

Natural Resources Conservation Service  
Agricultural Conservation Easement Program – Agricultural Land Easements  
(ACEP-ALE)  
Application Checklist for Cooperating Entities

Cooperating Entities are required to provide the following information. Applications should be submitted to the NRCS California State Office by the posted application deadline. Incomplete applications will not be accepted.

Submit an application package electronically to: [Elizabeth.palmer@ca.usda.gov](mailto:Elizabeth.palmer@ca.usda.gov)  
OR mail a CD/thumb drive/paper documents to (Dropbox or similar file transfer methods generally are not compatible):

Natural Resources Conservation Service  
Attn: Easement Program Specialist  
430 G Street, Room 4164  
Davis, CA 95616

(Note: “Parcel” means the defined area of land to be included in a single conservation easement.)

#### Forms

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- 1) Form NRCS-CPA-41 (*version 12/2016*), “Entity Application for an Agricultural Land Easement (ALE) Agreement”. A Cooperating Entity need only submit one NRCS-CPA-41, even if applying for multiple parcels (projects).
- 2) Form NRCS-CPA-41a (*version 12/2016*), “Parcel Sheet for Entity Application for an Agricultural Land Easement (ALE) Agreement”. Each individual parcel (project) submitted for funding must have an NRCS-CPA-41a completed.
- 3) SF 424, “Application for Federal Assistance”
- 4) SF 424A, “Budget Information for Non-Construction Programs”
- 5) SF 424B, “Assurances for Non-Construction Programs”
- 6) AD-3030, “Representation Regarding Felony Conviction and Tax Delinquent Status for Corporate Applicants”
- 7) SF-LLL, “Disclosure of Lobbying Activities”

## Cooperating Entity Information

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- 1) Name, address, phone number, and email of the Executive Director for the Cooperating Entity and the point of contact (if different) for the application.
- 2) Information on the Cooperating Entity's farmland conservation program. Identify if the Cooperating Entity has a strategic farmland protection plan with specific agricultural focal areas for conservation (provide documentation).
- 3) Evidence of the Cooperating Entity's capability to acquire, hold, manage, and enforce agricultural conservation easements. Include citation to the statutory authority that allows the Cooperating Entity to acquire conservation easements.
- 4) List of easements acquired, held, managed and/or enforced by the Cooperating Entity.
- 5) Closing and monitoring efficiency. For Cooperating Entities that hold NRCS easements, closing and monitoring efficiency will be directly calculated from the NRCS National Easement Staging Tool. For entities that don't hold NRCS easements, the entity will need to provide information on closing and monitoring efficiency for other agricultural easements they administer.
- 6) Managing documents (Articles of Incorporation, Operating Agreements, and/or Bylaws).
- 7) Documentation of signature authority authorizing an individual(s) to act on behalf of the Cooperating Entity to apply for funding and enter into agreements with NRCS.
- 8) Evidence of the Cooperating Entity's Appraisal Policy
- 9) Evidence of the Cooperating Entity's Title Review Policy or Standards
- 10) List of staff and/or volunteers with corresponding job duties and titles.
- 11) Evidence of the Cooperating Entity's Stewardship and/or Monitoring Policies. List of staff and/or volunteer names that are directly responsible for monitoring activities.
- 12) Certification that the Cooperating Entity has non-federal matching funds available for the parcel at the time of application.
- 13) Proof of DUNS and SAM registration.

## Landowner Information

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- 1) Name, address, phone number and email of the primary landowner contact for the parcel (project).
- 2) Evidence of ownership: provide recorded property deed(s) and if available a preliminary title report or title commitment. The deed and/or title report must cover all of the land (legal parcels) offered for enrollment.
- 3) Written pending offer between the Cooperating Entity and the Landowner. This document must be **signed by both parties**. (Ensure document correctly identifies full Legal Ownership and land to be enrolled). 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.
- 4) Farm Service Agency (FSA) Farm Records for all landowners listed on the property deed or title report. All landowners must be in compliance with Adjusted Gross Income limitations (Form CCC 941), and Wetland Conservation and Highly Erodible Land requirements (Form AD 1026). Landowners must work with their local FSA office to establish farm records and landowner eligibility. Copies do not need to be provided with your application. We will verify the Farm Records and landowner eligibility directly with FSA.
- 5) Estimated Cooperative Entity's recommended stewardship fee to be paid by the landowner.

### Additional Requirements for Land Owned by Entities (Trusts, Corporations, Partnerships, etc.)

- 6) Documentation of signature authority authorizing an individual landowner to act on behalf of an ownership entity.
- 7) Articles of Incorporation and/or Bylaws and amendments.
- 8) Operating Agreement and Amendments.
- 9) Trust Document and Amendments.
- 10) Form CCC 901 or CCC 902, "Members Form".
- 11) Certificate of Good Standing from the Secretary of State for corporations.

## Project Information

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- 1) Map of proposed easement area –include boundary and acres. Note if different from the legal parcel.
- 2) **Land Eligibility Category for Application** (Select only **ONE** category though you may provide additional eligibility information to support project). ACEP ALE applications are organized by **Eligible Land type**; Applications with more than one selection marked on the CPA 41A may be deferred until corrected.
  - a. Provide documentation of offering containing minimum of **50%** prime, unique, statewide important, or locally important farmland on the property, if used for land eligibility. Provide a table or map of the percentage of prime, unique, and/or statewide/locally important soil on the easement offering. Locally important soils must meet the CA Department of Conservation’s definition of Farmland of Local Importance. *Note: Soils that are designated Prime only with a specific land use, for example “Prime- if irrigated” or “Prime if drained”, then may ONLY 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 easement deed terms or agricultural land easement plan. Provide supporting documentation for the current land use)*
  - b. Provide a statement on how the easement offering would protect the grazing uses and related conservation values. Provide statement of the percentage of rangeland/grassland and map depicting acres managed for grazing uses, IF used for land eligibility.
  - c. Provide documentation of historical or archeological resources, IF used for land eligibility. Only include cultural resources that are recognized by the State or National Register of Historic Places.
  - d. Provide documentation on how the project supports a state or local government policy consistent with the purposes of ACEP-ALE, IF used for land eligibility.
- 3) If this application is for **Grassland of Special Environmental Significance (GSS)**, provide a written request for the GSS waiver and justification for why the project qualifies for the waiver. Include sufficient supporting documentation.

## **Other Information Needed for Ranking & Eligibility (provide supporting documentation if applicable)**

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- 1) Ownership of mineral rights (must identify full ownership)
- 2) Water Rights and Sources
- 3) Minimum parcel size permitted under current zoning regulations
- 4) Desire of landowner to subdivide parcel, if applicable
- 5) Number of legal parcels the easement will extinguish
- 6) Evidence of a farm or ranch succession plan
- 7) Unique multifunctional benefits – social, economic, climate resiliency
- 8) Parcel's access to agricultural markets
- 9) On-site processing facilities for ag. products produced on-farm
- 10) At-risk species or habitats
- 11) Evidence that the parcel is located in a region that will help achieve National, State or Regional conservation goals or enhance existing government or private conservation efforts. Do not include a General Plan citation unless it specifically identifies the area of the easement for agricultural conservation.
- 12) Evidence that the parcel is within an agricultural conservation focal area as identified in the Cooperating Entity's strategic plan, if applicable.
- 13) Letters of support. Do not include letters of support from NRCS or Resource Conservation Districts.

## **Budget**

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- 1) Estimate the value of the conservation easement and source of information used to arrive at this number. Include cash contribution from the Cooperating Entity, Landowner Donation (if applicable), other non-federal funding sources, and the requested contribution from NRCS.

## **Maps**

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- 1) Map showing the general **location** of the easement offering. Include major roads, towns, landmarks, etc.
- 2) Map of the **ownership parcel(s)** offered for enrollment with the easement boundary delineated (include APNs). Include Section-Township-Range.
- 3) Map depicting evidence of legal access from a named public road or other evidence of sufficient legal access. If access includes right of ways over private land, **provide copies** of recorded access agreements. Access Map must include:
  - a. Location of property
  - b. Location and name of public road from which parcel is accessed
  - c. Access route between public road and parcel
  - d. Noting where 3rd party lands are crossed (right of ways over private or public land)
  - e. If access crosses US Forest Service or BLM lands, identify federal road and access rights

- 4) Map depicting location of farmstead area(s), and any other homes or out-buildings on the property, as well as, proposed building envelopes. Include delineation of impervious surfaces (roofs, concrete, asphalt, etc.). Do not map dirt roads, gravels surfaces or any other surface that water may pass easily through. Any project that exceeds the NRCS 2% impervious surface limitation will require a waiver request at the time of application.
- 5) Map displaying acres of prime, unique, or statewide/locally important soils, if used for project eligibility Or to support other compatible land uses. Locally important soils must supported by the CA Department of Conservation's definition of Farmlands of Local Importance.
- 6) Map displaying **land uses** on the easement offering, including acres of cropland, pastureland, rangeland, grassland, forestland, wetland, or other land uses.
  - a) *Forest land means a land cover that is at least 10 percent stocked by single-stemmed woody species of any size that will be at least 13 feet tall at maturity. Also included is land bearing evidence of natural regeneration of tree cover (cutover forest or abandoned farmland) that is not currently developed for nonforest use. Ten-percent stocked, when viewed from a vertical direction, equates to an aerial canopy cover of leaves and branches of 25 percent or greater. IF there are no forest lands on the offering, clearly state in the application.*
- 7) Map showing proximity and size of other protected lands within a 1 mile radius of the easement offering. This can include conservation easements, publicly owned land, and military installations. Agricultural easement should be identified separately from other types of conservations easements.
- 8) Map showing proximity of agricultural lands within a one mile radius of the easement offering. The size and general agricultural type of these lands should be identified.
- 9) Map showing the proximity in miles to the nearest city sphere of influence.

## Waivers

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1. If the project exceed the 2% impervious surface limitation or is projected to exceed the 2% impervious surface limitation, a waiver must be requested.
2. NRCS contribution increase waivers for Grasslands of Special Environmental Significance.
3. Cash contribution waivers for projects of special significance.