

Idaho State Instruction:	Program-6
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Idaho Agricultural Conservation Easement Program (ACEP) Agricultural Land Easement (ALE) Guidance

The following implementation of the ACEP-ALE & Grassland of Special Significance (GSS) application eligibility and considerations will be used in Idaho until superseded.

1. Request for Federal Share Increase.

After a Parcel Contract is executed, the State Conservationist may consider an Eligible Entity's request to increase the amount of the Federal share for an individual parcel up to the maximum allowable ACEP-ALE cost-share amount. The Natural Resources Conservation Service (NRCS) is under no obligation to increase the Federal share above the original estimated amount. Considerations for the Idaho State Conservationist in responding to such requests:

The top priority of the State Conservationist is to always first fund new and high-ranking applications with the state ACEP-ALE initial allocation budget. In cases where the state's initial allocation exceeds the total funds obligated to current year top priority applications, the State Conservationist will consider a request for an increase to the Federal share. If no initial allocation funds remain after obligating the current year priority applications, the State Conservationist may, at their sole discretion, request additional funds from National Headquarters for the purpose of increasing the federal share. Below are the factors that will be taken into consideration.

- i. Preference will be given to obligated parcels that have not been modified and that are within their initial contract term.
- ii. In accordance with 440-CPM Part 528.51(E)(3)(i), additional funds request will not be considered if they require or are likely to result in contract extension, except in situations where the Entity has demonstrated that project delays are due to circumstances beyond their control.
- iii. Additional funds requests for parcels with multiple prior modifications may be denied for efficient program delivery.
- iv. Additional funds will not be provided to parcel contracts within the final year of the contract's life.

All additional funds provided for any parcel contract will be at the sole discretion of the State Conservationist and although the factors may be met the State Conservationist may opt not to provide additional funds for program efficiency.

2. Boundary Modification.

Boundary modifications post obligation within the control of the eligible entity or landowner control will not be considered unless there are documented extenuating circumstances beyond the control of the eligible entity or landowner for all contracts approved by Idaho NRCS.

3. Non-Contiguous Parcels.

Eligible Entities may submit parcel applications that consist of non-contiguous parcels. Non-contiguous applications must be eligible, as well as demonstrate the overall projects adherence to program policies. Non-Contiguous parcels will be evaluated based on the following criteria:

Non-Contiguous Parcels Separated by Fee Owned Rights-of-Way or Other Narrow Strips. These applications shall be treated as contiguous land if all portions of the property are under unified ownership with no reserved right of subdivision. If requesting a reserved right of subdivision, then the application will be reviewed under the Less Than 1 Mile non-contiguous parcel criteria.

Non-Contiguous Parcels Separated by Less Than 1 Mile. Each of the non-contiguous tracts must individually meet program eligibilities and ranking pool requirements. Non-contiguous parcel applications must include the following documentation at the time of application:

Separate maps for each of the non-contiguous tracts:

For ALE General Applications:

- A Soils Map with % of Prime, Unique, Statewide and Local Soils specific to each non-contiguous tract. Note: Each non-contiguous tract must individually meet the minimum eligibility threshold of at least 50% Soils of Agricultural Importance.
- A Legal & Physical Access Map for each non-contiguous tract. Note: Each non-contiguous parcel must be independently accessible, both legally and physically.

For ALE GSS Applications:

- A Land Use Map with % of each land use specific to each non-contiguous tract. **Note:** Each non-contiguous tract must separately meet the minimum eligibility threshold for Grasslands of Special Significance (see CPM-440 Part 528.33(B)(3) and Idaho [NRCS Grassland of Special Significance \(GSS\) Guidance](#)).
- Legal & Physical Access Map for each non-contiguous tract. **Note:** Each of the non-contiguous parcels must be independently accessible, both legally and physically.

- A. A written narrative that: justifies how the individual non-contiguous tracts contribute to the viability of the same larger agricultural operation (e.g., same owner, same operator, same equipment, same livestock), and justifies why the individual parcels are combined under one application as opposed to submitted as multiple applications.
- B. Shapefiles of the non-contiguous tracts.

Non-Contiguous Parcels Separated by a Mile or Greater.

For ALE General Applications:

Non-contiguous parcels separated by a mile or greater must be submitted as separate applications and will be ranked, selected and evaluated as individual parcels.

For ALE GSS and Protect Grazing Uses Applications:

Non-contiguous parcels separated by a mile or greater are allowed case by case basis. Submit the documentation requested in the less than 1 mile section for consideration.

4. Subdivisions.

- A. Conservation easements funded by ACEP-ALE may permit future subdivision of the parcel in accordance with CPM-440 Part 528.60(H). A reserved right of subdivision must be identified at the time of application or prior to eligibility determination. Subdivisions proposed post obligation will not be considered unless there are extenuating circumstances beyond the control of the eligible entity or landowner and NRCS determines it is beneficial for program delivery.
- B. Applications that include the right of the subdivision must demonstrate that each of the proposed divisions individually meet ACEP-ALE program eligibility and ranking pool requirements.
- C. Parcel applications that include a proposed right of subdivision must provide the following additional documentation at the time of application:
 - A written narrative that: documents how each proposed division will individually meet or exceed the minimum criteria for ACEP-ALE
 - For ALE General, documents show how each proposed division meets or exceeds the minimum soils criteria in accordance with CPM 440 Part 528.33(B)(1).
 - For ALE-GSS, document how each proposed division meets or exceeds the minimum criteria of “Protection of Grazing Uses and Related Conservation Values” (see CPM-440 Part 528.33(B)(3)) as well as Idaho NRCS Grassland of Special Significance (GSS) Guidance.

Maps and shapefile data:

- (i) A map of the proposed subdivision boundaries.
- (ii) Shapefiles of the proposed subdivision boundaries.
- (iii) Separate maps for each of the proposed divisions, as follows:

For ALE General Applications:

- A Soils Map for each of the proposed divisions that includes the % of Prime, Unique, Statewide and Local Soils specific to each proposed division. **Note:** Each individual division must separately meet the minimum eligibility threshold of at least 50% Soils of Agricultural Importance.
- A Legal & Physical Access Map for each of the proposed divisions. **Note:** Each proposed division must be independently accessible, both legally and physically.
- A Land Use Map for each of the proposed divisions with % of each land use specific to each proposed division.
- An Impervious Surface map that depicts the location of all current impervious surfaces and notes how the remaining impervious surface allowance will be allocated between the proposed divisions.

For ALE GSS Applications:

- A Land Use Map for each of the proposed divisions that includes the % of each land use within each of the proposed divisions. **Note:** Each non-contiguous tract must separately meet the minimum eligibility threshold for Grasslands of Special Significance.
 - A Grassland / Grazing Map for each of the proposed divisions that shows the location of eligible Grasslands of Special Significance (rangeland, pastureland, shrubland, and wet meadows only).
 - A Legal & Physical Access Map for each of the proposed divisions. **Note:** Each proposed division must be independently accessible, both legally and physically.
 - An Impervious Surface map that depicts the location of all current impervious surfaces and notes how the remaining impervious surface allowance will be allocated between the proposed divisions.
- a) Written documentation from the landowner describing the purpose of the division and how it contributes to maintaining the long-term viability of agricultural operation.
 - b) A letter of concurrence from the Eligible Entity that expresses support for the proposed subdivision and includes additional explanation and/or justification as necessary.
5. **Grasslands of Special Significance (GSS).** Clear land eligibility requirements to define acceptable parameters of ACEP-ALE GSS applications. See Idaho NRCS Grassland of Special Significance (GSS) Guidance.