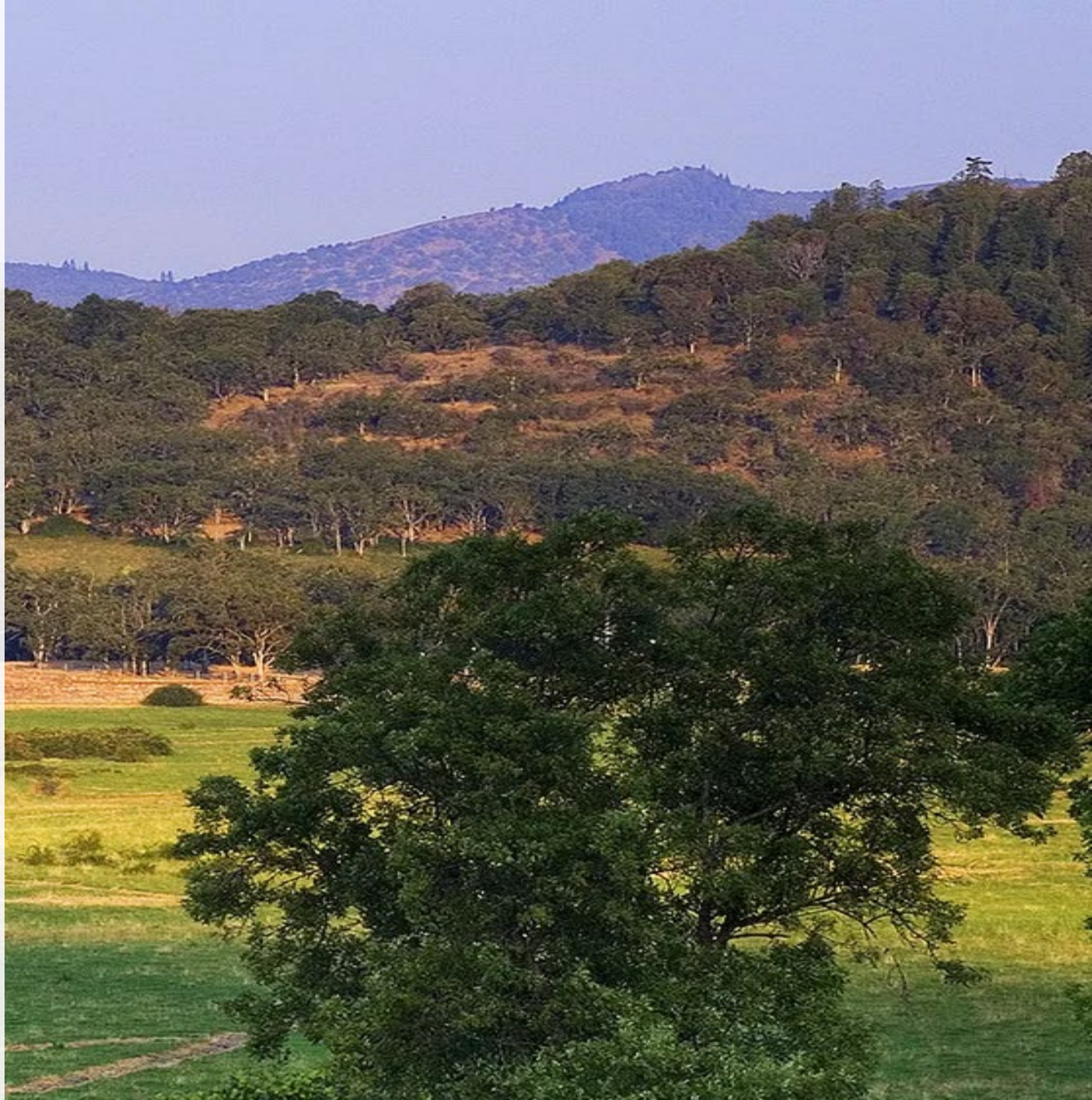
NRCS-Oregon: FY27 ACEP-ALE Application Workshop



COALITION OF OREGON LAND TRUSTS

Matt Penberthy – ALE Program Coordinator, COLT / NRCS-OR

Welcome!

This webinar is being recorded and will be available on COLT's website.

https://oregonlandtrusts.org/

About COLT:

OUR MISSION

We serve and strengthen the land trust community in Oregon.

We do that by building connections and advancing policies that help protect our natural world—our water, wildlife and open space—for all people, forever.

To help our coalition members do what they do best:

PROTECT WILDLIFE & WILD PLACES

DEFEND WORKING FARMS & FORESTS

PROVIDE RECREATION & PARKS

CHAMPION CLEAN WATER FOR ALL

DRIVE CLIMATE & SCIENCE

ENGAGE COMMUNITIES

Purpose and Agenda

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

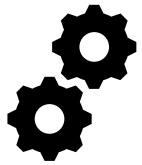
Purpose:

This workshop is intended for prospective Entity applicants (easement holders). We'll cover general information about the ACEP-ALE program and how to apply in preparation for the upcoming application submission date. Details such as program options (Buy-Protect-Sell) and ALE deed terms will not be discussed in depth. Resources are available to learn more and are referenced in this presentation.

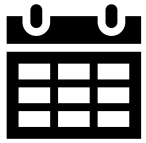
Agenda:

1. Program basics and FY27 information
2. Eligibility – entity, land, and landowner
3. Submitting an application
4. Resources
5. Question and answer

NRCS-OR FY27 ACEP-ALE Application Workshop



Program Basics



FY27 Information

ACEP-ALE Basics

Purpose: “To protect the agricultural use and future viability, and related conservation values, of eligible land by limiting nonagricultural uses of that land that negatively affect the agricultural uses and conservation values; and protect grazing uses and related conservation values by restoring or conserving eligible land.”

NRCS can provide up to 50% funding for the purchase of Agricultural Land Easements.

- ACEP-ALE GSS (Grasslands of Special Environmental Significance) is a program option. NRCS can provide up to 75% funding for the purchase of an easement that meets GSS eligibility.

Matching funds required – Requires match funds from the entity for the remainder of the easement value. Sources for the match may include (no specific requirement):

- Philanthropic foundation grants
- Private donations
- Landowner donation of land value
- State government grants (i.e. OAHP)

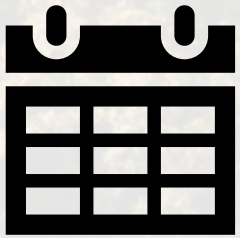
Buy-Protect-Sell – BPS involves the entity purchasing land, placing an ALE on the land, and selling to a qualified farmer or rancher. This transaction has unique eligibility requirements in addition to the standard ALE transactions which will not be described in this presentation.

FY27 Information

NRCS accepts applications on a continuous basis. However, NRCS typically establishes cutoff dates to batch applications each fiscal year.

- Having a cutoff dates enables NRCS State Offices to align with National processes such as Funds Assessments and EAB service timelines.

To be considered for FY27 funding, the application cutoff date is:
Friday, November 13th at 5pm PST

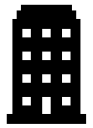


Initial funding available: $3,858,000 - *OR's allocation is on the rise!*

- NRCS Oregon may receive additional funding through a Funds Assessment process conducted by National. FY27 Funds Assessment dates are February 26th and April 30th. *OR awarded the highest amount yet in FY26 - $9.1M*
- USDA is funded through December 11, 2026.

NRCS-OR FY27 ACEP-ALE Application Workshop

Eligibility



Entity

Land

Landowner

Entity Eligibility

ACEP-ALE requires an Entity (land trust, SWCD, Tribe, etc.) to be eligible to participate in the program. Entity eligibility recognized by establishing a **program agreement.** Entity will apply, acquire, and manage the easement in perpetuity.

Eligibility Requirements:

1. Be an agency of a state or local government, a Native nation, or a non-profit, nongovernmental organization.
2. Be organized for the purpose of land preservation (can include recreation, natural habitat, open space, farmland, forest land, and/or historically important land).
3. Have authority to purchase and hold agricultural conservation easements.
4. Have an established agricultural land protection program that purchases conservation easements.
5. Demonstrated a commitment to the long-term conservation of agricultural lands.
6. Continued on next slide….

Entity Eligibility (cont.)

Eligibility Requirements:

6. Have the capability to acquire, manage, and enforce agricultural land easements or their equivalent.
7. Staff capacity (either directly or through formal agreement with other entities) dedicated to monitoring and easement stewardship.
8. Can satisfy the non-federal share requirements.
9. Registered with the Farm Service Agency.
10. Registered in the System of Award Management (SAM, which generates a Unique Entity Identifier (UEI)).
11. Have Signature Authority properly identified.

Documentation to satisfy entity eligibility requirements are described in the slides ahead.

Land Eligibility

Eligibility Requirements:

- Land must be private or Tribal land that is agricultural land, such as farm or ranch land.
- **Land that is in one of the following uses:**
  - Cropland (including trees such as fruit and nut orchards, or native species that are cultivated).
  - Rangeland.
  - Grassland or land that contains forbs, or shrubland for which grazing is the predominant use.
  - Located in an area that has been historically dominated by grass land, forbs, or shrubs and could provide habitat for animal or plant populations of significant ecological value.
  - Nonindustrial private forest land that contributes to the economic viability of an offered parcel or serves as a buffer to protect such land from development.

Land Eligibility (cont.)

Eligibility Requirements:

- **Land must meet one of the four eligibility categories. Choose category that best fits the land and the landowner's goals:**
  1. Land has prime, unique, or farmland of statewide importance soils.
  2. Land contains historical or archaeological resources.
  3. Enrolling the land would protect grazing uses and related conservation values by restoring or conserving eligible land.
  4. Protecting the land will further a State or local policy consistent with the purposes of ACEP. ***Note****: This is a good option if none of the other categories fit the project. Oregon's statewide land use regulations are consistent with and further ACEP goals.*

- The land must also:
  - Have a written pending offer from the Entity for the purchase of the easement.
  - Face development pressure from nonagricultural uses.
  - Be in an area with access to agricultural markets or infrastructure.
  - **Access** – land must have sufficient physical and legal access. If accessible only by federal lands/roads, alternative legal access approval is likely required.

Documentation to satisfy land eligibility requirements are described in the slides ahead.

Grasslands of Special Environmental Significance Enrollment Option

Eligibility Requirements:

1. Rangeland, pastureland, shrubland, or wet meadows dominated by native grasses, grass-like plants, shrubs, forbs, or is improved, naturalized pastureland, rangeland, or wet meadows.
2. Land provides or could provide habitat for threatened, endangered, or at-risk species, protects sensitive or declining native prairie or grasslands, or protects highly sensitive natural resources as identified by the State Conservationist.
3. Contain little or no noxious or invasive species.
4. Threatened by non-grassland conversion.

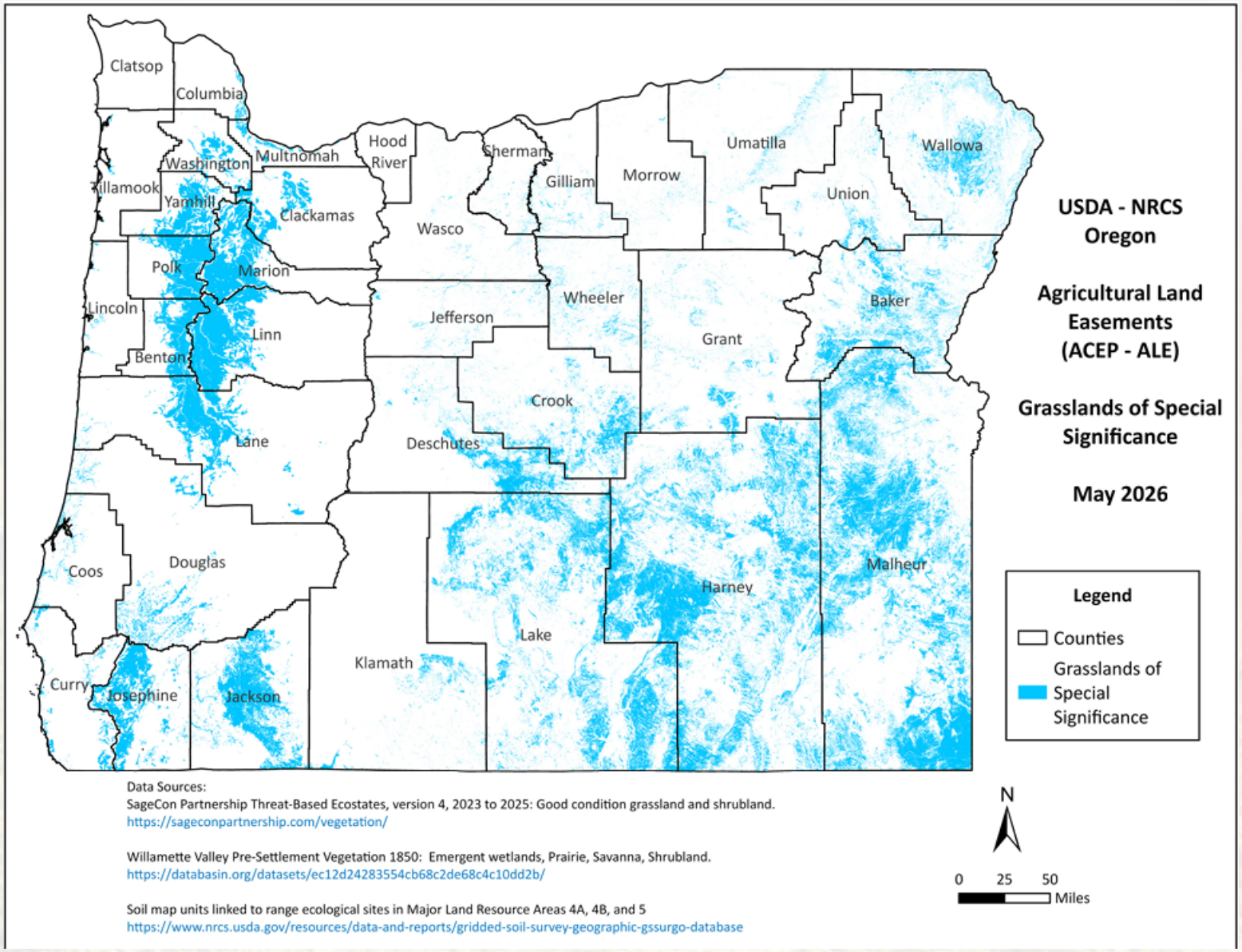
Oregon Qualifications

- Little or no noxious or invasive species further defined as no more than 10% of the parcel area.
- Forest land is generally not eligible and must be removed. Oregon has set further definitions -
  - Eastern OR: Pine encroachment / Invasive Juniper not to exceed 5% of the parcel area.
  - Western OR: Oak on savanna not to exceed 20% of the parcel area.

Grasslands of Special Environmental Significance

Tips on applying:

- Utilize a NRCS-OR GSS Priority Area Map.
- Meet with NRCS-OR State Office Easement Staff early (see ACEP-ALE Timeline Guide). Staff can discuss eligibility pertaining to your project and begin coordinating an onsite GSS determination.
- Follow instructions within the NRCS-OR Parcel Application Packet.



Landowner Eligibility and Farm Service Agency

Eligibility Requirements:

- Land must be owned individual, entity (farm business), or Tribe. If not, there must be a current written purchase agreement to buy the land.
- All producers and/or entities (Trusts, farm business, etc) must have FSA records established and meet eligibility requirements.
- Filed paperwork includes:
  - CCC-902 – Farm Operating Plan
  - CCC-901 – Entity member information (not required for individuals)
  - CCC-941 – Adjusted Gross Income Certification – completed annually for most programs after October 1
  - AD-1026 – Highly Erodible Land and Wetland Compliance Certification

Resources to learn more about FSA Eligibility:

AFT Entity Toolkit

AFT Landowner Eligibility Checklist

LTA Entity Toolkit

Landowner Eligibility and Farm Service Agency Tips and Tricks

There can be some quirky situations, such as business changes, entity member scenarios, and geospatial issues with landowner eligibility. Tips to address include:

- Contact ALE Program Coordinator with landowner information. I can provide direction regarding:
  - Entity eligibility (LLC, GP, LP, etc)
  - Members of an entity eligibility
  - Geospatial easement boundary compared with FSA Farm and Tracts
- Communicate needs to your landowner.
- Have landowner either work individually with FSA to resolve or help coordinate.

Reminders:

- **It is not NRCS's responsibility to process FSA paperwork or make determinations.**
- **Your working relationship with FSA is important. FSA is a busy agency - have patience, address things early, and reach out to NRCS if you need assistance.**

Considerations and Ineligibility

Considerations:

- Forest land may not exceed two-thirds of the General ALE offered easement area (***option to submit a waiver***).
- Impervious surfaces may not exceed more than 2% of the offered easement area (***option to submit a waiver***).

Ineligibility - These factors are in addition to all Land, Landowner, and Entity eligibility requirements that must be met:

- Land cannot be already owned by Federal, State, Local Government, or non-governmental organization.
- Land cannot be subject to an easement or deed restriction that provides similar restoration or protection as determined by NRCS.
- Land where the purposes of the program would be undermined due to onsite or offsite conditions, like hazardous materials.
- Land that NRCS determines to have unacceptable exceptions to clear title or insufficient legal access.
- Land on which gas, oil, earth, or mineral rights exploration has been leased or is owned by someone other than the landowner unless NRCS determines that the third-party rights will not harm or interfere with achieving the ACEP-ALE purposes.

NRCS-OR FY27 ACEP-ALE Application Workshop

Submitting an Application

Documentation

How to submit

ACEP-ALE Entity Application

- Entities (Easement holder) must be deemed eligible themselves and have an active Program Agreement established before an individual Parcel Contract can be established.

- Program Agreements set out the responsibilities for NRCS and the eligible entity. No funds are obligated to a Program Agreement.

If you are unsure if your organization has an active Program Agreement for ACEP-ALE, please contact NRCS.OR.Easements@usda.gov

ACEP-ALE Entity Application

Required materials for a Program Agreement Application:

1. Completed NRCS-CPA-41.
2. For non-profits - Provide the legal documents that designate your organization's charity status, purpose, and authorized service area. Can include Articles of Incorporation, Bylaws, or other specific Board policies.
3. For State/Local Governments (including SWCDs) – Provide the state or local law that established your agency.
4. For Federally-recognized Tribes – Provide the latest Federal Register Notice that lists your Tribe. Non-Federally recognized Tribes may qualify as a non-profit.
5. Proof of authority to hold conservation easements – Provide cut copy of ORS 271.715-795.
6. Proof of an established land protection program – Can include a conservation plan, annual report, webpage, or specific Board policy like a land acquisition policy.
7. Proof of registration with FSA – NRCS can obtain this, unless your entity is not already registered.
8. Proof of SAM Registration and UEI – Provide screenshot of current, not expired, SAM profile with UEI visible.
9. Proof of signature authority – Can include Board Governance policy that outlines who can sign, Board Resolutions, hiring letters of specific individuals.

Resources to learn more about Entity Eligibility:

AFT Entity Toolkit

AFT Entity Eligibility Checklist

LTA Entity Toolkit

LTA CPA-41 Walkthrough

ACEP-ALE Parcel Application:
Minimum Requirements

Parcel Applications determine the eligibility of the land, landowner, and collect information to help NRCS rank applications.

NRCS National specified the minimum required documentation that comprise a complete application. This includes:

1. Completed NRCS-CPA-41A.
2. Recorded property deed, executed purchase and sale agreement, or other evidence of ownership.
3. Maps or GIS shapefile(s) showing the parcel location, offered acres, and access.
4. Written pending offer between the landowner and eligible entity to acquire the ACEP-ALE.

NRCS-OR will begin processing the application in the system of record upon the receipt of these materials.

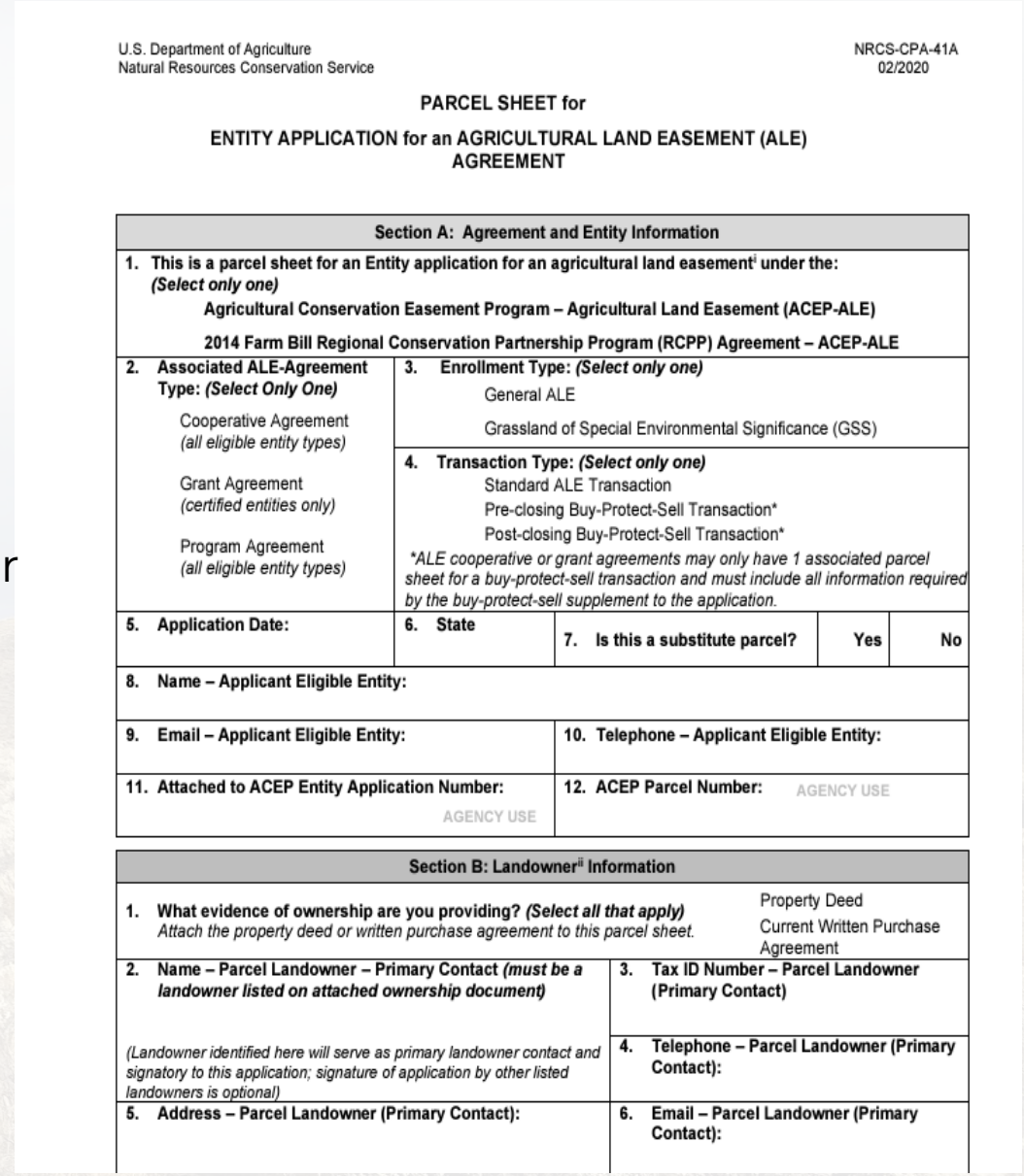
IMPORTANT: NRCS-OR requires additional documentation to determine eligibility and rank the application as described on the next slides.

ACEP-ALE Parcel Application:
NRCS-CPA-41A

The CPA-41A is the standard National application form used for all ACEP-ALE transaction types.

Tips and Tricks:

1. Make sure to select the correct enrollment and transaction types.
2. Select the correct land eligibility category.
3. Provide accurate easement acreage to the best of your ability. If enrolling the entire parcel, ensure acreages match FSA records.
4. Provide location coordinates within the proposed easement area.
5. Provide best estimate of easement value. **Within reason**, if there is not an appraisal, **overestimate** to avoid future contract modifications. It is easy for NRCS to return excess funds; difficult to obtain additional funds.



U.S. Department of Agriculture
Natural Resources Conservation Service

NRCS-CPA-41A
02/2020

PARCEL SHEET for

ENTITY APPLICATION for an AGRICULTURAL LAND EASEMENT (ALE) AGREEMENT

Section A: Agreement and Entity Information

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

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

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

4. **Transaction Type:** ***(Select only one)***
   - Standard ALE Transaction
   - Pre-closing Buy-Protect-Sell Transaction*
   - Post-closing Buy-Protect-Sell Transaction*

   **ALE cooperative or grant agreements may only have 1 associated parcel sheet for a buy-protect-sell transaction and must include all information required by the buy-protect-sell supplement to the application.*

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

Section B: Landowner[ii] Information

1. **What evidence of ownership are you providing?** ***(Select all that apply)*** *Attach the property deed or written purchase agreement to this parcel sheet.*
   - Property Deed
   - Current Written Purchase Agreement
2. **Name – Parcel Landowner – Primary Contact** ***(must be a landowner listed on attached ownership document)***

   (Landowner identified here will serve as primary landowner contact and signatory to this application; signature of application by other listed landowners is optional)
3. **Tax ID Number – Parcel Landowner (Primary Contact)**
4. **Telephone – Parcel Landowner (Primary Contact):**
5. **Address – Parcel Landowner (Primary Contact):**
6. **Email – Parcel Landowner (Primary Contact):**

ACEP-ALE Parcel Application:

Oregon Requirements

The upcoming slides detail the additional documentation that NRCS-Oregon requests at the time of application.

Why does NRCS-Oregon request additional information upfront?

1. To efficiently process applications with limited staff. The previous 4 documents tell NRCS little about the project..
2. To reduce additional requests for information and potential miscommunication among NRCS and Entity staff in meeting program deadlines.

TIP: Follow the ACEP-ALE Timeline Guide to begin to resolve eligibility issues prior to application. The Guide is mentioned in the upcoming slides and available online at: https://oregonlandtrusts.org/oregon-acep-ale-resources-2026-application-workshop-and-timeline-guide/

ACEP-ALE Parcel Application:
Oregon Requirements

FY27 Parcel Application Packet:
This form collects information to determine eligibility and help NRCS-OR rank the application. *There are no significant changes to the Packet this year compared to last FY.*

Contents:

1. Introduction Letter
    1. Helpful info about program, completing the packet, FSA eligibility, etc.
2. Application Checklist
    1. Outlines required and supplemental forms and information needed for a complete application. Provides naming convention for required documents.
3. Parcel Questionnaire
    1. Consists of 70-80 questions that are a mixture of multiple choice and short answer.
4. Appendices
    1. How to submit; Definitions; How to use web soil survey; answers to questions; and more…

ACEP-ALE Parcel Application:
Oregon Requirements

In addition to the 4 minimally required documents (slide 20), NRCS-OR requires:

1. Evidence of active SAM registration.
2. Current signature authority documentation.
3. Title report or preliminary title commitment and underlying exception documents (can be linked within the report or provided in folders).
4. Maps (preferably PDFs. GIS shapefiles are acceptable but not required. Maps are described in the Parcel Application Packet. **Follow Appendix 7 in the packet for design guidance**).
    1. Proposed easement boundary
    2. Access
    3. Public Land Survey System (PLSS)
    4. Land cover

IMPORTANT: There are additional documents that are required if they apply to your project. Please read the Parcel Application Packet to understand what documents are required when applicable, and what documents are optional.

Submitting an Application

Congrats! You've filled out your application. Now it's time to submit…

Option 1 (Preferred)

- Electronic upload via Box
- If you do not have one already, please contact NRCS.OR.Easements@usda.gov to request a Box folder for your organization.

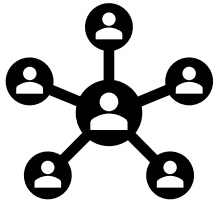
Option 2

- Email application to NRCS.OR.Easements@usda.gov

Detailed submission instructions are included in the Parcel Application Packet Appendices

NRCS-OR FY27 ACEP-ALE Application Workshop

Resources



NRCS-OR Staff

Eric Moeggenberg – Easement Programs Manager. Oversees implementation of ACEP-ALE and WRE, assists with RCPP-EHE.

eric.moeggenberg@usda.gov

Matt Penberthy – ALE Program Coordinator. Partner employee with COLT/NRCS. Assists with all aspects of ACEP-ALE and RCPP-EHE.

matthew.penberthy@usda.gov – for USDA business

matt@oregonlandtrusts.org – for COLT business

Land Trust Alliance – NRCS Conservation Acquisitions Team

- The Land Trust Alliance has staff dedicated to assisting entities with 1:1 assistance on all aspects of an NRCS application.
- LTA is prioritizing land trusts with minimal experience with NRCS programs, whether at the individual staff level or as an organization.
- Submit your request for their services here: https://landtrustalliance.org/resources/learn/explore/ale-toolkit/intent-to-apply-for-acep-programs
- If you have not heard back, please feel free to contact Matt Penberthy, or Josh Holmes at LTA directly (jholmes@lta.org)

Online / Print Materials

NRCS often partners with external organizations like the American Farmland Trust (AFT) and LTA to produce educational materials. Resources include:

- AFT Entity ALE Toolkit: https://farmlandinfo.org/acep-ale-for-entities/#prepare-to-participate
- AFT Landowner ALE Toolkit: https://farmlandinfo.org/acep-ale-for-landowners/
- AFT & NRCS webinars – several recordings on the Farmland Information Center: https://farmlandinfo.org/media/?order_by=desc&media_type=webinars
- LTA Entity ALE Toolkit https://landtrustalliance.org/resources/learn/explore/ale-toolkit/

NRCS Oregon ACEP-ALE webpage - Contains application documents, ranking criteria, and more. https://www.nrcs.usda.gov/programs-initiatives/ale-agricultural-land-easements

Previous COLT/NRCS-OR Webinars

(Tailored to Oregon)

ACEP-ALE Timeline Guide: Breakdown of pre-application, application, and obligation phases of the ACEP-ALE program.

ACEP-ALE Application Workshops: Overview of program eligibility, ranking, and application tips specific to the fiscal year. Hosted for FY25 and FY26.

ACEP-ALE Land Eligibility Deep Dive: Comprehensive explanation of land eligibility including ranking and deed-term related notes.

ACEP-ALE Ranking Criteria Explained: Details of National and State questions, how the ranking is used and updated, and how funding selections are made.

NRCS-OR FY27 ACEP-ALE Application Workshop

Question & Answer