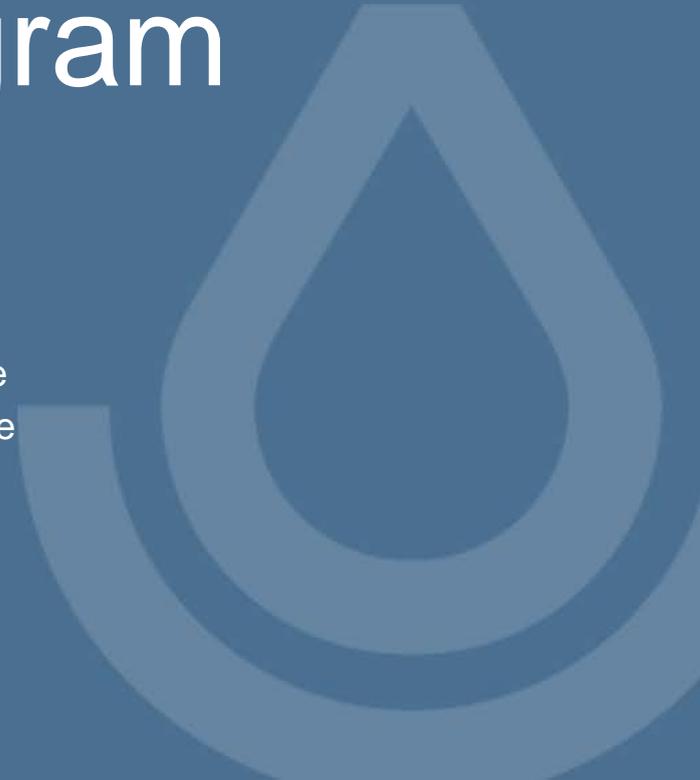




United States Department of Agriculture

# Agricultural Conservation Easement Program

M. Tiffany Davis  
United States Department of Agriculture  
Natural Resources Conservation Service  
Farm Bill Program Specialist  
[tiffany.davis@md.usda.gov](mailto:tiffany.davis@md.usda.gov)  
443-482-2960



# Maryland NRCS Easement Protection

A photograph of a rural farm scene. In the background, there is a large white barn with a dark roof and a tall, cylindrical silo. To the left of the barn, a row of smaller white buildings is visible. The foreground is dominated by a field of green crops, likely corn, which are slightly out of focus. The sky is a clear, pale blue.

Protecting Lands in Maryland for 19 years

Over 100 Wetland Easements

Almost 250 Farmland Easements

Over \$27 Million in Easement Purchases

Almost \$5 Million in Agreements for Future Purchases

# Agricultural Conservation Easement Program (ACEP)



**Agriculture Lands**



**Grazing Lands**



**Wetlands**

# Agricultural Conservation Easement Program

- ACEP has 2 components
  - Agricultural Land Easement Component (ALE)
  - Wetland Reserve Easement Component (WRE)
- The purposes of ACEP include:
  - Combine the purposes and coordinate the functions of NRCS' 3 prior easement programs.
  - Restore, protect, and enhance **wetland** on eligible land.
  - Protect the **agricultural** use, viability, and related conservation values of eligible land by limiting non-agricultural uses.
  - Protect **grazing** uses and related conservation values by restoring and conserving eligible land.



NRCS Wetland Easement  
Somerset County, Maryland

# ACEP Agricultural Land Easement (ALE)

# ACEP

## Agricultural Land Easement Acquisition

NRCS provides funds to partners for purchasing Agricultural Land Easements (ALE) that protect the agricultural use and conservation values of eligible land.

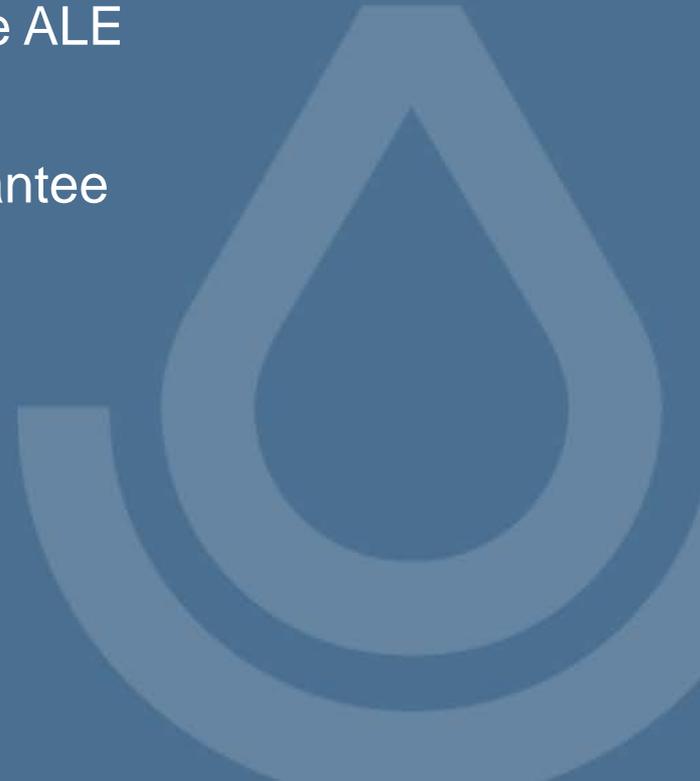
- NRCS contributes up to 50% of the fair market value of the easement
- The entity match the 50% easement purchase price and pay all costs associated with recording the easement in the county land records office, charges for abstracts, survey fees, appraisal fees, and title insurance



# ACEP

## Agricultural Land Easement Acquisition

- The entity is responsible to provide an Agricultural Land Easement Plan for NRCS review and approval prior to closing the ALE
- NRCS holds third parties rights and is NOT a Grantee
- Available Statewide



# ACEP ALE Entity Eligibility- Eligibility Entities

1. Any Agency of any State or Local Government or
2. Any nongovernmental organization that is—
  - (i) Organized for and, at all times since the formation of the organization, has been operated principally for one or more of the conservation purposes specified in clause (i), (ii), (iii), or (iv) of section 170(h)(4)(A) of the Internal Revenue Code of 1986.
  - (ii) An organization described in section 501(c)(3) of that code that is exempt from taxation under 501(a) of that code.
  - (iii) Described in paragraph (1) or (2) section 509(a) of that code or is described in section 509(a)(3) of that code and is controlled by an organization described in section 509(a)(2) of that code.



# ACEP ALE Entity Eligibility

## Eligibility Entities must have:

- (i) An **established farmland protection program**
- (ii) Demonstrated a **commitment to the long-term conservation of agricultural land**
- (iii) Utilize a voluntary easement purchase or other legal devices to protect farmland
- (iv) The **authority** and **demonstrate the capability to acquire, hold, manage, or enforce conservation easements** or their equivalent
- (v) The **ability to secure title** searches and title insurance, **subordinate encumbrances** on titles, secure **appraisals**, and **develop** conservation easement **deeds**
- (vi) **Staff** capacity or formal agreement with other entities dedicated to monitoring and easement stewardship
- (vii) **Sufficient funds** available for easement
- (viii) **Pending offer** signed by the landowner and a representative of the cooperating entity for each parcel

# ACEP ALE Landowner Eligibility

All Landowners on the deed must:

- Establish USDA Records with Farm Service Agency (FSA)
- Met Highly Erodible Land and Wetland Conservation Compliance Requirements
- Meet Adjusted Gross Income Limitations  
(AGI Less than (or equal to) \$900,000)





# ACEP- ALE

## Land Eligibility- Eligible Lands

1. Private agricultural land;
2. Subject to a pending offer for purchase of an agricultural land easement from an 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;
  - 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. 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.



# ACEP ALE

## Land Eligibility – Ineligible Lands

All lands ineligible under existing easements regulation and policy, and the following:

- Lands owned by the United States
- 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

# ACEP-ALE Match Requirements

NRCS will contribute up to 50 % of the fair market value of the easement

- Entity must provide a share at least equivalent to the NRCS share
  - The eligible entity must provide its own cash resources in an amount that is at least 50 % of the NRCS share
  - The remaining 50 % can be a qualified contribution from the landowner



# ACEP-ALE Match Requirement Waiver

- Exception 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 Match Requirements and Waiver Process

## Regular ACEP-ALE-

### Standard Match



# Match Requirements and Waiver Process

## Regular ACEP-ALE –

### Standard Match Waiver

ACEP-ALE Match Waiver  
100% Fair Market Value  
of ALE

$\geq 50\%$  = Entity Share

$\leq 50\%$  = NRCS Share

25% = Entity Cash

75% = Voluntary, Qualified  
Landowner Contribution

## Regular ACEP-ALE –

### Match Waiver in State Tax Credit State

ACEP-ALE Match Waiver  
100% Fair Market Value  
of ALE

$\geq 50\%$  = Entity Share

$\leq 50\%$  = NRCS Share

10% = Entity Cash

90% = Voluntary, Qualified  
Landowner Contribution



### Agricultural Conservation Easement Program - Agricultural Land Easements Easement Compensation Match Scenarios

| General ACEP-ALE Parcel: Easement value = \$100,000                                 |               |             |                        |   |
|---|---------------|-------------|------------------------|---|
| General ACEP-ALE Parcel   | Federal Share | Entity Cash | Landowner Contribution | Entity Cash as Percent of the Federal Share |
| Standard options  | \$50,000      | \$50,000    | \$0                    | 100%  |
|   | \$50,000      | \$25,000    | \$25,000               | 50%   |
| Special significance projects   | \$50,000      | \$12,500    | \$37,500               | 25%   |
| Special significance projects in States w/<br>tax credits for farmland preservation | \$50,000      | \$5,000     | \$45,000               | 10%   |

# ACEP-ALE Easement Compensation

## Two Valuation methodologies

1. Uniform Standards of Professional Appraisal Practice (USPAP) appraisal; or
2. A Uniform Appraisal Standards for Federal Land Acquisitions (UASFLA, commonly called Yellow Book)

**Agricultural Conservation Easement Program  
Agricultural Land Easement Component  
Specifications for Appraisals of Real Property for the  
ACEP - Agricultural Land Easement Component and Scope of Work**

**A. Background Information**

1. The United States of America, acting through the United States Department of Agriculture's Natural Resources Conservation Service (NRCS) and [eligible entity name] is considering purchasing a conservation easement to assist the landowner in protecting the agricultural use and future viability and related conservation values by limiting nonagricultural uses of the land or protecting grazing uses and related conservation values on eligible lands. Eligible lands include farm and ranch lands that contain prime, unique, or statewide and locally important soils, contains historical or archaeological resources, or protect grazing uses and related conservation values, or the protection of which will further the purposes of the Agricultural Conservation Easement Program (ACEP). These lands may be placed under a conservation easement through the Agricultural Lands Easement (ALE) component of the ACEP.
2. All appraisals completed for ALE must comply with appraisal instructions as issued by NRCS. The eligible entity must order the appraisal and be identified as the client. The eligible entity may opt for either of the following two methods to determine the effect of the conservation easement on the subject property:
  - a. A Uniform Standards of Professional Appraisal Practice (USPAP) appraisal.
  - b. A Uniform Appraisal Standards for Federal Land Acquisition (UASFLA commonly called Yellow Book).
3. NRCS National Appraiser resolves questions that arise from these specifications. Contact information may be obtained through the client from the NRCS State office.

**B. Appraiser Qualifications**

1. All real property appraisers performing appraisals under ALE must be State-certified general real property appraiser or obtain a temporary practice permit equal to State-certified general real property appraiser in compliance with title XI of the Financial Institution's Reform, Recovery and Enforcement Act of 1989 (FIRREA) in the State or States where the subject property is located.
2. Must be in good standing with the licensing authority where the credential was issued.
3. The appraiser must not have received any disciplinary action within the past 5 years.
4. The appraiser must have demonstrated competency in compliance with USPAP or UASFLA in conducting appraisals of rural and agricultural properties of the requested type.
5. The appraiser must have demonstrated competency in compliance with USPAP or UASFLA in conducting appraisals of rural and agricultural properties with conservation easements of the requested type.
6. The appraiser must provide documentation of completion of a valuation of conservation easements or eminent domain appraisal course.
7. The appraiser must provide documentation of completion of a UASFLA (Yellow Book) course for any UASFLA appraisal.
8. Documentation of the experience and education will be included in the appraisal report.

# ACEP ALE Agreement Requirements

- Entities will enter into a Cooperative Agreement with NRCS
- Deeds must include NRCS' Minimum Deed Requirements
- Entities or Landowners unable to accept required agreement, deed, or contract terms can submit a request to modify the language. The modifications must be approved by the NRCS National Headquarters and legal counsel

*Examples are at <http://www.nrcs.usda.gov> under the Programs->Easement section.*

Draft Cooperative Agreement available on the Maryland NRCS Website

FISCAL YEAR 2014  
 STATEMENT OF WORK  
 BETWEEN THE  
 UNITED STATES OF AMERICA  
 COMMODITY CREDIT CORPORATION  
 ACTING THROUGH THE  
 NATURAL RESOURCES CONSERVATION SERVICE  
 and the  
 [ENTITY or ENTITIES NAME(S)]  
 for the  
 AGRICULTURAL CONSERVATION EASEMENT PROGRAM

This Cooperative Agreement is entered into by and between the United States of America (the United States), acting by and through the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) on behalf of the Commodity Credit Corporation (CCC), and the [ENTITY or ENTITIES NAME(S)] (hereinafter whether singular or plural ENTITY) for the implementation of the Agricultural Conservation Easement Program (ACEP) Agricultural Land Easement (ALE) component. The CCC shall utilize the expertise and services of NRCS to administer this program and perform the duties set forth within this Cooperative Agreement. The term "Parties" as used herein refers collectively to the United States and the ENTITY.

**I. AUTHORITY.**

This Cooperative Agreement is entered into by the United States under the authorities of the Commodity Credit Corporation Charter Act, 15 U.S.C. 714 et seq. and Agricultural Conservation Easement Program, Subtitle H of Title XII of the Food Security Act of 1985, as amended by Section 2301 of the Agricultural Act of 2014 (Public Law 113-79) (the Act). In addition to these authorities, this Cooperative Agreement will be administered in accordance with the policies and procedures set forth in the FRPP regulation, 7 CFR part 1491 and [cite to April 30 National Bulletin]. The CCC administers the ACEP under the general supervision of the Chief of the NRCS who is a Vice President of the CCC.

**II. BACKGROUND AND PURPOSE.**

The Act authorizes the Secretary of Agriculture to facilitate and provide funding for the purchase of Agricultural Land Easements on eligible land by an eligible entity from an eligible landowner. The Act authorized ACEP funding for fiscal years (FY) 2014 through 2018.

WHEREAS, eligible entity means Indian Tribe, State government, local government, or a nongovernmental organization that has an agricultural land easement program that purchases agricultural land easements for one or more of the following two purposes:

1. protecting the agricultural use and future viability, and related conservation values, of eligible land by limiting nonagricultural uses of that land; or
2. protecting grazing uses and related conservation values by restoring and conserving eligible land.

WHEREAS, eligible land means land determined by NRCS to be privately owned agricultural land, including land on a farm or ranch, that is subject to a written pending offer to purchase an agricultural land easement, meets one or more of the four criteria listed below, and meets one or more of the acceptable land uses identified in the Act:

1. has prime, unique, or other productive soil;

NRCS Representative Initial \_\_\_\_\_

Recipient Representative Initial \_\_\_\_\_

# Minimum Deed Terms available on the Maryland NRCS Website

## MINIMUM TERMS FOR AGRICULTURAL LAND EASEMENTS FISCAL YEAR 2014 FUNDED AGRICULTURAL CONSERVATION EASEMENT PROGRAM COOPERATIVE AGREEMENT

1) When these terms are appended as an exhibit to the Agricultural Land Easement deed, as opposed to being inserted directly into an Agricultural Land Easement deed, this paragraph will be inserted at the bottom of the ACEP funded Agricultural Land Easement deed immediately before the signature pages:

The Agricultural Land Easement is acquired with funds provided, in part, by the Agricultural Conservation Easement Program ("ACEP") under Cooperative Agreement Number [##-####-##-##] dated [Date of Cooperative Agreement] between the [Cooperating Entity Name(s)] and the United States of America (the United States), by and through the Commodity Credit Cooperation and the Natural Resources Conservation Service (NRCS), United States Department of Agriculture (USDA). As required by 16 U.S.C. § 3865 *et seq* and as a condition of receiving ACEP funds, all present and future use of the [Insert Defined Term for Parcel] identified in EXHIBIT \_\_\_\_ (legal description or survey) is and shall remain subject to the terms and conditions described in the Minimum Terms For Agricultural Land Easements in EXHIBIT \_\_\_\_ which is appended to and made a part of this easement deed. The terms and conditions described in the Minimum Terms For Agricultural Land Easements shall run with the land in perpetuity. The Minimum Terms For Agricultural Land Easements, the easement deed, and all exhibits to each, shall be collectively referred to as the Agricultural Land Easement or this Deed. In the event a discrepancy arises between the Minimum Terms For Agricultural Land Easements and the easement deed, the terms of the Minimum Terms For Agricultural Land Easements control.

2) A fully executed copy of the Exhibit below must be attached to the ACEP funded Agricultural Land Easement Deed at the time of closing and recordation:

### EXHIBIT \_\_\_\_

#### MINIMUM TERMS FOR AGRICULTURAL LAND EASEMENTS

The Agricultural Conservation Easement Program facilitated and provided funding through a Cooperative Agreement for the purchase of an Agricultural Land Easement (the Agricultural Land Easement) on real property described in Exhibit \_\_\_\_ (the Property) for the purpose of protecting the agricultural use and future viability, and related conservation values, of the Property by limiting nonagricultural uses of the Property [Alternatively: protecting grazing uses and related conservation values by restoring and conserving the Property.] A copy of the Cooperative Agreement is kept on file at the offices of NRCS at \_\_\_\_\_ and at the offices of the [Cooperating Entity Name(s)], \_\_\_\_\_.

The [LANDOWNER NAME(S)], (collectively Grantor); the [COOPERATING ENTITY NAME(S)] (collectively Grantee) and the United States of America (the United States), acting by and through the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) on behalf of the Commodity Credit Corporation (CCC), jointly referred to as the "Parties" acknowledge that the Agricultural Land Easement is acquired to protect the agricultural use and future viability, and related conservation values, of the Property by limiting nonagricultural uses of the Property [Alternatively: protect the grazing uses and related conservation values by restoring and conserving the Property], thereby preserving and protecting in perpetuity the multiple, interrelated land features which are critical to agricultural lands, historic structures, archaeological resources, open space, and wildlife habitats. This Agricultural Land Easement protects \_\_\_\_ acres of prime, unique, or other productive soil [Alternatively: grassland] which is \_\_\_\_% of the Property [and habitat for [list species]] [and historic/archaeological



# APPLICATION PACKETS





# Application

- 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. A written pending offer for each parcel
  3. Evidence of sufficient matching funds
  4. Evidence of their capability to acquire, manage and enforce ALEs
  5. Any required waiver documentation and
  6. All other application documentation

Application Documents are posted on the MD NRCS Website at <http://www.nrcs.usda.gov/wps/portal/nrcs/main/md/programs/easements/acep/>

# Application

- ACEP, DUNS, and SAM Registration
  - All partnering entities that will be party to an Agreement must have a DUNS <http://fedgov.dnb.com/webform> and be registered in SAM <https://www.sam.gov/>
  - ALE landowners, even if they are operating under an EIN, do NOT have to have a DUNS or be registered in SAM

MARYLAND USDA-NRCS  
 AGRICULTURAL CONSERVATION EASEMENT PROGRAM  
 AGRICULTURAL LAND EASEMENTS

APPLICATION PACKAGE CHECKLIST

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Submit completed application forms and supporting documents to:  
 USDA-NRCS

Attn: M. Tiffany Davis, Farm Bill Program Specialist  
 tiffany.davis@md.usda.gov  
 339 Busch's Frontage Road, Suite 301  
 Annapolis, Maryland 21409

- Application Cover Letter**
- Entity Application for an Agricultural Land Easement (ALE) Agreement (NRCS-CPA-41)**
- Maryland NRCS Vendor Code Worksheet**
- Entity Summary Information:** (Three page maximum)
  - a. Entity Administrative and Financial Officer contact information (address, phone, e-mail)
  - b. Statement describing the Entity commitment to long-term conservation of agricultural lands
  - c. History of easement acquisition, management, and enforcement
  - d. History of an eligible entity's commitment to assisting beginning farmers and ranchers, promoting opportunities for farming and ranching, and farm and ranch succession and transfer
  - e. History of participating entities commitment to conservation planning and conservation practice implementation
  - f. Source and availability of matching funds equal to at least 50 percent of the estimated fair market value of the conservation easement (including landowner donation).
  - g. DUNS Number-(A Dun & Bradstreet Data Universal Numbering System (DUNS) number is necessary for federal grants or contracts to entities equal to or more than \$25,000. *If you do not have a number, information is available at <http://fedgov.dnb.com/webform/displayHomePage.do>*
  - h. System for Award Management- Once the entity has a DUNS number, you **must** register with System for Award Management (SAM) and complete other reporting requirements. To register with SAM, go to [www.sam.gov](http://www.sam.gov) . Registration is FREE.
- Parcel Package:** (Separate package for each parcel submitted for funding)
  - a. Parcel Sheet for Entity Application for an ALE Agreement (NRCS-CPA-41A)
  - b. Certification of Highly Erodible Land and Wetland Conservation Compliance (CCC-1026) – signed by the landowner (File with USDA Farm Service Agency)
  - c. “Adjusted Gross Income Certification and Consent to Disclosure of Tax Information” (CCC-941) – signed by the landowner (File with USDA Farm Service Agency)
  - d. Maryland NRCS Parcel Ranking Workbook
  - e. Specific breakdown of proposed funding sources, assuming funds are awarded
  - f. Aerial photograph identifying easement boundary cropland, grassland, forestland and incidental land
  - g. Road Map identifying parcel location
  - h. Web Soil Survey map with easement boundary

ENTITY APPLICATION for an AGRICULTURAL LAND EASEMENT (ALE) AGREEMENT

**Clear Form**

|   |  |
|---|--|
| This is an Entity Application for an Agricultural Land Easement (ALE) Agreement through the: (Select ONE)<br><input type="checkbox"/> Agricultural Conservation Easement Program – Agricultural Land Easement (ACEP-ALE)<br><input type="checkbox"/> Regional Conservation Partnership Program (RCPP) – ACEP-ALE  |  |
| Entity Name:  | NEST Application Number:<br>AGENCY USE   |
| Entity Address:   | Application Date:  |
| Entity Email:   | Entity Type:<br><input type="checkbox"/> State Government<br><input type="checkbox"/> Local Government<br><input type="checkbox"/> Indian Tribe<br><input type="checkbox"/> Non-Governmental Organization <sup>1</sup> |
| Entity TIN  | Application Total Acres:   |
| Telephone:  | State:   |
| Land Eligibility Category for Agreement (Select One <sup>6</sup> ):<br><input type="checkbox"/> Has prime, unique, or other productive soil<br><input type="checkbox"/> Contains historical or archaeological resources. <sup>8</sup><br><input type="checkbox"/> Protects grazing uses and related conservation values<br><input type="checkbox"/> Furthers a State or local government policy consistent with the purposes of ACEP. Cite the State or local government policy consistent with ACEP: _____ |  |
| Is this an application for a Grassland of Special Environmental Significance (GSS) ALE Agreement: <input type="checkbox"/> Yes <input type="checkbox"/> No  |  |

This is an Entity Application for an ALE Agreement, as established by the Agricultural Act of 2014. By signing and submitting this application, you agree to comply with the requirements of ACEP-ALE.

- Yes  No Do you have entity records established with the appropriate USDA Service Center Agency?  
*If no, you must establish them with the appropriate USDA Service Center Agency prior to submitting this application.*
- &A Dun & Bradstreet Data Universal Numbering System (DUNS) number and current registrations in the Central Contractor Registrations (CCR) databases are required for receiving payment under an EIN. If you do not have a DUNS number information is available at <http://fedgov.dnb.com/webform> To register with CCR, go to <https://www.sam.gov>  
 DUNS Number:
- Yes  No Do you have the authority and capability to acquire, manage, and enforce agricultural land easements?
- How many entity staff are dedicated to monitoring and easement stewardship?
- Yes  No Are you an NRCS Certified Entity?<sup>10</sup>
- Yes  No Are all parcels<sup>9</sup> associated with this application subject to a written pending offer,<sup>11</sup> signed by the eligible entity for purchase of an agricultural land easement<sup>11</sup> by an eligible entity?



7.  Yes  No Will any other entity co-hold an agricultural land easement on one or more of the parcels associated with this application?  
*If the answer is Yes, then the intended co-holder(s) must co-sign this application for an Agricultural Land Easement Agreement, provide a DUNS number, and be registered with SAM.*

Name:  Tax Number:  DUNS Number:

Co-Holder Signature:

Name:  Tax Number:  DUNS Number:

Co-Holder Signature:

8.  Yes  No Will another entity, other than the United States, hold a third-party right, contingent right, or any other real property interest in an agricultural land easement on one or more of the parcels associated with this application, excluding entities co-signing this application as a co-holder?

*If the answer is Yes, list the Names and Tax Identification Number for all other intended holders of interests in the agricultural land easement.*

Name:  Tax Number:  DUNS Number:

Name:  Tax Number:  DUNS Number:

Name:  Tax Number:  DUNS Number:

9. The land offered<sup>viii</sup> under this application is (check all that apply):

- Private Land
- Tribal, Allotted, Ceded, or Indian Land

10. How many parcels are associated with this application:

*You must complete an ACEP-ALE Parcel Sheet [Insert Form Number] for each parcel associated with this application and attach it to this Entity Application for an ALE Agreement.*

11. Complete the below table with the sum totals for all parcels associated with this application.  
*These values may be estimates; subject to the final values, being determined by an NRCS approved appraisal report or easement valuation methodology.*

|  |    |
|--|----|
| A. Total Estimated Fair Market Value of all ALEs   | \$ |
| B. Total Estimated Entity Non-Federal Cash Contribution to all ALEs (excluding landowner donation) | \$ |
| C. Total Requested Federal Share for ALEs  | \$ |
| D. Total Estimated Purchase Price <sup>x</sup> of ALEs (D = B + C)                                 | \$ |
| E. Total Estimated Landowner Donation for all ALEs <sup>x</sup> (E = A - D)                        | \$ |

12. All entities that will be identified as either a co-holder or other holder of interest on any agricultural land easement deed associated with this application must be listed on the table below. For those that will contribute cash or receive ALE funds, identify on the table below the estimated entity non-federal cash contribution (item B above) and the requested federal share (item C above) by individual entity.

| Entity Name: | Entity Role ( <i>identify either</i> ):<br>- Co-holder (#7 above), or<br>- Holder of Interest (#8 above) | B1. Estimated Individual Entity Non-Federal Cash Contribution to all ALEs ( <i>total must equal item B above</i> ) | C1. Individual Entity portion of requested Federal Share for ALEs ( <i>total must equal item C above</i> ) |
|--------------|--|--|--|
|              |  |  |  |
|              |  |  |  |
|              |  |  |  |
|              |  |  |  |

The Entity has reviewed the template Agricultural Land Easement Agreement that stipulates the terms and conditions under which the entity would be permitted to use the cost-share assistance applied for herein. The Entity agrees to participate in the Agricultural Land Easement component of the Agricultural Conservation Easement Program if NRCS and the Entity enter into an Agricultural Land Easement Agreement. However, nothing in this application obligates the United States or the Entity to purchase all or any of the Agricultural Land Easements listed on the Parcel Sheets attached to this application. The undersigned Entity shall hereafter be referred to as the "Participant." The Participant understands that unless an Entity is Certified by NRCS, acquiring an Agricultural Land Easement without the NRCS required minimum deed terms and conditions or prior to NRCS approval of the appraisal or easement valuation determination and title causes the Agricultural Land Easement to be ineligible for ACEP cost-share assistance. An Entity may only be Certified by the Chief of NRCS.

It is the responsibility of the Participant to provide accurate data to support all items addressed in this application at the request of NRCS. False certifications are subject to criminal and civil fraud statutes. The Participant certifies that highly erodible land conservation/wetland conservation, adjusted gross income certifications, and member information for all landowners are on file with the appropriate USDA Service Center Agency.

The Participant is required to be registered in the System for Award Management (SAM) before submitting this application and must provide a valid DUNS number on this application. Each Participant must continue to maintain an active SAM registration with current information at all times during which it has an Agricultural Land Easement, Agricultural Land Easement Agreement, or an active application under consideration. NRCS may not enter into an Agricultural Land Easement Agreement with an Entity until all applicable DUNS and SAM requirements have been met. If an Entity has not fully complied with these requirements by the time NRCS is ready to award the Agricultural Land Easement Agreement, NRCS may determine that the Entity is not qualified to receive an Agricultural Land Easement Agreement and use that determination as a basis for making an award to another applicant.

**Initial**

- 13.  - I certify that the Entity has its own cash resources to provide the Total Estimated Entity Non-Federal Cash Contribution stated in 11.B. above.
- 14.  - I have received and reviewed a copy of the required Agricultural Land Easement Cooperative Agreement Template and United States Secretary of Agriculture's required minimum deed terms and conditions for an Agricultural Land Easement.

|  |      |
|--|------|
| Signature of Authorized Entity Representative<br> | Date |
|--|------|



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

Clear Form

This is a parcel sheet for an Entity Application for an Agricultural Land Easement (ALE) Agreement through the: (Select ONE)

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

Regional Conservation Partnership Program (RCPP) – ACEP-ALE

|  |   |
|--|---|
| Parcel <sup>1</sup> Landowner <sup>2</sup> Name (as stated on source deed):  | Attached to NEST Entity Application Number:<br>AGENCY USE |
|  | NEST Parcel Number:<br>AGENCY USE                         |
| Parcel Street Address:   |   |
| Entity Name:   | Entity DUNS Number:                                       |
| Entity Email:  | Entity Telephone:   |
| Land Eligibility Category for Parcel (Select One):<br><input type="checkbox"/> Has prime, unique, or other productive soil. Percent of parcel that is prime, unique, or other productive soil:<br><input type="checkbox"/> Contains historical or archaeological resources<br><input type="checkbox"/> Protects grazing uses and related conservation values<br><input type="checkbox"/> Furthers a State or local government policy consistent with the purposes of the ACEP. Cite the State or local government policy consistent with the ACEP: _____ | Entity TIN:   |
|  | Application Date:   |
| Is this an application for a Grassland of Special Environmental Significance (GSS) ALE Agreement: <input type="checkbox"/> Yes <input type="checkbox"/> No   |   |
| Parcel Offered Acres:  | Parcel Longitude and Latitude:                            |

1.  Yes  No Do all landowners have farm records established with the appropriate USDA Service Center Agency?

*If no, they must be established for each landowner with the appropriate USDA Service Center Agency prior to submitting this application.*

2. What evidence of landownership are you providing?

- Property Deed
- Current Written Purchase Agreement

*Attach the Property Deed or Written Purchase Agreement to this Parcel Sheet.*

3. Is the land owned by an (check all that apply):

Individual

a) Please enter your legal name(s) and tax identification number(s):

Name:  Tax Number:

Entity (Corporation, Limited Liability Company, Partnership, Trust, etc.)

a) Please enter entity legal name and tax identification number:

Name:  Tax Number:

b) Yes  No  Do you have appropriate documents including proof to sign for the entity?

4. The land offered.<sup>iii</sup> under this parcel sheet is (select one):

- Private Land
- Tribal, Allotted, Ceded, or Indian Land

5. Is the land being offered for enrollment (select all that apply):

- Cropland  Rangeland  Pastureland
- Grassland or land that contains forbs
- Shrubland for which grazing is the predominant use
- Located in an area that has been historically dominated by grass land, forbs, or shrubs and could provide habitat for animal or plant populations of significant ecological value
- Nonindustrial private forest land that contributes to the economic viability of an offered parcel or serves as a buffer to protect such land from development.  
Identify percent:

6.  Yes  No Is this parcel subject to a written pending offer.<sup>iv</sup> signed by the eligible entity for purchase of an agricultural land easement<sup>v</sup> by an eligible entity?

*Attach the pending offer for purchase of an agricultural land easement to this Parcel Sheet.*

7.  Yes  No Is any portion of the parcel subject to an easement or deed restriction which provides similar protection as would be provided by enrollment in ACEP-ALE?

8.  Yes  No Is there any portion of the Parcel where the purposes of ACEP would be undermined due to on-site or off-site conditions, such as risk of hazardous substances, proposed or existing rights of way, infrastructure development, or adjacent land uses?

9.  Yes  No Is the entire parcel accessible from a public road or is there sufficient legal access to the entire parcel? Sufficient legal access is an insurable unconditional and transferable legal right of recorded access for the term of the easement.

*Attach map showing access from a public road or evidence of sufficient legal access.*

10. Complete the below table for this parcel:

*These values may be estimates; subject to the final values, being determined by an NRCS approved appraisal report.*

|  |    |
|--|----|
| A. Estimated Fair Market Value of this ALE   | \$ |
| B. Estimated Entity Non-Federal Cash Contribution to this ALE (excluding landowner donation) | \$ |
| C. Requested Federal Share for this ALE  | \$ |
| D. Estimated Purchase Price. <sup>vi</sup> of this ALE (D = B + C)                           | \$ |
| E. Estimated Landowner Donation for this ALE. <sup>vii</sup> (E = A - D)                     | \$ |

11. Do the landowners of this parcel meet the criteria for any of the following categories? Check all that apply.

- Limited Resource Farmer or Rancher.<sup>viii</sup>
- Beginning Farmer or Rancher.<sup>ix</sup>
- Socially Disadvantaged Farmer or Rancher.<sup>x</sup>
- Veteran Farmer or Rancher.<sup>xi</sup>

**Not Applicable**

*A landowner may self-certify if they meet the requirements for these categories. Definitions are provided below. For more information please go to this website: <http://www.lrftool.sc.egov.usda.gov/>*

The Entity and Landowner agree to participate in the Agricultural Land Easement component of the Agricultural Conservation Easement Program if NRCS accepts the offered application. However, nothing in this application obligates the United States or the Entity to purchase all or any of the Agricultural Land Easements listed on the Parcel Sheets attached to this application. The undersigned Entity shall hereafter be referred to as the "Participants" and Landowners shall hereafter be referred to as "Landowners." The Participants and Landowners understand that unless an Entity is Certified by NRCS, acquiring an Agricultural Land Easement prior to approval of the Agricultural Land Easement deed, appraisal, and title causes the Agricultural Land Easement be ineligible for ACEP financial assistance. An Entity may only be Certified by the Chief of NRCS.

The Participants and Landowners acknowledge that highly erodible land conservation/wetland conservation, adjusted gross income certifications, and member information for all landowners are on file with the appropriate USDA Service Center Agency.

It is the responsibility of the Participants to provide accurate data to support all items addressed in this application at the request of NRCS. False certifications are subject to criminal and civil fraud statutes.

All Participants or landowners that certify that the landowner of a parcel meet eligibility as a Limited Resource Farmer or Rancher, Beginning Farmer or Veteran Farmer or Rancher will provide all records necessary to justify their claim as requested by a NRCS representative. It is the responsibility of the Participant and landowners to provide accurate data to support all items addressed in this application at the request of NRCS. False certifications are subject to criminal and civil fraud statutes.

Entity Initial

- 12.  - I certify that the Entity has its own cash resources to provide the Estimated Entity Non-Federal Cash Contribution to this ALE stated in 10.B. above.
- 13.  - I, Entity, have provided Landowner a copy of the United States Secretary of Agriculture's required minimum deed terms and conditions for an Agricultural Land Easement.

|  |             |
|--|-------------|
| <b>Signature of Authorized Entity Representative</b><br> | <b>Date</b> |
|--|-------------|

Landowner Initial

- 14.  - I, Landowner, have received a copy of the United States Secretary of Agriculture's required minimum deed terms and conditions for an Agricultural Land Easement.

|   |             |
|---|-------------|
| <b>Signature of Authorized Landowner Representative</b><br> | <b>Date</b> |
|---|-------------|

**NONDISCRIMINATION STATEMENT**

The U.S. Department of Agriculture (USDA) prohibits discrimination against its customers. If you believe you experienced discrimination when obtaining services from USDA, participating in a USDA program, or participating in a program that receives financial assistance from USDA, you may file a complaint with USDA. Information about how to file a discrimination complaint is available from the Office of the Assistant Secretary for Civil Rights.

USDA prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex (including gender identity and expression), marital status, familial status, parental status,

| Maryland USDA, Natural Resources Conservation Service   |  |
|---|--|
| Application for Agricultural Conservation Easement Program Aq Land Easements Funding  |  |
| Information Required to Determine Landowner Eligibility   |  |
| <b>Landowner MUST meet Highly erodible Land (HEL) and Wetland Conservation (WC) provisions as part of the parcel application process or the parcel is NOT ELIGIBLE for consideration for ACEP ALE.</b>  |  |
| <b>Landowner must complete the NRCS-CPA-1200 (for ACEP ALE)</b>   |  |
| <b>Provide a statement from the Soil Conservation District that a current conservation plan is on file for this parcel. A plan is considered current for ACEP ALE if it has been developed or updated within the AD-1026 form(s) for all land owned or managed by the landowner. Farms in Maryland receiving government payments will have a completed AD-1026 form on file at the FSA office, annually. A signed copy of the AD-1026 must be received by NRCS prior to obligation of funds. Parcels without a signed</b> |  |
| Parcel Information - submit one per parcel  |  |
| Parcel Information  |  |
| Information Required to Support Ranking   | Enter data or attachment. Use NA if information is not |
| County  |  |
| Landowner name(s) as shown on current deed.   |  |
| Address of the landowner  |  |
| Address of the parcel (if different from the landowner address).  |  |
| Legal Description of the parcel   | Attachment   |
| Is the the Landowner HEL eligible? (Y/N)  |  |
| Is the the Landowner WC eligible? (Y/N)   |  |
| Pending offer for the parcel (This needs to be a written offer signed by the landowner and entity to purchase or a summary appraisal report.)   | Attachment   |
| Historical or archaeological resources proposed to be protected, a brief description of the site's significance and documentation of the site's listing on the Federal, Tribal, or State register. The listing document that describes the significance of the site must be included in the application to compare with the cooperating entity's ability to manage and enforce the easement for historic preservation of the site   |  |
| Manner that each parcel supports a State or local farm or ranch land protection program, if applicable. <b>Evidence of how the parcel supports the policy such as location within a focus area or statement from the unit of government indicating that the parcel supports the unit of</b>   | Attachment   |
| Size of the parcel, in acres.   |  |
| Total Acres of the prime, unique, or Statewide and locally important soil in the  |  |
| Acres of Cropland   |  |
| Acres of Pastureland  |  |
| Acres of Hayland  |  |
| Acres of Rangeland  |  |
| Acres of Forest (Sum of Wetland and Non-Wetland Forest)   |  |
| Acres of Incidental Land (including farmstead and non-forested wetland)   |  |
| Acres of Forested Wetlands (forest with hydric soil)  |  |
| Acres of Non-wetland Forest (forest without hydric soil)  |  |
| Acres of Non-Forested Wetland (hydric soil without forest cover) (part of incidental)   |  |
| Does the land have 50% prime, unique, and important farmland?   |  |
| Location map of the parcel.   | Attachment   |
| Map of the parcel showing the proposed easement area.   | Attachment   |
| Map and table of the prime, unique, or Statewide or locally important soils for the   | Attachment   |
| Map showing the location of other protected parcels in relation to the land parcels proposed to be protected.   | Attachment   |
| Estimated value of the easement of the parcel (should equal the sum of the estimated cooperating entity contribution, landowner donation, and Federal contribution)   |  |

Page 1



To add additional copies of the ranking form to this workbook, place the cursor on the "MD FRPP Ranking" tab on the lower left of the page. Right click on the tab. Select "Move or Copy".

Check "Create Copy" box. Select "Ok" and a copy of the ranking sheet will be created. You may rename your spreadsheet as needed.

**Maryland Agricultural Conservation Easement Program Ag Land Easement Ranking Form**

| Landowner Name          | Acres    | County |        | Date |
|-------------------------|----------|--------|--------|------|
|                         |          |        |        |      |
|                         |          | Map    | Parcel |      |
|                         |          |        |        |      |
| Entity Name and Address | National | State  | Total  |      |
|                         | 0        | 0      | 0      |      |

| National Criteria (Maximum Points 1,000)   | Points         | Parcel Score |
|--|----------------|--------------|
| 1. Percent of prime, unique, and important farmland in the parcel to be protected  | ≤50%           | 0            |
|  | 51-60%         | 50           |
|  | 61-74%         | 100          |
|  | ≥75%           | 200          |
| 2. Percent of cropland, pastureland, grassland, and rangeland in the parcel to be protected  | ≤33            | 0            |
|  | 33-45%         | 75           |
|  | 46-50%         | 100          |
|  | ≥51%           | 200          |
| 3. Ratio of the total acres of land in the parcel to be protected to average farm size in the county according to the most recent USDA Census of Agriculture (www.agscensus.usda.gov) <b>Table Ag Census</b>   | ≤1             | 0            |
|  | 1.1-1.9        | 50           |
|  | ≥2             | 100          |
| 4. Decrease in the percentage of acreage of farm and ranch land in the county in which the parcel is located between the last two USDA Censuses of Agriculture (www.agscensus.usda.gov) <b>Table Ag Census</b> | 0%             | 0            |
|  | 0.1-5%         | 50           |
|  | 5.1-7          | 75           |
|  | ≥7.1%          | 100          |
| 5. Percent population growth in the county vs. the state growth rate as documented by the US Census (www.census.gov) <b>Table US Census</b>  | less than      | 0            |
|  | 1-2 times more | 50           |
|  | 2-3 times more | 100          |
| 6. Population density in the county (population per square mile) vs. the state population density as documented by the US Census (www.census.gov) <b>Table US Census</b>                                       | less than      | 0            |
|  | 1-2 times more | 50           |
|  | 2-3 times more | 100          |
| 7. Proximity of the parcel to other protected land, including military installations   | within 5 miles | 0            |
|  | within 1 mile  | 50           |
|  | Adjoining      | 100          |
| 8. Proximity of the parcel to other agricultural operations and infrastructure   | within 5 miles | 0            |
|  | within 1 mile  | 50           |
|  | Adjoining      | 100          |

| State Ranking Criteria (Maximum Points 1,000)                             | Points | Parcel Score |
|---|--------|--------------|
| 1. LESA Score (Maximum Points 190)  |        |              |
| 2. Farmstead eligible for State of National Historic Designation          | No     | 0            |
|   | Yes    | 110          |
| 3. Entity has outstanding parcels older than 18 months not acquired.      | No     | 100          |
|   | Yes    | -150         |
| 4. Entity has participated in FRPP in the past                            | No     | 200          |
|   | Yes    | 0            |
| 5. Entity has had an agreement terminated or cancelled in last 3 years.   | No     | 100          |
|   | Yes    | -250         |
| 6. Parcel has new or updated conservation plan within the last five years | No     | 0            |
|   | Yes    | 300          |



### MD NRCS VENDOR CODE WORKSHEET

Instructions to Vendors:

1. Fill in only the following Blocks: 2, 3, 4, (5 if more space is necessary), 6, 7 and
2. Fill in the Electronic Funds Transfer (EFT) Banking Information to include: Bank Account Number, Account Type, Bank Routing Number and Bank Name (or attach a voided check in the space provided).

|  |   |  |  |                            |  |                            |
|--|---|--|--|----------------------------|--|----------------------------|
| From:  | <b>1. Action</b>  |  | <b>2. Vendor Code (SSN, Fed ID #)</b>                                    |                            | <b>3. Vendor Name (Field allows only 26 characters)</b>  |                            |
|  | New<br><input type="checkbox"/>                                       | Modify<br><input type="checkbox"/>                                 |  |                            |  |                            |
|  | <b>4. Address Line 1 (Required – Field allows only 30 characters)</b> |  |  |                            | <b>7. Phone Number</b>   |                            |
|  |   |  |  |                            |  |                            |
|  | <b>5. Address Line 2 (Optional– Field allows only 30 characters)</b>  |  |  |                            | <b>8. Vendor Type</b>  |                            |
|  |   |  |  |                            |  |                            |
|  | <b>6. Address Line 3 (City, State, Zip)</b>                           |  |  |                            | <b>12. Payment Hold</b>  | <b>15. Prompt Pay Type</b> |
|  |   |  |  |                            |  |                            |
|  | <b>14. 1099 Vendor</b>  |  | <b>14a. 1099 Vendor (Name/Address)</b>                                   |                            | <b>*CCR DATABASE</b>   |                            |
|  |   |  | <i>Use only for "Assign" payments<br/>Block 14a should always be NO.</i> |                            | SHOULD <input checked="" type="checkbox"/> SHOULD NOT <input type="checkbox"/><br>be registered in the SAM Database. |                            |
| * Vendors doing business with USDA under the terms of any contracts, basic agreements, basic ordering agreements, or blanket purchase agreements are required to register in the CCR Database. |   |  |  |                            |  |                            |
| <b>EFT INFORMATION (Mandatory) Either fill in the banking information or staple a cancelled check in the space provided</b>  |   |  |  |                            |  |                            |
| <b>Bank Account Number</b>   |   | <b>Account Type</b>  |  | <b>Bank Routing Number</b> |  |                            |
|  |   | Checking <input type="checkbox"/> Savings <input type="checkbox"/> |  |                            |  |                            |
| <b>Bank Name:</b>  |   |  |  |                            |  |                            |
| <div style="border: 1px solid black; padding: 20px; min-height: 150px;"> <p>This block is reserved for cancelled check or copy of check to display Banking information.</p> </div>             |   |  |  |                            |  |                            |
| Tracking notes for Submitting Office   |   |  |  |                            |  |                            |
| Reference to our Contract Number:  |   |  |  |                            |  |                            |

To:

SPECIAL NOTES FOR INDIVIDUAL INPUTTING VENDOR RECORD:



# Application Packets must be submitted

to

USDA NRCS  
339 Busch's Frontage Road, Suite 301  
Annapolis, MD 21409  
Attn: ACEP Program Manager or  
[tiffany.davis@md.usda.gov](mailto:tiffany.davis@md.usda.gov)



# ACEP-ALE Required Easement Plans

- 2014 Act introduced a new requirement that ALL ACEP-ALE easements be subject to an:
    - “Agricultural Land Easement Plan”
  - In addition, Component Plans are required if the parcel includes grassland, forest land, or HEL
    - Grasslands require a Grassland Management Plan
    - Forest lands require a Forest Management Plan
    - HEL requires a Conservation Plan
      - And where appropriate will include conversion of highly erodible cropland to less intensive uses.
- 

# ACEP-ALE

## Required Easement Plans

- Agricultural Land Easement Plan, is the overarching easement plan that must:
  - Include conservation practices that address the resource concerns for which the parcel was selected
  - Describe activities that promote long-term viability of the land to meet easement purposes
    - Including a Farm or Ranch Succession Plan
  - Describe the farm management system, including baseline information provided by entity
  - Identify specific criteria associated with permissible and prohibited activities in the deed
  - Describe NRCS right of ingress and egress
  - Include any required component plans



# ACEP-ALE Required Easement Plans

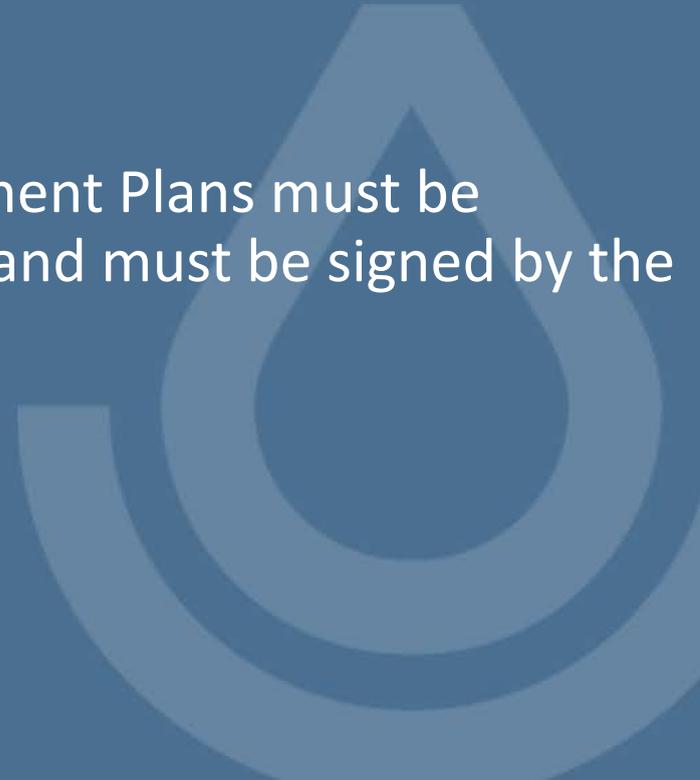
- The eligible entity is responsible to provide an Agricultural Land Easement Plan for NRCS review and approval prior to closing the ALE
  - The eligible entity can select who will develop the plan, either:
    - NRCS
    - Eligible entity themselves
    - A third party
      - NRCS cannot provide funds to an eligible entity or third party to develop an Agricultural Land Easement Plan
- Entity is responsible to provide NRCS with baseline documentation
  - Maps and descriptions of property location, land use, land cover, crops and crop rotations, condition of cover, animal inventories, any critical nesting habitat, all physical structures and improvements, roads and any problem areas, etc...





# ACEP-ALE Required Easement Plans

- Cooperative Agreement allows entity to identify who will develop the plan  
– NRCS or other
- All Agricultural Land Easement Plans and Component Plans must be reviewed and approved by NRCS prior to closing and must be signed by the landowner





# Questions

M. Tiffany Davis  
United States Department of Agriculture  
Natural Resources Conservation Service  
Farm Bill Program Specialist  
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443-482-2960

