, national park, etc.

- Proximity of other protected land, including military installations from the boundaries of the parcel: \_\_\_\_\_ miles
- Does parcel link two non-contiguous corridors of protected agricultural land:  
\_\_\_\_ YES    \_\_\_\_ NO
- Does the parcel expand an existing agricultural use protected area:  
\_\_\_\_ YES    \_\_\_\_ NO

**21. INDICATION OF EXISTING AGRICULTURAL INFRASTRUCTURE, ON- AND OFF-FARM** (*add attachment if necessary*)

- Proximity of other agricultural operations and infrastructure from the boundaries of the parcel: \_\_\_\_\_ miles

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**20. PERCENT OF CURRENT IMPERVIOUS SURFACE:** \_\_\_\_\_

**21. PERCENT IMPERVIOUS SURFACE REQUESTED** (*limited to 2% of easement area without an approved waiver*): \_\_\_\_\_

**22. OWNERSHIP OF SUBSURFACE MINERAL RIGHTS FOR PARCEL**

- Mining is generally prohibited on ACEP easements.

Entity Name: \_\_\_\_\_

Parcel Name: \_\_\_\_\_

Kentucky 2024 ACEP-ALE

- Subsurface mineral rights owned by third parties must be subordinated or a mineral remoteness test conducted to assess the chance of the minerals being extracted by the third party.
- Exploration and extraction of oil and gas is negotiable and deeds must be written to minimize the disturbance caused by the exploration and extraction.

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**23. DESIRE OF LANDOWNERS TO SUBDIVIDE EACH PARCEL** *(Subdivision in ACEP is generally prohibited)*

- Parcels for which landowners know the exact locations and dimensions of subdivided parcels should submit parcels as separate parcels to be ranked at subdivided size
- If landowner wants option to subdivide at a date after application is submitted, permission must be written into conservation easement deed
- Size of subdivided parcels must be economically viable size for a farm
- Lot sizes of less than the size of the average farm in the county at the time of deed approval will not be permitted.

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**24. DESIRE OF LANDOWNERS TO CONSTRUCT ADDITIONAL RESIDENCES OR INFRASTRUCTURE ON THE EASEMENT PARCEL** *(Construction of new residences is generally prohibited on ACEP parcels.)*

- If landowner wants option to construct additional residences for children returning to the farm or full-time farm employees after the application is submitted, permission must be written into the conservation easement deed.
- The size and location of the residences must be specified in the conservation easement deed. Building Envelopes defining location and size of any potential construction projects will be recorded with the conservation easement deed.

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**25. PARCEL IS ZONED FOR AGRICULTURE:** \_\_\_\_ YES \_\_\_\_ NO

Entity Name: \_\_\_\_\_

Parcel Name: \_\_\_\_\_

Kentucky 2024 ACEP-ALE

**26. PARCEL IS IN A CERTIFIED AGRICULTURAL DISTRICT** (*per Kentucky's 1982 Agricultural District State Law, KRS 262.850*)

\_\_\_\_\_ YES, CERTIFIED IN \_\_\_\_\_ (year) \_\_\_\_\_ NO

**27. PARCEL RANK BASED ON ENTITY RANKING CRITERIA:** \_\_\_\_\_

**28. EXISTANCE OF A FARM OR RANCH SUCCESSION PLAN OR SIMILAR PLAN ESTABLISHED TO ADDRESS FARM VIABILITY FOR FUTURE GENERATIONS** (*add attachment if applicable*)

\_\_\_\_\_ YES \_\_\_\_\_ NO

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**29. PARCEL HAS HISTORIC OR CULTURAL RESOURCES OR OTHER SPECIAL FEATURES BENEFICIAL TO PRESERVE** (*if "yes" please attach detailed supporting documentation*) *Note: Parcel cannot receive state ranking points for this item if Historical/Archaeological status was used for ACEP eligibility.*

\_\_\_\_\_ YES \_\_\_\_\_ NO

**30. STATEMENT REGARDING HOW ANY GRASSLAND IN THE PARCEL WILL BENEFIT FROM THE PROTECTION UNDER THE LONG-TERM EASEMENT**

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**31. IS THE PARCEL CURRENTLY ENROLLED IN CRP IN A CONTRACT THAT IS SET TO EXPIRE WITHIN A YEAR, AND IS IT GRASSLAND THAT WOULD BENEFIT FROM PROTECTION**

\_\_\_\_\_ YES \_\_\_\_\_ NO

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**32. A COPY OF THE CURRENT OWNERSHIP DEED IS ATTACHED**

**33. ADDITIONAL COMMENTS FROM THE ENTITY** (*if referencing any of the above items please identify by item letter or number*):

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