



**Agricultural Conservation Easement Program
(ACEP) Agricultural Land Easements (ALE)
FY 2025 Wyoming NRCS Entity Parcel
Application Packet ACEP-ALE General**

Develop parcel applications for ACEP-ALE in accordance with the following format and guidance. A complete parcel application includes all requested information detailed in this packet. Submit completed applications to:

NRCS & Entity Shared BOX Folder

*** PREFERRED ***

NRCS/Entity Established Shared BOX Folder

Create new application folder within NRCS/Entity shared BOX folder. "FY24 ALE Application - Landowner Name"

Drop all application documents in FY24 ALE Application-Landowner Name folder by deadline. Send email to jennifer.hayward@usda.gov of dropped application. NRCS will send email notice of received application.

Create NRCS/Entity Shared BOX Folder

Download BOX application, free account.

Request an NRCS/Entity Shared BOX Folder via email to jennifer.hayward@usda.gov. NRCS will send an Invite to Accept Access to NRCS/Entity Shared BOX folder.

Accept NRCS invitation to Shared BOX folder. Follow steps 1-3 noted above. NRCS will send acknowledgement of received application.

EMAIL:

To: jennifer.hayward@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.

USPS, UPS, or FedEx:

Wyoming USDA NRCS Easement Programs
Attn: Jennifer Hayward
PO Box 36
Pinedale WY 82941

Parcel applications must be received by 5:00 PM MST on the application batching date, to be considered for funding in FY 2025.
IRA Batching Date #1 - October 4, 2024
WY General/Big Game/SGI Batching Date - November 15, 2024
IRA Batching Date #2 - December 20, 2024

ACEP-ALE Application Packet

The following application packet collects required information on proposed parcels from eligible entities interested in applying for easement funding under **ACEP-ALE General and ACEP-ALE General Buy- Protect-Sell**. If you are applying for a 2018 Farm Bill RCPP easement, please contact the Easement Coordinator or the RCPP Program Manager for application materials.

Applicants should answer all questions contained within this document and provide all supporting documentation requested to ensure the application packet is complete, unless otherwise noted. The narratives and supporting documentation may be inserted under the applicable question or provided as an exhibit or attachment to the application packet. NRCS strongly suggests that the order and format of this packet be followed to ensure consistency and equality among all applicants. The appendices to this application packet should not be included in the application submission.

Eligible and complete applications received by the advertised application batching date are considered for funding through a competitive process. It is the responsibility of the applying entity to ensure the application is complete and accurate. Identification of eligibility within the questionnaire is only to be used as a guide; NRCS determines eligibility at its discretion upon review of a complete and accurate application. If a question is answered that indicates parcel ineligibility, contact NRCS before continuing with the application. If the issue cannot be remedied, the application may not be considered for funding.

Entities interested in applying for ACEP-ALE Buy-Protect-Sell (ACEP-ALE BPS) may be asked to submit additional information at the time of application. Please contact the Wyoming State Easement Coordinator if you are interested in applying for ACEP-ALE BPS for further guidance.

Instructions for application packet submission are found on page 28. Please adhere to all instructions. Failure to comply may result in an ineligible application.

Eligible Entity

Entities submitting parcel applications must be eligible themselves. Entities must submit an Entity Application to establish eligibility with NRCS. Entity eligibility requirements are detailed in the NRCS Conservation Program Manual 440, Part 528, Subpart D, 528.32, which may be accessed through the NRCS e-Directives website at <https://directives.sc.egov.usda.gov>. Please review the NRCS Entity Application for an Agricultural Land Easement (ALE) Agreement, form NRCS-CPA-41 (version 02/2020)

for more information on entity eligibility requirements. If an entity has an active program agreement, this step is not needed as those agreements are valid for five years. Refer to your program agreement for the expiration date.

Landowner Eligibility

To be eligible for USDA-NRCS program funds, all landowners listed on the application must match the vesting property deed and have records established with USDA's Farm Service Agency (FSA), including Adjusted Gross Income (AGI) compliance and CCC-902 Farm Operating Plans in 'Determined' status, to meet ACEP program eligibility requirements. This includes the applicant's organization, landowners, and landowner entity members. Establishing USDA records with FSA may take a significant amount of time (> 120 days), therefore applicants are encouraged to begin this process as soon as possible. USDA records may be established at any time, and AGI compliance documents may be updated as early as October 1st for the following fiscal year (i.e., AGI compliance documents for 2025 may be executed as early as October 1, 2024). All individuals or entities on the deed must be AGI compliant, per the Internal Revenue Service (IRS), when obligating federal funds for easement acquisition and at least 90 days prior to closing of the easement. USDA records may be established at the local USDA-FSA Service Center. **NRCS is not responsible for USDA-FSA forms and recording of forms for eligibility requirements.**

For more information or assistance on completing the Parcel Application, please contact the NRCS State Easement Coordinator – Jennifer Hayward, jennifer.hayward@usda.gov

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

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PART I – PARCEL APPLICATION CHECKLIST

Use this checklist and the following steps to guide you through the application process:

Step 1: Complete all required forms. Forms may be downloaded from [WYOMING NRCSACEP-ALE webpage](#)

Step 2: Provide supplemental information for all items as applicable.

Step 3: Submit completed forms and supplemental information with application packet.

<u>Application Requirements</u>	<u>Supplemental Information</u>
Items listed below are required for all parcel applications. Items listed in bold complete the application however, omission of remaining items may result in an inability to evaluation the application fully which may cause it to be ineligible for consideration.	Items listed are required if applicable to the parcel. Omission of these items, if applicable to the parcel, may result in an ineligible application. Insert or append supporting documentation, as necessary.

- WY FY25 ACEP-ALE Parcel Application Packet. A complete application packet includes the following:

FORMS:

- NRCS CPA-41A dated 2/2020 or later**
- Parcel Questionnaire – pages 7-26 of this packet
- WY FY25 ACEP-ALE Parcel Application Workbook

INFORMATION:

- Recorded vesting deed(s) covering the entire offered parcel area**
- Evidence of active SAMs registration for each entity applicant and/or co- holder. Be prepared to submit a new registration if it expires during the application phase
- Draft deed of conservation easement, if available
- Written pending offer for the ALE, or equivalent**
- County tax maps and assessor's information covering entire offered area showing ownership of parcels (County MapServer screenshot ok)
- GIS shapefiles of proposed easement boundary, access route and access point. Ensure that shapefile or geodatabase data is defined in ESRI GIS software
- Landowner, if an entity, needs to provide entity articles or bylaws clearly showing which individual has signature authority to conduct a real estate transaction.
- 1-3 photographs of the easement

FORMS:

- COPY**- FSA-211 Power of Attorney
- NRCS CPA-41A BPS Supplement dated 4/2021

INFORMATION:

- Legal access easements over private or Federal land to the offered easement area
- Waiver request letter(s)
- COPY**- Existing easement or deed restriction that prevents conversion to non-agricultural and/or non-grassland/grazing uses
- Evidence of matching funds OR evidence of entity ability to steward and monitor parcel if entity match is < 10% of FMV (attach to CPA-41A)
- Water rights
- COPY**- Mineral lease(s)
- Excerpts from state/local policies highlighting supporting passages (e.g., state/local policy land eligibility category). **DO NOT** submit entire document.
- Evidence of capital investments for agricultural viability

INFORMATION CONT.

- Maps (aerial imagery) with an accurate and appropriate scale, North arrow, and heading. Maps must show the proposed easement boundary and offered acres.
- Location showing Township, Range, and Section**
- Legal/physical access points and route to all parts of the easement (ingress, egress), public road location(s) and name(s), and notation where third-party lands are crossed**
- Farmland classification with legend and % acres table, if application has cropland and has prime soils (Web Soil Survey)
- Total acreage of the parcel, including the acreage of each noncontiguous parcel and each subdivision, if applicable
- Land use/cover type location with % acres of each land use and identified grazing areas
- Viable agricultural operations including access to markets and infrastructure
- Nearby agricultural and/or protected lands
- Development pressure (approx. 1:24,000)
- At-risk species Maps such as Sage Grouse, Big Game, other species of importance in area
- Map of Existing Impervious Surfaces (Roofs, asphalt, concrete, etc.)

INFORMATION CONT.

Maps (aerial imagery) with an accurate and appropriate scale, North arrow, and heading. Maps must show the proposed easement boundary and acreage.

Supporting GIS shape files are needed for each map submitted.

- Proposed building envelopes showing existing or proposed access to each
- Allowable subdivision, if applicable
- Irrigated land footprint with location of source
- Location, number, and acres of historical/archaeological sites

Supplemental Information – Optional

Items listed below are optional, if available, and recommended. Submission of these items will streamline the acquisition process if application is funded.

- Legal Boundary Survey
- Phase I Environmental Assessment
- Minerals Assessment Report
- Appraisal Report
- Title Commitment in Entity name & exception documents (links within title commitment active) *Preferred*
- BPS Transactions - Evidence of Conditions Necessitating Transitional Ownership

Refer to Appendix 3 on page 36 of this document for the description and purpose of application forms.

PART II – PARCEL QUESTIONNAIRE

All questions in this section must be answered with adequate detail and supporting documentation as required. If any questions are left unanswered, the application may be considered ineligible.

Eligible Entity Information

1. Please indicate the transaction type for the offered parcel:

- ALE General
- ALE Buy-Protect-Sell (contact the easement coordinator soon if this is the choice, additional information will be needed)

2. Name of Eligible Entity applying for parcel funding:

3. Eligible Entity Point of Contact [Name, Phone Number, Email]:

Name:

Phone Number:

Email:

4. Does the Eligible Entity meet one of the following?

- Entity has an active, executed Program Agreement covering ACEP-ALE. The ALE-Agreement type (Cooperative, Grant, Program) must match the Associated ALE- Agreement Type selected on CPA-41A, Question 2., Parcel Sheet for Entity Application ALE Agreement.
- For ACEP-ALE BPS Transactions, entity has an active, executed Program Agreement, version 04/2021 or later. Entities with an earlier version of an active Program Agreement must submit a new CPA-41 Entity Application to enter into a new Program Agreement containing BPS terms.
- Entity previously submitted an Entity Application, NRCS-CPA-41, with WY NRCS within current Fiscal Year (10/1 – 9/30).
- Entity will submit an Entity Application, NRCS-CPA-41, with this Parcel Application Packet.
- Does not meet any of the above. [INELIGIBLE]

5. Do all eligible entity applicants and all prospective co-holders have an active SAM registration?

YES. Please provide the information in a document showing the EUI number and expiration date.

NO. Please specify and describe in 1-2 sentences

NOTE: any entity without an active SAM registration is ineligible for this program.

Landowner Applicant Information

Basic Information

1. Provide the following information for each landowner of record (i.e., individual or legal entity subject to the deed and title). All landowners must match landowners included on the CPA-41A form.

Full Legal Name on deed	Farm/Ranch or Property Common Name	Farm Number If known	Tract Number(s) If known	County of Property Location	Is a limited resource, beginning, socially disadvantaged, or veteran farmer or rancher?

Farm Service Agency (FSA) Eligibility

1. Does the landowner(s) appearing on the vesting deed and title commitment have Farm & Tract Eligibility (FTE) established for the offered parcel?

NOTE: FTE means that an established farm and tract generally covers the easement area and that all landowners of record are associated with the established farm and tract. Consult with FSA to ensure that records exist and are current.

YES NO [**INELIGIBLE**]

2. Have all landowners of record filed Form CCC-941 "Adjusted Gross Income" with FSA?

NOTE: Landowners must complete CCC-941 with the exact name, address, and tax ID on file with the IRS. If an AGI limitation waiver or AGI applicability waiver have been approved, you may skip this question.

YES NO [**INELIGIBLE**] Other: _____

3. Have all landowners of record filed or updated Form AD-1026 "Highly Erodible Land Conservation and Wetland Conservation Certification" with FSA?


YES NO [**INELIGIBLE**] Other: _____

4. Do the landowners and eligible entity understand that FSA and NRCS together will determine a) the status of highly erodible land (HEL) on the Farm and Tract(s) associated with the offered easement area, and b) the necessity of an HEL Conservation Plan as a condition of funding?

YES NO

5. Have all individuals, entities or trust landowners of record filed Form CCC-902-E or CCC-902-I as required with FSA?

YES NO [INELIGIBLE]



If any answers under the “Farm Service Agency (FSA) Eligibility” section are marked “NO [ineligible]” OR if NRCS finds upon review of the application that the answers should be marked “NO [ineligible]” OR if any other required FSA payment eligibility criteria for any landowner of record has not been met, the application will be considered ineligible for program funding. Do not apply for funding until all FSA eligibility criteria are met. All entities on the deed must be compliant per IRS when obligating federal funds to the easement acquisition and at least 90 days prior to closing the easement. Consult with the WY State Easement Coordinator prior to application to ensure landowner FSA eligibility requirements are met.

Parcel Information

Ownership & Parcel Accuracy

1. Do the landowners of record **and** the offered easement acres of the parcel match across application documentation (i.e., landowners of record and acreage match CPA-41A, information on the vesting deed, county tax records, title commitment, written pending offer, and all supporting documentation)?

YES NO

If No, please specify and describe in 1-2 sentences:

2. Did an authorized signatory for at least one landowner of record sign the CPA-41A and the written pending offer?

NOTE: obtaining all landowner signatures is preferred.

YES NO [INELIGIBLE] N/A – this is a Buy-Protect-Sell Transaction

3. Is the legal description of the parcel and the physical description on CPA-41A - Section C - Questions 1 and 2 accurate as reflected in the title commitment and other supporting documentation?

YES NO [INELIGIBLE]

Agricultural Operation

1. In 1-2 paragraphs, describe the current agricultural operation. Please include information on the types of products produced/grown/raised, accessibility to markets, distances to local markets if utilized, labor/staffing needs, on-site infrastructure, water use, proximity to other agricultural land, proximity to protected land, and other important or pertinent information to the operation.

2. In 4-5 sentences, describe the parcel's long-term viability for agricultural use. Describe if there has been recent significant capital investment(s) that enhance the long-term agricultural viability of the parcel and if the conservation easement will further the investment.

NOTE: Submit documentation of investments with application.

3. Does the landowner currently work with, or have they previously worked with, NRCS for the parcel being offered?

YES

NO

If yes, describe in 1-2 sentences, if known:

4. Is the parcel, or any portion of the parcel, currently enrolled in the Conservation Reserve Program (CRP) or Conservation Reserve Enhancement Program (CREP)?

YES - CRP

YES - CREP

NO

5. If the parcel, or any portion of the parcel, is currently enrolled in CRP or CREP, will the contract expire within one year of the application submittal date?

YES

NO

N/A. Does not apply.

6. If the CRP or CREP contract will expire within one year, describe in 2-3 sentences how the easement will assist in the protection of the land coming out of CRP or CREP enrollment. If not applicable, write "N/A" in the space provided.

7. Indicate the type and number of grazing animals, present on the parcel. If not applicable, write "N/A" in the space provided.

8. In 5-6 sentences, describe the development pressure from non-agricultural use and/or the conversion threats affecting the parcel and region.

9. Does protection of the parcel have long term social and economic benefits towards supporting access to local markets?

NOTE: This question is applicable to small scale farms. Attach documentation of farm sales within the last two calendar years demonstrating sales to local markets.

- YES – Sales are within 10 miles of parcel YES– Sales are within 11-50 miles of parcel
 YES – Sales are within 50-150 miles of parcel **NO** – Sales occur 151+ miles from parcel
 N/A. Does not apply.

10. Does the farm or ranch have an established succession plan, or similar plan, that addresses farm viability for the parcel of interest?

- YES NO

If there is an established succession plan, please indicate whether the plan is formal or informal.
NOTE: A succession plan often consists of legal documents, written agreements, and/or financial statements that meet [planning standards outlined by the American Farmland Trust](#) (AFT). A formal plan is written by an industry professional (e.g., Cooperative Extension) that compiles such documentation. An informal plan compiles such documentation but is not written by an industry professional.

- Formal Informal N/A. Does not apply.

11. If there is an established succession plan, select and briefly describe how the plan meets the following AFT standards:

- Clear set of responsibilities for next generation operator
 Financial transparency and information sharing
 Operational accountability Transfer of operating assets Plan to transfer assets
 Valuation of assets

- Analysis of farm's capacity to support multiple generations
- Assets to cover senior generation's retirement
- Plan to address non-farm heirs or siblings
- N/A. Does not apply

12. If there is not an established succession plan, or similar plan, will a plan be developed prior to closing the conservation easement?

- YES NO N/A. Does not apply.

13. Will the landowner and eligible entity elect to complete any of the following plans for the parcel if funded? Select all that apply.

Note: Parcels that contain Highly Erodible Lands (HEL) croplands are required to have an HEL Conservation Plan.

- HEL Conservation Plan
- Basic Comprehensive Agricultural Land Easement Plan (ALEP)
- Grasslands Management Plan
- Forest Management Plan
- None

Land Eligibility

Land Eligibility Categories

To be eligible for ACEP-ALE, the offered land must meet one of the four following land eligibility categories: 1) Prime, Unique, or Other Productive Soil; 2) Historical or Archaeological Resources; 3) Protection of Grazing Uses and Related Conservation Values; 4) Land that Furthers a State or Local Policy. For application purposes, an applicant must select the category for the parcel of interest that best meets the goals of the landowner and applying entity applicant(s). The category selected on this application must match the category selected on CPA-41A. **Only complete the sub-section below for the selected category.**

Prime, Unique, or Other Productive Soils

Only complete this sub-section if you selected "Has Prime, Unique, or Other Productive Soils" on CPA- 41A. To be eligible for this category, at least 50% of the parcel must contain "prime," "prime if," "unique," or "statewide or locally important" soil on the Web Soil Survey's Farmland Classification report. Refer to Appendix 4 for instructions on how to use the Web Soil Survey. Once complete, skip to the Land Use section on page 18.

1. Does the parcel contain at least 50% prime, unique, or other productive soil type?

- YES NO. Select a different land eligibility category.

2. Percent of prime, unique, or other productive soil type?

3. Select the eligible farmland classification for the parcel:

- Prime Prime, if irrigated Prime, if drained
 Unique Statewide or locally important

4. If the farmland classification is “Prime if irrigated” OR “Prime if drained” describe in 1-2 sentences how the soils are actively irrigated/drained as demonstrated in the *Water Availability* section of the Web Soil Survey. Please submit a map with the application showing where irrigation/drainage occurs. If not applicable, write “N/A” in the space provided.

Historical or Archaeological Resources

Only complete this sub-section if you selected “Contains Historical or Archaeological Resources” on CPA- 41A. To be eligible for this category, the parcel must be recognized as containing historical or archaeological resources by either the National Register of Historic Places or the State or Tribal register. Once complete, skip to the Land Use section on page 18.

1. The parcel meets one or more of the following:

- Currently listed or formally determined eligible for listing in the National Register of Historic places.
 Formally listed in a State or Tribal register of historic places.
 Included in the State historic preservation officer (SHPO) or Tribal historic preservation officer (THPO) inventory with written justification as to why it is eligible for the National Register of Historic Places.
 None of the above. Select a different land eligibility category.

2. What evidence supports the criterion selected for question #1 above? Please submit a copy of the supporting evidence with the application.

3. In 3-4 sentences, describe the site’s significance.

4. In 3-4 sentences, describe how the easement deed will address the protection of the historical land/or archaeological resource(s).

5. Identify at least one grantee or third-party to the deed that will have designated monitoring responsibilities that has experience in managing, monitoring, and enforcing historical or archaeological resources.

Protects Grazing Uses and Related Conservation Values

Only complete this sub-section if you selected “Protects Grazing Uses and Related Conservation Values” on CPA-41A. To be eligible for this category, upon enrollment the parcel must result in the protection of grazing uses and the related conservation values by restoring or conserving grassland, rangeland, pastureland, forb/shrubland, or land located in an area historically dominated by grassland, forbs, or shrubland. Once complete, skip to the Land Use section on page 18. **NOTE:** IF this option is selected, it will have to be incorporated into the Conservation Easement Deed.

1. What type of qualifying land use(s) does the parcel contain? Select all that apply.

- Grassland
- Rangeland
- Pastureland
- Land that contains forbs
- Shrubland for which grazing is the predominant use
- Land located in an area historically dominated by grassland, forbs, or shrubs
- Non-industrial private forestland
- None. Select a different land eligibility category.

2. Does at least 90% of the qualifying land use(s) selected for question #1 above cover the parcel?

- YES
- NO. Select a different land eligibility category or **submit a request for a waiver to this rule with the application.**

3. Is the land use(s) selected in question #1 considered the “highest and best use” as defined by the landowner? **NOTE:** “Highest and best use” is defined as the land use the landowner considers to be the most critical to the success of the agricultural operation.

- YES
- NO

If no, describe in 1-2 sentences:

4. A parcel enrolled under the “Protects Grazing Uses and Related Conservation Values” land eligibility category is considered a grassland enrollment for the purposes of the NRCS Minimum Deed Terms. This applies to grassland parcels enrolled in ALE Classic (i.e., non-GSS grassland enrollments). Are the eligible entity and landowner(s) prepared to accept the restrictions and limitations of a grassland enrollment as described in the NRCS Minimum Deed Terms (MDTs), version February 2020?

YES NO. Select a different land eligibility category.

5. In 4-5 sentences, describe how the easement deed will address the protection of the grazing uses and associated conservation values.

6. In 4-5 sentences, describe how the current and planned activities of the agricultural operation further the protection of the grazing uses and related conservation values.

Further a State or Local Government Policy

Only complete this sub-section if you selected “Further a State or Local Government Policy consistent with the purposes of the ACEP” on CPA-41A. To be eligible for this category, the State or local policy must be consistent with the purposes of ACEP-ALE and the protection of such land must further the State or local policy. Once complete, skip to the Land Use section on page 17.

1. Is there a State or local government policy applicable to the parcel that aligns with the purposes of ACEP-ALE?

NOTE: the purposes of ACEP-ALE are to protect the agricultural viability and related conservation values of eligible land by limiting nonagricultural uses of that land and/or to protect grazing uses and related conservation values by restoring and conserving eligible land.

YES NO. Select a different land eligibility category.

2. What State or local policy does enrollment of the parcel further? Please submit a copy of the applicable pages of the policy with the application.

3. Please indicate the applicable policy citation(s).

4. Describe how each policy citation is consistent with the purposes of ACEP-ALE.

5. In 2-3 sentences, describe how preservation of the parcel furthers the policy identified in question #2 above.

6. In 4-5 sentences, describe how the easement deed will address the policies of the identified plan.

Land Use

1. What eligible land use(s) pertain to the offered parcel? Select all that apply.

NOTE: Selected land use(s) must match the land use(s) selected on CPA-41A.

- Cropland
- Rangeland
- Pastureland
- Grassland or land that contains forbs
- Shrubland for which grazing is the predominant use
- Land 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
- Non-industrial private forest land that contributes to the economic viability of the offered parcel or serves as a buffer to protect such land from development

2. If “non-industrial private forest land” was selected as a land use type, indicate the percent of non- industrial private forest land that covers the parcel. If this land use type was not selected, write “N/A” in the space provided.

NOTE: If the non-industrial private forest land exceeds two-thirds of contiguous portions of the offered easement area, the parcel is ineligible without a waiver request. A waiver request must be submitted with the application.

_____ %

3. If “land 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” was selected as a land use type, describe in 3-4 sentences how the land is compatible with grazing uses and related conservation values. If this land type was not selected, write “N/A” in the space provided.

4. If “land 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” was selected as a land use type, describe in 3-4 sentences whether the vegetative communities historically found on the site have been restored OR if the applicant has a plan for restoration that occurs prior to the easement closing. If this land type was not selected, write “N/A” in the space provided.

5. If “land 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” was selected as a land use type, please indicate if any of the following apply:

- The 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.
- The land enrolled would address State, regional, or national conservation priorities.
- Neither apply

Describe your answer in 1-2 sentences:

6. Select the applicable land type classification(s) that pertain to the parcel:

- Natural grasslands Wet meadows
- Moist deserts Pastures of cool season grasses
- Alpine plant community Pastures of warm season grasses
- Unknown Other: _____

7. Is the parcel zoned for agricultural use or is the land consistent with agriculture for counties without zoning?

- YES NO

Describe your answer in 1-2 sentences (if applicable, include zoning classification and evidence to support zoning classification):

8. Is the parcel already subject to an easement or other deed restriction that prevents land conversion to non-agricultural uses?

- YES NO

If yes, describe in 1-2 sentences and submit a copy of the restriction document with the application:

Access

1. Is there legal and physical access to all parts of the parcel? Select all that apply.

YES. Direct access from public roadway.

YES. Over and across private lands.

NO. However, the land is accessible by Forest Service Road(s) or Bureau of Land Management Road(s).

*NOTE: If selected, please include supporting documentation describing how such roads may be used in perpetuity. If roads are not accessible in perpetuity, the parcel is **ineligible**.*

NO. There is no current legal or physical access to the land but both legal and physical access will be obtained prior to closing the easement.

NO. There is no legal or physical access to the land, nor will such access be obtained prior to closing the easement. [INELIGIBLE]

2. In 1-2 sentences, describe the physical and legal access to the parcel, or the lack thereof:

Water Availability

1. Does the landowner hold water rights associated with the parcel?

YES - total cfs: _____ NO

2. Will water rights be conveyed with the conservation easement?

YES - cfs conveyed: ____ NO

3. If water rights will be conveyed, are they sufficient to support the related conservation values?

YES NO N/A. Does not apply.

4. In 2-3 sentences, describe how the conveyance or lack of conveyance of water rights with the conservation easement will affect the conservation values of the parcel.

5. Is the parcel irrigated? YES NO

6. Is there an adequate water distribution system on the parcel to support effective and sustainable grazing uses?

YES NO N/A. Does not apply.

7. If the land is grazed or will be grazed, in 2-3 sentences describe the water distribution system supporting grazing. If not applicable, write "N/A" in the space provided.

Sub-surface/Mineral Rights

1. Does the landowner own the entire sub-surface/mineral estate? YES NO

2. Will the landowner's **discretion** with respect to third-party mineral rights be limited as described in the NRCS Minimum Deed Terms or applicable RCPP Minimum Deed Terms?

YES NO N/A. Does not apply.

3. In 1-2 sentences, describe any sub-surface/mineral rights subject to recorded or unrecorded leases. If not applicable, write "N/A" in the space provided.

4. Describe the circumstances of the mineral estate. Include any past or current activity and whether there is risk to the parcel from exploration and development activities under the subsurface estate.

Title and On- or Off-site Conditions

1. Describe any identified exceptions to title coverage. If not applicable, write "N/A" in the space provided.

2. Describe any unrecorded exceptions to title coverage, leases, or other unrecorded use of the parcel. This includes written and verbal leases. If not applicable, write "N/A" in the space provided.

3. Describe any hazardous material present on or nearby the parcel. If not applicable, write "N/A" in the space provided.

4. Describe existing or permitted rights-of-way for utilities or other infrastructure on the parcel. If not applicable, write "N/A" in the space provided.

5. Will the applicant complete a limited or full phase-I environmental assessment of the parcel before closing the easement?

YES

NO

Impervious Surface

1. How much impervious surface is present on the parcel?

NOTE: An estimate of the percent impervious surface may be obtained through measuring the surface area on an aerial photo or other mapping means. Provide a map showing locations, acreage and % of the offered acres.

2% or less of the total acres.

Greater than 2% of the total acres. Parcels with more than 2% impervious surface are **ineligible unless a waiver is granted**. Contact the easement coordinator if you want to discuss this option.

Building Envelopes

1. Will the landowner reserve any building rights on the parcel?

YES NO

If yes, briefly describe why the building rights and associated building envelope are necessary to support the conservation values:

2. Does the landowner understand that any changes to the building envelope after obligation of funds are subject to NRCS approval?

YES NO N/A. Does not apply.

Subdivision

Applicants are advised to submit individual parcel applications for each proposed subdivision if the landowner would like to retain subdivision rights. Applying in this manner is advisable if the entity and landowner wish to guarantee subdivision approval during the application process rather than wait for the outcome of subdivision approval pre-closing for funded parcels. Approved parcels will be treated as separate easements. If the applicant elects to submit one parcel application that includes subdivision rights, **approval of subdivisions or changes to subdivisions after obligation is not guaranteed**.

1. Will the landowner reserve the right to subdivide the parcel?

NOTE: If yes, a farmland classification map, land use/land type map, proposed subdivision map with acreage of each division, soils map, and an impervious surface map with percentage must be submitted for each division.

YES. Additional maps that are required are included with the application as stated above.

NO

2. If the right to subdivide is retained, describe how each division will meet the selected land eligibility category (pp 12-15). If not applicable, write “N/A” in the space provided.

Minimum Deed Terms (MDT)

1. Does the eligible entity accept the NRCS Minimum Deed Terms for the transaction type?

NOTE: ACEP-ALE applicants refer to MDT v. Feb 2020 on ID ACEP-ALE webpage.

YES NO [**INELIGIBLE**]

2. Does the landowner accept the NRCS Minimum Deed Terms for the transaction type?

NOTE: ACEP-ALE applicants refer to MDT v. Feb 2020.

YES NO [**INELIGIBLE**]

3. Indicate how the applicant entity plans to address NRCS MDTs for the parcel in the easement deed: *NOTE: Applicant will score higher by opting to append the MDT. If the MDT is incorporated, the document is subject to additional review at the national level.*

- The applicable MDT version will be appended to the easement deed.
- The applicable MDT version will be incorporated verbatim into the easement deed.
- The eligible entity will use its own NRCS-approved deed template that incorporates the appropriate MDT version.
- The eligible entity will use another entity’s NRCS-approved deed template that incorporates the appropriate MDT version.
- Other: _____

Entity Performance

1. In 5-6 sentences, describe the entity applicant’s performance during the previous five fiscal years (October 1 – September 30) as it relates to demonstrated efficiency in completing NRCS easement transactions. If not applicable, write “N/A” in the space provided.

2. In 5-6 sentences, describe the entity applicant’s performance during the previous five fiscal years (October 1 – August 31) as it relates to demonstrated ability in monitoring NRCS easements. If not applicable, write “N/A” in the space provided. *NOTE: describe whether the entity monitored easements annually and provided sufficient, timely reports to NRCS.*

Certification Statement

By signing below, I certify that the information provided in this Parcel Application Packet for the parcel offered for enrollment is true, correct, and complete. I understand that NRCS must follow all statute, regulations, and policies governing ACEP in the decision and determination of both landowner and land eligibility for the offered parcel. I also understand that NRCS will perform a site visit and landowner interview to determine land eligibility before funding determination.

Eligible Entity Signature

Date

Primary Applicant Signatory Name and Title (Printed)

Eligible Entity Name

PART III – APPENDICES

***** DO NOT INCLUDE APPENDIX SECTIONS IN THE APPLICATION PACKET FOR SUBMISSION. APPENDIX SECTIONS ARE INCLUDED FOR APPLICANT INFORMATION ONLY. *****

Appendix 1: Definitions

Access: Legal and physical ingress and egress to the entire easement area over adjacent or contiguous lands for the exercise of any of the rights or interests under the easement for the duration of its term for the purposes of the program. Access for easement enrollments must be described in the easement deed.

AD-1026, Highly Erodible Land and Wetland Conservation Certification: A form administered by the USDA Farm Service Agency (FSA) that NRCS uses to in part determine eligibility for ACEP-ALE and other programs. All landowners, including any members of landowner entities, must be in compliance with the highly erodible land and wetland conservation provisions—on all land persons have an interest in, anywhere in the United States—in order to be eligible to receive USDA payments (including ACEP-ALE). If the form has been submitted before and there has been no change in ownership or land use, the form does not need to be resubmitted. If a person is determined to be out of compliance—on any land in any state—all USDA payments are in jeopardy for that crop year and all subsequent crop years the person remains out of compliance. Submit a copy of this form with your application package.

Agricultural land: Real property is considered to be agricultural land or land in agricultural use, including land on a farm or ranch, if it is consistent with the State’s program to purchase agricultural conservation easements. If there is no State program, the definitions of a farm, ranch, or agricultural use in the State’s agricultural use tax assessment program will be used to define agricultural land. The definition must not be so broad as to lead to the degradation of the soils.

Agricultural land easement (ACEP-ALE): An easement or other interest in eligible land that is conveyed under ACEP-ALE for the purposes of protecting natural resources and the agricultural nature of the land, and of promoting agricultural viability for future generations, and permits the landowner the right to continue agricultural production and related uses subject as applicable, to an ALE plan.

Agricultural land easement plan (ALE plan): A document developed by the eligible entity that describes the activities which promote the long-term viability of the land to meet the purposes for which the easement was acquired. An agricultural land easement plan includes a description of the farm or ranch management system and the natural resource concerns on the land, describes the conservation measures and practices that may be implemented to address applicable resource concerns for which the easement was enrolled, and incorporates by reference any component plans such as a grasslands management plan, forest management plan, or HEL conservation plan as defined in this part.

Agricultural uses: Those activities defined by a state’s farm or ranch land protection program, or, where no program exists, by the State agricultural use tax assessment program.

Associated agriculture lands: An official NRCS land use from the National Planning Procedures

Handbook. It is land associated with farms and ranches that are not purposefully managed for food, forage, or fiber and are typically associated with nearby production or conservation lands. This could include incidental areas, such as idle center pivot corners, odd areas, ditches and watercourses, riparian areas, field edges, seasonal and permanent wetlands, and other similar areas.

At-risk species: Any plant or animal species listed as threatened or endangered; proposed or candidate for listing under the Endangered Species Act; a species listed as threatened or endangered under State law or Tribal law on Tribal land; State or Tribal land species of conservation concern; or other plant or animal species or community, as determined by the State conservationist, with advice from the State technical committee or Tribal conservation advisory council, that has undergone, or is likely to undergo, population decline and may become imperiled without direct intervention.

Beginner farmer or rancher: A person, Indian Tribe, Tribal corporation, or legal entity who—

- (i) Has not operated a farm or ranch or nonindustrial private forest land (NIPF), or who has operated a farm or ranch or NIPF for not more than 10-consecutive years. This requirement applies to all members of an entity who will materially and substantially participate in the operation of the farm or ranch or NIPF.
- (ii) In the case of an individual, individually or with the immediate family, material and substantial participation requires that the individual provide substantial day-to-day labor and management of the farm or ranch consistent with the practices in the county or State where the farm is located.
- (iii) In the case of a legal entity or joint operation, all members must materially and substantially participate in the operation of the farm or ranch. Material and substantial participation requires that each of the members provide some amount of the management or labor and management necessary for day-to-day activities, such that if each of the members did not provide these inputs, operation of the farm or ranch would be seriously impaired.

Building envelope: An area within which the structures on the farm or ranch are located and within which building may occur on an ACEP-ALE easement.

Buy-Protect-Sell transaction: A legal arrangement between an eligible entity and NRCS relating to land owned or being purchased by an eligible entity on a transitional basis during which an agricultural land easement will be secured on eligible private or Tribal land, and ownership of the land transferred to a qualified farmer or rancher following conditions specified by NRCS.

CCC-902, Farm Operating Plan form (902-I for individuals or 902-E for entities): A form administered by the USDA Farm Service Agency (FSA) that collects information about persons (individuals) or entities to determine eligibility for payments. The 902-E form is used for general partnerships, joint ventures, tribes, corporations, limited partnerships, LLCs, trusts, estates, etc. (i.e., entity owning farm). The 902-I form is used for individual persons. A CCC-902 form is required for participation in NRCS programs.

CCC-941, Average Adjusted Gross Income form: A form administered by the USDA Farm Service Agency (FSA) that NRCS uses to in part determine eligibility for ACEP-ALE and other programs. Landowner(s) must certify to having an average annual adjusted gross income (AGI) equal to or

less than \$900,000.00 for the previous three tax years for both on-farm and off-farm income. Landowners should address this immediately to avoid delays in processing this application. If the landowner is an entity, additional forms may be needed by FSA to verify AGI status at the individual level—e.g., “CCC-901” or “CCC-902E.” Check with FSA. Submit a copy of these form(s) with your application package.

Co-holder: A legal entity that will be identified in the agricultural land easement deed as a grantee but is not the applicant and does not have to meet the requirements of being an eligible entity. However, a co-holder is required to maintain an active DUNS and SAM registration and must agree to and comply with the terms of the ALE agreement. A co-holder may not receive direct payment of the Federal share provided by NRCS but is considered a beneficiary of the Federal funds. All prospective co-holders must be listed on the CPA-41.

Conservation Reserve Program (CRP): The program administered by the Commodity Credit Corporation by and through the Farm Service Agency (FSA) as required by 16 U.S.C. Sections 3831–3836.

Cropland: An official NRCS land use from the National Planning Procedures Handbook. It is land used primarily for the production and harvest of annual or perennial field, forage, food, fiber, horticultural, orchard, vineyard, or energy crops.

Developed land: An official NRCS land use from the National Planning Procedures Handbook. It is land occupied by buildings and related facilities used for residences, commercial sites, public highways, airports, and open space associated with towns and cities.

Entity applicant (also, Eligible entity): An Indian Tribe, State Government, local government, or a nongovernmental organization that has a farmland or grassland protection program that purchases agricultural land easements for the purpose of protecting: (i) The agriculture use and future viability, and related conservation values, of eligible land by limiting non-agricultural uses of that land that negatively affect the agricultural uses and conservation values; or (ii) grazing uses and related conservation values by restoring or conserving eligible land. Any entity applicants must meet all the requirements of an eligible entity, must be listed as such on the CPA-41, and must accept all the terms and responsibilities of the ALE agreement.

Farm or Ranch Land of State and Local Importance: As identified on [Web Soil Survey](#) or in the Field Office Technical Guide. Land in addition to prime or unique farmland, that is of statewide or local importance for the production of food, feed, fiber, forage, biofuels, or oilseed crops. The appropriate State or local government agency determines statewide or locally important farmland with concurrence from the State conservationist. Generally, these farmlands are nearly prime farmland that economically produce high yields of crops when treated and managed in accordance with acceptable farming methods. Some may produce as high a yield as prime farmland. In some States and localities, farmlands of statewide and local importance may include tracts of land that have been designated for agriculture by State law or local ordinance in accordance with 7 CFR Part 657.

Farm or ranch succession plan: A general plan to address the continuation of some type of agricultural business on the enrolled land. The farm or ranch succession plan may include specific intrafamily succession agreements or business asset transfer strategies to create opportunities for new or beginning farmers or ranchers, veteran farmers or ranchers, or other historically underserved landowners.

Farmstead: An official NRCS land use from the National Planning Procedures Handbook. It is land used for facilities and supporting infrastructure where farming, forestry, animal husbandry, and ranching activities are often initiated. This may include dwellings, equipment storage, plus farm input and output storage and handling facilities. Also includes land dedicated to the facilitation and production of high-intensity animal agriculture in a containment facility where daily nutritional requirements are obtained from other lands or feed sources.

Forest land, or non-industrial private forest land: Land on which the historic and/or introduced vegetation is predominantly tree cover managed for the production of wood products or non-timber forest products. Specifically, non-industrial private forest land is rural land, as determined by the NRCS, that has existing tree cover or is suitable for growing trees; and is owned by any nonindustrial private individual, group, association, corporation, Indian Tribe, or other private legal entity that has definitive decision-making authority over the land. Even more specifically for the purposes of ACEP-ALE, non-industrial private forest land is land that contributes to the economic viability of an offered parcel or serves as a buffer to protect such land from development and does not consist of more than two-thirds of contiguous portions of the offered area (unless a waiver is granted). If using this land cover or use category, the land is considered at least 10-percent stocked by single-stemmed woody species of any size that will be at least 13-feet tall at maturity and/or there is land-bearing evidence of natural regeneration of tree cover (cutover forest or abandoned farmland) that is not currently developed for non-forest use. 10-percent stocked, when viewed from a vertical direction, equates to an aerial canopy cover of leaves and branches of 25 percent or greater. The minimum area for classification as forest land is 1 acre, and the area must be at least 100 feet wide. It should be noted that ACEP-ALE considers land covered by trees as cropland when the trees are not native species (orange groves, fruit and nut tree orchards) or native species that are cultivated (planted in rows, fertilized, and cultivated).

Forest management plan: Site-specific plan that describes management practices that conserve, protect, and enhance the viability of the forest land. Forest management plans may include a forest stewardship plan, as specified in section 5 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. Section 2103a) or other plan approved by the State forester.

“Furthers a State or local policy” land eligibility category: The protection of the land offered for enrollment must be consistent with a State or local policy that is consistent with the purposes of ACEP-ALE and the protection of such land must further the State or local policy.

Future viability: The legal, physical, and financial conditions under which the land itself will remain capable and available for continued sustained productive agricultural or grassland uses while protecting related conservation values such as management of the agricultural land easement area consistent with an agricultural land easement plan.

Grassland: Land on which the vegetation is dominated by grasses, grass-like plants, shrubs, or forbs, including shrubland, land that contains forbs, pastureland, and rangeland, and improved pastureland and rangeland.

Grasslands of special environmental significance (GSS): Grasslands that contain little or no noxious or invasive species, as designated or defined by State or Federal law; are subject to the threat of conversion to non-grassland uses or fragmentation; and the land meet both of the following –

- Is rangeland, pastureland, shrubland, or wet meadows on which the vegetation is dominated by native grasses, grass-like plants, shrubs, or forbs, or is improved, naturalized pastureland, rangeland, or wet meadows.
- Provides, or could provide, habitat for threatened or endangered species or at-risk species, protects sensitive or declining native prairie or grassland types or grasslands buffering wetlands, or provides protection of highly sensitive natural resources as identified by the State conservationist, in consultation with the State technical committee.

Grasslands management plan: The site-specific plan that describes the grassland resources, the management system and practices that conserve, protect, or enhance the viability of the grassland, and as applicable, the habitat, species, or sensitive natural resources.

Historical and archaeological resources: Resources that meet any of the following criteria:

- (i) Listed in the National Register of Historic Places (established under the National Historic Preservation Act (NHPA), 54 U.S.C. Section 300101 et seq.).
- (ii) Formally determined eligible for listing in the National Register of Historic Places (by the State historic preservation officer (SHPO) or Tribal historic preservation officer (THPO) and the Keeper of the National Register in accordance with section 106 of the NHPA.
- (iii) Formally listed in the State or Tribal register of historic places of the SHPO (designated under section 101(b)(1)(B) of the NHPA) or the THPO (designated under section 101(d)(1)(C) of the NHPA).
- (iv) Included in the SHPO or THPO inventory with written justification as to why it meets National Register of Historic Places criteria.

HEL Conservation Plan: The document that applies to highly erodible cropland as designated by the Farm Service Agency (FSA) and describes the conservation system applicable to the highly erodible cropland and describes the decisions of the person with respect to location, land use, tillage systems, and conservation treatment measures and schedules and, where appropriate, may include conversion of highly erodible cropland to less-intensive uses. The plan can only be developed by the NRCS.

Historically underserved landowner: A beginning, limited resource, or socially disadvantaged farmer or rancher, or veteran farmer or rancher.

Invasive species: An alien species whose introduction does or is likely to cause economic or environmental harm or harm to human health.

Land Eligibility Determination: A determination made by NRCS after review of the application package, an onsite review, and interview with the landowner(s), concluding whether the offered easement area and its attributes meet the established land eligibility criteria applicable to the application. Determinations are made after application submission but before funding selection. Review includes an Environmental Database Records Search paid for by NRCS, which may also occur post-obligation for funded parcels.

Landowner: A person, legal entity, or Indian Tribe having legal ownership of eligible land and those who may be buying eligible land under a purchase agreement. The term landowner may include all forms of collective ownership including joint tenants and tenants-in-common, and includes heirs, successors, assigns, and anyone claiming under them. The term landowner also includes both the owners of a life estate interest in land and the owners of a remainder interest in land that is subject to a life estate and includes both the purchasers and sellers under an active contract for deed, contract for sale, land contract or other similar “lease to own” land purchase financing arrangement. State governments and local governments are not eligible as landowners. For ACEP-ALE, nongovernmental organizations and Indian tribes that qualify as eligible entities are not eligible as landowners unless otherwise determined by NRCS following an approved buy-protect-sell transaction.

Legal entity: Means an entity created under Federal or State law that meets either of the following criteria:

- (i) Owns land or an agricultural commodity, product, or livestock
- (ii) Produces an agricultural commodity, product, or livestock

Limited-resource farmer or rancher: Means either of the following –

- (i) A person who meets both of the following criteria:
 - With direct or indirect gross farm sales not more than the current indexed value in each of the previous 2 fiscal years (adjusted for inflation using Prices Paid by Farmer Index as compiled by National Agricultural Statistical Service)
 - Has a total household income at or below the national poverty level for a family of four, or less than 50 percent of county median household income in each of the previous 2 years (to be determined annually using the U.S. Department of Commerce Data)
- (ii) A legal entity or joint operation if all individual members independently qualify under paragraph (i) above.

Noxious weed: Any plant or plant product that can directly or indirectly injure or cause damage to crops (including nursery stock or plant products), livestock, poultry, or other interests of agriculture, irrigation, navigation, the natural resources of the United States, the public health, or the environment. Noxious weeds will generally possess one or more of the characteristics of being aggressive and difficult to manage, parasitic, a carrier or host of deleterious insects or disease, and being non-native, new to, or not common to the United States or parts thereof.

Other productive soils: Includes prime farmland soils, unique farmland, or farm and ranch land of State and local importance as defined in this section.

Parcel: The defined area of land and may be a portion or all of the area of land that is owned by the landowner.

Pastureland: Land composed of introduced or domesticated native forage species that is used primarily for the production of livestock. Pastures receive periodic renovation and cultural treatments, such as tillage, fertilization, mowing, weed control, and may be irrigated. Pastures are not in rotation with crops.

Pending offer: A pending offer is a written bid, contract, or option to convey a conservation easement for any of the four land eligibility categories allowable under ACEP-ALE. A written pending offer may take the form of a signed option-to-purchase agreement or other type of purchasing agreement, a letter of intent to sell the easement, an offer letter from the landowner to the eligible entity, or other similar documentation. A pending offer may document a landowner's intent to sell the easement without a commitment to a purchase price as many offers are made before the appraisals are completed. The offer must be for the acquisition of an agricultural conservation easement in perpetuity, or for the maximum duration allowed under State law. The written pending offer may be extended by the eligible entity to the landowner to acquire the conservation easement or may be from the landowner to the eligible entity to sell the conservation easement.

Prime farmland: As identified on [Web Soil Survey](#) or in the Field Office Technical Guide. Land that has the best combination of physical and chemical characteristics for producing food, feed, fiber, forage, oilseed, and other agricultural crops with minimum inputs of fuel, fertilizer, pesticides, and labor, without intolerable soil erosion, as determined by NRCS. Soils that are prime if irrigated or prime if drained may be considered to meet this eligibility criterion if they are currently in the condition required to be prime and the management and maintenance of the necessary irrigation or drainage rights and capabilities are addressed in the conservation easement deed, baseline documentation report, and as applicable, the agricultural land easement plan.

Program: Only for the purposes of determining the necessity of a new Program Agreement entity application package, *program* means ACEP-ALE or different Regional Conservation Partnership Program (RCPP) overarching projects. Grasslands of special significance or other initiative do not count as a separate program for the purposes of a Program Agreement.

"Protects grazing uses" land eligibility category: Land that is 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

Purchase price: The appraised fair market value of the agricultural land easement minus the landowner donation.

Rangeland: An official NRCS land use from the National Planning Procedures Handbook. It is land on which the historic and/or introduced vegetation is predominantly grasses, grass-like plants, forbs or shrubs managed as natural ecosystem. Range land may include natural grasslands,

savannas, shrublands, tundra, alpine communities, marshes and meadows.

Third-party right holder: A legal entity that will be identified in the agricultural land easement deed as having specific rights or responsibilities but is not listed as grantee. A third-party right holder is not the applicant, does not have to be party to the ALE-agreement, may not receive direct payment of the Federal share provided by NRCS, is not considered a beneficiary of Federal funds, and is not required to be registered in DUNS or SAM. All prospective third-party right holders must be listed on the CPA-41.

Unique Farmland: As identified on [Web Soil Survey](#) or in the Field Office Technical Guide. Land other than prime farmland that is used for the production of specific high-value food and fiber crops, as determined by NRCS. It has a special combination of soil quality, location, growing season, and moisture supply needed to economically produce sustained high quality or high yields of specific crops when treated and managed in accordance with acceptable farming methods. Examples of such crops include citrus, tree nuts, olives, cranberries, fruits, and vegetables. Additional information on the definition of prime, unique, or other productive soil can be found in 7 CFR Parts 657 and 658.

Shrubland: Land predominantly composed of shrubs and for which grazing is the predominant use.

Socially disadvantaged farmer or rancher: A producer who is a member of a group whose members have been subjected to racial or ethnic prejudices without regard to its members' individual qualities. For a legal entity, at least 50-percent ownership in the legal entity must be held by socially disadvantaged individuals.

Veteran farmer or rancher: A producer who meets the definition in section 2501(a) of the Food, Agriculture, Conservation, and Trade Act of 1990, as amended (7 U.S.C. Section 2279(a)).

Water: An official NRCS land use from the National Planning Procedures Handbook. It is a geographic area whose dominant characteristic is open water or permanent ice or snow. May include intermingled land, including tidal-influenced coastal marsh lands.

Appendix 2: Cost Share Match Requirements for 2018 Farm Bill Enrollments

General Information

The general enrollment type has specific requirements for cost-share and matching funds. These requirements are based on the fair market value (FMV) of the easement as determined by an appraisal or other means of easement valuation and as accepted by the NRCS. The determination of FMV cannot not include any amounts for other costs for acquisition or management. The eligible entity must provide information on the estimated FMV and all contribution sources at the time of application. If funded and before closing, the eligible entity will provide a final listing of sources on the applicable “Statement to Confirm Matching Funds” form and will provide supporting invoices or receipts as applicable.

Federal v. Non-Federal Share

Table 1. Federal and Non-Federal Share Requirements.

	Federal Share (max. % of FMV)	Non-Federal Share (min. % of FMV)
General ALE Enrollment	50%	50%

†Estimation. The Non-Federal Share for GSS must be at least equivalent to the Federal share or satisfy the remainder of the easement FMV, whichever is less.

Non-Federal Share Requirements

The Non-Federal Share may be comprised of various sources. The allowable sources are listed below and should be considered in the order they appear (#1-4). No other sources will be considered.

1. The eligible entity's own cash resources for payment of easement compensation to the landowner. The resources may be in-hand or committed. If these resources are less than 10% of the easement FMV, the eligible entity must attach to the CPA-41A specific evidence of funding or capacity available to manage, monitor, and enforce the easement.
2. A landowner donation toward the easement value in the form of a charitable donation or qualified conservation contribution (section 170(h) of IRC of 1986) qualifies. No other form of donation is acceptable. ACEP-ALE does not require the landowner to donate any part of the easement FMV.
3. The procured costs paid by the eligible entity from sources other than the landowner (directly or

indirectly) to a third-party for *ONLY* the items listed below. If not listed here, the procured cost is not acceptable for the Non-Federal Share. If the cost of any one of the items listed below is counted toward the Non-Federal Share, the report or service *must* meet the standards or requirement as identified in the ALE agreement or other NRCS-provided documentation.

- a. Appraisal
 - b. Legal boundary survey of the easement area
 - c. Full phase-I environmental site assessment that meets the requirement of 40 CFR Part 312
 - d. Title commitment or report
 - e. Title insurance
 - f. Closing costs
4. Up to 2% of the easement FMV toward stewardship and monitoring costs contributed by the eligible entity from sources other than the landowner (directly or indirectly). Any amount over 2% will not be counted.

Examples

Example 1: Determination of the Amount of the Federal Share for General-ALE Enrollments:

FMV of ALE	\$500,000	\$500,000	\$500,000	\$500,000
Eligible Entity Cash (item (2)(i))	100,000	20,000	70,000	200,000
Landowner Donation (item (2)(ii))	150,000	200,000	100,000	200,000
Procured Costs Paid by Entity (item (2)(iii))	Not included	30,000	20,000	Not Included
Stewardship/Monitoring Costs (item (2)(iv))	Not included	Not Included	10,000	Not Included
Total Non-Federal Share	250,000	250,000	200,000	400,000
Total Federal Share for General ALE	250,000	250,000	200,000	100,000
Eligible Entity Cash Contribution as Percentage of FMV	20%	4%*	14%	40%

Example 2: Determination of the Amount of the Federal Share for ALE-GSS Enrollments:

FMV of ALE	\$500,000	\$500,000	\$500,000	\$500,000
Eligible Entity Cash (item (2)(i))	62,500	25,000	120,000	150,000
Landowner Donation (item (2)(ii))	62,500	70,000	100,000	150,000
Procured Costs Paid by Entity (item (2)(iii))	Not included	30,000	20,000	Not Included
Stewardship/Monitoring Costs (item (2)(iv))	Not included	Not Included	10,000	Not Included
Total Non-Federal Share	125,000	125,000	250,000	300,000
Total Federal Share for ALE-GSS	375,000	375,000	250,000	200,000
Eligible Entity Cash Contribution as Percentage of FMV	13%	5%*	24%	40%

*See requirements in #1 of the "Non-Federal Share Requirements" section for cash contributions less than 10%.

Appendix 3: Description of Application Forms

The following forms are required to establish entity, parcel, and landowner eligibility for ACEP-ALE or Buy-Protect-Sell (BPS) Transactions.

NRCS CPA-41 “Entity Application for an Agricultural Land Easement (ALE) Agreement”

NRCS CPA-41 is used to determine the eligibility of the entity to participate in the ACEP-ALE program under a “Program Agreement”. Once determined to be eligible to receive assistance under a Program Agreement, an entity participating in ACEP-ALE is identified by NRCS as an “eligible entity.” If an eligible entity is certified by NRCS under Part 528, Subpart H, the eligible entity may also be referred to as a “certified entity.” The term eligible entity refers to both a certified eligible entity or a noncertified eligible entity.

ACEP-ALE program agreements establish the framework under which NRCS and an eligible entity will operate and identifies the potential co-holder and third-party right holders that may be party to the acquisition of any ACEP-ALE easement associated with the ACEP-ALE program agreement. ACEP-ALE funds are not obligated to an ACEP-ALE program agreement. Instead, the obligation and payment of cost-share assistance occurs on an individual parcel basis through execution of individual ACEP-ALE cost-share contracts that are associated with the ACEP-ALE program agreement and are entered into by NRCS, the eligible entity, and any co-holders specific to the individual parcel.

NRCS CPA-41A “Parcel Sheet for Entity Application for an Agricultural Land Easement (ALE) Agreement”

NRCS CPA-41A is used to determine the eligibility status of the parcel and parcel landowner(s) for the ACEP- ALE program. Information disclosed on this form is also used to assess how the parcel ranks using national and state criteria. The term “parcel” refers to the portion of the property that is proposed for an ALE. This form can be submitted simultaneously with an Entity Application (NRCS-CPA- 41). Alternatively, one or more NRCS CPA-41A forms can be submitted any time after the applicant entity has an executed Program Agreement with NRCS. However, this form must be submitted by the advertised application batching date to be considered for funding in the upcoming Fiscal Year funding cycle.

NRCS CPA-41A BPS Supplement “Buy-Protect-Sell Transaction Supplement to the Parcel Sheet for Entity Application for an Agricultural Land Easement (ALE) Agreement”

NRCS CPA-41A BPS Supplement is used to determine the eligibility status of the applying entity and parcel of interest for a buy-protect-sell transaction under ACEP-ALE. This form must be submitted in conjunction with an associated CPA-41A form.

Appendix 4: Web Soil Survey Instructions

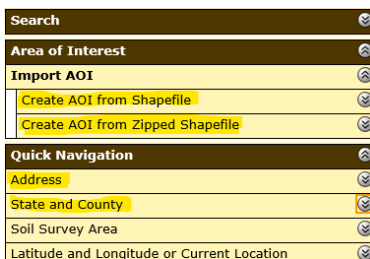
This document provides instructions for accessing Web Soil Survey (WSS) to obtain proper documentation for ACEP-ALE applications. Included are instructions for general access to the website, creation of a custom soil resource report for basic soils information, and creation of a farmland classification (prime soils) map and table.

General Access Instructions

1. Visit <http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm>. If this link does not work, visit the NRCS home page (<http://www.nrcs.usda.gov/>), select “Soils” on the right under “Popular Topics,” and select “Web Soil Survey” in the middle of the page under “Helping People Understand Soils and Plants.”
2. Select the big green button, “START WSS.”



3. On the left under “Quick Navigation,” select the appropriate search method. Using “Address” or “State and County” will yield the best results. You can also select “Import AOI” under “Area of Interest;” in this selection, you can upload a singular or multi-part (“zipped”) shapefile for the parcel.



4. Enter the address for the parcel (Option A), select “Wyoming” and the county where the parcel is located (Option B), or import your singular or multi-part shapefiles (Option C). See next step for specific instructions.






Option A

OR

Option B

OR

Option C

5. Option A and B: After entering the parcel address or selecting the parcel’s county/state and selecting “View,” use the icons on the “Area of Interest Interactive Map” to zoom   or pan  to the parcel. Use the AOI (“Area of Interest”) buttons   to draw the boundaries of the parcel using single clicks. Double click when finished drawing; the final polygon will appear with blue

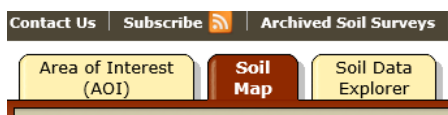
cross-hatching. Repeat this process for any additional polygons needed.

Option C: Open either “Create AOI from Shapefile” or “Create AOI from Zipped Shapefile” depending on your goal and shapefile data makeup. Select “Browse,” navigate to the location of your shapefiles, select the shapefiles as appropriate, and select “Open.” The file location should appear in the box next to “Browse.” Select the “Set AOI” button. Your parcel boundaries will appear in the “Area of Interest Interactive Map” in blue cross-hatching.

Note: Using any option, the boundaries must match all other maps provided in the application package. Any polygons created must be for the entire parcel offered area. If there are planned subdivisions or non-contiguous parcels, this process must be repeated for each area.

Custom Soils Resource Report Instructions (for basic soils information)

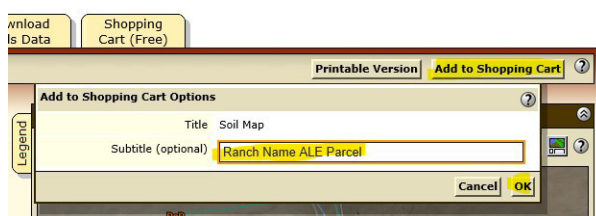
1. Follow “General Access Instructions.”
2. Select the “Soil Map” tab near the top of the page to view the soils map and soils table.



3. You may see “Warning: Soil Map may not be valid at this scale” under the map. This is just for your information. Proceed with the next step.

⚠ Warning: Soil Map may not be valid at this scale.
You have zoomed in beyond the scale at which the soil map

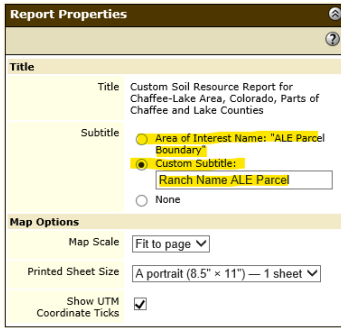
4. Select “Add to Shopping Cart” near the top right of the page. A new window will pop up. Enter a subtitle that will properly identify the parcel. Select “OK.”



5. Navigate to the “Shopping Cart (Free)” by selecting the last tab near the top of the page.



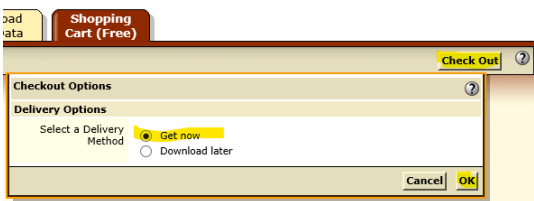
6. Under “Report Properties,” select or enter a subtitle selection that will properly identify the parcel and review the other information.



- Under “Table of Contents,” ensure all the “Soil Map” and all sub-groups are checked at a minimum. Note: Some fields automatically populate and cannot be removed.



- Select “Check Out” near the top right of the page. A window will appear; select “Get Now” and then “OK.”



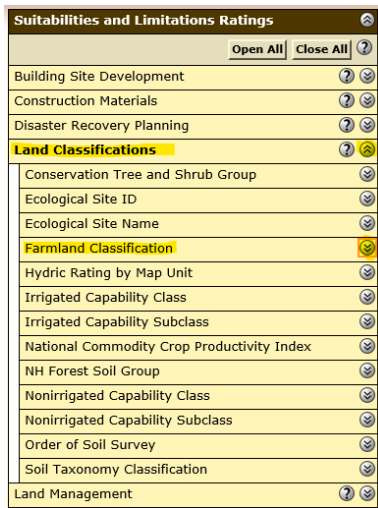
- A message box may appear at the bottom of the window indicating the report is downloading. A PDF of a Custom Soil Resource Report will pop up. (Note: If this does not occur, you may have to check your downloads or other location on your computer.) Save and/or print this report for the record.

Farmland Classification Instructions (a.k.a., “prime soils”)

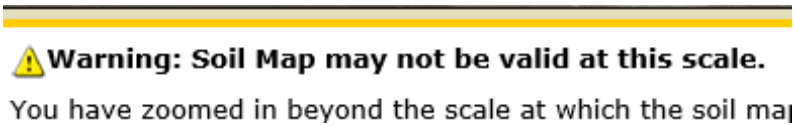
- Follow “General Access Instructions.”
- Select the “Soil Data Explorer” tab near the top of the page. Then, select the “Suitabilities and Limitations for Use” sub-tab.



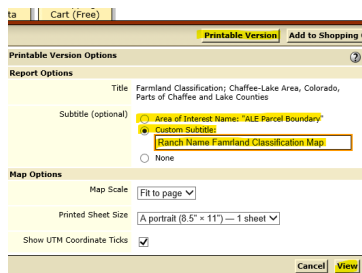
- On the left of the page, find “Land Classifications” in the list and select the two down arrows to expand. Once expanded, select the two down arrows next to “Farmland Classification” to expand.



- Select “View Rating” button in the expanded window. An interpretive soils map and table appears to the right. You may see “Warning: Soil Map may not be valid at this scale” under the map. This is just for your information. Proceed with the next step.



- Click on the “Printable Version” button located near the top right of the screen. A new window appears. Select or enter a subtitle selection that will properly identify the parcel and review the other information. Select the “View” button.



- A message box may appear at the bottom of the window indicating the report is downloading. A PDF of a Custom Soil Resource Report will pop up. (Note: If this does not occur, you may have to check your downloads or other location on your computer.) Save and/or print this report for the record.

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*Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotope, American Sign Language, etc.) should contact the responsible agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English. To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at ***How to File a Program Discrimination Complaint*** and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov.*

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