ACEP-ALE Buy, Protect, Sell (BPS) additional NRCS Washington criteria

National Instruction 300-308 describes additional criteria that states can adopt for BPS. State-specific transitional ownership condition categories were established by the Washington State Conservationist in consultation with the State technical advisory committee (STAC).

# WA STAC’s meeting was held on November 4, 2021. STAC members provided no additional comments to the BPS presentation. State Conservationist decision memo then concurred with the following criteria:

# Land Eligibility - Private or tribal land that otherwise meets the eligibility requirements of this part that is owed or in the process of being purchased by an eligible entity may be determined eligible for ACEP-ALE as part of a buy-protect-sell transaction if ALL OF THE FOLLOWING CRITERIAS ARE MET:

# The otherwise eligible land is also subject to conditions, as determined by NRCS, that necessitates ownership of the parcel by the eligible entity on a transitional basis prior to the creation of an agricultural land easement.

# Imminent threat of development or fragmentation into parcels below the median size of farms or chances in the country or parish as determined by the USDA’s most recent National Agricultural Statistical Survey (NASS);

# 2a. Planned or approved conversion of existing grasslands to more intensive agricultural uses (cropland); OR

# 2b. Part of the documented eligible entity program to transition ownership of agricultural lands to Historically Underserved (HU) client(s).

# Evidence required to support a determination of eligibility under such HU status will included:

# Self-Certification for HU criteria set forth on the NRCS-CPA-41A “ACEP-ALE Parcel Contract Application Form”

# Limited Resource Farmer or Rancher – The term “Limited Resource Farmer or Rancher” means a participant:

# • With direct or indirect gross farm sales not more than the current indexed value in each of the previous two years, and

# • Who has a total household income at or below the national poverty level for a family of four, or less than 50 percent of county median household income in each of the previous two years.

# A legal entity or joint operation can be a Limited Resource Farmer or Rancher only if all individual members independently qualify. A Self-Determination Tool is available to the public and may be completed on-line at: <https://lrftool.sc.egov.usda.gov/>

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# REQUIRED DOCUMENTATION: print the documentation from the above listed website and submit with BPS application

# Beginning Farmer or Rancher – The term “Beginning Farmer or Rancher” means a participant who:

# • Has not operated a farm or ranch, or who has operated a farm or ranch for not more than 10 consecutive years. This requirement applies to all members of a legal entity, and

# • Who will materially and substantially participate in the operation of the farm or ranch.

# In the case of a contract with an individual, individually or with the immediate family, material and substantial participation requires that the individual provide substantial day-to-day labor and management of the farm or ranch, consistent with the practices in the county or State where the farm is located.

# In the case of a contract made with a legal entity, all members must materially and substantially participate in the operation of the farm or ranch. Material and substantial participation requires that the members provide some amount of the management, or labor and management necessary for day-to-day activities, such that if the members did not provide these inputs, operation of the farm or ranch would be seriously impaired.

# REQUIRED DOCUMENTATION: For applications associated Beginning Farmer Rancher status, submit one of the following with BPS application:

# •One Internal Revenue Service (IRS) Form 1040 from the last 10 years showing that you did not file an IRS Form 1040, Schedule F. OR

# •A letter from a certified public accountant or attorney certifying that you meet the eligibility requirements for a beginning farmer or rancher.

# Socially Disadvantaged Farmer or Rancher – The term “Socially Disadvantaged” means an individual or entity who is a member of a socially disadvantaged group. For an entity, at least 50 percent ownership in the farm business must be held by socially disadvantaged individuals. A socially disadvantaged group is a group whose members have been subject to racial or ethnic prejudice because of their identity as members of a group without regard to their individual qualities.

# These groups consist of the following:

# • American Indians or Alaskan Natives

# • Asians

# • Blacks or African Americans

# • Native Hawaiians or other Pacific Islanders

# • Hispanics.

# Note: Gender alone is not a covered group for the purposes of NRCS conservation programs. The term entities reflect a broad interpretation to include partnerships, couples, legal entities, etc.

# Veteran Farmer or Rancher – The term "Veteran Farmer or Rancher" means a producer who served in the United States Army, Navy, Marine Corps, Air Force, or Coast Guard, including the reserve component thereof; was released from service under conditions other than dishonorable; and:

# • has not operated a farm or ranch, or has operated a farm or ranch for not more than 10 years; or

# • who first obtained status as a veteran during the most recent 10-year period.

# A legal entity or joint operation can be a Veteran Farmer or Rancher only if all individual members independently qualify.

# REQUIRED DOCUMENTATION: For applications associated Veteran Farmer Rancher status, submit the following with BPS application:

# •One Internal Revenue Service (IRS) Form 1040 from the last 10 years showing that you did not file an IRS Form 1040, Schedule F. OR

# •A letter from a certified public accountant or attorney certifying that you meet the eligibility requirements for a beginning farmer or rancher. AND

# •DD214 form.