

# ACEP-ALE 2015 Application Tips

## ACEP-ALE Eligibility Requirements: Entity Eligibility

- **At the time of application eligible entities must submit:**
  1. Entity Application (NRCS-CPA-41) and accompanying Parcel Sheet (NRCS-CPA-41A) for each parcel;
  2. Standard Form (SF) 424, “Application for Federal Assistance”;
  3. SF-424A, Budget Information for Non-construction Programs”;
  4. SF-424B, “Assurances Non-Construction Programs”;
  
- **Entity Information submitted with the entity application (CPA-41):**
  1. Documentation of the entity’s commitment to long-term conservation of agricultural lands through the use of voluntary conservation easements that protect farm or ranch lands from conversion to nonagricultural uses
  2. Documentation of the entity’s capability and record of acquiring, holding, managing, and enforcing conservation easements.
    - This must include a citation to the State conservation easement enabling statute that the entity will rely on to acquire the agricultural land easements.
    - If the entity is a State, local, or Tribal government, then this must include a citation to the entity’s statutory authority to acquire conservation easements consistent with the purposes of ACEP-ALE
  3. Documentation of the entity capacity to monitor and enforce the agricultural land easements
  4. Documentation or certification that, at the time of application, the required funds are available for each parcel
  5. Provide evidence of current registration in DUNS and SAM for each holding and co-holding eligible entity
  6. Provide evidence of entry in SCIMS
  7. Include a copy of the written pending offer for each parcel that the entity is submitting for cost-share assistance
  8. Any required waiver documentation

- **Parcel information, submitted with each CPA-41A, must include the following for each parcel:**
  1. A map showing the location of the parcel
  2. Evidence and map of legal and physical access to the parcel
  3. A map or aerial image showing the proposed parcel boundaries and larger property boundaries if different than the parcel boundaries
  4. A map showing each of the following that are applicable:
    - i. The location and acres of the prime, unique, or statewide and locally important soil in each parcel
    - ii. The location and acres of lands where grazing uses and related conservation values would be protected
    - iii. The location and acres of grasslands of special environmental significance
    - iv. The location, number, and acreage of historical or archaeological sites proposed to be protected
  5. If the presence of historical or archeological sites is the basis for land eligibility , a brief description of the site's significance and documentation of the site's formal listing on the National, Tribal, or State register or eligibility for listing in the National register must be included in the application
  6. A narrative description of how the protection of the parcel will further a State or local policy consistent with ACEP, if this is the basis for the parcel's land eligibility
  7. A map showing the location of other protected land in relation to parcel, if applicable
  8. Estimated agricultural land easement value, costs, and contributions of the following for each parcel:
    - i. The estimated acres
    - ii. The fair market value of the agricultural land easement
    - iii. The total estimated entity non-Federal contribution
    - iv. The requested federal share
    - v. The estimated purchase price
    - vi. The qualified contribution from the landowner
  9. Narrative statement or map showing the parcel's accessibility to agricultural markets
  10. Narrative statement or map showing the parcel's access to existing agricultural infrastructure, on- and off-farm, and other support systems
  11. Narrative statement or map showing the threat of conversion or

- fragmentation either from non-agricultural development or cropland conversion of grassland) for each parcel
12. Ownership of subsurface mineral rights and any required water rights for each parcel
  13. Copies of any phase I environmental site assessments, if available
  14. Copies of appraisal reports or title reports for the parcel, if available
- Submitting Applications:  
Entities may submit applications in paper copy or electronically to by May 15, 2015 for FY 2015 consideration:

Oregon Applications:  
USDA-NRCS State Office  
1201 NE Lloyd Blvd, Suite 900  
Portland, Oregon 97232  
Attn: Bari Williams  
[bari.williams@or.usda.gov](mailto:bari.williams@or.usda.gov)

**Note:** Match, as it pertains to ALE is covered in the following pages.

## ACEP-ALE Eligibility Requirements: Land Eligibility

ACEP-ALE Eligible lands are:

1. Private or Tribal land that is agricultural land, including land on a farm or ranch;
2. Subject to a signed pending offer for purchase of an agricultural land easement from the eligible entity;
3. Land that:
  - a. has prime, unique, or other productive soil;
  - b. contains historical or archaeological resources;
  - c. the enrollment of which would protect grazing uses and related conservation values by restoring and conserving land; or
  - d. the protection of which will further a State or local policy consistent with the purposes of ACEP; and

4. Land that is:

- a. cropland;
- b. rangeland;
- c. grassland or land that contains forbs, or shrubland for which grazing is the predominant use;
- d. located in an area that has been historically dominated by grass land, forbs, or shrubs and could provide habitat for animal or plant populations of significant ecological value;
- e. pastureland; or
- f. non-industrial private forest land that contributes to the economic viability of an offered parcel or serves as a buffer to protect such land from development.

- 5. Land that is in an area that has access to agricultural markets for its products, infrastructure appropriate for supporting agricultural production, and other support services
- 6. Land that faces development pressure from nonagricultural use

- Lands Ineligible for ACEP include:

- All lands ineligible under existing FRPP, GRP, and WRP regulation and policy, and those specifically identified in the ACEP statute:

- Lands owned by the United States, other than land held in trust for Indian Tribes
    - Land owned by a State or local government
    - Land subject to an easement or deed restriction which, as determined by NRCS, provides similar protection as would be provided by enrollment in ACEP
    - Land where the purposes of the program would be undermined due to onsite or offsite conditions such as risk of hazardous substances, proposed or existing rights of way, infrastructure development or adjacent land uses.

- Lands without sufficient legal access to the entire easement area are **NOT ELIGIBLE**

- Sufficient legal access for ACEP = Insurable,

- unconditional and transferable legal right of recorded access for the duration of the easement
- Sufficient access across Federal lands approved by STC
- It is the LANDOWNER's responsibility to provide NRCS with sufficient legal access

## ACEP-ALE Eligibility Requirements: Landowner Eligibility

- The AGI limitations of the 2014 Act are applicable to ACEP starting in FY 2015 (Oct 1, 2014). AGI limitation \$900,000 with no opportunity for a waiver, except through RCPP.
- All landowners of record must establish farm records with USDA. If the ownership of the property is a husband and wife, both husband and wife must establish farm records. Your landowner may already have their records on file and have a valid Form AD-1026. You can check with NRCS or the local Farm Services Agency (FSA) office. The landowner names on farm records need to match the name(s) as they appear on the property records.
- If the property has no farm or tract number, then the FSA must establish farm and tract numbers. If the property has a farm and tract number, please assure the ownership records are updated.
- If the property is owned by an entity (rather than one or more individuals), form CCC-901 or 902 must be filed with the FSA and all members must file form AD-1026 where applicable as described on page 3 of form AD-1026

## ACEP-ALE Match Requirements and Waiver Process

- ACEP-ALE Federal cost-share and eligible entity match requirements are slightly different than FRPP or GRP and must follow ACEP manual guidance.
  - Federal share provided by NRCS will not exceed 50 percent of the fair market value of the agricultural land easement
    - Eligible Entity must provide a share at least equivalent to the NRCS share
    - An eligible entity may include as part of its share a qualified conservation contribution from the landowner if the eligible

entity contributes its own cash resources in an amount that is at least 50% of the Federal share.

- 2014 Act **provides two exceptions** to standard ACEP-ALE match requirements:
- ACEP-ALE projects of Special Significance
  - NRCS may waive a portion of the eligible entity's cash contribution requirement, if:
    - There is a voluntary, equivalent increase in the private landowner donation
    - The land is in active agricultural production
  - NO increase in the Federal share provided by NRCS
- ACEP-ALE Grasslands of Special Environmental Significance
  - Increase Federal share provided by NRCS up to 75% of the fair market value of the agricultural land easement with a waiver
  - Eligible entity share must be no less than 33.33% of NRCS share
  - Eligible entity share may include landowner donation but entity share must be at least 16.67% of NRCS share

## ALE Eligible Entity Cash Contribution Waiver

- For ACEP-ALE projects of Special Significance the Eligible Entity Cash Contribution requirement can be reduced from 'at least 50 percent of the NRCS share' to either:
  - 25% of the NRCS share
  - For GSS ALE enrollments to 8.33 % of NRCS share

*(this scenario requires voluntary, equivalent increase in landowner donation)*

- Waiver requests and all supporting documentation must be:
  - Submitted by the entity in writing,
  - One waiver request per parcel, and
  - Submitted by State cutoff date to allow time for review and make determination by selection cut-off date