

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

FY 2027 California NRCS Parcel Application Questionnaire

*Information, policy, and regulation disclosed in this packet is subject to change pending the authorization of the 2027 Farm Bill and updates to the Federal Register rules and regulations. Please check the [California NRCS ACEP-ALE website](#) for updated information prior to submitting a completed application package.
See the current [ACEP-ALE Program Manual](#) for full guidance.*

Please submit completed applications to:

BOX ELECTRONIC UPLOAD:

PREFERRED

Request Box invitation via email:

elizabeth.palmer@usda.gov

See instructions on page 31

EMAIL:

To: elizabeth.palmer@usda.gov

See instructions on page 31

Parcel applications are accepted on a continuous basis.

**Parcel applications must be received by 5:00 PM PST on the application
batching date to be considered for funding in FY 2027**

Batching date: Friday November 6, 2026

The following application questionnaire collects required information on proposed parcels from eligible entities interested in applying for easement funding under General ACEP-ALE and ACEP-ALE Grasslands of Special Environmental Significance (GSS). If you are applying for an ACEP-ALE Buy-Protect-Sell (BPS) or 2018 Farm Bill RCPP easement, please contact a member of the easement team for application materials. Narratives and supporting documentation may be provided under the applicable question or as a separate attachment. The appendices to this questionnaire are for reference only and do not need to be included in the application submission.

Submitting your application

Submission instructions begin on page 31. Please carefully follow all instructions to ensure an eligible application. It is the responsibility of the primary applying entity to ensure the application is complete and accurate. If a question indicates that an application may be ineligible, contact the California NRCS Easement Team before continuing with the application. Identification of eligibility within the questionnaire is only to be used as a guide; USDA-Natural Resources Conservation Service (NRCS) determines eligibility at its discretion upon review of a complete and accurate application.

Farm Service Agency Eligibility

Up-to-date records with the USDA Farm Service Agency (FSA) are required for the eligible entity and ALL landowners listed on the ownership deed to process a Parcel Application. This includes the applicant organization, landowners, and landowner entity members; each landowner must separately qualify to receive USDA funds to be eligible, so it is important to identify every person or entity that has ownership rights to the land prior to applying. Establishing USDA records with FSA may take a significant amount of time; therefore, applicants are encouraged to begin this process as soon as possible. USDA records may be established at any time, except for Adjusted Gross Income (AGI) compliance, which may be established as early as October 1 for the following fiscal year (e.g., AGI compliance documents for FY 2027 may be executed as early as October 1, 2026). All individuals or entities on the deed must be compliant as determined by the Internal Revenue Service (IRS) when obligating federal funds to the easement acquisition and at least 90 days prior to closing of the easement. FSA staff can help guide landowners through the eligibility process. [American Farmland Trust has provided a checklist for reference.](#) *NRCS is not responsible for FSA forms and recording of forms for eligibility requirements.*

FSA is an agency of the USDA that handles many eligibility and financial operations for the department's programming. For ACEP-ALE, FSA is the agency that verifies landowner eligibility to receive funding. FSA offices are often co-located with NRCS offices. These offices are called Service Centers and have locations in almost every county across the country. Landowners and entities can [make an appointment with their local Service Center](#) to get the relevant forms and receive assistance with completing them. When making the appointment, ask FSA staff what documentation to bring in order to streamline the process. If landowners have participated in USDA programs in the past, they may have already established records that identify the parcels they own and/or other farm information.

FSA staff will enter the landowner identifying information and parcel information into USDA's centralized Service Center Information Management System (SCIMS), which is needed to process their eligibility certification. The resulting report is a [Subsidiary Print](#) that summarizes key eligibility information.

Buy-Protect-Sell Applicants (BPS)

While BPS transactions need to follow the processes and meet the applicable requirements of ACEP-ALE, they are subject to their own rules and regulations. Only private or Tribal lands are eligible for these transactions; therefore, only eligible entities that are nongovernmental organizations or Tribal Nations may apply for a BPS transaction on land they own or are in the process of purchasing. ACEP-ALE cost-share funds for an approved BPS transaction may be provided through an ACEP-ALE Parcel Contract executed under a valid ACEP-ALE Program Agreement.

Entities interested in applying for ACEP-ALE BPS must meet both national and state-specific eligibility criteria. National ACEP-ALE BPS requirements are detailed in [NRCS National Instruction 300-308](#). If an eligible entity has an existing and current Program Agreement covering ACEP-ALE, the entity should work with the California NRCS Easement Team to determine whether the Agreement needs to be updated to include the terms of the BPS transaction.

Grasslands of Special Environmental Significance Applications (GSS)

Parcels that qualify for GSS are eligible to receive up to 75% federal share from NRCS. Parcels offered for

enrollment under GSS must select the GSS designation on the NRCS-CPA-41A form and meet all GSS criteria. The GSS component of the program emphasizes support of grazing operations, maintenance and improvement of plant and animal biodiversity, and protection of grasslands and shrublands under threat of conversion to cropping, urban development, and other non-grazing uses. GSS easements require specific deed restrictions in the NRCS [minimum deed terms](#) to ensure that the GSS attributes are protected. Please review these deed restrictions with the landowner before applying and reach out to the CA NRCS Easement Team with any questions.

Entity Eligibility (Grantee/Easement Holder)

Entities submitting Parcel Applications must be eligible themselves; if not already on file, the entity will need to submit an Entity Application to establish eligibility with NRCS (NRCS-CPA-41, Entity Application Questionnaire, and additional associated/supporting documents). NRCS requires the use of Program Agreements and Parcel Contracts for ACEP-ALE projects; new parcels may only be enrolled using ACEP-ALE Parcel Contracts associated with an active, valid ACEP-ALE Program Agreement.

- If the entity has an existing and valid Program Agreement covering ACEP-ALE, the entity is not required to submit a new Entity Application Questionnaire, and is only required to submit a Parcel Application
- If there is not an existing Program Agreement, or if there is an existing Program Agreement for a program other than ACEP-ALE, the entity will need to submit a new Entity Application for ACEP-ALE

For more information or assistance with completing any Parcel Application forms, please contact the California NRCS Easement Team:

Elizabeth Palmer – elizabeth.palmer@usda.gov, Easement Program Specialist

Kaytee Todoroff – kaytee.todoroff@usda.gov, Easement Program Specialist

Dean Kwasny – dean.kwasny@usda.gov, Easement Program Manager

Thank you for your interest in the NRCS ACEP-ALE Program!

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PART I – PARCEL APPLICATION CHECKLIST & NAMING CONVENTION

Parcel Application Checklist – SUBMIT WITH YOUR APPLICATION

Save each checklist item as an individual document. Name each electronic document following the naming convention in **[bold]** next to each item. Please read the parcel application questions very carefully and provide supporting documentation when required for a given question.

REQUIRED FORMS & DOCUMENTS*:

- ☐ [NRCS CPA-41A](#) date 02/2020 or later **[NRCS-CPA-41A]**
- ☐ Parcel Application Questionnaire (pp 8-29) **[Parcel Questionnaire]**
- ☐ Parcel Excel Workbook **[Parcel Workbook]**
- ☐ Recorded vesting deed(s) covering the entire offered easement area **[Recorded Deed]**
- ☐ Evidence of active [SAM](#) registration Unique Entity Identifier (UEI) for each entity applicant and/or co-holder **[Current SAM Verification]**
- ☐ Preliminary title report, underlying exception documents, & entity review of title exceptions **[Title Report and Review]**
- ☐ Written pending offer between landowner and entity for purchase of an agricultural land easement on the offered acreage **[Written Offer]**
- ☐ County tax maps and assessor's information for offered easement area **[Tax Map-Assessment]**
- ☐ Map of the offered easement area: aerial or topographic, with accurate and appropriate scale, legend, north arrow, and title.** **[Offered Easement Map]**
- ☐ GIS shapefiles of proposed easement boundary **[Parcel Shapefiles]**

SUPPLEMENTAL INFORMATION – REQUIRED WHERE APPLICABLE:

- ☐ Support for selected land eligibility category **[Support for (Soils/Historical Resources/Grazing/State Local Policy) Land Eligibility]**
- ☐ All acres listed on CPA-41A, Parcel Application Questionnaire, Excel Workbook, and all maps are the same number of acres
- ☐ Existing easement or deed restriction that prevents conversion to non-agricultural and/or non-grassland grazing uses **[Existing Easement]**
- ☐ Localized/regional plan to support specific conservation goals **[Localized Conservation Plan]**
- ☐ Alternative access easement agreement (for private/federal land access) to offered easement area **[Alternative Access Agreement]**
- ☐ Water rights **[Water Rights]**

- ☐ Mineral lease(s) **[Mineral Lease]**
- ☐ Existing right-of-way documentation **[Right of Way]**
- ☐ Succession plan **[Succession Plan]**
- ☐ Support for unique/multifunctional project benefits on-site **[Multifunctional Benefits]**
- ☐ Proof of agricultural zoning **[Agricultural Zoning]**
- ☐ Maps (aerial/topographic) with an accurate and appropriate scale, legend, north arrow, and heading. All maps must show the proposed easement boundary and acreage.**
 - ☐ Farmland/soils classification **[Map-Land Eligibility Determination-Soils]**
 - ☐ Location, number, and acres of historical/archaeological sites **[Map-Land Eligibility Determination-Historical Archaeological]**
 - ☐ Legal access (label public road access, or if applicable, outline the access route from public road through legal agreement and or/access across adjacent landowners' properties to easement boundary. If not from public road, include adjacent landowner names and APN numbers) **[Map-Access]**
 - ☐ Grazing land use and land cover **[Map-Land Eligibility Determination-Land Use]**
 - ☐ Proximity to agricultural properties and/or agricultural conservation easements **[Map-Adjacent Agricultural Lands]**
 - ☐ Proximity to protected lands with ownership(s) identified **[Map-Adjacent Protected Lands]**
 - ☐ Proximity to incorporated city/sphere of influence **[Map-Development Pressure]**
 - ☐ At-risk species habitat or known occurrences **[Map-At Risk Species]**
 - ☐ Proposed building envelopes showing existing or proposed access to each **[Map-Building Envelopes]**
 - ☐ Allowable subdivisions **[Map-Subdivisions]**
 - ☐ Irrigated land footprint with location of source **[Map-Irrigation]**
 - ☐ GSS eligibility including acreage and percentage of offered easement area **[Map-GSS eligibility]**

OPTIONAL SUPPLEMENTAL INFORMATION:

- ☐ Consent to Release Information for NRCS Program Participation ([NRCS-CPA-1270](#) date 11/2020 or later) **[NRCS-CPA-1270]**
- ☐ Legal boundary survey **[Legal Boundary Survey]**
- ☐ Phase-I environmental assessment **[Environmental Assessment]**
- ☐ Minerals assessment **[Minerals Assessment]**
- ☐ Appraisal report **[Full Appraisal]**
- ☐ Letters of support (*letter needs to reference specific project and does not need to be addressed to NRCS*) **[Letters of Support]**

<i>*Refer to Appendix 2 for the description and purpose of each form.</i> <i>**Refer to Appendix 4 for map formatting requirements and example.</i>

PART II – PARCEL QUESTIONNAIRE

All questions in this section must be answered with adequate detail and supporting documentation. Responses may be attached as additional pages if further explanation is needed than allowed by the provided space. If any questions are left unanswered, the application may be considered ineligible. Please reach out to the CA NRCS Easement Team with any questions. You may also refer to the [ALE Landowner Eligibility Checklist](#) and the [ALE Land Eligibility Checklist](#) for further descriptions and examples of what to provide. Additionally, instructions for completing the NRCS-CPA-41A form [can be found here](#).

A. Entity Information

1. Eligible Entity Information

1. Indicate the enrollment type for the offered easement area:

☐ ALE Classic

☐ ALE GSS

2. Name of eligible entity applying for parcel funding (must match the entity name in FSA and IRS records):

3. Eligible entity point of contact for project (name, phone number, email):

4. The applying entity confirms they meet one of the required eligibility criteria below:

☐ Has an active, executed Program Agreement covering ACEP-ALE

☐ Has a current or pending entity application packet already on file with NRCS

☐ Is submitting an entity application packet with this parcel application

5. Has the eligible entity secured match funding for the offered easement area?

☐ Yes

☐ No

If yes, list the name of the match funder, how much is secured, and date of expiration.

II. Minimum Deed Terms

By submitting a parcel application, both the eligible entity and landowner accept the NRCS [minimum deed terms](#) (MDT) for the ALE.

1. Indicate how the entity plans to address NRCS minimum deed terms for the easement area offered:

- ☐ The applicable MDT version will be appended to the easement deed
- ☐ The applicable MDT version will be incorporated verbatim into the easement deed
- ☐ The entity will use its own NRCS-approved template that incorporates the appropriate MDT version
- ☐ The entity will use another entity's NRCS-approved template that incorporates the appropriate MDT version

B. Landowner Eligibility

All landowners on the ownership documents must have farm records established with USDA-Farm Service Agency (FSA) prior to submitting a parcel application. If you do not have these records established, please [contact your local FSA Service Center](#) to file/update these records. If the landowner listed on ownership documents is an entity or trust, individual members/trustees within the entity may also need to file FSA eligibility paperwork. Contact the CA NRCS Easement Team before you apply if you have any questions about who should establish eligibility with FSA and how.

1. All landowners on ownership documents confirm they have filed/updated the following forms with FSA by the batching deadline:

- ☐ Form [CCC-941](#) Average Adjusted Gross Income Certification
- ☐ Form [AD-1026](#) Highly Erodible Land Conservation and Wetland Conservation Certification
- ☐ "Determined" status on [CCC-902I](#) Farm Operating Plan for an Individual or [CCC-902E](#) Farm Operating Plan for an Entity (and [CCC-901](#) Member's Information as required)
- ☐ Established and current FFarm and Tract number records with FSA

2. If landowner(s) of record are an Irrevocable Trust, General Partnership, Corporation, LLC, or other business type using an Employer Identification Number (EIN) to file taxes, use the associated Parcel Workbook tab or separate page to list all members within the organization. There may be additional underlying entities embedded within the primary ownership structure that require breakdown of members within the structure.

C. Land Eligibility

To be eligible for ACEP-ALE, the offered easement area must meet one of the four land eligibility categories below. The category selected must match the category selected on NRCS-CPA-41A. Select only one category and complete the appropriate sub-section for that category.

1. Select the category of the easement area offered:

- ☐ Has prime, unique, or other productive soil (go to page 11)
- ☐ Contains historical or archeological resources (go to page 12)
- ☐ Protects grazing uses and related conservation values (go to page 13)
- ☐ Furthers a state or local government policy consistent with the purposes of ACEP-ALE (go to page 14)

Prime, Unique, or Other Productive Soils

To be eligible for this category, at least 50% of the offered easement area must contain “prime,” “prime if,” “unique,” or “statewide or locally important” soil on the Web Soil Survey’s (WSS) Farmland Classification report or California Department of Conservation (DOC) Farmland Mapping and Monitoring Program (FMMP) data. Refer to Appendix 3 for instructions on how to use WSS and download shapefiles from FMMP. Once this section is complete, skip to the Land Use section on page 15.

1. Select the eligible farmland classification(s) for the land being offered. Include a map depicting classifications and acreage per category type.

☐ Prime _____ %

☐ Unique _____ %

☐ Prime if irrigated _____ %

☐ Prime if drained _____ %

☐ Statewide or locally important _____ %

☐ Other: _____ %

2. If the farmland classification is “Prime if irrigated” or “Prime if drained”, briefly describe how the soils are actively irrigated/drained. If not applicable, please put N/A.

Historical or Archaeological Resources

To be eligible for this category, the offered easement area must be recognized as containing historical or archaeological resources by either the National Register of Historic Places or the State or Tribal Register. Once this section is complete, skip to the Land Use section on page 15.

1. Select all criteria that apply to the offered easement area:
 - ☐ 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 or Tribal Historic Preservation Officer inventory with written justification as to why it is eligible for the National Register of Historic Places
2. Briefly describe and provide a copy of evidence that supports the selected criteria above with the application.
3. Briefly describe the site's significance.
4. Briefly describe how the easement deed will address the protection of the historical and/or archaeological resource(s).
5. Identify at least one grantee or third-party to the deed who will have designated monitoring responsibilities that has experience in managing, monitoring, and enforcing historical and/or archaeological resources.

Protects Grazing Uses and Related Conservation Values

To be eligible for this category, upon enrollment the offered easement area 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. A parcel enrolled under this land eligibility category is considered a grassland enrollment for the purposes of the [ACEP-ALE minimum deed terms](#) and subject to those restrictions. Once this section is complete, skip to the Land Use section on page 15.

1. Select all qualifying land uses below that the offered easement area contains, and provide a map showing identified land uses and acreage with the application:

☐ Rangeland

☐ Pastureland

☐ Grassland or 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

2. Briefly describe how the easement deed will address the protection of the grazing uses and associated conservation values.

3. Briefly describe how the current and planned activities of the agricultural operation further the protection of the grazing uses and related conservation values.

Further a State or Local Government Policy

To be eligible for this category, the state or local policy must be consistent with the purposes of ACEP-ALE and the protection of the offered easement area must further the state or local policy. Please provide a copy of the state or local government policy with the application. Once complete, skip to the Land Use section on page 15.

1. Identify and briefly describe the state or local policy that enrollment of the offered easement area furthers. Please provide a copy of the applicable pages of the policy and a citation with the application.
2. Briefly describe how the policy is consistent with the purposes of ACEP-ALE.
3. Briefly describe how preservation of the easement area offered is consistent with the identified policy.
4. Briefly describe how the easement deed will address the land prioritization plan of the identified policy (for example: [State Wildlife Action Plan](#), [County Comprehensive Plan](#), [Private Organization Plan](#)).

D. Land Use

I. Land Uses and Cover Types

All reported acres must match across the entire application (CPA-41A, Parcel Application Questionnaire, Parcel Application Workbook, all maps). NRCS assumes the land uses reported and present at the time of application will be the land uses through to closing of the easement. Any changes in land use after application and before closing of a funded parcel may affect the eligibility and ability to close.

1. Select all eligible land uses that pertain to the offered easement area (*NOTE: must match land uses selected on the NRCS-CPA-41A and the "Land Use and Cover Type" table in the ALE Parcel Application Workbook and accompanying map(s) for the entire offered easement area*):

☐ 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 offered easement area or serves as a buffer to protect such land from development (cannot exceed 2/3 of contiguous portions of the offered easement area)

2. If *non-industrial private forest land* was selected, briefly describe how the forest land contributes to the economic viability of the easement area offered or serves as a buffer to protect such land from development. If this land use type was not selected, please put N/A.

3. If *non-industrial private forest land* was selected, indicate the percentage that covers the offered easement area. If this land use type was not selected, please put N/A. (*NOTE: If the non-industrial private forest land exceeds two-thirds of contiguous portions of the offered easement area, the parcel is ineligible per CPM 440.528.33(C)(2)*)

4. If *land located in an area that has been historically dominated by grassland, forbs, or shrubs* was selected, briefly describe how the land could provide habitat for animal or plant populations of significant ecological value. If this land use type was not selected, please put N/A.

5. If *land located in an area that has been historically dominated by grassland, forbs, or shrubs* was selected, briefly describe whether the vegetative communities historically found on the site have been restored or if the applicant has a plan for restoration to occur prior to the easement closing. If this land use type was not selected, please put N/A.

6. If *land located in an area that has been historically dominated by grassland, forbs, or shrubs* was selected, briefly describe if the offered easement area would address state, regional, or national conservation priorities. If this land use type was not selected, or this is not applicable, please put N/A.

7. If the offered easement area is zoned for agricultural use or the land is consistent with agriculture for counties without zoning, briefly describe and include zoning classification and evidence. If not applicable, please put N/A.

8. Is the offered easement area already subject to an easement or other deed restriction that prevents land conversion to non-agricultural uses?

☐ Yes

☐ No

If yes, briefly describe and submit a copy of the restriction document with the application.

9. Is the offered easement area located in a region or focus area where enrollment will help achieve specific localized or regional conservation goals and objectives, or will enhance existing government or private conservation projects (e.g. Species Recovery Plan, Conceptual Area Protection Plan, Land Trust Strategic Plan)?

☐ Yes

☐ No

If yes, reference/cite the plan and describe the goals and objectives being met below, providing any relevant attachments to the application. (NOTE: Do not include a general plan citation unless it specifically identifies the area of the easement for agricultural conservation)

II. Access

To be eligible, an offered easement area must have insurable, unconditional, and transferable legal and physical access in perpetuity to all lands within the easement. Please provide descriptions and maps depicting the access point(s) from public roads, and/or if access is across other lands, include a copy of the recorded access agreement with the application.

1. Identify the type(s) of legal and physical access to all lands within the offered easement area:

☐ Direct access from public roadway (include road name/number on associated map)

☐ Over/across other private lands (include copies of recorded access agreements or easements)

☐ Accessible by federal lands such as Forest Service or Bureau of Land Management roads (please provide supporting documentation describing how such roads may be used in perpetuity)

III. Water Availability

1. Does the landowner hold water rights associated with the offered easement area?

☐ Yes; quantity and type: _____

☐ No

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

☐ Yes; quantity and type: _____

☐ No

3. If water rights will be conveyed, are they sufficient to support the related conservation values?

☐ Yes

☐ No

☐ N/A

4. Briefly describe how the conveyance/lack of conveyance of water rights with the conservation easement will affect the conservation values of the offered easement area. If not applicable, please put N/A.

5. Is the easement area offered irrigated?

☐ Yes

☐ No

6. If the land is grazed or will be grazed, briefly describe the water distribution system supporting grazing. If not applicable, please put N/A.

7. Is there an adequate water distribution system on the offered easement area to support effective and sustainable grazing uses?

☐ Yes

☐ No

If yes, briefly describe.

IV. Sub-Surface and Mineral Rights

1. Does the landowner own the entire sub-surface/mineral estate?

☐ Yes

☐ No

2. Briefly describe the ownership and circumstances of the mineral estate. Briefly describe the chain of mineral ownership, any leases (oil/gas, geothermal, aggregate), surface facilities, and historic activity; attach maps or reports if applicable. Include any past or current activity and whether there is risk to the offered easement area from exploration and/or development activities under the subsurface estate.

3. Briefly describe any sub-surface/mineral rights subject to recorded or unrecorded leases. If not applicable, please put N/A.

4. Will the landowner's discretion with respect to third-party mineral rights be limited as described in the [minimum deed terms](#)?

☐ Yes

☐ No

☐ N/A

5. Will a mineral remoteness assessment or equivalent be developed for the offered easement area?

☐ Yes

☐ No

☐ N/A

V. Impervious Surfaces

Impervious surfaces must be no more than 2% of the total easement acres; greater than 2% requires an approved waiver from the State Conservationist. An estimate of the percent impervious surface may be obtained through measuring the surface area on an aerial photo or other mapping means.

1. What percentage of the offered easement area is comprised of impervious surfaces?

☐ Less than 2%: _____%

☐ More than 2%, but less than 10% (submit waiver request with the application): _____%

VI. Building Envelopes

Any changes to a building envelope on an offered easement area that occur after obligation of funds are subject to NRCS approval.

1. Will the landowner reserve any building rights on the offered easement area?

☐ Yes

☐ No

If yes, provide a map of the proposed reserved area(s) to the application and briefly describe why the building rights and associated building envelopes are necessary to support the conservation values.

2. If building 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

3. If there is existing access to the building envelope, is the access sufficient in providing access for future development and use within the building envelope?

☐ Yes

☐ No

☐ N/A

4. Are there plans to construct new roads on the offered easement area?

☐ Yes

☐ No

VII. Subdivision

Applicants are advised to submit individual parcel applications for each proposed subdivision if the landowner would like to retain subdivision rights. Applying in this manner is advisable if the entity and landowner wish to guarantee subdivision approval during the application process rather than wait for the outcome of subdivision approval pre-closing for funded parcels. Approved parcels will be treated as separate easements. If the applicant elects to submit one parcel application that includes subdivision rights, approval of subdivisions or changes to subdivisions after obligation is not guaranteed.

1. Will the landowner reserve the right to subdivide the offered easement area?

☐ Yes

☐ No

If yes, please provide a farmland classification map, land use/land type map, proposed subdivision map with acreage of each division, soils map, and an impervious surface map with percentage for each division.

VIII. Title and Site Conditions (On and Off-Site)

Please provide a preliminary title report or commitment less than 12 months old, accompanied by all underlying documents or active hyperlinks within the document. Applicants should refer to the “Non-NRCS Held Easements” and “ACEP-ALE Easements” columns in Appendix 7 for guidance on how common title exceptions should be handled.

1. In the space below or with a separate page if additional room is needed, identify any existing potential title concerns (reference exception number or provide brief description) as well as your planned resolution (e.g. remove, subordinate, etc) and time frame for doing so.

2. Describe any unrecorded exceptions to title coverage, leases, or other unrecorded use of the offered easement area, including written and verbal leases. If not applicable, please put N/A.

3. Describe any hazardous materials present on or nearby (within 1 mile of) the offered easement area. If not applicable, please put N/A.

4. Describe existing or permitted rights-of-way for utilities or other infrastructure on the offered easement area. If not applicable, please put N/A.

5. Will the applicant complete a limited or full phase-I environmental assessment of the offered easement area before closing the easement?

☐ Yes

☐ No

E. Agricultural Operation

1. Briefly describe the current agricultural operation on the offered easement area. Please include information on the types of products produced/grown/raised, accessibility to markets, on-site infrastructure, water use, proximity to other agricultural land, proximity to protected land, and other important or pertinent information to the operation.

2. Briefly describe the long-term viability for agricultural use on the offered easement area. State if there has been recent significant capital investment(s) that enhances the long-term agricultural viability of the offered easement area and if the conservation easement will further the investment. Please provide documentation of any such investments with the application.

3. If the landowner(s) currently works with or has previously worked with NRCS for this offered easement area, briefly describe the projects or programs. If not applicable, please put N/A.

4. Briefly describe the development pressure from non-agricultural use and/or the conversion threats affecting the offered easement area and region.

5. Is the offered easement area, or any portion of it, currently enrolled in the Conservation Reserve Program (CRP) or Conservation Reserve Enhancement Program (CREP)?

☐ CRP

☐ CREP

☐ Neither

6. If the offered easement area, or any portion of it, is currently enrolled in CRP or CREP, will the contract expire within one year of the application submittal date?

☐ Yes

☐ No

☐ N/A

If yes, briefly describe how the easement will assist in the protection of the land coming out of CRP or CREP enrollment.

7. Indicate the type and number of grazing animals on the offered easement area. If not applicable, please put N/A.

8. Does the farm or ranch have an established succession plan, or similar plan, that addresses farm viability for the offered easement area? Please provide a copy of any succession plan with the application.

☐ Yes

☐ No

9. 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

10. Does the offered easement provide any unique multifunctional project benefits? Check all that apply and attach supporting descriptions/documentation.

- ☐ Social (e.g. educational programs, university research)
- ☐ Economic (e.g. farmer's market, direct to consumer sales)
- ☐ Cultural resources (e.g. cultural events, registered cultural sites)
- ☐ Access to local agricultural markets (<5 miles)
- ☐ On-site processing facilities for agricultural products
- ☐ N/A or Other (describe)

11. Select any of the following plans the landowner and eligible entity voluntary elect to complete for the offered easement area if funded:

- ☐ Basic Agricultural Land Easement Plan (ALEP)
- ☐ Forest Management Plan
- ☐ Grassland Management Plan
- ☐ Succession Plan
- ☐ Other:
- ☐ N/A

12. The offered easement area is located within an area zoned for agricultural use with a minimum zoning designation:

- ☐ Yes; minimum zoning designation (acres): _____
- ☐ No

13. What is the proximity of the offered easement area to an incorporated city or sphere of influence?

Include a map supporting the identified city and distance.

Name of city/sphere of influence: _____

Distance from offered easement area (miles): _____

14. What is the proximity of the offered easement area to other protected lands? Include a map that clearly identifies the protected lands and current ownership.

Name(s) of landowner and distance(s) from offered easement area (miles):

15. What is the proximity of the offered easement area to other agricultural operations and infrastructure?

16. How does the offered easement area maximize the protection of contiguous or adjacent agricultural easements? Include a map that clearly identifies the other agricultural easement(s) and current ownership.

☐ Links two agricultural conservation easements

☐ Is adjacent to an agricultural conservation easement

☐ Is non-contiguous to an agricultural conservation easement

F. At-Risk Species

In California, offered easement areas may receive ranking points for at-risk species or habitats present on the property and part of the associated Conservation Values of the planned easement. At-risk species include federal or state-listed threatened species, federal or state-listed endangered species, or federal or state candidate species. At-risk habitat includes any US Fish and Wildlife Service or National Marine Fisheries Service designated critical habitat. For consideration, such species or habitat must be located on or within ¼- mile of the offered easement area. The conservation easement and on-site agricultural operation activities must directly benefit the species/habitat for ranking points to be granted.

- 1. Provide information below for each identified at-risk species or habitat located on, or within ¼ mile of, the offered easement area. Include a reference to supporting documentation for the species/habitat of interest. Priority is given for confirmed on-site presence and use.

Name of species/habitat	Onsite or within ¼ mile	Listing status	Reference citation

- 2. Briefly describe how the conservation easement and the activities of the agricultural operation will directly support the identified species/habitat above. Include map/picture documentation for confirmed suitable on-site habitat.

G. Grasslands of Special Environmental Significance

Only complete this section if you are applying for ACEP-ALE GSS. GSS are defined as grasslands that contain little or no noxious or invasive species, as designated or defined by state or federal law, and are subject to the threat of conversion to non-grassland uses or fragmentation. These lands also meet the following criteria:

- A. *Are considered improved or naturalized rangeland, pastureland, shrubland, or wet meadow on which vegetation is dominated by native grasses, grass-like plants, shrubs, or forbs*
- B. *Provide, or could provide, at least one of the following:*
 - *Habitat for at-risk, threatened, or endangered species, including grassland bird populations in significant decline*
 - *Protection for sensitive or declining native prairies, grassland types, or grasslands buffering wetlands*
 - *Protection of rare wetlands, headwaters, source water protection areas, riparian areas, and/or migration corridors*
- C. *Meet the “Protects Grazing Uses and Related Conservation Values” land eligibility category (this category must be selected on NRCS-CPA-41A for enrollment in GSS)*

The eligible entity and landowner(s) agree to incorporate and enforce additional deed restrictions to manage and enforce the easement to ensure the identified GSS attributes are protected along with all GSS deed restrictions and limitations as described in the [minimum deed terms](#) (or approved minimum deed terms referenced in the ALE Program Agreement).

1. Select all criteria the offered easement area provides, or could provide as GSS attributes:
 - ☐ Habitat for at-risk, threatened, or endangered species
 - ☐ Protects sensitive or declining native prairies, grassland types, or grasslands buffering wetlands
 - ☐ Provides protection of rare wetlands, headwaters, source water protection areas, riparian areas, and/or migration corridors
2. Identify and describe the specific GSS attributes identified for the offered easement area (e.g., habitat type and/or focal species benefitting from grazing management and permanent protection of land).

5. Indicate the percentage of the land for the offered easement area that supports the identified GSS attributes. Provide maps identifying these percentages with the application.

H. Certification Statement

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

Primary/Lead Applicant Signature (*OneSpan e-signature or wet ink signature*)

Date

Primary/Lead Applicant Printed Name & Title

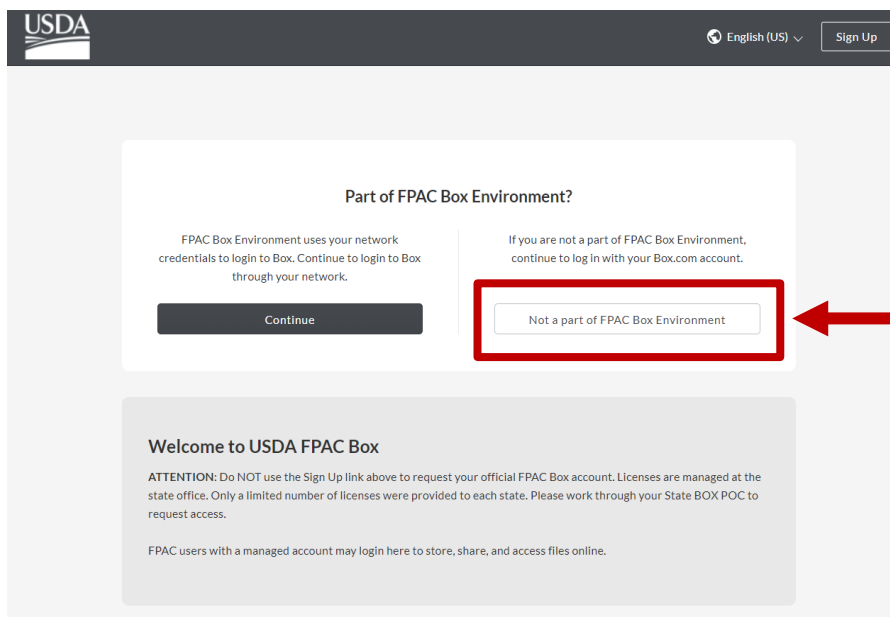
Eligible Entity Name

PART III – APPLICATION SUBMISSION INSTRUCTIONS

A. **Box Upload** (**PREFERRED**):

Create a Box Account and Folder

1. Request an invitation to Box by emailing Elizabeth Palmer: elizabeth.palmer@usda.gov.
2. Upon approval of the request, you will receive a Box invitation via email.
3. Open the invitation and click **“Accept Invite”**. You will then be prompted to create an account with an email address and password.
4. Complete the required steps for signup.
5. After creating an account, you will be routed to a webpage asking if you are **“Part of FPAC Box Environment?”**
 - a. Select **“Not a part of FPAC Box Environment”** (*DO NOT* click “Continue”).
 - b. You should now have access to Box and your entity-specific folder.



6. Click the folder to gain access to the contents. Files will appear once added to the folder. This is a shared folder, so both you and the CA NRCS Easement Team will have access to the contents.

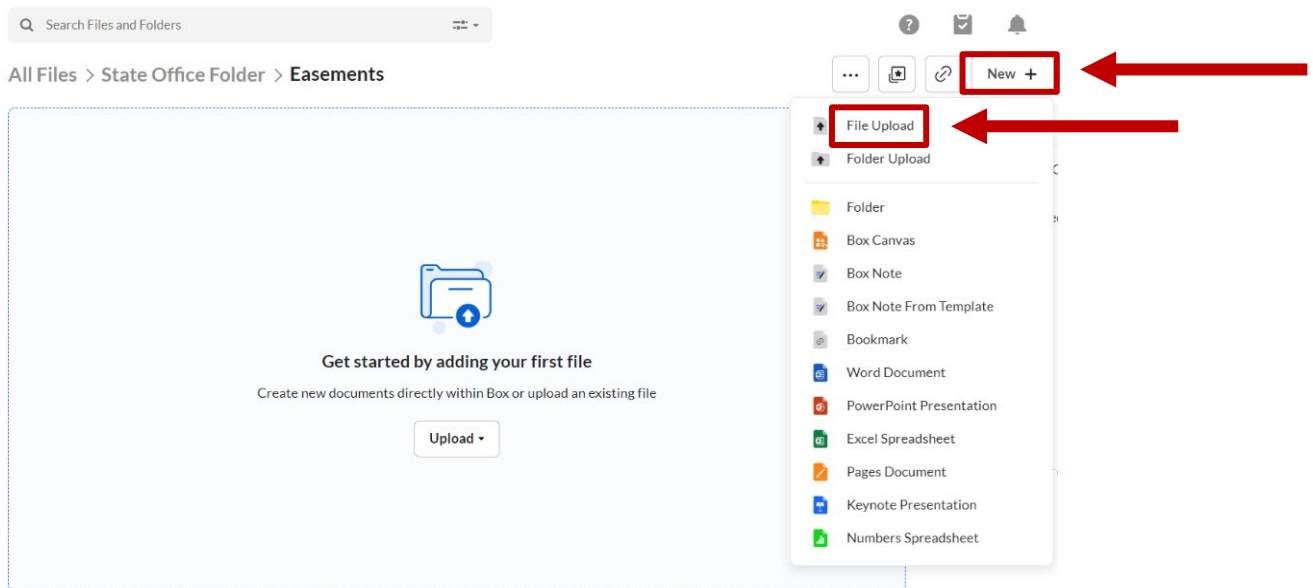
Upload Documents

1. Download and complete the required forms from the checklist on Page 5, as well as any supplemental documents or forms. Be sure to reference the relevance of each additional document in the Parcel Application Questionnaire.
 - Ensure all documents are signed and dated.
 - Do not include application cover letter, appendices, or instructions.
2. Separate the forms by document type (i.e., do not combine the Parcel Application NRCS-CPA-41A with the Parcel Application Questionnaire or supplemental forms or documents).
 - EACH document must be uploaded to Box as an independent file and named according to the following naming convention:

Document Name_Project Name

Example: NRCS-CPA-41A_Pam's Pleasant Pasture

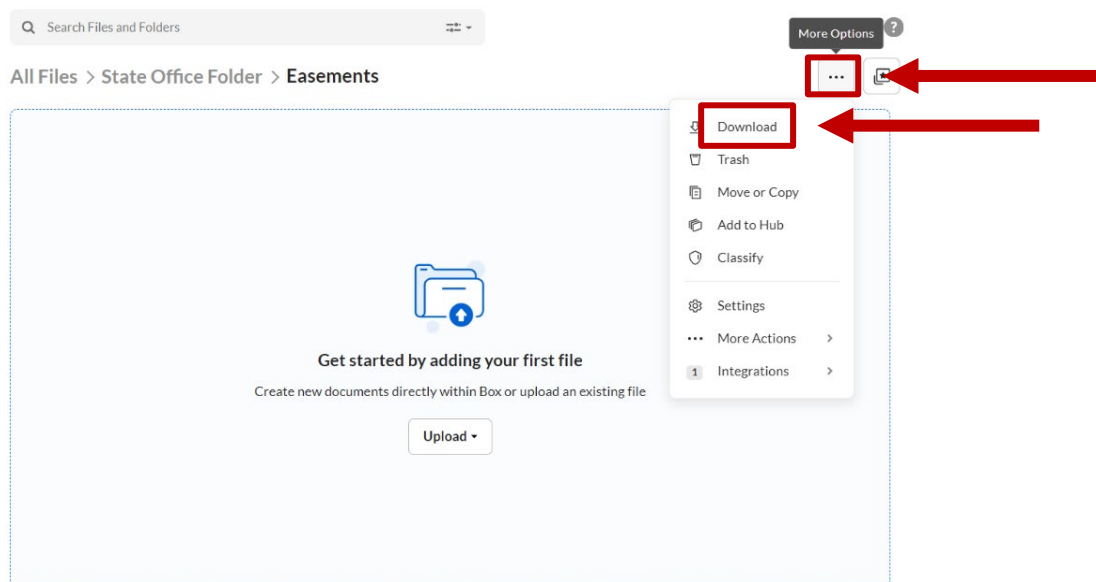
3. Log into Box and access the shared folder labeled with your entity's name.
 - Locate and click the **"New"** button at the right-hand side of the page.
 - Select **"File Upload"**.



- Search your computer for the document you want to upload.
 - Click **"Open"** to upload the file.
 - Box will show a notification when your document is successfully uploaded. (*NOTE: uploaded documents cannot be renamed*)
4. The CA NRCS Easement Team will receive notification when you upload documents to the folder. Applicants are still encouraged to notify Elizabeth Palmer at elizabeth.palmer@usda.gov once they have uploaded all application materials to confirm receipt.

Download Documents

1. Log into Box using your email and password.
2. Access the shared folder with your entity's name and locate the file you want to download.
3. Click the **"..."** button (**"More Options"**).
4. Select **"Download"**.



B. Email Submission:

1. Download and complete the required forms from the checklist on Page 5, as well as any supplemental documents or forms. Be sure to reference the relevance of each additional document in the Parcel Application Questionnaire.
 - Ensure all documents are signed and dated.
 - Do not include application cover letter, appendices, or instructions.
2. Separate the forms by document type (i.e., do not combine the Parcel Application NRCS-CPA-41A with the Parcel Application Questionnaire or supplemental forms or documents).
 - EACH document must be attached to the email as an independent file and named according to the following naming convention:

Document Name_Project Name

Example: NRCS-CPA-41A_Pam's Pleasant Pasture

3. When sending your email:
 - Please use the following email subject (*NOTE: we recognize that a complete application includes large file types and that you may need to send multiple emails*):

Entity Name _FY27 Parcel Application_1 of X

Example: Sunny Land Trust_ FY 26 Parcel Application_1 of 3

- In the email body please include:
 - i. Entity name.
 - ii. A statement requesting the attached Parcel Application be considered for FY27.
 - iii. A list of the attached documents to ensure all documents are accounted for.
- 4. Email your application to Elizabeth Palmer at elizabeth.palmer@usda.gov; you will receive a confirmation of receipt for each email containing application materials.

PART IV – APPENDICES

APPENDICES ARE INCLUDED FOR APPLICANT INFORMATION ONLY AND DO NOT NEED TO BE SUBMITTED WITH THE APPLICATION

Appendix 1: Instructions and Resources

Please review the following pages for instructions on how to complete the NRCS-CPA-41A. We also strongly encourage you to review how to determine landowner eligibility and land eligibility for a given parcel application, as well as the Minimum Deed Terms. These forms can be found online in the [Farmland Information Center ACEP-ALE Toolkit](#):

- [Instruction Sheet: Form NRCS-CPA-41A Parcel Application Sheet](#)
- [ACEP-ALE Land Eligibility Checklist](#)
- [ACPE-ALE Landowner Eligibility Checklist](#)
- [ACEP-ALE Minimum Deed Terms with Commentary](#)

INSTRUCTION SHEET: Form NRCS-CPA-41A Parcel Sheet

for Entity Application for an Agricultural Land Easement (ALE) Agreement (Feb. 2020)

This document provides **step-by-step instructions for applying for a Parcel Contract**. The Parcel Sheet (NRCS-CPA-41A), also referred to as a "Parcel Application", is needed for each ACEP-ALE parcel. The term "parcel" refers to the portion of the farm property that is proposed for an ALE. A Parcel Sheet can be submitted simultaneously with an Entity Application (NRCS-CPA-41). For Buy-Protect-Sell (BPS) transactions, NRCS-CPA-41A-BPS-Supplement (dated 04/2021) is also required and includes instructions within the form. Alternatively, one or more Parcel Sheets can be submitted any time after the entity has an executed Program Agreement with NRCS, except for BPS transactions which may only have one associated parcel sheet per program agreement.

Completing the **ALE Landowner Eligibility Checklist** and the **ALE Land Eligibility Checklist** available on the **ACEP-ALE for Entities** web page will prepare you for completing the Parcel Sheet. NRCS staff review this form together with supporting documents to determine whether the landowners and their parcels meet program requirements. NRCS staff also use this information to assess how each parcel ranks using national and state criteria. If a Parcel Sheet is funded, your organization enters into a NRCS contract to acquire an ALE for the selected parcel for a specified amount of funding.

You can find an electronic copy of this form and technical instructions for accessing and completing it on the **ACEP-ALE for Entities** web page.

U.S. Department of Agriculture
Natural Resources Conservation Service

NRCS-CPA-41A
02/2020

PARCEL SHEET for
ENTITY APPLICATION for an AGRICULTURAL LAND EASEMENT (ALE)
AGREEMENT

Clear Form

Section A: Agreement and Entity Information

1. This is a parcel sheet for an Entity application for an agricultural land easement under the: *(Select only one)*
☐ Agricultural Conservation Easement Program – Agricultural Land Easement (ACEP-ALE)
☐ 2014 Farm Bill Regional Conservation Partnership Program (RCPP) Agreement – ACEP-ALE

2. Associated ALE-Agreement Type: *(Select Only One)*
☐ Cooperative Agreement *(all eligible entity types)*
☐ Grant Agreement *(certified entities only)*
☐ Program Agreement *(all eligible entity types)*

3. Enrollment Type: *(Select only one)*
☐ General ALE
☐ Grassland of Special Environmental Significance (GSS)

4. Transaction Type: *(Select only one)*
☐ Standard ALE Transaction
☐ Pre-closing Buy-Protect-Sell Transaction*
☐ Post-closing Buy-Protect-Sell Transaction*
*ALE cooperative or grant agreements may only have 1 associated parcel sheet for a buy-protect-sell transaction and must include all information required by the buy-protect-sell supplement to the application.

SECTION A: Agreement and Entity Information

Your answers in this section will provide general program information related to this application, including the type of agreement and transaction type you are applying for, along with the primary entity contact information.

A BOX 1 The vast majority of applicants will select ACEP-ALE, which means the Parcel Sheet is being submitted concurrently with an Entity Application (CPA-41) or there is a current Agreement from a previously approved Entity Application. You may only select “ACEP-ALE” for BPS transactions.

RCPP is a different program by which to enroll agricultural land easements through partnerships at the local, state, and regional level. Prior to 2020, NRCS implemented the RCPP easement agreements through the ACEP-ALE program. This application can be used for existing RCPP projects awarded from 2014 through 2018. Beginning in 2020, RCPP became a standalone program with its own funding. Partners interested in new RCPP projects can view more information [here](#).

A BOX 2 Program Agreements became available in 2020 and were developed to streamline the administrative tasks associated with enrolling agricultural land easements. Applicants will select Program Agreement. This is now the the only agreement type offered beginning in 2021. Program Agreements identify the partner roles and program requirements. Parcels to be protect-

ed through a Program Agreement are funded at the parcel level by individual contracts, not at the agreement level.

A BOX 3 There are two enrollment types, though “General ALE” is the most common option. “Grassland of Special Significance” would be applicable if the parcel is comprised of grasslands that contain little or no noxious or invasive species, are subject to the threat of conversion to nongrassland uses or fragmentation; and the land is rangeland, pastureland, shrubland, or wet meadows on which the vegetation is dominated by native grasses, grass-like plants, shrubs, or forbs; and provides, or could provide, habitat for threatened or endangered species or at-risk species. The ALE deed must address the protection of those grazing uses or grassland values. Selecting this land eligibility category may prevent more intensive agriculture uses from being allowed on the land in the future, since the grassland use is written into the deed and enforceable.

A BOX 4 The “Standard ALE Transaction” is the most common transaction type. It requires the eligible entity have a written pending offer to purchase the agricultural land easement from the landowner or future landowner that has a current written purchase agreement for the parcel.

A “Buy-Protect-Sell” (BPS) Transaction occurs when NRCS enters into an ALE-agreement with an eligible entity to provide cost-share assistance for the purchase of an agricultural land easement on eligible land that is owned or is being purchased by the eligible entity on a transitional basis for the purposes of securing the long-term protection of the land and ensuring timely transfer of the ownership of the land to a qualified farmer or rancher.

“Pre-closing BPS” is selected when the eligible entity will transfer fee title ownership of the land to a farmer or rancher at or prior to closing on the ALE and the eligible entity will hold the agricultural land easement prior to receiving the Federal share.

“Post-closing BPS” is selected when the eligible entity will transfer fee title ownership of the land to a farmer or rancher not later than 3 years after closing on the ALE. The entity that owns the land cannot be the easement holder so an interim easement landowner or easement holder may be required. Parcels that plan to utilize “Post-closing BPS” requires NRCS approval on a case-by-case basis so contact with NRCS state program staff in advance of submission of this application is advised.

5. Application Date:	6. State	7. Is this a substitute parcel?	☐ Yes ☐ No
8. Name – Applicant Eligible Entity:			
9. Email – Applicant Eligible Entity:		10. Telephone – Applicant Eligible Entity:	
11. Attached to ACEP Entity Application Number:		12. ACEP Parcel Number:	
AGENCY USE		AGENCY USE	

SECTION A: Agreement and Entity Information continued

A BOX 5 The Application date is the date the application is submitted. The date must be on or after the final signature on pages 4 and 5 of this application.

A BOX 6 The State is where the easement associated with this application will be located.

A BOX 7 A substitute parcel is one that is replacing a parcel previously selected for funding. For Program Agreements, this applies to individual parcels funded through a Parcel Contract. You may only select “No” for BPS transactions.

A BOX 8 Enter the name for the Primary Eligible Entity as listed on Entity Application NRCS-CPA-41 or Program Agreement that has been executed. The Primary Eligible Entity

is the lead point of contact for the parcel contract if there are multiple entities involved.

A BOX 9 Enter the email for the Primary Eligible Entity

A BOX 10 Enter the telephone number for the Primary Eligible Entity

A BOXES 11 AND 12 NRCS completes these numbers which are generated by agency software.

Section B: Landowner Information			
1. What evidence of ownership are you providing? (Select all that apply) Attach the property deed or written purchase agreement to this parcel sheet.		☐ Property Deed ☐ Current Written Purchase Agreement	
2. Name – Parcel Landowner – Primary Contact (must be a landowner listed on attached ownership document) (Landowner identified here will serve as primary landowner contact and signatory to this application; signature of application by other listed landowners is optional)		3. Tax ID Number – Parcel Landowner (Primary Contact)	
5. Address – Parcel Landowner (Primary Contact):		4. Telephone – Parcel Landowner (Primary Contact):	
6. Email – Parcel Landowner (Primary Contact):		7. Identify all other landowners of record as stated on the most current evidence of ownership document. Enter the legal name as listed on the evidence of ownership document and the tax identification number of each individual or legal entity (Corporation, Limited Liability Company, Partnership, Trust, etc.) that is a landowner. Attach additional sheets as needed.	
Enter Name of Individual or Legal Entity	Check Appropriate Box		Enter Tax ID Number
	Individual	Legal Entity	
Landowner Name:	☐	☐	TAX ID:
Landowner Name:	☐	☐	TAX ID:
Landowner Name:	☐	☐	TAX ID:
Landowner Name:	☐	☐	TAX ID:

SECTION B: Landowner Information

Your answers in this section will provide specific information related to landowner eligibility for ACEP-ALE, including proof of ownership, landowner names, Tax ID Numbers, and verification that all landowners have established farm records with USDA Farm Service Agency. For BPS transactions, complete this section using the Eligible Entity's information because it will be considered the landowner for the purposes of BPS.

B BOX 1 Select the appropriate evidence of ownership you are providing – Property Deed and/or Current Written Purchase Agreement. You must provide a copy of the deed(s) that cover the entire parcel or an executed purchase agreement for the parcel. If the landowner is in the process of acquiring the property to be protected, you will need to provide both documents.

B BOX 2 Enter the name of the landowner that will sign the application and be the Primary Contact. The landowner must be listed on the attached ownership document from Box 1.

B BOX 3 Enter the Tax ID Number (TIN) for the Primary Landowner Contact. If the landowner is a sole proprietor, it may be the Social Security Number or an IRS-issued TIN. If the landowner is an entity, it will be an IRS-issued TIN. The TIN should match records filed with the Farm Service Agency and appear on landowner Subsidiary Print(s). A Subsidiary Print is a document that summarizes key eligibility information. It shows whether the landowner meets Adjusted Gross Income (AGI) limits and compliance requirements for highly erodible land and wetlands on any land they own or farm.

B BOXES 4–6 Enter the contact information for the Primary Landowner Contact.

B BOX 7 Identify all other landowners as stated on the ownership document attached to this Parcel Sheet. Enter the individuals or legal entity names, check the appropriate box for individual or legal entity and enter the TIN for each landowner. If the landowner is a sole proprietor, it may be the Social Security Number or an IRS-issued TIN. If the landowner is an entity, it will be an IRS-issued TIN. The TIN should match records filed with the Farm Service Agency and the Subsidiary Print. If there are more than four landowners, attach an additional sheet.

U.S. Department of Agriculture Natural Resources Conservation Service		NRCS-CPA-41A 02/2020	
8. Do all the landowners have farm records established with the appropriate USDA service center agency? If no, they must be established for each landowner with the appropriate USDA service center agency prior to submitting this application.		☐ Yes	☐ No
9. Do the landowners of this parcel meet the criteria for any of the following categories? (Check all that apply) Please note that providing this information is voluntary and will not be used when reviewing this application or determining whether the landowners meet the ACEP Landowner eligibility requirements.			
☐ Limited-Resource Farmer or Rancher ^d		☐ Socially Disadvantaged Farmer or Rancher ^d	
☐ Beginning Farmer or Rancher ^d		☐ Veteran Farmer or Rancher ^d	
☐ Not Applicable			
Definitions are provided in footnotes below. More information is available at: http://www.lrftool.sc.egov.usda.gov/			

SECTION B: Landowner Information continued

B BOX 8 All landowners must have farm records established with USDA-Farm Service Agency (FSA) prior to submitting this application so check “Yes”. Otherwise, do not proceed with this application until the landowners establish farm records. Establishing FSA records can be done at the start of the same federal fiscal year in which you hope to submit an application, starting October 1st.

B BOX 9 NRCS collects information related to underserved farmers, including Limited-Resource Farmer or Rancher, Socially Disadvantaged Farmer or Rancher, Beginning Farmer or Rancher, and Veteran Farmer or Rancher. Definitions for each group are

provided at the bottom of the application and more information is available at: lrftool.sc.egov.usda.gov/. The information is voluntary. Some states may consider it in ranking criteria and request additional documentation.

Section C: Parcel ^d Eligibility and Land Use Information	
1. Parcel Location - Farm and Tract Number, Legal Description, or Parcel Longitude and Latitude: (attach a map or provide a GIS shapefile of the location and offered area)	
2. Parcel Physical Address: (if different from address of Parcel Landowner – Primary Contact provided in Section B, Box 5 above)	
3. The land ^d offered under this parcel sheet is: (Select one) ☐ Private Land ☐ Tribal, Allotted, Ceded, or Indian Land	4. Parcel Offered Acres: (must be supported by evidence of ownership)

SECTION C: Parcel Eligibility and Land Use Information

Your answers in this section will provide specific information related to land eligibility for ACEP-ALE, including parcel location, acres, land eligibility category selected, land use, and evidence there are no conditions or encumbrances that would undermine the purposes of the program.

C BOX 1 Enter the parcel location by identifying the USDA farm and tract number which is assigned by FSA, legal description which is assigned by the town or county assessor, or parcel longitude and latitude. Attach a map of the parcel showing the general location of the offered land, preferably with an aerial photo background. Include roads, towns, and any important landmarks and/or provide a Geographic Information System (GIS) shapefile, if possible. It is helpful to include a title, legend, and the township, range and section on each map, as applicable.

C BOX 2 Enter the physical address of the parcel, which may be the same as the address of the Primary Landowner Contact provided in Section B, Box 5.

C BOX 3 Enter the type of land being offered: Private Land or Tribal Land.

C BOX 4 Enter the parcel acres being offered. Acreage should match the parcel map/shapefile provided in Box 1 and be supported by the evidence of ownership documents (deeds or written purchase agreement). If the offered acres differ from the ownership documents, a legal survey may be

required before closing on the ALE. This is a common occurrence when portions of one or more deeds are excluded. It is important to provide NRCS the following two supporting documents for this scenario:

- Attach a map of the parcel, preferably with an aerial photo background, showing the boundary for the ALE parcel, the boundary for the remainder of the fee-owned land, i.e. the excluded areas, and the acreage of each and
- Identify the portions of the deeds provided in Section B, Box 1 that will be excluded in the ALE.

It is helpful to make these notes directly on the deeds provided to NRCS.

5. Land Eligibility Category for Parcel: (Select only one) ☐ Has prime, unique, or other productive soil (as identified in Web Soil Survey) <i>Percent of parcel that is prime, unique, or other productive soil: 0%</i>	
☐ Contains historical or archaeological resources ☐ Protects grazing uses and related conservation values ☐ Furthers a State or local government policy consistent with the purposes of the ACEP. <i>Cite the State or local government policy consistent with the ACEP:</i>	
6. Is the land being offered for enrollment: (Select all that apply)	
☐ Cropland ☐ Rangeland ☐ Pastureland ☐ Grassland or land that contains forbs ☐ Shrubland for which grazing is the predominant use	☐ Located in an area that has been historically dominated by grass land, forbs, or shrubs and could provide habitat for animal or plant populations of significant ecological value ☐ Nonindustrial private forest land that contributes to the economic viability of an offered parcel or serves as a buffer to protect such land from development. <i>Identify percent: 0%</i>
7. Is this parcel subject to a written pending offer¹ for purchase of an agricultural land easement by the Eligible Entity? <i>Attach the pending offer for purchase of an agricultural land easement to this parcel sheet. Not applicable for buy-protect-sell transactions.</i>	
☐ Yes ☐ No	

SECTION C: Parcel Eligibility and Land Use Information continued

C BOX 5 Select only one of the four applicable Land Eligibility Categories.

- **Contains more than 50% of prime, state, unique, or other productive soil.** This is the most commonly used category. If you select the soils category, attach a map showing the important farmland soils and a report that identifies the acres and percent of the parcel that is prime, unique, statewide or locally important soil. A Farmland Classification report generated from NRCS Web Soil Survey, includes a map and table.

If you select a different Land Eligibility Category or if the offered land has less than 50% important soils, provide supporting documentation for one of the following land eligibility categories:

- **Historical or archeological resources.** Only include cultural resources that are recognized by the State or National Register of Historic Places. Provide formal listings, maps, and any other supporting documentation or justification.
- **Offered land would protect grazing uses and related conservation values.** Provide maps to support the following uses: grassland, rangeland, pastureland,

land that contains forbs, or shrubland that is grazed. Alternately, provide evidence that the land was historically dominated by one of these uses. Document whether the land provides (or could provide) habitat for threatened or endangered species and/or protects sensitive or declining native prairie or grassland types by contacting the state NRCS office or state natural resources agency.

- **Protecting this parcel supports a state or local government policy.** Provide the State or local policy. Document how the policy is consistent with the purposes of ACEP-ALE and how preservation of the parcel is consistent with that policy.

C BOX 6 Select all the appropriate land uses for the parcel: cropland; rangeland; grassland; shrubland used for grazing; pastureland; historically dominated by grass land, forbs, or shrubs, and could provide habitat; and nonindustrial private forest land for which you must provide a percent. Provide maps, with a photo background, identifying the mix of land uses and their approximate acreage and proportions covering the proposed easement area. Multiple maps are likely necessary for clarity unless there are only one or two land uses.

If you do not have GIS capability to generate a map, this information can be calculated from the Web Soil Survey or other mapping programs. Other sources for land use information may be a NRCS farm conservation plan or an FSA Common Land Unit (CLU) producer map. However, the specific land uses and/or acres are likely not to match the ALE.

The protected parcel may contain forest land that contributes to the economic viability of an offered parcel or serves as a buffer to protect such land from development on up to two-thirds of the proposed easement area. A waiver can be requested for acreage that NRCS determines is a sugar bush operation that contributes to the economic viability of the operation.

Impervious surfaces must not exceed 2% of the proposed easement area unless the applicant is granted a waiver. Typically, the farm buildings are included in one or more building envelopes. Provide a map identifying the square footage or acreage of the existing and proposed impervious surfaces and building envelopes.

C BOX 7 The parcel must be subject to a written pending offer for the easement between the Eligible Entity and the landowner or prospective landowner. Attach the written pending offer to this application. Select "No" in the case of Buy-Protect-Sell transactions.

8. Is any portion of the parcel subject to an easement or deed restriction which provides similar protection as would be provided by enrollment in ACEP-ALE? Provide NRCS a copy of most recent title report or title commitment, if available at the time of application.	☐ Yes	☐ No
9. Is there any portion of the Parcel where the purposes of ACEP would be undermined due to title issues or onsite or offsite conditions, such as risk of hazardous materials, permitted or existing rights of way, infrastructure development, mineral development, or adjacent land uses? If yes, provide NRCS a copy of existing reports or documentation identifying issues.	☐ Yes	☐ No
10. Is the entire parcel accessible from a public road or is there an insurable, unconditional, and transferable legal right of recorded access for the term of the easement? Attach map showing access from a public road or evidence of insurable, unconditional, and transferable legal right of recorded access.	☐ Yes	☐ No

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SECTION C: Parcel Eligibility and Land Use Information continued

C BOX 8 No portion of the offered parcel can be subject to an easement or deed restriction which provides similar protection as would be provided by ALE. Attach a recent title report or title commitment, if available at time of application. Some states may provide ranking points for having a title report at application so check your NRCS state ranking criteria.

C BOX 9 No portion of the offered parcel can be subject to unacceptable title issues or onsite or offsite conditions that would undermine the purposes of ACEP-ALE. If you select “Yes”, provide a Title report, Entity Inspection Report, Environmental Report or other relevant

documents that describe the issues and rationale as to why exceptions to clear title or onsite or offsite conditions should be deemed acceptable. If the conditions will be removed, provide a plan and timeline to accomplish this. Entities may choose to acquire an Environmental Report or Title Review prior to investing resources into a project. If so, these reports should be provided to NRCS as soon as they become available.

Identify any third-party rights. Provide a map identifying the area controlled by a 3rd party, acreage, and % of the parcel. Include legal documents, such as a lease agreement or easement agreement. NRCS will determine whether

any existing third-party rights harm or interfere with achieving the ACEP-ALE purposes on land in which gas, oil, earth, or mineral rights exploration has been leased or is owned by someone other than the landowner.

C BOX 10 The entire parcel must be accessible from a public road or there must be an insurable, unconditional, and transferable legal right of recorded access for the term of the easement. Provide a map identifying the public road, or a survey or map of the right-of-way with evidence of insurable, unconditional, and transferable legal right of recorded access.

Section D: Easement Value and Compensation Costs and Non-Federal Share Information	
These values may be estimates, subject to the final values being determined by an NRCS-approved appraisal report or easement valuation methodology.	
1. Easement Value and Compensation Costs	
A. Estimated Fair Market Value of the ALE	\$
B. Estimated Eligible Entity Cash Contribution ^a - for payment of easement compensation to the landowner (excluding Landowner Donations)	\$
C. Requested Federal Share for the ALE • General ALE: Federal Share cannot exceed 50% of Item A • ACEP-ALE-GSS: Federal Share cannot exceed 75% of Item A	\$
D. Estimated Purchase Price ^a of the ALE (D = B + C)	\$ 0
E. Estimated Landowner Donation toward easement value ^a (generally, E = A - D)	\$
F. Remaining Non-Federal Share needed to meet minimum requirement • General ALE: (F = C - (B+E)) • ACEP-ALE-GSS: (F = (A-C) - (B+E)) (If item (F) ≤ \$0, enter \$0 here, Boxes 2 and 3 do not need to be completed, proceed directly to Box 4. If item (F) > \$0, enter the amount of item (F) here and complete Boxes 2, 3, and 4 as instructed below)	\$
2. Easement Stewardship Costs: If item (F) above is greater than \$0 (F > \$0), enter the amounts that qualify for inclusion in the calculation of the non-Federal share for the items listed in (G) below as needed to meet the remaining non-Federal share amount in item (F). • If the total of any amounts entered in items (G) below are at least equal to the amount in item (F) above (G ≥ F), proceed directly to Box 4. • If the total of the amounts entered in items (G) below are insufficient to meet remaining minimum non-Federal share amount shown in item (F) above (G < F), complete Boxes 3 and 4 below as instructed.	
G. Estimated Procured Costs to be Paid by the Eligible Entity to a Third Partyⁱⁱⁱ for the following items: (Do not include amounts paid by the Landowner for the below listed items)	
G1. Appraisal	\$
G2. Easement Boundary Survey	\$
G3. Phase-I Environmental Site Assessment	\$
G4. Title Commitments/Reports	\$
G5. Title Insurance	\$
G6. Closing Costs	\$

SECTION D: Easement Value and Compensation Costs and Non-Federal Share Information

Your answers in this section will provide specific information related to Non-Federal cost-share requirements, including easement value, acquisition-related costs, stewardship costs, and entity cash contributions. These costs may be estimates, subject to determination by an NRCS-approved appraisal report or easement valuation methodology. For BPS transactions, complete this section only if the Non-Federal Share will include a landowner donation from the qualified farmer or rancher. If it will not include a landowner donation, complete Section D of the NRCS-CPA-41A BPS Supplement instead of this section.

D BOX 1 Use items (A) through (F) to calculate and record the easement value and compensation costs. The “Estimated Fair Market Value of the ALE” is generally the fair market value (FMV) of the property minus its restricted value, as determined by a qualified appraiser. A NRCS-approved appraisal is required before any federal cost-share payments are issued. It is good to have an accurate value at the time of application because fund-

ing through a Parcel Contract is based on the number presented here. Some states may provide ranking points for submitting a formal appraisal with an application. NRCS also considers entity cash contributions when ranking applications. The “Remaining Non-Federal Share” is the amount needed to meet the minimum requirement for ACEP-ALE. If item (F) is less than \$0, Boxes 2 and 3 do not need to be completed.

D BOX 2 Use items (G1) through (G6) to document acquisition costs that can contribute to the minimum Non-Federal Share if Box 1, Item (F) is greater than \$0. You should estimate these costs as accurately as possible because you must meet the minimum non-Federal share to be eligible. Do not include amounts paid by the landowner.

3. Easement Stewardship Costs: Entry of amount for item (H) below only needed if the total of the amounts entered for items (G(1) through G(6)) above are less than the amount in item (F) above (if total of G < F, enter amount for item (H) below) H. Stewardship and Monitoring Costs provided by Entity (limited to 2% of A) (Do not include amounts paid by the Landowner this item)		\$
4. Total Non-Federal Share: (Box 1, Items (B+E), plus total amounts in Boxes 2 and 3, if entered) • General ALE: Total Non-Federal Share (Item (I) below) must be equal to or greater than the Federal Share (Item (C) above); $I \geq C$ • ACEP-ALE-GSS: Total Non-Federal Share (Item (I) below) must be equal to or greater than the difference between the Estimated Fair Market Value of the ALE (Item (A) above) minus the Federal Share (Item (C) above); $I \geq (A-C)$		
I. Total Non-Federal Share: $I = (B+E) + \text{if entered } (G + H)$		\$ 0
5. Eligible entity intends to provide at least 10 percent of the fair market value of the agricultural land easement in the form of a cash contribution for payment of easement compensation to the landowner (Box 1, Item (B) above)? If no, eligible entity must provide evidence as requested by NRCS of its ability to steward and monitor the parcel		☐ Yes ☐ No

SECTION D: Easement Value and Compensation Costs and Non-Federal Share Information

continued

D BOX 3 Easement Stewardship Costs (H) can be used to meet the minimum non-Federal share if (G) is less than (F). You should estimate the costs of easement stewardship and monitoring, but they cannot include landown-

er payments and cannot exceed 2% of the FMV of the easement (found in Box 1 Item A).

D BOX 4 Calculate the “Total Non-Federal Share” as shown.

D BOX 5 If you provide less than 10 percent of the fair market value of the ALE in the form of a cash contribution, you will need to provide evidence of your ability to steward and monitor the parcel.

U.S. Department of Agriculture Natural Resources Conservation Service		NRCS-CPA-41A 02/2020	
Section E: Roles, Contributions, and Distributions (Provide the name and corresponding role of each legal entity that will be identified in the agricultural land easement deed, attach additional pages as needed)			
1. Name of Entity (See signature sections below for Entity signature requirements)	2. Role of Entity • Identify each entity as one of the following: - Eligible Entity - Co-holder - Third-Party Right Holder	3. Contribution: Estimated Entity Cash Contribution • May be provided by any legal entity role identified in this Section • Total must equal Box 1, Item (B) above	4. Distribution: Estimated Federal Share to be paid to an Eligible Entity • Federal share may only be paid to an Eligible Entity • Total must equal Box 1, Item (C) above
		\$	\$
		\$	\$
		\$	\$
		\$	\$

SECTION E: Roles, Contributions, and Distributions

This section will identify all legal entities and their roles in the ACEP-ALE project. It also specifies the amount of federal dollars that should be paid to each entity. The names and roles must match the information provided in the Entity Application (CPA-41) or the resulting agreement from a previously approved Entity Application. Attach additional pages as needed. Do not complete this section for post-closing BPS transactions.

E BOXES 1-4 Enter the requisite information for each entity.

► **For pre-closing BPS transactions:** Complete Boxes 1 and 2, including obtaining co-holder and third-party right holder signatures. Complete Boxes 3 and 4 based on the Entity Contribution and Federal Share amounts entered in Section D of this form or the NRCS-CPA-41A BPS Supplement.

► **For post-closing BPS transactions:** Do not complete Section E on this form. Instead, complete Section E on form NRCS-CPA-41A BPS Supplement.

The Terms and Certifications below are applicable to applications for all ACEP-ALE Agreement Types:	
The Landowner agrees that it is signing this application in furtherance of the Entity's application to participate in the Agricultural Land Easement (ALE) component of the Agricultural Conservation Easement Program (ACEP). The Entity becomes a "Participant" in ACEP only if NRCS enters into an ALE-agreement with the Entity to provide cost-share assistance for the purchase of agricultural land easements, which may include the offered parcel. However, nothing in this application obligates the United States or the Entity to purchase all or any of the agricultural land easements listed on the Parcel Sheets attached to Entity's application including this parcel. To identify and differentiate roles and responsibilities under ACEP should the application be funded, the undersigned Entity shall hereafter be referred to as a "Participant" and Landowners shall hereafter be referred to as "Landowners." The Participants and Landowners understand that unless an Entity is certified by NRCS, acquiring an agricultural land easement prior to approval of the agricultural land easement deed, appraisal, title, and other due diligence causes the agricultural land easement to be ineligible for ACEP cost-share assistance. An Entity may only be certified by the Chief of NRCS. The Participants and Landowners acknowledge that highly erodible land conservation/wetland conservation, adjusted gross income certifications, and member information for all landowners are on file with the appropriate USDA service center agency and are up to date. The Landowner must complete and file Form CCC-901, "Member's Information," or its equivalent, if the Landowner is classified as a legal entity or joint operation by the U.S. Department of Agriculture (USDA) under 7 CFR Part 1400. The Farm Service Agency (FSA) must be timely notified in writing of any changes to the member's information provided, including changes in membership due to death or otherwise as provided in 7 CFR Part 1400. It is the responsibility of the Participants and Landowners to provide accurate data to support all items addressed in this application at the request of NRCS. Participants and Landowners acknowledge that NRCS is relying upon the veracity of the information submitted for purposes of awarding Federal funds and that the submittal of false information may be subject to criminal or civil fraud statutes.	
APPLICANT ELIGIBLE ENTITY CERTIFICATION AND SIGNATURES: <i>Applicant Eligible Entity identified in Section A must complete the following section</i>	Check Each Box
I certify that the Applicant Eligible Entity has the resources necessary to acquire, monitor, manage, and enforce the easement being applied for and acknowledge that additional documentation to substantiate this may be required to receive Federal cost-share assistance.	☐
I have received and reviewed a copy of the required ALE-Agreement and associated attachments and understand that the terms of the agricultural land easement deed must address the provisions required as a condition of participation in ACEP-ALE as identified in the ALE-agreement.	☐
Signature of Applicant Eligible Entity Authorized Representative	Date
PARCEL LANDOWNER ACKNOWLEDGEMENTS AND SIGNATURES: <i>Parcel Landowner (Primary Contact) identified in Section B, Box 2, must complete the following section</i>	Check Each Box
I, Landowner, am aware that the United States has requirements that must be addressed in the agricultural land easement deed as a condition of providing Federal funds for the acquisition of the easement. I have received a copy of the United States required deed terms and conditions.	☐
Initial this box if the Parcel Landowner (Primary Contact) identified in Section B2 is a legal entity. I am authorized to sign this application and agree to provide the documents necessary to prove this authority as requested by NRCS.	☐
Signature of Authorized Parcel Landowner (Primary Contact)	Date

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TERMS AND CERTIFICATIONS

This section describes the legal terms of submitting this application. It describes requirements including NRCS approval of key steps in the acquisition process, affirming landowner eligibility criteria, and providing accurate and up-to-date information to support answers to application questions.

APPLICANT ELIGIBLE ENTITY CERTIFICATION AND SIGNATURES

This box requires you to self-certify your organization's ability to acquire, manage, and enforce the easement, and have read and understand the ALE-Agreement and mandatory deed terms.

PARCEL LANDOWNER ACKNOWLEDGEMENTS AND SIGNATURES

This box requires the Parcel Landowner (Primary Landowner Contact) to certify that they have received a copy of and acknowledge ALE deed requirements. The second box must be checked only if the Landowner is a legal entity. It certifies that the signatory has authority on behalf of the entity to sign the application.

SIGNATURES OF OTHER LANDOWNERS OF RECORD (Signature of parcel sheet by other landowners identified in Section B, Box 7 is optional; attach additional pages as needed)	
(Optional) Landowner Signature	Date
(Optional) Landowner Signature	Date
(Optional) Landowner Signature	Date
(Optional) Landowner Signature	Date

SIGNATURES OF OTHER LANDOWNERS OF RECORD

Signatures of other landowners identified in Section B, Box 7 is optional.

CO-HOLDER and THIRD-PARTY RIGHT HOLDER SIGNATURES (FOR PROGRAM AGREEMENTS ONLY): (Signatures below are only required if Program Agreement Option is selected in Section A, Box 3 (attach additional pages as needed))	
(Required) Signature of Co-Holder Legal Entity Authorized Representative	Date
(Required) Signature of Co-Holder Legal Entity Authorized Representative	Date
(Optional) Signature of Third-Party Holder Legal Entity Authorized Representative	Date
(Optional) Signature of Third-Party Holder Legal Entity Authorized Representative	Date

NONDISCRIMINATION STATEMENT

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at [How to File a Program Discrimination Complaint](#) and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov.

USDA is an equal opportunity provider, employer, and lender.

PRIVACY ACT STATEMENT

The following statements are made in accordance with the Privacy Act of 1974 (U.S.C. 522a). Furnishing this information is voluntary; however, failure to furnish correct, complete information will result in the withholding or withdrawal of such technical or financial assistance. The information may be furnished to other USDA agencies, the Internal Revenue Service, the Department of Justice, or other State or Federal law enforcement agencies, or in response to orders of a court, magistrate, or administrative tribunal.

This information collection is exempted from the Paperwork Reduction Act under 16 U.S.C. 3801 note and 16 U.S.C. 3846.

CO-HOLDER and THIRD-PARTY RIGHT HOLDER SIGNATURES

Co-holder entity signatures are required but third-party entity signatures are optional.

- i. Agricultural land easement means an easement or other interest in eligible land that is conveyed 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 to the terms of the easement.
- ii. Landowner means a person, legal entity, or Indian Tribe having legal ownership of 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, tenants-in-common, and includes heirs, successors, assigns, and anyone claiming under them. State governments, local governments, and nongovernmental organizations that qualify as eligible entities are not eligible as landowners.
- iii. Limited Resource Farmer or Rancher means either: (1)(i) A person with direct or indirect gross farm sales not more than the current indexed value in each of the previous two fiscal years (adjusted for inflation using Prices Paid by Farmer Index as compiled by National Agricultural Statistics Service), and (ii) 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 two years (to be determined annually using Commerce Department Data); or (2) A legal entity or joint operation if all individual members independently qualify under paragraph (1). A legal entity or joint operation if all individual members independently qualify under paragraph (1) of this definition. A Self-Determination Tool is available to the public and may be completed online or printed and completed hardcopy at: <http://www.lrttools.c.egov.usda.gov/>
- iv. Beginning Farmer or Rancher means an individual, person, Indian Tribe, Tribal corporation, or legal entity who—
- (1) Has not operated a farm or ranch, or nonindustrialized private forest land (NIPFL), or who has operated a farm or ranch or NIPFL for not more than 10 consecutive years. This requirement applies to all members of an entity who will materially and substantially participate in the operation of the farm, ranch, or NIPFL.
- (2) 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, ranch, or NIPFL consistent with the practices in the county or State where the farm is located.
- (3) In the case of a legal entity or joint operation, all members must materially and substantially participate in the operation of the farm, ranch, or NIPFL. 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, ranch, or NIPFL would be seriously impaired.
- v. Socially Disadvantaged Farmer or Rancher means a producer who is a member of a group whose members have been subjected to racial or ethnic prejudice 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. A socially disadvantaged group is a group whose members have been subjected to racial or ethnic prejudice because of their identity as members of a group without regard to their individual qualities. These groups consist of the following:
- American Indians or Alaska Natives
 - Asians
 - Blacks or African Americans
 - Native Hawaiians or other Pacific Islanders
 - Hispanics
- Note: Gender alone is not a covered group for the purposes of NRCS conservation programs. The term entities reflect a broad interpretation to include partnerships, couples, legal entities, etc.
- vi. Veteran Farmer or Rancher means a producer who served in the United States Army, Navy, Marine Corps, Air Force, or Coast Guard, including the reserve components thereof; was released from the service under conditions other than dishonorable, and—
- Has not operated a farm or ranch; or has operated a farm or ranch for not more than 10 consecutive years; or
 - Who first obtained status as a veteran during the most recent 10-year period.
- A legal entity or joint operation can be a veteran farmer or rancher only if all individual members independently qualify.
- vii. Parcel means a farm or ranch submitted for consideration for funding under ACEP-ALE.
- viii. Land The Secretary may not use ACEP funds for the purposes of acquiring an easement on lands owned by an agency of the United States, other than land held in trust for Indian Tribes; or lands owned in fee title by a State, including an agency or a subdivision of a State, or a unit of local government. Such lands are ineligible for ACEP.
- ix. Pending offer means a written bid, contract, or option between a Landowner and an Eligible Entity for the acquisition of an agricultural conservation easement in perpetuity, or for the maximum duration allowed by State law, before the legal title to these rights has been conveyed for the purposes of protecting: (1) the agricultural use and future viability, and related conservation values, of eligible land by limiting nonagricultural uses of that land; or (2) grazing uses and related conservation values by restoring or conserving eligible land.
- x. Eligible Entity cash contribution means the amount provided by the entity for payment of easement compensation to the landowner and may include all sources of funds used to make such payment other than any funds provided by the landowner or the Federal share provided under ACEP. This amount does not include any other costs (administrative, planning, stewardship, etc.) or nonmonetary items (in-kind activities, land from another parcel, etc.).
- xi. Purchase price means the fair market value of the agricultural land easement as determined by an NRCS-approved methodology, minus the Landowner donation toward easement value.
- xii. Landowner Donation toward easement value may include or a qualified conservation contribution (as defined by section 170(e) of the Internal Revenue Code of 1986) or a charitable donation. Landowners shall not donate any part of Federal share or Eligible Entity cash contribution back to the Eligible Entity as a condition of purchase or closing.
- xiii. Procured costs paid by the eligible entity to a third-party for the following items: an appraisal, legal boundary survey of the easement area, full phase-I environmental site assessment that meets the requirements of 40 CFR Part 312, title commitment or report, title insurance, or closing cost. The procured report or service must meet the NRCS standards or requirements as identified in the ALE agreement in order to be relied upon as a component of the non-Federal share. This amount may not include any amounts provided by the landowner used to procure these items.

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Additional Considerations and Supporting Documentation:

NRCS staff may need additional documentation to award points for certain national and state ranking criteria. Some ranking criteria have been mentioned above but be sure to reference the NRCS ranking criteria for the state in which the parcel is located as you complete this application. Ranking questions related to Census or Census of Agriculture data will be determined

by NRCS and do not require documentation. Make sure that you provide the necessary documentation for any criteria that are relevant to this parcel. States have the flexibility to weigh the ranking criteria according to their resource and programmatic concerns. Be aware of what is most important in your state and what is most significant on the individual parcel. If you receive

ranking points for a particular resource on the parcel, such as habitat for special species, that resource must be protected by the ALE deed. For proximity-related criteria, pay attention to your state's metrics for distance and area measurements – straight line, radius, by public road, adjacency. A map with an aerial photo background should be provided to address each proximity question.



(800) 370-4879
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Appendix 2: 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.

Agricultural land: Real property is considered to be 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 soils.

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 agricultural land easement 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

- 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 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.

- 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.
- 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.

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 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 NRCS-CPA- 41.

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 field, 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 NRCS-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 for the production of 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 general 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 or 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 for the production of 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 easement area 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. Ten 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.

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 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 or no noxious or invasive species, as designated or defined by state or federal law; are subject to the threat of conversion to non-grassland uses or fragmentation; and the land meets 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.

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 NRCS.

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.

Historically Underserved (HU) landowner: Members of these groups have been historically underserved by, or subject to discrimination in, federal policies and programs. Four groups are defined by USDA as Historically Underserved: farmers/ranchers who are Beginning, Socially Disadvantaged, Veterans, and Limited Resource.

Impervious surfaces: Material that does not allow water to percolate into the soil on the offered easement area; this includes, but is not limited to, buildings with or without flooring, paved areas, and any other surfaces that are covered by asphalt, concrete, or roofs. This limitation does not include public roads or other roads owned and controlled by parties with rights superior to the agricultural land easement.

Incorporated city: In California, an incorporated city or town is a legally defined municipal corporation with a self-governing body, such as a city council, that has the authority to establish local laws, provide public services like police and fire protection, tax residents, and control land use within its designated boundaries. Incorporation grants the community the rights and responsibilities of a separate legal entity, distinct from the county in which it resides.

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 eligibility 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: 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: A producer with direct or indirect gross farm sales not more than the current indexed value in each of the previous two years, and who 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 two year. A [Self-Determination Tool](#) is available to the public and may be completed on-line.

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 of the area of land that is owned by the landowner.

Pastureland: Land composed of introduced or domesticated native forage species that is used primarily for the production of 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 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 (RCP) overarching projects. Grasslands of Special Environmental Significance or other initiatives do not count as a separate program for the purposes of a Program Agreement.

Purchase price: The appraised fair market value of the agricultural land easement minus 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 SAM. All prospective third-party right holders must be listed on the NRCS-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 for the production of 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 [Part 657](#) and [Part 658](#).

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

Small-scale farmer: A commercial or non-commercial operation with gross cash farm income under \$250,000.

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 served in the United States Army, Navy, Marine Corps, Air Force, or Coast Guard, including the reserve component thereof; was released from service under conditions other than dishonorable; and has not operated a farm or ranch, or has operated a farm or ranch for not more than 10 years; or who first obtained status as a veteran during the most recent 10-year period. A legal entity or joint operation can be a Veteran Farmer or Rancher only if all individual members independently qualify.

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 3: Description of Application Forms

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 be in compliance with the highly erodible land and wetland conservation provisions—on all land persons have an interest in, anywhere in the United States—in order to be eligible to receive USDA payments. 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.

CCC-901 Member's Information: A form administered by the USDA Farm Service Agency (FSA) used to determine the ownership interest of entities for payment limitation purposes. The CCC-901 form should be submitted if the landowner is classified as a legal entity or joint operation by USDA.

CCC-902 Farm Operating Plan (CCC-902I for individuals or CCC-902E 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 CCC-902E form is used for general partnerships, joint ventures, Tribes, corporations, limited partnerships, LLCs, trusts, estates, etc. (i.e., any entity owning a farm). The CCC-902I form is used for individual persons. A CCC-902 form is required for participation in NRCS programs.

CCC-941 Average Adjusted Gross Income 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. Landowner(s) must certify to having an average annual adjusted gross income (AGI) equal to or less than \$900,000.00 for the previous three tax years for both on-farm and off-farm income. 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).

Entity Application Questionnaire: A California-state specific program supplemental questionnaire to identify and establish eligibility for all applying entities, co-holders, and third-party right holders under ACEP-ALE. Entities may provide answers to questions directly on the form or as additional documents. The Entity Application Questionnaire is supplemental to, and not intended to replace, the NRCS-CPA-41 Entity Application for an Agricultural Land Easement (ALE) Agreement.

NRCS-CPA-41 Entity Application for an Agricultural Land Easement (ALE) Agreement: Used to determine the eligibility status of an entity interested in applying for federal financial assistance to acquire conservation easements on eligible land. An entity only needs to submit one NRCS-CPA-41 for eligibility for the given agreement period, even if applying for multiple parcels. This form may be submitted at any time throughout the year. However, if an entity plans to submit a parcel application for the upcoming fiscal year funding cycle, the entity will need to submit NRCS-CPA-41 by the fiscal year funding cycle cut-off date. An entity with an established and current Program Agreement for the program of interest does not need to complete or submit a new NRCS-CPA-41 form until that Program Agreement expires. [Instructions for completing the NRCS-CPA-41 can be found here.](#)

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

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. The NRCS-CPA-41A 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 FY funding cycle. [Instructions for completing the NRCS-CPA-41A can be found here.](#)

NRCS-CPA-41A BPS Supplement Buy-Protect-Sell Transaction Supplement to the Parcel Sheet for Entity

Application for an Agricultural Land Easement (ALE) Agreement: 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 NRCS-CPA-41A.

NRCS-CPA-230 Statement to Confirm Matching Funds (NRCS-CPA-230E for General ACEP-ALE or NRCS-CPA-

230F for GSS): Used to identify and confirm funding sources for the non-federal share for ACEP-ALE. Completion and approval of this form is required prior to the dispersal of the federal share of ACEP-ALE financial assistance.

NRCS-CPA-1270 Consent to release or receive information for NRCS Program Participation: Used to grant permission to NRCS to release or receive information to/from applicable sources to aid NRCS in the applicant’s participation in NRCS conservation programs. For example, this form will permit NRCS to communicate with other project funders (e.g., California State Recreation & Conservation Office) to discuss elements of the project to streamline the application and/or acquisition process.

Program Agreement for ACEP-ALE: Sample Program Agreement for ACEP-ALE conservation easements. An ACEP-ALE Program Agreement establishes 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 a Program Agreement; instead, the obligation and payment of cost-share assistance occurs 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.

Parcel Application Questionnaire: A California-state specific program supplemental questionnaire to identify and establish eligibility for parcels being offered as easement areas under ACEP-ALE. The application and questionnaire are to be completed by the applying entity on behalf of, and in coordination with, the applying landowner(s). Entities may provide answers to questions directly on the form or as additional documents. The Parcel Application Questionnaire is supplemental to, and not intended to replace, the NRCS-CPA-41A Parcel Sheet for Entity Application for an Agricultural Land Easement (ALE) Agreement

Parcel Application Workbook: Summary of accessor parcel numbers, eligible land uses, and ownership identification as supporting evidence of land and landowner eligibility questions in the Parcel Application Questionnaire.

Program Agreement Exhibit 1: Identification and signature page for ACEP-ALE Program Agreement parties. Defines the roles and identifies the legal entities (eligible entities, easement co-holders, and third-party right holders) that may be party to or identified on any individual ACEP-ALE parcel cost-share contract entered into under the Program Agreement.

Program Agreement Exhibit 2: Specifications and scope of work for real property appraisals under ACEP-ALE. All ACEP-ALE appraisals must comply with NRCS appraisal specifications and statement of work.

Appendix 4A: Web Soil Survey Instructions

Below are instructions for using Web Soil Survey to generate soil maps and reports. A [short video demonstration](#) is also available that walks through how to use the program.

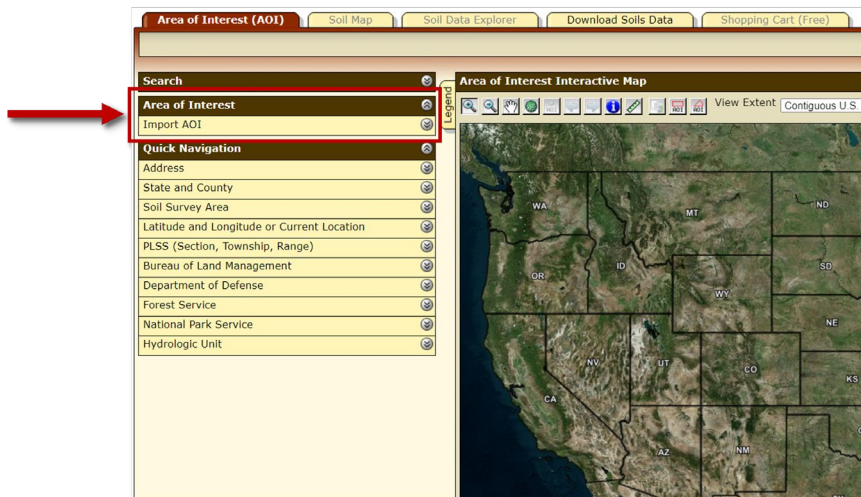
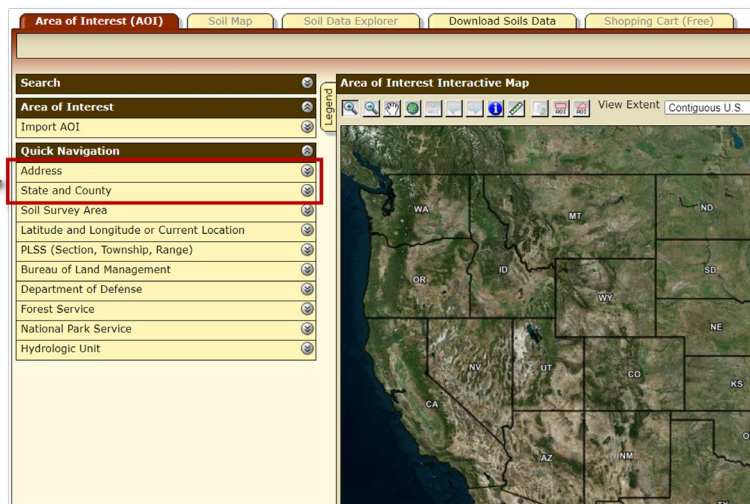
1. Identify the Area of Interest (Parcel Boundary)



Visit the [Web Soil Survey Home Page](#)

Click the big green button **Start WSS**

On the left side under **Quick Navigation**, select the appropriate search criteria (**Address** or **State and County** will yield the best results).



You can also select **Import AOI** under **Area of Interest** where you can upload a single or multipart (zipped) shapefile.

A. Identify the area of interest with exact address or state and county (*NOTE: the boundaries of the area of interest must match all other map boundaries provided with the application*):

Option 1: Enter the exact address

Option 2: Locate by State & County

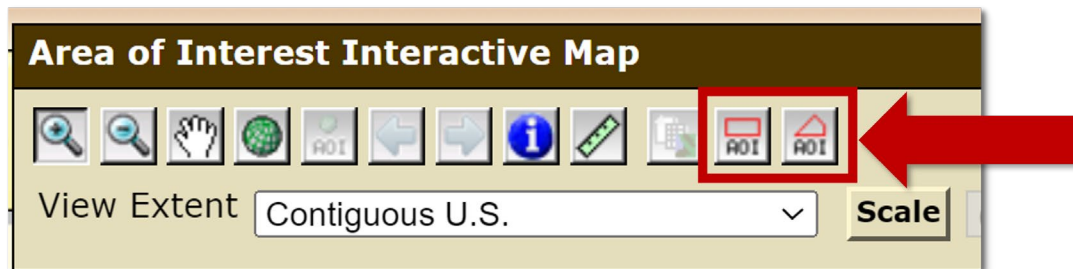
Select **View** to zoom to the area identified.

Use the icons on the **Area of Interest Interactive Map** menu to zoom or pan to the parcel.



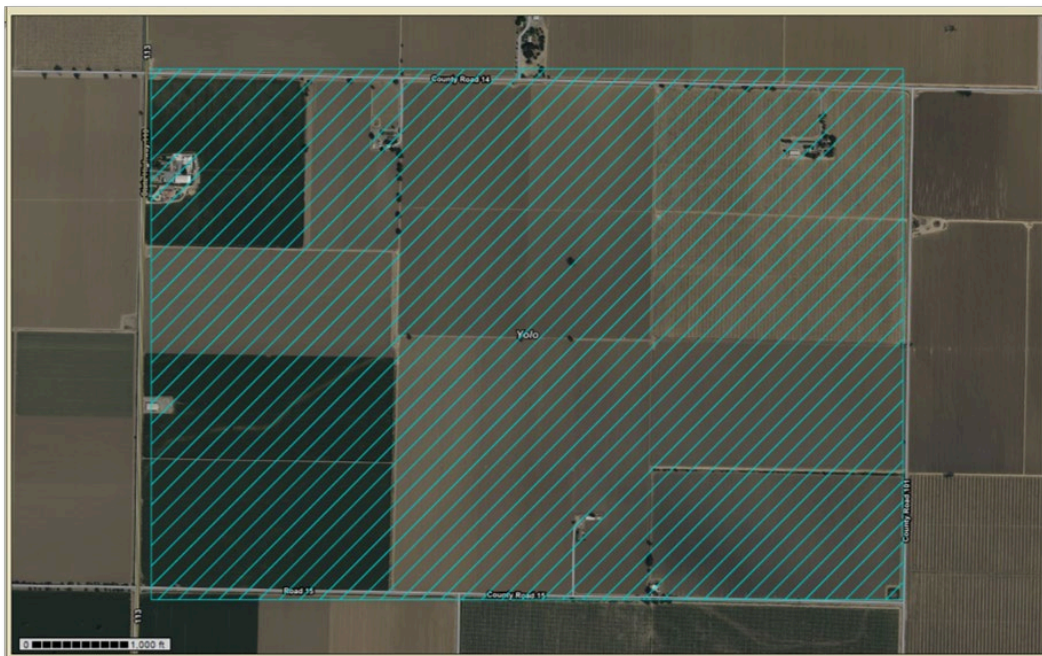
Use the appropriate **AOI** (Area of Interest) button to draw the boundaries of the parcel.

- The square **AOI** button will draw a square outline - simply drag your cursor to create the shape.
- The polygon **AOI** button will create a free-form polygon using single clicks to draw the outline. Double click to close the polygon when complete.



Your final polygon will appear in the Area of Interest Interactive Map in blue cross-hatching.

Repeat this process for any additional polygons needed.



B. Identify the area of interest with shapefiles (*NOTE: the boundaries of the area of interest must match all other map boundaries provided with the application*):

Option 1: Import zipped shapefiles

Search	
Area of Interest	
Import AOI	
Create AOI from Shapefile	
Multipart AOI? Click the question mark. Set AOI ?	
.shp file	Choose File No file chosen
.shx file	Choose File No file chosen
.prj file	Choose File No file chosen
.dbf file (optional)	Choose File No file chosen
Set AOI	
Create AOI from Zipped Shapefile	
Quick Navigation	
Address	
State and County	
Soil Survey Area	
Latitude and Longitude or Current Location	
PLSS (Section, Township, Range)	
Bureau of Land Management	
Department of Defense	

Option 2: Import single shapefile

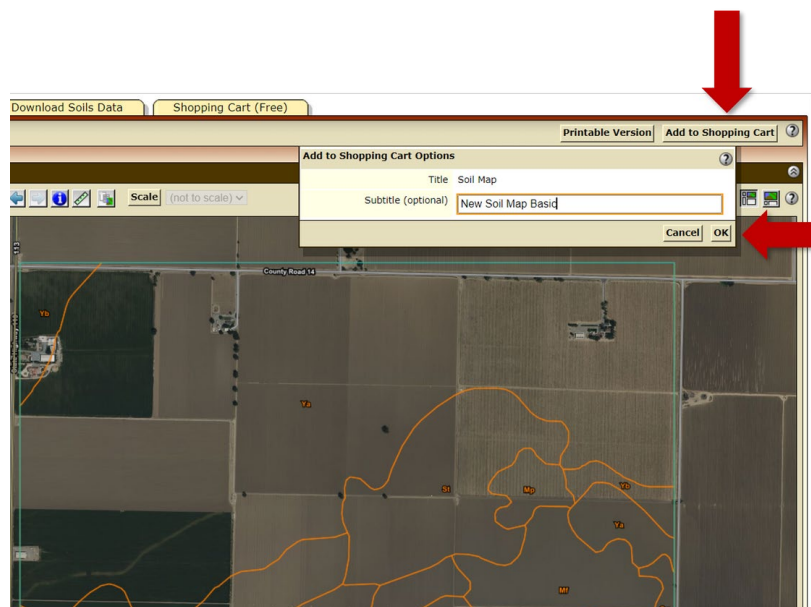
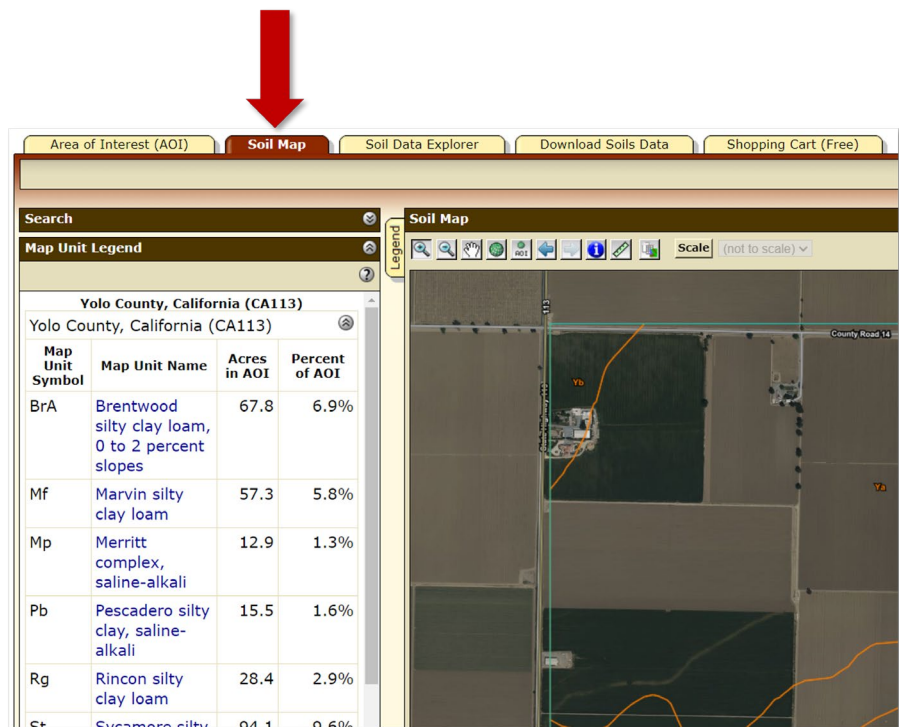
Search	
Area of Interest	
Import AOI	
Create AOI from Shapefile	
Multipart AOI? Click the question mark. Set AOI ?	
.zip file	Choose File No file chosen
Set AOI	
Quick Navigation	
Address	
State and County	
Soil Survey Area	
Latitude and Longitude or Current Location	
PLSS (Section, Township, Range)	
Bureau of Land Management	
Department of Defense	
Forest Service	
National Park Service	
Hydrologic Unit	

Select **Choose File** to navigate to the location of your shapefiles, select the files, and select **Open**. Select the **Set AOI** button. Your parcel will appear in the Area of Interest Interactive Map in blue cross-hatching.



2. Create Your Basic Soils (Custom Soil Resource)

Select the **Soil Map** tab to view the soils map and table.



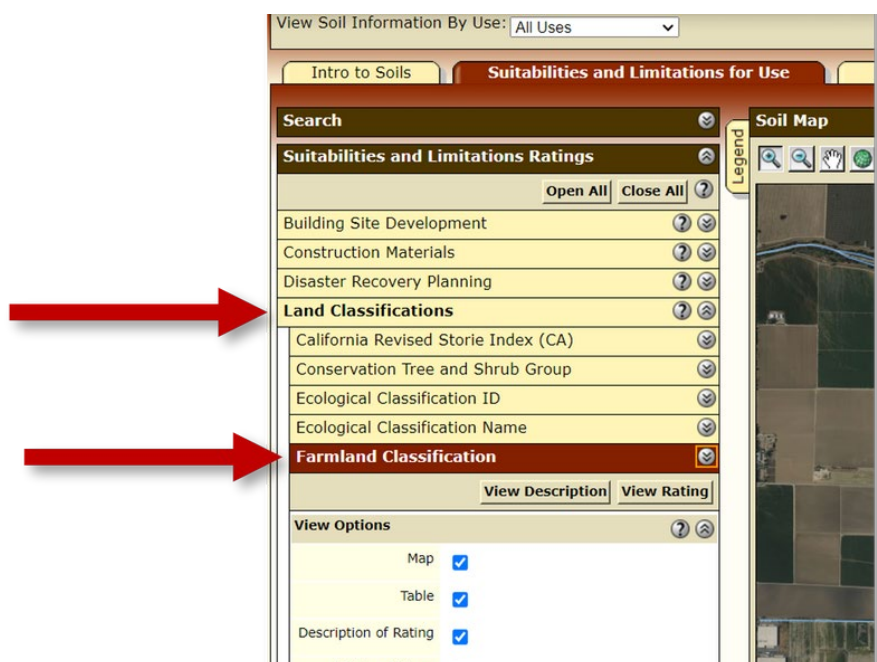
Select **Add to Shopping Cart**.

Enter a subtitle for the parcel report.

Select **OK**.

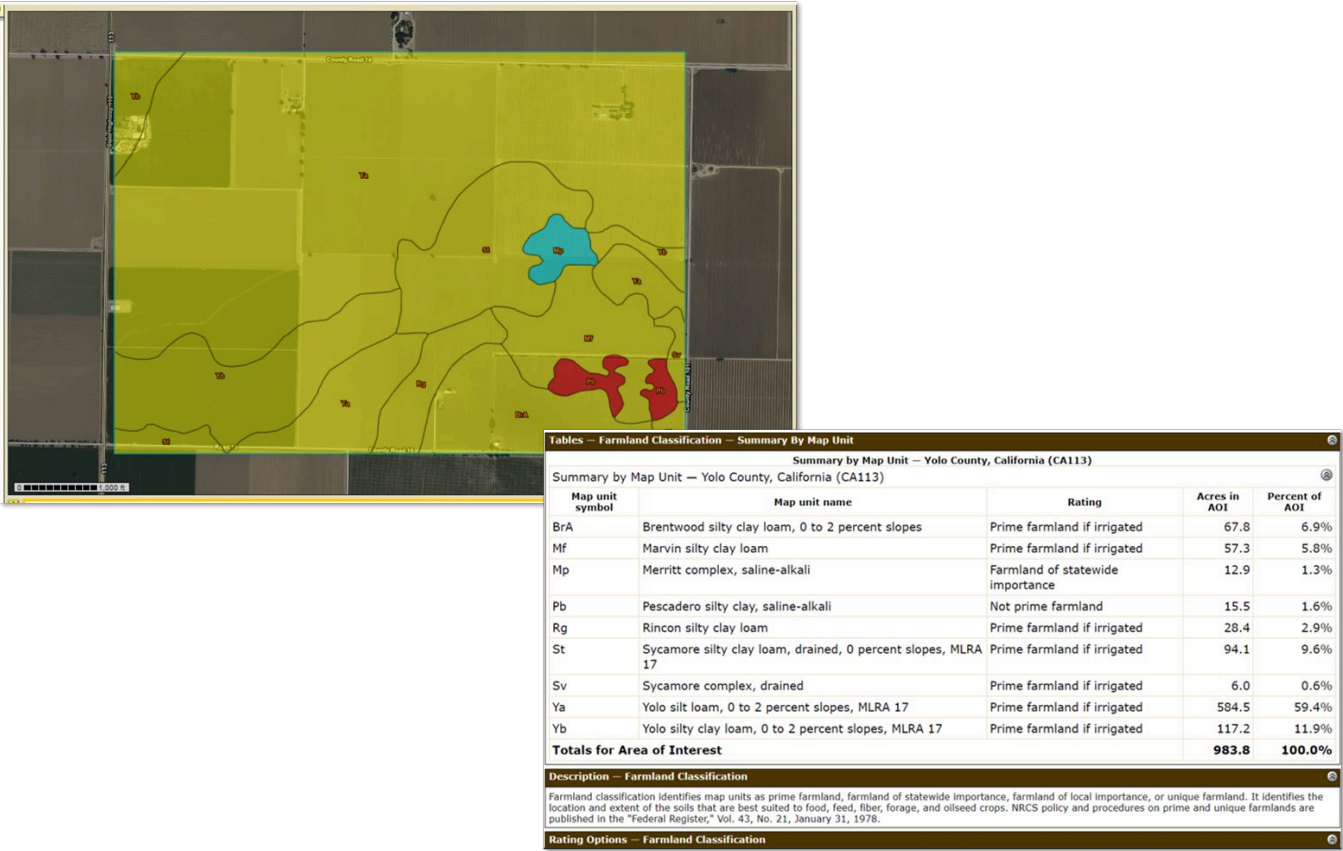
3. Create Your Prime Soils (Farmland Classification)

Select the **Soil Data Explorer** tab followed by the **Suitabilities and Limitations for Use** tab.



Select **Land Classifications** and **Farmland Classification**. Then select **View Rating**.

Both a map and table will be generated!



Select **Add to Shopping Cart**.

Enter a subtitle for the parcel report.

Select **OK**.

Shopping Cart (Free)

Printable Version Add to Shopping Cart

Ecological Sites

Add to Shopping Cart Options

Title: Farmland Classification

Subtitle (optional): New Soil Map Classification

Cancel OK

4. Generate Your Report

Select the **Shopping Cart (Free)** tab.

Enter any necessary information in **Report Properties**.

Verify that everything necessary is selected in **Table of Contents**.

The screenshot shows the 'Shopping Cart (Free)' tab selected. The 'Report Properties' section is expanded, showing the following details:

- Title:** Custom Soil Resource Report for Yolo County, California
- Subtitle:** ☐ Area of Interest Name: (none defined) ☐ Custom Subtitle: ☒ None
- Map Options:**
 - Map Scale: Fit to page
 - Printed Sheet Size: A landscape (11" x 8.5") — 1 sheet
 - Show UTM Coordinate Ticks: ☒

The 'Table of Contents' section is also expanded, showing a list of report components with checkboxes:

- ☒ Custom Soil Resource Report for Yolo County, California
 - ☒ Cover
 - ☒ Preface
 - ☒ Contents
 - ☒ How Soil Surveys Are Made

The screenshot shows the 'Check Out' dialog box with the following options:

- Check Out:**
- Delivery Options:**
 - Select a Delivery Method: ☒ Get now ☐ Download later
- Buttons:**

Select **Check Out**.

Select **Get Now**.

Select **OK**.

A single report (PDF) will be generated that contains both the Basic Soils (Custom Soil Resource Report) and Prime Soils (Farmland Classification Report).

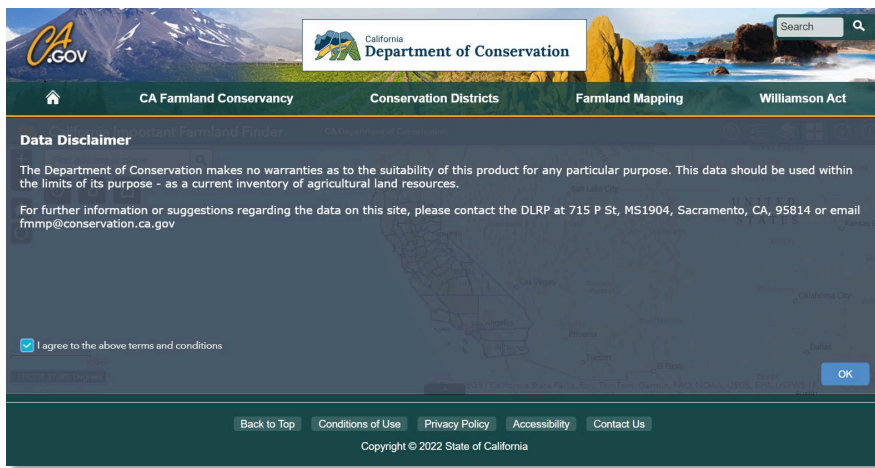
Please submit a copy of this report with your application if applying under the *Prime, Unique, or Other Productive Soils* land category.

Appendix 4B: California Farmland Mapping & Monitoring Program Instructions

California DOC Farmland Mapping & Monitoring Program has two options for data searching:

- The California Important Farmland Finder Interactive Map Tool
- Important Farmland Geodatabase and Shapefiles

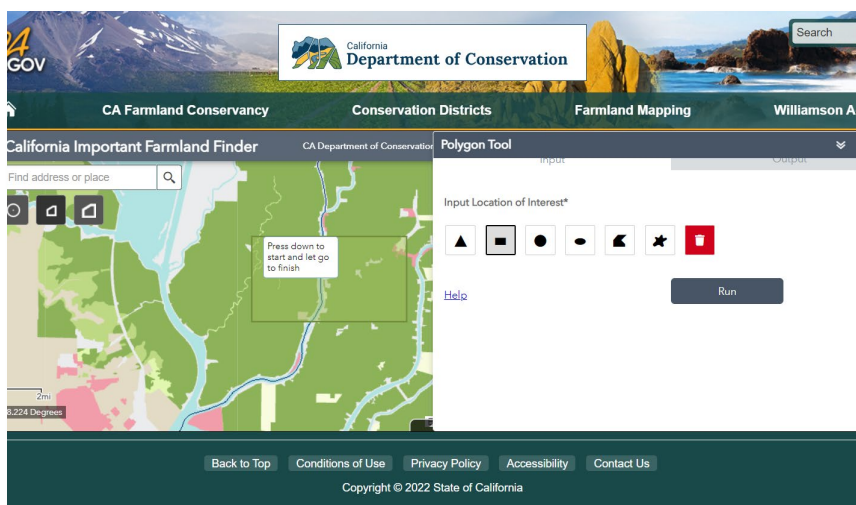
1. Important Farmland Finder Interactive Map Tool



To view data with this interactive map service, go to the [California Important Farmland Finder](#) and agree to the terms and conditions.

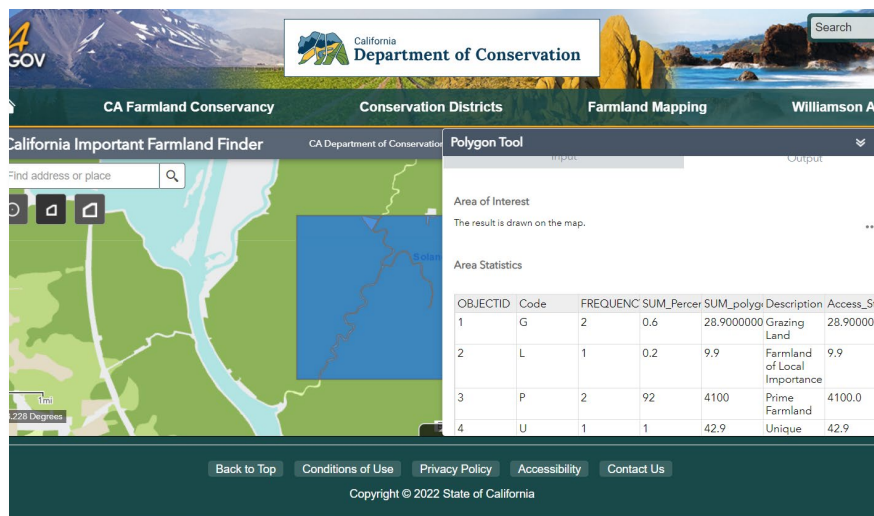
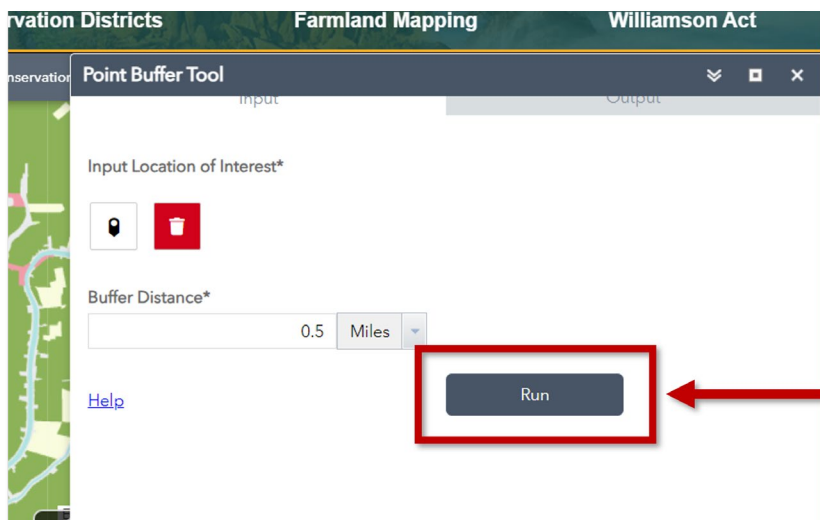
On the left side menu, navigate to your location by address, zooming in or out (+/-), or draw a polygon.





You can draw various polygons by selecting your shape of choice, and then dragging across the map to create the boundary.

You can also create a buffer around your polygon or a single point. Hit “Run” to create an output table.



While the data cannot currently be exported, you can copy and paste the data into an Excel table or other similar format for submission with your application.

2. Important Farmland Geodatabase and Shapefiles

Navigate to the [Data Download Page](#)

The screenshot shows the 'DLRP Data Downloads' page. The top navigation bar includes 'Home', 'Gallery', 'Map', 'Scene', 'Groups', and 'Help'. A search bar and 'Sign In' link are on the right. Below the navigation bar, there's a blue header with 'DLRP Data Downloads' and tabs for 'Overview', 'Content', and 'Members'. A search bar and filters (List, Title, Filter) are present. The main content area shows a list of datasets. On the left, there's a 'Filters' sidebar with 'Item type' expanded, showing 'Maps', 'Layers', 'Scenes', 'Apps', 'Tools', 'Files', and 'Insights'. The dataset list shows 'CA Important Farmland: 1984' and '1984 FMMP Shapefiles' as the first item, and 'CA Important Farmland: 1986' and '1986 FMMP Shapefiles' as the second item. Each item includes a thumbnail map, a 'Shapefile' icon, a description, creation and update dates, and the number of downloads.

Click on the name of the dataset you want to download and review the dataset information. Click **download** to proceed. Once downloaded, you may utilize your GIS software to identify the offered easement area and associated soils.

The screenshot shows the '2020 FMMP File Geodatabase' dataset page. The top navigation bar is the same as the previous screenshot. The dataset title '2020 FMMP File Geodatabase' is in the blue header. Below the header, there's a thumbnail map, a 'File Geodatabase' icon, a description, and a 'Download' button. A red arrow points to the 'Download' button. The 'Description' section contains text about the dataset and its history. The 'Details' section shows the size (121.779 MB) and a star rating. The 'Share' and 'Owner' sections are also visible.

Appendix 5: Map Example and Instructions

Below is an example of an offered easement area map identifying:

- Proposed easement boundary
- Township, range, and section
- Legal and physical access point(s)
- Total acreage of the parcel (if applicable, include acreage of each non-contiguous parcel and subdivision)

It is also helpful for the entity to include the entity name, map preparer, and APN for each parcel included in the offered easement area. Shapefiles of each map submitted with the application are greatly appreciated.

For any additional maps provided as part of the application, please include on *each*:

- The proposed easement boundary
- North arrow
- Appropriate scale



Appendix 6: Cost Share Match Requirements

The cost-share and matching requirements for ACEP-ALE are based on the fair market value (FMV) of the easement as determined by an appraisal or other means of easement valuation as accepted by NRCS. The determination of FMV cannot not include any amounts for other acquisition or management costs. 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 will provide a final listing of sources on the applicable Statement to Confirm Matching Funds form ([NRCS-CPA-230E](#) or [NRCS-CPA-230F](#)) and will provide supporting invoices or receipts.

Federal vs. Non-Federal Share

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

Non-Federal Share Requirements

Allowable non-federal share sources are listed below and should be considered in the order they appear. The non-federal share may be comprised of more than one of these sources.

1. The eligible entity's own cash resources 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 NRCS-CPA-41A specific evidence of funding or capacity available to manage, monitor, and enforce the easement.
2. A landowner donation 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 procured costs paid by the eligible entity from sources other than the landowner (directly or indirectly) to a third-party for *only* the items listed below. 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 requirement 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. Up to 2% of the easement FMV toward stewardship and monitoring costs contributed by the eligible entity from sources other than the landowner (directly or indirectly).

Examples

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%

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

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 7: Title Exception Guide for NRCS Conservation Easement Programs

This section outlines general guidelines for the way common title exceptions should be handled for NRCS conservation easement programs. The following is only intended as a guide; it does not supersede any advice from the USDA Office of the General Counsel (OGC), instructions from NRCS, or special circumstances that may result in handling a particular exception in a different manner. Any exceptions not determined to be acceptable must be removed or subordinated. For some complex transactions, obtaining a revised title commitment that details the additional requirements needed for the title company to address unacceptable exceptions is recommended in order to facilitate their removal.

Description of Title Exception	Non-NRCS-Held Easements (Entity-Held Easements)
General or preprinted exceptions. (i.e., parties in possession, unrecorded easements, and encumbrances not of record; matters that an accurate survey would disclose; unrecorded liens for services and materials by mechanics and materialmen)	Generally acceptable if such exceptions deemed acceptable through the completion of Certificate of Inspection and Possession and Certificate of Use and Consent processes. Execution of owners' affidavit or surveyor affidavit may be needed to have the title company remove the exception or to fully document the rationale for accepting the exception.
Lack of right of access	Generally must be removed unless alternative access has been approved by NRCS (440-CPM Part 528, Subpart G, Section 528.62B).
Access subject to terms and conditions of xxxx	Generally must be removed; review referenced document to determine whether conditions of access are acceptable to the United States.
Taxes for current year, due but not yet payable	Generally acceptable.
Outstanding taxes for a previous year or rights of purchaser at tax sale	Must be removed.
Liens and judgments	Must be removed.
Lis pendens	Must be removed.
Description of Title Exception	ACEP-ALE Easements
Mortgage or deed of trust	Must be removed or subordinated.
Utility right of way	Generally acceptable subject to determination that inclusion will not impact the purposes of the easement.
Public road (e.g., county road, state highway, etc.)	Public road should not be within boundaries of easement – therefore should be removed.
Change in boundary due to accretion or avulsion of waterway	Generally acceptable.
Public road right of way (no existing road in right of way)	Generally acceptable.
General public right to body of water	Generally acceptable.
General exception for mineral interests	Generally must be removed, refer to mineral matrix for additional guidance.
Reserved mineral rights	Generally must be removed or subordinated, refer to mineral matrix for additional guidance.

Description of Title Exception	ACEP-ALE Easements
Mineral leases or deed	Oil/gas lease generally must be removed or subordinated. Surface mining leases must be removed.
Life estate	Must be removed and life estate and remaindermen holders must sign the deed.
Rights of heirs	Must be removed.
Terms and conditions of NRCS conservation easement deed	Only acceptable if it excepts from coverage the terms and conditions that limit the rights of the grantee.
Existing conservation easement	Only acceptable if the terms of the existing easement offer less protection than the proposed NRCS easement and the terms are compatible.
Within boundaries of irrigation or diking district, drainage easements, or levee easements	Generally acceptable if it does not interfere with the purposes of the conservation easement.
Flowage easement	Generally acceptable if it does not interfere with agricultural viability.
Leases or easements for wind or solar energy development	Must be removed or subordinated unless determined compatible with agricultural uses of the land.
Leases for cellular towers or billboards	Must be removed or subordinated, if includes the right of first refusal or determined incompatible with the purposes of the conservation easement.
Agricultural leases	Must be subordinated.
Public access easements or hunting leases	Generally acceptable unless use levels interfere with easement purposes.
Bankruptcy	Consult with OGC or an EPD realty specialist before proceeding. Must have bankruptcy court approval prior to closing the easement.
Existing covenants or restrictions	Must be released and removed if the existing covenant or restriction would frustrate the purposes of or provides similar protections to the conservation easement.
Contracts for sale	Consult with an EPD realty specialist before proceeding.
Options to purchase	Must be terminated or subordinated.
Rights of first refusal	Must be terminated and removed.
Previously reserved rights	Review reserved right; determine impact; accept or require subordination or release.
Unrecorded leases and tenancies	Generally acceptable for the title commitment but must be addressed in the certificate of use and consent. Tenants are identified on Certificate of Inspection Possession and may need to execute disclaimer.
Private right of way	Generally acceptable as long as the scope and location of the private right of way is fully described; treat this similar to a road.
Other encumbrances or exceptions of record	Must be removed.
Other exceptions not of record	Generally acceptable.
Gap check (i.e., items appearing after the date of the title commitment but prior to closing)	Must be removed.
Other federal agency interests	Consult with an EPD realty specialist before proceeding.