

Agricultural Conservation Easement Program (ACEP) – Agricultural Land Easement FY2014 Eligible Entity Cash Contribution Requirement Waiver Request Worksheet

Background: The Federal share provided by NRCS for enrollments in the Agricultural Land Easement component of the Agricultural Conservation Easement Program (ACEP-ALE) shall not exceed 50 percent of the fair market value of the agricultural land easement. The eligible entity must provide a non-Federal share that is at least equivalent to the NRCS share.

An eligible entity may include as part of its share a qualified conservation contribution from the landowner if the eligible entity contributes its own cash resources in an amount that is at least 50 percent of the NRCS share. NRCS may waive a portion of the eligible entity cash contribution requirement where, as determined by NRCS, the parcel is—

1. Of special significance,
2. Subject to an increase in the private landowner donation that is equal to the amount of the waiver, if the landowner donation is voluntary, and
3. In active agricultural production.

A waiver of the eligible entity cash contribution requirement does not result in an increase in the NRCS share. Waivers are considered on an individual parcel basis and eligible entities must submit one waiver request per parcel. The determination for approval will be based upon whether the proposed application will protect land of special significance.

Instructions: When NRCS receives a request from an eligible entity to waive the cash contribution requirement for a parcel that meets land and landowner eligibility requirements and ranks high enough to for potential funding, NRCS will review the request using this Eligible Entity Cash Contribution Reduction Waiver Request Worksheet (Worksheet). A complete request must be received prior to State deadlines for the request to be considered in fiscal year (FY) 2014.

To be considered complete, a request from an eligible entity must include—

- A signed letter from the eligible entity to the State Conservationist (STC), requesting a reduction in the eligible entity cash contribution requirement to either 25 percent or 10 percent of the NRCS share, as applicable.
 - If the request is to reduce the cash contribution requirement to 10 percent of the NRCS share, then the request must include the name and legal citation to the State Tax Credit Program;
- A signed letter from the landowner, or landowner's representative confirming that the landowner's donation is voluntary and describing the property's active agricultural production.
- Independent evidence of the property's active agricultural production.
- Evidence of significant threat of development or fragmentation in proximity to the parcel location, such as residential, nonagricultural commercial, industrial, or incompatible energy development, and including for grassland parcels if there is any threat of conversion to nongrassland uses.
- Evidence of geographic proximity to other easements or protected areas supporting protection of agricultural uses or grassland.
- Map of prime soils or grasslands showing land to be enrolled and identifying the geographic proximity of other protected areas.
- Plan, report, map, mission statements, designation, or other operational document referenced in section 4 below. (Provide copy of pertinent information from the plan or web link, if available.)
- Aerial photograph identifying the applicant's land to be enrolled in the USDA program and the land of special significance. A map or photograph should be included of the surrounding project area, if applicable.
- A description of the substantial positive and direct outcome (quantified as much as possible) expected from implementing the Agricultural Land Easement and associated Agricultural Land Easement Plan on the particular parcel.

Request # _____ Date Received: _____ NEST Entity Agreement # _____
NEST Parcel # _____

The NRCS designated conservationist will review the request, complete the worksheet, and submit the request and worksheet through a second-level reviewer designated by the STC, to the STC. The STC will review the request and worksheet to ensure that the request is of the highest quality, the worksheet is complete, and that the waiver of the eligible entity cash contribution requirement is justified.

The STC will decide whether NRCS will waive a portion of the eligible entity cash contribution requirement, to 25 or 10 percent, for requests submitted in FY 2014 that meet all of the requirements listed in this worksheet and applicable guidance. The STC must provide the eligible entity written notification of their decision, with appropriate appeal rights if the waiver is denied.

The waiver of the eligible entity cash contribution requirement is not transferrable and is only applicable to the parcel for which the waiver was requested. Reviews of waiver requests do not have to be completed for applications that are not selected as funded or substitute parcels in FY 2014. Waiver requests for applications or parcels that are not funded in FY 2014 will be subject to the waiver requirements in place during the fiscal year the parcel is funded.

Section 1: Application Information (Required)

(List only one parcel per waiver request):

State: _____ Location (County): _____ Parcel Acres: _____

Entity Name: _____

Landowner Name: _____

Entity Request Date: _____ Entity Application Date: _____

NEST Application Number: _____ Land Eligibility Category: _____

Yes **No** The entity is eligible and has submitted a complete request to waive the cash contribution requirement for a parcel that meets land and landowner eligibility requirements.
Do not complete sections 2 through 5 of the worksheet if the answer to this question is No.

Section 2: Requested Reduction in Eligible Entity Cash Contribution Requirements (Required)

For FY 2014, for ACEP-ALE projects of special significance, the entity cash contribution may be reduced to either 25 percent of the NRCS share or to 10 percent of the NRCS share in States that offer a State tax credit for a qualified conservation contribution on agricultural land. Unless an entity submits information on the State tax credit program, the default selection will be a reduction to 25 percent.

Reduction in Entity Cash Contribution Requirement: *(select one of the options below)*

Entity is requesting to reduce the eligible entity cash contribution to 25 percent of the NRCS contribution.

Entity is requesting to reduce the eligible entity cash contribution to 10 percent of the NRCS contribution and the State government offers a tax credit for a qualified conservation Contribution on agricultural land

Enter name of and citation to the State tax credit program:

Section 3: Confirmation of Voluntary Contribution and Active Agricultural Production (Required)*(Both items must be confirmed to be eligible for a waiver)*

- NRCS has reviewed the signed letter from the landowner and confirmed that the increase in the landowner donation is voluntary
- NRCS has confirmed that the land is in active agricultural production. Documentation of active agricultural production was determined through _____.
- *For FY 2014 land considered to be in active agricultural production must meet the definition of “agricultural use” provided in the existing FRPP regulation at 7 CFR Section 1491.3 and be land on which agricultural and forest-related products, or livestock are being produced or have been produced within 1 year of the date of application for ACEP-ALE.*

Section 4: ACEP-ALE Project of Special Significance Criteria

To qualify as land of special significance the land must meet one of the following criteria listed in part 1 and must meet at least one of the criteria identified in part 2.

Part 1: Parcel’s land type and threat of development (select one)

NRCS must confirm that the land is—

- Agricultural land that—
- a) Has prime soils under a significant threat of development or fragmentation, and
 - b) Is in geographic proximity to other easements or protected areas supporting agricultural uses to help ensure future agricultural viability and resource protection on the offered parcel.
- Grassland that—
- a) Is under a significant threat of development, including incompatible energy development; conversion to nongrassland uses; or fragmentation, and
 - b) Is in geographic proximity to other easements or protected areas supporting grasslands or other compatible land uses to help ensure future agricultural viability and resource protection on the offered parcel.

Soils maps and other documentation supporting the parcel land use, the threat of development, and geographic proximity to protected areas must be attached to the waiver request.

Part 2: National Criteria of Special Significance (check all that apply)

The land of special significance is clearly identified in an applicable plan, report, map, designation, or other operational document addressing one of the criteria identified below. Any factors identified below as contributing to the special significance of the land must be protected through the Agricultural Land Easement and associated Agricultural Land Easement Plan to be funded through ACEP. Protection of the special significance will be an integral component addressed in the applicable plan’s objectives.

- Parcel is listed on National Register of Historic Sites or is a traditional cultural property
(attach map or designating document)
- 50 percent of adjacent land is agricultural and parcel is within a micropolitan statistical area.
<https://www.census.gov/population/metro/>
Name of micropolitan statistical area: _____ *(attach map)*
- Parcel is within a metropolitan statistical area. <https://www.census.gov/population/metro/>
Name of metropolitan statistical area: _____ *(attach map)*
- Is an education or demonstration farm or ranch focused on agriculture production and natural

resource conservation. (*attach farm/ranch plan or mission statement*)

Is a farm or ranch operated for the purpose of increasing participation in agriculture production and natural resource conservation by (*check all that apply*):

Underserved Communities

Veterans

Disabled Farmers or Ranchers

Beginning Farmers or Ranchers

Officially designated as having been in same family ownership for 100+ years.
(*attach evidence of designation*)

Grasslands that provides or could provide habitat for threatened and endangered species, or species in decline; protects sensitive or declining native prairie or grassland types; or provides protection of highly sensitive natural resources.
(*Attach applicable plan or report document*)

Section 5: Description/Overview

Describe the project of special significance and how the applicant's activity funded through the ACEP-ALE is a critical and an integral component in addressing or protecting the—

1. Significant threat of development or conversion,
2. Agricultural production on parcel, and
3. Special Significance of parcel.

In the description include the current resource baseline condition and the future condition. Include in the description the substantial positive and direct outcome (quantify as much as possible) expected from implementing the Agricultural Land Easement and associated Agricultural Land Easement Plan.
(*Add additional pages as needed to clearly describe project and the potential outcomes*)

Description of agricultural production on parcel:

Description of significant threat of development or conversion:

Description of special significance of parcel:

Request # _____ Date Received: _____ NEST Entity Agreement # _____
NEST Parcel # _____

Section 6: Certification

Designated Conservationist

I have completed a review of this eligible entity cash contribution reduction waiver request package and find it to be complete and the requested agreement will protect land of special significance.

Support Do Not Support, Reason: _____

Designated Conservationist: _____ Date: _____

Name: _____ Title: _____

2nd Level Review:

I have completed a review of this eligible entity cash contribution reduction waiver request package and find it to be complete and the requested agreement will protect land of special significance.

Concur Do Not Concur, Reason: _____

2nd Level Reviewer: _____ Date: _____

Name: _____ Title: _____

State Conservationist Approval

I certify the information in this request is complete and meets the requirements. The STC must provide the eligible entity written notification of their decision, with appropriate appeal rights if denied.

Approved Not Approved, Reason: _____

State Conservationist: _____ Date: _____