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

Fiscal Year 2027 NRCS Oregon Parcel Application Packet for:

ACEP-ALE General

ACEP-ALE Grasslands of Special Environmental Significance (GSS)

Information, policy, and regulation disclosed in this packet is subject to change pending the authorization of a new Farm Bill and updates to the Federal Register rules and regulations. Parcel applications for ACEP-ALE should be developed in accordance with the following format and guidance. A completed parcel application includes all requested information detailed in this packet. An explanation of how to submit an application is included in Appendix 9. **Please submit completed applications to:**

BOX ELECTRONIC UPLOAD (PREFERRED**)**	**EMAIL**
Request a Box invitation via email: NRCS.OR.Easements@usda.gov Please reference the checklist on pages 5-6 for document naming conventions	To: NRCS.OR.Easements@usda.gov Subject: Entity Name FY27 Parcel Application 1 of X (insert number of emails) Example – Winding River Land Trust FY27 Parcel Application 1 of 7
Parcel Applications must be received by 5:00 PM PST on the application batching date to be considered for funding in FY 2027.	

The following application packet collects required information on proposed parcels from eligible entities interested in applying for easement funding under ACEP-ALE. **If you are interested in applying for ACEP-ALE GSS, please complete the ACEP-ALE GSS section on pages 32-33 in addition to the entirety of this packet.** If you are applying for a 2018 Farm Bill RCPP easement, please contact the State Easement Program Manager for application materials.

Entities submitting parcel applications must be eligible themselves to participate in ACEP-ALE or RCPP-Entity Held Easements. Entities must submit an Entity Application to establish eligibility with NRCS. Entity eligibility requirements are detailed in the Title 440 Conservation Programs Manual Part 528 - Agricultural Conservation Easement Program Subpart D Section 32 (CPM440.528.32) which may be accessed through the NRCS e-Directives website at https://directives.sc.egov.usda.gov/directive/210. Please contact the NRCS-OR State Office Easement staff for assistance with your Entity application at NRCS.OR.Easements@usda.gov.

Applicants should answer all questions contained within this document and provide all supporting documentation requested to ensure the application packet is complete (unless otherwise noted). The narratives and supporting documentation may be inserted under the applicable question or provided as an exhibit or attachment to the application packet. NRCS strongly suggests that the order and format of this packet is followed to ensure consistency and equality among all applicants. The appendices to this application packet do not need to be included in the application submission.

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

Entities interested in applying for ACEP-ALE Buy-Protect-Sell (ACEP-ALE BPS) may be asked to submit additional information at the time of application. Please contact the Oregon State Easement Program Manager if you are interested in applying for ACEP-ALE BPS for further guidance on completing a comprehensive parcel 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 (>120 days); therefore, applicants are encouraged to begin this process as soon as possible. ***NRCS is not responsible for FSA forms and recording of forms for eligibility requirements.***

To be eligible, each landowner of record must file with FSA the following:

- A copy of the current property deed or current evidence of ownership;
- Form AD-1026, "Highly Erodible Land Conservation (HELC) and Wetland Conservation (WC) Certification" for all landowners listed on the ownership documentation, including required members of legal entities;
- Form CCC-941, "Average Adjusted Gross Income (AGI) Certification and Consent to Disclosure of Tax Information," and related forms, or equivalent successor forms as applicable, for all landowners listed on the ownership documentation, including required members of legal entities; and
- Form CCC-901, "Member's Information," or Form CCC-902, "Farm Operating Plan," or equivalent successor forms as applicable, and
- Proof that the legal entity is a legal and valid entity in the State where the land is located, usually by a certificate of good standing from the secretary of the State.

Records may be established at any time. **However, Adjusted Gross Income (AGI) compliance must be established for the application fiscal year.** This is initiated by submitting the form CCC-941 with FSA. For example, to establish AGI compliance for an FY27 ACEP-ALE application, all landowners of record, including members of legal entities, must file the CCC-941 as early as October 1st, 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.

As an Entity applicant, it is best to ensure that the landowners are fully eligible at the time of application submission. Further, per Title 440 M Part 528.35, landowners must be eligible at the time of tentative funding selection, i.e. application ranking. Target ranking dates are established each Fiscal Year either at the National or State Level.

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 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.

For more information or assistance on completing the Parcel Application, please contact NRCS.OR.Easements@USDA.gov

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

Table of Contents

PART I – PARCEL APPLICATION CHECKLIST & NAMING CONVENTION 5
PART II - PARCEL QUESTIONNAIRE 7
Eligible Entity Information 7
Landowner Applicant Information 8
Basic Information 8
Farm Service Agency (FSA) Eligibility 8
Parcel Information 9
Ownership & Parcel Accuracy 9
Agricultural Operation 11
Land Eligibility 16
Land Eligibility Categories 16
Land Use/Cover 22
Access 24
Water availability 24
At-risk and Priority species 25
Sub-surface/Mineral rights 27
Title and on- or off-site conditions 27
Impervious surface 29
Building envelopes 29
Subdivision 30
Minimum Deed Terms 31
Entity Performance 31
ACEP-ALE Grasslands of Special Environmental Significance (GSS) Specific Questions 32
Certification Statement 34
PART III: APPENDICIES 35
Appendix 1: Definitions 35
Appendix 2: Cost Share Match Requirements for 2018 Farm Bill Enrollments 42
Appendix 3: Description of Application Forms 44
Appendix 4: Web Soil Survey Instructions 45
Appendix 5: U.S. 2020 Census Data 48
Appendix 6: Census of Agriculture Data – USDA National Agricultural Statistics Service 49
Appendix 7: EAB Map Checklist and Example Map 50
Appendix 8: Title Exception Guide for NRCS Conservation Easement Programs 52
Appendix 9 – Application Submission Instructions 55

PART I – PARCEL APPLICATION CHECKLIST & NAMING CONVENTION

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

☐ Step 1: Download and complete all required forms. Forms may be downloaded from the Oregon NRCS ACEP-ALE webpage.

☐ Step 2: Provide Supplemental information for all items as applicable

☐ Step 3: Submit completed forms and supplemental information with application packet.

Parcel Application Checklist

Submit the following forms and information for each parcel being applied for.

Save each checklist item as an individual document. Name each electronic document following the naming convention in **[bold]** next to each item.

Example name for Winding River Land Trust: "WRLT – Apple Road LLC CPA-41A"

REQUIRED FORMS, DOCUMENTS & MAPS:

☐ NRCS-CPA-41A dated 02/2020 or later **[Entity Name – Landowner Name CPA-41A]**

☐ Parcel Application Questionnaire **[Entity Name – Landowner Name Parcel Questionnaire]**

☐ Recorded vesting deed(s) covering the entire offered easement area **[Entity Name – Landowner Name Vesting Deed]**

☐ Evidence of active SAM registration Unique Entity Identifier (UEI) for each entity applicant and/or co-holder **[Entity Name – Landowner Name SAM Verification]**

☐ Signature Authority documentation **[Entity Name – Landowner Name Signature Authority]**

☐ Title Commitment or Preliminary Title Commitment & underlying exception documents **[Entity Name – Landowner Name Title Commitment]**

☐ Written pending offer for the offered easement area [**Entity Name – Landowner Name Written Offer]**

☐ GIS shapefiles or CAD files of proposed easement boundary. Ensure that shapefile data is defined in ESRI GIS software**. Do not include any internal boundaries**, such as tax lot boundaries. **[Entity Name – Landowner Name Shapefile]**

☐ Map of the offered easement area: aerial or topographic, following the guidance in Appendix 7 **[Entity Name – Landowner Name Offered Easement Map]**

☐ Map of the offered easement area identifying access, following the guidance in Appendix 7. **[Entity Name – Landowner Name Access Map]**

☐ Public Land Survey System (PLSS) map showing Township, Range, and Section **[Entity Name – Landowner Name PLSS Map]**

☐ Map identifying land cover type location with the number of acres associated with each land cover type [**Entity Name – Landowner Name Land Cover Map**].

IF APPLICABLE TO YOUR PROJECT, THE FOLLOWING ITEMS MAY BE REQUIRED. REQUIREMENT WILL BE NOTED WITH ITS ASSOCIATED QUESTION IN THE PACKET BELOW:

☐ ***Copy –*** FSA-211 Power of Attorney

☐ NRCS CPA-41A Buy-Protect-Sell Supplement (dated 04/2021)

☐ Waiver request letter(s) [**Entity Name – Landowner Name Waiver Name]**

☐ Existing easement or deed restriction that prevents conversion to non-agricultural and/or non-grassland/grazing uses [**Entity Name – Landowner Name Existing Agreement]**

☐ Water rights [**Entity Name – Landowner Name Water Rights]**

☐ Mineral lease(s) [**Entity Name – Landowner Name Mineral Lease]**

☐ Map of Farmland Classification produced via Web Soil Survey, as explained in Appendix 4 [**Entity Name – Landowner Name Prime Soils Map]**

☐ Map identifying location, number, and acres of historical/archaeological sites [**Entity Name – Landowner Name Historic-Archaeological Map]**

☐ State or local policy with supporting passages highlighted (*please do not submit entire document*) **Entity Name – Landowner Name State-Local Policy]**

☐ Map identifying proposed building envelopes showing existing or proposed access to each [**Entity Name – Landowner Name Building Envelopes Map]**

☐ Map identifying irrigated land footprint with location of source [**Entity Name – Landowner Name Irrigation Map]**

☐ Map identifying nearby protected lands **[Entity Name – Landowner Name Protected Lands Map]**

☐ Map identifying at-risk species **[Entity Name – Landowner Name At-risk Species Map]**

☐ Map identifying GSS attributes **[Entity Name – Landowner Name GSS Map]**

OPTIONAL SUPPLEMENTAL INFORMATION:

If the following items are available at the time of application, they are recommended to include but are not required. Submission of these items will streamline the acquisition process if the application is selected for funding.

☐ NRCS-CPA-1270 date 11/2020 or later **[Entity Name – Landowner Name NRCA-CPA-1270]**

☐ Legal Boundary Survey **[Entity Name – Landowner Name Legal Boundary Survey]**

☐ Phase 1 Environmental Assessment **[Entity Name – Landowner Name Phase 1]**

☐ Minerals Assessment **[Entity Name – Landowner Name Minerals Assessment]**

☐ Appraisal Report **[Entity Name – Landowner Name Appraisal Report]**

☐ Draft conservation easement deed **[Entity Name – Landowner Name Draft CE Deed]**

☐ Map for identifying development pressure or threats to conversion (1:24,000 scale) **[Entity Name – Landowner Name Development Pressure Map]**

PART II - PARCEL QUESTIONNAIRE

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

Eligible Entity Information

1. Name of Eligible Entity applying for parcel funding:

2. Eligible Entity Point of Contact [Name, Phone Number, Email]:

3. Does the Eligible Entity meet one of the following:

   ☐ Has an active, executed Program Agreement covering ACEP-ALE [must match the program selected on CPA-41A].

   ☐ Has current Fiscal Year (10/1/2027 – 9/30/2027) Entity Application already on file with NRCS.

   ☐ Is submitting an entity application with this Parcel Application.

   ☐ Does not meet any of the above. **[INELIGIBLE].**

Contact NRCS.OR.Easements@usda.gov if you are unsure of your entity eligibility / Program Agreement status

4. Do all Eligible Entity applications and all prospective co-holders have an active Unique Entity Identifier SAM Registration (UEI) obtained through SAM.gov?

   ☐ YES

   ☐ NO. Please specify and describe in 1-2 sentences [NOTE: any entity without an active SAM registration is ineligible for this program]:

Landowner Applicant Information

Basic Information

1. Provide the following information for each landowner of record (i.e., individual or legal entity subject to the deed and title). All landowners must match landowners included on the CPA-41A form.

Full Legal Name	**Farm/Ranch of Property Common Name**	**Farm Number(s)** *Farm Number(s) are located on the landowner(s) Subsidiary Print. FSA or NRCS can assist in identifying the appropriate Farm Number(s).*	**Tract Number(s)** *Tract Number(s) are located on the landowner(s) Subsidiary Print. FSA or NRCS can assist in identifying the appropriate Tract Number(s).*	**County of Property Location**	**Is a limited-resource, beginning, socially disadvantaged, or veteran farm/rancher?**

Farm Service Agency (FSA) Eligibility

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

☐ YES ☐ NO **[INELIGIBLE]**

2. Have all landowners of record, including members of legal entities, filed Form CCC-941 "Adjusted Gross Income" with FSA? [*NOTE: Landowners must complete CCC-941 with the exact name, address, and tax ID on file with the IRS. If this application is selected for funding, the AGI status must at least be in a Filed status at the time of obligation. If an AGI limitation waiver or AGI applicability waiver have been approved, you may skip this question*].

   ☐ YES ☐ NO ☐ Other: _____

3. Have all landowners of record filed or updated Form AD-1026 "Highly Erodible Land Conservation and Wetland Conservation Certification" with FSA?

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

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

   ☐ YES ☐ NO

5. Have all individuals, entities or trust landowners of record filed Form CCC-902-E or CCC-902-I (and Form CCC-901 as required) with FSA?

   ☐ YES ☐ NO **[INELIGIBLE]**

If any answers under the "Farm Service Agency (FSA) Eligibility" section are marked "NO [ineligible]" **OR** if NRCS finds upon review of the application that the answers should be marked "NO [ineligible]" **OR** if any other required FSA payment eligibility criteria for any landowner of record has not been met, **the application may be considered ineligible for program funding.** Do not apply for funding until all FSA eligibility criteria are met. All entities on the deed must be compliant per IRS when obligating federal funds to the easement acquisition and at least 90 days prior to closing the easement. Consult NRCS-OR State Office Easement Staff before you apply if you are unsure who and what should establish eligibility with FSA.

Parcel Information

Ownership & Parcel Accuracy

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

   ☐ YES ☐ NO

   If No, please describe in 1-2 sentences:

2. Did an authorized signatory for at least one landowner of record sign CPA-41A and the written pending offer? [*NOTE: obtaining all landowner signatures is preferred*].

   ☐ YES ☐ NO **[INELIGIBLE]** ☐ N/A – this is a buy-protect-sell transaction

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

   ☐ YES ☐ NO **[INELIGIBLE]**

Agricultural Operation

1. In 1-2 paragraphs, describe the current agricultural operation. 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. In 4-5 sentences, describe the parcel's long-term viability for agricultural use. This may include a description of capital investment(s) that enhance the long-term viability of the parcel, and how the conservation easement may further the investment.

3. In 3-5 sentences, describe and provide the parcel's proximity (in miles) to shipping, processing, farm market locations and other farm sales locations.

4. Indicate the type and number of grazing animals, if present on the parcel. If not applicable, write "N/A" in the space provided.

5. In 5-6 sentences, describe the development pressure from non-agricultural use and/or the conversion threats affecting the parcel and region. **Recommended** – Attach a map at a 1:24,000 scale of described pressure / threat.

6. Select the ratio of total parcel acres to be protected to the average farm size in the county for which the parcel is located according to the 2022 USDA Census of Agriculture. [*NOTE: Use USDA NASS Data in Appendix 6.*]

   ☐ Ratio of 1.0 or less

   ☐ Ratio greater than 1.0 but less than or equal to 2.0

   ☐ Ratio greater than 2.0

7. Select the percentage range that describes the decrease in the percentage of acreage of permanent grassland, pasture, and rangeland, other than cropland and woodland pasture, in the county for which the parcel is located between the 2017 and 2022 USDA Censuses of Agriculture. [*NOTE: Use USDA NASS Data in Appendix 6 or access data online at: https://www.nass.usda.gov/Publications/AgCensus/2022/Full_Report/Volume_1,_Chapter_2_County_Level/Oregon/st41_2_008_008.pdf*

   ☐ Decrease of 0% or increase

   ☐ Decrease greater than 0% but less than or equal to 5%

   ☐ Decrease greater than 5% but less than or equal to 10%

   ☐ Decrease greater than 10% but less than or equal to 15%

   ☐ Decrease greater than 15%

8. Select the percentage range that describes the decrease in the percentage of acreage of farm and ranch land in the county for which the parcel is located between the 2017 and 2022 USDA Censuses of Agriculture. [*NOTE: Use USDA NASS Data in Appendix 6 to answer question or access data online at: https://www.nass.usda.gov/Publications/AgCensus/2022/Full_Report/Census_by_State/Oregon/*].

   ☐ Decrease of 0% or increase

   ☐ Decrease greater than 0% but less than or equal to 5%

   ☐ Decrease greater than 5% but less than or equal to 10%

   ☐ Decrease greater than 10% but less than or equal to 15%

   ☐ Decrease greater than 15%

9. Select the population growth rate that best describes the percent of population growth in the county for which the parcel is located according to the 2020 U.S. Census Bureau Census for Oregon. [*NOTE: Use U.S. 2020 Census Data in Appendix 5 to answer question or access data online at: https://www.census.gov/library/stories/state-by-state/oregon.html*]

   ☐ Growth rate less than or equal to 1 times the state growth rate

   ☐ Growth rate greater than 1 but less than or equal to 2 times the state growth rate

   ☐ Growth rate greater than 2 but less than or equal to 3 times the state growth rate

   ☐ Growth rate greater than 3 times the state growth rate

10. Select the population density (population per square mile) that best describes the population density in the county for which the parcel is located according to the 2020 U.S. Census Bureau Census for Oregon. [*NOTE: Use U.S. 2020 Census Data in Appendix 5 to answer question or access data online at: https://www.census.gov/library/stories/state-by-state/oregon.html*]

    ☐ Population density less than or equal to 1 times the state population density

    ☐ Population density greater than 1 but less than or equal to 2 times the state population density

    ☐ Population density greater than 2 but less than or equal to 3 times the state population density

    ☐ Population density greater than 3 times the state population density

11. Does the offered parcel have a succession plan? If yes, is the plan 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

12. Select the proximity of the proposed easement area to other agricultural operations and agricultural infrastructure.

    ☐ Parcel boundary adjoins

    ☐ Parcel is less than or equal to 1 mile in proximity

    ☐ Parcel is greater than 1 mile but less than or equal to 3 miles in proximity

    ☐ Parcel is greater than 3 miles in proximity

13. Select the parcels' proximity to other protected land**. Include a map that identifies nearby protected lands.** This includes: compatible military installations; land owned in fee title by the United States or an Indian Tribe, State or local government, or by a nongovernmental organization whose purpose is to protect agricultural use and related conservation values; or land that is already subject to an easement or deed restriction that limits the conversion of the land to nonagricultural use or protects grazing uses and related conservation values; or lands adjacent to easements held by United States.

    ☐ Parcel boundary adjoins

    ☐ Parcel is less than or equal to 1 mile in proximity

    ☐ Parcel is greater than 1 mile but less than or equal to 2 miles in proximity

    ☐ Parcel is greater than 2 miles but less than 5 miles in proximity

    ☐ Parcel is greater than 5 miles in proximity

14. Select the most appropriate item that describes the parcel's ability to enhance the protection of contiguous or proximal agricultural lands.

    ☐ Parcel links two noncontiguous corridors of protected agricultural use.

    ☐ Parcel is a contiguous or proximal expansion of agricultural use protected area.

    ☐ Neither of the above

15. Is the proposed easement area within 3 miles of an Oregon population center? NOTE: Use the Oregon Incorporated Cities and Census Designated Places (CDP) data and measure distance to nearest City or CDP.

    ☐ Yes ☐ No

16. Does the landowner currently work with or have they previously worked with NRCS for the parcel being offered?

    ☐ Yes ☐ No

17. If yes and known, please describe in 1-2 sentences noting specific programs, and clarify if participation is current or in the past:

18. If the parcel or any portion of the parcel is grassland and currently enrolled in the Conservation Reserve Program (CRP), will the contract expire within one year of the ACEP-ALE application submittal date?

    ☐ Yes ☐ No ☐ N/A

19. Per the 2018 Farm Bill, an Agricultural Land Easement Plan (ALEP) is only required if the parcel contains Highly Erodible Cropland (HEL). If the parcel does not contain highly erodible cropland, the development of an ALEP that includes a general agricultural land easement plan, a grassland management plan, or a forest land management plan is **not required** unless agreed to by the eligible entity. Will the landowner and eligible entity elect to complete any of the following plans for the parcel if funded? Select all that apply.

    ☐ Basic Agricultural Land Easement Plan (ALEP)

    ☐ Forest Management Plan

    ☐ Grassland Management Plan

    ☐ Other: _____

    ☐ None

Land Eligibility

Land Eligibility Categories

Select the category for the offered parcel that best meets the goals of the landowner and entity applicants. The category selected must match the category selected on the CPA-41A. Note that each category has different eligibility and may have different deed term requirements associated. Once you select the category, please complete the sub-section below for that selected category. *Additionally, please see the Historical / Archaeological sub-section for further information and complete if applicable for this application.*

☐ Has Prime, Unique, or Other Productive Soils

☐ 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

Prime, unique, or other productive soils

Only complete this sub-section if you selected "Has Prime, Unique, or Other Productive Soils" on the CPA- 41A and above. To be eligible for this category, at least 50% of the parcel must contain "prime," "prime if," "unique," or "statewide or locally important" soil on the Web Soil Survey's Farmland Classification report. Refer to Appendix 4 for instructions on how to use the Web Soil Survey. **Once complete, skip to the Land Use section on page 22.**

1. According to the Farmland Classification Map, what is the total percentage of "prime," "prime if," "unique," or "statewide or locally important" soils present?

   _____ %

2. Select the eligible farmland classification(s) for the parcel:

   ☐ Prime

   ☐ Prime if irrigated

   ☐ Prime if drained

   ☐ Statewide or locally important

   ☐ Unique

3. If the farmland classification is "Prime if irrigated" OR "Prime if drained" describe in 1-2 sentences how the soils are actively irrigated/drained as demonstrated in the Water Availability section of the Web Soil Survey. Please submit a map with the application showing where irrigation/drainage occurs. If not applicable, write "N/A' in the space provided.

Historical or archaeological resources

Complete this sub-section if you selected "Contains Historical or Archaeological Resources" on CPA- 41A **AND / OR** if you would like the application to be considered for ranking points for the presence of historical or archaeological resources. To be eligible or to earn ranking points for this category, the parcel must be recognized as containing historical or archaeological resources by either the National Register of Historic Places or the State or Tribal register. Provide a map identifying location, number, and acres of historical/archaeological sites.

NOTE - If the parcel is determined eligible for this category AND / OR ranking points are awarded and the parcel is approved for funding, the easement deed must (per Title 440 M Part 528.33B(2)):

- Address the protection of the historical or archaeological resources as required by Secretary of the Interior's "Standards for the Treatment of Historic Properties," and
- Identify at least one grantee or a third party with designated monitoring responsibilities that has experience in managing, monitoring, and enforcing historical or archaeological resources.

Once complete, skip to the Land Use section on page 22.

1. Please select the following that applies to this application:

   ☐ This application is for the historical and archaeological resources eligibility category. We request NRCS to assess this application for eligibility and ranking.

   ☐ This application is **not for** the historical and archaeological resources eligibility category. **However**, **we request** NRCS to consider awarding ranking points for the presence of historical or archaeological resources.

   ☐ Neither of the above – This application is **not for** the historical and archaeological resources eligibility category, we **do not** request NRCS to consider awarding ranking points for the presence of historical or archaeological resources, **or** there is no presence of historical or archaeological resources.

2. If this application is for the historical and archaeological resources eligibility category **AND / OR** if you request NRCS to consider awarding ranking criteria for the presence of historical or archaeological resources, please acknowledge the following:

   ☐ I will provide complete and accurate information as requested in this section, including the attached required documentation.

   ☐ I understand and have informed the landowner(s) of the required easement deed terms associated with historical or archaeological resources.

3. The parcel meets one or more of the following (select all that apply):

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

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

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

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

4. What evidence supports the criterion/ia selected for question #3 above? Please submit a copy of the supporting evidence with the application.

5. In 3-4 sentences, describe the site's significance.

6. If the parcel is determined eligible for this category and is approved for funding, the easement deed must address the protection of the historical or archaeological resources as required by Secretary of the Interior's "Standards for the Treatment of Historic Properties." In 3-4 sentences, describe how the easement deed will address the protection of historical and/or archaeological resources.

7. Identify at least one grantee or third-party to the deed that will have designated monitoring responsibilities that has experience in managing, monitoring, and enforcing historical or archaeological resources.

Protects grazing uses and related conservation values

Only complete this sub-section if you selected "Protects Grazing Uses and Related Conservation Values" on CPA-41A. To be eligible for this category, upon enrollment the parcel must result in the protection of grazing uses and the related conservation values by restoring or conserving grassland, rangeland, pastureland, forb/shrubland land, or land located in an area historically dominated by grassland, forbs, or shrubland. Once complete, skip to the Land Use section on page 22. [*NOTE: Technical and financial assistance funding for restoration is not available under ACEP-ALE.* ***If the parcel contains grassland of special environmental significance, please, also complete the section on page 32-33 of this application packet***.

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

   ☐ Grassland

   ☐ Rangeland

   ☐ Pastureland

   ☐ Land that contains forbs

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

   ☐ Non-industrial private forestland

   ☐ None. Select a different land eligibility category

2. What is the percentage of grazing land on the parcel to be protected?

   _____ %

A parcel enrolled under the "Protects Grazing Uses and Related Conservation Values" land eligibility category is considered a grassland enrollment for the purposes of the NRCS Minimum Deed Terms. This applies to grassland parcels enrolled in ALE Classic (i.e., non-GSS grassland enrollments). Generally, the grassland deed terms limit:

- **Total area of crop production allowed**
- **Grassland uses of the protected property**

Please see the "ACEP-ALE Minimum Deed Terms with Commentary" from American Farmland Trust for details.

3. Are the eligible entity and landowner(s) prepared to accept the restrictions and limitations of a grassland enrollment as described in the February 2020 Minimum Deed Terms or applicable RCPP Minimum Deed Terms?

   ☐ Yes ☐ No. Select a different land eligibility category.

4. In 4-5 sentences, describe how the easement deed will address the protection of the grazing uses and associated conservation values.

5. In 4-5 sentences, describe how the current and planned activities of the agricultural operation further the protection of the grazing uses and related conservation values.

Furthers a State or Local Government policy

Only complete this sub-section if you selected "Furthers a State or Local Government Policy consistent with the purposes of the ACEP" on CPA-41A. To be eligible for this category, the State or local policy must be consistent with the purposes of ACEP-ALE and the protection of such land must further the State or local policy. Once complete, skip to the Land Use section on page 22.

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

2. What State or local policy does enrollment of the parcel further? Please submit a copy of the applicable pages of the policy with the application.

3. Please indicate the applicable policy citation(s).

4. Describe how each policy citation is consistent with the purposes of ACEP-ALE.

5. In 2-3 sentences, describe how preservation of the parcel furthers the policy identified in question #2 above.

6. In 4-5 sentences, describe how the easement deed will address the policies of the identified plan.

Land Use/Cover

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

   ☐ Cropland

   ☐ Rangeland

   ☐ Pastureland

   ☐ Grassland or land that contains forbs

   ☐ Shrubland for which grazing is the predominant use

   ☐ Land is 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 parcel or serves as a buffer to protect such land from development

2. What is the percent of cropland, pastureland, grassland, rangeland, historic grassland, and/or non-industrial private forestland in the proposed easement area to be protected?

   _____ %

3. If "non-industrial private forest land" was selected as a land use type, describe in 3-4 sentences how that land contributes to the economic viability of the offered easement area or serves as a buffer to protect such land from development. If this land use type was not selected, write "N/A" in the space provided.

4. If "non-industrial private forest land" was selected as a land use type, indicate the percent of nonindustrial private forest land that covers the parcel. If this land use type was not selected, write "N/A" in the space provided. [*NOTE: If the non-industrial private forest land exceeds two-thirds of contiguous portions of the offered easement area, the parcel is ineligible per Title 440.528.33(C)(2)(a)) without a waiver request. A waiver request must be submitted with the application*].

   _____ %

5. If “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” was selected as a land use type, describe in 3-4 sentences how the land is compatible with grazing uses and related conservation values. If this land type was not selected, write “N/A” in the space provided.

6. If “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” was selected as a land use type, describe in 3-4 sentences whether the vegetative communities historically found on the site have been restored OR if the applicant has a plan for restoration that occurs prior to the easement closing. If this land type was not selected, write “N/A” in the space provided.

7. If “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” was selected as a land use type, please indicate if any of the following apply:

   ☐ The land could or does provide habitat for animal or plant populations of significant ecological value if the land is retained in grazing uses and related conservation values

   ☐ The land enrolled would address State, regional, or national conservation priorities.

   ☐ Neither apply

   Describe your answer in 1-2 sentences:

8. Is the parcel zoned for agricultural use?

   ☐ Yes ☐ No

   Describe your answer in 1-2 sentences (if applicable, include zoning classification and evidence to support zoning classification):

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

   ☐ Yes ☐ No

   If yes, describe in 1-2 sentences and submit a copy of the restriction document with the application

Access

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

   ☐ Yes – direct access from a public roadway.

   ☐ Yes – over and across private lands.

   ☐ No – However, the land is accessible by Forest Service Road(s) or Bureau of Land Management Road(s). This application includes the documentation required to request for alternative legal access approval as described in Title 440 M Part 528.62B. [*NOTE: If you need assistance with understanding alternative legal access, please contact the NRCS Oregon State Office Easement Staff. NRCS recommends to contact local BLM or USFS staff, as access may require permits (linked). If any roads are not accessible in perpetuity, the parcel is ineligible*].

   ☐ No. There is no legal or physical access to the land. [Ineligible]

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

Water availability

1. Does the landowner hold water rights associated with the parcel?

   ☐ Yes – total cfs: _____ ☐ No

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

   ☐ Yes – total cfs conveyed: _____ ☐ No

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

   ☐ Yes ☐ No ☐ N/A.

4. In 2-3 sentences, describe how the conveyance or lack of conveyance of water rights with the conservation easement will affect the conservation values of the parcel.

5. Is the parcel irrigated?

   ☐ Yes ☐ No

6. Is there an adequate water distribution system on the parcel to support effective and sustainable grazing uses?

   ☐ Yes ☐ No ☐ N/A.

7. If the land is grazed or will be grazed, in 2-3 sentences, describe the water distribution system supporting grazing. If not applicable, write "N/A" in the space provided.

At-risk and Priority species

In Oregon, parcels may receive ranking points for at-risk species habitat presence. 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 USFWS designated critical habitat. Such habitat must be located within 1 mile of the parcel to earn ranking points. The onsite agricultural operation may not have a negative effect on the species or habitat as determined by NRCS.

1. What is the proximity of the parcel to USFWS Designated Critical Habitat for Threatened and Endangered Species (https://fws.maps.arcgis.com/home/webmap/viewer.html?webmap=9d8de5e265ad4fe09893cf75b8dbfb77 – *you may need to enter this link twice into your web browser*)?

   ☐ Within 1/2 mile

   ☐ Between 1/2 mile and 1 mile

   ☐ Greater than 1 mile

2. Parcels may earn ranking points for Sage Grouse habitat presence. Is the parcel partially or wholly within the 2023 ODFW Sage Grouse Habitat Map (core or low-density) (https://nrimp.dfw.state.or.us/DataClearinghouse/default.aspx?p=202&XMLname=42763.xml)?

   ☐ Yes ☐ No

   If answered yes above, does the parcel provide beneficial habitat for Sage Grouse? Please use the space to describe, for example, the habitat present for Sage Grouse, if there are known or documented occurrences of Sage Grouse on the parcel, how the parcel is managed or will be managed/restored to provide habitat for Sage Grouse. Please provide documentation, if available, to support information provided in this section.

3. Parcels may earn ranking points for Oak habitat presence. Is the parcel partially or wholly within the OWEB Focused Investment Priority – Oak Woodland and Prairie Habitat map (https://geo.maps.arcgis.com/home/item.html?id=67496bd24ff54c1a9a18859a80b8fcb2)?

   ☐ Yes ☐ No

   If answered yes above, does the parcel contain Oak habitat? This could include Oak forest, woodland, savanna, upland prairie and wet prairie. Please use the space to describe, for example, Oak habitat presence, if there are known or documented occurrences of legacy Oaks, and how the parcel is managed or will be managed/restored to provide habitat for Oak. Please provide documentation, if available, to support information provided in this section.

Sub-surface/Mineral rights

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

   ☐ Yes ☐ No

2. Will the landowner's discretion with respect to third-party mineral rights be limited as described in the February 2020 NRCS Minimum Deed Terms or applicable RCPP Minimum Deed Terms?

   ☐ Yes ☐ No ☐ N/A.

3. In 1-2 sentences, describe any sub-surface/mineral rights subject to recorded or unrecorded leases. If not applicable, write "N/A" in the space provided.

4. Will a mineral remoteness assessment or equivalent be developed for the parcel?

   ☐ Yes ☐ No ☐ N/A.

5. Describe the circumstances of the mineral estate. Include any past or current activity and whether there is risk to the parcel from exploration and development activities under the subsurface estate.

Title and on- or off-site conditions

Unacceptable title exceptions and/or potentially adverse on or off-site conditions may render a parcel ineligible for ACEP-ALE. This can occur before or after a parcel is selected for funding and a contract is executed. It is best to review title exceptions early and compare with the NRCS Title Exceptions Guide to understand actions needed for certain exceptions.

Additionally, unless a Full Phase-1 Environmental Review is completed and submitted by the Entity with an application, NRCS will complete an onsite Limited Phase-1 Environmental Review of the parcel. If adverse conditions are discovered during that review or prior to the closing easement, a parcel may be ineligible. If the Limited Phase-1 results in a recommendation for a Phase 2 Environmental Review, the parcel is ineligible.

1. Describe any identified exceptions to title coverage. If not applicable, write “N/A” in the space provided.

2. Describe any unrecorded exceptions to title coverage, leases, or other unrecorded use of the parcel. This includes written and verbal leases. If not applicable, write “N/A” in the space provided.

3. Describe any hazardous material present on or nearby the parcel. If not applicable, write “N/A” in the space provided.

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

5. Will the entity complete a limited or full phase-I environmental assessment of the parcel before closing the easement?

   ☐ Yes ☐ No

Impervious surface

1. How much impervious surface is present on the parcel? [*NOTE: An estimate of the percent impervious surface may be obtained through measuring the surface area on an aerial photo or other mapping means. Per Title 440 Part 528.60(F), NRCS defines impervious surface as material that does not allow water to percolate into the soil on the parcel; 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*].

   ☐ Less than or equal to 2% of total acres.

   ☐ Greater than 2% of the total acres. Parcels with more than 2% impervious surface are ineligible unless a waiver is granted. NRCS will review using the Impervious Surface Waiver Determination as located in Title 440 Part 528 Subpart U Section 212 Item B (accessible via eDirectives – table of contents for ACEP Manual).

Building envelopes

1. Will the landowner reserve any building rights on the parcel or are there any existing building envelopes on the parcel?

   ☐ Yes ☐ No

   If yes, briefly describe why the building rights and associated building envelope are necessary to support the conservation values:

   If yes, provide a map identifying current and/or proposed building envelopes, showing the existing or proposed access to each.

2. Does the landowner understand that any changes to the building envelope after obligation of funds are subject to NRCS approval?

   ☐ Yes ☐ No ☐ N/A.

Subdivision

Per the ACEP-ALE 2020 Minimum Deed Terms, there are 3 options available for Subdivision

Option 1: Prohibition of subdivision [**PREFERRED**].

Option 2: Allowance of subdivision prior to easement closing. This option requires the number, location, and boundaries of parcels to be pre-approved by NRCS prior to easement closing. Deviations from the boundaries will not be allowed thereafter. Each subdivided parcel must meet all ACEP-ALE land eligibility requirements on their own.

Option 3: Allowance of subdivision after easement closing. This option requires the number of parcels to be identified and pre-approved by NRCS prior to closing the easement, but the locations and boundary can be identified after closing. The Chief of NRCS must approve the location and boundaries of each subdivision after closing. Each subdivided parcel must: a) Meet all ACEP-ALE land eligibility requirements on its own b) be utilized for agricultural operations and c) must not be below the median farm size in the county or parish as determined by the most recent USDA-NASS Census.

Under Options 2 and 3, applicants are advised to submit individual parcel applications for each proposed subdivision if the landowner would like to retain subdivision rights. If not submitted as separate parcel applications, NRCS will review the application and, if eligible, may require the application to be enrolled as separate easements. Doing so can reduce long-term risk relating to easement violations. For example, an entity applies for and holds two easements on a subdivided parcel: one on Parcel A and one on Parcel B. Parcel A landowner commits a violation; only Parcel A would be subject to remediation. However, if entity applies for and holds one easement for subdivided Parcel A and Parcel B, a violation on Parcel A may constitute a violation on Parcel B even if only Parcel A landowner committed the violation.

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 parcel? [*NOTE: If yes, 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 must be submitted for each division*].

   ☐ Yes. Additional required maps are included with the application as stated above.

   ☐ No

2. If yes above, select the subdivision option for this application:

   ☐ Option 2

   ☐ Option 3

3. If the right to subdivide is retained, describe how each division will meet the selected land eligibility category (page 16-21). If not applicable, write “N/A” in the space provided.

Minimum Deed Terms

1. Does the eligible entity accept the NRCS Minimum Deed Terms (MDT) for the transaction type?

   ☐ Yes ☐ No **[INELIGIBLE]**

2. Does the landowner accept the NRCS Minimum Deed Terms (MDT) for the transaction type?

   ☐ Yes ☐ No **[INELIGIBLE]**

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

   ☐ Attach - ALE Minimum Deed Terms will be attached verbatim as an Addendum to the Conservation Easement Deed [**PREFERRED**]

   ☐ Incorporate - ALE Minimum Deed Terms will be incorporated into the Conservation Easement Deed

   ☐ Template - ALE Minimum Deed Terms addressed in an NRCS NHQ-Approved Template Deed

   ☐ Other: _____

Entity Performance

In FY27, there are ranking criteria associated with Entity closing efficiency. Closing efficiency is evaluated by determining the average time to close all ACEP-ALE, FRPP, or FRP funded conservation easement over the most recent 5-year period. If, on average, such easements are closed within 24 months of obligation, applications will earn ranking points. Closing efficiency is also an eligibility criterion for Entity Certification for the ACEP-ALE program. More information about Entity Certification is available in Title 440 M Part 528 Subpart H – ACEP-ALE Eligible Entity Certification and the Land Trust Alliance ACEP-ALE Toolkit.

In FY27, there are ranking criteria associated with Entity monitoring performance. Ranking points are awarded to Entities that monitor and submit a report to NRCS for at least 95% of their easements over the most recent 5-year period.

If you have questions about your Entity's closing efficiency or monitoring performance, please contact the NRCS Oregon State Office Easement Staff: NRCS.OR.Easements@usda.gov

ACEP-ALE Grasslands of Special Environmental Significance (GSS) Specific Questions

Only complete this section if you are applying for ACEP-ALE Grasslands of Special Environmental Significance. 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.) Land 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, or rangeland, or wet meadows.

B.) Land provides or could provide at least one of the following:
   a. Habitat for threatened, endangered, or at-risk species
   b. Protects sensitive or declining native prairie or grassland types or grasslands buffering wetlands
   c. Provides protection of highly sensitive natural resources as identified by the State conservationist, in consultation with the State technical committee.

To ensure parcels are aligned with the GSS definition above, NRCS-OR has further specified the following qualifications:

- Little or no noxious or invasive species are not to exceed 10% of the easement area offered.
- Forestland acres are generally not eligible. Pine encroachment and invasive Juniper are not to exceed 5% of the offered easement area on parcels located in Eastern Oregon (Deschutes, High Desert, John Day/Umatilla, and Snake River Basins). Oak presence on savanna is not to exceed 20% of the offered easement area on parcels located in Western Oregon (North Coast, Lower Willamette, Central Coast/Upper Willamette, and Southwest Oregon Basins).

1. Identify and describe the specific GSS attributes identified for the offered easement area (e.g., land cover, vegetation present, habitat type and/or focal species benefiting from grazing management and permanent protection of land). **Please attach a map that identifies the GSS areas of the easement area offered.**

2. Based on the map provided above, what is the percent of land within the offered easement area that may qualify for GSS?

   _____ %

3. Select the related habitat criteria that the offered easement area provides or could provide:

   ☐ Habitat for at-risk, threatened, or endangered species

   ☐ Protects sensitive or declining native prairies, grassland types, or grasslands buffering wetlands

   ☐ Provides protection of highly sensitive natural resources as identified by the State conservationist, in consultation with the State technical committee.

   Please use the space below to further describe the selected answer:

4. What is the percent of rangeland, pastureland, land that contains forbs or shrubs to be protected that is currently devoted to grazing uses within the offered easement area?

   _____ %

5. What is the percent of the easement offered area that is improved or naturalized pasture? Improved or naturalized pasture is defined as grazing land permanently producing naturalized forage species that receives varying degrees of periodic cultural treatment to enhance forage quality and yields and is primarily harvested by grazing animals.

   _____ %

6. To help identify land that may be eligible for GSS, NRCS-OR produced a map of GSS Priority Areas. Using the map data available on the NRCS-OR ACEP-ALE webpage, what is the percent of the offered easement area that falls withing NRCS-OR GSS Priority Area Map?

   _____ %

7. Is any part of the parcel tilled, or will any part of the parcel be tilled?

   ☐ Yes

   ☐ No

8. Describe how the easement deed will address the protection of the grazing uses, specific GSS attributes, and associated conservation values. If applicable, state the species whose populations are in significant decline. Highlight any specific requirements described in the minimum deed terms that will directly address such values or support population recovery.

Certification Statement

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

Eligible Entity Signature (E-signature not accepted) Date

Name and Title Printed

PART III: APPENDICIES

DO NOT INCLUDE APPENDIX SECTIONS IN THE SUBMISSION OF YOUR APPLICATION. APPENDICES ARE FOR INFORMATIONAL USE ONLY

Appendix 1: Definitions

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

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

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 ALE plan.

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

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

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

At-risk species: Any plant or animal species listed as threatened or endangered; proposed or candidate for listing under the Endangered Species Act; a species listed as threatened or endangered under State law or Tribal law on Tribal land; State or Tribal land species of conservation concern; or other plant or animal species or community, as determined by the State conservationist, with advice from the State technical committee or

Tribal conservation advisory council, that has undergone, or is likely to undergo, population decline and may become imperiled without direct intervention.

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

i. Has not operated a farm or ranch or nonindustrial private forest land (NIPF), or who has operated a farm or ranch or NIPF for not more than 10 consecutive years. This requirement applies to all members of an entity who will materially and substantially participate in the operation of the farm or ranch or NIPF.
ii. In the case of an individual, individually or with the immediate family, material and substantial participation requires that the individual provide substantial day-to-day labor and management of the farm or ranch consistent with the practices in the county or State where the farm is located.
iii. In the case of a legal entity or joint operation, all members must materially and substantially participate in the operation of the farm or ranch. Material and substantial participation requires that each of the members provide some amount of the management or labor and management necessary for day-to-day activities, such that if each of the members did not provide these inputs, operation of the farm or ranch would be seriously impaired.

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

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

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

CCC-941, Average Adjusted Gross Income form: A form administered by the USDA Farm Service Agency (FSA) that NRCS uses to in part determine eligibility for ACEP-ALE and other programs. 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. Landowners should address this immediately to avoid delays in processing this application. If the landowner is an entity, additional forms may be needed by FSA to verify AGI status at the individual level—e.g., “CCC-901” or “CCC-902E.” Check with FSA.

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 coholder is required to maintain an active DUNS and SAM registration and must agree to and comply with the terms of the ALE agreement. A co-holder may not receive direct payment of the Federal share provided by NRCS but is considered a beneficiary of the Federal funds. All prospective co-holders must be listed on the CPA-41.

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

Cropland: An official NRCS land use from the National Planning Procedures Handbook. It is land used primarily for the production and harvest of annual or perennial 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 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 parcel or serves as a buffer to protect such land from development and does not consist of more than two-thirds of contiguous portions of the offered area (unless a waiver is granted). If using this land cover or use category, the land is considered at least 10-percent stocked by single-stemmed woody species of any size that will be at least 13-feet tall at maturity and/or there is land-bearing evidence of natural regeneration of tree cover (cutover forest or abandoned farmland) that is not currently developed for non-forest use. 10 percent stocked, when viewed from a vertical direction, equates to an aerial canopy cover of leaves and branches of 25 percent or greater. The minimum area for classification as forest land is 1 acre, and the area must be at least 100 feet wide. It should be noted that ACEP-ALE considers land covered by trees as cropland when the trees are not native species (orange groves, fruit and nut tree orchards) or native species that are cultivated (planted in rows, fertilized, and cultivated).

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

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

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

Grassland: Land on which the vegetation is dominated by 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 meet both of the following —

- Is rangeland, pastureland, shrubland, or wet meadows on which the vegetation is dominated by native grasses, grass-like plants, shrubs, or forbs, or is improved, naturalized pastureland, rangeland, or wet meadows.
- Provides, or could provide, habitat for threatened or endangered species or at-risk species, protects sensitive or declining native prairie or grassland types or grasslands buffering wetlands, or provides protection of highly sensitive natural resources as identified by the State conservationist, in consultation with the State technical committee.

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

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

i. Listed in the National Register of Historic Places (established under the National Historic Preservation Act (NHPA), 54 U.S.C. Section 300101 et seq.).
ii. Formally determined eligible for listing in the National Register of Historic Places (by the State historic preservation officer (SHPO) or Tribal historic preservation officer (THPO) and the Keeper of the National Register in accordance with section 106 of the NHPA.
iii. Formally listed in the State or Tribal register of historic places of the SHPO (designated under section 101(b)(1)(B) of the NHPA) or the THPO (designated under section 101(d)(1)(C) of the NHPA).
iv. Included in the SHPO or THPO inventory with written justification as to why it meets National Register of Historic Places criteria.

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

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

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

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

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

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

i. Owns land or an agricultural commodity, product, or livestock
ii. Produces an agricultural commodity, product, or livestock

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

i. A person who meets both of the following criteria:
    a. With direct or indirect gross farm sales not more than the current indexed value in each of the previous 2 fiscal years (adjusted for inflation using Prices Paid by Farmer Index as compiled by National Agricultural Statistical Service)
    b. Has a total household income at or below the national poverty level for a family of four, or less than 50 percent of county median household income in each of the previous 2 years (to be determined annually using the U.S. Department of Commerce Data)
ii. A legal entity or joint operation if all individual members independently qualify under paragraph (i) above.

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

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

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

Pending offer: A pending offer is a written bid, contract, or option to convey a conservation easement for any of the four land eligibility categories allowable under ACEP-ALE. A written pending offer may take the form of a

signed option-to-purchase agreement or other type of purchasing agreement, a letter of intent to sell the easement, an offer letter from the landowner to the eligible entity, or other similar documentation. A pending offer may document a landowner's intent to sell the easement without a commitment to a purchase price as many offers are made before the appraisals are completed. The offer must be for the acquisition of an agricultural conservation easement in perpetuity, or for the maximum duration allowed under State law. The written pending offer may be extended by the eligible entity to the landowner to acquire the conservation easement or may be from the landowner to the eligible entity to sell the conservation easement.

Prime farmland: As identified on Web Soil Survey or in the Field Office Technical Guide. Land that has the best combination of physical and chemical characteristics for producing food, feed, fiber, forage, oilseed, and other agricultural crops with minimum inputs of fuel, fertilizer, pesticides, and labor, without intolerable soil erosion, as determined by NRCS. Soils that are prime if irrigated or prime if drained may be considered to meet this eligibility criterion if they are currently in the condition required to be prime and the management and maintenance of the necessary irrigation or drainage rights and capabilities are addressed in the conservation easement deed, baseline documentation report, and as applicable, the agricultural land easement plan.

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

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

i. Grassland, rangeland, pastureland, land that contains forbs, or shrubland for which grazing is the predominant use.
ii. Located in an area historically dominated by grassland, forbs, or shrubland, and the State conservationist, with advice from the State technical committee, determines to be compatible with grazing uses and related conservation values, and the grassland, forb, or shrubland vegetative communities historically found on the site have been restored or the eligible entity has a valid, funded plan for the restoration of such vegetative communities in place prior to closing, and either of the following apply to the enrollment of such land:
    a. Could or does provide habitat for animal or plant populations of significant ecological value if the land is retained in grazing uses and related conservation values
    b. Would address State, regional, or national conservation priorities

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

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

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

Unique Farmland: As identified on Web Soil Survey or in the Field Office Technical Guide. Land other than prime farmland that is used 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 Parts 657 and 658.

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

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

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

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

Appendix 2: Cost Share Match Requirements for 2018 Farm Bill Enrollments

General Information:

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

Federal Share vs. Non-Federal Share

Table 1. Federal and Non-Federal Share Requirements

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

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

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

Non-Federal Share Requirements

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

1. The *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 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 not listed here, the procured cost is not acceptable for the Non-Federal Share. If the cost of any one of the items listed below is counted toward the Non-Federal Share, the report or service *must* meet the standards or 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-1 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). Any amount over 2% will not be counted.

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%

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

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

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

Appendix 3: Description of Application Forms

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

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

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

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

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

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

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

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

Appendix 4: Web Soil Survey Instructions

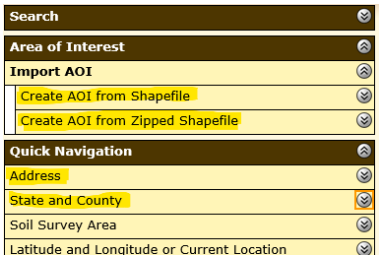
This document provides instructions for accessing Web Soil Survey (WSS) to obtain proper documentation for ACEP-ALE applications. Included are instructions for general access to the website and creation of a farmland classification (prime soils) map and table as required for the Prime Soils land eligibility category.

General Access Instructions

1. Visit http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm. If this link does not work, visit the NRCS home page (https://www.nrcs.usda.gov/), select "Conservation Basics," select "Soils," select "Soil Apps Tools," and select "Web Soil Survey."

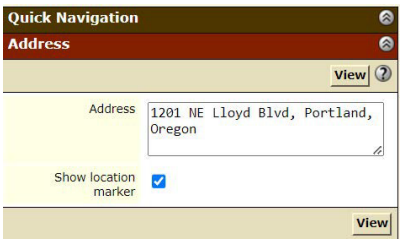
2. Select the big green button, "START WSS."

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



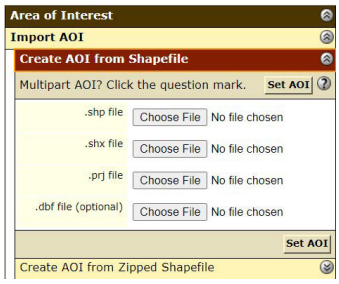
4. Enter the address for the parcel (Option A), select "Oregon" and the county where the parcel is located (Option B), or import your singular or multi-part shapefiles (Option C). See next step for specific instructions.

Option A



Option B

Option C



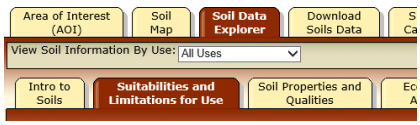
5. Option A and B: After entering the parcel address or selecting the parcel's county/state and selecting "View," use the icons on the "Area of Interest Interactive Map" to zoom or pan to the parcel. Use the AOI ("Area of Interest") buttons to draw the boundaries of the parcel using single clicks. Double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

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

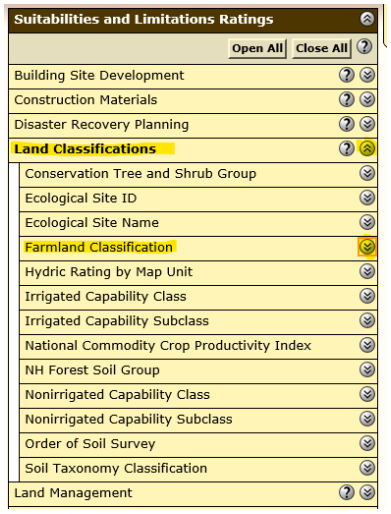
Note: Using any option, the boundaries must match all other maps provided in the application package. Any polygons created must be for the entire parcel offered area. If there are planned subdivisions or non- contiguous parcels, this process must be repeated for each area.

Farmland Classification Instructions (a.k.a., “prime soils”)

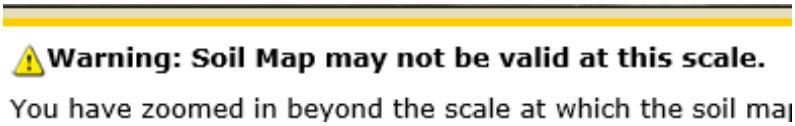
1. Follow “General Access Instructions.”
2. Select the “Soil Data Explorer” tab near the top of the page. Then, select the “Suitabilities and Limitations for Use” sub-tab.



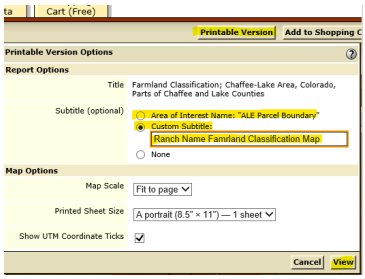
3. On the left of the page, find “Land Classifications” in the list and select the two down arrows to expand. Once expanded, select the two down arrows next to “Farmland Classification” to expand.



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



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



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

Appendix 5: U.S. 2020 Census Data

Under the Agricultural Operation sub-section of the Parcel Questionnaire, use the following table to answer questions 9 and 10. For question 9, simply look up the County Growth Rate Comparison in the column on the table below for the county of interest and select the answer accordingly. For question 10, simply look up the County Population Density Comparison in the column on the table below for the county of interest and select the answer accordingly. Census data may be accessed online at: https://www.census.gov/library/stories/state-by-state/oregon.html

	GROWTH RATE (%)	County Growth Rate Comparison to State (County GR / State GR)	POPULATION DENSITY (Population per square mile, 2020)	County Population Density Comparison to State
Oregon	**10.6**	Intentionally left blank	**44.1**	Intentionally left blank
COUNTY	Intentionally left blank	Intentionally left blank	Intentionally left blank	Intentionally left blank
BAKER	3.3	0.31	5.4	0.12
BENTON	11.2	1.06	141	3.20
CLACKAMAS	12.1	1.14	225.3	5.11
CLATSOP	10.9	1.03	49.6	1.12
COLUMBIA	6.6	0.62	79.8	1.81
COOS	3.0	0.28	40.7	0.92
CROOK	17.9	1.69	8.3	0.19
CURRY	4.8	0.45	14.4	0.33
DESCHUTES	25.7	2.42	65.7	1.49
DOUGLAS	3.3	0.31	22.1	0.50
GILLIAM	6.6	0.62	1.7	0.04
GRANT	-2.8	-0.26	1.6	0.04
HARNEY	1.0	0.09	0.7	0.02
HOOD RIVER	7.3	0.69	45.9	1.04
JACKSON	9.9	0.93	80.2	1.82
JEFFERSON	12.8	1.21	13.8	0.31
JOSEPHINE	6.5	0.61	53.8	1.22
KLAMATH	4.6	0.43	11.7	0.27
LAKE	3.4	0.32	1	0.02
LANE	8.9	0.84	84.1	1.91
LINCOLN	9.5	0.90	51.4	1.17
LINN	10.2	0.96	56.2	1.27
MALHEUR	0.8	0.08	3.2	0.07
MARION	9.7	0.92	292.9	6.64
MORROW	9.1	0.86	6	0.14
MULTNOMAH	10.9	1.03	1891.2	42.88
POLK	16.0	1.51	118	2.68
SHERMAN	5.9	0.56	2.3	0.05
TILLAMOOK	8.5	0.80	24.8	0.56
UMATILLA	5.5	0.52	24.9	0.56
UNION	1.7	0.16	12.9	0.29
WALLOWA	5.5	0.52	2.3	0.05
WASCO	5.8	0.55	11.2	0.25
WASHINGTON	13.3	1.25	828.9	18.80
WHEELER	0.7	0.07	0.8	0.02
YAMHILL	8.6	0.81	150.5	3.41

Appendix 6: Census of Agriculture Data – USDA National Agricultural Statistics Service

Under the Agricultural Operation sub-section of the Parcel Questionnaire, use the following table to answer questions 6, 7 and 8. For question 6, divide the total parcel acres for your proposed project by the average farm size indicated in the "Question 6" column on the table below for the county of interest. For question 7, simply look up the % change indicated in the "Question 7" column on the table below for the county of interest. For question 8, simply look up the % change indicated in the "Question 8" column on the table below for the county of interest.

County	2017 Land in Farms	2022 Land in Farms	Question 8 % Change	2017 Permanent Pasture	2022 Permanent Pasture	Question 7 % Change	Question 6 Avg Farm Size
BAKER	754,585	915,529	21.3%	542,745	665,002	22.5%	1,354
BENTON	127,626	97,598	-23.5%	11,950	11,184	-6.4%	98
CLACKAMAS	157,426	157,937	0.3%	25,517	29,355	15.0%	38
CLATSOP	15,070	18,471	22.6%	5,790	4,727	-18.4%	88
COLUMBIA	43,379	49,276	13.6%	13,097	11,740	-10.4%	68
COOS	138,171	133,255	-3.6%	46,190	51,050	10.5%	245
CROOK	799,845	832,845	4.1%	681,491	696,328	2.2%	1,368
CURRY	70,338	44,734	-36.4%	36,468	20,434	-44.0%	265
DESCHUTES	134,600	153,000	13.7%	76,902	95,995	24.8%	97
DOUGLAS	400,179	329,559	-17.6%	202,472	156,478	-22.7%	182
GILLIAM	611,920	590,917	-3.4%	300,070	310,193	3.4%	3,812
GRANT	628,895	635,381	1.0%	450,090	464,934	3.3%	1,699
HARNEY	1,557,103	1,479,684	-5.0%	1,293,556	1,235,445	-4.5%	3,102
HOOD RIVER	28,451	26,623	-6.4%	2,171	1,411	-35.0%	54
JACKSON	170,298	202,864	19.1%	66,698	78,004	17.0%	85
JEFFERSON	792,920	542,344	-31.6%	577,720	449,605	-22.2%	1,558
JOSEPHINE	27,866	30,563	9.7%	7,848	8,476	8.0%	51
KLAMATH	482,999	523,480	8.4%	256,668	335,948	30.9%	632
LAKE	755,639	765,761	1.3%	486,296	475,584	-2.2%	2,169
LANE	203,148	180,201	-11.3%	48,977	35,779	-26.9%	76
LINCOLN	29,017	26,946	-7.1%	9,312	5,241	-43.7%	90
LINN	314,947	336,063	6.7%	37,160	37,758	1.6%	157
MALHEUR	1,093,362	1,130,142	3.4%	840,385	876,026	4.2%	1,313
MARION	288,671	275,483	-4.6%	17,144	15,477	-9.7%	111
MORROW	1,126,101	1,052,805	-6.5%	531,827	504,567	-5.1%	3,087
MULTNOMAH	25,435	27,983	10.0%	2,449	2,621	7.0%	41
POLK	148,905	154,851	4.0%	10,087	9,066	-10.1%	134
SHERMAN	524,857	402,516	-23.3%	162,915	131,416	-19.3%	2,327
TILLAMOOK	32,936	33,348	1.3%	11,157	9,016	-19.2%	138
UMATILLA	1,352,241	1,491,922	10.3%	396,860	522,272	31.6%	923
UNION	385,152	342,913	-11.0%	195,631	156,812	-19.8%	425
WALLOWA	520,213	504,713	-3.0%	354,462	353,773	-0.2%	1,051
WASCO	1,388,988	978,577	-29.5%	1,003,196	621,906	-38.0%	2,137
WASHINGTON	104,715	126,003	20.3%	6,102	4,954	-18.8%	70
WHEELER	556,967	537,145	-3.6%	415,007	430,004	3.6%	3,511
YAMHILL	169,357	164,347	-3.0%	18,574	15,235	-18.0%	82

Appendix 7: EAB Map Checklist and Example Map

Oregon is currently a state served by EAB. EAB stands for the Easement Acquisitions Branch, a Branch of the Easement Programs Division of NRCS. NRCS-OR State Easement staff work to accept and process applications. Once NRCS-OR State Easement staff process and rank an application, the application is then sent to EAB to review and prepare the application for a Pre-Obligation Internal Controls review. This review consists of land eligibility, access, and other title and realty aspects.

EAB has created a checklist and an example map for applicant use. There may be several maps in one application package; EAB recommends the elements below to be included on all maps. Doing so will provide consistency for all that use the map including state office staff, EAB staff, and contractors such as those that complete an Environmental Database Records Search. These apply to both ACEP-ALE and RCPP-EHE. These elements are in addition to elements you may wish to include, such as text box callouts. Remember, maps are a communication tool. It is important the maps are consistent, clear, and professional to provide quality service.

The elements listed below are consistent with policy and criteria located in Title 180 – National Planning Procedures Handbook (180-VI-NPPH, Amen. 8 Nov 2020).

Map Title Block

- Title: Offer Map or Proposed Easement Boundary Map
- Complete Application Number for the current fiscal year, if available (filled by NRCS)
- Customer(s): Landowner Name (legal name not common name)
- Acres – Estimated Acres (match the application and supported by ownership deed)
- County and State of easement offer area
- Lat/Long for Easement Boundary location or Section, T, R (match with ownership doc)
- Date the map was prepared

Map and Map Legend

- Clear boundary lines showing all acres to be enrolled/surveyed
    - Merged internal boundary lines
    - Make the easement area transparent and use thick colored border (yellow or red)
- Include the Access Route showing the entire route from the public road to the CE boundary
    - Include label of private, state, or federally owned land the access crosses, if applicable
    - Reference access easement record number in legend, if applicable
- Map Scale
- Information needed to locate the planning area (e.g. geographic coordinates, public land survey coordinates, address, etc.)
    - Section, Township, Range layer to match with Ownership document, if applicable
- North arrow
- Map symbol legend on the map or as an attachment include appropriate
- interpretations, such as roads, streams, boundary, or recorded access.
- If map contains more than 1 parcel, include the distance between parcels.
- If application contains more than 1 parcel, and more than 1 mile apart, provide separate maps with acres of the individual parcel.

Proposed ACEP-ALE Boundary
Landowner Name
App No. (generated by NRCS)

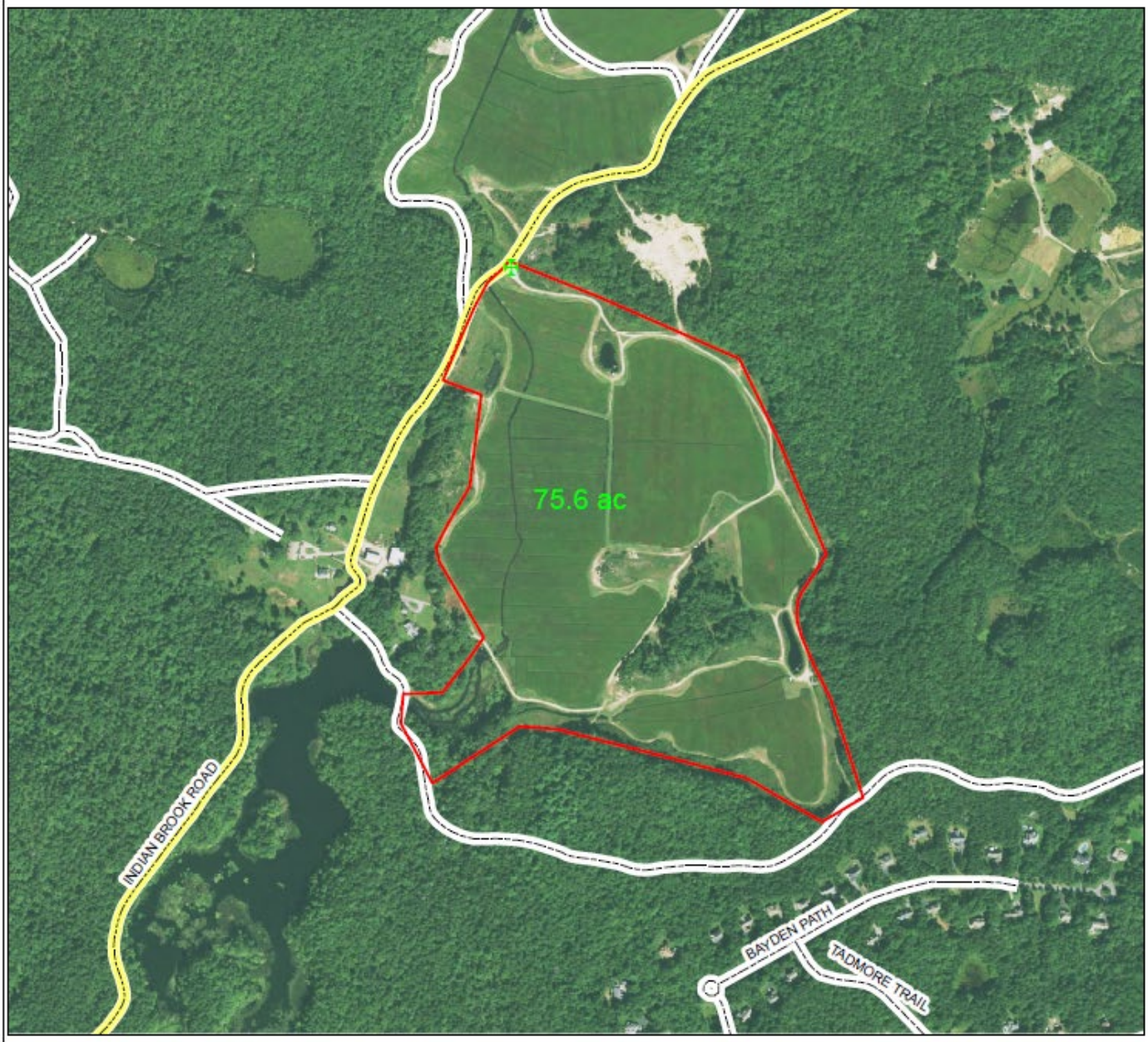
Date: 10/26/2022

Customer(s): Landowner Name

Agency: USDA-NRCS

Field Office: Wareham Service Center
District: Plymouth County Conservation District
State and County: Plymouth County, Massachusetts

Assisted By: NRCS Planner
Lat, Long: 41.878142, -70.556548 Decimal Degrees
Section,Township,Range



Prepared with assistance from USDA-Natural Resources Conservation Service

Legend

- Proposed WRE Easement Boundary - 75.6 acres,
- Indian Brook Bogs -Deed Access Bk 4559 Pg 480
- Massachusetts Public Roads
- Ingress/Egress Access Point

N

380 0 380 760 1,140 1,520 Feet

USDA

Appendix 8: 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 to facilitate their removal.

The Title Exceptions Guide is also available online from American Farmland Trust's Farmland Information Center: https://farmlandinfo.org/sample_documents/title-exception-guide-for-nrcs-conservation-easements/

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.

Description of Title Exception (cont.)	ACEP-ALE Easements (cont.)
Reserved mineral rights	Generally must be removed or subordinated, refer to mineral matrix for additional guidance.
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.

Appendix 9 – Application Submission Instructions

ACEP-ALE applicants must submit a complete application packet to the Oregon State Easement Team on or before the application batching date. Applications received after the application batching date are ineligible for FY27 program funding and will be deferred to FY28. To be considered for program funding, applications must be submitted in the following manner:

Option 1 of 2, Box Electronic Upload [PREFERRED]:

Create a Box account and folder

1. Request an invitation to Box by contacting NRCS. Requests must be submitted via email to NRCS.OR.Easements@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'll then be prompted to create an account with an email address and password. Complete the required steps and click "Submit."
4. After creating an account, you'll be prompted to a webpage asking if you are "Part of FPAC Box Environment." Select "Not a part of FPAC Box Environment," do not click "Continue."
5. You will now have access to Box and your entity-specific folder.
6. Click the folder to gain access to the folder contents. Files will appear once added to the folder. This is a shared folder, meaning both you and NRCS will have access to everything within the folder.

Upload Documents

1. Download and complete the Parcel Application and all applicable forms. Ensure documents are signed, dated, and in order. Do not include application appendices in application submission.
2. Download any supplemental documents. Be sure to reference the applicability of each additional document in the Parcel Application.
3. Separate the completed application packet by document type (i.e., do not combine Parcel Application with forms or supplemental documents). Each document must be uploaded to Box as an independent file and named according to the naming convention in the application checklist (page 5-6).
4. NRCS suggests the following naming scheme for each document:
    a. Entity Name - Landowner Name Document Name (e.g., Happy Land Trust - Smith Limited Partnership NRCS-CPA-41a)
5. Log into Box and access the shared folder.
6. Locate and click the "Upload" button at the right-hand side of the page.
7. Click "File."
8. Search computer for the documents you wish to upload. More than one document may be uploaded at a time by selecting the first document, pressing, and holding the "ctrl" key while selecting each additional document.
9. Click "Open" to upload. An "Uploading" progress bar will appear at the bottom of the screen.
10. Box will show a notification when documents are successfully uploaded. Uploaded documents cannot be renamed.
11. NRCS will receive notification of uploaded documents. However, applicants should notify NRCS once they have uploaded all application materials to Box. Notifications must be made via email to NRCS.OR.Easements@usda.gov.

Download documents (as needed)

1. Log into Box, access the shared folder and locate the appropriate file to download.
2. Hover cursor over the file. The "More Options" button with an ellipsis will appear. Click the "More Options" button.

3. Click “Download” from the “More Options” dialogue box.
4. The document will open once download is complete.

Option 2 out of 2, Email:

1. Download and complete the Parcel Application and all applicable forms. Ensure documents are signed, dated, and in order. Do not include application appendices in application submission.
2. Download any supplemental documents. Be sure to reference the applicability of each additional document in the Parcel Application.
3. Separate the completed application packet by document type (i.e., do not combine Parcel Application with forms or supplemental documents). Each document must be attached to email as an independent file and named according to the naming convention in the application checklist (pages 5-6).
4. NRCS suggests the following naming scheme for each document:
    a. Entity Name - Landowner Name Document Name (e.g., Happy Land Trust - Smith Limited Partnership NRCS-CPA-41a)
5. Compose email:
    a. Subject Title: NRCS suggests the following subject title for each composed email:
        i. Entity Name - Landowner Name FY27 Parcel Application 1 of X (e.g., Happy Land Trust - Smith Limited Partnership FY27 Parcel Application 1 of 2)
        ii. NOTE: NRCS recognizes that the application includes large file types and that an entity may need to send multiple emails when submitting a digital application. It is important for these entities to denote the total number of emails and the order of the current email in the subject line.
    b. Email Body: In the email body, include entity name and your request that the attached application be considered for FY27 ACEP-ALE program funding. Also include a list of the attached documents so that the recipient may cross-reference the list with the received attachments to ensure all documentation is accounted for.
6. Applications must be emailed to: NRCS.OR.Easements@usda.gov.
7. Applications must be received on or before the application batching date to be considered for FY27 program funding.
8. NRCS will reply to each email to confirm receipt of the application materials.