Agricultural Conservation Easement Program—Wetland Reserve Easements Implementation

Accepting applications remains the responsibility of field office (FO) staff. The following are the procedures FOs should follow to submit an ACEP—WRE application.

1. **Provide landowner with program information**
   When a landowner expresses an interest in the ACEP—WRE, FOs shall provide the following informational materials that are available electronically as printable documents.
   - ACEP-WRE Application Questionnaire.doc
   - A sample Form AD-1158, Subordination Agreement and Limited Lien Waiver
   - Form NRCS-CPA-1200, dated 10/2014, Conservation Program Application
   - A sample NRCS-LTP-30, Warranty Easement Deed
   - A sample NRCS-LTP-31, Agreement for the Purchase of Conservation Easement
   - Agricultural Conservation Easement Program—Wetlands Reserve Easement Geographical Area Rate Caps (GARC) Fiscal Year 2016.

   After reviewing the informational material provided, if the landowner indicates an interest in the program and/or wants a determination as to whether their land is eligible for the ACEP—WRE, FOs shall assist the landowner by completing the following application procedure.

2. **ACEP—WRE application**
   - Obtain a fully completed and signed application (Form NRCS-CPA-1200) from the landowner(s) and the ACEP-WRE application questionnaire (only one questionnaire per application). All landowners listed on the land deed will need to provide information as required on Form NRCS-CPA-1200. For additional landowner(s) information, an information sheet can be attached to Form NRCS-CPA-1200. **Entity landowners, such as Limited Liability Company (LLC) or trusts that use an Employer Identification Number (EIN) will need to provide and maintain current registration in the Dun and Bradstreet Data Universal Numbering System (DUNS) and meet the Central Contractor Registration (CCR) requirements through the System for Award Management (SAM) or successor registry. Evidence of current registration must be provided at the time of application, must be valid at the time of obligation of funds, and must be maintained through the easement acquisition and restoration phases.**
   - Obtain a copy of the land ownership deed from the applicant.
   - Determine land ownership. If not owned for 24 months at the time of application, inform landowner of ineligibility unless a waiver request letter, with supporting documentation, is provided for submission with the application. The waiver letter should be addressed to Eric B. Banks, State Conservationist, specifically stating they (landowners) are requesting a waiver to the 24-month ownership. Landowners should include a description of the circumstances/background (i.e., they operated the land for xx years before purchasing the land, they owned the land with family members and recently bought out their interest, why land was purchased) on acquiring the tract of land. Also to be included in the letter is the total acres in tract, number of acres being offered, and total cropland acres being offered.
• Determine individual landowner(s) or entity landowner eligibility for highly erodible land conservation and wetland conservation (HELC/WC) and adjusted gross income (AGI) provisions of the Farm Bill. All landowners that are listed on the land ownership deed will need to work with the Farm Service Agency (FSA) to complete the required forms in order for HEL/WC and AGI eligibility determinations to be made. In addition, all members of an entity landowner are required to have HELC/WC and AGI eligibility determined. If the landowner is an entity:
  1. Acquire copy of Form CCC-901, Member’s Information, for the entity from FSA, which indicates the percent share of ownership for each member.
  2. Secure legal documents from applicant for the entity (i.e., Articles of Incorporation, trust papers, LLC papers) indicating person(s) who have authority to sign contractual documents on behalf of the entity.
  3. Proof that the entity is a legal and valid entity in the state of Kansas (usually documented by a Certificate of Good Standing from the Secretary of State).
• Create an ACEP—WRE Customer Service Toolkit (CST) customer file that has a unique identification for ACEP—WRE. Refer to Toolkit Task Guide #45 for additional guidance.
• Develop an ACEP—WRE easement boundary map with the proposed easement boundary in CST with assistance from the landowner. Toolkit Task Guide #45 provides guidance for developing an ACEP—WRE (formerly WRP) easement boundary layer. In addition to the identified easement boundary, the map should identify the route for ingress/egress from the nearest public road. If the proposed easement boundary is adjacent to a public road, identify the location of the field access or access point on the map. Map should also provide road names and acres in the offer area.
• Print a hard copy of the easement boundary area map.

3. Submitting a Landowner Application Packet
   FO staff should assemble a Landowner Application Packet and forward it through the area office (AO), to the assistant state conservationist for water resources (ASTC—WR). The packet should include items listed.
   • Application packet cover memo that is fillable using the tab key.
   • Original application (Form NRCS-CPA-1200 with information and signatures from all landowner(s) or landowner(s) representative). Note: Power of Attorney form or other legal document that indicates signature authority for landowner representative (FSA-211, Power of Attorney, or Form NRCS-CPA-09, Power of Attorney) when signing for a landowner.
   • Completed and signed ACEP—WRE Application Questionnaire.
   • Copy of land ownership deed.
   • Hard copy of the proposed easement boundary area map with identified items as stated previously.
   • Completed and signed SF-1199A, Direct Deposit Form.
   • Subsidiary printout report for each legal landowner(s) for the current FY. Subsidiary printout for all members of an entity landowner for the current FY.
   • Two-year ownership waiver request letter (if applicable) with previously noted documentation.
Entity legal documents (if applicable) (i.e., Articles of Incorporation, trust papers, LLC papers, etc.) indicating person(s) who have authority to sign contractual documents on behalf of the entity.

Certificate of Good Standing from the Secretary of State, for entity owners (if applicable).

Copy of Form CCC-901 for entity owners (if applicable) Power of Attorney form or other legal document that indicates signature authority for landowner representative (Form CCC-901, FSA-211, or Form NRCS-CPA-09,) when signing for a landowner.

Percent ownership documentation worksheet.

Once the ASTC—WR receives the Landowner Application Packet, Water Resources Staff will enter the application into the National Easement Staging Tool (NEST) and conduct a preliminary review of eligibility. Upon determination of eligibility for the landowner(s), the State Office (SO) will order a preliminary title search and environmental records review.

**Wetland Determination and ACEP—WRE Site Visit**

FO will coordinate a date to complete a wetland determination for ACEP—WRE land eligibility with an area resource soil scientist and landowner. The wetland determination may be completed at any time prior to the Landowner Application Packet being submitted to the SO up to the deadline for Site Visit Packet submission. Upon completion of the wetland determination in the field, a wetland determination map will need to be developed that has a wetland determination completed on all acres within the proposed easement area. The wetland determination map will identify landowner name and legal description of land, delineation of wetland type(s) or non-wetland areas, and number of acres of each wetland type or non-wetland area. The wetland determination map and supporting wetland determination documents will be submitted to the ASTC-WR.

In addition, the FO will need to schedule a site visit date with the landowner; SO Water Resources Staff person; U.S. Fish and Wildlife Service Wildlife Biologist; Kansas Department of Wildlife, Parks and Tourism Area Biologist; and AO staff (as needed) to develop a preliminary Wetland Reserve Plan of Operation (WRPO) and gather information in order to complete Form NRCS-CPA-52, Environmental Evaluation Worksheet. Also during the site visit, SO Water Resources Staff will review ACEP—WRE program requirements with the landowner(s) and complete a landowner interview, required site inspection, and hazardous materials investigations.

**Site Visit Packet Submission and ACEP—WRE Ranking**

ACEP—WRE ranking will be completed using the approved ACEP—WRE Ranking Worksheet. In order to properly rank each application, the FO will submit a Site Visit Packet in electronic format to ASTC-WR. The Site Visit Packet will include the following items:

Site Visit Packet items:

- FO will enter applicant name on page one of the ACEP-WRE Ranking Worksheet and enter conservation practices, quantities, and cost as identified in the Preliminary WRPO on the Cost Estimate tab of the ranking worksheet. Cost estimates will be entered based on most current version of the WRP/ACEP—WRE Cost List. FO will save the ranking
worksheet electronically in fillable format to be submitted to ASTC-WR as stated above.

- Wetland determination map and wetland determination documents as previously stated.
- If no structural practices or sediment removal are included in the preliminary WRPO or listed on the Cost Estimate tab, a written narrative will need to be provided stating how the hydrology is being restored. Hydrology restoration is a land eligibility requirement for ACEP—WRE.
- Copy of completed Form NRCS- CPA-52, with the completion of Cultural Resources, E and T Species, Riparian Areas, and Wetland tabs on the form, at a minimum, as part of the Preliminary WRPO.

The SO Water Resources Staff will complete the remainder of the ACEP—WRE Ranking Worksheet based on information provided by the field through the submission of the site visit packet. Applications that have a ranking score of 50 points or greater may be considered for funding outside of established ranking cutoff date(s) if funds are available. ACEP—WRE applications that are less than 10 acres in size will not be considered for enrollment unless the parcel is contiguous to an existing wetland easement or is part of a larger, multi-owner ACEP—WRE joint application.
**Agricultural Conservation Easement Program—Agricultural Land Easement Implementation**

**Agricultural Conservation Easement Program—Agricultural Land Easements (ACEP—ALE) Including ACEP—ALE—Grasslands of Special Environmental Significance (GSS)**

Landowners interested in an ALE will need to contact an eligible entity (i.e., a land trust) to initiate the application process. Application for ACEP—ALE is a joint application submission process between an eligible entity and the landowner. The eligible entity will submit application form NRCS-CPA-041 along with the landowner application form (NRCS-CPA-041A). The eligible entity will submit these applications together with other required documents as set forth in this guidance.

All landowners and entity landowner members will need to meet adjusted gross income (AGI) provisions and highly erodible land (HELC) and wetland conservation (WC) compliance provisions to be eligible for a conservation easement. Field office (FO) staff will need to work with landowners to make sure that they are entered in the Service Center Information Management System (SCIMS) and have made AGI, HELC, and WC certifications with the Farm Service Agency (FSA). All landowners that are listed on the land ownership deed will need eligibility determinations met. In addition, all members of an entity are required to have HELC/WC and AGI eligibility determined.

Eligible entities will need to provide and maintain current registration in the Dun and Bradstreet Data Universal Numbering System (DUNS) and meet the Central Contractor Registration (CCR) requirements through the System for Award Management (SAM) or successor registry. Evidence of current registration must be provided at the time of application and must be valid at the time of obligation of funds and must be maintained for the duration of the cooperative agreement. Eligible entities will also need to provide a copy of Certificate of Good Standing from the Secretary of State, State of Kansas, and submit those items with the application packet.

Applications for ACEP—ALE—GSS will need to meet the land description for Grasslands of Special Environmental Significance (GSS-KSdefinition) at the time of application. The eligible entity will determine if the parcel(s) meet the description for GSS at the time of application. Parcels that do not meet this description are ineligible for GSS enrollment and are not allowed to change an enrollment option during the application ranking period when the application was submitted.

All application packet material will need to be completely filled out and submitted to NRCS as individual materials/forms (if submitted electronically) and will include the listed items below:

- Form NRCS-CPA-41
- Form NRCS-CPA-41A
- Eligible Entity DUNS and SAM certification
- Eligible Entity Certificate of Good Standing for Secretary of State
- Landowner deed(s) for ownership of land
- Completed ACEP-ALE Entity Eligibility Form (which includes parcel information) with adequate documentation and required items as listed.
SO staff will work with local FO staff to schedule and conduct a site visit to complete landowner interview, hazardous material and site inspection, application eligibility, and begin identifying resource concerns on the proposed parcel(s) for each application received. SO will determine eligibility based on the site visit and on information provided at time of application using the ACEP-ALE eligibility and ranking worksheets. Ranking for ACEP-ALE will be completed using the approved Kansas ACEP-ALE Ranking Worksheet and ACEP-ALE Entity Eligibility Form. Applications with a ranking score of less than 120 points will not be considered for funding.

FO staff will provide conservation planning assistance for all approved applications for development of a conservation plan and any associated management plans needed for the ALE Plan (ALEP). Guidance for ALEP will be provided by separate bulletin.