Agricultural Conservation Easement Program (ACEP)
Agricultural Land Easements (ALE)

FY 2027 Idaho NRCS Entity Parcel Application Packet for:

ACEP-ALE General and ACEP-ALE General Buy-Protect-Sell

ACEP-ALE Application Packet Submission Instructions

1. NRCS & Entity Shared BOX Folder

*** PREFERRED ***

NRCS/Entity Established Shared BOX Folder

1) Create new application folder within NRCS/Entity shared BOX folder.
   "FY27 ALE Application – Landowner Name"
2) Drop all application documents in FY27 ALE Application-Landowner Name folder by deadline.
3) Email tracie.oneill@usda.gov, indicating dropped application.
4) NRCS will send an acknowledgement of received application.

How to Create NRCS/Entity Shared BOX Folder

1) Download BOX application, free account.
2) Request an NRCS/Entity Shared BOX Folder via email to tracie.oneill@usda.gov.
3) NRCS will send an Invite to Accept Access to NRCS/Entity Shared BOX folder.
4) Accept NRCS invitation to Shared BOX folder.
5) Follow steps 1-3 noted above.
6) NRCS will send acknowledgement of received application.

2. EMAIL:

NOTE: NRCS recognizes that the application includes large file types and that an entity may need to send multiple emails when submitting a digital application. It is important for entities to denote the total number of emails and the order of the current email in the subject line. Please reduce/ZIP files and send within smaller packages of documents.

1) Download and complete the Parcel Application and all applicable forms. Ensure documents are signed, dated, and in order. Do not include application appendices in application submission.
2) Download any supplemental documents. Be sure to reference the applicability of each additional document in the Parcel Application.
3) Separate the completed application packet by document type (i.e., do not combine Parcel Application with forms or supplemental documents). Each document must be attached to email as an independent file. Drop box links to application materials are not accepted per NRCS policy.
4) **NRCS suggests the following naming scheme for each attached document**:
   Format: *Document Name_Entity Name_Landowner Name_FY27 Parcel Application*
   Example: *NRCS-CPA-41A_ICOLT_Smith Farms_FY27 Parcel Application.pdf*

5) Composed email:

To:	Tracie.Oneill@usda.gov
Subject Title:	Entity Name - Landowner Name - FY27 Parcel Application - 1 of X
Example:	Idaho Land Trust - Smith Farms - FY27 Parcel Application - 1 of 4
Email Body:	In email body, include entity name and your request that the attached application be considered for FY27 ACEP-ALE program funding. Also include a list of the attached documents so that the recipient may cross-reference the list with the attachments received to ensure all documentation is accounted for.

6) NRCS will notify via email the Primary Entity Point of Contact listed for question 3 on page 11 upon receipt of the mailed application.
7) Applications must be received on or before the application batching date to be considered for FY26 program funding.
8) NRCS will reply to each email to confirm receipt of the application materials.

3. USPS, UPS, or FedEx:

Idaho USDA NRCS
Easement Programs
Attention: Alexis Blackner
9173 W. Barnes Dr., Ste C
Boise ID, 83709-1574

a) Print the completed Parcel Application and all applicable forms. Ensure documents are signed, dated, and in order. Do not print or include application appendices in application submission.
b) Print any supplemental documents and include with application packet. Be sure to reference the applicability of each additional document in the Parcel Application.
c) If you are submitting along with an Entity Application, please separate or distinguish the Entity Application and supporting documentation from the Parcel Application and supporting documentation.
d) Do not fold or crease applications. NRCS recommends that applications be mailed using a manila envelope, or similar, to prevent creased or damaged applications.
e) Applications must be mailed to the address listed above.

Complete applications must be received, or post-marked, by 4:00pm MST on the application batching cut-off date to be considered for FY27 program funding.

FY27 ACEP-ALE BATCHING DATE: September 30, 2026.

State Application Packets and Supplemental Information requested by October 9, 2026.

ACEP-ALE Application Packet

The following application packet collects required information on proposed parcels from eligible entities interested in applying for easement funding under **ACEP-ALE General, Sage Grouse Initiative (SGI), Migratory Big Game Initiative (MBGI), and ACEP-ALE General Buy-Protect-Sell**. If you are interested in applying for ACEP-ALE GSS/GSS-SGI funding, please complete the ACEP-ALE GSS Parcel Application.

Applicants should answer all questions contained within this document and provide all applicable supporting documentation requested to ensure the application packet is complete, unless otherwise noted. The narratives and supporting documentation may be inserted under the applicable question or provided as an exhibit or attachment to the application packet. **All application forms are located on the *NRCS ID ACEP-ALE*** webpage. NRCS strongly suggests that the order and format of this packet be followed to ensure consistency and equality among all applicants. The appendices to this application packet should not be included in the application submission.

Eligible and complete applications received by the advertised application batching date are considered for funding through a competitive process. It is the responsibility of the applying entity to ensure the application is complete and accurate. Identification of eligibility within the questionnaire is only to be used as a guide; NRCS determines eligibility at its discretion upon review of a complete and accurate application. If a question is answered that indicates parcel ineligibility, contact NRCS before continuing with the application. If the issue cannot be remedied, the application may not be considered for funding.

Entities interested in applying for ACEP-ALE Buy-Protect-Sell (ACEP-ALE BPS) may be asked to submit additional information at the time of application. Please contact an Idaho State Easement Coordinator if you are interested in applying for ACEP-ALE BPS and for further guidance on completing a comprehensive BPS transaction parcel application.

Eligible Entity

Entities submitting parcel applications must be eligible themselves. Eligible entities must have:

1) active SAMS registration;
2) established Farm Service Agency (FSA) records in the county of the parcel application;
3) active Program Agreement; or
4) submit an NRCS-CPA-41 Entity Application for an Agricultural Land Easement (ALE) Agreement to establish eligibility with NRCS; and
5) submit SF-1199A Direct Deposit Form.

Entity eligibility requirements are detailed in the NRCS Conservation Program Manual 440, Part 528, Subpart D, 528.32. Please review the NRCS-CPA-41 (version 02.2020) Entity Application for more information on entity eligibility requirements.

Landowner Eligibility

To be eligible for USDA-NRCS program funds, all landowners listed on the application must match the vesting property deed. All vested owners and their embedded landowner entity members (applicable for Trusts and Landowner Entities), must have the following records established with FSA:

1) AD-1026 Highly Erodible Land & Wetlands Conservation Compliance – in ‘Certified’ status.
2) CCC-902 Farm Operating Plans - in ‘Determined’ status.
3) CCC-941 Adjusted Gross Income (AGI) Certification – in ‘Compliant Producer’ status.
4) Conservation Compliance Farm/Tract.

All individuals or entities on the vesting ownership deed must be AGI compliant, per the Internal Revenue Service (IRS), when obligating federal funds for easement acquisition. Please note that it may take up to 120 days for IRS to process AGI compliance, therefore applicants are encouraged to begin this process as soon as possible. USDA records may be established at any time. CCC-941 AGI compliance must be submitted for Fiscal Year 2027, which begins on October 1, 2026. Entities are encouraged to work closely with landowners and FSA, to ensure FY27 AGI documentation is submitted and faxed to IRS as soon as possible after October 1st.

ID NRCS provides a ***Landowner Checklist for FSA Eligibility*** for entities to share with prospective landowners. This checklist is available on the Idaho NRCS ACEP-ALE webpage for entity and landowner use. **NRCS is not responsible for USDA-FSA forms and recording of forms for eligibility requirements**.

For more information or assistance on completing the Parcel Application, please contact the NRCS State Easement Coordinator – Tracie O'Neill, Tracie.Oneill@usda.gov, or NRCS Easement Specialist- Diane French Diane.french@usda.gov , or ICOLT ALE Coordinator – Kyle Barber kyle@ruralwestservices.com with ICOLT.

Thank you for your interest in applying for NRCS conservation easement programs!

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PART I – PARCEL APPLICATION CHECKLIST

Use this checklist and the following steps to guide you through the application process:

- ☐ Step 1: Download and complete all required forms. Forms may be downloaded from ***IDAHO NRCS ACEP-ALE*** webpage.
- ☐ Step 2: Provide supplemental information for all items as applicable.
- ☐ Step 3: Submit completed forms and supplemental information with application packet.

REQUIRED FORMS & INFORMATION Items listed below are required for all parcel applications. Omission of these items may result in an ineligible application. Insert or attach supporting documentation, as necessary. **A complete Idaho FY27 ACEP-ALE Parcel Application includes the following:**	
NRCS-CPA-41A Parcel Sheet Application (dated 2/2020 or later) **Landowner name(s) on CPA-41A Parcel Sheet Application, vesting deed(s), and preliminary title commitment **MUST** match.*	☐
Boundary / Offered Acres Map of the offered parcel ***See Appendix 6.*** *Map must depict the proposed easement boundary/offered acres and include all required information such as accurate and appropriate scales, north arrows, and headings. See below for list other supplemental maps.*	☐
Proof of current ownership of the parcel - current recorded vesting deed(s) for property *Landowner name(s) on CPA-41A Parcel Sheet Application, vesting deed(s), and preliminary title commitment **MUST** match.*	☐
A written pending offer for the ALE, or equivalent.	☐
Evidence of active SAMs registration for each entity applicant and/or co-holder. *Update SAM registration if expiring prior to 12/31/2026.*	☐
GIS shapefiles of proposed easement boundary and ingress/egress. *Ensure that shapefile data is defined in ESRI GIS software.*	☐

SUPPLEMENTAL FORMS & INFORMATION

Items listed below are required ***if applicable*** to the parcel.
Omission of these items, if applicable to the parcel, may result in an ineligible application.
Insert or attach supporting documentation, as necessary.

Forms

COPY *of* FSA-211 Power of Attorney, if applicable	☐
NRCS-CPA-41 Entity Application for an Agricultural Land Easement (ALE) Agreement ***Only required if Entity does not have an active Program Agreement*.**	☐
NRCS-CPA-41A BPS Supplement, Buy-Protect-Sell Transaction Supplement to Parcel Sheet *If project is Buy-Protect-Sell transaction and form dated 4/2021.*	☐
Standard Form 1199A (Download Link)	

Information

Preliminary Title Commitment, with Entity as named insured and exception docs attached/hyperlinked. **Landowner name(s) on CPA-41A Parcel Sheet Application, vesting deed(s), and preliminary title commitment **MUST** match*	☐
County tax maps and assessor's information covering entire offered area.	☐
Legal access easements or recorded agreements over private or federal land to the offered easement area, if property is not accessed by public road.	☐
Waiver request letter(s), if applicable.	☐
Existing easement or deed restriction that prevents conversion to non-agricultural and/or non- grassland /grazing uses, if applicable.	☐
Evidence of matching funds OR evidence of entity ability to steward and monitor parcel if entity match is <10% of FMV (attach to CPA-41A).	☐
Copy of Mineral Leases, or Water Rights, if applicable.	☐
Copy of IpaC Report, if applicable.	☐
Excerpts from state/local policies highlighting supporting passages, if "Furthers a State or Local Policy" land eligibility category is selected, AND a letter of concurrence from the governing body of the policy. This information will be reviewed and approved by State Conservationist. **DO NOT** submit entire document.	☐
Copy of written leases for property tenants, agricultural and residential, if applicable.	☐

<u>Optional Supplemental Information</u> Items listed below, if available. If application is selected for funding, submission of items below to streamline acquisition process.	
Record of Survey and Record of Survey Legal Description for Easement Boundary, if existing	☐
Phase I Environmental Assessment	☐
Minerals Remoteness Report by qualified professional geologist	☐
Appraisal Report	☐
Draft Deed of Conservation Easement	☐
BPS Transactions Only - Evidence of Conditions Necessitating Transitional Ownership	☐

REQUIRED & SUPPLEMENTAL MAPS

Required Maps

The following maps are required for all applications.
Please include an accurate and appropriate scale, north arrow, and heading.
Maps must show the proposed easement boundary and offered acres.

1. Boundary / Offered Acres Map (PROCUREMENT MAP - see Appendix 6) *Total acreage of the parcel, including the acreage of each noncontiguous parcel, if applicable.*	☐
2. Legal & Physical Access Map *Clearly label exact location of legal and physical access points (ingress/egress), routes to all parts of the easement, public road location/name(s), legal access agreement identified where third-party lands are crossed.*	☐
3. TRS or PLSS Location Map	☐
4. Soils Map & Farmland Classification *Farmland classification with legend and % acres table (Web Soil Survey).* *If Soils are qualified ("if irrigated" or "if drained"), please provide an additional map according to Appendix 5*	☐
5. Land Use & Cover Type *With % acres of each land use and identified grazing areas*	☐
6. County Parcel Map	☐
7. Nearby Agricultural and Protected Lands	☐

Supplemental and Optional Maps

The following maps are supplemental and required only if applicable to the parcel.
Please include an accurate and appropriate scale, north arrow, and heading.
Maps must show the proposed easement boundary and offered acres.
Supporting GIS shapefiles appreciated for each map submitted.

Building Envelopes Map *Depicting existing or proposed envelopes with legal/physical access to each. Envelope identification is recommended but not required at the time of application.*	☐
Allowable Subdivision *Subdivision identification required at time of application.*	☐
Irrigated Land Map footprint *With source location/ type, types of irrigation, delivery conveyance ditches, drain ditches, settling ponds, reservoirs, etc*	☐
Historical/archaeological sites *Depicting site location, number, and acres. Provide only if eligibility is based at least in part on this.*	☐

PART II – PARCEL QUESTIONNAIRE

All questions in this section must be answered with adequate detail and supporting documentation as required. If any questions are left unanswered, the application may be considered ineligible.

Eligible Entity Information

1. Please indicate the transaction type for the offered parcel:
   - ☐ ALE General
   - ☐ ALE General – Grasslands non-GSS/ protects grazing uses.
   - ☐ ALE General-Buy-Protect-Sell Transaction
   - ☐ ALE General SGI or MBGI ******<u>pre-application concurrence by NRCS required</u>*
   - ☐ ALE GSS/GSS-SGI [**STOP! Please complete the GSS Parcel Application**]

2. Eligible Entity and Point of Contact:

   Entity Name:

   POC Name:

   Phone:

   Email:

3. Does the Eligible Entity meet one of the following?
   - ☐ Entity has an active, executed Program Agreement covering ACEP-ALE.
     Select 'Program Agreement' as Agreement Type on CPA-41A, Question 2.
   - ☐ For ACEP-ALE BPS Transactions, entity has an active, executed Program Agreement version 04/2021 or later. Entities with an earlier version of an active Program Agreement must submit a new CPA-41 Entity Application to enter into a new Program Agreement containing BPS terms.
   - ☐ Entity previously submitted an Entity Application, NRCS-CPA-41, to ID NRCS within current Fiscal Year (10/1 – 9/30).
   - ☐ Entity is submitting an Entity Application, NRCS-CPA-41, with this Parcel Application Packet.
   - ☐ Does not meet any of the above. [INELIGIBLE]

4. Do all eligible entity applicants and all prospective co-holders have an active SAM registration?

   ☐ YES.

   ☐ NO. [INELIGIBLE]

   NOTE: any entity without an active SAM registration is ***ineligible*** *for this program.*

6. Is the Eligible Entity a Certified Entity pursuant to NRCS Conservation Program Manual 440, Part 528, Subpart H? If so, does the Eligible Entity elect to use the Administrative Flexibilities provided to Certified Entities?

   ☐ YES.

   ☐ NO.

Landowner Applicant Information

Basic Information

1. Provide a list of all vested and embedded landowner(s) of record (i.e., individual or legal entity subject to the deed and title). This includes the vested owner(s) as well as all embedded individuals and entities. All vested landowners must match landowners included on the NRCS-CPA-41A form.

Full Legal Name	Is this the Vested Owner?	Is this an Embedded Owner?

Farm Service Agency (FSA) Eligibility

1. Does the landowner(s) appearing on the vesting deed and title commitment have Farm & Tract Eligibility (FTE) established for the offered parcel?
NOTE: FTE means that an established farm and tract generally covers the easement area and that all landowners of record are associated with the established farm and tract. Consult with FSA to ensure that records exist and are current.

☐ YES ☐NO [**INELIGIBLE**]

2. Has the Eligible Entity obtained an FSA Subsidiary Print for all vested landowners and, if applicable, any embedded members?
NOTE: Subsidiary Prints may be obtained from your local FSA Service Center. Please request a Subsidiary Print that includes "Business File" and "Farm & Tract" information.

☐YES ☐NO

3. Have all landowners of record, and all embedded members, filed Form CCC-941 "Adjusted Gross Income Certification" with FSA for Fiscal Year 2027? Subsidiary Prints should be marked as either "Compliant-Producer" or "Filed-CCC-941" for line "AGI-2014 and 2018 Farm Bills".
NOTE: Landowners must complete CCC-941 with the exact name, address, and tax ID on file with the IRS. If an AGI limitation waiver or AGI applicability waiver is approved, you may skip this question.

☐YES ☐NO [**INELIGIBLE**] ☐Other: ____________________

4. Have all landowners of record, and embedded members, filed or updated Form AD-1026 “Highly Erodible Land Conservation and Wetland Conservation Certification” with FSA? Subsidiary Prints should be marked as “Certified” for line “AD-1026”.

YES NO [**INELIGIBLE**] Other: ____________________

5. Do the landowners and eligible entity understand that FSA and NRCS together will determine a) the status of highly erodible land (HEL) on the Farm and Tract(s) associated with the offered easement area, and b) the necessity of an HEL Conservation Plan as a condition of funding?

YES NO

6. Have all landowners of record, and embedded members, filed Form CCC-902-E or CCC-902-I, and Form CCC-901 as required with FSA?

YES NO [**INELIGIBLE**]

If any answers under the “Farm Service Agency (FSA) Eligibility” section are marked “NO [ineligible]” OR if NRCS finds upon review of the application that the answers should be marked “NO [ineligible]” OR if any other required FSA payment eligibility criteria for any landowner of record has not been met, <u>the application will</u> <u>be considered ineligible for program funding</u>. Do not apply for funding until all FSA eligibility criteria are met. All entities on the deed must be compliant per IRS when obligating federal funds to the easement acquisition and at least 90 days prior to closing the easement. Consult with an Idaho State Easement Coordinator prior to application to ensure landowner FSA eligibility requirements are met.

Parcel Information

Ownership & Parcel Accuracy

1. Do the landowners of record **and** the offered easement acres of the parcel match across application documentation (i.e., landowners of record and acreage match CPA-41A, FSA records, information on the vesting deed, county tax records, title commitment, written pending offer, and all supporting documentation)?

☐ YES ☐NO [**INELIGIBLE**]

If No, the application will be ineligible until all records match.

2. Did an authorized signatory for at least one landowner of record sign the CPA-41A and the written pending offer

NOTE: obtaining all landowner signatures is preferred.

☐ YES ☐NO [**INELIGIBLE**] ☐N/A – this is a Buy-Protect-Sell Transaction

3. Is the legal description of the parcel and the physical description on CPA-41A - Section C - Questions 1 and 2 accurate as reflected in the title commitment and other supporting documentation?

☐ YES ☐NO [**INELIGIBLE**]

Agricultural Operation

1. Describe the types of products produced/grown/raised on the property. If the property is used for livestock, indicate the **type** and **number** of grazing animals present on the parcel.

2. Does the landowner currently have a contract or application with other NRCS programs on the parcel being offered?

☐ YES ☐NO

If yes, list program and practices:

3. Is the parcel, or any portion of the parcel, currently enrolled in the Conservation Reserve Program (CRP)?

☐ YES – CRP ☐YES – CREP ☐NO

4. If the parcel, or any portion of the parcel, is currently enrolled in CRP or CREP, will the contract expire within one year of the application submittal date and would the grassland benefit from protection under a long-term easement (grassland/ protects grazing use eligibility only)?

☐ YES ☐NO ☐N/A. Does not apply.

5. Does the farm or ranch have an established succession plan, or similar plan, that addresses farm viability for the parcel of interest? *Note: To receive points, plan must be submitted for review.*

☐ YES ☐NO

a. If there is an established succession plan, please indicate whether the plan is formal or informal:

NOTE: A succession plan often consists of legal documents, written agreements, and/or financial statements that meet planning standards outlined by the American Farmland Trust (AFT). A formal plan is written by an industry professional (e.g., Cooperative Extension) that compiles such documentation. An informal plan compiles such documentation but is not written by an industry professional.

☐ Formal ☐Informal ☐N/A. Does not apply.

6. Will the landowner and eligible entity elect to complete any of the following plans for the parcel if funded? Select all that apply.

Note: Parcels that contain Highly Erodible Lands (HEL) croplands are required to have an HEL Conservation Plan. All other Plans listed below are optional for ALE-General applications. Contact NRCS State Easement Coordinator to discuss development of HEL Conservation Plans or applicable USDA-NRCS Resource Concerns to be included within the conservation management plan.

☐ HEL Conservation Plan
☐ Basic Comprehensive Agricultural Land Easement Plan (ALEP)
☐ Grasslands Management Plan
☐ Forest Management Plan
☐ None

Land Eligibility

Land Eligibility Categories

For ACEP-ALE eligibility, offered land must meet **one** of the four following land eligibility categories:

1) Prime, Unique, or Other Productive Soil
2) Historical or Archaeological Resources
3) Protection of Grazing Uses and Related Conservation Values
4) Land that Furthers a State or Local Policy.

For application purposes, an applicant must select the category for the parcel of interest that best meets the goals of the landowner and applying entity applicant(s). The category selected on this application must match the category selected on CPA-41A.

Prime, Unique, or Other Productive Soils (Follow instructions in Appendix 4 and 5)

Percent of prime, unique, or other productive soil type? ____________%

Only complete questions 2-3 if you selected "Has Prime, Unique, or Other Productive Soils" on CPA- 41A. To be eligible for this category, at least 51% of the parcel must contain "prime," "prime if," "unique," or "statewide or locally important" soil on the Web Soil Survey's Farmland Classification report. Refer to Appendix 4 for instructions on how to use the Web Soil Survey. Once complete, skip to the Land Use section.

If the farmland classification includes a qualifier such as '**if irrigated**' OR '**if drained**', please describe how the soils are actively irrigated/drained. **Properties with qualified soils must also submit a map showing where irrigation/drainage occurs (see Appendix 5)**. Land is 'ineligible' if it does not contain at least 50% Soils listed below, all of which must currently meet the qualifier requirements.

1. Select the eligible farmland classification for the parcel:

☐ Prime	☐ Prime Farmland	☐ Prime, if… (irrigated, drained, etc)
☐ Unique	☐ Statewide Importance	☐ Statewide, if… (irrigated, drained, etc)
☐ Local Importance	☐ Local, if… (irrigated, drained, etc)	

2. Does the parcel contain at least 51% prime, unique, or other productive soil type?

☐YES ☐NO. Select a different land eligibility category.

Historical or Archaeological Resources (only complete if selected this eligibility on 41-A)

To be eligible for this category, the parcel must be recognized as containing historical or archaeological resources by either the National Register of Historic Places or the State or Tribal register. Once complete, skip to the Land Use section.

1. The parcel meets one or more of the following:

☐Currently listed or formally determined eligible for listing in the National Register of Historic places.

☐Formally listed in a State or Tribal register of historic places.

☐Included in the State historic preservation officer (SHPO) or Tribal historic preservation officer (THPO) inventory with written justification as to why it is eligible for the National Register of Historic Places.

☐None of the above. Select a different land eligibility category.

Protects Grazing Uses and Related Conservation Values/ Grasslands-non GSS

(only complete if selected this eligibility on 41-A)

To be eligible for this category, upon enrollment the parcel must result in the protection of grazing uses and the related conservation values by restoring or conserving grassland, rangeland, pastureland, forb/shrubland, or land located in an area historically dominated by grassland, forbs, or shrubland. Once complete, skip to the Land Use section.

NOTE: Technical and financial assistance funding for restoration is not available under ACEP-ALE. If the parcel contains grassland of special environmental significance, please complete the Parcel Application for ACEP-ALE GSS.

1. What type of qualifying land use(s) does the parcel contain? Select all that apply.

☐ Grassland

☐ Rangeland

☐ Pastureland

☐ Land that contains forbs

☐ Shrubland for which grazing is the predominant use

☐ Land located in an area historically dominated by grassland, forbs, or shrubs

☐ Non-industrial private forestland

☐ None. Select a different land eligibility category.

2. Does at least 90% of the qualifying land use(s) selected for question #1 above cover the parcel?

☐ YES

☐ NO

3. A parcel enrolled under the "Protects Grazing Uses and Related Conservation Values" land eligibility category is considered a grassland enrollment for the purposes of the NRCS Minimum Deed Terms. This applies to grassland parcels enrolled in ALE Classic (i.e., non-GSS grassland enrollments). Are the eligible entity and landowner(s) prepared to accept the restrictions and limitations of a grassland enrollment as described in the NRCS Minimum Deed Terms (MDTs), version February 2020?

☐ YES ☐ NO. Select a different land eligibility category

Further a State or Local Government Policy (only complete if selected this eligibility on 41-A)

To be eligible for this category, the State or local policy must be consistent with the purposes of ACEP-ALE, and the protection of such land must further the State or local policy. Once complete, skip to the Land Use section.

1. Is there a State or local government policy applicable to the parcel that aligns with the purposes of ACEP-ALE?
NOTE: the purposes of ACEP-ALE are to protect the agricultural viability and related conservation values of eligible land by limiting nonagricultural uses of that land and/or to protect grazing uses and related conservation values by restoring and conserving eligible land.

☐ YES ☐ NO. Select a different land eligibility category.

2. What State or local policy does enrollment of the parcel further? Submit a copy of the applicable pages of the policy with the application and indicate the applicable policy citation(s).

3. Entity has submitted a letter of concurrence from State/Local government that specifically states that the **proposed parcel is important and/or imperative to furthering State/Local policies**. Letter should describe how preservation of the parcel furthers the policy identified in question #2. above.

☐ YES ☐ NO

Land Use

1. What eligible land use(s) pertain to the offered parcel? Select all that apply.
   NOTE: Selected land use(s) must match the land use(s) selected on CPA-41A.

   ☐ Cropland

   ☐ Rangeland

   ☐ Pastureland

   ☐ Grassland or land that contains forbs

   ☐ Shrubland for which grazing is the predominant use

   ☐ Land located in an area that has been historically dominated by grassland, forbs, or shrubs and could provide habitat for animal or plant populations of significant ecological value

   ☐ Non-industrial private forest land that contributes to the economic viability of the parcel offered and serves as a buffer to protect such land from development

2. If "non-industrial private forest land" was selected as a land use type, indicate the percent of non-industrial private forest land that covers the parcel. If this land use type was not selected, write "N/A" in the space provided. *NOTE: If the non-industrial private forest land exceeds two-thirds of contiguous portions of the offered easement area, the parcel is ineligible without a waiver request. A waiver request must be submitted with the application.*

   _______ %

3. If "non-industrial private forest land" was selected as a land use type, describe how it contributes to the economic viability of the offered easement area or serves as a buffer to protect such land from development. If this land use type was not selected, write "N/A" in the space provided.

4. Is at least 50% of the parcel to be protected is located in an area zoned for agricultural use, or a zoning classification consistent with agriculture, or a similar classification if located in government units without classification. *If applicable, include zoning classification and evidence to support zoning classification.*

   ☐YES ☐NO

5. Is the parcel already subject to an easement or other deed restriction that prevents land conversion to non-agricultural uses? If yes, submit a copy of the restriction document with the application.

   ☐YES ☐NO

Access

1. Is there legal and physical access to all parts of the parcel? Select all that apply.

☐ YES. Direct access from public roadway.

☐ YES. Over and across private lands.

☐ NO. However, the land is accessible by Forest Service Road(s) or Bureau of Land Management Road(s).

*NOTE: If selected, please include supporting documentation describing how such roads may be used in perpetuity. If roads are not accessible in perpetuity, the parcel is **ineligible**.*

☐ NO. There is no current legal or physical access to the land but both legal and physical access will be obtained prior to closing the easement.

☐ NO. There is no legal or physical access to the land, nor will such access be obtained prior to closing the easement. [INELIGIBLE]

2. In 1-2 sentences, describe the physical and legal access to the parcel, or the lack thereof:

Water Availability

1. Is the parcel irrigated and if so, does the landowner hold sufficient water rights associated with the parcel?

☐ YES – provide water rights documentation ☐NO

2. Will water rights be conveyed with the conservation easement?

☐ YES – provide water rights documentation ☐NO

At-Risk Species & Working Lands for Wildlife

In Idaho, parcels may receive ranking points for at-risk species, the existence of habitat to support at-risk species, or parcels that support Working Lands for Wildlife (WLFW) initiatives. At-risk species include Federal listed Threatened species, Federal listed Endangered species, Federal candidate species, or IDFG Species of Greatest Conservation Need (SGCN). At-risk habitat includes any USFWS designated critical habitat. Such species or habitat must be located on, or within ¼ mile of, the parcel.

The on-site agricultural operation may not have a negative effect on the species or habitat as determined by NRCS. If the conservation easement and planned activities will not directly benefit the species/habitat, or if such activities negatively affect the species/habitat, ranking points will not be granted, and the parcel will not qualify for at-risk species ranking pools.

Applicants must provide an Information for Planning and Consultation Report (IpaC), which can be generated using the following website: https://ipac.ecosphere.fws.gov/location/index

Title and On-site or Off-site Conditions

1. Describe any entity identified **unacceptable** exceptions to title coverage. If applicable, specifically describe exceptions and include a plan for resolution prior to closing (e.g., mortgage subordinated, mineral leases subordinated or removed for non-production). If not applicable, write "N/A" in the space provided.

2. Describe any unrecorded exceptions (e.g., agricultural leases, or other unrecorded use of the parcel). This includes written and verbal leases. If not applicable, write "N/A" in the space provided.

3. Describe existing or permitted rights-of-way for utilities or other infrastructure on the parcel. If not applicable, write "N/A" in the space provided.

4. Has the eligible entity completed a full phase-I environmental assessment of the parcel?
If Yes, please submit with package

☐ YES ☐NO

Sub-surface/Mineral Rights

1. In the preliminary title report, what exceptions (including general) consist of sub-surface/mineral rights? *If there are any mineral exceptions, NRCS requires a mineral estate chain of title or entity to provide a mineral remoteness report by a licensed geologist if there are any title exceptions including general.*

2. Are there any mineral lease(s) or other unrecorded mineral severance(s)?

   ☐ YES ☐ NO ☐ N/A. Does not apply.

3. Will a Mineral Assessment/ Remoteness Report be developed by a licensed professional geologist for the parcel?

   ☐ YES ☐ NO ☐ N/A. Does not apply.

4. If the landowner does not legally own the entire subsurface/mineral estate, the landowner must agree with the third-party mineral rights be limited as described in the February 2020 NRCS Minimum Deed Terms.

   ☐ YES ☐ NO ☐N/A. Does not apply.

5. Is there any known past or current mining activity (exploration and/or development activities)?

Impervious Surface

"Impervious surface" means surfaces that are covered by asphalt, concrete, roofs, or any other surface that does not allow water to percolate into the soil. Under ACEP-ALE roads and parking lots with soil or gravel surfaces and temporary greenhouses that cover the soil surface for less than 6 months are not considered impervious surfaces. Conservation practices in the NRCS FOTG and an agricultural land easement plan for the subject farm or ranch are not considered in the calculation of impervious surfaces for ACEP-ALE.

1. How much impervious surface is present on the parcel?

NOTE: An estimate of the percent impervious surface may be obtained through measuring the surface area on an aerial photo or other mapping means.

☐ 2% or less of the total acres.

☐ Greater than 2% of the total acres. Parcels with more than 2% impervious surface are ineligible unless a waiver is granted. Submit a waiver request with the application.

Building Envelopes

NRCS recommends identification of Building Envelopes at time of application. Entity and landowner determination of Building Envelopes, and submittal of information to NRCS early in the application and acquisition process, improves transaction efficiency. NRCS understands that Building Envelope size, shape, and location may change after application.

1. Will the landowner reserve any Building Envelope rights within the conservation easement parcel?

   ☐ YES ☐ NO

2. If Building Envelope(s) rights are reserved, is there existing access directly to the proposed or existing Building Envelope via a paved, gravel, or two-track road?

   ☐ YES ☐ NO ☐ N/A. Does not apply.

3. Are there plans to construct any new access roads on the easement parcel?

   ☐ YES ☐ NO

4. Does the landowner understand that any changes to the Building Envelope after obligation of funds are subject to NRCS approval?

   ☐ YES ☐ NO ☐ N/A. Does not apply.

Subdivision

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.

1. Will the landowner reserve the right to subdivide the parcel?

*NOTE: **If yes, see 2 for all required information***

☐ YES

☐ NO

2. 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

- **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:
    - **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.

- Written documentation from the landowner describing the purpose for the division and how it contributes to maintaining the long-term viability of agricultural operation.
- A letter of concurrence from the Eligible Entity that expresses support for the proposed subdivision and includes additional explanation and/or justification as necessary.

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:

1. Separate maps for each of the non-contiguous tracts, as follows:
   a. ***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.
   b. ***A Legal & Physical Access Map*** for each non-contiguous tract. Note: Each non-contiguous parcel must be independently accessible, both legally and physically.

   c. ***A written narrative that:***
      i. 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
      ii. Justifies why the individual parcels are combined under one application as opposed to submitted as multiple applications.
2. Shapefiles of the non-contiguous tracts.

Non-Contiguous Parcels Separated by a Mile or Greater. 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.

Minimum Deed Terms (MDT)

1. Does the eligible entity accept the NRCS Minimum Deed Terms for the transaction type?
   *NOTE: ACEP-ALE applicants refer to **NRCS MDT v. Feb 2020** on ID ACEP-ALE webpage.*

   ☐YES ☐NO [**INELIGIBLE**]

2. Does the **landowner** accept the NRCS Minimum Deed Terms for the transaction type?
   *NOTE: ACEP- ALE applicants refer to **NRCS MDT v. Feb 2020** on ID ACEP-ALE webpage.*

   ☐YES ☐NO [**INELIGIBLE**]

3. Indicate how the applicant entity plans to address NRCS MDTs for the parcel in the easement deed:

   ☐ The applicable MDT version will be appended to the easement deed.

   ☐ The applicable MDT version will be incorporated verbatim into the easement deed.

   ☐ The eligible entity will use its own NRCS-approved deed template that incorporates the appropriate MDT version.

   ☐ The eligible entity will use another entity's NRCS-approved deed template that incorporates the appropriate MDT version.

   ☐Other: ____________________

Entity Performance

1. Has the entity demonstrated performance in managing and enforcing easements by monitoring 100 percent of its NRCS easements last year (October 1 – September 30). If not applicable, write "N/A" in the space provided.

   ☐ YES ☐ NO

2. Within the last three (3) fiscal years, has the Lead Eligible Entity closed on enrollments within the initial term of the Parcel Contract or ALE-Agreement attachment.

☐ YES ☐ NO

Certification Statement

By signing below, I certify that the information provided in this Parcel Application Packet for the parcel offered for enrollment is true, correct, and complete. I understand that NRCS must follow all statute, regulations, and policies governing ACEP in the decision and determination of both landowner and land eligibility for the offered parcel. I also understand that NRCS will perform a site visit and landowner interview to determine land eligibility before funding determination.

Eligible Entity Signature	**Date**
Primary Applicant Signatory Name and Title (Printed)	**Eligible Entity Name**

PART III – APPENDICES

***** DO NOT INCLUDE APPENDIX SECTIONS IN THE APPLICATION PACKET FOR SUBMISSION. APPENDIX SECTIONS ARE INCLUDED FOR APPLICANT INFORMATION ONLY. *****

Appendix 1: Definitions

Access: Legal and physical ingress and egress to the entire easement area over adjacent or contiguous lands for the exercise of any of the rights or interests under the easement for the duration of its term for the purposes of the program. Access for easement enrollments must be described in the easement deed.

AD-1026, Highly Erodible Land and Wetland Conservation Certification: A form administered by the USDA Farm Service Agency (FSA) that NRCS uses to in part determine eligibility for ACEP-ALE and other programs. All landowners, including any members of landowner entities, must comply with the USDA highly erodible land and wetland conservation provisions—on all land persons have an interest in, anywhere in the United States—to be eligible to receive USDA payments (including ACEP-ALE). If the form has been submitted before and there has been no change in ownership or land use, the form does not need to be resubmitted. If a person is determined to be out of compliance—on any land in any state—all USDA payments are in jeopardy for that crop year and all subsequent crop years, the person remains out of compliance. Submit a copy of this form with your application package.

Agricultural land: Real property is agricultural land or land in agricultural use, including land on a farm or ranch, if it is consistent with the State's program to purchase agricultural conservation easements. If there is no State program, the definitions of a farm, ranch, or agricultural use in the State's agricultural use tax assessment program will be used to define agricultural land. The definition must not be so broad as to lead to the degradation of the soil.

Agricultural land easement (ACEP-ALE): An easement or other interest in eligible land that is conveyed under ACEP-ALE for the purposes of protecting natural resources and the agricultural nature of the land, and of promoting agricultural viability for future generations, and permits the landowner the right to continue agricultural production and related uses subject as applicable, to an ALE plan.

Agricultural land easement plan (ALE plan): A document developed by the eligible entity that describes the activities which promote the long-term viability of the land to meet the purposes for which the easement was acquired. An agricultural land easement plan includes a description of the farm or ranch management system and the natural resource concerns on the land, describes the conservation measures and practices that may be implemented to address applicable resource concerns for which the easement was enrolled, and incorporates by reference any component plans such as a grasslands management plan, forest management plan, or HEL conservation plan as defined in this part.

Agricultural uses: Those activities defined by a state's farm or ranch land protection program, or, where no program exists, by the State agricultural use tax assessment program.

Associated agriculture lands: An official NRCS land use from the National Planning Procedures Handbook. It is land associated with farms and ranches that are not purposefully managed for food, forage, or fiber and are typically associated with nearby production or conservation lands. This could include incidental areas, such as idle center pivot corners, odd areas, ditches and watercourses, riparian areas, field edges, seasonal and permanent wetlands, and other similar areas.

At-risk species: Any plant or animal species listed as threatened or endangered; proposed or candidate for listing under the Endangered Species Act; a species listed as threatened or endangered under State law or Tribal law on Tribal land; State or Tribal land species of conservation concern; or other plant or animal species or community, as determined by the State conservationist, with advice from the State technical committee or Tribal conservation advisory council, that has undergone, or is likely to undergo, population decline and may become imperiled without direct intervention.

Beginner farmer or rancher: A person, Indian Tribe, Tribal corporation, or legal entity who—

(i) Has not operated a farm or ranch or nonindustrial private forest land (NIPF), or who has operated a farm or ranch or NIPF for not more than ten (10) consecutive years. This requirement applies to all members of an entity who will materially and substantially participate in the operation of the farm or ranch or NIPF.

(ii) In the case of an individual, individually or with the immediate family, material and substantial participation requires that the individual provide substantial day-to-day labor and management of the farm or ranch consistent with the practices in the county or State where the farm is located.

(iii) In the case of a legal entity or joint operation, all members must materially and substantially participate in the operation of the farm or ranch. Material and substantial participation requires that each of the members provide some amount of the management or labor and management necessary for day-to-day activities, such that if each of the members did not provide these inputs, operation of the farm or ranch would be seriously impaired.

Building envelope: An area within which the structures on the farm or ranch are located and within which building may occur on an ACEP-ALE easement.

Buy-Protect-Sell transaction: A legal arrangement between an eligible entity and NRCS relating to land owned or being purchased by an eligible entity on a transitional basis during which an agricultural land easement will be secured on eligible private or Tribal land, and ownership of the land transferred to a qualified farmer or rancher following conditions specified by NRCS.

CCC-902, Farm Operating Plan form (902-I for individuals or 902-E for entities): A form administered by the USDA Farm Service Agency (FSA) that collects information about persons (individuals) or entities to determine eligibility for payments. The 902-E form is used for general partnerships, joint ventures, tribes, corporations, limited partnerships, LLCs, trusts, estates, etc. (i.e., entity owning farm). The 902-I form is used for an individual person. A CCC-902 form is required for participation in NRCS programs.

CCC-941, Average Adjusted Gross Income form: A form administered by the USDA Farm Service Agency (FSA) that NRCS uses to in part determine eligibility for ACEP-ALE and other programs. Landowners must certify they have an average annual adjusted gross income (AGI) that is equal to or less than $900,000.00 for the previous three tax years for both on-farm and off-farm income. Landowners should address this immediately to avoid delays in processing this application. If the landowner is an entity, additional forms may be needed by FSA to verify AGI status at the individual level—e.g., “CCC-901” or “CCC-902E.” Check with FSA. Submit a copy of these form(s) with your application package.

Co-holder: A legal entity that will be identified in the agricultural land easement deed as a grantee but is not the applicant and does not have to meet the requirements of being an eligible entity. However, a co-holder is required to maintain an active DUNS and SAM registration and must agree to and comply with the terms of the ALE agreement. A co-holder may not receive direct payment of the Federal share provided by NRCS but is considered a beneficiary of the Federal funds. All prospective co-holders must be listed on the CPA-41.

Conservation Reserve Program (CRP): The program administered by the Commodity Credit Corporation by and through the Farm Service Agency (FSA) as required by 16 U.S.C. Sections 3831–3836.

Cropland: An official NRCS land use from the National Planning Procedures Handbook. It is land used primarily for the production and harvest of annual or perennial fields, forage, food, fiber, horticultural, orchard, vineyard, or energy crops.

Developed land: An official NRCS land use from the National Planning Procedures Handbook. It is land occupied by buildings and related facilities used for residences, commercial sites, public highways, airports, and open space associated with towns and cities.

Entity applicant (also, Eligible entity): An Indian Tribe, State Government, local government, or a nongovernmental organization that has a farmland or grassland protection program that purchases agricultural land easements for the purpose of protecting: (i) The agriculture use and future viability, and related conservation values, of eligible land by limiting non-agricultural uses of that land that negatively affect the agricultural uses and conservation values; or (ii) grazing uses and related conservation values by restoring or conserving eligible land. Any entity applicants must meet all the requirements of an eligible entity, must be listed as such on the CPA-41, and must accept all the terms and responsibilities of the ALE agreement.

Farm or Ranch Land of State and Local Importance: As identified on Web Soil Survey or in the Field Office Technical Guide. Land in addition to prime or unique farmland, that is of statewide or local importance to produce food, feed, fiber, forage, biofuels, or oilseed crops. The appropriate State or local government agency determines statewide or locally important farmland with concurrence from the State conservationist. Generally, these farmlands are nearly prime farmland that economically produce high yields of crops when treated and managed in accordance with acceptable farming methods. Some may produce as high a yield as prime farmland. In some States and localities, farmlands of statewide and local importance may include tracts of land that have been designated for agriculture by State law or local ordinance in accordance with 7 CFR Part 657.

Farm or ranch succession plan: A formal written plan to address the continuation of some type of agricultural business on the enrolled land. The farm or ranch succession plan may include specific intrafamily succession agreements or business asset transfer strategies to create opportunities for new or beginning farmers or ranchers, veteran farmers and ranchers, or other historically underserved landowners.

Farmstead: An official NRCS land use from the National Planning Procedures Handbook. It is land used for facilities and supporting infrastructure where farming, forestry, animal husbandry, and ranching activities are often initiated. This may include dwellings, equipment storage, plus farm input and output storage and handling facilities. Also includes land dedicated to the facilitation and production of high- intensity animal agriculture in a containment facility where daily nutritional requirements are obtained from other lands or feed sources.

Forest land, or non-industrial private forest land: Land on which the historic and/or introduced vegetation is predominantly tree cover managed to produce wood products or non-timber forest products. Specifically, non-industrial private forest land is rural land, as determined by the NRCS, that has existing tree cover or is suitable for growing trees; and is owned by any nonindustrial private individual, group, association, corporation, Indian Tribe, or other private legal entity that has definitive decision-making authority over the land. Even more specifically for the purposes of ACEP-ALE, non-industrial private forest land is land that contributes to the economic viability of an offered parcel or serves as a buffer to protect such land from development and does not consist of more than two-thirds of contiguous portions of the offered area (unless a waiver is granted). If using this land cover or use category, the land is considered at least 10-percent stocked by single-stemmed woody species of any size that will be at least 13-feet tall at maturity and/or there is land-bearing evidence of natural regeneration of tree cover (cutover forest or abandoned farmland) that is not currently developed for non-forest use. 10 percent stocked, when viewed from a vertical direction, equates to an aerial canopy cover of leaves and branches of 25 percent or greater. The minimum area for classification as forest land is 1 acre, and the area must be at least 100 feet wide. It should be noted that ACEP-ALE considers land covered by trees as cropland when the trees are not native species (orange groves, fruit and nut tree orchards) or native species that are cultivated (planted in rows, fertilized, and cultivated).

Forest management plan: Site-specific plan that describes management practices that conserve, protect, and enhance the viability of the forest land. Forest management plans may include a forest stewardship plan, as specified in section 5 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. Section 2103a) or other plan approved by the State forester.

"Furthers a State or local policy" land eligibility category: The protection of the land offered for enrollment must be consistent with a State of local policy that is consistent with the purposes of ACEP-ALE and the protection of such land must further the State of local policy.

Future viability: The legal, physical, and financial conditions under which the land itself will remain capable and available for continued sustained productive agricultural or grassland uses while protecting related conservation values such as management of the agricultural land easement area consistent with an agricultural land easement plan.

Grassland: Land on which the vegetation is dominated by various grasses, grass-like plants, shrubs, or forbs, including shrubland, land that contains forbs, pastureland, and rangeland, and improved pastureland and rangeland.

Grasslands of special environmental significance (GSS): Grasslands that contain little to 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 meet both of the following —

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

- Provides, or could provide, habitat for threatened or endangered species or at-risk species, protects sensitive or declining native prairie or grassland types or grasslands buffering wetlands, or provides protection of highly sensitive natural resources as identified by the State conservationist, in consultation with the State technical committee.

Grasslands management plan: The site-specific plan that describes the grassland resources, the management system and practices that conserve, protect, or enhance the viability of the grassland, and as applicable, the habitat, species, or sensitive natural resources.

Historical and archaeological resources: Resources that meet any of the following criteria:

(i) Listed in the National Register of Historic Places (established under the National Historic Preservation Act (NHPA), 54 U.S.C. Section 300101 et seq.).

(ii) Formally determined eligible for listing in the National Register of Historic Places (by the State historic preservation officer (SHPO) or Tribal historic preservation officer (THPO) and the Keeper of the National Register in accordance with section 106 of the NHPA.

(iii) Formally listed in the State or Tribal register of historic places of the SHPO (designated under section 101(b)(1)(B) of the NHPA) or the THPO (designated under section 101(d)(1)(C) of the NHPA).

(iv) Included in the SHPO or THPO inventory with written justification as to why it meets National Register of Historic Places criteria.

HEL Conservation Plan: The document that applies to highly erodible cropland as designated by the Farm Service Agency (FSA) and describes the conservation system applicable to the highly erodible cropland and describes the decisions of the person with respect to location, land use, tillage systems, and conservation treatment measures and schedules and, where appropriate, may include conversion of highly erodible cropland to less-intensive uses. The plan can only be developed by the NRCS.

Historically underserved landowner: A beginning, limited resource, or socially disadvantaged farmer or rancher, or veteran farmer or rancher.

Invasive species: An alien species whose introduction does or is likely to cause economic or environmental harm or harm to human health.

Land Eligibility Determination: A determination made by NRCS after review of the application package, an onsite review, and interview with the landowner(s), concluding whether the offered easement area and its attributes meet the established land eligibly-criteria applicable to the application. Determinations are made after application submission but before funding selection. Review includes an Environmental Database Records Search paid for by NRCS, which may also occur post-obligation for funded parcels.

Landowner: A person, legal entity, or Indian Tribe having legal ownership of eligible land and those who may be buying eligible land under a purchase agreement. The term landowner may include all forms of collective ownership including joint tenants and tenants-in-common, and includes heirs, successors, assigns, and anyone claiming under them. The term landowner also includes both the owners of a life estate interest in land and the owners of a remainder interest in land that is subject to a life estate and includes both the purchasers and sellers under an active contract for deed, contract for sale, land contract or other similar “lease to own” land purchase financing arrangement. State governments and local governments are not eligible as landowners. For ACEP-ALE, nongovernmental organizations and Indian tribes that qualify as eligible entities are not eligible as landowners unless otherwise determined by NRCS following an approved buy-protect-sell transaction.

Legal entity: Means an entity created under Federal or State law that meets either of the following criteria:

(i) Owns land or an agricultural commodity, product, or livestock

(ii) Produces an agricultural commodity, product, or livestock

Limited-resource farmer or rancher: Means either of the following –

(i) A person who meets both of the following criteria:

• With direct or indirect gross farm sales not more than the current indexed value in each of the previous 2 fiscal years (adjusted for inflation using Prices Paid by Farmer Index as compiled by National Agricultural Statistical Service)

• Has a total household income at or below the national poverty level for a family of four, or less than 50 percent of county median household income in each of the previous 2 years (to be determined annually using the U.S. Department of Commerce Data)

(ii) A legal entity or joint operation if all individual members independently qualify under paragraph (i) above.

Noxious weed: Any plant or plant product that can directly or indirectly injure or cause damage to crops (including nursery stock or plant products), livestock, poultry, or other interests of agriculture, irrigation, navigation, the natural resources of the United States, the public health, or the environment. Noxious weeds will generally possess one or more of the characteristics of being aggressive and difficult to manage, parasitic, a carrier or host of deleterious insects or disease, and being non-native, new to, or not common to the United States or parts thereof.

Other productive soils: Includes prime farmland soils, unique farmland, or farm and ranch land of State and local importance as defined in this section.

Parcel: The defined area of land and may be a portion or all area of land that is owned by the landowner.

Pastureland: Land composed of introduced or domesticated native forage species that is used primarily to produce livestock. Pastures receive periodic renovation and cultural treatments, such as tillage, fertilization, mowing, weed control, and may be irrigated. Pastures are not in rotation with crops.

Pending offer: A pending offer is a written bid, contract, or option to convey a conservation easement for any of the four land eligibility categories allowable under ACEP-ALE. 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. The offer must be for the acquisition of an agricultural conservation easement in perpetuity, or for the maximum duration allowed under State law. The written pending offer may be extended by the eligible entity to the landowner to acquire the conservation easement or may be from the landowner to the eligible entity to sell the conservation easement.

Prime farmland: As identified on Web Soil Survey or in the Field Office Technical Guide. Land that has the best combination of physical and chemical characteristics for producing food, feed, fiber, forage, oilseed, and other agricultural crops with minimum inputs of fuel, fertilizer, pesticides, and labor, without intolerable soil erosion, as determined by NRCS. Soils that are prime if irrigated or prime if drained may
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 conservation easement deed, baseline documentation report, and as applicable, the agricultural land easement plan.

Program: Only for the purposes of determining the necessity of a new Program Agreement entity application package, *program* means ACEP-ALE or different Regional Conservation Partnership Program (RCPP) overarching projects. Grasslands of special significance or other initiative do not count as a separate program for the purposes of a Program Agreement.

"Protects grazing uses" land eligibility category: Land that is one of the following –

(i) Grassland, rangeland, pastureland, land that contains forbs, or shrubland for which grazing is the predominant use.

(ii) Located in an area historically dominated by grassland, forbs, or shrubland, and the State conservationist, with advice from the State technical committee, determines to be compatible with grazing uses and related conservation values, and the grassland, forb, or shrubland vegetative communities historically found on the site have been restored or the eligible entity has a valid, funded plan for the restoration of such vegetative communities in place prior to closing, and either of the following apply to the enrollment of such land:

- Could or does provide habitat for animal or plant populations of significant ecological value if the land is retained in grazing uses and related conservation values
- Would address State, regional, or national conservation priorities

Purchase price: The appraised fair market value of the agricultural land easement minus the landowner donation.

Rangeland: An official NRCS land use from the National Planning Procedures Handbook. It is land on which the historic and/or introduced vegetation is predominantly grasses, grass-like plants, forbs or shrubs managed as natural ecosystem. Range land may include natural grasslands, savannas, shrublands, tundra, alpine communities, marshes and meadows.

Third-party right holder: A legal entity that will be identified in the agricultural land easement deed as having specific rights or responsibilities but is not listed as grantee. A third-party right holder is not the applicant, does not have to be party to the ALE-agreement, may not receive direct payment of the Federal share provided by NRCS, is not considered a beneficiary of Federal funds, and is not required to be registered in DUNS or SAM. All prospective third-party right holders must be listed on the CPA-41.

Unique Farmland: As identified on Web Soil Survey or in the Field Office Technical Guide. Land other than prime farmland that is used to produce specific high-value food and fiber crops, as determined by NRCS. It has a special combination of soil quality, location, growing season, and moisture supply needed to economically produce sustained high quality or high yields of specific crops when treated and managed in accordance with acceptable farming methods. Examples of such crops include citrus, tree nuts, olives, cranberries, fruits, and vegetables. Additional information on the definition of prime, unique, or other productive soil can be found in 7 CFR Parts 657 and 658.

Shrubland: Land predominantly composed of shrubs and for which grazing is the predominant use.

Socially disadvantaged farmer or rancher: A producer who is a member of a group whose members have been subjected to racial or ethnic prejudices without regard to its members' individual qualities. For a legal entity, at least 50-percent ownership in the legal entity must be held by socially disadvantaged individuals.

Veteran farmer or rancher: A producer who meets the definition in section 2501(a) of the Food, Agriculture, Conservation, and Trade Act of 1990, as amended (7 U.S.C. Section 2279(a)).

Water: An official NRCS land use from the National Planning Procedures Handbook. It is a geographic area whose dominant characteristic is open water or permanent ice or snow. May include intermingled land, including tidal-influenced coastal marsh lands.

Appendix 2: Cost Share Match Requirements for 2018 Farm Bill

<u>General Information</u>

There are two types of enrollments available under the ACEP-ALE: General and ACEP-ALE: Grasslands of Special Significance (GSS). Each enrollment type has specific requirements for cost-share and matching funds. These requirements are based on the fair market value (FMV) of the easement as determined by an appraisal or other means of easement valuation and as accepted by the NRCS. The determination of FMV must not include any amounts or other costs associated with acquisition or management. The eligible entity must provide information on the estimated FMV and all contribution sources at the time of application. If funded, and before closing, the eligible entity must provide a final listing of financial sources on the applicable "CPA-230 Statement to Confirm Matching Funds" form, and may be required to provide supporting invoices or receipts as applicable.

<u>Federal v. Non-Federal Share</u>

Table 1. Federal and Non-Federal Share Requirements.

	Federal Share (max. % of FMV)	Non-Federal Share (min. % of FMV)
General ALE Enrollment	50%	50%
ALE-GSS Enrollment	75%	25%†

†Estimation. The Non-Federal Share for GSS must be at least equivalent to the Federal share or satisfy the remainder of the easement FMV, whichever is less.

To be eligible for up to 75% Federal Share, the parcel must meet the established qualifications of GSS, and the GSS option must be selected on the CPA-41A form. The GSS definition and other criteria can be found in the applicable section of the GSS Parcel Application Parcel Questionnaire. Cash contribution waivers are no longer available for GSS or any other enrollment.

<u>Non-Federal Share Requirements</u>

The Non-Federal Share may be comprised of various sources. The allowable sources are listed below and should be considered in the order they appear (1-4). No other sources will be considered.

1. The <u>*eligible entity's own cash resources*</u> for payment of easement compensation to the landowner. The resources may be in-hand or committed. **If these resources are less than 10% of the easement FMV, the eligible entity must attach to the CPA-41A specific evidence of funding or capacity available to manage, monitor, and enforce the easement.**
2. A <u>*landowner donation*</u> toward the easement value in the form of a charitable donation or qualified conservation contribution (section 170(h) of IRC of 1986). No other form of donation is acceptable. *ACEP-ALE does not require the landowner to donate any part of the easement FMV.*
3. The <u>*procured costs paid by the eligible entity*</u> from sources other than the landowner (directly or indirectly) to a third-party for *ONLY* the items listed below. If not listed here, the procured cost is not acceptable for the Non-Federal Share. If the cost of any one of the items listed below is counted toward the Non-Federal Share, the report or service *must* meet the standards or requirements as identified in the ALE agreement or other NRCS-provided documentation.
    a. Appraisal
    b. Legal boundary survey of the easement area
    c. Full phase-I environmental site assessment that meets the requirement of 40 CFR Part 312

    d. Title commitment or report
    e. Title insurance
    f. Closing costs

4. *<u>Up to 2% of the easement FMV toward stewardship and monitoring costs</u>* contributed by the eligible entity from sources other than the landowner (directly or indirectly). Any amount over 2% will not be counted.

<u>Examples</u>

Example 1: Determination of the Amount of the Federal Share for General-ALE Enrollments:

FMV of ALE	**$500,000**	**$500,000**	**$500,000**	**$500,000**
Eligible Entity Cash (item (2)(i))	100,000	20,000	70,000	200,000
Landowner Donation (item (2)(ii))	150,000	200,000	100,000	200,000
Procured Costs Paid by Entity (item (2)(iii))	Not included	30,000	20,000	Not Included
Stewardship/Monitoring Costs (item (2)(iv))	Not included	Not Included	10,000	Not Included
Total Non-Federal Share	**250,000**	**250,000**	**200,000**	**400,000**
Total Federal Share for General ALE	**250,000**	**250,000**	**200,000**	**100,000**
Eligible Entity Cash Contribution as Percentage of FMV	20%	4%*	14%	40%

Example 2: Determination of the Amount of the Federal Share for ALE-GSS Enrollments:

FMV of ALE	**$500,000**	**$500,000**	**$500,000**	**$500,000**
Eligible Entity Cash (item (2)(i))	62,500	25,000	120,000	150,000
Landowner Donation (item (2)(ii))	62,500	70,000	100,000	150,000
Procured Costs Paid by Entity (item (2)(iii))	Not included	30,000	20,000	Not Included
Stewardship/Monitoring Costs (item (2)(iv))	Not included	Not Included	10,000	Not Included
Total Non-Federal Share	**125,000**	**125,000**	**250,000**	**300,000**
Total Federal Share for ALE-GSS	**375,000**	**375,000**	**250,000**	**200,000**
Eligible Entity Cash Contribution as Percentage of FMV	13%	5%*	24%	40%

**See requirements in #1 of the "Non-Federal Share Requirements" section for cash contributions less than 10%.*

Appendix 3: Description of Application Forms

The following forms are required to establish entity, parcel, and landowner eligibility for ACEP-ALE General, GSS, GSS-SGI or Buy-Protect-Sell (BPS) Transactions. All forms are accessible on the Idaho State NRCS ACEP-ALE webpage: **Idaho Easements - ACEP-ALE**

NRCS CPA-41 "Entity Application for an Agricultural Land Easement (ALE) Agreement"

NRCS CPA-41 is used to determine the eligibility of the entity to participate in the ACEP-ALE program under a "Program Agreement". Once determined to be eligible to receive assistance under a Program Agreement, an entity participating in ACEP-ALE is identified by NRCS as an "eligible entity." If an eligible entity is certified by NRCS under Part 528, Subpart H, the eligible entity may also be referred to as a "certified entity." The term eligible entity refers to both a certified eligible entity, or a non-certified eligible entity.

ACEP-ALE program agreements establish the framework under which NRCS, and an eligible entity, will operate and identifies the potential co-holder and third-party right holders that may be party to the acquisition of any ACEP-ALE easement associated with the ACEP-ALE program agreement. ACEP-ALE funds are not obligated to an ACEP-ALE program agreement. Instead, the obligation and payment of cost-share assistance occur on an individual parcel basis through execution of individual ACEP-ALE cost-share contracts that are associated with the ACEP-ALE program agreement and are entered into by NRCS, the eligible entity, and any co-holders specific to the individual parcel.

NRCS CPA-41A "Parcel Sheet for Entity Application for an Agricultural Land Easement (ALE) Agreement"

NRCS CPA-41A is used to determine the eligibility status of the parcel and parcel landowner(s) for the ACEP- ALE program. Information disclosed on this form is also used to assess how the parcel ranks using national and state criteria. The term "parcel" refers to the portion of the property that is proposed for an ALE. This form can be submitted simultaneously with an Entity Application (NRCS-CPA-41). Alternatively, one or more NRCS CPA-41A forms can be submitted any time after the applicant entity has an executed Program Agreement with NRCS. However, this form must be submitted by the advertised application batching date to be considered for funding in the upcoming Fiscal Year funding cycle.

NRCS CPA-41A BPS Supplement "Buy-Protect-Sell Transaction Supplement to the Parcel Sheet for Entity Application for an Agricultural Land Easement (ALE) Agreement"

NRCS CPA-41A BPS Supplement is used to determine the eligibility status of the applying entity and parcel of interest for a buy-protect-sell transaction under ACEP-ALE. This form must be submitted in conjunction with an associated CPA-41A form.

Appendix 4: Web Soil Survey Instructions

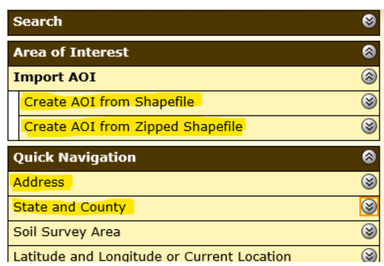
This document provides instructions for accessing Web Soil Survey (WSS) to obtain proper documentation for ACEP-ALE applications. Included are instructions for general access to the website, creation of a custom soil resource report for basic soils information, and creation of a farmland classification (prime soils) map and table.

General Access Instructions

1. Visit **NRCS Web Soil Survey** If this link does not work, visit the NRCS home page (http://www.nrcs.usda.gov/), select "Soils" on the right under "Popular Topics," and select "Web Soil Survey" in the middle of the page under "Helping People Understand Soils and Plants."

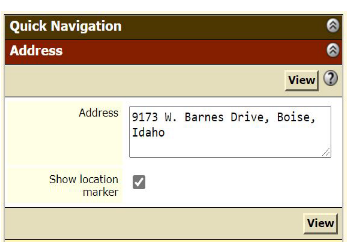
2. Select the big green button, "START WSS."

3. On the left under "Quick Navigation," select the appropriate search method. Using "Address" or "State and County" will yield the best results. You can also select "Import AOI" under "Area of Interest;" in this selection, you can upload a singular or multi-part ("zipped") shapefile for the parcel.



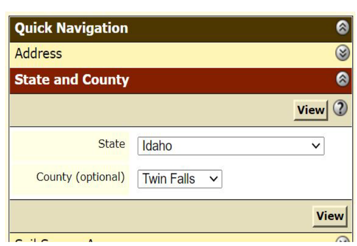
4. Enter the address for the parcel (Option A), select "Idaho" and the county where the parcel is located (Option B), or import your singular or multi-part shapefiles (Option C). See next step for specific instructions.

Option A



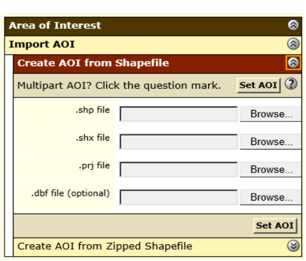
OR

Option B



OR

Option C



5. Option A and B: After entering the parcel address or selecting the parcel's county/state and selecting "View," use the icons on the "Area of Interest Interactive Map" to zoom or pan to the parcel. Use the AOI ("Area of Interest") buttons to draw the boundaries of the parcel using single clicks. Double click when finished drawing; the final polygon will appear with blue cross-hatching. Repeat this process for any additional polygons needed.

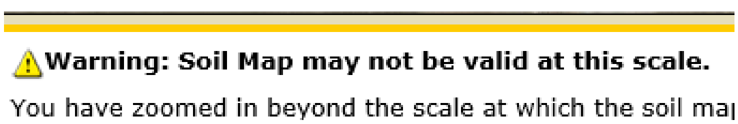
   Option C: Open either "Create AOI from Shapefile" or "Create AOI from Zipped Shapefile" depending on your goal and shapefile data makeup. Select "Browse," navigate to the location of your shapefiles, select the shapefiles as appropriate, and select "Open." The file location should appear in the box next to "Browse." Select the "Set AOI" button. Your parcel boundaries will appear in the "Area of Interest Interactive Map" in blue cross-hatching.

   Note: Using any option, the boundaries must match all other maps provided in the application package. Any polygons created must be for the entire parcel offered area. If there are planned subdivisions or non-contiguous parcels, this process must be repeated for each area.

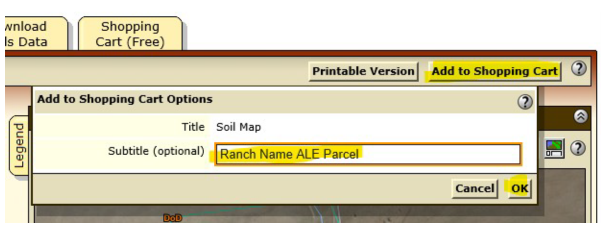
Custom Soils Resource Report Instructions (for basic soils information)

1. Follow "General Access Instructions."
2. Select the "Soil Map" tab near the top of the page to view the soils map and soils table.

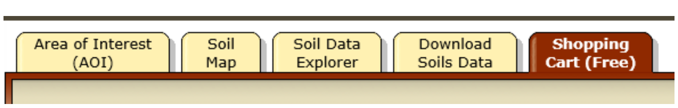
3. You may see "Warning: Soil Map may not be valid at this scale" under the map. This is just for your information. Proceed with the next step.



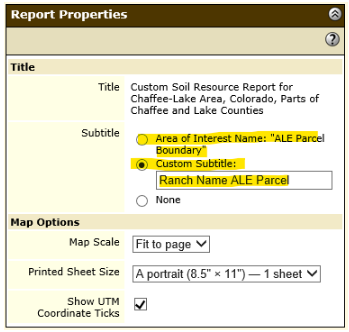
4. Select "Add to Shopping Cart" near the top right of the page. A new window will pop up. Enter a subtitle that will properly identify the parcel. Select "OK."



5. Navigate to the "Shopping Cart (Free)" by selecting the last tab near the top of the page.

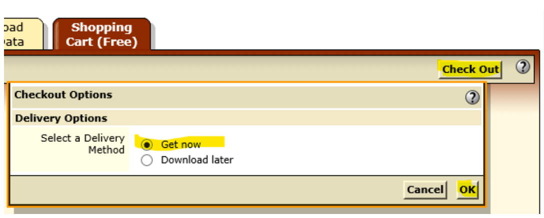


6. Under "Report Properties," select or enter a subtitle selection that will properly identify the parcel and review the other information.



7. Under "Table of Contents," ensure all the "Soil Map" and all sub-groups are checked at a minimum. Note: Some fields automatically populate and cannot be removed.

8. Select "Check Out" near the top right of the page. A window will appear; select "Get Now" and then "OK."

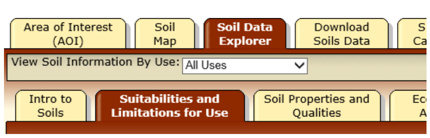


9. A message box may appear at the bottom of the window indicating the report is downloading. A PDF of a Custom Soil Resource Report will pop up. (Note: If this does not occur, you may have to check your downloads or other location on your computer.) Save and/or print this report for the record.

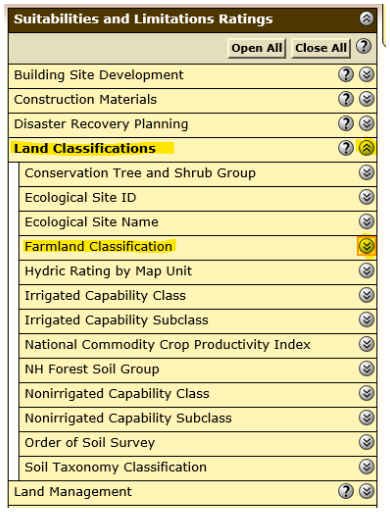
Farmland Classification Instructions (a.k.a., "prime soils")

1. Follow "General Access Instructions."

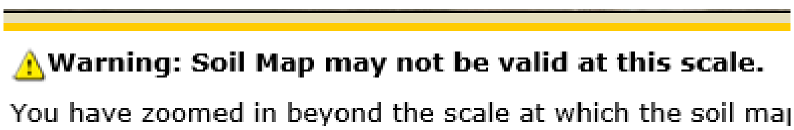
2. Select the "Soil Data Explorer" tab near the top of the page. Then, select the "Suitabilities and Limitations for Use" sub-tab.



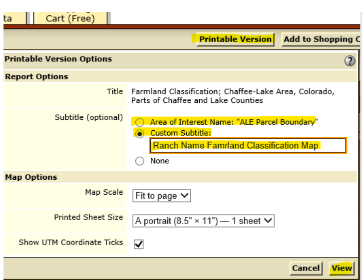
3. On the left of the page, find "Land Classifications" in the list and select the two down arrows to expand. Once expanded, select the two down arrows next to "Farmland Classification" to expand.



4. Select "View Rating" button in the expanded window. An interpretive soils map and table appears to the right. You may see "Warning: Soil Map may not be valid at this scale" under the map. This is just for your information. Proceed with the next step.



5. Click on the "Printable Version" button located near the top right of the screen. A new window appears. Select or enter a subtitle selection that will properly identify the parcel and review the other information. Select the "View" button.



6. A message box may appear at the bottom of the window indicating the report is downloading. A PDF of a Custom Soil Resource Report will pop up. (Note: If this does not occur, you may have to check your downloads or other location on your computer.) Save and/or print this report for the record.

Appendix 5: Instructions for Calculating & Mapping Soils with Qualified Farmland Class

Purpose

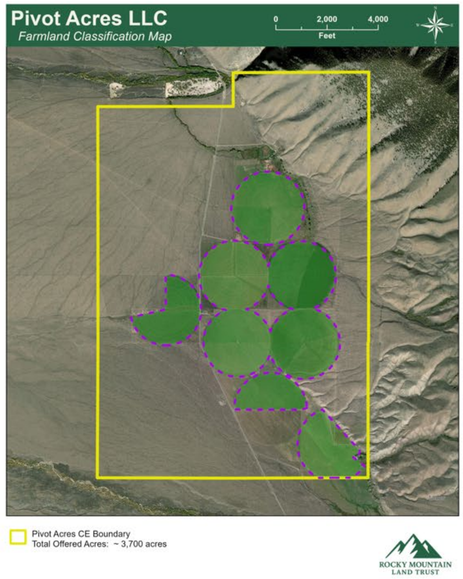
In some cases, soils in the Web Soil Survey are classified with qualifiers such as "if irrigated" or "if drained." This applies to certain types of Prime Farmland as well as some soils of Statewide or Local Importance. Soils with either qualifier may only be counted toward ALE eligibility and/or ranking if the qualifying condition is currently being met on the property. As a result, the Entity must determine whether the qualifying condition is actively being met on the property, exclude any areas where it is not, and then calculate the eligible acreage. Entity must include a map showing the adjusted qualifying soils and percentage of Prime with the adjustment.

Suggested Procedure

1. Using GIS or the Web Soils Survey, run a Farmland Classification Report for the proposed parcel
2. Identify soils with the qualifiers, "if irrigated" or "if drained"
3. Verify conditions:
   - For irrigated soils, confirm active irrigation infrastructure
   - For drained soils, confirm presence of a functioning drain system
4. Adjust the Farmland Classification Report as follows:
   - Exclude non-irrigated portions from "if irrigated" soils
   - Exclude undrained portions from "if drained" soils
5. Calculate the adjusted soil totals and report that figure on page 17
   - Provide a Soils Map showing only the eligible portions of qualified soils.
   - Indicate on map the revised acreage and percentage calculations reflecting actual conditions.

If Irrigated

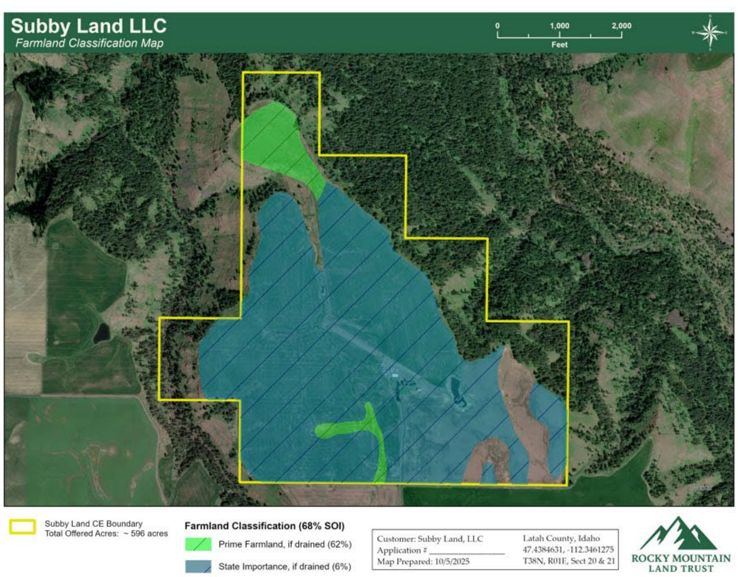
Farmland Classification
Soils of Ag Importance
including 'If Irrigated' Qualifier



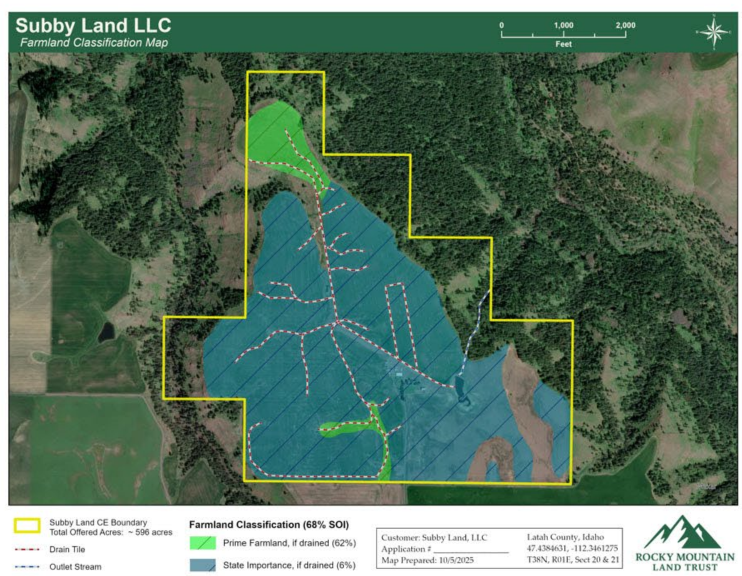
Identify
Irrigated Portions of Property

Farmland Classification
Eligible Soils of Ag Importance
based on currently active irrigation

If Drained



Farmland Classification
Soils of Ag Importance
including 'If Drained' Qualifier



Farmland Classification
Eligible Soils of Ag Importance
based on currently active drain system

Appendix 6: Procurement Map

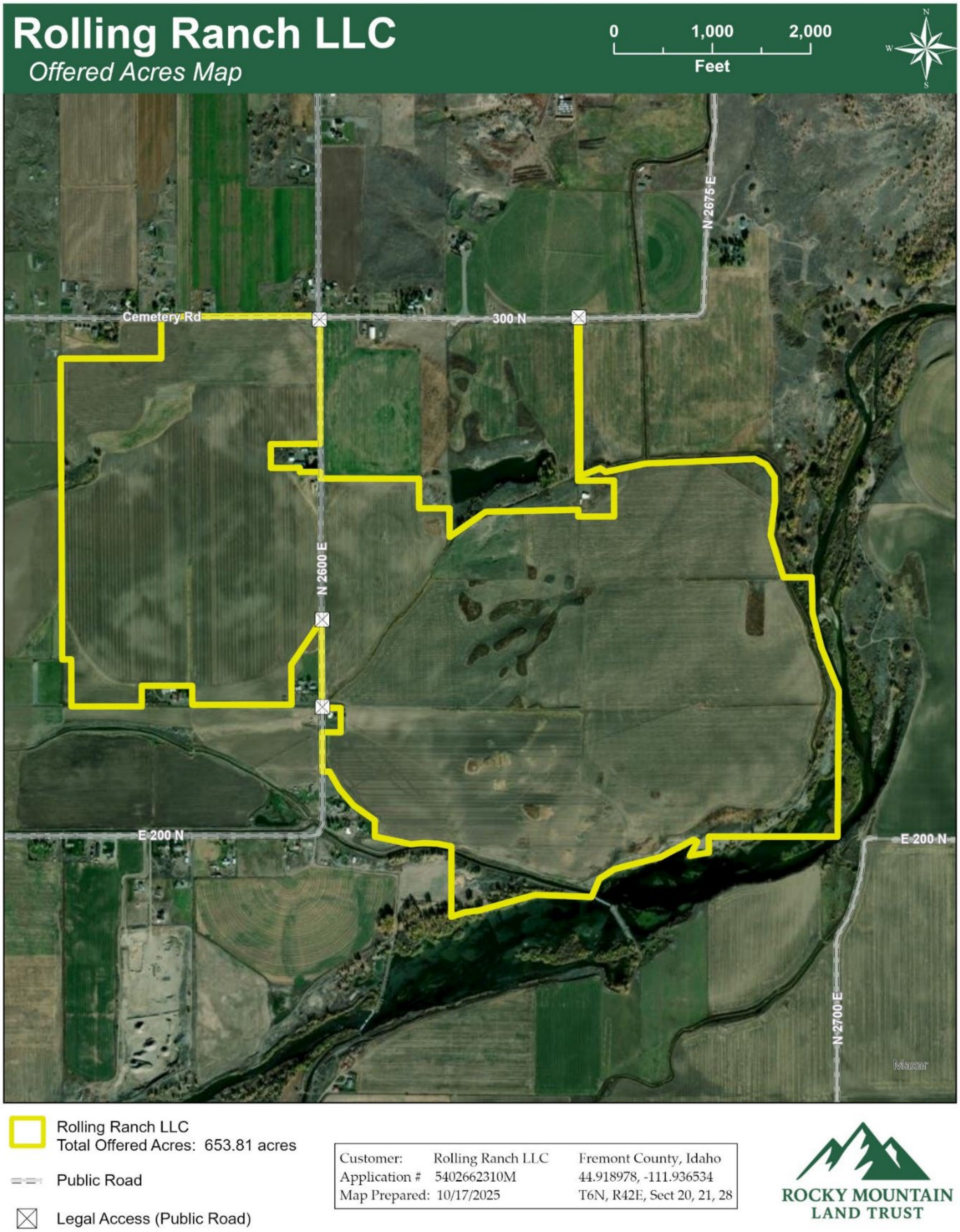
Content & Formatting Requirements

Entities must provide a map that follows the specifications listed below, which will be used for procurement of environmental review and other third-party due diligence services. Entities are encouraged to read the following specifications clearly. Deviations may require revisions and/or result in an ineligible application.

Entity MUST provide a map that includes the following:

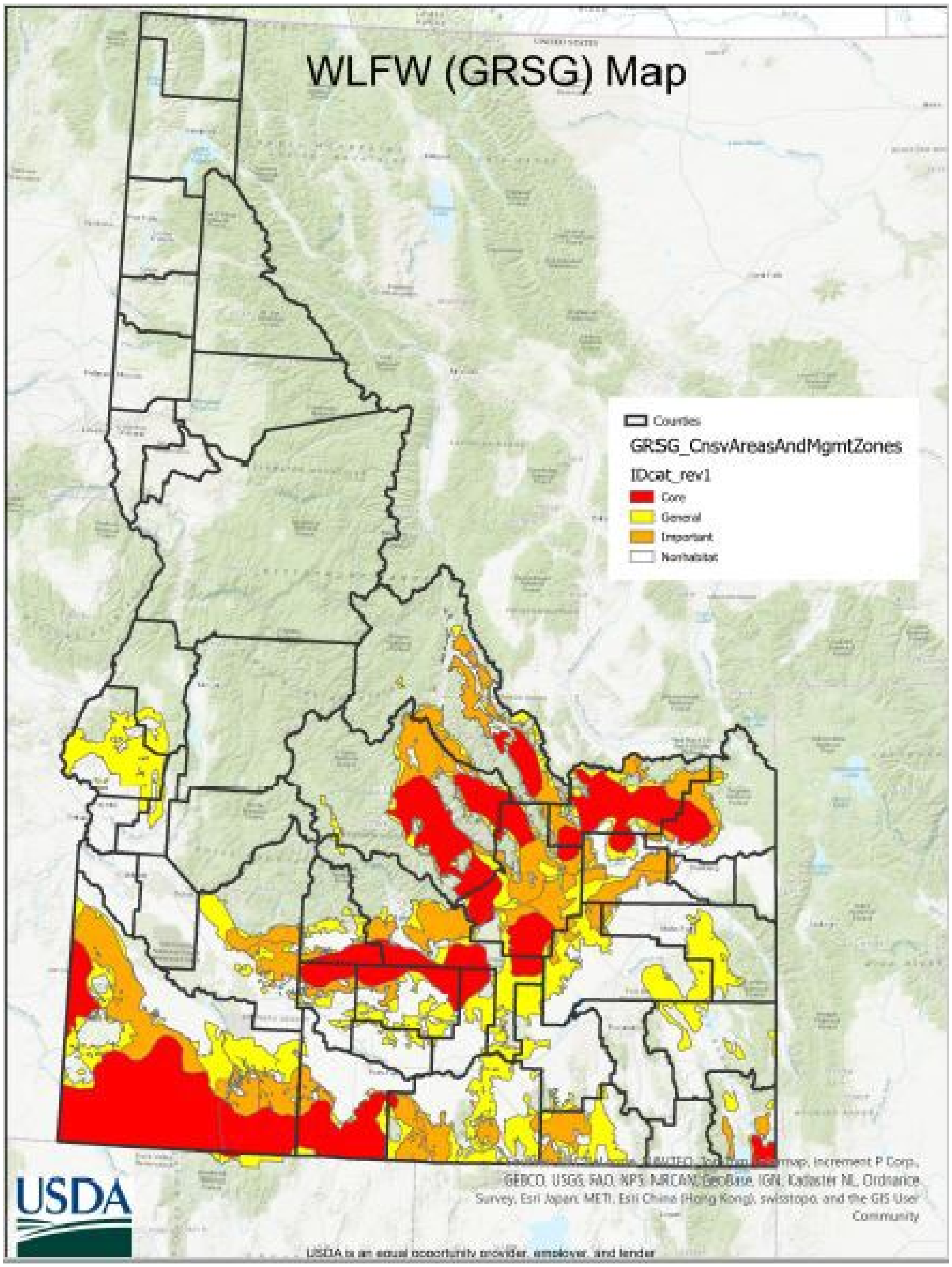
- Map Title
  - Use “Offered Acres Map” or “Proposed Easement Boundary Map”.
- Aerial Satellite Basemap
- Parcel Boundary Lines
  - Yellow or Red
  - Clearly depict all acres proposed for easement (and nothing more!)
- Access Points and Routes
  - If accessed by public road(s), clearly mark the point(s) of ingress/egress.
  - If access is anything other than a public road, identify access route from public road to the easement boundary and underlying ownership of lands crossed.
- Map Symbol Legend
  - Clearly label the easement boundary symbol.
- Scale Bar
- North arrow
- Text Box or Title Block that includes the following:
  - Application Number: assigned by NRCS and leave blank as place holder.
  - Landowner Name: insert vested landowner name. Do not use ranch names.
  - Total # of Offered Acres: based on county data, survey, or best estimate and ensure acres match acres identified on CPA-41A
  - County & State: county and state of offered easement
  - Lat/Long of Proposed Easement
  - Township, Section, & Range:
  - Date map was prepared

Sample Procurement Map



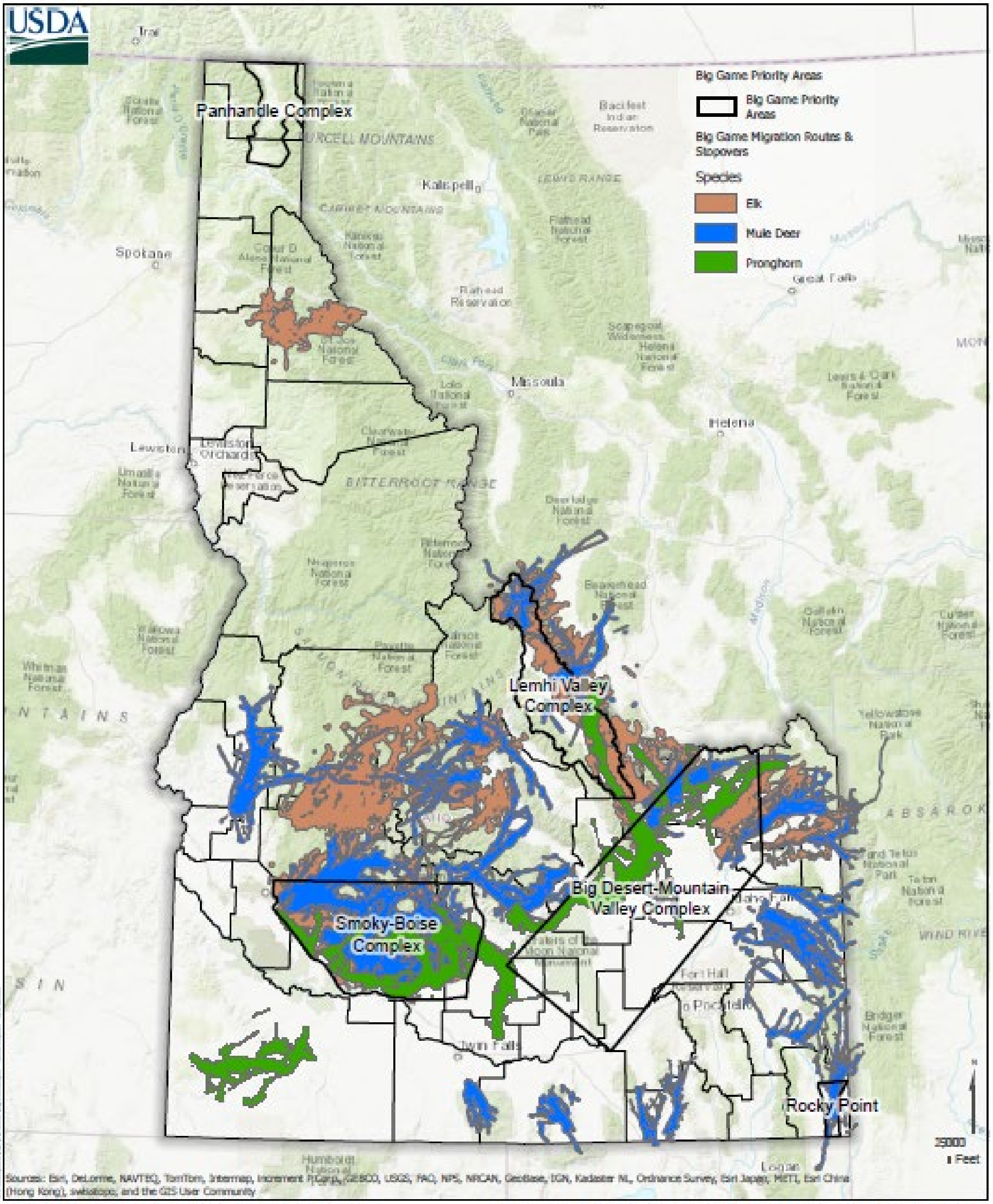
Appendix 7: Working Lands for Wildlife - Sage Grouse Initiative

This map shows Greater Sage Grouse Initiative conservation areas in Idaho as an NRCS WLFW initiative applicable to all NRCS programs. If an ACEP-ALE parcel falls within an SGI conservation area management zone, and meets certain criteria, it may receive additional ranking points or qualify for a separate funding pool if available. Funded parcels that meet the criteria for furthering this initiative will help NRCS reach its species protection goals.



Appendix 8: Working Lands for Wildlife – Migratory Big Game Initiative

This map shows Big Game Priority Areas in Idaho as an NRCS WLFW initiative applicable to all NRCS programs. If an ACEP-ALE parcel falls within a priority area/migration route, and meets certain criteria, it may receive additional ranking points or qualify for a separate funding pool if available. Funded parcels that meet the criteria for furthering this initiative will help NRCS reach its species protection goals.



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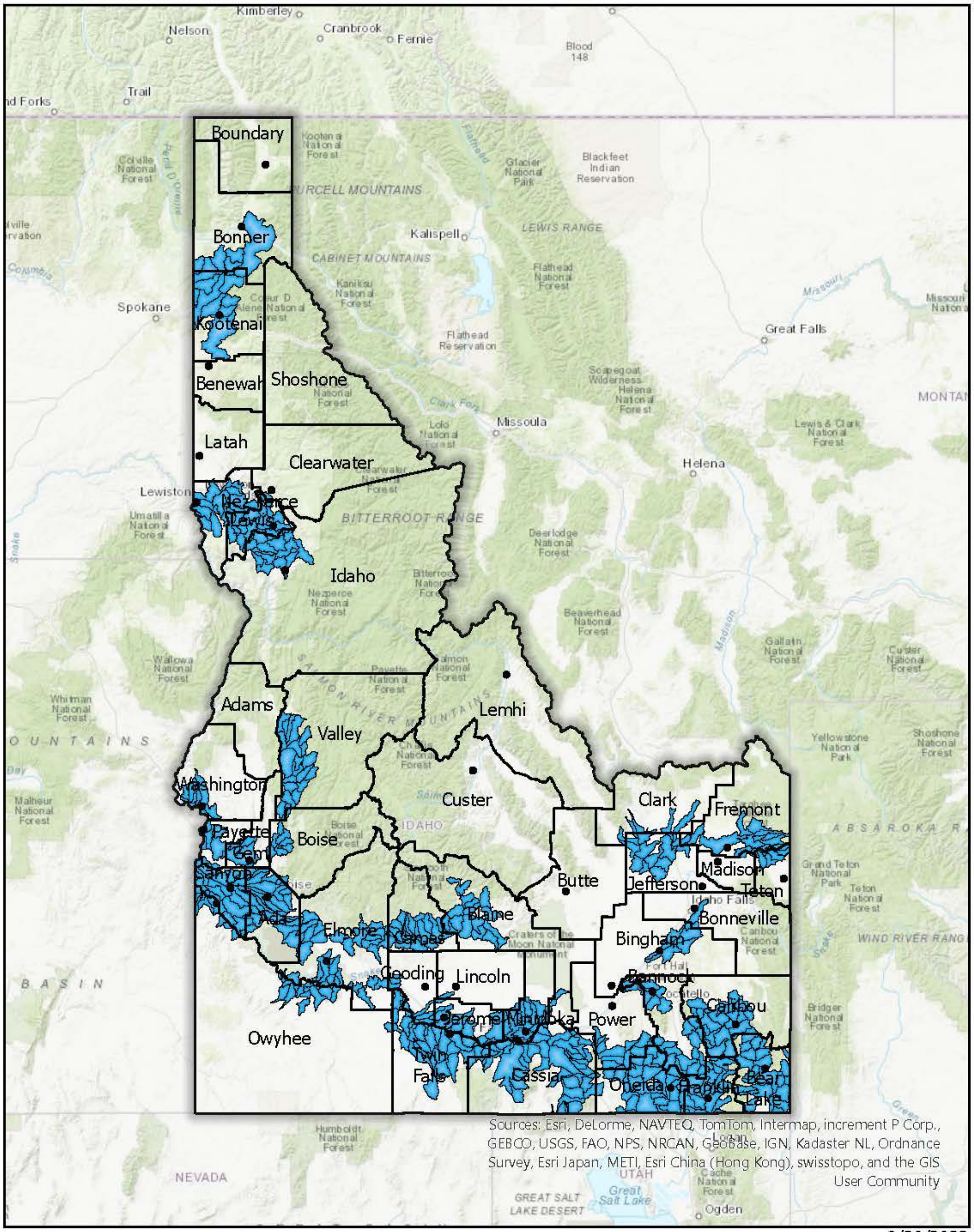
Appendix 9: Idaho Source Water Protection Priority Area

Idaho Source Water Protection Priority Areas FY23



9/30/2022