



United States Department of Agriculture



Agricultural Conservation Easement Program Agricultural Land Easements Workbook



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General Information

This workbook contains information on entity, land and landowner eligibility and includes links to electronic versions of forms and manual citations that direct the user to the appropriate section of the [NRCS Conservation Program Manual, Part 528: Agricultural Conservation Easement Program](#).

The purpose of the Agricultural Conservation Easement Program-Agricultural Land Easement (ACEP-ALE) is to protect the agricultural 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. Under ACEP-ALE, NRCS provides cost-share assistance to eligible entities to purchase agricultural land from eligible landowners.

Eligible entities that have pending offers on eligible land to landowners who meet Farm Bill and ACEP-ALE program eligibility may submit their proposed parcels to NRCS Connecticut State office continuously throughout the year. The Connecticut State Conservationist establishes cutoff dates after which applications received will be ranked. State office staff ranks the proposed applications, and the State Conservationist selects parcels for funding. Eligible Entities will be contacted by email with the State Conservationist's selection approximately 30 days after the cutoff date.

The ACEP-ALE Agreement is the principal program document used to establish how NRCS and an eligible entity will coordinate the activities needed for the eligible entity to purchase an agricultural land easement with ACEP-ALE cost-share assistance. The ALE-agreement identifies each party's respective rights, requirements, roles, and responsibilities, and addresses the provision of federal ACEP-ALE cost share assistance as follows:



ACEP-ALE Program Agreement

An ACEP-ALE Program Agreement establishes the framework under which NRCS, and an eligible entity will operate and identifies the potential co-holder and third-party right holders that may be party to the acquisition of any ACEP-ALE easement associated with the ACEP-ALE program agreement. ACEP-ALE funds are not obligated to 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.

Buy-Protect-Sell Transactions

Buy-Protect-Sell Transaction means 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 the following conditions:



- Must be private or Tribal land, not available for eligible entities that are State or local governments
- The property must be subject to conditions that necessitate the BPS transaction, rather than a traditional ALE transaction
- Entity must own the land at the time the ALE-agreement for the BPS transaction is executed or within 12 months of such time
- Entity must sell fee title of the land to a qualified farmer or rancher
- Must sell at a lesser of appraised agricultural value or original purchase price paid by the eligible entity
- May include reasonable holding and transaction costs no to exceed 10 percent of appraised ag value
- Entity cannot be both the fee title landowner and the easement holder therefore there are 2 BPS transaction types:
 - Pre-Closing BPS Transaction: Transfer of fee title ownership of property to the qualified farmer or rancher takes place at or before the ACEP-ALE closing
 - ✓ ACEP-ALE funds as reimbursement payments only
 - Post-Closing BPS Transaction: Transfer of fee title ownership of property to the qualified farmer or rancher takes place after ACEP-ALE closing
 - ✓ At the time of application, entity proposes BPS transaction structure. NRCS reviews with their Office of the General Council and approves on a case-by-case basis

ACEP-ALE Eligibility Entity Contribution Requirements

The Federal share of ACEP-ALE payment shall not exceed 50 percent of the fair market value of the easement, as determined by an approved methodology such as a USPAP or UASFLA/Yellow Book appraisal. The eligible entity share may be comprised of:

- Eligible entity's cash contribution toward easement payment to landowner (no longer a minimum required amount)
- Landowner's donation or charitable contribution reducing easement price
- Procured costs paid by eligible entity to a third party for specific easement acquisition-related expenses, i.e., appraisal, survey, full Phase I environmental evaluation, title commitment, title insurance and closing costs
- Eligible entity costs for monitoring and stewardship (up to 2% of FMV of the easement)

This is described more fully in the ACEP manual at 528.43.

Entity Eligibility Information

NRCS works with eligible state, local, Indian Tribes and non-profit entities who arrange for the purchase of development rights through conservation easements on private lands. The entity must be determined to be eligible before any proposed easements submitted by that entity will be considered.

Cooperating Entity Eligibility Criteria

Any state or local unit of government or Indian Tribe, or non-profit organization can apply for ACEP-ALE funds by submitting a complete application package, which includes documents that demonstrate the following:



- Authority to purchase and hold agricultural conservation easements
- An established agricultural land protection program that purchases conservation easements for the purpose of protecting either the agricultural use and future viability and related conservation values of eligible land by limiting nonagricultural uses of that land or grazing uses and related conservation values by restoring or conserving eligible land
- Demonstrated a commitment to the long-term conservation of agricultural land
- The authority and capability to acquire, manage and enforce agricultural land easements
- Staff capacity (either directly or through formal agreement with other entities) dedicated to monitoring and easement stewardship
- The ability to satisfy the non-Federal share requirement for each parcel proposed for funding.
- For Program Agreements, the cooperating entity must provide the following:
 - Eligible Entity Documentation
 - Designation of Program Technical Contact
 - Entity Application NRCS-CPA-41
 - Attachment to list eligible entities, potential co-holders, and third-party right holders
 - Additional Provisions as negotiated between NRCS and entity
 - Certification Statement

Duns and SAM

Any eligible entity which will hold or co-hold an ACEP-ALE funded easement, or hold third-party rights must have a Dun and Bradstreet (DUNS) number and the entity must register the DUNS number in the System for Awards Management (SAM) at www.SAM.gov. Instructions for SAM Registration can be found on the SAM.Gov website, under HELP. The [Quick Start Guides for Grant Registrations](#) is especially useful. *NOTE: These are both FREE services. There is never a charge to obtain a DUNS number for the purpose of receiving federal financial assistance or to register the DUNS number on SAM.gov.*

Land and Landowner Eligibility

The eligible entity must ensure that both the land and any and all landowners are eligible to participate in ACEP-ALE before submitting an application. Use the following information to determine Land and Landowner Eligibility. Complete the [Checklists](#) (pages 7-8) to ensure that all documents are submitted with the application:

Land Eligibility:

An onsite review by NRCS is required prior to the NRCS making a final land eligibility determination. To be eligible for ACEP-ALE, land must meet each of the following criteria 528.33:

- Private or Tribal land that is agricultural land, including land on a farm or ranch
- Subject to a written pending offer for purchase of an agricultural land easement from an eligible entity [528.33 (D)]
- Must meet one of the following Land Eligibility Criteria 528.33 (B):
 - Is made up of at least 50 percent prime, unique, statewide, or locally important farmland *
 - Contains historical or archaeological resources



- The enrollment of the parcel will protect grazing uses and related conservation values by restoring and conserving land
- The protection of the parcel will further a State or local policy consistent with the purposes of ACEP
- Must be at least one of the following:
 - Cropland
 - 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 grassland, forbs or shrubs and could provide habitat for animal or plant populations of significant ecological value
 - Pastureland
 - Nonindustrial private forestland that contributes to the economic viability of an offered parcel or serves as a buffer to protect such land from development. (ACEP-ALE easements may contain forestland on up to two-thirds of the ACEP-ALE easement area.)
 - Is in an area that has access to agricultural markets for products, with infrastructure appropriate for supporting agricultural production and other services
 - Is land that faces development pressure from nonagricultural use
- The State Conservationist, with the advice of the State Technical Committee, may elect to increase or decrease the required percentage of prime, unique, statewide, or locally important soil for a specific area or region of the State. This decision must be documented in a general memorandum for the area or region affected and the basis for the increase or reduction.

Landowner Eligibility

All landowners, as shown on the deed, must be eligible for ACEP-ALE. 538.35 Landowners will need to complete USDA forms, and might need to provide additional information if they have never participated in USDA programs before.

If the landowner has never participated in USDA programs – they won't be in the USDA system, have never filed any eligibility paperwork and the land will not have a Farm/Tract number associated. The best course of action is to have the landowner (or representative of an entity landowner) contact the Farm Service Agency (FSA) in the appropriate USDA Service Center. FSA will enter the applicant's information into the USDA customer database (SCIMS) and digitize the boundaries of the land. FSA is also the agency that collects and maintains eligibility paperwork and makes landowner eligibility determinations. A new participant will get all the help they need to complete the paperwork and complete eligibility paperwork through an appointment with their FSA representative.

If the landowner is already a participant in NRCS or FSA programs, they may only need to update eligibility forms that have been filed in the past. Even experienced landowners should contact FSA to determine if they need to file new paperwork and to ensure that USDA files are correctly attributed.

Individual (Non-Entity) Landowners:

If there is more than one individual named on the deed (e.g., a husband/wife or parent and children) there must be documentation that describes the percent shares held by the participants (e.g., 50% - 50% or 50% - 25% - 25%). Each individual landowner will need to file paperwork that self-certifies compliance with USDA regulations concerning Highly Erodible Lands (HEL) and Wetland Compliance (WC). Additionally, each landowner will need to provide a self-certification form that they meet the Adjusted Gross Income limit (the threshold is \$900,000 for each of the 3 previous years) and provide consent to disclosure of tax information to the IRS.

The landowners would complete the following documents and provide the original to FSA. All current USDA forms can be found at the USDA eforms site: <https://forms.sc.egov.usda.gov/>

- Highly Erodible Land Conservation (HEL) & Wetland Conservation (WC) Certification: Each landowner named on the property deed must complete a separate AD-1026 form.



- Average Adjusted Gross Income (AGI) Certification and Consent to Disclosure of Tax Information: Each landowner who will be named on the easement deed must complete the CCC-941 form.

Legal Entity (trust, limited liability corporation, joint venture, etc.) Landowners:

If the land is owned in whole or part by an entity, both the entity and all of its members will need to complete the following documents and provide the original to FSA. A copy should be included with the application for ACEP-ALE.

- Members Information: The form is completed in the Entity's name and shows all the members of the entity and their owned shares: CCC-901 form.
- The FSA will work with each landowner to develop Farm Records and a CCC-902 from the information on the CCC-901. Each landowner will need to sign the CCC-902 once developed by FSA
- Highly Erodible Land Conservation (HELIC) & Wetland Conservation (WC) Certification: The legal entity named on the deed and each member of the legal entity must complete a separate AD-1026 form.
- Average Adjusted Gross Income (AGI) Certification and Consent to Disclosure of Tax Information: The legal entity named on the property deed and each member of the legal entity must complete a separate CCC-941 form.

If there is an embedded entity (i.e., an LLC might have a Trust as one of the members, and there are beneficiaries to the trust) –the entity, the embedded entity and any named individual members should all be shown on the CCC-901, and all need to file as above.

Any questions about filing eligibility paperwork should be directed to the landowner's local FSA office.



Application Package Checklist

ALL of the following Application Documents are Required for submission by the application deadline in order to be considered under ACEP-ALE:
[See 528.42] Hard Copy is preferred to ensure high quality maps

Entity Application Checklist

Attach/complete the following required supporting documentation:

- Completed and signed Entity Application (CPA-41) Must be signed by all Co-operating Entities, add additional signature page as needed)
- Documentation of the entity's commitment to long-term conservation of agricultural lands through the use of easements
- Documentation of the entity's capability and record of acquiring, holding, managing, and enforcing conservation easements
 - Include citation to the State-enabling statute that the entity will rely on to acquire agricultural easements
 - If the entity is a State, local or Tribal government, include the citation to the entity's statutory authority to acquire conservation easements consistent with the purposes of ACEP-ALE
- Documentation of the entity's capacity to monitor and enforce agricultural land easements
- Documentation of required funds available for EACH parcel – including, but not limited to:
 - Funds held in an entity account that are not otherwise committed or restricted
 - Funds awarded to the entity, but not necessarily held in an entity account
 - Loans obtained by the entity for the purpose of acquiring conservation easements
- If applicable, a written request for waiver of entity match requirements – including a signed letter from the landowner documenting that the increase in the landowner donation is voluntary and evidence that the land is in “active agricultural production”
- DUNS number, which has been registered and is active in SAM for each entity that will hold, co-hold or hold a third party right to a parcel is documented on the CPA-41

Parcel Sheet(s) Checklist

Attach/complete the following **REQUIRED** supporting documentation for each parcel in the application.

- Evidence of the landowner's current legal ownership, including a recorded deed, and, if necessary, a fully executed purchase agreement where the eligible landowner has agreed to purchase the eligible land.
- Completed and Signed Parcel Application CPA-41A for each parcel (MUST be signed by every named landowner on the deed – add extra signature pages as needed) - Include a Telephone number for the Primary Landowner Contact
- Copy of the written pending offer to acquire agricultural land easements for each parcel in the application
- Confirmation of the CCC-901-Members Information form, in the case of Entity Landowners (if not applicable, enter N/A). DO NOT PROVIDE COPIES OF THE CCC-901
- Confirmation of the CCC-902 developed by FSA and signed by each landowner



- Confirmation of the AD-1026- HEL/Wetland Compliance form for each landowner and member of a landowner entity. DO NOT PROVIDE COPIES OF THE AD-1026
- Confirmation of the CCC-941 – Average Adjusted Gross Income and Consent to Disclosure of Tax Information for each landowner and member of a landowner entity. DO NOT PROVIDE COPIES OF THE CCC-941.
- Estimated agricultural land easement value, costs, and contributions for each parcel [528.43] provided on the CPA-41A including:
 - The Fair Market Value of the easement
 - The total estimated entity non-federal contribution
 - The requested Federal share
 - The estimated purchase price
 - The qualified contribution by the landowner

Information that Describes the Parcel to be Protected:

- Map showing the location of the parcel – with boundaries accurately represented. Parcels with forestland should clearly show the acres of forest and the acres of open space, and the ratio should not exceed 2/3 forest to 1/3 open. Acres documented on the map should match the # of acres on the CPA- 1265.
- Evidence and map of legal and physical access to the parcel
- The location and acres of land where grazing uses, and related conservation values would be protected
- The location and acres of any grasslands meeting the definition of special environmental significance
- Map showing the location, number, and acreage of historical or archaeological sites proposed to be protected
- Map showing the location of the parcel in relation to other protected lands
- Narrative or map showing the parcel's accessibility to agricultural markets
- Narrative or map showing the parcel's access to existing agricultural infrastructure – both on and off farm
- Narrative or map showing the threat of conversion or fragmentation (from non-agricultural development or cropland conversion)
- New:** Narrative or map showing the current management of the land (e.g., crops grown, type of animals, etc.)
- Copies of any phase I environmental site assessments, if available
- Copies of appraisal reports or title reports, if available
- If the parcel's eligibility is based upon Historical/archeological sites or furthering State/local policy, a description of this basis, maps and appropriate citation of policy or the National Register is required
- Ownership of subsurface mineral rights and any required water rights, if Applicable (or enter N/A)



Complete application packages may be emailed, mailed, or hand-delivered (by appointment only) by the close of business on the advertised application cutoff date. A hard copy of the application package should be provided to ensure that maps and other documents are legible.

Applications must be complete and final by the cutoff date. We will not be able to make modifications to land configurations, land eligibility, or applicant eligibility after the deadline. If there are questions, please communicate with CT NRCS as soon as possible in the process.

Submit complete packages to:

[Carol Grasis](#)

Assistant State Conservationist - Programs
USDA-NRCS
344 Merrow Rd., Suite A
Tolland, CT 06084
(860) 871-4028

If you have any questions, please contact:

- [Carol Grasis](#) at (860) 871-4028 or by email to carol.grasis@usda.gov.
- [Carol Donzella](#) at (203) 859-7000 or by email at carol.donzella@usda.gov.

USDA Service Centers

Windham County

Danielson Service Center
71 Westcott Road
Danielson, CT 06239
NRCS - District Conservationist (860) 412-5258
FSA - County Executive Director (860) 779-0557

New Haven/Middlesex Counties

NRCS Service Center
51 Mill Pond Road
Hamden, CT 06514
District Conservationist (203) 859-7002

FSA Service Center
97 Barnes Rd., Suite A
Wallingford, CT 06492
County Executive Director (203) 269-6665

Hartford/Tolland Counties

Windsor Service Center
100 Northfield Dr., 4th Floor
Windsor, CT 06095
NRCS - District Conservationist (860) 902-5363
FSA - County Executive Director (860) 688-7725

Litchfield/Fairfield Counties

Torrington Service Center
1185 New Litchfield Street
Torrington, CT 06790
NRCS - District Conservationist (860) 618-4534
FSA - County Executive Director (860) 626-8852

New London County

Norwich Service Center
238 West Town Street
Norwich, CT 06360
NRCS - District Conservationist (860) 319-8803
FSA - County Executive Director (860) 887-3604, x 100





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