

**Oregon USDA-NRCS
Agricultural Conservation Easement Program – Agricultural Land Easements
(ACEP-ALE)
Application Package Checklist**

Submit completed application forms and supporting documents to:

USDA-NRCS

Attn: Easement Programs
1201 NE Lloyd Blvd, Suite 900
Portland, Oregon 97232
bari.williams@or.usda.gov

- Application packets must be submitted to the Oregon State Office by the announced application cut-off date.
- Incomplete applications must be deferred to the next application cut-off date.
- Submit each document as a separate file, labeled appropriately, the documents may be “zipped” or sent in multiple e-mails. NRCS may not be able to access drop boxes due to security issues.
- A complete ACEP-ALE application contains the following:

Forms:

- 1) Form NRCS-CPA-41, “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, “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. A parcel is the ranch or farm the entity is applying for match funds to purchase the conservation easement over.
- 3) SF 424, “Application for Federal Assistance”. Use form with expiration date of 10/31/2019.
- 4) SF 424A, “Budget Information for Non-Construction Programs”. Use form with expiration date of 1/31/2019.
- 5) SF 424B, “Assurances for Non-Construction Programs”. Use form with expiration date of 1/31/2019.
- 6) Form AD-3030, “Representation Regarding felony conviction and Tax Delinquent Status for Corporate Applicants,” if applicable
- 7) AD-3031 – Assurances Regarding Felony
- 8) Certification Regarding Lobbying form.
- 9) SF-LLL, “Disclosure of Lobbying Activities”.

Entity Information submitted with the entity application (CPA-41) must include:

- 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) Documentation of the entity's commitment to long-term conservation of agricultural lands through the use of voluntary conservation easements that protect farm or ranch lands from conversion to nonagricultural lands. Identify if the Cooperating Entity has a strategic farmland protection plan with specific agricultural focal areas for conservation. Highlight the entity's mission statement and/or bylaws that support this commitment.
- 3) Documentation of the entity's capability and record of acquiring, holding, managing, and enforcing conservation easements.
 - This must include a citation to the State conservation easement enabling statute that the entity will rely on to acquire the agricultural land easements.
 - If the entity is a State, local or tribal government, then this must include a citation to the entity's statutory authority to acquire conservation easements consistent with the purposes of ACEP-ALE.
- 4) Managing documents (Articles of Incorporation, Operating Agreements, and/or Bylaws).
- 5) Documentation of the entities capacity to monitor and enforce the agricultural land easements. Include the entity's monitoring and enforcement policy and protocol.
- 6) Documentation or certification that, at the time of application, the eligible entity has the required funds available for each parcel (see document for ALE Cost-share Assistance and Match Requirements).
- 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) Provide DUNS Number and proof of registration in SAM for each eligible entity and any co-holding entities. Third parties that will not be listed as a grantee on the Conservation Easement Deed do not need to be currently registered in DUNS and SAM.
- 13) Provide evidence of entry in SCIMS (Farm Service Agency enters data in SCIMS).

Parcel information submitted with each CPA-41A must include the following:

- 1) Location Map of the parcel. Include Acres, north arrow, Township, Range, and Sections with nearest street and roads identified, include the nearest town or city.
- 2) Evidence and map of legal and physical access to the parcel including the location of the parcel, the location and name of the public road from which the parcel will be accessed, and the access route between the public road and the parcel. The map should note where and if third-party lands are crossed.
- 3) A map or aerial image showing the proposed parcel boundaries and larger property boundaries if different than the parcel boundaries.
- 4) A map showing each of the following, as applicable, to support the Land Eligibility Category selected on the CPA-41:
 - The location and acres of the prime, unique, or statewide and locally important soil in each parcel,
 - The location and acres of lands where grazing uses and related conservation values would be protected
 - The location and acres of grasslands of special environmental significance
 - The location, number, and acreage of historical or archaeological sites proposed to be protected
- 5) If the presence of historical or archeological sites is the basis for land eligibility or ranking points, a brief description of the site's significance and documentation of the site's significance and documentation of the site's formal listing on the national, Tribal, or State register or eligibility for listing in the national register must be included in the application.
- 6) A narrative description of how the protection of the parcel will further a State or local policy that is consistent with ACEP, if this is the basis for the parcel's land eligibility.
- 7) Support documentation for the grassland of special environmental significance designation, if "yes" is checked on CPA-41 for GSS ALE Agreement.

Language from the ACEP-ALE-GSS manual:

(3) Protection of Grazing Uses and Related Conservation Values.—Land the enrollment of which would protect grazing uses and related conservation values by restoring and conserving land may be eligible for enrollment in ACEP-ALE. Such land must be one of the following:

(iii) Grasslands of special environmental significance, which is defined in 7 CFR Section 1468.3 as 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—

**Is rangeland, pastureland, or shrubland on which the vegetation is dominated by native grasses, grass-like plants, shrubs, or forbs, or is improved, naturalized pastureland and rangeland.

**And the land provides, or could provide, habitat for threatened or endangered species or at-risk species, protects sensitive or declining native prairie or grassland types, or provides protection of highly sensitive natural resources.

- 8) A map showing the location of other protected land in relation to parcel, if applicable. Label the types of protected land.
- 9) Narrative statement or map showing the parcel's accessibility to agricultural markets, label types of agricultural market.
- 10) Narrative statement or map showing the parcel's access to existing agricultural infrastructure, on-and off farm, and other support systems.
- 11) Narrative statement, including support documentation, or map showing the threat of conversion or fragmentation (either agricultural conversion to nonagricultural development or conversion of grassland to non-grassland uses) for each parcel.
- 12) Estimated agricultural land easement value, costs, and contributions for each parcel.
 - Cost share assistance and match requirements-the amount contributed by the entity that is not a qualified conservation contribution from the landowner must be cash and must come from sources other than the landowner. Under no circumstances may the eligible entity acquire its minimum cash contribution through additional cash contributions or payment made by the landowner, loans provided by the landowner, "monitoring or stewardship" fees, "acquisition" fees, or other such fees charged to the landowner.
 - The estimated acres of the parcel
 - The fair market value of the agricultural land easement
 - The total estimated entity non-Federal contribution
 - The requested Federal share
 - The estimated purchase price
 - The qualified contribution from the landowner
- 13) ACEP-ALE authorized two exceptions under which a waiver may be granted by NRCS which must be requested in writing from the entity at time of application:
 - The Federal cost-share amount may be adjusted for grasslands of special environmental significance
 - The eligible entity cash contribution requirement may be adjusted for projects of special significance
- 14) As a condition of entity eligibility, the entity must be able to document and certify that they have the required funds available at the time of application. Examples of acceptable cash contributions include, but are not limited to, funds held in an entity account that are not otherwise committed or restricted, funds awarded to the entity, but not necessarily held in an entity account, and loans obtained by the entity for the purpose of acquiring conservation easements.
- 15) If the entity's ability to meet the match requirement at time of application is

contingent upon the receipt of a waiver of the entity cash contribution requirement for a project of special significance, then the waiver request along with all associated documentation for each parcel on which the waiver is sought must be submitted at the time of application.

- 16) Name, address, phone number and email of the primary landowner contact for the parcel (project).
- 17) Evidence of ownership, such as a property deed or preliminary title report. The deed or title report must cover all of the land (legal parcels) offered for enrollment.
- 18) Written pending offer between the Cooperating Entity and the Landowner. This document must include the purpose of enrolling the land in a conservation easement for perpetuity, cover the entire area offered for enrollment, contain an estimated agricultural conservation easement value, and be current for the estimated time before acquiring the ALE easement.
- 19) 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.
- 20) Estimated Cooperative Entity's recommended stewardship fee to be paid by the landowner.

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

- 21) Documentation of signature authority authorizing an individual landowner to act on behalf of an ownership entity.
- 22) Articles of Incorporation and/or Bylaws and amendments.
- 23) Operating Agreement and Amendments.
- 24) Trust Document and Amendments.
- 25) Form CCC 901 or CCC 902, "Members Form".
- 26) Certificate of Good Standing from the Secretary of State for corporations.

Other Information Needed for Ranking & Eligibility-submit the following information as applicable

- 1) Ownership of subsurface mineral rights indicating whether other rights are held by landowner or held by a third party
- 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

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- 6) Evidence of strategic plan, either NRCS or ODFW for which the parcel is receiving ranking points
- 7) Evidence of Cultural Resources and significance, if applicable
- 8) Landowner succession plan, if available
- 9) Evidence of a farm or ranch succession plan, if available
- 10) Copies of any phase-I environmental site assessments, if available
- 11) Copies of appraisal reports or title reports for the parcel, if available