



Natural Resources Conservation Service
U.S. DEPARTMENT OF AGRICULTURE

ACEP-ALE Land Eligibility: Projects that Further a State or Local Policy



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FARM PRODUCTION AND CONSERVATION
FSA | NRCS | RMA | Business Center

ACEP-ALE Land Eligibility Requirements

- ACEP-ALE Land Eligibility—land must meet each of the following criteria (440 CPM 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 by an eligible entity, or for buy-protect-sell transactions, evidence that the land is owned by or in the process of being purchased by the eligible entity; AND
 - Meet *one* of the four ALE land eligibility criteria (next slide).
 - Have access to agricultural markets and infrastructure to support its agricultural production.
 - Agricultural land that faces development pressure from nonagricultural uses or grassland that faces conversion pressures.
 - Requires an NRCS onsite review.

ACEP-ALE Land Eligibility Requirements

- ACEP-ALE Land Eligibility—land must meet each of the following criteria (440 CPM 528.33):
 - Land that meets at least *one* of the following criteria:
 - Has prime, unique, or other productive soil;
 - Contains historical or archaeological resources;
 - Enrolling the land would protect grazing uses and related conservation values by restoring or conserving eligible land; or
 - *Protecting the land will further a State or local policy consistent with the purposes of ACEP-ALE.*
 - The land must also be one or more of the following land use types:
 - Cropland
 - Rangeland
 - Pastureland
 - Grassland or land that contains forbs or shrubland for which grazing is the predominant use.

ACEP-ALE Land Eligibility Requirements

- ACEP-ALE Land Eligibility—land must meet each of the following criteria (440 CPM 528.33):
 - The land must also be one or more of the following land use types:
 - Land 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.
 - Non-Industrial Private Forestland (NIPF) that contributes to the economic viability of an offered parcel or serves as a buffer to protect against development.
 - NIPF land cannot exceed 2/3 of the easement area unless waived by NRCS for sugar bush operations that contribute to the economic viability.

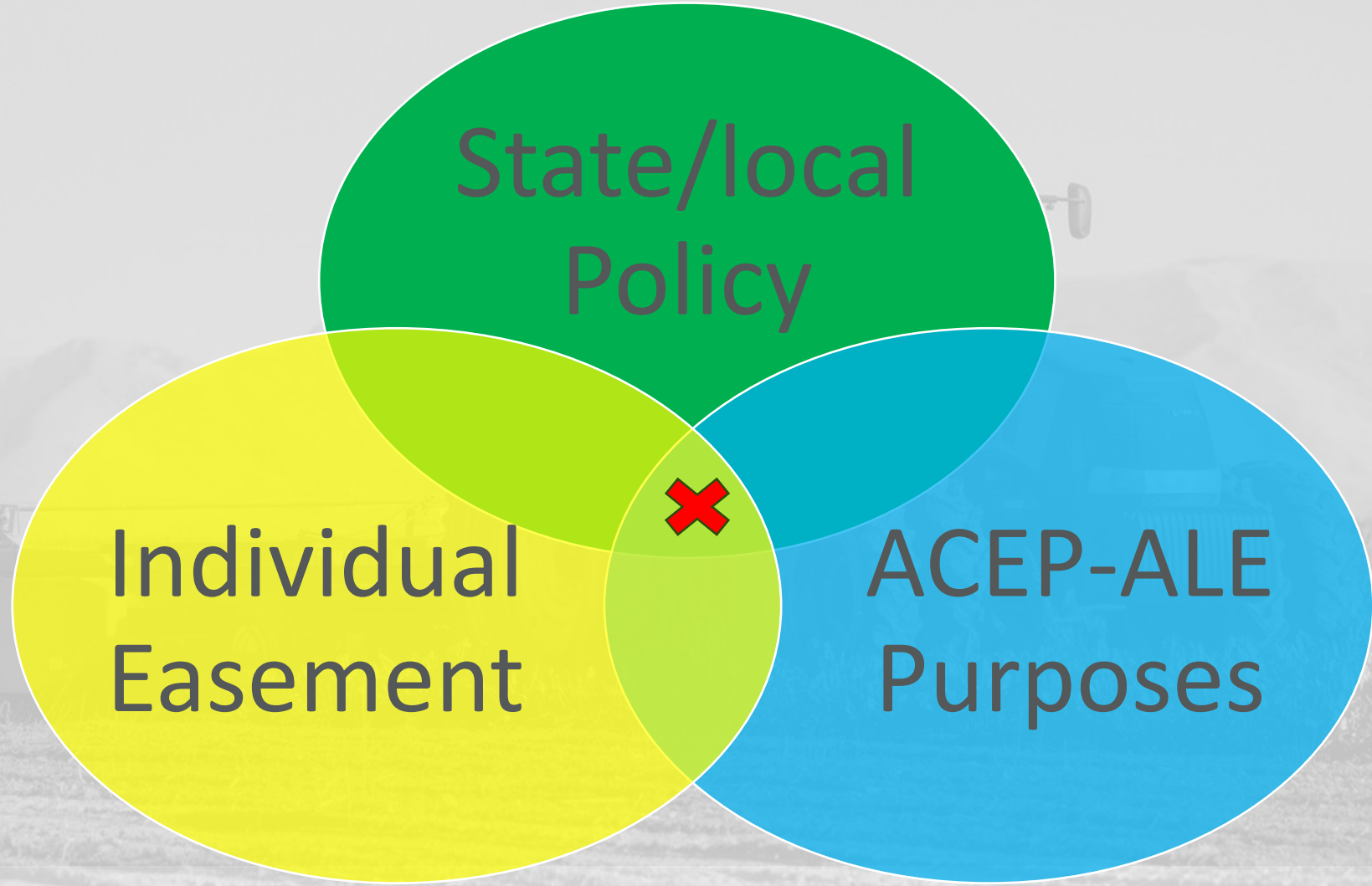
ACEP-ALE Land Eligibility Requirements

- ACEP-ALE Land Eligibility—ineligible lands (440 CPM 528.34)
 - Lands owned by the Federal Government.
 - Lands owned by State or Local Government.
 - Lands owned by a Non-Governmental Organization (NGO).
 - Except as part of an approved buy-protect-sell transaction.
 - Land subject to a similar easement or deed restriction.
 - Adverse onsite or offsite conditions.
 - Unacceptable title or access issues.
 - Mineral exploration.

State and Local Policy Land Eligibility

- Must be consistent with the ACEP-ALE Purpose
 - ACEP-ALE Purpose - 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.
- Criteria:
 - The State or local policy must be consistent with the purposes of ACEP-ALE
 - Protection of such land must further the State or local policy.

State and Local Policy Land Eligibility



State and Local Policy Land Eligibility

- This land eligibility category
 - Facilitates locally-led NRCS conservation efforts.
 - Allows for flexibility within ACEP-ALE to account for State and local policies prioritizing land that is unique or that does not fall within any of the other ALE land eligibility categories.
 - i.e., prime, statewide, or locally important soils; historical or archaeological resources; or protects grazing uses and related conservation values.

State and Local Policy Land Eligibility

- Examples of policies that may meet this eligibility criteria:
 - State or local law identifying agricultural preservation priorities.
 - An area identified in the State or local government's comprehensive plan for preservation of agricultural land.
 - An area identified by the State or local government for farmland preservation in an official publication or resolution.
 - A significant designated agricultural area that is documented by State or local governments.
 - A State wildlife action plan or other similar document.

State and Local Policy Land Eligibility

- Examples of areas targeted by State and local policies that may meet this eligibility category:
 - Agricultural areas experiencing high development pressure or threat of conversion.
 - Agricultural areas designated in comprehensive planning documents.
 - Historic or culturally important soils in a targeted area (that do not otherwise meet prime, unique, or local important soils eligibility requirement for ACEP-ALE)
 - Agricultural areas that support flyways, threatened and endangered species, species of conservation concern, or other wildlife
 - Historic areas such as land that buffers battlefields
 - Culturally important agricultural areas
 - Watersheds

State and Local Policy Land Eligibility

- Example: State or local law

§8A-12-1. Legislative findings and purpose.

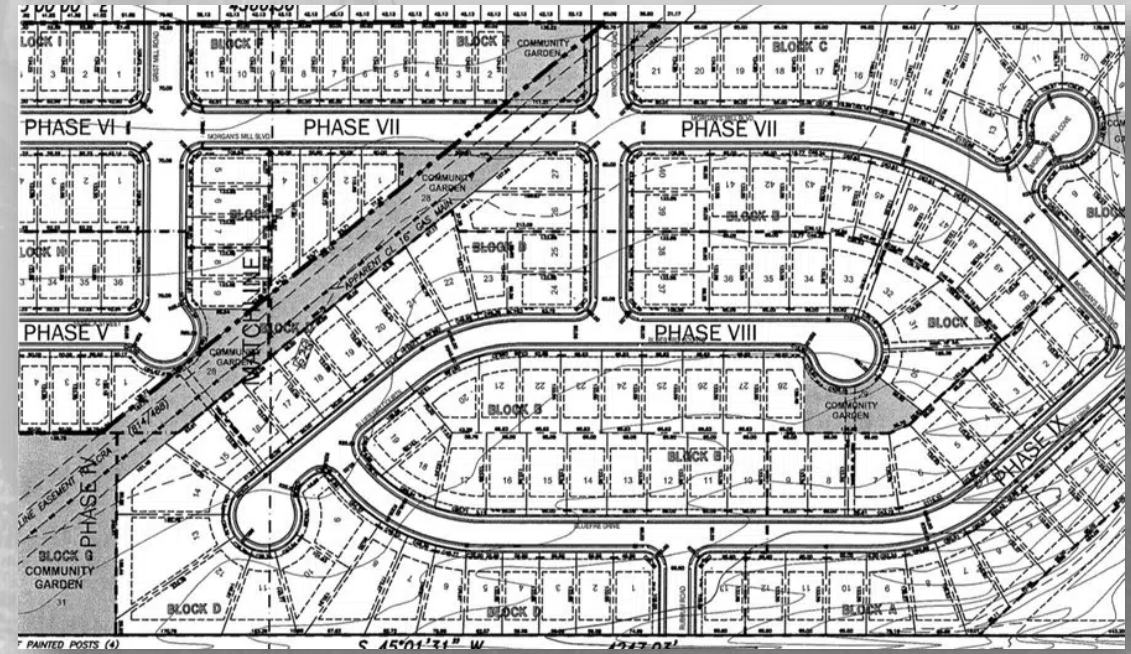
(a) The Legislature hereby finds and declares that agriculture is a unique "life support" industry and that a need exists to assist those agricultural areas of the state which are experiencing the irreversible loss of agricultural land.

(b) It is the intent of the Legislature to provide persons and other entities an opportunity to voluntarily protect agricultural land and woodland in order to:

- (1) Assist in sustaining the farming community;
- (2) Provide sources of agricultural products within the state for the citizens of the state;
- (3) Control the urban expansion which is consuming the agricultural land, topsoil and woodland of the state;
- (4) Curb the spread of urban blight and deterioration;
- (5) Protect agricultural land and woodland as open-space land;
- (6) Enhance tourism; and
- (7) Protect worthwhile community values, institutions and landscapes which are inseparably associated with traditional farming.

State and Local Policy Land Eligibility

- Example: State or local law – Development Pressure



State and Local Policy Land Eligibility

- Example: County Growth Plan

Phillips County Growth Policy
2013-2017

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3.4 Phillips County Land Resource Use Plan - 2012 Primary Planning Guidelines (See full plan in Appendix)	

State and Local Policy Land Eligibility

- Example: County Growth Plan

Phillips County Growth Policy

2013-2017

GOAL: Maintain land use and development in Phillips County that balances the many needs and interests which will not remove agriculture and grazing lands from production while maintaining our rural quality of life for the County's current and future generations.

Conservation Easements

Conservation easements work best when their purpose is to maintain existing land uses. Easements are given to government or nonprofit agencies, or local land trusts to preserve ecological or recreational values on wildlife habitat or productive agricultural land.

State and Local Policy Land Eligibility

- Example: County Growth Plan
 - The county development and open space plan identifies areas having high conservation value. If a property falls within this area(s) then it becomes a priority as lands that protect historic agricultural identity and is a parcel that mimics natural systems and supports outstanding wildlife and ecological values.

State and Local Policy Land Eligibility

- Example: Significant agricultural area
- Pennsylvania Fruit Belt
 - The Fruit Belt is located along the northern end of the Blue Ridge Mountains that terminate in Pennsylvania.
 - The topography, climate, and soils create special conditions necessary for fruit tree production.
 - Most soils in the area are not classified as prime, unique, or important, so farms in this area do not meet the soils eligibility criteria for ACEP-ALE.



Apple orchards in bloom in the Adams County Fruit Belt, by Samuel Kuhnert in 1929. Image from PA State Archives, Manuscript Group 281.

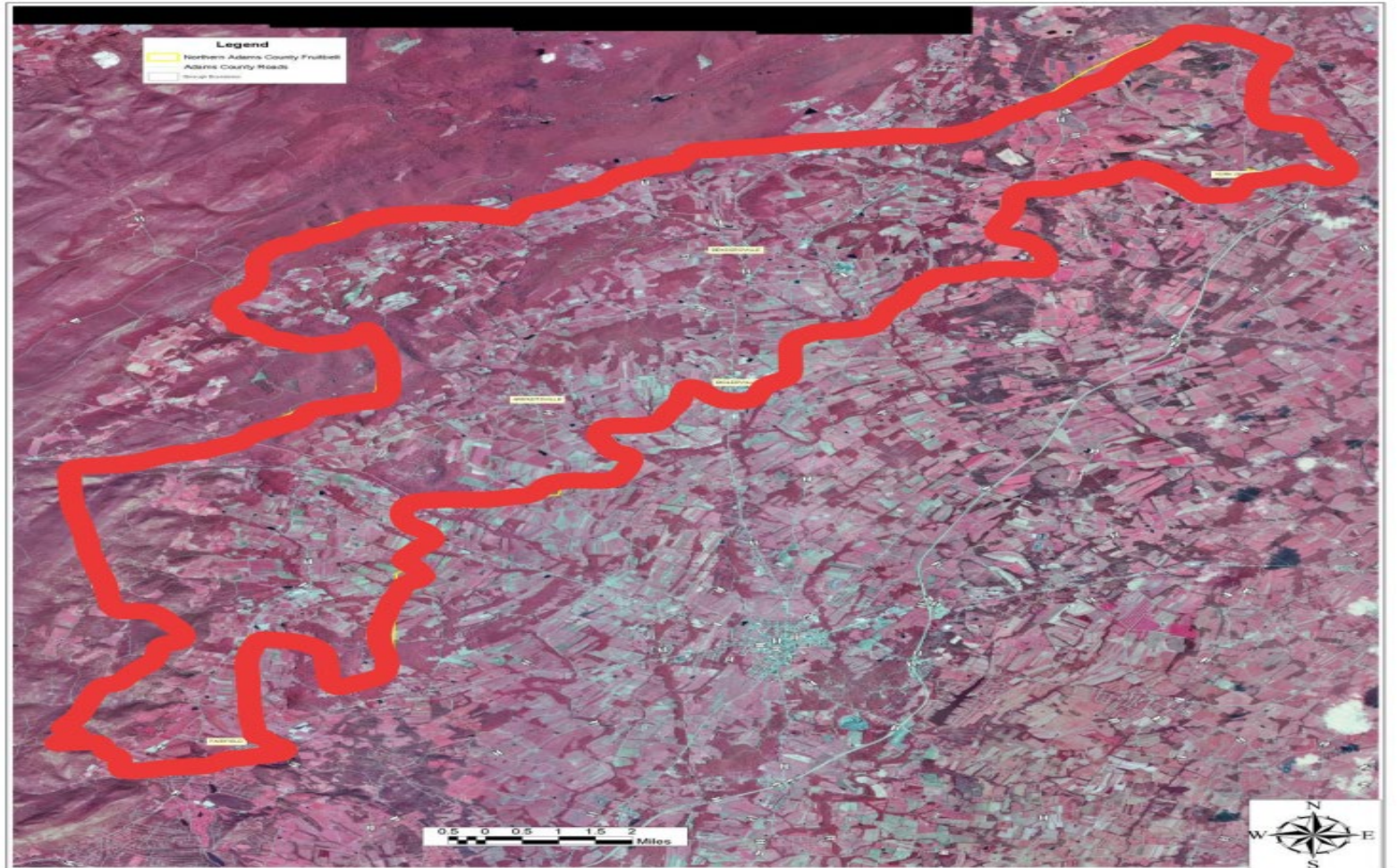
State and Local Policy Land Eligibility

- Example: Significant agricultural area
- Pennsylvania Fruit Belt
 - The Fruit Belt is a historic agricultural area and its importance to the local community is well-documented by the Pennsylvania Historic and Museum Commission.
 - The County Preservation office has designated the Fruit Belt as a priority for land preservation.
 - The fruit belt location is mapped in a specific area.

State and Local Policy Land Eligibility

- Example: Significant agricultural area
 - Pennsylvania Fruit Belt footprint

NORTHERN ADAMS COUNTY FRUITBELT ON MODERN AERIAL



State and Local Policy Land Eligibility

- Example: Wildlife Target
- Threatened and Endangered species, wildlife, or species of greatest conservation concern.
- Example of State statute:
 - C.R.S. § 33-1-101, provides in relevant part that "it is the policy of the state that the wildlife and their environment are to be protected, preserved, enhanced, and managed for the use, benefit, and enjoyment of the people of this state and its visitors."

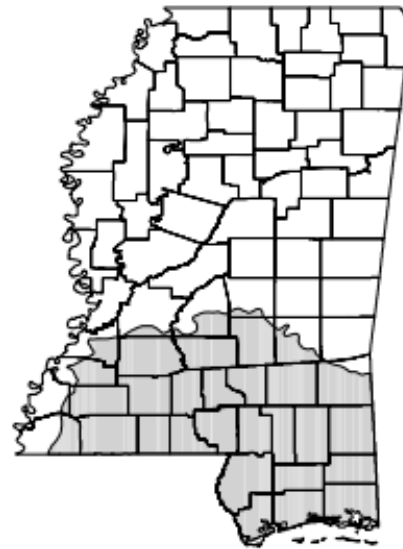
AND

- C.R.S. § 38-30.5-102 provides for the creation of conservation easements to maintain land "in a natural, scenic, or open condition, or for wildlife habitat, or for agricultural, horticultural, wetlands, recreational, forest or other use or condition consistent with the protection of open land".

State and Local Policy Land Eligibility

- Example: Wildlife Target
- State Wildlife Plan

MISSISSIPPI'S COMPREHENSIVE WILDLIFE CONSERVATION STRATEGY

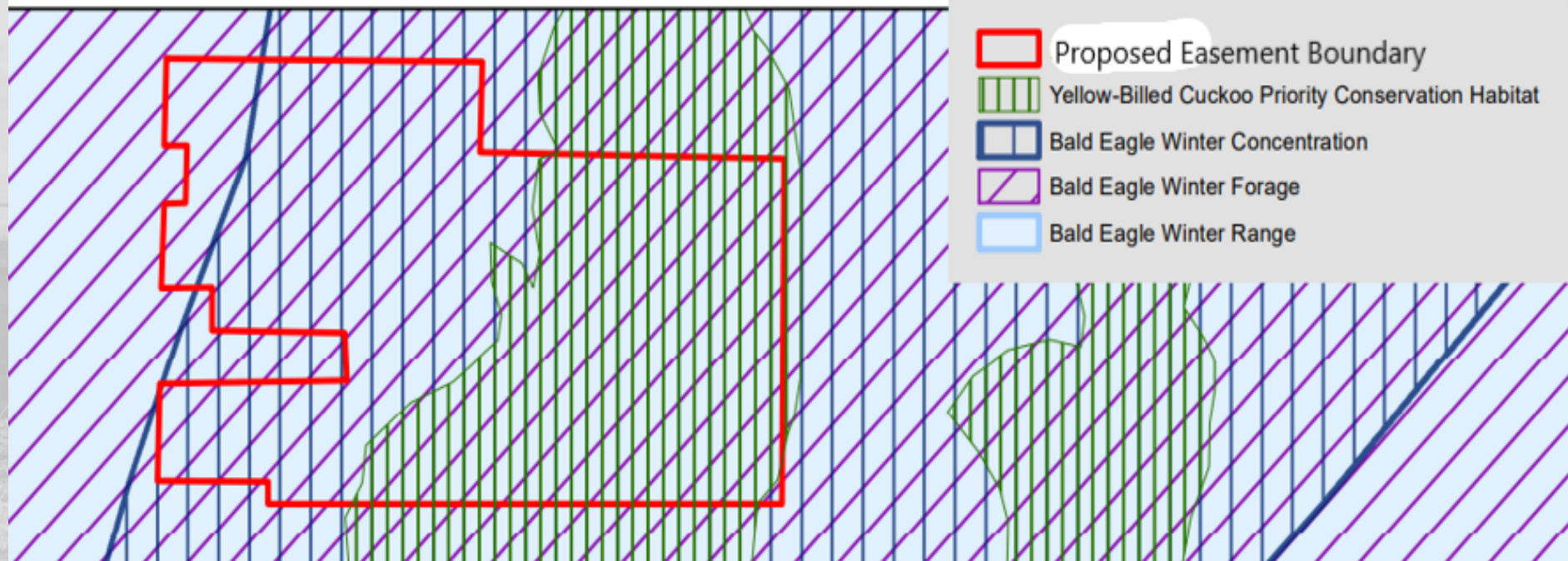


Part 1. East Gulf Coastal Plain Ecoregion

State and Local Policy Land Eligibility

- Example: Wildlife Target
- Habitat range for wildlife species of greatest conservation need.

Greater Mule Deer, Pronghorn, and Wild Turkey Habitat



State and Local Policy Land Eligibility

- NRCS Considerations:
 - Land eligibility determinations under this category are parcel-specific NRCS determinations—same as the other eligibility categories—and are based on documentation provided by the entity for parcel eligibility at the time of application and onsite reviews.
 - Documentation must show how enrollment of the land is consistent with the purposes of ACEP-ALE.
 - Documentation must show how the specific parcel satisfies the state or local policy priority.
 - The State or local policy must target a specific area and describe why that area is significant.
 - In addition to meeting the State or local policy category criterion—the parcel must also be otherwise eligible per 440 CPM 528.33 and 528.34.
 - Deed must address the ACEP-ALE purposes that are supported by the State or local policy.
 - Eligibility category must be protected in the deed.

Summary

- Facilitates locally-led NRCS conservation efforts.
- Allows flexibility for preserving significant areas of agriculture that are unique or do not meet any other ACEP-ALE eligibility categories.
- The State or local policy being used for eligibility must be consistent with the purposes of ACEP-ALE.
- Protection of such land must further the State or local policy.
 - There must be a clearly documented plumb line showing how the parcel-specific characteristics support the State or local policy; and how the State or local policy aligns with ACEP-ALE.
- Must target a specific area and clearly describe why that area is significant for the purpose of agricultural land preservation.
- Parcel must be otherwise eligible as outlined in ACEP-ALE regulation and policy.
- Parcel-specific attributes supporting the State or local policy must be protected in the ALE deed.

Questions?



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